

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, January 12, 2010, 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 - FORMAL OATH OF OFFICE/NEWLY ELECTED OFFICIALS

CITY COUNCIL WORK SESSION

6:10 1. Audit Presentation for 2008/2009 Fiscal Year Audit – Jones Simkins

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 2. City Council Minutes

7:10 3. PUD Discussion – Shawn Eliot

7:30 4. Web Site Presentation – Shawn Eliot

7:45 5. Acceptance of the 2008/2009 Fiscal Year Audit

7:50 6. Annual Schedule for City Council Meetings

7:55 7. Re-appointment of City Recorder and City Treasurer

8:00 8. Expenditures: (General)

A. Check Register for December, 2009

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

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

Dated this 8th day of January, 2010.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted on the City Web Site; and was provided to each member of the Governing Body on January 8, 2010.


City Recorder

Julie Haskell: Questioned the previous advice that turning the extra bond money back in would affect the end of the Bond, shortening the life of the Bond by 2 or 3 years.

Curtis Roberts: He looked into the way the Bond document was written, which was a bit different than the typical bond agreements; and discovered that the Bank actually can recalculate the payments.

- The Council was also encouraged to re-establish the 5-year Capital Improvement Plan; which lays out the City's planning five years into the future. It has been done in the past to benefit the current situation; it can be done again.

- He cautioned spending any Fund Balance at this point, until some of the taxes are submitted to the City.

City Recorder: She also reminded the Council that any "Fund Balance" in the General Fund is due to transfers in at the end of the last fiscal year; it is not "new money".

Weston Youd: He agreed that the money in Capital Projects should be left alone, if possible.

Sean Roylance: Any money saved could go back into the Capital Projects Fund to build that Fund up again.

1:00:36

**ELK RIDGE
CITY COUNCIL MEETING
January 12, 2010**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, January 12, 2010, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM**.

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 8, 2010.

7:40 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth Lutes; *City Council*: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner*: Shawn Eliot; *Building Official/Public Works*: Corbett Stephens; *Finance Director*: Curtis Roberts; *Sheriff*: Lt. Shawn Chipman & Deputy Tindall; *Public*: (Salem High School Students) Drew Christensen, Suzanna & Sammi Magoffin, Emily Holcomb & Jordan Riley; *Public*: (Deseret News) Rodger Hardy, Robin Clawson & Jim Harvey; and the *City Recorder*: Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

An invocation was offered by Mayor Lutes and Erin Clawson led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME
FRAME**

SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; MOVING APPROVAL OF THE AUDIT UP PRIOR TO AGENDA ITEM 2
VOTE: YES (5) NO (0)

**ACCEPTANCE OF THE
2008/2009 FISCAL YEAR
AUDIT REPORT**

Curtis Roberts: In the absence of Mr. Kidman, he wanted to comment that Jones Simkins is an excellent Firm with a great deal of experience with government audits; they are knowledgeable and fast, which is good for the City. They are highly qualified and thorough. He appreciates working with them and the quality of the work they do.

He will always give the Council his honest opinion.

City Recorder: She added that having Mr. Roberts services as the City's Finance Director has been very beneficial.

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO ACCEPT THE AUDIT REPORT FOR THE 2008/2009 FISCAL YEAR ENDING JUNE 30, 2009; WITH THE DIRECTIVE THAT MAYOR LUTES BE AUTHORIZED TO INVESTIGATE RESTRUCTURING THE SALES TAX REVENUE BOND DEBT WITH REGARD TO THE REMAINING \$626,000

VOTE: YES (5) NO (0)

**1:07:20
CITY COUNCIL
MINUTES**

A. City Council Meeting 12-8-09:

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 12-8-09; WITH CORRECTIONS

VOTE: YES (5) NO (0)

NON-AGENDA ITEM

Deputy Tindall: He was present to introduce Lieutenant Chipman to the Council.

PUD DISCUSSION

Shawn Eliot: (Handout to the Council, including a memo from the Planner, dated 1-12-10)

Mr. Eliot conducted a power point presentation about the proposed Planned Unit Development Code (PUD): The handout to the Council followed the presentation regarding the existing problems, why the proposed changes and the proposed Code.

One of the main problems was the fact that there are two codes in existence dictating regulations for PUD's and this led to confusion and allowed the developers to choose which of the code would be applicable.

After giving a brief background, Mr. Eliot explained the proposed Code.

Three major changes are proposed:

1. Re-write of the R-12,000 PUD Zone (Single Family dwelling)
2. Re-write of the PUD Code
3. Removal of the Large Scale Development Code

The Planner asked that the Council review the memo and the code changes in preparation for adoption at a future Council Meeting, considering the following:

(Memo from Planner)

"City Council Discussion:

1. Is the new PUD code easier to use and does it clearly explain what is desired in a PUD development?
2. Is the mix of density for amenities the appropriate mix?
3. Is the proposed R-1-12,000 zone written as a normal zone in the appropriate fashion?
4. Is moving the special zones, including the new PUD code and the MHD code out of the Large Scale Development Zone a good fit?
5. Are the changes to the MHD code appropriate?"

Handouts:

- Memo to Council from Planner
- Summary of Power Point Presentation of the Problems and possible solutions
- Proposed Code: R-1-12,000 Zone
- Proposed Code: PUD Code
- Large Scale Development: Rescind Code
- Proposed Planned Mountain Home Overlay Zone

Discussion:

Shawn Eliot: One area to focus on is the proposed areas for annexation, such as the Hansen property; what zoning would be allowed?

The General Plan does not propose that there will be anywhere except the current Elk Ridge Meadows area that would be zoned R-1-12,000 (single family dwellings). This could be decided otherwise in the future, but that is what the Planning Commission is proposing for the General Plan. The area north of Elk Ridge Meadows will be zoned to ½ acre.

There is an area within the Elk Ridge Meadows development that is zoned for twin homes or multi-unit townhomes. The current developer, Salisbury Homes, is not in favor of this any longer.

Weston Youd: The Planning Commission has "shut the door" on the types of problems incurred with the old code. The proposed code clarifies the code and gives the City the ability to require certain improvements according to the code.

Erin Clawson: Does the City still have to meet State requirements and quotas for "Affordable" housing?

Shawn Eliot: The City has enough affordable housing for now.

Sean Roylance: He is in favor of starting the zoning with larger ½ acre lots; the restrictions can always be reduced, but this is better than starting with smaller lots and going down from there.

Shawn Eliot: Only Phases 1 & 2 have been approved, with Phase 3 is the planned school...Phases 4, 5 & 6 are all subject to approvals. There is still a development agreement that stays with the land; and the City is bound to the terms contained within that agreement. One of the terms states that the City will go with the code on file in 2005 when the Elk Ridge Meadows Development began.

Discussion of the proposed "Overlay Zone" and where it could be applicable.

- Large Scale Development: There is not need for this zone; it is written into the PUD Code and other overlay zones. The Mountain Home Development code is less than adequate and should be re-written at some time; it is not part of the code coming forth at this time.

*Note: On the County parcel maps, the Recreation area is considered one parcel with cabins built on it; but it only has one tax ID number. The parcel is owned by Loafer Canyon Recreation Association.

Mr. Eliot felt the proposed PUD Code changes should be ready for adoption by the next Council Meeting, unless the Council's review brings up any other issues (Councilmember Youd agreed that it is ready for adoption).

1:38:28

CITY WEB SITE
PRESENTATION

Shawn Eliot: The City Web site is changing over to a new format. Councilmember Roylance and Shawn Eliot have been working on the web site. Councilmember Roylance demonstrated the proposed changes to the previous Council. The site has been refined and is nearly ready to be utilized. Mr. Eliot presented the site to the Council as it stands at this point. There is a bit more to address before it is ready for use. Mayor Lutes would like the site usable as soon as possible.

*It is to be decided who the "web Page Manager" will be.

**The Mayor will be the "Content Manager".

***Weston Youd: GAP analysis by Thursday (It was not clear if it was 1/14 or 1/21).

2:00:59

ANNUAL SCHEDULE
FOR CITY COUNCIL
MEETINGS

ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE CITY COUNCIL MEETING SCHEDULE AS PRESENTED; WITH MEETINGS SCHEDULED FOR THE 2ND AND 4TH TUESDAYS OF EACH MONTH OF 2010; WITH THE EXCEPTION OF NOVEMBER AND DECEMBER WHEN THERE WILL BE ONLY ONE MEETING ON THE 2ND TUESDAYS, DUE TO HOLIDAYS

VOTE: YES (5)

NO (0)

RE-APPOINT CITY
RECORDER &
TREASURER

Annual Appointment:

SEAN ROYLANCE MOVED, SECONDED BY WESTON YOUNG, TO RE-APPOINT JANICE DAVIS AS THE CITY RECORDER AND LINDA COOPER AS THE CITY TREASURER

VOTE: YES (5)

NO (0)

NON-AGENDA ITEM

**Appointment to SEDS Board:*

Mayor Lutes: Mayor Lutes was informed that the position of the City Representative to the SEDS Board is an appointment by the Mayor; he discovered that this is not the case, as stated in the SEDS By Laws...it must be a City Council appointment. This will be by vote at the next Council Meeting. It is proposed to appoint Corbett Stephens as the representative.

2:06:50

EXPENDITURES:

General:

The purchasing policy was explained to the new Council. Initially, all expenditures will be approved by Mayor Lutes.

Sean Roylance: He would like to have long cords for laptops to be able to present information on the screen in the Council Chambers from the Council table. This was agreed to.

Councilmember Roylance wanted to know if having laptops at the Council table would be a problem. (No, they would not present a problem.)

Check Register for December, 2009:

SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY'S CHECK REGISTER AND PAYROLL REPORT FOR DECEMBER 2009

VOTE: YES (5)

NO (0)

2:08:18

NON-AGENDA ITEM

Corbett Stephens:

1. **Loafer Canyon Well:** The City's plan is to make the Loafer Canyon Well the City's primary source of water. This is almost a reality at this point. Part of making this happen is to not use the Cloward Well or the Fairway Booster and not pay the demand charges or usage fees and still be able to exercise those pumps. If these lines are not used, the water grows stagnant and this is not good for residents. Exercising the pumps is a part of this. SEDS agrees to allow the City to exercise pumps at off-peak times at no charge. This could result in a savings of about \$1,000/month for just the Cloward Well and about \$400/month on the Fairway Booster. An agreement will be drawn up.

2. **Hydro-electric Plant:** SEDS is in the process of developing a hydro generation plant up in Spanish Fork Canyon. This does not mean a great deal to Elk Ridge as an entity; but as residents, it could mean savings on rates. This is in conjunction with the CUP Project.

3. **Mountainland Supply:** One of the things that will contribute to the power bill decreasing while still being able to exercise the pumps (keeping water lines fresh) has to do with the line that comes off the Booster Station. When the Booster Station is not used, there is a long section of pipe where the water does not move. There is a way to open valves and allow the water to flow back up the pipe and keep it moving and fresh without turning on the Booster Station. With a valve in that 4th position in the Booster Station, the Fairway tank can be kept full and the water in the line would be kept fresh. He has contacted Mountainland Supply to get a price on this valve. He will provide this information to the Council. Filling the Fairway Tank from the Hillside Tank; which is filled from the Upper Tank...all from the Loafer Canyon Well...saves the City on electric charges.

(Comparison of power billing for December) Actual Costs vs. what costs could have been had the system been fed by the Loafer Canyon Well:

Actual costs: Nearly \$3,200 Costs could have been: \$1,200

4. **Dugway Well:** It has been turned off for now; if we turn it back on, the casing would have to be flushed out.

2:22:53

VOLUNTEER
PROJECTS

Mayor Lutes: There are many residents who want to assist the City through volunteerism. One focus is the City Office: The decor and carpeting, etc. need to be cleaned up and made presentable. Councilmember Clawson has offered to head-up the volunteer effort; to keep it organized. Ed Christensen came forward to volunteer time and equipment. Service lists will be utilized and donations accepted; and there will be recognition of those participating.

This will benefit the City and improve the atmosphere of City Hall.

City Recorder: Receipts for tax write-offs can be given in exchange for tangible items or cash donations (over \$200); but not time or labor. The tangible items can be receipted but no monetary value can be placed on the receipt.

Sean Roylance: He suggested the City web site be used for forms and advertising. (Councilmember Clawson responded that this had been discussed.)

2:31:39

NON-AGENDA ITEM

Mayor Lutes recognized Jim Harvey in the audience and allowed him a bit of time to address the Council with his on-going issues regarding the nuisance code:

Mr. Harvey was concerned that the new Council continues their consideration of the perspective of those citizens who came into the last City Council Meeting to have their comments heard regarding the nuisance "findings" and letters received. The issues are still on the people's minds and these families are hoping that the code will be reviewed and possibly changed. It is felt that the code was adopted without proper warning to the people, though it may have been considered "legal".

Will the code be changed or will certain citizens that are currently in violation of the current code be fined? He feels that there has been a division between these people and they way they view their City Government. People have done things a certain way for years, now it is not okay.

The Mayor commented that this is simply an issue of how the code is enforced.

Sean Roylance: He feels the Nuisance law should allow proper enforcement when problems arise. People need to be educated; and perhaps a kinder, gentler approach could be used to approach those out of compliance. Nothing is done in a "sneaky" manner; perhaps enforcement could be done differently but there was nothing "subversive".

City Recorder: Since a public hearing is not required to change a municipal code, why not change the code at least in the area of allowing one item in the front of a lot; as well as the issue with garbage cans being out all night prior to pick-up day? Why have code where these citizens are classified as being "out of compliance"? Why leave it to "opinion"?

Mayor Lutes: Perhaps the code could be re-written in time; but he felt issues could be handled through a simple lack of enforcement.

Weston Youd: He disagreed. He feels that laws should be enforced uniformly, not arbitrarily.

Mayor Lutes: He added that judgment should be exercised in enforcement, particularly on minor violations. Example: Police, when they ticket someone...that one officer cannot catch everyone; so he makes an example of one. Then the hope is that others will learn from that example.

Weston Youd: If there is code that is "unenforceable"; then change the code.

He understood from the last City Council Meeting, that there were two things to take action on:

- explore the option of an additional step in notification
- addressing the issue of having a trailer on an interior lot

Erin Clawson: There has been a code for some time; as she understands, this has been an enforcement issue and clarifying the process of enforcement. She quoted, "A democratic republic needs patriotic citizens who are fulfilling their responsibilities as well as claiming their rights". She made the point that the Council has a responsibility to *all* of the citizens.

Mayor Lutes: The Mayor asked that a list of concerns be submitted by Mr. Harvey for consideration; those issues will be considered, though he is not sure exactly when since he has a great deal to do as a new Mayor. He does understand that the issues need to be resolved; he asked that all be patient.

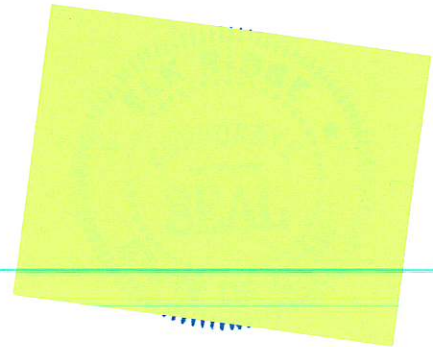
The Mayor plans on sorting through the code and re-writing parts, if necessary; then he will present it to the Council for review and suggestions.

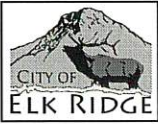
ADJOURNMENT

At 8:55 PM, the Mayor adjourned the Meeting.



City Recorder





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AMENDED NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, January 26, 2010, 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. Updates – Corbett Stephens
 - A. PRV Replacement
 - B. Energy Grant Application
 - C. Rocky Mountain Subdivision, Plat B – Durability Retainer Release
 - D. Water System Telemetry Upgrade
- 6:20 2. Proposed Code Changes: (Planner – Shawn Eliot)
 - A. PUD Discussion
 - B. Storage of Junk & Debris
 - C. Conditional Use Notice Requirement

Invitation to the City Council from the Planning Commission to attend the Open House for the General Plan
General Plan - Open House with Planning Commission scheduled for February 11, 2010
- 6:50 3. Volunteer Projects – Erin Clawson

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. City Council Minutes
 - 7:10 5. Action on Code Changes:
 - A. PUD Code
 - B. Storage of Junk & Debris
 - C. Conditional Use Notice Requirement
 - 7:40 6. Rocky Mountain Subdivision, Plat B – Release of Durability Retainer
 - 7:45 7. Discussion/Change in Terms for Sales Tax Revenue Bond – Mayor Lutes
 - A. Schedule Public Hearing to be in conjunction with Budget Public Hearing
- Authorize use of Bond money to pay down the Bond
 - 8:00 8. Appoint City Representative to SESD Board
 - 8:05 9. Expenditures: (General)
 - A. Purchase of Anti-cavitation Trim
 - B. Water System Equipment & Reallocation of Capital Outlay
 - C. Volunteer Projects – Approval of Initial Expense – Mayor Lutes
 - 8:10 10. Nuisance Discussion
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 25th day of January, 2010.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted on the City Web Site; and was provided to each member of the Governing Body on January 21, 2010; & a 2nd Amended Agenda on 1-25-2010.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
January 26, 2010

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 January 21, 2010 & an amended Agenda on 1-25-10.

6:00 PM -

CITY COUNCIL WORK SESSION

ROLL

Mayor: Kenneth Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson (Absent: Sean Royslance); *Building Official/Public Works:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* (Salem High School Students) McKade Wait & Ryan Rowley; Ed Christensen & Paul Eddy; and the *City Recorder:* Janice H. Davis

UPDATES -
CORBETT STEPHENS

1. PRV Replacement (Solenoid valve replacement at Hillside Tank)

Explanation from Corbett Stephens: "This valve was installed approximately 16 years ago in an application that was ultimately the cause of the failure. With an inlet pressure in excess of 110 psi and an outlet pressure of less than 10 psi, cavitation will occur and ultimately destroy the valve again, as it did. The PRV that was de-commissioned at the intersection of Escalante and Park was used to replace the failed body at the Hillside Tank. There still needs to be anti-cavitation trim installed in this valve to prevent the same type of failure in the future, especially with the increased use making the Loafer Canyon Well the primary source. The quote from Mountainland Supply for the anti-cavitation is \$1,675.00 plus freight."

Mr. Stephens explained the water damage within the valve referred to above and showed slides of the corrosion. The anti-cavitation trim would slow the flow of water within the valve. The corroded valve was replaced at the Hillside Tank. To replace the valve, it was necessary to borrow certain parts from Woodland Hills. He recommended the purchase and installation of the anti-cavitation device to prevent this kind of corrosion in the future.

2. Energy Grant Application: "On the 18th (January) we met with Norman Harrison, of Progressive Power Solutions, to finish the grant application started by Mayor Dunn. This grant, if awarded, would provide the City with approximately \$183,000 to make upgrades to the City building, Cloward Well and the Loafer Canyon Well. The upgrades will include photovoltaic (solar) panels on the City building and Cloward Well, lighting upgrades to the City building throughout, and a new "Variable Frequency Drive" (VFD/soft start) to the Loafer Canyon Well. Our participation commitment, if awarded, would be the contribution of the rebate amount from Questar Gas on the unit heater replacements in the shop area and fire bays; and then the annual reporting to the State of the annual energy comparison after upgrades. This reporting is already started for the grant and the monthly numbers for gas consumption and kilowatt-hours. We did not commit any cash from the City."

Initially, Progressive Power Solutions contacted the City to inform us there is grant money available; they offered to write up the necessary documents for the grant application and submit the application for the City. If the Grant is awarded, they want to do the electrical work involved. If the City decides to hire another company, then the City would be billed by Progressive for the time involved with the grant application; if Progressive does the electrical work, they would not bill the City for preparation of the grant application. Progressive's prices are comparable with other similar companies.

Information regarding awards for the Grant should be available by April 1, 2010.

3. Rocky Mountain Subdivision, Plat B (Release of Durability Retainer):

"The developer has opted to allow us (City) to complete the required collars for the remaining valves and manholes. It would require Council approval to do this work in-house. The developer has agreed to cash-in-lieu funds, to satisfy contractor's bids, and I feel that we could do the work for less and be sure that the work is done as per City standards. I anticipate the work to take less than 8 hours for Wayne and myself, and the concrete would cost approximately \$150.00. We have the backhoe and the jackhammer to cut the asphalt and haul off the spoils." (\$1,950 for 5 water valves and 2 sewer manholes.)

Mr. Stephens cleared this concept of cash-in-lieu of actual installation of the repairs with the City Engineer, Craig Neeley. After the cash-in-lieu funds have been received; then the balance of the development bond can be released to the developer. There will also be \$1,500 held out of the bond to cover the utility trench and the durability time period is to be extended for an additional year because the developer did not call for inspections.

4. Water System Telemetry Upgrade:

A. Scada (telemetry) Upgrades: "The existing telemetry system only utilizes three of the four alarms. There are no alarms for power failures, intrusions, pump failures, etc. The following proposal will certainly allow for better monitoring of the water systems using alarms with increased specifics. This upgrade includes a pc based dialer that gives the capacity of unlimited alarms as well as ease of programming. Upgrades also include required expansion of existing hardware in some locations as well as salvaging the system used on the old Cloward Well and using it at the Oak Lane Booster Pump. SKM proposal: minimum \$7,400 to \$9,000 plus; with the addition of hatch switches, temperature sensors, etc. The implementation of the controls to the Oak Lane Booster would come later."

Councilmember Haskell felt this request is more of a "convenience" than a "necessity".

00:16:24

Mayor Lutes responded that much of the equipment is available in the old pump house; it needs to be moved up from the pump house to be able to use it.

With the programming in this system, we would also get the controls to be able to turn the pumps on at a given time (not when the tank levels are down); this would result in a reduced rate on the power bill because of using "off-peak" hours.

The equipment is available, but needs to be re-programmed to make this happen; which would be the \$7,400 - \$9,000...this would include re-programming, additional controls, contacts, expansion to the systems in all the buildings currently. In the long run, it will pay for itself in savings (in perhaps 5 years). Just to turn the Cloward Well on, it is \$1,030 at the speed it is set at currently (80%)...at 100%, the highest demand charge has been about \$1,300 in a month. If the City can turn the pump on in off-peak hours, then SESD will waive the demand charges...the only way to control that is either manually, or re-programming the Scada system.

(To fund this, it is proposed to use part of the Capital Outlay money set aside to replace the water main on Canyon View Drive; postponing the line replacement until next fiscal year.

Mayor Lutes: Part of this is to allow the Fairway Tank to be kept full from the Hillside Tank...so the Loafer Canyon Well can service all the tanks.

Corbett Stephens: (Memo from Mr. Stephens to Council) "Solenoid Valve Installation at Fairway Booster Station: this valve installation would facilitate automatically filling the Fairway Tank from the Hillside Tank, through the booster pump line; eliminating the energy usage except for lights, heating and controls. The material required to install this valve totals \$4,076.36, *plus freight*."

00:23:19

VOLUNTEER PROJECTS - ERIN CLAWSON

Councilmember Clawson passed out folders to the Council with a summary of the status of the Volunteer Projects. The information in the packets is all subject to change as the projects take actual form. She requested Council input to determine direction for these projects.

- Councilmember Clawson submitted a sampler flier to go out with the utility bills, inviting citizens to "Catch the Spirit of Elk Ridge", by donating time, talents, tools, materials and financial support.

- She suggested initiating the Volunteer Campaign by door-to-door visits from the Councilmembers...she invited all to her home to gather.

- In the packet there was a list of various service projects that could be considered

- Recognition: Perhaps a "Service Tree" in the City Office with plaques bearing names of donors - A visual "barometer" could let passers-by know how the projects are coming along... - The process of receipting and recognition was discussed.

- Tool Drive: Donation of tools (list provided in packet)

Youth Council: She feels a Youth Council would be a great service to Elk Ridge. She has been in the process of informing herself on the benefits. This Youth Council could assist in implementing some of the service projects for the City. Councilmember Clawson is willing to be the advisor to the Youth Council for now; after it gets going for a while, the City could advertise for an advisor.

Time was turned over to Ed Christensen, a citizen who is assisting in heading up these volunteer projects.

Ed Christensen: He is offering his time and talents to assist in organizing the volunteers. He started in his own neighborhood to get an idea on willingness to participate. They started to make a list of possible projects. He feels there plenty of individuals willing to participate in various ways. Continued management of the projects will mean success.

Mayor Lutes: He suggested budgeting about \$5,000 to initiate these projects.

City Recorder: There is about \$4,800 + in Fund Balance in "Capital Projects Fund / Trails" that could be transferred over to the General Fund to get the projects started. As donations come in, these could be applied to reimburse this account.

00:42:02

The General Fund appears that it will continue to be "in the black".

Ed Christensen: Each project will be outlined, including cost estimates. Before spending money, he would like to see how much can be accomplished through volunteerism.

Erin Clawson: Donations can be specified to be applied to a particular project. A Youth Council could assist in these projects, as well as with the City's 4 of July Celebration.

Mayor Lutes: With the City Council's support, these projects can develop and be successful and all can "catch the spirit of Elk Ridge".

00:46:07

PROPOSED CODE CHANGES - SHAWN ELIOT

1. PUD Discussion: Mr. Eliot gave the applicable memos, codes and ordinances to the Council at the last City Council Meeting for review. He was hoping the Council would come with any comments or questions.

Clarification: R-1-12,000 Zone: (This is where the current PUD is) In the proposed Code, since the R-1-12,000 Zone is converted back to a normal single family zone; in the PUD Overlay Zone (proposed) multi-family units are permitted. Even though this is an overlay zone, PUD's are only allowed in the R-1-12,000 Zone.

The Senior Overlay Zone is different; it allows townhomes, duplexes, etc. These will be the City's only 2 zones that allow multi-family units, other than the Commercial Zone, which allows housing on top of the commercial units.

The Council had no comments or questions and felt prepared to vote on the proposed code later in the Regular Session.

2. Storage of Junk & Debris: This is a portion of the City's Development Code that says residents are allowed to have two items of "junk" in the front yard. This contradicts the new Nuisance Code and needed to be taken out of the Development Code portion of the City Code.

3. **Conditional Use Notice Requirement:** About 5 to 6 years ago, the State changed the noticing requirement for new subdivisions and new ordinances from 14 days to: Subdivisions - 3 days & Ordinances - 10 days. At that time, the Conditional Use Code was overlooked regarding noticing requirements; on the State level, there is not specific requirement. The recommendation of the Planning Commission is to change the notice requirement from 14 days to 3 days. Mayor Lutes suggested going from 14 days to 10 days notice; he felt 3 days was not enough time.

After discussion, it was decided to go to 10 days notice.

INVITATION TO GENERAL PLAN OPEN HOUSE

Shawn Eliot: The Planning Commission extended an invitation to all City Council Members to attend the General Plan Open House on February 11, 2010, from 6:00 PM to 8:00 PM. Mr. Eliot will supply a copy of the proposed General Plan to each Council Member.

00:57:12

ELK RIDGE CITY COUNCIL MEETING January 26, 2010

TIME & PLACE OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, January 26, 2010, at 7:00 PM;** this was preceded by a **City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 21, 2010 & an amended Agenda on 1-25-10.

7:00 PM -

CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson (Absent: Sean Roylance); *Building Official/Public Works:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* (Salem High School Students) McKade Wait & Ryan Rowley; Ed Christensen & Paul Eddy; and the *City Recorder:* Janice H. Davis

OPENING REMARKS & PLEDGE OF ALLEGIANCE

An invocation was offered by Derrek Johnson; who also led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME FRAME

WESTON YOUNG MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:05 PM

VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

PUBLIC FORUM

No one was present to approach the Council.

CITY COUNCIL MINUTES

A. City Council Meeting 1-12-10:

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 1-12-10, AS PRESENTED

VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

1:01:08 ACTION ON CODE CHANGES:

1. PUD Code:

Weston Youd: He voiced appreciation to the Planning Commission and to the City Planner for the work on this proposed code. This will be useful as growth occurs.

The Council agreed with the expression of appreciation to the Planner and the Planning Commission.

ERIN CLAWSON MOVED, SECONDED BY WESTON YOUNG, THAT IN REVIEWING THE PROPOSED CHANGES TO THE PLANNED UNIT DEVELOPMENT CODE AND THE R-1-12,000 PUD ZONE CODE, THE CITY COUNCIL AGREES WITH THE PLANNING COMMISSION'S FINDINGS THAT THE NEW PUD OVERLAY CODE AND REFORMATTING THE R-1-12,000 PUD CODE INTO A NORMAL SINGLE FAMILY RESIDENTIAL ZONE WILL ALLOW THE PLANNING COMMISSION AND THE CITY COUNCIL TO FOSTER BETTER PUD DEVELOPMENTS AND PROVIDE FOR THE RECREATIONAL ACTIVITIES THAT WILL BE NEEDED WITH A GROWING POPULATION. THE COUNCIL ALSO AGREES WITH THE PLANNING COMMISSION'S FINDINGS THAT THIS CHANGE IS IN KEEPING WITH THE GENERAL PLAN TO CREATE A VARIETY OF HOUSING TYPES AND PARK SPACE. THE COUNCIL ALSO AGREES WITH THE PLANNING COMMISSION'S FINDING THAT, WITH THE PROPOSED CHANGE, THE LARGE SCALE DEVELOPMENT CODE IS NO LONGER NEEDED AND THAT THE MOUNTAIN HOME DEVELOPMENT CODE SHOULD BE RELOCATED IN THE DEVELOPMENT CODE, WITH THE ADDITION OF AN APPROVAL PROCESS AND THE CHANGE TO STANDARDIZE ROAD GRADES

VOTE (POLL): ERIN CLAWSON-AYE, JULIE HASKELL-AYE, DERREK JOHNSON-AYE & WESTON YOUNG-AYE (4) NAY (0) ABSENT (1) SEAN ROYLANCE

Passed 4-0

1:03:34

2. *Storage of Junk & Debris:*

No further discussion.

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, THAT AFTER REVIEWING THE PROPOSED RESCINDING OF 10-12-7 "STORAGE OF JUNK AND DEBRIS" OF THE DEVELOPMENT CODE AND REVIEWING THE PORTIONS OF THE NEWLY PASSED NUISANCE CODE THAT COVERS JUNK ACCUMULATION AND DISTRESSED VEHICLES, THE COUNCIL FINDS WITH THE PLANNING COMMISSION THAT THE RESCINDING OF 10-12-7 WILL TAKE AWAY ANY CONFUSION OF HAVING CONTRADICTING CODE IN DIFFERENT LOCATIONS OF THE MUNICIPAL AND DEVELOPMENT CODES; THAT THE NEW NUISANCE CODE IS MORE APPROPRIATE IN DISALLOWING JUNK ACCUMULATION AND THE STORAGE OF DISTRESSED VEHICLES IN OPEN AREAS; AND THAT THE NUISANCE CODE IS A MORE APPROPRIATE LOCATION IN THE MUNICIPAL CODE TO ADDRESS THESE ISSUES RATHER THAN THE DEVELOPMENT CODE. THE CITY COUNCIL RESCINDS 10-12-7 OF THE DEVELOPMENT CODE.

VOTE (POLL): WESTON YOUNG-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE & ERIN CLAWSON-AYE (4) NAY (0) ABSENT (1) SEAN ROYLANCE

Passed 4-0

1:06:18

3. *Conditional Use Notice Requirement:*

When there is no State requirement, it is as stated in City code.

Changes:

- Change from 14 days to 10 days notice (not 3 days)

- Agree with recommendation to change from 200' to 300' for notice area

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, THAT THE CITY COUNCIL, AFTER REVIEWING THE PROPOSED CHANGES TO 10-12-37 "CONDITIONAL USES", AGREES WITH THE PLANNING COMMISSION FINDINGS, EXCEPT THAT THE CHANGE WILL GO FROM 14 DAYS NOTICE TO 10 DAYS NOTICE, RATHER THAN THE RECOMMENDED 3 DAYS NOTICE, FOR A CONDITIONAL USE PUBLIC HEARING. THE COUNCIL FEELS THAT 10 DAYS IS MORE IN LINE WITH THE ORDINANCE APPROVAL CODE AND STATE LAW; AND IS A REASONABLE AMOUNT OF TIME TO RECEIVE A PERSONAL NOTICE BY MAIL. ALSO, THE COUNCIL FINDS THAT CHANGING THE NOTICE AREA AROUND THE PROPOSED CONDITIONAL USE FROM 200 FT. TO 300 FT. WILL BETTER NOTICE THE LAND OWNERS THAT COULD BE AFFECTED BY THE PROPOSED USE

VOTE (POLL): WESTON YOUNG-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE & ERIN CLAWSON-AYE (4) NAY (0) ABSENT (1) SEAN ROYLANCE

Passed 4-0

1:14:03

ROCKY MOUNTAIN
SUBDIVISION,
PLAT B - RELEASE
DURABILITY RETAINER

There was a review of the exceptions to the requested release:

- \$1,500 to be held for additional year for the utility trench

- \$1,950 to be paid to the City to install collars and manholes

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, THAT THE CITY COUNCIL AGREES THAT BESIDES THE AMOUNTS LISTED BELOW, THAT THERE IS NO FURTHER FINANCIAL OBLIGATION ON THE PART OF THE DEVELOPER FOR THE ROCKY MOUNTAIN SUBDIVISION, PLAT B:

1. \$1,500 IS TO BE HELD IN DURABILITY FOR ONE ADDITIONAL YEAR, ENDING NOVEMBER 1, 2010; FOR THE UTILITY TRENCH

2. THE DEVELOPER AGREES TO PAY \$1,950 TO ELK RIDGE CITY TO COMPLETE THE REQUIRED COLLARS FOR THE REMAINING VALVES AND MANHOLES;

AND TO RELEASE THE REMAINDER OF THE DURABILITY RETAINER TO THE DEVELOPER

VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

1:17:07

SALES & FRANCHISE
TAX REVENUE BOND,
SERIES 2007 -

CHANGE IN TERMS

Mayor Lutes: Wells Fargo prepared a payment schedule based on \$620,000; with the payoff amount at \$636,895.00. The difference will be made up in the lower payment due June 1, 2010.

Mayor Lutes was authorized to move forward and secure these figures to be considered by the Council. The payoff would be scheduled for March 1, 2010.

City Recorder: The bond money, amounting to about \$627,000 will be transferred into the General Fund from Capital Projects (Fund Balance); and it will go back out in the form of the bond payment. The budgeted portion of the Bond Payment will increase due to the payoff; however, the 2nd payment for this fiscal year will decrease by about ½ and the future payments will be considerably less. The payment schedule indicates the annual payments will go from about \$141,000 down to about \$76,000 - \$78,000; this represents about a \$67,000 per year savings. The figures sent to us by Wells Fargo Bank did not have the salt shed figured into the calculations; so that needs to be adjusted.

The requisition form to be reimbursed for \$8,043 for the salt shed has been submitted.

The Council approved of the payment schedule, with the figures adjusted to account for the salt shed; with the payoff date of March 1, 2010.

The amended figures will be part of the amended budget public hearing.

1:23:20

APPOINTMENT -
SESD BOARD OF
DIRECTORS

This was discussed at the last Council Meeting; but the appointment was not on the agenda for action. This is a City Council appointed position. Mayor Lutes recommended appointing Corbett Stephens as the City's representative.

Julie Haskell: She meant no disrespect to Mr. Stephens; but she feels the City's representative should be a user of SESD power.

Mayor Lutes: He clarified that the By-laws for SESD require elected representatives to be users; however appointed representatives do not have to be.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPOINT CORBETT STEPHENS TO THE 6 POSITION OF THE ELK RIDGE CITY REPRESENTATIVE TO THE BOARD OF DIRECTORS FOR SESD (SOUTH UTAH VALLEY ELECTRIC DISTRICT)

VOTE: YES (3)

NO (1) JULIE HASKELL

ABSENT (1) SEAN ROYLANCE

NON-AGENDA ITEM

1:25:15

EXPENDITURES:

Mayor Lutes: He announced to those present that he has asked Council Member Erin Clawson to fill the position of Mayor Pro-tempore, and she has accepted the responsibility.

General: None

1. Anti-cavitation Trim:

All of the proposed upgrades to the water system will be considered one Water System Improvement Project. The items will be voted on one at a time.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE \$1,675.00 FOR THE PURCHASE OF AN ANTI-CAVITATION TRIM; TO BE FUNDED THROUGH THE FUNDS SET ASIDE IN CAPITAL OUTLAY IN THE WATER DEPARTMENT...WITH THE INTENT TO POSTPONE THE REPLACEMENT OF THE WATER MAIN ON CANYON VIEW DRIVE UNTIL NEXT FISCAL YEAR

VOTE (POLL): WESTON YOUNG-AYE, DERREK JOHNSON-AYE & ERIN CLAWSON-AYE (3)

NAY (1) JULIE HASKELL

ABSENT (1) SEAN ROYLANCE

Passed 3-1

2. Scada System Upgrades:

After Council discussion, it was decided to postpone approval of the requested upgrades until a detailed 27 breakdown of the costs is available to consider. Action will be on the next Council agenda. The Council did not feel comfortable with an open-ended estimate.

The estimate needs to include:

- intrusion alarm
- Temperature gauge

Mr. Stephens was given direction to include the items he feels are important in the detailed breakdown.

2. Solenoid Valve Installation (Fairway Booster Station):

WESTON YOUNG MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE PURCHASE OF A SOLENOID VALVE; TO BE INSTALLED AT THE FAIRWAY BOOSTER STATION; AT THE COST OF \$4,076.36 + FREIGHT

VOTE (POLL): WESTON YOUNG-AYE, DERREK JOHNSON-AYE & ERIN CLAWSON-AYE (3)

NAY (1) JULIE HASKELL

ABSENT (1) SEAN ROYLANCE

Passed 3-1

3. Replace borrowed parts (Woodland Hills) and purchase additional parts for system repairs:

The City needs to obtain parts to have on hand for system repairs. This is considered "operating expenses".

4. Volunteer Projects - Authorize \$5,000 to begin the upgrades:

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE \$5,000 TO BE ALLOCATED TO VOLUNTEER PROJECTS; TO BE REIMBURSED WITH DONATIONS, AS THEY ARE SUBMITTED

VOTE (POLL): WESTON YOUNG-AYE, DERREK JOHNSON-AYE, ERIN CLAWSON-AYE & JULIE

HASKELL-AYE (4)

NAY (0)

ABSENT (1) SEAN ROYLANCE

Passed 4-0

1:58:49

NUISANCE CODE DISCUSSION

Mayor Lutes: At the last Council Meeting, the Council discussed the possible code changes as well as conversing with Jim Harvey (resident opposed to the Nuisance Code). Mr. Harvey and the other residents opposed to the code feel that City government should not be involved in controlling what people have on their own property. The Council listened and the Mayor assured him that he would consider the issues that have been presented to the Council. Mayor Lutes also asked Mr. Harvey to submit a summary or a list of concerns. He has not done so, nor has he come in to visit with the Mayor. The Mayor asked Mr. Harvey to be patient due to the amount of business to be dealt with currently.

Councilmember Youd offered to compare the old code with the new for changes...and, according to Councilmember Youd, the only changes were in the enforcement mechanism and how they are applied.

Weston Young: The nuisance portion was the same; it has not been consistently enforced.

Shawn Eliot: The new code also clarified the definitions, which cause some of the consternation among a few residents.

Mayor Lutes: The new has replaced the old with greater specificity. The Council may want to consider some of the suggested changes.

Weston Young: He is opposed to returning to vagueness; operationally, the new code is clearer.

Mayor Lutes asked that the Planner review the options with the Council:

Shawn Eliot: (Reviewed the memo to the Council, dated 1-26-2010)

"At the council meeting on 8 Dec 2009, citizens expressed their concerns about the new code positively and negatively. The main concerns heard were ranged from, "we need to enforce the code", or "we are a country small town that shouldn't have these rules", or "residents should be able to talk to each other and not involve the city". Some like the new code as is, some would like the new code rescinded and the old code returned.

Another comment at the meeting was brought up regarding the comparison of Elk Ridge to other cities, some of which were larger than Elk Ridge such as Murray and St. George. It was stated that we are not as large as these cities and should not have rules like them. One thing to note, while these cities do have more population, commercial districts, multi-family districts, large roads and freeways, they also have single family neighborhoods that are similar to our neighborhoods.

Trailers/Boats/RVs/Junk Automobiles in Front Setback

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

1. About 80% of the 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 that 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 this ok?

Options (Heard from the comments from the Council and the public)

1. Revert back to old code completely and don't classify any nuisances.
2. Keep current code; just remove the storage of trailers/boats/etc. section.
3. Keep new code and clarify some areas of concern found in this first round of nuisance issuances.
 - a. Should storage of a trailer, boat, etc. in the front yard setback be allowed, period? (All lots instead of just corner lots).
 - b. Where in the front yard setback can these items be stored (graveled area, cement pad, adjacent to the driveway only, anywhere in the front yard).
 - c. How close to the street can they be stored (closer to home than street, out of ROW, or just a measurement from the street like 10 or 15 feet?
 - d. If not to allow one item in front yard setback, can a portion of a stored item on the side of a dwelling stick out into the front yard setback? More behind the dwelling than in front? A measurement in front of the dwelling like 10 feet?
 - e. For home owners within the 2 year window of installing front yard landscaping, should the city allow for items to be stored in front yard setback because fencing or cement/gravel driveway pads are not yet installed?"

The question for the City Council was whether to revert to the old code or keep the new code and refine it. Mr. Eliot reminded those present that storage of "junk" is in another part of the code.

Councilmember Haskell felt we should keep the new code, but refine it; in fact, the Council agreed.

Any directions from the Council still had to be placed in ordinance form and brought back to the Council for approval.

Direction from the City Council regarding the options listed in the memo from the Planner: 1.

Do not revert back to the old code.

2. *No*; there will be a limit on the number of items...the code does allow for trailers/boats/etc. while in use.

3. Keep new code with clarifications:

- a. Storage of items allowed on all lots (interior & corner)? (Yes.)
- b. Where in front yard? After discussion, *the general direction was that items could be stored on both sides of the yard, on some type of a permanent surface; but not in landscaped areas.*

The point was made that only one item could be stored, so they would not be parked on both sides of the driveway.

c. How close to street? *Stay out of the Right-of-way.*

(There was a suggestion to have the City provide storage space for RV's etc. that residents could rent. Liability is costly and the point was made that people would not want to reside by an area like that; nor would it be good to have a space like that by the golf course.)

(Questions c & d overlapped a bit in discussion.)

d. Councilmember Youd feels that residents make a choice as to what their priorities are: if they choose to install a structure that forces them to place their stored item in the front yard, then they choose to store that item somewhere besides their lot.

Corbett Stephens brought up the perspective of enforcement; would it become a judgment call as to what would have to go? Since the code allows one item in the front yard, would judgment be too subjective? The code has to be enforceable.

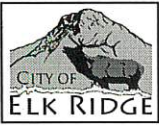
The opinions were split; Councilmembers Youd & Johnson agreed that the item should be stored on the side if possible...with Councilmembers Haskell & Clawson feeling it is reasonable to allow one item in the front yard, regardless.

The Mayor recommended allowing one item in the front yard regardless of what structure is to the side of their yards.

Stored items must stay out of the ROW.

e. Items stored during 1st two years; before landscaping requirement is enforceable?

It was felt that the owner should submit a plan and the City would work with the owner. The Council felt the City should not be as strict during the 1st two years; however, items should be stored on gravel or cement pads.



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, February 9, 2010, 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. City Council Assignments:

City Council Updates on Assigned Areas:

A. Sean Roylance - Planning & Zoning & Web Site

B. Julie Haskell – Public Safety

C. Derrek Johnson – Parks & Celebration

1. Use of Park Impact Fees

D. Weston Youd – Water & Sewer

1. Water Rights Update

2. Report - Legislative Session

E. Erin Clawson – Volunteer Projects

1. "Catch the Spirit" (Volunteer Breakfast) - Update

2. Report - Legislative Session

2. Nuisance Code Discussion – Shawn Eliot & Mayor Lutes

Other Business

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 3. City Council Minutes

7:10 4. Scada System Upgrades (Telemetry) – Corbett Stephens

7:30 5. Expenditures: (General)

A. Check Registers and Payroll for January, 2010

7:45 6. Budget Items: (General Discussion)

A. Security Fencing for Fairway Tank


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.

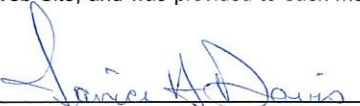
Dated this 5th day of February, 2010.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted on the City Web Site; and was provided to each member of the Governing Body on February 4, 2010; & an Amended Agenda on 2-5-2010.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
February 9, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, February 9, 2010, 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 February 4, 2010 & an Amended Agenda on 2-5-2010.

6:00 PM –

CITY COUNCIL WORK SESSION

ROLL

Mayor: Kenneth Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson & Sean Roylance; *Building Official/Public Works:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* Rodger Hardy (Deseret News), Christina Larsen, Cathie Ogden, Ryan Haskell; and the *City Recorder:* Janice H. Davis

CITY COUNCIL
UPDATES –
ASSIGNED AREAS

Julie Haskell: (Public Safety) There is nothing new to report currently. The Special Service District (UVSSD) will be discussing budget in about another month.

Police: It is also too early to report anything for the Sheriff's Dept. for next fiscal year. Council Member Haskell will submit those figures as soon as she has them.

Mayor Lutes: He reminded those present that there should be no tape or tacks stuck into the newly painted walls. For the General Plan Open House on Thursday, easels or special tape could be used for maps. (The Planner was consulted when he arrived at the Council Meeting.)

Eventually the maps will be framed and up on the walls.

Derrek Johnson: (Parks & Trails)

- Park Impact Fes: He proposed adding to the playground equipment; using Park Impact Fees for funding. There is a certain amount that must be spent by 2011: \$10,853.21 must be spent due to the 6-year limit on Impact Fees...\$7,877 has been spent (ball field dirt and flag pole projects). So, \$2,976 is the balance that must be spent by 2011; however, he would like to spend more on various upgrades to the City's playground area: slides, more swings and other equipment to make the playground more enjoyable. He would like to be proactive in keeping the area safe and useable.
- There was a suggestion to have citizens who donate to the Park area earn a plaque with their name on it...this would be another way to off-set the costs.
- This is all in the discussion phase and would need to be planned, costs gathered and approvals obtained.
- City Celebration: Council Member Johnson wanted to know if the Council still wants to have the annual City Celebration and, if so, how big or an event should he plan for?
Council Member Roylance mentioned the idea of a movie (this was discussed last year and it was decided it would be too costly); he thinks there could be a way to even generate some revenue from this activity.
 1. Perhaps businesses could donate toward a movie in the park
 2. Fund raiser/movie event could be successful
 3. Even if the City does not quite break even, he feels it is money well spent for this type of interaction with the Community.

Concerns:

- The system must be large enough for many to see (equipment is costly)
- The movie rights are also expensive (Disney is out of the question)
- Sponsors are difficult to get, particularly since some already donate to the Carnival and the Parade
- Some cities are even cancelling their celebrations due to costs and budgets

Council Member Johnson's recommendation is to have the Celebration; he just needs direction regarding events and budget. Last year precautions were taken to save money where possible. The helicopter drop was donated and he provided rides for \$20, which is a really good deal.

*He will start getting things reserved and ordered.

City Recorder: The budget starts out at about \$3,000; perhaps this amount needs to be increased by about \$2,000. Since there is a little extra fund balance projected, this would not be a strain on the General Fund budget.

The Council agreed that the Celebration should be provided for.

Derrek Johnson: He would like to see some of the playground upgrades implemented prior to the City Celebration.

Julie Haskell: She would like more information about the plans for moving equipment and changing the playground area around. She reminded the Council that the current walls were installed as an Eagle Project by her son.

0:21:05

Weston Youd (Water & Sewer):

- Water Rights: The City is in the process of closing on an exchange with Spanish Fork for 19 acre feet. This exchange began some time ago and is coming to a close. According to water right consultant, Tony Fuller, those rights will be available for the cash-in-lieu program immediately after the closing.

City Recorder: Mr. Fuller should be asked if the water rights have cleared the State transfer process, which can be lengthy at times.

*Councilmember Youd will check with Mr. Fuller.

- Legislative Session (Report):
 1. One portion dealt with water rights exchanges
 2. They are also dealing with public employee retirement (ULCT focus)
 3. There was a change in land use notification from 3 days to 10 days; so the City is ahead of this since we have changed to 10 days already.

There was not a great deal of business that would be affecting Elk Ridge directly.

Erin Clawson: (Volunteerism) The Project of remodeling the City Hall is moving forward with painting, carpeting, tile & tools. The first cash donation came in.

She would still like to host a breakfast for the City Council prior to them all going out door-to-door to spread the spirit of volunteerism to the citizens and to deliver fliers. The Council will check their schedules for 2-20-2010 (Saturday morning) and get back to Council Member Clawson. She would like to meet at 9:00 AM and plan to go out in the City by 10:00 AM.

(Council Member Johnson has heard many positive comments about the new Newsletter.)

Sean Roylance: (Planning Commission & Web Site)

- Web site: It is up and available as of the previous Wednesday (2/3/10). There is still some work to do.
- The Athletic Director for the City, Kara Cook, contacted Council Member Roylance regarding the possibility of having a link on the web site to her blog she has dedicated to announcements regarding the City's athletic programs. Council Member Roylance suggested considering allowing her access to one page of the Web Site that she could use for the City's Sports Programs.

After discussion, the suggestion was made to train her on what is appropriate for the Web Site and to allow her access. According to Council Member Roylance, if there is anything that is not proper for the site, it can be removed fairly easily. The City Web Site does not allow the same freedom for return comments as Mrs. Cook's blog does; this is another advantage in allowing her access to a Web Site page.

Shawn Eliot: (General Plan Open House) He plans on bringing easels to the Open House for the maps to be on display; the maps will be on "foam board". He does not need the projector for the Open House.

Sean Roylance: He feels the proposed General Plan is useful and well-done.

Shawn Eliot: The Planning Commission sees the Open House as a joint session with the City Council; so comments and questions are welcome.

The Planner does not expect representatives from Payson City to be at the Open House; though they are concerned that annexation of the Haskell property is in the General Plan. The Mayors of the two cities, the Planners and the Payson City Manager are to set a date to meet and discuss this further. There is an inter-local agreement in place regarding annexations that needs to be addressed.

0:51:58

NUISANCE CODE DISCUSSION

Mayor Lutes: The Mayor did not feel discussion on this proposed code would be productive at this point. There has been much going on in the office and he would like the chance to review the proposed code thoroughly before any more in-depth discussion.

Derrek Johnson: Council Member Johnson questioned what the concerns were; from his perspective there were just a few things to review. *(Mayor Lutes explained that he is the one that needs the time to review the document further.)*

Weston Youd: Council Member Youd wanted to make sure that the Council does address this proposed code at the next City Council Meeting. The City needs to ready with solid code that is understandable and can be managed properly.

Sean Roylance: Council Member Roylance is concerned with the possibility of allowing one item to be stored in the front of a house; how does the City reach a balance between those that have made an effort to comply, as well as those who could comply with the code as it is currently. He feels it would be a step backward if the code allows everyone to store an item in the front yard. He is having difficulty finding a balance between trying to be lenient and all the good that has been done in cleaning up the City. Allowing one item "undoes" the effort of the 80% that did comply by placing the item to the side of their homes. How would the City approach them?

Mayor Lutes: The decision at the last Council Meeting was split on this issue.

Shawn Eliot: His interpretation of the direction that was given was that the code would allow for one item; but it would also encourage residents to park the item to the side of their yards if possible...and that the one that is allowed in the front would have to be parked on either cement or gravel or a place dedicated to storing these items that is not in the right-of-way (ROW).

Many of the notices went to people with multiple recreation-type vehicles in their yards; a few had just one item, so he did not feel allowing one item in the front yard would result in too great an impact on those with violations.

*Mayor Lutes: The Mayor encouraged the Council to think about these concerns and to be prepared to address the proposed code at the next City Council Meeting.

0:57:36

OTHER BUSINESS

There was no "Other Business" to take care of.

ELK RIDGE
CITY COUNCIL MEETING
February 9, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, February 9, 2010, 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 February 4, 2010 & an Amended Agenda on 2-5-2010.

7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth Lutes; *City Council:* Julie Haskell, Weston Youd & Erin Clawson & Sean Roylance (Absent: Derrek Johnson); *Building Official/Public Works:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* Rodger Hardy (Deseret News), Christina Larsen, Cathie Ogden, Ryan Haskell; and the *City Recorder:* Janice H. Davis

0:59:46

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Council Member Weston Youd; who also led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

The Meeting started on time and there were no adjustments to the Agenda.

PUBLIC FORUM

Ryan Haskell: Mr. Haskell's family owns property (about 6 acres) in the Goosenest area by the Dan Shaw Arena. Their family would like to install some storage units in the area; he wanted to know if the City Council would be interested in even considering this type of project in that area. It is more particularly located by Payson's Golf Course shed; close to Hal Shuler's property.

Weston Youd: That would require a re-zone of that area.

Mayor Lutes: The Mayor requested more detail from Mr. Haskell prior to the Council considering his proposal; they were not prepared to react to his request for an opinion at that point.

Sean Roylance: He was interested to know if there would be revenue opportunities for the City with this type of project; some businesses bring in commercial tax revenue and some do not. In the past the City has been interested in commercial projects.

Ryan Haskell: He wanted to know if there were oppositions to this proposed project; if not, he said he would begin the process with the City Planner and the Planning Commission.

(Mayor Lutes questioned Mr. Haskell's direction at this point in talking with the Planner.)

1:04:22

CITY COUNCIL
MINUTES

A. City Council Meeting 1-26-10:

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 1-26-2010; WITH CORRECTIONS

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

1:06:24

SCADA SYSTEM –
(TELEMETRY SYSTEM
UPGRADES

At the last City Council Meeting, Mr. Stephens was given direction to provide more detailed information regarding the proposed telemetry upgrades. He was asked to present those at this Council Meeting.

Corbett Stephens: *(As these are important issues, the minutes will quote from the memo to the City Council from Mr. Stephens)*

"The telemetry for the City water system is outdated and only has basic functions, e.g., tank levels and turning pumps on and off. With three tanks, two wells in use, and three pump houses, from 11200 South to the Loafer Canyon Recreation area, we need to update our telemetry to minimize our risks to the water system; in addition, our ability to minimize our water electric bill by properly managing these resources will return our investment in less than a year.

These upgrades will facilitate making the Loafer Canyon Well our primary source of water and automatically fill the Fairway tank from the Hillside tank, thereby minimizing the use of the Cloward Well and saving over \$50,000 in annual electricity charges.

To give us what we should have to safeguard and operate our system under normal conditions, we *(specifically Mr. Stephens recommended)* recommend authorizing \$8,756 for the upgrades. This will allow the system to call us *(Public Works Employees)* with alarm messages when there is an intrusion into the pump houses or tank hatches, when temperatures or tank levels are out of limits, and when pumps are not performing as expected.

Since we already have about \$9,000 worth of telemetry that will be moved to the City office to facilitate the upgrades already mentioned; the old telemetry can be used to automate the Oak Lane booster, which is currently only operable manually. In the event of a failure or high demand, time is of the essence in preventing situations where the tanks run dry. To include this now would cost an additional \$3,500.

To best utilize all of the equipment we now have, automating the Oak Lane booster would be prudent. We recommend authorizing both amounts - \$8,756 and \$3,500 for a total of \$12,256. Our capital outlay account can easily accommodate this amount, and our 2010/2011 budget anticipates replacing the funds used.

Future considerations could include:

- Implementing seismic valve response, which would shut off valves at the tanks in the event of line failure associated with a seismic event.
- Installation of an electronic flow meter at Well #7 that would allow monitoring of the well drawdown and facilitate pumping in the most cost effective manner.
- Web access that would allow programming changes remotely to save the expense of "on-site only" programming."

Mayor Lutes: The Mayor feels it is important to consider the seismic issues and try to prepare for any activity as much as possible.

Corbett Stephens: The decision to think about is how much risk the Council is willing to live with. He reviewed the points made in his memo. Individuals prepare for disasters by storing water; the City should do the same. Dwayne Curtis (SESD) has admitted that, in an earthquake, their main priority will likely not be Elk Ridge...how long would the City be without power to run the pumps? If a line were severed, the tanks could drain quickly. Having water available with or without a disaster is important.

Mayor Lutes: This can be further researched for future consideration. Most of what is needed, the City has; the sensors and motors to turn the valves would not be included at this point.

Julie Haskell: Council Member Haskell still feels automating the system is an unnecessary expense for the City; the dialer can call and the problem could be checked out manually.

Mayor Lutes: The Mayor pointed out that the dialer would not call with security or temperature issues due to the lack of the required software.

There was further discussion about the flow of the system and how automation would benefit the City.

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE \$12,256.00 FOR THE PROPOSED TELEMTRY UPGRADES

VOTE (POLL): ERIN CLAWSON-AYE, SEAN ROYLANCE-AYE & WESTON YOUD-AYE (3)

JULIE HASKELL-NAY (1)

ABSENT (1) DERREK JOHNSON

Passed 3-1

1:21:49

EXPENDITURES:

General: None

1. *Check Registers & Payroll for January, 2010:*

SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CHECK REGISTER AND PAYROLL REGISTER FOR JANUARY, 2010

VOTE: YES (4)

ABSENT (1) DERREK JOHNSON

1:25:35

BUDGET ITEMS –

GENERAL DISCUSSION

1. *Security Fencing for Fairway Tank:*

Installing a security fence has been part of finishing up the Fairway Tank Project. Originally, the fence was to just go around the tank itself, but the current proposal would be to surround the area with fencing to better protect the tank.

According to figures provided by Corbett Stephens, the linear foot estimates are at approximately \$13 per foot.

- Fence entire property with gate at end of road easement...1,800 linear feet of 6' fence with 1' of 3 strand barbed wire on top. 2 7/8" end posts, 1 7/8" line posts, 4" gate posts, 1 5/8" rail, 16' gate & 9 gauge wire. All posts and rail are schedule 40.

Bids: American Fence: \$27,875

Bar T Fence: \$24,950

United Fence: \$24,200

Paulsen Fence: \$24,142

Recommended by Mr. Stephens: Bar T Fence because Bar T was willing to work with the City in allowing us to purchase the material this fiscal year, using the \$10,000 already budgeted for this project and pay the balance in the 2010/2011 budget year.

Also requested: 10% contingency of anticipated bid amount to cover possible increases until the installation.

After discussion, it was decided to postpone action on this matter until the next City Council Meeting on 2-23-2010; there were certain concerns and opinions voiced:

Weston Youd: Can open space be better utilized? He wanted to visit the tank site to see where the fence would be placed.

Sean Roylance: He suggested powder-coating the fence to make it less obvious.

Julie Haskell: She cautioned having recreational activities next to the water tank; and she feels powder-coating would be an unnecessary expense.

Mayor Lutes: The Mayor feels providing security for one of the City's water sources is a priority and perhaps galvanized fencing would not be too noticeable.

**It was decided to postpone action until the following City Council Meeting.*

1:39:15

Budget Discussion: The City Recorder briefly reviewed the proposed budget figures with the Council. The Fund Balance for the General Fund is projected to increase more than anticipate at the beginning of the fiscal year. There will be a Public Hearing in conjunction with the next Council Meeting.

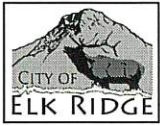
- The Fire Dept. has a fund balance for their Special Revenue Fund; rather than transferring this back into the General Fund, the Recorder suggested allowing that balance to remain in the Fire Dept. and that would eventually result in less transferred from the General Fund at the beginning of each fiscal year.

suggestion: to increase the starting point for Emergency Preparedness

suggestion: to increase the City Celebration budget by \$2,000

Mayor Lutes adjourned the Council Meeting at 7:55 PM.


City Recorder



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

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

NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, February 23, 2010, at 7:00 PM, to be preceded by a Public Hearing at 6:00 PM,** to consider an Amendment to the 2009/2010 Fiscal Year Budget; as well as a **City Council Work Session at 6:30 PM.**

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

6:00 PM - PUBLIC HEARING – PROPOSED AMENDMENT TO THE 2009/2010 FISCAL YEAR BUDGET

1. Public Hearing/To consider a proposed amendment to the 2009/2010 Fiscal Year Budget for the Operation of Elk Ridge City

6:30 PM CITY COUNCIL WORK SESSION AGENDA ITEMS

2. Nuisance Code – Discussion – Shawn Eliot
3. Fencing Update – Mayor Lutes
4. Discussion on Public Forums – Mayor Lutes

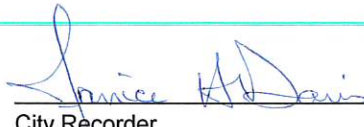
7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance Invitation
Approval/Agenda Time Frame
5. Approval of Minutes of Previous City Council Meetings
 6. Nuisance Code – Action
 7. Appointment to SESD Board of Directors
 8. Expenditures: General

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 18th day of February, 2010.



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 February 18, 2010.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
February 23, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, February 23, 2010, at 7:00 PM; this was preceded by a Public Hearing at 6:00 PM, on a proposed amendment to the 2009/2010 fiscal year Budget; and City Council Work Session items. 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 February 18, 2010.

6:00 PM –

PUBLIC HEARING – PROPOSED AMENDMENT TO THE 2009/2010 FISCAL YEAR BUDGET

Public Hearing/To consider a proposed amendment to the 2009/2010 Fiscal Year Budget for the operation of Elk Ridge City

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner:* Shawn Eliot; *Public:* Scouts: John Watson, Shad Ashton, Tyler Christensen, Ben Brimhall, Jose Bardales, Joseph M., Tyler Denning, Steven Nielson, Colton Henderson, Justin Tuckett, Mike Abbott, Caleb Frandsen & Isaac Tally; Matt Reichman (Daily Herald), M. Merrill, Kirk Denning, Rick Thayne, Nelson Abbott, Eric Rassi, Karla Adams & Lindsay Stevens; and the *City Recorder:* Janice H. Davis

Mayor Lutes opened the Public Hearing at 6:00 PM.

Discussion:

The City Recorder briefly reviewed the proposed Budget with the City Council and those present; pointing out that the "budget notes" explain most of the individual accounts. The Council Members had the proposed budget provided to them in their Council packets.

Overall, the City's finances are doing better than they have in the recent past; the cuts in expenditures have resulted in the Fund Balance in the General Fund increasing from the original figure of \$8,733 to the projected figure of \$34,782 by June 30, 2010.

The projected increase is partly due to very conservative spending as well as some added revenue; listed below are some of the larger increases:

- General Sales Tax: \$7,000 increase
- Personal Property Tax (Motor Vehicle): \$10,000 increase
- Building Permits: \$15,000 increase
- Safety Grant: 0 to \$1,078
- Road Impact Fees (due to increase in Building Permits): \$5,730
- Transfer in from Capital Projects/Trails (from unused Fund Balance in that Fund): \$4,837
- Reserve Emergency Preparedness Fund Balance (saved from previous years): \$2,041

General Fund Expenditures have actually stayed about the same as the original budget and have even increased in some areas:

- Emergency Preparedness: Increase from \$1,000 to \$4,041 (due to reserve Fund Balance and Council decision to increase the current year budget by an additional \$1,000. (The additional money is to be used to purchase radios, batteries and carry-cases. Council Member Youd asked if the radios need to be licensed...*this will be checked out.
- Postage: Increase from \$1,500 to budgeted \$2,500 (this amount will likely be reduced by the end of the fiscal year).
- Volunteer Projects: Increased from \$500 (typically reserved for Eagle Projects at \$100 each) to \$5,500 (to get the projects started for the "Catch the Spirit" effort and is covered by the transfer in from Capital Projects/Trails)
- Purchase of Equipment: Increase from usual beginning figure of \$1,000 to \$2,000 to cover the cost of the purchase of a new PC for the Planning Commission Asst. (her old one went to Public Works, since it crashed).
- Road Salt: Increase from \$10,000 to \$12,000 to cover increase in costs
- Street Repair: Increase from \$62,000 to \$79,595...to cover actual costs of repairs & maintenance; as well as an additional \$2,000 for spring repairs and fixing collars for Rocky Mountain Subdivision; this amount (\$1,950) was paid to the City by the developer.

The Council's decision to pay back the rest of the bond money (627,000) onto the Sales & Franchise Tax Revenue Bond is shown in the General Fund Budget; however, the money transfers in and then out again, so it does not really affect the General Fund totals much.

Water Fund:

The budget will reflect the decrease in Capital Outlay for the replacement of the water main on Canyon View Drive; which will be moved to next fiscal year. The current year will cover the upgrades to the telemetry system and valves in the water system.

Water & Sewer Funds:

- Impact Fees are increasing in both Funds due to the increase in Building Permits.

Much of the discussion of the budget has taken place at previous Council Meetings.

There was no further discussion.

Due to amending the Agenda, the adoption of the proposed budget was inadvertently left off of the Regular Session and will have to be carried over to the next City Council Meeting.

At 6:30 PM, Mayor Lutes closed the Public Hearing.

TANK FENCING –
UPDATE

Part of the Fairway Water Tank Project included security fencing. Cost projections have been submitted that would increase the \$10,000 budgeted amount and spread the installation of the fence out over this and next fiscal years. The Mayor, some of the Council Members and the City Planner have been to the tank site to try to determine where the fence should go and the type of fencing to be used.

There is a side issue involving the proposed fence which involves a resident on Cove Drive (close to the hill where the tank is located). Mr. Scribner lives on the cul-de-sac and has a playground area that lies on City property and is part of the open space where the tank was installed.

Issue: what to do about fencing that playground area and what to do (if anything) with that City property.

Mr. Scribner has been in to see the Mayor; he offered the possibility of the City tying into his existing fence and asked that the City leave the playground area attached to his lot. Mr. Scribner feels there has been a hardship placed on him in that he did not have the fact that the City owns the land disclosed to him prior to him purchasing the lot; and he was not aware of the City's plans to install the tank.

There has been no offer to purchase the land.

Shawn Eliot provided the Council with a map of the area, indicating ownership boundaries; this was reviewed by the Council and the Planner. The map shows that Mr. Scribner's play area is clearly on City property.

Shawn Eliot: He explained that when the water tank was built, the hill was not supposed to be as steep as it is and was to go down to the playground area; however, it did not and the playground space was left as it was.

Mayor Lutes: In his discussion with Mayor Lutes, Mr. Scribner expressed his desire to have a low fence around the City property to fence off the retention basins...for safety with small children.

The Mayor outlined a possible location for the fence and gate(s). Regardless of how the fencing project is completed, he does feel the tank should be fenced for security reasons. The Council will have to decide the particulars:

- Higher or lower fence
- Barbed wire on the top or not
- Location

City Recorder: She mentioned possible liability problems with a private playground on City property.

Weston Youd: He would like to determine the specific purpose of the proposed fence. If the main point is to secure the tank and pump house, then why not fence closer to the tank and pump house and keep the other property as open space, which is what the design was originally? He would also like to separate off the playground issue from the fencing issue.

Sean Roylance: He agreed that the issues should be considered separately.

1. Fencing the City property

A. Height, Color etc.

2. What to do about Mr. Scribner's playground area

Julie Haskell: She was unsure of the reasoning to take the fencing down around the entire City-owned land around the tank. She felt it would be better to fence closer to the tank and pump house.

Derrek Johnson: He was also concerned about the possible liability issues associated with the retention basins as well as the playground area.

Discussion on alternate locations for the fence followed.

**It should be determined what, if any liability issues there are.*

Weston Youd: He is more concerned about the liability around the playground area than the retention basin; there are other retention basins in the City and they are not fenced. Salem has retention basins and they are used as parks.

Sean Roylance: He agreed with Council Member Youd regarding the retention basins.

There is the possibility of any fencing being an "invitation" to mischief rather than a deterrent.

Mayor Lutes: He reminded everyone that there are guidelines from the Drinking Water Committee that must be considered. Regardless of where or how the fence is installed, there are "hardening" measures (things to make the tank and pump house more secure besides the fencing) that must be taken to assist in ensuring the safety of the City's water.

There was further discussion regarding fencing just around the tank and pump house; leaving the road and walking trail open (a locked gate was suggested); and expected uses for a 4' fence vs. a 6' fence.

Erin Clawson: She mentioned planting trees to obscure the fence.

Weston Youd: He was not sure if the budget could handle trees added to the fencing. Fencing less property fits into the budget better.

0:38:47

Mayor Lutes commented that the discussion had been useful; but any action would be taken after more consideration and discussion at another meeting.

- Generally, the Council felt the least amount of fencing located closer to the tank would be preferable.
- They were all in agreement that access to the pump house and the tank should be secured better.
- Mr. Scribner's playground area needs to be addressed before long, as well.

0:47:48

PUBLIC FORUMS -
DISCUSSION

Mayor Lutes: Public Forums:

- Does the Council feel they should be on the agendas?
- How should they be conducted?

The Mayor stated that he feels Public Forums should give the public the opportunity to voice opinions without expecting an immediate reaction from the Council.

Derrek Johnson: He agreed with Mayor Lutes; he cautioned about allowing them to go on too long.

Mayor Lutes: The Mayor shared with the Council that there are plans to re-model the Council Table; as well as making room for a small podium for citizens to approach the Council in a more formal manner.

City Recorder: She shared that she attended a Salem City Council Meeting where a ½ hour public forum was allowed. Though the topic was a controversial one, the public that spoke were allowed three minutes to speak from a podium; then they sat down. There was no immediate response from the Council Members at the time. It was respectful and orderly.

Weston Youd: He feels the Council should be "exposed to the constituents at all times". He also agrees that there should be structure involved in the approach to the Council. He would like to be able to discuss issues with the public, perhaps outside the Council Meetings; but the Public Forum allows a way to become aware of the issues.

Julie Haskell: She agrees that the public should feel like they have a voice with the Council.

Erin Clawson: She also felt the public should have access to the Council.

0:53:30

NUISANCE CODE – DISCUSSION

Shawn Eliot: The City Council requested that three items be adjusted in the proposed Nuisance Code; these include:

- Prohibit the storage of junk, distressed vehicles and other materials on a vacant lot or obscure from view of the street (ok if within a fenced area or structure).
- Allow for one Trailer, Boat, ATV or Recreational vehicles to be stored between a home and the street.
- Storage of these items between the home and street must be on an approved pad.

The Council preferred he simply review the "Results" listed in the memo:

(Each of the following items are considered a "nuisance")

"RESULT"

4-2-1-30-30 Parking or Storage - Distressed Vehicles

Parking or storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, or vehicle parts, outside of an enclosed structure or fenced area on premises, in the public right-of-way, on a street, on a vacant lot or parcel, or in view from a street.

4-2-1-30-31 Parking or Storage - Trailers, Boats, Recreation

Parking or storage of multiple trailers, boats, all terrain vehicles, or recreational vehicles between the front or side of a residence and a street is prohibited - storage of these items in the interior side and rear yards is permitted. A total of 1 of the aforementioned vehicles can be parked or stored in the front or side yard areas adjacent to a street provided that the vehicle is located in an area improved for parking (gravel, asphalt, or cement). Parking or storage of these vehicles within the street public right-of-way is prohibited. A reasonable amount of time, generally up to 2 weeks, to load/unload, clean, or repair these vehicles between the front or side of a residence and the street shall not be considered a nuisance.

4-2-1-30-37 Storage of Materials - General

The keeping, storing, depositing, accumulating, or maintenance of dirt, sand, gravel, concrete, or other similar materials on a lot, in the public right-of-way, on a street, or on a vacant lot or parcel for an unreasonable period of time, generally over 1 week."

Discussion:

Most of the Council Members agreed with the changes as presented.

Council Member Clawson asked if she could read from a letter from a citizen regarding the proposed code:

(Citizen: Karla Adams)

"I would like to ask you to take into consideration those people who operate their businesses from utility trailers who need to have some place to park them. A lack of compassion for their situations is hard for me to understand.

Limiting the number of trailers (camping, utility, motorcycle) to 1-2 seems reasonable to me. Being able to park them in our driveways is important due to the uneven yards that a lot of people have in Elk Ridge. My side yard and back yard are down hill.

(Councilmember Clawson visited her lot and confirmed the statement regarding the steepness of her side & back yards and she agreed that it would not be possible for them to park their trailer there.)

Driving around Elk Ridge looking for weeds growing in people's yards feels very un-neighborly and intolerant to me. I can't imagine the city would have time to do that. I have a neighbor that has a very unsightly yard with weeds up to my hip in the back. Instead of seeing the weeds, I choose to see, until recently, a single mom with bad health. I see a woman that is doing her best to take care of her family. Unfortunately that means she doesn't have the resources or the time and energy left to have a nice yard.

Being fined when you leave your garbage barrel out makes me shake my head in wonder. Where do I live?

Thank you again for making the effort to communicate with me personally about this issue."

Council Member Clawson feels the City Council should consider these points as a vote is taken.

Mayor Lutes: He explained that the proposed Code does allow for a trailer to be parked on a pad in the front of a home.

Julie Haskell: She commented that the proposed code does address parking in the front.

Erin Clawson: She agreed that if the code were left as presented, the issue would be solved. "Weeds" is not covered in what was being addressed that evening.

ELK RIDGE
CITY COUNCIL MEETING
February 23, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, February 23, 2010, at 7:00 PM; this was preceded by a Public Hearing at 6:00 PM, on a proposed amendment to the 2009/2010 fiscal year Budget; and City Council Work Session items. 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 February 18, 2010.

7:08 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner:* Shawn Eliot; *Public:* Scouts: John Watson, Shad Ashton, Tyler Christensen, Ben Brimhall, Jose Bardales, Joseph M., Tyler Denning, Steven Nielson, Colton Henderson, Justin Tuckett, Mike Abbott, Caleb Frandsen & Isaac Tally; Matt Reichman (Daily Herald), M. Merrill, Kirk Denning, Rick Thayne, Nelson Abbott, Eric Rassi, Karla Adams & Lindsay Stevens; and the *City Recorder:* Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Sean Roylance and Scout Mike Abbott led those present in the Pledge of Allegiance, for those willing to participate.

1:02:51
AGENDA TIME
FRAME

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME;
ADJUSTING THE START TIME TO 7:08 PM
VOTE: YES (5) NO (0)**

CITY COUNCIL
MINUTES

A. City Council Meeting 2-9-10:
**SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL
MINUTES OF 2-9-10
VOTE: YES (5) NO (0)**

NUISANCE CODE –
ACTION

Discussion:
Weston Youd: (Question on Enforcement) Is the Council interested in having a part in monitoring enforcement? He feels that notifying the citizens of the results of the Council's consideration of the nuisance issues would be in order.
Mayor Lutes: He feels the process is in place to allow enforcement. He has requested a file on each of those in violation, so action and responses can be effectively tracked.
Derrek Johnson: He feels that the citizens are always welcome to attend the open meetings; the agendas are available for review. Citizens have an obligation on their end to be informed.
Mayor Lutes: (Suggestion) The City Planner could write an article for the Newsletter.
Erin Clawson: She asked how many were still out of compliance with the code. (*Shawn Eliot responded that about 20% of those receiving letters were still out of compliance.*) She feels it is an act of "good will" to place an article in the Bugle to inform those involved.
Mayor Lutes: He also plans on individual contact with those affected. (*Council Member Clawson offered to assist with the personal contact; it seems to make the transition easier.*)
Sean Roylance: He agreed and felt that the same personal contact could be applied to the Landscape violations that are coming up in 6 months or so.
Shawn Eliot: There are about 50 Landscaping letters that will need to go out to citizens in violation of that code. The Newsletter is not always an effective tool to get information out to people.
Julie Haskell: She suggested courtesy letters as well as an article in the Bugle.
**WESTON YOUD MOVED, SECONDED BY DERREK JOHNSON, THAT THE CITY COUNCIL APPROVE THE AMENDMENTS TO THE NUISANCE CODE AS PROPOSED IN THE STAFF REPORT; FINDING THAT THE AMENDMENTS TO THE CODE ARE FAIR AND BETTER DEFINE NUISANCES
VOTE (POLL): JULIE HASKELL-AYE, DERREK JOHNSON-AYE, SEAN ROYLANCE-AYE, WESTON YOUD-AYE (4) NAY (1) ERIN CLAWSON (CHANGED LATER TO "AYE")
Passed 4-1
(Then changed to 5-0)
When asked by Council Member Roylance for the reason behind Council Member Clawson's "nay" vote, she responded that she feels that there is a hardship placed on those with both recreational trailers and utility trailers. She is in favor of the City looking nice; but she feels this presents a "hardship". Some people are helped, not others.
Later, Council Member Clawson changed her vote to an "aye" vote; she felt she better understood the proposed code. So, the vote ultimately resulted in passage at 5-0.**

1:16:41
APPOINTMENT TO
SESD

It was discovered that the representative to the SESD Board of Directors must be a user of the company. Mr. Stephens is not at this time. Mayor Lutes has offered to be the representative.

DERREK JOHNSON MOVED, SECONDED BY SEAN ROYLANCE, TO RATIFY THE APPOINTMENT OF MAYOR KENNETH O. LUTES AS THE ELK RIDGE CITY REPRESENTATIVE TO THE SEDS BOARD OF DIRECTORS

VOTE: YES (4)

NO (1) JULIE HASKELL

**Adoption of the proposed Amendment to the 2009/2010 Fiscal Year Budget will be back on the agenda for the next City Council Meeting. 1:17:38*

NON-AGENDA ITEMS

1) SUVMWA (South Utah Valley Municipal Water Association) – Weston Youd:

There are 285 acre feet of water reserved for use by Elk Ridge. The City did purchase a portion of that water for the "Cash-in-lieu program we had in place. Is the Council interested in using any more of their water rights? SUVMWA has an opportunity to sell those water rights to a company. Do we have enough? SUVMWA is not asking for Elk Ridge to purchase the water rights; they simply want to know if we anticipate using them for future growth.

Suggestion: to contact various developers that could be interested.

*Council Member Youd will get together with staff after he finds out more about the water right needs of any pending developers. He will then report back to the Council.

In response to Mayor Lutes' question of who would be contacting the developers; he felt that, according to the code, for him to act for the City, he would have to be assigned by "advice & consent" of the Council. Contacting the developers would be the duty of the Mayor unless it was assigned to him.

*Mayor Lutes concluded he would then contact the developers.

Shawn Eliot: He felt that SUVMWA simply wants to know if Elk Ridge has any intent to use any part of that water; the response could be that we are interested in some, if not all.

Weston Youd: He can contact Bruce Ward (Salem) to find out more about SUVMWA's intent. (Mr. Ward is the engineer for SUVMWA.)

Sean Roylance: He would prefer not spending any money unless we are sure of the sale to a developer.

2) Regional Sewer Plant: There are administrative decisions to be made regarding the future management of the Regional Sewer Plant; Elk Ridge would have no direct input in these decisions.

3) Mayor Lutes: He invited each of the City Council Members to write a short article for the Newsletter; keeping in mind that the goal is to have positive input...not "lectures".

4) Council Member Roylance is to meet with Kara Cook to arrange for her to have access to the City Web Site for athletic announcements. He will be training her and any of the Council Members on the process. Council Member Clawson would like to be included in that training.

EXPENDITURES:

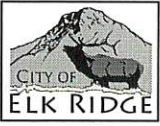
General: None

ADJOURNMENT

At 7:40 PM, the Mayor adjourned the Meeting.



City Recorder



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

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

NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Field Trip on Saturday, March 6, 2010, at 9:00 AM**. The City Council will meet at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah; then the Members and the Mayor will continue on to the Fairway Water Tank site off of South Elk Ridge Drive.

9:00 AM - CITY COUNCIL FIELD TRIP

Visit to the Fairway Tank Site (S. Elk Ridge Drive) to consider fencing

Handicap Access, Upon Request. (48 Hours Notice)

All interested persons are invited to attend this Field Trip. Dated this 3rd Day of March, 2010.



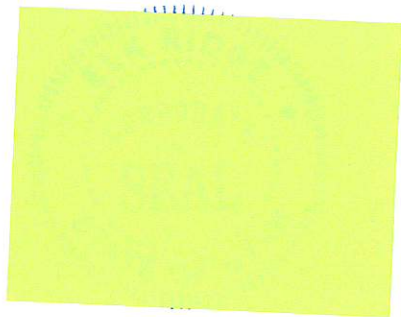
City Recorder

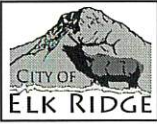
CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted on the City Web Site; and was provided to each member of the Governing Body on March 3, 2010.



City Recorder





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

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

NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, March 9, 2010, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM; as well as a City Council Closed Session at 8:15 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

Fencing for Fairway Water Tank – Discussion
Mayor's Updates
City Council Updates

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 City Council Minutes
7:20 Action from Field Trip to Fairway Tank Site - Fencing
7:35 Adopt Amended 2009/2010 Fiscal Year Budget
7:45 Preliminary Budget Discussion – 2010/2011 Fiscal Year Budget
8:00 Expenditures: (General)
A. Check Registers and Payroll for February, 2010
8:10 Other Business
Adjournment

8:15 PM -

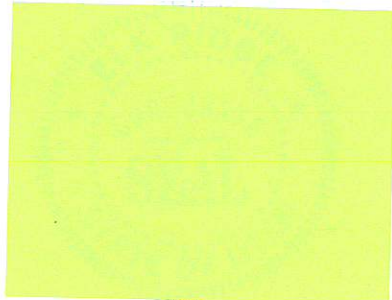
CITY COUNCIL CLOSED SESSION

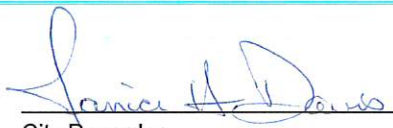
Pending Litigation & Development Negotiations

Handicap Access, Upon Request. (48 Hours Notice)

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

Dated this
3rd day of March, 2010.





City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted on the City Web Site; and was provided to each member of the Governing Body on March 3, 2010.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
March 9, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, March 9, 2010, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM, as well as a City Council Closed Session at 8:05 PM.

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on March 3, 2010.

6:00 PM –

CITY COUNCIL WORK SESSION

ROLL

Mayor: Kenneth Lutes; City Council: Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson & Sean Roylance; Building Official/Public Works: Corbett Stephens; City Planner: Shawn Eliot; Public: Mickenna Belliston, Allison Huff, Kaitlin Clark, Jessica Lane, Megan Merrill, Bethany Pehrson, Bryanne Colver, Cynthia Peck & Ty Currie; and the City Recorder: Janice H. Davis

CITY COUNCIL
UPDATES –

Erin Clawson: The volunteer projects are continuing:

- Grouting for tile was done the previous week-end; grouting will be sealed in a few days
- Some Scout Troops will be clearing rocks from the Cloward field (west of the City park)
- J Spencer did some framing in the storage room
- Paul Squires donated an American Flag for the Council Room
- She is starting to work on her part of the City Web Site

Julie Haskell:

- There is a budget public hearing for the 911 Service District on 3/11. She will have approved figures after that.

Derrek Johnson: He discovered that there is an opportunity for a 50% Grant for Play Equipment (Game Time). There is a good chance the City will get the Grant. The application was due the next day.

Sean Roylance: He has met with various individuals regarding training to properly access the Web site; as more people are trained, we can better keep the contents fresh.

Weston Youd:

- Legislative Session: The Session has closed and he feels there is only one bill that will directly affect the City:
The bill would allow cities to meet and discuss the possible purchase of water rights in a Closed Session. There were two bills that passed regarding retirement.
- He is waiting to hear back from any developers that may be interested in water rights from SUVMWA through the City.

09:56
MAYOR'S UPDATE

Mayor Lutes:

- He attended the SESD Meeting that day: the cash flow is down for them, as everyone else.
- Roads: He and Mr. Stephens have been inspecting the City's roads for the level of repair needed. It appears the City will be able to afford to do some of the overlays and repairs that are needed.

FENCING –
FAIRWAY TANK AREA

The Mayor introduced Mr. Doug Folsom (Risk Manager for Utah Local Governments Trust – ULGT). Mr. Folsom was asked to address the Council on his recommendations regarding potential fencing of the Fairway Tank area. He and another representative from ULGT accompanied Mayor Lutes to the Tank area earlier in the day.

Mayor Lutes asked each of the Council Members to comment on the Field Trip to the area in question; taken the previous Saturday.

Erin Clawson: She attended the Field Trip on Saturday; but also went with a group accompanied by Dan Steele on Friday. On Saturday, she spent most of her time speaking to the citizens also in attendance. All but two she talked to saw the need for fencing to better secure the area, whether it is for vandalism or the safety of children; even though they did not really want a fence.

She, personally, thinks that the top of the tank needs to be secured. She does not feel this situation can be compared to Provo or other places where tanks are either underground or the side of a mountain; so she thinks a fence is a good idea. She was undecided at that point whether the fencing should take in all or part of the area. She was anxious to hear what Mr. Folsom has to say about it.

Julie Haskell: She expressed her feelings that:

- The pump house should definitely be fenced
- She wants to keep the "footprint" fairly close around the tank, as well.
She wondered if the top of the tank is secured, would a fence be necessary. She was still open to discussion on that question.
- She would like to keep the open space as open as possible, including the trail.

Derrek Johnson:

- He was in favor of the "blue line" (shown on the map as surrounding much of the City-owned property). He does not feel one can put a "price tag" on protecting the water.
- Protecting the open space: The installation of the tank has already encroached on the open space; now The Council needs to deal with the fact that we have a water tank and the water system must be protected. (Mayor Lutes passed out copies of the map of the area)

Sean Roylance:

He felt it was "eye-opening" to watch Corbett Stephens access the tank so easily (Field Trip).

1. He agreed that direct access to the tank must be secured; perhaps with the planned "cage".

(Mayor Lutes mentioned the options discussed to secure the top of the tank:

- Cage or steel box around the vent
- Use a temporary manhole ring (section) to sit right on the top

Mr. Folsom (ULGT) agreed with the vent area, "that is definitely better than nothing".

Council Member Roylance is in favor of whatever is "simple and inexpensive"; if it is effective.

2. He agreed with fencing the pump house.

3. Fencing the open space area: He spoke to some of the residents of Cove Drive and there were several, he felt, that expressed concern about the upper retention basin...since it has had water in it on various occasions. The primary concern seemed to be with smaller children getting into the basin.
Suggestion: Install a 4' fence around the upper basin...perhaps even down inside a foot or two, so as not to be as visible, but still effective for little children.

(Council Member Johnson asked about concern over keeping bigger kids out, as well. Council Member Roylance responded that he is not worried about it for a retention basin...his thought was that the pump house would have a taller, secure fence.)

Weston Youd:

- Fence the pump house
- Localized security of the vents on the top of the tank.
- (Regarding the retention basin) He feels that there are basins throughout the City...this is "just another one". (He listed other locations.)

Mayor Lutes asked if he is okay with kids sliding down the steep slopes with stakes. Council Member Youd responded that he felt it would "be fun" and that their parents should take responsibility to teach their children not to do that.

Corbett Stephens: He said he does not like the liability; he was not sure of the lawyer's advice. We know if there is an opportunity for someone to get hurt, and we don't do something about it...that there would be liability. He has learned at water conferences that it doesn't take much to contaminate the water; so he feels there is no question that it must be secured better than it is. They are working on that, but his concerns are with the "what if's".

"It only takes one kid getting hurt...it only takes one kid sliding down that hill and smacking into the other side of the retention basin to break his neck...how are we all going to feel if something like that happens? Yeah, you can say it is the parents' fault for not teaching them better and for not watching them better; but if we could've done something about it..."

Mayor Lutes asked Mr. Folsom to comment:

Doug Folsom: (He handed out his card to the Council and to the Recorder) He wanted to speak of their (ULGT) recommendation as well as the reasoning behind the recommendations.

He spoke of the Trust as the largest municipal pool in the State (Utah); owned by the municipalities. They insure about 500 entities around Utah. They see a lot of these situations. They do on-site hazard analyses and inspections. There are certain "exposures that we have (we: the cities and the Trust working together) and we want to do whatever is "reasonably prudent" to safeguard. "Reasonably prudent" (legal term): it doesn't mean you have to do everything...but what is "reasonable", rather than whatever is "imaginable" to safeguard everybody from harm. Usually this will not be defined or determined until after something bad happens, which we do not want to have happen in the first place. "We don't want to be everybody's mother and turn off all fun in the world. That is something I am very careful of when I make recommendations to cities about maintenance in facilities and parks and things like that...we don't want to just deny everybody access to fun because somebody could get hurt...nor are we liable, necessarily, because somebody may get hurt all the time. However, with the water system, like Derrek said, you need to make sure and protect that water; that's a valuable resource. It is easily contaminated."

- He spoke of "worse case scenario": If someone was able to purposefully contaminate the water...it would not take much of the "right agent" into the water to make a lot of people sick or even kill people. There is a responsibility to do everything "reasonably prudent" to make sure that people can't tamper with the system in a way that could introduce a toxin to the system. He felt all were in agreement with that.

- He also spoke of how "kids do things for no reason". Young kids or young adults may tamper with "whatever they can get hold of, just out of curiosity". Certain steps should be taken to address this or there could be damage that happens for "no good reason".

- Another thing to be careful about: Obvious safety concerns. He mentioned the upper retention basin...it is obvious that a small child that wanders down to that area and stumbles into the basin could be injured badly or killed...it would not take much for the community to come in and complain that it was an "obvious concern...why didn't the City do something about this?" He said that it is hard to fix things after the fact. "We can go in and try to keep it from happening again, but we really don't want it to happen in the first place."

Concerns:

- Hill being used as a sledding hill:
 - He would not permit the hill to be used for sledding; there is no way to control the hazards that exist on this slope...it is very steep and ends abruptly. This is a concern if sledding is a regular occurrence...going on all the time. If it is infrequent that some people do, there is not as much of a duty to act.

Recommendations:

1. To go with the "dark blue line"; which limits vehicular access to the tank...which means that anyone approaching the tank to do mischief would have to go through more to get there.
2. Pump House:
 - A. A physical hazard to anyone accessing it due to drop-off on one side
 - B. Tampering with the pump house should be controlled
3. Control access to the tank and any possible tampering
4. Control access to especially the upper detention basin

He feels the best way to accomplish this would be to have one fence that goes around the whole area.

He does not feel a fence around the lower portion would be that visible and obtrusive; and it would control all of the hazards. There are a series of hazards that need some control on them.

He added that if the Council decides not to take this recommendation, it would not affect insurance coverage. There is a clause that states that the "insured will comply with the risk management program"...which could be interpreted as their recommendations; but to date the Trust has never "flexed its muscles on that and denied anybody coverage on a claim". He does not know what will happen in the future regarding enforcing that policy.

If there is a loss, the City can count on premiums going up...if it is a significant loss. They look at "loss ratios" when renewals come up and that has a lot to do with what kind of a risk the City is.

In a law suite, even if it were determined we are not liable for the loss, the defense alone could be high and costs could run up...this could affect premiums perhaps by double or even triple.

He prefers to worry about the "people" rather than the "money"; and do things *proactively* rather than *retroactively*.

With the above recommendation, there is still plenty of open space available for recreation and trails while still controlling access to that vital infrastructure and asset...which is the City's water.

Questions:

Weston Youd: He agrees that there is a risk and the Council needs to identify the potentiality of that risk and mitigate it to the appropriate extent. But there are a couple of questions he had:

1. What are the numbers of tanks within residential areas within the cities that the Trust serves?

(Mr. Folsom: He did not have an exact count; but answered that it is significant. He would say that at least 1/2 of the cities he has inspected have tanks that are at least close to residential areas. Very few tanks throughout the State, that he has inspected, do not have any controls on them at all. As far as access: most all tanks are fenced off...tanks and other facilities like pump houses. In fact, the Water Quality Division recommends fencing around these facilities...it is not "required" nor is it as "regulation"; but it is recommended by them; as does the Trust. He usually recommends a 6 ft. chain-link with at least a triple row of wire on top of that.

The controls are not just physical like with gates and locks on vents etc.; especially in areas that are easily accessible to a lot of people...but often there is some type of automated system (like Scada systems) where someone would be called if there were any tampering. Council Member Youd responded that this type of system has already been approved.

Council Member Youd continued: "But there are cities that your organization services that do provide access to tanks..."

(Mr. Folsom: We don't insure Provo, so he is not familiar with their facilities; but he has seen some tanks where there is access to the tank...his own neighborhood has a tank with a tennis court on top of it...but there is no access to the tank from the tennis court or if there is, it has a lot of safeguards. Being on the tank is not a problem...most of these tennis courts have the tennis court fence around it and no one will fall off of it. Off of the top of his head, he could only think of one city that he knows for sure has tanks that aren't fenced and controlled; and that is Ephraim City...and those tanks are in very remote areas and have Scada systems on them.

Mayor Lutes: He asked Mr. Folsom if he had spoken to David Church about this situation.

Mr. Folsom: He said he has not spoken to David Church about this specifically; but he has spoken to him frequently about situations like this one in Elk Ridge. People are going to use open space for recreation and as a general rule, it is not something they get too concerned about unless it is a real common event, then steps should be taken to prevent problems.

What is the intended purpose? What are the obvious hazards and what is the frequency of those? As he said, he is not overly concerned about the rest of the open space area having to do with recreation:

- there is no specific purpose
- the City would have to tell him how heavy the use is

Derrek Johnson: He asked if these tennis courts on top of tanks are on top of older tanks; he imagined that new tanks would not allow that type of activity.

Mr. Folsom: He is not familiar with any new facilities; the only ones he could think of are at least 20 to 30 years old.

Derrek Johnson: He reiterated that one just cannot put a price tag on it (meaning the need for security).

Mr. Folsom: He said he is concerned about the over-sized vent on the tank: most tanks have smaller, multiple vents. On a tank of the same size, normally there would be two or three 8" vents rather than one that is big enough for someone to bodily enter. The problem is not only preventing someone from entering, but actually someone that would want to contaminate the tank. Smaller vents are easier to control, but that would be a more extensive and costly fix to the problem.

Mayor Lutes: He explained that one of the options being considered is a steel "cage" that would fit over the vent; with baffles and would be bolted down.

Mr. Folsom: He thought that is a good idea, if a bit bulky.

Sean Roylance: He listed the liabilities Mr. Folsom mentioned:

- Water in the retention basin
- Pump House (falling off)
- Sledding on the hill

He wanted to address sledding: He asked if there aren't many hills in many cities that people could get hurt on?

Mr. Folsom: Usually they are in city parks. They usually do not have as steep a slope on them as the one by the tank. They usually have a large flat area at the bottom of the hill where people can slow down...with hay bails, etc. He is still unsure of the frequency of the use on the tank hill. He judged the tank hill to be much more dangerous than what he would see on most sledding hills. When there is a recognized sledding hill, they (ULGT) encourage the municipality to still control the hazards that exist there. Many times kids will build their own ramps, get hurt on the ramps they built and then sue the city.

Weston Youd: Payson City attracts most of the sledding on their golf course.

Erin Clawson: She mentioned that there was an Eagle Scout Project wherein a scout planted 20+ trees by the tank and there are not that many now; but she would like to see more trees planted there.

Mayor Lutes: He can see that area from his house and that hill is used for sledding; besides the hazard, this activity is destroying the material on the hill to safeguard against erosion.

Mr. Folsom: Signs can be posted, but he said that signs are not that much of a protection...signs can also be seen as an admission of a hazard. There is specific verbiage for signs posted on fences that basically state that tampering with the water system is a federal offense...even if the area is not enclosed, signage is a good idea as a warning. He also mentioned "no trespassing" signs.

There were no further questions for Mr. Folsom; so the Mayor thanked him for coming.

After Mr. Folsom left the meeting, there was further discussion:

Mayor Lutes: Even though the "blue line" (enclosing more of the property, including the retention basins) was originally not his idea, he has gathered information that would support that option. He referred to Dan Steele, a resident of Elk Ridge that is an expert in the field of security of water systems for cities (about 25 years experience). He came in to volunteer his services and experience with telemetry systems and security. (It was mentioned that he was also involved with security over the 2002 Olympics.)

The Mayor was not too happy when the tank went in, since that area was supposed to have been "unbuildable" when he moved into the area; it was a beautiful area over-looking the golf course. The hole for the golf course is now gone, there is a great deal of action with motorcycles and then the tank was installed and resembles a "volcano". He does not particularly want to look at a fence; but on the other hand, he took an oath of office to support the constitution which is supposed to take care of the welfare of the people. He feels that mitigating the dangers for kids that could get hurt is a responsibility the Council needs to consider. It is not a "natural" hazard; it was created by the City. He would rather look at a fence and secure the water supply and mitigate the hazards.

He described the process that the City would have to go through if the water supply were contaminated even by something like a squirrel in the tank. When there has been risk established, the City would be required to chlorinate the water...either for a time or permanently.

Corbett Stephens: He explained the chlorination process. He feels the risk is huge. This would be very costly to the City, not only initially, but the maintenance would also be costly.

(David Church and his opinion regarding possible causes for required chlorination were referred to.)

There was some concern expressed that all the Members of the Council were not included or informed of a meeting with David Church. It was explained that he had come to the City for a meeting about the Elk Ridge Meadows PUD; since he was here, the Mayor asked him if he would accompany him to the site of the tank and pump house to view the area with him.

Shawn Eliot: He observed that everyone seemed to agree that the tank and water system should be secured; it is ultimately which option to adopt:

- The orange line would secure the entire site (all of the City property)
- The blue line would secure all of the risks mentioned

In the end, what level of risks does the Council want to secure?

Sean Roylance: He still had a couple of questions:

1. Water: If the manhole cover is purchased and put on the tank, or whatever is decided on for the tank itself; does a fence add anything to that? Is there a need for the fence...what does it accomplish?

(Council Member Johnson responded that it would keep people away. The tanks up Payson Canyon have enormous fences around them.)

Would a fence like that keep teens out? Probably. Would it keep out anyone very determined to get in?

Probably not. A fence would be easier to get through than whatever security devices will be on the tank itself.

Weston Youd: He asked what the "top cap" depth is on the tank. *(Eight inches.)* So, if someone wanted to get to the tank, through the fence...what would stop someone? So, if someone really wanted to get through all of the security measures taken, they could. What good would the fence do?

Erin Clawson: The neighbors would be alerted if someone drove past the fence toward the tank. How could anyone be alerted if any car can drive up to the tank? If there is a fence around it, it is obvious that no one is to be past that point.

Weston Youd: He described a fence as a "paper dragon"; compared to the localized security of the vent and the access to the tank itself.

Derrek Johnson: He felt that whatever the Council deals with, "it is always good to call in the experts". He pointed out that none of the Council is an expert in this field. He values the opinions of the risk management agent for ULGT and the opinion of Dan Steele.

Weston Youd: He added that he also values their opinions.

Sean Roylance: If they have an answer to his question as to the value of adding a fence to the other security measures, he would like to know the answer. He fails to see what additional security a fence would add.

Weston Youd: He brought up considering the equations involved: "the amount that a fence would provide is X amount...now think the impact of a big fence restricting access to this road, which would be a trail and is utilized by citizens as a trail. So your benefit of a fence vs. the cost of taking that access away...measure or weigh the two together and determine...is that nominal amount of protection that a fence would provide of greater value than taking that access and this open space and the use of it away from the citizens?"

Derrek Johnson: "That road was not put in for a trail access by the City; it was put in for the access to the water tank." Though people might use it as a trail, it was not put in for that reason.

Weston Youd: His question is, do they use it and do you want to take that use away?

00:54:28

Mayor Lutes: He does not believe that use would be taken away; if the fence were placed up against the edge of the road, they could still have a trail up there.

Weston Youd: He explained that the other trail would be taken away.

Derrek Johnson: He responded that it was never given to them.

Weston Youd: It is open space...

Derrek Johnson: It was open space until the water tank was installed.

Weston Youd: That area is zoned as "open space".

Derrek Johnson: But now the issue must be dealt with.

Weston Youd: "I agree completely." That is why he asked if a fence provides the additional security that outweighs the impact to the citizenry, including their ability to use that road as they have in the past?

Mayor Lutes: What kind of a value do you put on using a trail for a few feet?

Weston Youd: He believes there are more than a "few feet". The General Plan includes trails and rights-of-ways for the citizens.

Erin Clawson: She asked if that is why the trail was installed; or was it placed there for the water tank?

Weston Youd: It was placed there for the tank; but what is it used for?

Derrek Johnson: (Referring to the summary of the meeting on Saturday and the minutes) He wanted to know if the minutes had been read regarding the comments of the citizens in attendance...at least those citizens who cared enough to come out and take a look at it.

Sean Roylance: The citizens he spoke to (Kyle Houghten, Garren Holman, Jim Spencer and Mr. Scribner) all told him that they are concerned about the pump house and security; but those four said they are more in favor of the localized security around the tank and pump house, rather than a fence all the way around.

Weston Youd: That is the same opinion he received while attending that meeting.

Erin Clawson: Then there are AJ Christensen, Paul Eddy, Bill Linn and others that did not "want" the fence all the way around, but felt it is necessary.

Sean Roylance: His question is still: what does a fence add to what we are already going to do?

Corbett Stephens: If all it does is provide a "deterrent" to keep someone from driving to the top or parking at the top in a parking lot that was built for the tank and its maintenance...If it is access for residents, then blaze a trail up and around and take it down into Fairway Drive. If it is a trail you want to provide, then give people a trail that takes them through the open space instead of through the construction site.

Sean Roylance: Right; but "I don't think that if someone wants to poison the well that driving up or walking up is a noticeable difference."

Erin Clawson: "It is not just poisoning, it is a liability if they are driving up and go off the side on their ATV or if they are sledding. I work in the medical field and I can tell you that if people are sledding down that, they are going to get hurt...because they don't have a long way to stop and there are barriers there...so it is liability on City property.

Sean Roylance: That is different..."so if we want to talk about that...I have some additional questions about that; but the water...his question is from a poisoning standpoint...does the fence accomplish anything? So far, I have not heard a reasonable explanation that I can understand where the fence actually accomplishes anything."

Mayor Lutes: "Why wouldn't we want to err on the side of conservatism; instead of danger? If we really don't know and we can't get answers; why wouldn't we just say, 'let's just be safe'? Why would we want to teeter on the edge and say, 'well, it might not happen'?"

Sean Roylance: Here are the reasons:

1. It is a wide open easier trail/access as it is right now
2. Without the fence, you have a lower visual impact for the people living right next to it as well as all those who drive by.
3. The cost: \$20,000 to \$30,000 to do this
4. The neighbors right on Cove Drive all have the same opinion: as in "Man, you are killing me already, now you are talking about a fence." They all said if we could minimize that, it would be great.

Because of all these reasons, he wants a good reason to ignore all those and put up a big fence.

Mayor Lutes asked for any further comments:

Corbett Stephens: "It is your water...your residents."

Derrek Johnson: He felt the risk management individual said it best: "Once an accident happens, then everyone is going to come to you and say, 'why didn't you do this?'"

Corbett Stephens: He (risk management for ULGT) made a comment (the day before): If you do have a claim, and you do end up paying out and it ends up being a considerable sum...he said the premiums could go from \$20,000/year to \$120,000/year.

Weston Youd: He would have liked to have been a part of that meeting (Council Member Haskell agreed).

Sean Roylance: (In an attempt to summarize)

1. Everyone agrees that there is liability with the pump house
2. The water liability: The measure that will be taken to secure the tank itself should be taken care of
3. Retention Basin: He still thinks a 4' fence could be placed around the basin to keep smaller children out of danger.
4. Sledding: This still concerns him a bit. He added that kids sled down the golf course as well as the back hills...these are man-made, yet are not fenced off. He cannot think of a hill being fenced off due to sledding.

Derrek Johnson: He asked about controlling erosion on the tank hill.

Mayor Lutes: there are new bid amounts for the fencing...even with the vinyl coating would be about \$16,000; which is much less.

Sean Roylance: When asked by Council Member Johnson about the erosion; he responded that he would be happy if a good purpose was found for that hill.

Mayor Lutes: (Regarding "visibility") If a 7' fence is placed around the pump house, it would be much more visible than if the fence were lower and obscured by trees.

Sean Roylance: He feels that is a good point; but his thoughts are that if the pump house if fenced, then the reason for the fencing is clear...but it will be seen.

Mayor Lutes: He asked if the Council wants to table any action on this issue when it comes up in the Regular Session until there are more answers to questions.

Sean Roylance: If we think there is an answer to why a fence would add extra needed security; then he would want to hear that answer...because he has not heard that yet. If the fence is not built now, it can always be built later, if answers come later.

Mayor Lutes asked *what the recommendation is.*

Sean Roylance:

- Fence around the pump house
 - 4 foot fence around the upper retention basin (He is the only one suggesting this at this point)
- He suggested placing it just inside the top

Julie Haskell: She is also in favor of the 4' fence to keep small children out.

Mayor Lutes: He thought installation could be a problem on the inside of the basin.

(Discussion of placement of a 4' fence...inside vs. outside of the basin.)

- Secure the top of the tank
- Put up signs that says "no sledding"

Derrek Johnson: He did not feel Payson's signs were much of a deterrent to sledding.

Weston Youd: He said he could be "swayed" into agreeing with a low profile fence around the retention basin. He felt that would be a compromise he could live with.

Mayor Lutes: He asked if there was concern about little children crawling through a 15" to 16" pipe that goes between the upper and lower basins. Grates are not recommended because you want the water to come out and not get backed up.

Sean Roylance: That has not been thought about, but there must be a solution to that type of problem...as with culverts.

There was no further discussion at this point. The Mayor called for a brief break before the Regular Session.

1:12:00

**ELK RIDGE
CITY COUNCIL MEETING
March 9, 2010**

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, March 9, 2010, 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 March 3, 2010.

7:22 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth Lutes; City Council: Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson & Sean Roylance; Building Official/Public Works: Corbett Stephens; City Planner: Shawn Eliot; Public: Mickenna Belliston, Allison Huff, Kaitlin Clark, Jessica Lane, Megan Merrill, Bethany Pehrson, Bryanne Colver, Cynthia Peck & Ty Currie; and the City Recorder: Janice H. Davis

1 OPENING REMARKS An invocation was offered by Mayor Lutes; and Ty Currie led those present in the Pledge of
2 & PLEDGE OF
3 ALLEGIANCE

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9 AGENDA TIME DERREK JOHNSON MOVED, SECONDED BY SEAN ROYLANCE TO APPROVE THE AGENDA TIME
10 FRAME, ADJUSTING THE START TIME TO 7:22 PM
11 VOTE: YES (5) NO (0)

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PUBLIC FORUM No one approached the Council.

1:13:60

CITY COUNCIL MINUTES

A. City Council Meeting 2-23-10:
Correction made to page 3.
SEAN ROYLANCE MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CITY COUNCIL MINUTES OF 2-23-2010, WITH CORRECTIONS
VOTE: YES (5) NO (0)

B. City Council Minutes 3-6-10:
No corrections.
DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 3-6-2010, AS PRESENTED
VOTE: YES (5) NO (0)

ACTION – FROM FIELD TRIP TO FAIRWAY TANK WESTON YOUNG MOVED, SECONDED BY DERREK JOHNSON, TO TABLE ANY DECISION ON THE PROPOSED FENCING MEASURES TO BE TAKEN AROUND THE FAIRWAY TANK AND PUMP HOUSE AREA UNTIL A LATER DATE
VOTE: YES (5) NO (0)

AMENDED 2009/2010 BUDGET

City Recorder: The only difference in the budget since the Public Hearing was that the Fund Balance was transferred out of the General Fund to balance the budget to "0".
There was a bit of discussion that the Sales Tax may not come in as high as anticipated; but that will have to be followed further.
SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO ADOPT THE AMENDED 2009/2010 FISCAL YEAR BUDGET FOR THE OPERATION OF ELK RIDGE CITY
VOTE: YES (5) NO (0)

PRELIMINARY BUDGET DISCUSSION 2010/2011

The City recorder provided copies of a rough draft of the General Fund for 2010/2011. The Tentative Budget will be adopted in May, 2010. This gives the Council a chance to review the draft and solidify any figures for their particular areas of responsibility. The Recorder explained that the balance at the end of the General Fund does not reflect the amounts for salaries and wages for the City employees since it has not been decided if there will continue to be a wage freeze or if there will be any cost of living adjustments (COLA) for next year. That will need to be discussed in a Council Closed Session; however not the one scheduled for that night, since the topic is not listed.
The cost of road repairs was discussed and a rough figure of \$200,000 put into the budget worksheet. Various locations were also discussed.

EXPENDITURES: General: None
1. Check Registers & Payroll for January, 2010:
Council Member Haskell did not have all of the pages of the document in her packet to review.
SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO TABLE APPROVAL OF THE CHECK REGISTER AND PAYROLL REGISTER FOR FEBRUARY, 2010 UNTIL THE NEXT CITY COUNCIL MEETING TO GIVE ALL AN OPPORTUNITY TO REVIEW THE DOCUMENTS
VOTE: YES (5) NO (0)

OTHER BUSINESS There was no "Other Business".

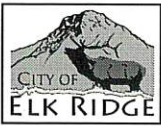
ADJOURNMENT Mayor Lutes adjourned the Council Meeting at 8:05 PM; and the Council moved into Closed Session

CITY COUNCIL CLOSED SESSION

ROLL Mayor: Kenneth Lutes; City Council: Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson & Sean Roynance; Building Official/Public Works: Corbett Stephens; City Planner: Shawn Eliot; & the City Recorder: Davis

Investigation & Development Negotiations


City Recorder



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

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

NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Field Trip on Friday, March 19, 2010, at 5:00 PM**. The City Council will meet at the intersection of Elk Ridge Drive & Gladstan Drive, Elk Ridge, Utah.

5:00 PM - CITY COUNCIL FIELD TRIP

Demonstration of a "Jet Truck"

Handicap Access, Upon Request. (48 Hours Notice)

All interested persons are invited to attend this Field Trip. Dated this 17th Day of March, 2010.



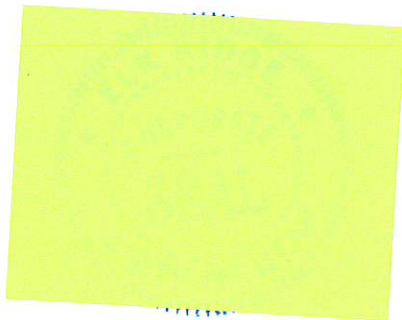
City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted on the City Web Site, and was provided to each member of the Governing Body on March 17, 2010.



City Recorder



ELK RIDGE
CITY COUNCIL MEETING
March 19, 2010

TIME & PLACE
OF MEETING

This Special Field Trip with the Elk Ridge City Council, was scheduled for **Friday, March 19, 2010, at 5:00 PM.**

The Council Members convened at the intersection of Elk Ridge Drive and Gladstan Drive, Elk Ridge, Utah for the demonstration.

Notice of the time, place and Agenda of these Meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on March 17, 2010.

6:00 PM –

CITY COUNCIL FIELD TRIP

ROLL

Mayor: Kenneth Lutes; City Council: Julie Haskell, Erin Clawson & Derrek Johnson (Absent: Sean Roylance & Weston Youd); Building Official/Public Works: Corbett Stephens; Gavin Erickson (Territory Manager of AG Truck and his assistant.

Location: Intersection of Elk Ridge Drive & Gladstan Drive

At 5 pm, Gavin and his assistant explained the features on the jet (vacuum) truck. The demonstration included cleaning out two sumps and a curb drain, all of which were clogged with mud and debris and held water. The truck's large tank was dumped three times. By about 7:30 pm, the sumps and drain were cleaned and the demonstration ended.

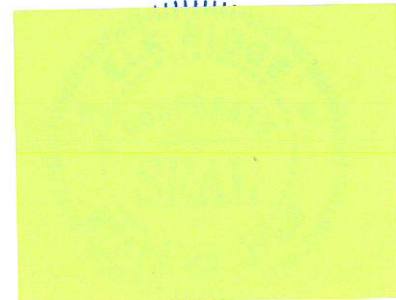
We noted that if the truck would have had a hydro pack (a larger water pressure hose) to cut through and stir up the mud to make vacuuming easier, the job could have been done in much less time. However, the truck proved its value even with the small water pressure hose and re-vitalized the sumps and curb drain. The value of having such a truck in our equipment inventory became obvious when considering the fact that we spend \$15k per year to clean one-third of our sewer lines and a few sumps. With a truck at our disposal, we could work our way through all of the numerous sumps and drains throughout the city and minimize the drainage problems we currently have with large amounts of runoff. Because we have so many sumps (in lieu of storm drains) and that they cost about \$15k each, cleaning and re-vitalizing them is the economical thing to do.

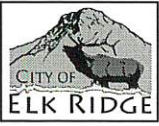
Corbett will fill the sumps with water and evaluate the effectiveness of the cleaning by noting how long it takes water to percolate into the ground.

We thanked the AG Truck team for their demonstration, and they are available to answer any questions we may have as we consider the value of such a truck to Elk Ridge City.



City Recorder





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

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

NOTICE OF CANCELLATION – CITY COUNCIL MEETING

Notice is hereby given that the regularly scheduled Meeting of the Elk Ridge City Council, scheduled for **March 23, 2010, at 7:00 PM, IS HEREBY CANCELLED**

The meetings will not be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

CANCELLED

Handicap Access, Upon Request. (48 Hours Notice)


Dated this 22nd day of March, 2010.



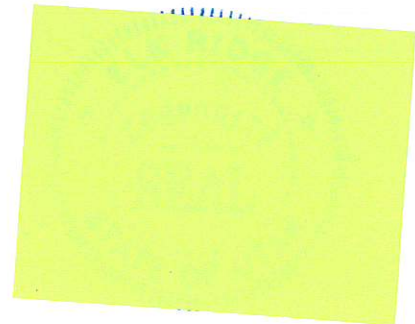
City Recorder

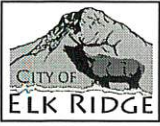
CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, as well as being posted at the City Hall; and was provided to each member of the Governing Body on March 22, 2010.



City Recorder





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

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

AMENDED NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, April 13, 2010, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM; as well as a City Council Closed Session at 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. Planning & Administrative Update – Shawn Eliot
2. ATV Helmet Law Discussion – Deputy Tindall
3. Fencing Fairway Tank & Pump house

7:00 PM -

REGULAR COUNCIL MEETING AGENDA ITEMS:

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

- | | |
|------|--|
| 7:10 | 4. Action - Fencing Fairway Tank & Pump house |
| 7:20 | 5. Update - Joint City Council & Planning Commission Meeting with Payson City / Annexation Map – Shawn Eliot |
| 7:25 | 6. Mayor's Updates |
| | A. CDBG Interlocal Agreement - Action |
| 7:35 | 7. City Council Updates: |
| | Council member Haskell |
| | Council member Clawson |
| | Council member Johnson – Playground Equipment |
| | Council member Youd |
| | Councilmember Roylance |
| 7:55 | 8. Tentative 2010/2011 Budget Discussion – City Recorder |
| 8:05 | 9. Expenditures: (General) |
| | A. Check Registers and Payroll for February & March, 2010 |
| 8:10 | 10. Approval of City Council Minutes |
| 8:15 | 11. Other Business |
| | Adjournment |

8:20 PM -

CITY COUNCIL CLOSED SESSION

Business Negotiations & Discussion of Personnel

Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 7th day of April, 2010.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah; and was provided to each member of the Governing Body on April 7, 2010.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
April 13, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, April 13, 2010, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. A City Council Closed Session was scheduled for 8:20 PM, at the conclusion of the regular Session. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda as well as an Amended 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 April 7, 2010.

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner:* Shawn Eliot; *City Attorney:* David Church; *Utah Division of Drinking Water:* Kim Dyches; *Sheriff:* Deputy Tindall; *Building Official:* Corbett Stephens; *Fire Chief:* Seth Wait; *Deseret News:* Rodger Hardy; *Public:* Nelson Abbott, Lucretia Thayne, Devin & Hayden Hoole, Jamie & Jim Towse; and the *City Recorder:* Janice H. Davis

Mayor Lutes recognized the City Attorney, Mr. David Church, Mr. Kim Dyches from the Utah State Division of Drinking Water and Deputy Tindall from the Utah County Sheriff's Dept, and thanked them for their attendance.

PLANNING &
ADMINISTRATIVE
UPDATE

Shawn Eliot: For better training and a better understanding of the various roles of the City Council, Planning Commission and Staff of the City: "Two Hats Syndrome"

All three of these above mentioned groups wear "two hats" when making decisions: Legislative and Administrative...it is important to know the difference between these.

Legislative decisions include:

- Creating or amending Code (making law)
- Re-zoning
- Holding public hearings & meetings
- Approving the General Plan
- Adopting resolutions

State law allows broad uses of "land use authority", however there are limits in the procedures required to exercise these powers. There are not too many limits in State code on our land use abilities. There are some areas of concern where the State does dictate terms on a stricter basis: like group homes, bill boards or homes for the elderly, etc. Usually, the State has left it up to the cities, as long as the laws remain within the Constitution and State statutes.

The courts usually do not intervene in legislative decisions; instead the due process is reviewed. Did the city follow the proper procedures? Cities need to be able to say that their actions are for the "general welfare" of the citizens; but procedures will be scrutinized.

Mr. Eliot applied this specifically to Mr. Gowers and his right to be at the meeting where his proposal is being considered. When he requested to be removed from the agenda and moved to another meeting, his proposed zone change should not really be discussed in his absence. Procedurally, it would be wise to wait until the applicant is present to discuss the issues associated with that applicant.

During the legislative process, "public clamor" is allowed and even encouraged. When making new laws that affect the citizens, then the Council can allow people come in and state the reasons they are either for or against a particular proposed law.

Administratively: This could include subdivision approvals and completions. Example: When the laws are made (legislatively) and a zone (say R-1-15,000) is allowed certain uses, conditional uses, setbacks, etc., the laws can be made as the Council deems appropriate; but, once the laws are in place, and an applicant comes in to begin the subdivision process, the approval of that subdivision is not "legislative", it is "administrative". Changing the rules on that applicant cannot be done in the middle of that subdivision process. The City cannot impose requirements on a developer that are not expressed in the code; to do so could be considered a "taking".

Other "administrative" issues: building permits, business licenses, conditional use permits, land use code enforcement, signs, etc.

So, once the ordinances are in place, they must be followed, or the City can get into trouble legally.

- During the "administrative" process, "public clamor" is not allowed. Using the example of a subdivision again: If someone were building on the Hillside hill, a public hearing would be held to take information from the public to say that perhaps the City is not following its own code; but, if the code allowed that person to build on the hill and there were not information that is contrary to the code, then public clamor should not be allowed.
- It is very important the land use code is "where we want it to be". Over the years the code has been updated to get it in the best place possible.

Duties:

City Code lists the responsibilities of the Council, the Mayor, the Planning Commission and staff; the Code is a bit vague on some of these.

- Land use: Code mentions the "Land Use Authority", but doesn't state who that "authority" is. The code should state who that is.

Rolls & duties:

- City Council is administratively over the approval of subdivisions
- Planning Commission recommends to the Council
- Staff makes sure the application is complete

Development:

-Due process is required of land use applications and time limits are required for the City to act upon land use applications. Developers can call the City on seeming to "drag their feet" on the process (that has and can go both ways).

- Politics should not interfere with the application process. Specifically< going to an applicant as a politician and making threats to fight it or speaking for the Council, can get the City into trouble.

- "Exparte contact": (Off the record contact)"Any written or verbal communication initiated outside of a public meeting between an official and a decision-making authority and one or more, but not all the parties"

Example: Basically, if we are taking about a development issue with another Council Member or two Council Members...or whomever...those are supposed to be discussed in the public view, rather than privately.

Mr. Eliot discouraged discussing with one another how a vote may go on an issue...this could be seen as being treated "unfairly" procedurally.

- All parties are entitled to be heard before an "impartial" body. If individual Council Members have already made up their minds on an issue before the individual comes before the body...that is not right.

Sean Roylance: Questioned: In general, a Council Member can talk to the Mayor or another Member, if there is not a "quorum"...are land use issues handled differently?

Shawn Eliot: It is when a specific application is being discussed...that should be done in the public view. If it is

Sean Roylance: He asked about questioning a developer regarding points of interest needing further clarification, say after a meeting.

Mr. Eliot: (He invited correction from the City Attorney) If a Member of the Council does talk to someone in that context; then you should come to the next meeting and disclose that conversation.

David Church: It depends on what is meant in "talking to a developer and what the issue is. If it is an "administrative" decision...example: there is a decision to be made on an application...that is different than say, a zone change where an applicant is, in effect "lobbying" the Council for a legislative change in the law....that is really what is meant by "exparte...it is not really against the law, but can be deemed as "unfair". It can go the other way, too...as in a neighborhood being against an issue and meeting with that group...without the applicant being involved.

When it is a simple application for a subdivision or a site plan approval and a member of the Council has a question for a developer...there are theoretically not two sides on an application...it is an administrative action. A land owner is simply asking how to develop under the current code; it should not be adversarial...the land owner is simply exercising their rights under the law as it has been written. This should not be a "contest" between town opposing groups.

In land use, there may be things like variances or appeals where there could be two sides; then it is clearly improper to meet with one side where the other side is not present.

When ambiguous language in a code is being interpreted, the land use authority (in Elk Ridge, it would be the City Council) is going to make an interpretation...then an aggrieved party can appeal that decision. IF it is non-adversarial, then he sees no problem; but if there is an adversarial aspect, caution should be taken.

He added: there is a specific part of the State Code that whenever you specifically discuss a pending land use application, there is a section in the State Code now that does require you to invite the applicant and give him/her notice of the meeting.

~~The Mayor thanked Mr. Eliot for the education. He Asked the Council to keep their information sent out on Mr. Gowers' Zone Change request until May 11, 2010.~~

0:19:06

ATV HELMET LAWS

Deputy Tindall: (Utah County Sheriff) In the process of enforcement of the helmet law in Elk Ridge for ATV riders, he discovered an issue with the governing laws: there are no laws dictating the requirement of helmets for those riding in the side cars of ATV's. He wanted the Council to be aware of this problem. The State Code says there are alternate types of "All Terrain Vehicles" (ATV's)... Type 1 and Type 2; and currently, the State Code requires helmets to be worn on a Type 1 (Something that can be straddled). The new types (like a side-by-side Rhino for instance) do not require helmets to be worn. He has gotten calls on why citations are not being issued on some of these.

0:21:31

The Council could amend the City Code with an addition of certain wording (he gave an example of wording).
- He also could not find in the State Code how many people are allowed on an ATV. The question comes up; he has no code to dictate this. Again, if the Council wishes to amend the code, he cited sample wording.
(If the Council decides to act on amending the code, the wording can be found in the taped version of the meeting at the reference point indicated in the left margin.)

Sean Roylance: The question then would be to require helmets on all ATV's, even side-by-sides? (Yes.) He felt somewhat split on the issue of helmets, but would be willing to consider the appropriate usage (numbers & how the vehicle is ridden).

Weston Youd: The reason for the "no helmet" requirement: He said that side-by-sides are constructed with certain protections built in:

- Roll bars
- Seat Belts
- Upgrades

Deputy Tindall said that he brought this up so the Council could be aware of the issue, if calls come in. That is why citations are not being written on these violations.

*Mayor Lutes suggested re-visiting the issues on another Work Session in the future.

0:26:35

FENCING FAIRWAY
TANK & PUMPHOUSE

Mayor Lutes: The Mayor provided a numbered summary of the issues that have been and still need to be considered:

"To help us prepare for our discussion about the Fairway tank security during the work session on the 13th, I wanted to review some of the salient points. Perhaps some of these will help us do our best for the citizens of Elk Ridge.

1. We all agree that we need to protect the Elk Ridge water system, which is vital to the "health, safety, and welfare" of our citizens as stated in our Constitution.
2. We all agree that at a minimum we need to install a security fence around the Fairway pump house (Option C on map) and increase the security of the hatch and vent on top of the tank.
3. We all agree that we want to minimize the visibility of any fencing.
4. There is disagreement as to the safety of children having access to the tank and pump house and the dangers imposed by the steepness of the tank slope with the retention basin at the bottom.
5. There is disagreement as to the necessity of allowing public access to the tank and pump house area because the tank was built in an area planned as open space.
6. All professionals invited to give opinion on our situation—city attorney, insurance risk management, law enforcement, Utah Department of Drinking Water, our fire chief, and public water system experts—recommend fencing the entire footprint of the Fairway tank, pump house, and access road (Option A on map, estimated to cost \$15,000).
7. Applicable documentation recommends securing public water systems with fencing and other security devices—state drinking water guidelines, US Environmental Protection Agency, and American Water Works Association.
8. Most citizens who have given opinions favor fencing the entire area (Option A).
9. A few citizens would rather fence just the pump house (Option C at a cost of about \$4000) and leave the tank area open.
10. Option A would place the fence generally along the scrub oak where it would be less obvious than a prominent fence around the pump house.
11. A modified Option A could place the fence at the east edge of the access road, which would still allow a trail between the fence and the scrub oak.
12. A compromise between options A and C would be to fence the tank and the pump house (Option B) at a cost of about \$10,000.
13. Options D and E would place a 4-foot fence around the south and north retention basins, respectively, to prevent small children access.
14. Option F is to place a gate only across the access road at the city property line to prevent vehicular access (about \$650).
15. To provide the additional security for the hatch and vent is estimated to cost about \$2,500.
16. The state Department of Drinking Water assessed us 124 points in August 2009 for deficiencies in our water system. If we exceed 150 points, we will have an "unapproved water system." Typically, banks will not lend on homes with an unapproved water system. One bad water sample could cost us 30 points and put us over the 150. (We do get 10 points credit because Corbett is over qualified, so our current net point total is 114.)
17. We can be assessed 20 points if access to the storage tank is not prevented, putting us at 134.
18. If we do not fence the access to the water storage system, we are "assuming liability" and are subject to lawsuits.
19. The most reasonable way to provide the additional security for the hatch and vent on the tank is to install a 6-foot chain link fence with barbed wire on top (Option A or B).
20. Additional security for the hatch and vent could be provided by constructing a steel box to cover the hatch and a steel box with baffles, allowing air venting, over the vent.

Please study the material provided so that we can come to a consensus during our work session. We need to take action to provide a better level of security for the Fairway water system. In summary, we are:

- Vulnerable to water system vandalism.
- Subject to becoming an "unapproved water system" if assessed an additional 36 points.
- Vulnerable to lawsuits for injury or negligence at the Fairway tank site.
- "Assuming liability" for all consequences of not taking action to adequately secure the system.
- Negligent in providing for the "health, safety, and welfare" of our citizens if we do not act prudently.

The memo also included suggested motions regarding the options available.

(A colored map of the various options was also provided by City Planner, Shawn Eliot.)

After reviewing the summary, Mayor Lutes asked for comments from the City Council:

Weston Youd: He asked for clarification of Option "X – Y" on the colored map.

The Mayor explained that this is an added option which basically takes Option "A" and cuts it in half...including the tank; pump house, upper retention basin and surrounding area.

Sean Roylance: At the last Council Meeting, discussion included what the proposed fencing would secure against:

1. Vandal/Prankster
2. Someone meaning to do harm to the Community
3. Some type of terrorist
- He feels that with the mechanisms the City has approved to be installed to "harden" the top of the tank, that we will be able to...without a fence...secure the water system from #1 (Prank/Vandal).
- A determined attacker: He expressed at the last meeting that he felt that the security measures to be implemented on the top of the tank would be more difficult for an attacker to penetrate than a fence. A fence may slow an attacker down for a few moments, then the greater problem of actually getting into the well would challenge the attacker due to the security measures taken.

He felt that a fence would not provide any additional significant security against that type of attacker.

He asked the question if there is another plausible situation where a fence would actually make a difference. So far, he does not feel one has been presented.

Julie Haskell: She has not come up with anything else.

Erin Clawson: She had submitted a summary of some of the main points made from the information she researched...this was included in the Council packets. Councilmember Clawson also provided the complete list of information to the Council via email.

She wanted the summary included in the Minutes of the Meeting:

"1.2.2.2 Legal and Liability Issues:

A basic tenet of legal liability may compel a water utility that is made aware of a condition to take reasonable steps to eliminate or mitigate a hazardous condition. Publications such as this one that discuss the need for water utility security, and the materials published by EPA and other entities, could be considered notice that a hazardous condition may potentially exist. Once a vulnerability assessment is complete, the resulting recommendations also could be considered as notice of a dangerous condition. This notice could potentially result in liability if the recommendations are not addressed. In some cases, water utilities may be able to claim immunity based on their charters or municipal laws; however, some state laws waive or limit this immunity. A finding of negligence for damages stemming from a security breach generally would require:

- Knowledge or reasonable ability to foresee the damages
- A duty to the injured person
- Violation of the duty proximately causing the injury

Generalized warnings of terrorism against water utilities may not impact liability, but a warning relating to a specific plant or location could. The paraphrased axiom that, 'the best defense is a well thought out and implemented security program,' can be applied here. Court rulings have found that a water utility must exercise reasonable care in operating and maintaining its system. The definition of 'reasonable care' is key in determining liability. As more water utilities implement security improvements, it could be argued that the definition of reasonable care is evolving to include installation of security systems that only a short time ago were rarely found in water systems. This document will include a two-tiered approach to security-related improvements using Basic and Advanced categories. A water utility can identify those measures that actually provide security improvements and that are a balance of the available resources, the utility's ability to execute the improvements, and ongoing operational aspects of the utility.

The Basic category is a reasonable care approach to reduce identified risk levels at the most critical assets.

1.2.3 Other Reasons:

Other reasons that water utilities have cited for the implementation of security systems included:

- Providing protection against non-terrorism threats such as vandals, low-level criminals, and disgruntled employees. Vandalism and theft are a problem for many utilities, especially those in larger urban areas...one that installing security systems can help to mitigate or prevent.
- Protecting employees from outsiders entering plants.
- Providing operational benefits beyond heightened security. For example, installing backup generators to provide power in the event of an attack on the power substation feed will also provide mitigation for power outages caused by other events, such as natural disasters or construction-related incidents. Similarly, as part of vulnerability assessments, utilities that add redundant pumps for pumping systems would significantly reduce process-related consequences if the main pumps for pumping systems would significantly reduce process-related consequences if the main pumps are no longer operational.
- Assuming the responsibility to maintain public confidence in the water system and provide service to the community.

Systems serving populations greater than 3,300 conduct a vulnerability assessment (VA). The VA's have helped utilities to understand the most likely threats, the most critical facilities and assets, and the relative risk for those security facilities and assets. The results of the VA provide a framework for the utility to enhance the physical security of its water systems so that its mission may be achieved.

1.4.1 Definition of Vulnerability:

As defined in the Sandia National Laboratories' RAM-W™ approach, 'vulnerability' is an exploitable security weakness or deficiency at a facility. Further definitions of vulnerability include these:

- A characteristic of a critical infrastructure's design, management, or operation that renders the infrastructure susceptible to destruction or incapacitation by a threat.

- A flaw in security procedures, software, internal system controls, or operation that may affect the integrity, confidentiality, accountability, and/or availability of data or services. Vulnerabilities include flaws that may be deliberately exploited and those that may cause failure due to inadvertent human actions or natural disasters.
- Any weakness that can be exploited by an aggressor or, in a non-adversarial threat to the environment, that can make an asset susceptible to hazard damage.

1.4.2 Definition of Risk:

As defined in the Sandia National Laboratories' RAM-W™ approach, "risk" has two components: 1) a measure of the potential damage to or loss of an asset and 2) the probability of an undesirable occurrence to that asset. Further definitions of risk include these:

- The potential for realization of unwanted, adverse consequences to human life, health, property, or the environment.
- The quantitative or qualitative expression of possible loss that considers the probability of a hazard causing harm together with the consequences of that event.

Risk is usually expressed as a function of the probability of the occurrence of an adverse effect and the consequence of the effect on the ability to maintain function.

1.5.1 Malevolent Acts:

Deliberate, malevolent events are intended to affect as many people as possible in order to create concerns among the public and promote distrust of the authorities. This, in turn, causes dissention and division and makes it easier for adversaries to affect the political and economic well-being of the community.

1.5.1.1 Types of Malevolent Acts and Adversaries:

Other types of malevolent acts include:

- Physical damage and destruction to the infrastructure assets
- Use of explosive devices
- Arson
- Introduction of a flammable liquid into the water system
- Vandalism
- Sabotage of valves, tanks, etc.
- Introduction of a chemical agent that can permanently contaminate the interior of pipes and storage tanks
- Damage to the power supply
- Destruction of vital infrastructure
- Disruption of the water system
- Introduction of a toxin into the source water, treatment facility, or distribution system
- Hacking into the SCADA system
- Removing hardcopy files or deleting electronic files
- Sabotage of valves, tanks, etc.
- Interrupt operations supporting the public
- Harming the workers and public
- Release of toxic substance (e.g., chlorine)
- Personal assault with or without a weapon on employees
- Kill, injure, or affect the health of large numbers of people
- Use of facilities for other malicious purposes
- Access of customers' financial information
- Equipment theft for personal gain
- Threat of contamination to invoke public fear

There are numerous types of adversaries as shown in Figure 1-4. Threats may originate from an "insider" or from an "outsider". An insider is a person with knowledge of the water utility and who has access to the facility or portions of the system as part of his or her daily work activities. Insiders typically have access to information systems as well. The appearance of an insider at a utility facility does not typically cause suspicion. Example of insiders included employees, vendors delivering materials, and onsite contractors.

Figure 1.4:

- ❖ *Current employee*
- ❖ *Former employee*
- ❖ *Spouse/partner of employee*
- ❖ *Vendor of contractor*
- ❖ *Customer*
- ❖ *Vandal*
- ❖ *Criminal*
- ❖ *Saboteur*
- ❖ *Terrorist*

An outsider is a person who is not normally allowed access to any of the water facilities. Suspensions might be raised if such a person is seen on utility property. Outsiders typically do not have access rights to buildings or information systems. Some outsiders, however, can have insider knowledge. These outsiders can include former employees, contractors, or consultants who have some access or knowledge of the facility.

Motivation:

The motivation of perpetrators ranges from the mischief of vandals to the desire of adversaries to undermine the well-being of society. In between these two extremes are a variety of motivating factors that include persons angry at the utility or individual of the utility.

- Establish a citizen's watch program and a law enforcement education program to help provide monitoring of hydrants and water utility system sites with the intent of preventing unauthorized use or entry.

1.6.9 Sharing Information:

Utilities have a number of opportunities to share information that can reduce costs of enhancing physical security of their water systems.

- Benchmarking and other industry activities. Participation in benchmarking or other related industry activities can provide the utility with early access to best management practices that can be cost-effectively integrated into a program.
- Provide cyber attack details to the local FBI office. The local FBI has established capabilities of researching and investigating both successful and unsuccessful cyber attacks on utility systems.
- Coordinate/cooperate with contiguous utility systems. Coordination of security-related programs with contiguous systems can provide additional redundancy and potentially reduce the costs of securing the utility's water system."

Erin Clawson: In the research she has done, the suggestion is "to deter and detect". A fence, though not 100% effective, would be an extra deterrent; particularly if the area is patrolled by someone in the City. If the fence was broken into, then the citizens could be warned and the water tested...this could save lives. If there is open access to the tank, how would the City ever know of an intrusion? A fence presents a clear boundary and could help with liability issues as well.

Sean Roylance: One document provided by Council Member Clawson was thought provoking; it had a list of suggestions of what could be done to prevent problems...most of which has not been discussed by the Council for one reason or another. The suggestions are either:

- Too expensive
- Reasonable and effective and could be afforded

There was a "key" comment: Patrolling...if an employee were not properly trained, would patrolling be effective? If the budget could afford someone regularly patrolling the fence, then he agrees that it would make a difference. He does not feel that private water systems are in high danger from extreme types of attack.

Derrek Johnson: It was pointed out by Mr. Dan Steele that there have been attempts to do harm.

Sean Roylance: If that is the case, does the City want to employ 24 hour security, including night patrol. He was doubtful the City has the resources to do that. A fence is a "tool", but without the person to employ that tool, it would not make a lot of difference.

Weston Youd: Patrolling the top of the tank, once secured ("hardened") could be more effective than patrolling a perimeter of a fence. Employees could go up a couple of times per day to check and actually install an electronic surveillance device, as well as fencing around the pump house...this would be easier and faster to patrol.

Derrek Johnson: He still preferred Option "A" (fencing the entire property line); but He might consider Option "C" with a gate at the bottom (Option "F"). He said he was perplexed with the resistance demonstrated; considering all of the expert advice the City has received recommending fencing the water tank. Why would past Councils secure the other two tanks in the City, if it was not necessary?

Erin Clawson: Other cities do secure their tanks with fences.

Sean Roylance: He felt that that is simply "default" behavior, with no major reason not to.

Mayor Lutes: Since a question arose as to the qualifications of Dan Steele to make recommendations;

Mayor Lutes summarized those:

- He has worked for 25 years on water systems (local resident)
- He volunteered his time to assist with the telemetry
- He was involved with the Olympics' security
- He travels and works with cities and their systems as his occupation

The Mayor asked if the Council had any more comments at this time...they did not. He introduced Kim Dyches (Utah State Division of Drinking Water)

Kim Dyches: (Handout of Utah State laws governing Drinking Water Storage Tanks...18 pages) He has been with the Division of Drinking Water for almost 13 years; he also has a background in electronics and welding as well as teaching classes at UVU. He has experience in working with Jordan Water Conservancy District and he was also the water security person for the 2002 Olympics in Salt Lake City.

He wished to address "Due diligence as a water operator":

He was not at the meeting to attempt to influence anyone; he simply wished to talk "straight" with the Council. He agrees that no fence will keep everyone out; but a fence establishes a perimeter.

He was glad to see three key people: Fire Chief, Public Works and the police...they are the people the Council should listen to because they are in charge of making sure that the water facilities are secured. If there is a perimeter fence, it establishes that if someone is inside that perimeter, he/she is considered a threat. Without a fence, the City has allowed access to the area, so the city has openly allowed someone on that facility...whatever they are doing on the property. A perimeter fence says, "No you can't go in there". If someone crashes through the fence and rolls the vehicle, liability drops due to the establishment of that perimeter. Without a fence and someone gets hurt in the area, the people will sue the city. He knows that from being in the water business...people will go after what they determine to be the "deepest pockets".

In government, we have to protect people against themselves at times.

\$15,000 for a fence will be miniscule with a law suite on your hands. Three reasons for perimeter fencing:

1. Keep people off the facility
2. Anyone that breaches the fence is a threat
3. Early warning

53:39

- "Normality": If there are people in the area of the tank, with no fence, it is a "normal" occurrence; if there is a fence, it is not "normal" and alerts neighbors and others (he cited examples of this happening).

- "Precedent": He will let the Council discuss this topic at their convenience.

- How critical is this facility? (The Council must determine this)

A. Vandalism is likely to occur

B. Can the City afford to have this facility down while testing occurs (some of these samples are thousands of dollars)

Once the system is compromised, then testing will be mandatory...there is a whole list of testing that will have to be performed.

A fence will not prevent the problem; but it would deter that type of activity.

C. Besides testing, cleaning and flushing would be required to disinfect the tank...it could be required to drain the tank. (He cited a situation in Texas where kids were swimming in a tank: Not only were the kids arrested since it is a Federal offense; but the tank had to be drained as well.)

D. Can we do without one of the tanks for fire flow? There would be insufficient pressure in the system.

- If the Council decides against securing the tank area; he suggested having an alternate plan in place of how to get water to the people and how to pressurize the hydrants.

- The hope would be that some type of event does not happen during the summer months.

- Water restrictions would also result from a tank being down.

- Fencing limits the "pool" of suspects that have to be considered in the case of an incident.

Mr. Dyches quoted from the handout he provided:

1. (Page 8 of 18: top of page) *"The site location and design of a drinking water storage reservoir shall take into consideration security issues and potential vandalism."* This is a State rule.
2. (Page 15 of 18: mid-page) *"Guidance: Fencing is advisable where the reservoir is highly accessible to the public or livestock. Where electricity or telemetry is available, consideration should be given to the installation of electronic security equipment."*

Over time heavy equipment and vehicles driving on top of the tank could compromise the seals and seams of the tank. If animals are on top of the tank, defecating on top could eventually infiltrate down into the drinking water system. The integrity of the roof of the tank needs to be a priority. That is why fencing drinking water facilities is common.

3. Amendment to the Safe Drinking Water Law:

A. (1st page: "Terrorist and Other Intentional Acts")

"The vulnerability assessment shall include, but not be limited to, a review of pipes and constructed conveyances, physical barriers, water collection, pretreatment, treatment, storage and distribution facilities, electronic, computer or other automated systems which are utilized by public water system, the use, storage, or handling of various chemicals, and the operation and maintenance of such system." (Underline added since Mr. Dyches drew attention to the physical barrier portion of the statement.)

B. (Page 3 (d): "Guidance to Small Public Water Systems")

"The Administrator shall provide guidance to community water systems serving a population of less than 3,300 persons (Elk Ridge would fall into this category) on how to conduct vulnerability assessments, prepare emergency response plans, and address threats from terrorist attacks or other intentional actions designed to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply of drinking water provided to communities and individuals." This is a Federal mandate that this be taken into consideration.

C. (Page 3 – mid-page: (2) (b) Funding is available that can be used to go "to community water systems for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health and the supply of drinking water as determined by a vulnerability assessment conducted under subsection (a)."

(2) (B) *"the purchase and installation of fencing, gating, lighting, or security cameras:"*

D. Sec. 1434 "Contaminant Prevention, Detection and Response" Stating that Administrators (as in cities) are supposed to be addressing and implementing various methods to prevent, detect and respond to the possibility of intentional introduction of various contaminants to water systems and water sources:

"(4) Procedures and equipment necessary to prevent the flow of contaminated drinking water to individuals served by the public water systems." That is part of what public officials are charged to do.

E. § 300i-1: *Tampering with Public Water Systems*

Anyone tampering with or threatening to tamper with a public water system can be subject to:

- 10 to 20 years imprisonment
- from \$100,000 to \$1,000,000 fine

F. Mr. Dyches reviewed various Utah incidents with the Council.

He strongly encouraged the Council to listen to law enforcement, fire officials and the City's water operator regarding their recommendations for securing the tank area.

Questions:

Julie Haskell: Could the purpose still be served with a smaller footprint for the proposed fence?

Mr. Dyches: If the tank were secured and fenced, then it could be minimized. The other thing to consider is the property owned by the City; if someone were to be injured on it...this is why the District fences around their entire property line...for liability issues. They would not want the chance for any injury on their property.

Julie Haskell: She pointed out that parks are open to the public and are typically not fenced.

David Church: (City Attorney) "When people fall and get injured...when people get hurt in parks; 'we do get sued for it'. 'The key on liability is this: if we know or should have known about a hazard, and we don't take care of it...and that hazard is the legal cause of the injury...then we have the potential for liability. So, if you ask the attorney or you ask the risk manager from the insurance company, 'do you think this is a hazard? Or do you think we should fence this?' we are going to give you the most conservative answer. When you have public open space like that...you invite the public in...and you haven't made any improvements on it...you don't have any detention basins; you don't have any fences; you don't have any established road; you don't have a tank; you don't have a pump house...it's natural...that is the lowest possible risk. It is natural open space...it is just there; it is hillside...you're not inviting people in; you're not saying, 'Here's a road you can use', you're not saying, 'Here's a facility that you can use' and you haven't made any changes. Once you begin to make changes...to put in improvements...then you begin to positively create the risk...it is no longer just 'natural'...it's man-made. On that property, you have several man-made things...man-made by the City. You have a road that you know is going to be used; so if you are going to allow people to ride their ATV's or use that road, you're going to have to have a level of maintenance on it; if you don't and they get hurt, there's a potential claim. If you have a trail and you have an unmaintained trail, and someone trips and falls over a piece of metal sticking out, or a hazard that's there, and you knew or should have known about the hazard, then you have a potential claim...it's your trail.

When you build a water system and those debris basins and the pump house, when we talk about the liability issues, we are talking about two things:

1. Potential claim from damage to your water system (this is different)
2. The fact that you have it there (*the land*) and you know people are using it for recreation purposes...you know kids are playing there; you know that people are there with their sleds...you know that they are using it. This isn't a natural hillside; this is a man-made hillside; so there is a risk that you have created a hazard that you have invited people on...and you know about the risk; and you haven't mitigated the risk. That is one of the reasons why people fence their improved property...because they have created hazards or sometimes attractive nuisances that people play in; and so they want to take what people would say would be reasonable steps to prevent that.

We all know that a fence won't keep out a determined trespasser; but a determined trespasser...as the gentleman was saying...they don't give claim. Invitees have claims. Known trespassers that you allow or you tolerate...they may have claims. But you put up a fence and a kid climbs the fence and hurts himself; he doesn't have the same kind of claim as when you don't have a fence and a kid hurts himself.

That's one of the issues you have. That is why I say...if you ask the attorney, or the insurance company (risk manager); we're going to give you the most conservative answer. We think that you ought to protect people from themselves, especially when I heard that kids were using that thing (*hill*) for snow sports...that is not a hill that was designed for use in snow sports.

The other side of it is...you have valuable assets...you have a valuable water system...you ought to do some reasonable thing to protect the asset and the water system from vandalism (intentional or accidental), or just from people playing on it. What that level of protection is...that is for you to decide. I know you'll make a good decision on it; but you need to do something...in my mind because this is open space. Once the town made the decision to put that tank and that pump station there; you changed the nature of that open space. The public is still under the impression that they have free reign and free access there. You need to change that impression, because you have changed the nature of that open space and it is not as safe as it used to be...open and free. It is not safe for kids and you can't say that that whole property can be safe if used even for adult hikers. You never know what is going to happen to somebody.

My advice is that you need to do something. You need to take some actions that you think are reasonable...just simply because it is the City that is the one that built those debris basins or allowed them to be built...and the pump station...and you need to decide what is reasonable and prudent, and do it. The fact that we are sitting here and discussing the potential hazard...we know or should have known...now when somebody makes a claim, it will be even worse that you haven't done something."

Referring to the pipes between the basins, he added, "Whatever you do, don't allow little kids to play around places with little crawl spaces in them or for varmints to get in them."

So, his advice regarding hazards: "If you think it might be, you should take some steps to take care of it."

He pointed out that all the discussions and tapes will be used against the City in a claim.

Julie Haskell: After thanking the attorney, she invited the Sheriff and the Fire Chief to add their opinions.

Deputy Tindall: What is reasonable? He said he was not convinced that Option "A" is any more secure than Option "B". He said that he feels everyone agrees that the pump house and the hatch on the tank need to be secured. He said that Option "B" seems to be the most conservative and reasonable...that would secure both the tank and the pump house.

Derrek Johnson: He disagreed with Deputy Tindall; there are still the retention basins and the road that is on City property and those need to be secured because of potential risk. He feels the Attorney stated it clearly.

Deputy Tindall: He pointed out that the Attorney stated that whatever is "reasonable"...there is City property in other areas in town as well...are those locations exposed as well?

Derrek Johnson: But those other areas have not been improved. The road was installed as part of the tank project.

Weston Youd: He agreed with the Attorney's advice. Where the open space has been modified, it should be addressed. He feels that Option "B" does address the areas that have been modified. The trail could even be extended in the future.

Mayor Lutes: Even with Option "A", there is room for a walking trail beside the fence.

Erin Clawson: She asked if security is not more important than recreation.

Kim Dyches: Fencing can take into consideration future expansion. There is room in that area for other facilities. When you fence an area there will be an initial learning curve while people get accustomed to the fence being there.

David Church: He said that he agreed that Option "B" could be considered a reasonable option; but if you choose that option, the Council needs to decide what the road is for. Is it a trail, or is it an ATV trail...will vehicles be allowed? The road needs to be maintained for whatever purpose is assigned to it. It also needs to be decided if it will be allowed to go off the road into the other open space. The retention ponds will be destroyed by ATV's, even unintentionally...the berms and the banks will be gone and it will become a motor-cross jump. This needs to be evaluated. If ATV's are not going to be allowed off the road, then steps need to be taken to prevent that. He suggested to not discount the value of those retention ponds...they are there for a particular purpose; when a storm comes, the City will need those to work. People with ATV's will make those disappear in a hurry, if not maintained.

Mayor Lutes: If Option "B" is being considered; it would not be much different to take that line and include the basins; then there would be other risks mitigated. He also suggested simply including the deepest basin within the fenced area.

Sean Roylance: He stated that he did not believe that anyone has suggested not protecting that deepest basin...

Mayor Lutes asked the Fire Chief if he had anything to add:

Chief Wait: Whatever happens, if the tank has to be drained...that is when he and the Fire Dept. would be involved. If the City loses fire suppression, then they will have to figure out some other way to provide support to whatever homes would be affected. He agrees with all the comments about securing all the City-improved areas.

Deputy Tindall: There are few reports of incidents around the tank area...there was one report of someone snow sledding on the tank hill and a few reports of ATV's in the area...and that is all he has received.

Erin Clawson: She made the point that there would be no reason to report anything going on in the area, since it is not secured.

Deputy Tindall: He suggested "no trespassing" signs along with whatever fence is decided on.

Sean Roylance: Why are we concerned with minimizing the fence? (He wanted to answer that question.)

When the Planning Commission survey went out a couple of years ago, many were concerned with conserving open space and having access to it. People wanted the Council to do what was possible to get, preserve and enhance as much open space as possible. He does not feel that desire has gone away. With that said, he felt that there were two competing interests:

1. How to preserve the open space as much as possible...in a very prominent part of the City?
2. What can we do to minimize the impact?

Erin Clawson: Was the question of protecting the City's water source asked in that survey?

Sean Roylance: He doubted it...but everyone knows that it is important...but, is there a creative way to minimize that and still maintain the desired open space? That is why there is the question of what can be done to meet the needs of both sides of the issue. He is and has been in support of fencing the upper retention basin and the pump house.

He finds it difficult to deal with some of the inconsistencies: Why is this retention basin so critical, yet others do not seem to be? Why is it more critical to "harden" the top of this tank, but not the others? Sledding seems to be an issue in this area...what about across the road? There are many places where there are inconsistencies. (It was pointed out that the property where sledding occurs across the street is property owned by Payson.)

Weston Youd: (Addressing Council Member Johnson's concern with resistance to fencing) Rather than "resistance"; he prefers to think in terms of determining what would be best for this situation for this particular tank. He understands that there is advice from professionals, but he would like the perception of "resistance" changed. It is not resistance to a fence; it is trying to find the right solution.

Erin Clawson: She feels that the most important responsibility is to protect our citizens from negative consequences...more importantly than even the open spaces. There is still open space there...perhaps a compromise to move the blue line (Option "A") over and allow part of that to be a walking trail rather than a vehicle trail...maybe that would be easier to maintain.

We have heard from experts at the last meeting and at this meeting...as well as having expert information in the Council packets...she agrees with Council Member Haskell: the minutes of a Council Meeting held December 9, 2008, reveal that Council Member Haskell felt there was a lack of regard for the opinion of the City's hired professionals. We have had various professionals advise the City and a great deal of information that she has researched...she asked what research has been done or sought out to support not providing the most protection available.

Sean Roylance: He felt that Council Member Clawson might be surprised at his opinion at this point. He asked that there not be assumptions to what the opinions were after listening to everyone who had spoken and advised the Council. But he does feel there should always be a balance, and the extreme is not always the best solution.

He said he is actually leaning toward an option that would be between Options "A" and "B".

Erin Clawson: She is not saying to take away all the open space; but she feels the most important priority is to protect the most important asset to the community...which is provided to every single person. Most people were not even aware the Council was having that conversation...she feels they would be interested in their drinking water.

Mayor Lutes closed the Work Session at that time.

1:40:40

**ELK RIDGE
CITY COUNCIL MEETING
April 13, 2010**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, April 13, 2010, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. A City Council Closed Session was scheduled for 8:20 PM, at the conclusion of the regular Session. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda as well as an Amended 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 April 7, 2010.

7:50 PM –

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth O. Lutes; City Council: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; City Planner: Shawn Eliot; City Attorney: David Church; Division of Drinking Water: Kim Dyches; Sheriff: Deputy Tindall; Building Official: Corbett Stephens; Fire Chief: Seth Wait; Deseret News: Rodger Hardy; Public: Nelson Abbott, Lucretia Thayne, Devin & Hayden Hoole, Jamie & Jim Towse; and the City Recorder: Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

An invocation was offered by Jan Davis and she led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME
FRAME**

DERREK JOHNSON MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:50 PM
VOTE: YES (5) NO (0)

PUBLIC FORUM

Nelson Abbott: There was a letter provided to the Council from former Council Member Abbott: but to summarize, he feels the fence is important and reduces risk to the City.

Jamie Towse:

- Her greatest concern is public safety and protecting the City's water. That is basic and there should be no question that it should be taken care of.

- She agrees that there could be a trail along the fence.

- Safety and reducing the risk for liability are most important to her.

Lucretia Thayne: She appreciates the efforts taken to be thorough and to protect the rights of everyone. She observed that she has lived in Elk Ridge since the time when there was much more open space than exists now. We love the open space; but over the years there has also been a concern with the pumps and the wells and why there has not been more protection around those areas. She and her husband feel that the dangers and the risk of liability must be addressed.

She expressed that the City's water system is a far higher priority than open space...it could be a matter of life and death. She suggested that the line could be brought in to still include the problem areas.

There was no other public comment and the Public Forum was closed.

1:47:51

**FENCING FAIRWAY
TANK & PUMP HOUSE**

Mayor Lutes asked for comments from the Council:

Weston Youd: After listening to the discussion, including the advice from the professionals; he feels a compromise could be made: Extend the yellow line (Option "B") to include the upper retention basin and leave the road open, without a gate across the road (so as not to invite it being knocked down). This would be the Option "X to Y", without the road being fenced.

He was firm about the need to "harden" the top of the tank and the hatches.

He even likes the gate at the bottom of the road; foot access is still available, but vehicular traffic is deterred.

He also agrees with "no trespassing" signs. This option allows foot traffic, ATV access, possibly equestrian use...while still protecting the drinking water facilities.

Mayor Lutes said that he was confident that all were in agreement regarding securing the top of the tank.

Sean Roylance: He agreed with most of Council Member Youd's proposal...he likes the idea of the gate and signs. He is now concerned about the other water tanks (that will be addressed in a future meeting).

He would like to preserve the foot traffic.

Derrek Johnson: His first preference was still Option "A"; but he would be willing to consider Option "C" with the gate at the bottom.

Mayor Lutes asked Corbett Stephens for his opinion:

Corbett Stephens: His preference was to follow the "blue" line around the outside (Option "A");

- No parking lot up at the top (do not give people access to the parking lot...they can walk around it)

- Bring the fence in a ways to allow for a foot path on the outside

Julie Haskell: She was in favor of moving the blue line; but allowing the full road to be open...with the gate, as well. (She agreed with Council Member Youd.)

Erin Clawson: She expressed her appreciation to the Council and the willingness to compromise; but she still felt Option "A" was the best solution. She still maintained that the City could not do too much to protect the water system. If any kind of compromise were made, she likes Option "B" with the line being away from the tank on the east side as in Option "A". What is a "reasonable" buffer? Would that be Option "Y to X"? Moving the fence away from the edge of the tank denies direct access to the tank...she felt that would be safer. She felt that the City can be safe and still allow for open space.

Mr. Dyches: The further back you can keep vehicles, the better. Trucks could get close enough to be used as ladders. Fences tend to keep "honest" people out.

There was continued discussion regarding a gate and that a gate is a determining point to alert anyone on patrol or neighbors. There was discussion as to the possible location of the gate, with Council Member Haskell suggesting moving the gate up to the "X" location on the map (just east of the pump house).

Corbett Stephens: (Regarding a trail) If a trail is what the Council wants, then create the trail all the way on the outside of the fence. It would not take much to take equipment up there and flatten out the trail...use the pile of dirt up there to help create the trail. Put the fence inside the trail...between the trail and the road. That would fence more area, maintain the parking lot for the tank site (not for parking ATV's or trucks, etc.). It would put the fence further out than previously considered; but it gives people a trail...still maintaining the tank and protects the site.

Kim Dyches: Enough space need to be left to allow service trucks and City trucks in to maintain the tank. *Corbett Stephens pointed out that a crane was up in that area and it needed room to be able turn it. A 10' buffer would not allow the crane to maneuver. The City could go to the expense of hiring a different crane; but this one is the property of SESD and they do not charge the City to come up and help us.*

He added that, when driving a truck/vehicle up the road in the winter, it is impossible to stop once you get going up the road...if you have to stop, you have to back all the way back down and get another start. The stop must be either at the bottom of the road, or up on top...not in between.

There were several suggested unofficial motions made, citing different modifications. Council Member Roylance considered these and attempted a motion.

Council Member Roylance said he would like to combine the sample motions #1 and #3; with the addition of an improved trail, the location of gates to be determined by the Building Official and that he would like to have it noted that he feels "hardening" the other tank tops is a priority that should be addressed at another meeting as soon as possible.

SEAN ROYLANCE MOVED, SECONDED BY DERREK JOHNSON, TO ADDRESS SECURITY ISSUES IN THE AREA OF THE FAIRWAY TANK, PUMP HOUSE AND RETENTION BASINS, UNDER THE FOLLOWING TERMS:

- THE MAYOR IS AUTHORIZED TO PROVIDE ADDITIONAL SECURITY TO THE FAIRWAY TANK HATCH AND VENT BY INSTALLING STEEL BOXES TO PROVENT ANY TAMPERING WITH THE EXISTING HATCH AND VENT
- THAT THE MAYOR IS AUTHORIZED TO INSTALL A 6-FOOT CHAIN LINK FENCE WITH THREE STRANDS OF BARBED WIRE ABOVE IT; AS SHOWN IN OPTION "A", EXCEPT SHORTENED TO PASS BY THE PUMP HOUSE...FOLLOWING THE BLUE LINE ON THE MAP AROUND PAST POINT "X" TO THE EDGE OF THE PARKING LOT AND INCLUDING THE SOUTHERNMOST RETENTION BASIN (POINT "X" TO POINT "Y" ON MAP) TO GIVE PROTECTION TO THE WATER SYSTEM, AND MINIMIZING THE LIABILITY, WHILE LEAVING THE LOWER HALF OF THE ACCESS ROAD UNOBSTRUCTED
- INSTALL THE APPROPRIATE GATES, THE LOCATION OF WHICH IS TO BE DETERMINED BY THE PUBLIC WORKS DIRECTOR
- CREATE AN IMPROVED TRAIL ON THE EAST SIDE OF THE PROPERTY (EAST OF THE BLUE LINE, AS SHOWN ON THE MAP)
- NOTED: THAT THE CITY COUNCIL SHALL CONSIDER "HARDENING" THE OTHER WATER TANKS IN TOWN IN THE FUTURE

Discussion:

Sean Roylance: He thanked Mr. Stephens for pointing out certain improvements that would allow the possibility of an easily accessible trail. From a visual impact standpoint, he did not feel having the fence on one side of the trail or the other makes much difference. This also gives the appropriate access to all areas around the facility.

There were no further comments.

VOTE (POLLED): WESTON YOUNG-AYE, SEAN ROYLANCE-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE (4) AND ERIN CLAWSON-NAY (1)

Passed 4-1

Erin Clawson: She added: though she appreciated the compromise, she still felt Option "A" would have been preferable.

UPDATE: JOINT
CITY COUNCIL –
PLANNING
COMMISSION W/
PAYSON CITY RE:
ANNEXATION PLAN

Shawn Eliot: There is an Interlocal Agreement between Payson and Elk Ridge regarding future annexation plans; which states that Elk Ridge will not annex west of 1600 West. The current Annexation Plan, contained within the proposed General Plan states otherwise. - It includes part of the area west of 1600 West and north of Goosenest Drive. - Payson requested a Boundary Line Adjustment along the north edge of the Golf Course. Part of the Council motion included Elk Ridge's intention to annex west of 1600 West; this put everything on hold for a while since the motion was not well-received by Payson City and then Councils changed in both Cities. The new Mayor seems to be in favor of Elk Ridge's proposal. Payson City's Planner suggested a public meeting with land owners (Haskell Ville). There is a joint meeting planned with Payson City on April 20, 2010 at 7:00 PM, at the Payson City Hall. *Notice needs to go out for Elk Ridge's Council and Planning Commission.

2:31:50

MAYOR'S UPDATE –
CDBG INTERLOCAL
AGREEMENT

Mayor Lutes: There was a polled vote taken in favor of authorizing the Mayor to sign a resolution that would commit the City to joining with other cities to join the County in qualifying for CBDG Grant money. The deadline to have this sent in was postponed; so the Mayor placed this on the agenda to either ratify the polled vote or to allow the Council a chance to re-vote with some additional information. It has come to the Mayor's attention that Woodland Hills' Council actually rejected the idea due to their concern with the Government involvement with the way the agreement is written; which has been a concern of the Mayor's in the past. The vote could change to opt out of the arrangement, if the Council chose to do so. Utah County needs a population of 200,000 to participate (not including Provo), which they already have without Elk Ridge or Woodland Hills. They will be considered an "urban county" regardless of how Elk Ridge votes.

Sean Roylance: One thing discussed with the Mayor on the phone was that if we vote "yes", then we can potentially qualify for some grants; however, Elk Ridge would not be a realistic recipient for that grant money, anyway. He felt that Woodland Hills' position was interesting and he (Council Member Roylance) is not really in favor of the government taking the City's money and then dictating when and how we would get it back. He would change his vote; all were in agreement.

Council Member Roylance also pointed out that the chance to reconsider this would come up again in three years.

WESTON YOUNG MOVED, SECONDED BY SEAN ROYLANCE, TO AUTHORIZE THE MAYOR TO SIGN "NO" ON THE PROPOSED AGREEMENT FOR CDGB GRANTS
VOTE: YES (5) NO (0)

2:40:07

CITY COUNCIL
UPDATES

Julie Haskell:

1. The 911 Service District (Dispatch): The City's fees for this upcoming year will tentatively stay the same as this year...\$9,869.00
2. There is no approved budget for Police Protection yet.

Erin Clawson:

1. The new Council table will be finished soon; built by citizens.
2. The City Offices are finished with remodeling
3. 2 scout groups are committed to complete the clearing of the Cloward fields of rocks
4. May Day (Volunteer Day) to come to the park to assist in weeding, trimming and cleaning up the park (9:00 -12:00). This is to be coordinated with Council Member Johnson.
5. RE: Fencing the tank area...she would like to plan something for either this year or next for Arbor Day (Perhaps planting trees). There is a grant that can be applied for (\$250).

Mayor Lutes mentioned that the Spirit of Elk Ridge or "Catch the Spirit" is still on-going with services and donations.

Derrek Johnson: Playground Equipment: There was to be information in the Council packets; however, Council Member Johnson had been very ill; besides problems with his PC at home. He had been working with Corbett Stephens in figuring out costs. He wanted to know how to expedite an approval so he can move forward, once he gets the information to the Council.

City Recorder: Once he solidifies the information, he could get authorization to poll the Council or have the Mayor poll the Council for approval or denial, then ratify the vote at the next Council Meeting (May 11, 2010). He would hand-deliver the information to the Council.

Weston Youd:

1. The SUVMWA Meeting scheduled for 4-14-10 was cancelled. There is a report due that is being worked on.
2. Council Member Youd is reviewing the City's Administrative Code for "gaps" and "weaknesses" with the current code. He has done a preliminary review and will continue to study this. If the Council has any questions or concerns, he encouraged them to please let him know.

Sean Roylance:

1. The Planning Commission has been reviewing the Development Code, as well. Some of the current code was brought in from other cities and some of it does not fit our City.
2. He requested the Volunteer list and accomplishments; he wants to get those up on the web site.
3. A Pay Pal account was suggested to be used to accept donations online; as well as sign ups for athletics. Perhaps Marissa Bassir would be best to address this and gather the information to be able to make a decision in the future.

Mayor Lutes would like to explore the options available. Council Member Roylance "casually" recommended that Mayor Lutes speak to the staff regarding gathering information about Pay Pal.

4. Some of the residents have expressed their disappointment in no longer having the accessibility of dumpsters for cleaning up the City. He felt the Council should re-consider having dumpsters available. (Other Council Members had heard the same response from citizens.).

5. Former Council Member Abbott would like to speak to whomever the new SUVMWA Representative is to be able to update and pass along valuable information from his term of Office spent as the Representative.
6. He attended a City Government conference in St. George for a day and a half. He was interested in a “slash park” example with one of the vendors. He was favorably impressed and would like to consider this in the future for Elk Ridge.

Derrek Johnson: This has been discussed in the past and one of the issues was that the water would have to be chlorinated.

Sean Roylance: IF the water is recycled, it would have to be chlorinated; not if it would be allowed to just run. He felt it would be worth considering for the residents.

7. Council Member Roylance contacted the County about the proposed road to Benjamin, to see what is happening. He also did some additional computations on the road and the various routes.

Given their traffic projections, in about 10 years, it would have a cost to Elk Ridge residents of somewhere between 1 million and 1 ½ million dollars per year...just in car and gas expenses; not to mention the value of time or pollution or anything else.

The County said that they are working toward the more “straight shots” to the freeway exit. He was told that perhaps a statement of support from the affected cities would be requested in a matter of weeks.

Personally, Council Member Roylance is encouraged by this; even counting the projected costs involved. He feels most people will be in favor of the more straight shots.

3:01:19

TENTATIVE 2010/2011
BUDGET

City Recorder: There were some updates to the Budget since the last discussion.

- Council Member Clawson requested that the line item for funding Eagle Scout projects be separated from the Volunteer Projects so the figures could be more easily tracked. (Done)

- It was explained that the “budget notes” include most of the explanations for the budget accounts

- The Recorder will consult with the Finance Director when she returns from her trip regarding how to handle transfers from the Fire Dept. to Capital Projects Funds.

- The Fire Dept. budget will have to be considered before placing the figures into the proposed budget.

The Fire Chief requested about the same amount to be transferred from the General Fund as last year.

Tentatively, the fund balance for the General Fund is increasing.

Erin Clawson: She wished to proposed a change for the future budget year: (Page 5 of the budget)

Proposal: to allow the ongoing donations to be utilized for future improvements in remodeling the City Hall as well as other projects, rather than paying back the original \$5,000 transferred in from Capital Projects to “kick start” the volunteer projects.

She presented a comparison of what some of the savings have been through the volunteerism. Example: the remodel including labor would have cost the City about \$24,230; however only \$3,842 was spent.

She sees the benefit of continuing on with the volunteer spirit to use the money coming in to go forward with continuing projects.

The nearly \$5,000 was originally transferred into the General Fund from unused fund balance in the Trails Fund. The Council voted to use this money in the General Fund.

Julie Haskell: She felt that the projects have been “volunteer” based and that it was voted on based on paying that money back; perhaps to be used for other expenses.

Mayor Lutes: The only thing that changes is perhaps the expectation that the donations would be used to pay back the original contribution. Would the momentum be jeopardized if the projects cease?

Council Member Clawson was fine with whatever the Council decided; she just did not want to lose the interest in volunteerism that has been generated. There is still some money left.

After discussion, the Council was split as to the benefits of paying back the money now; or to wait to pay it back until 2011.

~~SEAN ROYLANCE MOVED, SECONDED BY DERREK JOHNSON, TO WAIT TO BEGIN THE PAY-BACK OF THE ORIGINAL \$5,000 UNTIL JANUARY 1, 2011~~

Discussion: Weston Youd and Julie Haskell felt that the basis of the pay-back should not change; but as Council Member Youd said, it is really an accounting issue and that it was agreed to use the money this fiscal year to match that contribution and that it is tax-payer money.

Council Member Clawson was reticent to vote for her proposal, taking into consideration all of the opinions expressed.

Council Member Roylance pointed out that, if the opposite were to occur, and the momentum were affected; then this would have to be re-visited. In other words, “We gave you a loan and I don’t care to have it paid back right away.”

Councilmember Johnson added that there is a “good thing going”; he would hate to see this interrupted.

**As of January 1, 2011, the budget will change to show the revenue coming in going to the expenditure code to show the pay-back.*

VOTE: YES (3)

NO (2) JULIE HASKELL & WESTON YOUD

EXPENDITURES:

General: None

Check Register & Payroll for February & March of 2010:

SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CHECK REGISTERS AND PAYROLL REGISTERS FOR FEBRUARY AND MARCH OF 2010

VOTE: YES (4)

ABSTAIN (1) WESTON YOUD (HE DID NOT HAVE HIS PACKET INFORMATION AHEAD OF TIME)

MINUTES

City Council Minutes of 3-9-2010:

DERREK JOHNSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL MINUTES OF 3-9-2010 AS PRESENTED

VOTE: YES (4) ABSTAIN (1) WESTON YOUND

City Council Minutes of 3-19-2010: (Field Trip)

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 3-19-2010 AS PRESENTED

VOTE: YES (4) ABSTAIN (1) WESTON YOUND

OTHER BUSINESS

It was pointed out that there are two open positions on the Planning Commission, she wanted to know when those would be filled.

Sean Roylance: The Planning Commission has had some issues with not being able to get a quorum to take action on items.

Mayor Lutes: The last conversation he had was that this would be postponed until there was enough business to warrant another appointment. If there should be action taken, then perhaps this would be a good time.

Sean Roylance: He went over that, including the alternate Member, the Commission could be down to 5 Members shortly. Kevin Hansbrow has not been attending, so the Commission could be losing him.

The City Council agreed that action should be taken to fill these positions.

The Fire Chief was asked if he had any budget concerns; he responded that if the Council had any questions on his proposed budget for 2010/2011, please call him. (His proposed budget was emailed to each of the Council Members.) The Fire Chief and the Recorder will meet upon her return to work in a couple of weeks.

ADJOURNMENT

The Mayor adjourned the Regular Session at 9:50 PM; and moved to the City Council Closed Session.


9:50 PM -

CITY COUNCIL CLOSED SESSION

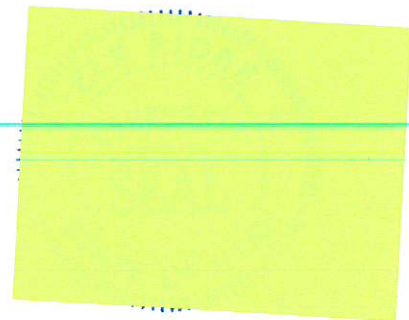
ROLL

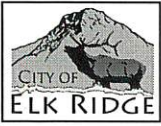
Mayor: Kenneth O. Lutes; City Council: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Yound & Erin Clawson; Public Works/Building Official: Corbett Stephens; & the City Recorder: Janice H. Davis

Discussion of Business Negotiations and Discussion of Personnel



City Recorder





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

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

NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge and the City Council of Payson City will hold a special **Joint City Council Meeting on Tuesday, April 20, 2010, at 7:00 PM**

The meetings will be held at the Payson City Hall, 439 W. Utah Avenue, Payson, Utah.

7:00 PM - JOINT CITY COUNCIL MEETING AGENDA ITEM:

Elk Ridge City Council to meet with Payson City Council regarding Annexation Boundaries

Handicap Access, Upon Request. (48 Hours Notice)

Dated this 14th day of April, 2010.



City Recorder

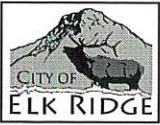
CERTIFICATION

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 emailed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah; and was provided to each member of the Governing Body on April 14, 2010.



City Recorder





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

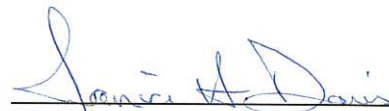
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF CANCELLATION OF AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge is canceling the regularly scheduled **City Council Meeting** planned for **Tuesday, April 27, 2010.**

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

CANCELLATION OF MEETING



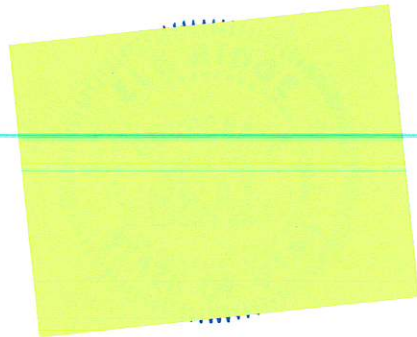
City Recorder

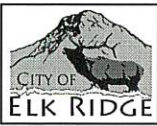
CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of this Notice of Cancellation of the Agenda planned for the City Council Meeting that was to be held on 4-27-10 was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah; and was provided to each member of the Governing Body on April 14, 2010.



City Recorder





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

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

AMENDED NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 11, 2010, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM; as well as a City Council Closed Session at 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. Spectra Management _ Insurance Brokers
2. Oak Hill Estates, Plat E – Proposed Zone Change – (Fred Gowers)
3. Parks:
 - A. Playground Equipment
 - B. Park Maintenance
4. Curb & Gutter:
Oak Ridge Drive, Park Drive (Weeks), Raymond Brown
5. Road Repair: Crack Fill

7:00 PM -

REGULAR COUNCIL MEETING AGENDA ITEMS:

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

- | | |
|------|--|
| 7:20 | 6. Oak Hill Estates, Plat E – Proposed Zone Change (Fred Gowers) |
| 7:30 | 7. Parks: <ol style="list-style-type: none">A. Playground EquipmentB. Park Maintenance |
| 7:45 | 8. Curb & Gutter: (Oak Ridge Drive, Park Drive - Weeks & Raymond Brown) |
| 8:05 | 9. Road Repair: Crack Fill |
| 8:15 | 10. Elk Ridge Meadows PUD, Phase 2: Surety Bond Release – Mayor Lutes |
| 8:20 | 11. Tentative 2010/2011 Budget Discussion – City Recorder |
| 8:30 | 12. Expenditures: (General) <ol style="list-style-type: none">A. Check Registers and Payroll for April, 2010 |
| 8:40 | 13. Approval of City Council Minutes |
| 8:45 | Adjournment |

CITY COUNCIL CLOSED SESSION

Land Negotiations & Discussion of Personnel

REGULAR COUNCIL MEETING AGENDA ITEMS:

Any Action from Closed Session
Fairway Water Tank Installation - Details

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 10th day of May, 2010.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah; and was provided to each member of the Governing Body on May 6, 2010; and an Amended Agenda on 5-10-2010.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
May 11, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 11, 2010, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. A City Council Closed Session was scheduled for 8:45 PM, at the conclusion of the regular Session. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda as well as an Amended Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 6, 2010; & an Amended Agenda on 5-10-2010.

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Public:* Dairrel Gardner & Ryan Bingham (*Spectra Management*), Nelson Abbott, Lucretia Thayne, Jamie Towse, Kari Turner, Shaun Merrill, Melissa Merrill, Christina Larsen, Tiffani Currie, Terie Righettini, Tricia Gunnerson, Lucretia Thayne, Ray Brown, Fred Gowers, Doug & Cecile Scribner, Bryanne Colver, Cynthia Peck, Blain & Cathie Ogden, Jim Spencer, Kyle Houghton; and the *City Recorder:* Janice H. Davis.

SPECTRA
MANAGEMENT
SERVICES

Mayor Lutes introduced Mr. Gardner of Spectra Management:

Spectra Management met with the City Recorder about two months ago to propose replacing Utah Local Governments Trust (ULGT) as the City's insurance brokerage firm. The City Recorder was impressed with their presentation and updated the Mayor on the discussion. He agreed to have them provide information for the Council Members and to have representatives come to a Council Meeting to speak to the Council.

(Memo from City Recorder to Council – provided in their Council Meeting packets)

"Spectra Management: They have proposed taking over as the City's brokers for health care with PEHP.

The reason I agreed to listen to their presentation was that ULGT has seldom, if ever, acted proactively in the City's behalf regarding health insurance. ULGT has, on the other hand, been very good to work with regarding our other insurances (liability, property, etc.)...that is a different dept.

When I spoke with the representatives from Spectra, I was impressed with the proactive part they wish to play in working with the City (staff) and the City Council to act in our behalf...finding the best deal for the City.

In the past, we relied on former Council Member Abbott to analyze our insurance needs...and weigh options for the City. I like the idea of a representative coming in to train the Council directly and to research options to provide good coverage, and still be sensitive to City budgets. All we ever get from ULGT or PEHP is a renewal form and we are left to do the research ourselves.

They (Spectra Management) would not require any more from us than ULGT does for the fee, paid to them by PEHP or any other insurance company we would go with. We would also be on a month-to-month basis with them; so if we were dissatisfied for any reason, we would not be locked into a long-term contract.

Dairrel Gardner and Ryan Bingham were present to present a brief proposal, explaining the services offered and to answer questions."

There were no questions at that time.

0:22:26

OAK HILL ESTATES,
PLAT E – ZONE
CHANGE REQUEST

(Memo from Planner to the City Council, dated 5-11-2010)

"Background

Mr. Fred Gowers, the owner of lot 1 of Oak Hill Estates plat E located at approximately 110 South Hillside DR., is requesting that his 1.5 acre lot be rezoned. Currently the lot resides within two zoning districts. The northeastern portion of the lot is within the R-1-15,000 Zone, the southwestern portion is located within the Hillside Residential 1 (HR-1) Zone. Mr. Gowers is proposing to rezone the HR-1 portion to R-1-15,000. Though he is not proposing to split his lot in this process, his future plan is to create 2 building lots. The HR-1 zoning would not allow 2 lots since lots must be at least 1 acre. The R-1-15,000 Zone allows third acre lots. His lot was created in 2006 by RL Yergensen through the subdivision process. Half of the lot has had extensive grading to provide access to one buildable area. This lot has also had considerable discussion about the need to re-vegetate the hillside on the eastern edge of the property abutting Hillside DR. At final plat approval, Mr. Yergensen was told by the council that any development on the back side of the lot in the hillside zone would have to come in under the hillside zone rules.

Staff Findings

The lot should be rezoned to be within one zoning district. The question is which rules and regulations should apply; those of the HR-1 Zone or of the R-1-15,000 Zone? Though there has been considerable grading on the property that has taken away much of the vegetation, there is still an undisturbed steeper area of the lot that would be protected under the HR-1 zoning. Whichever zone the lot is placed in, creating two lots in this terrain will be difficult due to steep slopes and driveway requirements. The HR-1 Zone has more requirements for cuts and fills and re-vegetation and would only allow one lot. The R-1-15,000 Zone does not have the cuts and fills and re-vegetation requirements, but still has driveway grade and retention wall requirements. Up to 2 lots could be created with the R-1-15,000 zoning.

It is important to note, though the applicant has indicated what he plans to do with the land if it is rezoned to R-1-15,000, the issue being reviewed presently is not his future plans, but what do both zones allow for this land and which zone is appropriate.

Since the planning commission made their recommendation of denial to rezone the land to R-1-15,000, Mr. Gowers has emailed the mayor (attached) stating that he believes that his lot was re-zoned as part of the subdivision plat process in 2006. He argues that the plat map lists the subdivision as being in the R-1-15,000 Zone, which is correct. He further states that after this the city later changed the zoning back (to two zones) with the re-write of the HR-1 Zone. Both arguments are incorrect. Mr. Yergensen never applied to re-zone the land as part of the subdivision process. Even with the omission of the CE-1 (now HR-1) Zone on the plat map, re-zoning the property is a legislative process that would have taken a separate action above the administrative action of creating a subdivision. The council minutes at the approval of the subdivision clearly state that all involved knew that the lot was within two zones (council minutes attached).

Applicant Proposal

Re-zone southern portion of lot from HR-1 Zone to R-1-15,000.

Planning Commission Meeting/Recommendation

The planning commission held a public hearing on 14 January 2010 to take input from the public. No persons were present regarding the matter. The planning commission discussion centered on concern about the scarring of the hillside that has already taken place and the need to enforce the HR-1 requirements on this property (see PC minutes on next page).

Jason Bullard motioned and Kevin Hansbrow to **deny** the request to change the zone from HR-1 zone to R-1-15,000. **Vote: yes – all, no – none, absent – John Houck**

Jason Bullard explained he denied the request because the planning commission cannot guarantee, if the zone is changed, what will happen to that hill and how many lots will be allowed. It cannot be guaranteed of how much the hill will be destroyed to make those lots work.

Kevin Hansbrow further explained that to get a driveway to work for lot 1B, it would create further scarring of the hillside, which has already been dug up.

Council Discussion

1. Is this area appropriate for third acre lots?
2. Are the protections of the HR-1 zone needed for this land or does the R-1-15,000 requirements suffice?
3. Should re-vegetation be an issue?"

Shawn Eliot: He reviewed the memo with the City Council, using maps to orient the Council with the areas being referred to.

Fred Gowers: He gave a brief history of the time when he purchased the lot and the research he did in conjunction with this purchase. He said that though he did not examine the zoning maps that were current at the time, he did refer to the plat map of the subdivision and found that it was in the R-1-15,000 Zone. He admitted that he could have done a "deeper due diligence" at the time...but he felt he was purchasing an R-1-15,000 lot. It was about 1 ½ years after the purchase of the lot that he learned of the CE-1 zoning on the back of the lot. In examining the criteria and restrictions in the HR-1 Zone vs. the R-1-15,000 Zone; he stated that there are some 15 restrictions in the HR-1 Zone, with 8 very significant plan submissions & engineering evaluations that are required in HR-1. With what Mr. Gowers plans to do with his lot, the costs are much higher, if not prohibitive with the extra restrictions.

Mr. Gowers feels his zone change request is more of a "restoration" to the R-1-15,000 Zone. He feels that the HR-1 Zone was imposed on him at the time it changed from CE-1 to HR-1 (*this was addressed in the memo from the Planner*). He said that the Planner had been very helpful in assisting Mr. Gowers understand the entire picture; and he began to understand that there was a CR-1 line across the lot at the time that the plat was approved...but the plat was actually recorded as an R-1-15,000 plat. The Council at the time should have had this division noted on the plat. Had he known of the division, he said he probably would not have purchased the lot.

Shawn Eliot: Mr. Gowers was approaching the zone change request as a "restoration" and that was his view; but the Planning Commission was saying that it was never an "R-1-15,000 lot...there was an "omission" on the mylar recorded; but the zone change to make the lot all R-1-15,000 never occurred or even requested...and the minutes from the City Council Meeting even states that the Council was fully aware of the split zoning and that it was intended to be different zones, due to the terrain of the back portion of the lot.

He added that the one thing that has remained constant with the change from CR-1 to HR-1 zone is the one acre lot requirement. The only way to do anything except a one acre lot on this parcel would be to have the R-1-15,000 zone.

Mr. Eliot continued: It comes down to the Council deciding if there is a "fairness" issue; but there is no "legal" issue involved. It was an error on the Plat map that the dual zoning was not noted; but that happens at times.

Weston Youd: He asked if the plat map (mylar) is a legal declaration of zoning.

Shawn Eliot: He responded that it is not; the plat map is supposed to list things such as ownership of adjoining lots, current zoning, etc.; but to actually change a zone is a completely different process. There are other ways to determine zoning of a lot, like zoning maps and the City web site.

Weston Youd: He questioned further regarding the best way to determine applicable zoning.

Mr. Gowers: He responded, "The zoning map is the authoritative source"; however, he rarely refers to zoning maps, he said he typically will refer to plat maps.

Mr. Eliot: He made the point that it is the buyer's obligation to find out detail about the lot...Mr. Yergensen (developer of that lot) did know about the zoning on that lot.

1:01:26
PARKS

Playground Equipment: (Council Member Johnson came into the Meeting later, so this topic had been postponed until his arrival.)

Derrek Johnson: Council Member Johnson had options to review regarding proposed playground equipment for the City Park:

1. "Tower"
 - Steps inside
 - Enclosed
2. A "tower", but shorter
 - Stairs inside

It is proposed to be erected in the area of the current volleyball court.

3. There were photos of other playground equipment that would go with either option 1 or 2.

Council Member Johnson has consulted with Corbett Stephens for installation of additional equipment:

1. Four Lights around the tennis court
2. Three other over-head lights around the playground equipment

(The light poles have been donated. SEDS has drilled holes for us at no cost. Extra cement is being gathered by Mr. Stephens from contractors in the area. The sand around the swing sets will be replaced.

The risk management representative said that the existing playground equipment is too close to the retaining wall; it is planned to level out that area, including where the playground equipment for smaller children is located. New bark will replace the existing bark and sand around the equipment.

New curbing will be installed around the area where the volleyball court is now.

The lighting will be directional and should not affect the neighbors.

Council Member Johnson spoke to the residents around the playground and they had no problem with the proposed equipment.

Sean Roylance: He asked about the risk management representative and what his counsel was. Was there concern over the height of the proposed equipment mentioned?

Derrek Johnson: The proposed equipment is manufactured by "Little Tykes"...the safest playground equipment made. He felt confident that they have researched risk management issues.

Sean Roylance: Council Member Roylance mentioned that not all playground companies offer equipment of this height due to safety issues. Would this be a liability or a safety issue?

Derrek Johnson: He responded that there are liability issues in most things we do; but playground equipment is made safe for the very reason that the manufacturers do not want the liability problems either.

Weston Youd: His concern with this aspect of the proposed equipment was such that he called the risk management representative at the Utah Local Governments Trust (ULGT); but he has not returned his call.

Derrek Johnson: He had heard that there were also concerns with the planned proximity of the proposed equipment to the parking lot on the east side of the Fire Bay; he asked for a more specific clarification of the concerns.

Sean Roylance: Certain residents felt that perhaps the children would not be in clear sight of their parents while on the equipment; could there be a problem with the security of the kids due to how close the parking lot is? Is there an additional risk in that area vs. a more open area?

Derrek Johnson: Parents will be involved; benches will be placed around the area.

Erin Clawson: (RE: Falling from the height of the proposed "tower") She is also concerned with health and safety. She spoke to a risk management person and he said that one thing that prevents injury is the depth of the wood chips or ground cover around the equipment; Council Member Johnson has taken that aspect into consideration. The representative from the playground equipment said more information could be available; but the depth of the ground cover is a key point of consideration.

She personally prefers the enclosed option.

Sean Roylance: He likes the idea of the equipment; and he agreed that parents must be responsible for their children. His question was simply if someone associated with risk management has been consulted.

The point was made that currently the roof of the City Hall and the City trees are used to play on...there is liability there, as well.

Weston Youd: He suggested stairs at the northeast corner, leading up to the playground area.

Sean Roylance: He added that he had "googled" national standards for playgrounds and found the following advice: the appropriate ground cover can support falls from up to 10'; anything over 10'...the risk increases. That is why he asked about the liability. He is also of the opinion that "families take care of themselves and that this is a public service".

0:42:25
CURB & GUTTER

1. *Oak Ridge Drive*: (Mayor Lutes) Installation of curb & gutter in the area of Heidemarie Foulger's home (97 W. Olympic Lane) has been approved for installation as soon as the weather permits. Letters were sent out by the previous City Council and were signed by the individual residents affected, wherein they agreed to pay the City back for the work.

2. *218 N. Columbus Lane (& Park Drive) – Elizabeth Weeks Residence*: (Mayor Lutes) A problem with run-off will be solved by the resident; she intends to install a retaining wall. When Mrs. Weeks asked Corbett Stephens about specification details; she was told she did not need a building permit (unless the wall is over 4' tall...it isn't) nor does she need engineering. She commented that the wall on her side would be about 2' tall and on the street side would only be about 6" above grade.

3. *Raymond Brown*: (He was present to address the Council) A Letter from Mr. Brown to Mayor Lutes was also included in the Council packets, wherein a brief history of an existing problem with run-off was outlined: (A portion of said letter follows)

"Due to the development of Park Drive and Magellan Lane, roads, cement, roofs and other associated land clearing developmental issues, including the expansion of Magellan Lane, water now is being diverted West North West.

With the added street and development, water has become a problem at Columbus Lane, which runs north and south and becomes a buffer for all the water flowing WNW. My home was flooded by the tremendous amount of water. I need to address my concerns before we have another water event. I had Jason Bullard, Kyle Hill and Doug Howell assist me during the last flooding. They can attest to the massive amount of water that was coming down Magellan and making a 45° turn north. With the slope of the terrain, water pours directly down my driveway across my yard and into my window wells in the front of my home, which faces east. After the flood, I had Corbett Stephens come down and assess the situation and offer suggestions. We determined that there was a slope in my yard on the south side of my property, which could carry some of the water to the back yard and continue on into the grassy area of the brown church on Elk Ridge Drive; allowing absorption along the way and not creating problems for other property owners. We determined that some type of curb and gutter would divert some of the water further north without causing harm to my neighbor, Mr. Doug Howell. An additional sump on the west side of Magellan between my property and that of Suzette Caplin would be very helpful in controlling the water flow."

Mr. Brown showed slides of the issues and the effort he has made by digging out window wells and adding five gallon receptacles below the window grade, with electric float-activated sumps. He feels he has done what he can to alleviate a problem he feels he did not create.

Requests:

1. *Curbing*

2. *A sump on west side of Magellan*

3. *Assistance of the City in excavating soil on south of his property (making a 2' to 3' wide ditch, filled in with large rocks, as well as lining the top)*

Mr. Brown said he was willing to discuss any other solutions or ideas. At the Meeting, he said that he felt the best solution is to install a sump, which would lessen the damage...if not stop it completely.

He is not a year-round resident any longer and he would like to have some resolution before he leaves town again.

The cost is estimated at about \$15,000 with "in-house" work and use of a contractor for some of the work.

Sean Roylance: He felt the City needs to do something about this problem; but he questioned availability of funds, the timing and how much of a priority this particular issue is.

Mayor Lutes: The curbing in front of Mrs. Foulger's home was one of the priorities; and that is being addressed.

0:56:30

ROAD REPAIR –
CRACK FILL

(Memo from Corbett Stephens to the Council)

"Crack Fill Proposal: In communicating with local city public works departments, they are in agreement that crack filling needs to take place prior to consistent ambient temperatures reaching 80°. I am requesting that the Council amend the current budget, transferring monies from next year's "roads budget" to this current year's budget for road maintenance. Spanish Fork City has agreed to let us use their crack fill machine to complete this work. While Wayne and I are not able to do this alone, Woodland Hills is willing to help us if we will help them in an equitable trade for labor. Following is some research that has been done to help us understand the value in preventative maintenance:

Federal Highway Administration

National Highway Institute

Publication #FHWA NHI-01-040 September 2001

'Extending time to major rehabilitation, more frequent/less expensive treatments, fewer land closures contribute to...

- Lower life-cycle costs
- Smoother roads, fewer delays
- Lower user costs

Reported Cost Savings:

- Initial preventive maintenance costs 14 times less than rehabilitation or reconstruction.
- The overall 'Life cycle' cost analysis is 6:1
 - Every one dollar spent on preventive maintenance: saves six dollars in rehabilitation of reconstruction costs'

The reason for doing crack fill before the temperature gets to 80°: when the asphalt gets too warm and expands out, that fills the cracks in until there is no crack to fill; until the fall when the asphalt shrinks again.

Sean Roylance: He asked former Council Member Ray Brown his opinion of crack fill (he was over "roads" when he was on the Council).

Raymond Brown: He agreed with Mr. Stephens in the timing and value of using crack fill on road maintenance. He also suggested spraying weed killer on the weeds growing out of the cracks and then using a compressor to blow out the cracks to clean them out before the fill is applied.

The Mayor closed the Work Session.

ELK RIDGE
CITY COUNCIL MEETING
May 11, 2010

TIME & PLACE
OF MEETING

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7:15 PM –

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Public:* Dairrel Gardner & Ryan Bingham (*Spectra Management*) Nelson Abbott, Lucretia Thayne, Jamie Towse, Kari Turner, Shaun Merrill, Melissa Merrill, Christina Larsen, Tiffani Currie, Terie Righettini, Tricia Gunnerson, Lucretia Thayne, Ray Brown, Fred Gowers, Doug & Cecile Scribner, Bryanne Colver, Cynthia Peck, Blain & Cathie Ogden, Jim Spencer, Kyle Houghton; and the *City Recorder:* Janice H. Davis.

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Corbett Stephens and he led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

WESTON YOUND MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:15 PM
VOTE: YES (5) NO (0)

1:14:14
PUBLIC FORUM

Mayor Lutes reviewed the parameters of the Public Forum time period; he asked that those participating hold their comments to two or three minutes...with no response from the Council at this time.

1. Terie Righettini: (Dumpsters – Problems with mess created)

Mrs. Righettini is concerned about the lack of consideration shown by residents using the scheduled dumpsters: they disregard the capacity of the dumpsters and continue to fill them over the limit...allowing the over-flow to spill out and even simply throwing their deposits onto the ground when the capacity is met. This creates trash blowing all over the surrounding neighborhood and gives a "Tijuana" appearance to the City. She informed the Council that the neighbors would no longer take responsibility to clean up after everyone else. She suggested discontinuing the service or placing the dumpsters in another location.

Lucretia Thayne: She added that she had seen the problem as she drives by.

2. Doug Scribner: (Water Tank Fence)

- He and others (He and his wife plus over 40 individuals Mr. Scribner has spoken to; with signatures on a petition) support the concept of having a fence around water tank. The security the City Council has decided upon is a good thing and is supported.

- Concerns lie within the details of the fence:

A. Appearance: He feels there should be a "substantial upgrade"

- The fence should be attractive

- The fence should not look like a "prison" fence

(He feels the proposed fence (6' with barbed wire) has that appearance)

Proposed alternate solution:

- All feel there is room to compromise; however they feel strongly about certain points:

1. Chain link: Vinyl coating (less visible, will not reflect in the sun and will blend in with surroundings)

2. Barbed wire: There was a very negative reaction to this

- Option: point the barbs of the chain link fencing up rather than folding down

- Added cost for a beautified fence: Proposal to use the money generated from the sale of property to Mr. Scribner; it could be used for the upgrades to the fence. The fence should not be a detriment to the property, but should enhance the value and beauty of the Community.

Mr. Scribner moved to Elk Ridge 4 years ago; it was a beautiful area...with a golf course and a rolling hill to the side of their property. The golf course hole has been moved and the City built a water tank on the rolling hill and now a fence is proposed. He added: when he purchased the lot, he thought the land that the previous owner landscaped was part of the lot he purchased; he has discovered that it is not. Mr. Scribner is proposing to purchase the strip of land that belongs to the City.

Terie Righettini: Suggestion: to landscape around the fence to beautify it.

3. Lucretia Thayne: (RE: Security fence around the Water Tank)

She and her husband certainly understand the concerns and frustrations expressed; however their main concern is with the security of the City's water supply. She heard there was a petition being circulated that was in favor of an attractive 4' fence, as well as some covering over the water tank. She realizes that the terms have changed since the petition first went out; but initially, she was alarmed at the proposed terms and generated another petition. She has collected 118 signatures; she has not had much time or she could have gathered more signatures. Request: "That the City Council not diminish the security of the water tank from that which has been voted upon."

- She addressed the barbed wire: This was discussed with the people whose signatures appear on the petition; and the response was that the fence is not a "security fence" without the barbed wire.

- Vinyl covering: She agrees with doing anything that would beautify the fence.

- Without the barbed wire, a 6' fence would not be high enough to address safety.

She addressed Council Member Roylance: The point was made that other cities do not insist on the level of security proposed for this fence; the response was that people were not as concerned with what other cities do as they are with the security of our City's water.

Another point made by Council Member Roylance was that this tank area is very visible when one enters the City. She drove by the area and took photos; she finds it ironic that the least obvious security fence would be the previous Option "A", which would surround the entire City property rather than cut across the middle of it, which is more visible (Mrs. Thayne also remarked that this was the option preferred by the State Drinking Water Specialist and the City Attorney and City staff members). This option would be more down in a ravine rather than being situated higher, in a more visible location.

When the petition was circulated, Mr. Scribner's petition was also made available.

The point is not to re-visit the fence; but if the Council decides to do so, the only topic she and the citizens she represents would want re-visited would be to reconsider the location to be that of Option "A".

The security of the fence should not be in question. "If anything happens to our water supply...we can't live without water...it's one of the most important things."

- She also expressed the desire to enclose the retention ponds within the security fencing.

1:33:19

Sean Roylance: Council Member Roylance felt he should respond, since there were comments made which involved his views and he felt they were not completely represented in their entirety.

He did ask if people who were being approached understand that the measures to be taken by the City that will be inside of the fence are basically more secure than the fence would be, as far as people like "teenagers" are concerned and anyone attempting to climb over the fence. The proposed measures would not be sufficient to keep a determined criminal out, but neither is a fence with barbed wire.

(Mrs. Thayne responded that those extra security measures that are to be inside the fence were mentioned as the petition was circulated...it may not have been worded exactly as Council Member Roylance worded his question.)

Council Member Roylance added that there was a key point made by him that had not been explained in her presentation to the Council; so he "could only presume" that she did not explain it when the petition was circulated: key point is that the barbed wire keeps out those people already being addressed; but not the people that could also get through the inside security.

(Mrs. Thayne: One of the discussion points brought out was that without barbed wire, teenagers would be climbing over the fence at night...perhaps to sled on the hill.)

1:35:22

4. Jim Spencer: (Resident of Cove Drive...next to Mr. Scribner)

- For the last two years, he has only seen a couple of attempts to sled on that hill; he does not feel that hill is a "sledding hill".

- He wished that Mrs. Thayne had come to his house with her petition...perhaps her focus was in the wrong part of town.

- He feels there is a balance in the City code between beautification and security.

o If teens have not been a problem on the hill without a fence, why target them?

o Beautification should be represented fairly.

- He is not in favor of any fence.

- He considers the installation of the tank an "eye-sore" that has cost him thousands of dollars in property value.

- This has been a point of anger and frustration to him and he hopes this City Council does not make the same mistakes that the previous Administration did.

- The security measures in place at this time are sufficient to safeguard against incidental vandalism.

- He fully supports Mr. Scribner's proposal and petition.

1:38:47

5. Trisha Gunnerson: (Water Tank Fence- Resident of e. Salem Hills Drive)

Mrs. Gunnerson also has a full view of the water tank. She has small children and is concerned about their safety and the security of the tank. She has had to call the Sheriff more than once regarding the activities of certain teenagers on the top of the tank.

- Her 4 year old could scale a 4' fence; so the fence needs to be tall enough for proper security.

- Vinyl coating: If this is decided upon, she feels the color black would be nearly invisible. She also suggested eagle Projects to assist in landscaping the fence.

- She has seen fences in Highland around their open reservoir and their water tank; they have done a "beautiful job" in landscaping their fence.

- There are options for security as well as aesthetics.

1:40:59

6. Jamie Towse: (Water Tank Fence)

- Her greatest concern is safety as well as with the water.

- She does not like the location of the tank either; but since it is there, it is the City's responsibility to make it safe. She feels safety should be the top priority.

- She agreed with Mrs. Gunnerson about the vinyl coating, if the budget allows it.

- She would not "renig" on the security measures: barbed wire especially.

- She was at the Council Meeting when the gentleman over water security during the Olympics suggested the entire road be fenced, as well as the drainage basins.

- The Attorney that was present recommended that all of the City property be fenced. If that looks better, then she would say to extend the fence beyond what was voted on to address liability. All the residents would have to pay for any issue with liability.

- Safety and liability take precedence.
- She was assisting in circulating the petition from Mrs. Thayne; and she found that there was not one person she contacted that did not want the water secured with a high fence with barbed wire.

1:42:57

7. Fred Gowers: (General Comment – Resident of Hillside Drive)

He felt enthused at the number of issues coming before the Council and the preparation involved in not only presenting the issues, but in recommendations for solutions to the issues. He felt very positive about the exchange taking place and complemented those involved in the process.

1:43:33

8. Cathie Ogden: (Water Tank Fence)

While in England recently, she noted that chain link fencing is used everywhere; but it is covered with hedge rose, which is beautiful and effective.

(Mrs. Towse added that Paul Squires advised that this is a good time of year to plant acorns and scrub oak.)

1:45:09

9. Nelson Abbott: (Water Tank Fence)

He wanted to state (for the record) that he did sign the petition in favor of the security fence. He thought that the previous decision had included black vinyl coating (it did not).

(Both Council Members Roylance and Clawson encouraged the public to email the Council with their thoughts and concerns.)

Council Member Haskell asked if the color brown wouldn't blend in with the surroundings better than black.

The topic was to be further discussed during the regular Session.

The Public Forum was closed. The Mayor expressed his appreciation at the public participation.

1:45:50

OAK HILL ESTATES,
PLAT E – ZONE
CHANGE
REQUEST
(GOWERS)

(Council Comments)

Sean Roylance: (seeking clarification) He wanted to understand that even if Mr. Gowers had ideas to perhaps subdivide his lot when he purchased it; that it was a single lot at the time of purchase? (Mr. Gowers: "That's correct...a one-lot subdivision.")

Erin Clawson: She questioned: if we go back to R-1-15,000 zone, if the current HR-1 Zone would be affected, since there are other restrictions that protect the hillside terrain? Could there be a home placed on the lot in the R-1-15,000 portion?

Weston Youd: He clarified that the lot has been designated as two zones from the time it was developed...

R-1-15,000 & CR-1 (at that time...CE-1 has been changed to HR-1 Zone). There is enough room to place a home in the R-1-15,000 portion; however he asked Shawn Eliot if there would be sufficient area to subdivide the lot...or if there is a full acre on the back part of the lot.

Shawn Eliot: He was not sure if there is a full acre included in the HR-1 portion of the lot; but there would need to be 150' access to the road to be able to subdivide the back part of the lot.

(Mr. Gowers shared that the HR-1 portion of the lot is less than 1/2 of the lot.)

Erin Clawson: She concluded that the lot could be left the way it is and still accommodate a home in the R-1-15,000 part of the lot. She also commented that the entire Planning Commission recommended denial of the requested zone change.

Weston Youd: The lot was sold as a single, buildable lot.

Sean Roylance: He was concerned about the statement by Mr. Gowers that the HR-1 Zone requires additional work to develop...looking at the map; Council Member Roylance feels a home could easily be built without infringing on the HR-1 Zone...so extra work would not necessarily be required.

(To Mr. Gowers) He could feel his pain and frustration at purchasing a lot where conditions seemed to be misrepresented; he experienced a similar situation; but all have to learn to deal with change.

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO FOLLOW THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY THE ZONE CHANGE REQUEST OF MR. GOWERS'

VOTE: YES (5)

NO (0)

1:56:06

PARKS: PLAYGROUND
EQUIPMENT

Comments / Questions:

Sean Roylance: He feels that it is his responsibility to ask questions, particularly when the subject involves a considerable amount of money to be expended. After thinking about the different questions, he feels there are certain responsibilities placed on parents to watch over their families...people cannot be put into a "padded room" to protect them from everything. He likes the proposal of the new equipment; his question was: has the Council considered any other options for that Park Impact Fee money other than the playground equipment? If so, what were they?

Erin Clawson: She mentioned a water park.

Sean Roylance: He mentioned starting to develop an additional park on the land owned by the City (Goosenest Drive).

Derrek Johnson: He pointed out that the majority of the Impact Fees have been collected by the residents in the central part of the City. He felt that development of the land purchased on Goosenest Drive is a long ways off. He felt it would be preferable to upgrade the area in the central part of the City. This Park is used extensively and should have more facilities available.

Weston Youd: Could an access to the playground area from the northeast parking lot be added to the list of expenditures for Park Impact Fees?

Corbett Stephens: He has been working on a proposal to present to the Council regarding the expansion of the City Hall/Fire Dept. Bay area. The retaining wall that is out there now that creates the ramp, would come all the way around...so there would be a trail that would extend along the fence line and go south along the tennis courts so it would be flat. But a retaining wall or stairs could be poured, as well.

Shawn Eliot: Looking at the over-all plan that was presented, the trail issue was not addressed other than the trail was shown going around the ball fields and up to go around the tennis court. This would allow an additional access to the different areas of the park.

The area around the ravine (City owned) could be opened up for future improvements. He does feel a way should be provided from the Pavilion to the playground area that is not so steep...perhaps a ramp would be appropriate.

Julie Haskell: She added that though she agrees with upgrading the Park, she has a problem with tearing out something that is nice...she suggested adding to rather than taking away from the improvements. Why level all that has been done off; why not simply add to the improvements.

She is also concerned about the height of the proposed equipment.

She has not heard or seen any advice from any of the experts; she would like this information to be available for review.

Sean Roylance: He reported what a mess the current volleyball area is...it is like a "landfill".

He does not quite understand the plan to level out the current areas.

Derrek Johnson: Several Playground companies came to the City; the advice was that there needs to be at least 6' between the bottom of the current playground equipment and any "obstruction"...the current distance is only about 4'. If anyone were to fall off the equipment or the wall, there would be a liability issue.

- Also, the wall creates a sort of "barrier", especially for small children; he felt it would be better to take out the existing wall and allow a nice flow throughout the whole playground area...including around the swings.

- The clearance areas around the new playground equipment have been figured in

- The plan is to not disturb the trees in the Park; and to plan picnic tables in the shade...more "family friendly".

He said he would be happy to provide more information to the Council; any of the playground equipment companies are willing to come to the City to talk and answer questions.

Julie Haskell: Perhaps they should come to a Council Meeting; she felt as if this proposed project has been "pushed through" a bit. The information was dropped off on their door steps with no discussion in a Council Meeting...she had a problem with this approach.

Mayor Lutes: He felt that Council Member Johnson had wanted to expedite the project to avoid summer vacation with the park being used as much as it has been in the past.

Derrek Johnson: He also wanted to avoid having the park torn up for the City Celebration.

Sean Roylance: He felt most of his questions had been adequately answered; however the one remaining concern was with the height and possible misuse of the equipment...even enclosed, there could be inappropriate use of the equipment. He would still like more information on this aspect of the proposed project.

Weston Youd: He reminded the Council that he is waiting to hear back from Lance (Insurance adjuster for ULGT). That information could be provided to the Council as soon as he receives an answer.

Derrek Johnson: In defense of the Playground Company, they would not be allowed to manufacture unsafe equipment due to liability to them. He questioned if the Council will listen to a risk management individual regarding this issue, since it did not seem to matter the last time advice was offered on the fencing of the tank property. Will it be worth while to wait for this advice?

Sean Roylance: He felt that the advice on the fence did have a final impact on the vote that was taken. Besides that issue, he felt it was the right thing to do, particularly with the concerns for safety that have been expressed. He felt that once the information is available, he would be in favor of expediting the vote.

Corbett Stephens: Can the concrete work be started that creates the wall around the side; regardless of what is decided about the equipment? (*Free concrete is available for use by the City.*) The sand does not have to be dug out to put the wall in...it would even help contain the volleyball court if it stays in. If there is somewhere we can use this free concrete...even just the light poles around the tennis court...it would be good for the City to be able to make use of it. SESD came out to help with the light poles.

Mayor Lutes: Once the information comes through from the risk management individual, how will that information get to the Council Members?

Weston Youd: He will find out what information he has and get it out to everyone. He can contact Council Member Johnson and see if the Council could come in to vote on the options.

Julie Haskell: She asked why this could not be taken care of at the next regular Council Meeting in two weeks. She was not clear on the reason for "pushing" a decision without all the information.

Sean Roylance: With the information available, he agrees that the Council could act upon it; he will be out of town, but the vote could be taken electronically.

It was decided that the information will be provided to the Council and a polled vote could be taken.

City Recorder: She inquired if a vote could be taken that night to allow a retaining wall and perhaps steps to be constructed while the other issues are being discussed and decided upon.

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO AUTHORIZE THE MAYOR TO ASSIGN CORBETT STEPHENS TO BEGIN INSTALLATION OF THE LIGHT POLES WITH ANY CONCRETE THAT IS AVAILABLE FREE OF CHARGE TO THE CITY

Discussion:

Erin Clawson: She understood that Council Member Youd will email each of the Council Members with the information he will gather.

Corbett Stephens asked if the motion could be amended to include a foundation coming up the north side of the playground.

WESTON YOUNG AMENDED HIS PREVIOUSLY STATED MOTION, SECONDED BY ERIN CLAWSON, TO INCLUDE FOUNDATION ON THE NORTH AND EAST SIDES OF THE CURRENT VOLLEYBALL COURT IN THE WORK CORBETT STEPHENS IS AUTHORIZED BY MAYOR LUTES TO BEGIN; THIS IS ADDED TO THE LIGHT POLES...AS SOON AS THE CONCRETE IS AVAILABLE

VOTE: YES (4)

NO (1) JULIE HASKELL

2:30:02

CURB & GUTTER

This is IN consideration of the issues/problems addressed by Raymond Brown:

Sean Roylance: Question: Is the money in the budget to authorize any work for storm drainage?

City Recorder: The current budget covers the curb and gutter scheduled for Loafer Canyon Rd. and for the homes located by Mrs. Foulger.

The added work would come out of the budgeted fund balance in the General Fund...this could be spent from the General Fund or transferred to the Storm Drain Fund. It appears that there will be a projected fund balance of over \$40,000 in the General Fund for the current fiscal year.

It would be good to do as much of the curb & gutter as possible, at the same time.

Weston Youd: He stated that there could be a conflict of interest in voting on curb & gutter, since it involves his home on Loafer Canyon Rd. Curbing for his frontage has been paid for already.

Sean Roylance: He had concerns regarding the priority of the work to be addressed; but it appeared that the other places have been taken care of; so he had no further concerns.

Corbett Stephens: He explained that it might be best not to specify the exact location of the sump to be installed; there may have to be some engineering involved with placement. Perhaps the best place to put a sump is where the water is, rather than where the water travels to.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO AUTHORIZE PLACEMENT OF A SUMP AS ENGINEERED TO ADDRESS THE ISSUE OF WATER RUNOFF...SPECIFICALLY FROM WEST MAGELLAN LANE ONTO COLUMBUS LANE; THE LOCATION OF SAID SUMP TO BE APPROVED BY A LICENSED ENGINEERING FIRM, AS DEEMED BY STAFF

VOTE: YES (5)

NO (0)

2:39:04

ROAD REPAIR –
CRACK FILL

SEAN ROYLANCE MOVED, SECONDED BY WESTON YOUNG, TO AUTHORIZE SHIFTING THE BUDGETED AMOUNT OF MONEY IN THE ROAD REPAIR ACCOUNT DESIGNATED FOR CRACK FILL, FROM THE 2010/2011 BUDGET TO THE CURRENT YEAR...2009/2010 BUDGET

VOTE: YES (5)

NO (0)

ELK RIDGE MEADOWS
PUD, PHASE 2 –
SURETY BOND
RELEASE

Mayor Lutes: The Mayor polled the Council regarding authorizing him to sign a form agreeing to the release of the surety bond to the city. David Church forwarded this form to the Mayor; it was generated by the new legal firm hired by the surety bond company to handle the issues with the Elk Ridge Meadows PUD, Phase 2 bond. In the past, the City has sent a letter requesting the release of the bond; but this is their form. It is a formality that David Church recommended we simply comply with, to expedite the process.

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO RATIFY THE POLLED VOTE TO AUTHORIZE MAYOR LUTES TO SIGN THE RELEASE FORM FOR THE SURETY BOND ASSOCIATED WITH ELK RIDGE MEADOWS PUD, PHASE 2

VOTE: YES (5)

NO (0)

2:42:33

TENTATIVE 2010/2011
BUDGET

City Recorder: There will be a public hearing at the next Council Meeting on May 25, 2010, to discuss the Tentative Budget for 2010/2011. The adoption of the Official Budget for next fiscal year must be prior to June 22, 2010...changes can be made before the "Approved" Budget is adopted in June. Drafts of the Tentative Budget were provided to the Council Members for review.

EXPENDITURES:

General:

Dumpsters:

After discussion, it was decided to schedule three dumpsters rather than two for the following week-end; and to move them to the parking lot west of the City Hall; or down to the parking lot north of the field if they will not fit in the west lot.

Check Register & Payroll for April, 2010:

It was requested to have more detail listed with the Visa line item. (Find out what "PR" means on report.)

JULIE HASKELL MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE CHECK REGISTER AND PAYROLL REGISTER FOR APRIL OF 2010

VOTE: YES (5)

NO (0)

MINUTES

City Council Minutes of 4-13-2010:

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 4-13-2010, AS CORRECTED

VOTE: YES (5)

NO (0)

ADJOURNMENT

The Mayor adjourned the Regular Session at 9:02 PM; and moved to the City Council Closed Session.

9:10 PM -

CITY COUNCIL CLOSED SESSION

ROLL

Mayor: Kenneth O. Lutes; *City Council*: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *Building Official*: Corbett Stephens; & *the City Recorder*: Janice H. Davis

Discussion of Land Negotiations and Discussion of Personnel

REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *Building Official:* Corbett Stephens; *Public:* Lucretia Thayne, Jamie Towse, Jim Spencer & Kyle Houghton; & *City Recorder:* Janice H. Davis

ACTION FROM
CLOSED SESSION

1. Price of Land to be sold to Mr. Scribner:

SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO OFFER TO SELL THE CITY-OWNED LAND ADJOINING MR. SCRIBNER'S LOT AT \$2.00 PER SQUARE FOOT, AS DISCUSSED IN CLOSED SESSION

**VOTE (POLLED): SEAN ROYLANCE-AYE, WESTON YOUNG-AYE AND JULIE HASKELL-AYE (3)
ERIN CLAWSON-NAY & DERREK JOHNSON-NAY (2)**

Passed 3-2

2. Water Tank Fence:

Julie Haskell: She had asked about the color of the fence: why black and not brown, since it would seem that brown would blend in with the surroundings better.

Jim Spencer: He felt that most communities go with black to blend in; he would prefer the black vinyl (though he felt he could not speak for Mr. Scribner). He simply would prefer the fence to be a dark color.

Kyle Houghton: He also preferred black vinyl for the fence.

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, THAT THE FENCE TO BE PLACED AROUND THE FAIRWAY WATER TANK AREA (DISCUSSED IN THE APRIL 13, 2010 CITY COUNCIL MEETING) BE ALTERED FROM THE ORIGINAL VOTE, TO BE INSTALLED AS FOLLOWS:

- INCREASED HEIGHT TO SEVEN (7) FEET HIGH
- BLACK VINYL COATED
- THE BARBS ON THE TOP OF THE CHAIN LINK FENCE ARE TO POINT UPWARD RATHER THAN BE FOLDED DOWN (KNUCKLES DOWN/BARBS UP) – ELIMINATING THE BARBED WIRE ON THE TOP OF THE PREVIOUSLY VOTED ON 6' FENCE
- WITH APPROPRIATE SIGNAGE

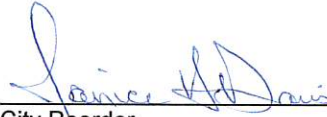
VOTE: YES (3)

NO (2) DERREK JOHNSON & ERIN CLAWSON

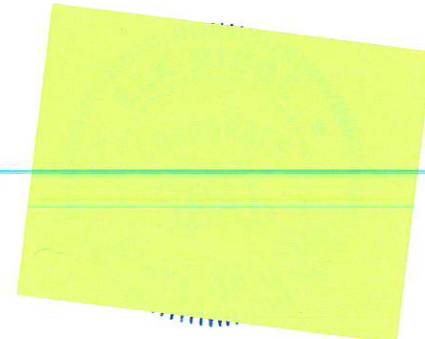
Passes 3-2

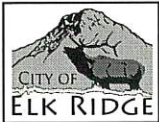
ADJOURNMENT

The Mayor adjourned the Meeting at 10:15 PM.



City Recorder





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

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

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, May 25, 2010, at 7:00 PM, to be preceded by a Public Hearing at 6:00 PM,** to consider adoption of the Tentative Budget for the 2010/2011 Fiscal Year Budget; and a **City Council Work Session at 6:45 PM.**

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

6:00 PM - PUBLIC HEARING – PROPOSED TENTATIVE 2010-2011 FISCAL YEAR BUDGET

1. Public Hearing/Proposed Tentative Budget for the 2010/2011 Fiscal Year, for the Operation of Elk Ridge City

A. Fire Dept. – Seth Waite

B. Garbage Trucks

(Interested persons shall be given an opportunity to be heard.)

6:30 PM - CITY COUNCIL WORK SESSION

2. Elk Ridge Drive Extension – Mayor Lutes

3. City Celebration – Derrek Johnson

4. General Plan – Shawn Eliot

5. Elk Ridge Meadows PUD, Phase 2 Update – 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 6. Shuler Lane – Re-Affirm of Road Vacation

7:25 7. Appointment of Planning Commission Members:

A. Ratify Polled Vote: Kelley Liddiard

B. Discussion and/or Action – Kevin Hansbrow

C. Appointments Recommendations – Mayor Lutes

7:50 8. Approval of Agreement – Insurance Brokers for City Health Insurance

8:00 9. Eagle Projects – Mayor Lutes

8:10 10. Adoption – Proposed Tentative Budget for 2010/2011 Fiscal Year for the Operation of Elk Ridge City

A. Fire Dept.

B. Garbage Trucks - Direction

8:20 11. Elk Ridge Drive Extension – Mayor Lutes

8:25 12. Expenditures: General

8:35 13. City Council Minutes

Adjournment



Handicap Access, Upon Request. (48 Hours Notice)

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

Dated this 21st day of May, 2010.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on May 21, 2010.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
May 25, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 25, 2010, at 7:00 PM; this was preceded by a Public Hearing at 6:00 PM, on the proposed Tentative Budget for the 2010/2011 fiscal year Budget; and City Council Work Session at 6:30 PM. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on February 18, 2010.

6:00 PM –

PUBLIC HEARING – PROPOSED AMENDMENT TO THE 2009/2010 FISCAL YEAR BUDGET

Public Hearing/to consider a proposed amendment to the 2009/2010 Fiscal Year Budget for the operation of Elk Ridge City

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Weston Youd, Erin Clawson (Absent: Derrek Johnson); *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Asst. Fire Chief:* John Hoschouer; *Daily Herald:* Rodger Hardy; and the *City Recorder:* Janice H. Davis

Mayor Lutes opened the Public Hearing at 6:00 PM.

Discussion:

The City Recorder briefly reviewed the proposed Budget with the City Council and those present; pointing out that the "budget notes" explain most of the individual accounts. The Council Members had the proposed budget provided to them in their Council packets.

Overall, the City's finances are doing better than they have in the recent past; the cuts in expenditures have resulted in the Fund Balance in the General Fund increasing to a projected figure of \$96,544.

The Fund totals were discussed.

Note:

-Corbett Stephens proposed switching part of the Road Dept. budget for crack fill from the 2010/2011 budget to the current fiscal year budget due to temperature issues when the procedure is done (approved).

- Curb & Gutter costs on Loafer Canyon Rd. will be transferred to 2010/2011.

- There could be a problem with the actual figure for Sales Tax Revenue for 2009/2010; which will affect the fund balance for the General Fund.

- The Fire Chief and the City Recorder have met and compared figures; everything matched up.

- SUVMWA: Council Member Youd mentioned that the budget for the annual assessments for the Regional Plant and the annual dues should be the same as the current year assessment.

A. Fire Department: (Asst. Chief John Hoschouer) Chief Waite asked the Asst. Chief to represent the Fire Dept. and to read a letter from the Chief to the Council: "Request to start Fire Station Expansion Project" In the letter, Chief Waite asked that that the City Council consider allowing for "formal planning and execution of the fire department's station expansion project".

Chief Waite: One of the major focuses of the fire department has been to provide the best possible emergency service to the citizens of Elk Ridge and maintain our current ratings with the Insurance Securities Office (ISO), resulting in lower overall insurance rates city wide, while not being a burden to the city. So far we have been able to do this even with huge cuts to our budget. We are now at a point where we need to strengthen our ability to continue to provide emergency services."

The Chief listed points of consideration:

1. Aging fleet of trucks (replacement trucks and additional trucks are needed)
2. Space restrictions in the bay area require custom sized trucks (more costly than standard built)
3. Goal: Provide medical transport (purchase of an ambulance would require added space)

To meet the desired goals, expansion would be necessary.

Request: to take the proposal for expansion from the "planning process to a reality". The Chief understands that money is a factor and hopes the Council will be open to "creative ways" to fund this proposal.

Asst. Chief Hoschouer: He elaborated on the parking problems in the current bay area and the age of some of the trucks...for example, the "tender" truck is from the 70's and is a dangerous vehicle...there are more deaths and accidents in that model of "tender" than any other. He and the Chief have looked at options to be able to protect fire fighters while still providing the best service possible to the City...they found our current conditions lacking in not only space to store vehicles, but in response time due to the time it takes to get the vehicles out of the bay.

The Chief and he consulted with Corbett Stephens and asked for assistance in coming up with some preliminary figures and ideas for expansion. A rough drawing was shown of what an option for expansion of the bay area could look like.

- Building would face Park Drive
- 2 vehicles could park end-to-end (depth)
- Space at the east end of the building for public works (some of the current public works space would be taken up to add depth)
- It is the goal to meet the needs of the City at "build out"
- At this point, just consider building the outside "shell" with minimum finishing on the inside (just enough to function...like heating, etc.)
- The rest of the interior would be finished in the future (possibly using volunteers)

The rough estimate = \$300,000.00

19:44

Mr. Stephens was asked if he had anything to add:

Corbett Stephens: The \$300,000 estimate is for materials to completing the exterior, including fire sprinklers in the addition as well as retro-fitting the current City Hall, all the concrete work (inside and out). The building would be 10,400 sq. ft. on the main floor, starting at the current dividing wall and including a portion of the existing public works bay area.

Architecture: At one time Ken Harris offered to assist the City by donating his time by doing the architecture on a new City Center; perhaps he would still be willing to do that for an addition. He has not been approached.

City Recorder: She asked about any proposed options for funding and/or additions to the City's revenue (the letter from Chief Waite had mentioned "creative ways" in considering funding).

Corbett Stephens: There has been mention of the possibility of the City providing garbage services to the citizens. One option for funding this proposal would be to borrow against this revenue.

Garbage service has been a topic of discussion in the past. He and Council Member Roylance have provided certain preliminary figures to the Council. Mr. Stephens checked with Provo City regarding a truck they are going to sell as of July 1, 2010 (they are replacing some of their fleet). Provo will receive 5 new garbage trucks and they are getting rid of their surplus. If Elk Ridge has a desire to enter into the business of providing this service to the residents, consideration could be given to the purchase of a used truck (price: \$20,000).

In discussing the issues associated with the possibility, Mayor Lutes asked that Mr. Stephens contact the City's Finance Director for advice; he did so and Mr. Roberts suggested that one option would be to borrow money from residents. Bonding is costly and it perhaps it would be more cost effective to simply get a loan from residents. After talking to the Mayor, he asked if he could just talk to a resident to see what the reaction would be. The resident he spoke to responded that he has \$100,000 to invest.

Curtis Roberts felt that, conservatively, the loan could be paid back within 12 years...with a "cushion", 15 years...with an option for early pay-off.

That is one option that he could think of to fund the proposed expansion of the Fire Dept. bay area.

Request by Council Member Haskell on the age of the Provo truck: Mr. Stephens replied that it is 6 years old. He added that Provo recycles their trucks every 10 years; but each truck dumps 1,200 cans per day (in Provo); Elk Ridge may dump 1,200 cans per week (with Woodland Hills)...this will add to how long the truck will last. Brad Rawlings (Sanitation Superintendent in Provo) felt that we could get another 10 years from that truck; and he offered Provo's services to continue working on the truck; as long as Elk Ridge pays the mechanic's wages. They also said they would further work with us in loaning us a truck if our truck were down for any reason.

Included in the numbers presented to the Council before, perhaps \$10,000 per year was figured for wages.

Shawn Eliot: He mentioned creating an additional "Enterprise Fund" with garbage services creating the revenue. This revenue could go for paying off the building.

Weston Youd: He felt it important to separate the issues of the Fire Dept. expansion and the possibility of entering into the garbage business. So, one "creative way" to fund expansion would be using the revenue from a garbage venture. Are there other ways that have been thought of? (A loan from residents is another option; but that loan would have to be paid back.)

City Recorder: She pointed out that the City has recently paid down the Sales Tax Revenue Bond to lower payments and affect the General Fund favorably. An additional revenue source would be worth considering so the budget would not be affected adversely by added debt. She also reported that the Capital Projects Fund dedicated to accruing money for the purchase of City vehicles and equipment has over \$10,000 in fund balance that could be used to help purchase a truck.

Sean Roylance: He asked about the availability of any grants that could be used to accomplish expansion of the building.

Asst. Chief Hoschouer: The Fire Dept. is constantly looking for and applying for grants, but that is a lengthy process and they were recently denied a large grant for rebuilding the Fire Hall. He feels the City could wait for a long time for a grant of the size they would need.

City Recorder: Agreeing with Council Member Youd in keeping the topics separated, she reiterated the request of the Fire Chief to simply move forward with solidifying plans for a building so costs could be more accurately projected; while the garbage business proposal could be approached on its own...particularly considering that Provo City is selling their truck by July 1st.

Weston Youd: If this is being considered as a revenue source for an Enterprise Fund, then that should be addressed prior to figuring out what kind of building we may get. The revenue stream should be determined first.

Sean Roylance: He agreed with this; he would like to "see what kind of money we could make" from the proposed garbage business first. There are projections; but there could be aspects of the projections that have been overlooked.

Weston Youd: If Elk Ridge offers to provide garbage services to neighboring cities on a contract basis...we need to take care that the City does not plan a 15 year payback on loans based on a level of service that may not be there in the future, of after the initial contract terminates. What if Woodland Hills gets a better offer? The Council needs to look at what the revenue would be that is "guaranteed" from our own citizens.

He would be very concerned with "writing checks" against a source of revenue that may not be stable.

Corbett Stephens suggested that they could pursue a 15 year contract with Woodland Hills.

Council Member Youd went on to say that it has been discussed that the typical contract may not be that long; but if a longer one could be negotiated, that would be good.

Julie Haskell: She inquired if such a proposal has been discussed with Woodland Hills.

Corbett Stephens: He has talked to Chris Helvey (Finance Director in Woodland Hills). Mr. Helvey actually called Mr. Stephens to ask if Woodland Hills and Elk Ridge could join together on any projects to help both cities financially. Mr. Stephens said yes, and asked him if Woodland Hills would be interested in having Elk Ridge service them with garbage. Mr. Helvey answered in the affirmative; he said if Woodland Hills could save money over what they pay currently, then he felt Woodland Hills would benefit. The figures that he and Council Member Roylance came up with would save Woodland Hills \$10,000 per year over what they pay currently. Mr. Stephens would like to move forward and ask questions more openly; if the Council approves him to do so...if not, he won't.

35:57

Mayor Lutes added that something needed to be decided on if the City is to take advantage of purchasing the truck from Provo City.

Weston Youd: He was not in favor of putting a deadline on their decision (Council Member Haskell agreed).

Corbett Stephens: There may be other trucks that come up for sale; he mentioned it to the Council only because that truck is available by July 1st.

Mayor Lutes also pointed out that the current contract with Allied ends at the end of the year and the renewal is for another year.

Sean Roylance: He referred to the budget; asking about the difference in revenues in the General Fund from a couple of years ago.

City Recorder: After pulling the budget from two years ago, and taking out the transfer in of about ½ million dollars (excess Sales Tax Bond to be paid back onto the loan) the City is at about 1.2 million dollars...which is about where the General Fund Revenues came in a couple of years ago.

Sean Roylance: His point was that the Council has done a good job of keeping expenses low; that should be maintained.

The City Recorder responded that the General Fund would not be affected by a separate Enterprise Fund set up for garbage and possibly a "Debt Service Fund" set up for repayment of any loan for expansion of the building. The reason the current loan affected the General Fund was due to the Bond being backed by revenue provided by Sales Tax and Franchise Fees paid to the City.

Public Works would be divided up with all of the major Funds (General, Water, Sewer, Storm Drain). If expansion of the fire Dept. does occur, that building would also house public Works; it could be split up to other Funds for paying back any loan.

Council Member Roylance went on to say that he felt that scenario would "be great"; but added that the budget has responded to drastic cuts in expenditures...if the economy rebounds somewhat and the City recovers some of the decreased revenue and the City could maintain decreased expenses, the expansion could be paid for.

Weston Youd: He asked if Council Member Roylance did not feel that expenses would also go up with an improved economy.

Sean Roylance: The responsibility would be with the Council to be careful with spending when the tendency would be to spend more freely.

Weston Youd: He agreed with the premise; but, he explained that one of the drawbacks would that growth may dictate that expenditures have to increase...will the City be tied to a decision made during a "leaner" time? Limiting expenses for a number of years may not be realistic. He felt the "freedom to act" could not be removed.

Sean Roylance: He was simply examining options to pay back any loan for an expansion:

- Garbage business
- More tax revenue

47:04

Mayor Lutes closed the Public Hearing

CITY COUNCIL WORK SESSION AGENDA ITEMS:

ELK RIDGE DRIVE EXTENSION

Mayor Lutes: The Mayor drafted a letter to the Utah County Commissioners regarding the planned extension of Elk Ridge Drive to the Benjamin Exit/Entrance to I-15. The draft was included in the Council packets for review. The Council all felt the letter expressed their views and should be sent. The preferred route for the Council is the most direct route to I-15.

48:18

CITY CELEBRATION

Mayor Lutes:

- He spoke to Council Member Johnson and was told that the events and Carnival are on track for the City Celebration. It will be the same as last year; including the helicopter rides.
- He cannot find someone to head up the 5K Run; if anyone knows of a person, please contact Council Member Johnson.
- There will be the Parade and Mayor's Hot Dog Dinner on Friday evening.

48:51

NON-AGENDA ITEM

Sean Roylance: He questioned why the Playground Equipment was not listed on the Agenda. He wondered if the risk management representative had come to answer questions. (Neither Council Member Youd nor Council Member Haskell had heard anything.)

City Recorder: She spoke to Council Member Johnson regarding the possible Agenda item; he responded that it was too late in the season and he does not feel it advisable to tear up the Park with kids out of school and using the facilities. The Playground equipment is on hold for now.

GENERAL PLAN
DISCUSSION

Shawn Eliot: (Copies of the General Plan were in the City Council packets)

Mr. Eliot provided copies for the Council to review, correct and/or question. The Plan is on the Agenda for discussion only; it will be voted on at another Council Meeting.

Meeting with Payson's Council and Planner: The annexation portion around the Goosenest area was left in the Plan; the direction from Payson was to do so, but when annexation is pending, the details will have to be addressed.

Currently, that land and southward is zoned in Payson's General Plan as "Orchard" and that allows for "orchards and associated buildings". The acreage that Elk Ridge is interested in does not have orchards on it now. Although the orchard owner is in favor of this zoning, he does not own that land. It may be difficult to assume that the land owners will all preserve the "buffer" around the orchards. Another issue is that some of the land owners north of Allred Orchards approached Payson City last year to annex 280 acres into Payson; but the City required 300 acres and part of that was to be Allred property. Basically, the Plan was written to give control to Mr. Allred. The plan is fairly restrictive.

Mr. Eliot asked if there were any questions from the Council at that point. If not, he encouraged them to read the Plan and come with questions when it is on a future Council Meeting Agenda for approval.

Julie Haskell: She has already read the Plan in its entirety and thinks it is very good. She thanked Mr. Eliot for all the time put into this Plan.

Weston Youd: He has reviewed it at length, since he was on the Planning Commission and he likes the Plan. He feels that Dave Tuckett (Payson's Attorney) made a good point that it does not hurt to leave Elk Ridge's Plan alone for now.

Sean Roylance: He heard that Mr. Bob Allen at MAG is now using this Plan as a template for other cities.

56:15

ELK RIDGE MEADOWS
PUD – PHASE 2 –
UPDATE

Shawn Eliot: (Handout to the Council, which he reviewed with the Council)

"Phase 2 Recap:**- Negotiated for Phase Two – Centennial Bank**

- Restoration of Park/OS (Open Space), Roads, Sidewalks, Gutters, with Surety Bond \$240k
- City acquires Park/OS as Public at 50% Occupancy
- Developer pays \$114k for city to take over park/OS in lieu of Park Impact Fees
- OS converted into 3 lots, traded for additional OS
- Front yard landscaping
- Varied Home Designs, Staggering front yards
- Uniform Fencing Standards

Status of Developer Agreement:**- Phase Two:**

- Mayor Dunn signed the Agreement on 29 Dec 2009
- The city has not yet received Surety Bond
- Last Developer (Dave Milheim) has contested Park/OS restoration as part of Surety Bond
- Attorney for Surety Bond Co. has now contested the full \$240k

(Mr. Eliot reported that David Church has approached this Surety Bond Co. from the position that they entered into a contract with the city and should be bound by that.)

59:14

FDIC Receivership:

- Receivership firm has a seller (did he mean "buyer"?) for Phase 2
(We do not know who the buyer is yet.)
- Wants a copy of the history of the project and development agreement
- Wants the city to propose what the city needs to make project complete

(Mr. Eliot wanted to know if he could be approved to move forward and simply provide the information requested. In their opinion, the lots will sell better if improvements are in good repair.)

The Proposed Proposal:

- State that the city wants a complete subdivision
 - Includes road and other repairs, park and open space restoration
- The costs of repairs and restoration is \$240k
(Corbett Stephens pointed out that the \$240k was a negotiated amount.)
 - The city could contract the work out or the new owners could do it
 - Requiring new owners to do the work allows the city to get back to inspecting and out of developing business
- Part of the proposal should include cost savings of developing the 3 lots
(Currently, the owners are not aware of the proposal for the 3 additional lots in one section of open space. Three additional lots would give them more revenue to work with.)
- Keep remaining portions of the development agreement the same (including the \$114k in lieu of park impact fees)

(The nice thing about the \$114k (in lieu fee) is that the money can be used by the city; whereas Park Impact Fees would not be applicable due to taking ownership of the park. The agreement was that if the city takes over ownership, the owners are willing to pay \$114k to do so.)

Next Steps:

- Need Direction
 - FDIC Receivership firm would like our proposal this week
 - Whatever is proposed would still require Council's final approval"

Mayor Lutes asked if the written proposal would be reviewed by David Church prior to sending it out. Shawn Eliot: This 1st proposal is simply a starting point in negotiations; when a final legal agreement is drafted, then David Church and the City Council would review the document.

Direction from the Council:

Weston Youd: He felt the proposal as stated in the handout is what has been discussed and what the City needs. He was in favor of presenting the points to the FDIC.

Shawn Eliot: If the City does receive any money from the Surety Bond, we would be able to use it for "betterments" in the subdivision.

Mayor Lutes surmised that since there were no comments to the contrary, that Mr. Eliot could proceed with the initial letter of proposal (Council Member Haskell agreed that it is a "good start".)

The general consensus was to have Mr. Eliot proceed with the points presented in the handout he reviewed.

1:08:40

**ELK RIDGE
CITY COUNCIL MEETING
May 25, 2010**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 25, 2010, at 7:00 PM**; this was preceded by a **Public Hearing at 6:00 PM**, on the proposed Tentative Budget for the 2010/2011 fiscal year Budget; and **City Council Work Session at 6:30 PM**. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on February 18, 2010.

7:15 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth O. Lutes; City Council: Julie Haskell, Sean Roylance, Weston Youd, Erin Clawson (Absent: Derrek Johnson); City Planner: Shawn Eliot; Building Official: Corbett Stephens; Asst. Fire Chief: John Hoschouer; Daily Herald: Rodger Hardy; and the City Recorder: Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

An invocation was offered by Julie Haskell, who also led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME
FRAME**

WESTON YOUNG MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:15 PM
VOTE: YES (4) NO (0) ABSENT (1) DERREK JOHNSON

PUBLIC FORUM

No one was present to address the Council.

1:11:06

**SHULER LANE –
RE-AFFIRM ROAD
VACATION**

Shawn Eliot: (Memo to Council, dated 5-25-10)

"Background:

Mr. Karl Shuler submitted an application to vacate a portion of Shuler Ln in 2006. His proposal was to vacate a small portion of the road right of way to be able to construct a shed on his property outside of the required setbacks from the road right of way. There was more right of way in this area than was approved. The last note in the file was that the applicant's engineer was drawing up the final mylar for the City signatures and recording with Utah County. At the time, Mr. Shuler thought his engineer had taken care of this, but he has now found that this step never occurred.

Proposal

Since the vacation of the road was approved by a previous Council, staff felt that it needed to be brought back to the current City Council to be ratified. Staff views this as a technicality, since the vacation still adheres to code; there is more than enough right of way for Shuler Ln to be improved in width in the future, if needed; and the shed in question has already been built.

Recommendation:

Staff recommends that the vacation be re-approved and that the mylar be signed and recorded with Utah County."

Mr. Eliot reviewed the memo with the Council. (Detail on the reason for the plat not being completed by Mr. Shuler's engineer: the engineer died.)

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO REAFFIRM THE ACTIONS OF A PAST COUNCIL BY APPROVING THE STREET VACATION OF SHULER LANE, AS SHOWN ON THE FINAL VACATION PLAT MAP. THE COUNCIL FINDS THAT THE PROPOSED ACTION ADHERES TO CODE AND IS NEEDED TO FINALIZE A PAST PROCESS. THE ROAD VACATION HAS NO NEGATIVE IMPACT TO THE CITY AND ITS CURRENT AND FUTURE RESIDENTS

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

All members present signed the mylar.

1:17:28

1
2
3 APPOINTMENT OF
4 PLANNING
5 COMMISSION
6 MEMBERS

1. Ratify Polled Vote to appoint Kelly Liddiard:

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO RATIFY THE APPOINTMENT OF KELLY LIDDIARD AS A PLANNING COMMISSION MEMBER; FOR A FIVE YEAR TERM OF OFFICE, BEGINNING IN FEBRUARY, 2009

VOTE: YES (4)

NO (0)

ABSENT (1) DERREK JOHNSON

1:21:07

2. Kevin Hansbrow:

Mayor Lutes: At the last Council Meeting, it was decided that Mr. Hansbrow would not be reinstated as a member of the Planning Commission; the Planning Commission requested that the Council reconsider this decision.

Weston Youd: He talked to Mr. Hansbrow (they are neighbors) and he said his attendance has improved and, though he is busy, he has worked out an arrangement as to being contacted regarding meetings.

Sean Roylance: He spoke to Dayna Hughes (Planning Commission Chair) to inform her of the Council decision at the last meeting; she asked for Council Member Roylance to contact Mr. Hansbrow. Mr. Hansbrow said his attendance has gotten better and he expressed an interest in staying on the Commission.

The Planning Commission Members present at the 5-13-10 meeting, were in agreement that Mr. Hansbrow should be re-appointed, if the Council reconsidered the appointment.

Weston Youd: He felt that the City has invested time and money in training Mr. Hansbrow and that should lean in favor of keeping him as a Member.

3. Other Appointment Recommendations:

Mayor Lutes: He has spoken to and recommends the following to fill vacancies on the Planning Commission:

1. Debbie Cloward (to fill Weston Youd's position)

2. Randall Jones (to fill a vacancy)

SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO APPOINT THE FOLLOWING AS MEMBERS OF THE ELK RIDGE PLANNING COMMISSION:

1. TO RE-APPOINT KEVIN HANSBROW FOR A FIVE YEAR TERM; BEGINNING FEBRUARY, 2010

2. TO APPOINT DEBBIE CLOWARD, TO FILL THE REMAINDER OF WESTON YOUNG'S POSITION, ENDING FEBRUARY, 2012

3. TO APPOINT RANDALL JONES, TO FILL THE CURRENT VACANCY AS AN ALTERNATE MEMBER, FOR A 5-YEAR TERM, BEGINNING IN FEBRUARY, 2010

VOTE: YES (4)

NO (0)

ABSENT (1) DERREK JOHNSON

1:31:49

3 INSURANCE BROKERS
3 APPROVAL OF
39 AGREEMENT

Representatives from Spectra Management visited the City Council at the last Meeting, with a proposal that they reviewed and handed out to Council Members. They had been invited to approach the Council after a prior meeting with the City Recorder and her report back to Mayor Lutes.

Utah Local Governments Trust has been the City's broker for all of the City's insurance needs in the past; the service for health insurance (PEHP) has not been proactive in nature and the Recorder felt the City could try Spectra Management for the following reasons:

- They say they have a more proactive interest in representing the City's needs and associated budget
- The agreement is month-to-month; so if the City is dissatisfied, we can change without the problems of a longer-term contract
- The cost remains the same since it is the insurance company that pays the broker a percentage of the premiums (currently, with PEHP, it is 3%)
- This is only for health and dentist insurance

WESTON YOUNG MOVED, SECONDED BY SEAN ROYLANCE, TO APPOINT SPECTRA MANAGEMENT AS THE CITY'S INSURANCE BROKERS; AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY COUNCIL AND THE CITY

VOTE: YES (4)

NO (0)

ABSENT (1) DERREK JOHNSON

1:40:11

54 EAGLE PROJECTS
55 UPDATE

Mayor Lutes: (Update)

1. Chase Wilson: Elk Ridge sign for the Loafer Canyon entrance to Elk Ridge. This was approved by the previous City Council. The sign is basically done and plans for installation are being worked on. The metal part is the same as the main entrance sign; it is smaller and the trees for the wood are different.

2. Proposed Project: To install a walking path along the side of Elk Meadows Drive for school age children; so as not to be walking to the bus stop in the middle of a busy street. Currently, it is a dangerous situation. The Mayor wanted to know the Council's opinion about this idea.

- Paved with some type of base

- The improvements would be along the shoulder of the road

Shawn Eliot: There are some types of gravel that pack down better than most.

Sean Roylance: If the scout is able to get this proposal approved, he likes what it would accomplish and agrees that there is a need.

Weston Youd: He mentioned "cinder base" could be used; but if drainage is an issue, then run-off would wash cinders on down.

Julie Haskell: She questioned if this is an appropriate Eagle Project; she felt it is more of a "maintenance" issue. If this is done as an Eagle Project, she also felt there should be a higher level of base. Generally, she was not opposed to this being a project.

1:45:47

Shawn Eliot: He brought up the gravel base path along Park Drive; very few use this because it is hard to walk in due to the depth...it is hard to walk in and everyone walks along the street. There are other types of base...more like sand...that is used for trails and parks; that would work better. Trails Grants have been applied for and that area was included in the list of projects to be addressed; is this something that should be talked about again? (Council Member Youd pointed out that it is on the Trail Map Plan.)

No further comments.

1:47:02

TENTATIVE BUDGET
2010-2011 FISCAL
YEAR

Adoption of Proposed 2010-2011 Tentative Budget for the Operation of Elk Ridge City:

Mayor Lutes: The proposal of the Fire Dept. to expand the building was presented with the proposal to consider garbage as a City-run business simply as an option to fund the expansion; but the two issues can certainly be separated. He asked for any questions the Council may still have regarding the Budget.

City Recorder: There were no figures available regarding an additional Enterprise Fund for Garbage or for any proposed expansion to the building. The Tentative Budget would be adopted as presented; if there are changes in the future, those can be addressed at that time.

The question with the two topics of discussion is simply; does the Council want the Fire Dept. and Corbett Stephens to continue to gather information and bring figures back the Council?

Mayor Lutes: He added that no one should be talking to citizens about investing money if the Council is not in agreement.

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE TENTATIVE 2010-2011 FISCAL YEAR BUDGET, AS PRESENTED; FOR THE OPERATION OF ELK RIDGE CITY

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

Discussion:

1. Fire Department:

Mayor Lutes asked what the feelings were regarding the possibility expanding the Fire Dept. bay area; and perhaps asking for citizen participation in funding the project...some donations and/or loans.

Weston Youd: He agreed that consideration should be given to expansion of the Fire Dept. He commented that Chief Wait's letter to the Council was very convincing. The concern he has is how to pay for the project.

He said he would like to see further research and information submitted, such as: the dimensions of the building they want and have figures that produce specific costs...once that is submitted, then the question of how to pay for it. Creative funding should be a Council effort. He was not in favor of going out to petition citizens for money if we are unsure how that money will be paid back.

Sean Roylance: He felt some good points have been brought out; but he has a question as to the possibility of expanding part of the bay area now and completing the project later.

The rough drawings were examined by the Council.

Four bays would give the Fire Dept. one more bay than we have currently...and they would be longer. This could give us more capacity than what exists now. He likes the reasoning that went into the plan.

City Recorder: She cautioned any expansion without an additional source of revenue. Petitioning the citizens for any investment would still constitute a bond (note); those still have to be made back.

Perhaps that source of revenue; whether garbage or another option should perhaps be considered before any expansion is approached.

Sean Roylance: He agreed that the two subjects of any proposed expansion cannot be separated from the source of funding; however, he felt that preliminary plans could be drawn up and further information gathered regarding details of the plans.

City Recorder: Part of the Public Works bay area would be lost; so expansion, even in part, would have to consider parking for the Public Works' trucks and equipment. If garbage is considered, a garbage truck would have to be parked some where.

1:54:10

Discussion of the issues of garbage trucks and associated parking and smells.

Sean Roylance: He was in favor of continuing to think about future expansion of the bay area; whether it is funded by a garbage business or other options. He agreed with Council Member Youd that it is premature to be contacting more citizens; there needs to be a way to pay them before moving forward in contacting them.

Weston Youd: A revenue "stream" must be in place to be able to pay for any expansion. Once the "stream" is solidified, then priority spending of that revenue would be next in the plan.

If the business plan for a garbage business includes Woodland Hills, how long of a contract would they be willing to sign? So, he felt the order of what the Council considers should be reversed; first we should be deciding if we want to get into the garbage business...and make money?

1:56:42

Corbett Stephens: With Woodland Hills participating, it would take a year and 3 months (just looking at garbage) to pay back the initial investment; if Elk Ridge did it on our own, it would take us just over 2 years to pay back the initial investment. Everything else could go into paying for any expansion in the building.

Sean Roylance: He suggested running the figures by Provo City to see if there are some costs they would be familiar with that have been missed. He recalled the figures indicated:

- Without Woodland Hills: profit estimate...about \$18,000 to \$19,000 per year
- With Woodland Hills: profit estimate...about \$60,000 per year

Without Woodland Hills, the potential revenue source could be risky.

Erin Clawson: The Council has simply been asked to grant authority to someone to bring forward more information.

Mayor Lutes: He asked if the Council felt this proposal should be run by Woodland Hills' Council.

1:58:46

Weston Youd: In a business negotiation, we do not want to do anything until we are solidified on our side. Thinking of this as a business transaction:

- We have a good service to sell
- We have our price already established
- We have an operation going
- Is this service a value to you? (meaning Woodland Hills)

Mayor Lutes: Prices would not be discussed at this point; we are still on general terms. We want to know if they are interested in contracting with us for 5 years...or mote.

1:59:58

Discussion of Elk Ridge heading up the business vs. Woodland Hills having the same idea.

It was not felt that the "math would work" if Woodland Hills were to decide to be the ones spear-heading the business.

City Recorder: "Other sources of revenue" has been a topic of much interest for many years. General plans have indicated that we need to look to finding light commercial or some other revenue for the City. Residents have encouraged City Councils for other ways to fund the General Fund...particularly when there is a property tax increase proposal. There are limited choices available; perhaps a garbage business could fill this need.

Sean Roylance: Without Woodland Hills, the potential for "money making" is limited enough that he is not sure he would be in favor of going into the business. The one question he feels must be addressed is; can we find someone with enough experience to be able to adequately advise us?

Weston Youd: He has an acquaintance named Tom Mecham, who is the previous owner of a garbage business (Country Garbage Service). He may have helpful information, if the Council wants him to contact this gentleman.

Erin Clawson: She likes the idea of the possible profit with providing service to the Community.

Suggestion: Have Mr. Stephens review and get a copy of Provo City's budget, particularly the garbage budget.

Weston Youd: If approaching investors, basically three things must be provided ("3-legged-stool"):

1. What does the market look like? (Worst case and best case scenario)

- 6 month, one year, five year & long term environment for the market

2. What is the initial cost going to be?

- What is needed to get this venture off the ground
- "Sump" costs?
- Costs expected to recuperate? & Rate of recuperation?

3. What does the management look like?

- Who is the management team?
- Who will lead this?
- Who is going to "grow" it?
- Who will keep the business from "doing things it shouldn't do?"

These are the three elements he would need to have addressed to be able to move forward.

He felt that "Corbett Stephens "was right on" to suggest gathering data from various places and assemble it...answering those 3 questions. Then the Council can decide if we want to invest in this.

The Mayor asked if there should be an effort to try to gather this information to be in a place to purchase the fire truck in Provo.

Council Member Youd felt there should not be any rush.

Julie Haskell: She asked about location for dumping. *(It would still go to the transfer station, as with Allied.)*

2:04:49

Sean Roylance: He felt comfortable addressing some of the up-front costs; it is more in the area of operating costs; there needs to be more than assumptions.

The July 1 date for purchasing the truck from Provo: there may not be enough time to negotiate with Woodland Hills. He is a bit "nervous" about that date.

Weston Youd: This is a major venture for the City; perhaps it could be brought to the citizens for a vote. Could this be placed on a ballot in November?

Sean Roylance: He did feel that we can gather more information from Provo and other sources; and perhaps Mr. Mecham that Council Member Youd knows.

Julie Haskell: Would a Work Session with Woodland Hills be good?

Weston Youd: When we approach Woodland Hills, it will be a service provider...they have to have this mind set. It is not a "joint venture".

Summary of directions to Mr. Stephens:

- *Mr. Stephens approach Provo City: get their numbers and see if they have an expert review our numbers and analyze them.*
- *Weston Youd should approach Mr. Mecham to get his advice.*
- *Continue the discussion on the next Agenda*

Direction to take back to the Fire Chief:

- *Determine what we could get done on a volunteer basis (develop plans perhaps)*
- *Other sources of revenue beside the garbage business*
- *The Council likes the idea; let's move forward with gathering more information*

2:10:29

Julie Haskell: She is generally in favor of the building expansion; but she is not necessarily in favor of the proposed garbage business. She also stated that her mind could be altered with better information.

Weston Youd: He feels that the Fire Dept. should understand that the Council agrees that what they presented is the future; but there are still questions to be answered.

Sean Roylance: The Fire Dept. also needs to address more specific figures and costs. The cost could be more than \$300,000.

John Hoschouer: The Fire Chief is confident that most of the labor could be done by volunteers.

Shawn Eliot: He referred to setbacks in the code that would be appropriate for any expansion.

*Continue to next Council Agenda.

2:13:44

ELK RIDGE DRIVE
EXTENSION

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO AUTHORIZE MAYOR LUTES TO SIGN
THE LETTER TO THE COUNTY COMMISSIONERS REGARDING THE COUNCIL'S SUPPORT OF THE
ELK RIDGE DRIVE EXTENSION**

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

Shawn Eliot: (Update on the proposed road extension) The County has decided on the straight through extension. There may be a slight bend around some of the wet lands. The plans are being submitted to the Army Corps of Engineers and they are hopeful the plans will be approved.

EXPENDITURES:

General: None

2:16:19

CITY COUNCIL
MINUTES

A. City Council Meeting 5-11-10:

**WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE CITY COUNCIL
MINUTES OF 5-11-2010, AS CORRECTED**

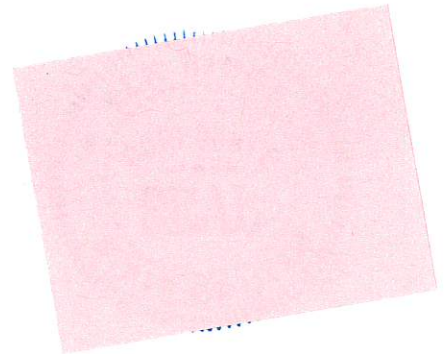
VOTE: YES (4) NO (0) ABSENT (1) DERREK JOHNSON

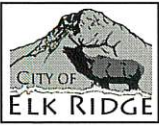
ADJOURNMENT

At 8:30 PM, the Mayor adjourned the Meeting.



City Recorder





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

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

NOTICE & AGENDA – CITY COUNCIL FIELD TRIP

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Field Trip on Thursday, June 3, 2010, at 4:00 PM.** The City Council will meet at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

4:00 PM - CITY COUNCIL FIELD TRIP

City Playground Equipment – Liability Issues

To meet with the Risk Management Representative from Utah Local Governments Trust

Handicap Access, Upon Request. (48 Hours Notice)

All interested persons are invited to attend this Field Trip. Dated this 1st Day of June, 2010.



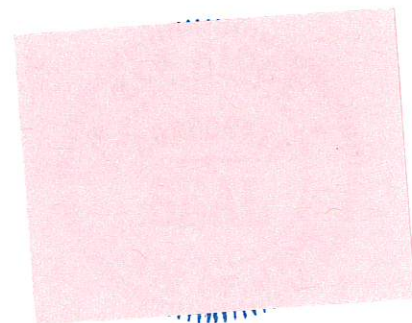
City Recorder

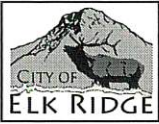
CERTIFICATION

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, on June 1, 2010; as well as being posted on the City Web Site on 6-2-2010; and was provided to each member of the Governing Body on June 1, 2010.



City Recorder





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

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

NOTICE & AGENDA – CITY COUNCIL FIELD TRIP

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Field Trip on Friday, June 4, 2010, at 9:00 AM**. The City Council will meet at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

5:00 PM - CITY COUNCIL FIELD TRIP

City Playground Equipment – Liability Issues

To meet with the Risk Management Representative from Utah Local Governments Trust

CANCELLED

Handicap Access, Upon Request. (48 Hours Notice)

All interested persons are invited to attend this Field Trip. Dated this 1st Day of June, 2010.



City Recorder

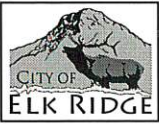
CERTIFICATION

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, on June 1, 2010; as well as being posted on the City Web Site on 6-2-2010; and was provided to each member of the Governing Body on June 1, 2010.



City Recorder





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

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

NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, June 8, 2010, 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 -

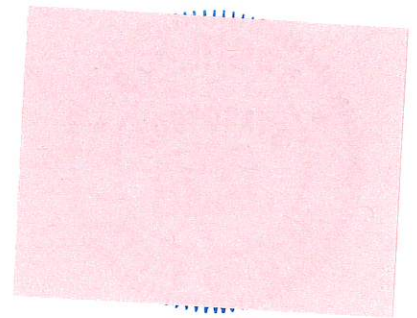
CITY COUNCIL WORK SESSION

1. Curb & Gutter Agreement – Mayor Lutes
- 6:15 2. Discussion - Sanitation Services – Conference Call with City Finance Director (Curtis Roberts)
3. Parks:
 - A. Playground Equipment – Playground Area Improvements
 - B. Park Maintenance – Landscaping and Clean-up
4. Purchase of Equipment

7:00 PM -

REGULAR COUNCIL MEETING AGENDA ITEMS:


- Opening Remarks and Pledge of Allegiance Invitation
Approval/Agenda Time Frame
Public Forum
- 7:05
 - 7:15 5. Action – Sanitation Services
 - 7:30 6. Parks:
 - A. Playground Equipment – Playground Area Improvements
 - B. Park Maintenance - Landscaping and Clean-up
 - 8:00 7. Curb & Gutter Agreement – Approval
 - 8:05 8. General Plan – Discussion and Adoption of Resolution
 - 8:25 9. Water Rights – Approval of Work Release (Tony Fuller)
 - 8:40 10. Expenditures: (General)
 - A. Check Registers and Payroll for May, 2010
 - B. Purchase of Equipment
 - 9:00 11. Approval of City Council Minutes
- Adjournment



Handicap Access, Upon Request. (48 Hours Notice)

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

Dated this 4th day of June, 2010.



City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah; and was provided to each member of the Governing Body on June 4, 2010.



City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
June 8, 2010**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, June 8, 2010, 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 as well as an Amended Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 4, 2010.

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Kenneth O. Lutes; City Council: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; City Planner: Shawn Eliot; Building Official: Corbett Stephens; Sheriff: Deputy Brent Butters; Finance Director (Electronic Connection for Conference Call Discussion): Curtis Roberts; Public: Sherrie Dalton, June E. Christensen & Jamie D. Towse; and the City Recorder: Janice H. Davis.

NON – AGENDA ITEM

Mayor Lutes introduced the newly assigned sheriff from the Utah County Sheriff's Dept., Deputy Brent Butters. Deputy Butters has been with the Sheriff's Dept. for nine years (10 years in September, 2010). He has experience with "RAD Kids as an instructor, he is an EMT, and a fire fighter. He passed out a flier that could be used as a template for a reward poster for information regarding the fire that destroyed the playground equipment.

The Deputy explained that this type of flier had been used in Eagle Mountain to offer a reward for information about some vandalism that took place in Eagle Mountain. The process led to an arrest. There have been some good results from fliers, particularly involving juveniles, since they seem to like to talk.

He met with the investigator on the case of the playground equipment, who is the Payson Fire Chief Scot Spencer...Deputy Butters has known him for some time. He got copies of his photos for Council Member Johnson; and he spoke to him about the fire and the investigation.

Details of fire:

It seemed to start lower near the wood chips and the base of the slide. It spread up the slide until the slide melted and fell. The cause is as yet undetermined and it is not known if the act was intentional or not.

The Deputy felt the incident should be treated as if it were intentional and get fliers out.

The flier is in color or black & white. Council Member Johnson asked for an electronic form of the flier so he can include it in with the City Celebration packets.

The flier would offer a "cash" reward with no specific amount so the City can weigh the information to see what it is worth. The reward would be paid after arrest and conviction.

Mayor Lutes: He mentioned that there used to be more signs posted with the times the Park is closed; he suggested posting more signs so the officers would have better cause to detain anyone breaking that curfew.

Deputy Butters: He cited the County curfew:

- Below 16 years of age: 11:00 PM every night
- Between the ages of 16 & 18, on the week end: the time extends to 2:00 AM

*The City's may be different; it should be checked so he knows what to enforce. Mayor Lutes said he would assist him in finding out what the City's hours are.

10:11

**SANITATION SERVICES
- CONFERENCE CALL
WITH CITY FINANCE
DIRECTOR**

(Curtis Roberts was on a conference call with the City Council)

He had also provided two summaries of his findings and several spread sheets; as he was asked to look into the issues and associated costs if the City provided garbage serves to its residents.

Summary #1:

"I was asked to evaluate the proposal for Elk Ridge City to take over the garbage collection service from the current contractor. This evaluation included considering several assumptions regarding using new garbage cans versus buying the existing used cans, becoming a member of the South Utah Valley Solid Waste District (the District), collecting garbage for the City of Woodland Hills, estimated tons of garbage per year, fuel prices, estimated repairs and maintenance costs, estimate life of fixed assets, insurance costs, borrowing costs and amount borrowed, the use of an interfund loan to provide financing for the operation, and the proposed fee for the service, as well as other factors. Because of the several assumptions used for this analysis, actual results will vary as the operational results differ from the assumptions.

I have discussed these assumptions with the Mayor and Corbett. I have also called Terry from the District and officials from Utah Local Government Trust (insurance). These discussions revealed the following:

- 1) The City will only be buying one (1) garbage collection truck. If this truck breaks down, the City will need to have an agreement with another entity to provide a truck or collection service to avoid service disruptions.
- 2) Currently insurance costs are projected to increase only by a minimal amount. If there are accidents or high insurance claims, the premium will increase. The City will need create an appropriate training program (possibly using outside resources) to reduce the risk of accidents.

- 3) The District can back-charge a City for dumping improper items (paint, oil, computers, other hazardous materials) if they are found at the collection facility. It will be critical to ensure that the driver of the garbage truck is able to monitor the collection and that the City work with residents to comply with dumping regulations.
- 4) The current fee structure results in revenues exceeding collection costs by less than \$1,000, which doesn't cover the administration costs of the program (billing, accounting, management oversight of contract, customer service, etc.).
- 5) The District just voted to increase the dumping fees by \$3 per ton for members (expecting more for non-members) and to impose a \$1 fee per rooftop for recycling. The District had incurred significant operating net losses for each of the last two (2) years and the rate increase was necessary.
- 6) In the fall of 2009 (fiscal year 2010), the District paid over \$2 million to expand the current dumping site (cell #2). The District used debt to pay for almost all of this expansion. Terry informed me that this debt is only secured by the dumping fees. The debt is scheduled to be repaid over the next seven (7) years.
- 7) The District uses an outside contractor to calculate the closure and post-closure costs. This calculation is reviewed by state officials as a condition of issuing a landfill permit. The District places money in a restricted account with the State to cover the estimated closure and post-closure costs. This is about the best way to handle this large liability.
- 8) The buy-in provides the City with one (1) voting board member. All the participating cities have an equal vote. This is surprising because the City's buying cost is only about .75% of the total assets less debt. This equal vote is uncommon because large cities usually want more votes because they are such large users.
- 9) The District has not had make any special assessments to the members for any large losses or unusual operating results or issues.
- 10) The District has additional large capital outlay needs according to their fiscal year 2009 financial statements.
- 11) The District is working with other cities to become members of the District.
- 12) If the City takes over the collection service, I would recommend that the City create a new enterprise (business-type) fund to account for this operation. It would function similar to the Water Fund or the Sewer Fund. The City would charge this new fund an administration fee, similar to the previously mentioned funds, that could be between \$20,000 and \$30,000 per year for the General Fund depending on if the City of Woodland Hills participates.

Given the facts listed above, the City will be faced with increasing the garbage collection fees because of the increases imposed by the District.

It would be extremely difficult to explain the projected operating results for each variable (estimate) in this letter. There are also variables related to when the City could cancel the contract with the current collection contractor and when the City could start providing service to the City of Woodland Hills.

The projection shows that having the City of Woodland Hills participate would be beneficial to the operation. The City's operation could be profitable and cash flow (repaying the debt in 4 years) and only increase the rates to \$13 for the first can and \$7 for the second can. This increase will be similar to what the City will have to impose because of the increase passed by the District. This option would also provide the General Fund with almost \$30,000 more per year than currently provided by the garbage collection service because it would be recovering the administrative costs, including shared employee costs for the public works employees.

If the city of Woodland Hills doesn't participate, the City would have to charge \$16 for the first can and \$10 for the second can to be profitable and have sufficient cash flow (also repaying the debt in 4 years). This option would provide the General Fund with almost \$20,000 more per year through the administration fee.

I look forward to discussing this issue with you."

Summary #2:

"I have evaluated numerous options regarding the City assuming the role of collecting garbage and also becoming a member of the South Utah Valley Solid Waste District (the District). I have sent a separate letter discussing many of the risks and currently known facts related to the garbage service. This email is designed to summarize my recommendations and conclusions regarding this research. There are several variables to consider when creating a projection of the financial operating results and cash flows for the garbage business. I built an Excel spreadsheet that allowed for changes to these variables and evaluated the results of changes to these variables. All of the conclusions expressed here are based on the indications that Woodland Hills will contract with the City for garbage collection.

We currently know that the District has implemented a \$3 per ton fee increase for member cities and will be adopting an even higher fee for non-member cities. The District has also adopted a \$1 per rooftop recycling fee for member cities and will be increasing the per ton fee for non-member cities to reflect a similar

rate increase. We also know that the City's current garbage rate only collects enough revenue to cover the cost of the contractor for the service and contributes about \$1,000 annually toward administration costs. However, the administration fees to operate the garbage program are significantly higher when you consider not just the personnel costs but also contributing to utility and building costs and professional fees.

I would recommend that the City create a "Solid Waste Fund" to account for the operations of this new service. It would be set up similar to the Water or Sewer funds and would be an enterprise (business-type) fund. It would also be charged an administration fee similar to the Water Fund and the Sewer Fund.

Based on estimated costs of acquiring a garbage truck, acquiring the garbage cans (old or new), costs of building a storage shed, buying into the District, and operation costs, the City could keep the garbage rates at the same level, provide an incentive for Woodland Hills to contract with the City, increase the contribution to administration costs of the General Fund, and still provide net income and positive cash flow for the operation.

However, if the City wants to provide long-term stability to the garbage rates (avoid rate increases) or provide additional revenue to the General fund for administration cost, I would recommend considering an increase to the per can charge.

The assumption of the garbage collection service has the potential to be extremely profitable to the City if the program is planned and operated appropriately.

Curtis Roberts, CPA"

Mayor Lutes also provided a summary of the issues, which were included in the Council packets:

(Summary from Mayor):

"Background

Elk Ridge City is in need of more sources of revenue. All of the sanitation management people we have visited agree that "there is money in garbage". We seem to be in a time when events make it possible for the City to begin to serve the citizens of Woodland Hills and Elk Ridge with solid waste service. There is also interest from Salem in discussing the possibilities.

We have discussed at length with Curtis Roberts the pros and cons of creating and operating a solid waste enterprise. HE has a great deal of experience in setting up such a business, and, after running all of the scenarios we could think of, concluded that this would be an 'incredibly profitable investment'.

Corbett and the Mayor visited the Provo operation. Scott Pepler and Brad Rollins, Provo Public Services, were very encouraging and agreed to assist us, as they do for Springville, in case we needed them. They agreed to allow us to attend their training meetings and to teach our driver and give him hand-on training. They recommended that we start out with a new truck so that any first year breakdowns would be covered and so we could be sure it had the proper drive train for our hills. This would give us time to gear up for maintenance issues in following years. A second, used truck would be advisable for a backup.

We have addressed Council Members Youd's '3-legged stool' suggestion:

1. The market would seem to be a captive market since there is no other means at present for Elk Ridge citizens to dispose of their solid waste. The City controls the fees and all aspects of the business so that we can keep our rates lower than any competitor's.
2. The initial costs and rate of recovery depends upon the assumptions made and covered in the spreadsheet analyses. The Council will need to choose a scenario they are comfortable with.
3. Our management team has demonstrated the necessary synergy and abilities by the accomplishments over the past several months. With the support of the Council, and Corbett to manage the operations, the probability of success is very high. Corbett has the ability to foresee what is needed, exercise his initiative to assemble the necessary resources, and accomplish anything he sets his mind to. His reputation throughout the area assures that he can obtain any assistance needed. He is the one who recognized the potential of this business for Elk Ridge, is excited about it, and will see that it succeeds.

Summary:

- Elk Ridge needs another revenue stream, and this one seems timely and well recommended.
- Our financial Director recommends and endorses it.
- A big sister city will help us over the hurdles if necessary.
- We have the funds to self-finance the operation, paying interest to ourselves.
- Woodland Hills offered to give us a letter of intent indicating they would sign an Interlocal agreement for 7 years if we could save them \$ 4-5,000 annually.
- Salem is thinking seriously about joining a discussion.
- We are facing a rate increase. Allied is in the process of sending us a proposal.
- Presently, we are not covering our expenses in administering Allied's business.
- We should be charging about \$12/6 per can (1st & 2nd can) now to avoid subsidizing the service.
- With the imminent rate increases, \$13/7 per can may be necessary.
- Provo advises not to give a break on the 2nd can because it encourages more garbage.
- Need to see if Woodland Hills can continue with Allied on a month to month basis, pending us.
- We should implement the business after the pending rate increase, not before."

Discussion: (The spreadsheet provided by Mr. Roberts was displayed on the wall via projector)

Mr. Roberts was asked to give a verbal summary while the Council Members were gathering their thoughts and questions:

He explained that the spreadsheet was developed to be able to analyze various scenarios just by changing the input that would automatically calculate the figures showing if the operation would be profitable; but also, would it "cash flow"...and can it generate enough cash to be self-sustaining?

10:45

Sometimes an enterprise fund can look profitable, but the business it actually not "cash flowing". Both must be satisfied: Solid return on assets, a solid income; yet still have enough cash flow to be able to make any payments and to replace equipment. In talking to Woodland Hills, it was indicated that they would be willing to participate with Elk Ridge; this is critical and helps the income and cash flow concerns substantially. The initial document (Summary #1) addresses the risks of running a solid waste operation and how to continue operation, uninterrupted.

He reviewed the risks mentioned with the solid waste district, as members or non-members.

These things were all factored in; to come back with a "fairly workable project, where we can help control the rate increases the City may be facing here in the short term".

He added that if we structure this right, if the plan is executed, the City has the opportunity to make this an "extremely profitable business". Any of the solid waste businesses are very profitable, if they are run right; by making sure to maintain capital assets and evaluating the rate structure.

When the rate structure is not evaluated periodically, that is when problems arise. He has yet to see a solid waste operation that is not profitable; the only ones he has seen that were struggling were those that failed to put in the required rate increased and kept their rates artificially low... then when things start breaking down, there is nothing to draw from...and even these, though they were struggling, were still profitable.

He feels the operation could be monitored and that it could work for Elk Ridge; he said he is actually "kind of excited about it". Initially, he was a bit hesitant due to the unknowns; but as questions were answered, he feels it would be a profitable venture. Not only would the City be running its own operation, but the contribution to the General Fund Revenue for administrative costs would be beneficial to the overall budget. The current arrangement is not fully covering administrative costs and the General Fund is subsidizing the operation. The increased revenue from an additional revenue source would decrease the need to raise property taxes in the future.

18:11 Derrek Johnson: He asked Mr. Roberts: If we were not to go into the garbage business, what would the rates need to be to cover costs (particularly considering the increase of \$3/ton by the District for members)?

Mr. Roberts: He emphasized that this increase was for members of the District; a substantial increase has been discussed for non-members...the last he heard, they had not decided on the amount. When he spoke to the Chairman of the Board said he did not know at the time, but he said it would be "substantially higher" than the \$3.00/ton.

Allied would pass this increase through to its clients; he sees rates increasing perhaps between \$1 and \$2 per household per month...as well as the extra can. The further challenge is that Mr. Roberts does not believe this is their final increase. The Districts last audit showed a loss of about \$750,000; this year they said they are heading for a loss of about \$300,000. Over the years, the cumulative loss is at about 1.5 million dollar loss. He was not sure what Allied's response is going to be.

*Mayor Lutes: Allied has issued an increase to Salem City; our proposal will be forthcoming any day. Currently, the City is subsidizing the garbage collection, since there is only about \$1,000 generated in revenue over expenditures. So, the charge should be at about \$12 per household for collection...add to that the increase coming from the District; that would have the rates at about \$13, or more, depending on the increase passed through to the City. Provo City suggested initiating the required increase first, which will be required whether or not we decide to go into the garbage business. Later, if the City does decide to go into the business, then the increase would not be blamed on the new operation. *(Mr. Roberts agreed that would be a good strategy.)*

Corbett Stephens: (Responding to Council Member Youd's question) He reported that the current rate is \$39/ton (non-member status). The City does 16 tons/week (winter months) and 24 tons (summer)...average is 20 tons per week for the year = 1,040 tons per year.

23:04 Sean Roylance: Question (RE: Spreadsheets) He simply asked for an interpretation of the color-coding as well as some of the negative figures.

(One of the spreadsheets was a presentation of what the numbers could be if Elk Ridge went into the garbage business alone...the other showed figures if Elk Ridge were to go into business with Woodland Hills as a customer. The numbers show and increase in profit with Woodland Hills.)

Council Member Roylance did not see the "Profitability" referred to by Mr. Roberts, though he did see how it would be better with Woodland Hills.

(Mr. Roberts explained that the first spreadsheet only showed ½ a year, due to the contract with Allied terminating at the end of December, 2010. More focus was put on the second year...the timing is a bit of an unknown.)

Even the 2nd and 3rd years still indicate negatives. *(Mr. Roberts: This was keeping the rates fairly low; there are certain assumptions that would have to be considered.)*

Mayor Lutes: Woodland Hills' Mayor had a very favorable response to the idea of contracting with Elk Ridge; and even suggested a 7-year contract to begin with.

Weston Youd: He too questioned the negative figures.

Council Members Roylance and Youd requested copies of the spreadsheet; which Mr. Roberts will email to them. Council Member Roylance felt the spreadsheets "looked concerning" and wanted a chance to input different numbers to see what the outcome would be.

Julie Haskell: (Question on can charges) She sondered about the difference in price to Woodland Hills' residents and Elk Ridge residents, since Elk Ridge residents were being charged more.

(Mr. Roberts: We would only be charging Woodland Hills for collection; they pay their own dumping fees, as they are members of the District. Woodland Hills' citizens would be charged by Elk Ridge for collection and the District would also charge them for dumping costs. As yet, the dumping charges have not been separated out from collection fees for Elk Ridge. It simply appears that there is a discrepancy; they are really not being charged less.)

Weston Youd: He requested that Elk Ridge fees be itemized out...a per household breakdown. (Council Member Haskell agreed with this request.)

31:20 He felt that would produce a better comparison. (Mr. Roberts: The dumping fee is about 34% of the cost to operate; so of the fee, roughly 34% would be the dumping fee...so about \$3.74 of the \$11.00 would be for dumping.)

Sean Roylance: (Question) The initial numbers that were put together by Council Member Roylance and Mr. Stephens showed a buy-in of \$40,000...the figures presented by Mr. Roberts show a buy-in cost of \$103,000.

Corbett Stephens: He explained that Woodland Hills' buy-in was \$40,000 about 7 years ago. He called to speak to Mr. Fickland (Chairman of the Board of the Solid Waste District); he sent us an actual breakdown, based on "roof tops" and what it would cost to buy-in. the actual buy-in for Elk Ridge would be \$102,600.

Mr. Roberts: This was re-verified with him that we would not be purchasing any extra liability or being charged any extra costs incurred by other entities. Mr. Roberts felt the estimate for buy-in was fair.

Sean Roylance: (Question) The can and truck replacement fees...does "depreciation" refer to truck replacement? How would the new truck be paid for?

(Mr. Roberts: The new truck would come out of the cash generated from the business. The depreciation charge affects cash flow; it also shows if enough of the cost of the vehicle is being recovered for eventual replacement. Depreciation also replaces or shows upkeep of a new shed to house the truck. The debt retires quicker than the life of the truck comes up. This is similar to the Water and Sewer Funds.)

37:27 Council Member Roylance continued: He asked about a variable he may have missed regarding the life of the truck.

(Mr. Roberts: For a used truck - 6 years; for a new truck – 15 years.)

Subsequent truck costs: Used truck - \$20,000; new truck – about \$250,000 (high end truck as Provo pays).

Mayor Lutes: A less expensive truck might be about \$180,000. The hills in Woodland Hills and here in Elk Ridge might require a better truck.

Weston Youd: He questioned the "shed" mentioned to house the truck...location, cost, etc. He has contacted people he knows in the sanitation business and the smell is a concern.

Corbett Stephens: A more palatable location would be on the City's property where the salt shed is located. It would be a temporary shed

Mayor Lutes: (Discussion of cans) The representative from Allied mentioned that new cans are \$45 each; and used cans could be purchased for about \$12. The impression was that Allied would be willing to sell us used cans; the price could likely be negotiated. Payson City would charge \$90 per can and the citizens would be the purchaser.

43:23 Curtis Roberts: There are always concerns starting a new business; but the advantages with this projected operation seem to alleviate the concerns. There has been a great deal of "homework" preparing the information...and he reiterated his assessment that it could be an extremely profitable venture.

Weston Youd: He commented that the information had just been given to the Council that day. He asked about Salem City being interested in the business.

Corbett Stephens: He consulted with Larry Fickland (Salem Council): At one time Salem got into the sanitation business and then got out of it...Mr. Stephens wanted to know why. Mr. Fickland said it was due to mismanagement: they did not budget for replacement of the truck; they bought a used truck and spent a great deal of money on maintenance on a used truck...Allied offered them a deal where they were making more money than they were making before.

Elk Ridge only makes about \$1,000 to cover administrative costs; Woodland Hills charges their residents enough to make about \$10,000 or \$15,000 over their costs; whereas, Salem was not making money.

Currently, Salem is considering getting back into the business. Mr. Stephens asked why not have Salem and Elk Ridge get together for sanitation. Mr. Fickland's response was positive, in fact he felt we could keep a truck busy 5 days/week. With Woodland Hills, there would be more profit; but when Salem is added to the whole...that is more cans and more profit.

Weston Youd: At the last SUVMWA meeting, the possibility of a future sanitation district was discussed. HE asked r. Roberts about the figure to pay an employee; did it include a 30% mark-up for the true cost to an employer? Was maintenance figured in? (Mr. Roberts: The figure is based on an average cost of an employee with salary + benefits; calculating % of a person's salary for the time charged to garbage collection...which comes to about 20% or 2 out of 5 days working on garbage collection. Maintenance: They thought that much of the maintenance would be contracted out, possibly with Provo City and there is a line for maintenance. Any other costs would be reflected in the Administrative Fee to the General Fund.)

49:22 Sean Roylance: He questioned the recommendation of purchasing a new truck.

(Mayor Lutes: Explained: The 1st year is covered under warrantee; which allows for the business to get going before possible repairs would have to be addressed. A used truck may require maintenance from the beginning. Provo recommended the new truck. If the City considers the used truck Provo has to sell, we would have to follow the truck to auction; we could not buy it directly from Provo...it could be even less than the \$20,000. If not a new truck, then perhaps there would be one listed on the internet.

(There were no further questions for Mr. Roberts.)

51:46
PARKS

1. *Playground Equipment:* Mayor Lutes reported that the cost to replace the destroyed playground equipment would be just under \$19,000 (*Game Time*). Impact fees could be used to replace the equipment. Everything that has been burned would still have to be removed and replaced, so the equipment could be guaranteed by the company. Council Member Johnson said that the insurance information regarding covering the damaged equipment is not available.

Mayor Lutes informed the Council of the issues involved with coverage. The recorder called the Trust and found that the equipment was not listed on the itemized list of property that is covered; there were other structures not listed. The list has been corrected. The risk management men from the Trust suggested calling in to plead the case of coverage for these items. Former Council Member Abbott recalled meeting with people from the Trust (ULGT) and reviewing these very items, to make sure they were covered. He offered to investigate the matter. It was not known how much these additions will affect the budget. An adjusted list will affect the premium; it is not known how much.

59:18 2. *Park Maintenance:* The City Park needs to be weeded, re-planted and maintained. It is too big a job to have volunteers do it. Council Member Clawson said that perhaps the maintenance could be handled by volunteers; but not the clean-up. (Corbett Stephens and Wayne Frandson are busy with crack fill, which is temperature sensitive.) There is \$2,000 budgeted for park maintenance; she requested use of that money from the Parks Department. Council Member Johnson agreed. Debbie Cloward advised that the seemingly dead trees may be able to be saved with more consistent watering.

(Deputy Butters suggested the use of week-end "work diversions" to assist with the clean-up. The people are not inmates; they have been assigned to "work diversion" as part of sentencing...it is like "community service" hours to work off. They would be supervised by one or two deputies. Currently they do all the maintenance at the Goshen Cemetery.) Council Member Clawson was not in favor of this option with this project.

3. *Purchase Equipment:*

There was a proposal for the purchase of an ATV for City use in all departments. When jobs are done more efficiently, more gets done. Example: Meter Reading...previously, Mr. Stephens was using former Mayor Dunn's ATV to assist in reading meters; recently he has used Ed Christensen's. The Mayor read meters the last time and can vouch that using the truck takes much more time and requires getting in and out of the truck when the hand-held unit does not pick up the signal.

- An ATV could be used to get to the tanks in the winter.

- Park maintenance would be aided in spraying and fertilizing...one man could do the job by himself rather than taking 2 (1 to drive and the other to spray).

The cost could be split four ways: Parks, Roads, Water & Sewer.

Cost Estimate:

- New – (650 Arctic Cat = \$6,400 to \$6,500)

- A 650 (Sold by a credit union) = \$2,500 (A 2007 model)

Sean Roylance: Suggestion: tracks for winter

Julie Haskell: She felt the City snowmobile serves the purpose and is sufficient.

1:09:21 Corbett Stephens: In response, he replied that getting up to the Loafer Canyon Well requires driving the snowmobile on asphalt or the back way requires driving through mud. There is no trailer; one could be purchased to carry it part way and get it to the snow.

Mayor Lutes: The City borrows a trailer occasionally, and we borrow ATV's; it seems that it would be best to have the City purchase one for the various uses.

4. *Curb & Gutter Agreement:*

David Church prepared a draft agreement between the City and those paying for installation of curbing along their frontage.

The Council was in agreement that the agreement looked good.

Mayor Lutes closed the Work Session at 7:20 PM.

ELK RIDGE CITY COUNCIL MEETING June 8, 2010

TIME & PLACE OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 8, 2010, 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 as well as an Amended Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 4, 2010.

7:20 PM -

REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

OPENING REMARKS &
PLEDGE OF
ALLEGIANCE

Opening Remarks: Derrek Johnson offered an opening prayer and led those present in the Pledge of Allegiance, for those willing to participate.

APPROVAL OF THE
AGENDA TIME FRAME

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:20 PM, AND MOVING AGENDA ITEM #8 (GENERAL PLAN) TO THE BEGINNING OF THE REGULAR SESSION

VOTE: YES (5)

NO (0)

1:12:42

PUBLIC FORUM

1. June Christensen: (3 year resident at 212 S. Hillside Drive)

She reported various acts of vandalism at her home:

- Her husband's dodge – popped the emblem off the tailgate
- \$550 loss – her car was keyed (reported)
- June 4: She had all of her yard lanterns taken; replacement would be about \$650
- Brass butterflies disappearing from her yard

There is a vandalism problem in Elk Ridge. The City's mission statement states that the goal is to have a safe environment...she feels threatened.

Mrs. Christensen volunteered to assist and/or donate toward doing something about this problem. She suggested initiating a "neighborhood watch" program. She wants to know what is going on and where, so that there can be an effective effort to solve this problem. She requested feedback from the Council.

Mayor Lutes: Asked Deputy Butters to talk to Mrs. Christensen regarding her concerns and he agreed to do so.

1:17:13

Derrek Johnson: He added that other neighbors have been affected as well; car windows being smashed in, cars being keyed, radios stolen, a mailbox smashed in and tampered with ...none of these issues have been dealt with.

Curfews must be enforced; and if minors are out past curfew, names should be gathered and it needs to be established why they were out.

Shawn Eliot sent the curfew information to Council Member Johnson.

2. Sherrie Dalton: (Elk Ridge Resident on the corner of Alexander & Hillside Drive)

She reported that a resident on Astor Lane has installed several old telephone poles in their back yard. (This has been reported earlier to the City Offices and the yard in question has been checked out.) It appears that the residents are building a zip line and, after review of the code, there seems to be nothing in the current code which disallows this installation.

- The people are renters
- One of the poles broke the fence
- The poles are unsightly and the problem will be compounded when the zip line is being used

The residents are renters; is the owner aware of the issue? Who is liable in case of injury or damage?

*The next step would be to contact the owners.

Discussion: Can the nuisance code be applied? Perhaps neighbors could file a complaint. The planner is not sure how that process would proceed, since the poles do not violate the current code. He agreed that it would be best to contact the owners first.

3. Jamie Towse: (234 S. Shayda Cr.)

- She agreed that the poles referred to should be considered a "nuisance"; there could be a privacy issue.
- RE: Possible City Sanitation Business...She thinks it sounds like a great idea.

The Mayor closed the Public Forum.

1:28:53

GENERAL PLAN –
DISCUSSION &
ADOPTION

Shawn Eliot: Mr. had provided copies of the draft of the General Plan to the Council at the last Council Meeting at the end of May, 2010, so the Council would have time to review it and be prepared with any questions, comments or corrections.

Julie Haskell: She felt is "looked great".

Erin Clawson: She added that it was well written, well thought out and usable. There was a lot of hard work that went into this draft; she expressed appreciation for all the work.

Weston Youd: He was glad to see it come forward for adoption.

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO ADOPT THE GENERAL PLAN AS PRESENTED; AND EXPRESS GRATITUDE TO THE ELK RIDGE PLANNING COMMISSION, MOUNTAINLAND ASSOCIATION OF GOVERNMENTS AND THE CITY PLANNER FOR THE HARD WORK PERFORMED TO PRESENT THE PLAN

VOTE: WESTON YOUD-AYE, SEAN ROYLANCE-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE & ERIN CLAWSON-AYE (5)

NAY (0)

Passed 5-1

1:30:45

SANITATION SERVICES

- ACTION

Mayor Lutes asked the Council if there was any direction to pursue the possibilities.

Questions/Comments:

Erin Clawson: (Directed toward Council Member Roylance... This was a matter that was presented by Council Member Roylance and Mr. Stephens (they worked together to come up with the initial figures). She wanted to know why he seemed reticent at the last meeting. Have his opinions changed regarding the proposed business?

Sean Roylance: There are a few aspects of the proposed business he is unsure about. He intended to communicate that if Elk Ridge's service does not include Woodland Hills, he feels the margin of success would not be large enough. It is unlikely we have thought of every cost associated with this type of business.

He feels there are pros and cons to the proposal. He wants to review the new spread sheet provided by Curtis Roberts and have a chance to analyze the formulas and numbers...as well as insert other figures to be able to understand it thoroughly.

Pros:

It seems that Woodland Hills is in favor of a long-term commitment; he would like to know that is agreed upon by the entire City Council.

Cons:

- He is concerned with the additional upfront costs that differ from the previous assumptions.
- Concern: Salem was concerned with high maintenance costs on an older truck vs. a new truck, which is extremely expensive.
- Is there enough time and man-power to handle the added time involved with running a business?

He is very interested in the prospect of partnering with Salem and sharing the risk with Salem.

Mayor Lutes interjected that he did not believe that a "partnership" is what was talked about...rather the same type of service as we would provide to Woodland Hills. HE asked for Mr. Stephens' input.

Corbett Stephens: He would be concerned about not having control of the business. Would the same types of issues we encountered with the sewer plant become issues with a shared garbage business?

Sean Roylance: There are many new variables information to be understood before he could recommend any further action. He would like to speak with Curtis Roberts regarding the reasoning behind his positive conclusions regarding spreadsheets that indicate a negative bottom line.

City Recorder: Mr. Roberts explained that one needs to look at the profit margin; but, from the first year, the business would be paying about \$20,000 into the General Fund. The profit margin in the enterprise fund itself may take a few years to show a profit; but all that time, that fund is contributing to another source of revenue for the General Fund through the administration fee. The public reminds the Councils frequently to look into expanding the sources of revenue for the General Fund, to take pressure off the tax payers. The City has very limited sources of revenue with little or no commercial. The concept of providing another source of revenue to the General Fund was one point of excitement for the Finance Director.

Mayor Lutes: He added that Provo City's garbage budget does not look all that good either; but \$600,000 was paid to their General Fund.

Sean Roylance: He agreed that is a "good thing"; but the spreadsheet in the packets showed a loss of \$30,000+; that is a concern to him.

The Mayor encouraged the Council Members to talk to Mr. Roberts; he is always willing to talk to the members of the Council.

Julie Haskell: She was still concerned about the storage of a garbage truck in a residential area.

Discussion of options to store a sanitation vehicle.

Weston Youd: He agreed that the numbers did not seem as positive as they did at first.

Erin Clawson: She feels the Council should look at the prospect of a sanitation business as more of a service and a long-range benefit for the City and the citizens. She also feels that the Fire Dept. expansion should be a separate issue and that they should look at other options to fund any construction. Regarding the sanitation business: Even though there is some risk involved, she feels it is "worth a try" to bring more revenue to the City. "Anything you do is going to have some risk; but if we could maintain some control of it and with a 7 year commitment from another town (and possibly another), I think it is really worth look at to see if we can make this happen for our town. I would much rather see some profit stay here than to see it go to Allied or somewhere else." She also stated that she is not worried about being "faulted" if the business had a mishap...those things happen. With Provo's assistance, the trucks can be maintained and they have even offered loaners if our truck were being worked on. "There are good things happening."

Action: She felt that the Council should take Council Member Youd's advice and solidify the City's position and come up with a good presentation prior to approaching another community.

Sean Roylance: He questioned if the City has "man hours" available to be able to run this business. Would the City need to hire another employee? Can the additional work be absorbed with the current staff? There is a lot of initial extra work with any "start-up" business.

Mayor Lutes: That has been considered and the present staff could handle the responsibilities at first; eventually a part-time employee could be hired or we could contract the work out; as things grow and more revenue is coming in, perhaps a full-time employee could be considered. Provo has offered to train a driver. Currently, Wayne Frandson would drive the truck.

Corbett Stephens: He would not want the City to hire someone else; he would rather work more hours per week, initially, to prove that an additional person could have enough work to justify hiring that person. We do not want to hire someone if the work load does not justify it.

Weston Youd: He feels that more clarity and public input is required...perhaps this could be a ballot issue.

1:44:41

Derrek Johnson: He felt elected official are placed in the position of making these kinds of decision.

Weston Youd: There are options of public meetings or hearings. The Council should not make any quick decisions. The opportunity will still be there to collect garbage.

The Council agreed that more public input could be pursued. Mayor Lutes suggested that we consider a month-to-month contract with Woodland Hills to start with. Perhaps Elk Ridge should try to get a month-to-month contract renewal with Allied.

**This topic will continue to be a regular agenda item for future meetings.*

Council Member Roylance brought up the question of researching laws governing any requirements regarding where garbage trucks could be parked. January feels like a more realistic time frame to him.

Council Member Haskell was reluctant due to the continued state of the economy, though she expressed appreciation for the amount of time spent preparing the information. She agreed that the Council should take their time in considering this proposal.

*It was agreed that more information should be obtained from Salem and what their plans include.

Mr. Stephens warned that Salem may want to take over starting the business to be in control of the operation.

There are things that could be put into place prior to actually initiating the business; like the location of the storage shed for the vehicle.

Discussion of rates for garbage and the possibilities and concerns.

2:10:29
PARKS

1. Playground Equipment:

Council Member Johnson was going to meet with the risk management representative and will update the Council on whatever information he gathers regarding coverage of the destroyed equipment.

The last meeting: The main concern was the depth of the mulch with the height of the equipment – measured from the highest flat point, not the highest point of the equipment itself. He said one foot depth would be appropriate. This coincides with the manufacturer's recommendation.

Former Council Member Abbott is also researching his records; he is sure the equipment was listed at one point.

2. Park Maintenance:

There is a couple of thousand dollars budgeted for this "park maintenance"; the question was, if the Council would move to utilize this money. Plants, mulch and clean-up is needed; as well replacement of tools since Mr. Stephens has been using his personal tools on City projects.

2:15:03

Council Member Clawson would like to get the "adopt a piece of the park" program going to get citizens involved on a volunteer basis.

Discussion of types of landscaping and mulch, including the possibility of a compost pile.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO RELEASE UP TO \$2,000 FOR USE IN PARK MAINTENANCE FOR CLEAN-UP AND MATERIALS

VOTE (POLL): WESTON YOUNG-AYE, SEAN ROYLANCE-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE, ERIN CLAWSON-AYE (5) NAY (0)

Passed 5-0

Council Member Roylance added that about half of that should go toward replacing tools.

2:20:05
CURB & GUTTER
AGREEMENT

SEAN ROYLANCE MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CURB & GUTTER AGREEMENT, AS WRITTEN BY THE CITY ATTORNEY; SO THAT SIGNATURES MAY BE OBTAINED PRIOR TO COMMENCEMENT OF THE WORK

VOTE: YES (5) NO (0)

2:20:52
WATER RIGHTS
WORK RELEASE

The City Recorder gave a brief history of the City's association with Mr. Fuller, as a water rights consultant to Aqua Engineering; which is why the work release came from Aqua Engineering. The City's water rights must be "proven up" or placed in a non-use status; they must also be the City's name, giving a credit to the developer that brought the rights to the City. Mr. Fuller is finishing up what was started several years ago; but has been held up at the State Engineer's office. The proposal from Aqua includes a spread sheet showing the exact status of all of the City's rights, from Craig Neeley, that could be transferred to the City for easy access to the information. Deadlines to prove-up on some of the rights was coming up rather quickly.

JULIE HASKELL MOVED, SECONDED BY WESTON YOUNG, TO APPROVE THE WORK RELEASE, ALLOWING TONY FULLER TO COMMENCE WORK ON PROVING UP ON THE CITY'S WATER RIGHTS WITH THE STATE

VOTE (POLL): WESTON YOUNG-AYE, SEAN ROYLANCE-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE, ERIN CLAWSON-AYE (5) NAY (0)

Passed 5-0

EXPENDITURES:

General: None

1. Check Register & Payroll for May, 2010:

**Question on Account 10-44-390; for \$283.14 (Check with Payroll Clerk)*

SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CHECK REGISTER AND PAYROLL REGISTER FOR MAY OF 2010

VOTE: YES (5) NO (0)

2:33:18

2. Purchase of Equipment:

Discussion:

Council Member Roylance questioned the budget allowance for this proposed purchase.

It would have to be budgeted for in the 2010 – 2011 Budget Year, beginning July 1, 2010. The cost could be split between Roads, Parks, Water & Sewer, since the vehicle would be utilized in all of the departments.

Council Member Johnson mentioned an ATV that sold with a plow and a trailer for about \$5,500. There are good deals to be found.

The advice was to look for a good deal. Details of what to look for were discussed.

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE UP TO \$6,500 FOR THE PURCHASE OF AN ATV FOR THE CITY; TO BE PURCHASED AFTER 7-1-2010, SO IT COMES OUT OF THE 2010-2011 FISCAL YEAR BUDGET

VOTE: YES (3)

NO (2) SEAN ROYLANCE & JULIE HASKELL

Corbett Stephens asked for assistance in the purchase process, since there are Council Members who are more knowledgeable about ATV's. Council Members Johnson and Youd offered their assistance.

MINUTES

*Approval of the minutes was postponed until the next Council Meeting to allow more time to review the minutes.

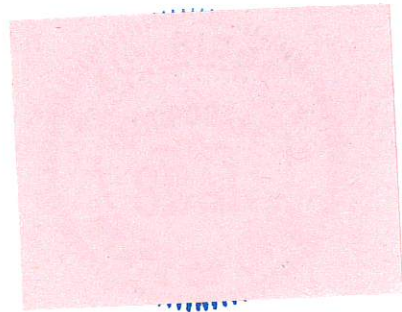
2:41:13

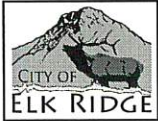
ADJOURNMENT

The Mayor adjourned the Regular Session at 8:50 PM.



City Reorder





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

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

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, June 22, 2010, at 7:00 PM, to be preceded by Two Public Hearings. The First Public Hearing will at 6:00 PM,** to consider adoption of the Final Approved Budget for the 2010/2011 Fiscal Year Budget & the Tax Rate For 2010; **The second Public Hearing, to be held at 6:15 PM,** will be to adopt the Final Amended Budget for the 2009/2010 Fiscal Year. A **City Council Work Session is scheduled for 6:30 PM.**

The Meeting will be attended by Council Member Youd Electronically.

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

6:00 PM - 1. PUBLIC HEARING – TAX RATE FOR 2010 TAX YEAR; AND PROPOSED FINAL 2010-2011 FISCAL YEAR BUDGET - Public Hearing/Proposed Tax Rate for 2010 Tax Year and the Final Approved Budget for the 2010/2011 Fiscal Year, for the Operation of Elk Ridge City

6:15 PM - 2. PUBLIC HEARING – PROPOSED FINAL AMENDED 2009/2010 BUDGET
Public Hearing/Proposed Final Amended Budget for the 2009/2010 Fiscal Year, for the operation of Elk Ridge City

6:30 PM - CITY COUNCIL WORK SESSION
3. Sanitation Discussion
4. Playground Equipment
5. City Celebration Update
6. Weed Abatement Update
7. Wild Fire Interface Issue – Weston Youd

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 8. Adoption:

A. Final Amended Budget for 2009/2010 Fiscal Year

B. 2010 Tax Rate

C. Final Approved 2010/2011 Fiscal Year Budget

7:30 9. Action on Work Session Items:

A. Sanitation

B. Playground equipment

C. City Celebration

D. Weed Abatement

8:00 10. Expenditures: General

9:05 11. City Council Minutes

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 18 day of May, 2010.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on June 18, 2010.


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
June 22, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, June 22, 2010, at 7:00 PM; this was preceded by two Public Hearings on the following: the first Public Hearing at 6:00 PM was on the proposed adoption of the 2010 Tax Rate & the Final Approved Budget for the 2010/2011 fiscal year. The second Public Hearing, scheduled for 6:15 PM, was on the proposed adoption of the Final Amended Budget for 2009/2010.

There was a City Council Work Session scheduled for 6:30 PM.

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 18, 2010.

6:00 PM –

PUBLIC HEARING – TAX RATE FOR 2010 & FINAL APPROVED BUDGET FOR 2010/2011

Public Hearing/to consider Tax Rate for the 2010 Tax Year and the Final Approved 2010/2011 Budget for the operation of Elk Ridge City

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Weston Youd (Present Electronically), Erin Clawson, Derrek Johnson (Absent from Public Hearing); *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Butters; *Public:* Josh Adamson; and the *City Recorder:* Janice H. Davis

Mayor Lutes opened the Public Hearing at 6:00 PM.

(Council Member Youd was connected to the Meeting electronically via Council Member Roylance's lap top.)

Discussion:

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

The City Recorder briefly reviewed the memo prepared for the Council; which was included in their Council packets:

"Tax Rate for 2010 & 2010/2011 Budget:

The State has a new tax spread sheet this year, with calculated figures; rather than the County faxing out forms to the various cities and towns...which then have to be filled out and sent back in. I spoke to the Tax Commission regarding the notice we received about a one-time "Redemption" or adjustment to figure into property tax calculations. I was seeking understanding about the redemption; I also contacted Cary McConnell (Utah County Auditor's Office) and Curtis Roberts with the same question.

Explanation:

The redemption is a five-year average based on the difference between valuations and the actual amount collected.

- The "Certified" Tax Rate is based on the assumption that there will be 100% collection and that the payments will be on time.*
- The Legislature (State Government) realizes that entities cannot set fees based on 100% collection; because that does not occur. The average collection rate in Utah County is about 90%. Since people are allowed up to 5 years to pay property taxes, many tend to not pay...or pay years later than the due date.*
- Many complaints were being registered with the State and Counties regarding short-falls in budgets due to non-payment of property taxes and the method used to calculate the tax rates.*
- Even though some of this property tax was not being collected, it was still budgeted for and not received.*
- The Legislature decided to adjust the rate this year to allow for cities and towns to collect an average of this "redemption" money.*
- Anything collected after the due date is considered "redemption" money...and acts as a sort of "final settlement".*

One comment made by Mr. McConnell (Utah County) was that he does not like the term "certified tax rate"...it tends to make Councils and citizens feel that they are tied to this number...he added that the figures are not "blessed"...and that he would prefer a term of "Calculated" Tax Rate, instead.

Curtis Roberts added that the argument for lower taxes is that eventually we will get the money...the problem is that expenses are incurred in the present and it could be years before the tax is paid and disbursed to the appropriate entities.

This redemption money is money budgeted for and not received...it is tax money that should be going to the taxing entities. As Mr. McConnell said, "Why would you want to leave it on the table?"

The 2010/2011 Budget is based on this redemption; if that is not acceptable, then I will adjust the property tax."

- The Recorder explained the format of the budget and the relationship between the final Amended Budget for the current fiscal year and the Approved budget for 2010/2011.*
- Explanation of the budget process throughout the fiscal year: the only reports sent in to the State are the original "Approved" Budget and the Audit Report...all amended budgets are for the benefit of the Council, allowing them to track the City's finances.*
- Fund Balance: The General Fund, with the Tax Rate that includes the "redemption" from the state, should have a fund balance of approximately \$95,000.*

The General Fund is at about 1.7 million dollars; however, over \$600,000 of that is from the Sales Tax Bond transferring into the General Fund and then transferring back out on the payback. The General Fund is really about where it was at the end of the last fiscal year...about 1.1 million dollars. There will not be much change in the 2010/2011 fiscal year.

- The City was awarded an "Energy" Grant: Replace light fixtures and heating units in the City Hall (\$22,000) for the 2010/2011 year.
- It was decided to allow \$2,000 for "weed Control" for 2010/2011.

There were no further comments.

Mayor Lutes closed the Public Hearing at 6:15 PM.

6:15 PM –

PUBLIC HEARING – PROPOSED FINAL AMENDED BUDGET FOR 2009/2010

Public Hearing/to consider adoption of the Final Amended 2009/2010 Budget for the operation of Elk Ridge City

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Weston Youd (Present Electronically), Erin Clawson, Derrek Johnson (Absent from Public Hearing); *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Butters; *Public:* Josh Adamson; and the *City Recorder:* Janice H. Davis

(Both the 2009/2010 and the 2010/2011 Budgets were discussed jointly in the previous Public Hearing; with emphasis on the 2010/2011 Budget.)

Most of the Final Amended Budget is a review of the year-to-date "actual" figures and adjusting the budget to more closely match those actuals.

- Fund Balance (General Fund): It appears that there will be a transfer into the *Capital Projects – Future Improvements Fund* of just over \$34,000 to balance the budget.
- Explanation of the format for the Final Amended Budget

The Recorder reminded the Council to include in the motion to adopt (Regular Session) the statement to allow the fund balance in the General Fund to be adjusted to 15% by the City's Finance Director, in preparation for the annual audit. (*Explanation of the percentage allowed for fund balance in the General Fund*)

There were no further comments.

Mayor Lutes closed the Public Hearing at 6:35 PM.

22:02

6:35 PM -

CITY COUNCIL WORK SESSION AGENDA ITEMS:

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Weston Youd (Present Electronically), Erin Clawson, Derrek Johnson; *City Planner:* Shawn Eliot; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Butters; *Public:* Josh Adamson; and the *City Recorder:* Janice H. Davis

SANITATION
DISCUSSION

Mayor Lutes asked Council Member Roylance if he had reviewed the figures provided by the City's Finance Director, Curtis Roberts; this was proposed at the last Council Meeting. The discussion is to continue to be placed on each Council Agenda to allow for new information and further discussion.

Sean Roylance: He looked at the spread sheets enough to still wonder why the Finance Director gave such a favorable recommendation to the prospect of the City entering into the garbage business. Partially due to an illness, he did not have a chance to actually call Mr. Roberts regarding his concerns. He would like a chance to contact him and discuss these figures with him.

**The Recorder is to place this item on the Agenda for the next Council Meeting.*

He had a question regarding the required distance any housing of garbage equipment would have to be from residential housing. The City does not have an "Industrial" zone; so he wondered about any necessary "buffer".

Shawn Eliot: He commented that those types of facilities creating unpleasant smells are almost always located a distance away from people's residents.

Mayor Lutes: He pointed out that most cities have numerous trucks; Elk Ridge is only considering one truck.

26:48

(Council Member Johnson was not yet present at the Meeting; so his agenda items were postponed until later in the Meeting.)

WEED ABATEMENT
LETTERS

Mayor Lutes: He reported that letters requiring weed abatement had been sent out to affected residents (about 95 letters were sent out).

City Recorder: Property owners have called requesting names of individuals or companies to contact to do the work. There are a couple of individuals in the City willing to do the work of clearing weeds; that arrangement would be between the property owners and whomever they contract with.

As mentioned in the Public Hearing, \$2,000 was added for "Weed Abatement" in the appropriate account for the 2010/2011 Budget. That adjustment was to be included in the adopting motion.

Mayor Lutes: The City is going to borrow Woodland Hills' tractor for the purpose of cutting down weeds on the City's road rights-of-way.

36:14

WILD FIRE
INTERFACE ISSUE

Julie Haskell: Chief Waite had not contacted Council Member Haskell regarding the email sent out by Council Member Youd regarding an email sent out by the Utah League of Cities & Towns concerned with communities with "wildland" boundaries. Council Member Youd forwarded this email to the Council and staff at the City.

The Fire Chief had been out of town and was to contact Council Member Haskell upon his return. The concern is the possibility of affected cities and towns having to participate in the cost of fires started in wildland and that spread to cities; or that start in cities and spread to wildlands. As the email stated, "Most counties pay the State of Utah \$250,000 per year as an insurance type premium as their contribution toward suppression." The League feels that "city inclusion must be accompanied by each city's ability to pay into a fund (a premium if you will) a set amount each year, and would then not be billed for any further costs". The "alternative to this 'premium' arrangement would be that the city would cover ½ the cost of a wildland fire within its boundaries (this could be very expensive)." The bill has been postponed to determine what a "fair cost" would be. The League would like input from the cities as to what is considered a "fair cost".
City Recorder: She met with Chief Waite on the budget and they briefly spoke of the Chief's concern over this proposed bill. It could be cost prohibitive to Elk Ridge. He will track this bill and keep the Council informed. Chief Waite pointed out that the Elk Ridge brush fire required one airplane drop, covered by the Forestry at a cost of about \$100,000. It is not know the cost of the helicopter drops.
Erin Clawson: She expressed concern that the City could be partially responsible for a fire located in an area other than Elk Ridge. How would that affect the City and the availability of fire fighters left in our own Community?
**Mayor Lutes questioned what kind of coverage exists for the Fire Dept. with "death & dismemberment". This needs to be checked into.*

41:36
 (Brief Break to vote)

43:19
 PLAYGROUND
 EQUIPMENT

Derrek Johnson (Now present) There was not a lot to update; except that the cost to replace the burned portion is just under \$19,000. The equipment was not listed on the insurance and they will not cover the replacement. It has been added to the insurance at this point. The decision must be made whether to replace it, to leave it as is or to upgrade it.

City Recorder: \$25,000 was budgeted in the 2010/2011 budget for replacement plus a security system. Park Impact Fees could be used for this; the Council would need to designate this.

Erin Clawson: She feels the citizens will be in favor of replacement; particularly the children.

Derrek Johnson: He suggested getting lighting as well as security cameras in the area prior to any plans to replace the equipment. Vandalism and destructive mischief are prevalent and there should be some security measures taken.

Pavilion Restrooms:

Weston Youd: There have been requests to leave the Pavilion restrooms open during business hours for those using the Park and Pavilion areas.

Derrek Johnson: The reason the restrooms are kept locked is due to vandalism that has occurred to the inside of the restrooms, including the fixtures.

City Recorder: In the past, keys were given to the referees of the various sports; but they are young people and the tendency was to lose the keys or not get them back to the City.

48:41
 CITY CELEBRATION

Derrek Johnson: He reported that the City Celebration was on track and ready to go. He could not locate anyone to over-see the 10K Run; but the 1 Mile Run was still on.

49:34

Mayor Lutes closed the Work Session at 7:00 PM.

ELK RIDGE CITY COUNCIL MEETING June 22, 2010

TIME & PLACE
 OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, June 22, 2010, at 7:00 PM; this was preceded by two Public Hearings on the following: the first Public Hearing at 6:00 PM was on the proposed adoption of the 2010 Tax Rate & the Final Approved Budget for the 2010/2011 fiscal year. The second Public Hearing, scheduled for 6:15 PM, was on the proposed adoption of the Final Amended Budget for 2009/2010.

There was a City Council Work Session scheduled for 6:30 PM.

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 18, 2010.

7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth O. Lutes; *City Council*: Julie Haskell, Sean Roylance, Weston Youd (Present Electronically), Erin Clawson, Derrek Johnson; *City Planner*: Shawn Eliot; *Building Official*: Corbett Stephens; *Sheriff*: Deputy Butters; *Public*: Josh Adamson; and the *City Recorder*: Janice H. Davis

OPENING REMARKS
 & PLEDGE OF
 ALLEGIANCE

An invocation was offered by Jan Davis; and Deputy Butters led those present in the Pledge of Allegiance, for those willing to participate.

52:27

AGENDA TIME
FRAME

The City Council Meeting started on time; at 7:00 PM.

PUBLIC FORUM

No one was present to address the Council.

FINAL AMENDED
BUDGET FOR
2009/2010

There was no further discussion.

SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO ADOPT THE FINAL AMENDED BUDGET FOR 2009/2010; ALLOWING THE FINANCE DIRECTOR TO BALANCE THE FUND BALANCE IN THE GENERAL FUND TO 15% OF THE TOTAL GENERAL FUND BUDGET
VOTE: YES (5) NO (0)

54:33

2010 TAX RATE

The City Recorder was asked to summarize briefly the issues regarding the "calculated tax rate" and the tax rate with the "redemption" added to it. She mentioned that Salem City's Council approved the tax rate with the redemption.

Sean Roylance: He questioned if the "redemption" was to "make up for people who did not pay their taxes"? (Yes.)

Taxes would go up roughly \$25/household with the "redemption".

Shawn Eliot: Mr. Eliot was contacted by the County regarding "greenbelt taxes"; there is an aggressive effort to get properties out of the "greenbelt" status if the property does not qualify. A lot of land south of Elk Ridge that is currently in "greenbelt" will be removed. Property owners will be paying increased taxes; that could be retroactive five years. There are many owners contesting this action.

Mr. Eliot explained the difference between actual "greenbelt" status and the small strips of land surrounding some subdivisions in the City that most consider "greenbelt": this second classification is not actually "greenbelt"...it is land that was originally intended to be open space and trails installed in conjunction with many of the plats. There are certain criteria to have land classified as "greenbelt" for tax purposes; one of those is that there must be at least 5.25 acres.

Much of the land that has been included in the proposed Elk Haven Subdivisions south of the City is involved in this process of reclassification.

City Recorder: The two figures that will affect the 2010/2011 Budget:

- Property Tax (reflects tax rate adopted)
- \$2,000 is to be added to "Weed Abatement" in the General Fund

1:08:07

JULIE HASKELL MOVED TO ADOPT THE CERTIFIED TAX RATE OF .002494 FOR THE 2010 TAX YEAR

Discussion:

Mayor Lutes: He wanted clarification that Council Member Haskell understood that adopting the "certified" rate also lowers the budget for property tax.

Julie Haskell: She understood and her motion stood as expressed.

SECONDED BY SEAN ROYLANCE

VOTE (POLL): WESTON YOUNG-AYE, SEAN ROYLANCE-AYE, JULIE HASKELL-AYE (3)

NAY (2) DERREK JOHNSON & ERIN CLAWSON

Passed 3-2

1:09:52

2010-2011 APPROVED
BUDGET - ADOPTION

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO ADOPT THE 2010-2011 FISCAL YEAR BUDGET; AS PRESENTED, WITH THE FOLLOWING ADJUSTMENTS:

- PROPERTY TAX AMOUNT WILL REFLECT THE ADOPTED TAX RATE

- ADDITION OF \$2,000 TO "WEED ABATEMENT" IN THE GENERAL FUND

VOTE (POLL): WESTON YOUNG-AYE, SEAN ROYLANCE-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE, ERIN CLAWSON-AYE (5) NO (0)

Passed 5-0

1:10:58

ACTION ON WORK
SESSION ITEMS

No action at this time.

1:11:29

EXPENDITURES:

General: None

1:12:10

CITY COUNCIL
MINUTES

A. City Council Meeting 5-25-10:

ERIN CLAWSON MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CITY COUNCIL MINUTES OF 5-25-2010

VOTE: YES (5)

NO (0)

ADJOURNMENT

At 7:16 PM, the Mayor adjourned the Meeting.


City Recorder