

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

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NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 13, 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

- 1. Annexation Update – Mayor Dunn
- 6:15 2. Woodland Hills Boundary Adjustment - Mayor Dunn
- 6:25 3. Loafer Canyon Road Repairs – Mayor Dunn
- 6:30 4. PUD Park Discussion (Phases 1 & 2) – Shawn Eliot

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance Invitation
- Approval/Agenda Time Frame
- 7:05 Public Forum
- 7:15 5. Eagle Project – Dallin Kimber
- 7:25 6. PUD Park Discussion (Phases 1 & 2) – Shawn Eliot
 - A. Surety Bond Amount
- 8:00 7. Fee Schedule – Enforcement of Nuisance Code – Mayor Dunn & Shawn Eliot
- 8:30 8. Fire Dept. Signs – Julie Haskell
- 8:40 9. Subdivisions – Durability Time Period
 - A. Kimber Estates - Accept Improvements as Complete & Begin Durability Time Period
 - B. Ridge View Meadows, Plat B - Accept Improvements as Complete & Begin Durability Time Period
 - C. Oak Hill Estates, Plat D - Accept Improvements as Complete & Begin Durability Time Period
 - D. Burton Subdivision – Final Acceptance of Improvements – Release from Durability Time Period
- 8:50 10. City Rental Property / Requests – Mayor Dunn
- 9:00 11. City Council Minutes
- 9:10 12. Expenditures:
 - General:
 - A. Ratify Polled Vote:
 - 1. Sewer Line
 - 2. Use of Park Impact Fees – Railroad Ties for Flag Pole

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 October, 2009.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the Municipality of Elk Ridge, hereby certify that copies 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 October 9, 2009.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
October 13, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, October 13, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. The City Council moved to a Closed Session at 7:55 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 October 9, 2009.

6:00 PM -

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner:* Shawn Eliot; *City Council Candidates:* Kenneth Lutes, Jason Bullard, Erin Clawson & Weston Youd; *Public:* Chris Salisbury, Tom Henriod, Dane Kimber & Scout Dallin Kimber, Nelda Callor, Sara Callor, Matthew Thurman, Tyrei Carter, Emily Holcomb, Derin McQuade; *and the City Recorder:* Janice H. Davis

ANNEXATION UPDATE

Mayor Dunn: Mayor Dunn briefly explained the annexation process; it is extensive and detailed. He has been looking into the process; even attending a class on annexations at the Utah League of Cities & Towns (ULCT) Conference. This topic is one of particular interest currently since there are individuals seeking annexation into Elk Ridge: Gary Hansen, Harris' & Ryan Haskell (for Lee Haskell). Mr. Hansen has submitted a Petition to Annex before, but was denied by the County due to the proposed annexation creating an "island" of unincorporated land across Loafer Canyon Rd. from his property. Harris' also submitted a Petition, but was also denied by the County because a "peninsula" of land would have been created as a result of the annexation. Mr. Haskell (representing Lee Haskell) has inquired regarding the possibility of annexing into Elk Ridge (that land lies within the area that is declared as Payson City's "annexation declaration area"; however Payson City cannot service that area.

The Mayor's thought would be to take care of all of the annexations at one time; and he wanted to be acquainted with the process and the implications prior to speaking to the property owners.

The Mayor wanted to know the financial affect on property if it was annexed into a municipality...so he contacted the County Clerk/auditor; who responded back to the Mayor: and included several things in his response:

- Each property was identified by number
- He reviewed the tax benefit: it would be cheaper (tax-wise) for the property owners to annex into the City. He used an average \$200,000 piece of property, with about \$32 in property taxes.

The Mayor asked Shawn Eliot about zoning that could be attached to that land...could that new zoning change that tax rate?

Gary Hansen has kept in touch with the Mayor; he is anxious for the annexation to take place. Mr. Hansen has been unaware of how long the process takes.

**(The Mayor will let him know what he has found out.)*

City Recorder: The annexation process can take anywhere from several months to a year or more. *(There was a simplified review of the process.)* She reminded the Council that accepting a petition to annex in no way binds the Council to accept the actual annexation; that can be denied during the process.

Question: When a property annexes into a municipality, when do the property owners have to connect to existing water and sewer lines? Are they allowed to stay as they are upon annexation, unless there is further development?

Mayor Dunn: That is a good question; that should be determined. He believes that Hansen's are the only ones thinking about development at this point; however, he does not wish to annex if it will cause any hardships for his neighbors across Loafer Canyon Road.

Shawn Eliot: A couple of things to point out:

1) Hansen Property:

- The City has met with the Hansen's and talked about a main road being constructed through that area, to realign it to connect to Loafer Canyon Rd. They were also informed that a future park is planned for the area northeast of town.
- The future plan is for ½ acre lots: the Code says the zoning has to be according to the General Plan/Future Use or 75% of an adjacent zone; the Code does not allow just any zone to be picked.

If a plan is in place for the area under consideration, then the City can enter into developer agreements at the time of annexation to have in writing what amenities the City desires.

It has been discussed to have ½ acre zoning with a PUD overlay (which the Planning Commission is currently working on)...this would be more affordable for the developers to install the desired amenities.

When land is annexed in as it is, with no development agreements, it is difficult to require certain things after the annexation has taken place (the Hall property southeast of town is an example of this).

2) Area around Elk Horn Drive: The Payson Council did consider Elk Ridge's proposal at their last Council Meeting; but the Planner wants to talk to Mr. Eliot next week to review the issues. He does know they did not like the matter of the road coming onto Elk Ridge Drive (part of the conditions of approval from Elk Ridge).

Differences regarding over-lapping boundary areas do not always get worked out. Ryan Haskell, representing Lee Haskell, would like to annex into Elk Ridge; but the Planner advised him to wait until the issues with Payson are resolved. The Haskell's are concerned that Payson will not annex them in the near future; in fact, Payson recently denied a 285 acre annexation around the orchards...northward to the Highway. Mr. Eliot recommends getting a plan in place to be able to guide any annexations through the process in a way that will benefit Elk Ridge and the land owners.

Cities can hold off on annexations until they are ready for a particular part of town to develop...Lehi is an example of that.

Mayor Dunn: The information he obtained from the ULCT Conference is excellent and very thorough; he is willing to make copies for the Councilmembers. He wants all of the property owners that could be involved to be completely informed as to the process and their options.

There is no "land grab" going on; just gathering of information.

The Mayor had Mr. Eliot create maps of the possible annexation areas and a list of the property owners.

The possible annexations could impact the boundary between Elk Ridge and Woodland Hills; as could the development of property along Loafer Canyon Road...including Don Mecham's land.

WOODLAND HILLS BOUNDARY ADJUSTMENT

LOAFER CANYON ROAD REPAIRS

Mayor Dunn: One of the maps the Mayor had for the Council to look at showed ownership of the land along Loafer Canyon Road and the boundaries showing County, Woodland Hills and Elk Ridge ownership.

The reason for looking into this was instigated by one of the members of Loafer Recreation Association, Mr. Paul Tervort...he requested that the City repair Loafer Canyon Road, which is in pretty bad shape. He provided a name and the number of a man that works for the State Road Dept. and deals in "road chip".

The State will give this "road chip" to cities (not private entities, such as the Association), if there is excess.

The Mayor thought that the County had deeded Loafer Canyon Road to Elk Ridge; it is actually owned by various owners. The Mayor asked different members of past Administrations to see if there was any memory of the County deeding the road to the City...there was not. The Mayor spoke to a man that works for the County Road Dept. and asked the same question...the answer was, "No".

Where the road falls within County boundaries, they have responsibility for those sections; where the road falls within Elk Ridge, the City has responsibility for those sections.

The Mayor mentioned to John McMullen (UDOT) about the possibility of receiving some of the "road chip" and if a joint venture between the County and Elk Ridge could be arranged.

The road budget for this fiscal year is gone, but it could be planned for next year.

("Road Chip": When the State mills a road, they bring all of the milled material back to a certain location and mix it with tack oil...heat it up and re-lay it. If there is excess, they will give it to municipalities.

Mr. McMullen said he would get back to the Mayor after bringing up this request to the County Administrators. (That was about three weeks ago and he has not gotten back to Mayor Dunn.)

*It was suggested that the Mayor update Mr. Tervort regarding what he has found out.

PUD PARK DISCUSSION –

(Memo from Planner to the Council, dated 10-13-09)

"Background

The council has been discussing the park and open space issues of Elk Ridge Meadows phases 1 and 2 over the summer. At the last council meeting, the council gave staff permission to discuss a land acquisition proposal with the developers. Meetings were held with Tom Henriod (phase 1) and Chris Salisbury (phase 2). The city has the option to call the surety bond for the park/OS improvements in phase 2. This can happen whether the city acquires the park or requires it to stay as an HOA in private hands. The surety bond just guarantees that the improvements will be done to these areas.

Meeting Discussion Points / Options for the City Council

The meeting with Chris Salisbury went well. We proposed the following:

1. The city accepts the surety bond for \$118.5k.
2. City starts restoring the park at 25% home occupancy in phase 2 (21 homes).
3. The city takes over ownership of the park/open space at 50% home occupancy (41 homes).
4. The developer pays the city \$114k in lieu of Park Impact Fees (payments to be negotiated).
5. The developer subdivides the small east/west trail area in the middle of the property into 3 lots, proceeds, minus costs to subdivide, go to city. The loss of this open space will be made up in phase 4 (townhomes).
6. Developer will come up with a plan for the open space with costs. Plan will include parking lot, bathrooms, and other sport facilities. The \$114k and proceeds from the sale of the 3 lots could go towards these improvements (at the council's discretion).
7. Front yards completed prior to occupancy.
8. Varying front elevations, rooflines and units.
9. A mix of fascia materials and Hardiplank or LP Smart Side instead of vinyl.

Chris was agreeable to these stipulations, but needed to go back and crunch the numbers. He will be at the council meeting to discuss the proposal.

The meeting with Tom Henriod was done after meeting with Chris. We proposed the following:

1. Developer restores and improves open space area, spends \$20k to do it.
2. Developer pays the city \$40k to take over the open space area (\$40k + \$20k = \$60k or the amount of Park Impact Fees the city would collect for phase 1).
3. Developer starts improvements at 25% occupancy of phase 1 (13 homes).
4. City takes over ownership of the open space at 50% home occupancy (25 homes).
5. Front yards completed prior to occupancy.
6. Varying front elevations, rooflines and units.

7. A mix of fascia materials and hard plank or LP Smart Side instead of vinyl.

Tom doesn't have as much of an incentive to improve the open space (could spend less money just restoring it to wild flowers and native grasses). Was concerned with having to pay so much for other fees (impacts and building) and thought that the city should be waiving these fees in the economic time. Staff reminded him that he has already paid most of the Water Impact Fee (water tank payment). He will discuss his concerns at the council meeting.

City Council Discussion

1. The city should acquire the surety bond money whether they take over the park/OS or not.
2. What are phase 2-Chris Salisbury's concerns or proposal?
3. Is the phase 2 proposal sufficient?
4. Should staff prepare a Development Agreement based off the proposal above plus any discussion agreed upon in the council meeting? (Since Chris Salisbury only has an option to buy the phase, the agreement might need to be with the bank or we need to stipulate that the agreement cannot be entered into until ownership is acquired).
5. What are phase 1-Tom Henriod's concerns or proposal?
6. Is the phase 1 proposal sufficient? Should the city require less money in lieu of Park Impact Fees to compensate for the economy?
7. Should staff prepare a Development Agreement based off the proposal above plus any discussion agreed upon in the council meeting?

Recommendation

The data supports the city acquiring this land. The additional costs of maintenance will not occur until there are sufficient new homes to pay for the additional service. The city basically gets free money from the surety bond. The surety bond is our guarantee that the required improvements will be completed. Also, phase 2-Chris Salisbury is willing to pay the city \$114k in lieu of Park Impact Fees. This will free up these funds from the strings that are attached to impact fees making them available to any needs the council deems appropriate. Recommend that most of them go into improvements in the open space area of phase 2 to create a true municipal park. Acquiring the park and OS areas of both phases also give us public access to the trail system, park, and the 3 storm water retention basins that collect city street runoff. It is wise to have these in public ownership so there are no problems later on. "

Comments:

Shawn Eliot: There is conflicting code involved with landscaping: In the PUD Code, it says that all of the yard must be put in (front, back & sides) prior to occupancy; but that was not adhered to with the homes that have been built in the PUD...only the front yards were installed and that was approved. The new landscaping code regarding PUD's states the front yard and the side yard (corner lot) have to be done...but the back yard is not included, as long as the weeds are kept cut.

The developers have requested that the front yard be required, but not the back yard. He reported that the Planning Commission considered the front and side yards, unless fenced (sight obscuring).

- A plan was submitted by Salisbury Homes showing front yard setbacks: currently the code waives all setbacks; but their plan showed a mix of elevations and varying setbacks.

- \$114,000 up-front payment: It needs to be decided if there will be one payment or two...this would be included in a developer agreement.

- The east/west trail (the open space in the middle of Phase 2): The City does not want to take possession of that open space; perhaps three lots could be created out of that strip. When Phase 4 comes into being, perhaps that open space could be moved to that Phase.

Chris Salisbury: He had a good meeting with Mr. Eliot wherein they discussed many of the possibilities; however there were a couple of "gray" areas that they were unsure of:

- (Regarding #7, "Front yard landscaping") He feels that requiring the back yards is too expensive; but they are willing to require that the front yards are planted.
- They are also proposing to put in shrubs at the back of the landscaping area that will block the back yards. The concern they had with the fencing was that it would create a "corridor" look (uninviting) and it costs more. Fencing could be an option, if the buyer can afford it.

(Shawn Eliot reminded Mr. Salisbury that corner lots would require side yard landscaping. Fencing was also discussed: the request was to come up with some type of agreement that would keep the back yards somewhat uniform.)

Mr. Salisbury said that it could be part of the development agreement they had discussed...they are not opposed to that. Hydro-seeding and sprinkler systems would be installed in the front yards.

- Setbacks: The setbacks are proposed to be varied to get away from the straight line look.

- \$114,000 Payment: This was discussed in Salisbury's office...he read from a prepared memo:

"With Elk Ridge City taking on the reestablishment of the park and open space in Phase 2, using funds from the surety bond; Salisbury would like to revert back to paying the park impact fee of \$1,385 per home, as permits are pulled. The maintenance of the park, which is equal to approximately \$12,000 per year (based on the estimates we've got), would rest upon Elk Ridge City. With the winter months approaching, minimal to no expense will be incurred by the City to improve and/or maintain the park. The winter months can be used by Salisbury to sell homes; and by paying the \$1,385 park impact fee for a permit, the City would be able to build a reserve of funds for use in the beginning of the spring of 2010."

- One "gray area" was the \$114,000 that Salisbury was willing to pay...they would like to "spread that back over the lots" and pay as they go. The \$114,000 would have been spread out over payments to contractors, anyway; to be able to pay as they go would help them out and there would be a mutual benefit with the things they are trying to do.

Salisbury wants to hit the marketing plan hard and get homes sold; so the reserve of impact fees could be used to purchase equipment for the park.

- Another "gray area": the 3 lot open space. The idea was to turn that space into three lots; their engineers reviewed it. It turns out that rather than about 65' in frontages, it will be 75' in frontage; which would not be a problem for their planned homes.

One of the concepts discussed with LEI (engineers) was taking that section of open space and/or extend the Phase 2 park by that amount of square footage.

- Instead of multi-family units; they are considering single-family units; they do not feel multi-family units are as marketable as they have been in the past...this would keep the whole area with a consistent product.
Shawn Eliot: RE: Park Impact fees per house...if this is the route that is decided upon; it would have to be something other than a "park impact fee". In taking over the park as public, the City cannot take impact fees. It would still be money that would be given as part of a developer agreement, but the agreement would simply have to state that it is \$1,385 per lot. The park is considered their "impact"; so the City would still be collecting the \$114,000 from the developer, just not up front.

Tom Henriod: He reviewed some of the things that have happened in the process:

His firm (Rockworth) feels they have been fairly instrumental in the process of getting this in the forefront of the City's mind. It seems the City wishes to separate the Phases (1, 2 & 3) and address them separately. He wanted the Council to understand that this is not possible in the current state.

- They bought Phase 1 knowing that Phase 2's park was associated with their development through a Homeowner's Association...that still exists. They are interested in seeing something happen; but that which affects Phase 2 also affects Phase 1. The protective covenants are still recorded against every lot.

(Shawn Eliot: This is something that needs to be looked into.)

Phase 1, 2, & 3 are under the same Homeowner's Association...the open space for all was calculated for all the Phases mentioned; that open space is the basis of the density applicable to all three phases. They do not feel it is right for the Phases to be treated separately.

Shawn Eliot: Seeking to clarify, Mr. Eliot asked if Mr. Henriod meant that if the City takes over the park in Phase 2, then the City should take over the park in Phase 1, as well.

Mr. Henriod: He responded that the City should take over any of the open space within these Phases.

Another point: The issues associated with Phase 1 are not as complex as those associated with Phase 2:

- Phase 2: The City is dealing with a prospective buyer
- Phase 1: The City is dealing with the owner...the same "historical owner"
- Phase 2 has gone through several owners and now a prospective buyer
- The owners of Phase 1 stand to lose a great deal
- The owners of Phase 1 are still here...through everything; still maintaining a bond with the City.
- They have a warrantee on their work; this is not the case with Phase 2

They hope the City "appreciates" these continuing points about Phase 1. They want to see the PUD progress as a whole, not separately.

They want to get homes built affordably; so when it comes to park impact fees being waived, it would help in building affordably.

- He agrees with the landscaping being limited to the front yards
- Sprinkler systems: This does not seem to be something the City is willing to compromise on...and that is "fine".

Matthew Thurman: (Resident) He expressed his feelings that homeowner's associations (HOA's) are a "waste of tax-payer's dollars". He does not feel those covenants are necessary in Elk Ridge. He thinks that people should be able to decide for themselves.

Mayor Dunn: He needed to clarify ownership of Phase 3: The Mayor indicated on wall map, how the phasing went with the PUD...Phase 3 has changed and is now Phase 3 (School property), 5 (north portion of the "old" Phase 3) & 6 (south portion of "old" Phase 3). Phases 5 & 6 are still owned by Randy Young and Mark Rindlesbach.

Raymond Brown: His concern is dealing with different people (owners). The City has been working with Chris Salisbury and he has generated some ideas....he is not sure where Phase 3 is with the proposed ideas.

Tom Henriod: Mr. Henriod reiterated that there are protective covenants recorded against the lots; for those covenants to be removed, the owners would have to agree.

Mayor Dunn: He felt there may have been a misperception; the covenants do not belong to the City...they belong to a Homeowner's Association (HOA). When you belong to an HOA, they can do anything the owners wish to dictate. Mr. Henriod is correct in his concern that all the Phases except 3, 5 & 6 are all members of that HOA where the recorded covenants are still attached to the lots.

Shawn Eliot: What covenants are proposed to be broken?

Tom Henriod: The covenants regarding a minimum square footage of 1,600 sq. ft. (ramblers), 1,400 sq. ft. on the main (two-stories); the covenants that deal with materials to be used...etc. These are the covenants that Alpine Homes followed when they built their homes in Phase 2.

Chris Salisbury: The plan that shows what Salisbury is doing does not follow the CC& R's. The minimum sq. footage listed in the covenants does not work with any of the product line that Salisbury has; affordability sells product. He and Mr. Henriod have talked and working together seems to make sense.

Tom Henriod: The distinction between Salisbury and them (Rockworth) is that Rockworth is an owner and lot-buyer...they are not home builders. Salisbury Homes buy lots and they build homes and in some cases, they develop lots as well...in this case they would be buying finished lots and building homes...Rockworth are lot owners trying to sell to home builders...that is the difference. Rockworth has approached Salisbury Homes about buying lots in their subdivision.

Mayor Dunn: It is his understanding that Mr. Henriod and Salisbury Homes could decide to dissolve the HOA and those properties would revert to City Code. A developer's agreement could be drawn up (as Mr. Salisbury mentioned) that would decide on the preferred amenities, like shrubbery...this is not something the City is demanding; but could be mutually agreed on...to make the development look nicer. The Mayor commented that he did not see any purpose for the HOA to exist anymore.

Tom Henriod: "No, I don't know that we necessarily do either; but I guess...our alarm came up in our meeting last week where it was stated that our open space doesn't meet the minimum requirement for the density it was granted. What I am saying is that we bought into the entire subdivision." The original developers priced the fact that they put open space into Phase 2 into their sale price to them...so they cannot be separated.

Shawn Eliot: The Mayor is correct on the CC&R's (if there were to be dissolved)...when this process started back in June 2009, the issue of the housing size came up; he recalls that the size was fine and he (Salisbury) wanted even smaller. The Code allows for the size of home that Chris was talking about; so the CC&R's are more restrictive than what the City Code has as a minimum. As a City, there is no preference; as an HOA, they would have to work that issue out

Chris Salisbury: Is there a reason why Phase 1 is being treated separately? Does the City not want to take on the park in Phase 1?

Shawn Eliot: It is because of two different owners. Mr. Salisbury has an option to purchase the development; so whichever route is taken, the City will either have to work with the Bank toward these agreements or Salisbury would have to purchase it first. The City is not going to enter into any agreements with a prospective buyer; it would need to be with the owner. Mr. Henriod is correct in that Phases 1 & 2 came in together; Phase 1 did not have 25% open space...it could not have come in as one phase...it was considered as one plan; but it is still being looked at with two owners.

Tom Henriod: It was intimated to them that the City was not interested in Phase 1's portion of the open space (park).

Mayor Dunn: Part of the reason for treating the Phases separately is due to the surety bond covering Phase 2, not Phase 1.

Tom Henriod: He hopes the City sees the fact that the bond does not have to be drawn on for Phase 1 as a benefit to the City.

Mayor Dunn: He stated that he would hate to see Phase 1 penalized because they "did everything right and did not go into default" (*Mr. Henriod thanked the Mayor for that observation.*)

Shawn Eliot: The difference between the offers from Phases 1 & 2:

Phase 2:

- The City does have the surety bond
- Salisbury Homes was willing to put \$114,000 into fixing up the park (equaling the park impact fees)
- At an agreed upon occupancy, developer will deed ownership (& maintenance) to the City.

Phase 1:

- Rock Worth is willing to restore and improve the open space areas for \$20k.
- At an agreed upon occupancy, developer will deed ownership (& maintenance) to the City.

Later, in the Regular Session of the Meeting, direction needs to be given regarding the direction to go for a developer agreement.

Nelson Abbott: (Question regarding HOA) He appreciates where Mr. Henriod is coming from; because there are lots already purchased by various individuals who bought into the existing HOA. If the HOA were to be dissolved, wouldn't it need to be put to a vote by the members of the HOA? He does not feel the City has any place in this.

Tom Henriod: Another point: It is Mr. Henriod's understanding that Salisbury Homes would not be purchasing all of the lots at once from the Bank; (*Mr. Salisbury agreed.*) then Centennial Bank would have to agree and be included in any change with the HOA. Centennial and Phase 1 (together) have enough voting rights to make changes in the HOA; adhering to all the proper channels of informing all involved.

Shawn Eliot: He asked Mr. Henriod...if the City agrees, then he (Mr. Henriod) is agreeable to the changes in the CC&R's?

Mr. Henriod: "Yes, I think that if we could treat the subdivisions the same...we're together on that stuff...waive that park fee in return for me sprucing it up...I think we can come to a quick agreement and make that whole thing go. Whether it's through development agreement or new covenants; a development agreement would allow the City a little bit more leverage in the ability to make people do what they want...with covenants, you are relying on an Association."

Mayor Dunn: He said that he liked the lay-out with the setbacks...he feels it is preferable than the "grid-like" lay-out.

Mr. Henriod: This is the first time he has seen this proposal from Mr. Salisbury...they will "happily" work with them, as long it is feasible with the existing home builders they are working with.

Sean Roylance: (Directed to Chris Salisbury) He asked if he proposes that the City take over maintenance immediately.

Mr. Salisbury: "Yes, what maintenance there is...using the surety bond funds and then whatever funds are gathered through the sale of permits. We see this as an advantageous time because what maintenance would there be...going into this time of year? Hopefully, if there would be, it would be very minimal...and those funds that you are getting would be able to go toward that."

Sean Roylance: He noted that this proposal is different than what was initially proposed. It was his understanding that the City would take over maintenance of the park at a certain level of occupancy.

Nelson Abbott: (Restating the proposal) The City would immediately start receiving the funds as the permits come in; but according to his understanding, the City would not start restoring the park until 25% occupancy is reached. The only maintenance would be to keep the weeds down. As the percentage increases, then the City starts the restoration process.

Mayor Dunn: (Summarizing)

- City receives the \$118,500 from the surety bond; & places that in an interest bearing account.

- Additional money to the City comes with each permit issued within the development...this could be placed in a similar account.

- At 25% occupancy, the City begins the restoration of the park

City Recorder: Does the Council wish to consider taking over the open space within Phase 1? This has not been something the Council has discussed or considered yet.

Shawn Eliot: There is no bond money to draw on; that is why the developer is willing to put \$20,000 into the park.

Mr. Henriod: \$20,000 also makes it into a park that requires more maintenance...that is something to think about. If Rockworth just brings the open space up to the original plan..."seed a little bit more, pull some weeds, plant trees where the dead ones are...it is a 'no maintenance' park, basically".

"Because it was requested, the plan they proposed was to make it a little bit nicer...give it some turf, some type of active open space area...rather than just natural seed".

Shawn Eliot: There is not a lot of turf, because of the retention basins taking up most of the space...the only turf grass would be south of the retention basin in the middle of the open space.

There would be no money coming in for maintenance, if park impact fees were waived...it would be the additional tax income that would have to be used for Phase 1; that would not be sufficient until 50% build-out.

Julie Haskell: From the discussion about the park and open space in this meeting, she said she would prefer to keep the HOA; accept the surety bond of \$118,500...and she does not agree with waiving the impact fees for the open space. The City is experiencing hardship with the current economy, as well; she feels the Council must consider the welfare of the existing citizens.

Sean Roylance: Another question for Tom Henriod: He referred to lights and sidewalk needing to be installed; is there a cost estimate available? *(He can provide it.)*

Chris Salisbury: If the open space were left the way it is, there would be weeds to maintain...there would be no grass...

Mr. Henriod: The \$20,000 would go to create a bit more than 1/2 acre of turf in the open space area that would need to be cut every week. As it is now, it is "passive open space area"; seeded naturally where the trail goes through it...with a drip irrigation line that runs to the trees along that path...with street light, as well.

Chris Salisbury: If that were left off, it would not be something the City would have to maintain, if they took that open space over, as well. Is that something that could be established down the road when there is the necessary tax base? It only makes sense that it be financially feasible, but it would not have to be done right now; particularly sense there are things being worked out in Phase 2 to provide plenty of open space for now.

Sean Roylance: Is the open space in Phase 2 useable? There is a retention basin, which might be good if the City had control over it. Is there another use for the open space?

Nelson Abbott: Many cities do take the retention basins...put grass in them...level them out a bit and use them for parks

Shawn Eliot: Phase 2 open space is 7 acres...so Phase 1 is about 2 1/2 acres...the current City Park is under 4 acres.

Mayor Dunn: Since there were no further comments, he suggested closing the Work Session.

City Recorder: She suggested that the City Council may want to move to go into a closed session to discuss the newly presented information, prior to making any decision in the regular session.

Nelson Abbott: Any action could also be tabled.

Julie Haskell: She said she would prefer to move into a closed session to further discuss the information.

Raymond Brown: There are people waiting to be heard that are on the Agenda; like the young man that has his Eagle Project to present.

Julie Haskell: It would not need to be prior to the Regular Session; it could be between items 5 & 6.

Derrek Johnson: Would it be helpful to have the Planner summarize this newer information and present it to the Council at a later time...and not rush through it?

Mayor Dunn: Mr. Tomeo (Surety Bond Adjuster) is eager to have direction from the Council and be able to close the account.

Nelson Abbott: He did not feel that settling with the Surety Bond Company affects any negotiations regarding the open space. The money will be used for restoring the park, regardless of when. It could either be the City or the developers that use the money for that purpose.

Mayor Dunn: The \$188,500 from the Surety Bond should not be attached to the rest of the Project.

Shawn Eliot: The road repairs will be hired out by the Surety Company. They are going to do that part themselves; the \$118,500 is separate.

**Question: How long will asphalt be available for road repair? The Mayor will find out. There is a good chance the repairs may not be done this year; they may have to wait until spring. The Mayor called Corbett Stephens in the Meeting to find out if the \$118,500 has anything but the park included in it. The road money is separate. Mr. Stephens commented that the road work had not been scheduled yet. The bid the Insurance Company was from Alan Anderson (contractor in the City).*

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY SEAN ROYLANCE FOR THE CITY COUNCIL TO MOVE INTO A COUNCIL CLOSED SESSION AFTER AGENDA ITEM #5

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

NAY (1) NELSON ABBOTT

Passes 4-1

ELK RIDGE
CITY COUNCIL MEETING
October 13, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 13, 2009, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM**. The City Council moved to a **Closed Session at 7:55 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 October 9, 2009.

7:40 PM -

CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner:* Shawn Eliot; *City Council Candidates:* Kenneth Lutes, Jason Bullard, Erin Clawson & Weston Youd; *Public:* Chris Salisbury, Tom Henriod, Dane Kimber & Scout Dallin Kimber, Nelda Callor, Sara Callor, Matthew Thurman, Tyrei Carter, Emily Holcomb, Derin McQuade, RL Yergensen & guest (No name on roll – Contractor who laid straw for Mr. Yergensen's development); *and the City Recorder:* Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

Opening Remarks were offered by Julie Haskell (read a quote by J. Rubin Clark): "The task ahead of us is never as great as the power behind it";
& Scout Dallin Kimber led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:40 PM; AND ADDING IN A CITY COUNCIL CLOSED SESSION AFTER AGENDA ITEM #5
VOTE: YES (5) NO (0)

PUBLIC FORUM

There were no comments.

EAGLE PROJECT –
DALLIN KIMBER

Scout Dallin Kimber: There is a need for an area to store the City's athletic equipment. It is currently being stored at Kara Cook's house (Athletic Director). Scout Kimber proposes to construct a shed to store the equipment in.

The City Council was in agreement that it would be a good Project; however, there was discussion as to the best location for the shed. Originally, Scout Kimber suggested the southeast corner of the parking lot east of the Fire Dept. Bay area; however, it was felt that there could be a better location.

Mr. Kimber (Dallin's father) suggested building a "mobile" shed that could be moved if the need should arise. Construction would not begin until the spring of 2010.

**Scout Kimber is to contact Public Works Superintendent Kent Haskell to determine the best location for the shed.*

Sean Roylance: He asked about projected costs.

Scout Kimber: He is not sure of costs, but he will utilize fund raisers to assist in generating cash for the Project. He understands that the Council will, at times, donate to Scout Projects; it would be appreciated, but not expected. He said he would call Kent Haskell the following Monday.

7:55 PM -

CITY COUNCIL CLOSED SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner:* Shawn Eliot; & *City Recorder:* Janice H. Davis

Land Acquisition Discussion

CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS (CONTINUED)

PUD PARK
DISCUSSION
(PHASES 1 & 2)

Mayor Dunn: The time in Closed Session was well-spent. There is a lot to consider. The Council would like to take the proposals presented at the Meeting by the developers and think about them for two more weeks. The Council expressed strong concerns over the issues. They want to be fair and equitable to Phase 1 & Phase 2. They are not trying to destroy feelings or the efforts put into the plans presented to the Council.

- The Mayor particularly wanted to commend Mr. Henriod for his efforts in doing what has been asked of him, as a developer. One concern the Council has is with the maintenance of the open space in Phase 1.
- Mayor Dunn also commended Mr. Salisbury for his "courage" in taking on a project and trying to do it right.

The Council wants both projects to be successful; while trying to protect the existing citizens of Elk Ridge.

Comments:

Sean Roylance: He suggested that the developers be informed as to the direction the Council seems to be leaning toward:

There are certain aspects that the Council is unanimously opposed to and there are other aspects that remain undecided.

Raymond Brown: (Director to Mr. Salisbury) He wanted to know if Mr. Salisbury, with Centennial Bank, has enough votes to dissolve the HOA. (Mr. Salisbury said, "Yes, it would go away"...that Centennial Bank is ready to sign off on it now.)

Sean Roylance: He offered to outline the parameters that the Council discussed in Closed Session:

Phase 2:

- If the City takes over the park; they would not use the surety bond to make improvements to the park until 25% occupancy occurs.
- They would like for Salisbury to maintain the park until occupancy hits 50%.
- Depending on how the vote goes in a couple of weeks, the Council might be willing to agree on the taking ownership of the park.

(The Council feels that the cost of maintenance would be too high until there is more build-out. The Council is not comfortable in taking on any additional liability...until the costs are covered by the development, itself.

They are willing to not require the \$114,000 upfront, and allowing it to come in along the way.)

Phase 1:

- The Council all felt strongly that they do not want to waive impact fees. (In Phase 2, there is improved land and Phase 1 has maybe lights and trail and possibly that is all. The Council did not feel it would be in its best interest to waive the fees.)

If the developers agree to this direction, there are Councilmembers that would be in favor of moving forward with the proposals; however, there are those that are undecided at this point.

Raymond Brown: In answer to Mr. Henriod concern about deciding on the "maintenance issue", Councilmember Brown responded that it would be the same expectation as with Phase 2...25% and 50% occupancy. He asked the Council if that was correct.

Sean Roylance: The Council did get detailed in discussing Phase 1...It was discussed to simply leave the open space for now and possibly address improving the space in the future, after impact fees had been collected. This was not decided upon.

Tom Henriod: He requested a meeting prior to the next Council Meeting; to be able to come to some agreement before the Council Meeting, so there is no further discussion at a Council...rather he requested that the Council could simply ratify what had already been decided. This would be to expedite the process. They would like to know that they are coming to the next Meeting with directions to draft an agreement.

(Councilmember Brown asked him how he felt about what had been proposed by the Council as a result of the Closed Session.) Mr. Henriod responded that he will have to consider and think about it. He came back to the point that he had purchased property that had open space shared with the overall PUD...and that is turning into a subdivision that shouldn't have had open space included ("non-PUD"). Whether the development should have more or fewer lots, he did not know at that point. He will have to consider the total acreage...he still has to sort through the possible separation from Phase 2.

Mayor Dunn: The use of time in the following two weeks can go toward considering proposals on both sides.

The Mayor reiterated that they (the Council) wanted it to work for the developers as well as for the City.

Mr. Henriod: He and Mr. Salisbury have not gotten too specific in sitting down in a meeting between the two of them; but the generally agree on many things many times. He felt that they could come to a mutual agreement regarding the HOA.

Raymond Brown: The Council simply wants this to be "self sufficient"; there are no extra funds to pick up any extra costs; in fact "we are running bare bones right now". There is no commercial and the tax base is heavily depended upon, as well as fees coming in from new construction. When the development reaches the point of being able to sustain the costs associated with maintenance of the park, then there would not be any additional burden on existing citizens. We just cannot take on any more financial burden.

Mr. Henriod: He and Mr. Salisbury and some of the Candidates running for office talked during the Closed Session; they think that the City has a great advantage right now...there are few, if any building permits being issued in the surrounding communities. If we can get this decided in two weeks, then Elk Ridge has the opportunity to have two subdivisions pulling 4 to 6 building permits per month...starting in November or December. Elk Ridge could be the "hub for growth".

Raymond Brown: The Council is aware of that. They all made the trip over to Salisbury Homes in Spanish Fork to see their development and were impressed with the number of homes sold and built. The Council is serious; but they want it to work for all parties involved, including the City.

The City recorder asked about the meeting that Mr. Henriod had requested. When would that take place?

Mr. Henriod suggested perhaps emailing suggested agreements back and forth. Councilmember Abbott added that the developers know where the Council stands on most of the items; they should draft any agreement with those things in mind.

ELK RIDGE MEADOWS
PHASE 2 -
SURETY BOND -
ACTION

Shawn Eliot: The Insurance Company that issued the surety bond for Phase 2 would like for the Council to make a decision on the \$118,500 to refurbish the park. The City could accept the money for the park and still have the HOA intact.

Raymond Brown: The money needs to be placed into an interest bearing account.

Nelson Abbott: He question if the bond could be left "open" to account for possible inflation. Insurance companies will agree to do that. He does not want them to just close the files on this, even though that is what they want to do.

Shawn Eliot: The City can ask; but if they do not agree...what is the City's position then?

Nelson Abbott: They could be told to fix the park like they are doing the road repairs.

Raymond Brown: The improvements that would be most affected by inflation would be the repairs on the infrastructure; not necessarily the park. He feels the City should be fine with the \$118,500.

Mayor Dunn: He clarified Councilmember Abbott's suggestion, at the Planner's request: The money could be placed in an interest bearing account and when it comes time to utilize the money, if there is a difference in the actual cost and the amount received, would the Insurance Company make up the difference?

Shawn Eliot: If the suggestion is refused; what is the City's position?

Nelson Abbott: That depends on whether the other Councilmembers are comfortable with the amount.

Raymond Brown: He felt the Insurance Company has been fair in dealing with the City. The money, invested in a money-market account or something similar would start to earn the interest that could make up the difference.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ACCEPT THE OFFER OF \$118,500 FROM THE SURETY BOND FOR ELK RIDGE MEADOWS PUD, PHASE 2

Discussion:

Sean Roylance: He questioned if the request could be made to leave the bond "open" and the Council agreed that the City could ask.

The motion was not formally amended; however, since the Council all agreed that the question should be asked, it is assumed that it should be included in the formal motion.

VOTE: YES (5)

NO (0)

**NUISANCE CODE
ENFORCEMENT –
FEE SCHEDULE**

The Public Hearing on these proposed amendments will be at the next Council Meeting on October 27th.

The information presented in the Council packets is for review and discussion.

Mayor Dunn: (Section 4-2-2-90-1) "City Removal of Nuisance": The Mayor is concerned about the proper process being conducted prior to entering onto someone's property to "remove a nuisance"...and he is concerned with the rights of the individual. Are there any constitutional lines being crossed?

Shawn Eliot: If the City has gone through the entire abatement process with an individual property owner, the process outlines what the City is allowed to do; the State Code also states that the City has the right to act to remove the nuisance. This would be after everything else is exhausted.

(The Mayor asked where the section on "smoking" came from.)

Mr. Eliot borrowed much of the proposed code from Orem's Code, after researching many cities.

It would be more applicable for multi-family units. It could apply to homes that are close to one another; smoke from a neighbor could affect a person.

Mayor Dunn: He agrees that sights, sounds and smells can be considered "nuisances"; but he is concerned about enforcement if someone is smoking on their own back porch and the smoke wafts into the neighbor's back yard...would the City really take action on that person?

Mr. Eliot: It can be removed from the proposed code. The sentiment is that second-hand smoke is quite dangerous...even parks are becoming "smoke-free". IT was in Orem's code; but was likely added to it.

Raymond Brown: HE was looking for a section on the destruction of private and public property; but did not see it in his review.

Mr. Eliot: This would also be considered "criminal" in nature. It could be listed in both areas.

Raymond Brown: He requested that a section be added covering the issues associated with vandalism; there is a lot of it in the City.

Mr. Eliot: The current code is vague and the fines are, as well. It states that violations could be considered a "Class C" Misdemeanor, and the charge states "up to \$1,000/day (or \$750). It also states that there is a \$10/day fine. It is confusing. The proposed code is defined as \$50/day for a "nuisance" charge.

(Mr. Eliot reviewed the proposed process for abatement and the time element involved.)

After the initial time period allotted to abate the nuisance, a citation and fine could be issued for non-compliance.

The Public Hearing for this code is on October 27, 2009; there are a number of complaints he would like to address, but he wants the Code in place for enforcement.

Mr. Eliot: (4-2-1-30-31) "Parking or Storage – Trailers, Boats, Recreation"

This is a big issue in the City. The proposed code says that trailer, RV's etc. can be stored at the side of the house...there is an exception for a corner lot, where one would be allowed. The Planning Commission felt there should be an exception for interior lots to have just one, if there is not place to put it at the side or the back of the house. Some cities allow these items to be parked in the front. The current code is interpreted to say that one cannot have this type of equipment/vehicles on blocks; nor can they be "non-running"...this could be a 5th-wheeler or trailers people use to transport ATV's and other "toys".

Another part of the code deals with setbacks from the street (3' fence height in front yards): This is saying that, other than parked cars in the driveway (that move or run) they do not want to have high fences and RV's parked to the street because that "boxes" in the neighborhood and takes away from 1) attractiveness & 2) visual line of sight down the street. This is a big question because it applies to so many throughout the City.

Raymond Brown: He has had a couple of calls from people saying that they store their units during the "off season" and they are not on their property. What happens during the summer months when the trailers are used, parked for a time and then moved (used) again. These people do not want to have to store the unit for a week or two and have to go back and pull it back out for use. It has been "policy" that if the unit is being utilized and just parked for cleaning and re-stocking, etc...that is permissible.

Mr. Eliot: The wording simply states that there is a "reasonable period of time" to load, unload, clean or repair a trailer, boat or RV...in that case, the front of the home shall not be considered a nuisance. The question is what is "reasonable"? If they bring the unit home and park it in their driveway, should they have a place on their property on the side or at the back of the house? Is the Council okay with the unit in the driveway or with just one unit in the driveway? There is also the safety factor...with children and line-of-sight.

Mr. Eliot feels that perhaps exceptions could be made for one unit, but two or three ends up making the City resemble an RV Park. There are many examples in the City of various combinations of violations.

Mr. Eliot: One of the Planning Commission members brought up having setbacks on RV's themselves (at the side of the house)...perhaps a compromise.

Nelson Abbott: He suggested that the RV's should just stay back out of the easements where the line-of-sight becomes a problem. "In my mind, if you want to park it on your property, and you want to have a yard that looks like whatever...that is your business, to a degree; but when you start pushing it out towards the road, or it is in the road and it affects my ability to drive down the road safely...that is where we really need to have an 'iron fist'."

Mr. Eliot: The easement would be 9' from the curb.

Mayor Dunn: (4-2-1-30-29) "Noxious Weeds"...perhaps a coma should be added before "over 4 inches tall".

Derrek Johnson: He brought up construction noise...He suggested having the time changed from 6:30 AM to 7:00 AM start time. He feels 6:30 AM is too early. In West Jordan, it is 7:00 AM. He is in favor of changing the Code to 7:00 AM to 10:00 PM. (Councilmember Abbott agreed.)

Mr. Eliot: The current Code is 6:30 AM to 10:30 PM.

Mayor Dunn: In construction, it is good to get started earlier in the summer.

Raymond Brown: He wants to see a section added that addresses private & public property damage. He wants to have it easily found in the Code.

*Mr. Eliot said he would have the suggested changes included in the proposed Code prior to the Public Hearing.

FIRE DEPT. SIGNS

Julie Haskell: Chief Waite and she got together and briefly discussed the last Council Meeting about a permanent Fire Dept. Sign. They like what Woodland Hills has done, but felt it may be a bit too wordy. The Chief would like to be able to post various events. What suggestion does the Council have regarding location?

Mayor Dunn: The entrances to the City have always been a good location, since more people see it.

Nelson Abbott: HE is not sure he would like to see any other signs by the new entrance sign on Gooseneck Drive.

Shawn Eliot: He suggested further to the east at the entrance; perhaps where the election signs have been posted...up the hill further.

Mayor Dunn: The bulletin board by the park is rarely used; maybe that could be converted in some way to the Fire Dept. The entrances are seen by more people, though.

On Loafer Canyon Rd. it might be better down by the 4-way intersection.

*Shawn Eliot offered to assist with the signs. Councilmember Haskell will bring this back to the Council when there are designs to review.

SUBDIVISIONS- DURABILITY TIME PERIOD

1. Kimber Estates, Plat A:

A written recommendation from Corbett Stephens were included in the Council packets, dated 10-13-09:

"The final inspection for the above referenced subdivision has been held and the contractor has satisfactorily completed all of the required items. I recommend durability be granted as of October 13, 2009.

The Kimbers have requested an adjustment to their required durability retainer to reflect the actual costs involved. The accepted engineers estimate for the cost of construction was for \$105,601.00; while the actual invoiced amounts total \$76,580.80. The durability retainer is 20% of the cost of construction, engineers estimate put this amount at \$21,120.00 and the actual invoiced amount would reduce the retainer to \$15,316.00

The inspection bond is automatically reduced to 5% of the Durability Retainer (at the time of entrance into Durability), and is to be no less than \$1,000.00; 5% puts this amount at \$765.00, so the minimum amount applies."

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY RAYMOND BROWN TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR KIMBER ESTATES SUBDIVISION, PLAT A; AND TO START THE DURABILITY TIME PERIOD AS OF OCTOBER 13, 2009; AND TO AUTHORIZE A REDUCTION IN THE BOND, AS PER RECOMMENDATION FROM CORBETT STEPHENS

VOTE: YES (5)

NO (0)

2. Ridge View Meadows, Plat B:

Written recommendation from Corbett Stephens, dated 10-13-09:

"The final inspection for the above referenced subdivision has been held and the contractor has satisfactorily completed all but one of the required items. I recommend durability be granted as of October 13, 2009. The final item is a four foot section of gutter which will be completed with the concrete work for the house being built on lot #1 of this subdivision. The contractor installed a temporary asphalt gutter to help maintain flow across the affected section."

Julie Haskell: She and Kent Haskell visited the site of this development and Kent Haskell was concerned about the sewer manhole having been covered (asphalted over). IT needs to be uncovered, raised and a cement collar put on...but Mr. Haskell said that the actual connection to the sewer looked really good.

Mayor Dunn: The cement curbing in the road was temporarily installed with asphalt; because he did not want to bring a truck up for only about ¾ of a yard of cement...he would prefer to pour the cement when he pours footings and foundation and order extra yardage then. The cement collar will be done at the same time.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR THE RIDGEVIEW MEADOWS SUBDIVISION, PLAT B; CONTINGENT UPON THE MANHOLE COVER BEING UNCOVERED, RAISED AND A CEMENT COLLAR INSTALLED, AS WELL AS THE CEMENT BEING POURED FOR THE ADJOINING CURB & GUTTER PRIOR TO THE RELEASE OF THE PERFORMANCE BOND; AS WELL AS AUTHORIZING THE DURABILITY TIME PERIOD TO BEGIN AS OF OCTOBER 13, 2009

VOTE: YES (5)

NO (0)

3. *Burton Subdivision, Plat A – Release of Bond:*

Memo from Corbett Stephens to the Council, dated 10-13-09:

"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 will expire on November 16, 2009. As you are aware we have done an overlay on this section and the entire road to the intersection of Park Drive and Loafer Canyon Road. There are no outstanding issues required of the developer. I recommend final acceptance of the subdivision and release of the durability retainer."

Note: The sewer line for that subdivision did fail; but was repaired and then the City overlaid over the top it.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ACCEPT THE IMPROVEMENTS AS COMPLETE FOR THE BURTON SUBDIVISION, PLAT A; AND TO AUTHORIZE THE RELEASE OF THE DURABILITY RETAINER

VOTE: YES (5)

NO (0)

OAK HILL ESTATES,
PLAT D - BEGIN
DURABILITY TIME
PERIOD

(Memo from Corbett Stephens to the Council, date 10-12-09)

"The final inspection for the above referenced subdivision has been held and the contractor has satisfactorily completed all of required items pertaining to construction. The City Council Meeting of September 22, of this year, raised concerns pertaining to the re-vegetation of the terraced walls. I recommend durability be granted as of September 23, 2009, with the contingency that the developer be held responsible to ensure that the re-vegetation that was performed survives. The method of re-vegetation was not done as recommended by the Extension Service contracted by Mr. Yergensen and therefore leaves question as to its success. I further recommend that this contingency gives the City the latitude to extend the required 1 year durability testing period to two years, if the seed used does not substantially survive, as allowed by House Bill 10-9a-604.5. The required 1" overlay is to be completed in June of 2010 to ensure optimum conditions for asphalt placement."

Mayor Dunn read the memo to the Council.

RL Yergensen: He added that he did do the seeding according to the instructions of Mr. Hansen (Extension Services Re-vegetation Plan). Some claimed Mr. Yergensen failed to put down straw (as recommended in the Plan); however Mr. Yergensen say he did have straw put down...furthermore he brought the contractor that laid the straw with him to the Meeting that night. He carried bales of straw and spread it out.

Mr. Yergensen also said that he planted oak brush and even installed a drip system to irrigate it. He said that Corbett Stephens installed a meter onto one of the boxes...and he and Mr. Stephens walked along the very top of the area where a ditch had been installed around the entire perimeter, so no water could run into the rock walls. He and Mr. Stephens found that there was no erosion; and that there was grass growing in the ditch. He is not sure where the questions came from.

Mayor Dunn: The Mayor went to the site with Corbett Stephens and walked the area to check the improvements:

- The ditch is on top (as he indicated)
- He saw there is a drip system (there is about 180 feet)
- There are clumps of "gamble oaks on level 4; he did not see any oak on any of the other levels

RL Yergensen: He said he did not intent on putting it on any of the other levels; the Plan simply states that the stabilization of the walls needs to succeed with the planting...he thought that the addition of gamble oak and sage came later; after the grasses. He was unsure if the original Plan included gamble oak and sage.

Mr. Yergensen: He was sure that the Plan did included them both and bitterbrush, as well. He had the invoices for the grass; and he spoke to the people at the seed company to tell then he had not been able to identify any sage brush or bitterbrush. He was informed that the bitterbrush would not be notable until 2-4 years after planting (or even longer); the man at the seed company offered to answer any questions and gave Mr. Yergensen his card.

Mr. Yergensen declared that he planted what he was asked to plant. The Plan does not specify any particular amount or number of plants.

(He gave the seed invoices to the Council for his file at the City Offices.)

Mayor Dunn: One of the Planning Commissioners visited the site to look at the improvements; he told the Mayor that all he had to do was take a couple of oak scrubs and cut the roots in 4 or 5 inch pieces and plant those in holes and he told him they would grow, without a drip system. He said the Forest Service does this.

Mr. Yergensen: He replied that he purchased the oak plants from the Forest Service and has tried what the Mayor suggested and it has not worked. The ones he planted are growing due to the drip system he has installed. He said he would be willing to plant more roots, but he is doubtful they will grow under those circumstances...but he will try.

Mayor Dunn: He agreed with Mr. Yergensen...the re-vegetation plan is not specific as to how much sage and gamble oak.

Shawn Eliot: This was discussed at the last Planning Commission Meeting and the re-vegetation plan calls for cutting weeds down...he asked Mr. Yergensen if that had been done. Keeping the weeds cut helps the native plants to get established; otherwise the invasive weeds take over.

Mr. Yergensen: Grass is starting to sprout now. He feels that next year would be a good time to cut that wheat grass off; but now it makes a good bed for the plants growing.

City Recorder: Could Durability be granted with the contingency that the cutting of the weeds takes place in the spring?

Shawn Eliot: Since the City staff is not experts in the field of re-vegetation, he suggested that the person (Dave Hansen at Utah County) come back and review the site of the Development and assess the attempt at re-vegetation.

Sean Roylance: He pointed out that the re-vegetation was not for *beautification*; but for *stabilization*. It is critical that it works.

Sean Roylance: He said that if this were brought before a judge, the judge would ask what a "reasonable person would expect, based on the language...I don't think 10% is what a reasonable person would expect".

Shawn Eliot: He feels the vegetation was put there to help stabilize the wall. The expert should determine if the other seeds are going to be adequate...and is the scrub oak more aesthetic or for stabilization?

Mayor Dunn: The expert who helped create the re-vegetation plan should be asked if that amount of oak will satisfy the plan he put together.

Shawn Eliot: He does not believe the original plan included gamble oak; the thought was that the hill was covered and the Planning Commission felt it should be replaced. He thinks a mixture would be good; but exact numbers were not part of the plan. He suggested looking for minutes from Planning Commission Meetings to see what was discussed. This has been a contentious issue.

Mayor Dunn: He feels the oak that has been planted is doing well and that he feels the walls are stable...he has not witnessed any movement. The Plant expert did not feel the oak needs to be irrigated (*RL Yergensen was doubtful of that*).

List to be done:

- ❖ Contact Mr. Hansen (County) to see if he will examine what has been planted and to define the re-vegetation plan he wrote
- ❖ Find and review the Planning Commission minutes where gamble oak, bitter brush and sage were added to the requirements for Plat D...to determine the balance in all this.
- ❖ Get back to Mr. Yergensen with findings

Mr. Yergensen: He requested to be present during the review from the Plant expert.

CITY RENTAL PROPERTY

Mayor Dunn: He received a letter from the renters (Andersons') in the house located on the City property (corner of Goosene Drive and Elk Ridge Drive) requesting certain repairs on the heating system in the House; as well as other repairs to the home. After discussion, the Council decided the following:

1. Heating System: To have it repaired.
 - A. The Mayor will have Corbett Stephens look at it to determine what needs to be done.
 - B. It may be too old to repair
2. Propane Furnace: This is tied to #1 and the Council approved having it repaired
3. Willow Tree Split: Cut the tree down after making sure the split in the tree warrants that action.
The Mayor will ask Kent Haskell to handle this.
4. Who is the new contact after the Elections? Kenneth Lutes will be the new Mayor (Landlord)
5. Reduce Rent? The Council did not agree with this request.

Sean Roylance: If the renter could prove it is over-priced, perhaps the Council would be willing to review the request.

MINUTES OF CITY COUNCIL MEETINGS

1. *City Council Minutes of 8-25-09:*

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE CITY COUNCIL MINUTES OF 8-25-09

VOTE: YES (5)

NO (0)

2. *City Council Minutes of 9-8-09:*

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 9-8-09; AS CORRECTED

VOTE: YES (5)

NO (0)

EXPENDITURES

General: None

Ratify Polled Vote:

A. Sewer Line:

Mayor Dunn: The Mayor polled the Council and heard back from 3 of the 5 Councilmembers regarding installing a sewer line (already approved) as an extension of the line installed by Kimbers' in conjunction with their one-lot subdivision. (N. Canyon View Drive & Bridger Lane)

Noel Hyatt allowed the City to use his track-hoe because the line was too deep for the backhoe.

The sewer line is 200' long with a manhole (purchased by Kimbers'). The City assisted in installing the line. The Council had to be polled with the cost due to the availability of the track-hoe.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO RATIFY THE POLLED VOTE TO APPROVE THE INSTALLATION OF 200' OF SEWER LINE FROM BRIDGER LANE NORTH TO KIMBER'S SEWER LINE ON CANYON VIEW DRIVE AT A COST OF \$_____ (TO BE SUPPLIED BY THE MAYOR)

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

NAY (0)

Passed 5-0

B. Park Impact Fees – Railroad Ties for Flag Pole:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO RATIFY THE POLLED VOTE TO PURCHASE RAILROAD TIES FOR THE NEW FLAG POLE AREA; USING PARK IMPACT FEES FOR THE PURCHASE

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

Passed 5-0


NON-AGENDA ITEM

Curb & Gutter letters to affected residents:

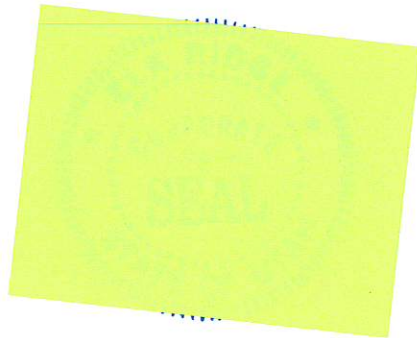
Responses to the letters: 50% X 50% (for & against)

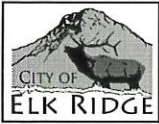
ADJOURNMENT

The Meeting was adjourned at 10:15 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 Elk Ridge City Council will hold a **Public Hearing on Tuesday, October 27, 2009; at 6:00 PM** for the purpose of hearing public comment regarding a proposed amendment to the elk Ridge City Municipal Code concerned with Nuisance Abatement Procedures.

This Public Hearing will be held in conjunction with the **Regularly Scheduled City Council Meeting, to begin at 7:00 PM**; this Meeting will be preceded by 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.

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

6:00 PM - 1. PUBLIC HEARING/AMENDMENT TO ELK RIDGE CITY MUNICIPAL CODE REGARDING NUISANCE ABATEMENT PROCEDURES

Public Hearing/Proposed Amendment to the Elk Ridge City Municipal Code regarding Nuisance Abatement Procedures

6:45 PM - CITY COUNCIL WORK SESSION

Elk Ridge Meadows PUD Discussion

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

Opening Remarks and Pledge of Allegiance

Approval/Agenda Time Frame

7:10 Public Forum:

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

7:15 2. Action/Ordinance – Nuisance Abatement Procedures – Shawn Eliot

7:25 3. Action on Elk Ridge Meadows PUD – Mayor Dunn

7:55 4. Action on Surety Bond Offer (Elk Ridge Meadows PUD, Phase 2) – Mayor Dunn

8:05 5. Loafer Well Switch-over – Kent Haskell

8:25 6. Curb & Gutter on West Magellan Ln & Oak Ridge Ln (north side) – Mayor Dunn

8:40 7. Release of Durability Retainer Bonds:

A. Haskell Subdivision, Plat H

B. Anderson Heights, Plat A

8:50 8. Oak Hill Estates, Plat D: Begin Durability Retainer Time Period

9:05 9. Accessory Apartment Fees on Lot 1, Oak Bluff Estates, Plat G – Mayor Dunn

9:20 10. Goosenest Dr Sign Plan – Shawn Eliot

9:35 11. Expenditures: General

**9:40 12. Minutes of Previous City Council Meeting(s)
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 26th day of October, 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 October 22, 2009; & an Amended Agenda on 10-26-09.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
October 27, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, October 27, 2009, at 7:00 PM; this was preceded by a Public Hearing at 6:00 PM, regarding an Amendment to the City Code concerned with Nuisance Abatement Procedures; and a City Council Work Session at 6:45 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 October 22, 2009; & an Amended Agenda on 10-26-09.

6:00 PM -

PUBLIC HEARING/AMENDMENT TO THE ELK RIDGE MUNICIPAL CODE REGARDING NUISANCE ABATEMENT PROCEDURES

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner:* Shawn Eliot; *City Council Candidates:* Kenneth Lutes, & Weston Youd; *Public:* Chris Salisbury, Tom Henriod, RL Yergensen, Shawn Merrill, Rhonda & David Salcido; *and the City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:05 PM.

(Memo from Planner to Council, dated 10-27-09)

"Background

With the creation of the new animal code, the mayor and members of the council have requested that we look at the nuisance code to make it more usable, make a process for citing offenders, and to assign fines.

Draft Nuisance Code

1. Reviewed many codes countywide and found they were mostly the same.
2. Tailored the draft code after Orem's.
3. Code is in two sections, definitions of a nuisance and the procedures to abate a nuisance.
4. Definitions list state code and specifics situations that can be considered a nuisance.
5. Abatement lists that you first try to get voluntary compliance, then a citation, then court.
6. Also, has a section for habitual violators and an appeal process.

Planning Commission Review

The planning commission reviewed the proposed code and forms and was very supportive to get the procedures into place. They made minor text changes to the draft code and discussed whether RV's, trailers, etc. should be allowed to be parked/stored in front of homes.

Public Hearing

Comments from the public should be taken on the proposed new code.

Council Discussion

1. Is the new code clearer and more usable?
2. Are the descriptive definitions appropriate? Can some be combined, eliminated, added too?
3. Is the \$50 fee under Administrative Citation the correct amount?
4. Should the appeal process go to the hearing officer or the council?
5. Are the changes made from the last council meeting what was wanted (added vandalism, corrected noxious weeds, hours for noise for construction activates.
6. The effective date should be at the codes passing.

Staff Recommendation for Commission Motion

Motion: that the city council approve the proposed Nuisance code finding that the new code is needed to better define nuisances for better enforcement and finding that the new code better defines the abatement process in a fair and orderly manner."

Comments:

Raymond Brown: The Sheriff brought up a point: if the City wants to create code that fits into the ordinance as a Class "C" or "B" Misdemeanor of the Nuisance Code; he offered to deliver the notices to those in violation.

Shawn Eliot: He would like for the Sheriff to deliver them after the Planner does the research; his presence would be more effective. The forms that are accompanying the code will assist the Deputy, as well.

Raymond Brown: The Sheriff would like to see the issues with trailers, roosters, abandoned cars, etc. included in the Criminal Code; then he can enforce the code easier.

Shawn Eliot: The Nuisance Code is not in the "criminal code"; it is under "Health & Safety". The criminal code is for more serious violations. The last time code violation letters went out, the Sheriff delivered some and MR. Eliot delivered others (Corbett Stephens delivered one); Me. Eliot said that there is one violation that he would prefer that the Sheriff handles.

Raymond Brown: The Sheriff's point was that the City would have their fine; then the criminal code would also impose a fine.

Shawn Eliot: The proposed code does go to that level; if they do not take care of the violation, then the City can take them to court...at that point it is the City Attorney that gets involved, not the Sheriff.

Raymond Brown: The Sheriff would like to be able to follow up with a notice of violation of the criminal code, if the violation were not taken care with the 1st notice from the City.

He is not sure what the classification is for other cites; the penalty could be raised to a class "B" Misdemeanor; but he does not believe the State Code is written with that intent for smaller offenses.

Raymond Brown: The penalty needs to "get their attention"; otherwise the notices are typically ignored.

Shawn Eliot: He felt that a possible \$50/day fine would be sufficient; if the Council decides that \$50 is appropriate...Orem is \$100/day. The way it is set up is that the violator must get to that "blatant" level, disregarding the notices, before the penalty is imposed.

Nelson Abbott: This will be a change in the way things are handled. He did read through the Planning Commission minutes to gather more background on the proposed code.

He did not have a chance to look up the code on Accessory Apts. He knows that there are some basic parameters that have to be in place: parking, separate entrance, etc....but he did find that violators could be fined.

Shawn Eliot: The code refers to "illegal accessory apartments" can be fined. One thing that is in the City's code is that one must obtain a permit to build an accessory apt.; he is not sure how many actually have gotten permits. There is also an impact fee that is supposed to be collected for accessory apts.; to date this has not been done.

Mayor Dunn: There is a reason for that. He has gone through the current code and the impact fee studies to justify an impact fee being charged for accessory apts. He found the following:

- Resolution setting the impact fee
- Impact Fee Studies: he specifically looked up "ERU's" (estimated residential usage) The recommendation was to charge an impact fee of \$1,700 per ERU. The Mayor read from the Code of the definitions within the code.

Nelson Abbott: He questioned if it is required to pay the impact fee to qualify as an accessory apartment.

City Recorder: There is an ordinance that allows for the fee to be charged; but there is confusion as to the point a portion of a home becomes an accessory apartment...or is it just "family living with parents"?

Nelson Abbott: Example: Alvin Harward's old house...there is a tenant in the basement; they have h problems even finding parking space for the tenant. It must be defined what is legal and illegal; then go after the illegal ones.

(It was mentioned that there is an agenda item addressing accessory apartments scheduled for later in the Regular Session.)

Mayor Dunn: (He chose to address the questions at this point of the meeting, rather than wait.) He referred to a copy of the adopting ordinance for the impact fees, adopted in 1999.

Defined: "A portion of a one family dwelling which is a primary dwelling, containing separate cooking, sleeping and sanitary facilities; and occupied or intended for occupancy as a separate but subordinate dwelling unit."

So the design would be for a separate dwelling unit within a single family home. Some are grandfathered that were in existence prior to the code being adopted in 1999.

Shawn Eliot: He asked if they would have been considered "illegal" at that time, since they were not allowed within the zones. The "apartments" could have simply been finished basements at that time...and not for renting out. The Accessory Apt. Code was written to partially satisfy the "affordable house" requirement.

Mayor Dunn: He read from the "intent" of the code: "Accessory Apartments: Intent – The following regulations have been established to:

A. Provide minimum standards for the establishment and operation of the accessory apartments within the Town;

B. To facilitate the implementation of the "affordable housing" element of the Elk Ridge General Plan..."

(The Mayor interjected :) "In 1995, when the State legislature created the House Bill, it was not for "affordable housing"...it was for "moderate income housing"...there is a difference. "Moderate Income" Housing is established with the County figures and is a County-wide policy; and every community in this County uses these standards for their "Moderate Income Housing. The Bill also mandated that it be an element in the General Plan. It was found that cities/towns like Elk Ridge (in the foothills) were being "prejudiced" and were insisting on more expensive homes in their areas. The House Bill was also a bit incomplete; it mandated certain things, but enforcement was difficult and cities were cutting corners to try to "make it work.

Grants began to be withheld from the communities and one financial institution was created specifically for low-interest loans to help that kind of building. In some older communities, where build-out has taken place; redevelopment takes place and a blighted building could be re-designed into condos...then those units are sold...so the redevelopment contractors did not do what they did as rentals, they did it for a purchase...to help build credit and to establish some kind of equity in a structure. "Affordable Housing"...the term itself implies ownership.

An apartment termed "affordable housing" or "moderate income housing" in a single-family home implies that Someone is going to come in and buy that unit...then it becomes a "duplex" and Elk Ridge does not allow duplexes; unless other arrangements are made through zoning.

The Mayor feels this was a good attempt made by the Administration at the time to meet the requirements of a Bill they were mandated to follow. They had to do something and this is what they did.

The Mayor still intends to speak to the City Attorney about where the City is legally in relation to accessory apartments, the fees that can legally be charged and the current ordinance.

He continued, "Accessory Apartments situated within one-family dwellings may be approved by the Zoning Administrator or such other Town Officer or Board, hereafter referred to as 'designated approval authority', as may be delegated by the Town Council (This has never been defined as to who is the 'authority'); following receipt of an application and subject to finding that the primary dwelling and the proposed accessory apartment conform to the conditions and standards herein set forth. Any person constructing or causing the construction of a one-family dwelling containing an accessory apartment or any person remodeling or causing the remodeling of a one-family dwelling intended to include an accessory apartment, shall first obtain an accessory apartment permit (annual renewal fee = \$30...perhaps it could be a business license).

Shawn Eliot: Has anyone ever applied for a permit? (No.)

17:46

Mayor Dunn: Mayor Dunn reviewed the application process for accessory apartment s, including the payment of impact fees; which is currently under re-consideration. One accessory apartment is allowed within the primary dwelling. He continued to read from the Code, stating the requirements for Accessory Apartments. Raymond Brown: He asked if it is considered a violation of the Code when 3 separate families are living together and no rent is collected.

21:50

Shawn Eliot: This is where we get into the definition of "family". The Code states that if residents are related by marriage, blood or by adoption (perhaps including foster care...or it can be 2 non-related people if they live with the owner of the house.

Currently, he agrees that a definition is needed so it is clear what the requirements are. Many cities say that if the basement is plumbed with a kitchen, then it is assumed it is for an accessory apartment; other cities require the basement to be separate from the main living area...when a house is built with these characteristics, it is "tagged" as having an accessory apartment. It is common for owners to come in later and build the extra space...this is difficult to keep track of.

Mayor Dunn: Councilmember Brown has added to discussions on this subject: he has questioned if it is "family"; or is it when the owner begins to collect rent from the sub-leasers.

Shawn Eliot: He feels that it is more a matter of the unit itself, rather than who is in the unit. *Councilmember Brown agreed with the idea of the definition being tied to the unit, rather than to who the occupants are.*

Elk Ridge has not done any enforcement due to the difficulty in actually defining what an accessory apt. is. The Planner does not feel the City should be retroactive in charging fees. (*Mayor Dunn agreed.*)

Mayor Dunn: He has been searching for justification for charging the "accessory apartment impact fee" that is currently included in the list of City fees. He is concerned that the fee could be challenged. He does not feel the number of people living in a home is proper criteria to decide if an impact fee should be charged.

Nelson Abbott: Since the City only requires one meter and one set of utility connections, he does not see how an additional impact fee can be charged...if they were separate, then it would be different.

He also had a question on another section in the proposed code: "dangerous conditions" being considered a "nuisance"...there is a house on W. Salem Hills Drive that has a deck that has been falling off for some time; would this example fit under this section? (Yes.)

Shawn Eliot: When a building is first being built or remodeled, then there are inspections to make sure code is met; but when a home is older, there should be a way to enforce code.

31:37

Mayor Dunn: The Building Inspector has authority over a home through final inspection; but once the occupancy permit is granted, then the Inspector has no more authority over that structure.

Raymond Brown: (4-2-2-110-2) "Hearings": He questioned having a "Hearing Officer", as appointed by the City; as well as the court process...what are the City's plans for a Hearing Officer?

Shawn Eliot: This is already in place as per ordinance; a Hearing Officer replaces the Board of Adjustments. The City has not need the services of a Haring Officer since the code was put in place; the need arises when someone is denied within the development process, they have the option to appeal that denial; that appeal would be an independent person to come in and hear the appeal...it could be a planner from another community or a land-use attorney, or whomever the City decides on.

Mayor Dunn: He continued to review the requirements for an accessory apartment and the zones allowing for such. (Basically, all zones except the PUD's allow accessory apartments.)

The Mayor asked if there was any public present for the Public Hearing on the proposed Nuisance Code:

Rhonda Salcido: They were present to report a neighbor that could be in violation of the landscaping code; as well as commercial equipment being stored on their property and in the street. The Salcido's sent in a written complaint and spoke to Corbett Stephens; they were told that there is no law in place that forces the neighbors to clean up their yard. They were also told to be present at this Public Hearing to voice their concerns.

Shawn Eliot: There was a law passed last October that states that all front yards are to be landscaped within two years of the passage of that law. In the past, it was only applicable to new homes; but it is now applicable to all homes. One year has gone by since the passage of the code; and reminders are to go out that next year, violators will be cited.

Mrs. Salcido: She was told that there is nothing in place that sets a time frame for enforcement. A Letter has gone to their neighbors asking them to move their heavy equipment, which they do on occasion; but it comes back. The letter also asked them to clean up their weeds. The problems seems top be with the lack of a specified time frame for enforcement.

Raymond Brown: He is the one that wrote the letter to their neighbors; and he thought he did give them a 90 day time period to show progress. He did include the 3 areas of violation, and this should be followed up on in the spring.

40:13

Dave Salcido: He asked about the nuisance creating a fire hazard; that goes beyond a simple nuisance. Accessibility to the property in case of fire would be prohibited by both weeds, and vehicles and equipment. He feels the intent should be with the more blatant violations.

Nelson Abbott: He agreed that letters should go out as a reminder. The City Attorney advised that the most blatant violations should be used as examples of enforcement.

Shawn Eliot: A list of violations needs to be created by canvassing the City; in this way, letters can go out to those that are in violation.

Raymond Brown: The Mayor has sent out letters in the past for yards to be cleaned up and about ½ complied right away.

Kenneth Lutes: Notices should go out in time to start the citations and fines at the 2-year mark.

Shawn Eliot: He explained the process regarding the time when the violation has occurred and the fines actually begin.

46:05

Mayor Dunn: The letter should include:

- Reminder that the code has been in place for one year
- Action will be taken in October, 2010

Shawn Eliot: What is the feeling about yards that have been in compliance in the past; but are now dead and dying out...he would assume these would qualify as "un-landscaped" yards...is this correct?

Nelson Abbott: Two years was allowed to give the resident two full warm, workable seasons to comply.

Shawn Eliot: The way the code is written, once the fine process begins, it cannot be stopped; the City Attorney can (after the fact) go back and reduce the fine, if so warranted.

Mayor Dunn closed the Public Hearing at 7:55 PM.

7:55 PM -

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council*: Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner*: Shawn Eliot; *City Council Candidates*: Kenneth Lutes, & Weston Youd; *Public*: Chris Salisbury, Tom Henriod, RL Yergensen, Shawn Merrill, Rhonda & David Salcido; *and the City Recorder*: Janice H. Davis

ELK RIDGE MEADOWS
PUD – DISCUSSION
51:15

Mayor Dunn: At the last Council Meeting, it was decided to have a meeting with the developers to discuss some of the issues and come to some conclusions prior to the Council Meeting this night; that did not take place.

(Points of Consideration - from Planner to Council, dated 10-27-09)

"Things to agree to put into Development Agreement

27 September 2009

Phase 1

1. Developer improves open space as negotiated between city and developer for \$20k. City council will approve landscape plan.
2. Developer will start improvements of open space at 25% occupancy.
3. Developer maintains improved open space area until 50% occupancy. Work must be complete and signed off by city.
4. In lieu of \$69k Park Impact Fees, developer pays city difference of \$49k.
5. Developer will amend plat to show open space and trails as public.

Phase 2

1. City improves park/open space with surety bond.
2. City will start improvements of park at 25% occupancy.
3. Developer maintains improved park area until 50% occupancy.
4. Developer pays city \$114k collected at building permit stage at an amount per lot to equal \$114k.
5. Developer will amend plat to subdivide east/west open space area into 3 lots, proceeds will go to city.
6. Will re allocate east/west open space acreage to phase 4 as a strip of land adjacent to phase 2 open space.
7. Developer will amend plat to show open space and trails as public.
8. Developer will work with the city to come up with a plan for the phase 2 open space with costs. Plan will include parking lot, bathrooms, and other sport facilities. The \$114k and proceeds from the sale of the 3 lots could go towards these improvements (at the council's discretion).

Phase 1 and 2

1. Homes will have a staggered front yard setback of 20 to 30 feet from the road to create a staggered look along streets.
2. A variety of available floor plans and elevations will be used to create a diverse neighborhood.
3. A mix of fascia materials and Hardiplank or LP Smart Side. No vinyl.
4. Front yards and side yards on corner lots, will be landscaped prior to occupancy.
5. Planter strips along each street corridor will be planted with the same street tree type as per city code.
6. Keeping fencing standard consistent along park and open space areas."

(This is a result of the ideas that have gone back and forth between the City and the developers.)

Whatever is decided on will go into a development agreement...that is the next step.

The City Planner reviewed the above list with the Council, point by point:

Phase 1:

1. (Comments) The developer did submit his landscape plan, which is beyond the "natural grasses & wildflowers". Is what Mr. Henriod proposing what the Council wants in place?
2. (Comments) This has been discussed in the past (25%).
3. (Comments) This has also been discussed (50% occupancy); as well as the stipulation of having to have this signed off by the City as a safeguard.
4. (Comments) The difference is the \$20,000 for improvements (see #1)
5. (Comments) This is "if" the City decided to take over the open space & trails.

Phase 2:

1. (Comments) Already discussed and surety bond company approached.
2. (Comments) 25% is the same as Phase 1
3. (Comments) 50% occupancy is the same as Phase 1
4. (Comments) \$114k...Mr. Salisbury owns the option on 62 of the 82 lots; so if the \$1,385 were collected on each of the 62 lots, this would not equal \$114k...this needs to be worked out. Perhaps the \$1,385 could be collected from the individual lot owners.

Rick Salisbury:

- The \$114k comes from the park impact fee on the lots; if this were just a simple subdivision plan, it would just be \$1,385 per lot. We have to remember where this figure comes from.

- There has been conversation with the banks involved and they are interested in selling the lots to Salisbury Homes.
 - Eventually, the \$114k will be collected, as building occurs. They will start on the Centennial lots 1st, then get to the other lot owners. He sees no issue with the \$114k.
Shawn Eliot: The City would want a guarantee of the \$114k; he recommends including this in the agreement.
 - 5. (Comments) Mr. Salisbury addressed the issue of "proceeds going to the City": When he received these points from Shawn Eliot, he did not recall discussion on this point with the Council. Salisbury Homes does not feel comfortable with this point. They would be developing those 3 lots and the proceeds of the sale of the lots going to the City is not agreeable to them. If this item remains, with all that Salisbury Homes is willing to do, they would "walk away" from the development.
Shawn Eliot: This has been talked about in the past. It was discussed that the City could use the proceeds to fix up the park and open space; perhaps a parking lot for the park.
Chris Salisbury: He feels that can be accomplished with the \$114k and the surety bond. If this was discussed, he missed it.
Tom Henriod: He would have recalled this important point and he had no recollection of the proceeds going to the City.
Shawn Eliot: The \$114k is to allow the City to address some of the other City needs as a result of new growth in that area, not just for park improvements.
Mayor Dunn: He questioned if the 3 newly created lots are figured into the impact fee calculations (No, but that money would go back to the City as the lots are built upon.)
Mr. Salisbury: He expressed that Salisbury Homes is already agreeing to things that will benefit the City: (example: He feels the \$114k is going beyond what might be expected, since the park itself could be thought of as making up the value of the \$144,000). In considering #8, Salisbury Homes could be a resource to actually install the improvements, since they have the tools to do so. They do not want to be responsible for the improvements, but they could assist the City.
Really, Mr. Salisbury agrees that the "bullet list" is fine with them; if #5 were eliminated and #8 were adjusted so that Salisbury Homes is not ultimately responsible for the project, but perhaps hired as a consultant or contractor. The only other thing he noticed was the section addressing both Phases 1 & 2: Adding something about the fencing being consistent, especially along the park. He has spoken to Mr. Henriod about the items, but could not speak for him.
Shawn Eliot: He was not sure the fencing issue could be handled in a developer agreement, since it would be the developers enforcing it; perhaps it could be addressed in some kind of protective covenants.
Tom Henriod: He disagreed; if the development agreement were recorded with a legal description, it runs with the land; and can be enforced at the time of the issuance of a building permit.
Shawn Eliot: The City would need more detail on the fencing. The City Attorney will review any final draft of the agreement.
 - 6. The developer agrees to relocate the 3 lots.
 - 7. (Comments) The land is currently classified as "private" in conjunction with the HOA; this needs to change.
 - 8. This has been addressed.
- Phases 1 & 2:*
Mayor Dunn asked Mr. Henriod if he had any concerns with the items listed under Phase 1; he did not. Mr. Eliot reviewed the list of the items for both Phases; he will add in the "fencing" requirements, as discussed. Samples of the siding were shown to those present. Salisbury Homes puts 20-year paint on the siding.
Tom Henriod: (Phase 1) He wants to make sure that it is on the record that they (Wentworth) have already submitted a plan. (Mr. Henriod came into the Council Meeting after Phase 1 had been discussed...Mr. Eliot reiterated that City staff would like to review his plan and make sure it is what the City wishes to take over. If there are any changes, those would still need to be worked through.)
#3. The City attorney is looking into this.
#2 (of the items for Phases 1 & 2) They will be selling to multiple home builders; that alone should provide the variety the City is seeking. He would be more comfortable with wording like: "an identical floor plan will not be used from house to house". This is somewhat out of their control since they will be selling to multiple home builders. Perhaps that language can be changed a bit.
Mayor Dunn: He does not see a problem with that. He asked for any further comments...there were none.
The Work Session was closed at 7:25 PM.

1:17:23

**ELK RIDGE
CITY COUNCIL MEETING
October 27, 2009**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, October 27, 2009, at 7:00 PM; this was preceded by a Public Hearing at 6:00 PM, regarding an Amendment to the City Code concerned with Nuisance Abatement Procedures; and a City Council Work Session at 6:45 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 October 22, 2009; & an Amended Agenda on 10-26-09.

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner:* Shawn Eliot; *City Council Candidates:* Kenneth Lutes, Erin Clawson & Weston Youd; *Public:* Chris Salisbury, Tom Henriod, RL Yergensen, Shawn Merrill, Rhonda & David Salcido; *and the City Recorder:* Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

Opening Remarks were offered by Nelson Abbott & RL Yergensen led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:25 PM
VOTE: YES (5) NO (0)

PUBLIC FORUM

There were no comments.

NUISANCE ABATEMENT
PROCEDURES –
ACTION

Mayor Dunn asked the Planner if he had anything to add to the discussion. He responded that, as stated in the Council memo, he would change what the Council directed him to change; no one has asked him to change anything, except the construction start and stop times, wording on the weed abatement and destruction of public and private property...those things were changed in the proposed code.
Nelson Abbott: He asked if all the Council approved of the \$50 per day fine...all agreed; Councilmember Abbott would prefer \$25/day; but said he was fine with the \$50, if everyone else approved it. (*Shawn Eliot reminded the Council that Orem City's fine is \$100 per day.*)
MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ADOPT THE PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY MUNICIPAL CODE REGARDING NUISANCE ABATEMENT PROCEDURES, EFFECTIVE UPON PASSAGE AND POSTING
VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, RAYMOND BROWN-AYE, JULIE HASKELL-AYE & DERREK JOHNSON-AYE
NAY (0)
Passed 5-0

ELK RIDGE MEADOWS
PUD - ACTION

Raymond Brown: Even though there is some fine-tuning that needs to go into the development agreement, he feels that the PUD issues can move forward to a motion:
MOTION WAS MADE BY RAYMOND BROWN TO ACCEPT ELK RIDGE MEADOWS PUD, AS PRESENTED BY THE CITY PLANNER TO THE CITY COUNCIL
Discussion:
Question: Does that indicate that the City Council is willing to accept Phase 1 open space?
Raymond Brown: The Planner said that the acceptance of the open space in Phase 1 was still to be negotiated, as well as repairs and landscaping as part of the on-going development agreement.
(*Mayor Dunn felt that the answer to the question is, Yes.*)
Shawn Eliot: Phase 1: The City was going to work with the developer and the landscaping to make sure that it is low-maintenance and something the City wants. The developer has submitted the landscaping plan; but it has yet to be reviewed by staff. This is a detail, as long as it is validated that it will come within the cost estimate. Mr. Eliot directed that any action at this Meeting would be to decide:
- Does the Council want to accept the open space?
- With the Council's approval, the development agreement can then be written up as discussed.
City Recorder: One of the main discussion points in the past has been whether or not to accept the open space in Phase 1; does the Council want to do that?
Nelson Abbott: So, any approval would be contingent upon the landscaping plan.
Tom Henriod: He did not recall this part of the discussion; he thought the Council's feelings were that the City would accept Phase 1's open space as City Park area...and that they would be treated the same as Phase 2 (at 25%, the park would be re-planted and at 50% occupancy, the City would take over the maintenance).
Julie Haskell: She thought that she had made her opinion quite clear, that she was not in favor of that. All of the Council was not in favor of accepting the open space in Phase 1.
Tom Henriod: "You may not have been. I think there might be some question as to whether or not...knowing backgrounds, whether you should be able to vote (directing the comment to Councilmember Haskell)."
Julie Haskell: She questioned what "background" he referred to.
Tom Henriod: His understanding is that there is "familial interest in parks and open space in the City".
Julie Haskell: She had no idea what Mr. Henriod referred to. (*Mayor Dunn interjected that perhaps Mr. Henriod was referring to the fact that Kent Haskell, Councilmember Haskell's husband, is over Parks & open space due to his position as Public Works Superintendent. The question would be if there is any "conflict of interest"? Has Mr. Haskell expressed any concerns or opinions on the matter at hand that could establish a position taken by Councilmember Haskell?*)
Councilmember Haskell answered, No, there has not been She further commented that she and her husband actually feel differently about some of the issues; so she stood by her own opinion.
City Recorder: Having reviewed the minutes of the last meeting, after coming out of Closed Session, Councilmember Brown responded to the question of how maintenance would be handled; and his answer was that it would be handled the same as with Phase 2, if it was accepted. (*Councilmember Brown agreed that that was how he understood the situation in the last Council Meeting.*)
There was nothing in the minutes that actually came to a conclusion on the issue.

Raymond Brown: He understood that negotiations for Phase 1 would include low-maintenance landscaping.
Shawn Eliot: The discussion also included that the area would not be considered very “desirable” as a public area because it is not large and open...it is located behind the homes. These were some of the past concerns. There has been past discussion whether open space would be acceptable for both Phases; and then in the last meeting it was brought up that Phase 1 and Phase 2 are tied together regarding the amenities and that it is a PUD and it could be a bit awkward to accept just part of it. Does the Council want to accept both Phases?

Raymond Brown: He does not feel the City has the man-power to manage more park space right now...but certain types of landscaping could prevent high maintenance. If that becomes a fact, then he would be in favor of accepting the open space in Phase 1...otherwise, he would not be.

Tom Henriod: He is not opposed to low-maintenance landscaping.

Shawn Eliot: At 50% occupancy, there should be enough tax revenue to be able to afford the maintenance.

Tom Henriod: Phase 1 is part of Phase 2 and if they are not interested in dissolving the HOA, the economics do not work for them. Phase 1 would be obligated to pay HOA fees to maintain the Phase 2 park; these fees to their residents, in addition to the price of a home, would not work for them. The economics of this deal included the possibility of waiving sprinkler systems, but this has all come down to landscaping...and he feels this is minimal to get building permits generated.

Julie Haskell: She could not see how taking over their open space and maintaining it would benefit the City.

Mr. Henriod: The benefit is that the City would be issuing building permits.

Julie Haskell: Issuing permits also benefits the developer; she does not feel that the responsibility should fall on the City, unless the Council agrees.

Mayor Dunn: The Mayor went to check out the retention basins (Phase 1) to see how big they are and what benefit they might be to the City (perhaps recreation use). There are benches and areas where people can picnic...there is a 2nd basin as well.

1:33:48

Trails & open space:

About 6 years ago, there was a “trails committee” that planned on orienting trails throughout the Community and, as development occurs, to try to tie it all in together, since there are no sidewalks. There are sidewalks in Phase 1; however, one of the amenities added for density bonus points was to install trails. The trails were approved by the City and they were installed. So what is the City’s attitude for the trails? IF we still want a trails system in the City, it could be beneficial to take over the trails in Phase 1. As the rest of the surrounding properties develop, will this set the standard? He feels a trails system would be good to keep as a requirement; and the maintenance will cost...but with 50% occupancy, the tax base would be there to support it.

Sean Roylance: He feels that the offer by both developers to “give” the City land to simply maintain it is a great opportunity for the City; and will be beneficial to both the developers and the City. This opportunity may not present itself again. With 50% occupancy, he felt that the City would be able to handle the associated costs.

Derrek Johnson: HE was concerned that the City is down revenue and struggled to meet costs with the current City park. He was sure that previous Administrations were confident that taxes would maintain the existing park, as well. Transferring fund balance into the General Fund to balance the budget cannot continue.

Sean Roylance: He pointed out that there would be increased revenue from additional residents factored in to meet costs. Higher density housing creates more revenue than regular 1/3 acre lots (or larger). Parks and open space are important to the Community.

There was further discussion on the current need to tighten the budget vs. planning for the future...if things remain too “tight”, is there a need to merge with another community?

Shawn Eliot: Water and sewer have been expanded in capacity to accommodate new growth; the park system needs to be expanded as well. He feels the 50% occupancy as an HOA or not, gives the City some assurance that the tax dollars will be there to off-set costs.

Raymond Brown: He feels confident of the proof of what Salisbury Homes is capable of than he has in some developers that have approached the City.

Tom Henriod: His company, as developers, is “still standing” in every community they have developed in; he hoped the City sees that as strength.

Councilmember Brown re-stated his motion:

1:48:54

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO ACCEPT THE PROPOSAL FOR ELK RIDGE MEADOWS PUD, PHASES 1 & 2 WITH THE FOLLOWING CONTINGENCIES:

- THE CITY TAKES OVER OPEN SPACE AT 50% OCCUPANCY
- ADDITION OF WORDING REGARDING THE FENCING BEING CONSISTANT IN DESIGN
- DEVELOPER WILL AMEND PLAT TO SUBDIVIDE EAST/WEST OPEN SPACE AREA INTO 3 LOTS (WITH THE REMOVAL OF THE PORTION OF ITME #5 REGARDING THE PROCEEDS GOING TO THE CITY)
- THE CITY PLANNER IS TO WORK WITH THE DEVELOPER OF PHASE 1 TO SEE THAT THE LANDSCAPING IS AS LOW-MAINTENANCE AS POSSIBLE; WITH THE FINAL APPROVAL OF THE LANDSCAPING PLAN TO BE BY THE CITY COUNCIL

**VOTE (POLL): RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE
 NAY (2) DERREK JOHNSON & JULIE HASKELL**

Passed 3-2

The developers will start on the drafts of the developer agreements.

1:51:13

ELK RIDGE
MEADOW, PHASE 2 –
SURETY BOND

(The offer has changed somewhat; the information was not included in the Council packets.)

Shawn Eliot: Corbett Stephens has kept contact with the Insurance Company handling the surety bond for Phase 2 of the PUD. Mr. Stephens informed the Planner that the Insurance Company was going to contract out and take care of the repairs on the roads, sewer, etc.; however, since the work did not get done this year and winter is upon us, they would rather pay the City off and the City can be responsible for the repairs in the spring.

Mr. Stephens contacted another contractor beside the one the Insurance Co. had gotten a bid from (Noel Hyatt) and his bid was about \$10,000 less than the other contractor. The City could collect the costs from the Surety Bond Co. and install the repairs for less and gain a bit of funding in the process.

Raymond Brown: The concern was that prices could increase and the pay-off amount would not cover the cost of the repairs.

Mayor Dunn: Mr. Hyatt contacted Geneva Asphalt and asked if they would hold their prices into the spring and they agreed.

City Recorder: The offer has changed to add the cost of the road repairs onto the already approved \$118,500 for park repairs.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO ACCEPT THE OFFER FROM THE SURETY BOND COMPANY TO ADD THE COSTS ASSOCIATED WITH ROAD AND SEWER REPAIRS TO THE ALREADY ESTABLISHED \$118,500 FOR PARK REPAIRS; WHICH WOULD RELEASE INSURANCE COMPANY OF THE WEST FROM ANY FURTHER OBLIGATION TO ELK RIDGE CITY

VOTE: YES (4)

NO (1) NELSON ABBOTT

LOAFER WELL
SWITCH-OVER

Kent Haskell: He was asked by Mayor Dunn to address the Council regarding the switch-over from the Cloward Well to the Loafer Well; so that the Loafer Well becomes the City's primary Well.

Update on the altitude valve:

It was installed in the early summer, for the purpose of releasing water from the upper tank to come into the middle tank; to allow the City to be able to use more water from the Loafer Well, which would result in "cheaper" water.

The Loafer Well has been online through the summer, and the average savings are as follows:

- July, '09 - \$1,600
- August, '09 - \$1,200

Rather than bringing water from the lower well, up to the middle portion of town (Zone 2)...about 75% of that same water is coming from above, which creates a savings.

Mayor Dunn: The Mayor took the usage and billing records to determine the savings generated by the switch-over. The actual change over to the Loafer Well did not happen as quickly as anticipated for various reasons and the savings reflected that delay. The Mayor had figures for June, July, August & September, 2009:

Information on all wells:

- How much water out of each well
- Cost per 1,000 gallons
- Savings (added by Mr. Haskell)

1. May 26 – June 26, 2009

- ❖ Cloward Well:
 - How much with booster pump: 2,129,000 gal.
 - Cost/1,000: \$.30.55
- ❖ Park Well:
 - How much: 1,500,000 gal
 - Cost/1,000: \$.37.42
- ❖ Loafer Well:
 - How much: 4,373,000 gal
 - Cost/1,000: \$.16.27
- ❖ Oak Lane: (Inactive)
 - Valve cost: \$13.97
 - Cost @ Oak Ln Well & Booster: \$32.00
- Total \$45.97

2. June 27 – July 26, 2009:

- ❖ Cloward Well:
 - How much with booster pump: 12,329,000 gal.
 - Cost/1,000: \$.29.61
- ❖ Park Well:
 - How much: 1,500,000 gal
 - Cost/1,000: \$.38.40
- ❖ Loafer Well:
 - How much: 11,866,000 gal
 - Cost/1,000: \$.09.23
- ❖ Oak Lane:
 - Valve cost: \$13.97
 - Cost @ Oak Ln Well & Booster: \$32.00
- Total \$45.97
- ❖ Savings: \$400

RELEASE OF
DURABILITY
RETAINER BONDS:
2:21:43

1. *Haskell, Plat H:*

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO ACCEPT THE DEVELOPMENT IMPROVEMENTS AS COMPLETE FOR THE HASKELL SUBDIVISION, PLAT H; AND, AS PER RECOMMENDATION FROM INSPECTOR CORBETT STEPHENS, TO RELEASE THE TWO YEAR DURABILITY RETAINER

VOTE: YES (5)

NO (0)

2. *Anderson Heights, Plat A:*

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ACCEPT THE DEVELOPMENT IMPROVEMENTS AS COMPLETE FOR THE ANDERSON HEIGHTS, PLAT A SUBDIVISION; AND, AS PER RECOMMENDATION FROM INSPECTOR CORBETT STEPHENS, TO RELEASE THE DURABILITY RETAINER

VOTE: YES (5)

NO (0)

2:30:07
OAK HILL ESTATES,
PLAT D –
BEGIN DURABILITY

(Memo from Corbett Stephens to the Council, dated 10-27-09)

"The final inspection for the above referenced subdivision has again been held and the contractor has satisfactorily completed all of the required items pertaining to construction. The City Council meeting of September 22nd of this year (*Councilmember Abbott corrected this date to October 13, 2009*) raised concerns pertaining to the re-vegetation of the terraced walls. On the 23rd of this month, the developer, Mr. Yergensen, planted gamble oak at spacing of approximately 20-30 feet throughout the terraced walls. After notification of the planting, I placed flags at all the locations I could see, about 30 spots. These flags are visible from the road. The planting was performed as per recommendation of Paul Squires, of the Planning Commission; Dave Hansen, who wrote the original re-vegetation plan and P.J. Abraham of the State Forestry. I recommend final acceptance and entrance into the required durability testing period. The required 1" overlay is to be completed in June of 2010 to insure optimum conditions for asphalt placement."

Mayor Dunn: He contacted Dave Hansen regarding the recommendation of Paul Squires (planting oak) and he was not comfortable with that method. The Mayor invited Mr. Hansen to inspect the re-vegetation. He was faxed a copy of the original plan he wrote, and copies of invoices of seed that had been purchased and planted; Mr. Hansen responded that it is too early to inspect the seeds that have been planted...that they would not manifest themselves for two years and he was sure the vegetation would look different next year. Mr. Hansen referred the Mayor to P.J. Abraham (Dept. of Forestry and an expert in plants). The Mayor contacted him and asked him about the method of planting recommended by Paul Squires; and he was interested to see if it would work. He advised an alternate plan of planting oak. Mr. Abraham also felt that 18' spacing is too close.

The Mayor and Corbett Stephens assisted RL Yergensen in planting oak, using all the recommended methods.

Behind the terraced wall there is about 95' of space with vegetation growing (photos taken and shown).

(Regarding the straw that was to be spread out) The straw that was put down germinated and is growing on the hill.

There are sage and plants growing all over the hill.

Sean Roylance: 1) from a safety standpoint, are the rocks in the wall going to stay in place? And if so, how can we be sure?

Mayor Dunn: When he and Mr. Stephens walked the wall, it was stable and intact. The weed barrier helps with stabilizing the wall. Last spring, Corbett Stephens and Craig Neeley (Aqua Engineering) went on site to check the wall out; he felt the wall was stable and would not be going anywhere. Code states that anything over 4' has to be engineered. (*Mr. Yergensen said the wall was engineered to go higher than 4'.*)

RL Yergensen: On top of the wall, he installed a ditch all the way around the top so not water run-off from above flows onto those rocks. There is no sign of erosion either on the wall or up above.

The ground is very porous and hardly any water actually runs down the ditch; and there are plants growing.

Sean Roylance: 2) (Directed to Ken Lutes & Shawn Eliot, who live close to the rock wall) Have they observed anything that would be a concern regarding this rock wall?

Ken Lutes: He expressed that he would rather the wall was not there. He would be hesitant to build a house beneath the wall.

Derrek Johnson: He questioned what type of rock they are.

RL Yergensen: They come from Fountain Green and are a type of sandstone. (*Councilmember Johnson replied that sandstone deteriorates.*) Mr. Yergensen disagreed and claimed that they hold up better than other types.

Shawn Eliot: (responding to Councilmember Roylance) We do not know what type of vegetation will be growing in a year or two. The vegetation plan was meant to keep the weeds out so the other plants could grow. Another concern is with the developed lot area; there is no top soil at this point. Hardpan soil is not porous and turns into a lake in the spring. What would happen in a larger storm?

Mayor Dunn: He reminded those present of the purpose of the agenda item: to look at the re-vegetation plan; to see if it was fulfilled. The soil is "different dirt".

RL Yergensen: He has top soil stored for the time when houses are being built; why put in on now and have weeds growing? The seeds on the hill are native plants, whatever they are. He saw no reason to continue to deny this subdivision.

Sean Roylance: It depends on what one refers to as "native seeds". There is what is there; but if it is scraped off...what comes back? It is not what was there; it is different.

There was further discussion about the seeds that are considered "native" vs. what replaces it.

Shawn Eliot: He suggested observing the plants in the spring to see what is actually growing.

Sean Roylance: His primary concern is the safety of the rock wall; he thought the "off-handed" comment made by the City Engineer sounded somewhat suspicious.

RL Yergensen: The City Engineer came out and approved the subdivision. A check list was provided and he has done all that was on the check list and more. He felt that things should progress from this point forward.

Nelson Abbott: At this point in time the developer has done what was required by Code; whether the Council likes it or not. He felt it is the Council's position to accept the development at this point and enter into the Durability testing time period. He asked if the developer is subject to one year or two years, since he started prior to the code change.

Shawn Eliot: He felt it may be the one year time period, but if the Council feels there are "extenuating circumstances", then it could be extended.

Raymond Brown: He agreed with Councilmember Abbott; that the Council could not continue to postpone the decision. He has done what was required of him; perhaps there should be an extension, based on the safety of the wall. The Council must be fair.

Mayor Dunn: He was willing to take the recommendation of the City Engineer.

Shawn Eliot: He recommended having an authority on plants come back and advise when to mow and what the plants are; and if things look good.

Sean Roylance: He continued to be concerned with the wall and felt there is much risk and scarring to the hillside and to the city.

Ken Lutes: When this leaves the durability time period, who will be responsible for any failure in the rock wall? *(Would the liability fall on the property owner after durability? The Planner thought so.)*

RL Yergensen: He has a similar rock wall on his property where he lives; it is his responsibility. His walls are lovely and have not created any problems.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY RAYMOND BROWN TO ACCEPT OAK HILL ESTATES, PLAT D; AND TO BEGIN THE DURABILITY RETAINER TIME PERIOD AS OF OCTOBER 27, 2009; WITH THE FOLLOWING CONTINGENCY:

- **A PLANT EXPERT SHOULD INSPECT THE RE-VEGETATION PLANTED BY THE DEVELOPER IN THE SPRING OF 2010**

- **The 1" OVERLAY IS TO BE COMPLETED IN JUNE, 2010**

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

(Councilmember Roylance added that his vote was based on his concern of the safety of the rock wall.)

3:04:56

ACCESSORY
APARTMENT FEES -
LOT 1, OAK BLUFF
ESTATES, PLAT G

Mayor Dunn: The homeowners occupying lot 1, Oak Bluff Estates, Plat G were reported to be renting out space in their home to individuals. The information came by way of an "anonymous" complaint sent to Mayor Dunn. (He read the letter to the Council) The letter was very negative and accusatory in nature; registering complaints about the shabby appearance of some of the homes in the City.

The complaint specified the Byron Chappel home (referred to above): several broken down cars, tall weeds, garbage scattered across the property, no yard as well as renters. The complainer was concerned with property values.

Mayor Dunn has looked into the code regarding accessory apartments: the Code does allow accessory apartments; but the process must be adhered to. He asked the Building Inspector to visit the Chappel family to let them know they have some questions to answer. The Chappel's responded by sending out a letter to their neighbors explaining their situation.

Much of what the Mayor discovered about the Code was shared with the Council earlier in the meeting while discussing the Nuisance Ordinance.

Mr. Chappel came in to talk to the Mayor to do what they need to do to meet Code. The Code has been difficult to enforce due to the lack of information regarding what is allowed; besides, there does not seem to be justification for charging an extra impact fee.

Mr. Chappel asked if the Council could be approached regarding the impact fee. He offered to work off the impact fee, if it is to be charged.

As discussed, the Mayor feels the annual accessory apt. fee should change to an annual business license fee; which is sent out at the beginning of each year.

Shawn Eliot: He reminded the Council that the *units* must be considered, rather than the number of people or who they are. He felt that it may be inappropriate to charge an additional impact fee after the building permit has been issued and the home occupied.

Nelson Abbott: He agreed that it would not be appropriate to go back and charge an impact fee. He does agree that it should be a business license fee.

Shawn Eliot: (Clarified the Code)

- They can rent a room out in the main part of their home (up to two people that are non-relatives)

- He can rent out one accessory apartment

Mayor Dunn: (Addressing the other issues and possible code violations on their property.)

- The "junk" cars are repossessed and the bank refuses to come and move them (the Chappels are trying to get the bank to release the titles so they can donate the cars to the Kidney Foundation).\

- Perhaps the bank should be fined

- Weeds, landscaping and trash, etc. need to be checked out and if there are violations involved, they need to be addressed.

- They need to adhere to the guidelines for accessory apartments.

Nelson Abbott: The Nuisance Code is in place, it should be applied. Perhaps the owners can work out an agreement to take care of the necessary items.

Action:

1. Waive the accessory apartment impact fee
2. Apply for a business license for the accessory apartment (rather than accessory apt. fee)
3. Advise the bank to get cars off the property or he will remove them
4. Weed abatement – maintain the weeds
5. Have landscaping taken care of on the front and side yards by October, 2010
6. A. Enter into a nuisance agreement
B. Inform the owners of the code regarding renting out

*The current code needs to be clarified

*Mayor Dunn to notify Mr. Chappel

3:33:13

GOOSENES DRIVE
SIGN PLAN

Shawn Eliot: The signs on Goosenest need to be rearranged. There are too many signs on one pole.

He proposed removing certain signs and adding others; but to spread the signs out. There will be an extra speed limit sign.

Total signs now – 13

Total signs proposed - 18

There was discussion whether to direct people to Gladstan Golf Course. Councilmember Brown felt we should not.

He proposed having an easy-to-read fire sign.

Change the "No firearms" sign to a sign that covers more than a handgun...take off the picture.

List:

1. Take off "share the road" signs
2. Destination sign – Leave Gladstan Golf Course on the sign
3. Take out "School Bus Stop Ahead" sign
4. Firearms sign: take off picture
5. No "Notice" / street map sign
6. Fire sign in Loafer Canyon (perhaps on the corner at the intersection with 11200 South)
7. Colors: green, yellow, orange, red (not black)

He will not order the signs until the spring.

The Fire sign is about \$300 (X 2 signs).

MINUTES OF
CITY COUNCIL
MEETINGS

1. City Council Minutes of 9-22-09:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 9-22-09; AS CORRECTED


VOTE: YES (4) NO (0) ABSENT (1) DERREK JOHNSON

EXPENDITURES

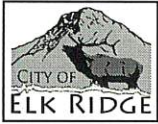
General: None

ADJOURNMENT

The Meeting was adjourned at 10:15 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 – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, November 10, 2009, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM; and a City Council Closed Session at 8:20 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

1. CANVASS ELECTION RETURNS
2. City Insurance Renewal for 2010 – Nelson Abbott
3. City-owned Property – Dept. Head Input/Planning for Future – 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 4. Accepting Election results for the Municipal Election - 2009

7:20 5. Curb & Gutter – 415 Columbus Ln. (Doug Jarvie) – Mayor Dunn

7:30 6. Elk Ridge Meadows PUD, Phase 2 – Surety Bond Change
Ratify Polled Vote to approve the Change in Offer

7:40 7. Approval - City Insurance Renewal

8:00 8. Employee Benefits - PTO

8:10 9. Expenditures: General

8:15 10. Approval of Minutes of Previous City Council Meeting(s)

8:20 11. Elk Ridge Meadows PUD, Phases 1 & 2 – Development Agreement

8:30 12. Water Dept. – Amend Code: Statement of Charges/Delinquency (Discussion and Schedule Public Hearing)

8:35 PM - CITY COUNCIL CLOSED SESSION

Discussion of Personnel

REGULAR COUNCIL MEETING AGENDA ITEMS (CONTINUED):

13. 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 9th day of November, 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 provided to each member of the Governing Body on November 6, 2009; and an Amended Agenda on 11-9-09.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
November 10, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, November 10, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM; and a City Council Closed Session at 8:35 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 November 6, 2009; and an Amended Agenda on 11-9-09.

6:00 PM -

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Council Candidates:* Kenneth Lutes, & Weston Youd; *Public:* Rodger Hardy (*Deseret News*), Chris Salisbury, & Jeffery Waterman, Jared & Rachelle Curtis, Tanner Smith, Tyrel Carter & Micah Purdy; and *the City Recorder:* Janice H. Davis

CANVASS ELECTION

CANVASS ELECTION RETURNS

The City Council, lead by Mayor Dunn, canvasses the General Election returns. There was a change in the totals on one of the Talley Sheets of one vote; reflecting one last Absent Voter ballot that came in on 11-9-09...the changes were made to all the other forms, but missed the one Talley Sheet. (The voting was as follows: Kenneth Lutes, Erin Clawson & Jason Bullard all received one last vote.)

After review, the Council found all the election returns to be in order.

CITY INSURANCE
RENEWAL

The annual renewal is coming up and Councilmember Abbott was asked to review the proposals and various options available through PEHP.

Councilmember Haskell declared a conflict of interest, since she is married to Kent Haskell, one of the City employees affected by the insurance coverage.

PEHP (Public Employee Health Plan)

After reviewing the options and comparing the current coverage and rates to the new rates, Councilmember Abbott observed the following:

- Premiums are to increase by an average of 8.2% from 2009 to 2010; which, by comparison to other carriers, is lower than most, that average 10% to 20% increase per year.
- Summit 2 Option (Health Plan) & Preferred (Dental Plan): Dental stays the same...no change
- Total of Premiums for all employees per month:
 - A. Summit 2: (2009) \$3,222.80 to (2010) \$3,815
(Details) Deductible = \$500 (Single) & \$1,000 (family); \$20 co-pay; 80/20 split
 - B. Summit 3: \$3,059.50/month (Savings of about \$7,100 per year)
(Details) Deductible = \$1,000 (Single) & \$2,000 (family); \$35 co-pay; 70.30 split
- Annual premium = about \$38,000 (higher than it was before the last change by about \$8,000)
(There is an additional employee now) If the City stays with Summit Care 2, the overall budget for insurance premiums will go to about \$45,000. This is a good portion of the General Fund Budget.
- Recommendation: Switch to Summit Care 3 Plan

Comments:

Julie Haskell: This seemed conflicting to her, since the very best insurance is provided for the Fire Dept. volunteers, yet the suggestion is to cut the coverage for the employees.

Nelson Abbott: That \$8,000 savings could be put to use in other areas...perhaps to bring back employee bonuses for part of it. Something needs to be done.

Raymond Brown: He asked about other options that act as a sort of "savings" account.

Nelson Abbott: That plan would be even more cost effective for the City; however, the details on this plan do not make it an attractive alternative.

Prescriptions:

No change...both plans cover 80%.

Mayor Dunn: Some employers are providing certain coverage and if an employee wants a better plan, the employee makes up the difference in premiums.

Sean Roylance: It is hard to cut benefits; but most companies do not pay full benefits.

Nelson Abbott: There was also a summary of utilization (employees) and Elk Ridge is low with about 20% utilization.

Mayor Dunn: He would also favor using some of the savings toward bonuses, co-pays or deductibles for the employees.

City Recorder: Suggestion to add this to the Closed Session discussion prior to taking action, since the Discussion of Personnel is the topic in Closed Session. (*Mayor Dunn agreed.*)

44:36
CITY OWNED
PROPERTY

Mayor Dunn: Mayor Dunn sent out letters to the newly elected candidates regarding creating a "priority list" of ideas to address any future development of City-owned land.

The next Council Meeting will begin with a Work Session to discuss future planning for the City property. The Mayor would like to lay out maps and look at parks, trails, a Public Works building and future City Center.

A list of priorities was requested from all Councilmembers (as in the list requested by Councilmember Brown previously); to include various concerns/suggestion with surplus properties and land that could be developed and sold (as in property in Loafer Canyon).

54:07 The Work Session was closed at 6:55 PM.

**ELK RIDGE
CITY COUNCIL MEETING
November 10, 2009**

TIME & PLACE OF MEETING This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 10, 2009, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM**; and a **City Council Closed Session at 8:35 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 November 6, 2009; and an Amended Agenda on 11-9-09.

7:10 PM - CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS

ROLL *Mayor: Dennis A. Dunn; City Council: Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; City Planner: Shawn Eliot; City Council Candidates: Kenneth Lutes, Erin Clawson & Weston Youd; Public: Rodger Hardy (Deseret News), Chris Salisbury, Tom Henriod, Julia & Jeffery Waterman, Jared & Rachelle Curtis, Jamie Towse, Tanner Smith, Tyrel Carter & Micah Purdy; and the City Recorder: Janice H.*

OPENING REMARKS & PLEDGE OF ALLEGIANCE Opening Remarks were offered by Councilmember Brown offering a prayer after comments honoring veterans. Scout Jeff Waterman led those present in the Pledge of Allegiance, for those willing to participate.

Mayor Dunn commented on veterans and the debt we all owe to those who have given of their lives and, at times, have given their very lives, for our freedoms.

AGENDA TIME FRAME **MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:10 PM; AND MOVING AGENDA ITEM #11 TO BETWEEN #4 AND #5**
VOTE: YES (5) NO (0)

PUBLIC FORUM There were no comments.

2009 ELECTION RESULTS - ACCEPTANCE **MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO:**
1. ACCEPT THE 2009 GENERAL ELECTION RETURNS FOR ELK RIDGE CITY, AS PRESENTED BY THE ELECTION OFFICER
2. DECLARE ELECTED THOSE PERSONS WHO HAD THE HIGHEST NUMBER OF VOTES:
MAYOR: KENNETH LUTES
CITY COUNCIL:

**ERIN CLAWSON
WESTON YOUNG**

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

ELK RIDGE MEADOWS PUD, PHASES 1 & 2 – DEVELOPMENT AGREEMENT Shawn Eliot:
1. Tom Henriod email Mr. Eliot a draft of the development agreement discussed and voted on at the previous Council Meeting. Mr. Eliot said he made minor changes. He feels the agreement for Phase 2 will be similar to There was no action taken at that meeting; so the Council was asked to review the draft and be prepared on 12-8-09 to vote on it and the agreement for Phase 2. On the agreement for Phase 2, there will be added information regarding the 3 lots formed from the east/west open space.
The agreements must go to the City Attorney for review, as well.

2. Open Space: (Phase 1) At the last Council meeting, it was proposed to come up with a minimal maintenance plan. Mr. Eliot met with Corbett Stephens to discuss this. Mr. Eliot suggested rock and Mr. Stephens responded that rocks get weeds in them (true) and he felt grass would be easier to maintain than rocks; particularly with a new lawn mower.

Mayor Dunn: There is a lawn mower that cuts 7 acres per hour; the cost is about \$10,000 and park impact fees or could be paid for with the bond money or the \$114,000 offered by the developer.

Shawn Eliot: He discussed the points of xero-scaping vs. low-maintenance. He felt natural grasses would be less expensive to maintain than cutting grass.

Tom Henriod: He commented that he is agreeable to what the Council feels is good for the City. Mr. Salisbury agreed with Mr. Henriod.

This will be on the agenda for action on December 8, 2009.

Tom Henriod: There will be separate documents for Phases 1 & 2. There will also be separate open space dedications...there will be 5 documents:

1. CC&R amendments
2. 2 development agreements (Phases 1 & 2)
3. 2 Plat dedications for open space (Phases 1 & 2)

David Church was agreeable to everything they are doing.

1:17:26
CURB & GUTTER
UPDATE

415 Columbus Lane:

Mayor Dunn: Doug Jarvie (415 Columbus Lane) contacted the Mayor to inform him that he has changed his mind to be in favor of curb & gutter being installed on his lot. He also asked if the City could assist him financially because he lives on a corner and there are 2 frontages rather than 1. The Mayor said he would take his request to the Council. (He changed his response on the letter sent to him and initialed that change, as Mayor Dunn witnessed him.)

Raymond Brown: His neighbors to the south of him do not have curb & gutter and do not want it; and that fact has impacted his property on the Oak Ridge side to where it has become a safety hazard. The neighbor's water and debris washes into his yard. He does not feel it is quite fair to have to fix this side where there are issues not caused by him. *(Throughout the rest of this discussion, Councilmember Brown continued to express his concern with the safety issue involved with this lot.)*

Nelson Abbott: He commented that in the past, he thinks the policy used to be for the City to cover the cost for one side on a corner lot.

Mayor Dunn: This will likely be deferred until spring due to weather.

Derrek Johnson: The question would be: What are the associated costs and where does the City get the money? The City does not have money to keep spending.

Mayor Dunn: Every other citizen having curb & gutter installed is paying for it and Mr. Jarvie will pay for his portion, depending on what the Council decides.

Nelson Abbott: Mr. Abbott is also on a corner; whatever decision the Council makes will impact him, as well...this could create a precedent.

Sean Roylance: If the City creates this policy, the Weeks should be considered because of the "problem" side of their corner lot.

Derrek Johnson: The Council must know what the costs are. Is it possible to keep there expenses in the Storm Drain Fund, not the General Fund.

Raymond Brown: There are also 4 areas where sumps are needed.

Mayor Dunn: Action:

- Get costs and discover where the money will come from
- Will this set precedence?

1:32:02
ELK RIDGE MEADOWS
PUD – SURETY
BOND CHANGE

Ratify polled vote to approve the change in the offer from the Insurance Company:

Nelson Abbott: The adjuster with the insurance company was only authorized up to a certain level; if the City chose not to accept his offer, his supervisor would have to review the offer and there was always the chance that the offer could go down due to the park not being included in the durability retainer agreement. The bid from Noel Hiatt will still be good in the spring.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO RATIFY THE POLLED VOTE TO APPROVE THE CHANGE IN THE OFFER FROM THE SURETY BOND COMPANY FROM \$250,000 TO \$240,000

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

NAY (0)

Passes 5-0

1:35:11
CITY EMPLOYEES
INSURANCE RENEWAL

Mayor Dunn: Options available:

1. Stay with Summit 2
2. Change to Summit 3 (\$163.30/month savings)

The suggestion was to postpone action until after the Closed Session.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO MOVE ACTION ON THIS AN OTHER PERSONNEL TOPICS UNTIL AFTER THE CLOSED SESSION, TO ITEM #13

VOTE: YES (5)

NO (0)

1:36:32
EMPLOYEE BENEFITS
- PTO

Raymond Brown: He feels that parts of the personnel issues are imbalanced regarding PTO (Paid Time Off). Currently, the full-time employees receive 5 days off for what used to be considered "vacation time"...for up to 5 years of employment; this goes up to 10 days off after the 5th year...and stays at that point. He proposed: After 10 years employment, there would be 1 day earned for every year employed by the City. There could be a "cap", as well.

Sean Roylance: There are also 12 days added onto that (previously known as "sick days"). This is actually 17 days going to 22 days.

Mayor Dunn: The "sick" time and the "vacation" time has all been changed to "PTO". He discussed the "carry-over" policy at the end of the calendar year...the employees should not be penalized for not taking time off during the year.

Derrek Johnson: This is not how businesses look at employee benefits and the City needs to be run like a business.

Raymond Brown: He feels in the long run that the City saves money because they have to earn the days off year by year. This is "win/win".

Action postponed until after the Closed Session.

11 1:44:51
12 EXPENDITURES

General:

1. *Purchase of a snow-blower:*

A snow-blower was purchased for the City Hall for \$499.00; approved by Mayor Dunn.

2. *Computer purchase:*

Kent Haskell's computer crashed; it will be replaced by the computer that Marissa Bassir uses and a new one will be purchased for her work station at a cost of \$549.00.

- \$500: approved by Mayor Dunn

- 49.00: approved by Kent Haskell (since he will benefit from the purchase)

20 1:49:15
21 MINUTES OF
22 CITY COUNCIL
23 MEETINGS

1. *City Council Minutes of 10-13-09:*

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 10-13-09, WITH CORRECTIONS

VOTE: YES (5)

NO (0)

25 1:50:17
26 WATER DEPT.
27 AMEND CODE RE:
28 STATEMENT OF
29 CHARGES &
30 DELINQUENCY

Mayor Dunn: There is a current policy to wait to actually shut off the meters of those that are delinquent; the policy has allowed too much time to elapse (3 months) before people hit the "shut-off list". Those delinquent 90 days receive a call warning them that they will be shut-off.

The complaint was that the code should change that would be more enforceable. After researching the code, the Mayor discovered that the current code states that residents are considered delinquent if someone does not pay after one month...and they are subject to being shut off and the deposit can be applied to the delinquent bill; they would also have to sign up and pay an additional deposit. The code is tougher than thought. He warned residents via the City Newsletter that the City would no longer be "carrying" accounts that are 30, 60 & 90 days out.

The proposed amendment is simply to clarify the code to make it easier to understand, not to change the intent.

A public hearing is needed to make this change in code.

David Church is to review this proposed amendment.

Julie Haskell: Suggestion: Include in the new code that people that have had their water shut off will not be turned back on until the next business day; they get calls on the week-end to turn people back on. (*Perhaps shut-offs should not be done on Fridays.*)

Mayor Dunn: The current policy for shut-off: call the person or go to the door to warn them...just prior to turning them off.

Sean Roylance: He suggested checking out the State Code on this matter; there may be a requirement on the process that is dictated by the State.

He feels that 45 days is pretty aggressive compared with most billing processes.

**Mayor Dunn will check this out.*

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO MOVE TO A CLOSED SESSION

VOTE: YES (5)

NO (0)

53 8:05 PM -

CITY COUNCIL CLOSED SESSION

56 ROLL

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

Discussion of Personnel

CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS (CONT.)

62 ACTION ON
63 CLOSED SESSION

1. *City Insurance:*

MOTION WAS MADE BY DERREK JOHNSON AND SECONDED BY NELSON ABBOTT TO CHANGE THE PEHP HEALTH INSURANCE TO THE SUMMIT CARE / OPTION 3

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

NAY (1) JULIE HASKELL

Passed 4-1

2. PTO for Employees:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON THAT; FROM THIS DATE (11-10-09); APPLICABLE TO ALL NEW EMPLOYEES HIRED BY THE CITY:

- THERE WILL BE A ONE-YEAR PROBATION PERIOD AFTER HIRED BY THE CITY
- PTO (PAID TIME OFF) WILL ACCRUE AS FOLLOWS:

0-1 YEAR: 3 PTO DAYS

1-5 YEARS: 10 PTO DAY

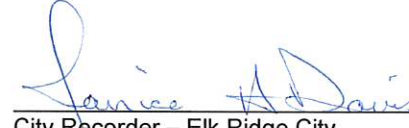
6 YEARS ON: 1 DAY PER YEAR UP TO A MAXIMUM OF 22 DAYS OF PTO

VOTE: YES (5)

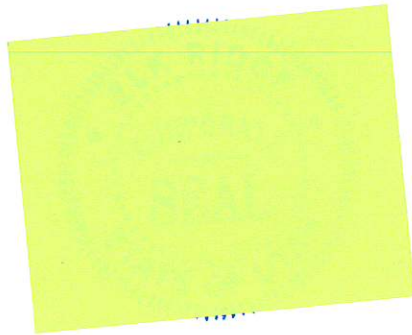
NO (0)

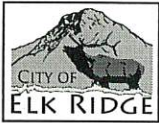
ADJOURNMENT

The Meeting was adjourned.



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, December 8, 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

1. City Council Planning Session – Future of City Property

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

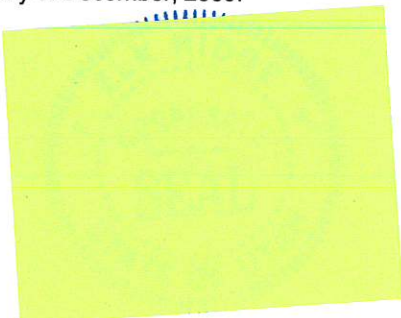
Approval/Agenda Time Frame

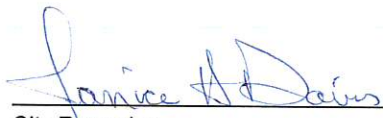
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|------|--|
| 7:05 | 2. Elk Ridge Meadows PUD, Phase 2:
Acceptance of Bond for Improvements & Release from Durability Time Period |
| 7:10 | 3. Elk Ridge Meadows PUD – Development Agreements - Approval |
| 7:40 | 4. Nuisance Ordinance (Re-visit Code re: Interior Lots) – Shawn Eliot |
| 8:00 | 5. Public Forum |
| 8:15 | 6. Parkview Corner – Request for Extension on Preliminary |
| 8:30 | 7. Annexation / Boundary Adjustment - Guidelines – Discussion – Mayor Dun |
| 8:45 | 8. Action on Work Session |
| 8:55 | 9. Drinking Water Source Protection Study Update (Aqua Engineering Proposal) |
| 9:15 | 10. Expenditures: General
A. Approve Check Registers for May through November, 2009 |
| 9:30 | 11. Approval of Minutes of Previous City Council Meeting(s)
Parkview Corner – Request for Extension on Preliminary – Eric Allen |
- 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 4th day of December, 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 provided to each member of the Governing Body on December 4, 2009.



City Recorder

ELK RIDGE CITY COUNCIL MEETING
December 8, 2009

**TIME & PLACE
OF MEETING**

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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 December 4, 2009.

6:00 PM -

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner:* Shawn Eliot; *City Council Candidates:* Kenneth Lutes, Jason Bullard, Erin Clawson & Weston Youd; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Tindall; *Public:* Rodger Hardy (*Deseret News*), Tyrel Carter, Chris Salisbury, Lee & Diana Freeman, Paul Eddy; and *the City Recorder:* Janice H. Davis

**NON-AGENDA ITEM
CITY COUNCIL
PRESENTATION**

The City Recorder presented gifts to the Councilmembers whose terms of office will be expired at the beginning of January, 2010. Flags that flew over the Nation's Capitol, encased in display cases with name plaques, were presented to the three out-going Councilmembers: Mayor Dennis Dunn, Raymond Brown & Nelson Abbott. The Mayor was presented with his gavel and a plaque in appreciation for his service. The City Recorder thanked all for their dedication and said they will be missed.

**CITY COUNCIL
PLANNING SESSION -
FUTURE SOURCES
OF REVENUE & THE
CITY CENTER**

Mayor Dunn: He reviewed various sources of revenue that would work for the City. All other Communities are experiencing the same problems; particularly smaller ones.

- Franchise fees provide a little revenue

- "Soft commercial" has been discussed, but has not happened.

Opportunities for revenue has been a topic of discussion before he took office; he was on an economic committee that came up with a list of possible businesses that could work in Elk Ridge.

The need for commercial, mixed with the struggle to get the point across to the general citizenry about water conservation, spurred something that Corbett Stephens brought to the Mayor's attention about a month ago; which is the possible use of a greenhouse in the City. The Mayor feels much of our society has not been taught the principal's of conservation...tied to xeri-scaping. The lack of understanding seems to be "generational". Areas in the "sunbelt" states are already requiring stricter laws regarding conservation.

Greenhouses:

Spanish Fork has one and Elk Ridge even purchased plants from them when Mary Rugg was on the Council and over Parks. Corbett Stephens contacted the man that runs that greenhouse and gathered some good information regarding their "adopt a planter" program.

The Mayor suggested consideration of providing access to "Utah's 20" (native plants to Utah that further conservation). He turned the time over to Mr. Stephens to explain:

Corbett Stephens: Spanish Fork goes through 1/2 million seedlings each year. They take shoots off of plants and start their own plants, so they do not have to buy as many plants. They keep the "mother" plants in the greenhouse. Their budget for their greenhouse is about \$24,000/year; they use the plants for their own city needs as well as selling plants to residents. The City takes care of all of the required maintenance with part-time and full-time employees; as well as with seasonal volunteers.

Perhaps Elk Ridge could take this basic idea and create some revenue.

Mayor Dunn: People could rent a portion of the greenhouse and grow their own seedlings to plant in their own yards. There are 2 Elk Ridge residents whose professions are xeri-scaping and natural vegetation and have even written books on the subject. These experts were asked to re-build the water conservation garden on 1200 S. in Orem...they have done other projects throughout the State. Their own yard is an example of "natural" landscaping. It would be beneficial to have experts like these involved with a project here in the City. A newspaper article was brought to the Mayor's attention by Corbett Stephens regarding Pleasant Grove doing some "hydro-generation" projects. Mr. Stephens and the Mayor met with Mayor Daniels (Pleasant Grove) and four other people developing some experience with hydrogenation. The "head-pressure" in gravity-fed lines is in place to turn these hydro-generators. Elk Ridge has possibly 8 locations where they could be installed.

Discussion on "aggregate net metering": Power is created and if it goes into the "grid", the City would receive "one dollar credit for every dollar made"...Pleasant Grove has made progress in developing this project; and they hope to get communities throughout the State online with these little generation plants and get the cost down to about \$10,000 per plant.

Corbett Stephens: He talked to Pleasant Grove's engineer about this process and discussed the possibilities with him...he reviewed these figures with the Council and those present. At 30 kilowatt hours, the City could generate about \$1,800/month in the summer and about \$500/month in the winter months (with just one hydro-generator). There are two locations in the City where 30 kilowatts of power could be generated.

Discussion:

Weston Youd: Net metering needs to be cleared through SESD; they do not have to agree to the metering as the result could be that there would be no one to sell the power to.

Corbett Stephens: There is a net-metering program in place currently; SESD may be a bit hesitant due to the volume being proposed. (*Further discussion*)

The City could not generate enough power to off-set the costs of maintaining the City Hall; but the City could get credit.

Mayor Dunn: The project in Pleasant Grove is in the beginning stages; but has great potential. These are the types of projects that could generate additional revenue for the City.

Growth will happen in this State, County and City. Planning for the future is imperative; though all the "gaps" will not be filled now.

25:10

The Mayor gathered up the priority lists from the Councilmembers and reviewed them.

(Mayor Dunn) *Many of the items on the lists repeated themselves; these will not be restated.*

- Many of the items on the lists have been accomplished: Salt Shed, T-intersection, Address changes, Road name changes (Elk Meadows & N. Park Drive to Elk Ridge Drive), Sewer with Payson, N. end of Salem Hills Drive changed name, Field Trip with Planning/Zoning & Road Impact fees in place

- Many items still to be addressed: Redevelopment of Loafer Canyon Well and possibilities, Possible use of existing home on City property as City Hall, Park layout & design, Public Works Building, identify surplus properties (City) and develop plan for them, Consider PUD park as future City park.

- Inter local Opportunities: Payson boundary line adjustments, Woodland Hills boundary line adjustment, water revenue possibilities with Woodland Hills & Salem, Identify commercial areas, Consideration of a City Cemetery

(Nelson Abbott) Funds from sale of property possibly used to pay down bond on City Center property, Increase number of licensed dogs and stricter leash laws, Clarify purpose of business licenses for residential businesses, create additional redundancy in water system & connect Fairway Tank to Hillside Tank & explore additional revenue ideas for the City.

(Raymond Brown) Look at ways to better enforce codes: Dog control, weed control, yard landscaping, storage of equipment, vehicles, etc, & the house numbers still out of compliance. He would like to see the City establish our own sports & recreation center and he listed all that accompanies that project.

(Julie Haskell) Salt shed (completed) & Public Works Building...enforcement of codes.

Mayor Dunn: He listed some of the types of businesses that could be compatible with the General Plan for Elk Ridge.

(Sean Royslance) His did not have his list written down; but had items to consider: Balancing the budget without development income, Planning & development of parks & open space & getting the City codes in place for future development.

Comments on Woodland Hills Boundary line adjustment:

Mayor Dunn: Woodland Hills is having a public hearing on 12/10 regarding a possible boundary line adjustment between Woodland Hills and Elk Ridge; if that proposed line divides Loafer Canyon Road, the Mayor will deliver a formal protest in behalf of Elk Ridge. When the two Cities met at a joint work session, this was not the understanding the two Councils had. According to legal counsel, both Cities must agree for the adjustment to take place.

The Mayor added that "affordable housing" is not necessarily a negative term any longer. The Housing & Urban Development Corporation assists in building affordable homes; they have groups of people participating in building homes together. There is an interest in 16 properties north of the City.

Developers/contractors are beginning to build/sell homes across the County, including in Elk Ridge. With this growth, planning for the future is important.

The Mayor reviewed the maps of the proposed site plan plus a map showing the various parcels of land owned by the City. Part of the reasoning behind the original purchase of the land was to join the City-owned land together and to address the open space/park issues raised by the public.

He encouraged the Council and the new Council to consider the options available for this City-owned property.

1:00:35

ELK RIDGE CITY COUNCIL MEETING December 8, 2009

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, December 8, 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 December 4, 2009.

7:13 PM -

CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council*: Derrek Johnson, Julie Haskell, Raymond Brown; Sean Royslance & Nelson Abbott; *City Planner*: Shawn Eliot; *City Council Candidates*: Kenneth Lutes, Jason Bullard, Erin Clawson & Weston Youd; *Building Official*: Corbett Stephens; *Sheriff*: Deputy Tindall; *Public*: Rodger Hardy (*Deseret News*), Tyrel Carter, Chris Salisbury, Tom Henriod, Lee & Diana Freeman, Paul Eddy, Micah Purdy, Jordan Riley, Jamie D. Towse, Sean L. Nielsen, May & Jim Harvey, Bob Van Parys, Lynn & Jennifer Weakley, Suzanne Perry, Brent & Tammy Christensen, ? Christensen, Karla Adams, Brian Badders, Russ Lundberg, Wendy & Sean McCarthy, Chris Thorpe, Malea & Dave Simmons, Lila Branam, Evan Nielsen, Lisa Denning, Sherrie Woodward, Eric Allen & unknown ; *and the City Recorder*: Janice H. Davis

1
2
3 OPENING REMARKS
4 & PLEDGE OF
5 ALLEGIANCE
6

Opening Remarks were offered by City Recorder, Janice H. Davis; she honored the Councilmembers leaving Office and offered a prayer; Scout Jordan Riley led those present in the Pledge of Allegiance, for those willing to participate.
Mayor Dunn and Councilmember Brown expressed gratitude for the gifts and, though public service is not easy, it has been rewarding to them. Mayor Dunn also paid tribute to Deputy Tindall and all the service he has rendered to our Community.

10 AGENDA TIME
11 FRAME
12

RAYMOND BROWN MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:13 PM
VOTE: YES (5) NO (0)

13 1:12:18
14 ELK RIDGE MEADOWS
15 PUD, PHASE 2 –
16 ACCEPTANCE OF
17 SURETY BOND &
18 RELEASE FROM
19 DURABILITY TIME
20 PERIOD
21

(Memo from Corbett Stephens to the Council, dated 12-4-2009)

"The final inspection for the above referenced subdivision has been held and the developer has not completed all of the required items. The required 2 year durability period has expired as of the end of November 2009. There are multiple outstanding issues required of the developer that we as a city will complete with monies provided by Insurance Company of the West, the bonding company for this development. In the Council Meeting on October 27 of this year, the Council accepted ICW's offer to release to the City monies in the amount of \$240,000.00. This money will meet the requirements of the required repairs as well as allow us to complete landscaping improvements when there are enough homes built to sustain required maintenance. The acceptance of the bonding company offer releases them from any further obligation. I recommend final acceptance of the subdivision."

Mayor Dunn: Read the letter form ICW Group (Insurance Company of the West), dated 11-30-2009). The letter described the terms of the bond money, as understood by ICW Group. The letter states that, if the terms are acceptable to the Council, the City will provide "written confirmation through the approval of the City Council meeting minutes". "Once ICW has received written confirmation of the City Council's acceptance", the \$240,000 to the City will be processed and arrangements made to exchange the payment for the bond release.

Comments:

Nelson Abbott: He question if the money will be placed into an interest-bearing account until spring.

After discussion, it was decided to:

1. Place the portion to be paid for work in the Spring 2010 into an account at the State Treasury; and
2. Place the \$118,000 for the park into a CD at the bank...to earn a higher interest rate.

34 1:16:30

RAYMOND BROWN MOVED, SECONDED BY NELSON ABBOTT, TO ACCEPT THE TERMS OFFERED BY THE SURETY BOND COMPANY (INSURANCE COMPANY OF THE WEST) OF A LUMP SUM PAYMENT OF \$240,000 TO BE PAID TO ELK RIDGE CITY, AS THE BOND FOR ELK RIDGE MEADOWS PUD, PHASE 2 DEVELOPMENT. THE CITY AGREES TO:

1. INSTALL ALL NECESSARY LANDSCAPE AND IRRIGATION WHEN REQUIRED
2. AND TO COMPLETE ALL OTHER CLOSE OUT ITEMS ON THE PUNCH LIST

THIS ACCEPTANCE RELEASES THE DURABILITY RETAINER TIME PERIOD AND. UPON RECIPT OF THE \$240,000, ELK RIDGE CITY THEN RELEASES INSURANCE COMPANY OF THE WEST FROM ANY FURTHER OBLIGATION TO ELK RIDGE CITY

VOTE: YES (5) NO (0)

Passes 5-0

45 1:19:09
46 ELK RIDGE MEADOWS
47 PUD – DEVELOPMENT
48 AGREEMENTS
49

Mayor Dunn: The latest drafts of the proposed Development Agreements were emailed to the City Council for their review.

(Memo form Planner to Council, dated 12-8-09)

"Background

The council has been discussing the park and open space issues of Elk Ridge Meadows phases 1 and 2 over the summer. In October the council voted to enter into a developer's agreement with the owners of phases 1 and 2 to formulate the terms of the city acquiring the park and open space areas of both phases. Over the last month staff has been working with the owners to draft agreements that fit the terms the council voted on. The terms were the following:

Phase 1

The owner will restore/improve the open space areas to the amount of \$20k when the phase has 25% occupancy.

The owner will work with the city to adjust the landscaping plan to have minimal maintenance.

The owner will maintain the open space areas until the phase has reached 50% occupancy.

At 50% phase occupancy, the owner will deed the city the open space areas.

At 50% phase occupancy, the city will maintain the open space areas.

The owner will pay the city \$49,250 for the city to acquire the open space areas.

The city will collect \$985 per lot at building permit submittal to obtain the \$49,250 for acquiring the open space areas.

Phase 2

The city will use the surety bond for phase 2 to restore the park space commencing when the phase has 25% occupancy.

The owner will maintain the park and open space areas until the phase has reached 50% occupancy.

At 50% phase occupancy, the owner will deed the city the open space areas.

At 50% phase occupancy, the city will maintain the open space areas.

The owner will pay the city \$114k for the city to acquire the park/open space areas.

The city will collect \$1,425 per lot at building permit submittal to obtain the \$114k for acquiring the park/open space areas.

The owner will convert the east/west open space area with the trail into 3 building lots.

The owner will transfer the acreage from the east/west open space area to the main open space area.

The city will facilitate the transaction of creating the 3 lots and transferring the open space land.

The owner will work with the city to develop ideas of what facilities and improvements can be made to the open space area.

Both Phases

Homes will have a staggered 20 to 30 foot setback from the roads.
Landscaping will be required in the front yard (and side yard facing a street on corner lots).
Building façade materials will include Brick, Stone or Pre-Cast Stone, Stucco, LP SmartSide and Cement Fiberboard. No vinyl.
Identical front elevations will not be allowed on neighboring lots or those across the street.
Fencing will be of the same consistency throughout the development.
Planter strips shall have street trees of the same kind along each street corridor.

Staff Recommendation

Staff has read the development agreement's for both phases and reviewed the exhibits and concludes that all is in order as agreed upon by the council. Staff recommends that the council allow the mayor to enter into the agreements.

City Council Discussion

1. Is the agreement for phase 1 what the council agreed upon?
2. Is the landscape plan acceptable? (Options: go with the developer supplied plan or come up with different plan that will most likely cost more).
3. Is the agreement for phase 2 what the council agreed upon?

Shawn Eliot: He reviewed the memo with the Council.

Phase 1: David Church reviewed the proposed agreements and had no problem.

Landscaping and maintenance of parks and open space has been a problem: A plan came up that priced out at \$80,000 to \$100,000...this should be a long-range goal.

Landscaping plan submitted by Mr. Henriod: Within the cost breakdown, no trees were listed...trees are costly. All of the original trees will be replaced by the developer.

Corrections were made in four places:

- Terms (2): "Developer" changed to "owner"
 - (Insert) "The owner also agrees to replace all dead trees that were planted as part of the original Phase 1 Development, at owner's cost."
 - 6 (b): Same as above
 - 6 (1st paragraph) "Restrictive Covenants" has been changed to "architectural and landscaping restrictions"
- This was to further eliminate all language referring to CC&R's.

Phase 2: The only change:

- Page 2 (7) The restrictive covenant issue: changing wording to "architectural and landscaping restrictions"
- The City Attorney has a concern about the Surety Bond; the proposed agreements are based on the City receiving that bond money; so approval would be contingent upon receiving that bond money.
 - o *It will be Centennial Bank that signs the agreement because they still own the open space area and will until 50% occupancy is reached.*
 - o *The HOA has been dissolved as of that day...there is one more signature to get.*

1. Elk Ridge Meadows PUD, Phase 1:

RAYMOND BROWN MOVED, SECONDED BY SEAN ROYLANCE, TO ACCEPT THE DEVELOPMENT AGREEMENT FOR ELK RIDGE MEADOWS PUD, PHASE 1; WITH CHANGES:

- Terms (2): "Developer" changed to "owner"
- (Insert) "The owner also agrees to replace all dead trees that were planted as part of the original Phase 1 Development, at owner's cost."
- 6 (b): Same as above
- 6 (1st paragraph) "Restrictive Covenants" has been changed to "architectural and landscaping restrictions"

VOTE: YES (4)

NO (1) JULIE HASKELL

Passed 4-1

2. Elk Ridge Meadows PUD, Phase 2:

RAYMOND BROWN MOVED, SECONDED BY NELSON ABBOTT, TO ACCEPT THE DEVELOPMENT AGREEMENT FOR ELK RIDGE MEADOWS PUD, PHASE 2; AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY COUNCIL ONCE THE \$240,000.00 HAS BEEN DEPOSITED IN AN INTEREST-BEARING ACCOUNT FOR THE CITY; AND CHANGE:

- Page 2 (7) The restrictive covenant issue: changing wording to "architectural and landscaping restrictions"

VOTE: YES (4)

NO (1) JULIE HASKELL

1:33:11

NUISANCE ORDINANCE / RE-VISIT CODE

There were many citizens present at the meeting to hear this discussion and to be heard during the Public Forum. Mayor Dunn asked that the public hold their questions and comments until the Public Forum; many questions may be addressed during the discussion between the Planner and the City Council. (Memo from Planner to Council, dated 12-8-09)

Mayor Dunn read the memo:

"Background

With the creation of the new animal code, the Mayor and members of the Council requested that we look at the nuisance code to make it more usable, make a process for citing offenders, and to assign fines. This new code was passed by the City Council in October. The application of the new code has concerned some citizens and staff is asking for guidance from the Council to see if how the code is being applied is what was wanted. Shawn Eliot identified the nuisances and documented them; Corbett Stephens hand delivered all of the notices and talked to anyone that was home."

(When the animal code was first being considered for change, there were complaints about enforcement. The Nuisance code was re-written to "streamline" the enforcement process.)

The Mayor commented that out of 49 nuisance findings, about 80% have complied with the new code.

(Memo – continued)

“Trailers/Boats/RVs/Junk Automobiles in Front Setback

The trailer issue seems to be one that causes much concern. The issues are:

1. Over half of the 49 nuisance findings issued have complied.
2. Some haven't complied, feeling they should be allowed to store these items within the front setback area.
3. The City hasn't cared all these years, why now?
4. Some state they were told by the City that they could park them in these areas.
5. Some state that the neighbors don't care, so why is it a problem?
6. Some think the zoning code should be less strict in the older areas of the City than in the newer ones.
7. The new code only allows one trailer/boat/RV on a corner lot if there is not a place to store it to the side or back of the home.
8. The Planning Commission recommended that one of these items be allowed on an interior lot, if not a place to store to the side or back. The Council didn't approve this in their motion.
9. Staff has not worried about if a trailer is farther behind a home than in front. Is that ok?

How to Present a Nuisance Finding

This is the other big issue. Many people are shocked to receive a finding.

1. Propose that an article in the newsletter/website be placed that states the code that we are focusing on and that in x amount of time we will be issuing nuisance findings.
2. Propose that at the same time as the article that we send a courtesy letter to those that are currently out of compliance stating the code and that we will be issuing finding of nuisance letters in x amount of time.”

(The Mayor reviewed the 3-step process of enforcement:

- The finding itself
- A plan can be worked out (time frame is negotiable)
- The actual citation

(Memo continued)

“Council Discussion

1. Is how staff has been enforcing the code appropriate? (Mayor Dunn added that there has actually been no enforcement yet...no one has been cited.)
2. Should one trailer/boat/RV etc. be allowed in the front setback if there is no place to store on side/back for all lots?
3. What about large RVs that extend from home to street? Should we enforce the 9 foot ROW setback?
4. Can any portion of an item extend to the front of the home (more behind that in front)?
5. Was the approach to issuing findings too abrupt, should we give warning and courtesy letters first when we do a city-wide canvass?
6. Should we have different zoning for the old part and new part of town?”

Shawn Eliot: He passed out a comparison of various cities and their laws regarding the allowance of storage of the above mentioned items. The code varies greatly from city to city. (Review of the different codes.)

Council Discussion:

(The Council discussed each of the “Council Discussion” items, starting with #1, etc.)

1. Enforcement appropriate?

The Council generally agreed that a courtesy letter should go out (#1 & #5 go together). The letters should be simple and to the point; stating the code in an understandable way...like the landscaping letters going out currently...any specific issue should be addressed in the letter.

Councilmember Abbott brought up that the safety issues of an item being extended too far into the easement or to the road.

Derrek Johnson: He reminded the Council why this code was re-written; so it would be easier to enforce; why? Because the storage of junk and many other items can detract from the beauty of the City, as well as drop home values. Many residents are tired of looking at the junk and vehicles parked in the front of lots; but do not wish to offend their neighbor in violation. The Code is trying to address these issues. The property owner also has a responsibility to take care of their lot.

Nelson Abbott: One item is not a problem; but several items do detract.

Mayor Dunn: He is not opposed to seasonal use of vehicles; as long as things are taken care of.

2. One item allowed on all lots?

The Council was in agreement that one item should be allowed to be stored, if there is nowhere else to store the item.

Sean Roylance: (Concerns) Though he favors not regulating other people's property, he also expressed concern about the following:

- Rights-of-way and items being stored within it; “safety” is a big issue for him. Line of sight needs to be clear at intersection.
- Many people who were out of compliance, did have the capacity to store an item somewhere beside the front of their lot. Will changing the code to allow one item create more problems?

If these two concerns were met, he would be in favor of allowing one item.

3. 9' ROW setback?

The Council all felt that the 9' ROW setback should be enforced.

4. Extending an item to front of home if most of the item is behind?

The Council was okay with this, as long as the setback from the road is adhered to.

5. (Tied to #1)

6. Different zoning for old/new parts of the City?

The Council agreed that the code should be the same for all. (The setbacks could vary due to road widths.)

Shawn Eliot: He knows that enforcement is not easy; but there have been concerns and problems over the years that the City was not enforcing code...but, the City Council desires to enforce code.

Mayor Dunn: The upkeep of residents' yards has been an issue of concern for some time. The Council is trying to honor the Oath of Office that goes with the position, wherein they swear to uphold the law.

2:15:02

PUBLIC FORUM

Mayor Dunn: He believes that some of those in violation of the code have been offended; that was not the intent. There are issues deeper than the surface ones, which was the motivating factor. There has been much criticism of the Council to enforce the code; and the code says to do something about the violations. The Council has a duty and an obligation to see that the code is properly applied...the attempt was made to do it fairly...across the board. The Council is looking at discovering the best method to make this work and still have a beautiful community. The photos were taken to indicate the various violations, not to offend.

Guidelines for the Public Forum:

- Talk when recognized; public "clamor" will not be tolerated. (This is not a "public hearing".)
- Give information politely.
- Do not be redundant.
- 3 minute limit per person (speaking)
- The Council is to hold emotions in check, as well.
- He will allow 25 minutes for the public to be heard.

Jim Harvey: (Not part of his 3 minutes) There are hurt feeling that need to be dealt with as well as gathering information. He advised taking the emotion and hurt feelings as part of the information the Council is trying to gather.

Public Comments:

May Harvey: (Resident on Astor Lane)

Mrs. Harvey requested that the Council not "change" the nuisance code; but "repeal" it. There are many things in the entire code that do not fit our small Community. *(Several times Mrs. Harvey referred to Elk Ridge as a "suburb of Salem"...she was corrected by Mayor Dunn: Elk Ridge is not now nor has it been in the past a suburb of Salem)* Mrs. Harvey made the point that our City should not be compared to larger cities.

She questioned changing the code from Utah State law; people should be allowed to utilize their property; not to live as a "gated community". She chastised the Council for voting for this law so "quickly"; she feels it should have been voted on by the people. She brought up the part of the code where garbage cans left in the road are considered a violation; she feels this is unrealistic.

(Mayor mentioned that there were some good points made; but no one has been cited yet, even though it may have appeared so to some.)

Brian Badders: He feels Elk Ridge is a beautiful Community and that surrounding communities are "junky". Real Estate values are holding higher in Elk Ridge than in the surrounding communities. He was cited for a landscape violation; he is resolving the issue. He feels everyone needs to work together and come to a good resolution for all to exist peacefully. If there are violations that affect him, he is willing to "stand up" and sign a complaint.

Jim Harvey: He feels that "property values" should not enter into consideration of Elk Ridge as a good place to live. They moved here because of the feeling of "freedom", "friendship" and the government was easy to live with. He has a neighbor who has an unkept yard and that indicated to him (Mr. Harvey) that he had the "freedom to look bad". Mr. Harvey is offended by the whole law; there is no reason to compare this City to larger cities...he also referred to Elk Ridge as a suburb of Salem. Our code should not be more restrictive than Salem's or Payson's. He said, "it is not about property values; it is about people values".

RV's should be parked for "use" rather than "storage". He made the point that the older homes in town were not built to accommodate this code. Elk Ridge should be a "country village", not a "gated community".

He feels the law should be repealed and re-thought to show respect to the people who built this Community. There are no problems to address. He felt those that complied did so out of fear of being fined \$50/day. He is in favor of being able to use their land the way they want to.

Mayor Dunn: He gave a brief history of Elk Ridge and how it came about, never as a subdivision of Salem; though it did have the name of Salem Hills, which was a subdivision of the County...it changed to Elk Ridge in the mid 70's.

Paul Eddy: (Resident for 14 years) He spoke about property values in the City; they are important to some. He is trying to sell his property and in his current assessment (valuation) it is \$65,000 lower than it was one year ago. He has invested a great deal of money into his home. He had an interested buyer from Colorado; but after driving through the City, he (buyer) felt the City was "in disarray" and commented on the trash, trucks & trailers all over the yards. Mr. Eddy was adamant about property values being important and that they are indeed affected by the condition of the City...the values are "hurt, when we don't maintain our properties".

He thanked the City Council for trying to enforce the codes; he further commented that it is just a few individuals that are not in favor of this new ordinance...though it may need some "fine tuning".

He pointed out the extreme fire hazard the tall weeds are that are on many lots.

Malea Simmons: She was upset about the notification of violation delivered to her. She lives on a corner lot and has more than one item stored on her lot.

- Horse trailer: She boards her animals elsewhere and needs the trailer to be able to access her animals and be able to ride them on a regular basis.
- Camp trailer: It is used frequently by her family
- Club House built by her children: It was considered "trash" and it was taken down.

In a storage unit, the items would not be as accessible for use by her family.

She was very offended by the photos taken of her front yard.

She feels that her freedoms are being taken away by the restrictions placed on her land by the current code.

Shawn Eliot: He felt it important to apologize to those offended at the photos taken of their homes...he was the one who took the photos. He was directed to do so and he took one picture of whatever was against the code; he took another of the addresses to better remember which house was being referred to.

(Mayor Dunn warned the public that there are only 3 minutes remaining of the Public Forum...he was told by the citizens that the time needed to be extended to hear all the concerned citizens.)

Diana Freeman: (13 year resident) She wishes this enforcement had been done 13 years ago. She feels that the citizens of Elk Ridge can "do better", raise the standard and take care of our possessions and have a cleaner Community. She does not feel she should have to look at other people's "stuff" in their yards. It has nothing to do with being a small community or a large community; it has to do with being a "clean" and organized community.

Property values have dropped; she recently sold her mother's home here in Elk Ridge and they recovered about what was paid for the home 13 years ago. Realtors will tell you that the trailers and items in the yards do matter to prospective buyers. Take responsibility for your possessions.

Karla Adams: (Resident of 4 ½ years) She responded that Mrs. Freeman should not have purchased in Elk Ridge 13 years ago if they did not like the appearance of the City. She planned her landscaping around the storage of her vehicles. She feels her rights are being infringed upon. How many complaints were received to instigate the changes?

The complaints came in frequently and the caller typically wants to remain anonymous. They will be asked if they have talked to the "offending neighbor"...usually the answer is no, they have not. They call the City because they do not want to "offend" their neighbor...so they want the City to enforce the code. Much of the code is not "new"; some things have been re-written, but have been in the code for some time. The average is a complaint per week (4 years of Office = about 200 complaints).

(Mrs. Adams – continued) She understands about the 9' right-of-way; however there is an issue with the City owning that ROW and the individual maintaining it. So, part of that 9' right-of-way should be able to have items stored on it. Why should one Councilmember's opinion over-ride her rights as a home owner?

It is not right that Mrs. Simmons had to remove a club house her children built.

Chris Thorpe: After listening to the review of the laws and all the complaints; he does not understand why there is such a problem and so many complaints. He stated that the law requires storing items. He agrees with part of what has been said; but he does feel that items should be placed out of sight if possible, and if not possible, then other arrangements could be made.

Bob Van Parys: (Resident since 2005; and a volunteer firefighter) He agrees that codes are necessary, but many do not follow them, particularly in the winter. He spoke of safety issues and clearing fire hydrants. He also noted yards that are un-mowed. He warned against creating fire hazards through neglect of codes.

Lila Branam: (Resident for 35 years) She agreed with the nuisance law regarding "junk"; but she does not agree that people should be limited to one item on their own property. She has two trailers for ATV's and she is considered a "nuisance". They are parked to the side of her home because when she first built, she could not have her driveway coming onto the main road (which would have given her more room). She does not agree with this code for RV's, trailers, etc.

Sean Nielsen: The water is so expensive in Elk Ridge that people cannot afford to landscape their yards and are now hauling in rocks; which is not attractive. He does not feel the City even needs a nuisance ordinance; he feels that neighbors should have to deal with one another...and the City would not be involved.

Mayor Dunn: He asked the Council's permission to go past the designated time for the Public Forum; it was decided that two more comments would be heard.

Sean Roylance: He reminded the public that the Mayor had asked that there be no "repeats"; and there have been many. He would like to hear "new" comments.

Diana Freeman: She asked that both sides of the issue should be represented fairly.

Jamie Towse: The City government cannot be granted any rights that the residents do not have; she hopes that will be kept in mind so that the government does not over-step their bounds. Citizens simply need to be able to "do the best they can"; there will never be total agreement on issues...everyone is different.

Lynn Weekley:

- Gated communities will dictate what yards and landscaping must look like.
- Parking items in back yard: He does not really have a back yard...he has two frontages (front & back)...which one does he use to park his items in?

He moved up here to have plenty of room to park his equipment; now he finds that he cannot do that.

- He knows that two of his neighbors have complained about him:

A. One is regarding his trailers

B. The other one was regarding chickens

Most people that call and complain are also in violation of the codes in some way. They should worry about themselves 1st. We should all relax a bit...we are in a "rural community".

Mayor Dunn commented that we typically do not know who the one complaining is; they wish to be "anonymous"; but the City will follow up on the complaint and see if it is justified.

Tammy Gardner:

1. The animals (goats) she had were for therapy for a troubled daughter; yet she had to move them to comply with the code. Now the pets are 8 miles from where they live. She did not move to Elk Ridge so she could live in a "retirement center".

2. She has trailers in front of her house; they are not "junk" trailers, they are all licensed. She would like to be able to just work things out with her neighbors.

She complied with the law; but she is not happy about it.

Mayor Dunn: He closed the Public Forum and expressed his appreciation for those that participated. He said that it may take a while to work the issues out (perhaps a couple of months); and there will be a new Council in a few weeks. The Council understands about property rights; but he reminded those present that we live in a "Republic", designed and kept by laws...if he does not agree with all of the laws, he still has to obey them.

If someone was not heard that wanted to be; he encouraged these people to put those thoughts in writing and submit them to the City Offices. He agrees that we live in a great Community.
No one has received a citation; they will be withheld until there is additional discussion to review the notes taken by the Councilmembers.

Dave Holman: (A couple of additional comments)

- How can the Council justify not allowing licensed, registered vehicles being parks where they are accessible?
- Why can't a person work on their cars and house...why does it have to be "perfect"?
- What is the need for aerial photos...that is an invasion of privacy?
- Why are old people being harassed by not being able to park their little vehicles?

3:07:03

PARKVIEW CORNER –
REQUEST FOR
EXTENSION –
PRELIMINARY
(Agenda item moved
forward by Council
Approval)

(Written Request form Eric Allen, developer, to the Council, dated 11/30/09)

"RE: Park View Corner Extension
11/30/09

Dear Mayor and City Council of Elk Ridge:

On December 9, 2008, the City Council gave Preliminary Plat Approval for a 7 unit Senior Housing Community named Park View Corner. Our understanding is the approval is in force for 12 months from the date of approval. We request an extension of this approval for an additional 12 months."

Eric Allen: He stated that they did not get continue toward final due to the economic problems; he did not want the lots to sit there and not sell. There has been no response to their advertising. They are simply waiting for the market to come back. They are optimistic that they can move forward in the next year.

Raymond Brown: To Mr. Allen's credit, he has kept the weeds down on his property.

Nelson Abbott: He reminded Mr. Allen that there can only be one extension granted and that is all.

NELSON ABBOTT MOVED, SECONDED BY JULIE HASKELL, TO GRANT A ONE-YEAR EXTENSION TO THE PRELIMINARY APPROVAL FOR THE PARK VIEW CORNER DEVELOPMENT; THE ONE YEAR IS TO BE COUNTED FROM 12-9-2009

VOTE: YES (4)

NO (1) DERREK JOHNSON

There was concern expressed about the possibility of the developer selling off the project. This has created problems with other development; the Council would like to avoid these problems.

Mr. Allen responded that he owns the land and that he anticipates staying with the project; he asked if it was a contingency for approval of the extension; the reply was that it was not.

3:20:40

ANNEXATION /
BOUNDARY
ADJUSTMENT

Mayor Dunn: (Explanation of the Annexation process)

The Mayor passed out handouts from the notes taken at a class he took at the Utah League of Cities & Towns Conference. The Mayor has been working on gathering information regarding a possible annexation that would be initiated by the City rather than a private party. The current discussion between Woodland Hills and Elk Ridge regarding the proposed boundary line adjustment could assist in this. The purpose of an over-all annexation would be to clean up the boundaries to the west and to the east...concentrating at this point on the property to the east of Elk Ridge.

Gary Hansen owns land at the corner of 11200 South and Loafer Canyon Rd. that is in the County. He submitted a petition for annexation a while ago and it was denied on the basis of "creating an island" in the County (across Loafer Canyon Rd.). The Mayor has passed the information he has gathered to Mr. Hansen and asked that he pass it along to his neighbors to see what they think. He has been doing just that.

The Mayor had a list of all the property owners that could be affected by this proposed annexation.

The Mayor is preparing letters to the property owners detailing what the proposal is and how it would affect them. There was also a copy of an email from the County Assessor's Office to the Mayor, listing the tax issues to consider when annexing land...it is actually a bit cheaper for these land owners to annex into the City.

3:25:48

NON-AGENDA ITEM

Russ Lundberg: (Was present for the Public Forum) He came back in to thank the Council for their service to The Community and to express appreciation for how the public was handled during the Public Forum.

(Annexation discussion continued)

The Mayor reviewed the maps included with the packet of information provided to the Council.

Properties under consideration:

- Property on the east of Loafer Canyon Rd.
- Upper Loafer Canyon

The Mayor asked for the Council's approval to send the information and letter to the list of property owners, so they can know of the discussion and they can decide to be a part of the action, or not..

Derrek Johnson: There is only one land owner who has requested annexation in the upper Loafer Canyon area...Harris'.

Mayor Dunn: Both Hansen's and Harris' were denied by the County. If the annexation takes place, it would clean up the boundary with Woodland Hills as well as the other parts of unincorporated land

Derrek Johnson: He prefers to wait until the new City Council is in place; to see which direction to go...then letters would not be sent out prematurely.

Nelson Abbott: (Future Land Use Map) Questioned what the zoning would be for any newly annexed land in the Loafer area.

City Recorder: Typically people hesitate to annex due to fear of fees and connections to the city systems.

The City usually accepts annexation with the land, as is...when development occurs, then the zoning can be applied.

Council Elect Youd: Why de-annex the Wallentine property; the property tax benefits Elk Ridge.
Mayor Dunn: That property lies in Elk Ridge and the east side is in Woodland Hills. There will be a road from Woodland Hills that will access the east side of the land. The lay of the land goes toward Woodland Hills
Weston Youd: He agreed with the upper portion of Loafer Canyon; but feels the Wallentine's land should stay in Elk Ridge; his road access will be through Loafer Canyon Rd. and we already provide service to that home. Typically, roads create natural boundaries.
Mayor Dunn: There is land that belongs to Don Mecham (14 lots) that is located within Woodland; but Woodland Hills is willing to give up that land...again due to the lay of the land and feasible access and serviceability through Loafer Canyon Rd.
Nelson Abbott: He questioned Elk Ridge's current ability to provide services, including snowplowing, to the area east of Loafer Canyon Rd. (Mr. Mecham's property). There is a Public Hearing on 12-10-09 in Woodland Hills regarding their proposal for an adjustment; that equation should be added to the information the Council has to consider.
Shawn Eliot: State law dictates that certain benefits must occur with an annexation; these things are typically agreed upon through an annexation agreement/development agreement prior to annexation.
Sean Roylance: Why, as a City, would Elk Ridge not want to be involved in passing along information to land owners of possible annexation? If we do not, they will be annexed in somewhere; if not Elk Ridge, then we lose control of how that land will develop.
Mayor Dunn: He reported that the feelings at the joint work session with Woodland Hills were to try to adjust boundaries in a manner that it will be beneficial to both Communities. He reminded the Council that Gary Hansen (property owner) has requested this and has been working with the Mayor on this proposal for a few months. According to the lay of the Land: anything in the Canyon and buildable on either side of the road should remain in Elk Ridge. Regarding taxes: he feels it is a fair trade to have Wallentine's home in Woodland Hills and Don Mecham's lots in Elk Ridge.
Mr. Wallentine has not been consulted regarding which Community he would prefer to be in.
Mayor-elect Lutes: He requested that the letters to the affected property owners not be sent out at this point, since the Administration is soon to change.
Sean Roylance: He agreed with Mayor-elect Lutes that the new Council will need to discuss the issues and decide whether or not to move forward; however he also agreed with the proposal to consider cleaning up the boundary line between Elk Ridge and Woodland Hills.
Weston Youd: He felt the current Council should do whatever they deem necessary until their official terms of Office are ended.
Councilmember Haskell asked for clarification on numbers 7 & 8 on page 2 of the handout, "Steps to take for Annexation". (Number 8 is slightly confusing and needed further explanation: Shawn Eliot added that when a City initiates annexation, they are not held to the same requirement in creating "islands", like a private property owner is; which is why Mayor Dunn started the whole process of gathering information.)

ACTION ON
WORK SESSION

No action on any of the Work Session items.

DRINKING WATER
SOURCE PROTECTION
STUDY UPDATE –
AQUA ENGINEERING
PROPOSAL

Mayor Dunn: The State Dept. of Environmental Quality sent a letter to Kent Haskell, dated September 21, 2009; stating that and updated Drinking Water Source Protection Plan (DWSP) was not submitted and was due 12/27/2008. The updated Plans are due every six years, starting with the original due date. The Rural Water Assoc. can assist in preparing the updated plans.
Mr. Haskell told the Mayor about the letter and got permission to ask for a bid proposal from Aqua Engineering to update the Source Protection Study. The update will amend the existing Study. The bid from Aqua is \$5,330.
Missing the deadline resulted in "points" being assigned to the City's water system...this is a negative. Once the Study is updated, the negative points will be removed.
The letter was received in September and the Mayor received it right after that. *(If the deadline was in 2008, why is the letter coming in September, 2009? Why the delay?)*
The point was made that the mandate to update information every 6 years may be within the Study itself.
Questions: Can the other wells be updated at the same time? Why are the Studies out of sync (Perhaps the Cloward Well is expected before the others due to the 2002 upgrade of that Well)?
*The Mayor will call the Dept. of Environmental Quality to let them know we are working on the update and to find out how the points will affect the City.
*Mayor Dunn will contact Craig Neeley *(Aqua) to find out if the Study on the Cloward Well can be completed by the end of December, 2009; and if the other Wells can be done at the same time. He will also call the Drinking Water Board to ask the same questions; along with asking why the letter was sent out late. Can the 12/31 date be extended?
*The Mayor will poll the City Council with the added information.

4:12:21
EXPENDITURES

General: None
A. *List of Expenditures (Check Registers) May through November, 2009:*
NELSON ABBOTT MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CHECK REGISTERS FOR CITY EXPENSES FOR MAY THROUGH NOVEMBER, 2009
VOTE: YES (5) NO (0)

MINUTES OF
CITY COUNCIL
MEETINGS

City Council Minutes of 10-27-09:

**RAYMOND BROWN MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL
MINUTES OF 10-27-09**

VOTE: YES (5)

NO (0)

2. City Council Minutes of 11-10-09:

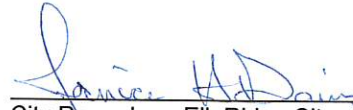
**RAYMOND BROWN MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE CITY COUNCIL
MINUTES OF 11-10-09; AS CORRECTED**

VOTE: YES (5)

NO (0)

ADJOURNMENT

The Meeting was adjourned at 10:30 PM.



City Recorder – Elk Ridge City

