

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

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AMENDED NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, June 10, 2008, at 7:00 PM, including a Public Meeting at 7:15 PM,** to inform citizens of Sewer Rate Changes; and a **City Council Work Session at 6:00.**

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

6:00 PM - CITY COUNCIL WORK SESSION

- 6:00 1. Water Rights Scale – Explanation – Tony Fuller
Update on Cash-in-lieu – City Recorder
- 6:30 2. Discussion: (Shawn Eliot)
 - A. HR1 Zone/Ridgeline Ordinance
 - B. Building Regulations: Cuts, Fills & Backfill

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance Invitation
- Approval/Agenda Time Frame
- 7:05 Public Forum

7:15 PM - PUBLIC MEETING – SEWER RATES

Public Meeting/Explanation of Sewer Dept. Finances – Nelson Abbott

8:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS (CONT.):

- 8:00 3. Sewer Rates/Action
- 8:10 4. Change Order for Water Project – Aqua Engineering
- 8:20 5. Cloward Estates, Plat B – Extension for Final Approval
- 8:35 6. Schedule Public Hearings:
 - A. Final Amended Budget for 2007/2008 Fiscal Year
 - B. Boundary Line Adjustment between Payson & Elk Ridge (North of Golf Course)
- 8:45 7. Discussion/Snow Cone Shacks (Request from Craig Olson)
- 8:55 8. Any Action on Work Session Items
- 9:00 9. Expenditures: General
 - A. Check Registers (February – May, 2008)
 - B. Sewer Line Installation – Request for Sharing Costs
- 9:10 10. 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 8th day of June, 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 June 5, 2008; & an Amended Agenda on 6-8-08.


City Recorder



**ELK RIDGE
CITY COUNCIL MEETING
June 10, 2008**

**TIME & PLACE
OF MEETING**

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6:00 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; *Water Right Consultant:* Tony Fuller; *Scouts:* Adam Brown & Spencer Brown;
Public: Joann Bigler; and the *City Recorder:* Janice H. Davis

**WATER RIGHTS
SCALE –
TONY FULLER**

(Tony Fuller – Water Rights Consultant to Aqua Engineering)

The Mayor introduced Mr. Fuller to those Councilmembers who were unfamiliar with him; explaining a bit of the history of working with him to straighten out the City's water rights with the State. He works as a consultant to Aqua Engineering.

The Council, in an effort to understand the scale utilized for water right allocation in the City, invited Mr. Fuller to the Council Meeting to address the Council and to answer any questions they may have. There was an issue before the Council concerning water right requirements for designated open space within developments. The Council felt that they needed a better understanding of the way water rights are allocated prior to making any decision.

- Handout to the Council:

Mr. Fuller reviewed his handout with the Council; it was an explanation of water rights and the particular concepts and terminology involved with the water right business.

He also gave a reference to acquire more information regarding water rights: the Division of Water Rights Web-site.

- City Center: Mayor Dunn asked him to consider what the water right requirement would be for the proposed City Center. Mr. Fuller figured about 15 acre feet, most of it for outside irrigation purposes. (The City will have to purchase those rights from SUVMWA.)

- Water Rights Chart: (Mr. Fuller was also asked to explain the chart to the Council.)

A few years ago, Jeff Budge (Aqua Engineering) and Mr. Fuller proposed that the City change the requirements for water rights because over time the City's assessment was a bit too high, based on the City's previous engineer's (LEI Engineering) advice. This surplus built up over time and resulted in 275 acre feet of water right that could be used in a "cash-in-lieu" program for developers. Developers have to convey water rights to the City in conjunction with their subdivision process; so this option would be "cash-in-lieu" of providing transferred water rights to the City. This way the City proves usage of these rights so they will not be lost.

- City-owned water rights: Out of the 900 or so acre-feet diverted to the City's wells, about 100 acre-feet were owned by various developers and had to be deeded to the City in exchange for an equal credit of water right allocation in the City's water system. In September, 2006, the 100 acre-feet were down to 65 acre-feet; and to date, there are only about 20 acre-feet not in the City's name.

- Open Space: The open space is taken into consideration in the chart; but when there are larger lots with a portion designated as "untouchable" (where the owner cannot landscape the area), then he feels this should be treated differently.

➤ He does not feel water impact or water rights should be assigned to areas that cannot be watered.

Shawn Eliot: Any agreement the owners would enter into would be with the City; so if the status on those lots should change, then the City would have to re-visit the water rights requirements.

2 Considerations on Open Space:

➤ With Hillside & PUD zones...2 types of open space:

1. On private land where there are designated areas that must be left "natural"

2. Open space as part of a Hillside Cluster Zone...and those are re-zoned to "Public Facility"

If someone wants to change the status of those lots, there are certain required steps to go through.

Tony Fuller: Explanation of water rights and "ownership: Private land owners do not own water rights; the assigned water rights stays with the land or the lot. The City owns them all; individuals are simply allowed to use a certain amount of water right for their particular lot.

Discussion of the change in the amount of water rights required going from 2.6 acre-feet for an acre of land, to about 1.8 acre-feet per acre of land.

The whole idea is to be "fair"...don't make people convey more water or pay cash-in-lieu than is absolutely necessary for the size of the lot.

Sean Roylance: Questioned the "base" from which Mr. Fuller started, to come up with the scale the City uses.

Tony Fuller: The base is in the "Drinking Water Code":

One home (ERC "Equivalent Residential Connection") must have 0.45 acre-feet available per year for indoor use; *unless* usage records show otherwise.

The usage records for the City were reviewed; as he analyzed the winter use, he found that it is closer to .25. When Jeff Budge and he were recommending the amount of required water rights for the City, Mr. Budge suggested "splitting the difference"...and that is what is used as the required amount for indoor use. Outdoor use: Is based on State requirements from a map showing the need of water for outdoor watering, based on location. He and Mr. Budge figured that the City is in a Zone that would require about 2.670 acre-feet per acre for outside irrigation. He took into consideration the usage numbers and the engineering figures and arrived at what he feels, based on his experience, are reliable numbers for the water rates scale.

How much of the SUVMWA water rights will the City need at build-out?

- There are currently 922 acre-feet in the City's name
 - By built-out, the City will need 2,050 acre-feet (build-out in about the year 2042)
 - Another 1,133 acre-feet more will be required
 - Developers should be paying for this
 - Currently, the City is using about 497 acre-feet annually (much of the 922 acre-feet has been filed with the State in a "non-use" status)
- The City can use the water rights classified as "non-use", but we do not have to use it now.
The non-use status is good for a 5-year period of time; then the City must prove it is in use, or apply for an extension.

If usage exceeds the amount of water right retained by the City? (This results in trouble.)

Mr. Fuller: In 2007 a warning was issued to warn entities to be in line with their water rights.

Two Groups:

1. Division of Drinking Water (Regulates public water supplies)
2. Division of Water Rights – State Engineer (Regulates water rights)

That is the reason for the study on the City's water rights; to determine exactly what the City has and to track the status of those rights. This gives us the knowledge of what we have, what we use and what we need.

Sean Roylance: He cautioned that the build-out needs could be higher on a very "dry" year.

There were no further comments.

Nelson Abbott: Another factor that added to high usage last summer was the attempt to prove-up on the SUVMWA water rights. The developers at the north end of the City were allowed to use additional water; this added to the numbers for usage, not just the drier weather.

Mayor Dunn: (Explained the "non-use" option for water rights.)

DISCUSSION ITEMS:

1. HR-1 ZONE -

RIDGELINE ORDINANCE

(There was discussion of postponing this Agenda Item)

Shawn Eliot: (Referred to a map indicating designated ridgelines within the City boundaries)

After the HR-1 Code was passed, the Planning Commission has re-visited some of the issues that were areas of concern: One of those matters was the topic of "ridgelines". The Planning Commission feels the setback should be set 50', rather than at 100' (Karl Shuler had requested that this be reconsidered).

The vote on the HR-1 Code was to leave the setback at 100' and that the Planning Commission would review this and come back with a recommendation. The Planning Commission feels this would be a good time to change this part of the Code, but not if the Council is not in agreement.

Raymond Brown: He recalls that the contour map provided by the Shulers was more refined and had more detail than the map provided by the City Planner. Are there any further problems with changing the setback to 50'?

Shawn Eliot: In many cities, the homes on a ridge are not visible from below...that is part of the criteria for a setback from a ridgeline...that the home is set back far enough that the home is not visible from below the ridge. Originally Elk Ridge's Code had the 100' setback from the 20% slopes in an attempt to cut back on the rock walls and homes "hanging over the edge". Once you get over the 20% slopes, the terrain is getting level enough that we probably won't have those "steep slope" issues.

Mayor Dunn: (From the International Building Code or the "IBC") The IBC gives certain standards for foundation clearances for slopes (setback): with 40' from the top of slope being the maximum...so 50' exceeds that standard. A city code can be more restrictive than State Code; just not less restrictive.

Perhaps the type of soil would have an impact on a proposed setback, so soil testing could be required.

Shawn Eliot: Geo Tech studies are currently required; the reason for these setbacks is mostly aesthetic...or for a "view shed".

- Setbacks for earthquake faults are 100'.

- Drainages: 30' setback, unless it has 20% slopes going into it

Sean Roylance: Suggested taking off the ridgeline that makes it so that property owners are "getting hit on both sides" and just have the ridgeline of the one side.

Shawn Eliot: The Planning Commission felt more comfortable keeping the ridgeline and lowering the setback to 50'; rather than keeping it at 100' and taking the whole ridgeline out.

Steep conditions many times do allow for homes on one side; it happens frequently.

2. BUILDING HEIGHTS

Cuts, Fills & Backfill:

The Council asked that the discussion on building heights be tabled until the next Council Meeting, due to time constraints.

Nelson Abbott: If the Code that was passed works in Alpine, why not here in Elk Ridge?

Mayor Dunn: Alpine measures to the mid-point of the roof line.

Shawn Eliot: Alpine is not satisfied with their Code as written; they would like to change it. They rarely use the conditional use option they have included in their Code that allows for additional height.

Mayor Dunn: He wanted to clarify a rumor that the only reason the discussion of building heights came back was due to him being upset that the Council had voted to adopt the proposed Code changes; that is simply not true. The discussion was brought back because of the issues that were not addressed in the original discussion with the Council. There were concerns, particularly with enforcement, raised by the Building Official (Corbett Stephens) the following day. The day after the Code was adopted, the Mayor informed Mr. Stephens and asked him to review it and get back to the Mayor;

Mr. Stephens responded that he did not know how he would be able to enforce the Code as written.

Mr. Stephens was asked to explain his concerns and that the Mayor would bring those concerns back to Council.

It is important that the Council have as much input as possible to be able to make "informed" decisions. He asked that the Councilmembers be fair to the process and not spread rumors that are not true.

The Planner, Councilmember Roylance and Mr. Stephens need to have as much information as possible when the Code is reviewed.

Raymond Brown: He still wanted to be sure that the Planner and Mr. Stephens were going to get together to review the Code and to propose a Code that works.

Sean Roylance: He understands how it would appear that the rumor regarding the Mayor started; there were reasons that it "appeared" to be the cause of bringing the discussion back; but he appreciated the clarification.

Derrek Johnson: He agrees that the information should be presented prior to decisions being made, so items don't keep coming back to re-visit.

The item was tabled until June 24, 2008; at 6:00 PM.

7:20 PM -

PUBLIC MEETING ON SEWER RATES

At 7:20 PM, the Mayor opened the Public Meeting on a proposed sewer rate adjustment.
(No public was present for the Public Meeting.)

ELK RIDGE CITY COUNCIL MEETING June 10, 2008

TIME & PLACE
OF MEETING

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7:25 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; *City Engineer*: Craig Neeley; *Scouts*: Adam Brown & Spencer Brown; *Public*: Joann Bigler; and the *City Recorder*: Janice H. Davis

REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by Julie Haskell and Scout Spencer Brown 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 7:25 PM; AND ELIMINATING THE PUBLIC FORUM

VOTE: YES (5)

NO (0)

PUBLIC MEETING ON SEWER RATES (CONTINUED)

Nelson Abbott: Councilmember Abbott presented information substantiating a proposed sewer rate increase: (There was a summary of this information provided to the Council in their packets.)

He reviewed the Sewer Dept. finances: Operating Revenue as compared to Operating Expenses, projecting into the next fiscal year. There are currently 523 sewer connections; add to that a conservative 10 new homes for 2008/2009 = 533 connections.

Operating Expenses = \$211,762

X Inflation factor of 6% = \$224,468

X Inflation factor of 4% = \$220,232

The point was made the costs for O & M (Operations & Maintenance) to Payson (& eventually Salem) = \$140,712, with only \$2.00 staying in Elk Ridge to cover rising costs.

- Depreciation: (Explanation) Councilmember Abbott called Curtis Roberts (Finance Director) to discuss this topic, which is difficult to understand. Basically, "depreciation" allows the City to set money aside for the eventual replacement and repair of the assets (lines, pumps, etc). This is simplified, but understandable.

- Administrative Fee: The "contract" price of what it costs to administer the Sewer Dept. (wages for various employees, Councilmembers and professionals). These fees are based on actual figures.

Current user fees: 533 (connections) @ \$24 x 12 (months) = \$153,504 (Leaving a short-fall of \$70,964)

This is the justification for a rate adjustment.

Raymond Brown: Made the point that the life expectancy of the lines is about 25 to 30 years; while the average age of the older lines is over 30 years.

Nelson Abbott: That is a great concern to him. The City must be prepared for these lines needing to be replaced. (*Does the City Council want to wait for disaster, or plan the gradual replacement of these lines?*)

Recommendation for rate adjustment: (By both the Finance Director and Councilmember Abbott) We are currently at \$24/connection...Recommended: At least to \$34.00 (\$10 increase)

City Recorder: When she has been asked about the Public Meeting and the possibility of increased rates, she has simply explained that until last year, the rates had been at \$20.50 since 1986...this information has explained the need for the adjustment. The last adjustment to \$24 (2007) was to cover O&M costs to Payson. We knew we were giving ourselves a year to see just where those actual figures should be...it was known that \$2.00 to Elk Ridge would be completely insufficient.

Mayor Dunn: The fees have not kept up with inflation and for 22 years; the various Councils have not addressed the need for adjusting the rates through the years; which would have left us in a very different position for current rates.

Nelson Abbott: There is still the very real possibility of further increases in the future.

Raymond Brown: He feels the Council should consider an even higher increase...the proposed increase of \$10 will not quite cover projected costs; he recommends a \$12 increase, which would cover the costs and "get us where we are supposed to be".

Sean Roylance: Questioned the O&M costs to Payson...how "fixed" are they?

Nelson Abbott: Elk Ridge's costs can go up as Payson's costs go up...we would be informed and reasons detailed for any increase to us. They meter the effluent to their plant and costs will also be based on this usage.

Mayor Dunn: The new City Manager hired by Payson City was talking to Mayor Dunn and commented that Payson has "subsidized Elk Ridge \$150,000"...they are actually "falling short right now. But their needs will be passed on to both communities (Payson and Elk Ridge).

(Further discussion of the inflation factor used by Councilmember Abbott...)

Water rates were also discussed along with the possibility of reviewing the tiered rate structure...will the Council entertain a decrease (even in the top tiers) to perhaps off-set an increase in the sewer rates? The Finance Director said he might be convinced to look at the top tiers for a possible reduction. Is it time? Or would this be premature?

Mayor Dunn felt that the Bond repayment must be kept in mind in the Water Dept.

Sean Roylance: We need to get used to the idea that inflation needs to be covered every year; not just now. He is comfortable in raising sewer rates: (He tends to agree with Councilmember Brown's recommendation.)

- Explanation of "Why?" must go out to the public

- And perhaps raising the rates a small amount every year

Julie Haskell: The recommendation of the Finance Director was \$10; she feels the Council should not project into the future too much.

Comment from the public:

Gary Prestwich (former Councilmember) He agrees that the City must plan ahead for necessary repairs; he feels that the Council should look at the water rates again.

Sean Roylance: He feels Mr. Prestwich made a good point; perhaps a cut of 5% in the water rates would be feasible.

**Average usage must be determined for the Council to address water rates. Mayor Dunn attended a Water Conference and found that the "tiered rate structure" is the best way to charge user fees. In fact some communities even increase the tiered rates during the summer months.*

The matter will be brought back to the Council at a later time; with more information...perhaps consulting with former Councilmember Alvin Harward as to his suggestion in past years.

Public Comment:

Shawn Eliot: As a citizen, he would like to see the tiered structure reviewed and perhaps increase the amount of gallons the base rate buys.

Gary Prestwich: Brought up the idea that citizens should not pay for too much in advance...bonding is the usual way to cover larger expenses...why pay for things in the future he may not utilize?

City Recorder: But, someone paid for the things taken advantage of by us, now. With bonds we pay more with the interest. The State will require certain rates to be able to bond.

At 8:05 PM. Mayor Dunn closed the Public Meeting regarding Sewer Rates.

Discussion did continue, however.

Polled vote of Council:

Mayor Dunn: Agreed with Mr. Prestwich and Raymond Brown's recommendation...to increase more now, and to review the fees annually to see where the Dept. stands.

Councilmembers Haskell and Johnson: Stay at \$10 increase

Councilmembers Brown and Roylance: Increase by \$12 (less increase next year)

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO APPROVE AN INCREASE IN THE SEWER RATE TO \$12.00/CONNECTION, WHICH EQUALS \$36.00 PER MONTH PER CONNECTION; EFFECTIVE BY JULY 1, 2008

VOTE (POLL): RAYMOND BROWN-AYE, NELSON ABBOTT-AYE, SEAN ROYLANCE-AYE & DERREK JOHNSON-AYE (4)

JULIE HASKELL-NAY (1) (*Feels \$10 is more appropriate, based on the direction of the Finance Director*)
Passes 4-1

(The Finance Director suggested "at least" \$10 increase.)

*The residents need to be well-informed through the web-site and the newsletter. This should be on a Council Agenda in July. All Councilmembers should be prepared to answer questions.

**CHANGE ORDER FOR
WATER PROJECT**

(Aqua Engineering has asked that this be approved at the next Council Meeting.)

Van Con Construction:

Craig Neeley: (Aqua Engineering) He was present to review the proposed Change Order from Van Con: There were \$18,721.80 additions, less \$6,066.92 of deductions = \$12,654.88

(Review of additions and credits)

The current Change Order to be approved is simply a time extension:

The original contract was over on May 15, 2008; they need another 30 days to finish up a few things...so they are looking for a 60 day extension, from May 15 to July 15, 2008. (A copy of the items left to be completed was provided...all completed except #14. Final payment is held until all complete.)

The Fairway Tank and Booster Station are fully operational and have been for several weeks. The Public Works Superintendent is very happy with the operation.

Aqua provided a summary of the costs of the total project to date.

- Total adjusted Contract amount = \$930,858.88 (approval of the \$12,654.88 pending)
- Owner Furnished Equipment = \$159,858.00 + \$2,484 (Check valves – approval pending) = \$162,342.00

The \$2,484 for the valves should have been in the plans; but they were left out of the original bid. Mr. Neeley asked that he Council consider these check valves as part of the "owner furnished equipment" and have the City pay for these.

Mayor Dunn: The City purchased the hardware, but the installation was covered by Aqua Engineering by crediting \$4,500 for the labor on the invoice.

Craig Neeley: The improvements are warranted for one year.

Van Con Change Order:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO APPROVE THE CHANGE ORDER FROM VAN CON CONSTRUCTION, IN THE AMOUNT OF \$12,654.88

Discussion:

Sean Roylance: He is still not comfortable with #2 on the list of additions (involving Nickerson being used rather than the company suggested by Van Con...explanation was given earlier in the review of the proposed Change Order). His point was that when a contractor bids out a project, he is held to it and any overage is typically covered by the contractor.

Craig Neeley: It was not a clear-cut situation, since Nickerson was a sub-contractor to the City, as well; in fact the City insisted on Nickerson because their work is known to us and the Public Works Superintendent knows they will do quality work and be around to fix anything later.

VOTE (POLL): NELSON ABBOTT-AYE, RAYMOND BROWN-AYE, JULIE HASKELL-AYE & DERREK JOHNSON-AYE (4)

SEAN ROYLANCE-NAY (1)

Passes 4-1

Craig Neeley: (Gerber Construction)

(Summary provided to Council)

Update on Tank: The Tank was disinfected that day and they will start to fill it on Wednesday (6/11) for 24 hours; the water will sit for another 24 hours while they check for leaks and check the "residual"...and make sure we don't use that water. It will be in use (back-up) by the next week.

Over \$54,000 will carry over into next fiscal year. There will be a small change from Gerber for about \$2,000 for a stack pipe in the tank (discussed at a "Pre-con" meeting...it did not get included in the 1st request.

Request for a 60 day extension...to end July 14, 2008.

Original Contract amount = \$1,282,762

Adjusted Contract amount (change approved 2-12-08) = 1,304,243.20

Mayor Dunn: Asked Mr. Neeley if a couple of Eagle Projects could be to plant trees low enough so as not to affect the tank in any way...*(Mr. Neeley said , yes)* Mayor Dunn said he would need direction on where this would be appropriate...he would plan this for the fall. Mr. Neeley will contact Mayor Dunn.

Nelson Abbott: He asked about the line that is to extend to Salem Hills Drive and up to the Oak Lane Tank.

Mr. Neeley: There are three pumps with capacity of 500 to 600 gpm; they would like to pump about 1,000 to 1,100 gpm up to the Hillside Tank and they cannot do that through the 8" pipe that we are currently using; 8" only allows about 600 gpm. If that line is added this desired pumping would be possible. This line will be necessary in the future. If Loafer Well went down, the City would be relying on Cloward Well and 600 gpm may not be enough.

Shawn Eliot: Part of the Ewell/Fitzgerald Development plans for a 10" line to Salem Hills Drive (an easement is needed through the Peterson property).

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY RAYMOND BROWN TO APPROVE A 60 DAY EXTENSION TO JULY 16, 2008, FOR GERBER CONSTRUCTION

VOTE: YES (5)

NO (0)

**CLOWARD ESTATES
PLAT B –
EXTENSION FOR FINAL
APPROVAL**

Burke Cloward is requesting an extension on his Final Approval for Cloward Estates, Plat B. (*Letter from Trane Engineering, representing Mr. Cloward was included in the Council packets...they are requesting a 6 month extension, "to work through the current market conditions".*)
(Memo from Recorder)

"A bit of background:

There was some confusion caused with this subdivision due to a letter that went out from Corbett Stephens to many of the developers that were subject to the deadline of October 1st of the same year they signed their individual Developer Agreements, in conjunction with their bonding requirements.

On the Development Agreement, the developer commits to having the improvements installed by October 1st of the same year. If the improvements are not fully installed, they come to the Council requesting an extension. The October date is there to avoid problems in laying asphalt too late in the season. This forces the developer to be responsible to the Council regarding their improvements.

Mixed into this group of letters, Mr. Cloward received one for Plat B, by mistake. He had not even filled out a development agreement nor had he bonded for the improvements. But, he was on the Agenda in September, 2007...along with many others. The mistake was caught and Mr. Cloward informed of this. Subsequently, he did request an extension on his Final Approval...as he said, for "tax purposes", until February of 2008...which he was granted on November 13, 2007.

The dates got confused...even by his engineer...Originally, they were granted an extension (the 1st time) to June 1, 2008. (This was the wrong extension...the mistaken one). That date (along with a letter from Corbett) stuck in their minds.

I received a call from Mr. Cloward requesting an "Extension" on their Final Approval...they were thinking they had until June 1st.

I called Mr. Trane (engineer) to let him know of the confusion. Technically, their extension was terminated after February 1, 2008...thus making the Plat approvals "null & void"...

The original Final was granted in August, 2007...contingent on Water Rights transferring. Those rights did transfer.

I can see the confusion...it is confusing even trying to explain it to you. But, there you have it.

Corbett Stephens reviewed the Plat...he could see no added improvements that would be required now that was not required for Plat B...so, he felt the City would not gain any advantage by making Mr. Cloward start over.

This is for the Council to decide. "

Corbett Stephens suggested approving the 6 month extension, with the exception that if there are Code changes that affect the plans, those would have to be met prior to bonding and recording. He felt a portion of the confusion on the dates was his fault by sending out the wrong letter to Mr. Cloward to begin with.

Shawn Eliot: Suggested that sidewalks be verified on the plans, as well. Technically, after 6 months, all approvals are considered null & void; he does not see where the Council should grant extension after extension.

Nelson Abbott: How many extensions should be granted on a subdivision? Is it appropriate to continue to extend time limits?

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE A SIX MONTH EXTENSION, FROM JUNE 1, 2008, TO THE CLOWARD ESTATES SUBDIVISION, PLAT B; CONDITIONAL UPON THE FOLLOWING:

- **ANY CODE CHANGES ARE TO BE MET BY THE DEVELOPER PRIOR TO BONDING AND RECORDING**
- **STAFF IS TO VERIFY THAT SIDEWALKS AND/OR TRAILS ARE INCLUDED ON THE PLAT**

Discussion:

Sean Roylance: He had questions and concerns: (Reviewed time frame of past approvals & the associated confusion)

- He is concerned about setting precedence about approving more than one extension
- He feels the Planner should review the plans to see if there are any further improvements that should be on the plat; any "missed" improvements would not be covered under "code changes" since these would not be "changes", they would simply have been "missed" by the previous Planner.

*After further discussion, it was decided to table this issue until the Planner and the Building Official have a chance to review the plans and bring a recommendation back the City Council. All were in agreement.

(Motion dies with no vote at this time.)

**SCHEDULE PUBLIC
HEARINGS:**

1. *Final Amended Budget for 2007/2008 Fiscal Year:*

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE FINAL AMENDED BUDGET FOR THE 2007/2008 FISCAL YEAR; FOR JUNE 24, 2008, AT 6:30 PM

VOTE: YES (5)

NO (0)

2. *Boundary Line Adjustment (Payson & Elk Ridge) – North of Golf Course:*

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO SCHEDULE PUBLIC HEARING TO CONSIDER A BOUNDARY LINE ADJUSTMENT BETWEEN PAYSON CITY AND ELK RIDGE CITY (NORTH BOUNDARY OF THE GLASTAN GOLF COURSE), FOR JULY 22, 2008, AT 6:00 PM

VOTE: YES (5)

NO (0)

SNOW CONE SHACK
DISCUSSION

(Memo from City Recorder, to Council)

"Craig Olson (former Fire Chief) asked if the City would allow a snow cone shack here in the City. I responded that I would have to check on it.

I asked Annebel Meredith (over the business licensing in the City) to check with the City Planner to see if zoning would allow it. My thoughts were that perhaps the Commercial Zoning would allow it.

Shawn Eliot, after reviewing the City Code, advised Mrs. Meredith that perhaps the regulations for "Temporary Uses" might cover the request...much like "Christmas tree lots" or "Fire Works stands".

Please review the Code on Temporary Uses to be able to advise staff as to how to proceed; if deemed appropriate."

(A copy of the City Code, Section 10-12-16 – "Temporary Uses" was provided to the Council in packets)

Comments:

City Recorder: The Health Dept. is very strict on the regulations governing any kind of "food" distribution. They would have to go to the Planning Commission for approval and all the terms would have to be listed; if they are inappropriate, they would be informed at that time.

Sean Roylance: Other Temporary Use permits have been granted for short periods of time; not the entire summer.

Nelson Abbott: It should be determined who will run the shack...is it legal for children to do so?

Sean Roylance: He would not be opposed to having a shack at the City property or in a Commercial Zone; but he is concerned with a shack in a residential zone.

Derrek Johnson: Kara Cook (Athletic Director) wanted to sell treats and drinks at the soccer games; with revenue coming to the City...this could compete with this.

Discussion of terms of the Permit, it issued:

- Where it would be located? There are safety issues associated with utility connections, liability, etc.
- Insurance
- Food Handler's permits
- Trash in the area
- Children running the business...it must be legal and age appropriate
- There must be vehicle access

*It was decided to send this request forward to the Planning Commission with the above listed concerns. The City Planner will contact Mr. Olson to inform him of the Council's direction.

ANY ACTION ON
WORK SESSION ITEMS

No action at this time.

EXPENDITURES

General: None

1. Check Registers (February – May, 2008):

The policy of providing the Check Registers for the Council to review on a quarterly basis will be changing to monthly; this will allow the Council to more thoroughly review the expenses at the beginning of each month, for the prior month. (The exception to this would be in July...it takes a while to close out June due to the end of the fiscal year.)

2. Sewer Line Installation – Request for Sharing Costs:

(Councilmember Haskell declared that there is "no conflict of interest" with this matter.)

(Memo from Mayor)

"Lee Haskell desires to develop his property and he has asked that Elk Ridge City and Payson City consider participating in this effort. Attached with this memo is a bid from Lee Haskell on estimated costs. This is a discussion item only."

(The cost estimate was for about \$71,100.00.)

Mayor Dunn: Advised that this seems to be a "developer driven" project.

*The Council was in agreement and expressed their view that they are not in favor of participating.

MINUTES

Minutes of May 13, 2008:

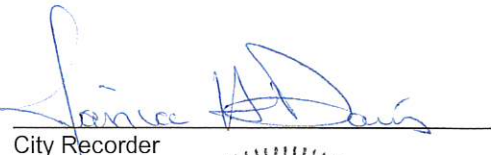
MOTION WAS MADE BY RAYMOND ROWN AND SECONDED BY SEAN ROYLANCE TO APPROVE THE CITY COUNCIL MINUTES OF 5-13-08, AS CORRECTED

VOTE: YES (5)

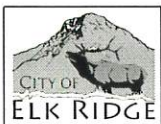
NO (0)

ADJOURNMENT

At 9:50PM, the Mayor adjourned the Meeting.


City Recorder





ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

AMENDED NOTICE & AGENDA

Notice is hereby given that the Elk Ridge City Council will hold a **Public Hearing on Tuesday, June 24, 2007, at 6:30 PM**, for the purpose of hearing public comment on the proposed adoption of the Final Amended 2007/2008 Fiscal Year Budget.

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

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

Public Hearing/All interested persons shall be given an opportunity to be heard.

6:00 – PM CITY COUNCIL WORK SESSION

1. Discussion - Building Heights/Cuts/Fills

6:30 PM 2. PUBLIC HEARING/FINAL AMENDED 2007/2008 BUDGET

Public Hearing/To consider the adoption of the Final Amended 2007/2008 Fiscal Year Budget for the Operation of Elk Ridge City

CITY COUNCIL WORK SESSION – (CONT.)

Discussion - Building Heights/Cuts/Fills (Continued)

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

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:00 Public Forum:

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

7:10 3. Cloward Estates, Plat B – Request for Extension of Final Approval – Corbett Stephens

7:25 4. Final Amended 2007/2008 Budget - Adoption

7:35 5. Resolution – Intent to Adjust Boundary Line between Payson City & Elk Ridge City
(Proposed area located north of Gladstan Golf Course)

7:45 6. Discussion Items:

A. 2008 Tax Rates

B. Animal Control (Barnyard Animals)

C. Code Violations/Landscaping (Request to Enforce CC&R's)

8:20 7. City Celebration – Update – Derrek Johnson

8:25 8. Park Re-vegetation Bid – Derrek Johnson

8:30 9. Expenditures:

A. General

8:30 8. Minutes of Previous Meetings

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 June, 2008.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on June 20, 2008; & an Amended Agenda on 6-23-08.


City Recorder

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**ELK RIDGE
CITY COUNCIL MEETING
June 24, 2008**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 24, 2008, at 7:00 PM**; this was preceded by a **Public Hearing at 6:30 PM**, on the proposed adoption of the Final Amended Budget for 2007/2008 Fiscal Year; and a **City Council Work Session at 6:00 PM**.

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 20, 2008; & an Amended Agenda on 6-23-08.

6:00 PM –

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown (Abs: Nelson Abbott); *Building Inspector:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* Cindi Ellis (former Councilmember), Ed Christensen, Linda Christensen, Lisa Denning, Erin Clawson; *Scouts:* Sam Reece & Blake Denning; and the *City Recorder:* Janice H. Davis

**BUILDING HEIGHTS –
CUTS & FILLS**

Corbett Stephens: After discussion, the City Council assigned Mr. Stephens to meet with the City Planner to review the Code on building heights and to come back to the Council with a recommendation that is clear and enforceable. In meeting with the Planner, they discovered that they are not in agreement regarding the recommendations to be made to the Council.

Mr. Stephens was present with a power-point presentation with practical applications of the various city codes Elk Ridge has been compared to.

The 1st group of comparisons was based on a flat lot with a 60' building depth; with a roof at a 12:12 pitch:

Cities Compared to Elk Ridge:

1) Payson 2) Salem 3) Provo 4) Woodland Hills 5) Alpine 6) American Fork 7) Spanish Fork 8) Springville 9) Elk Ridge 10) Cedar Hills 11) Lindon 12) Pleasant Grove & 13) Mapleton

(Listed from highest height to lowest)

- Highest roof lines: Payson at 65'
- Lowest: (3 cities) at 35'
- Elk Ridge: Is at 36' (current or "old" Code) at 36' – ranked at #9 of the 13 cities listed
- Elk Ridge: 34' from average grade to the ridge, 5' are lost to get to the front and that puts it at 29'

The details of these comparisons were reviewed with the slides presented by Mr. Stephens.

Mr. Stephens' biggest concern: In this case, with a 60' building depth, the eve could be 1' below grade...you could not build a 60' deep building...

Sean Roylance: ...without a conditional use permit...

Corbett Stephens: Does the Council want to issue a conditional use permit on every structure that gets built? Anything over the height of a "rambler" and any lot over 19% slope from the back of curb (this is where the measurement starts) would have a problem. There is usually a way, if one wants to spend enough money; but is this the direction the Council wishes to go?

Example: "If Shawn (Eliot) doesn't like me and he built his house first...and my property was in front of his view, and he opposes...if the Planning Commission rejects my request; then I can't build the identical house that Shawn built." Conditional use allows residents to oppose the action. Is this is what the Council wants?

There is quite a difference between number 1 of the list of cities and number 9.

Payson and Salem should not even be considered as a comparison; because there is really no limit to the height of a building (based on the depth of a lot).

The new Code makes Elk Ridge the most restrictive of all the cities that have been reviewed. "There is always the concern that we are cutting off views; people will always be unhappy to lose their views. How do you make everybody happy; I don't know that you do."

Suggestions:

- Get rid of the code that says you can't have a reverse slope driveway; that code complicates itself. The code does not allow reverse slope driveways...*unless* you go to the Planning Commission...under certain conditions. As long as a driveway is built safely, you can always have a reverse slope driveway.
- Require people to build with the lay of the land as much as possible; and still measure from Final Grade.

6:35 PM -

PUBLIC HEARING – FINAL AMENDED 2007/2008 FISCAL YEAR BUDGET

Public Hearing/Proposed Adoption of the Final Amended 2007/2008 Fiscal Year Budget for the Operation of Elk Ridge City

At 6:35 PM, Mayor Dunn opened the Public Hearing.

(There were no public present for the Public Hearing.)

(Discussion continued regarding the Building Heights)

Shawn Eliot: When the Planning Commission reviewed the various codes, they favored Alpine's Code.

Alpine: The "conditional use" option is not even used in Alpine; the buildings do not need the added height.

Provo & Lindon: Even though they have the height of 55', they also have in their codes that homes are to be built with the slope and step the home down the slope. There are other aspects to consider in their codes; not just the building height.

Corbett Stephens: He showed the comparisons using a 40' building depth to see how much difference it would make (still with a 12:12 pitch):

Payson & Salem: Still 9' above the ____? ____; and everyone else is within 7' (top to bottom). Even with a 40' building depth, Elk Ridge is still at 29' (most restrictive).

12:12 pitch is a fairly normal pitch.

Mayor Dunn: He made the point that a steeper pitch is required for added snow-loads; the steeper the pitch, the stronger the roof. The economic factor comes into play as well.

Sean Roylance: Asked how many of the cities have the "conditional use" option in their codes.

Shawn Eliot: Alpine, American Fork and Provo; the rest have "fixed" regulations.

Corbett Stephens: But the homes could be built without the use of the "conditional use permit".

Sean Roylance: He suggested the possibility of increasing Elk Ridge's code by a couple of feet, and had the conditional use option; then we would actually be 3rd in the comparison.

Mayor Dunn: Provo, Alpine, American Fork, Spanish Fork & Springville all measure to the mid-point.

Shawn Eliot: Right; and the "bottom" cities (*meaning listed at the bottom of the comparison*) all go to the top.

He discussed going to mid-point with Mr. Stephens and he (Mr. Stephens) did not favor that idea.

Corbett Stephens: (Explained this point) He cited an example by Woodland Hills...this has two stories in the attic. The problem with measuring to mid-point is that it encourages people to build steeper roofs and to "push the envelope", because they want the floor-space. Steeper roofs and deeper buildings will get extra height...this will really create problems with views and taller buildings.

(Memo from Planner to City Council, dated 6-24-08)

"Background"

The building height code was passed by the council May 13. It was then revisited two weeks later at the concerns of the building inspector, fire chief, and mayor. The council at that time requested that the planner and building inspector work together to iron out the concerns. This has been done (see attached code) except for one fundamental aspect of the new code, using the natural terrain as the starting point for measuring the building height.

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

Discussion

The city council should discuss the following:

- Is the planning commission going in the right direction in trying to mitigate heights of cuts, fills and rock walls?
- Is the building height code a proper place to do this?
- If the building height code is not the appropriate place to regulate fills (use finished grade rather than natural), should other language be added to the code regarding cuts, fills, and wall heights citywide?
- Lindon has a good code to address this (similar to what Provo does):

Lindon Code - Section 17.57.160 Building height.

1. Single family residences constructed on hillsides should step down the hillside rather than re-grading the hillside into a flat site. A simple box form will stand out from the natural, complex undulations of hillsides more than a building form that is broken into smaller elements. A building can be broken up by raising and lowering the roofline, varying the face of the building (not just single straight plan), adding balconies and overhangs, etc. These elements create shadow patterns that are similar to shadows cast by rocks, trees and cliffs on hillsides and tend to lessen the apparent size of the building.

3. To the maximum extent feasible, buildings shall be sited in locations that are sympathetic to existing contours rather than those that require a building solution that would dominate the site. Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site."

(Further discussion of mid-point measurements with up-hill sides of a house vs. the downhill side.)

Sean Roylance: There will always be variables that would change the comparisons between the cities listed.

Corbett Stephens: He agreed; but to him, the concern is that more than the average number of homes built would require a "conditional use permit"...will people be able to build the same house that may be next door? Will the "conditional use option" stand in their way if their application is protested?

Mayor Dunn: Mayor Dunn commented that many of the members of the City Council could not build the home they live in under this code, unless a conditional use permit were approved.

Shawn Eliot: The application cannot be denied if the check list is met; though neighbor input is allowed.

The Planning Commission simply wants to see that there is good cause to allow certain plans to go forward; and this is accomplished through the "conditional use permit" process.

Raymond Brown: He feels that Mr. Stephens is saying that the code should reflect what is already the normally acceptable home in existence in the City.

Mayor Dunn: In a conference he attended recently, David Church conducted the workshop and he listed the top 15 "payout" areas (liability) with the Utah Local Governments Trust: area number 1 is for planning and zoning issues that individuals contest. The stricter the Code is, the more we will be challenged. If the Code reflects what the majority of the homes are, he feels we will be better-off.

Corbett Stephens: (Explanation of a typical home with a 40' building depth)

- 12:12 pitch: This would have 20' roof.
- 6:12 pitch: this would only be 10' of roof

"A two-story house: with a 9' ceiling + 12" floor cavity (average) + another 9' = 19' + 10' (roof) = 29'...this is from finished grade to the front. If there is a 9' ceiling, with the floor cavity on the main floor (12") = 30' from the top of the foundation to the ridge...and if you go to average finished grade, then that puts you at 35'." He expressed further concern that we would be measuring from "average natural" grade. "If the lot slopes off, you are 'done'." If this is what the Council wants, then...okay.

(He wanted the Council to be fully aware of the practical application of the code.)

Shawn Eliot: Again, the Planning Commission felt that they would like for the builder to prove there was no other way to build than with the additional height...If the "building height" regulations is not the best way to address this; should the Planning Commission consider the amount of fill?

Mayor Dunn: Building a home that is structurally sound is the key...

Corbett Stephens: If we address fill with the developers, then the building pads are built into the development...this saves a lot of hassle and perhaps litigation down the road; if this is addressed with the developer. The restrictions could be met upfront with the original development.

Derrek Johnson: Care must be taken that the developers do not just bull-doze off the beautiful areas with natural landscape in the City...in creating building pads. He would not want to encourage developers to just come in and "clear-cut" everything.

Sean Roylance: He feels most residents are concerned with preserving the lay of the land the way it is.

Corbett Stephens: (In response to some comments about "natural" vs. "finished" grade) He thought about it and he simply could not figure out a way to demonstrate a good example of what natural grade is...and how converts to building a house. He did go through an exercise that would go from "back of curb"...with a 19% sloped lot, you are limited to a "rambler" and it could not be any more than 40' deep (new code).

(He explained in more detail the various conditions that contribute to this.)

Does the Council want for the City to have to apply the "conditional use" option for anything more than a rambler?

Mayor Dunn: The issues being discussed have been compared to the HR-1 Zone Code (new)...in all the standard zones, why is cut & fill an issue?

Shawn Eliot: He cited a home on Cove Drive as an example...(Spencer house) He built with the "natural terrain", while the home next to him brought in a lot of fill...not building with the natural terrain. It is not that the Planning Commission is saying not to bring in fill...but should we say if the amount to be brought in will be excessive?

Question: If the building height is not the right way to address the issues, should the Planning Commission be considering other options? (*London Code: Section 17.57.160 "Building Heights"*) He referred to numbers 1 & 3 of the London Code, as quoted above in the memo from the Planner. We just want to avoid another situation like RL Yergensen created. The desire is to create a code that will mitigate these types of problems; like homes that are built up higher than the others in the surrounding area.

If mitigating these issues is not necessary, then he would like to know that.

Mayor Dunn: If there is a way to stop the "mounding", would it be when the lower sewer still has the right of "fall"? So, as soon as you get the right "fall", then do you stoop the "mounding"?

Shawn Eliot: There has been discussion about sewers with "sumps".

At 7:05 PM, Mayor Dunn closed the Public Hearing on the Final Amended Budget for 2007/2008. There were no public present for the Hearing.

(Continued Discussion of Building Heights)

Mayor Dunn: What is the guidance from the Council to the Planning Commission?

Raymond Brown:

- He feels we are being too restrictive on these sites. If the City Inspector is experiencing difficulties in applying the Code, this is not a "good thing".
- He does not want to see a lot of people coming in for exceptions to the Code.
- He had hoped that the Planner and Inspector could have come up with a solution
- Re: Cuts & Fills: Perhaps they need to be restricted...how much fill is necessary? He feels homes in the same areas should be built on about the same level; not one towering over another.

So, he feels the Planning Commission should look at the cuts & fills.

Julie Haskell: She agreed with Councilmember Brown.

Sean Roylance: He felt that what Councilmember Brown said was "well said"; however, he wanted to clarify a couple of points:

- Building Heights: He like the measurement from the "natural grade"
- Perhaps the measurement should go to the top (not mid-point); but as Councilmember Brown suggested, we could add some feet to the top to be more flexible when applying different depths. There will be exceptions; but fewer of them.

1 *Shawn Eliot: He would like to take this back to the Planning Commission to address some of the cuts & fills;
2 as well as altering the building height code...he will get with Mr. Stephens to see what the height should be.
3 The height may not be the issue, but how much it is built up.

4 Mayor Dunn: "In "filling", you want to bring the basement up to where it will fall to the sewer without a pump.
5 Pumps are just really a hassle. I think if someone wants a pump, it ought to be their choice."

6 - Mr. Stephens also mentioned 19% grade on a lot...driveways are limited to 12%; where would they make up
7 that 7%? Zigzagging their driveway down to their house would not be a good option. So, he feels another
8 consideration that should be looked at is the ability to bring that driveway into compliance to the slope.

9 Raymond Brown: He feels those are good comments. He feels that fill should allow for an individual to sewer
10 properly.

11 Sean Roylance: You can still fill quite a bit; it is just that it will cut into the visible part of your house.

12 Mayor Dunn: That should be sufficient direction.

13 *The adoption of the Building Permit Ordinance needs to be rescinded.
14
15
16

**ELK RIDGE
CITY COUNCIL MEETING
June 24, 2008**

**TIME & PLACE
OF MEETING**

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7:18 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown (Abs: Nelson Abbott); *Building Inspector:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* Cindi Ellis (former Councilmember), Ed Christensen, Linda Christensen, Lisa Denning, Erin Clawson; *Scouts:* Sam Reece & Blake Denning; and the *City Recorder:* Janice H. Davis

**REMARKS
& PLEDGE OF
ALLEGIANCE**

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

**AGENDA TIME
FRAME**

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:18 PM
VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT

PUBLIC FORUM

1. Ed Christensen: Backyard Pool

He desires to build an enclosed pool in his backyard. He feels having it enclosed would be safer. He wanted to know if this can be done under the Accessory Building regulations. There is a problem with an existing accessory building already in his backyard.

Corbett Stephens: The square footage of an accessory building is limited by the size of the lot. He agrees that it would be better to have an enclosed pool rather than having it open. So will the Code be violated to have an extra accessory building?

Mr. Christensen: He realizes this and they are at the limit right now by the extra garage. The pool could be beneficial to the community or the neighborhood. Perhaps an exception to the Code could be granted.

City Recorder: "Exceptions" (or adjustments) to the Code can only be considered by the Council if the regulations fall within the Subdivision Code, not the Zoning regulations; and certain criteria have to be met. Zoning Issues go before a Hearing Adjuster (took the place of the Board of Adjustments). His application would have to be denied and an application filled out, which would go to the City Attorney to determine if it is appropriate to go on to a Hearing Adjuster...and there are fees involved.

Mr. Christensen: He would like to submit a simple drawing (not too much expense).

(Mayor Dunn suggested that he meet with Mr. Stephens, with some plans to review.)

2. Lisa Denning: (Animal Rights: Referring to the article in the newsletter regarding violations of the animal rights portion of the City's Zoning Code)

Mrs. Denning started by admitting, "I am a violator." She went on to explain that about eight years ago, she got some chickens to help with the grasshopper problem.

She said she knows she is in violation of the Code, but that her neighbors have not objected; she does not want to offend her neighbors. She described how the chickens assist in the abatement of the grasshoppers. She wanted to address the Council to see if they would "work with her" in resolving this problem. She would like to see if there is something that can be done to allow chickens in this residential zone. She said she is willing to do research, if the Council would consider the matter.

She has contacted some of the surrounding cities to see what their ordinances say: chickens could be considered "hobby animals" as long as they are not being held in large flocks...much like pigeons.

There was an incident with a dog coming after her chickens that left her yard torn up. Dogs at large can be a nuisance, yet they are allowed.

If the City is willing to consider her request, she would like to assist in whatever way would be appropriate.

The "pigeon ordinance" allows 50 pigeons; while she only has 8 chickens.

In other cities, officers get called out for roosters disturbing the peace; she has no roosters.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY RAY BROWN TO MOVE AGENDA ITEM 6-B FORWARD IN BETWEEN ITEMS 3 & 4

VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT

CLOWARD ESTATES,
PLAT B –
REQUEST FOR
EXTENSION OF FINAL
APPROVAL

Mr. Cloward is requesting an extension of his Final Plat Approval to the time he must have bonding in place and the plat recorded at the County.

This was on a previous Council Agenda; however, the Council felt that the Building Inspector and the Planner should review the plat to see if any improvement had been missed, since the plat is technically considered null and void after 6 months have expired between the time of Final Approval and recording of the plat. An extension was granted until February, 2008; but it was mixed with some confusion in the dates by a letter sent to Mr. Cloward by the City Inspector.

(Memo from City Planner to Council, dated 6-24-08)

"Background

On June 10, the city council reviewed the request from the applicant to extend if final approval of Cloward Estates B for 6 additional months. It was brought up at that meeting that the plat needed to be checked to see if items such as sidewalks needed to be required and to check if other required standards of the subdivision were left off. Also, the planner, Shawn Eliot, brought up that the code states that final approval is good for 6 months, but that after 6 months the plat is null and void:

10-15A-3: PROCEDURE FOR APPROVAL OF A SUBDIVISION: The action of approval by the city council shall be valid for a period of six (6) months. In the event that any terms or conditions of approval are not satisfied, or the performance guarantees or other document required for final approval under this code or as a condition of final approval by the city council shall not have been completed within six (6) months from the date of approval by the city council, said approval shall be null and void.

It has been brought to the planners' attention that there was concern that the planner was trying to get the council to nullify the plat. This is not the case. The concern was that the code, as read, doesn't allow for an extension on final (code does allow it on preliminary plat). The planners' concern was only that if the code doesn't allow it, and the council wants to and does allow it, and in the future there is a plat that they don't want to allow, it might come back to bite us. Maybe the code ought to be clarified.

Staff Recommendations

The planner and building inspector met and reviewed the final plat. Three issues are being presented to the council and recommended that any extension of the final plat be contingent that the final plat be amended to include them.

1. **Trail on Dot DR** - The final plat doesn't show a trail along the west side of Dot DR. It is identified on the city trail map and it was a requirement of the final plat by the city council that the trail be added. Staff would need to meet with the applicant to work this out because the current plat shows Dot DR drawn only to the curb. This means that the additional 9 feet behind the curb is off the property and is not being deeded to the city as a proper standard local street ROW.
2. **Trail on Goosenest DR** - The final plat doesn't show a trail along the north side on Goosenest DR. It is identified on the city trail map. It was not required by the planning commission because at the time there was concern about whether citizens wanted trails in the community (this happened right after a public hearing to amend the trails map that was quite heated. The north side of Goosenest DR is the logical place for the trail since the remainder of Goosenest DR westward to Elk Ridge DR is developed on the south side, but undeveloped on the north side along (Burke Cloward's home). A 6 foot wide trail in lieu of the current sidewalk shown on the plat should be shown.
3. **Pressurized Irrigation Connections** - The building inspector has concerns about the way the PI lines have been installed in the newer developments. The code states:

8-1-19: SECONDARY WATER SERVICE:

All lots within planned residential developments, planned unit developments and large scale residential developments of at least five (5) acres in size shall be served by separate connections for a secondary irrigation water system.

The concern is currently on the plat, the PI line is shown as being installed along one side of the road in the planter strip between the curb and sidewalk. Between the PI line and the lots across the street is a conduit that can have future PI line connections run through it. These conduits are spaced one for every two lots. It should be required that the lot connections to the main PI line be installed as the code states "All lots shall be served by separate connections..." The reasoning for this is if the lots along the PI line install their landscaping and later a lot across the street installs theirs, they would be required to dig up the planter strip of the neighbor across the street to connect to the PI line. The potential is also that when the other across the street lot landscapes, they could be required to dig up the planters of both their neighbor next to them and across the street."

Comments:

Corbett Stephens: He reviewed the Construction drawings with the Planner to see if there would be any differences by granting an extension.

Findings:

- The Code now requires that all lots in a subdivision of five acres or more...that each individual lot is served by a separate secondary water connection: that is not shown on the plans. (This did not happen in Elk Ridge Meadows, Phases 1 & 2...it should have happened; there may be a way to still require this. He is unsure how this was allowed to slip through; it happened during a change in Field Inspectors with Aqua Engineering...and it will not happen again.) The City Recorder spoke to Mr. Cloward's engineer and he is agreeable to the changes and will place on the plans whatever necessary to meet Code.
- Certain trails were agreed to and approved by the Council and these did not make it on the plans. Mr. Cloward is willing to increase the right-of-way to incorporate the trails for his development.

City Recorder: At the previous Council Meeting, discussion did not address the issue of the date to grant an extension from; if granted from the actual date of February 1, 2008...then that would take it to August 1, 2008;

which may not accomplish what Mr. Cloward is trying to accomplish with an extension. They were under the impression that June 1st was the ending date for the prior extension.

Corbett Stephens: Even though there was some confusion on the dates, which he takes partial responsibility for, there has been an extension granted before and he does not want to see this pattern continue on and on. He recommends the motion state conditions as well as the condition that they bond prior to this extension terminating. This would give some motivation for them to get the process started.

Shawn Eliot: He suggested that the motion also states that the plat should be corrected.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO GRANT CLOWARD ESTATES, PLAT B, AN EXTENSION ON THE FINAL PLAT APPROVAL FOR SIX MONTHS AS OF JUNE 24, 2008; WITH THE UNDERSTANDING THAT THE CONDITIONS AND THE REQUIREMENTS OF THE CODE, AS THEY ARE AS OF THIS CURRENT DATE, BE INCLUDED ON THE PLAT, AS THE RESPONSIBILITY OF THE DEVELOPER; AND THAT WITH THE FOLLOWING CHANGES, THE DEVELOPER(S) NEEDS TO BE BONDED AND RECORDED PRIOR TO THE TERMINATION OF THE EXTENSION TIME PERIOD:

CONDITIONS:

4. Trail on Dot DR - The final plat doesn't show a trail along the west side of Dot DR. It is identified on the city trail map and it was a requirement of the final plat by the city council that the trail be added. Staff would need to meet with the applicant to work this out because the current plat shows Dot DR drawn only to the curb. This means that the additional 9 feet behind the curb is off the property and is not being deeded to the city as a proper standard local street ROW.

5. Trail on Gooseneck DR - The final plat doesn't show a trail along the north side on Gooseneck DR. It is identified on the city trail map. It was not required by the planning commission because at the time there was concern about whether citizens wanted trails in the community (this happened right after a public hearing to amend the trails map that was quite heated). The north side of Gooseneck DR is the logical place for the trail since the remainder of Gooseneck DR westward to Elk Ridge DR is developed on the south side, but undeveloped on the north side along (Burke Cloward's home). A 6 foot wide trail in lieu of the current sidewalk shown on the plat should be shown.

6. Pressurized Irrigation Connections - Compliant with current City Code, in that each lot be served by a separate connection.

ALL CHANGES MUST BE APPROVED BY THE CITY ENGINEER AND STAFF

Discussion:

Mayor Dunn: He had a concern that the connections be identified as separate connections.

VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT

**ANIMAL CONTROL –
BARNYARD ANIMALS &
FOWL**

(Continued Discussion on Animal Rights Regulations):

Mayor Dunn: The letter that went out addressed an issue with a horse as well as fowl. "Code says that it does not count rabbits, but it does count chickens, pigs horses, cows...pigeons are on their own, they take a permit to raise pigeons...you don't have to have a permit for the others, you have to have animal rights attached to a property." Any property without animal rights is a property "in question".

There have been concerns with some of the issues in the City. The letter that went out from the Mayor asked that those in violation of this Code would please "take care of it".

One of the issues was with a dog running "at large" and getting involved with chickens that should not be in that zone...so this is a double negative. *(Mrs. Denning said that she understands that.)*

The Mayor received a letter from another resident, Robin Money, saying much the same things being said by Mrs. Denning as to the reasons for having chickens. The Mayor has not contacted Mrs. Money yet, regarding her concerns. Mrs. Money seems to also be aware that animal rights are not part of the current zoning for the area she lives in. The letter stated that the chickens are not only pets, they eat the grasshoppers.

Mrs. Denning: She stated that, years ago, chickens were allowed in the zone and that she was even encouraged to have them.

City Recorder: Years ago under a different Council, the subject of "seasonal ducks" for insect control (namely grasshoppers) was brought forward and discussed at length. Though discussed, it was not made law, even though the grasshopper situation was much worse than it is now.

If the Council is to consider a change in the Code, perhaps it could be on a "seasonal" basis.

Mrs. Denning: Perhaps limiting the possession of chickens could be considered with a "manageable" number; they could be listed as more of a "hobby" with restrictions, avoiding some of the common disturbances like roosters. The restrictions could be similar to how pigeons are managed, under the "conditional use" provision.

Raymond Brown: As a matter of record: three years ago, when the pigeon issue came before the Council...he voted against allowing pigeons; and one of the reasons was to avoid any comparison to that action that could allow any other types of livestock and fowl. Many other cities do not allow pigeons or other types of fowl.

Mrs. Denning: She is aware of that fact; however many of the animal control officers do not enforce this law because they understand that the numbers are not high enough to cause concern.

She "hobbies" the chickens she owns and would like to assist in researching the matters associated with this request.

Sean Roylance: Questioned: How many chickens and roosters and how are they kept (directed toward Mrs. Denning)?

(Mrs. Denning responded that she has no roosters and 8 chickens and she keeps the chickens in a 4' X 8' dog kennel. She allows them out of the kennel when they are in her garden, which is not presently fenced...she plans on fencing her garden this year some time. She also plans on building an actual "hutch" for the chickens.)

Shawn Eliot: Before the newsletter article, he had three or four people call him wanting to know if they could have chickens.

Ed Christensen: He inquired if there might be a way to grant certain animal rights according to the size of lots.

Mayor Dunn: There are currently animal rights on larger lots in appropriate zones. The County has certain guidelines regarding animals kept on certain sized lots.

Sean Roylance: He asked if neighbors have problems with her having chickens.

Mrs. Denning: She had one neighbor that was concerned that dogs bark at the chickens and create noise; Mrs. Denning does not feel that is the case. There has been no complaint regarding smell or noise from the chickens themselves.

Mayor Dunn: There may be times he says or may have said things to private citizens, as a fellow citizen...that do not necessarily reflect the Code or the process whereby the Code may be changed.

Lisa Denning: She is not trying to blame anyone or thing regarding any encouragement she has received; she simply wants to know if the Council will consider a Code change to allow for the idea of "hobby-type" animals; with regulations that keep others from being infringed upon.

City Recorder: How will this not create a further precedent for future requests for other types of barnyard animals? What about the rights of the other residents in the same zone that do not want this type of animal rights in their zone? If a change is considered, can it be limited to fowl?

Raymond Brown: A citizen has already called him regarding the agenda item and asked about guinea fowl making noise that he considers a nuisance.

Mrs. Denning: She said she understand; her husband works "graveyard" shift and has to listen to dogs barking...and considers that a nuisance. She wants to be reasonable.

Mayor Dunn: Reviewed what could be considered a "public nuisance". The sheriff has asked how to enforce the Code in this matter. The sheriff will always ask what the Code is.

Mrs. Denning: Is there any point in working together to create a change in the Code? She reiterated that she realizes she is in violation of the current Code; if the Council decides against this and demands that she comply with the Code and get rid of her chickens, then she will comply with that. Is there any way to get past this like with pigeons?

Raymond Brown: It would be difficult to handle chickens like the pigeons, since with pigeons, one must be a licensed pigeon handler, one must be a member of their association...with fees; and a great deal of regulations governing the handling of pigeons...this is not the case with chickens.

City Recorder: Mrs. Denning offered to research the matter and find out what other communities have in place why not allow her to do that and bring the information back to the Council?

Mayor Dunn: He warned that there would be some strong feelings to contend with dealing with the issues surrounding this type of proposed Code change; there could be hurt feelings as a result. The burden of proof rests with the applicant; he agrees that the information should be provided to the Council.

The Mayor reviewed the process by which a Code change would take place.

She asked the City Council for an informal "polled" vote as to how they feel about this matter:

- Derrek Johnson – He is okay with considering chickens
- Raymond Brown – He was against allowing pigeons and is against allowing chickens
- Julie Haskell – She would not be in favor of it...She cannot see infringing on current property owner's rights.

Her concern extends to what else could be requested as far as more types of barnyard animals.

We live in a city, not the "country" where animal rights are appropriate.

- Sean Roylance – His concerns could possibly be answered:
He grew up on a farm; without chickens...but they had every other animal and they could be smelled.
 - Smell would be an issue
 - Enclosure: If they could be behind a fence...perhaps hidden behind a sight obscuring fence...that would be an issue for him
 - Do the chickens attract other insects: flies, etc?
 - He would like to see a reasonable limit on the number of chickens allowed
 - What is the nuisance level as compared to something like a dog?

If these types of potential nuisances could be mitigated with parameters, he may consider a change.

- Nelson Abbott – (Absent) But it was felt that he would probably be in favor of the proposed change due to his involvement with pigeons as a registered handler.

Mayor Dunn: The Code (law) must be upheld; but the process does allow for application for change...understanding that the process may result in denial. It has the possibility of being "divisive" in nature in involving the public through a required hearing.

Mrs. Denning: She stated that she does not want to "infringe" on someone else.

She feels they have been patient on changing laws and other violations that they have had to comply with.

*Mayor Dunn: There should be integrity in our motives and in the resulting actions; if the Code (law) is being broken, with knowledge of that Code, then this is not honest. As Mayor, he must consider this when private citizens ask for justification. He (nor the Council) can make allowances for the law to be broken.

He gave Mrs. Denning direction to gather further information and to present it to the City Council on July 22, 2008. She would need to work with the Planner in gathering this information.

Sean Roylance: Agreed that she should come back to the City Council before going to Planning Commission.

Sean Eliot: He asked if, procedurally, the applicant should go to the Planning Commission first; rather than to the Council? The Code says they should go to the Planning Commission first to avoid certain problems in pre-conceived notions that the Council either does or does not approve of something...it is to maintain balance in the process. The fees are in place for a reason; there will be staff and the Planning Commission who will be reviewing this.

Sean Roylance: the City Council can ask the Planning Commission to address this proposed change in the Code, without the fees being paid by private citizens.

Raymond Brown: He still maintained that there is concern regarding further precedence being set to open the door to other barnyard animals.

Mayor Dunn: Is the "West Nile" virus a concern, since chickens are carriers?

*The official direction to Mrs. Denning did not change.

FINAL AMENDED
BUDGET FOR
2007 – 2008

Raymond Brown: He noted that there is money coming in from Woodland Hills, in contracting Corbett Stephens out for work in their city.

City Recorder: Pointed out that the amount of budgeted deficit for the closing of the fiscal year has decreased; this is due mainly from a major expenditure for the rest of road repairs being placed in 2008-2009. Most of the amended figures are simply bringing them to fit the "actual" figures.

Revenues (General Fund): Some of the money came in higher than expected: Utility Franchise Fees, Sales Tax, B & C Road Funds (Councilmember Brown submitted an amended road map to UDOT, so this results in an increase).

The Fire Dept.. and EMT grants come in a bit differently.

Sean Roylance: Questioned why the increase in Sales Tax. He would like to understand this from Curtis Roberts better than he does now.

City Recorder: She mentioned that she is surprised that the suggested tax rate has come in higher than the previous year. Perhaps there is an effort to try to match budget needs for the communities.

Water Fund: (Page 24) The SUVMWA water rights revenue is not going to be as high as anticipated; they simply have not been sold to developers as anticipated. This has to do with the economy and the fact that developers do not have the money they expected to have.

The question came up regarding Horizon View Farms; they have been in the position of purchasing water rights twice now; they have yet to do so.

Mayor Dunn: He has written to developers informing them that these rights will be available until November, 2008; then they will no longer be available.

*This raises the point that the City will need to purchase some of these rights for the City's needs.

City Recorder: The corresponding expenditure for the purchase of SUVMWA water rights has decreased accordingly.

How much will carry over of the water rights being paid back to citizens who upgraded their rights?

Sewer: (Page 30) The Sewer Fund is showing a deficit; but the 21,000 + is in retained earnings.

Explanation: The State Auditor sees only the original budget at the beginning of the fiscal year and the audit report at the end of the year...the amendments are for the Council's direction for the City's finances. When the Council moves to adopt this budget, they need to make allowance for the budget to balance the General Fund Balance to 15% of the overall budget

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON TO ADOPT THE FINAL AMENDED BUDGET FOR THE 2007/2008 FISCAL YEAR; FOR THE OPERATION OF ELK RIDGE CITY; ALLOWING FOR THE GENERAL FUND BUDGET TO BE BALANCED TO 15% FOR THE FUND BALANCE

VOTE: YES (4)

NO (0)

ABSENT (1) NELSON ABBOTT

RESOLUTION – INTENT
TO ADJUST THE
BOUNDARY LINE –
BETWEEN PAYSON
CITY &
ELK RIDGE CITY

The previous Council has already approved this proposed adjustment at the north end of the golf course. The process needs to be followed to allow this action. We have been waiting for Payson City to get the required documents to us. They have emailed templates to use as patterns for our documentation. The required public hearing already took place, with no protests.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON TO APPROVE A RESOLUTION OF INTENT TO ADJUST THE MUNICIPAL BOUNDARIES OF ELK RIDGE AND PAYSON TO REMOVE UTAH COUNTY PARCEL NUMBERS 30-074-0109 AND 30-074-0155, AND A PORTION OF PARCEL NUMBERS 30-073-0147, 30-074-0112 AND 30-074-0157 FROM THE MUNICIPAL BOUNDARY OF ELK RIDGE TO BE INCLUDED IN THE MUNICIPAL BOUNDARY OF PAYSON

Discussion:

Sean Roylance: Questioned whether or not the City may be losing any revenue in taxes with the loss of this land.

What is gained by this action? Does Payson City need to be reminded that Elk Ridge is willing to grant this "favor" to them? The point being: if they are running a business (golf course) on Elk Ridge's property; would

the City be subject to some commercial revenue in taxes? Payson should recognize Elk Ridge's willingness to cooperate with them. Perhaps prior to adopting the Ordinance, the Council should look at the things we need cooperation on.

Raymond Brown: The only gain would be the issue of liability for golfers on the course. Payson City claims that they lose money every year on the golf course. They have been asked to participate in repairing Elk Ridge Drive, which they use to access the club house for the golf course...we have not heard back from them.

Mayor Dunn: It is not known exactly where in the process the proposed condominium project is (north of the golf course). They also connect to the City's water and will connect to sewer.

VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT

2008 TAX RATES

(Memo from City Recorder to Council, dated June 24, 2008)

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

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

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

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

Options:

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

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

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

This discussion should take these plans into consideration."

Mayor Dunn: Reviewed the memo with the Council present. The City Recorder and the Mayor discussed these suggested rates for the 2008 tax year. He also reviewed the amount of "adjusted valuations".

Discussion:

Explanation that the Public Hearing will take place on August 12, 2008; however, this does not mean that the Tax Rate has to increase...the Council still needs to vote on this. It must be remembered that a good portion of the Property tax assessment is based on the school district. The rate could go up to cover the General Fund; then go back down next year to the suggested tax rate or slightly higher.

The range of allowable increase goes all the way up to .007000 (that would generate about \$928,208). This is not feasible for Elk Ridge, but allowable. The higher tax rate (.002345) could be proposed and just see what the reaction is; then adjust from there.

Sean Roylance: It would be good to know where other cities are with their tax rates. He is concerned about raising the taxes, but he is also concerned about the budget. He feels the higher rate (.002345) should be advertised, with the understanding that there is no obligation to stay with that rate.

**Mayor Dunn will research the tax rates of some of the other cities. He will be meeting with other mayors. Their rates may be very different from Elk Ridge's since they have commercial properties as well as residential.*

Raymond Brown: Agrees with Councilmember Roylance; to advertise the higher rate and then go into the public hearing. A slide show explaining the City's needs would be good for the public hearing.

Julie Haskell: She agrees to advertise the higher rate.

Suggestion: Explanation in the next Newsletter to residents.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO ADVERTISE .002345 AS THE PROPOSED TAX RATE FOR THE 2008 TAX YEAR; AND TO HAVE AN ARTICLE EXPLAINING THE ISSUES FACING THE CITY'S FINANCES IN THE NEXT CITY NEWSLETTER

VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT

CODE VIOLATIONS

(Memo from City Recorder & Mayor to Council, date 6-24-08)

"Letter from Paul Squires) Request to enforce...simply put...City cannot and should not be involved with the enforcement of Restrictive Covenants (CC&R's)!! David Church says to not even have a copy in the office...the most current copies are at the County...We are to have in place (we do) a form at the time of the issuance of building permits, that requires an architectural committee to sign off on any CC&R's...we do not check for them on the plans, nor do we enforce them in the building process."

Explanation:

Mayor Dunn: (Explanation) Letter went out to various residents regarding landscaping requirements. I received responses from some of those in violation of the Code. Three types of letters went out:

- House built before the Code in place; purchased by a new owner
- House built before the Code; the original owner still in house
- House built and occupancy permit after the Code went into effect

Code referred to: The Code went into effect 2-10-2006...requiring landscaping in the front and side yard within 24 months.

The letters to owners of homes in existence prior to the amending code stated that although the new Code does not apply to them, the general consensus is to have a beautiful City and these were encouraged to put their yards in. All the letters were nice.

One resident received a letter from her "concerned" neighbors that could be considered "harassment" that was derogatory in nature about her yard and an "offer" to assist in installing it.

Another letter came in from one of the current Planning Commission members and his wife, requesting that the City assist in enforcing CC&R's for their subdivision.

(A portion of the letter was read.)

Long weeds can be enforced due to the nuisance ordinance.

The City cannot make residents comply with the new ordinance if the homes existed prior to the new Code.

Homeowner's Covenants and Restriction could be applicable, but cannot be enforced by the City. These are recorded at the County, but the City does not even have these on file...nor should we...according legal counsel.

The Mayor shared the perspective of an expert in HOA's (Utah League of Cities and Towns): (Jodi Hoffman)

She said "if a homeowner's association has not been active, and does not have an administering board for 24 months; the courts, in a challenge, will say...that homeowner's association doesn't exist any more; and those covenants are no good and will not be recognized".

For these people to administer their homeowner's covenants (if they exist), they would have to get together as home owners and decide what to do...as home owners...administer that document and take the neighbors to court.. "I will not get involved in it; I will not allow the City to get involved in it." We are out of this completely; the only thing the City can enforce is weed abatement, if applicable. No matter what is said, the Council should not get involved in this type of request.

City Recorder: David Church counsels that the City should not have anything to do with even informing people of CC&R's. They can be changed and the best place to obtain the most current version of the CC&R's is at the County offices.

**Mayor Dunn will meet with the Squires' and update them of the City's legal position in this matter.*

**Raymond Brown offered to assist in clearing the road rights-of-way of weeds. We need to take care of weeds as well.*

CITY CELEBRATION –
UPDATE

Derrek Johnson: The plans are under way and Councilmember Johnson wanted to know who will ride in the parade and if vehicles are needed.

PARK RE-VEGETATION
BID

Derrek Johnson: He met with Johnson Landscaping regarding the Park, to re-vegetate the east side of the Park (by the rock wall). His bid came in very high (\$6,100). He told them he was not comfortable and that he would get other bids. He will bring the other bids to the Council. They might wait until the fall when it is cooler. (Mayor Dunn said to see if we could do it at the same time as the re-vegetation of the water tank; perhaps we can get a better deal. Loafer Recreation Association has a of excess pine trees that may be available for us to purchase.)

NON-AGENDA
ITEMS

1. Mayor Dunn: The Fire Chief has requested that the Fire Dept. be allowed to use the old Public Works' pick-up for training.

Raymond Brown: Offered to put the truck on KSL to sell for \$1,500 or best offer.

Sean Roylance: Perhaps the City could purchase a cheap truck for \$500 for the Fire Dept. to use.

2. *Mayor Dunn will email the article he wrote on the Sewer Rate increase that will go out to residents.

EXPENDITURES

General:

MINUTES

(Minutes

ADJOURNMENT

At 9:45 P


order

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

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, July 8, 2008, at 7:00 PM, to be preceded by a Joint City Council – Planning Commission Work Session at 6:00 PM.**

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

6:00 PM - JOINT CITY COUNCIL – PLANNING COMMISSION WORK SESSION

1. PUD & Commercial Codes – Proposed Changes/Discussion – Shawn Eliot
Zoning Issues – Mayor Dunn

"Citizen of the Year Presentation" – Derrek Johnson & Mayor Dunn

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

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

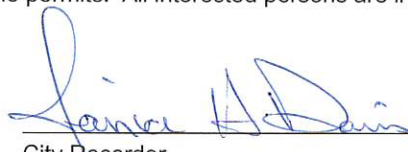
7:05 Public Forum:

- 7:15 2. Doe Hill Estates – Final Acceptance of Construction Phase & Start Date of Durability Time Period
- 7:25 3. Rocky Mountain Subdivision, Plat A – Final Release of Durability Retainer
- 7:35 4. Oak Hill Estates, Plat D – Extension Request on Construction Phase – RL Yergensen
- 7:45 5. Park & Ride/UTA Van – Richard Dent
- 8:00 6. Ordinance Approval – Flag Lot Code
- 8:30 7. City Celebration Summary – Derrek Johnson
- 8:35 8. Approval/Planning Commission Member
- 8:40 9. Expenditures: General
- 8:45 10. New Employee Hired as Planning Commission Assistant – Mayor Dunn
- 8:50 11. 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 3rd day of July, 2008.

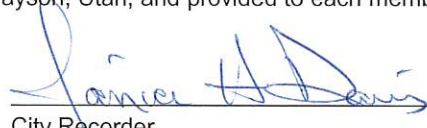




City Recorder

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 July 3, 2008.



City Recorder

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ELK RIDGE
CITY COUNCIL MEETING
July 8, 2008

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, July 8, 2008, at 7:00 PM; this was preceded by a Joint City Council – Planning Commission Work Session at 6:00 PM

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT; and to the members of the Governing Body, on July 3, 2008.

6:00 PM –

JOINT CITY COUNCIL – PLANNING COMMISSION WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Derrek Johnson, Julie Haskell, Sean Roylance & Raymond Brown; *Planning Commission:* Russell Adamson, Westin Youd, Dayna Hughes, Kevin Hansbrow, Dave Holman, Scot Bell, & Paul Squires; *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Plan Coordinator:* Margaret Leckie; *Scouts:* (?) Johnson, Harrison, Taylor, Henrickson; *Public:* RL Yergensen, Griff Johnson, Cindi Ellis, Bob Kolibar, Sean Nielsen + another person (name not legible), Doris and Vernon Fritz; and the *City Recorder:* Janice H. Davis

PUD &
COMMERCIAL ZONES –
DISCUSSION

Mayor Dunn: Welcomed everyone to the meeting. He announced that Mr. Mel LeBaron, a former member of the Planning Commission, passed away the previous week. He was a valuable addition to the City in many ways.

Shawn Eliot: (City Planner) Power Point Presentation on "Planned Unit Development Code" (PUD) Some time ago the Planning Commission advised the Council that there were contradictions and confusion within the existing Code; and began to review the Code, including the PUD Code. Mr. Eliot proceeded with his presentation pointing some of these problem areas.

PUD Code:

The PUD Code is in the section of the Code known as *Large Scale Development*.

- PUD is written like an overlay code
- Allows PUD's citywide
(*Is this something the City wants?*)
- Uses base density of underlying zone
- Requires 25% open space
- Allows bonus density for amenities
- PROBLEM – If bonus density isn't used, there is not much leverage for city to require amenities

(*The way it is done currently: If you have a PUD that comes in, the direction would be to plan the roads and see how many 12,000 sq. ft. lots you can get in the PUD. Then the 25% open space is applied, which brings us down to the smaller lots. This results in this density bonus up to 30% for putting in amenities (Landscaped park or hard surfaces on homes or development themes, etc.). When we did the PUD at the north section of town, they did not enter into that density bonus...they did not reach the amount of density necessary. This indicates that the Code is lacking because it is the amenities the City seeks to get the nicer development through the give-and-take of the density bonus aspect of the Code. (This indicates that the density bonus is too high.)*)

R-1-12,000 PUD Code:

This is really awkward in the City: we have two Codes...

- 1) *PUD Code in the Large Scale Development Code*
- 2) *We have the Zone called "R-1-12,000 PUD"*
 - Written like a normal zone with normal uses and setbacks
(*Similar to other residential zones*)
 - Requires use of PUD ordinance
 - Only allows single-family homes
(*He feels this is ironic and is a contradiction in the Code.*)

Contradictions of Codes:

- R-1-12,000 PUD requires building setbacks, PUD waives setbacks
(*This caused confusion in the PUD north of town.*)
- R-1-12,000 PUD only allows single family homes, PUD allows multi-family homes
- PUD can only be on 15 acres or larger, R-1-12,000 PUD allows smaller area

(*Both Codes are "married" to each other, yet they say two different things.*)

Confusion of Having Two PUD Codes:

- Two Codes lead to confusion
(*You have to look in two different places in the Code and they say different things.*)
- Using the highest density zone as a base for our PUD doesn't give much incentive for amenities
(*Our highest density zone in the city, besides this 12,000 zone, is the 15,000 zone (1/3-acre lots)*)
Most PUD codes are written as overlays...taking the underlying zone and go down from there; giving amenities for the difference. Our Code is written taking a new zone (12,000) and using that as a base density.

Example: In the northeast part of town there is a large area that was proposed to be annexed into Elk Ridge: The proposed zone would be ½-acre lots (R&L-1-20,000)...if they were to come in and use the PUD Code; they would work down from ½ acre and bring the lots down to about 1/3-acre.

Mr. Eliot pointed to the map identifying all the areas in the City that park space would be appropriate. Using the PUD would be an excellent way to obtain some of this park space, based off of a 1/2 –acre zone; rather than a 12,000 PUD zone.

Highland City Code:

- Open space PUD zone
 - Park space PUD zone
- (Preferred) They start off with one-acre and go down from there if the developer chooses to include a park; then they charge the residents of that PUD a homeowner's fee that goes to the city, and then the city contracts out for the maintenance work.

Proposal:

- Planning Commission work on addressing the problems of the codes
- Merge the current PUD and R-1-12,000 PUD zone codes to fit what is in the Elk Ridge Meadows development
- Create a new PUD overlay zone similar to the Senior Housing and Hillside Cluster Overlay Zones
- Allow overlay zone in larger base density areas that would net density more in line with current development.

Mr. Eliot wanted to know the opinion of the Council regarding the proposal. The current Code could allow developers to go to a pretty dense subdivision.

Dayna Hughes (PC): She does not fully understand which would be better for the community: larger lots with lower density; or smaller lots with higher density with amenities. With the current PUD, the City ended up with smaller lots and few amenities.

Raymond Brown: Explained that when the current PUD (Elk Ridge Meadows) came forward, there was nothing in place to accommodate their needs. (Councilmember Brown was on the Planning Commission at the time.) He did give amenities, even though the Code was not in place to require them of him. The amenities were negotiated; like the trails, sidewalks, lighting and parks. The economy has taken its toll on this development and appearance.

(The City Recorder added that the negotiations were in conjunction with the annexation that took place; the Annexation Agreement included many of these amenities. Once land is annexed into the City, then the regular zoning regulation apply and nothing more.)

He favors PUD's, it the result is that the City can get some of these amenities to benefit the Community.

Russell Adamson: The point is a good one: that if Elk Ridge Meadows had not been annexed in, the amenities may not have been agreed to. He feels the Code needs to be changed to be more consistent. The Highland City Code (as a model) is a good one to compare to; acquiring amenities as a result of starting with lower density...this is a "proven" model to compare to.

(Conflicting Code also adds to the problem with our current Code.)

Shawn Eliot: According to Highland City's Mayor (at a Transportation Summit Meeting), Highland shared their experience with trial and error in their development history and he said the actually7 zoned the City so that people would not want to move there; keeping with low densities...yet people were attracted to that, anyway. So, in the end they did get their amenities and had growth beyond what they had initially planned on.

Mr. Eliot spoke with the Planner for Highland City in regards to their Code and how it is actually functioning in their City...He said it is well-received because of the parks:

2 types:

- Open Space Zone
(Open space around the homes...not as popular)
- Park Space as part of a subdivision

Survey: The number one desire for the future was parks and open space.

He believes that the ratio is: 5 acres of park per every 1,000 in population...not counting the PUD park, the City has just over 4 acres of park currently; we should have closer to 12 acres for the City's population.

Park Impact fees cannot be used to purchase new park land until we hit the correct ratio. The fees can be used to improve the current park space.

Highland's example of how they acquire parks may assist in catching up to this ratio for Elk Ridge.

Mayor Dunn: Pointed out that the City has purchased land for the site of the future City Center and part of that can be used for park space.

Nelson Abbott: How much multi-family housing does the City want to plan for? (This question was directed toward Mr. Eliot)

Shawn Eliot: It is his understanding that the City went with multi-family dwellings help in meeting some of the "affordable housing" quotas.

Discussion of low or medium income housing ensued. Affordable Housing is an Element in the General affordable housing. The State has come out with new criteria for "Affordable Housing".

The down side of the "quota" the State requires is that you have to take the median family income in the County and then people who make 80% or less qualify to get into these homes; which sounds almost impossible. There are some homes in the older part of town that may meet the criteria.

Sean Roylance: That sounds fairly unenforceable. The town homes that came forward (Horizon View Farms) had 2,000 sq. ft. and they may have qualified; but they came back and said they could not sell them unless they increased the units to 3,000 sq. ft. There is no way those units they will be priced to meet the standards for "Affordable Housing".

Mayor Dunn: He went to a seminar on "Affordable Housing" and learned that the State is concerned when the legislation was put together mandating "Affordable Housing" for incorporated communities;

They were concerned about enforcement...where are the "teeth" in it? What will force compliance? It is in the General Plan and it was updated about four years ago. The discussion in that seminar was that the cities would be penalized by not receiving money for grants and other funding applied for, if the quotas were not met. The talked about fining communities. These are the lengths they have been discussing; so we have to take this element seriously.

Shawn Eliot: This will be reviewed in the General Plan discussions. There are other ways to meet the City's needs in getting Affordable Housing. (Subsidized housing is one way) The State has not started taking money away from communities, but Bluffdale City did get sued over it. (Anderson Development wanted to build apartments and the City did not have the zoning to allow it and denied the request; so they got sued and the City lost...now they have a large apartment complex. Hopefully, if Elk Ridge has gone through the motions and we are at least trying; this will be taken into consideration.

Russell Adamson: This needs to be on the Planning Commission agenda to better educate the members.

Shawn Eliot: Affordable Housing will be discussed with the General Plan Re-write.

Mayor Dunn: (Brought the discussion back to the PUD & Commercial Zones and the lack of clarity) When there is a choice to make, it usually goes with the most restrictive regulations. We need to see that the conflicts are removed from the Code. The Code needs to be workable; and the opportunity for amenities from developers made clear.

(The Council was in favor of zoning that starts with larger lots and works down with amenities.)

Nelson Abbott: He pointed out that much of the land is already annexed into Elk Ridge, so the zoning regulations will dictate what amenities the City ends up with.

Russell Adamson: He asked which zones should have PUD overlays.

Shawn Eliot: The number of acres required for a PUD varies: One says the Council can allow a lower number. The PUD Overlay is like the Senior Overlay: It has to be approved; it is not automatic.

PUD's are designed to allow the flexibility for the city to have a say of how the development works and how it looks, etc. If the zones start at ½ acre lots, and the developers can make more money with 1/3 acre lots in a PUD setting...we want to be able to offer them this option in exchange for the amenities that would benefit the City. The City can also include things like parks in the negotiations accompanying annexation.

Dayna Hughes: Asked what the City is doing with Park Impact Fees collected.

Mayor Dunn: He reviewed the Park Projects that have been funded with Park Impact Fees: The improvements to Ingram Field (Rock wall, landscaping, part of the parking lot, the fencing and stairs); Playground equipment and sports' court, etc.

(The comment was made that the City is really not catching up on the need for new parks; we are just improving the one we have. The comment has been made by Mr. Eliot that Impact Fees cannot be used to purchase more land for parks until the ratio between population and acres of parkland is equal.)

Mayor Dunn agreed with comments made regarding the use of impact fees to improve the land at the site of the future city center as a park.

Shawn Eliot: The Planning Commission would like to research options in obtaining amenities, namely more park space. The map presented indicates areas identified as being desirable for parks

Dayna Hughes: If we had four PUD's going; that would get us four "pocket" parks...smaller parks disbursed throughout the City...is there a ways to get a large park with a PUD?

Shawn Eliot: The City can decide the size of the park we want...like a "regional park"...; or the City could purchase land for a park.

Mayor Dunn: Smaller parts have proven to be costly and time-consuming to maintain; there can be liability issues with young people just "hanging out" in these places.

Dayna Hughes: Chairman Adamson is a fan of having more parks and the vision is for bigger parks that could accommodate sports.

City Recorder: Perhaps the Planning Commission would like to be involved with the Council in planning the park that is to surround the future City Center. *(Mrs. Hughes responded that the Planning Commission would love to be involved in the planning of that park.)*

COMMERCIAL:

Shawn Eliot: The other matter to be discussed is the Commercial Zone Code:

In the Commercial Zone Code, there is a section that deals with "residential second story"; allowing for residences to be built over a business. Mixed uses are popular in planning. It is included in the City's General Plan; that we promote it and want it. Highland City allows this in the down town area. Do we want this out of the Code?

Mayor Dunn: He does not believe the City's Code has a density attached to it; the Code simply allows a residential unit above a business.

Shawn Eliot: The area in Highland that allows for this type of development is more like Payson's down town area, with older buildings.

Raymond Brown: The only place that he has seen where this works well is in a revitalized down town area. He is not sure it would work here in Elk Ridge.

Mayor Dunn: He does not see a need for it. It appears that we simply "borrowed" that section of the Code from some other city.

City Recorder: Is the rest of the Commercial Code conducive to development as it is written currently?

Shawn Eliot: He does not see much about parking and setbacks; he sees these type of requirements obtained through negotiation rather than Code. He needs to review this Code in more detail.

Dayna Hughes: (Back on the topic of parks) In rewriting the Code, it is agreed that the City would like to have larger parks; so do we say...perhaps when we reach the density bonus...the developer could maybe pay into the long-term goal of larger parks. The City could accrue the money from several developers and then purchase the ground.

Shawn Eliot: In the Highland City Code (Park Open Space), it has to be a bigger park...it would have to be a bigger development to handle this arrangement, as well.

Discussion on the plans for the City Park on the property recently purchased...the plans have been general in nature. It would be good to have the Planning Commission involved in the planning of this park area.

Mayor Dunn: It would be good to have some of the park space that the City needs, as well as a revenue-based facility as part of the City Center, like a reception area.

Shawn Eliot: Even with the added park space around the proposed City Center, the City would still be short of acreage for park space. (Current park = 4 acres + 3 more acres)

Russell Adamson: He agrees that a joint work session would be a good idea. He wondered if the State provides any resources that could go into planning these types of facilities.

Mayor Dunn: He is not aware of any. He cited the City Center in Mapleton City as an example of community effort resulting in a beautiful facility, through donations, fund raisers and some bonding. He would like to see Elk Ridge come together and follow this example of "community spirit".

Russell Adamson: Would the Council like to see more of a PUD Overlay strategy? Right now there is about ½ & ½: PUD Zone & PUD Overlay (so far only applied to the PUD Zone). Does it seem "cleaner" to have "straight" zones with the PUD Overlay that is only applied to certain zones? The Planning Commission needs some further direction.

Mayor Dunn: He agrees with the Overlay applied to existing "straight" zones.

Shawn Eliot: Currently, the PUD is an option that is allowed; developers can also go with the straight, underlying zone. The west part of town has already been zoned as PUD; this may complicate development. It has been discussed to zone that area with larger lots.

Dayna Hughes: (Referring to memo...bullet #3) "Should the Code be allowed in controls other zones with tighter, like the Senior Housing Overlay Zone?"

Shawn Eliot: Right now the only places designated on the map are: the green area in the northwest, the orange area at the top and possibly the Cloward land.

Dayna Hughes: Another question: should PUD be allowed at all on developments less than 10 acres?

Further discussion on acquisition of park land. Mr. Eliot suggesting that the City work their way toward the eventual purchase of land.

Dayna Hughes: What about PUD's with multi-family units?

Shawn Eliot: The feeling has been that "affordable housing" would only work with multi-family units; but there are other ways to address this element. The Highland Code basically says, "you get density and we get parks". This is much simpler. The amenities we are looking for are trails, lighting, open space, etc.

Dayna Hughes: How should the density bonuses be adjusted? Is everyone in agreement to decrease the required number of acres to be able to have more PUD's? Where do we want them?

City Council Comments:

Sean Roylance: He would like to see the underlying zone have the minimum lot size increased, to have a greater incentive to offer amenities. He would like the Planning Commission to recommend the size of lot; but he does not agree with starting at 12,000 sq. ft. as a base and then applying the PUD.

R. Adamson: There are two north areas: 1) 12,000PUD 2) R&L-1-20,000...would it make sense to have those consistent with one another?

Derrek Johnson: He agrees with Chairman Adamson.)

Shawn Eliot: Highland allows the underlying zone to be whatever...then if you want to do the "park open space" overlay; they automatically go to one acre and work the way down in lot size from there. The City could leave the zone as R&L-1-20,000; but he would change the 12,000PUD Zone.

When you start at a minimum lot size of ½ acre, it allows some room to go down from there.

Dayna Hughes: Should there only be one PUD Code all under R-1-12,000 Zone?

Shawn Eliot: Do we want one or the other? Do we keep it as a zone or have an overlay? He feels the answer is "overlay".

The Council generally agreed with him...with no PUD Zone.

Shawn Eliot: So, one of the things to look at is writing a zone that keeps the established lots what they are currently.

Dayna Hughes: So the answer to, "Should the Code be allowed in controls other zones with tighter controls?" Is, yes.

Mayor Dunn: The application of the overlay itself would be a "tightening".

Shawn Eliot: It would also have to be approved by the City Council. IF fact if someone came in with a Concept Application, the Council would have to decide if they want that use in that particular area.

Sean Roylance: ½ acre lots seem like a good place to start at for density bonuses; but the Planning Commission will have to recommend after their decision is made.

Nelson Abbott: It also depends on the amount of ground they are to bring in, as well.

Sean Roylance: Regarding location of the overlay zone: In his opinion, he would be hesitant to say it could be applied to the Hillside Residential Zone. (The "Cluster Overlay" applies to this.)

Julie Haskell: She is in agreement with what has been said.

**ELK RIDGE
CITY COUNCIL MEETING
July 8, 2008**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, July 8, 2008, at 7:00 PM**; this was preceded by a **Joint City Council – Planning Commission Work Session at 6:00 PM**

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT; and to the members of the Governing Body, on July 3, 2008.

7:10 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; *Planning Commission:* Russell Adamson, Westin Youd, Dayna Hughes, Kevin Hansbrow, Dave Holman, Scot Bell, & Paul Squires; *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Plan Coordinator:* Margaret Leckie; *Scouts:* (?) Johnson, Harrison, Taylor, Henrickson; *Public:* RL Yergensen, Griff Johnson, Cindi Ellis, Bob Kolibar, Sean Nielsen + another person (name not legible), Doris and Vernon Fritz; and the *City Recorder:* Janice H. Davis

**CITIZEN OF THE
YEAR PRESENTATION**

Mayor Dunn: The City Council honored two individuals: Vernon Fritz (former Mayor of Elk Ridge) and Cindi Ellis (former City Councilmember), as Citizens of the Year for 2008. Mayor Dunn commented on their years of service to the Community, the difference they have made and thanked them both in behalf of the current City Council and the City.

Plaques were presented to both.

*Councilmember Johnson will get the nominating paragraphs to the two of them.

**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 NELSON ABBOTT TO APPROVE
THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:10 PM**

VOTE: YES (5)

NO (0)

PUBLIC FORUM

1. Cindi Ellis: (Resident on E. Salem Hills Drive) Salem Hill Drive is designated as a "collector" class road; Mrs. Ellis has a few issues with this:

- The road was installed as ½ + 9' and has about a 40' right-of-way that is city property in weeds. (When the road was re-done, it was still left at sub-standard)
- Typically people do not use Salem Hills Drive (They use Canyon View or Hillside)

Proposal:

- Remove the classification of "Major Collector"
- Change/improve road to fit 56' right-of-way, rather than 66' & deed 10' to the Ellis'
- Place the improvements to the road back on the Capital Improvement Plan to accrue the necessary money to accomplish this (the improvements used to be listed on the Capital Improvement Plan)

Mayor Dunn: The connecting piece between West & East Salem Hills Drive was on the list of road qualifying for Road Impact Fees. There are a couple of developers looking to develop that portion of the road and the City would rather have these roads improved by developers. He agrees with Mrs. Ellis that the east side of E. Salem Hills Drive needs to be improved.

2. Shawn Eliot: (Addressing CDBG Grants)

Typically, the City does not qualify for these funds; but there are a couple of ways to approach these grants:

1. Community-wide Projects: 51% of the community (80% or less of the County-wide median household income. Example: if it is \$50,000/year, we would have to have 51% (or a majority) of the community at under 80% of that \$50,000/yr.
2. Localized Project: A survey must be conducted in the area of town where we want to do a project; door to door, collecting income levels from the residents. If 51% of those residents fit that 80% or less of the median average, then the City would qualify for funding for that area of town.

Mr. Eliot thinks that the older portions of town could qualify for curb/gutter and storm drain. It may be worth the effort to find out. The other point is that the surveys counts with whoever turns the surveys back into the City.

The survey could take into consideration income and ethnic issues. The application is due in December, 2008.

The Council agreed that this would be beneficial to pursue.

**Shawn Eliot is to inform the Mayor of the meeting schedule associated with this application.*

**DOE HILL ESTATES –
FINAL ACCEPTANCE
OF CONSTRUCTION
PHASE & BEGIN
DURABILITY RETAINER**

Doe Hill Estates' developers have requested that the Council accept the construction phase as complete and to begin the Durability Time Period. Their request was in the form of a letter, dated July 1, 2008.

They mentioned that the project was substantially complete last fall...dry utilities are now complete and all punch list items have been addressed. They mentioned two outstanding items that they proposed the City handle in their recommended manner:

- "1) Small section (150') of asphalt trail on lot 1: This section of trail is effectively useless until such time as the balance of the trail is installed across Kim Christensen's property. We propose either a) installing it at the time we do our 1" overlay or b) give the city the amount of money required to install it and the city can install it whenever it desires (when doing other paving work in the city or when the rest of the trail is installed, etc.).
- 2) Curb, Gutter & Sidewalk on west side of lots 24 & 25: At the commencement of this project, we were told that Cloward Estates "B" would be constructed before of simultaneously with Doe Hill. That has not yet happened; therefore we cannot install these improvements along that +/- 200 foot stretch. We suggest the city allow us to install the improvements once Cloward estates "B" is constructed...in the meantime, lot 25 is inaccessible. We suggest that until such time as these improvements are installed, lot 25 should be regarded as 'unbuildable' or 'non-permittable'."

Comments:

Corbett Stephens: There are two items that need to be done; the confusion came when the County told us that nothing can be put in the right-of-way. The developers (in their plan) had proposed to do curb & gutter, storm drainage and everything they can in the right-of-way...but the County says, "No". The confusion continued into the installation of the trail and it got omitted. Shawn Eliot was the one that noticed this omission. We have spoken to the developer and he is proposing to install that trail at the same time as their required 1" overlay...Mr. Stephens feels this makes sense.

Lot 25: a portion of the frontage was to be installed with Cloward Estates, Plat B; which has been extended. All of the road is on Cloward estates; there is only a bit in Doe Hill Estates. Doe Hill was to install curb/gutter & sidewalk that fronted their property.

Nelson Abbott: If Cloward Estates did not install the road, would not the developers for Doe Hill be required to install the road, curb/gutter & sidewalk; then collect from Cloward as an off-site reimbursement? Isn't that the way the Code is written?

Corbett Stephens: They are proposing to leave lot 25 unbuildable until the road is installed by Cloward Estates...that was on the original plat.

All the punch list items are being completed except that there is an issue with the joint between the gutter and the asphalt: there has been a problem with the asphalt company doing a bit of damage (cosmetic, not structural). The asphalt company has taken full responsibility and has tried to patch it; however the patch is not working. The proposal is to allow the asphalt company to fix the problem...this would be the only item that would be considered a "conditional" approval. (Geneva is the asphalt company.)

Raymond Brown: He is not sure about leaving lots 24 & 25 vacant until Cloward B "catches up". He would rather see the street installed with an off-site reimbursement. (*Mr. Stephens commented that the Code is written that way.*) He does not like to see "islands" of homes that are not fully developed.

Derrek Johnson: Hasn't the City gotten into trouble in the past, granting conditions on Council acceptances?

Raymond Brown: Cindi Ellis' situation on E. Salem Hills is a good example.

Griff Johnson: (developer of Doe Hill) When they did their "walk through" with Craig Neeley (Aqua Engineering) and their contractor, it was okay with everyone that they would take care of certain things at the one-year mark (time of the overlay)...in fact, Mr. Johnson told Geneva Asphalt to do their work prior to this winter: Seal between gutter and asphalt.

Last week Geneva Asphalt fixed all the other little things.

Lot 25: He does not think that the roadway is dedicated to the City by Cloward Estates, so how would they be able to work on it? The improvements for this section of the road were never part of their requirements, not were they part of their construction drawings...He does not feel this should be required of them. They are willing to not have this lot built upon until the road is in. The lot has all its utilities stubbed to it...it has sewer and water...that road is someone else's property. He feels their proposal is fair.

Lot 24: Has adequate frontage on the road that is installed and is a buildable lot.

Shawn Eliot: He is correct that the Plat was approved with the stamp on it indicating that this lot is not buildable. When the other development comes in, the access to lot 25 would be completed. This is not the ideal way to develop, but it was approved.

Nelson Abbott: Referring to Item #1: He is not comfortable with "b" of the options...Prices just keep increasing, so the City could find itself short of the money necessary to install the improvements. He thinks installing the trail at the one-year date would probably save money.

Mayor Dunn: So the motion would exclude "a".

City Recorder: The reason for the year delay for the overlay is to give time if the improvements settle and need to be repaired. Rushing the process may not be advisable.

Griff Johnson: The overlay would be at the year mark.

The written recommendation from the City Engineer, Aqua, was not available for the meeting this night.

The Council felt that approval should wait until that letter of recommendation is available.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO TABLE ANY ACTION TO BE TAKEN ON THE DOE HILL ESTATES SUBDIVISION UNTIL JULY 22, 2008; AND UNTIL THE LETTER OF RECOMMENDATION FROM THE CITY ENGINEER IS AVAILABLE; WITH THE UNDERSTANDING THAT THE ONE INCH OVERLAY AND THE TRAILS WILL BE INSTALLED AT THE SAME TIME AND THAT LOT 25 MAY BE DEVELOPED WITHOUT HAVING A PORTION OF THE ROAD COMPLETED...WITH THE CRACK SEAL BEING DONE PRIOR TO THE COMING WINTER; ALL SUBJECT TO THE APPROVAL OF THE CITY ENGINEER

VOTE: YES (5)

NO (0)

ROCKY MOUNTAIN
SUBDIVISION,
PLAT A – FINAL
ACCEPTANCE &
RELEASE OF
DURABILITY RETAINER

Letter from Aqua Engineering dated July 3, 2008:

"A final durability inspection of the referenced project was conducted July 1, 2008. Based on the condition of the public improvements, it is recommended that the project developer be released from the durability obligation."

Letter from Corbett Stephens to the Council, dated 7-8-08:

"The final inspection for the above referenced subdivision has been held and the contractor has satisfactorily completed all of the required items. The required 2 year durability period has expired as of May of this year. There are no outstanding issues required of the developers.

In conjunction with Mr. Craig Neeley, Aqua Engineering, I too recommend final acceptance of the subdivision. All remaining funds held as guarantee for this subdivision could at this time be released with a minimum of \$500.00 held as security for final payment of outstanding invoices yet to be received from Aqua as well as inspection invoices from Elk Ridge City."

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY RAYMOND BROWN TO APPROVE ACCEPT THE IMPROVEMENTS FOR THE ROCKY MOUNTAIN SUBDIVISION, PLAT A, AS COMPLETE AND TO AUTHORIZE THE RELEASE OF ALL BUT \$500 OF THE DURABILITY RETAINER TO THE DEVELOPER, MR. MICHAEL DUBOIS, AS PER ENGINEERING RECOMMENDATION AND THE RECOMMENDATION OF THE CITY BUILDING OFFICIAL

VOTE: YES (5)

NO (0)

OAK HILL ESTATES,
PLAT D –
EXTENSION REQUEST
ON CONSTRUCTION
PHASE

RL Yergensen: Mr. Yergensen has been involved in a subdivision elsewhere, where he is building a new home for himself (in South Jordan). He has encountered problems with this subdivision and that is the reason he gave the Council for not being here in Elk Ridge as much lately. There are other circumstances he would like the Council to consider, as well:

Letter requesting an extension, dated July 3, 2008:

"At the present time we are in the process of connecting on to sewer line which was installed last year. Allied Construction the installers of the sewer line agreed to leave a well point which was near the manhole that I need to tie into. They did not do as they agreed, as the well point was removed. I am in the process of obtaining the necessary parts and equipment to get this job done.

I received final city council approval on the 31st of July, 2007 and signed the development agreement.

At this time I am asking for an extension until November 1st, 2008.

In my files at Elkridge City hall there is a letter of instruction from Mr. Hanson from the extension services; he recommends, in his letter that the seeding be done between September 15th and October 15th.

I have contacted Dewayne Curtis, who is with Strawberry Electric; the start date is on or before August 1st 2008; to be completed by August 15th 2008.

August 15th - Start the completion of Rock Walls, which will to be completed by October 1st...

Preparation for seed bed to be completed by Oct 10th and seeding completed by Oct 15th.

The vegetation will be as per instruction and recommendation of Mr. Hanson,"

(Mayor Dunn read the letter to the Council.)

Mr. Yergensen says he will follow the following schedule:

- Re-vegetation: Between 9-15-08 and 10-15-08
- Electrical: Complete by 8-15-08
- Rock Walls: Complete by 10-1-08

Comments:

Mayor Dunn: Mr. Hansen is the man that works in the Dept. of Agriculture; he is guiding Mr. Yergensen through the re-vegetation process.

Sean Roylance: What does the Code say about any restrictions to granting this extension?

Shawn Eliot: The Code states that the Construction phase is until October 1st and then the Council can grant an extension; but only until July 1st of the following year...in this case, this was last July. We are out of compliance with what the Code says. Mr. Eliot recommends: rather than granting an extension, the City could put Mr. Yergensen on notice that he is out of compliance and he could be given a time period to have the improvements completed...October 15th or November 1st. Then you are not granting extension after extension; this would not set precedence for other developers. The Code is specific in only granting extensions until the following July...unless the Council would like to change the Code.

Mr. Eliot mentioned the lot across from the Fred Gower lot: The property along the road and also the hillside that was graded to put Hillside Drive through...re-vegetation has been discussed; and Mr. Yergensen has talked of waiting until the lot develops, then irrigating it with the re-vegetation...Question: Is there a possibility to just use a natural seed along the road and on the hillside in that area? (Gower's lot and Eliason's lot)

What has happened along that steep hillside is that there are weeds instead of natural growth...those types of weeds do not hold the hillside well and they tend to burn better than the natural growth. Could this area be seeded at the same time that the rest of the re-vegetation takes place?

Derrek Johnson: He agreed that something needs to be done in this area.

Shawn Eliot: This is a steep hillside that will not be developed.

Paul Squires: He has been concerned about a comment made earlier regarding the re-seeding plan; he has not seen the plan yet. If some roots are planted now, the requirement would be satisfied...he does not believe that native grasses alone will hold that hillside...this was also Mr. Hansen's opinion. Mr. Hansen did not feel that hillside would make it through the winter of 2009 without some vegetation on there.

Mayor Dunn: Questioned whether the specifics for re-vegetation were listed on the mylar for the Plat.
(Mr. Eliot was unsure.)

Nelson Abbott: According to Mr. Yergensen's letter, the information regarding re-vegetation is in his file.

Paul Squires: (Read from the Planning Commission regarding re-vegetation) "Motion was made by Russell Adamson and seconded by Paul Squires to recommend approval of the Final Plat of Oak Hill Estates, Plat D, with the following conditions: #17 talked about the drainage; #18 talked about the re-vegetation plan and that it shall include the planting of native brush and grasses; such as gamble oak, sage, bitter-brush and grass shown on the re-seeding plans submitted by RL Yergensen...". The Planning Commission felt that the re-vegetation should be more than the grasses; it should be some of the native vegetation that came off of the hill, as well.

(RL Yergensen stated that he would have no problem with this; with one exception...that the oak could be established without having to be irrigated...that is his only concern.)

Mr. Squires continued: That has been discussed; and it was decided that, yes...if he would include sage and brush with the grasses.

Mayor Dunn: Reiterated Mr. Yergensen's question whether this plan could survive without watering...

Mr. Yergensen: It would probably survive...

Mr. Squires: (He mentioned he has a degree in biology) Gamble Oak is something that can be "put in the dirt" with the roots and it will grow. It just seems to survive>"

(Mr. Yergensen mentioned the added problem of those being available in the spring.)

Originally, it was mentioned to take the roots of the plants as they were removed.

Shawn Eliot: Then the motion should include having the re-vegetation in by October; except for the oak, which will not be available until spring.

Paul Squires: Mr. Yergensen had originally spoken of using "saw-tooth" maple...which Mr. Squires says would only grow on the south of a west facing slope.

Derrek Johnson: HE feels there has been more than ample time to clean up the hillside; he is frustrated in granting more conditions on another extension.

Mr. Eliot: The Code says that once a developer is out of compliance; the City can take the bond and have the work done; this takes time and we would have to wait for the right season and the same time frame to plant, as well. All that is left would be the rock wall. The Code does allow for stronger penalties; it is whether on not to take those measures.

Derrek Johnson: He feels the City should take action against Mr. Yergensen; he could have had things done by last spring. He understands that the City could not complete the work, at this point, any faster than Mr. Yergensen; but he is frustrated because the work could have been done sooner.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY JULIE HASKELL TO NOTICE MR. P. YERGENSEN THAT HE IS OUT OF COMPLIANCE AT THIS TIME; AND THAT HE NEEDS TO HAVE THE REMAINING IMPROVEMENTS COMPLETED FOR THE OAK HILL ESTATES, PLAT D SUBDIVISION WITHIN THE TIME FRAME INDICATED ON HIS LETTER TO THE CITY COUNCIL, DATED JULY 3, 2008:

- **ROCK WALL: BY OCTOBER 1, 2008**
- **PREPARATION OF THE SEED BED: BY OCTOBER 10, 2008**
- **SEEDING COMPLETED: BY OCTOBER 15, 2008**
- **OAK BRUSH PLANTED: BY APRIL 15, 2009 (WEATHER PERMITTING)**
- **IF THERE IS A LACK OF COMPLIANCE ON ANY OF THESE CONDITIONS, THEN THE CITY WILL DECLARE THE DEVELOPER "IN DEFAULT" AND WILL USE THE BOND TO HIRE A CONTRACTOR TO COMPLETE THE WORK**

VOTE: YES (5)

NO (0)

NON-AGENDA

1. Cindi Ellis: She asked about something in the Code to force contractors to keep the streets and areas cleaned-up.

Shawn Eliot: Any violation of the City Code has penalties attached to it...including fine in an amount "up to \$1,000/day...with each day considered a separate violation.

The weed issue along the Road: the Code does not allow long weeds along the roadways. The roads are the City's to maintain.

Mayor Dunn: (Update) The Mayor spoke to Kent Haskell to see if he will take his farm tractor with a mower and cut down the City's weeds...the City is in violation and needs to be in compliance prior to any action being considered against private citizens. Mr. Haskell charges \$75/hour for the use of his tractor. He is not sure of the number of hours would be involved in this project. He would like to have Kent give an estimate of the hours. A list of properties should be provided.

*The Mayor and Mr. Haskell will drive the City and prepare a list.

One of the developers of the subdivision on the north side of Park Drive (Crestview Estates 1) asked if the City knows of anyone that could cut down the weeds on their property. He has hired Mr. Haskell.

2. Tank Lights: One of the residents (Cove Drive), Mr. Scribner, has yard play toys located on City property beside the new water tank. He said he had no problem with moving the toys; however, has recently approached the City with a proposal to purchase the piece of land where the toys are located.

*Mayor Dunn said he would come back to the Council with more information; if the land is not needed for some reason associated with the tank and security, then he said he would bring the offer up to the Council.

PARK & RIDE –
UTA VAN

Mayor Dunn: Richard Dent (resident of Elk Ridge) contacted the Mayor regarding the idea of a UTA Van coming to Elk Ridge for commuters to Provo. His idea would be have the parking area be on City property. Mr. Dent has contacted the UTA and Mayor Dunn suggested he speak to Mayor Bills (Payson), who is on the Board of Directors of the UTA.

*The Mayor will also contact the UTA.

Shawn Eliot: He offered information regarding who to contact:

Timpanogus UTA (225-9268)...Coordinator: Stacy Adamson (She can match people up to van pools)

ORDINANCE
APPROVAL –
FLAG LOT CODE

The Planning Commission is proposing to take away all references to flag lots in the City Code:
(Memo from Planner to Council, dated 7-8-08)

Background

Members of the Planning Commission and City Council have been concerned about allowing flag lots within the City. Two proposals have been reviewed recently with mixed reviews. This is probably due to the intent of what flag lots are intended to do vs. trying to develop an extra lot as part of a subdivision. Most cities allow flag lots for infill areas. These are typically areas that have been developed and surrounded by homes leaving an interior pocket of derelict property; a flag lot can clean up a nuisance. In new developments, having larger lots because of limitations of road layout, natural conditions, etc, doesn't necessarily dictate that a larger lot will become a nuisance (the minimum lot size in a zone is not a guarantee).

The Planning Commission had reservations about completely removing the flag lot Code. Of concern was there might be areas within the City that infill development would be appropriate. Two issues were a must if a change to the flag lot Code was made: flag lot size should be larger than the underlying zone to help space density and flag lots should not be allowed in new subdivisions. At the 12 June Commission meeting, maps were reviewed of the West Gooseneast area and the older areas of the City. After review it was determined that there were no infill areas that have the potential for flag lots. In the West Gooseneast area, access to undeveloped areas could be done with new roads. In the older areas of the City, the required frontage for the stem of a flag lot and land for a flag lot being larger than the underlying Code is not available. The Commission at this point decided to go forward with rescinding the flag lot Code.

Proposal

It is proposed that all reference to flag lots be removed from the Code and that flag lots not be allowed within Elk Ridge.

Staff Finding

- There do not seem to be areas within the City that require infill lots
- Allowing flag lots so a developer can maximize their land is not desired and is not the intent of most other cities' flag lot ordinances
- Salem recently rescinded their flag lot ordinances
- Lindon, Alpine, Eagle Mountain, Mapleton and Woodland Hills do not allow flag lots
- Most Planning Commission and City Council members have not favored flag lots

Planning Commission Motion

A motion was made by Westin Youd and seconded by Paul Squires to recommend to the City council that they approve the proposed rescinding of the flag lot code as listed in the attached proposed change to the development code. The Commission finds that rescinding the flag lot code will remove the desire to create more density on odd-shaped parcels and is not needed for infill development. Vote: Yes-all (3); No-(2) Dave Holman, Kevin Hansbrow; Absent (2) Scot Bell, Russ Adamson

City Council Discussion

The City Council should decide:

- If the proposed rescinding of flag lots from the Code is better suited for the type of development desired in Elk Ridge?
- If there is a need for infill flag lot development in Elk Ridge?

Staff Recommendation for Council Motion

- Motion: That the City Council approves the rescinding of the Flag Lot Code as listed in the attached Flag Lot Ordinance. The Council concurs with the Planning Commission findings that rescinding the Flag Lot Code will remove the desire be developers to create more density on odd shaped parcels in new developments. The Council also concurs that the Planning Commission's review shows that flag lots are not needed in the older or rural areas of the City for infill development."

The was little Council discussion, except that Councilmember Brown was very much in favor of rescinding the Flag Lot Code.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO APPROVE AND ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE PROVIDING FOR THE RESCINDING OF FLAG LOTS WITHIN THE CITY OF ELK RIDGE DEVELOPMENT CODE

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

Passes 5-0

CITY CELEBRATION
SUMMARY

Derrek Johnson: The Celebration went well. He publicly thanked his wife for her assistance in the whole process. He would like to thank the Sheriff for all of his support with the Celebration.

Suggestions for next year's Celebration: Craft booths, Talent Show, Quilt Show

There were many great comments from both residents and non-residents about the whole Celebration.

Volunteers make the event!

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON TO SEND A LETTER OF "THANKS" TO THE SHERIFF; SIGNED BY THE MAYOR AND ALL THE CITY COUNCIL

VOTE: YES (5) NO (0)

APPROVAL OF
PLANNING
COMMISSION MEMBER

This item was mistakenly placed on the Agenda...there are no vacancies on the Planning Commission at this time.

EXPENDITURES

General:

1. *Weed Abatement for City Property:*

The Mayor will get an estimate from Kent Haskell and bring the information back to the Council.

Sean Roylance: This is important for the City to set the example and because the citizens feel it is important.

NEW EMPLOYEE

- PLANNING

COMMISSION ASST.

Mayor Dunn: After interviewing five people to take Margaret Leckie's place, he had Mrs. Leckie take the candidates through a skill-based test period; that narrowed the field and one demonstrated very good skills: Marissa Bassir. The Mayor has offered the position to Mrs. Bassir and she has accepted.

MINUTES

Minutes of May 27, 2008:


MOTION WAS MADE BY RAYMOND ROWN AND SECONDED BY DERREK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 5-27-08, AS CORRECTED

VOTE: YES (5)

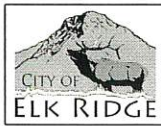
NO (0)

ADJOURNMENT

At 8:50PM, the Mayor adjourned the Meeting.


City Recorder





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

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

AMENDED NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, July 22, 2008, at 6:00 PM**

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

6:00 PM -

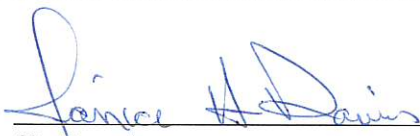
REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance Invitation
- Approval/Agenda Time Frame
- 6:05 Public Forum:
- 6:15 1. Doe Hill Estates – Final Acceptance of Construction Phase & Start Date of Durability Time Period
- 6:25 2. Kimber Estates Subdivision, Plat A – Preliminary & Final Plat Approval
- 6:40 3. Code Amendments from the Planning Commission:
 - A. Elk Ridge City Code Amendment Rescinding the R-1 15,000A Zone
 - B. Elk Ridge City Code Amendment Rescinding Section 10-4-1.1:
Uses Conditional in Zones Unless Expressly Permitted or Conditional
 - C. Elk Ridge City Code Amendment regarding Ridgeline Setback in HR-1 Zone
Sensitive Areas Map
 - D. Elk Ridge City Code Amendment on a Senior Housing Overlay Zone
(Re-do on Vote due to lack of publication)
- 7:30 4. Rescind Motion to adopt the Building Heights Code Amendment
- 7:40 5. Road Dept. Issues: - Raymond Brown
 - A. Loafer Canyon Road – Curb & Gutter
 - B. Sidewalk and Curb/Gutter on North Elk Ridge Drive
 - C. General Road Repairs Update
- 8:00 6. Code Violations in Residential Zone – Mayor Dunn
- 8:30 7. Expenditures: General
 - A. Staff Wages
- 8:35 8. Water Tank Security Lighting – Mayor Dunn
- 8:45 9. City Council Minutes
- Adjournment



Handicap Access, Upon Request. (48 Hours Notice)

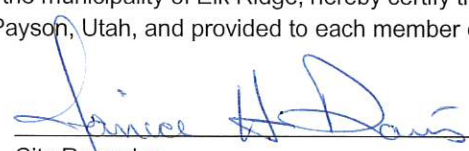
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 21st day of July, 2008.



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 July 17, 2008; and an Amended Agenda on 7-21-08.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
July 22, 2008**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, July 22, 2008, at 6:00 PM.**

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

Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on July 17, 2008; & an Amended Agenda on 7-21-08.

6:00 PM –

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Sean Roylance, Raymond Brown & Nelson Abbott; *City Planner:* Shawn Eliot; *Public:* Linda Christensen, Lisa Denning, Erin & Robin Clawson, Karl Shuler, Trulan Preece, Dane & Wendy Kimber, Anna Walker, Barbara Andersen, Lesley M. Johnson, Robin Brown, Michael Brockbank, Marlena Money, Jason & Emilee Andersen & Jamie Towse; *Scouts:* Spencer Brown

**REMARKS
& PLEDGE OF
ALLEGIANCE**

An Invocation was offered by Julie Haskell 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 NELSON ABBOTT TO APPROVE THE AGENDA TIME FRAME

VOTE: YES (5)

NO (0)

PUBLIC FORUM

There were no public comments.

**DOE HILL ESTATES –
FINAL
ACCEPTANCE OF
CONSTRUCTION
PHASE – BEGIN
DURABILITY
RETAINER**

(Memo from Aqua Engineering, dated July 16, 2008)

"This memorandum serves as notification that a final inspection has been completed and the referenced project is recommended for acceptance based on the following conditions:

1. Developer will pave and complete the trail along 112th South County Road at the same time the 1" overlay is installed.
 2. Lot 25 will remain undevelopable until the adjacent surface improvements are completed. Developer will pay the costs to complete said surface improvements when the street is extended to the south. I recommend that the developer be required to maintain some sort of construction security for this obligation.
 3. Prior to the end of the 2008 paving season, Developer will crack seal all defective joints and seams between asphalt pavement and concrete curb and gutter.
- If these conditions are approved and the project is accepted by the city council, the beginning of the two-year durability period will be July 22, 2008."

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO RELEASE DOE HILL ESTATES, PLAT A, FRONT EH CONSTRUCTION PHASE OF THE DEVELOPMENT PROCESS; AND, AS PER ENGINEERING RECOMMENDATION, TO BEGIN THE DURABILITY TIME PERIOD AS OF JULY 22, 2008; WITH THE FOLLOWING CONDITIONS:

1. Developer will pave and complete the trail along 112th South County Road at the same time the 1" overlay is installed.
2. Lot 25 will remain undevelopable until the adjacent surface improvements are completed. Developer will pay the costs to complete said surface improvements when the street is extended to the south. I recommend that the developer be required to maintain some sort of construction security for this obligation.
3. Prior to the end of the 2008 paving season, Developer will crack seal all defective joints and seams between asphalt pavement and concrete curb and gutter.

VOTE: YES (5)

NO (0)

**KIMBER ESTATES
SUBDIVISION, PLAT A
PRELIMINARY & FINAL
PLAT APPROVALS**

(Memo from Planner to Council, dated 7-22-08)

Background

The Kimber's are proposing a one lot subdivision at 466 North Canyon View DR (along the unfinished portion of the road between Bridger LN and Hudson LN). The applicants own 3.53 acres of land and are proposing to subdivide 2 acres of it. The property is within the R&L-1-20,000 zone. They plan on having a single family home with horses, which are allowed in the zone. The proposal also completes Canyon View DR in front of their property and there is a proposal that the city could complete the remaining portion (about 100 feet) of the road creating a vital connection to this area of the city.

Staff Finding

- The subdivision conforms to the development code and standards.
- The city council will need to approve the location of the home since it is over 200 feet off the road.
- A fire hydrant is located on the property as per code.
- Being a one lot subdivision, preliminary and final plats are being submitted together.

Staff Recommendation

Staff recommends approval of the Kimber Estates subdivision.

Planning Commission Motion - Draft

A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW THAT THE PLANNING COMMISSION APPROVES THE PRELIMINARY AND FINAL PLATS OF THE KIMBER ESTATES SUBDIVISION AND RECOMMENDS THAT THE COUNCIL ALSO APPROVE EACH PLAT. THE COMMISSION FINDS THAT THE SUBDIVISION CONFORMS TO THE GENERAL PLAN FOR THE R&L-1-20,000 ZONE AS WELL AS THE DEVELOPMENT CODE AND STANDARDS. THE CONTINUATION OF CANYON VIEW DR IS ALSO IMPORTANT IN IMPLEMENTING THE TRANSPORTATION PLAN OF THE GENERAL PLAN. THIS APPROVAL IS CONTINGENT UPON WATER RIGHTS PAID AND APPROVED. VOTE: YES (6), ABSENT (2) SCOT BELL, DAVE HOLMAN.

City Council Discussion

- Does the proposed subdivision conform to the general plan, development code and standards?

Staff Recommendation for City Council Motion

Motion: that the city council approve the preliminary and final plats of the Kimber Estates subdivision. The council agrees with the planning commission findings that the subdivision conforms to the general plan for the R&L-1-20,000 zone as well as the development code and standards. The council also agrees with the finding that the continuation of Canyon View DR is also important in implementing the transportation plan of the general plan."

(A copy of the Planning Commission Minutes were included in the Council packets.)

Comments:

Discussion on the extension of Canyon View Drive (the approximately 200' of dirt road right-of-way owned by the City): The City would participate in the installation of the road from the portion installed by the Kimbers' and Bridger Lane; however, it is not in the current year's budget.

The contractor (Trulan Preece) requested to pour concrete for the foundation of the home at the same time that curb & gutter are poured for the road to take advantage of a single mobilization charge rather than two.

The contractor understands that there must be access to the home provided for emergency services. No framing of the house will be started until there is asphalt on the road, according to Code.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO GRANT PRELIMINARY AND FINAL PLAT APPROVALS TO THE KIMBER ESTATES SUBDIVISION, PLAT A; ALLOWING THE CONCRETE FOR THE FOUNDATION OF THE HOME TO BE POURED AT THE SAME TIME AS THE INSTALLATION OF THE CURB & GUTTER FOR THE ROAD WITHOUT THE ASPHALT BEING IN PLACE ON THE ROADWAY, AS REQUIRED BY CODE.

- IT IS TO BE UNDERSTOOD THAT ANY FRAMING OF THE HOME WILL NOT COMMENCE UNTIL THE ASPHALT ON THE ROAD IS INSTALLED AND THE IMPROVEMENTS ARE ACCEPTED AS COMPLETE

VOTE: YES (5)

NO (0)

**CODE
AMENDMENTS****1. Code Amendment Rescinding the R-1-15,000 A Zone:**

(Memo from Planner to Council, dated 7-22-08)

"Background

At the last land use meeting of the general plan update, it was brought up that the R-1-15,000A zone should be rescinded and that the few lots within it become R-1-15,000. This zone currently allows animal rights only on half acre lots in a third acre zone (there are currently no lots in this zone half acre or greater). When the Rocky Mountain Subdivision was approved (basically the only subdivision within this zone), the animal right issue was a concern to the council. The applicant placed in the development's CC&Rs that no animal rights were allowed (except for household pets). Basically with this requirement, there is no need for the R-1-15,000A zone.

Rescinding this zone would be a house cleaning measure. The planning commission discussed this item at the June 12 meeting and had a public hearing on July 10. No comments were taken. The commission recommended that the zone be rescinded and that the zoning map and land use map be amended to replace the R-1-15,000A zone with the R-1-15,000 zone.

Planning Commission Motion

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY KELLY LIDDIARD TO RECOMMEND TO THE CITY COUNCIL THAT THE R-1-15,000A ZONE BE RESCINDED FROM THE DEVELOPMENT CODE BECAUSE THE BASE LOT SIZE OF THE ZONE IS NOT APPROPRIATE FOR ANIMAL RIGHTS AND THAT THE ONLY DEVELOPMENT WITHIN THE ZONE HAS CC&RS THAT DO NOT ALLOW FOR ANIMAL RIGHTS. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY WESTON YOUNG TO RECOMMEND TO THE CITY COUNCIL THAT THE AREA THAT WAS ZONED R-1-15,000A BE REZONED TO R-1-15,000. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY DAYNA HUGHES TO RECOMMEND TO THE CITY COUNCIL THAT THE ZONING MAP AND FUTURE LAND USE MAP BE AMENDED TO REMOVE THE R-1-15,000A ZONE FROM THEM AND THAT THIS ONE BE REPLACED ON THE MAPS WITH THE R-1-15,000 ZONE. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.

Council Discussion

- Does the council agree that animal rights should not be allowed in a third acre lot zone?
- Does the council agree that there are currently no half acre lots within this zone (nor could there be - zone all subdivided at third-acre lots now) that qualify for allowing animal rights?
- With the only development in this zone not allowing animal rights through CC&Rs, does this take away the need for the R-1-15,000A zone?

Staff Recommendation for Council Motion

Motion One: that the city council amend the development code to rescind 10-7D, the R-1-15,000A zone, with the findings that the base lot size of the zone is not appropriate for animal rights and that the only development within the zone has CC&Rs that do not allow for animal rights.

Motion Two: that the city council re-zone the area that was zoned R-1-15,000A to R-1-15,000.

Motion Three: that the city council amend the zoning map and future land use map to remove the R-1-15,000A zone from them and replace it with the R-1-15,000 zone."

(A copy of the draft of the Planning Commission Minutes were included in the Council packets.)

Comments:

Councilmember Abbott questioned the origin of the proposed Code Amendment. It originated through the Planning Commission. Councilmember Abbott was not in favor of this change coming from the City since the proposed amendment would result in a loss of property rights.

MOTION WAS MADE BY DERREK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE PROVIDING FOR THE RESCINDING OF THE R-1-15,000A ZONE WITHIN THE CITY OF ELK RIDGE DEVELOPMENT CODE, REMOVAL OF THE R-1-15,000A ZONE ON THE ZONING MAP AND FUTURE LAND USE MAP AND REZONING THE R-1-15,000A ZONE TO R-1-15,000; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE
VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, SEAN ROYLANCE-AYE (4) & NELSON ABBOTT-NAY (1)

Passes 4-1

2. Code Amendment Rescinding Section 10-4-1.1 (Conditional Uses):

(Memo from Planner to Council, dated 7-22-08)

Background

In reviewing code, staff found that there was code that stated that if a use was not listed within a zone in the city as permitted or conditional then that use would be conditional in all zones of the city. This language is quite dangerous in that state law allows you to deny a conditional use only if you cannot apply reasonable conditions to it. Basically this code allows anything not listed in our code as permitted or conditional as potentially allowed. There is no need for this language in the code. If a use is desired by an applicant and it is not listed within the city zoning code, the applicant should request a zoning ordinance change and compel the planning commission and city council to add the use to the code.

Proposal

Rescind the following code:

10-4-1.1: USES CONDITIONAL IN ZONES UNLESS EXPRESSLY PERMITTED OR CONDITIONAL:

Uses of land which are not expressly either permitted or conditional within a particular zone, and are not identified as permitted or conditional uses in any other zone that is included in this title, are hereby expressly declared to be conditional uses in all zones, pursuant to the express authority given under the terms of this code. The planning commission, appeal authority, zoning administrator, or other authorized officer, shall only permit such a use within a zone by the terms of this code.

Staff Finding

- The deletion of this language in the code will better protect the city and its residents.
- Any desired uses not currently in the zoning ordinance should follow the process to amend the use to the code.
- Conditional uses are supposed to have a list of conditions that the planning commission should review in making a decision. Allowing multiple uses makes it impossible to have a list of conditions for each possible use.

Planning Commission Motion

A MOTION WAS MADE BY PAUL SQUIRES AND SECONDED BY WESTON YOUD TO THE CITY COUNCIL THAT THEY APPROVE THE RESCINDING OF 10-4-1.1 IN REGARDS TO USES NOT IDENTIFIED AS PERMITTED OR CONDITIONAL BEING CONDITIONAL CITYWIDE. THE COMMISSION FINDS THAT THIS LANGUAGE IS DANGEROUS AND COULD ALLOW HARMFUL ACTIVITIES WITHIN THE CITY. THE AMENDMENT IS SUPPORTED BY THE GENERAL PLAN IN REGARDS TO PROTECTING SPECIFIC USES IN ZONES. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.

Council Discussion

Is the rescinding of 10-4-1.1 appropriate?

Staff Recommendation for Council Motion

Motion: that the city council amend the development code to rescind 10-4-1.1 in regards to uses not identified as permitted or conditional being conditional citywide. The council agrees with the planning commission findings that this language is dangerous and could allow harmful activities within the city. The amendment is supported by the general plan in regards to protecting specific uses in zones."

Comments:

Discussion included comments from Councilmember Abbott regarding the reiteration of his objections to a Code amendment which would remove property rights.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY DERREK JOHNSON TO ADOPT AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE PROVIDING THE RESCINDING OF 10-4-1.1: USES CONDITIONAL IN ZONES UNLESS EXPRESSLY PERMITTED OR CONDITIONAL WITHIN THE CITY OF ELK RIDGE DEVELOPMENT CODE; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

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

Passes 4-1

3. Code Amendment regarding Ridgeline Setbacks in the HR-1 Zone:

(Memo from Planner to Council, dated 7-22-08)

Background

The Hillside Residential 1 Zone code was passed unanimously by the city council on 26 Feb 2008. As a part of the new zone the city attorney suggested that to better allow developers/landowners to identify what sensitive land features the city wanted to preserve through the code that the code reference a map that the city would have on file. The commission has worked extensively on this map. As a part of the map discussion, setbacks from ridgelines were a concern. The current code requires that a building envelope set back 100 feet from any 20% or greater slopes associated with a ridgeline identified on the Sensitive Areas map. The concern was this requirement was too restrictive. The commission thought that a 50 foot setback would be more appropriate. The city planner requested that the city council give direction on the matter since the HR-1 code is so new. The council was presented with the information at their meeting on June 10 and was in favor of the change.

At the 10 July 2008 commission meeting, property owners within the HR-1 zone (Karl and Jed Shuler) presented to the commission information that showed that the requirement of setting back from 20% slopes on ridgelines was restrictive as compared with other cities ridgeline ordinances. There are not many cities that have ridgeline ordinances, but the ones the property owners studied required setbacks from 30% slopes. The commission decided to recommend that the code read that the 50 foot setback be calculated from 30% slopes not 20%.

Proposal

Change the HR-1 Zone code to the following:

10.09A.150 – Ridgelines: A ridge is defined as an elongated crest or series of crests of a hill and a ridgeline is defined as the highest elevation of a ridge running parallel with the long axis of the ridge." Any ridge or ridgeline or portion of a ridge or ridgeline with slopes greater than ~~20~~30% shall be designated as open space. The open space area associated with the ridgeline will include all slopes ~~20~~30% or greater and any lesser slopes interspersed within these steeper slopes. Required open space shall also extend uphill ~~100~~50 feet from the crest of the ~~20~~30% slopes. City staff shall designate ridgeline areas citywide and show them on the sensitive lands map on file. No building envelope shall be within these areas.

Staff Finding

- The Sensitive Areas map is a tool to aid developers and the city in planning development.
- Ridgelines are identified to require care when building near prominent hillsides within the city.
- Since the areas of 30% or greater slopes are protected and the goal of the code is to reduce large fills and retention walls on prominent hillsides, reducing the required setback will still accomplish this goal.

Planning Commission Motion

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY WESTON YOUNG TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE PROPOSED AMENDMENT TO THE HILLSIDE RESIDENTIAL 1 ZONE IN REGARDS TO RIDGELINE SETBACKS. THE CHANGE TO 10.09A.150 WOULD ADJUST THE BUILDING ENVELOPE SETBACK FROM THE RIDGELINES AND ASSOCIATED 30% OR GREATER SLOPES FROM 100 FEET TO 50 FEET. ALSO, TO ADJUST THE SLOPE FROM 20% TO 30%. THE COMMISSION HAS DONE EXTENSIVE WORK USING SLOPE ANALYSIS MAPS FROM UTAH COUNTY AND THE DEVELOPERS OF ELK HAVEN IN FORMULATING THE AMENDMENT AND FINDS THAT THE ADJUSTMENT TO THE SETBACK WOULD BE A BETTER BALANCE BETWEEN PRESERVING PROMINENT HILLSIDES FROM EXCESSIVE FILLS AND RETENTION WALLS AND ALLOWING A LANDOWNER APPROPRIATE AREAS TO DEVELOP. THE COMMISSION FINDS THAT THIS AMENDMENT IS SUPPORTED BY THE GENERAL PLAN IN REGARDS TO PRESERVING SENSITIVE HILLSIDES. VOTE: YES (5), NO (1) KELLY LIDDIARD ABSENT (2) SCOT BELL, DAVE HOLMAN.

City Council Discussion

- Is the reduction of the setback from 100 feet to 50 feet appropriate?
- Is the reduction of the setback from 20% slopes to 30% slopes appropriate?

Staff Recommendation for Council Motion

Motion: that the city council approve the proposed amendment to the Hillside Residential 1 Zone in regards to ridgeline setbacks. The change to 10.09A.150 would adjust the building envelope setback from ridgelines and associated 30% or greater slopes from 100 feet to 50 feet. The commission has done extensive work using slope analysis maps from Utah County and the developers of Elk Haven in formulating this amendment and finds that the adjustment to the setback would be a better balance between preserving prominent hillsides from excessive fills and retention walls and allowing a landowner appropriate areas to develop. The commission finds that this amendment is supported by the general plan in regards to preserving sensitive hillsides."

Comments:

Discussion included comments from Karl Shuler that the accompanying Sensitive Area Map agrees with the aerial map and study the Shulers had done. Mr. Shuler commented further: after reviewing other ridgeline regulations in other communities, that Elk Ridge's regulations are the most restrictive.

Mayor Dunn: Reviewed the conditions considered in situations regarded as "takings by restrictions". The City Attorney counseled to be careful not to place ourselves in that position.

The discussion continued; and included comments about Park City...some of the regulations governing their development are based on the nature of the history of Park City and the fact that they are a resort town.

Karl Shuler: Elk Ridge is not a resort town and ridgeline regulations should be less restrictive.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY JULIE HASKELL TO ADOPT AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE PROVIDING FOR THE SETBACK FROM RIDGELINES WITHIN THE HILLSIDE RESIDENTIAL 1 (HR-1) ZONE, WITH A 50' SETBACK ON A 20% SLOPE; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE
VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, SEAN ROYLANCE-AYE (3)
RAYMOND BROWN-NAY & NELSON ABBOTT-NAY (2)

Passes 3-2

Sean Eliot: He explained that ridgelines that go to 20% slope will result in there being no "ridgeline" identification and setbacks would not apply.

4. Sensitive Areas Map:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO TABLE THE ADOPTION OF THE SENSITIVE AREAS MAP TO HAVE THE PLANNING COMMISSION REVIEW THE MAP AND COME BACK TO THE COUNCIL WITH A RECOMMENDATION
VOTE: YES (5) NO (0)

5. Code Amendment regarding Senior Housing Overlay Zone (Re-do on this action):

(Portion of memo from Planner to Council, dated 7-22-08)

"Background

Due to an error in posting the public hearing in the newspaper, the planning commission held another public hearing on 10 July 2008 to make sure the city was in compliance with our code and state law. There were not comments taken at this new public hearing. The commission at this meeting reiterated their motion for denial of this new zone. Everything below is from the original memo from the April 8 public hearing."

The reminder of the memo was the same memo presented at the previous meeting.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ADOPT AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE PROVIDING FOR THE AMENDMENT TO THE DEVELOPMENT CODE REGARDING THE CREATION OF A NEW SENIOR HOUSING OVERLAY ZONE; CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

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

Passes 4-1

RESCIND MOTION TO
ADOPT BUILDING
HEIGHTS CODE
AMENDMENT

(This matter has been under consideration, with information being supplied to the Council by the City Planner as well as the Building Official. The Council directed that the Planner and the Building Official should meet and come to a Code that is agreeable to both and enforceable. The two have met, but have disagreed on the issues. During the last Council Meeting, the Building Official presented information to the Council regarding A comparison of the building heights of various cities was presented to the Council. After discussion, the City Planner suggested that perhaps the issues would be better addressed by focusing on cuts and fills rather than on building heights. The Council agreed that he should come back to the Council with further information.)

Sean Roylance: Based on personal research, Councilmember Roylance challenged the Building Official's findings on building heights, presented at the last Council Meeting.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO TABLE THIS MATTER UNTIL A THOROUGH REVIEW HAS BEEN CONDUCTED AND A RESULTING PROPOSED CODE IS PRESENTED TO THE CITY COUNCIL FOR ACTION

VOTE: YES (5) NO (0)

ROAD DEPT.
ISSUES

1. Loafer Canyon Road – Curb & Gutter:

(Memo from Councilmember Brown to the Council)

"To complete the gutter to the Spencer property on the South end; Complete the East side across from the Anderson property, around the corner to the North Canyon Road to where it is done on the East side of the Anderson property; Approximately 3,078 linear feet

N.R. Hiatt has bid the gutter placement at \$10.50 per foot, \$32,319.00

Cut asphalt and remove for gutter \$ 1.00 per foot, 3,078.00

If base is required (existing material insufficient) to excavate, off haul, 6" road base and compaction

\$ 3.50 per foot, \$10,170.00

\$46,170.00

Mr. Hiatt has offered to help us save money by having us purchase the concrete to save the sales tax, have us purchase the road base if needed, have us haul the off haul, etc."

2. Sidewalk and Curb & Gutter on North Elk Ridge Drive"

Councilmember Brown got a bid of \$5,719 from Noel Hyatt for curb, gutter & sidewalk in front of the lot on Elk Ridge Drive (south of the LDS Chapel) owned by Alan Nelson. About eight years ago, Mr. Nelson approached the Council regarding the installation of these improvements and he request was denied. This would finish off the road between the existing Chapel and the proposed Park View Corner Development.

Councilmember Brown asked Mr. Nelson if he would be interested in a 50/50% split with the City; we are waiting to hear back from him on this proposal.

3. General Road Repairs:

Councilmember Brown submitted a list of the proposed road work to be done:

(Handout)

"Elk Ridge City Road Work: 2008/09

Below are the projected expenditures for road construction and repairs:

1. Upper end of Canyon View Drive – 44,250 sq. ft. \$41,595.00

2. Elk Ridge Drive (with shoulder widening 3' w/6" base) 65,000.00

3. Hudson Lane 2" asphalt w/ repairs to Amerigo Lane 9,169.90

4. Oak Ridge Drive, 32,940 sq. ft. to repair & overlay
 Sump repair 32,940.00

Traffic control on Elk Ridge Drive & Oak Ridge	25.00
5. Gunnerson Road repair West Salem Hills Drive (excavate asphalt, re-grade and 3" of asphalt) 1/3 of cost to be paid by home owner - \$2,666.33	7,990.00
6. When the last overlay is completed on the extension of Magellan Lane, the City will pay for the East & West ends to be overlaid or 8,178 sq. ft.	4,825.00
Sub Total:	\$161,644.00
Gunnerson payback	- 2,666.33
Total	\$158,878.67

Note: I have sent a letter and also asked to be on the Payson City Agenda Agenda, where I will propose a sharing of 1/3 of cost for the repairs, widening and overlay of Elk Ridge Drive or approximately \$21,666.00 for this pohase."

CODE VIOLATIONS IN RESIDENTIAL ZONES

(Memo from Mayor Dunn to Council)

"I have talked to David Church about the chicken issue we are facing and I would like to share his concerns with you. First I would like to layout the facts.

We have in the community, at least five families that are known to the city that are raising animals that are NOT allowed in the residential zone that the animals are in. They have no animal rights and these citizens know that. The concerned citizens have approached the council and asked for the opportunity to attempt to change the code to allow their presently illegal activities to become legal. What they are not aware of is that a change in the code will affect nearly 250 homes within the R-1-15,000 zone.

Residential zones that do not allow animal rights are designed that way to keep them from the sounds and smells of the zones that do allow such animals. The codes are written for a specific reason. To open the door for these animals to be allowed in the zone where they are presently not allowed will be the hole in the damn that will lead to a Pandora's Box of events.

Mr. Church has expressed that protection of the zone is important and the proper action to have taken was to enforce the code as it is written, not attempt to change it to satisfy those who are breaking the law. He further advised us that enforcement of a change in the code would be very complicated. Allowing such animals will result in other residents being offended and wanting their neighborhoods to be without the animals that they have no desire to be around. In short, farm animals belong in the animal rights zones and not in residential zones designed for a more close quartered living style.

We are presently rescinding animal rights in the North end of town for the very reason of spatial concerns and the closeness to zones that do not allow animals.

We may have given the wrong advice to the citizens in allowing them to pursue the opportunity to change the code. These are wonderful people with the desire to do something that is not allowed. It would be proper for them to sustain, honor and obey the law."

Mayor Dunn: This is an issue regarding illegal animals in residential zones. He read over the memo he provided to the Council in their packets. The Mayor pointed out that all applicants requesting a change in the zoning are, in fact, in violation of the current Code. The issues were brought forward by Lisa Denning.

There were several residents present to discuss the matter.

(Memo provided to the Council from Lisa Denning)

"On June 24, I attended a city meeting where the concern for chickens was addressed. I offered to research other city codes in regards to ordinances for chickens. Because the council was amiable to this, I asked to be put on the agenda for tonight's meeting.

I found a side variety of ordinances on the internet. In Portland, Oregon, you are allowed 3 hens and no roosters without a permit, however, if you would like more, you apply for a permit and pay \$31. In New York City, health code 161.19, states that ducks, geese, roosters or turkeys cannot be kept in the built-up portions of the city, however, hens and rabbits must be kept in a coop and not allowed to roam the streets; and that the area surrounding the pen must be kept neat. In December of 2007, Chicago made it illegal to keep chickens for slaughter, however, no ordinance was on the book preventing hens and as pets and to be kept for egg laying. The municipal code in Bakersfield, CA (6.08.010) states that chickens must be "kept securely enclosed in a yard or pen at all times." Anaheim, CA allows for 3 hens every 5,000 sq. ft. I have seven pages of other cities which have established codes to allow citizens to have this type of hobby pet.

Chickens have been a part of people's backyards for thousands of years. Today people who live in cities keep them as hobby pets, pest control, and for fresh eggs. Chickens can be kept in a manner that makes them inconspicuous and can be kept humanely.

The following are guidelines Elk Ridge may want to use in establishing a code to allow these hobby pets.

- **Number of chickens allowed, 1 per every 1,000 sq ft up to 15 chickens**
- **Registering the chickens**
 - The first three free
 - \$5 per chicken after that
- **Feed must be kept in a container which prevents vermin**
- **No roosters allowed on property which does not have animal rights**
- **Pen must be kept 25' from neighbor's home**
- **Chickens cannot be raised as broilers**
- **A clutch may be started for 4 months, after which time, the home owner may not have chickens above the number permitted**
- **Must have a well kept dwelling for the chickens**
 - 3' X 4' per every three chickens
 - And a 3' X 8' run or enclosed area
 - Dwelling must be maintained as not to distract from the atmosphere of the community
 - The chicken coop and pen need to be cleaned regularly to avoid odor that would pose as nuisance
- **Chickens must not be able to take flight into neighbors' yards**
 - Chickens must have clipped wings if the bird takes to flight

Some cities have inspections as part of registration fee each year, check how the coop is maintained, and review any violations and compliance through the year.

There are always those who are not as responsible in their actions either be ignorance and lack of understanding, or because it is not important to them. I believe through education and consequences this behavior can be altered. I understand that there are those who are not fans of animals and pets. I hope through creating guidelines through the city ordinances, each sect can live in peace one with another."

Mrs. Denning also referred to a web site regarding laws governing the raising of chickens.

Comments:

Barbara Anderson: She added that the city should consider going with the "organic trend" of the day in our approach to living.

Emilee Anderson: Questioned if a petition would be helpful.

There was a discussion regarding petitions; they should educate and inform citizens; not be one-sided. They can be useful, if presented fairly.

It was suggested that the applicants be allowed to move forward to the Planning Commission to begin the process to apply for a change in the zoning regulations.

The Mayor warned that it could be a long and "touchy" process and that the applicants should be prepared for an emotional response from residents not in favor of a proposed change of this sort.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO ALLOW THE APPLICANTS TO GO FORWARD TO THE PLANNING COMMISSION TO BEGIN THE PROCESS OF APPLYING TO CHANGE THE ZONING CODE REGARDING THE ALLOWANCE OF CHICKENS IN RESIDENTIAL ZONES

VOTE: YES (4)

NO (1) JULIE HASKELL

EXPENDITURES

General: Payroll Approval for June 2008:

The Regular Check Register is not ready since the fiscal year has not closed out yet.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT TO APPROVE THE PAYROLL REGISTER FOR JUNE OF 2008

VOTE: YES (5)

NO (0)

2. Staff Wages:

(Memo from City Recorder to Council, dated 7-17-08)

"Currently, the two positions of Deputy Recorder (Janine Nilsson) & Assistant Treasurer/Clerk (Annebel Meredith) are at \$12.42/hour (including COLA for 2008/2009). I mentioned to Mayor Dunn at the time when we were discussing projected wages for the new Plan Coordinator taking Margaret's place, that if we go to \$12.50 after the probationary period...we may want to consider bumping the \$12.42/hour for the other two employees that have been here longer up slightly by .08/hour to \$12.50 for all three of the newer employees.

As it turns out, this will not affect the budgeted totals for the year for wages, since Marissa (new Plan Coordinator) will be working 20 hours per week rather than the budgeted 25 hours/week.

his needs to be decided at this meeting (7/22) since July has begun the new fiscal year, 2008/2009 and the new payroll figures are being installed prior to July 25th.

The Mayor agreed, but it needed to go to the Council for approval with his recommendation."

The Council, after discussion, decided to increase the two position by \$.33 rather than \$.08 so that the employees with a year of seniority would be slightly ahead of the newly-hired employee at the time of the end of her 3-month probationary time period.

Wages for Deputy Recorder and the Asst. Treasurer/Clerk (after 3 months): \$12.75/hour

Wages for the new Plan Coordinator (after 3 months): \$12.50/hour

WATER TANK
SECURITY
LIGHTING

A petition was submitted by certain residents who feel the security lighting on the new water tank is too bright and invasive. A discussion took place about the importance of the tank being secure and that nothing should jeopardize this security. Mayor Dunn has spoken with Mr. Scribner, who was the originator of the petition, to inform him of the importance of the lighting and gave suggestions of another option of indirect lighting.

**Mayor Dunn is to contact the contractors and the Public Works Dept. to follow up on this suggestion.*

MINUTES

1. City Council Minutes of 6-10-08:

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY DERREK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 6-10-08

VOTE: YES (5)

NO (0)

NON-AGENDA
ITEMS

1. Tires for Truck:

The older Bob-tail truck is in need of new tires. The current estimate is \$2,700 (installed).

**Mayor Dunn is to look into the cost of re-treds on the tires and bring this information back to Council on 8-12-08.*

2. New 911 System:

Mayor Dunn: The Mayor of Mapleton brought a matter to the attention of Mayor Dunn: There is a proposed new 911 system to (perhaps) be on the ballot in the November election. The financing of this proposed system is the issue. There is to be a resolution before the municipal Councils to legislate a new tax placed with the property tax to finance this system. It would raise property taxes


considerably. (A chart of assessments was submitted to the Council; however, it is not known where the Mayor of Mapleton obtained these figures.

**Mayor Dunn is to contact Mapleton's Mayor to find out if these above mentioned figures are fact.*

The resolution should have been on the Agenda for the meeting on 7/22; however, it was not known in time. The resolution acts to grant the City's consent to be included in the Special Service District, whose purpose it is to provide consolidated 911 and emergency dispatch services with Utah County.

ADJOURNMENT

At 9:40 PM, the Mayor adjourned the Meeting.


City Recorder

