



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, April 14, 2009, at 7:00 PM, to be preceded by a City Council Work Session at 6:30 PM;** and a **Public Hearing on Impact Fees, scheduled for 6:00 PM**

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

6:00 PM - PUBLIC HEARING – CULINARY WATER, WASTEWATER COLLECTION & ROADWAY IMPACT FEES

Public Hearing/to hear Public Comment regarding Elk Ridge City's revision to its Capital Facilities Plan, including a new Impact Fee for Essential Roadway Improvements; and an adjustment to the Culinary Water System Impact Fee and Wastewater Collection System Impact Fee, pursuant to the provisions of the Utah Impact Fee Act.

6:30 PM - CITY COUNCIL WORK SESSION AGENDA ITEMS

Utah Local Governments Trust (ULGT) Liability Video – Mayor Dunn

Discussion – Budget for 2009/2010 Fiscal Year

A. Special Service District (911) Budget Discussion – Julie Haskell

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

Public Forum:

- 7:10 1. Action on Public Hearings:
 - A. Elk Ridge Meadows PUD, Phase 2 - Default Declaration (Public Hearing held on 3-24-09)
 - B. Culinary Water, Wastewater Collection & Roadway Impact Fees
 - 7:30 2. Ridge View Meadows, Plat B:
 - C. Water Rights – Sale of City Water Rights (Approval)
 - D. Preliminary and Final Plat Approval
 - 7:50 3. Elk Ridge Meadows PUD – Discussion & Update
 - 8:05 4. Salem Hills Subdivision, Plat C; Lot 20 Lot Split (Carey White – formerly Montierth)
Release of Durability Retainer
 - 8:15 5. Speed Limit Signs – Mayor Dunn
 - 8:25 6. City Celebration Update
 - 8:40 7. Joint Work Session with Payson City – Mayor Dunn
 - 8:55 8. Expenditures: General
 - 9:00 9. Approval of Minutes of Previous City Council Meetings
 - 9:05 10. Ratify Polled Vote for Planning Commission Member Appointment
 - 9:10 11. Schedule Public Hearing for Tentative 2009/2010 Budget (5-26-09)
- 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 13th day of April, 2009.



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 & an Amended Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and the Amended Agenda was provided to each member of the Governing Body on April 10, 2009; & another Amended Agenda on 4-13-09.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
April 14, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, April 14, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:30 PM. The Public Hearing on Impact Fees was scheduled for 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 March 6, 2009; and an Amended Agenda on 3-9-09.

6:00 PM –

PUBLIC HEARING – CULINARY WATER, WASTEWATER COLLECTION & ROADWAY IMPACT FEES

Public Hearing/To hear Public Comment regarding Elk Ridge City's revision to its Capital Facilities Plan, including a new Impact Fee for Essential Roadway Improvements; and an adjustment to the Culinary Water System Impact Fee and Wastewater Collection System Impact Fee, pursuant to the provisions of the Utah Impact Fee Act.

ROLL

Mayor: Dennis Dunn; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson (Absent: Raymond Brown); *City Planner:* Shawn Eliot; *City Engineer:* Amy Thatcher; *Public:* Deseret News: Rodger Hardy; Scouts: Sam Weeks, Mason Calcote, Joe Cromar, Dylan Christensen & Tanner Smith; Don Weeks, Shane Epply, Frank Montague, Mike Johnson, Ryan Haskell, Jed Shuler, & Dean Ingram; and the *City Recorder:* Janice H. Davis

Mayor Dunn: The Mayor opened the Public Hearing at 6:00 PM. He asked if there was any public in attendance specifically for the Public Hearing; there was no response. He announced that the Hearing would be left open for the full half hour. Amy Thatcher (Aqua Engineering) was present to answer any questions about the Impact Fee Study performed by Aqua Engineering.

Comments:

Nelson Abbott: He has reviewed the Study provided to the Council; he reviewed the various changes in the fees and asked about the Sewer (Wastewater) Fee.

Ms. Thatcher: The update is on the infrastructure within the City limits. Then the additional fees that are paid to Payson are added to the proposed fee.

The Elk Ridge portion of the pending Regional Sewer Plant (purchase of land by SUVMWA) was included in the Wastewater Impact Fee.

Nelson Abbott: (Roadway Impact Fee) Specific roads have been included in the discussions; have the roads changed?

Ms. Thatcher: Some roads have been removed from the previous list that was in the original report generated in 2007. Removed:

- East/West Salem Hills Drive
- Extension of Hillside Drive

Mayor Dunn: He reviewed the roads that are included:

- Loafer Canyon Rd (west side) – to Park Drive
- Two access roads into the City property (Goosenest)
- Widening the south side of East Salem Hills Drive (Canyon View Drive to Hillside Drive)
- North side of West Goosenest Drive

Impact Fee Changes & Updates:

1. Wastewater (Elk Ridge's portion...not including the part paid to Payson)
From \$910 to \$1,214 (Increase of \$304)

2. Roadway Impact Fee

Enact Fee of \$573 (For the above mentioned road improvements)

Nelson Abbott: The map included with the Impact Fee Study did not show the widening of E. Salem Hills Drive any further west than Councilmember Abbot's property line.

Mayor Dunn: He asked that the map be brought out to look at; and it does not show the proposed widening all the way through to Hillside Drive; that needs to be corrected.

Amy Thatcher: The map can be amended, as well as the fee; she did not feel this addition would affect the fee much. (About 150' of curb & gutter would be added...it would need to be measured.)

(Memo from Planner to Council, dated 4-14-09...read by Mayor Dunn)

"Background

The impact fee study plan completed by Aqua Engineering in October 2008 recommended that the waste water impact fee collected for Elk Ridge be adjusted from \$910 to \$1,214, an increase of \$304. It also recommended that an essential roadway impact fee be enacted at \$573. Lastly it recommended that the culinary water impact fee be raised from \$5,140 to \$5,410, an increase of \$270. When reviewing our current code it was discovered that there have discrepancies in how previous fees have been adopted. The last change in impact fees was done a few years ago and was adopted by the council by resolution. State code requires that it be done by ordinance. A prior adoption of impact fees was done in 2004 by ordinance. Basically we currently have the code from 2004 that states one fee and a later resolution that states different fees and new fee categories (waste water).

Staff Findings

1. The proposed code streamlines our code to be in line with state code.
2. It gives a table of the various fees to make it easier to convey to developers.
3. It puts all the impact fee categories and fees together within ordinance.
4. It consolidates all the impact fee codes into one chapter.

City Council Discussion

1. Does the revised impact fee code serve the city better?
2. Is the proposed increase in the sewer impact fee for Elk Ridge appropriate?
3. Is the proposed new impact fee for essential roadways appropriate?
4. Is the proposed increase in the water impact fee for Elk Ridge appropriate?

Proposed Council Motion

Motion: The city council agrees with the findings of the Impact Fee Analysis & Recommendations study completed in October 2008. Namely;

1. That the waste water impact fee for Elk Ridge needs to be increased to improve the city's waste water system due to growth
2. That the culinary water impact fee for Elk Ridge needs to be increase to improve the city's culinary water system due to growth.
3. That the essential roadways impact fee is needed to improve identified improvement projects needed because of growth.
4. That the council agrees that the proposed impact fee ordinance better serve the city and its citizens and that the proposed changes are required for the city to comply with state law."

Shawn Eliot: When reviewing the proposed impact fees; the developers did not think the fees particularly expensive...until the electric fees were added in, and the City has no control over this.

Mayor Dunn: Is there a typical time limit to the road impact fee? When the project is completed, the fee goes away.

3. Culinary Water Impact Fee:

Raised from \$5,140 to \$5,410 (Increase of \$270)

Amy Thatcher: (RE: appropriateness of water impact fees) A portion of the costs in 2007 were associated with the upgrade to the Cloward Well and the new water tank; this updated version included the "actual" costs for construction; so the fee went up based on actual costs.

The actual costs were projected into the future to include another tank and another well before the build-out capacity is met. Fees may need adjustment in a few years.

Nelson Abbott: (Questions on the proposed ordinance)

- Was the 14 day public notice met? (Yes)
- He referred to page 3 (table): The Waste Water Impact Fee to Salem is missing; it just refers to Payson. This needs to be added. (Same rate as Payson's)

(This addition will not affect the bottom line for the impact fee.)

Sean Roylance: He questioned how Elk Ridge's Impact Fees compare to others in the surrounding area.

Mayor Dunn: Woodland Hills' Fees are about \$6,000 higher; he is not sure how our fees compare to Salem's. The electrical impact fee is City-wide. A couple of years ago SESD did an impact fee study and they knew they needed to rebuild their sub-station. They talked to the developers and got up-front money from them...for instance Randy Young and his partner paid them a check in the amount of \$1,000,000. All of that went to electrical improvements. People wanting to develop or build are given the information that they need to contact SESD also. The City does not collect these fees for SESD.

(The Mayor gave the Boy Scouts present a brief explanation of the Public Hearing process vs. Public Forums.) Mayor Dunn closed the Public Hearing at 6:45 PM.

6:45 PM -

CITY COUNCIL WORK SESSION AGENDA ITEMS

UTAH LOCAL
GOVERNMENTS
TRUST (ULGT) –
LIABILITY VIDEO

This is a video provided by ULGT for training of local Government Officials. It covers issues that Officials should be aware of to safeguard the Community and themselves...

How authority is exercised is very important. The United States Supreme Court has stated that "ignorance of the law is no excuse, generally; and it is even less of an excuse for men whose roll it is to enforce the law".

The point is to not place the City in a position of being "liable", either publically or privately.

The maintenance program for the existing infrastructure should be reviewed to determine if they are sufficient to identify and correct problems before they develop. This program should included things like:

- Sewer clean-out schedules
- Road maintenance schedules
- Capital Facilities Replacement schedules
- Sign replacement schedules
- A reporting system so residents can report problem areas and have them addressed
- Prioritize required maintenance based on which problems are most likely to create the greatest threat of liability
- Schedule needed repairs according to the prioritization system.
- Evaluate City work environment to determine whether existing work place conditions or practices contribute to employee injuries...identify solutions to those issues.
- Make sure the City has properly located safety equipment to comply with State and Federal requirements (OSHA)

“Unseen Structure” exists in a municipality (day-to-day activities); which helps conduct the business of “people”...insuring that citizens are afforded their constitutional rights and are protected from improper governmental actions. If this “unseen structure” is not properly created or maintained, if practices are defective...it can also create liability for your governmental entities.

Policies and procedures form the foundation of sound practice.

“In 1978, the United States Supreme Court held that local governing bodies can be sued for monetary, declaratory and injunctive relief. The law states that, if a municipality’s ordinances, policies or procedures are inadequate or in violation of the law, the city may be held liable for any constitutional violations that are caused by an employee following those policies; however, the Supreme Court went on to say that a city may also be held liable for constitutional violations if they fail to adopt appropriate ordinances, policies and procedures and the employees develop or practice unconstitutional customs on their own.

Municipalities should make sure that they have and regularly review and update ordinances dealing with such issues as:

- Land use
- Planning and zoning
- Licensing
- Public Nuisances

Personnel policies should address (at the minimum) the following issues:

- Employee selection and hiring
- Working with independent contractors
- Employee compensation
- Employee code of conduct
- Employee discipline
- Employee performance and evaluation
- Employee management
- Policies should address the “Family Leave Act”
- Drug & alcohol free work place and testing procedures
- Policy outlining dealing with sexual harassment allegations
- Written guidelines for safety policies & procedures

Exercising “unrighteous dominion”:

Constitutional laws were created to limit abuse by government officials...the Bill of Rights.

(Allowing everyone ‘due process of law’)

In 1972, the U.S. Supreme Court decided two landmark cases which expanded the definitions of “liberty” and “property”: The Court held that an individual’s “liberty right” included a person’s “good name, reputation, honor & integrity”. “Property rights” encompassed legitimate expectations or entitlements created by statutes, ordinances, policies or contracts. This “due process” requirement becomes particularly important when you deal with personnel issues. In most circumstances, an employee must be afforded due process before they are deprived of their employment or position.

So, what is “due process”?

Due process of law implies the right of the person to be present before the tribunal which pronounces judgment upon the question of life, liberty or property...to be heard by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved.

Due process is generally provided in the setting of municipal meetings.

Public Meetings play a large role in our form of government; it is the “doorway” through which the citizens enter to access and to interact with their government. Public Meetings are subject to constitutional due process requirements, but are also subject to specific statutory provisions. (Open and Public Meetings Act)

This requires that all public meetings be open to the public, unless the law specifically allows a closed meeting. (Review of reasons to close a meeting)

Meeting: any time a quorum of the governing body gets together and they talk about any of the pending issues before them, they are having a “meeting”....wherever they happen to be. If it is a “meeting” the law needs to be met in specific ways.

“Documentation is the ‘roof’ of your ‘unseen structure’ which will protect everything else that you’ve done to limit your municipality’s exposure to liability. It provides a written history of actions taken and decisions made by your municipality...this is critical if you become involved in litigation, because as a general rule, if an action is not documented, it did not happen.

Documentation also highlights issues needing correction; it provides feedback to the governmental entity about policies that need to be implemented. Documentation should follow some basic guidelines to be effective:

- Timely
- Make sure you understand what it is you are communicating
(Documents prepared by others should be thoroughly reviewed and understood.)
- The documentation will be read by others; be clear
- Tell your audience what they need to know to understand the issues you are dealing with
- Develop the habit of documenting everything you do as a government official
- Make sure your documentations maintain a safe and secure environment

Quote by Adelaide Stevenson: “Those who hold in their hands the power of government must have the wisdom, the experience and the courage to identify the pressures that are always at work and to see the public interest steadily.” It is far easier to concentrate on the public interest when your own interest is not at risk. ULGT is committed to helping to protect those interests.

2009/2010 BUDGET
DISCUSSION1. *Special Service District (911) Budget Discussion:*Julie Haskell:

1. Councilmember Haskell submitted a draft of the proposed Interposal Cooperation Agreement between Utah County and the Utah Valley Dispatch Special Service District for the provision of certain administrative services and for the transition and payment of dispatch services.

She had wanted David Church to review this proposed agreement. It has not been adopted and she simply submitted the draft to the Council for their review and possible input.

A Public Hearing is set for May 14, 2009, at 10:00 am; to be held at the County Commissioner's Office

2. A sample budget was included with the draft of the Agreement.

3. Elk Ridge's assessment for 2009 is \$10,241; and this Agreement would go into effect on July 1, 2009.

(Assessment would be for the 2009/2010 fiscal year.)

A new account will have to be created in the General Fund; separate from the charges for police protection.

Call-outs:

Councilmember Haskell figures the City paid \$15.50 per call last year; the SSD added to it = \$16.74 per call.

Nelson Abbott: If you take the 381 calls in 2008, and use the usage fee they would assess, it would actually be about \$27.00 per call. He knows that Payson, when they are dispatched, there is a fee charged for the fire dept., ambulance, etc. (they charge the maximum allowed for Utah State). 381 calls averages to at least one call per day, if not more.

Will the assessments change as growth occurs?

**Councilmember Haskell will find out. 52:13*

Councilmember Abbott feels the charges should be based on the actual cost per call. He would hate to have resident hesitant to utilize the 911 number in case of emergencies because they are afraid of charges.

Mayor Dunn: He believes that, under the old system, the rate for 911 calls was going to go to \$26 per call. This would have been a "big jump". The Committee that Councilmember Haskell is on started about 3 to 3 ½ years ago; she just became a member last December (2008). Certain cities in the County are not members of the Service District because they have their own dispatch centers. There have been some extensive discussions in the past and what we see now is the result of all those discussions.

Councilmember Haskell will take the Council's questions back to the Committee.

Julie Haskell: She will bring any further information back to the Council.

2. *2009/2010 Budget Discussion:*

In the interest of time and in order to start the Regular Session of the Council Meeting on time, the City Recorder suggested adding this discussion to the Regular Agenda items.

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7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis Dunn; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson (Absent: Raymond Brown); *City Planner:* Shawn Eliot; *City Engineer:* Amy Thatcher; *Public:* Deseret News: Rodger Hardy; Scouts: Sam Weeks, Mason Calcote, Joe Cromar, Dylan Christensen & Tanner Smith; Don Weeks, Shane Epply, Frank Montague, Mike Johnson, Ryan Haskell, Jed Shuler, & Dean Ingram; and the *City Recorder:* Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Mayor Dunn and Scout Joe Cromar led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME; ADDING THE CONTINUATION OF THE 2009/2010 BUDGET DISCUSSION AS ITEM #12

VOTE: YES (4)

NO (0)

ABSENT (1) RAYMOND BROWN

PUBLIC FORUM

There was no one of the Public that had comments to make.

Mayor Dunn gave the Scouts present a brief explanation of the differences between a "Public Forum" and a Public Hearing".

ACTION ON PUBLIC
HEARINGS1. *Elk Ridge Meadows PUD, Phase 2 – Default Declaration:*

The Public Hearing for this issue was held on March 24, 2009. The action was postponed to allow the City Attorney (Davis Church) to get together with the Attorney for Mr. Dave Millheim; Mr. Millheim's Attorney did not contact Mr. Church to schedule a time to meet. The Mayor contacted Mr. Church to ask if the City could go ahead and take action on the Default Declaration; and to start the process of calling on the surety bond in place for this Development. Mr. Church advised to go ahead and take action.

There were items that need to be addressed by utilizing the surety bond.

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY DERREK JOHNSON TO:

- A. DECLARE ELK RIDGE MANAGERS, THE DEVELOPERS OF ELK RIDGE MEADOWS PUD, PHASE TWO, IN DEFAULT, AND
- B. TO TAKE IMMEDIATE ACTION FOR THE CITY TO CALL ON THE SURETY BOND IN PLACE FOR THIS DEVELOPMENT; AND TO UTILIZE THIS MONEY TO FINISH THE IMPROVEMENTS ASSOCIATED WITH ELK RIDGE MEADOWS PUD, PHASE 2

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (4) NAY (0) ABSENT (1) RAYMOND BROWN

Passes 4-0

**Mayor Dunn is to contact David Church the next day to request that he contact the surety bond institution to begin the process of calling on that bond.*

2. *Culinary Water, Waste Water Collection & Roadway Impact Fees)*

The Mayor reviewed the proposed Council action from the memo to the Council from the City Planner.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT THAT THE CITY COUNCIL AGREES WITH THE FINDINGS OF THE IMPACT FEE ANALYSIS & RECOMMENDATIONS STUDY COMPLETED IN OCTOBER, 2008, NAMELY;

1. THAT THE WASTE WATER IMPACT FEE FOR ELK RIDGE NEEDS TO BE INCREASED TO IMPROVE THE CITY'S WASTE WATER SYSTEM DUE TO GROWTH
*(Change to Table on Page 3 of Ordinance: Payson/Salem...add Salem to Table)
2. THAT THE CULINARY WATER IMPACT FEE FOR ELK RIDGE NEEDS TO BE INCREASED TO IMPROVE THE CITY'S CULINARY WATER SYSTEM DUE TO GROWTH
3. THAT THE ESSENTIAL ROADWAYS IMPACT FEE IS NEEDED TO IMPROVE IDENTIFIED IMPROVEMENT PROJECTS NEEDED BECAUSE OF GROWTH
*(Change: Widen E. Salem Hill Drive all the way to Hillside Drive)
4. THAT THE COUNCIL AGREES THAT THE PROPOSED IMPACT FEE ORDINANCE BETTER SERVES THE CITY AND ITS CITIZENS AND THAT THE PROPOSED CHANGES ARE REQUIRED TO THE CITY TO COMPLY WITH STATE LAW; AND

TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY MUNICIPAL CODE PROVIDING FOR THE AMENDMENT TO THE BUILDING CODE REGARDING IMPACT FEES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (4) NAY (0) ABSENT (1) RAYMOND BROWN *Passes 4-0*

RIDGE VIEW
MEADOWS, PLAT B1. *Preliminary & Final Plat: (Dean Ingram – Applicant)*

(Memo from Planner to Council, dated 4-14-09)

"Background

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

Last spring the flag lot question went to the city council and it was denied. Flag lots have been removed from the code as being allowed in Elk Ridge. This new proposal drops the total lots from 4 to 3, includes a driveway easement on lot 1 to access the rear of lot 4 (where the current garage is located), and relocates the sewer easement to traverse between lots 2 and 3.

Staff Notes

Due to the size of the development and the amount of time put into previous submittals, staff recommended that the applicant be allowed to have preliminary and final plat processed together. The current plan adheres to code and staff and the planning commission recommend that it receive final approval by the city council contingent on a list of minor changes, all of which the applicant has made, except we are waiting on a response from the fire chief regarding number 3 below. The planning commission held a public hearing on the plat and no negative comments were received.

The applicant is requesting that the city sell him cash in lieu water shares for this development. Tony Fuller calculated that for lots 1 - 3 as well as the additional land added to lot 4 (applicant's current lot) that 5.12 acre feet of water would be needed. At the current rate of \$4,500 an acre foot the cost for the water shares would be \$23,040.

There are three issues that should be completed contingent to recording the final plat. They include:

1. The city council sell available water shares to the developer and the city receive payment.
2. An agreement is entered into between the applicant and the LDS church regarding the installation of curb/gutter, road, and stubbed utilities. The agreement shall state whether the applicant shall reimburse the church for the improvements made to Goosenest DR along his property when the new LDS stake center was constructed.
3. Need fire chief to approve fire hydrant spacing (should have this info at the council meeting).

Planning Commission Motion

Kelly Liddiard made a motion and Weston Youd seconded that the final plat for the Ridge View Estates plat B moves forward to the city council as long as the listed staff notes are met and taken care of, including the engineer's letter from aqua engineering. The planning commission approves Ridge View Meadows plat B, preliminary and final plats and recommends that the city council approve them. The commission finds that the proposed development follows the intent and regulations of the R-1-15,000 zone and conforms to the surrounding development. Vote: yes – all (4), no – none, abstains – (1) Jason Bullard, absent – (1) Kevin Hansbrow

City Council Discussion

The Council should decide:

1. If the preliminary / final plats fit the intent and regulations of the code.
2. The council should approve, approve with conditions, or deny the plats based
3. Shall the city council sell 5.12 acre feet of water rights through the cash in lieu program for \$23,040?

Proposed Commission Motion

The planning commission approves Ridge View Meadows Plat B, preliminary and final plats and recommends that the city council approve them. The commission finds that the proposed development follows the intent and regulations of the R-15,000 zone and conforms to the surrounding development."

Shawn Eliot: After the staff report was generated, there were some issues that came up last Friday (4/10) that he reviewed with the Council:

Issues with Ridge View Meadows B**"Off-site Road Reimbursement**

1. Talked with LDS real-estate department, they are paid in full and were not expecting any reimbursement.
2. They need another day to verify, but if they expect reimbursement, they usually have a reimbursement agreement in their files and they don't. (*The City does not have anything in our files either.*)
3. They paid for ½ the improvements and Burke Cloward paid the other half.
4. Dean Ingram states that the Church and Burke approached him and stated they would put in all the improvements (full road, curb & gutter, stub utilities) if they would allow for the road (Goosenest Dr.) to be built.
5. If the Church doesn't find anything else, they will send a letter signing off on any reimbursement.
6. Burke Cloward is ill and it might be hard to get his half of the story.
7. Recommended that final be passed and that it can't be recorded until written agreements are obtained.

Full Width Road

1. Throughout the year plus history of this project (flag lot and now 3 lot subdivision), the requirement of a full width road was never brought up by staff, planning commission, or city council.
2. Two reasons for this:
 - a. Cloward B was an approved subdivision to the north that was installing these improvements.
 - b. There were already improvements on Dean Ingram's side of the road (including utilities stubbed) not requiring any road work.
3. Problem now is Cloward B final is now expired (Dec 2008).
4. Talked with Craig Neeley about this. Feels that since this portion of the road is short (340 feet vs. 1,500 feet of the road, that there ought to be a way to waive this requirement.
5. Code 10-15C-2E allows the city council to waive curb & gutter requirements.
6. Full width improvements as an issue wasn't brought up until last Friday.
7. It doesn't seem fair to require the full width improvements at this stage of the development. Especially since it is Burke Cloward's land and the majority of the road, all along his land, is not finished.
8. Need direction.

Fire Hydrant

1. This issue was brought up at the planning commission level a month ago, but the fire chief was unable to review the plat until last Friday.
2. He does want a hydrant on the north side of Goosenest Dr. centered between Burke Ln. and the proposed Dot Dr.
3. This is an easy add to the plat map since the water line is already on the north side of the road, it just needs to be shown tying into it.
4. Recommend final be passed contingent that a new plat be drawn with the hydrant.

Sewer Easement

1. The applicant has worked with the city to relocate (at his own cost) the main sewer line that currently crisscrosses his property.
2. The new alignment takes out a bad curve in the line that is not very accessible.
3. Craig Neeley brought up last Friday, a new concern that if there is no bonding for the improvement and if the work doesn't get done, the city would have a sewer now on a vacated easement.
4. Again, this is an issue brought up at the last moment, whereas the relocation of the sewer was a topic over the last year plus.
5. Need direction."

Comments:

Dean Ingram: (Regarding Off site Reimbursement) There was no talk of this; the road had to be moved over on his side of the street for the proper easement...there was no talk of reimbursement, but it was implied that there would not be.

Mayor Dunn: (Regarding Full width road requirement) The Mayor read Craig Neeley's (Aqua Engineering) letter dated, 4-13-09:

"Ridge View Meadows B – Preliminary & Final Plat

I've reviewed the following for compliance with city requirements and standard engineering practice:

Preliminary and Final Plats for Ridge View Meadows B prepared by Dudley & Associates and submitted April 7, 2009.

My comments are as follows:

- Drawings: I understand a fire hydrant needs to be shown and installed on the north side of Goosenest Drive opposite the project.
- Road Improvements: The code requires the applicant to improve the entire road adjacent to the project. I understand the applicant was counting on the opposite side improvements being completed by others. Unfortunately, this has not taken place. My recommendation is to require the applicant to follow one of the following courses of action:

- Bond and complete the improvements and request future reimbursement
- Petition the city to change the current code and then seek final approval under the modified code.
- Wait until the opposite side of the street is improved by others and then seek final approval of the project.
- Sewer Relocation: I'm concerned about the easement for the existing sewer line being abandoned before the sewer line is relocated. I realize that I recommended the project be platted this way, but now I understand the sewer improvements may not be bonded. My recommendation is to have the applicant follow one of the following courses of action:
 - Bond and complete the sewer improvements
 - Leave both easements intact on the final plat and then vacate the abandoned line easement when the new sewer improvements are complete. END"

Mayor Dunn commented on the first bullet under "Road Improvements": This is "normal code as it is written at this point"...when you do something, you put in both sides of the road and whoever benefited from the improvements not attached to your project has a 30 year time period to reimburse you for those improvements that benefitted them."

He continued, "Dean (*Mr. Ingram*) is in that situation where, at the time, the Church was required to put in one side and then there was going to be an agreement to work out the other side that hasn't happened. So, Dean is in a position where he needs to improve the other side and then when Cloward renews their application they would pay Dean back for the improvements that he puts in."

Nelson Abbott: He said that he understands what the Mayor is saying but he feels that this is not necessarily the way it should be. He used as an example, the Jolley's (lot split on E. Salem Hills Drive) wherein they were not required to install curbing because it was not contiguous...there is already curbing on Mr. Ingram's side of the street. He does not think this is any different.

Dean Ingram: "From just the practical sense...and Shawn alluded to this...really what does it accomplish? If you're coming up the land, it's probably going to make more of a hazard than it is not...people will come out of the Stake Center; there's going to be one small section and then it is going to dead-end at Cloward's fence. People are going to be swerving; I think it's better to keep it one contiguous issue because, if not, it doesn't do any good...it doesn't improve anything."

Nelson Abbott: "That was my whole point...it is what I was saying earlier; with some of the lot splits and things that we have done...if there was no curbing on either side, we didn't require the new lot split or subdivision to come in and put curbing there."

Sean Roylance: He questioned the difference in the code: The current code requires the full width; but 10-15C-2E allows the Council to waive curb & gutter requirements

Shawn Eliot: "The difference is that curb & gutter is one thing; full width road is wider than just not allowing the curb & gutters to be done. It used to be 1.2 + 9 feet."

He said he had been looking through the code to "try to stretch and point to something that would allow you to do that."

Mayor Dunn: There is curbing on the east side of Burke Lane; he questioned if there is curb on the west side... (*Mr. Eliot said there is not.*)

Shawn Eliot: When the Church put in their improvements (1/2 + 9') they did the south side of Goosenest Drive, the east side of Burke Lane and then the north side of Ridge View...(*Burke Cloward put the south side of Ridge View in with his subdivision.*) The improvements do not really touch each other. They did that because the south side of Goosenest has continuous improvement into the Haskell Subdivision."

Dean Ingram: He brought up that Mr. Cloward would have also had to reimburse the Church for some improvements, but that did not happen; probably due to their agreement with one another.

Sean Roylance: "I tend to agree with what Nelson was saying...it seem a little odd to have this little patch of road that is all of a sudden wider."

Julie Haskell: "But, I think we need to stick with the code."

Mayor Dunn: He said that he brought up that particular corner because it may be a place to start to make the current code useful. If the corner had been installed, then there would be contiguous improvements.

Dean Ingram: He wanted to know if it makes a difference that his application was before Cloward's proposed development expired. He had no control over someone else's subdivision approval expiring.

City Recorder: In the past, the City Attorney has advised that one subdivision is not dependent on another, nor can the city hold one subdivision up on approvals due to issues associated with another...each is on its own merit. This has come up in the past.

Dean Ingram: He has been through this process already with this body and other bodies...this has never come up before.

(*There was discussion as to whether or not this particular development has been through Technical Review...not the flag lot version. Mr. Eliot and Amy Thatcher feel there has been an additional Review.*)

It doesn't make any sense anyway. It is more of a danger when it doesn't connect to anything.

Derrek Johnson: He asked if this is not taken care of now, what happens in the future with this if it is "looked past now"? Would Cloward be responsible?

Julie Haskell: "You can't count on that."

(*Mr. Ingram still feels it won't "improve anything."*)

Shawn Eliot: "I think the reason we did full-width road was to get away from having 'cookie-cutter' pieces."

Mayor Dunn: The Mayor responded that it wasn't for that reason. When Lee Haskell built his subdivision west of the area being considered, if the full-width road code would have been in place at that time, the other side of Goosenest Drive would have been finished. We have had situation happen where basements have been flooded three different times...once this year on High Sierra...and this is due to this 1/2 + 9 ft. of road.

Mr. Ingram interjected that he does not feel this is an issue in their case.)

The Mayor continued that it is always an issue when we are looking a ½ the road being installed and ½ not.

The reason the code exists is to make sure that we don't face these liable situations.

Dean Ingram: "I would agree, but this is ...if I were putting in the road...the curb & gutter...on my side...I agree with your code change; it needs to be that way...this is just a different situation. I am not putting in my side of the road, it is already there."

"It just doesn't make any sense."

Nelson Abbott: Councilmember Abbott sees this development as more of a "lot split" than a "whole new development". "Maybe that's why I see it the way that you do" ((Directing the comment to Mr. Ingram).

Shawn Eliot: For the Council to be able to waive curb & gutter, the code says that it must be shown that there would be no flooding problems as a result of waiving the requirement. The road has been in place for a number of years and history would indicate that there is no flooding problem in the area.

Mr. Ingram: He is not planning on installing anything that would impact the area.

Nelson Abbott: If anything was going to happen, it would have happened.

Shawn Eliot: According to the engineer's memo, one of the memos would be to adjust the code...that could be discussed, if that is what the Council wants to do.

Nelson Abbott: HE did not see a need for a code change; he feels it is what it is now...if there were a change, the code would be back where we were. He would not want to change the code for 200' of curbing that could affect much more. He did not feel the code needs changing to make this happen.

Fire Hydrant:

Shawn Eliot: The previous plats (flag lot) a fire hydrant was shown; a hydrant was also shown on Cloward's Plat B (now expired)...for this submittal, there was not. It is easy to add a hydrant to the plat. This would be added to the plat. The hydrant within Cloward, Plat A is actually about 150' up Goosenest Drive; it is not on the corner...so that became an issue, as well.

Mayor Dunn: The present location of the hydrant associated with Cloward's Plat A was determined by Corbett Stephens, Kent Haskell and possibly the Fire Chief. Mr. Cloward had to go back and install that one.

Hydrants should be not more than 500 feet apart and the code says that a property should not be more than 250' away from a hydrant...not the structure, but the property.

(The hydrant will be located between Burke Lane and the proposed Dot Drive.)

Sewer Easement:

Shawn Eliot: At Planning Commission, a memo came from Aqua Engineering saying that we needed to show the easement being removed from the final plat. The final plat did not show the removal of the easement; in fact the easement was shown as ½ there and ½ not...so, they removed the easement. When Mr. Eliot spoke to Craig Neeley last Friday (4/10), he brought up a concern no one had noticed; and that was: on the final plat, if the sewer easement is removed, there would be an approved subdivision plat without a sewer easement for a city sewer main line. He felt that could be a problem. Mr. Neeley suggested:

- ❖ Bond for it

- (Mr. Ingram is moving the sewer on his own; and this will clean up a bad situation.)

- ❖ In the memo from Aqua to the Council, he says to leave both easements on the plat for now.

Nelson Abbott: He added that the memo does state that...and that once the improvements are in, then the abandoned line easement can be vacated.

Mayor Dunn: He reviewed the process for a "hot tap" connection; that is what would be necessary for this situation.

Shawn Eliot: When the fire hydrant is placed on the map, this can be addressed at that time...it can be added back on. He asked Mr. Ingram when he proposed that the work would be done.

Mr. Ingram: "Right away; when we get everything done."

Nelson Abbott: He felt it would be best to take the engineer's advice and leave them both on for now; then we would not be tied to some time frame.

Julie Haskell: She advised that the plat should show that there-location & improvements to the sewer shall be installed by the developer...she would like to see a statement of that sort actually stamped on the final plat.

She would also like to have the plat note that no building permits be issued until the new sewer line is complete.

Shawn Eliot: He suggested that bonding would probably "take care of the problem". Once the plat is recorded, the developer can legally start to sell lots. Typically, the improvements referred to in the code are the roads, curb & gutter, water and sewer mains...they are already in; except for the relocation of this sewer easement on the one lot. *(Mr. Ingram said that two of the lots are already connected to another sewer line.)*

Mayor Dunn: (Review of the issues)

- Off-site road reimbursement:

- ❖ Mr. Ingram is to hear from the LDS Church on the south side improvements (a document stating their position). Recording will not happen until the City receives this document.

- Mr. Ingram felt that the "heads-up" on the possibility of off-site reimbursements should come at the time the improvements are being installed.

Mayor Dunn: The City Attorney has advised that a document be created at the time of the installation of the improvements; the document would be an agreement between the developer installing the improvements, contiguous land owner(s) and the City regarding the future off-site reimbursements; and this document would be kept on file at the City. *(Mr. Ingram felt that would be a "perfect thing to happen; so that your eyes are wide open".)*

The reimbursement time is for 30 years and even if one of the parties dies or is unavailable in some way, the land use documents will stay with the property so that there is an awareness of the issues attached to that property.

Jed Shuler: He wanted to know if the reimbursement document could be recorded so it would come up in as title search.

Mayor Dunn: He thinks it would be like covenants recorded with a homeowner's association.

- Full width Road:

Options:

- ❖ Apply the code strictly
- ❖ Modify or waive the requirement, based on being non-contiguous
- ❖ Defer the improvements to Clowards, when they develop

Sean Roylance: "If we were to say that we are not going to make him put in the full width road, is there a scenario in the future where we could come back and say, why did we do that? (*Mayor Dunn responded that there always is.*) Could someone explain what that scenario might be? For me, so far, I am having a hard time visualizing what that scenario could possibly be."

Nelson Abbott: Perhaps another way to look at it would be Shulers and their development south of the City...if they came to the City to develop their land, and we told them that they have to put in both sides of the road...would we be willing to require that they put in both side of the road all the way out to the main road.

Mayor Dunn: There is a difference; one road is pre-existing and the other road does not exist.

Shawn Eliot: The developers of Elk Haven was told that they would be required to fix High Sierra Drive (the spot where the home is going in now)...because the road is so narrow through there and all the traffic for the new development would warrant them fixing the connecting road.

Mayor Dunn: When Burke Cloward built his home (1972 or so) he installed a driveway to access his home and estate...there was not road along E. Goosenest Drive, except some old asphalt leading back behind his land. When the north side of Goosenest is improved to full width, he does not feel that Mr. Cloward's driveway will be altered.

City Recorder: (Addressing Councilmember Roylance's question) She said she could think of a scenario where the Council could come back in the future...has to do with what the City Engineer stated in a phone conversation with the Recorder: if it is part of the Standards, he could see considering waiving it; if it is code, don't violate it. Does waiving this requirement set precedence for other developments? Someone usually owns property that is considered contiguous. There are examples of both sides of the issue: Lee Haskell had to widen Elk Ridge Drive for 4 lots; that is why this main road is wider in that area and north.

So, in the future, could this action be justified to another developer who is being required to install a full width road?

Shawn Eliot: The code says that "You shall require the minimum standard that the City has". The code does not get into what the standards are; but the code says we require the "minimum".

Dean Ingram: (Questions) He is not sure where Lee Haskell is with plans to develop the commercial property on Goosenest; but when that goes in, will he be required to put in a full width road there?

Nelson Abbott: It depends on what perspective is taken; "if we made you do it, then obviously he would definitely have to...on that section between Elk Ridge Drive and Star Lane.

Dean Ingram: Everything that goes through the city is on its own basis. Typically other subdivisions are not brought into the requirements for another one. The approvals or disapprovals would be specific to a particular subdivision.

City Recorder: The code cannot be exercised arbitrarily and that is a legal issue...if it is enforced in one instance but not another. David Church has been consulted over the years with other subdivisions...

Dean Ingram: "Then I suggest you change the code...." He feels that he has "no opportunity to move the road or to put everything onto one side. He knows that Burke Cloward would not want his trees or his driveway disturbed by a full width road.

Shawn Eliot: He brought up the new proposed "senior housing development"; the City is requiring curb & gutter on both sides; yet, Loafer Heights was not required to install curb & gutter on both sides. It has been applied back and forth through the years. "All we were saying was that this one had so many extenuating circumstances with it that...if you can't use the current code that either says go with the minimum standard...as Jan said, then you can waive or adjust standards...or waiving the curb & gutter: the only other way would be to change the code and allow for an exception if you deem that this one portion has a future opportunity of having it put in when the entire road is put in...or is it too small of portion to make any sense right now?"

Dean Ingram: Mr. Ingram still did not think installing the improvements now makes any sense.

The Mayor reviewed the Council's response to this issue:

- Julie Haskell: Apply the code (require full width road)
- Derrek Johnson: Though he really struggles with "picking and choosing which codes are enforced or not" (particularly with the Engineer's memo); but he also sees Mr. Ingram's side...he has been here dealing with this a long time...(Mr. Ingram interjected that he has gone through multiple technical reviews and spent thousands of dollars on this.)
- Mayor Dunn: The history of this code was a result of the ½ + 9' rule not functioning the way it was supposed to. The way the code is written tried to alleviate the issues. Earlier in the Meeting, the Road Impact Fee addresses one of these issues of ½ + 9' on E. Salem Hills Drive...now we are looking at impact fees to try to improve and widen this road...it should have been a developer-driven issue and installed at the time of the original development of this road. (Mr. Ingram feels this is different...there is not gap currently, there would be a gap in the opposite way if a small portion of the road were installed.)

The Mayor reviewed the lot split for Jolley's and the problems that have occurred.

The concern when the Mayor was on the Planning Commission was how to stop these kinds of things from "falling through the cracks" to avoid flooding or other issues resulting from ½ + 9' width roads? The full width road code was to solve some of these problems.

One of the things they spent a great deal of time on was the exact situation Mr. Ingram is in...where the improvements are alone and not contiguous, will it work? In some cases it doesn't and that is why some developers have been allowed to do "certain things".

(Mr. Ingram commented that most of the flooding problems have come from newer developments with better standards of storm drain and curb & gutter extending into developments without curb & gutter...that is an issue with catching the water.)

Standards have changed over the years, as well.

In waiving the requirement for full width road, would it be beneficial to the City and to the entire corner? Is there a liability issue with flooding...there may not be. Would an isolated piece of curb & gutter be undermined or would it slough off? Would the integrity of the road be upheld until the land around it is developed?

Dean Ingram: He does not think there is any benefit in putting the improvements in; is there a benefit in not putting them in at this time? That is debatable. It would have made sense to have all this put in at the time the LDS Chapel was built.

- Nelson Abbott: He had nothing to add.

- Sean Roylance: He had nothing to add.

Shawn Eliot: He mentioned Payson City, where there are sections of the city with curb & gutter exists in sections and though it is not good, it was Payson's way of saying they had to start somewhere.

(Discussion of the development of the north side of Gooseneck Drive...it will be addressed through impact fees.)

Dean Ingram: He feels that development in Elk Ridge is too costly and that is why there is not more development going on in Elk Ridge.

(Mayor Dunn responded that though it is costly, Elk Ridge is not at the top of the list.)

- Fire Hydrant:

Mr. Ingram is going to shown that on the final plat and has agreed to install the hydrant.

- Sewer Easement:

- ❖ The plat shall have a notation that the sewer relocation shall be done by the developer
- ❖ Leave both easements in tack on the final plat; then vacate the abandoned line easement when the new sewer improvements are complete
- ❖ Plat shall show that no building permits shall be issued until the improvements are complete; or bonded for by the developer

- Water Rights:

- ❖ Apply for 5.12 acre feet of water rights (SUV MWA Rights)
- ❖ Bring in other rights, after they are transferred to the City's points of diversion.

Councilmember Abbott recommends leaving at least 20 acre feet of the water rights purchased from SUV MWA for the City's demands. Mr. Ingram could purchase some of these for his needs.

Mr. Ingram: He wanted to know how much of what does the City need. He asked if water from Strawberry Water Users is an option. (Mayor Dunn said that Strawberry is not an option.)

City Recorder: She reminded Mr. Ingram that to purchase water rights and to go through the transfer process takes about a year. The SUV MWA rights have already gone through that process at the State and are ready to be allocated.

Mr. Ingram: With other developments he has done, he has not had to wait a year...

(It is not the City that requires a year; it is the State process, which the City has not control over.)

In other developments, he has bought the rights and submitted them to the city.

Mayor Dunn: It takes about a year for that transfer to take place; so to help out with that, the City has water rights that are ready to purchase and waiting to be assigned.

The rights are underground water; some of it used to be surface water, but it has been converted over.

(Mr. Ingram wanted to know what name is on the rights...where did they come from?)

SUV MWA purchased blocks of water in the past; the City is a member of this entity and the water rights are offered to the members. All eight communities could say to SUV MWA that they want to take over their allocated amounts and make use of them. There is no waiting period. It originally came from various shares of surface water, but it is now converted to water owned by SUV MWA. Everything we have in our cash-in-lieu program is underground.

(Mr. Ingram wanted to know what the amounts are that = an acre foot.) The State would have that information. We are not sure of what kind of "haircut" the State is going to give the shares of water submitted.

Our schedule simply states the amount of water in acre-feet for the square footage involved.

Mr. Ingram is not sure where he will purchase water rights from at this point.

Nelson Abbott: He reminded Mr. Ingram that the water rights must be conveyed to the City before recording of the plat.

City Recorder: If the City is not going to sell SUV MWA water rights to Mr. Ingram, then the agenda item that was to allocate water to Mr. Ingram cannot be addressed at this time. Will Final Approval be granted without the water rights issue being decided?

Derrek Johnson: He thought the developer had to have water rights prior to granting Final.

City Recorder: It is on the Final Check List.

Shawn Eliot: Normally the rights are sold to the developer at Final; then he cannot record until they are paid for. The Townhome Project received Final, then they did not come in to get the water...and the development was never finalized.

City Recorder: The water assignment was done between Preliminary and Final.

Julie Haskell: She suggested tabling this approval until all the contingencies have been met.

(Mr. Ingram felt that then if he did not have the "letter of an agreement, then he would have to bring in the money. He feels it would be useless. He knows he has to adjust the final plat.)

The Engineer, Amy Thatcher, had no further comments; she said it is a "unique situation".

Julie Haskell: She asked, "Are we not talking about sticking with the code on this?"

Nelson Abbott: It depends on how the motion is made; and depending on the vote.

Mr. Ingram: He wanted to "talk frankly" beforehand..."You guys need to decide what you are going to do as far as that particular item goes before you do anything...because I'm not going to be doing this thing if I've got to go spend more money across the road. #2) I'd probably come back and try to figure out how to do something with the code after the fact. It's just not right."

Nelson Abbott: "I agree with you. That is my opinion; based on the information I have available to me at this time."

Sean Roylance: "I agree with Derrek, I can definitely see both sides to this."

Nelson Abbott: "I can see both sides, but I can just see more of one side."

Derrek Johnson: He still had a struggle contemplating curb & gutter out there by itself.

Preliminary and Final Plat Approvals:

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY NELSON ABBOTT TO GRANT PRELIMINARY AND FINAL APPROVAL TO THE RIDGE VIEW SUBDIVISION, PLAT B; CONTINGENT UPON:

1. OFF-SITE REIMBURSEMENT:

A. LETTER FROM LDS CHURCH INDICATING AN AGREEMENT BETWEEN THE CHURCH AND MR. INGRAM WHEREIN THE LDS CHURCH EXPECTS NO OFF-SITE REIMBURSEMENT FROM MR. INGRAM FOR THE IMPROVEMENTS INSTALLED ON THE SOUTH SIDE OF GOOSENEST DRIVE FOR THE FRANTAGE OF HIS DEVELOPMENT; OR

B. PROOF THAT MR. INGRAM HAS PAID THE LDS CHURCH THE AMOUNT OF MONEY REQUIRED FOR OFF-SITE REIMBURSEMENT TO THE LDS CHURCH; OR

2. FULL WIDTH ROAD:

THE COUNCIL WILL NOT REQUIRE THAT THE NORTH SIDE OF GOOSENEST DRIVE BE INSTALLED BY MR. INGRAM

3. FIRE HYDRANT:

FIRE HYDRANT IS ADDED TO THE FINAL PLAT

4. SEWER EASEMENT:

A. BOTH EASEMENTS ARE ADDED TO THE FINAL PLAT

B. VACATE ABANDONED SEWER LINE EASEMENT WHEN THE NEW SEWER IMPROVEMENTS ARE COMPLETE

C. THE PLAT SHALL HAVE A NOTATION THAT THE SEWER RELOCATION SHALL BE DONE BY THE DEVELOPER

D. THE FINAL PLAT SHALL SHOW THAT NO BUILDING PERMITS ARE TO BE ISSUED UNTIL THE IMPROVEMENTS ARE COMPLETE; OR BONDED FOR BY THE DEVELOPER

VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, DERREK JOHNSON (3)

JULIE HASKELL-NAY (1) ABSENT (1) RAYMOND BROWN

Passes 3-1

Councilmember Haskell stated that the reason for her "nay" vote was due to the issue of the full width road requirement; she feels the City Council should stay with the Code.

Both Councilmember Roylance and the Mayor agree with Councilmember Haskell's concern.

Water Right Allocation:

No motion was made at this time.

Nelson Abbott: He reiterated that the purchase of the SUVMWA Water Rights from the City is an option for Mr. Ingram; he may do with it what he wants.

Mr. Ingram: "I will take care of those before the time to record."

Mayor Dunn: He said that as long as Mr. Ingram is aware that recording will be after the conveyance of water rights to the City. There are 5.12 acre feet required. The water rights stay with the property.

City Recorder: If Mr. Ingram chooses to purchase water rights from another source and have them transferred; the Final Approval is only good for six months from this date.

(Mr. Ingram indicated that he understood this.)

**ELK RIDGE MEADOWS
PUD – DISCUSSION
& UPDATE**

Shawn Eliot: At the last Council Meeting, several options were discussed regarding the future of the PUD; one of the topics discussed was the park associated with Phase 2...Mr. Eliot was asked to gather information regarding costs to maintain the current City Park. He found that the City gets a pretty good rate...he went to Linda Cooper to verify the figures he had gathered and they were the same. He felt is strange that the City charges ourselves for water...he guesses that is an accounting thing.

In some cases the cost averages out to between \$100 & \$120 per month for water.

New Information from the City Planner to the Council, dated 4-14-09:

"The table below looks at past water costs and the cost of seasonal help. Currently Shuler Park has 1.82 acres of grass area; The Elk Ridge Meadows Park has 4.35 acres. Water costs were projected to the new park based off Shuler Park costs at the higher acreage. Maintenance continued at the same cost."

Annual Cost of Upkeep:

Shuler Park/Ingram Field			1.82 Acres
Year	Water	Main	Total
2003	\$1,388	\$3,000	\$4,388
2004	\$1,306	\$3,000	\$4,306
2005	\$1,218	\$3,000	\$4,218
2006	\$1,297	\$3,000	\$4,297
2007	\$1,238	\$3,000	\$4,238
2008	\$ 720	\$3,000	\$3,720

Elk Ridge Meadows Park			4.35 Acres
Year	Water	Main	Total
2003	\$3,317	\$3,000	\$6,317
2004	\$3,121	\$3,000	\$6,121
2005	\$2,911	\$3,000	\$5,911
2006	\$3,100	\$3,000	\$6,100
2007	\$2,959	\$3,000	\$5,959
2008	\$1,721	\$3,000	\$4,721

Costs not included: Non-routine maintenance (broken pipe, bench installation, etc.)

"Other issues: Would the city need a trailer to haul the mower down to the new park and the current mower is wearing out.

Recommendation:

If it is decided to enter into an agreement with Centennial Bank to take over the park, the following should happen:

1. Amend the developer agreement requiring the owner of the park to restore it to the approved landscape plan.
2. Amend the developer agreement to require that the owner keep the park for a prescribed time period (2 to 4 years) or until a percentage of certificates of occupancy (30 to 40%) is reached. It should also include that the city shall approve the acceptance of the as per landscape plan prior to transfer. *(Wording is confusing)*
3. Amend the developer agreement to require that a mix of homes and sliding types be preserved as per the current CC&R's. This can guarantee that future builders do not build all the homes alike with cheaper outside materials."

Explanation:

- The \$3,000 per year is for hired help ("Maintenance") in the summer for the park.

(Added information was provided to Shawn Eliot regarding costs that came from the Detailed General Ledger; but he did not have it when he drafted the above table.)

- In 2008, \$2,070 was for contract labor to maintain the rock wall landscaping (not included in the figures, since it would not be applicable to both parks.)

Mayor Dunn: The Council needs to know projected costs to assist in deciding if it would be beneficial to the City to take over the park in the Elk Ridge Meadows Development.

Councilmember Abbot brought up a good point about the City switching to a more efficient watering system in the existing City Park; perhaps that could be considered for this new park as well.

He knows that Paul Squires (retired two months ago and on the Planning Commission) that wants to volunteer to assist in the City in any way we may have a need. The Mayor offered paying; but he prefers to volunteer with a flexible schedule. But he could assist with the park maintenance.

The Mayor directed Mr. Eliot to review the added documents from the Detailed General Ledger and to adjust the figures where appropriate...and then to get back to the Council.

**SALEM HILLS
SUBDIVISION, PLAT C,
LOT 20 (LOT SPLIT)**

This Subdivision was developed by Carey White (then Montierth). The Durability Retainer Time period is up as of May 1, 2009. Corbett Stephens inspected the improvements and submitted the following letter to the Council:

Memo from Corbett Stephens to Council, dated 4-14-09:

"Re: Salem Hills Plat C, Lot 20 (Split)

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

I recommend final acceptance of the subdivision."

Nelson Abbott He questioned whether Mr. Stephens had inspected the correct street; he thought the road was sinking where the improvements were installed.

It was decided to table this item until the meeting on 4-28-09, since the Retainage period is actually up on May 1, 2009. Mr. Stephens is to verify the condition of the road where the improvements were installed.

SPEED LIMIT SIGNS

Mayor Dunn: Rocky Mountain Way and Goosenest Drive have been classified "major collector roads". There are requirements that accompany this classification:

- The homes that front those roads must have "hammer-head" or "circular" driveways, so traffic does not back out onto a busier road.

Corbett Stephens brought an issue with the code to the Mayor's attention; the code states that only about 40% of the front yard can be in concrete...these driveways would require a higher percentage of concrete than the code allows. He wanted to know what he should do.

- The Mayor spoke to Shawn Eliot about a year ago regarding what could be done about this the difference in the code; and part of the discussion included the Mayor mentioning that the speed limit signs are posted at 25 mph; Mr. Eliot responded that the speed limit on a "major collector" is 30 mph. The public Works employees have been asked to move the 25 mph signs to another road that matches that speed limit; and to replace them with 30 mph signs. The Mayor mentioned this to the Sheriff and felt that the Council should be aware of this.

There is a resident on the corner of Rocky Mountain Way and Ridge View Drive that contacted the Mayor with speeding concerns...she wanted that intersection changed to a 4-way stop. The Mayor felt he may have offended her when he explained about the sign standard and that people that do not obey the law typically would not stop at a 4-way stop, anyway. She is concerned about the speed at 25 mph; she will likely be further offended when the speed limit signs are changed to 30 mph, as they are supposed to be.

City Recorder: She asked about the 25 mph speed limit on Loafer Canyon Road...is not that road also classified as a "major collector"?

Shawn Eliot: He explained that the standard was adopted after Loafer Canyon Road was posted...

He read: "Speed limits in Elk Ridge range between 25 mph and 40 mph; City Council can adjust limits on streets to reflect local needs and conflicts. In general, speed limits should be set to protect the functionality of each road type. All local streets and minor collectors shall be posted at 25 mph...major collectors should have speed limits between 30 and 35 mph...and all "arterials" should have speed limits between 35 and 40 mph."

That was the standard for new development. When those roads were installed, they were told to post the signs at 30 mph. 25 mph signs were posted in the meantime.

The issue is if the Council agrees with the circulation plan and the standard that has been adopted; if so, then the speed limits should be conducive with the design of the road. The other side of the issue is that that at times the City puts local uses along these higher traffic roads and then there are complaints.

As the area develops, the traffic should slow down some, but it is a wider road and is on a hill...this encourages higher speeds. 30 mph is not an unsafe speed limit for a wider road.

The speed study (Goosenest Drive) indicated that most people go around 35 mph and it is posted at 30 mph...this is still an acceptable range...there will always be those that drive at unsafe speeds.

Mayor Dunn: As that area around Rocky Mountain Way develops, the added homes will have a traffic calming effect. Currently, there is an open feeling, which encourages higher speeds.

Shawn Eliot: The speed on Loafer Canyon has not been addressed. The road is designed poorly, though it is a main road. It is probably a road where 30 mph would be justified...it is easier when development first occurs than on an established road since residents are used to a certain speed limit.

Also, the new landscape code does not have the same percentage of concrete for a front yard. It was changed for the very reasons that were discussed earlier.

Mayor Dunn: During the winter months, he took particular note of the circular drives, and owners generally do not clear the circular drive and are still backing up onto the major roads.

Shawn Eliot: The code says that homes on the major roads should be avoided; but if they are or have to be located on those roads, then the circular or hammer-head drives are required. Elk Ridge is a smaller community; so we have local conditions...the code is not "one size fits all".

Nelson Abbott: In many cases the homes in Elk Ridge were built at a time when there were no other road classifications besides "local"; the classifications came after the homes were in. He mentioned the street where he lives; when most of the homes were built, the west side of Salem Hills Drive and that whole section of town did not even exist. Should connecting east and west sides change the intent of that road? When Elk Ridge is totally built-out, we will never be a "big city". Do we need the classifications such as "major collector" roads.

Shawn Eliot: He feels that when roads are designed to be wider, it is to channel people to that road...conditions on that road are more appealing than driving through the neighborhood. If every road in town is posted at 25 mph, part of that appeal is taken away. Speed limits should not be set up so that people are breaking them.

Nelson Abbott: He knows that there is an approved standard; but he may not have been particularly for the circulation map.

(Former Councilmember voiced his disapproval at that time, based on the size of Elk Ridge. He did not feel that the size, even at build-out, warranted anything but local and collector roads?) Councilmember Abbot recalls him saying that.

Shawn Eliot: UDOT descriptions are in the standard; whereas, we do not have anything close to UDOT classifications.

Nelson Abbott: Do we really want roads that have a 66' right-of-way? There is just more asphalt to maintain, more road surface to plow, etc.

City Recorder: But the City has roads with those rights-of-way...Canyon View Drive is 66' wide (right-of-way).

Shawn Eliot: The pavement is at 42'...in Salem and Payson; their local roads are 40' wide of pavement.

Mayor Dunn: He and the Planner have had discussions wherein the Mayor has expressed his concern that there has been a bit of "over-kill" regarding the definitions of the road classification. Even at build-out, with 1,500 homes, he does not think we will experience what most think of as road "congestion".

Shawn Eliot: He used Hillside Drive, where there is the turn onto Mahogany and then you make the "big loop"...that is designed as a residential neighborhood; yet that road is being used as a "thoroughfare". The plan has roads that are designed as "thoroughfares"...and for a town of the size of Elk Ridge. A road plan will resemble a "tree"; with little "branches" connecting to bigger "branches, which connects to the "trunk" of the

tree. Once Salem Hills Drive connects, traffic patterns will change...like Hillside Drive changed patterns when it connected.

He recommends that we really do not need "minor collectors" in Elk Ridge...example: Hudson Lane is not much different than Magellan Lane.

He feels we do have a pretty good system with the City roads.

Mayor Dunn: He feels the Council should continually evaluate the plan and critique it as growth occurs. Bringing the discussion back to a point of order...do we change the signs on Rocky Mountain Way from 25 to 30 mph?

Nelson Abbott: He pointed out that many of the other "collector" roads are still posted at 25 mph at certain points.

Shawn Eliot: Studies show that just because you change speed limits, people are not going to go that much faster...they are already going a speed they feel is "safe"; there are not many that keep their speeds at 25 mph all the way down the road.

Mayor Dunn: He has talked to the Sheriff about some of the features of our roads that create speeding issues...slope and gravity speed traffic up. Line-of-site and being able to see a clear way to an intersection tends to speed traffic up, as well. The radar machines have been placed in these areas to make drivers aware of their speeds.

Council Opinions:

Julie Haskell: Leave the speed at 25 mph.

Nelson Abbott: He agrees with 25 mph.

Sean Roylance: He is in favor of changing it to 30 mph. He agreed with Shawn Eliot, that people will go the speed they feel is safe, anyway.

Derrek Johnson: He was also in favor of changing to 30 mph.

Leaving a tie-break vote for Mayor Dunn:

Mayor Dunn: He felt the speed should be changed to 30 mph; this is to protect the standards we have in place.

Nelson Abbott: If speeds are going to change on Salem Hills drive, he would like some fore-warning.

CITY CELEBRATION UPDATE

Derrek Johnson: A couple of events are still being considered:

- The Mile Run
- The 10 K will be changed slightly: to more of a "fun run" event.
- Gary Hansen was contacted regarding the possibility of a helicopter drop
- He has been considering a Family Movie night (rather expensive; they are looking for sponsors)
- Craft Fair: Not really leaning toward that event
- He has considered renting a coke trailer for the park area

Nelson Abbott: He has gotten together with Mayor Dunn to plan a possible raffle or silent auction to create some additional revenue for the City. The items and services used would come from residents and local businesses. They discussed various items that could be used to attract interest. His wife did this for a certain charity and her organization sent out letters to bigger businesses in other areas for vouchers for hotels, etc.

The Mayor and he have discussed having different levels on the raffle...example: if a person bought \$10 of tickets, but \$20 would buy extra tickets for the same amount.

Mayor Dunn: Explained purchasing "blocks" of tickets and the advantages that could be possible to encourage people to spend more money...there would be different levels, as well (Regular, Blue and Gold). The Gold level would be for things of greater value.

This could showcase local businesses by donating items or services for advertizing for their businesses.

The tables could be set up in the Public Works Bay area. (*Councilmember Johnson cautioned that there will be items stored in the Bay area for the Celebration.*)

Nelson Abbott: Another discussion topic was that the efforts in contacting businesses for donations should be coordinated with the volunteers handling the Parade; so the businesses do not feel over-burdened.

They are open to suggestions.

Shawn Eliot: He suggested contacting Wal Mart; they have community grants available.

Mayor Dunn: We want to make sure the Fire Fighter's Breakfast is a success and not cut into their event.

* He will speak to Chris Phillips to see if we can get a couple of garbage bags full of popcorn.

Sean Roylance: He feels that charging for the popcorn and drinks would bring in some added revenue.

JOINT WORK SESSION WITH PAYSON CITY COUNCIL

Mayor Dunn: The Joint Work Session with Payson City's Council is scheduled for the following Tuesday (4/21) at 6:00 pm; to be held at the Elk Ridge City Hall.

*The Mayor will get drinks and cookies for the meeting.

EXPENDITURES:

General: (None)

CITY COUNCIL MINUTES

City Council Minutes of 3-10-09:

Correction on Page 1 (Line 54)

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 3-10-09, AS AMENDED

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

City Council Minutes of 3-24-09:

Approval was postponed. (They were emailed out to the Council, but the email must have been faulty because the Council did not receive them.)

PLANNING
COMMISSION
MEMBER
APPOINTMENT

(Ratify Polled Vote)

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO RATIFY THE POLLED VOTE TO APPOINT FRED PIERCE AS A PLANNING COMMISSION MEMBER

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

BUDGET
DISCUSSION FOR
2009/2010 FISCAL
YEAR

Shawn Eliot spoke to David Church and was told that there is really no place in the State Code that states that City Council have to actually schedule public hearing; the noticing must be according to code, but then you just have them.

(The Public Hearing for a proposed Tentative Budget is to be held in conjunction with the last Council Meeting in May, 2009...of May 26, 2009; at 6:00 pm.)

City Recorder:

Review of the General Ledger as compared to budget figures is always necessary during this time of year.

Questions:

- Arbor Day Grant: Will that or has it been applied for this year? (No.)
- Will the Council decide to have a Truth in Taxation Hearing in August? (Decision is put off until Councilmember Brown can be included in the decision.)

Certain budget figures were reviewed that appear to be either coming up short in revenue or exceeding the budgeted expenditures.

Questions:

1. (To Councilmember Roylance) \$1,000 for "Advertising"; nothing has been spent out of this account...will there be? (No, it may be zeroed out.)
2. (To Councilmember Brown, when he returns) Will the City be doing pot-holes and any repairs to the roads by the end of June; or will that wait until the new fiscal year?
*The Mayor asked that the Council email him a list of pot holes to be filled and he will get that list to Kent Haskell.
3. (Parks): \$2,000 is budgeted for "Special Projects"...are there any planned? (No, there won't be.)
It could be applied to the Celebration
4. (Water Dept.) \$244,657 is still budgeted for the Tank/Well Project; what is left to be done? (Fencing...we need a cost estimate on that and when will it be installed?)

Nelson Abbott: Part of that money would be for the connecting line through Fitzgerald's Development.

5. (SUV MWA Assessment) Is the payment annual or semi-annual? (Annual assessment)

The Recorder asked that the Council have their budget figures to her as soon as possible, to allow time to compile the information.

NON-AGENDA
ITEMS

1. Mayor Dunn: Marissa Bassir (Planning Commission Assistant) emailed some information to the Council and the Planning Commission regarding the effects of the recession on land development.

The Mayor asked that the Council review the email and be prepared to discuss it at a future meeting.


2. School Bond: \$160,000 is planned for a school bond. He recommended going to www.nebo.edu to look for a link to a 39 slide presentation on the bond vote and the leeway vote...they are different.

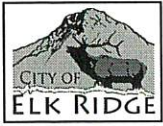
3. He asked if any of the City Councilmembers would be willing to take the Mayor's place at eh scheduled South County Mayor's Meeting the following evening; to hear Chris Sorenson (Superintendent of Nebo School District) speak to the Mayors about this proposed bond.

*Councilmember Abbott will let the Mayor know the next day if he can attend.

ADJOURNMENT

At 9:45 PM, 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

NOTICE & AGENDA – SPECIAL JOINT CITY COUNCIL WORK SESSION

Notice is hereby given that the Elk Ridge City Council and the City Council of Payson City will hold a Special **Work Session Tuesday, April 21, 2009, at 6:00 PM**


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

6:00 PM - JOINT CITY COUNCIL WORK SESSION AGENDA ITEMS

Inter-local Concerns

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 April, 2009.



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 & an Amended Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and the Amended Agenda was provided to each member of the Governing Body on April 21, 2009.



City Recorder



ELK RIDGE & PAYSON CITY
JOINT WORK SESSION
April 21, 2009

TIME & PLACE
OF MEETING

This Special Work Session of the Elk Ridge City Council and the Payson City Council and Staff, was, scheduled for **Tuesday April 21, 2009, 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, on April 21, 2009; and to the members of the Governing Body, on April 14, 2009 and on April 21, 2009.

6:00 PM –

JOINT WORK SESSION WITH ELK RIDGE CITY COUNCIL AND PAYSON CITY COUNCIL

ROLL

Elk Ridge City: Mayor: Dennis Dunn; City Council: Nelson Abbott, Julie Haskell, Sean Roylance, Raymond Brown (Absent: Derrek Johnson); Public Works Superintendent: Kent Haskell; Elk Ridge City Planner: Shawn Eliot.

Payson City: Mayor: Burtis Bills; City Council: Brad Daley, JoLynn Ford, Scott Phillips, Kim Hancock; City Attorney: Dave Tuckett; City Manager: Rich Nelson; Streets Superintendent-Solid Waste: Kent Fowden; Parks & Water Superintendent: Gordon White; City Planner: Jill Spencer; and the Elk Ridge City Recorder: Janice H. Davis

Mayor Dunn: The Mayor opened the Joint Work Session by having those present introduce themselves and tell what their positions are with the city they represent: (See roll above)

After introductions, he introduced the possibility of interlocal projects. Former Elk Ridge Mayor Lynn Jacobson encouraged Mayor Dunn to carefully consider urban growth boundaries some years ago. Growth has changed things over time and it would be prudent to consider how our two communities can work together in a way that could be beneficial to both communities.

Proposed Joint Discussion Items were provided to all: The discussion items were generated by the Elk Ridge City Council.

He expressed his appreciation to all who were willing to get together to discuss certain areas of interest as the two cities experience growth.

Even though we are in a "recession" and growth has stagnated, it will not stay this way; it will pick back up. Mayor Dunn hopes that the future will be more stable, secure and reliable.

Discussion Items:

Mayor Dunn encouraged an "open discussion" arrangement for the Meeting.

1. Our Northwest boundary to follow the lay-of-the-land, making Goosenest and 1600 West fall into Elk Ridge for O&M. (This would require an amendment to the present Urban Growth Boundary Agreement) Consider this the written request for that amendment discussion.

Julie Haskell: Prior to any discussion, Councilmember Haskell declared what could be considered a "conflict of interest" regarding this particular item, since she is related through marriage to the Haskell family; and part of the property being discussed belongs to her husband's family.

Mayor Dennis Dunn: There was an Agreement entered into by Elk Ridge and Payson entitled, "Interlocal Cooperation Agreement Establishing the Payson / Elk Ridge Annexation and Development Boundary" (signed in May and August of 2005). The Agreement stated that Elk Ridge would not annex west of 1600 West; nor north, west or south of the existing boundaries of the Goosenest area.

This discussion item suggests that this agreement be revisited due to the lay-of-the-land and the possibility of servicing the area.

Example: Don Mecham approached both Payson and Elk Ridge about a boundary line adjustment in the area now known as Haley's Lookout. He wanted to develop the knoll and Elk Ridge was in a position of servicing that area; whereas Payson was not. The adjustment was approved.

The lay-of-the-land is an important feature in planning; typically, there is an attempt to alleviate some of the problems that arise naturally. (Mayor Dunn indicated current boundaries on a map.)

The areas of concern include part of the Allred Orchards, and part of what is known as "Haskellville". Much of that area is now in the County. Mayor Dunn said the suggestion is to consider part of that area to part of Elk Ridge's Urban Growth Boundary because of the lay-of-the-land. The area will eventually be sewered, whether by Elk Ridge or Payson.

- Currently, there are larger lots and parcels in that area.

- Elk Ridge shares ½ the road with the County in parts; there is also a concern about servicing the road upon annexation.

The proposed change would be to perhaps follow the canal and the section line to the end of where Elk Ridge goes to the west. The residents and property owners have not been contacted (except for Kent Haskell).

The Mayor said that Elk Ridge is aware that this is part of Payson's Master Plan and has been a topic of discussion with the Payson City Council, as well.

Elk Ridge does not want to offend Payson with this proposal, but would like to know what Payson's Council thinks about the suggestion.

Some considerations could be:

- the planned density for the area
- impact on sewer connections as per the sewerage agreement Elk Ridge has with Payson
- None of the area is sewered at this point.
- Addressing

The Mayor talked about the purchase of land along Goosenest Drive by the City; hopefully for the purpose of building a new City Center....servicing that land would be required and sewerage would continue north on 1600 West to where the lines turn east at 11200 South.

The land he was referring to would fall to the north and east.

Mayor Burtis Bills: Jill Spencer did the future annexation Master Plan; perhaps she could explain the projected zoning for the area being questioned.

Jill Spencer: She asked what the zoning is and the lot size requirement for the Goosenest area. (*RR-1 Zone with ½ lot requirement*) Payson felt that as they started to transition into Elk Ridge and Salem, they felt it would be preferable to consider the zoning in place so the transition would be appropriate.

The area being considered by Elk Ridge is part of Payson's "eastside development plan"; they anticipate 1 to 2 units per acre.

- Through the entire planning process, there was an overwhelming amount of support displayed to preserve the orchard; that was definitely a concern of the Allred Family...but the support also came from the surrounding property owners and residents.
- (Part of the Plan) Any property that abuts the orchard operations on the west side and the north side: Payson has planned a "sensitive development zone", where there would be some additional development stipulations on any development in that area. Example: building envelopes, strategic placement of homes, transition buffers, landscaping, etc.
Any time you get close to agricultural uses, there is a concern about "urban encroachment"; so we have to be very sensitive to that.
- There are several areas in Payson's "eastside plan" that anticipate animal rights.
- There will be some areas on the eastside, mainly north of Salem Canal, where there will be higher density and agriculture and animal rights may not be appropriate.

Mayor Bills: He asked about the open space and trails systems that are planned. They envision a trails system that would include equestrian rights or walking paths. Long range: They would like to preserve the "corridor".

Jill Spencer: There is the trail that runs along the Highline Canal; but there would be a north/south trail that would extend along the border of the western boundary of the Haskell property (between the orchard and Haskell property). There is a connection shown to Goosenest Drive and could potentially connect into trails in Elk Ridge.

Mayor Bills: Allred Orchards are in an "Ag Protection Zone"; meaning that they can do their agriculture and not be challenged by neighboring properties. It will be quite important that there is a "buffer zone" between the orchard and other residents.

Shawn Eliot: (Referred to the aerial map on the wall)

- Currently there is the Provo to Nebo Corridor Study being conducted. Originally they proposed a corridor right through the orchard. There was a negative response to that; and the plan has changed.
- Since it seems to be in both of the cities' plans to keep the orchards and lower density; a question to ask would be: if this is a "barrier" between communities, would the canal be a good boundary, so if there are residential units, they would be more tied civically to the closer community, which would be Elk Ridge.
- Utilities: Consideration could be given to Elk Ridge's ability to service the area sooner.

Gordon White: How would this proposal impact the Goosenest area?

Mayor Dunn: Goosenest is unique in that it does have its own water system...there are two areas in Elk Ridge that have private systems. Unfortunately, in the Goosenest area there are two fire hydrants without the correct water flow; so Elk Ridge's method of fire fighting is to use a tanker truck to fill up a "trough" and to continue to keep the trough filled up. One of the concerns is to protect the residents in that area. If new growth patterns take place where some of the property owners decide to subdivide, fire protection would be a concern.

The code also states that if infrastructure comes within 300' of a person's property, connection to the system is required.

In the future, Goosenest will have to be sewerage; it will have to come on line as growth goes that direction. Contemplating the necessity of sewerage that area got the Council to thinking about the "lay-of-the-land" and how best to service that area.

Example: Hal Shuler (resident of the Goosenest area) came in to talk to the Mayor. Mr. Shuler communicated to the Mayor that he had contacted all of his neighbors and has been trying to convince them to keep the Goosenest Water System as an outside system, and connect to Elk Ridge's culinary system for their homes. He has also suggested the installation of fire hydrants. They were not convinced. They are happy with how things are currently.

The future dictates that there should be some changes in that area.

Kent Haskell: He not only represents Elk Ridge as the Public Works Superintendent but also as a property owner in the "Haskellville" area (north of Goosenest). Their property makes up about 80% of the area being addressed right now.

- He wants the Payson City Council to know that his family has not been contacted even once regarding Payson City's plans for the future of this area. He has nothing against the proposal for the future.
- They have no problem with the "buffer" zone that would be created. He understands Mr. Allred's feelings; he has been neighbors with them for years.
- The biggest problem with staying or annexing into Payson would be...the plan proposed by Payson would allow no way to develop as presented. The Allred's have made it very clear that they are going to farm their land indefinitely...how long that would be is unknown. He understands that perspective; he also farms his land, as well. The four property owners involved feel strongly that they would prefer annexing into Elk Ridge. It is nothing against Payson; it simply makes any future development nearly impossible.

Sewering with the lay-of-the-land is just more feasible; he feels Elk Ridge would be able to service the area better.

Mayor Bills: (Directed to Mr. Haskell) There are possibilities. The sewer is there, that is one of the biggest issues. Water would need to develop new sources for water. As the "eastside comprehensive Plan starts to develop, Payson will have to address the issue of more water sources.

Kent Haskell: He understands that; but the new plan is a 300 acre development process...that is what Payson has put into place; there are not 300 acres in that area. The only way to annex into Payson is to go through the orchard. If the plan cuts the number of lots to 50 or 80 lots, perhaps development would be possible. They are simply asking for the ability to develop in the future, when the time is right.

Brad Daley: Elk Ridge brings up some good arguments related to natural barriers; common sense would dictate that these areas should be part of Elk Ridge...unless there is something that Payson is trying to protect; whether as part of the "Eastside Plan" or part of a water shed or part of a major transportation plan. He does not want Payson City to be thought of a "land-grabber". If it really does make sense to have this land in Elk Ridge:

- ❖ Lay-of-the-land
- ❖ Civically

If all issues seem to make sense, other than it was included into a Master Plan for future development, maybe Payson needs to "break down" a bit and consider what the logical thing to do is. Does logic say that the area should be a part of Elk Ridge?

He expressed appreciation that Elk Ridge has come to Payson City with their proposals; that does not always happen.

(Question: What of the other land owners?)

Kent Haskell: Most of the land owners to the south of their property agree with going to Elk Ridge; the ones that are unsure...and don't want to do anything. Haskell's owns much of the land.

Generally, they are against development in any form.

Kim Hancock: He was not intending to offend anyone that night; but he wanted to point out the "impact of an idea". If Payson's Council were asking the reverse of Elk Ridge...or in other words, to take over a part of Elk Ridge, how would that be received by Elk Ridge's Council? He used the boundary line adjustment for Haley's Lookout as an example.

He was not suggesting that Payson is proposing that, he was simply pointing out that there is an impact of an idea...

Mayor Dunn: The Mayor added that with Haley's Lookout, that part was de-annexed; the property that Elk Ridge is referring to is not in Payson at this point, it is in the County. Elk Ridge is asking that as we look at potential urban growth areas, that we look at it from a different perspective.

Kim Hancock: Payson City has put a lot into their "eastside plan"; and in a small way, it is like putting your arm around an area and saying we feel like we need to care for this...so even though it's not in our boundaries, we've established over a couple of years, an interest there that is a personal interest."

Councilmember Hancock was attempting to point out how both sides might feel about that...no matter how logical."

Brad Daley: He expressed the idea that looking at things "logically" is not necessarily a negative perspective.

Sean Roylance: He commented that Elk Ridge felt bit of what Councilmember Hancock referred to when Salem City annexed a portion of Elk Ridge's annexation declaration area by the canal.

Kim Hancock: Salem has also encroached into Payson's declaration area, as well...without a "friendly" conversation.

Mayor Dunn: The annexation of certain lands by the Canal by Salem actually altered some of Elk Ridge's plans regarding certain water projects. The project was going to include that area that went to Salem; so the project ended up getting cut in half. The tank that Elk Ridge recently installed was going to be a 2 million gallon tank; it is now a one million gallon tank. *(Question: Has anything been done with that property?)*

The Mayor answered that Salem had installed a holding pond for a secondary water system.

Mayor Bill: No decision will be made tonight; but Payson's Council will consider the request and make a decision.

2. Joint efforts to improve road(s) in Elk Ridge to enhance Payson's access to the Payson Golf Course, thus increasing revenue to Payson.

Mayor Dunn: There is no commercial tax base in Elk Ridge, as a "bedroom community". The Road Repair budget averages about \$150,000 to \$180,000 per year.

Question (came up in a Council discussion): Is Payson in a position to be able to assist in the maintenance of Elk Ridge Drive, since the road also serves as access to Gladstan Golf Course?

(Statement: Elk Ridge residents play golf on the Gladstan Course.)

Raymond Brown: Elk Ridge Drive has been widened, then, Lee Haskell installed his subdivision, including curb & gutter. The road narrowed somewhat and complaints came from Golfers that the road was too narrow and dangerous. The money was not available to widen the road. The road has been widened from the turn to the south end of the LDS Chapel on Elk Ridge Drive. The City feels the road should be widened onto East Gooseneck Drive. Elk Ridge is requesting assistance on the widening and maintenance from Gooseneck Drive and Elk Ridge Drive...these areas also access the proposed condominium project; as well as the RV Park.

Councilmember Brown discussed the "mutual aid" program they had in Florida that helped other States build and maintain their roads.

Elk Ridge citizens contribute to the business in Payson and thereby contribute to the tax base. He does not have the appropriate percentage of Payson City's possible participation, but some participation would be helpful...and this would benefit both communities.

When UDOT came out to assess the usage of the B&C Road Funds, they complimented Elk Ridge on the condition of the roads, so the effort towards better maintenance has paid off; but there is the frustration of not being able to really finish the projects due to lack of money.

Mayor Bills: He can understand this frustration in that Payson City has 135 miles of roads that are equally expensive to maintain. Though he can sympathize, he does not see how Payson will meet its own obligations, much less assist Elk Ridge. He suggested a convenience store where revenue could be made off of those utilizing the Golf Course.

Shawn Eliot: He asked if Payson has equipment for striping.

Kent Fowden: He commented that if Elk Ridge re-builds the road, Payson could stripe it.

Raymond Brown: (Chip & Seal) Chip & Seal on less traveled roads does not work well. The only roads that would benefit from chip & seal would be Elk Ridge Drive, Park Drive and Loafer Canyon Road (perhaps Gooseneck Drive). The best time to chip & seal is after the road is overlayed; it extends the life of the overlay. Having to do the major roads in pieces is not as effective as doing the road in one project. This would be possible with a bit of assistance and would benefit both communities.

Sean Roylance: He does not feel this is asking for a "handout"; they are simply asking if the Payson Council thinks this is a fair request? Even though Elk Ridge residents do use Payson's roads, we also pay the taxes in the stores that are frequented. There are always multiple views to the issues being discussed.

Mayor Bills: Payson has a 7.2 million dollar swimming pool and the same rates are charged for anyone using the facility; it was paid for through sales tax revenue and their Council realizes that sales tax collected through their commercial businesses. The City is not making money off of the pool. They feel this is like "scratching each other's backs".

Kent Haskell: He mentioned that the recreation dept. does charge more for non-resident participation.

Mayor Bill: That is true of some areas; but 7.2 million dollars has a big impact on the budget.

Raymond Brown: He understands this; but this would not be every year; he is referring to assistance on completing the road project all at once.

Kent Fowden: It would be hard to justify spending B&C Road Funds on improvements for another community; other communities would also expect assistance.

Kent Haskell: He made the point that when Elk Ridge citizens travel Payson's roads; it is to reach a destination where Payson will benefit; when Payson citizens travel Elk Ridge's roads to get to the Golf Course, there is not like benefit to Elk Ridge.

Mayor Bills: Payson's budget will not allow for their City to assist this year; perhaps another year.

Brad Daley: Payson is also struggling financially; perhaps they could participate "in kind"...there are other ways than financial assistance.

- Other sources: gravel pit (example) There could be ways to work out other types of assistance.
- Striping roads was also mentioned (Payson contracts this service out, so there is no way to participate with striping).

Raymond Brown: Mentioned the possibility of a street sweeper to utilize.

(#3 seems to have been partially addressed with #2; and partly addressed with #6)

4. Possibilities for lease/use of Payson City equipment for the benefit of Elk Ridge, i.e. Vac/Jet Truck, Street Sweeper. Rent/Lease agreement with or without operator.

Mayor Dunn: The Mayor explained that the safety officer from ULGT (Utah Local Govt. Trust) visited with the Mayor and one of the points the Mayor came away from the meeting was that regular preventative maintenance is a key to preventing problems. (Maintenance: sewer lines, sumps, roads, etc.) The more often lines are cleaned the fewer claims ULGT received. With the interlocal equipment agreement, perhaps we could get a better price from Payson in renting certain equipment.

Kent Haskell: He was asked to explain the City's policy for cleaning sewer lines and sumps: he basically works with \$15,000/year to clean line and sumps; 1/3 of the City is cleaned every year by Twin D.

Mayor Dunn: One of the questions asked by the safety officer from ULGT was how often the lines were videoed and cleaned; that seems to have a direct correlation with failures and what claims they make adjustments on.

Mayor Bills: The equipment is expensive and certified drivers are required.

- Sweepers and Jet trucks: These are in use most of the time; there are just so many hours they are available. Due to the cost of the equipment, it would be "tough" to least these pieces of equipment out. If there are emergencies, they would try to Assist; but not on regular maintenance basis.

Rich Nelson: They may be willing to lease out some equipment; not the sweeper and the jet truck.

Kent Haskell: Payson City has been willing to help in emergencies...they have been good that way.

Rich Nelson: With the costs associated with maintaining expensive equipment, it makes them a bit "nervous" to lease out this equipment.

Mayor Bills: There are other pieces of equipment that are not in such constant use that could be leased out.

Payson is willing to assist as neighbors in an emergency. Costs of TVing lines is also going up; it may require 3 men on the job. (Twin D uses a 2-man team.)

5. Possible revenue of culinary water to Payson for growth on the east side of Payson:

& 6. Can a shared commercial project on the boundaries of both municipalities become beneficial to both cities? (Mayor Dunn felt these two items could be discussed in conjunction with one another.)

Mayor Dunn: These topics have been discussed between Payson & Elk Ridge in the past.

#5 is a result of Payson having requested water from Elk Ridge for their Golf Course condominium Project. That still stands as a possibility. Elk Ridge is willing to assist those around us. In the past, he asked Jeff Budge and Brent Arns if there would still be enough water left for the north sections of town and they both said yes. If Payson goes forward with this Project, he encouraged them to contact Elk Ridge to solve their water issues for that area.

#6...Another suggestion in the past has been a "C" store that would service both communities...or any possible joint ventures that would work economically.

Jill Spencer: (Referring to their "East Plan") In the same agreement where annexation boundaries are addressed, a joint venture is also referenced for the east side. Payson recognizes that, though there is not a great deal of potential to sustain a commercial development, there could be potential for Elk Ridge shoppers to frequent something on the east side. So, they have established that Payson would work with Elk Ridge to see if they can identify some sort of percentages of projected benefit would result from certain types of businesses. There are no details at this point, just ideas that need to be explored.

Rich Nelson: Another idea for a joint venture could be based around the Golf Course; that will end up being a "sports Mecca".

Mayor Dunn: Suggestion: Perhaps consideration should be given to a "four-seasons" restaurant in that area to take advantage of the terrific view; could the Clubhouse be converted?

Mayor Bills: Long range plans for the Golf Course have included ideas for a "convention center".

Mayor Dunn: He spoke of some of the ideas associated with the building of a City Center for Elk Ridge, which could include some type of center or reception hall that could be used by various groups and organizations...this could be a "four-seasons" opportunity, as well.

Jill Spencer: She offered to email a copy of the urban growth agreement to Mayor Dunn.

7. What are Payson's plans with the manhole covers on 1600 West and the sinking across the roads along 11200 South?

Kent Fowden: He has met with John McMullen about three weeks previous to the Work Session and they addressed the issues on 1600 West; there are 2 other manholes on 11200 South that will also be addressed. Regarding the sinking; they met last fall and they agreed that Ram Constructors are responsible for these issues. They have some storm drain issues that have created certain issues. John McMullen was going to deal with Ram Constructors. He does not know anything beyond that.

Mayor Dunn: He requested that Payson check out any recent sinking that could have resulted from spring settling.

Shawn Eliot: He reported that there has been sinking by the road called "harm's way".

Kent Fowden: He said repairs would be made by Harm's way, when asphalt is available.

8. Can we put something together for our citizens to access the Payson Library?

This topic was talked about with the prior City Manager, Andy Hall; and at the time, there were a couple of "competing" things that were taking place:

1. Elk Ridge had a contract for the "Book Mobile"; it was not cost effective for the amount of use it was getting.
2. At the time, the Mayor of Saratoga Springs was trying to put together a County-wide library card; it did not go through. Would something like that work?

Mayor Bills: There has been a huge investment each year, for a long time; but perhaps that is something Payson can look into.

Nelson Abbott: Elk Ridge could help boost the revenue for the library; in the past we were paying around \$2000 - \$2500/year for the Book Mobile.

Rich Nelson: He would rather work together and create an arrangement that would benefit both communities.

8. What can be done with the remaining 1.8 acres of Hole #7?

Mayor Dunn: Mayor Dunn spoke with David Tuckett, Payson's Attorney, regarding plans for the old Hole #7.

There had been an offer from Elk Ridge to Payson to purchase the land; however, there are some concerns which have been expressed by Elk Ridge's Council:

- Access to the land...there is a service road leading to the new booster station; perhaps that could be expanded.
- The reason this item is on the list of agenda items to discuss is that if Payson has another offer; Elk Ridge would not expect Payson to "hold" it for us in any way.
- There has been a suggestion for Elk Ridge to put a cemetery in that area.

Mayor Bills: He believes Payson owns the cart path going into that area...so there would be access.

Mayor Dunn asked if there is anything that Elk Ridge can do for Payson.

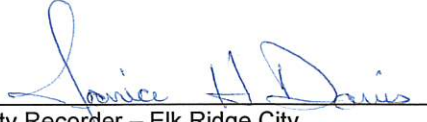
- Mayor Bills: Payson is anxious to get the RV Park going; that may be an opportunity to sell water to Payson.
- Jill Spencer: The boundary line adjustment has gone through the required process to adjust the line along the north boundary of the Golf Course; it has not been finalized. Time lines may have been exceeded;
-

Perhaps public hearings will have to be held again. They have been waiting for Elk Ridge to adopt the ordinance so it can be recorded.

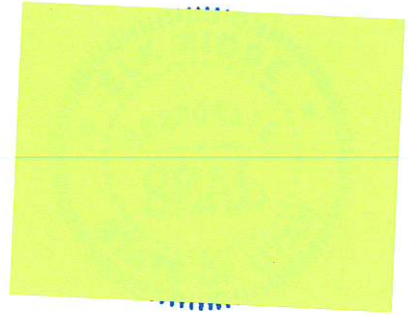
She needs to get with Dave Tuckett to determine if time lines are exceeded. She will email Mayor Dunn To inform him.

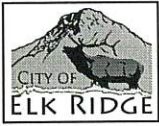
Shawn Eliot mentioned the eastern boundary and Jill Spencer agreed that this is a good point; she will have to look into that.

The Meeting was adjourned at 7:40 PM; after deciding that it would be a good idea to get together perhaps annually.



City Recorder – Elk Ridge City





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, May 12, 2009, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM.**

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

6:00 PM - CITY COUNCIL WORK SESSION – AGENDA ITEMS

Web Site Training – Sean Roylance
Budget Discussion (2009/2010 & Final 2008/2009 Fiscal Years)
 Sheriff's Dept. Budget – Julie Haskell
Special Service District (911) Update – Julie Haskell
Update - Boundary Line Adjustment (Payson & Elk Ridge) – Mayor Dunn
Effects of the Recession – 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 1. Presentation/Water Rights Opportunity (Cash-in-lieu Program) – Jim Garside

7:45 2. Action on Work Session Items:

 Budgets

 Special Service District (911)

8:15 3. Update - City Celebration – Derrek Johnson

8:25 4. Acceptance of Subdivision Improvements & Releases of Durability Retainers:

 A. Salem Hills Subdivision, Plat C; Lot 20 Lot Split (Carey White – formerly Montierth)

 B. Harris Estates, Plat A (Ken Harris)

 C. Loafer Heights Subdivision, Plat A – (Kurt & Carissa Nosack)

8:40 5. Approval: Open Money Market Account (Savings)

8:50 6. City Council Minutes

8:55 7. Expenditures:

 A. General

 B. Expenditures for March & April, 2009

 C. Security Camera System – Playground – Pavilion Area – Mayor Dunn

9:10 8. CITY COUNCIL CLOSED SESSION

 Discussion of Personnel

9:25 9. Any Action on Closed Session

 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 May, 2009.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted on the City Web Site; and was provided to each member of the Governing Body on May 8, 2009.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
May 12, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 12, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 23, 2009; and an Amended Agenda on 1-25-09.

6:00 PM –

CITY COUNCIL WORK SESSION

ROLL

Mayor Pro-tempore: Raymond Brown (Absent: Mayor Dunn); *City Council:* Nelson Abbott, Raymond Brown, Julie Haskell, Sean Roylance & Derrek Johnson; *City Planner:* Shawn Eliot; *Planning Commission Assistant:* Marissa Bassir; *Deseret News:* Rodger Hardy; *Public:* Jim Garside, Jamie Steck, Spencer Steck, Morgan Rugg, Sierra Poulsen & Phillip Sorensen; and the *City Recorder:* Janice H. Davis

CITY WEB SITE
TRAINING

Sean Roylance: One of Councilmember Roylance's assignments has been to improve the City's web site and to make it more user-friendly and useful to the residents of Elk Ridge. One of the platforms that Councilmember Roylance ran on was better communication with the citizens of Elk Ridge. Councilmember Roylance has been working on this and had a presentation prepared as a tutorial. Management of the proposed web site was the topic of discussion.

Who will have access to the web site?

City Council? Staff?

The web site is designed to be flexible to be able to navigate easily.

Councilmember Roylance guided us through the process of creating a new web page, or Adding content to a web page. The directions seemed simple and straight-forward.

There are still some things to be worked out before it is ready for use by the City.

Adding modules and the how to modify them was also covered in the presentation. Currently, there are three modules to start with; more can be added later, but they all work on the same basic principles.

Question: Who is hosting the web site? (Currently...online services? To switch it over to the domain name of elkridgecity.org would take about 24 hours.)

Other questions and points of consideration:

- Uploading agendas and minutes
 - Common topics could be put onto the web site with the ability to email the Council.
 - Who will have administrative access? (Examples: Fire Chief, Council, Planner, etc.)
- Councilmember Brown felt that the Mayor and Councilmember Roylance; then Plan Coordinator & City Recorder to put up notes and minutes.

Councilmember Abbott agreed with Councilmember Brown and added perhaps the EMS Captain.

Raymond Brown: The Fire Dept/ has a PIO (Public Information Officer) that the Chief and the EMS Captain could clear things with. He also suggested having someone proof writing articles, particularly on "hot topics".

Nelson Abbott: He prefers to not have the ability to create their own content given to the Council; he feels it would be better to have things proofed and modified...so it could be cleared through an administrator.

Raymond Brown: He does feel it is important that each of the Councilmembers write about their areas of concern, to keep people informed.

- Deleting things from a web page was reviewed.
- Copy & paste was covered.

Question: Can articles be "time sensitive" where they will automatically delete after a period of time?

There will be a calendar for events.

Shawn Eliot: He would like to see included the ability to post things like staff reports, plat maps, etc. One of the problems we have had is that the City's web site does not get updated very much; so there is a common complaint that current information is not on there.

Rumors that go around town could be partly because of lack of current information available to the citizens. He does like the idea of having a 2nd eye edit whatever goes onto the web site.

Marissa Bassir: She agrees that it may not be wise to have too many administrators accessing the web page. From her experience, she feels the fewer people the better.

Sean Roylance: There has to be a balance between having the ability to get information out in a timely manner by those who are informed; and the ineffectiveness of having too many people involved. He cautioned about not having the "funnel too small"...or that one person is not overburdened and bored with the obligation of sifting through too much information.

Raymond Brown: If various individuals were writing the articles, all an administrator would have to do would be to review the article, edit it if necessary and post it.

Sean Roylance: One of the features he wants on the home page is a section with *frequently asked questions* with a link to even more.

Raymond Brown: The Council needs to work together and the ones that are expert in their fields and the most informed are the ones that need to inform the public.

Shawn Eliot: He asked again about having a termination or "fall off" date for articles; this would be besides a calendared event.

Sean Roylance: He will do what he can with what he has; archiving is an option.

Shawn Eliot: A reminder for Councilmembers and staff to write articles would be a nice feature.

Sean Roylance: he registered Elk Ridge as elkridgeut.com so a web site could be created...once we are all happy with what has been created, the switch over can take place. In the next week or so, he will be working with the Mayor to find out who should have access. Hopefully, the web site will be up in a couple of months. Councilmember Roylance was motivated to do this mainly because he feels that easy access will assist in getting information out to the residents in a timely manner.

BUDGET DISCUSSION (Postponed until later in the Work Session)

**SPECIAL SERVICE
DISTRICT (911) –
UPDATE**

Julie Haskell: Councilmember Haskell had the opportunity to tour the Dispatch Center and spent some time one-on-one with the Executive Director; which she found very beneficial in that she was able to have many questions answered. There are still many decisions that the Board needs to make; so they are still in the beginning stages of this process. There are some interesting points she felt would be good to share:

- "The combination of the Dispatch and 911 Budgets is what it takes to operate the Dispatch Center as a whole. Certain expenses can be applied against the 911 budget, which is funded through the 911 telephone surcharge. All of the expenses incurred against those revenues must be associated with the process of 911 calls." (This included call-takers salaries & benefits, trainee call-takers, telephone line expenses and so forth.)
- "So as we develop a budget for operating the Dispatch Center, the SSD Board will determine what fit within the 911 perimeters; and the bounds of operation are funded through the fees assessed to the cities. (A breakdown of fees was provided...with Elk Ridge's assessment at \$10,241 for 2009/2010.)
- "The Board will be looking for an approval at Thursday's meeting for the July, 2009 – June, 2010 fiscal year. At that time the bill will be sent to the cities for ½ of the assessment in July...currently, the City is being billed from the County monthly...this ends in June for July's billing...the other ½ will be billed in January, 2010.
- The Board will be discussing how the assessments are determined...whether by calls dispatched...using one formula or another (she assumed the assessments will be reviewed each year...that has not been discussed). Unless the Board determines that a tax should be assessed...that has not been decided...if that occurs, then the City assessment would discontinue and the funding would come through a tax assessment to each household."

Nelson Abbott: He assumes that would be proportionate...according to growth rates and population...the cities not being assessed at the same level.

Julie Haskell: We are not being assessed at the same level...all the cities are charged differently.

Raymond Brown: So, if Elk Ridge had like 53 911 calls, where Payson City could have 1,140 (fictitious figures)...based on that, then Elk Ridge's fee would be smaller.

Nelson Abbott: (Stating his feeling, for the Record) "I think if it was dialed back and it was assessed at a taxing level on a per-household basis...I think that way it would be more current on an on-going basis instead of kind of a 'high-water mark' once a year where you go in and re-assess it to keep it more current."

Raymond Brown: "It sounds like they are doing the right thing."

Julie Haskell: There are still more discussions to be held; and as information is made available, she will bring that to the Council.

Raymond Brown: The City cannot "opt out"...it is about \$10,000/year; without additional revenue coming into the City.

**SHERIFF'S DEPT.
BUDGET**

Julie Haskell: This information has been provided to the Council previously; but, in conjunction with the City's budget concerns, she wanted to refresh the Council that the County Sheriff's Dept. will not be increasing the costs to the cities for the up-coming fiscal year. Elk Ridge is in the class of a "Part-Time Patrol Deputy", which is at \$53.00/hour.

Raymond Brown: Rounding this figure off, we are at about \$60,000 for the year.

**BOUNDARY LINE
ADJUSTMENT**

(Memo from Mayor Dunn to Council, dated 5-11-09)

"This project has been in the works for about two years now and needs to be taken care of. I see absolutely no advantage to prolong this clean-up of the boundaries.

Payson may need to re-do their end of things because of the amount of time that has passed.'

Let's get this item off the agenda and taken care of."

Raymond Brown: Mayor Pro-tempore summarized the memo from the Mayor and encouraged the Council to consider taking care of this. He said that this has nothing to do with Elk Ridge giving Payson land; they already own it. Elk Ridge is waiting to hear from Jill Spencer (Payson).

**EFFECTS OF THE
RECESSION**

Raymond Brown: The Mayor included an article written by Mr. Stephen G. McCutchan, AICP, entitled "How the Recession will Change Land Planning and Housing in Utah"; he also had the letter he wrote to Mr. McCutchan and Mr. McCutchan's response by email to the Mayor included in the Council packets.

Councilmember Brown summarized: Basically the City cannot "do business like we used to". Things have changed...the world has changed...the economy has changed...the environment has changed...so there will be many things happening differently due to these changes and the resulting economic challenges. The Council will have to change the way we think about things.

He encouraged the Council to read the article if they had not.

BUDGET DISCUSSION – City Recorder: It is important to understand about where we are for the current fiscal year to better understand what to project for next year. She has met with the Finance Director, Curtis Roberts (in April). They both spent the entire day he was in reviewing the figures for this year and next year's projections.

FISCAL YEARS

(Budget Worksheet)

Page 8: The General Fund deficit is projected at about \$106,795; this would have to be transferred out of the "Capital Projects Fund – Future Improvements" to balance the General Fund. This projection will change as more bills and revenue come in after the close of the fiscal year. The *Final* Financial Report is the Audit Report; that is what goes in to the State; the Final Amended Budget in June is simply a guide and a best estimate of the final figures.

(Review of memo to Council from the City Recorder, dated 5-12-09)

Current Year Budget (2008/2009):

General Fund

Revenue:

- There are certain revenue accounts that do not receive their last submittals until August and September after the close of the fiscal year at the end of June. (Property Tax, Woodland Hills (Corbett Contract), B&C Road Funds, Utility Franchise Fees, EMS Grant) The Final Budget will reflect the final payments that can be somewhat predicted.
- We will have a one-time transfer in to the General Fund of \$124,000 from the Capital Projects Fund (Town Hall / Fire Station) This will not be part of the General Fund revenue in 2009/2010.
- Property Tax: (As per Curtis) Typically counties collect about 90 to 93% of property taxes. 91% of our budgeted property tax would be \$213,339...we are low (209,536)
- Sales Tax: We started out budgeting 235,000...Modified Budget went to 175,000 (based on current year-to-date figures and projecting out to end of year). I noticed that in October, '08 \$41,914 had been reversed out of the ledger...why? This is an example of money that comes into the current fiscal year, but has to be reversed back into the previous year because it was earned in that year...so Curtis kicked it back in last year so the auditors would not have to make that adjustment.
- Refuse Collection: When we went from \$10 to \$11, it was proposed by Linda Cooper to go to \$12/month. The \$11 is just covering expenses; but before we consider raising that rate, I recommend contacting Allied to see if having the cans on one side of the street would save costs; or Perhaps the City should simply tell them to take care of their own billing and charges and take the charge off the City bill. (Is that even possible?)
- Woodland Hills – Contract Labor: (Corbett Stephens) There has been about \$20,000 generated from his work in their city.
- Zoning & Subdivision Fees: From 25,000 to 12,540 to about \$5,000 (\$4,340 is YTD actual)
- Engineering Inspections: From 25,000 to 5,000 to about \$1,000 (Final)
- Municipal Contract Labor: (Corbett S.) Inspections and work for other communities (not Woodland Hills) About \$3,000 +
(Actual = \$2,682) He is filling in for Salem City currently...so this will go up slightly.
- Interest Received: From \$70,000 to 31,500 to about \$20,000 (Final)

Expenditures:

- Insurance & Bonds: This was the reverse of the revenue accts. \$5,774 had been charged to last year's expenditures since the bill was due July 1; however, insurance pays for the future, not the past; and should have been in this current year.
- City Council/PC Supplies: \$700 to \$1,200 (Purchase of Screen and Projector)
- Police: From \$55,120 to \$57,978 to about \$60,000 (Final)
- Parks:
- Salaries: YTD = \$1,684 (The question is whether we will have hired help for the parks and Pavilion? See Mayor's

Memo)

- Special Projects: \$2,000 to \$0.00 (Council decision)
- 4th of July: \$5,000 to? (YTD = 3,082 for last year's celebration)

General Fund Totals for current year: (To balance the General Fund)

Usage of Fund Balance from Capital Projects went from 109,287 to Possible 106,795.

There are questions:

- o How much will the fencing around the water tank cost? When will we install it?
- o It is projected to spend about \$17,000 to complete the purchase of the auto-read meters for the City; Will this be approved?
- o Where will we project the property tax to be at for 2009/10? Will the Council approve a Truth-in-Taxation Hearing to consider an increase in property tax?

One of the areas that could have a major impact on the General Fund is the Water Fund...in the form of the Administrative Fee. If the Water Fund were carrying its responsibility to the General Fund for administration, the fee would be higher...about 40% of three Departments in the General Fund is spent on some aspect of the Water Fund...that would increase the Fee to the General Fund significantly. This would make a big difference in the General Fund totals.

The Water Fund, however, is not in a position to handle 40%; we are currently at about 18% or 19% with the current Admin. Fee from Water.

There is another aspect of the Water Fund totals that has to be taken into consideration: (Copies of page 62 from the 2007 Audit Report and page 64 of the 2008 Audit Report were provided to the Council) These pages cover the "Net Revenue Bond Requirement" for the Water Fund. This is the requirement for the excess of net revenues over the Bond requirement... (the Bond requirement is 125% of debt service)

Excess of net revenues over Bond requirements"

Year ending in June, 2007 = \$145,951

Year ending in June, 2008 = \$18,734

This is placing the Water Fund in a position of not having much of a cushion. If that margin lessens, the State could dictate water rates for the City. The Water Fund's expenses went up with the Water Project and added infrastructure; this adds to the Depreciation figure...this current year = 152,000...it will be the same for 2009/10. The State did dictate an increase in water rates in about 1995, when the City was seeking bonding for a water tank.

The Council has expressed an interest in examining water rates...there are concerns with this:

- More revenue is needed in the Water Fund to be able to increase the Admin. Fee to the General Fund.
- The Council has expressed an on-going concern for those residents struggling to make ends meet...the "fixed income" citizens...those trying to meet their obligations (the number of those citizens is growing with the state of the economy).
- There must be a balance between rates that are too high and rates that are too low.
- Dry vs. wet years have to be considered

The Recorder had mentioned to Corbett Stephens the dilemma the Water Fund is in and he responded with a suggestion to consider the method of billing that Spanish Fork City uses...they charge a Base Fee that is for zero amount of gallons used; then the tiered structure begins at the first gallon used. He worked up a summary of particular scenario:

(Memo from Corbett Stephens to Council)

"Water rate proposals may include changing the base rate to a lower amount while eliminating the base water allowance also. A base rate of \$25.00 would generate approximately \$14,625.00 per month and the used water would then be charged from the 1st gallon used.

There were 206 residents who didn't reach their minimum 12,000 gallons for the month of October in 2008. Of those, the average usage was just less than 7,000 gallons. If the base fee was applied at \$1.80 per 1,000 gallons, the average bill would be \$37.60, not much different. Some of these users only use 3,000 gallons per month, which would then be represented by a billing of \$30.40. Those on fixed incomes are generally older couples with no children at home. These residents would see a substantial savings. For the remainder of the water users, rates would increase slightly. When a user reached the 12,000 gallon point, their bill would be \$46.60, and from there, it would increase the same as it currently is established.

This proposal may seem to place the financial burden more fairly on the use of water instead of burdening everyone equally when consumption is nowhere near the same across the board. Paying for water as it is used may also lend itself to encourage a greater conscious effort to conserve water. Long term conservation may also benefit the entire community with a decrease in the requirement and a windfall of excess and sellable water.

The extremes for water consumed for the month of October, '08 were up to 113,000 on the high end (residential) and several in the 2,000 to 3,000 range."

Raymond Brown: He met with the Finance Director and was told how much money he could not spend on road repair this coming fiscal year... he only has \$90,000 to do \$170,000 worth of repairs to the City roads. The roads will go without the necessary maintenance, and if that is multiplied times a number of years, then the roads deteriorate. Roads can get to a "point of no return" when they are beyond repair and have to be replaced...that is very expensive. Debt can be like "rolling a snowball up hill"...it gets heavier and heavier. The City has not had a property tax increase for a number of years; he does not want to be like Saratoga Springs, where they came to the public with a 242% increase in taxes. He feels the Council had to "ease into this thing" by increasing the taxes in increments. About 10% of Elk Ridge residents did not pay their property taxes this year. Expenses have been cut as much as possible and revenues are not coming in...these needs to be kept in mind as the budget is considered...but it is "needs vs. wants" right now.

ELK RIDGE CITY COUNCIL MEETING May 12, 2009

TIME & PLACE OF MEETING	This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for <u>Tuesday, May 12, 2009, at 7:00 PM</u> ; this was preceded by a <u>City Council Work Session at 6:00 PM</u> . 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 January 23, 2009; and an Amended Agenda on 1-25-09.
7:00 PM -	<u>CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS</u>
ROLL	<i>Mayor Pro-tempore:</i> Raymond Brown (Absent: Mayor Dunn); <i>City Council:</i> Nelson Abbott, Raymond Brown, Julie Haskell, Sean Roylance & Derrek Johnson; <i>City Planner:</i> Shawn Eliot; <i>Planning Commission Assistant:</i> Marissa Bassir; <i>Deseret News:</i> Rodger Hardy; <i>Public:</i> Jim Garside, Jamie Steck, Scout Spencer Steck, Morgan Rugg, Sierra Poulsen & Phillip Sorensen, Wesley & Kara & Scout Cook; and the <i>City Recorder:</i> Janice H. Davis
OPENING REMARKS & PLEDGE OF ALLEGIANCE	An invocation was offered by Nelson Abbott and Scout Spencer Steck led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE
THE AGENDA TIME FRAME AS PRESENTED**

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

PUBLIC FORUM

Mr. Jamie Steck: He is experiencing water pressure problems (he lives on N. Ama Fille Circle) at his house. He and his neighbors installed their yards and gauged their sprinklers for about 60 to 65 lbs of pressure; this was about 12 years ago. The pressure keeps decreasing and more sprinklers are required as well as the necessity of redesigning their systems. He is concerned about the ever decreasing pressure (currently at about 45 psi).

Raymond Brown: He described some of the problems that have occurred in that area and asked him to leave his address and he will have the Public Works employees check out his particular area.

WATER RIGHTS
OPPRUNITY –
PRESENTATION

Mr. Jim Garside: (Mr. Garside has met with Mayor Dunn to present a proposal regarding providing water rights for the City; the Mayor directed him to the City Council.)

Mr. Garside introduced himself as a water right expert in Utah and Salt Lake Counties; he buys, sells and trades water rights throughout these areas. Mayor Dunn and he have had several conversations regarding water rights, specifically for Elk Ridge City.

He would be happy to answer any questions about water and water rights. He discussed what he has done in other communities and he qualified his presentation with the fact that the City Engineer was to provide him with a figure of the City needs in acre feet at "built-out", but that has not happened.

Proposal:

He offered to deposit whatever that quantity of water right required at build-out, into the City wells. They provide the money, they deposit the water and as development comes in, then the developers do not have to go out and "hunt" for water rights for their developments...they do not have to deal with the City Council, except to be referred to Mr. Garside and/or whomever represents him at the time...and they can then purchase the water from them at a certain price. He mentioned that Dallas Young deposited a bulk of water rights here in the City some time ago and that worked out well for the City.

Positive aspects of the proposal:

- ❖ Elk Ridge is "done with water"...meaning, at build-out, the City has what it needs.
- ❖ Development comes quicker
- ❖ This basically takes the "politics" out of water; and politics create problems

He proposes to put in a quantity of water that is needed for build-out for the City, and then issue those as "credits" in the system.

Once the water is in the City's name, it becomes property of the City...it can never leave; the rule states that cities cannot "alienate" water...once it is here, it is here. They are fine with however long it takes to sell the water for development.

Benefits for Mr. Garside and his Associates:

- ❖ Their water gets beneficially used...as soon as it is in the City's name, it is the City's and it can be used as the City pleases.
- ❖ There is a 50-year "banking" rule with the State that Mr. Garside does not...that protects the rights.

City Recorder: IF the City has more water than it needs and can use at a particular time, is the water then placed in a "non-use" category? Those applications and the cost of contracting with the City's water right expert (Tony Fuller)...would those costs be the responsibility of the City...or, since the revenue generated from those rights would come to Mr. Garside, would he cover those costs and monitor the status of the rights?

Mr. Garside: In every city he has done this in (north of Elk Ridge....examples: Spanish Fork, Riverton, Herriman, South Jordan, Sandy, American Fork, Alpine, Highland, Lehi...he has credits issued in most of those cities) he deposits the water and then the city issues credit to the developers. Regarding the status of the water...once the water is in the City's name, it is the City's water.

Recorder: It is the City's water, and the City would have to prove-up on it.

Mr. Garside: That is correct; but cities are under special circumstances...cities have 50 years to prove up on water; Mr. Garside has six years. Once it is in the City's name, the City is under a State statute that protects your water...that is a benefit to him (Mr. Garside); in that once the water is in Elk Ridge, it is protected.

"But, to pay for everything...I think that engineers and attorneys charge too much money for what they do; and I think that there are people in your City and people like myself that would be happy to help out...I do it for nothing...because it is my water. It is a simple process; the State makes it easy to do this...we do not need attorneys, we don't need engineers...we just need common sense."

Raymond Brown: Getting back to what the Recorder was referring to: When someone comes in requesting water Rights, they would purchase the rights from Mr. Garside; with the point-of-diversion being the Elk Ridge wells. Question: If changing the status of the rights were necessary, there are charges involved...

Mr. Garside: It is \$175 fee for a non-use application that protects the City for a period of time (He thought perhaps 30 years... *Tony Fuller indicated 5 years, unless things have changed*).

Raymond Brown: Question: The point is, "if you sell it for \$4,500...the City pays \$175 to keep it in non-use...will you reimburse us for the \$175 when you sell it? We have no industry here."

Mr. Garside: "That can be worked out in the fine print, as far as I'm concerned...What I am talking about is parking \$4,000,000 of my assets in your City; so \$175 of a 4 million dollar asset is quite meaningless."

Raymond Brown: He explained that expenses in a small city are critical and there are administrative costs associated with this proposal; he does not want the City to be burdened with that over 40, 45 or 50 years."

Mr. Garside: "But if it's a one-time fee, and your water is taken care of...you would look at the alternative...a developer comes in and says 'I need water and you say...good luck...go find it'; and then it takes a year to find it, and it takes 18 months to fight through the attorneys and through the State Engineer to get it in here... How are your impact fees compared to \$175 fee when the water is already here? We are talking about, develop now, or develop in a year & ½ or 2 years...your impact fees come quicker when the water is here. We can negotiate anything in the fine print."

Raymond Brown: He felt strongly about not creating another financial burden for the City, even though it is a minor one.

Mr. Garside: "Well, the big burden would be not getting your water..."

Raymond Brown: "It wouldn't be a burden for the City..." (*Mr. Garside interjected that it would be a burden!*) "In a way, it wouldn't; because you don't know how many people here don't want development..."

Mr. Garside: "But you don't know how many people here do want development...and need development in this area."

Raymond Brown: "You're right; and we have done our best to have water available for...not total build-out, but we do have water available." He again made the point that, though the costs may seem small, he does not want the City to bear the costs associated.

Mr. Garside: He suggested adding that into a building fee or a license fee...however the City needs to do that is fine with him. He knows that cities are struggling financially. That is why he does not want Elk Ridge to have to expend any money on purchasing rights. He feels this credit proposal is the best option to save the City money; "other than the few fees".

Nelson Abbott: (Question) He reiterated the agreement the City had with SUVMWA and the "cash-in-lieu" option the City arranged wherein the two entities have "profit-sharing" situation, with both entities benefitting. Councilmember Abbott wanted to know if this type of an arrangement could be considered with Mr. Garside.

Mr. Garside: When he "parks" water in the City, he does not own it any longer...the City would issue him "credits"...he owns the credits, the City owns the water. He is not interested in getting involved with what the City does with development; and he would hope that the City is not trying to impact how he, as a water rights expert, deals with his profession. He said he is not interested in "profit-sharing"; he is interested in placing the water and the City refers developers to him. If he charges too high a price for his water, the developer is welcome to find his own and bring it in. There is no "monopoly".

In this area, water is going for about \$3,500 (is that per acre-foot?)

When someone comes in needing water rights, they would be referred directly to Mr. Garside, who would then give this person the price of the water. They purchase the water rights from Mr. Garside and bring the City proof of purchase (notarized deed) that would state that that amount of water right can be credited to that person...and they are ready to build, develop or whatever the use may be.

This works out well for the City.

He knows that cities are trying to save money; but the fees that would be associated with transferring those rights would be "insignificant" when compared to a \$4,000,000 water package...over 30 years.

City Recorder: (Comment) The arrangement with Dallas Young was different in that the City purchased water from Mr. Young over time; and then sold it to developers or individuals...there was profit-sharing involved.

Raymond Brown: This will be discussed with the Council and then there may be some "fine tuning" to any arrangement; and Mr. Garside will be contacted. Councilmember Brown expressed his appreciation for presenting his offer to the City. The build-out figure also needs to be provided to Mr. Garside by Tony Fuller.

NON-AGENDA ITEM

Eagle Scout Project Report (Scout Cook):

Mayor Dunn asked that he come in to report on his Project...which was the installation of the baseball field.

Scout Cook: He handed out fliers to conduct a sale to raise money to build a baseball field (southwest corner of Ingram Field). He raised \$650, with which he purchased bases and rented a saw cutter to cut out the field. The Project was held up due to winter weather. The Mayor indicated that the remainder of the money should be donated to the City to help pay for clay for the field; because it is just dirt in the cut-out portions right now.

Raymond Brown: He asked about the status of the clay for the field.

Scout Cook: The clay has not been purchased; he is not sure where to buy it.

Wesley Cook: They have checked around (late last summer) with the hope of having it donated to the City for his son's Project; but no one was interested. The clay was not part of the original Project; it was not written into the plans. The clay was the Mayor's idea; and they felt it would be a good thing to finish it off, and that people would be more apt to use the field with the clay. So, the Project is finished. They need for the Mayor to sign off on the Project.

Raymond Brown: He will relay the message to the Mayor. He should be in the City Office the following day.

Derrek Johnson: He asked what the balance of the money is to be able to donate toward the clay.

Scout Cook: About \$315. He will bring the money in when he meets with Mayor Dunn.

*Raymond Brown: He will set up a meeting for Scout Cook with Mayor Dunn.

(The bases were submitted to the Council for the City to store.)

ACTION ON WORK SESSION ITEMS

1. Budgets:

City Recorder: The City Recorder continued the discussion regarding –the current year budget and how it affects the coming year's budget.

Water rates will affect the operating revenue in the Water Fund and will determine the amount of "Administrative Fee" to go to the General Fund. If it increases to the point of being able to cover the percentage appropriate, this will reduce the deficit in the General Fund

The amount of Property Tax to be charged to make up the deficit must be determined and it could hinge on "water sales" covering operating costs.

This is why reviewing the water rates is directly involved with balancing the budget; but if water rates could possibly be lowered in some way, that could off-set a possible increase in Property Tax. It is important that we take the current financial status of the City and move forward creatively in a difficult economy. Simply cutting expenses does not necessarily solve the problems.

(Review of the memo from Corbett Stephens on water rates...quoted earlier)

The residents on a fixed income would be helped with this "pay for what you use" method of billing; some of them are only using 3,000 or 4,000 gallons/month. With the capacity to read meters year-round (auto-read system), the City can bill according to usage.

Derrek Johnson: He wondered how many of the 206 people who did not use 12,000 gallon have avoided putting in their yards; perhaps this could "reward" this attitude.

City Recorder: Many simply use less due to small yards, more concrete and because only two people are living in the home. There may be pro's and con's to the suggestion, and this is a rough summary of what is possible; but consideration should be given to determine if a system where a base rate is charged without any gallons of water being attached to it could be appropriate for Elk Ridge.

This is a concept that has not been utilized in Elk Ridge, but has been in other cities.

Discussion of Administrative Fees from the Water and Sewer Funds, into the General Fund:

These fees are contractual fees paid to the General Fund to administrate the operations of the Water and Sewer Funds. These Funds must be thought of as separate "businesses" and should be in a position to sustain themselves and cover their own costs.

Year-round reading of meters will also help to eliminate on-going problems with broken lines that seem to surface in the spring, when we start reading meters after the winter months (example of costly broken line was given). Not only does the resident end up paying more, but there is also the issue of wasted water.

A new look at the water rates could be beneficial to the Water Fund, certain residents, and the General Fund; in conjunction with switching over to the Loafer Well, could bring the Water Fund to the point that a higher Administration Fee could be sustained.

Bringing the Administration Fee up to a point where it is actually paying the appropriate amount to the General Fund could take the needed property tax down.

(It was figured that the cost for the remainder of the City to have auto-read meters is about \$17,000; this would be for the "09/"10 Budget Year.)

Nelson Abbott: He spoke of the necessity of running the Water Dept. as efficiently as possible.

Sean Roylance: He likes the idea of charging for the actual amount of water used; "it allows the people who really do need to squeeze out a few extra dollars...to have the chance to do that".

Nelson Abbott: He also feels that those who use extra high amounts of water may curb there practices.

City Recorder: A very positive result of listening to our Finance Director (then our Auditor) several years ago was how raising water rates took the Water Fund from a downward trend financially, to a point where the City was able to fund an expensive water project (over 2 million dollars) and only bond for \$500,000 of that. This was unprecedented for this City to be able to do that.

Nelson Abbott: There are still SUVMWA Water Rights to purchase with profit sharing options (about \$8,000,000 worth of water rights).

Raymond Brown: He agrees that he favors an arrangement where the City can make some money on the sale of water rights. He added that he feels that administration costs must be considered in everything the City does...like development, garbage collection, etc.

Discussion of the possibility of raising garbage collection fees (current fee is barely covering costs):

Nelson Abbott: Before considering a raise in this fee, the efficiency of the collection process must be reviewed with Allied; would placing all cans on the same side of the streets save the City money?

(Mapleton Mayor said it works in their city.)

Raymond Brown: Perhaps there should be a test with Allied to have everyone put their containers on the same side of the street; then we could see if it works.

City Recorder: This was placed on the agenda as an action item for tonight's meeting to determine if the Council will hold a Truth in Taxation Public Hearing in August to consider an increase in the property tax rate. The Tentative Budget for 2009/2010 will be adopted at the next Council Meeting (5/26); if a Hearing is held in August, this Tentative Budget will be utilized until that point...if not, then the future year's budget must be adopted by June 22, 2009.

In considering a possible tax rate increase, it would be preferable to approach it in an "incremental" way, rather than waiting and having to look at a large increase in a year or two. Last August, at the Tax Hearing, the citizens in attendance were not opposed to an incremental approach to a tax increase. Naturally, no one wants any increase at all; but the majority of the citizens could see the need and, though they were opposed to the proposed tax rate (that would have generated over \$100,000 in one tax year), they could see the sense in half that amount.

As Councilmember Roylance has so often said, communication is so important! The City is looking at other ways to generate revenue and cut expenditures. (Later it must be discussed: will the City keep certain positions or bring some work in-house?)

(Review of memo from Mayor Dunn regarding care of the City Park)

"Care of the park is a contractual event that must be approved by the Council after proper discussion. This does not fall under the \$500.00 limit that each Council person has. The \$500.00 limit is only for one time items.

Items to consider for any contract are:

Do we have it in the budget? Where is the money coming from?

What are the other options? Has someone volunteered to do this? Can it be done in house?

Who insures the new workers? Do they have their own? Do we take on liability?
What does the bid show? What do we get for the money? Is this what we desire?
Is this competitive? Who else desires to do the job?

The bottom line is; this is a Council decision."

The argument could be: the current City employees are experiencing a "wage freeze"...no COLA and no bonuses...all the employees understand this. Will the City then hire someone to come in and do something that could be done in-house? Do we have the luxury to hire an outside company?

(Mr. Ed Christensen has a lawn care company that has tentatively been hired to care for the ballpark, City Hall yard and playground area.)

Derrek Johnson: He told of Mr. Christensen coming in to propose a lawn care contract which included mowing twice a week, bagging the grass and disposing of it in the dumpster, edges...all for about \$100/week. That is about what the City was paying summer help in the past.

Raymond Brown: Though this was a good offer, he felt that it should be brought before the Council and perhaps, in an economic crisis like the one we are currently experiencing...the Council should consider the money spent as opposed to wages frozen. If it is in the budget, he sees no problem.

Derrek Johnson: One thing he found appealing was that he knows the job will be done...and done correctly; as opposed to a volunteer, who may or may not get it done.

Nelson Abbott: (Suggestion) Perhaps we could contract out one time per week and allow a volunteer to do the other time.

City Recorder: There are also three Public Works employees who could do the work.

Nelson Abbott: ...If they have the time and the availability to do the work, he has no problem with that; but in the past, they did not have the time...so help was hired. Have things slowed down to the point where they could do this?

City Recorder: Regardless if things have slowed down or not, the point is that right now, we are looking at every imaginable way to cut expenditures...

Raymond Brown: (Example) Acting as Mayor Pro-tempore in the Mayor's absence, a situation came up where the first rental of the season for the Pavilion was scheduled...with an employee who had informed the City that this was not longer something she desired to have included in her job description. In reading over the job description, cleaning the Pavilion was still part of the duties associated with this job. The point is; how much do we need this position? (This will be discussed later in the Closed Session.)

Another area to look at would be the Engineering firm the City uses; it is located in Bountiful (they used to have an office in Payson). The City pays for time in travel to and from the City...this costs a great deal of extra money. Should the City consider a firm that is closer?

(The charges come in three parts: the Field Inspector, Craig Neeley checks her work, and the charge for clerical work in creating the invoices.)

Corbett Stephens works with Aqua Engineering in the area of Field Inspections and certain work with the subdivisions; then his work is okayed by Aqua...and the City is charged. This all adds up...and when the City employees are looking at the wage freeze decided upon, we need to be careful how the City's money is spent.

City Recorder: She reminded the Council that it must be decided whether to go to a Public Hearing in August for taxation; or not.

Raymond Brown: (Referring to something said by Councilmember Abbott last year). Councilmember Brown agreed with Councilmember Abbott when he suggested the Council consider smaller increases on a regular basis...much like a "cost-of-living-adjustment". The City is not being frivolous in spending. He feels that if the Council stayed with this idea of smaller increases; over a period of time, the General Fund could come back to a healthy point and meet the needs of the City. "We are basically robbing from our savings to keep ahead". Some people will spend more than others, based on their valuations, and based on the County taxes and Nebo School District.

Smaller increases would eliminate the need to approach the citizens for a larger increase later.

Nelson Abbott: "When you wait, and we borrow money from somewhere else that is earning interest, we are actually eroding our principal...and so we have to take an even bigger piece...rather than gradually..."

Raymond Brown: He listed other expenses cut from the budget: All conferences have been eliminated; except those that allow certifications to be kept current...we have cut about all we can cut.

Regarding a proposed tax increase: he feels that the "sooner the better". The citizens are expecting it from the last Public Hearing in August, 2008...even the ones that came who were very against any increase; by the end of the Hearing, they were mostly in agreement that some increase was in order. It was also said that this would be re-visited.

City Recorder: The Council that voted to accept the suggested tax rate (no increase at all), based their vote on the fact that the suggested tax rate was actually slightly increased from the prior tax year; which has not happened in the City in her remembrance. There was hope that it would be sufficient; it was not and collections were not as high as usual.

Raymond Brown: In "hind-site", the City did not get as much in as expected...people did not drive as much and the Class C Funds were lower...all of these things "hit".

City Recorder: (Water Dept.) Pg 21...

- "Water Sales" have gone down slightly ("wet" spring)
- "Interest Earned: Has gone down (less money to earn interest on)

Pg 23: The budget has gone from (- \$46,000) to +\$31,000 (approximate): One reason for this was the removal of one of the expenditures of \$84,000 +, which was listed twice.

Nelson Abbott: How far off is the City from having the current bonds paid off? There are still town bonds in the Water Fund. Sometimes it is not about the interest, it is about the money we have to have for the bonds (125% of the debt requirement).

(The city Recorder did not know the maturity dates at the time, but has researched them since then and they are as follows:
 - Water Revenue Bond, Series 2002: in 2018
 - Water Revenue Bond, Series 2007: in 2014)

City Recorder: The Sewer Fund has not changed much; O & M to Salem has not happened yet.
 The totals for the budget figures in the Enterprise Funds (Water, Sewer and Storm Drain) can be a bit misleading due to all the restricted money involved with these Funds...(example: Impact Fees)

Raymond Brown: He has also considered selling water to Woodland Hills.

City Recorder: A company has approached Mayor Dunn about being allowed to review our utility bills with the various utility companies to see if they can find mistakes in billing or better rates...all to save the City money. Once they see what they can do for the City, they will approach the Council for the go-ahead to continue. This is at no extra cost to the City; if they find a savings, then they earn a percentage. This has been done in the City some time ago with regard to franchise fees and was successful. There were two other competitive companies that do the same thing; but they are on-going for 5 years and this particular company is only for 3 years. The same percentage is charged. This is somewhat minor, but could represent a savings.
 The review has been on the current year budget; these figures will affect 2009/2010...things will likely not change much. Perhaps looking a water rates and less pumping costs by the switch-over to the Loafer Well will allow a higher Admin. Fee from Water to the General Fund...this would have to be watched carefully through the summer to see how things are going.
 (Certain projections were reviewed)

Raymond Brown: The costs will stay about the same, but the revenues could be less.
 ((An opinion was sought regarding a Taxation Hearing in August...it would have to be before August 17th)

Sean Roylance: He felt that it sounds like the Council needs to do it.

Julie Haskell: She expressed that she felt there was not much choice (meaning that the Hearing should be scheduled), even though she does not want to.

Raymond Brown: He said he thinks it will have to be. He felt we should go for the 1st Meeting in August.

Nelson Abbott: He has no opposition to scheduling the Hearing for August; but he wanted to state the reason for his vote in August of 2008: "Last August, why I didn't was because it was actually an increase; and that was actually the reason I didn't vote for an additional increase...at that point in time we were already increasing it...which is what I was proposing we would do...is to start to increase it...so, I think we need to do it. We told everyone we were going to do it last year and that we would be re-visiting it this year as well. Whether I like it or not, I think we have to."

Raymond Brown: He asked Councilmember Johnson if August is okay for the Public Hearing and he answered, "Yes".

Nelson Abbott: He feels one of the things that will happen is that people will go in to the County to appeal their valuations...and if the City does not adjust the tax rate, the City will be in a worse position.

Raymond Brown: IF a citizen goes in and gets an adjustment, he/she still has to pay what was assessed...If denied, it can go to an appeal...and this process can go all the way into the next tax year. (He speaks from experience.)

Sean Roylance: It is looking like the rate will likely be raised; he feels it would be good that the Council tracks all the things that have been done to cut the budget...all the sacrifices made, etc. Then the Council can inform people of what has been done.

Raymond Brown: He feels there has been a good effort to cut expenses as far as possible. There are some things that have not been cut: snow plowing...in some communities, when it reaches a certain time on the job, they simply quit plowing...like Cedar Hills...we kept plowing all season...for the safety of the public. Up here on the bench, it is a safety issue.

Sean Roylance: It seems like what the City has done in the past is that we had revenue coming in due to growth...growth is not something we can sustain. He suggested that the Council figure out what we need in terms of income and expenses...without growth; and then as long as we do have growth, we can use that money. But we need to determine the needs of the City without growth...someday it will stop.

Julie Haskell: Soft commercial is so important for the City to develop.

Raymond Brown: He was talking to the Fire Chief and he expressed their need for a new fire engine...they could do it with an 80% - 20% "match grant"...they can't because the City does not have the money for the match. But there is no where to park it if they get it.

Sean Roylance: This is a good time to figure out what the City's "needs" are vs. the City's "wants". What do we need to do to get by? Hopefully in the future, those who come after will not get "comfortable" with the revenue coming in from growth...because it can stop...either by another recession or by build-out.

Derrek Johnson: (Review of the planned events) Due to cost, there will be no movie, nor will there be a train.
 Events:
 - Parade (Connie Reese)
 - Mayor's Dinner
 - Carnival (a modified version)
 - Helicopter Drop
 (Councilmember Haskell offered to assist and for Councilmember Johnson to call her.)

Nelson Abbott: He has contacted a couple of different vendors for the raffle and he needs to get some City letterhead to send out. (That was provided to him.)

Raymond Brown: He asked if there was a theme to the Celebration...he suggested a military theme and for vets and those on active duty to be honored in the parade.

Nelson Abbott: The 3rd Ward will be carrying the big flag...what is the protocol?

UPDATE – CITY
 CELEBRATION

City Recorder: If there is to be a performance, Maurie Vance has asked that her voice students be allowed to participate.
Raymond Brown: He was approached by the past Student Council President about getting the cheerleaders, and dance team, etc. to represent Salem Hills High School.

ACCEPTANCE OF
SUBDIVISION
IMPROVEMENTS –
RELEASE OF
DURABILITY
RETAINERS

1. *Salem Hills Subdivision, Plat C; Lot 20 "lot split" (Carey White; formerly Montierth)*

This was before the Council previously and was postponed to be sure that the correct improvements were inspected; they were and it is back on the agenda for approval.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY SEAN ROYLANCE TO ACCEPT THE IMPROVEMENTS FOR THE SALEM HILLS SUBDIVISION, PLAT C, LOT 20 (LOT SPLIT) AS COMPLETE, AS PER INSPECTION AND RECOMMENDATION; AND TO RELEASE THE DURABILITY RETAINER TO THE DEVELOPER

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

2. *Harris Estates, Plat A (Ken Harris)*

The improvements have been inspected and have been recommended to acceptance.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO ACCEPT THE IMPROVEMENTS FOR THE HARRIS ESTATES, PLAT A SUBDIVISION, AS COMPLETE, AS PER INSPECTION AND RECOMMENDATION; AND TO RELEASE THE DURABILITY RETAINER TO THE DEVELOPER

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

3. *Loafer Heights Subdivision, Plat A (Kurt & Carissa Nosack)*

The recommendation listed one exception to approval: the developers must submit "as built" to the City prior to release of the bond.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO ACCEPT THE IMPROVEMENTS FOR LOAFER HEIGHTS SUBDIVISION, PLAT A, AS COMPLETE; AS PER INSPECTION AND RECOMMENDATION, AND TO RELEASE THE DURABILITY RETAINER TO THE DEVELOPER, CONTINGENT UPON "AS BUILT" BEING SUBMITTED TO THE CITY

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

OPEN MONEY MARKET
ACCOUNT FOR THE
CITY – APPROVAL

City Recorder: In an effort to protect the City's money in the present economy and to earn the best interest rate possible, the City Recorder has contacted the City's Bank (Far West in Salem) and proposes the following: (*Memo from Recorder to Council*)

"The City has a general savings type account at the PTIF (State Treasury) where we keep cash to run the City in its various Depts.

Occasionally, when the checking gets low, I authorize a transfer from this general account to the City's checking account to cover expenses.

Currently, we have more money in our checking that we require; so I thought about opening a savings account here at Far West Bank rather than sending it back to the savings at the State Treasury.

The Treasury has been preferable do to the possibility of earning a higher interest rate...

However, if we keep a balance of \$25,000 in a Money Market Acct., we can get an interest rate of 2% as opposed to an average of between 1.16 & 1.17% at the State Treasury.

The other reason to open a 2nd acct. is to not have all the City's money in one account...in fact, we may want to consider a further account and split up the money that we have in that one general acct. at the PTIF (over \$600,000).

(Please do not confuse that cash with "money to spend"...it is all the combined cash for all the various Funds...)

I think it wise to not have all our "eggs in one basket"...just in case.

Anyway, to do this, the Bank requires the Council to approve this and authorize me, Linda and Janine to be signers on the account."

The Council agreed with this proposal, with only the Recorder and the Treasurer on the account.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO AUTHORIZE ELK RIDGE CITY TO OPEN A MONEY MARKET ACCOUNT AT FAR WEST BANK; WITH THE FOLLOWING STIPULATIONS:

A. THAT TRANSFERS ONLY BE MADE FROM THIS ACCOUNT TO THE CITY'S CHECKING ACCOUNT AT FAR WEST BANK

B. THAT ONLY THE CITY RECORDER AND THE TREASURER BE LISTED ON THE ACCOUNT

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

CITY COUNCIL
MINUTES

1. *City Council Minutes of 3-24-09:*

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 3-24-09, AS PRESENTED

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

2. *City Council Minutes of 4-14-09:*

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 4-14-09, WITH CORRECTIONS TO PAGE 5

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

EXPENDITURES:

General: (Check Registers for March and April, 2009)

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO ACCEPT THE CITY EXPENDITURES IN THE FORM OF THE PAYMENT APPROVAL REPORT AND THE PAYROLL REGISTER, FOR MARCH AND APRIL, 2009

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

Passes 5-0

Security Camera:

(Memo from Mayor Dunn, dated 5-11-09)

"This spring has brought to our attention the fact that children using the park facilities are treating it with some vandalism. Some of the new signs that have been put up have been torn off by vandals and have been found in the garbage cans by our Works people. Not only has vandalism resulted in the loss of one slide and the repair of another, but the net on the tennis court has been cut from end to end across the top, resulting in its complete destruction.

These events are happening when no one is witnessing it. It may be at night or on weekends. The total for the destroyed items has added up to be about \$2,500.00. It seems to be getting worse, not better.

The new water tank hill has also been altered by the kids that have used it as a sledding hill. That hill has been posted with "No Trespassing" signs.

The cameras would only be needed at the City building and play area. Children have been found on the roof of the City building and pavilion on several occasions. The signs that are being removed are the ones put in place to stop these events. The law requires us to post them if action is required on the vandalism. Our insurance also requires the signs. When a child falls off of any of the buildings and is killed or maimed, our insurance carrier is going to ask if we did our part to warn those who would desire to offend. The signs are that warning.

I would much rather catch the offenders than wait for them to get hurt and do more damage to the public facilities."

Raymond Brown: He and Councilmember Johnson have discussed this many times. The slide has been fixed; but the vandalism is on-going. Both Councilmembers are in agreement that the City needs to take further action to catch the offenders. There is a camera system at Cosco...including 4 cameras, it reports to a PC at home. He described the system to the Council.

The various features of the camera system were discussed.

The cost of this system is \$999.00. He feels the City would benefit from this, particularly considering that just the slide cost the City about \$1,500 for one time.

The system can always go back to Cosco if it does not perform as expected.

The Council agreed.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO APPROVE THE PURCHASE OF THE CAMERA SYSTEM AT COSCO FOR THE APPROXIMATE COST OF \$1,000.00

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

Passes 5-0

8:55 PM

CITY COUNCIL CLOSED SESSION

ROLL

Mayor Pro-tempore: Raymond Brown (Absent: Mayor Dunn); *City Council:* Nelson Abbott, Raymond Brown, Julie Haskell, Sean Roylance & Derrek Johnson; and the *City Recorder:* Janice H. Davis

Discussion of Personnel

The Closed Session was closed and the Regular Session resumed at 9:35 PM.

9:35 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS (CONTINUED)

ROLL

Mayor Pro-tempore: Raymond Brown (Absent: Mayor Dunn); *City Council:* Nelson Abbott, Raymond Brown, Julie Haskell, Sean Roylance & Derrek Johnson; and the *City Recorder:* Janice H. Davis

ACTION ON
CLOSED SESSION

1. Building Maintenance Position:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO ELIMINATE THE POSITION OF FACILITIES MAINTENANCE EMPLOYEE, AND TO BRING THE DUTIES IN-HOUSE

VOTE: YES (5) NO (0) ABSENT (1) MAYOR DUNN

2. Engineering Firms:

The City Council is in agreement that all members of the Council, Kent Haskell and Corbett Stephens will be authorized to gather information regarding other engineering firms or an individual engineer to service the Community. Aqua is in bountiful and the City pays straight time for travel.

3. Maintenance of the Park and City Building:

*Councilmember Johnson will obtain two other bids besides that of Ed Christensen and present them to the Council.

*Raymond Brown will check on the possibility of bringing the work in-house.

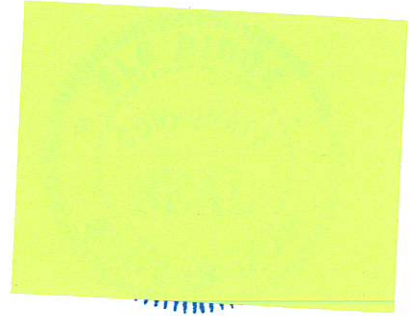
This will be on the Agenda for the next Council Meeting.

ADJOURNMENT

The Meeting was adjourned at 9:40 PM.



City Recorder – Elk Ridge City





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

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 26, 2009, at 7:00 PM, to be preceded by a Public Hearing at 6:00 PM**, to consider adoption of the Tentative Budget for the 2009/2010 Fiscal Year Budget; and a **City Council Work Session at 6:45 PM**.

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

6:00 PM - PUBLIC HEARING – PROPOSED TENTATIVE 2009-2010 FISCAL YEAR BUDGET

Public Hearing/Proposed Tentative Budget for the 2009/2010 Fiscal Year, for the Operation of Elk Ridge City
(Interested persons shall be given an opportunity to be heard.)

6:45 PM - CITY COUNCIL WORK SESSION

Updates:

Rental Home (City-owned) – Mayor Dunn
Loafer Well Switch-over – Mayor Dunn
Water Right Policy for City

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

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

7:05 Public Forum

7:10 1. Discussion of Proposed Public Works Shop – Rough Estimate

7:25 2. Adoption – Proposed Tentative Budget for 2009/2010 Fiscal Year for the Operation of Elk Ridge City

7:45 3. Discussion of Water Rates – Nelson Abbott & Corbett Stephens
Revenue Opportunities for Water – Discussion - Stephens

7:55 4. Any Action from Work Session

8:00 5. Tennis Lessons for the City Tennis Court – Discussion

8:10 6. Renewal of City Planner Contract (MAG & Shawn Eliot)

8:20 7. Expenditures: General

Use of Park Impact Fees

A. Ground Cover – Upper Retaining Wall / Ingram Field – Mayor Dunn

B. Baseball Field Dirt – Mayor Dunn

8:35 8. 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 22nd day of May, 2009.



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 May 22, 2009.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
May 26, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 26, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:45 PM, and a Public Hearing, at 6:00 PM, on a proposed Tentative Budget for the 2009/2010 fiscal year. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 22, 2009.

6:00 PM –

PUBLIC HEARING – PROPOSED TENTATIVE 2009/2010 FISCAL YEAR BUDGET

Public Hearing/To consider a proposed Tentative Budget for the 2009/2010 Fiscal Year, for the Operation of Elk Ridge City (Interested persons shall be given an opportunity to be heard.)

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance & Derrek Johnson; *Public:* Lucretia Thayne, Ciera Thayne, Dale & Joann Bigler; and the *City Recorder:* Janice H. Davis

Discussion:

(Memo from City Recorder to Council...included in packets)

"Tentative Budget: This is a draft of the Budget that will be presented to you at the Public Hearing. I am waiting on certain suggestions from Curtis Roberts (Finance Director); I will likely not have those until Tuesday (with the Holiday on Monday). The Budget Notes after some of the Budget Accounts will be helpful for you...they are meant as an explanation...so, I won't reiterate that information in this memo.

As you review this draft, it is the far right column that deals with the proposed Tentative Budget for 2009/2010; the other columns are:

Far Left – Original Budget figures at the beginning of 2008/09 (July 1, 2008)

2nd from the Left: Modified (mid-year) Budget for 08/09

Center: Current Year to Date Actual (What has been spent since 7-1-08...to date)

2nd from Right: Projected Final Budget for 08/09 (June 30, 2009) The "real" Final figures are contained in the Audit Report, which is sent to the State Auditor.

There are a couple of extra notes:

10-31-100 (Property Tax): I have called the County to arrange for the Truth in Taxation Hearing to be on August 11th (must be before the 17th of Aug.); however, I have not heard back from him.

Please note (Page 11) that the far right column..."bottom line" = (42,003) This looks good...however, it is all based on the Water Dept. and what we are able to save there with utilities...and this is dependent upon the switch-over to the Loafer Well and how much we are actually able to save. If this is not as successful as anticipated; or if we have a "wet summer"...for whatever reason...we will have to review this and re-assess our financial position with the mid-year amendment to the Budget. I have not balanced this figure to zero yet...I wanted you to see the difference.

Please note the transfers in for this current year (Page 4):

10-39-200 (Trans. From Capital Projects Fund – Town Hall/Fire Station) This one-time transfer helps this year, it is not available in 09/10.

10-39-210 (Trans. From CP/FUT IMP...which means..."Transfer from Capital Projects Fund – Future Improvements"): This is where the extra Fund Balance is kept in "savings" for future use for any Capital need. This is also the "pot" we use to balance the General Fund to zero. (No balancing figure in the far right column as yet.)

10-34-900 & 10-34-950 (Water & Sewer Administrative Fees): Please read the explanation in the Budget Notes regarding the % the Water Fund should be covering, the % it is covering in 08/09 and what is proposed for 09/10.

Questions for Curtis:

- What proposed Property Tax rate should the Budget show?
- How much unrestricted Retained Earnings is there in the Water Fund to make up the short-fall? (If not enough, the Admin. Fee from Water will have to decrease...resulting in a higher deficit in the General Fund...which will mean a higher transfer from Capital Projects – Future Improvements to balance the General Fund.

The citizens in attendance at the Public Hearing last August directed that the Council should slash the Budget expenditures as much as possible...it has been; but the revenues are just not there. Even though the projected deficit has decreased (on paper) from about \$225,385 (made up with transfers from Capital Projects Funds) to possibly \$42,003 (subject to Curtis's analysis of retained earnings in the Water Fund)."

Mr. Roberts' Response to questions:

1. Curtis Roberts said that the Retained Earnings in the Water Fund will sustain the higher Admin. Fee to the General Fund.
2. He also said that the Council should set the property tax at the amount they wish to generate; and when the tax rates come out in June, to calculate it off of that amount.

10-34-900: Water Admin. Fee: Increase from \$96,678 (08/09 = about 19% of the appropriate operating budget in the General Fund) to \$126,364 in 2009/2010 = 25%. 40% would = \$202,182 (This would be a wonderful source of revenue for the General Fund and would be realistic as far as what the Water Fund should be paying.

10-34-950: Sewer Admin. Fee: Increase from \$37,257 in 2008/09 to \$50,546 in 2009/10 (about 10%, which is fairly accurate).

The "bottom line in the General Fund at this point is a negative \$42,003; which is better than -\$225,385 in 2008/09 (made up for by transfers from Capital Projects). The danger is in a false sense of well-being and the resulting thought that an increase in property taxes is not required...

- The General Fund expenses are cut to a point of sacrifice in road repair, wage freezes, no fire truck, no transfers out, etc.

- The Water Admin. Fee is dependent on two variables: water sales (a "wet" summer could affect that figure) and savings on utility costs in switching to the Loafer Well as soon as possible.

- What will the regular sources of General Fund revenue bring in 09/10?
- How creative can the Council be in creating other sources of revenue? (Suggestions have been: Selling water to neighboring cities, selling home on City property, soft commercial, preparing building lot in Loafer Canyon for sale, review of water rates, etc.)

Another question for Mr. Roberts: Is an engineering study required for a change in water rates? His response: Not as far as he is aware...he went on to say, "I always get nervous about changing water rates, as you well know. I want to state that I trust that Corbett's calculations will be accurate; however there is always the possibility that changes to the rate could affect demand either up or down; which would affect water revenues. I imagine that this was discussed and an estimate was made for the affect on gallons used. I have seen water rates structures like this and they can be effective and are easily explained to the population. I will always make myself available to discuss the projections with you, Corbett or anyone else."

**Corbett Stephens is going to speak to David Church about any possible requirement for an engineering study to change water rates.*

Mayor Dunn: (Update on switching to Loafer Well) He spoke to Kent Haskell and the equipment has been ordered...it is 10 to 14 days out form delivery...that would put the switch over the 2nd week in June. The Mayor is going to meet further with Mr. Haskell to see if there is a way to switch over manually for now, until the equipment comes in.

City Recorder: The budget, as presented, showed the property tax at about what the projected amount will be for 08/09...\$210,000; the question is, what does the Council feel this number should be?

Raymond Brown: If we can demonstrate to the citizens that the Council is trying to save money in every way possible, trying to reevaluate water rates to make the charges more fair...then if property taxes can generate a more "steady" income vs. a fluctuating income through property taxes...he feels it would be a better justification to the public. He reiterated past statements from Councilmember Abbott: If we kept the "tiers" in the water rates for about three to five years, then evaluate if revenues are keeping up with costs...without being frivolous about spending...(water will continue to fluctuate). If in the 3rd or 4th year, things have stabilized in the Water Dept., and there would be a need to raise property taxes...could water rtes then be lowered a bit. *(The rate on return in the Water Fund must be kept in mind...According to the City Finance Director, we are at 2% or less currently; it must be at 8% or higher to consider lowering rates.)*

City Recorder: Last year, the Council proposed a tax rate that would have generated about \$111,000 more for the General Fund. That was not received well by the public in attendance; however, ½ that was not opposed by the majority. Suggestion: to propose that half-way mark in property tax revenue...combined with educating the citizens about what has been done about cutting costs and what is being attempted in the Water Fund. (One source of revenue in the Water Fund is the sale of the SUVMWA water rights; the Recorder does not feel that this option should be ignored to allow other water rights to come into the City with no profit-sharing opportunities.)

Nelson Abbott: He agreed with this. He felt that the opportunity with SUVMWA is comparable and profitable to the City.

Raymond Brown: We are nearly a year behind being able to effectively assess our position in the Water Fund; whereas, if we had small tax increases...this money is a more fixed source of income; which allows the City to move forward and be more "pro-active" rather than "re-active".

The City needs a reliable source of income so we can know how to plan.

Questions:

- Bank Charges? *(Bank charges for bounced checks...but then the City charges the resident for the returned check)*

- Animal Control: Does the City charge the citizen (dog owner) for their animals that get picked up? (No) He feels that these charges should be passed along to the owner.

Mayor Dunn: Perhaps there could be a line item on the animal shelter bill that is a City Fee; and that could get paid back to the City...or a credit given to the City. There are kenneling fees and pick-up charges that are then charged to the City; tax payers end up paying for the violation.

Raymond Brown: Tax payers should not pay for the civil disobedience of others. He does not mind if people have pets; they should take care of them.

Nelson Abbott: He said that he does not mind charging people a fee, as long as they are informed what the fee is for.

**This would be considered under the heading of "Public Safety"; so Councilmember Haskell would check into this and bring the information back to the Council.*

*Mayor Dunn: Some cities have their own dog pound; he is not sure why they pulled it back into their own communities. He will be seeing Mayor Bills (Payson City) at a meeting and he will ask him what Payson did.

City Recorder:

Questions:

- How much of a deficit in the General Fund is the Council willing to project?

- How much property tax revenue will be figured?

Raymond Brown: The \$42,000 + deficit is very misleading because the Council has "cut this budget to the bond". Roads can deteriorate, two positions have been eliminated, wages have been frozen, there are no transfers to savings, etc.

Mayor Dunn: The Fire Dept. typically transfers about \$5,000 into savings to accrue money to either purchase a new truck or at least cover a down payment. Last year that transfer was left out; the future year it is back in. That equipment will be important as the City grows.

City Recorder: Once the property tax is set, it will remain...the tax rate cannot change. If the City gets into 2009/2010 and it is evident that the Water Fund cannot afford to pay this higher Admin. Fee to the General

Fund, it would be too late to increase the property tax at that point. If anything goes up or breaks, it could cause problems in trying to balance the budget. Increasing the revenue slowly would be preferable to a larger increase in one year.

Raymond Brown: We cannot keep not paying the employees for the City. We need to figure in some increase for next year. What if the economy turns around a bit and nothing is figured in for the employees?

City Recorder: Pg 12: If anything is to be done as far as building a Public Works building for the City, this is where the transfer in of "fund balance" (bond money) and the associated expense for construction would be shown. Having a site plan to see a proposed lay-out of the land would be useful. This is not in this proposed budget; the amendment would have to show these figures.

Raymond Brown: He has asked Kent Haskell to put an estimate together for the Public Works portion. He asked him to estimate high. He was thinking that the Public Works building could also be built in "modules" (stages).

City Recorder: The bond money must be used; she does not see where it would be useful to spread it out over time. Construction costs are down now.

Raymond Brown: As we vacate the current City Hall, the extra space can be utilized by the Fire Dept.

City Recorder: Suggestion: Perhaps the Council could plan a work session where plans are considered and a site plan decided upon.

Mayor Dunn: He said that each member of the Council could have a plot plan to refer to and they could then decide about where the various phases will go. *(Councilmember Brown suggested a field trip to the area.)* The Mayor advised that the Council visualize what things will be like in 2050 with 1,500 homes as build-out? The future will depend on decisions made now.

Raymond Brown: The "salt shed" has already had a spot picked out; but it is still important to know where the parks and other building will be in relation to all the improvements.

City Recorder: Perhaps some of the bond money could be used in developing the park area; this would assist in the City's athletic program.

Mayor Dunn: There are still a couple of revenue opportunities:

- The pit, if that was settled on
- The storage yard that could be a building lot
- A four season's pavilion to rent out (Like Salem's by the Pond)

(Councilmember Abbott mentioned that a lot of the materials for Salem's hall/pavilion were donated.)

Property Tax?

Mayor Dunn: In looking at the tax rates for last year, he figures that the difference between what was originally proposed and what ½ of that would have been, the difference would have been about \$50,000. He suggested that may be a good starting point.

Nelson Abbott: If you take \$50,000 and divide that by roughly 560 units, people would be paying a property tax increase of about \$90.

He feels the Council would be a better position when the Hearing takes place to say what is needed and that is the justification for the tax rate that will be proposed.

Mayor Dunn: The first question from the public will be, what has the Council done to alleviate the need for a tax increase...and the Council has done many things that have "tightened the belt" and cut expenditures.

Nelson Abbott: IF some additional money is figured into the budget for employees (say \$5,000), that would take the deficit up to about \$47,000...he felt that a \$50,000 increase in the property tax would be reasonable. (That would bring the property tax projection to \$260,000, total.)

Raymond Brown: That figure seemed reasonable to him. He did not see how the Council could not do this; particularly if the City experiences a rainy & cool summer, resulting in less revenue in the Water Fund. He felt they would be "remiss" if they did not do something now and possibly end up in a bigger bind next year...and "I don't know how we would get out of it next year; I don't know where else we could cut".

Nelson Abbott: He is more comfortable "going with a high number, because that gives us more room to negotiate".

Mayor Dunn: Payson is still interested in Elk Ridge revenuing water to them. Woodland Hills is looking for a back-up protection plan...this could be another source of revenue; selling water to Salem is another option.

Julie Haskell: Elk Ridge is in good shape; we don't want to do anything that would jeopardize our citizens.

Raymond Brown: Anything the City does, we would have to be the number 1 priority.

Julie Haskell: "We shouldn't have to drill a well for someone else.

Nelson Abbott: The City needs to think about the various opportunities available to generate money; like the proposed tennis lessons to be discussed later in the meeting. He does not think we should give away resources that are there for the benefit of the citizens.

City Recorder: She cited her experience with her Martial Arts business and the sub-lease opportunities they have had. An agreed upon split with finances earned off of an outside program benefits both parties...say a 70%/30% split.

Julie Haskell: (Regarding a proposed increase in property taxes) She feels \$50,000 is a bit high, but she feels the increase is needed.

Nelson Abbott: By August, when the Hearing is scheduled, there will be more information available on the savings with the wells being switched over; and what kind of a summer (wet/dry) we will be experiencing. We will have a better idea of where the finances are at that point. Perhaps the \$50,000 could be reduced; but it is easier to come down than to go up.

Raymond Brown: Later in the meeting, the Council will be discussing water rates and how to make the charges fairer. Some will pay less; some will pay more.

Sean Roylance: He clarified that they were talking about \$100/household on an average. He agrees that the budget has been tightened up as tight as possible. He really hates raising anything this year. If the amount were \$100,000 or \$200,000, he is not sure what he would say; but he feels an amount just less than \$50,000 would be preferable...but he feels "we need to"...and the amount should be "somewhere in that range".

Raymond Brown: He feels \$50,000 is a "good starting point".

Derrek Johnson: He agreed with Councilmember Roylance, that there has been a great effort in cutting the budget as far as possible. He did mention that there may be another area to look at in City employees driving City vehicles home and back again; referring specifically to Corbett Stephens.

Sean Roylance: He agrees that there are always way to continue to be creative in cutting expenses and creating revenue wherever possible.

City Recorder: There is an on-going mind-set with Americans in general, to spend fairly freely. The attitude of sacrifice is practically an unknown in our society.

Mayor Dunn: Elk Ridge is a bit different because of being a "bedroom" community.

City Recorder: (Comment on Mr. Stephens) He is in a unique situation wherein he actually generate revenue; example: even in a "bad" year financially, \$30,000 was generated in building permits; \$20,000 in labor to Woodland Hills; \$3,000 contracting out to neighboring communities...so, that is \$53,000 generated even in a year where the finances have not been as good as other years.

Mayor Dunn: The cost for Mr. Stephens for 2008/09 was \$13,000 out of the General Fund.

Julie Haskell: When workers are on-call, they cannot park the City vehicles at the City Offices.

Mayor Dunn: Part of the duties taken over by Mr. Stephens has been to read meters; that has cost the City about \$500/month...that has now been brought in-house.

Raymond Brown: He agreed the "take-home-car" thing is an issue; but He wanted to share the perspective of the Governor of Florida: He had the policy that non-essential cars were to be parked (meaning at headquarters)...Councilmember Brown said, "You cannot imagine the vandalism, theft, damage that we incurred from that. So, sometimes, taking the vehicle home is safer than leaving it here."

There is nowhere to park the trucks in the bay area, and if they are parked outside, they will get vandalized...the money saved will go back into the truck for repairs. He has experience with this and it is not a good deal.

The Mayor closed the Public Hearing at 7:05 PM.

7:05 PM

CITY COUNCIL WORK SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council*: Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance & Derrek Johnson; *Public*: Lucretia Thayne, Ciera Thayne, Dale & Joann Bigler; and the *City Recorder*: Janice H. Davis

RENTAL HOME –
CITY OWNED

Mayor Dunn: Mr. Dan Anderson currently rents the home which is located on City property. He missed a payment when we started the rental payments about a year ago. He came in to talk about it at the time and made an offer to put work into the home that would amount to that missed payment (payment = \$1,200/month). He has kept and submitted an accounting of that work that has been completed and the corresponding costs (included in the Council packets).

At this point, there is about \$136 of credit left out of the \$1,200. The Mayor said that he and Corbett Stephens need to go over to the home to inspect it. The home is about 30 years old. There have been repairmen look at things for estimates of the work that needs to be done.

Mr. Anderson attached to his accounting of the work completed, some notations of required repairs and maintenance that will be required:

"- Swamp cooler bearings are bad (roof leaks). Western Heating/Cooling estimate: \$180 - \$400 to repair

- Technician from Freeway Propane gave a heads-up about the heater...he says it is overdue to go out (it is a type they've seen a lot of problems with)

- Dishwasher: it does not work well...needs replacing.

- Refrigerator water line broke (ice maker & water does not work) This is an internal line in the refrigerator...it ruptured one night and flooded the kitchen.

- There is a substantial water leak somewhere in the field between the meter and the house. Goosenest Water has acknowledged, and adjusted the bill to average with other neighbors; but because there is no meter at the house, it is impossible to gauge our actual usage."

**(Councilmember Brown will go over with Kent Haskell to locate and turn the valve off.)*

What will the City do with the home? Is it worth fixing up? Mr. Anderson has about \$136 worth of work he will still take care of; then the City will be paying for repairs.

The house was gifted to the City, along with the purchase of the land. The City is using the rent to generate revenue.

*The Mayor and Corbett Stephens are going to go to the home and create a checklist of those things that need to be done to the home. The Mayor will come back to the Council with the list or repairs and the Council can decide what direction to take regarding the home. Regardless of what the City does with the home, the stained glass window in the home needs to go to the family of the Browns for sentimental reasons.

Sean Roylance: He questioned what the selling price for a home like this might be.

Mayor Dunn: He had some house movers take a look at the home and its location; they felt it would take about \$30,000 to move the home, after the City removing the brick. He guesses that the City could put some time and money into the home and get it ready to sell.

Sean Roylance: He suggested simply selling the home as it is...and the buyer would be responsible for moving it.

LOAFER WELL
SWITCH-OVER

Mayor Dunn: (Already discussed) The date that the Well is to be switched over is June 1, 2009. The parts ordered will take 10 to 14 days for delivery. The Mayor will talk to Kent Haskell about the possibility of transferring the Well over manually, until the parts come in. That Well has been controlled manually before (a couple of years ago when the City had to prove-up on water rights from SUVMWA).
Julie Haskell: According to Kent Haskell, the radio telemetry parts are estimated at about \$1,200 to \$1,400.

WATER RIGHT
POLICY FOR CITY

Mayor Dunn: The Mayor's memo for the last Council Meeting included the "pro's & con's"; one of the negatives list by the Mayor was that SUVMWA rights is the organization which was put together about 12 years ago to do exactly this thing. There is water there. Perhaps SUVMWA would allow Mr. Garside to put his water rights there.

Nelson Abbott: This was confirmed by SUVMWA, that they might allow Mr. Garside the opportunity to place his rights with them...for a percentage. This the same offer Councilmember Abbott made to Mr. Garside from the City. SUVMWA has the shares that were available to the City previously; plus additional rights...more than Elk Ridge could ever use.

Raymond Brown: He suggested that Mr. Garside be informed that the City is not really interested in his offer.

Mayor Dunn: He feels the City's investment with SUVMWA needs to be protected. He agrees that Mr. Garside should be informed that the City is not interested.

ELK RIDGE
CITY COUNCIL MEETING
May 26, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 26, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:45 PM, and a Public Hearing, at 6:00 PM, on a proposed Tentative Budget for the 2009/2010 fiscal year.
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 22, 2009.

ROLL

Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance & Derrek Johnson; Public: Lucretia Thayne, Ciera Thayne, Dale & Joann Bigler; and the City Recorder: Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Raymond Brown, and Sean Roylance 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 NESON ABBOTT TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:25 PM
VOTE: YES (5) NO (0)

PUBLIC FORUM

Lucretia Thayne: (Question re: revenue from water) She is not sure if this has been answered; she wanted to know if she could be recognized to speak when this item is discussed.

Mayor Dunn: He explained that the public typically is not invited to speak at these regular; but the City is small enough that the citizens are generally heard...though briefly. He would prefer that questions could be answered through the natural discussion between Councilmembers.

PROPOSED PUBLIC
WORKS BUILDING

Mayor Dunn: He had a rough drawing of a possible floor plan for a Public Works Shop (Metal building); including a rough estimate of about \$400,000 (this is figuring high).

Raymond Brown: He explained further some of the marks on the drawing. He described the doors in the drawing: they would open to roads on either side of the building so the trucks would not have to back out of the building. The building would be located where the "horse property" was.

Mayor Dunn: An example of this building is the old SESD Building (Strawberry Power). They added an office to the front of their building. There are things that could be done to bring the cost down:

- Get the plans drawn to see the actual costs. It was suggested to ask Ken Harris (architect in town) to see if he would take the ideas given him and create a site plan that would include a Public Works Building, a salt shed, ball fields, City Center...and see if he could indicate modular-type installation of these buildings.

*Mayor Dunn will contact him.

- "In-house" much of the work (The concrete could be poured in-house, the electrical, perhaps some of the framing, etc.)

2009-2010 TENTATIVE
BUDGET – ADOPTION

There was no additional discussion.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOT TO ADOPT THE TENTATIVE BUDGET FOR 2009/2010; WITH A PROPOSED INCREASE OF \$50,000.00 TO THE PROPERTY TAX FIGURE

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

WATER RATES
DISCUSSION

Corbett Stephens: (Handout: summary of water rates vs. usage)

Councilmember Abbott asked Mr. Stephens to review the current water rates. He obtained information regarding the needs of the Water Dept. The Water Dept. needs money; in order to increase revenue, the rates would need to go up.

The goal was to look at the City being fairer regarding charging for water; reviewing who uses water and how much...and trying to come up with something that is fair to everybody. The idea of being "fair to everybody" includes paying for one's fair share of water used.

Several different options were considered:

- ❖ He took the actual numbers of the water used throughout the winter months:
 - Each user had various columns dedicated to him/her indicating the following:
 - Overall usage through the winter, average monthly usage, current base rate
 - Various scenarios with "flat" base rates for zero gallons + various options for cost per 1,000 gal. for the 1st tier, as follows:
 - \$20(Base Rate) w/ 1.70/1,000 (gals. for the 1st 12,000 gallons), \$25 w/ 1.70, \$25 w/ 1.40 & \$30 w/ 1.40
 - This summary showed what the difference in charges would be with the various rates
 - This summary left the rest of the tiered rate structure the same as it is currently

(Mr. Stephens explained the above)

Lucretia Thayne: If rates are changed, behavior could also change. The City may lose revenue in the winter and possibly in the summer as well. It would not benefit the City if revenue is insufficient to meet the needs.

Dale & Joann Bigler: They were interested in understanding the "base rate" for water rates. It was explained to them the difference between summer usage and winter usage.

Nelson Abbott: He explained about servicing the City's bond debt and the need to maintain enough of a cushion between operating revenue and bond debt so the State will not dictate a mandatory increase in water rates.

Having auto-read meters has another positive side to it because those with a break in their lines in the winter do not have to wait until spring to have their meters read and the problem can be fixed quicker; this can save a considerable amount of money.

Corbett Stephens: Concern: If the base rates purchases no water, will people be concerned about watering and choose not to so they can eliminate their water charges? Currently, the \$40 base is paid and 12,000 gallons is received; whether it is used or not is a matter of choice. There are pro's and con's both ways; the Council needs to decide which way to go. The tiered structure above 12,000 gallons is the same, but those could be reviewed and altered as well...it just depends on what the Council wants to do.

Nelson Abbott: Residents have been encouraged to conserve water, but to keep yards up and not allow weeds to grow. He agrees that it could be a problem with zero gallons for the base rate; people may feel encouraged to not water.

Mayor Dunn: In a comparison he generated about a year ago, Elk Ridge is the only city in his comparisons that gives gallons with the base rate. The proposed scenario is fairer in the winter months.

Derrek Johnson: He questioned Mr. Stephens if it is possible to indicate how much is being paid per gallon currently. (Mr. Stephens answered that the breakdown could show that.)

Corbett Stephens: At first it was thought that \$25 with \$1.70/1,000 (for 1 gallon through 11,000 gallons would generate about \$30,000/year...based on last year's numbers; but the figures are not supporting that idea. It actually works out to be a negative number during the winter.

City Recorder: That "cushion" spoken of for debt maintenance must be considered in any projected loss in the Water Fund.

Mayor Dunn: Making the Loafer Canyon Well the primary Well is very key in boosting the net income in the Water Fund.

Julie Haskell: She made the point that Kent Haskell should be consulted on these figures; he knows the water system better than anyone and is recognized by the State as the City's "DRC" (Water Master).

Mayor Dunn: There was a problem with the math in some of the figures (as pointed out by Councilmember Roylance) and those calculations should be re-figured.

*Mr. Stephens said he would fix that.

Nelson Abbott: He would also be curious to review other months like May, June, July, August & September...what revenue would be projected with adjusted rates?

Derrek Johnson: He expressed an interest in putting names with the numbers.

Sean Roylance: Based on the projected figures...and taking that, times about 500 homes; there could be about a \$2,500 per month increase during those summer months. If we want to break-even, then we need to come up with a "winter plan" that would be in the ballpark of \$2,500 less per month (\$25 w/ \$1.40 gets close to that).

Raymond Brown: We would still come back to the "pay for what you use" concept...without losing revenue.

Mayor Dunn: (Regarding tiered rates) Woodland Hills has 21 tiers in their water rate structure. Some of the south communities and in more arid states (like Arizona); they have entire different rate structures for the summer months, as opposed to the winter months. This works for the "sunbelt" communities".

Sean Roylance: What is being talked about is a potential "raise" in rates. If someone were to use 12,000 gallons or more year-round; there would be a \$60 to \$70 raise for the year. Someone who is just barely got by, that person could save about \$150 for the year.

Nelson Abbott: The "upside" and the "downside" need to be weighed on these proposals.

Raymond Brown: Kent Haskell should be involved in the next water discussion.

Corbett Stephens: He said he would take last year's actual numbers for water usage; fix the formula and insert the numbers into the formula. He will provide this information to Mr. Haskell and to the Council and decisions can be made from there.

**He will place a copy of this information in the Council's folders.*

*Sean Roylance: Asked if the spreadsheet could be emailed to the Council for review.

Mayor Dunn: He spoke of water conservation options during "drought" years. There is a plan in place for that situation.

Water Revenue Opportunities:

1. Corbett Stephens: Some time ago Kent Haskell spoke to Bruce Hall (former City Engineer) about doing a co-op with Woodland Hills. Is the City still interested in pursuing something like this? Woodland Hills is currently not in a good position with their water supply. Last year their only well went down twice. Considering some type of arrangement with them could be good for them and generate revenue for Elk Ridge.

The same thing could be done with the Cloward Well...the City could revenue water to Salem. It is a great well; but the pumping costs are high...if the water went to Salem, it would be downhill.

Mayor Dunn: He can contact Woodland Hills and set up a meeting (Work Session) like the Council had with Payson City...he asked what time frame the Council has in mind. There are other issues to talk over with Woodland Hills besides water: sewerage, Loafer Canyon rd., boundary lines, etc.

(The Council felt that the sooner the better...perhaps between scheduled Council Meetings...not the last week of June, due to the City Celebration.)

**The Mayor will contact Mayor Toby Harding and email the Council.*

2. Corbett Stephens: If Elk Ridge revenue water to Woodland Hills, there would have to be a tank at the Loafer Canyon site...or somewhere that would allow the water to be utilized by both Communities. Putting a tank up there would create a "buffer" so the well could keep the tank full and both Cities could draw out of the tank.

Julie Haskell: Councilmember Haskell reiterated that the City cannot place its citizens at risk to benefit Woodland Hills..."they really are not our problem".

Corbett Stephens: The Loafer Well, as it is now, will not supply 100% of Elk Ridge's water...not 12 months out of the year. In the study that they did, there are 3 or 4 months out of the year that the Loafer Well will not meet the demand, as it is currently; there would have to be work done on site.

Woodland Hills is in such need right now, that it could be that they may be willing to re-drill the well so that it would be a bigger well, yielding a higher production...both Cities would win. This is just talk at this point; these options are just something to think about.

Mayor Dunn: A point of consideration: what water rights would Woodland Hills have to bring to this type of co-op? The State would have to recognize the new rights to be able to increase our production?

Julie Haskell: She maintained that Elk Ridge is okay right now and does not need added rights...this seems like it would be to benefit Woodland Hills...where is the benefit for Elk Ridge?

Mayor Dunn: He felt that these are good questions to ask. Right now, Woodland Hills co-ops with Salem City on their well; he has no details on their arrangement.

On any arrangement, we would have to be sure that our citizens and infrastructure remains safe.

Raymond Brown: When he spoke to Kent Haskell about this and he brought up a good point: in the winter months, no one can get into the Loafer Well...it is very difficult to repair in an emergency. Maintenance could be a problem.

Corbett Stephens: According to the figures for about the last five & ½ years, the Loafer Well produces water at about 1,000 gallons/kilowatt hour...so just to pump it costs less than 8 cents per 1,000 gallons. The Cloward Well gets about 280 gallons/kilowatt hour; so the Loafer Well is about five time better (more efficient) than the Cloward Well; as far as cost...long-term, this means that pumping costs can be at about \$30,000/year vs. \$109,000/year, for the same amount of water. This is a big difference.

(Mayor Dunn interjected that this is why switching over to the Loafer Well as the primary well is so important.)

No one is suggesting not using the Cloward Well, just using the Loafer Well as the main source...water can always be pumped from the Cloward Well if necessary...it is a good source, just expensive. In any arrangement with another city, we would never commit 100%...Elk Ridge residents must be protected.

(Councilmember Haskell feels the other cities are not our responsibility.)

Derrek Johnson: He also expressed concern that a drought situation could lower the aquifers and place Elk Ridge in a risky position...the option of providing "cheap water" to Elk Ridge citizens would be jeopardized.

Sean Roylance: Before any co-op of this type is attempted, the Council would have to be sure that our citizens would not be placed at risk in this type of situation. We would either need to have the right to cancel the agreement, or have the right to charge the other city more than Elk Ridge residents.

Derrek Johnson: He suggested that perhaps if the water drops to a certain level, the supply to another city would shut off.

Corbett Stephens: All of these details could be included in a contract or agreement.

Nelson Abbott: Another opportunity that has not been explored would be; if the other city runs the lines and they have things set up to switch on in the event that their well goes down...then Elk Ridge could sell them the water at that time. This would be through an inter-local agreement where Elk Ridge would assist in times of emergency and only if Elk Ridge is in a position to do so.

Sean Roylance: If it could be worked out to have another community take some of the pumping costs and still safe-guard our citizens; then he feels that could be beneficial.

Corbett Stephens: Whatever is done, Woodland Hills would be responsible for the costs.

Sean Roylance: "The 'win/win' is that we make money...they have a back-up or a secondary water supply. It will cost them, but that is what they need...and we get the money...that's what we're in it for."

Mayor Dunn: All of those things have to be examined closely; and before anything happens, the engineers would have to review the figures and do the model to make sure it would work

Sean Roylance: He agreed that the City needs to cover all the concerns; but assuming they can be covered...and we could make money, he would be in favor of looking into options.

Mayor Dunn: "As long as it is safe."

ACTION FROM THE WORK SESSION

**Mayor Dunn is to contact Mr. Garside to inform him that the Council is not interested his proposal regarding water rights for the City at this time and that the City's priority is with the SUVMWA Rights.*

**The Mayor is to get a list of the repair items for the rental home to the City Council.*

TENNIS LESSONS FOR CITY TENNIS COURT

Tennis Coaches: Karl Ward, Steve Fillerup & Daniela Galbraith submitted a proposal to the Council to create a tennis program wherein they would teach tennis lessons and use the City's tennis court for their lessons. After discussion, the Council decided the following:

- That the court is paid for by tax payers in Elk Ridge and should be available to them, they should not have to wait in line (though the lessons were to be earlier in the morning.

- There are liability issues with people conducting a private enterprise on public property

- Perhaps the individuals would be interested in creating a City League tennis program (like our other athletics) and they could do a split with the City... a 70 X 30 split was suggested

The Council was in agreement with the option of a City Program with a split.

**Mayor Dunn was to contact the individuals involved to see if they would be interested and at what split; and to contact Utah Local Governments Trust regarding liability issues.*

RENEW CITY PLANNER CONTRACT

The Contract is with Shawn Eliot and with Mountainland Association of Govt. (MAG):

The proposal is at no increase for the 2009/2010 fiscal year.

2009/2010 - MAG's proposal: \$10,500

2010/1011 - MAG's proposal: \$10,500

(In the contract, it states that if economic conditions improve, the terms could be renegotiated.)

2009/2010 - Planner's proposal: \$14,400

2010/1011 - Planner's proposal: \$14,400

The same statement was included regarding the economic situation and the possibility to re-negotiate the prices.

**(This time frame should be clarified whether the same costs would continue for the remainder of the current fiscal year.)*

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY SEAN ROYLANCE TO APPROVE THE PROPOSED RENEWAL OF THE CITY PLANNER CONTRACT WITH MOUNTAINLAND ASSOCIATION OF GOVERNMENTS FOR \$10,500/YEAR; AND WITH SHAWN ELIOT AS THE CITY PLANNER FOR \$14,500 PER YEAR

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

Passes 5-0

EXPENDITURES:

General: None

Use of Park Impact Fees:

Currently the City has in reserve over \$58,000 in Park Impact Fees.

**The Mayor is to contact David Church to ask about building up another City Park with Impact Fees (like a Park around the City Center land).*

1. *Ground Cover*: This is cover or hydro-seeding for the east and south sides of the ball field. The expected cost and use of impact fees would be \$2,500.

2. *Ball Field (Baseball diamond)*: The field was cut as an Eagle Project. The red dirt was not part of the Project. The City will be paying for this. It is legal to utilize impact fees to up-grade the Park. They cannot be used for regular maintenance and up-keep of the Park. The cost of the red dirt for the diamond is estimated at \$4,050 from Staker Parsons.

Nelson Abbott: Is curious why Staker Parsons is willing to donate work and materials to rebuild two ball fields in Eureka. Why are they unwilling to assist Elk Ridge in any way?

**Councilmember Nelson said perhaps he should go in to talk to Dave Cook (WW Clyde)...he offered to speak to him the next day.*

NON-AGENDA ITEMS

1. Elk Ridge Meadows, Phase 1:

Mayor Dunn: Tom Henriod (Phase 1) has been trying to contact the Mayor and the Mayor has left a couple of messages...they have not caught up with one another. Mr. Henriod said he and Randy Young are reviewing the CC&R's for the Phase 1 (north) and Phases 5 & 6 (former Phase 3).

He commented that Centennial Bank has not been very cooperative in getting the Restrictive Covenant issues settled.

**The Mayor will call the Bank representative to see what is going on with the Bank.*

2. Mr. Salisbury:

Mayor Dunn: He has re-focused on a 500 acre development in east Spanish Fork, Mapleton and Springville; as well as in Salt Lake and St. George; he is selling homes in all of those.

3. Doe Hill Estates:

Raymond Brown: Doe Hill Estates is due to overlay their roads; Councilmember Brown feels this would be better if postponed, so the roads would not be torn up when building occurs. The bond is in place...he suggests waiting. He asked the developers to submit a letter requesting that. It will also allow more time to settle.

4. Sprinkler Systems:

Sean Roylance: If fire suppression systems were going to be waived, he feels it would be more favorable in a development as across the street... (Crestview Estates 1). The development is across from the Fire Dept., no vegetation, it is infill and the lots are larger. In developments where there is more natural vegetation or the lots are smaller and homes are closer, he does not feel those areas should be considered.

Mayor Dunn: The IBC has adopted fire suppression requirements for all new building...so eventually, it will be mandatory for the entire Nation. When Utah adopts this, it will then be mandatory.

5. David Church – Surety Bond Letter:

The Mayor has contacted him a couple of times to remind him of the letter. He assured him that it will be done.

*The Mayor will contact him again to make sure it gets sent out.

CITY COUNCIL
MINUTES

A. City Council Meeting 4-21-09:

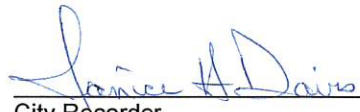
MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 4-21-09

VOTE: YES (5)

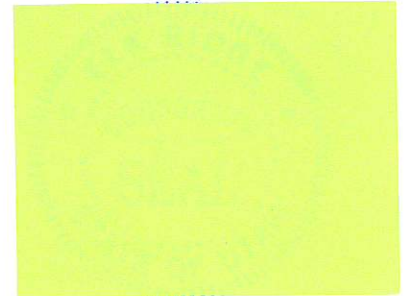
NO (0)

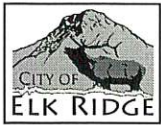
ADJOURNMENT

At 9:10 PM, 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

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 9, 2009, at 7:00 PM, to be preceded by a City Council Work Session at 6:30 PM.**

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

6:30 PM - CITY COUNCIL WORK SESSION – AGENDA ITEMS

Budget Update – City Recorder

Update - Boundary Line Adjustment (Payson & Elk Ridge) – Mayor Dunn

Update – City Celebration

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum:

7:15 1. Elk Ridge Developers – PUD Discussion – Shawn Eliot

7:45 2. Boundary Line Adjustment - Mayor Dunn

7:50 3. Health Insurance Agent Proposal – Mayor Dunn

8:00 4. Doe Hill Estates – Request for Overlay Extension

8:10 5. City Council Minutes

8:20 6. Expenditures:

A. General

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

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


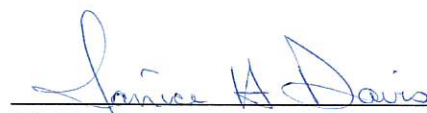
Dated this 2nd day of June, 2009.



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 was provided to each member of the Governing Body on June 2, 2009.

City Recorder

ELK RIDGE
CITY COUNCIL MEETING
June 9, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 9, 2009, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:30 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 2, 2009.

6:30 PM –

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis Dunn; *City Council:* Raymond Brown, Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson; *Planning Commission Member:* Weston Youd; and the *City Recorder:* Janice H. Davis

BUDGET UPDATE

City Recorder: The hope was that the suggested tax rate for the 2009 Tax Year would be in and the Council could discuss the projected tax rate; the figures from the County were not in at that point. There was no discussion.

BOUNDARY LINE
ADJUSTMENT

Proposed Boundary Line Adjustment between Payson City & Elk Ridge (north side of the Golf Course)
Mayor Dunn: The Mayor asked Jill Spencer (Payson City Planner) what needs to be done at this point in time. He asked for a copy of the document passed by Payson City and what Elk Ridge needs to do to progress forward. Ms. Spencer said she would pass this information on to Elk Ridge's Planner, Shawn Eliot. Mr. Eliot is in Washington at this time. Ms. Spencer assured the Mayor that the time elements with the Public Hearings and the approvals are still oaky.

Julie Haskell: She asked what the difference is between this proposed adjustment and the request the City made of Payson regarding the boundary declaration area on 1600 West. That area used to be within Elk Ridge's Urban Growth Boundary.

Nelson Abbott: It is different in that:

1. Payson City owns the ground they want to adjust into their boundaries.
2. There are private property owners on 1600 West that could request that Elk Ridge annex them into our boundaries.

Mayor Dunn: As a major property owner in the area of 1600 West (Elk Ridge Drive), the Haskell's could get the neighbors together and request annexation into Elk Ridge. There is an agreement with Payson wherein Elk Ridge agreed to not annex west of Elk Ridge Drive (1600 West).

The land that is involved with the proposed Boundary Line Adjustment (north of the Golf Course) includes all of the fairway of hole #2...it is a "clean-up" proposal to adjust the boundary to the north of the fairway.

Payson has owned this property.

Nelson Abbott: Will this adjustment leave a "peninsula", which the County does not like.

Mayor Dunn: Actually this whole area north of Goosenest Drive and west of 1600 West was the area that Elk Ridge asked Payson about. Jill Spencer told the Mayor that Payson's staff and Council may be in favor of this request.

Raymond Brown: It would be difficult for Payson to service that area (west of 1600 West). It is actually in the County.

Mayor Dunn: Payson's main concern would be the density...they prefer a lower density in that area.

**The Mayor will make sure Ms. Spencer got the necessary information to Shawn Eliot.*

CITY CELEBRATION

Derrek Johnson:

- Fliers are done and out to the public
- He has not gotten much cooperation from volunteers
- He wanted to be sure the Council is aware they are scheduled to be in the Parade and/or the Mayor's dinner

NON-AGENDA ITEMS

1) The mayor put together a "Volunteer Day" (in the Newsletter); the first one will be the following Saturday (6/13) and a family came in to sign up and was asked to weed the flowers in Park. This could be a monthly event.

2) An anonymous letter was included in the packets; it was directed to the Council. It was concerning a complaint that the City needs to enforce the Codes and force residents to clean-up the Community.

Though there are some points that the Council agrees with; those who write letters should identify themselves.

3) Zip Line: One of the Elk Ridge residents (Troy Richardson) has invented a portable zip line that he has been demonstrating it in Spanish Fork. Mayor Dunn went to try it out and said it was a "blast". Payson and Spanish Fork are interested in it to use in their Celebrations. Councilmember Johnson and the Mayor have talked about it, but they are unsure as to where it could be set up.

Mr. Richardson will set it up as either a lease or to charge for rides; he is also considering selling the apparatus for about \$15,000. Some cities are currently generating revenue with this type of activity. Mr. Richardson thought about charging \$15 per ride, which seems competitive.

ELK RIDGE
CITY COUNCIL MEETING
June 9, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 9, 2009, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:30 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 2, 2009.

7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis Dunn; *City Council:* Raymond Brown, Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson; *Planning Commission Member:* Weston Youd; and the *City Recorder:* Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Mayor Dunn and the Mayor also 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; ADDING A POLLED VOTE TO RELEASE THE DURABILITY RETAINER FOR NORLUND SUBDIVISION, PLAT A, TO THE POSITION ON THE AGENDA BEFORE #1 ITEM
VOTE: YES (5) NO (0)

PUBLIC FORUM

1. Weston Youd (Planning Commission Member) he was present to discuss and answer questions regarding the proposed animal control code. This will be on the agenda July 14, 2009.

2. Sean Roylance: Asked about the tennis program proposal that was discussed at the previous Council Meeting.

Mayor Dunn: He responded that:

A. Two new nets were ordered at \$195 each, rather than \$450. They were ordered from MVP Sporting Goods in Spanish Fork.

B. The Mayor contacted the coaches that proposed the program and they were willing to do a 70 X 30 split to share the profits with the city.

The City will provide:

- Court

- Electricity for ball machine

For the above, the coaches would submit 30% of the profits to the City. It will be done as a City program.

The Mayor spoke to two different agents at the Trust regarding liability insurance.

The announcement for classes could go into the City newsletter.

3. Mayor Dunn (RAD Kids) The course has been well-attended and successful. There will not be a second course in August, as was anticipated. There may be another one offered in one of the local schools in the fall.

NORLUND
SUBDIVISION, PLAT A –
RELEASE OF
DURABILITY
RETAINER

The improvements have been inspected and Corbett Stephens has written a letter recommending acceptance of the improvements and release of the Bond.

(Since this was placed on the agenda at the beginning of the meeting, the vote will have to be a polled vote; to be ratified at the next Council Meeting.

MAYOR DUNN TOOK A POLLED VOTE TO ACCEPT THE SUBDIVISION IMPRVEMENTS AS COMPLETE FOR THE NORLUND SUBDIVISION, PLAT A; AND, AS PER RECOMMENDATION, TO RELEASE THE DURABILITY RETAINER TO THE DEVELOPER

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

Passes 5-0

ELK RIDGE
DEVELOPERS –PUD
DISCUSSION

Mayor Dunn: Chris and Rick Salisbury are to have a meeting with the Mayor one week from the date of the meeting (6/16) at 2:00 PM. They wish to discuss Phase 4 of the PUD and their plans to develop.

1. **Surety Bond**: David Church should have the letter to the surety company sent. The Mayor faxed the contact information to him.

(From memo to the Council from the City Planner)

The original memo was for the City Council Meeting on March 24, 2009; there was additional information for this Council Meeting:

*****New Information****

At the last council meeting, staff was asked to look into costs associated with Shuler Park. The table below looks at annual costs charged to the parks department. Currently Shuler Park has 1.82 acres of grass area; the Elk Ridge Meadows Park has 4.35 acres. Water costs were projected to the new park based off Shuler Park costs at the higher acreage and is shown under Utilities. Maintenance was the other large cost assumed to double for a new park.

Other issues would be would the city need a trailer to haul the mower down to the new park, a new mower (current mower is wearing out), or could build a shed on site and keep a mower at new park. Another option is to contract out for landscaping which would take away the need for the new large mower(s) or shed. This cost is shown under Contracted Services for 2009/10 and the annual cost for the additional park.

Annual 4-Way Split of General Costs

	Park and Recreation Annual Costs					Additional Park	
	2004/05	2005/06	2006/07	2007/08	2009/10*	Ann. Cost	Assumed
Salaries	\$ 402	\$ 1,634	\$ 1,834	\$ 1,949	\$ 2,049	\$ -	na
Benefits	\$ 31	\$ 151	\$ 197	\$ 227	\$ 234	\$ -	na
Travel	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	na
Equip. Maint.	\$ 2,596	\$ 4,030	\$ 2,345	\$ 1,669	\$ 2,660	\$ 266	10%
Facilities Maint.	\$ 2,178	\$ 2,017	\$ 3,766	\$ 708	\$ 2,167	\$ 2,167	100%
Fuel	\$ 651	\$ 1,711	\$ 1,518	\$ 2,327	\$ 2,240	\$ 224	10%
Utilities	\$ 1,025	\$ 1,467	\$ 1,218	\$ 757	\$ 1,116	\$ 2,855	Acreage
Telephone	\$ 521	\$ 423	\$ 343	\$ 366	\$ 413	\$ -	na
Contracted Serv.	\$ -	\$ 825	\$ 125	\$ 1,140	\$ 1,415	\$ 3,000	Mowing
Special Projs.	\$ 1,605	\$ 6,137	\$ 2,438	\$ 2,278	\$ 2,000	\$ 3,115	Misc.
Recreation	\$ 2,510	\$ 1,181	\$ 5,135	\$ 5,074	\$ 5,000	\$ -	na
4th of July	\$ 1,614	\$ 5,634	\$ 7,708	\$ 1,528	\$ 3,000	\$ -	na
Supplies	\$ 1,881	\$ 983	\$ 1,109	\$ 385	\$ 1,090	\$ 545	50%
Land	\$ 2,500	\$ 2,500	\$ -	\$ -	\$ -	\$ -	na
Equipment	\$ 2,741	\$ 2,186	\$ 209	\$ 3,363	\$ 2,125	\$ 212	10%
Transfers	\$ 4,094	\$ 5,000	\$ 2,750	\$ 10,000	\$ 5,461	\$ -	na
Total	\$ 24,346	\$ 35,878	\$ 30,697	\$ 31,771	\$ 30,971	\$ 12,385	

*estimate

Recommendation

If it is decided enter into an agreement with Centennial Bank to take over the park the following should happen:

1. Amend the developer agreement to requiring the owner of the park to restore it to the approved landscape plan.
 2. Amend the developer agreement to require that the owner keep the park for a prescribed time period (2 to 4 years) or until a percentage of certificates of occupancy (30 to 50%) is reached. It should also include that the city shall approve the acceptance of the as per the landscape plan prior to transfer.
 3. Amend the developer agreement to require that a mix of homes and siding types be preserved as per the current CC&Rs. This can guarantee that future builders do not build all the homes alike with cheaper outside materials."
- 2. Park:** It still needs to be decided if the City is going to work with Centennial Bank to salvage the landscaping in the park within Phase 2 (options presented in the discussion on March 24).
 Park of the proposal is for the City to waive all or part of the Park Impact fees for this development.
 The Mayor pointed out some benefits to this idea:
- Park Impact Fees can be used to install improvements in a park like, the rock wall, benches, playground equipment and altering the land.
 - If Impact Fees are waived and the bank gives the City the park, then the City controls what happens to this land.
 - Additional park space would add to the overall quota of park space per capita (1.5 acres per 1,000 population)
- City Recorder:** Councilmember Roylance had made the point that this would actually be costing the City about \$350,000 in impact fees for this land...this is about the original asking price for the park when it was offered to the City by Elk Ridge Managers.
- Mayor Dunn:** If the City gets the park, it remains as open space. When looking at open space and possibilities, there are some maps to consider; they are from the City Planner. Mr. Eliot submitted plans that showed the city property and how the projected buildings could be arranged.
 The maps represented a rough site plan for the proposed City Center...with ball parks, parking lots, Public works buildings and a City Building. Lee Haskell owns some adjoining land that, at one time was offered to the City for purchase. It would be beneficial to negotiate for part of his land as additional access to the City land.
 The Bond money could be used to purchase part of Mr. Haskell's property.
- Nelson Abbott:** He suggested that "trading" land could be an option, as well.
 The acreage that was purchased by the City was for several reasons:
- To join the separate parcels that the City owned at one time that were not contiguous.
 - To obtain more open space
- Mayor Dunn:** Shawn Eliot was thinking about all this and made these maps; he is going to make smaller versions of the maps for each of the Councilmembers; the Council can work with these maps to come up with suggestions for a site plan, as well.
 The Mayor reviewed the maps with the Council: He discussed the proposed round-about...Mr. Eliot pictured it being partially on City property and moved to the south of the current intersection of Goosenest Drive and the eventual Elk Ridge Drive (as it will cut through Phases 5 & 6 of the Elk Ridge Meadows PUD). The Mayor suggested that the round-about be moved further north on the future Elk Ridge Drive; it would be easier to install and Goosenest Drive will not be used as much, once Elk Ridge Drive cuts through on the diagonal.

There are many possibilities that could be done a bit at a time. The future of this area should be considered. A work session dedicated just to working through some of these suggestions. There are 10.7 acres to work with.

City Recorder: Do we really want to give up \$350,000 worth of Park Impact Fees that could be used to build out a park area around the land we already own?

Mayor Dunn: That is a question to consider carefully.

Nelson Abbott: He feels that the developers, or the Bank in this case, will have to do something with that park if they want to sell lots. He feels this will happen whether the City takes ownership, or not. If they retain ownership, they are the ones to maintain it.

Raymond Brown: Fixing the park up is another selling point for those lots. The park looked good when it was installed.

Sean Roylance: He speculated on whether or not the City could get a "discount" on the Park. Perhaps waiving a certain number of Impact Fees with the first 1/2 of the development would be enough to obtain the park.

(Mayor Dunn felt this was a good suggestion.)

City Recorder: (Question) Can the PUD dissolve the open space and develop lots instead; when the open space is involved with more than one phase in the PUD, as a whole?

Mayor Dunn: He advised that this could be done; if the HOA fails, they can absorb the open space. He heard about a PUD in Park City where this happened: the original developer got the open space back and he went back to the City and declared that he wanted to re-develop the open space because it was not being paid for by any home-owners and he did not want to deed it to the City. He wanted to develop the open space to make some money off it, and he was allowed to do so. The Mayor was on the Planning Commission when Randy Young came through with the PUD and it was suggested to Mr. Young to put the City on the open space (within the development agreement) so that if/when the HOA dissolved, the City gets the open space. That did not happen. Mr. Young told Mayor Dunn that he would, but it did not happen.

City Recorder: Phase 4 is dependent on the open space within Phase 2 to meet their requirements. It does not seem that the open space could simply be eliminated, if other Phases are dependent on it.

Sean Roylance: Things can change. If the park can be obtained for 1/2 of what the developers are asking for, that would place the park space within the City's control. That would be a space big enough for 2 soccer fields; the park space around the City Center could be used for baseball fields. He would be inclined to consider this type of arrangement for the park in Phase 2.

The City rejected the offer from Elk Ridge Managers to purchase the park with bond money, but this is a bit different in that it is not cash the City would have to come up with.

Julie Haskell: The Council still needs to consider the cost of operations of another park and whether we can afford another park.

City Recorder: There isn't much land that could be used as park space; it would be good if the City could obtain this land as a public park.

Mayor Dunn: The land the City purchased for City Center property is the best flat land in the Elk Ridge area.

The developers of Phase 2 in Elk Ridge Meadows PUD spent a great deal of money in leveling off the land they used as park space...about \$700,000. The improvements like landscaping cost about \$320,000. There is a lot of investment in that park. If the City had sloped ground, we would be looking at similar costs to flatten out.

3. Open Space: Mayor Dunn: (This is where the trail is now that comes north from the park and runs north to 11200 South) The natural grass and wild flowers have not worked...they are basically "weeds". There is a chance that Phase 4 has a plan to keep up the landscaping on this park. The Mayor will be meeting with Mr. Salisbury and this will be one of the topics of discussion. The point will be stressed that the open space be kept up and possibly used as a "buffer" to the single family homes Mr. Salisbury has planned.

Trails System: The possibility of a public easement should be addressed.

Part of the open space trails system goes south of Salisbury's property and down the east side of the park to the end of that development; it goes down and turns west and ends up over where the street would be for the proposed school...then it runs north, across 11200 South (County Rd.), which has no legal crossing (and it will not have in the future). The County does not want signs, or a crosswalk..."basically, you cross at your own risk". The trail does extend through Phase 1 and "T"s on the south side of the Canal and goes east & west into that development. It is important to remember that future development should extend that trail east and west. It would be important to get a public easement so citizens can use the trail.

4. Impact Fees: Developers are requesting that the City waive Park Impact Fees to assist in making their lots "more marketable". They feel this is fair since the development is providing park and open space...this has already been discussed.

Woodland Hills waives the impact fees until the time of occupancy, rather than at the time of the issuance of a building permit.

Nelson Abbott: Salem City is doing the same thing. We ought to contact Salem to see if it is making a difference. The Council has often discussed that we need to get innovative in ways to generate revenue.

Raymond Brown: He liked Councilmember Roylance's idea of waiving perhaps 50% of the Park Impact Fees; that is \$175,000 rather than \$350,000.

Nelson Abbott: Perhaps this is being tied to the idea of the City taking ownership, once they have a certain number of lots sold.

Raymond Brown: If the figures of about \$1,000,000 for the installation of the park (Phase 2) are correct, then the City would be getting this for \$175,000 (1/2 of the Fees)...the City would be taking this burden off of the developers to maintain the park. This sounds like a "win/win" situation. He feels this is a good solution.

(Mayor Dunn agreed.)

5. Fire Sprinklers: (Update) Developers and builders have resisted and blamed the City for requiring fire suppression systems; but the IBC has adopted the requirement that fire suppression is not an option. The process follows that each state will ratify this code with each state's building code...then it filters down to each community to follow the state mandate. In a couple of years, sprinklers will not be an option.

Option: It has been discussed to perhaps require fire sprinklers in the "wild land interface" zone, in the Goosnest area (no hydrants), and in homes over 4,000 sq. ft. The Planner also recommends that multi-unit buildings also be required.

6. Rambler Size: The developers want to take the rambler size from 1,400 sq. ft. to 1,200 sq. ft. The City already has the requirement of 1,200 sq. ft. Mr. Tom Henriod is trying to get the other property owners in the PUD to respond to getting together to amend the CC&R's for the PUD; he has not had a good response.

7. Water Impact Fees Reimbursement: The issue of who gets the reimbursement will likely be settled in a court of law; the City will simply pay the reimbursement to a 3rd party (courts or possibly into an escrow account). Both parties, Elk Ridge Managers and the Bank, feel they should get the money.

Mayor Dunn: Perhaps it would be beneficial to have another meeting of the property owners to discuss the issues. Centennial Bank would be invited as well as Mr. Salisbury and other property owners. It would be good to see how the various issues have progressed.

(Regarding how the development proceeds with things like varying home styles, siding types, street trees, etc.)
The Mayor has had a conversation with Mark Rindlesbach (one of the principle developers in Phase 3 of the PUD); he owns property in many states that he uses for development...he was talking about "post recession development": he is sorry he purchased the land in the PUD because of the economy. He does not see Elk Ridge Drive going in as planned; but the Mayor reminded him of the Development Agreement that is still in place...any changes would be discussed at the Planning Commission level and at the Council level. Perhaps it will change, but the Mayor made the point that the City still wants that road cutting across that Phase...perhaps the width could be reviewed. Mr. Rindlesbach was saying that "starting over" might be in order...while the Mayor kept on track with the Agreements in place currently...perhaps altering the terms a bit. The round about is a good example of how the original plan could be altered; but not eliminated.

Park Space:

The Mayor reviewed the "new information" listed on page 2 & 3 of these minutes, including the chart showing costs to run the park as compared to the possibility of a new park.

Water charges: The City could continue to charge itself water at a discounted rate or just not charge itself for water.

Raymond Brown: Can Impact Fees be used to purchase equipment to keep up the parks? The mower needs to be replaced with a machine that is higher quality and will last longer and do a better job. The cost is more initially, but it would be worth it. A heavier-duty mower would also be needed for this other park in Phase 2, if the City ends up taking ownership of it.

City Recorder: Example of equipment that can be purchased with Impact Fees: a pump for a well...if it needs to be repaired, it is simply an "operating" expense; however, if it is replaced, it is a "capital" expense...she believes that Impact Fees could be used in that case. She suggested checking with the Finance Director.

The limit is not less than \$2,000 to capitalize a purchase.

Mayor Dunn: Years ago the Council approved the purchase of a 4-wheeler for the City; the purchase did not take place. A 4-wheeler is needed for maintenance on the ball field and for meter reading. There is also discussion of getting rid of the snow mobile.

Julie Haskell: She questioned the need for a 4-wheeler when reading meters, with auto-read, she thought that the reader simply drives by.

Mayor Dunn: He responded that some of the meters are still "touch-read". *(This will change after the first of the new fiscal year, when all the meters will be converted over to auto-read.)*

Julie Haskell: The snow mobiles will be needed to get up to the upper well and tank. *(The Council generally agreed that the City needs the snow mobiles.)*

(Further review of Park Budget figures, presented in the memo from the City Planner)

Sean Roylance: He wondered if the \$12,385 is a realistic amount or should it be higher?

(Costs could vary somewhat, it was felt that this is a fair amount.)

Mayor Dunn: He reviewed the "new information", specifically the "recommendation".

1. Amend the developer agreement to requiring the owner of the park to restore it to the approved landscape plan.

(The Bank said they are willing to do this.)

2. Amend the developer agreement to require that the owner keep the park for a prescribed time period (2 to 4 years) or until a percentage of certificates of occupancy (30 to 50%) is reached. It should also include that the city shall approve the acceptance of the as per the landscape plan prior to transfer.

(He feels this means that the land stays in the equation for open space for the 3 Phases of the PUD.)

3. Amend the developer agreement to require that a mix of homes and siding types be preserved as per the current CC&Rs. This can guarantee that future builders do not build all the homes alike with cheaper outside materials."

The mayor feels that the one part that will require input from the Bank would be the time period in keeping the park...and giving it up.

Raymond Brown: This could be a negotiating point: if they are willing to take less money for the park, then they would not have to bring it up to the previous standard of landscaping. That could another incentive for accepting 1/2 of the Park Impact Fees they had requested.

Sean Roylance: He would prefer do as Councilmember Abbott suggested: when the Bank gets 50% occupancy, then the City would take ownership of the park, and the Impact Fees would then be kept by the City. He may be willing to consider taking the park over right away to have access to the park.

Mayor Dunn: (Regarding the trees that have died in the PUD park) Many of the trees in the current City Park have been planted and replaced through various methods:

- Arbor Day Grants
- Eagle Projects
- Donations

Sean Roylance: He feels there is room to negotiate.

Nelson Abbott: He feels the Bank should be responsible for "bringing the park back" to its original standard of landscaping before the City take it over. He would prefer to have the Bank hold onto the park for a few years; perhaps the economy will improve by then.

Raymond Brown: Perhaps the City could offer 50 X 50 on the first ½ to be able to re-landscape the park.

Mayor Dunn: The "bottom line" is that the Bank will want the park to look good to facilitate the sale of lots.

Julie Haskell: She agreed with Councilmember Abbott; that they (Bank) should be the ones to "bring that back"; which will be a lot of work and expense.

Mayor Dunn: The Bank will either have to re-seed the park this fall; or till it up and put turf in.

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

Mayor Dunn: Jill Spencer (Payson) was to supply Shawn Eliot with the necessary information; it is unknown if this has occurred.

**The Mayor will have to contact Ms. Spencer to see if everything is ready. It should be place on the Agenda for the next City Council Meeting.*

**HEALTH INSURANCE –
AGENT PROPOSAL**

Mayor Dunn: David Volelsberg contact Mayor Dunn regarding taking over as the City's Insurance Agent.

Currently he would deal with PEHP in behalf of the City. Mr. Vogelsberg was with Utah Local Governments Trust (ULGT) and was the City's main contact for insurance. He has left ULGT and is now with "Gallagher Benefit Services". He was the representative that the Council met with a few years ago. He knows municipal insurance. The Mayor also said that the Trust (ULGT) has worked well with the City for a number of years.

Nelson Abbott: The City is a member of ULGT and part of the benefit the City receives is the availability of health insurance...they derive some additional benefit at the State level for lobbying purposes. He has a hard time with this type of arrangement; because someone else has already done all of the "work" and has everything in place and someone else comes in and takes advantage of everything being "set up". He feels the City needs to support the ULGT; if we "pull out" all the pieces, then there is not the same benefit for everyone still involved with ULGT. We need to stay unified as a group.

Julie Haskell: As an insured person (through her husband, Kent Haskell), she has been very satisfied with the service rendered by ULGT.

City Recorder: She questioned what would happen if the City decided to go with Mr. Vogelsberg and he made another career change and left this firm...would the City keep following him?

**Mayor Dunn*: If the Council all agreed, he would inform Mr. Vogelsberg that the Council decided to stay with ULGT. (All agreed.)

**DOE HILL ESATATES –
REQUEST FOR
OVERLAY
EXTENSION**

Raymond Brown: He had the developer write the letter requesting this overlay extension for the following reason: There is no building within this development. The Code states that they are supposed to overlay with 1 inch of asphalt now (with in this month)...then if they start building in a year or so...the road will be torn up with the construction. Councilmember Brown was asked if they could "put this on hold" until the end of their Durability time period (next year). He and Corbett Stephens felt this was a good idea to possibly preserve the overlay. Councilmember Brown asked Mr. Johnson (developer of Doe Hill Estates) to write a letter of formal request that would go before the City Council for a vote.

Councilmember Brown feels this would be in the best interest of the City. We may want to consider making this the standard.

Nelson Abbott: This will also help protect the road against settling.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY RAYMOND BROWN TO DEFER THE REQUIRED 1" OVERLAY OF ASPHALT FOR DOE HILL ESTATES SUBDIVISION, PLAT A; THE OVERLAY IS TO BE DONE PRIOR TO THE END OF THE ESTABLISHED DURABILITY RETAINER TIME PERIOD

VOTE: YES (5)

NO (0)

**CITY COUNCIL
MINUTES**

1. City Council Minutes of 5-12-09:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO APPROVE THE CITY COUNCIL MINUTES OF 5-12-09, AS AMENDED

VOTE: YES (5)

NO (0)

2. City Council Minutes of 4-14-09:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 4-14-09, WITH CORRECTIONS TO PAGE 5

VOTE: YES (5)

NO (0)

ABSENT (1) MAYOR DUNN

EXPENDITURES:

General:

1. Ball Field Dirt: (Discussed earlier in the Meeting)


Mayor Dunn: The dirt (60 tons or 3 loads) was paid for with Park Impact Fees; the approved amount (\$4,000) was for 90 tons or 3 loads.

City Recorder: That expense should be coded to the Special Revenue Fund – Parks; not the General Fund. The Recorder did not think that there was a motion to approve this expenditure and the use of Impact Fees. (The Council disagreed and felt the topic had been covered at the previous Council Meeting.)

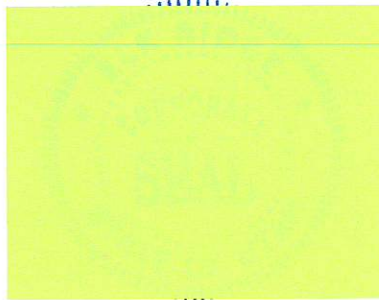
*Check on invoice from Staker-Parson for the dirt.

ADJOURNMENT

The Meeting was adjourned at 9:50 PM.



City Recorder – Elk Ridge City





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 City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, June 23, 2009, at 7:00 PM, to be preceded by a Public Hearing at 6:00 PM,** to consider adoption of the Final Amended Budget for the 2008/2009 Fiscal Year Budget; and a **City Council Work Session at 6:30 PM.**

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

6:00 PM - PUBLIC HEARING – PROPOSED FINAL AMENDED 2008-2009 FISCAL YEAR BUDGET

Public Hearing/Proposed Final Amended Budget for the 2008/2009 Fiscal Year, for the Operation of Elk Ridge City
(Interested persons shall be given an opportunity to be heard.)

Fire Dept. Budget – Chief Seth Waite

6:30 PM - CITY COUNCIL WORK SESSION

Updates:

Loafer Well Switch-over – Mayor Dunn

City Celebration

Joint City Council Work Session with Woodland Hills – Mayor Dunn

Water Rates Discussion – Kent Haskell and Corbett Stephens

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum

7:10 1. Elk Haven Subdivision, Plat A & B - Request for Preliminary Extension - Karl Shuler & John Money

7:25 2. Adoption – Proposed Final Amended Budget for 2008/2009 Fiscal Year for the Operation of Elk Ridge City

7:45 3. Any Action from Work Session

7:50 4. City Computer Maintenance Administrative Package Proposal (Harland Tech Service)

8:00 5. Norlund Subdivision, Plat A – Release of Acceptance of Improvements & Durability Retainer (Ratify Vote)

8:05 6. Utah League of Cities & Towns Conference (September, 2009) - "Tough Times – Tough Minds" –

8:10 7. Storm Damage

8:25 8. Bean Subdivision, Plat A – Acceptance of Subdivision Improvements & Releases of Durability Retainer

8:30 9. Expenditures: General

8:35 10. City Council Minutes

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

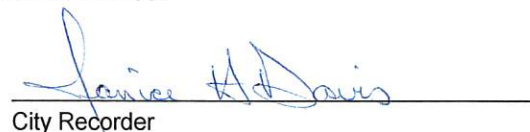
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited.

Dated this 22nd day of June, 2009.


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 19, 2009; as well as an Amended Agenda on 6-22-09.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
June 23, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, June 23, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:30 PM, and a Public Hearing, at 6:00 PM, on the proposed Final Amended Budget for the 2008/2009 fiscal year. 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 19, 2009; & an Amended Agenda on 6-22-09.

6:00 PM –

PUBLIC HEARING – PROPOSED FINAL AMENDED 2008/2009 FISCAL YEAR BUDGET

Public Hearing/To consider the proposed Final Amended Budget for the 2008/2009 Fiscal Year, for the Operation of Elk Ridge City (Interested persons shall be given an opportunity to be heard.)

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson (Absent: Raymond Brown); *Fire Chief:* Seth Waite; *Asst. Fire Chief:* John Hoschouer; *Public Works:* Kent Haskell; *Building Official:* Corbett Stephens; *Public:* Ken Lutes, Karl Shuler, Jed Shuler, Kyle Vance, Maurie Vance, McKenzie Van Ausdal, Stephanie Smith, Shelby Judd, David Crippen & Isaac Linton; and the *City Recorder:* Janice H. Davis

Fire Dept. Budget: (Chief Seth Waite)

Chief Waite reviewed the Fire Department's final; amended figures for the 2008/2009 fiscal year end with the Council and those present. He proposed changed within the established budget without exceeding the overall totals approved for the Fire Dept.

There has been a savings in the expenditures for this last year and Chief Waite would like to see those savings stay in the Special Revenue Fund designated to the Fire Dept. He proposes using the Fund Balance in the following manner:

1. About \$4,500 toward insurance for the fire fighters and liability for the vehicles; this will reduce the charges for insurance from Utah Local Governments trust (ULGT) in the General Fund, including the building (City Hall) where the trucks are housed.

*Mayor Dunn is to call the ULGT to find out how much the savings would be.

2. Use the rest of the savings to put toward the eventual purchase of a new Fire Truck. (In the current fiscal year, all transfers from the General Fund were cut due to budget constraints; he is hoping this "savings" program can resume in the next fiscal year.)

City Recorder: It is for the Council to decide whether to leave this Fund Balance in this Special Revenue Fund or to draw it back into the General Fund, which it is a part of.

Nelson Abbott: He asked about the grants listed; there are no Year-to-date figures; he asked for clarification.

Chief Waite: These grants are reimbursements for money spent; the receipts have been submitted and will yet come in for this fiscal year, even though it will actually be received in the following year. IT is roughly \$3,800 for the EMS Grant. The other grant was only \$5,200, but closing the grant has been difficult due to some of the terms: one of the stipulations of the grant was...if the City bought a lot of the equipment through the GSA Program (Government Services Administration) then the City would get it at a reduced rate. The City did purchase several thousand dollars' worth of equipment through them; which the City has not paid for. It is not clear if the "grant match" come with the GSA paying for this equipment. To be able to see what was actually collected through the grant, they will have to go back and check receipts from the GSA. In that case, the City would have received the grant in equipment rather than in funds.

*This will have to be confirmed.

Those were the only grants the Dept. could apply for this year. The FEMA Grant was not available to them due to budget cuts; the matching portion from the City was not available.

Julie Haskell: She questioned if, in the future, the receipts could be submitted earlier in the year to be able to get the reimbursements back sooner..."then it would not be such a push at budget time".

Chief Waite: He responded that they could continue to try to close these grants out and he agreed that there should be more of an effort to wind things up for the budget. They have not control over the EMS Grant; they want the information submitted at the end of the year; so the reimbursement will continue to be in July, which is the beginning of the next fiscal year.

(The EMS Grant is from the Bureau of EMS – State of Utah...it is a matching grant)

Insurance Coverage:

Chief Waite was seeking authorization from the Council to shop around and purchase insurance coverage for the Fire Dept.

One estimate he has gotten back was for \$4,503 for some very comprehensive coverage; he has two other companies with comparable estimates. The coverage is for: apparatus replacement, people, personal equipment (personal vehicles), if in an accident while responding to a call or returning home, loss or damage to equipment in a fire and some fraud coverage as well. The three companies seem to offer comparable coverage. He would like to apply this to the coming fiscal year and to fund it out of fund balance from the Fire Dept. Previously, the coverage was provided through ULGT and it did not cover certain things for the Fire Dept. (example: accident with two personal cars while on a call-out).

If the Fire Dept. is on a separate insurance plan, this would be a savings to the regular coverage through ULGT.

Since the building would be covered in this new policy, the difference needs to be worked out with ULGT; the City would not need double coverage on the building.

Nelson Abbott: (Regarding the policy has on the building) It needs to be determined what the replacement cost on the building vs. a co-insurance clause on the other policy...plus whatever the financial ratings are of those companies are. He feels this information should be part of the decision-making process. He wants to avoid switching to another company and later finding out that the company is not reliable.

Chief Waite: One thing he learned while he was looking through brochures for various companies, was that...in replacing a building (say of it burned down), if there are changes to meet new building codes, that would be covered...the "ordinance & law" clause. This is included in 2 of the companies he has looked at.

Nelson Abbott: That type of coverage should be included in any policy the City considers. He would like to know what kind of savings the City would see if the coverage changed. He recommends a "long, hard" look at this.

Chief Waite: It is not a matter of "if" an accident occurs; it is "when"...the next one could put the City in a dangerous financial position...that is always a possibility. He feels we must be prepared.

Nelson Abbott: Have any other city fire departments gone out on their own with insurance?

Chief Waite: He knows of one; he got the referral for the insurance companies he contacted. He has not called this dept. to see how the policy has worked out for them...that is part of the "shopping" process he intends on doing, with the Council's approval. He would need to have the fund balance approved to roll back into the Fire Dept.

Mayor Dunn: He did not see a problem with the Chief gathering information; when it comes down to a purchase, he feels the research should be thorough.

City Recorder: She recommends allowing the Special Revenue Fund – Fire Dept. to retain the fund balance from that particular Fund, rather than drawing it back into the General Fund. This Revenue Fund was created to allow Chief Waite to more effectively track the money and savings in this Dept. It is always a possibility for the General Fund to draw any of the money in these "Government Funds" back in to cover costs. The Council will need to make that decision later in the Regular Session.

Mayor Dunn: The wet spring the City is experiencing will make a difference in the amount of revenue brought in; and that will affect the General Fund...how much is not known.

City Recorder: The budget figures for this budget were reviewed in detail with the review of the Tentative Budget for 2009/2010 in May; there have been few changes.

The totals in the General Fund:

- \$124,000 transfer from Capital Projects-Town Hall / Fire Station (one-time transfer for this year only)

- \$101,910 transfer from Capital Projects-Future Improvements (to balance the General Fund)

\$225,910 = General Fund deficit for 2008/2009

(This was projected at the beginning of last year; it was hoped that the various sources of revenue would yield higher deposits to make up at least some of this.)

The transfers are covering the difference.

Property Tax: This was budgeted at \$234,000...currently, the year-to-date figure is \$209,000...it will likely go to \$210,000, as projected in May. Many people are simply not paying their property tax assessments.

Sales Tax: Went from \$235,000 at the beginning of the year to \$206,727.

Fee-in-lieu (Personal Property): Actually increased from \$25,000 to \$26,293 (YTD)

Building Permits: \$65,000 to \$30,000

Franchise Fees: Stayed the same - \$110,000

Class C Revenue: Stayed the same - \$80,000

The Mayor closed the Public Hearing.

6:30 PM

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CITY COUNCIL WORK SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson (Absent: Raymond Brown); Fire Chief: Seth Waite; Asst. Fire Chief: John Hoschouer; Public Works: Kent Haskell; Building Official: Corbett Stephens; Public: Ken Lutes, Karl Shuler, Jed Shuler, Kyle Vance, Maurie Vance, McKenzie Van Ausdal, Stephanie Smith, Shelby Judd, David Crippen & Isaac Linton; and the City Recorder: Janice H. Davis

LOAFER WELL
SWITCH-OVER

Mayor Dunn: The reason for the switch-over is to try to save money on pumping costs between the Cloward Well and the Loafer Well. This switch-over is critical; if it doesn't work, there will be some strong evaluations of the Water Fund and the General Fund, as well. The elements that will affect the revenue in the Water Fund:

- An abundance of rain (wet season)

- If the switch-over just does not take place

Rich Franklin from Tech Controls was in town to correlate the telemetry system to accommodate this switch-over. The system is quite amazing. Mr. Franklin has done good work for the City previously with the telemetry system. He is putting a program together for the City.

Kent Haskell: Mr. Franklin will design this program so we can still get more water from Loafer Canyon and at the same time, give the well sufficient time for a rest-rotation, so the system will not be over-worked. His design will allow us to pull more water and not have to "baby-sit" the system so much.

We will still have to pull water from the boosters; but this will allow more water to come from the Loafer Well. In the discussion he had with Mr. Franklin, he feels the program will be fully automated.

There may have to be some adjustments on some of the elevations at the tanks, but he feels it will work pretty efficiently. He thinks we will get about twice the volume from the Loafer Well than what it is pumping now, without hurting the system.

It is more efficient to run the pump 20 out of 24 hours; this gives the aquifer a chance to re-sustain itself so the pump can pump more water. Actually, we are pumping more water and using less power.

Mayor Dunn: The pump is 15 years old and its life expectancy is up; we are on borrowed time.

Kent Haskell: This pump has pumped about 600 million gallons of water with the same pump and motor in the Well now. There is an alternate motor and pump on site, and cable on site...the cost to install it would be from \$5,000 to \$10,000 (summer); it would be more in the winter due to the difficulty in getting up there (perhaps about \$15,000 to \$20,000). It would take a couple of days to do this; but it is costly.

The cost for the telemetry adjustments would be about \$1,500 (to be put in the current fiscal year. It was anticipated to have the project completed by the end of the following week.

Mr. Haskell is concerned about the phase converter on the Loafer Well; this converts it from single phase to 3-phase...basically the power is converted from 110 to 220 to 440 power...those are obsolete. It currently runs great, but if there is a problem with it, then we may have to go with what is called a "soft-start" and it would probably work out...but costly.

Mayor Dunn: A "soft-start" is actually easier on the motor, with less wear and tear. It allows the pump to ease into running at full power, gradually starting and stopping.

WATER RATES

(Both Kent Haskell and Corbett Stephens were present to discuss water rates)

Kent Haskell: He was unsure what the Council expected as comments; information had been pretty well discussed. It is clear to him that the City simply cannot afford to change water rates at this point.

Explanation of the Base Rate:

The Base Rate was put in place for a specific reason...it was not instigated to pay for operations and maintenance (O&M); it was put in place to cover bond obligations. It is important that the Base Rate stays in the rate structure for this reason. If we get away from the Base to try to help out a few people, (like people on fixed incomes...Mr. Haskell made the statement that, "in reality, we are all on fixed incomes"), then this puts the burden on the high-end users. By taking away the Base, the result for those that do not use as much water is that they have a bigger bill in the summer and a smaller bill in the winter. If the Base is left as it is, payments are more even in both the summer and winter. We cannot run the water system on less money; we are using all the money available in the Water Fund.

The City does not want to "reward" those who decide not to use any water.

He has reviewed the figures and he recommends leaving the water rates where they are.

Corbett Stephens: He said that he does not feel there is much more to say.

Mayor Dunn: He has talked to both Mr. Haskell and Mr. Stephens and he feels there has been a very thorough review of the figures to see if a change in the rates would be appropriate...he tends to agree with both gentlemen that the rates need to stay they way they are for now. The structure works.

Usage will be affected by the type of "water year" we have; and right now it is considered a "wet year"...this results in a loss of water revenue...good in some ways for the individual, not so good for the budget.

Kent Haskell: He would have another concern: if the rates were raised on high-end users in the summer time, in the past it has been proven the people actually use less water...this back-fires with revenue.

Sean Roylance: He questioned (based on Mr. Haskell's statement above) if the prices are reduced, could the City then raise more money?

Kent Haskell: If the rates are reduced, how does the City cover its bills?

Derrek Johnson: In a normal economy, he would agree with Councilmember Roylance.

Nelson Abbott: He agrees that the current economy dictates that the Base Rate should be maintained, so the bonding obligations can be met. If one looks at this month of June (with a great deal of rain), without the Base Rate, the City would not have brought in much revenue.

Corbett Stephens: Considering all the data he was asked to put together...he has found that if you separate the rate (tiered structure) from the Base Rate, you make money on the water in the rate structure...but with the Base, operating expenses are not covered. If the Base is there to cover bonding obligations and the impact to the system...if a change is sought, perhaps there needs to be more research done. The system does not pay for itself at this point.

Mayor Dunn: There some factors that have changed affected the Water Fund negatively: The City was at about 6% return of our investments; with the installation of new equipment to the system, the depreciation has also increased and this increases operating costs.

(The Mayor explained bonding requirements. The last time the City applied for bonding with the State (current water revenue bond), the State said the City is in a good position to be able to get better rates from a private institution...which is what the City did.)

Elk Ridge is one of the few cities that actually allow a certain amount of water with the Base Rate.

(Corbett Stephens said that Spanish Fork charges \$16/month for culinary Base Rate with no water + \$16/month for pressurized irrigation with no water...Year round.)

The Mayor commented that residents of Spanish Fork are spending \$32/month before they even turn their tap on; in Elk Ridge, we spend \$40 for Base Rate, but that comes with 12,000 gallons of water.

Kent Haskell: So Elk Ridge is cheaper than Spanish Fork (for the "Base" users). The reason the current rate structure was put into place was due to high-end users turning their taps on" and just leaving them on. There is a general misconception that the more water one uses, the cheaper it is. This not true...equipment wears out just as fast whether one gallon of water is pumped or 1,000 gallons is pumped. There needs to be an

"incentive" to try to save water...that was why the rate structure was voted in the way it was. There was time put into studying options when it was set up.

Mayor Dunn: It needs to be remembered that the old ductile pipe installed over 30 years ago is in need of replacement. (*Mr. Haskell said the City averages about 2 or 3 breaks in the lines per year.*) Replacing a section of the old line on Canyon View Drive has been discussed and approved. Infrastructure has about a 30-year life to it; systems can last longer, but it is better to be proactive in replacing old systems and try to avoid breaks and possible disasters.

Kent Haskell: He commented that Mr. Stephens had run about four different scenarios in looking at option for water rates; and he feels that none of them will generate enough revenue to effectively run the water system. He repeated his opinion that the rates should be left where they are.

Corbett Stephens: The figures presented to the Council were based on last year's actual numbers. When the City is not making money selling water, covering costs becomes a problem.

Mayor Dunn: He has encouraged residents for nearly four years now, in his spring newsletter, to conserve water...using indigenous plants; but he has not seen a difference.

Sean Roylance: There are four different scenarios...all of which look as if they are very close to what the City does currently. Are these options the ones that have been reviewed lately?

Mr. Stephens: He said he has not reviewed the figures lately...if the City is making the same amount of money and drops the Base Rate, then the City would be counting on selling water. If the City does not plan on selling any water and the Base Rate is dropped...how much money will be lost? He said he would be glad to compare the numbers to current figures and see what the rain this year has done. How much has this rain cost the City? If we drop the Base Rate, then we are really counting on making it up by selling more water.

Mayor Dunn: There are a couple of "rain stations" in town; own is owned by Councilmember Johnson: (*On Saturday, Councilmember Johnson measured 1.01"; and Gary Prestwich (former Councilmember) measured 1.6".*)

Kent Haskell: Another problem with dropping the Base Rate: in the winter, if one goes on just the volume sold, it "kills" the revenue coming into the City. Many people only use 3,000 to 4,000 gallons of water in the winter months...many homes are "low-end" users; this needs to be made up in the summer...then the people trying to keep their yard nice are being penalized.

Sean Roylance: He is not sure if the reasoning behind the rates has ever been discussed. June is going to be problem regardless of what the rate structure is (due to rain). There was not much difference (perhaps 2,000 gallons) where if "they hit in a particular range, then with a lower Base, we would get hurt more; if people were still watering their lawns a little bit, which they do...at the end of the month they would be exceeding that anyway. For the high-end, we discovered that there would only be about \$5 a month more...so it's not like there is this big or even a incremental per gallon increase."

Corbett Stephens: That is dropping the Base from \$40 to \$30...then once a user went over 9 or 10 thousand gallons (in that column in the chart), everything above that would be a flat \$4.80 more than what one would have paid with the existing rate structure.

Sean Roylance: Over the course of the year that would equate to \$60 extra for the high-end users. Based on those numbers, perhaps the Base Rate could be lowered and make more money. (*Kent Haskell did not agree.*)

Corbett Stephens: Only if the same amount of water were used. The concern is: if you lower the Base Rate without allowing any water attached to that first 12,000 gallons...and people realize they are paying for every gallon as soon as they use it...then would people conserve too much? That is what happened in Spanish Fork; they ended up charging more because the residents were not using enough water to cover the bond payment...that is the risk. (*Councilmember Johnson felt that this would happen in Elk Ridge as well.*)

Kent Haskell: Though he could not speak for Councilmember Haskell, but he would end up using less water.

Sean Roylance: If the outside water is used at all, then that threshold would be crossed.

Derrek Johnson: He agreed that if people are paying for all the water they use, they will be more conservative.

Corbett Stephens: If that occurs, will the Base Rate be enough to cover operating expenses that do not go away or alter...pumping costs would vary with water usage. If we are at 2% profit currently, and \$20,000 is spent for a new pump or even \$10,000, could the budget handle that?

Kent Haskell: Most of the winter use was less than 12,000 gallons; so that would result in a major loss of revenue. The revenue should be spread out throughout the year rather than hitting hard in the summer months.

Sean Roylance: He simply believes we could come up with a formula that compensates for usage and still break even. The question is,

"Do we want to make it so that the people who want to save the extra money...can...or not; if we don't, then fine, let's leave it the way it is. If we do, then a formula can be arrived at that will accomplish that."

Julie Haskell: She feels it is impossible to predict what residents may or may not do. The City needs to meet its needs to be able to continue to provide services.

Nelson Abbott: It comes down to how efficiently we, as a City, can run our operations. The more efficiently the system is run, the better the City will be financially. The things that are being done to increase efficiency will ultimately benefit the City financially; such as: converting the meters all over to auto-read and switching over to the Loafer Well as the main well. It is also important to put money away for operations in the City; or we wait for something to happen and bond for it...these two ways of dealing with the budget have been discussed before.

Mayor Dunn: If the City has to bond, the rate structure had best be strong enough to qualify.

Nelson Abbott: Citizens have learned to work within the parameters of the rates as they are; if they are adjusted, reactions could result in insufficient funds in the Water Fund. The income must be consistent level of income, year 'round. If it is based on usage, the revenue will fluctuate. He feels the rates should be left as they are. There are services provided by the Base Fee; it should be remembered that a portion of the water revenue goes to Administrative costs as well as daily operations.

Kent Haskell: Why would there be a change if the rates work? It is set up to function the way it is. He has not had any complaints regarding concern about water rates. He is not sure where the proposal came from to change water rates.

Mayor Dunn: The only complaint he is aware of is when the City started reading meters after the winter; some of the bills that went out led people to problems in their own systems. The Public Works Dept. has assisted people in solving their problems; and some of the citizens have been very appreciative of this assistance. The Mayor feels the rate structure is a good one. He also feels that the switch-over to the Loafer Well will have a positive effect on the Water Fund. He maintains that people should still take conservation more seriously, for more reasons than financial.

Corbett Stephens: If we want people to conserve water, why not have an "incentive program"? They could be "rewarded" for conserving water, not for having "dead lawns".

Mayor Dunn: The Landscaping Code says "you can't have a dead lawn;" it has to be in within 24 months...in the front yard.

Sean Roylance: In answer to Mr. Haskell's question regarding why the proposed rate changes: He is not sure whose idea it was to review the rates, but the numbers that were put together were interesting and worth considering because:

1. To assist "fixed income" type people
2. To assist people on a "reduced income" due to the economy
3. In the current economy, the Council is considering raising property taxes; he feels it may be helpful if the Council were attempting to lower water rates to perhaps off-set a proposed raise in Property Taxes.

In the end, though, he agrees with Councilmember Haskell; there can be a formula that works; however care must be taken not to place the City in more of a negative situation by incorrect assumptions.

City Recorder: Without sufficient water revenue, taxes will increase higher than they would if there were enough revenue to allow for the increased Water Administrative Fee to the General Fund.

Sean Roylance: He feels it should be "a wash".

Kent Haskell: Mr. Haskell pointed out that people are not paying property taxes as regularly as they have in the past; so how does the City arrive at sufficient revenue to cover costs. He again reminded the Council that everyone is on a "fixed income"; as an example; he asked why he, as a citizen, should not get the same benefit that someone using fewer gallons would get...they have the option to cut back on their "back-end" use, "just like the rest of us have to".

Corbett Stephens: (Suggestion) Leave the Base Rate as it is; and reduce the cost for water. He said he could put other numbers into the same formula. If the Water Dept. has to sustain itself and 2% isn't enough; then the Dept. has to make more money. It seems like the water Dept. has to raise rates just to be able to sustain itself. He offered to "look at it a different way", if the Council approved.

Sean Roylance: He feels the figures submitted are sufficient; to him, it is weighing the pro's and con's...the big "con" is that it is a risk...it could work, but it could take a year or two to work out the numbers.

Julie Haskell: She asked if the Council felt there would be a "risk" just leaving the rates as they are...right now, there is no risk.

Sean Roylance: The risk now is the weather; the revenue will be "hurt" this year (wet month of June). The risk would be in changing the rates.

JOINT CITY COUNCIL WORK SESSION WITH WOODLAND HILLS

Mayor Dunn: He has contacted the Mayor of Woodland Hills; he is ready to set up a joint work session. Mayor Harding wanted to make contact with Don Mecham, who is a principle land owner in Loafer Canyon...and some of the changes would affect him and his land.

The Mayor has also had a meeting with two of Woodland Hills' City Councilmembers; they called to see if they could meet with Mayor Dunn. They met and discussed issues for about 2 1/2 hours...Mayor Dunn gave them a list of topics to consider for this Joint Work Session.

One of the issues they wished to see the Mayor was to discuss the topic of a possible "Joint Water Project".

Mayor Dunn discussed the pro's and con's about this topic...he told them that any proposed project would not work if it did not benefit both communities...they agreed.

He also told the men that he had contacted LaRon Taylor about a possible "angle" drill through the fault to get an artesian flow...this could assist in reducing pumping costs. Their Council is willing to meet.

CITY CELEBRATION

Derrek Johnson: The Celebration is planned and under way. Parade signs were vandalized and torn down by having been run over.

He also needs to have volunteers; he has not had many come forward to assist.

He reminded the Council that they were to ride in the Parade.

Mayor Dunn closed the Public Hearing on the Budget, and the discussion on Work Session items at 7:20 PM.

ELK RIDGE
CITY COUNCIL MEETING
June 23, 2009

TIME & PLACE
OF MEETING

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REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson (Absent: Raymond Brown); *Fire Chief:* Seth Waite; *Asst. Fire Chief:* John Hoschouer; *Public Works:* Kent Haskell; *Building Official:* Corbett Stephens; *Public:* Ken Lutes, Karl Shuler, Jed Shuler, Kyle Vance, Maurie Vance, McKenzie Van Ausdal, Stephanie Smith, Shelby Judd, Scout David Crippen & Isaac Linton; and the *City Recorder:* Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Mr. Jed Shuler, and Scout David Crippen led those present in the Pledge of Allegiance, for those willing to participate.

Mayor Dunn spoke of a recent trip he had taken to the Grand Canyon, to a flooded area where changes were forced upon the residents of the Reservation that resulted in a different kind of beauty...they adapted. The point was that "change is inevitable and it is interesting to see how people deal with it. The best planning efforts can be taxed and challenged, but positive results can come from change. The Council does its best to prepare for various conditions; but at times it is just not enough to take care of every circumstance. (The Mayor was referring to a recent heavy storm that occurred in the City that resulted in some property damage.)

AGENDA TIME
FRAME

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

PUBLIC FORUM

1. Mayor Dunn: He introduced the Santaquin City Beauty Pageant Royalty for an announcement. They were there to announce Santaquin City's Orchard Days Celebration, which begins on July 23rd and will end on August 1st. They listed the events to be included in the Celebration and invited all to attend. Royalty consists of:
Queen: McKensie Van Ausdal
1st Attendant: Stephanie Smith
2nd Attendant: Shelby Judd
The young ladies brought the Council red apples as a gift.
2. Flooding Problem: (Nathan Kyle Vance: resident at corner of Oak Lane & Canyon View Drive) this is the second season they have experienced problems with flooding on their property. The heavy storm referred to earlier in the Meeting caused problems. In the past, they have been able to manage the run-off; but this season, with the added precipitation, they have experienced additional issues with their basement flooding. The water comes off of the properties above (south) them and runs down the road and ends up on their lot...they have flooded four times this year, so far.
Maurie Vance: She realizes that the last storm was unusually heavy; but another one on Thursday, destroyed landscaping and left mud the path. They have spoken to Jason Gunderson (property owner above them where much of the run-off comes from) and he discussed options to divert water coming off his land. The road is part of the problem in that it seems to channel the water and mud onto their lot.
Kyle Vance: He felt that the "necessary steps": have been taken as far as addressing the issues with the other home owners...a ditch was actually dug to help divert the run-off.
Mayor Dunn: The City (Corbett Stephens) actually dug the ditch. Mr. Gunderson has been in to speak to the Mayor on several occasions regarding these issues; and the Mayor asked him what he plans to do about it. The Mayor advised Mr. Gunderson to hire an engineer to "do it right"...it may be that the slope of his road needs to be changed to contain the water; or sump drains could be used. The Mayor said it may cost him a few thousand dollars, but it needs to be done right.
The Mayor and Mr. Stephens went to inspect the trench that Mr. Stephens dug a couple of weeks ago...it had filled in. There was a lot of water coming off the road.
Derrek Johnson: He noted that this was Ken Harris' subdivision.
Mayor Dunn: Prior to the overlay a year ago, the water drained better off of that road; but it seems to be more of a problem now. Occasionally a grader has graded the dirt road (in the County). The problem has intensified the last 3 years; he thinks that perhaps the grade of that dirt road has altered the run-off.

Mrs. Vance: She feels that the roads alone (taking the run-off from neighboring properties out of it) generate run-off sufficient to flood. The City should be expected to maintain water coming from City-owned roads off their property. Curb & gutter could help; however the sump by Phillips' home did not work very well during the heavy storm.

Corbett Stephens: The sump by Jones' property is a "private" sump; there is a big difference between a City sump and a private one...a private sump might be a 55 gal drum; whereas a City sump would be 14' X 14' "crater".

Derrek Johnson: Channeling that water on down would have been taken care of had curb & gutter been installed with that subdivision (Harris'); but it was not and should have been.

Mayor Dunn: The City installed the larger sumps on Oak Lane and this storm filled up and overwhelmed even those larger sumps. The excess water went to the edge of the gutter and nearly washed away a backyard.

The sumps helped, but the big storm was too much for them.

Mrs. Vance: They cleared out about 200 gallons of water from their one window well...this is not what went through her yard...which was destructive.

Mayor Dunn: He feels the front of their house and the road ought to be looked at; perhaps the City should involve the City Engineers to assist. The Mayor asked Mr. Stephens to calculate the surface of the road in that area, to determine how much water gathers. (Mr. Stephens agreed.)

Nelson Abbott: He verified that a great deal of water was flowing in that area, even with the trench diverting part of it.

Corbett Stephens: It has been discussed to dig that trench all the way across the road; rather than just picking up the water coming down the east side of the road...then it would pick up water coming from Gunderson's as well as Holsman's and then the only thing that would flow into the cul-de-sac would be what blended from the trench...north.

Mr. Vance: He suggested perhaps some cross-gutters that could divert the water into the ravine.

Mayor Dunn: He agreed that there is a real issue there; he added that the City would get some people involved to see what can be done. Having curb & gutter in parts of town and not in others can create run-off problems. The County policy is to taper the road edges off to "V-ditches" to control the water through dissipation. This usually works really well; but with this storm, the County design did not work either and there was some flooding of homes. The systems the City puts into place are calculated at various levels; "they will always be tested to a certain point". He feels that the Vance's situation should be looked into to see what can be done. He has encouraged Mr. Gunderson to keep the water on his own property...at the same time, He felt the City also has an issue and needs to be aware of what is coming off that road and what is being passed down. Most of that part of town was built when curb & gutter was not a requirement for subdivisions.

Previously, there was considerable discussion regarding the proposal to require curb and gutter and where to require it...there are pro's & con's about requiring it everywhere.

**The Mayor assured the Vances that the City would review their situation and see what options are available and what the City should address. He said he would begin the process the next day.*

Mr. Vance: He does not really want curb & gutter; perhaps the slope of the road could change to take some of the water to the other side of the road. He prefers not having curb & gutter.

Corbett Stephens: Sumps can be installed without curb & gutter. There needs to be a way to filter the water to protect the sump itself...that is why curb boxes are put in. There are ways to do this that protects the sump; the sump then protects the home owner. There have been other problems in town; he has been referring people to the City's insurance company to report their claims.

ELK HAVEN
SUBDIVISION, PLATS
A & B – EXTENSION OF
PRELIMINARY (#2)

(Memo from City Recorder to Council)

"#1) Elk Haven, Plats A & B – Extension Request: Plats A, B, C, & D all came in together last year (May 27, 2008) to request an extension at that time.

Plats A & B: Their Original Preliminary approval was due to expire in June, 2008 and Plats C & D were due to expire in August, 2008...so they all requested (at the same time) to get it all together. (The motion is included on the back of the current request.) The motion states that the extension would be granted from the date of May 27, 2008...which means this extension is expired...thus considered "null and void".

I spoke to Mr. Shuler, as did Mayor Dunn and understands this all of this, but asked to be allowed to submit the request to the Council anyway.

He also called the Planner and Mr. Eliot told him he did not think the second extension would be approved.

Issue: As the Council is aware of, the question to ask is if there have been any significant changes (to the plat or to the Code). The HR-1 Code is now in place, whereas it was not under the original approvals.

The pro's and con's must be weighed as to the possible benefits vs. problems of allowing these plats to stay under the old Code.

If the request is denied based on the time period having expired...then these plats would be back to the beginning of the process.

Also included in the packet is the wording in the Code which allows an extension..."for a period not to exceed one year"

Shawn Eliot is in the process of clarifying this part of the Code to stress the intent of only one extension being allowed...not repeated extensions. It could be read that way now, but he feels it would be best to further clarify the wording.

Mr. Shuler feels there are examples of extra extensions having been granted...but there are also examples of "Finals" having been extended; but this was a mistake...no where in the code is that allowed."

(Letter from Karl Shuler to Council, dated 6-12-09)

"Dear Sirs,

The owners and developers of Elk Haven Plats A and B respectfully request an additional one year extension of the time interval between preliminary and final approval by the review committee in late August. On September 6, 2007 the Elk Ridge

Planning Commission recommended final plat approval. Elk Haven A and B were scheduled to go before the City Council in October 2007 for final approval. In the interim, the Public Works Director and City Inspector re-thought the situation and determined that even though Plats A and B were in compliance and ready for final approval, in their opinion, all 5 Elk Haven plats should be considered and approved at the same time. In their view, this would ensure the primary road was completed and public works issues coordinated throughout the development. On October 3, 2007 the Superintendent and City Inspector wrote a letter to the City Council expressing this opinion. In a spirit of cooperation, Elk Haven A and B owners decided to wait for the other plats to catch-up. We requested and received approval of a one year extension which would lapse on June 26, 2009. *(Italics added: This is the area of disagreement regarding the extension dates...the request may have been to extend to June, 2009; however, that is not what the Council decided to do.)*

Currently, Elk Haven Plat E developer has re-worked several new versions with the connecting road re-routed to the south as recommended by the Planning Commission. The new connection road to the other Elk Haven plats resolves the previous safety and aesthetic concerns. Elk Haven E is currently scheduled for another TRC on July 2, 2009.

As Elk Haven Plats A and B developers, we have spent several years and considerable amounts of resources and money to get to this point in the planning. Since the delays were no fault of our own, we respectfully request an additional one year extension between preliminary and final plat approval."

(Signed: Karl Shuler and John Money)

(Included in the Council packets: a copy of the Council Minutes of May 27, 2008; specifically the motion made to extend the Preliminary one year from May 27, 2008.)

Discussion:

Karl Shuler: He reviewed the points made in his letter. He feels the new design of the road will be better than what they had originally proposed. This has taken a long time and had been through several TRC's with the City. *(Mayor Dunn showed the Council on the wall map where the new design of the road is being proposed. The Mayor said that the new design is more along the "lay of the land".)*

It can be seen that it makes more sense to "get up on that ridge...up higher...you don't have to cut across that phase that everyone was concerned with...of course, we were too." His resolutions to these issues have taken a long time; so they requested an additional extension.

Mayor Dunn: He reminded those present that the extension ran out the previous month.

Karl Shuler: Mr. Shuler maintained that, since their original approval for Preliminary was granted on June 26, 2007, that this was the date, "legally" the extension should have gone by.

City Recorder: The Recorder reiterated the point made in the memo to the Council: that Mr. Shuler came in to the Council with Plats C & D (not granted Preliminary until August, 2007) and asked to be granted an extension together...and that request went before the Council on May 27, 2008. The wording of the motion specifically states, "one year from May 27, 2008".

(Mr. Shuler asked that the motion be read to him, since he did not have a copy of that motion. His request was stated differently.)

Julie Haskell: Councilmember Haskell made the motion (seconded by Sean Roylance) and she read it aloud, as recorded in the minutes of that meeting.

(There was added disagreement regarding the dates requested vs. the dates granted by Council decision; the later being the deciding factor.)

Sean Roylance: He felt that perhaps the disagreement over dates was not relevant; if the Council grants another extension, then dates do not matter.

Derrek Johnson: He clarified with Mr. Shuler that they had been granted an extension already.

Jed Shuler: He felt that the looped road from Mr. Peay (developer of Plat E) has kept the rest of the Plats waiting.

Mayor Dunn: The legal "hoops" the developers of Plat E will be going through is based on a whole new Concept with the new road. All of the developers had not been in communication with the City at that point.

Mr. Shuler: He feels that Mr. Peay feels differently about their portion of the road than the Mayor expressed.

Mr. Shuler had a conversation with Mr. Peay and he said he indicated they were still going on with the plan with the City to get the upper road planned.

Mayor Dunn: The plans the Mayor saw were with the Planner from Mr. Peay; with the new design of the road. The Mayor asked if the "other participants" were aware of the new layout. There will be a TRC with regarding Plat E on July 2, 2009 (The Mayor asked if Mr. Shuler was planning on attending...he said he was.)

The Mayor brought attention to the Code and the Council's pending decision regarding granting an additional extension...when there is a significant change and the date of the extension is past.

Mr. Shuler: He wondered what the changes were. Mr. Peay said he is proposing to do his Plat in two phases, he has changed some of the lots (making them a bit larger); but the road alignment has not changed...at least that is what Mr. Shuler had been told. They had been working on that road for a while; perhaps it is new to the City, but not to the developers. The Planning Commission asked the developers to "take one more look" at the road...to make sure there was not a way to avoid crossing a particularly steep hill. They went to all the property owners one more time and they agreed to change their minds and go along with taking the road farther to the south...avoiding the steep traverse across the slope. To Mr. Shuler, this is not new.

Mayor Dunn: He has been in favor of this design from the beginning of this project...he feels it makes more sense.

Mayor Dunn brought the discussion back to the point of the request for an additional extension. He clarified that this request is only for Plats A & B and that there had been no changes on Plat A & B.

The Planner mention to Mr. Shuler that he did not feel the request for a second extension would be approved, based on his understanding of the Code. The Code is written in a way that says an extension can be granted by the Council for a period of time, not to exceed one year; the Code does not address specifically additional extensions. The Code does need to be further clarified that only one extension should be granted, not repeated extensions. As pointed out in the memo from the City Recorder, the Code could be interpreted differently at this point to allow an additional extension.

Mr. Shuler: He read the Code and feels the wording could be interpreted either way; it does not say that more than one extension cannot be granted.

Mayor Dunn: The Mayor agreed that, at this point, the Code could be read either way. He asked Mr. Shuler a question: If another extension were granted, would it help him...would it leave them just where they are for another 12 months? Is there some benefit to another extension? Is there a possibility of doing something in that year?

Mr. Shuler: Not having a "crystal ball" he does not know what will happen with the economy.

Mayor Dunn: The Council has not generally seen the new layout for the road (new to him and some of the Council). He is not sure where the "phasing" of Plat E will go. Perhaps Phase 1 would have a "dead-end" road or a cul-de-sac...he knows there are some issues with this. It is his understanding that the 2nd Phase would be the looped road. He mentions this only from the standpoint that the looped portion of the road is the part that affected the other Plats directly.

Mr. Shuler: That was the point of the letter from Public Works and Mr. Stephens...it is at that point that the Plats got separated in the planning...they felt they would get caught up with one another.

Mayor Dunn: He felt that one of the main issues is that the main road would have to loop from one side to the other (*Mr. Shuler said he understood that.*) Even if the Council decided to grant another extension; if the looped portion of Plat E's road does not come on, how will that affect Plats A & B?

Mr. Shuler: They would be negatively affected.

Sean Roylance: He clarified with Mr. Shuler that the reason for the looped road is for safety issues...

(*Mr. Shuler agreed*). If there were a fire, an additional access would be necessary. Question: could there be a dirt road or a "path" that vehicles could get through on? At the end of High Sierra, the slopes are steeper and a dirt road could benefit existing homes.

City Recorder: That through road was approved conceptually first...prior to any of the plats.

Nelson Abbott: He is aware that there were reasons to connect that road through from east to west; but technically, Mr. Shuler may be able to have a loop that feeds back down onto High Sierra, and Plat E Feeds back down to Canyon View Drive from Hillside Drive. Part of the reason for connecting east to west was to be able to get school busses in and out of that area...perhaps if the buses had a place to turn around... Plat E may be creating problems for Plat A & B.

Mr. Shuler: The Planning Commission looked at that before and decided there would still be only one road in...at High Sierra.

Sean Roylance: If a dirt road would be acceptable, perhaps there would not be the current "dependency" on Plat E. Plats A – D are running up against deadlines, whereas Plat A has not even received Preliminary...and they could ask for an extension...keeping them tied together seems to be creating problems. Perhaps they decide to either keep them tied together and ignore extensions altogether...or separate them and address safety issues in another way.

Derrek Johnson: Keep within the Code. They have been granted an extension; we cannot keep trying to manipulate the Code to "get around" it.

Mayor Dunn: He agrees that the Council should stay within the Code; but this Code can be defined two different ways...this is what the Planner has said needs to be clarified.

Recorder: The "intent" is only one extension at Preliminary; but that is not what the Code currently states.

Derrek Johnson: The Council went through this with Brian Ewell's property.

Mayor Dunn: Again...if the extension were granted, at the end of a year, would it have done any good, given the state of the economy? (*Of course, that is an unknown.*)

Julie Haskell: (Comment) In the section of Mr. Shuler's letter where he referred to the Public Works and the Inspector having being of the opinion that all 5 plats should be approved together...she asked Mr. Haskell about this and his comment was that he suggested that they should go ahead separately, if they wanted to; but they would have to complete the entire road. She also did not feel a dirt road would be sufficient.

(*Mr. Shuler did not recall the direction in that way...one developer could not afford to install that entire road.*)

There was further discussion on the details of the time line of approvals, possible off-site reimbursements and storm drain systems.

City Recorder: Since one of the main issues is the road, as approved under the "old Code"; perhaps there should be additional input from the Planning Commission or the City Planner regarding these issues. Decisions to loop roads and leave Plats C & D locked in without access are major decisions; there has been a great deal of time on the part of the Planner, Planning Commission and the developers dedicated to this project...she suggested postponing or tabling the decision...without any penalty to the Shulers...until further input is available to the Council.

There is still the question of water rights for these Plats.

Mayor Dunn: There are many safety issues surrounding that road. He also mentioned that he had heard that Gale Evans (Plats C & D) was contemplating selling her property; how will that affect the process?

Corbett Stephens: His understanding of the Code is that only 16 lots can go on a dead-end road...he was not sure if the Code mentions anything about as "stub road"...or a road that is expected to continue on sometime in the future. The concern is that the road never goes through...and that it ends up a "dead-end" permanently. There are many dead-ends in town...if the Code says 16 lots on a dead-end, we are already in violation...why continue this?

It seemed to him that the issue is the cost of the road; why couldn't the property owners dedicate the road to the City...so that the road *will* go through someday because the easement is already in place. The developers would then develop at their own pace...ultimately they would still be responsible for the installation of the entire road within their own developments.

Sean Roylance: (Clarifying) So then Plats C & D could not change to a different road plan. The only way they would be "held hostage" a bit is they alternate access to be able to get out of the area.

Mr. Stephens: The development agreement could be written however want...beneficial to all parties. Maintenance of the road could be written into the agreement.

City Recorder: She repeated the point that perhaps this is too extensive to vote on without further input from the Planner and/or Planning Commission.

Mayor Dunn: There is also the TRC in July that could clarify some issues.

Mr. Shuler: (Comment) From the developers' perspective, there were many changes on the road design suggested by the Planning Commission...after 3 or 4 changes, they felt that if they could just get the road where it is going to be, get that approved...then the lots could be laid out. That is why the road came out as a separate issue. He is fine with postponing the decision, if they would not be penalized.

The Mayor asked how the Council felt about postponing the vote...

Derrek Johnson: He felt the Planner's input would be useful.

Nelson Abbott: He had a couple of questions:

- One of the plats was going to take advantage of density bonuses (Plat E)...if the road is not installed in its entirety, under the old Code...would they still be able to take advantage of the density bonuses?
- He does not feel the new Code would change Plats A & B much; Plat E would be affected more.

Mr. Shuler: He feels there is some confusion with Elk Meadows Development...he recalled that the density bonuses for Plat E was the open space the developer was giving up...within Plat E. He felt that one of the reasons he spoke to Mr. Eliot about the 16 lots on a dead-end road was that if he goes by the new Code and gives up the density bonuses, he would redesign his lots and have fewer lots and phase the Plat.

(Corbett Stephens: He is actually trying to have 24 lots.)

Nelson Abbott: He agreed that there should be additional input from the Planner. He has a concern that if an extension is granted to A & B, will the other plats ask the same? He is not in favor of an extension at this Meeting. He added that Harris's property, as part of the "new" road plan with Plat E, has not been annexed into Elk Ridge. He does not see how an extension will benefit either the developers or the City.

Sean Roylance: If Plat E is phasing, why couldn't the others?

(Further discussion of installation of the road.)

Julie Haskell: She is not in favor of an extension at this point. She felt added information would be beneficial.

Mayor Dunn: There are issues to be considered to protect the City and the developers...he feels some of the key issues are:

- the road going through
- safety issues with busses, emergency vehicles and snowplowing
- He feels the Code, as it reads, could be challenged
- Fire suppression
- (Karl Shuler added that there are concerns about the ridgelines)

Derrek Johnson: Have there been "any significant changes"? Yes, in the HR-1 Code. Perhaps the new Code would not affect Plats A & B, anyway.

Sean Roylance: He does not think the Council would want to be granting an extension now and in another year, another extension...and so on. If they are going to be "tied to" Plats C, D, & E; then more extension requests would be coming to the Council. For him, he may be open to consider an extension if there is a way to separate them.

It is not known what the differences in the Plats would be under the new Code at this point.

Mr. Shuler: He felt they could meet the road grade requirements; he would be concerned about the ridgelines in especially Plats C & D.

Nelson Abbott: He added that he felt that a good compromise needs to be arrived at between the new Code and the Old Code.

MOTION WAS MADE BY NELSON ABBOTT AFOR ELK HAVEN SUBDIVISION, PLATS A & B, UNTIL FURTHER INFORMATION CAN BE OBTAINED FROM THE CITY PLANNER

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

FINAL AMENDED
BUDGET FOR
2008/2009 –
ADOPTION

Fund Balance for the Fire Dept.

MOTION WAS MADE BY DERREK JOHNSON AND SECONDED BY JULIE HASKELL TO ALLOW THE FUND BALANCE FROM THE FIRE DEPT. TO REMAIN IN THE SPECIAL REVENUE FUND/FIRE DEPT.; TO CONTINUE SAVING TOWARD A NEW FIRE TRUCK AND INSURANCE FOR THE FIRE DEPT.

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

Nelson Abbott: There will actually be a savings for the General Fund in that the insurance premiums will decrease by the amount saved by switching the insurance for the Fire Dept. and part of the building to the Special Revenue Fund.

Sean Roylance: How much has been cut from the Fire Dept. budget? *(Almost 25% to 35% of their original proposed amount was cut out of the budget for 2008/2009. They have also been able to save from their allocated expenditures. The original amount submitted was about \$102,000 total and they ended up with about \$70,000.)*

Councilmember Roylance felt allowing the Fire Dept. to keep their fund balance is appropriate for being able to cut their budget by so much.

Chief Waite: On behalf of the Fire Dept., he expressed his appreciation to the Council for their support; it matters.

Adoption of the 2008/2009 Final Amended Budget:

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT TO ADOPT THE FINAL AMENDED 2008/2009 BUDGET FOR THE OPERATION OF ELK RIDGE CITY; ALLOWING THE FUND BALANCE FOR THE GENERAL FUND TO BE BALANCED BY THE FINANCER DIRECTOR TO 15% OF THE TOTAL GENERAL FUND BUDGET

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

**ACTION FROM
WORK SESSION**

No action at this time.

**CITY COMPUTER
ADMINISTRATIVE
MAINTENANCE
PROPOSAL –
HARLAND
TECHNOLOGY**

(From the Memo from City Recorder to the Council, dated 6-23-09)

"#4) City Computer Administrative Maintenance Package: This proposal was presented several months ago...

it was put on hold because Councilmember Brown was going to check into replacing the current PC's with Mac's...that was too costly. The City's PC's are 3 years old... the cost in 2006 was \$7,227 for towers for all 6 work stations + a Host PC (Good deal through Jim Nicolett). Some of the monitors were new in 2006; but about ½ were not...

The issue came up last time due to a crash experienced on the Recorder's PC...

Recently, we had a problem with the system's router going bad and the PC's were basically down for at least a couple of days...and off and on for various PC's until things were smoothed out. The router and anything having to do with the internet is not covered under our "Break and Fix" agreement...where only the hardware is covered.

I am re-submitting this proposal for consideration: I am fully aware that the budget is tight; but when the City's business is dependent on the PC's being guarded and protected at all times...and with all the mess in viruses, etc. out there...I felt that the Council should once again consider this proposal from Harland Technology Services. They have been a great company to deal with.

Tires and snowplow blades are damaged...there is not 2nd thought to the need to get these fixed...

Other disasters happen and they are remedied as soon as possible...yet our entire system that keeps order in the various Depts. is less than protected as it could be. Is \$5,000/year too much to see to this protection? Insurance is always expensive...we pay premiums for liability that we may not utilize...but how can we be without it? We cannot. I feel it is the same type of idea."

Discussion about the services rendered for the proposed amount of about \$5,000/year brought our certain questions and it was decided to have Councilmember Roylance speak to Caselle and to Harland to find out more information regarding the services rendered. Another option could be to determine if there is a local resident, with appropriate experience that could do a similar service for the City...perhaps for less money.

**Next Council Agenda on July 14, 2009.*

**NORLUND SUBDIVISION
PLAT A – RELEASE
DURABILITY RETAINER
(RATIFY POLLED VOTE)**

The subdivision improvements were inspected and the Inspector recommended final release of the bond.

The Mayor had polled the vote at the last Council Meeting, but it was not on the Agenda, so the vote is on for ratification.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO RATIFY THE POLLED VOTE TO ACCEPT THE IMPROVEMENTS FOR THE NORLUND SUBDIVISION, PLAT A, AS COMPLETE; AND TO AUTHORIZE THE RELEASE OF THE DURABILITY RETAINER

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

**UTAH LEAGUE OF
CITIES & TOWNS -
CONFERENCE**

(Memo from Recorder to Council, dated 6-23-09)

"#6) Utah League of Cities and Towns – Fall Conference: The Council has eliminated all conferences again this year...

This is the one conference that is really worth attendance...this last year, one Councilmember attended...

The Theme of the conference, "Tough Times...Tough Minds" indicates the many problems facing communities in these times. It could be beneficial to send one or two to this Conference to bring back any important information to the rest of us.

In the past, I have gone as well as the Mayor, and any Councilmembers who desired...that is the "norm" for attendance at this conference...however, we are not faced with the "norm" in finances.

The Mayor felt this is one conference that perhaps the Council should consider."

Mayor Dunn: These ULCT Conferences are designed to assist in City Government and to bring that information back to the cities. The Mayor has found the September Conference worthwhile.

Planning Day for the Conference is on Thursday. He would like to see some attendance at this Conference.

Arrangements for hotel accommodations need to be arranged if there will be any in attendance.

Sean Roylance: He expressed a desire to attend, at least for part of the conference; he has close relatives in Slat Lake he could stay with, if he decided to go.

STORM DAMAGE

This was discussed earlier in the Public Forum portion of the Meeting; however, there were further comments:

Sean Roylance: The Weeks Family on Park Drive: They were flooded in the last big storm. They have never had flooding in the 14 years they have lived in Elk Ridge. Mr. Weeks is concerned about the new contours of the road (curb & gutter) leading to their house.

Nelson Abbott: It does slope to the north than it did before.

Sean Roylance: He went to check it out and found that MR. Weeks could be correct in the way the curbing comes down...and the sump that is there was not large enough to be effective...and goes back up and actually creates a sort of "funnel effect" into his back yard. Mr. Weeks feels the problems were caused by the changes in the road.

Nelson Abbott: Ray Brown and Kevin Clark were also flooded. Not to minimize the damage to property, but this was an exceptional storm...there was a great deal of damage on the north end of Loafer Canyon Road...it was impassible without 4-wheel drive.

Sean Roylance: The amount of damage to Weeks' property = about \$2,000; they are willing to cover it this time; but if it happens again, then they feels the City should address the issue of the road.

Mayor Dunn: These are all legitimate concerns. There is only so much one can do; regardless of the design and precautions, there will be situations that arise that test systems and designs to the limit. He feels this last storm did this. He has tried to get caught up with the various problems that have occurred. The best that can be done would be to refer individuals to the City's insurance (ULGT)...that is what the Mayor has already done. Perhaps it would be wise to gather up all the various issues and have an adjuster come from ULGT and take care of all the events at one time.

Sean Roylance: If this type of flooding continues to cause problems, perhaps the curb & gutter could be extended at least on the one side of the Weeks' lot.

Nelson Abbott: That was the plan at one time...to take it around his place and connect it to the other side.

Mayor Dunn: Councilmember Brown tried to get people interested in participating in extending the curb & gutter; but there were some that were not interested.

Sean Roylance: In calling around for fans, etc. there was no one else reporting flooding issues.

Nelson Abbott: He feels the City should consider installing the curb & gutter on this corner lot; in fact, he feels the City should take a more proactive position with the storm drain needs around the City and consider SID's to get some of these problems solved. Even though some storms have a greater impact than others, perhaps the impact could be lessened.

Derrek Johnson: He asked about the availability of sand bags in the City.

Mayor Dunn: There are maybe 200 bags...no sand.

**He will ask the CERT Team what we have available; he agrees that the City should have them available.*

BEAN SUBDIVISION,
PLAT A – RELEASE
OF DURABILITY BOND

Corbett Stephens did a final inspection on the improvements (laterals only) and everything looked good. Mr. Stephens wrote a letter recommending acceptance and release of the bond.

MOTION WAS MADE BY DERREK JOHNSON AND SECONDED BY JULIE HASKELL TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR THE BEAN SUBDIVISION, PLAT A; AND TO AUTHORIZE RELEASE OF THE DURABILITY RETAINER

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

EXPENDITURES:

General:

Allocation of Park Impact Fees:
(From Recorder to Council)

"#9) Expenditures (General): The discussion from May 26 regarding the spending of Park Impact Fees for ground cover and for red dirt for the ball diamond was not finished with any kind of motion....Since these expenditures are using Impact Fees, there should probably be a motion to spend the money. Perhaps the Council can ratify these costs with a motion."

MOTION WAS MADE BY DERREK JOHNSON AND SECONDED BY NELSON ABBOTT TO APPROVE SPENDING \$4,050 ON DIRT FOR THE BASEBALL FIELD; PAID THROUGH PARK IMPACT FEES

VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, JULIE HASKELL-AYE & DERREK JOHNSON-AYE (4) NAY (0) ABSENT (1) RAYMOND BROWN

Passed 4-0

CITY COUNCIL
MINUTES

A. City Council Meeting 5-26-09:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE CITY COUNCIL MINUTES OF 5-26-09, WITH CORRECTIONS

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

NON-AGENDA ITEM

Mayor Dunn: The Mayor wanted to share a phone conversation he had with Chris Salisbury and Tom Henriod: It appears that Rick Salisbury (Chris's father) is going to purchase all of the lots currently held by Centennial Bank (Phase 2 of Elk Ridge Meadows PUD) and the other Bank involved. He is also talking to Rockworth (Tom Henriod) about purchasing Phase 1 from them. They want to get rid of the HOA completely and build homes according to City Code.

They also want to restore the open space and then give it to the City, with consideration being given to waive the Park Impact Fees...Open space included "parks, trails, etc." The Mayor asked him if he referred to the line of trails included in the development; the response was, yes.

The Mayor feels the park would be good for the City; he is not too sure about the trails.

The Council needs to give careful consideration to what would best benefit the City with regard to open space. The issues they would like the Council to consider:

1. Waiver Park Impact Fees to get the park back up to standard
2. Dissolve the HOA and revert to City Code
3. Fire Suppression systems...could they trade out of this requirement by offering other amenities?

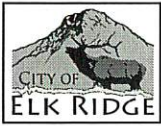
(The Mayor updated them about the IBC & fire suppression systems; Mr. Salisbury said he would check.)

Agenda in July.

ADJOURNMENT

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 – SPECIAL JOINT CITY COUNCIL WORK SESSION

Notice is hereby given that the Elk Ridge City Council and the Woodland Hills City Council will hold a Special **Joint Work Session on Thursday, July 9, 2009, at 6:00 PM**

The meeting will be held at the Woodland Hills City Hall, 200 S. Woodland Hills Drive, Woodland Hills, Utah.


6:00 PM - JOINT CITY COUNCIL WORK SESSION AGENDA ITEMS

Inter-local Concerns

Handicap Access, Upon Request. (48 Hours Notice)

All interested persons are invited to attend this meeting.

Dated this 5th day of July, 2009.



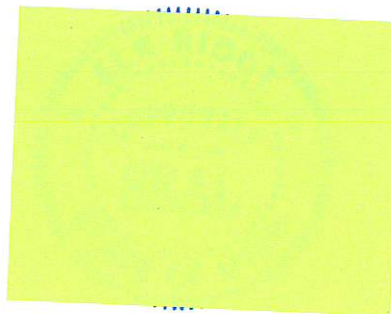
City Recorder

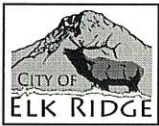
CERTIFICATION

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 & an Amended Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and was provided to each member of the Governing Body on July 5, 2009.



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 14, 2009, 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

Proposed Animal Control Code - Discussion

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum:

7:15 1. Eagle Project – Blake Denning

7:25 2. PUD Discussion – Ton Henriod

7:45 3. Request for Development Extension:

A. Elk Haven Subdivision, Plats A & B - Karl Shuler

B. Elk Haven Subdivision, Plats C & D – Gayle Evans

C. Elk Haven Subdivision, Plat E – Discussion – Shawn Eliot

8:15 4. Adoption – Proposed Animal Control Code

A. Request for Action of Enforcement of Code (Roosters & Goats) – Nelson Abbott

8:45 5. Resolution – City Fee Schedule – Mayor Dunn

9:00 6. City Council Minutes

9:10 7. Expenditures:

A. General

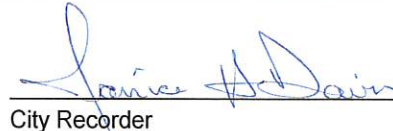
Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

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

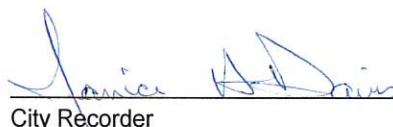
Dated this 9th day of July, 2009,




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 & an Amended Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and was provided to each member of the Governing Body on July 9, 2009.


City Recorder