

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

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

**NOTICE OF CANCELLATION OF CITY COUNCIL MEETING**

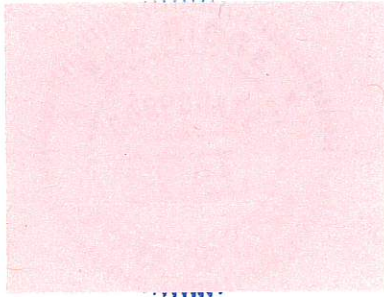
Notice is hereby given that the regularly scheduled Elk Ridge City Council Meeting scheduled for Tuesday, July 13, 2010, is hereby cancelled due to lack of business.

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

**CITY COUNCIL MEETING - CANCELLED**

Dated this 7<sup>th</sup> day of July, 2010.

  
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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 CANCELLATION OF MEETING was emailed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah; and to each member of the Governing Body on July 7, 2010.

  
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City Recorder



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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, July 27, 2010, at 7:00 PM, to be preceded by a City Council Work Session at 6:00 PM.** The Meeting shall be attended electronically by Council Member Sean Roylance, via speaker phone.

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. Santaquin Royalty (Promote "Orchard Days") – Shelby Judd
2. Landscaping Requirements – Brian Badders
3. Jetting / Vac Discussion – Corbett Stephens
4. Lights for Tennis Court & Playground Area – Use of Park Impact Fees
5. Sanitation - Discussion
6. Planning Commission Items – Discussion
  - A. Oak Brush Estates Subdivision
  - B. Secondary Access Code
7. Curb & Gutter Update – Corbett Stephens
8. Mayor Updates

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

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame (Include approval of the electronic connection to allow Council Member Roylance the opportunity to be present via speaker phone)

- |      |                                                                                                                                                                                   |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7:05 | Public Forum                                                                                                                                                                      |
| 7:15 | 9. Eagle Project – Chris Beckett                                                                                                                                                  |
| 7:30 | 10. Action on Work Session Items: <ol style="list-style-type: none"><li>A. Jetting / Vac</li><li>B. Lights for Tennis Court &amp; Playground Area</li><li>C. Sanitation</li></ol> |
| 7:50 | 11. Bus Stop – Cove Drive – Mayor Lutes                                                                                                                                           |
| 8:10 | 12. Planning Commission: <ol style="list-style-type: none"><li>A. Oak Brush Estates Subdivision - Approval</li></ol>                                                              |
| 8:20 | 13. Zip Line Discussion                                                                                                                                                           |
| 8:35 | 14. Audit Proposal for Audit on 2009/2010 Fiscal Year                                                                                                                             |
| 8:45 | 15. Expenditures: (General) <ol style="list-style-type: none"><li>A. Check Registers and Payroll for June, 2010</li></ol>                                                         |
| 8:55 | 16. Approval of City Council Minutes<br>Adjournment                                                                                                                               |

Handicap Access, Upon Request. (48 Hours Notice)

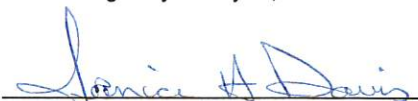
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

Dated this 22<sup>nd</sup> day of July, 2010.

  
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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 July 22, 2010.

  
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City Recorder

ELK RIDGE  
CITY COUNCIL MEETING  
July 27, 2010

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, July 27, 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 July 22, 2010.

6:00 PM –

**CITY COUNCIL WORK SESSION AGENDA:**

ROLL

*Mayor:* Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance (Connected electronically via speaker phone), Weston Youd & Erin Clawson (Absent: Derrek Johnson; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Fire Chief:* Seth Wait; *Public:* Sherrie Dalton, June E. Christensen, Jamie D. Towse, Kristin Roylance, Krisel Travis, Joel Harris, Ken Harris, Gordon Jones, Ken Lutes, Jr., Russell Osborn & Troop 951 (BSA): Jeff Romare, Brett Williams, Jeff Jones, Duncan Osborn, Mason Fullmer, Cameron Harell, Max Johnson, Walter Peterson; Davis & Ann Brough, Jeshca Anderson, Lynn Weakley, Charles Wixom, Matthew Thurman, Scot Bell, Randy Jones, Logan Nilsson, Janine Nilsson, Scott J. Hansen, Tanner W. Hansen, Brian Badders, Garren Holman, Shelby Judd & Chelsey Alexander; *and the City Recorder:* Janice H. Davis.

SANTAQUIN ROYALTY

(Queen Shelby Judd and one of her Attendants, Chelsey Alexander) The Santaquin Pageant Royalty were present to inform the City Council of the upcoming Santaquin City Celebration (Orchard Days), to invite the Council Members to the festivities and to present them all with Carmel apples.

LANDSCAPING  
REQUIREMENTS

(Postponed until later in the meeting, when Mr. Badders was present.)

JETTING / VAC  
DISCUSSION

Corbett Stephens: Mr. Stephens addressed the City Council regarding storm drain maintenance: According to the City Engineer and past engineers, the recommendation is to clean the storm drains (curb inlet boxes and sumps) be cleaned annually. Problems with flooding occur as a result of not doing so, like the flooding that has taken place at Ray Brown's home. The curb inlet boxes leading to Mr. Brown's home were all full of mud so none of them worked, which passes the flow on down the street.

Aqua Engineering recommends putting together a comprehensive storm drain plan; in which there would be a schedule of maintenance and tracking trouble spots. He was seeking from the Council direction or permission to go forward with this recommendation and the possible consideration of the purchase of a "vac" truck to facilitate doing that.

About \$20,000 is budgeted for revenue from storm drain fees; part of that is for maintenance and cleaning and part of it is for installation of curbing, sumps and inlet boxes. It is to be decided how much of the budget is to be spent on the various needs. \$5,000/year has been budgeted for sump clean-out; should this be increased to better meet the City's needs?

Part of this year's budget is for the installation of 2 new sumps + continuation of cleaning. If possible the City will try to install new sumps, as needed in the trouble spots; but it appears that \$5,000/year for cleaning of the current sumps may not be enough.

Mr. Stephens would like to move forward with a comprehensive plan that would help us formulate future needs and identify costs associated with those needs; compared to the current storm drain fee.

~~He feels the City is falling behind on maintenance and will continue to fall behind unless we do more to mitigate the issues.~~

Due to the immediate need to clean out certain sumps; Mr. Stephens called Spanish Fork City's Public Works Director to use their vac truck for 2 or 3 hours. The full inlet boxes were cleaned out in the area of Magellan and Columbus Lane; but that is only 8 boxes out of 150 sumps and boxes in the City. Last year the cleaning addressed about 10 or 12 boxes and 3 or 4 culverts (\$5,000). If the City takes the Engineer's advice, it would cost about \$50/year to clean all the sumps and boxes every year.

*(Council Member Youd asked the cost of a new vac truck.)* It is about \$250,000.

*(Council Member Clawson suggested the possibility of a used truck.)*

Julie Haskell: She asked why the City could not just stay with the service that has been used in the past. She added that there is a comprehensive plan in place that was being followed.

Corbett Stephens: There was a plan; but he stated that it was not enough...if the plan was sufficient to the City's needs, there would not be the resulting flooding issues.

Julie Haskell: There have been some unusual storms. She feels that all of the areas do not need to be cleaned all the time...there is a rotation.

Corbett Stephens: The City Engineers advise cleaning every box; as well as inspecting and cleaning every sump...every year. Last year we did less than a dozen.

Julie Haskell: She maintains that using Twin D is less expensive than purchasing a truck...and she questioned who would run the truck...she asked Mr. Stephens if he would be doing the work...or would the City hire another employee? That would all cost more than hiring Twin D (cleaning contractor) to do the job.

Corbett Stephens: A comprehensive plan would address all of these issues.

Erin Clawson: With the unusual storms, more trouble spots have come up. She has gotten many calls from residents; one from the Vance's, who requested a sump be installed by their corner; they have a problem with flooding.

Weston Youd: (Clarifying Mr. Stephen's position) So, there is a plan in place; he felt Mr. Stephens was asking to re-address it and re-align it to see exactly what it would take to expand the plan to fit current conditions.

Corbett Stephens: It is the Engineer saying the current plan is not enough. (*Weston Youd*: "And the current plan does not account for that...") If no new sumps were installed, and all the money generated in the Storm Drain Fund were spent cleaning curb inlet boxes and revitalizing the sumps we have, there would still not be enough money.

(*Council Member Haskell commented that the City can only do what there is enough money to do.*)

Mr. Stephens continued: Yes, but we fall further and further behind and sooner or later the insurance company will dictate that the City improves maintenance or the premiums will go up.

Example: Ray Brown filed a claim against the City for flooding and the insurance company covered the claim. How many times does that happen before the City pays for this through increased insurance premiums?

Weston Youd: He suggested Mr. Stephens research costs and then "we can go from there". He advised bringing a proposal back listing:

- the worst and best case scenarios
- what can the City afford?
- How to bring the two together...

Corbett Stephens: We will come up with a comprehensive plan.

1. We need to get an inventory

2. We need to determine the condition of the existing system

He mentioned the demonstration of the vac truck on the 2 sumps on Elk Ridge Drive and Gladstan Drive: the 2 sumps both had 3 feet of mud in them...they don't work properly with that much mud. The mud seals off the sump so the water cannot soak back into the ground. (*Council Member Youd asked if those were cleaned last year.*) As far as Mr. Stephens knows, they have not been cleaned. He has gone back to 1998 with records from Twin D...the sumps have not had much attention.

He does not feel we can wear out the welcome with Spanish Fork and Salem has informed the City that they will not come up and assist in cleaning.

(*Note: at a joint work session with Payson City officials, former Mayor Bills said their vac trucks are too busy all year and too expensive to lend or rent out.*)

Erin Clawson: Added to the list of a proposed plan: to identify current problem areas.

Weston Youd: He agreed that those areas should be included; as well as:

- the number of existing sumps
- the number we need
- how much money we have
- (He added) What is the condition of the sumps that have been cleaned as opposed to the ones that have not been cleaned? What is the life-cycle of sump? Is the capacity 2 or 3 years...so we can see if a rotation plan will work? Perhaps they do not need to be cleaned every year. Will they operate efficiently if cleaned out on a rotation basis?

Corbett Stephens: We can only do the "leg work" part of the plan; eventually an engineer will need to be involved. Once he gets as much done as he can; he will come back to the Council with a proposal from the Engineer to see what it will cost.

Weston Youd: He would like to know what a sump would be like after two years of heavy storms.

Corbett Stephens: He will look back at Twin D reports as far back as he can to try to compile the requested information.

Mayor Lutes: Asking for further direction from the Council: Does the Council want prices on vac trucks (new and used)?

Weston Youd: That is what he meant by the worst and best case scenarios.

Corbett Stephens: He further explained: Currently the City budgets \$15,000/year for jetting and "vac" (Sewer - \$10,000 and Storm Drain - \$5,000) Insurance company says you *will* clean the sewer on a 3-year rotation. If this money is already budgeted every year, perhaps it could be used wiser with the purchase of a vac truck rather than getting a truck two weeks/year...we have one year round.

(*Mayor Lutes asked if Mr. Stephens would discuss a "jet trailer".*)

Noel Hiatt has a "jet trailer" that he would like to co-op with him to buy out another partner. The City could buy into that trailer for \$7,500; with that we would have ½ use of a jet trailer that would allow us to do our own sewer...within the first year, it would be paid for. We would have use of it ½ a year. Twin D is here for two weeks when they come in to service the City. All the trailer does is "jet" (sewer lines); a vac truck has the jetting hose and the vacuum attachments (storm drain clean out).

Mayor Lutes: If the City buys into the jet trailer, then finds a good deal on a vac truck...we could sell our ½ interest in the trailer either to Mr. Hiatt or someone else? (Yes.)

He asked for any further direction from the Council for Mr. Stephens.

Weston Youd: He reiterated his previous list; then to come back to the Council for review of the information he has gathered...then the Council can look at how much money we really have for what is required. He wants to know if a rotation plan will work for sumps. Perhaps we can manage with the funds we currently have.

19:02  
LIGHTS – TENNIS  
COURT &  
PLAYGROUND

(Memo from Corbett Stephens to City Council – included in packets)

"1-Tennis Court Lighting-Propose 4 adjustable 250 Watt Metal Halide lights.

These lights are adjustable to compensate for the different heights of the poles due to slope around the fence. We will fabricate shrouds to keep the light from infringing on the neighboring properties. The cost for these lights is \$139.90 each plus \$25.90 each for the mounting bracket. The light poles and concrete for pole bases were all donated. Additional conduit, wiring, switching as desired and timer would add approximately \$150.00; bringing the total for the lights and brackets on the tennis court to about \$850.00.

2-Playground Safety Lighting-Propose 2 Adjustable 250 Watt Metal Halide lights, as those for tennis court.

These lights, with brackets, will mount to the same poles as the West lights for the tennis court.

These lights will come on at dusk and off at dawn through the use of photo cells. Total cost for lights, wiring, photo cells and brackets is approximately \$400.000."

Corbett Stephens: He reported that Council Member Clawson knows an electrician that will connect everything up; all we have to do is purchase the fixtures.

Julie Haskell: She had the impression that SESD was going to install all the electrical for free.

Corbett Stephens: SESD dug the holes for the City with their hole digger; the concrete bases have been poured.

Mayor Lutes: He added that Mr. Stephens has poured the bases with free concrete he arranged to use from left-over construction jobs. The thought was to use two of the poles for both the tennis court and the playground area...to save money.

Corbett Stephens: The lights for security around the playground would be on photo cells; the ones on the tennis court would be on a timer.

Weston Youd: The Public Facilities Code dictates that if lighting is to be on past 11:00 PM or sooner than 7:00 AM; that request must be cleared through the Planning Commission.

Mayor Lutes: He asked Council Member Roylance if he could bring that up with the Planning Commission; or is there a special process? (Yes.)

(Council Member Youd responded that there is no special process; it is simply in the code.)

Weston Youd: He feels lighting is an "excellent idea"; it is simply the times to be left on. For the amount of money spent on vandalism, he would like to see lights; he would just like the timing done in the right way.

Erin Clawson: The security representatives that came out recommended the lighting.

Julie Haskell: She agreed that the proper process should be followed; but she thinks lighting is a good idea.

22:45  
SANITATION –  
DISCUSSION

Mayor Lutes: There options available:

- Allied Waste - Current contract due to renew; they are willing to lower rates
- Payson City – No final numbers yet
- Elk Ridge sanitation business

Corbett Stephens: (Mayor invited him to address the Council)

He is still of the opinion that going into the sanitation business could be profitable for the City. The spread sheet from Curtis Roberts (Finance Director) indicates many options that can be tried out to see varied results. In the worst case scenario with costs; it still looks to be profitable within 10 years. Woodland Hills has committed to sign an Interlocal agreement for 10 years...this makes the situation even more viable.

He feels that, as a city, we have the responsibility to offer the best we can to the residents for the best price possible. No one can do it for "free". Everyone else is in it to make money; other companies cannot compete with the City itself.

He agrees with Council Member Youd that Government can be too big; but government also has the responsibility to do its best to control the private sector. If that means that the City gets into the business to be able to provide the service at a better price; then he feels the City owes the residents by giving it a try.

The Finance Director feels there is the possibility to make money; there must be something to it.

Mayor Lutes: He suggested placing this item on the next Meeting agenda for action; taking into consideration all of the options available to the City.

Certain things have changed in considering our own business:

- The City would not have to buy into the District
- We could dump in Payson's landfill
- The City does not need to purchase the most expensive model of truck; it would cost less

He feels it is worth looking into.

The Finance Director is willing to come to the Meeting to discuss the numbers and answer questions.

The Mayor also suggested inviting interested persons to come and offer their input.

Weston Youd: He agreed that the public should be involved; and that the options be available. He would like to compare Allied's prices with the figures on the spreadsheet. He was hesitant to have action the same night; he was not sure when the numbers would be available.

Erin Clawson: There are smart, well-educated citizens in the City; if the value is there, they will recognize it in the presentation. The more input the better. Could Allied also come to the meeting?

Mayor Lutes: If Mr. Stephens could gather all the numbers; there would still need to be a solution to handling cans with Payson's offer

Perhaps the bay area could be used for the meeting.

25:38

32:51

OAK BRUSH  
ESTATES  
SUBDIVISION*(Memo from Planner to City Council, dated 7-13-10)***"Background"**

The applicant is requesting that the lot line between his property and his neighbors, Matt Cahoon and Daniel Steele, be adjusted to add more land to his property to facilitate a drainage problem behind his home. Since his lot and the others are in two separate subdivisions, they are proposing to vacate their lots out of these subdivisions and create a new subdivision addressing the change. Essentially, the only physical change is the adjustment of the rear lot line between the three neighbors.

**Proposal**

The applicant is proposing to amend the Greenview Estates Subdivision and the Fairway Heights Subdivision by Vacating Greenview Estates, Lot 5 and of Fairway Heights, Lots 2 & 3. The applicant is then proposing to create a new subdivision called Oak Brush Estates. The new subdivision will contain the same three lots that were vacated only with an adjustment of the rear property line between the three properties.

**Staff Findings**

All three property owners are in agreement with the change. If all the lots were in the same subdivision, this change would be simpler with just a lot line adjustment with no public hearing. Amending the current subdivisions and creating a new subdivision makes a cleaner process for the City, County and the title companies; but also requires a public hearing.

**Public Hearing**

The Planning Commission held a public hearing on the matter on 12 December, 2009. No comments from the public were given.

**Planning Commission Motion**

Dayna Hughes motioned and Kelly Liddiard seconded that the Planning Commission approve the amendment to the two subdivisions by vacating Greenview Estates Subdivision, Lot 5 and Fairway Estates Subdivision, Lots 2 & 3, and creating the Oak Brush Cove Subdivision. The Commission also recommends to the City Council the same. The Commission finds that the proposed changes fit City Code, has no negative impacts to the home owners in the neighborhood, and will have a positive effect for the property owners involved.

Vote: Yes – all, No – none, absent (3) – John Houck, Jason Bullard, Kevin Hansbrow

**Draft Council Motion**

I move that the City Council approve the amendment to the two subdivisions by vacating Greenview Estates Subdivision, Lot 5 and fairway Estates Subdivision, Lots 2 & 3 and creating the Oak Brush Cove Subdivision. The Council agrees with the Planning Commission findings that the proposed changes fit the City Code, has no negative impacts to the home owners in the neighborhood and will have a positive effect for the property owners involved."

**Discussion:**

Weston Youd: He had wanted to see natural drainage identified on the plat; this was the reason this was brought forward initially. He would like this to be a condition of approval.

34:16

SECONDARY ACCESS  
CODE – DISCUSSION

Mayor Lutes: He welcomed developer Krisel Travis and asked that she introduce her group: (Joel Harris, Ken Harris & Gordon Jones)

The Planning Commission recommended changing the code, as per request, to match the International Fire Code; which would allow 30 units on a single access. That is what will be addressed this night.

**Discussion:**

Weston Youd: He had already approved this on the Planning Commission; but he had questions: He felt the package presented to the Council was very "schizophrenic"...referring to conflicting opinions. He wanted to be informed how this happened. The change seemed to be acceptable when this went before the Planning Commission; not it was not (according to the memos from the Fire Chief and Corbett Stephens).

~~(Both Mr. Stephens and Chief Waite wrote memos to the Council for their packets; clarifying their positions.)~~

Corbett Stephens: Mr. Stephens explained that Shawn Eliot asked him what he thought about following the International Fire Code; and he responded that he did not have a problem with it as long as everything applies. He does not feel it all applies. He does not feel circumstances allow up to 30 units on an access. The representation that he was "for it" was not accurate. Mr. Stephens did not see the report entitled "staff report"; he felt it was more of a representation of Mr. Eliot's opinion. Had he see it, he would have had a chance to clarify his response.

Chief Seth Waite: He understands what the Fire Code says; but he feels there are other issues to be considered. He is not saying that the proposed change should not be approved; he simply feels other issues should be reviewed; then if the code is applicable, approve it. He cautions approval without first considering all aspects of the situation; it could "hurt us down the road". "Every time we do a blanket statement for something like that, we are going to end up with, 'I wish I wouldn't have done that'."

Some of the issues:

- Some of the road slopes (It is hard to get those big trucks in and out of there if the road slopes are not conducive to big trucks...you can't turn them around...particularly if there are people trying to exit the opposite direction.
- He mentioned in his memo some of the issues with interface areas.

Weston Youd: He expressed that he felt there has been some confusion on the 16 lots; they were based on a cul-de-sac of a 1,000 ft. So they took the minimum frontage and divided it by 1,000', which produced the 16 unit minimum. This situation is not a cul-de-sac; it will eventually be a through road, according to the plat.

Corbett Stephens: He brought up Salem Hills Drive; approved many years ago as an "eventual through road"...it has yet to be connected and has two dead ends. The mistake was made before and we still have to deal with the risks associated with 60 – 80 (88) homes on a single access. Do we continue making the same mistake? Or do we try to address the issues associated with what is currently going on? He tried to address some of these issues in his memo:

- If a risk is created by the City, the City takes on the liability.
- If the City approves a risk, then the liability must be dealt with as well.
- If the situation is not appropriate, we should not be doing it.
- If it is a through road, then make it a through road...do we burden the developer with all that expense? Perhaps not.

Erin Clawson: Could the road be installed prior to development?

Krisel Travis: "Part of what is being proposed includes a water line for future use. One of the other "betterments": On top of the water line, there would be a maintenance or "access" road. A portion of the road does follow where the permanent roadway will be...It is not necessarily going to be a "dead-end" road; they are going to loop it so there is a permanent loop until it goes through. In an emergency, there would be another access...it is steep and would not be a road the fire dept. could use...but it could be used to direct traffic another way.

Erin Clawson: She asked who would maintain this other road.

Mayor Lutes: He reminded those present that this was not meant to be a discussion of the proposed subdivision; it is on the agenda to discuss a proposed code change.

Erin Clawson: She remarked that she needs information to be able to consider the proposed change.

*(Mayor Lutes said for her to go ahead and ask the questions.)*

She does not feel the whole code needs to be changed to allow development to move forward. Could the decision be based on varying terrain? She proposed leaving the code as it is; and be able to approve up to a certain number of units? Why require that there must be that many?

Weston Youd: The codes conflict with one another: It reads International fire Code and the 16 units. A base code must be decided upon; then exception could be granted.

Erin Clawson: (Clarifying) She suggested leaving the code as is; but with the ability to approve more and grant exceptions.

Sean Roylance (Clarification) The conflicting codes has one additional piece: it is 16 units on a cul-de-sac, if in a normal HR-1 Zone; but if we are in the HR "Overlay" Zone, then there are actually 20 units on a cul-de-sac rather than 16.

When the discussion took place previously, it was based around a cul-de-sac rather than a single access point. When doing the math, in some cases the result is 16 units on a cul-de-sac and in some cases it was 20. *(Council Member Clawson thanked Council Member Roylance for the clarification.)*

So the requirement changes, depending on the zone.

Krisel Travis: The verbiage coming from the Planning Commission brings those two into alignment and follows the International Fire code.

Sean Roylance: In April, 2008, there was the Ewell/Fitzgerald application which had Preliminary Approval with an extension to 19 lots allowed on that cul-de-sac...due to the HR Overlay Zone. In the minutes, there was no discussion that there would actually be other houses on that access point which would have brought the number over 20 units.

Mayor Lutes: He asked if there were any more questions.

Krisel Travis: Speaking for her clients: she asked why there request was not on the agenda for action and was on for discussion only. It was their understanding from City Code that their application was in order and submitted and "on the table the Thursday prior to the meeting...and should have been placed on the agenda for action. So we are wondering why, between these meetings, there have been these other meetings that have happened that have stopped the process."

Mayor Lutes: He felt it was obvious from the discussion with Mr. Stephens and the Fire Chief that the staff report did not accurately describe their feelings and there needed to be time for them to present their ideas. It seemed unreasonable to expect an instant decision...that is why the Council was discussing the application in a Work Session.

Krisel Travis: "It just makes it difficult; because it is an ordinance and that is the way it is supposed to go...and not that the vote, had in gone, been successful...but it is just a frustration to my clients as to why the time has expired and why we still...this is the second meeting...and we are still in discussion. How long will we discuss; when we have already been approved by the Planning Commission. Are we going to end up having to go back because things are going to change?"

Joel Harris: Is the provision in the Code to allow for traditional time? Does the Code specifically say that...based on miscommunication between staff?"

Weston Youd: He said that the developer is right...that after the Thursday, it can be on the agenda. "The next meeting"...that is what it means.

Krisel Travis: The next meeting was cancelled; so it should have been this meeting."

Gordon Jones: "At this point, what would you guys recommend? This is new to us...from staff...so where do we go from here? Is it a work session with us and staff...it sounds like some staff..."

Krisel Travis: "We had a TRC before we got to Planning Commission and that is what got us to Planning Commission...we couldn't get to Planning Commission without those kinds of reviews and the staff

report...that's what got us there; and then they recommended that we move to City Council. Their recommendation was what was to be considered by City Council...and I understand that there are other concerns. We are asking for a code change; we're not going to go out and build homes tomorrow. And it does impact the City and there needs to be education and consideration on all sides. We are just frustrated with the system...and the problem that has occurred.

Mayor Lutes: "we appreciate that...do you all feel good about this? Do you want to make a code change? Are you ready to do it next time and put it on the agenda for action next time? We cannot put it on for tonight.

Weston Youd: "No, but we could possibly see an option to do it quicker than two weeks."

Erin Clawson: "If you are not building homes tomorrow; do you mind waiting two more weeks?"

Krisel Travis: "No; it is just was repeated ...it just keeps happening..."

Mayor Lutes: He responded that "this is the first time the Council has had it...you go to the Planning Commission for months, right?"

Krisel Travis: "We went to Planning Commission last month on the 24<sup>th</sup> (6/24), so there has been a month in between. This is the last hurdle so we can get to the point where we can start a subdivision plat. But it doesn't make sense to do that...so we just keep kind of waiting...we're glad to do whatever and cooperate with the system; as long as the system is functioning like it should."

Weston Youd: "Your frustration is not lost on us...so, I think if we look at options to still stay within the process...everybody knows that I am a stickler for the process', so if we can follow the process and get it done quicker...then we will identify options to do that."

Mayor Lutes: He asked again if there were any further comments or questions. There were not

*(\*Note: Not part of the official minutes...I have emailed all of the Council Members asking for the reference for the "code" spoken of in the previous discussion...Krisel Travis said it is an "ordinance" and Council Member Youd agreed that it says "next meeting". Marissa Bassir and I have both looked at length for this code...the approval process for code amendment I have included in your packets...I have looked in every section I can think of...plus have done numerous searches in our Code and the Utah Code...I can find nothing that states any time line to be followed. If this is in some obscure part of the code, please let me know. I got no response from any of the Council regarding the email I sent out with this same request. Thank you.)*

51:13  
CURB &  
GUTTER UPDATE

Corbett Stephens: All of the agreements are signed except one and that person has already paid in full; the agreement is a formality, but will be signed. Materials have been ordered for the sumps and the installation will be in the next 2 or 3 weeks.

Mayor Lutes: He added that the curb & gutter is about 2/3 completed on Oak Ridge Drive; that will be finished before they get started on Columbus Ln.

Weston Youd: He asked about Loafer Canyon Road; should he wait to put decorative rock down. He was told by Mr. Stephens that it would be best to wait.

### ELK RIDGE CITY COUNCIL MEETING July 27, 2010

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, July 27, 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.

ROLL

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 July 22, 2010.

Mayor: Kenneth O. Lutes; City Council: Julie Haskell, Sean Roylance (Connected electronically via speaker phone), Weston Youd & Erin Clawson (Absent: Derrek Johnson); Building Official: Corbett Stephens; Sheriff: Deputy Brent Butters; Fire Chief: Seth Wait; Public: Sherrie Dalton, June E. Christensen, Jamie D. Towse, Kristin Roylance, Ken Lutes, Jr., Russell Osborn & Troop 951 (BSA): Jeff Romare, Brett Williams, Jeff Jones, Duncan Osborn, Mason Fullmer, Cameron Harell, Max Johnson, Walter Peterson; Davis & Ann Brough, Jeshca Anderson, Lynn Weakley, Charles Wixom, Matthew Thurman, Scot Bell, Randy Jones, Logan Nilsson, Janine Nilsson, Scott J. HansenTanner W. Hansen, Brian Badders, Garren Holman, Shelby Judd & Chelsey Alexander; and the City Recorder: Janice H. Davis.

7:05 PM -

#### **REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**

OPENING REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks: Erin Clawson offered an opening prayer and Scout Walter Peterson led those present in the Pledge of Allegiance, for those willing to participate.

55:09  
APPROVAL OF THE  
AGENDA TIME FRAME

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:05 PM, AND APPROVING THE PRESENCE OF COUNCIL MEMBER ROYLANCE BY ELECTRONIC MEANS VIA SPEAKER PHONE TO THE COUNCIL ROOM**  
VOTE: YES (4) NO (0) ABSENT (1) DERREK JOHNSON

55:56  
PUBLIC FORUM

1. *Scot Bell*: He wanted to thank the Mayor for working out the details to get a bus stop further up El Ridge Drive on Cove Drive. This is greatly appreciated and goes beyond the efforts of past administrations. The residents in the area have waited 16 or 17 years for this.  
The Mayor is also doing other maintenance jobs, like pouring cement.

2. *Charles Wixom*: He wanted to thank Corbett Stephens for fixing the water pressure north of Park Drive; the pressure has been very low for some time now. Whatever was done, the pressure is much better.

3. *Brian Badders*: He wanted to express his gratitude to Mayor Lutes for personally coming to his home to work out his landscaping issues. He took the time to help him work out a solution that works for everyone. Mr. Badders said this was much better than a letter. He told the Council that much can be accomplished by talking face to face. The Council should be proactive.  
He promised that when the economy turns around, he will take care of the rest of his landscaping.

4. *Jeff Jones*: He has an issue with flooding on Canyon View Drive from the Vance's home. The Vance's are asking the City to assist in redirecting the run-off that comes off their property. When this run-off is redirected, it will cause him (Mr. Jones) a big problem because the run-off will go to his lot...he is the low spot.  
He suggested taking the curbing all the way to Lakeview Drive.

5. *Jamie Towse*: Garbage Trucks: Will the savings be passed on to the citizens?  
(August 10 will be when the Council discusses this at length.)

6. *Lynn Weakley*: Mr. Weakley addressed an issue that he has been attempting to install in his back yard. There were certain neighbors opposed to the installation and felt that it could be dangerous. There was a petition passed around with names of individuals against the zip line.  
Mr. Weakley also went around to every house he could see the zip line from to talk to these neighbors and also has a petition with 20 names on it that are not opposed to the zip line.  
He commented that there are many things that are dangerous; one neighbor has an above-ground pool...that is also dangerous. If individuals do not come to his yard, the line is not dangerous to them.  
Another reason for the opposition was a lady that commented it is not something one would normally see in a community. He knows of others in the surrounding area.  
There was a concern about how many people would be at his home riding the line. He said he is building it for the enjoyment of his own children and friends.  
He wants his children in his yard playing.  
He submitted photos of the construction. He will be dealing with his own insurance.  
He is going to cut down the poles from the current 30 ft. to lesser height. The poles are tied together and he feels that are sound.  
(The Mayor asked that Mr. Weakley save his comments and any discussion until the regular session.)

7. *June Christensen*: She has been organizing a neighborhood watch since there has been a problem in the City with vandalism and theft. There will be a meeting on Thursday, 8-5-2010, at 7:00 PM at the brown church. This is more of a security issue rather than a volunteer issue; so she would prefer the security person come to this meeting and work with her on this.  
She thanked Mr. Stephens for patrolling and keeping his eyes open and stopping an incident in her area.  
She reported that the yard lights that were stolen from her have been returned (9 out of 11 stolen).  
The Mayor closed the Public Forum.

1:13:29  
EAGLE PROJECT

Chris Beckett: Scout Chris Beckett was ready to meet with the Council after first having met with the City Recorder, Corbett Stephens and Mayor Lutes to prepare his portfolio with his plan written up for his Eagle Project. He proposed to move the bullet board by the flag in the Park to the entrance of the City where it is more visible. Included in his write-up were photos of before and after shots, with the after photo superimposed to the area where he would like to locate it.  
He plans on adding solar lights and placing on a 4' X 12' cement pad, so when it rains, there will not be a mud puddle around it. It will be 25' from the road.

(*Weston Youd*: He suggested a path from the road to the sign.)

Vehicles will be able to drive right up to the sign and park.

There will be galvanized metal on the middle panels so citizens can put their notices up with magnets.

Scout Beckett was complimented on the job he did in presenting his Project to the Council.

**ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE EAGLE SCOUT PROJECT FOR CHRIS BECKETT**

VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE  
Council Member Roylance's connection was terminated.)

1:17:50

WORK SESSION  
ITEMS – ACTION

1. *Jetting / Vac:*

The direction from the Council is for Corbett Stephens to get the numbers together and bring those figures back to the Council.

2. *Lights for the Tennis Court:*

Corbett Stephens: Initially, the tennis court lights will automatically go off at 10:00 PM.

*(If the Council wants them on longer than that, the Planning Commission will have to be involved.)*

Mayor Lutes: He reminded the Council that there have been security issues and the insurance company encouraged the City to get some lights up.

**WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE \$850.00 FOR LIGHTS AROUND THE TENNIS COURT AND \$400.00 FOR LIGHTS FOR THE PLYGROUND AREA**

**VOTE (POLL): ERIN CLAWSON-AYE, WESTON YOUD-AYE, JULIE HASKELL-AYE (3)**

**NAY (0)**

**ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE**

*Passed 3-0*

1:21:35

3. *Sanitation*: There will be a public meeting along with discussion and action at the next Council Meeting (8-10-2010). Direction:

- Get the numbers together
- Get the word out regarding public input

BUS STOP –  
COVE DRIVE

Mayor Lutes: The School District agreed to change the bus stop from the corner of Elk Ridge drive and Park Drive up to the corner of Cove Drive and Elk Ridge Drive; with the following condition:

- The bus must be able to turn around in the “bulb” of the cul-de-sac on Cove Drive (the other cul-de-sacs up higher are too small).
  - The garbage cans must be up against the curb
  - No vehicles parked on the road
- (then the bus can turn around).

The residents of Cove Drive have been contacted and they are all in favor of this arrangement.

It is proposed to put up signs to disallow parking during school days. Violators will be towed.

Mayor Lutes showed a sample of the sign that says:

“6 AM to 5 PM on school days”

With the Council's approval, the signs can be ordered and posted before school starts again.

There has been consideration in getting some kind of shelter for that corner.

Corbett Stephens: The school bus will not back up; they do not want to take a chance.

Mayor Lutes: The preference would be to call any resident that may be in violation so the resident can have a chance to move the vehicle, rather than just having it towed.

Corbett Stephens: He suggested getting the residents' cell phone numbers so they can call them.

*Question: Where will all the snow be placed?*

Currently all the snow gets put on the vacant lot. Perhaps the snow can go to the natural drainage channel.

Kristin Roylance: She is concerned with the proposed location of the bus stop; it would be good to have some kind of structure there for shelter. The road is very slippery in the winter at that location. Parents will still be driving their small children to the bus stop.

Corbett Stephens: He contacted UTA regarding any used shelters they may have on hand. They said that if they do have in their inventory any old shelters, that the City could have it for a dollar. We can make it as safe as possible. Bus routes are the first ones plowed. The School District will be up next week to tell the City what they want at this stop. It may be that they stop on Elk Ridge Drive to get all traffic to stop.

Mayor Lutes: The agenda item was simply to obtain approval to post signs on the cul-de-sac. The size is standard, as per the MUTCD Standards (State Code). It would be like a “No Parking” sign.

**ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, TO PROCEED TO HAVE NO PARKING SIGNS MADE AND POSTED ON COVE DRIVE, SO THE SCHOOL BUS CAN MAKE THE TURN IN THE CUL-DE-SAC**

**VOTE: YES (3)**

**NO (0)**

**ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE**

1:34:27

OAK BRUSH  
COVE  
SUBDIVISION –  
PRELIMINARY &  
FINAL

Mayor Lutes: He called for any further discussion.

Weston Youd: (Directed toward Mr. Holman) He asked if the drainage could be listed on the plat.

Garren Holman: He responded that there is no drainage. That is the reason to go forward with the plans; due to there elimination of drainage on the lot. The drain has been eliminated on paper.

Weston Youd: He felt that there must be drainage created.

Corbett Stephens: (He asked to address this...) All the drainage that was originally identified for that area is taken up on Salem Hills Drive. The drainage that was supposed to come down there (natural drainage) is intercepted by Salem Hills Drive and does not come down to that area. The only drainage that is there is the drainage that “lands on the property” between their property line and Salem Hills Drive. It is not an accumulation of drainage that they need to address.

Scot Bell: He believes the Code states that you can't transfer more than 2% of the water onto another property owner; they have a slope to the street so that any run-off from their property goes to the street, so it does not go to another lot.

**WESTON YOUND MOVED, SECONDED BY ERIN CLAWSON, THAT THE CITY COUNCIL APPROVE THE AMENDMENT TO THE TWO SUBDIVISIONS BY VACATING GREENVIEW ESTATES SUBDIVISION, LOT 5 AND FAIRWAY ESTATES SUBDIVISION, LOTS 2 & 3 AND CREATING THE OAK BRUSH COVE SUBDIVISION. THE COUNCIL AGREES WITH THE PLANNING COMMISSION FINDINGS THAT THE PROPOSED CHANGES FOR CITY CODE, HAVE NO NEGATIVE IMPACTS TO THE HOME OWNERS IN THE NEIGHBORHOOD, AND WILL HAVE A POSITIVE EFFECT FOR THE PROPERTY OWNERS INVOLVED**

**VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE**

1:39:40  
ZIP LINE  
DISCUSSION

Mayor Lutes: There has already been some discussion in the Public Forum. The Mayor asked for any further comments or discussion. The City Attorney advised that this is not the City's issue. There are no ordinances against the zip line in the back yard; the installation is not an illegal activity, which would constitute a nuisance finding possible. He advised that it is really a neighborhood issue, not a government issue.

City Recorder: The statement on the petition and which was quoted in the Planning Commission regarding the definition of a "nuisance" was not current code. As the Mayor said, the current Code mentions that the activity must be "unlawful" to be defined as a nuisance.

Weston Yound: Two points must be satisfied:

1. Three people must see something they consider a nuisance
2. Whatever they see must be against the law or Code

If these two points are satisfied, then the City is obligated to take some action; if one or both points are not satisfied, then there is no action to be taken.

Erin Clawson: She asked how high the platform is going to be.

Mr. Weakley: The platform is 10' high; and the zip line itself is 19' off the ground.

Erin Clawson: Some of the emails she received were concerned with privacy. She suggested that he could meet with the neighbors and discuss this issue.

Mr. Weakley: Many of those that would have a privacy issue have signed his petition; and he believes there is no more of a privacy issue that simple standing on the top corner of his yard. The zip line itself will only be 7 ½ ft. off the ground when one arrives at Mrs. Dalton's property level; plus if one were level with her deck, it would be higher than his planned platform...and is more than 100' away from her property line. The reason the poles were installed at their full height was that he had to stand them up to know how and where to cut them down in size. He also stated that he has the ability to lock the line against unwanted intruders; this would make it safer for all.

Mayor Lutes: He asked if all of the poles are going to be cut down in height. *(Yes...one pole will be higher than the others to be able to launch from; but all will be decreased in height.)*

The Mayor wondered if that made a difference to some neighbors.

Mayor Lutes also asked about the liability insurance the owner had wanted to have in place.

Mr. Weakley: He said the owner does not have a problem with the line as long as it is not causing problems with the City or neighbors. The owner has not mentioned requiring liability insurance to him; but Mr. Weakley also stated that he is willing to take care of the insurance because he does not want problems either.

Mayor Lutes: This seems to be more of a neighborhood issue than anything the City can take action on. He wanted to see certain things brought out; but he did not feel any action on the part of the Council would be appropriate. He asked the Council if they were in agreement.

Weston Yound: He said he agreed that it is not an issue for the City. The Council is not saying that Mr. Weakley can or cannot build the zip line.

Sherrie Dalton: (Opposed to the zip line installation) Mrs. Dalton said that there seemed little she could do about it. She hoped that the City Code could be amended to prevent this in the future. She also has a concern with lighting and noise. ~~(Mr. Weakley commented that these are issues that any neighbor would have.)~~

She feels this is not normal backyard equipment.

Weston Yound: He informed Mrs. Dalton of the code amendment process and that then the Planning Commission and Council would consider her request.

1:50:55  
AUDIT PROPOSAL

Mayor Lutes: This is the proposal for the audit for the fiscal year ending June, 2010. He asked the Recorder for input.

City Recorder: The cost has increased slightly, by \$250.00 from last year...last year the price did not increase from the previous audit. They would typically increase every year, but they try to be sensitive to the economic situation most cities are in.

Weston Yound: This is less than 1% increase.

Comments:

**WESTON YOUND MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE AUDIT PROPOSAL FOR JONES SIMKINS TO PERFORM THE ANNUAL AUDIT FOR THE YEAR ENDING JUNE 30, 2010**

**VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE**

Discussion:

A member of the public asked if the City advertises for bids for other firms. The response from Mayor Lutes was that we have in the past; but we would not want to change auditors frequently...Jones Simkins provides a good audit.

City Recorder: Prior to Jones Simkins, the auditors we had created some issues that had to be corrected. We then put out to bids and hired Jones Simkins, who have been great to work with and have been very thorough.

Is there a legal obligation to do so? It is like the City Engineer; do we change engineering firms frequently? No. She feels that the Finance Director would alert the City if the price were not competitive.

Mayor Lutes: The feeling is that they do a "marvelous job" for the price they charge the City.

Weston Youd: When we changed from the previous audit firm, we "shopped around" and found Jones Simkins to be the best...now we are just continuing on.

1:56:42

EXPENDITURES:

General: None

*1. Check Register & Payroll for June, 2010:*

*Discussion:*

Julie Haskell: (Page 3) She questioned the wage decided on for weeding and who determined the rate paid. She did not recall being involved in that decision and she has been present at all the meetings.

City Recorder: Perhaps that was determined based on the amount paid for summer help in the past.

Julie Haskell: The summer help were not paid \$8.00/hour; that is why she questioned it.

Mayor Lutes: He inquired if Council Member Haskell felt that was excessive.

Julie Haskell: She asked who decided on the rate and who made the decision? She felt that should be a Council decision.

Erin Clawson: This is not part of the "Volunteer Fund"; it is part of the Parks Fund and it came out of the \$2,000 that Council Member Johnson and the Council approved for Park Maintenance.

Julie Haskell: She felt that was to be for vegetation.

Erin Clawson: Part of it was used for vegetation.

Mayor Lutes: It was felt that the Council approved that money for fixing up the Park and that is what was done.

Julie Haskell: Why isn't Public Works doing this maintenance?

Erin Clawson: At that time they were involved with curb & gutter installation.

Julie Haskell: There are always many jobs to do. When the Council discussed the \$2,000, she did not understand it was for wages.

Erin Clawson: There was too much weeding for volunteers to start it. Once that money was approved, she spoke to Council Member Johnson (over Parks) and he approved this. They felt the wage was less than what most people earn for this kind of job.

Julie Haskell: "So, you and Derrek went on that wage then."

Erin Clawson: She said she asked what had been done previously.

Julie Haskell: It was not \$8.00/hour.

City Recorder: Perhaps Council Member Johnson went off of the cost of hiring the individual from Spanish Fork that worked on the park maintenance and landscaping...that was higher than what we had paid before. She feels that City employees should be doing this work.

Mayor Lutes: He extended an apology if there had been anything done wrong; it cannot be undone and he did not imagine it will be done in the future.

Erin Clawson: A program has been introduced for citizens to adopt a piece of the Park...there has been a lot of good response. Nothing like this has been done in the past. The Park was run down and needed to be weeded before mulch and other landscaping could be addressed. She said she felt that they were doing the City a service.

Weston Youd: He asked if approval could be deferred.

City Recorder: Yes; but the expenditures have taken place...what would change if approval were deferred. The Council and the Dept. Head approved the up to \$2,000 for landscaping. The auditors look for proof that the Council is aware of the finances to safeguard against anything unlawful going on. There is no problem with deferring the approval; but she said she would like to have the approval by the end of August in preparation of the audit.

Weston Youd: As was indicated by Council Member Clawson, the money came out of the \$2,000 that was approved. He felt that perhaps that puts the pressure on the Council to be more specific when approving an amount.

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CHECK REGISTER AND PAYROLL REGISTER FOR JUNE OF 2010**

**VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE**

2:04:18

MINUTES

*Council Minutes of June 8 and June 22, 2010:*

*No discussion.*

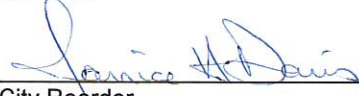
**WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL MINUTES FROM JUNE 8 AND JUNE 22, 2010**

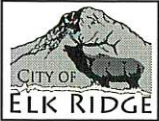
**VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE**

ADJOURNMENT

The Mayor adjourned the Regular Session at 8:14 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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

**AMENDED NOTICE & AGENDA – SPECIAL CITY COUNCIL MEETING**

Notice is hereby given that the City Council of Elk Ridge will hold a **Special City Council Meeting on Wednesday, August 4, 2010, at 7:30 PM.** Pursuant to Elk Ridge City Code, Title 1, Chapter 5, Section 4, Paragraph B, Council Member Youd and Council Member Roylance have called a special meeting of the City Council of Elk Ridge City.

The meeting will be held in the Shuler Park Pavilion, behind the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

**7:30 PM - SPECIAL COUNCIL MEETING AGENDA ITEMS:**

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:35 Public Forum

7:45 1. Secondary Access Code Change Request – Council Action

8:15 2. Review of Development Process and Procedures

8:30 3. City Planner Discussion

8:45 4. Weed Abatement Review

8:55 5. Council Member Discussion

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

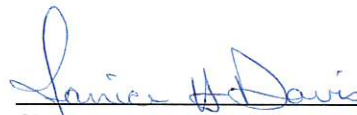
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

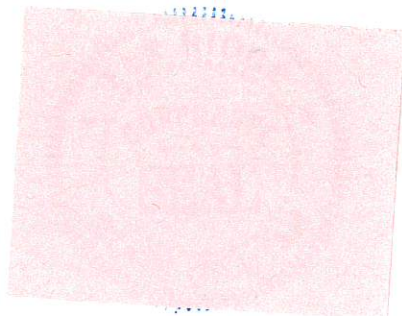
Dated this 3<sup>rd</sup> day of August, 2010.

  
\_\_\_\_\_  
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 & the Amended Agenda were faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah; and was provided to each member of the Governing Body on August 3, 2010.

  
\_\_\_\_\_  
City Recorder



**ELK RIDGE  
CITY COUNCIL MEETING  
August 4, 2010**

**TIME & PLACE  
OF MEETING**

This Special Meeting was called as per the Elk Ridge City Code, Title 1, Chapter 5, Section 4, Paragraph B; by Council Member Weston Youd and Council Member Sean Roylance. It was called for **Wednesday, August 4, 2010, at 7:30 PM.**

The meeting was to be held in the Pavilion area of the Park, behind the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah; due to the number of citizens present, it was moved to the Fire Dept. Bay area; at the same address listed above.

Notice of the time, place and Agenda as well as an Amended Agenda of this Meeting were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 3, 2010.

**7:30 PM –**

**CITY COUNCIL – SPECIAL SESSION AGENDA:**

**ROLL**

*City Council: Mayor Pro tempore:* Erin Clawson; Julie Haskell, Sean Roylance & Weston Youd (Absent: Derrek Johnson & Mayor: Kenneth O. Lutes); *Planning Commission Members:* Kevin Hansbrow, Kelley Liddiard, Paul Squires, Jason Bullard & Randy Jones; *Building Official:* Corbett Stephens; *Public Works:* Wayne Frandson; *Deputy Recorder:* Janine Nilsson; *Asst. Treasurer:* Annebel Meredith; *Fire Chief:* Seth Wait; *Public:* Ken & June E. Christensen, Jamie D. Towse, Kristin Roylance, Krisel Travis, Charles Wixom, Scot Bell, Logan Nilsson, Kent Haskell, Cheyn & Tricia Gennerson, Neil & Ilene Dykstra, Brad & Elizabeth Dayton, Cathie Allred, Careene Eliot, Jennie Wilcox, Kenton Morgan, Sha Mayne & Jack Mason, Lila Christensen, Kevin A. Clark, Amy Boswell, Jodi McKee, Allison Thaut, Emmily Bell, Dale & Joann Bigler, A.J. & Mariellen Christensen, John & Michelle Calcote, Gerald Dye, Sue Peterson, Kyle Houghton, Matt Cahoon, James Mayfield, Chad Christensen, Dylan Christensen, Jon & Karla Adams, Dr. Kevin Colver, Robin Clawson, Sandy Johnson, Alec Johnson, Terry & Delores Gunn, Jennie Olson, Darrell Hodges, Chris & Janene Thorpe, Robert Van Parys; *and the City Recorder:* Janice H. Davis.

**VOTING IN MAYOR  
PRO-TEMPORE FOR  
MEETING**

In the absence of Mayor Lutes, the City Council voted on electing the Mayor Pro-tempore to Chair the Meeting. **WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO NOMINATE ERIN CLAWSON AS THE MAYOR PRO-TEMPORE OF THIS MEETING**  
**VOTE: YES (4)                      NO (0)                      ABSENT (2) MAYOR LUTES & DERREK JOHNSON**

**OPENING REMARKS &  
PLEDGE OF  
ALLEGIANCE**

Opening Remarks: A prayer was offered by Fire Chief Seth Wait and Weston Youd led those present in the Pledge of Allegiance, for those willing to participate.

**APPROVAL OF THE  
AGENDA TIME FRAME**

**WESTON YOUD MOVED TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:35 PM**

*Discussion:*

Council Member Roylance suggested moving the Public Forum portion of the agenda to after Agenda Item #1, to allow everyone to get to the topic he felt most of the public were there to talk about. He explained that the Public Forum is for the purpose of speaking about topics not being addressed by the Agenda. During the Agenda items, there will be discussion on those particular topics.

*(Paul Squires: He responded that the majority of the public did not "have a clue" what the meeting was about.)* It was decided to leave the Public Forum where it appeared on the Agenda.

Mayor Pro-tempore Clawson called for a second to the motion:

**THE MOTION WAS SECONDED BY SEAN ROYLANCE**

**VOTE: YES (4)                      NO (0)                      ABSENT (2) MAYOR LUTES & DERREK JOHNSON**

4:17

**PUBLIC FORUM**

Mayor Pro-tempore Clawson explained the rules of the Public Forum:

- If duplicate topics were to be discussed, she asked that there be a spokesperson chosen, to eliminate redundancy.
- Each person speaking was to be allowed 2 minutes to speak.
- She asked that the speakers come to the mike and form a line.
- The comments made in a Public Forum are for the speaker alone and the Council typically does not respond at that time.
- Speakers should state their names.

1. *Scot Bell: (Former Planning Commission Member)*

He spoke at the last Council Meeting to thank the Mayor for all the things he has been doing. This time he was speaking as a concerned citizen. His concern was based on the Special Council Meeting called; he wondered what was so "special" that it could not wait until the regularly scheduled Council Meeting. He found that the Council Members were to address an amendment to a code. He discovered that the information that went to the Planning Commission inferred that the Fire Chief and Corbett Stephens (who works in Public Works Dept.) were in favor of this change; which he thought strange since typically in the past, the Fire Chief and Public Works have opposed this proposed change.

He called both Corbett Stephens and the Fire Chief that day and asked them both what had changed; and why should he, as a citizen, be in favor of this change? Their response was that the information presented to the Planning Commission was not accurate. He expressed his hope that the City Council would at least give these two individuals the opportunity to clarify their positions.

The topic of Secondary Access Code Change was there (before the Council) because the Planning Commission made a recommendation to change the code; but it was based on "poor" and "inaccurate" information from two individuals that the City relies on heavily for health, safety and welfare. He hoped that the Council present would table this item since, in his opinion; it has "no business moving forward, because it was all based on bad information given to the Planning Commission". As a former Planning Commission Member, he declared that "good information makes good law"...and he felt this was based on "bad" information provided to the Planning Commission.

This proposed change was discussed a year ago; he had a quote from a Council Meeting wherein former Council Member Ray Brown said that under no circumstances should we make this change. Mr. Brown deferred to the Fire Chief and the Public Works to help in making these decisions. The Council vote at the time was 4-1 against making the change. Mr. Bell pointed out that the one that voted for the change is one of the Council Members calling for this "immediate" and "mandatory" meeting...he said that it was Council Member Sean Roylance.

*(Mr. Bell was going over his time allotted to speak and he asked if anyone in the audience was willing to "donate" 2 minutes to him to continue...several volunteered. Many of the public asked to be informed of the issue being discussed regarding the proposed code change.)*

Mayor Pro-tempore: She interjected that this was the reason Council Member Roylance wanted to wait until this agenda item to discuss the issues at hand; the intent was to answer many of these questions through that discussion. She asked if these questions should wait or to just continue on with the Public Forum.

*(The suggestion from many of the public as well as Council Member Youd was to just continue with the Public Forum.)*

Sean Roylance: He wanted to clarify that the proposed code change was independent of him; he did not have anything to do with the proposal to change the code.

Scot Bell: He gave a bit of history of the City's experience with long cul-de-sacs; the existing ones create danger of no access in case of a fire. There is danger to the residents, fire fighters and the City. Getting a school bus up to that area has been a long-standing problem; now we are proposing to add another long cul-de-sac to our road system to cause more problems...it is not a wise decision. Rather than mitigating the problem, we are expanding the problem. "It is a shame that this is even here being represented tonight. We need to have a total recall and the Planning Commission needs the chance to deal with the truth". He encouraged hearing from the Fire Chief and Corbett Stephens.

He did not feel the listed agenda items were of a "crisis" nature and that they could have been postponed until a regular City Council Meeting.

*Mayor Pro-tempore Clawson reminded those wishing to speak to keep their comments brief.)*

## 2. Lucretia Thayne:

She felt that there would be an "urgent" reason for calling a special Council Meeting; or some kind of emergency. When she got the agenda, she could not gather enough information to warrant a special Meeting. So, she called Weston (Council Member Youd); and she felt she needed to speak of this publically rather than behind his back. When she asked Council Member Youd why he was calling a special meeting, he said that he had the power to do it, so he was calling one. She said he could not give her any reason on any of the agenda items why they could not wait until a regular meeting. The reasons he did give her were "so nebulous" that she still did not understand why the special meeting to talk about the goals and aspirations of Council Members...that is a "campaign item". She continued that Council Member Youd told her that the Mayor had wanted to vote on this issue (Secondary Access Code) at the last Council Meeting but was "disappointed" that it had been listed incorrectly. The information she gathered from people who were present at that last Council Meeting, indicated that the Mayor wanted to postpone action due to discrepancies he felt should be investigated and resolved prior to voting on the issue.

She questioned the other agenda items as well...they did not seem appropriate for a special meeting.

The only clue she got as to the reason for the meeting, was that the Mayor was out of town. When she asked Council Member Youd if he felt he could not speak as frankly and open about his aspirations and goals with the Mayor present, she said his response was that, "Yes that was sort of true".

There is no reason other than:

1. To exercise power, but not in a needful way
2. To do it without the presence of the Mayor

People at the previous meeting said that the developer commented they would not be building for a while. That would imply there was no emergency.

"When you act in a suspicious way, people suspect something...there is something 'fishy' about this meeting; whether it is power struggle, whether it is wanting to do it without the Mayor...or there was something else that was going to go on when we did not know."

She wanted to know who the Council, specifically Council Member Youd; called to notify them of the meeting...was there any direction to put up signs?

12:49

- 16:15 3. *Jamie Towse:*  
She had a problem with the lack of notification for the meeting. She puts up signs for the meetings so people will be reminded. Calling the meeting yesterday for a meeting tonight casts suspicion on those that set up the meeting; or on those that are on the agenda. She does not believe that is what these people desire. She was not clear about the rules governing what is appropriate for the signs she put up advertising the meeting. She stated that the City did not need the appearance of any more "back-door" meetings.
- 17:52 4. *June Christensen:*  
She has attended more than a few City Council Meetings due to certain problems with vandalism; and she wants it known that she feels like she has to "walk on egg shells". We have elected officials that have their own agendas, their own personalities and they cannot get along. This is why everyone was present at the meeting...the Mayor is not just out of town...he is on a cruise. One's plans for a cruise are made well ahead of time. She felt that because the Mayor was not available; that is why the meeting took place. She said she was disgusted with the Council Members; she felt they should be getting along and working together for the betterment of the City.  
She is working on a "neighborhood watch" program and she feels like she is working alone on this. The only Council Member that has offered assistance is Erin Clawson and that offer is appreciated. She feels that it is time to either get along or the public needs to find replacements.
- 20:00 5. *Jack Mason:*  
He was seeking some clarification: Since this is a public group, the Open and Public Meetings Act should be followed; which says even with emergency meetings, there needs to be proper effort to notify the public. The Act also mentions besides publishing a notice at the building, that notice needs to be provided to at least one newspaper of general circulation within the geographic district of the public body, or a local media correspondent".  
(*Note: the City Recorder did respond that those legal conditions had been met.*)  
Mr. Mason continued: Since this wasn't a regularly scheduled meeting, it fell under the category of "emergency meeting"; which means the things being dealt with were of an "emergency or urgent nature".
- He wanted to understand why the agenda items were being considered at this meeting rather than at a regular meeting.
  - Mr. Mason listed certain conditions that allow an emergency meeting:
    - A majority of the members of the public body approve the meeting
    - There should be attempt to notify all members of the public body
- He would have felt more comfortable with the meeting if he had known all conditions had been met.
- 21:53 6. *Jenny Olson:*  
She expressed concern over the reason the "emergency" meeting was called: Her husband, Craig Olson, served as the City Fire Chief prior to Seth Waite. He (Craig Olson) was asked for his expert opinion on the situation before the Council regarding the requested code change perhaps 3 ½ years ago. That is how long this development plan has been discussed. Why is this all of a sudden an "emergency" meeting when this has been going on for some time?
- 23:15 Mayor Pro-tempore Clawson: She asked if there was any more public comment.  
(*The request was made from the audience to hear from Chief Wait and Corbett Stephens.*)  
Chief Seth Wait: (Regarding the Elk Haven Subdivision) His discussions over the last little while have indicated that the International Fire Code and the City Code are "a little different". He submitted a letter to the City Council for the Meeting held 7/27; wherein he stated that he was talked to about the Fire Code and he agrees that the International Fire Code has relevance; but he also claimed that there are other issues that we deal with in Elk Ridge that would prevent a "blanket- type" authorization for what we are trying to do. He encouraged the Council to listen to the issues that were to be brought out.  
In the situation of a long cul-de-sac, he could be placed in a position of not being able to put fire fighters in there...and the possibility of not being able to get citizens out in a timely manner. It is his duty to protect the citizens of Elk Ridge in the best way possible...from fire and other emergencies and to provide the best service available.  
(*Question from Jenny Olson: Have the road grades been changed to be able to get the fire trucks up there?*)  
Chief Wait had not seen the latest plan; so he was unable to answer the question.  
(*Jenny Olson: The original plan would not allow the fire trucks to make it up the hill.*)  
Chief Wait added that he had discussed that issue several years ago. He is not sure what has been done since that time.  
(*Jenny Olson: She asked of sprinklers in houses.*)  
Chief Wait said that had been taken care of...they are required in the City Code.  
(*A comment was made that the City Code does address the slope/grade concerns.*)  
Chief Wait: He summed up by saying that as far as he knows, the City Code has not been changed in dealing with any of the grade issues; developments have had to conform to the City's Code.  
Corbett Stephens: He said he has the same position as Chief Wait expressed. He was talked to about this code change and why we (the City) should not just go with the International Fire Code. His comment at the time to Shawn Eliot; "If it applies, then I don't have a problem with that". But, he does not feel the International Fire Code applies. There are many things in the building codes that are generic code. When the International Codes were written, they were written to be "international"...so everyone uses that as a basis for their own codes. Every city in the state of Utah has adopted amendments to the International Code.
- 27:14

Elk Ridge is no different; example: we require interior fire sprinklers...that is not a requirement of the International Building Code or Fire Code; so we are more restrictive than the International Code; he sees the current issue as no different. The City's Code allows up to 16 units...he does not think our Code is perfect...no code is; but rather than simply giving carte blanche and approving 30 units...to him that seems "wrong". Developers should be required to mitigate all the hazards created by doing what they are doing. It is not fair to put that burden on the citizens of the community that are already here. Codes change all the time. He did not feel his position was represented accurately in the staff report provided to the City Council.

29:01 *Mayor Pro-tempore Clawson asked the last few citizens wishing to make public comment to please do so, and then the Public Forum would be closed.*

7. Dennis Jacobson:

He said he was totally against what was happening at this meeting; he felt the Mayor needed to be present and that the City needs to have his representation. He did not agree with changing ordinances and zoning at these "night" meetings...and that it shows no respect for the Mayor. Why have a Mayor if the Council has meetings behind his back?

8. Paul Squires: (Planning Commission Member)

He was upset because his hard copy of the City Code was not updated as he felt it should have been. He said that he does not have the time or the ability to get online and look at the Code all the time. He depends on his hard copy version at meetings. He turned his book in 6 months ago and he got it back 4 months ago and thought it had been updated adequately. He ended up quoting "old" code on a topic of concern, in a Planning Commission Meeting, which was incorrect and outdated.

Therefore, he made it known that he was handing that code book back to the City and he resigned his position as Planning Commissioner. He felt if he could not get the information he needs to make decisions, there is no point in being on the Commission.

32:57 *Mayor Pro-tempore Clawson: She closed the Public Forum at that time.*

SECONDARY ACCESS  
CODE CHANGE  
REQUEST

*Discussion:*

Weston Youd: He felt that he should address the reason he felt it necessary to call the Special Council Meeting. History of how the Meeting came about:

There were two items that went through the development code process...the process is such that the applicant petitions the City for a code change or development and it goes through a submission, a technical review...it goes to the Planning Commission and they look at it and review with the Fire Chief, the Safety Officer, the Code Enforcement Officer...it goes through all these checks and a public hearing. This topic went through a public hearing (in fact two). The Planning Commission made a recommendation to the Council. That recommendation was made; in fact two recommendations were made the same night.

*(Mayor Pro-tempore Clawson asked if the public hearing and the technical review committee meeting were done with the previous Council.*

Council Member Youd responded that they had been done under the current Administration. There was "actually one previous and one in June of this year".

*Mayor Pro-tempore Clawson asked further if those in attendance at the TRC Meeting were the following: Planner, Building Official, the Engineer, the Mayor & a Council Member. This is what is required by the Development Code.*

Sean Roylance: He corrected her saying that code changes are different.

Weston Youd: They are different; but they go through the same steps. There were two items that came from the Planning Commission on June 24, 2010.

"Our Code states that if you submit a request for business to the City Council by Thursday; then it will be on the next Meeting. The next Meeting was actually cancelled by the Mayor and subsequently the next meeting...so there were two City Council Meetings that were cancelled because of no business...when these two petitions were ready to go through."

*\*(Note: This point was clarified in the following City Council Meeting; that the process for code amendment is actually different from the process for development or subdivision submittal...in the process for code amendment, there is no time frame referred to between the time the recommendation comes from the Planning Commission and the Council takes action.)*

City Recorder: Council Member Youd was corrected that there was only one Council Meeting cancelled (7/13) and the two items were on the next agenda for the Meeting held on 7/27.

Weston Youd: When the agenda did list the two items, one request was up for action..."that's the process...it is submission, review, Planning Commission review and suggestion, then City Council action. Both of those went through that process; but there was a divergence...one went through for action and the other one only went for discussion. And the petitioner asked why...and the Mayor said, 'Can we take action on it tonight?'...when the Recorder said, 'No, it's not listed as action, it is only listed as discussion'. At which time, I said, 'We should look at doing what we can do for that petitioner to get this done as quickly as possible.'

36:44 He continued, "If you look at our Code, a special meeting... (which this is) can be called by two Council Members or the Mayor, if they feel that the business of the City needs to occur. I felt that it was needed for the purposes of the petitioner and called this meeting."

*(Comment: The petitioner agreed at the last Council Meeting to have it taken care of next week at the regular Council Meeting)...the person commenting added that she and others were present at that meeting on 7/27.)*

Council Member Youd continued that he had mentioned to her (petitioner) that he would do everything he could to expedite...and that is why he called the meeting.

(Comment: (Unidentified) She felt that the Council Member Youd might want to take care that he is not replaced.)

Jenny Olson:

She directed a question to Council Members Youd and Roylance: Do they have any "ties" to the petitioner, or any sort of "gain" that they personally would come up with should this plan go through?

Weston Youd: He responded that no he did not; and that he had never spoken to the petitioner outside of a meeting...there is none whatsoever.

Lucretia Thayne:

(Question for Council Member Youd) It was her understanding that the reason the item was on the agenda for discussion only was because there were some discrepancies to be looked at. That would explain a "divergence" of action in the two situations. "Why could there not be six days for those to be resolved?"

Weston Youd: He admonished Mrs. Thayne that the process, once in goes to action...create four outcomes that he had discussed:

- Acceptance of the Planning Commission recommendation by the Council
- Rejection by the Council of the recommendation
- Amend the recommendation to adopt
- Send it back to the Planning Commission

The process is such that...why was one addressed and not the other? If there was a discrepancy, the action should have been to choose one of those four

Sean Roylance: The last choice would be to table the item; he agreed that one of those actions should have been taken.

Bob Van Parys: (Seeking clarification)

As he understood, what the Council Members were saying was that between that day and the following Tuesday, a decision must be made.

Weston Youd: He replied that a decision could be made that night...one of those 5 choices could be made.

Mr. Van Parys:

"Why could that not wait until next week? Why did you make that decision?"

Weston Youd: "Because I committed to the petitioner that we would do everything within our ability to ..."

(Council Member Youd was interrupted by many of the public speaking at once...Kent Haskell announced that the public was out of control and they should allow Council Member Youd to speak.)

Sean Roylance: He stated there are really two reasons for this (presumably meaning the reason for the meeting):

1. The matter was delayed for a full month when it should not have been
2. "The core of the issue is that it is not just this item; there is another item on the agenda tonight...for example...there are other items in the past that haven't been put on the agenda. So, what we needed to do was to show that if items are being ignored for no particular reason, then we need to get those items on the agenda in an appropriate time frame in a way that is fair to the City and that is fair to the applicants. There is other business that doesn't have anything to do with an applicant or whatever...but it is business they have just been ignored and not put on the agenda...that we need to get to."

(Question from the audience: The gentleman wanted to clarify that what they were saying was that the Mayor is putting off things that should be addressed?)

Sean Roylance: "The truth of the matter is...yes." He then listed a couple of examples:

1. The topic under discussion: Secondary Access Code Change Request:

It was delayed; it should have been the first of July...it was not. It should have been the end of July and it was not again. It is the third Council Meeting it was delayed to. That is not the way we should be doing our business as a City. "If people think that is 'fair'; we will agree to disagree." He felt that if someone submits an application to the City, it is "only fair for us to treat them with respect" and actually hear them.

2. The City Planner is no longer with the City. The City needs a City Planner; the Planning Commission agrees. That has not been put on any agendas...it needs to be discussed.

Council Member Roylance went on to say that many former and current Planning Commission members worked with the former Planner to come up with code that ensures the safety of the City's roads, that there are short cul-de-sacs, that includes fire sprinklers, etc. "We got all that code through because we had a quality City Planner." He felt that Mr. Eliot went far above the call of duty in his job; because he cares about things being done right. We have to have that in a Planner.

Kevin Hansbrow: (Planning Commission Member) Some of the audience commented that the topic was "not relevant" and that the discussion should return to the agenda item.

Mr. Hansbrow felt that the discussion of the City Planner was relevant because things like our City Planner are crucial to the City. He said the Mayor came to the Planning Commission to ask if the Planning Commission could do without a Planner. Mr. Hansbrow felt that would be "impossible".

Sean Roylance: He compared the time with the previous Planner and Mr. Eliot; Mr. Eliot has improved on the lack of organization the previous Planner allowed.

Council Member Roylance addressed certain questions asked within the past few days:

- Does he have financial interest in this requested code change? No, he does not.
- Some suggested he and Council Member Johnson have a financial interest? He did not know how these rumors got started; but it saddens him because they are false.
- There was a comment that Council Member Roylance is "in the back pocket of developers"; he asked Karl Shuler (one of the developers in the pending Elk Haven Development) if he felt that is true.

(Mr. Shuler responded, "No, not even close. We have agreed to disagree many times.")

If anything, he was concerned that perhaps he was too harsh on certain developers. He was concerned about the existing citizens and beauty of the City.

The previous code problems have been "cleaned up" due to the Planner...the City needs this service to proceed in a logical manner to make sure that as the City grows, it is done right.

Because these issues were being ignored, "I felt I needed to back up Weston to call this meeting".

He said that over the last six months, the majority of the City Council has been "shut out and ignored...and issues have been shut out and ignored". He asked the audience, "Honestly, do you guys think I wanted this? I do not want this. Who in their right mind would want this? Who wants to have people stand up and vilify them? No...maybe somebody else does...not me. And people threatening their spouses...people waving sticks at them as they drive down the road...and so on."

(A comment was made that there should have been an effort to notify people of the meeting.)

He only knew of one other person interested in the issue...Nelson Abbott; and he was notified.

Robert Goodwin: (Seeking to clarify)

As he understood: "This meeting has been called because there is a conflict between certain members of the Council and the Mayor. Since the Mayor is out of town, certain members of the Council have taken it upon themselves to call a meeting in order to...what they call...correct some of the directions that the Mayor has been taking...through all your verbiage, did I catch your meaning?"

Sean Roylance: "Close; not quite.

1. I didn't know he was out of town. Somebody said that they found out he was on a cruise...I had no idea. I had heard that he had a family thing...I didn't know until I got here tonight if he would be here or not....that he wasn't here."

Robert Goodwin:

"That is just more verbiage coming back to the same point: certain members of the Council are taking advantage of the Mayor's absence... (the remainder of the statement was unclear as Council Member Roylance began speaking).

Sean Roylance: It is not the Mayor's absence...it's that he does need to know that we are willing to call an agenda..."

Robert Goodwin:

"You are saying that he is not doing his job; therefore you're going to do it for him... (No...) that 's what you said."

50:07

Sean Roylance: In a further attempt to clarify..."I am saying that there are certain items not put on the agenda when they ought to be. We will put them on the agenda." (Mr. Goodwin replied that that is what he is saying.)

Brian Badders:

"Sean and Weston both said they are not getting anywhere with the Mayor...he's 'road blocking you guys. Who road blocked the fence on the water tower? One, two three... (pointing at 3 members of the Council...Council Members Youd, Roylance & Haskell)...All that together; you road blocked the fence on the water tower."

(The Council Members responded that they had voted in favor of the fence...)

Lucretia Thayne:

She relayed that they did so "finally"; that initially they did not.

Sean Roylance: He explained that he had not wanted a "security...prison" fence; and that an entire neighborhood had contacted him with their concerns...so what the City ended up with was more aesthetic and still secures the tank. Elk Ridge has more security than anyone else in the entire Valley.

Mr. Badders:

"My point is very simple: you guys are saying that the Mayor is road blocking you guys; but a couple of months ago, where was the road block coming from?"

Sean Roylance: He disagreed that it was a "road block"; rather a discussion." The difference is that he (the Mayor) is not putting it on the agenda at all...we can't even discuss it." He said that the other matter (fence) was discussed until a resolution was reached.

Mr. Badders:

He wanted to know if the Council Members had exercised their right to vote to put something on the agenda.

Sean Roylance: He disagreed that they have that power.

Lucretia Thayne:

"I was sitting in the Mayor's office when somebody called ...one of the Council Members... (she did not recall what the topic was) and he said, 'well, it's late but if a Council Member asks to have something on the agenda within 24 hours or something like that...I have to put it on'...so don't tell me you can't get it on."

Sean Roylance: "No, that is not true."

Dale Bigler:

He wanted to know who decides the agenda. (Sean Roylance responded that the Mayor decides.)

Jamie Towse: (She referred to Roberts Rules)

She said that those rules state that Council Members can put items on the agenda.

Sean Roylance: "If we change the code, then we can...or if two of us call a meeting, then we can."

(Jamie Towse: She suggested voting to change the code to allow that.) He felt that would be addressed.

Jennie Olson:

She wanted to know if the Council could see what the public's concern is about. "You, who have been voted in by us, to represent us...look how easy it is for you to get us here."

52:50

53:54

Sean Roylance: He added that he loved that everybody was at the meeting...that is usually not the case.

Jenny Olson:

She continued that it did not take more than a couple of signs and postings on Face book. "Please don't tell us that certain Members or the Mayor are "pushing things under the door or blocking things...if it is important to you, as our Council Members...because it is important to us...you'll find a way to get it there at the appropriate time...not calling emergency...special meetings."

54:39

Sean Roylance: He explained what is important to him: he stated, "We have lost 30% of staff since the start of the year." *(When asked how many people that is, he responded...)* "Three out of 10...and there might be more...there are indications that there might be more. We could have half of our staff gone by the end of this year."

City Recorder: She stated that she knows staff...and she felt that was not a true statement. There is no one threatening to quit.

Sean Roylance: "Oakly...so we are at 30%." *(Question: Why?)* Though the Council is questioning, why...he said they were not intentionally bringing it out and throwing it out in front of everything. There are very clear reasons why...and this is one step in the Council exercising its power to say, "Look, we've sat back since the beginning of the year and we haven't done anything. All that's happened is that we have been taken advantage of. We have to stand up for our selves to say...look we are elected too. This is not a one-man show; there are actually other people here as well. And so, as these other people, we need to be factored into that. This is a...basically, we thought...until everyone showed up...the most subtle way...the simplest way, to basically say...look..." *(Public comment interrupted regarding the comments "standing up"...to what? and "subtle")* Council Member Roylance went on to explain, "Stand up for being able to do the jobs we were elected to do."

*(Question: What do you think the repercussions will be when the Mayor comes back Home? Do you think nothing is going to happen?)*

Sean Roylance: "No, not at all."

Erin Clawson: (Addressing Council Member Roylance) "A few months ago, after Planning Commission Meeting, you approached me to talk to the Mayor and said that if I did not talk to the Mayor...that you had three votes to run the town and you would use them."

Sean Roylance: "That is not what I said at all."

Mayor Pro-tempore Erin Clawson: "That is what you said."

Brian Badders:

He said, "I heard the same thing."

Sean Roylance: (Directed to Mr. Badders) "You have never talked to me...I don't think I have ever said, 'Hi' to you." *(Response: "Maybe you should.")*

*Discussion regarding running for office and other topics off the agenda item.*

Jennie Olson:

"Do you see what this is turning into?" She suggested tabling the discussion, "This is what it is turning into...a 'witch hunt'...a 'man hunt'...because you are going behind the citizens' backs and the Mayor's back.

Sean Roylance: He responded that perhaps tabling the discussion "would be the most appropriate thing to do". "To answer your question, 'What's going to happen?...Yes things will happen...that's why we did it because nothing was happening. We have to have some things changed so that's why we did it.

I did not want to do it. I waited all this time. I had private conversations multiple times. I wanted things to change; I didn't want to come to this. It didn't happen. So, if you would rather that I just back down and step aside and just 'rubber stamp' everything...let me know; I would like to know that; but my feeling was that when I ran for City Council and was elected; my feeling was that you wanted me to look at the issues, to study them, to actually provide input on them and to actually do my job. But if that's what you don't want, feel free after the meeting, to contact me and let me know that you don't want me to participate more."

Bob Goodwin:

"We would like those who would like to be Mayor to run for Mayor, so we can vote for them...rather than play Mayor while the Mayor is gone."

Kent Haskell:

"What I would like to see is some of the citizens put their names on to run for Mayor; instead of....*(interrupted with applause)* instead of sitting here complaining about all this stuff...get your names on the Council agenda to run and the same with the Mayor."

Sean Roylance: "I do not want to be Mayor and I am not playing Mayor...what I am doing is I am making sure that the business that we need to take care of, gets to us. That wasn't happening."

Robert Van Parys:

He felt one of the things they (the Council) was missing: "That is...when I was called last night by a prior Council Member and was told that there would be a special meeting tonight...my first inclination was that there is 'something rotten in Denmark'. It's a perception...it's all perception. Now whether you had the best intentions...all of you had the best intentions...of doing the best thing you can for the City...the Mayor is gone...and now there's a special meeting. It wasn't well publicized. It's perception. Now you have a lot of citizens here who probably...if I brought out a vote...would 'hang you from the yard arm'...

*(Many citizens felt that was not an appropriate expression.)* Your position is not an easy position." Mr. Van Parys was upset about the meeting and had to ask why the Council is doing this when the Mayor isn't here?

58:51

1:00:40

If you are having problems with the Mayor, and the Mayor is not allowing things to go through that you feel should be going through...that needs to be brought to the public...not through this forum because this one looks like a 'back-door' procedure. Go door to door and talk to the residents. If you are having problems with the Mayor, there is such a thing as 'call to re-call'. But the thing is, we don't know what's going on."

*A comparison was made to the administration in Washington wherein issues are "shoved down the citizens' throats."*

Mayor Pro-tempore Erin Clawson: She called the meeting to order and declared that the conversation should be focused on the agenda item.

Sean Roylance: He expressed his appreciation for the comments made by Mr. Van Parys. He agreed that the perception was "terrible". He also declared again that he did not know that the Mayor could not be at the meeting. He did not know he was on a cruise. I did not know he was in Alaska. For all I knew he was staying in his house and going up to Park City every day. I did not know and that would not have changed my actions except for...you made a very good point; if I had it to do over again, the perception was terrible. My bad... I will speak for Weston...Weston's bad...whatever. That was bad, I agree. I totally see where you are coming from." He apologized for that perception.

Mayor Pro-tempore Clawson: She wanted the public to know that she did try to get a meeting with our City Council, Mayor and City Attorney to mediate it. He (the Attorney) would only mediate the meeting if the decision to meet was a unanimous decision..."to work out these types of problems". She said that the decision was almost unanimous to have the meeting..."

Sean Roylance: He admitted that, to his knowledge, he did not get back to her on the decision; but he also heard that the Mayor was not sure he was in favor. (*Mayor Pro-tempore Clawson: The Mayor was in favor of it.*) Council Member Roylance heard differently. He does not believe it would have helped.

Mayor Pro-tempore Clawson: "We should try to work it out. That is what they're (meaning the public) asking us to do."

She asked if there was any more discussion on the agenda item.

1:03:45

Kenton Morgan:

He said that a potential issue was brought up: that there are problems with the Mayor. He said he does not know the Mayor or what problems there might be. His point was that the public was there and is concerned...if there is a problem, at least it should be discussed what the process should be for addressing that. He agreed that it was not right that the Mayor was not present. He said, "I am not willing to move on...you said there is a problem, but nothing had been proposed as to how to solve it."

Sean Roylance: "I don't know how to solve it; but I will tell you this about what is happening:

1. He and others have felt like "we need to show him (Mayor) that we are not just going to roll over; we can't.

In fact, I almost feel good about what's going over".

2. "Our Lawyer is coming here in a couple of weeks and he is going to talk to us all about how to try and resolve everything. So, we are taking steps; but one thing I do know in my dealings over the last seven months, is that we have to show that we are willing to stand up for ourselves."

Linda Goodwin: "You know, if you can stand up for yourselves; we want you to stand up for us."

Sean Roylance: To clarify: "As a City Councilman, In order to do the job that I was elected to do; regardless of how badly I do it...I felt like that's what had to happen. I fully supported the Mayor when he ran for office; I thought he was going to do great. I still think he has the potential to do great...I think we can work things out; but unfortunately sometimes we have to have some strong things occur. I did not intend this to be a big public thing...it really was supposed to be a message to somebody that would get it...and it wasn't intended to go out to the public." (*Council Member Roylance was interrupted by much public comment at this point.*)

Mayor Pro-tempore Clawson: She called the meeting to order.

Linda Goodwin:

~~She felt that this had been a very valuable experience for the Community:~~

1. For support

2. The public wants things to be done right and for the City Council to work things out

"We are not trying to choose the Mayor over you; but we are saying, let's do this right and table our problems for tonight and address them again at the next meeting when the Mayor will be here. I think most people would be happier."

1:06:53

Sean Roylance: Explanation of the first Agenda item:

He gave a brief history:

The applicant has come forward to petition for a code change. She (developer) found that the City had contradicting code that needed to be clarified...or do something other than her request.

1. We had code that was part of the big effort described earlier (Fairway Heights). That code said: for a cul-de-sac, it is limited to 1,000 ft. "We took into account all of our fire and safety concerns...snowplow and everything else...and we limited it to 1,000 ft. for a cul-de-sac. Because of lot frontage restrictions in the hillside area...what we discovered was that practically meant that there was a limit of 16 lots for that cul-de-sac. If the developer were to go ahead and say, 'I am willing to give open space to the community, and I am willing to do whatever else...there are a few requirements...if they did that, then they could get smaller lots. That would allow them that 100' frontage instead; which would allow them to do 20 lots on a cul-de-sac."

He said that was the basic code that was discussed...20 or 16 units on a cul-de-sac.

Weston Youd: He made the point that it is important to know that there is a difference between *cul-de-sac* (bulb like) and *single access* (with a potential to have a continuation of the road).

1:09:06

This code is asking which applied to what? Does the 16/20 on a cul-de-sac apply to a road that stubs for future use? That is what the applicant is asking...what is the code that is going to be applied?" He spoke from the International Fire Code, which allows 30 units.

Mayor Pro-tempore: She asked if an example of that would be Salem Hills Drive.

Weston Youd: Salem Hills Drive and High Sierra Drive would be examples. These roads dead-end, but could continue on in the future. 16 or 20 units refer specifically to cul-de-sacs; what are we going to do with single access roads?

Sean Roylance: He indicated on a map where the future through road would be in Elk Haven, Plat E. Off of that single access road, there would be a cul-de-sac. We have already said that cul-de-sacs can have up to 20 lots; so the question would be, how many additional lots would be appropriate, if any, on the "through" road (single point of access)? He knows there were minutes fond indicating discussion of this matter; but "generally the discussion with the Planning Commission and the City Council was about the *cul-de-sac*." He went on to say that the actions taken are proof that the discussions centered around the idea of cul-de-sacs. He said the code says that a single access has 16 units; "but by definition, a cul-de-sac is a single access; yet we allow for 20. So right there you can see there was an over-sight going on...that we had 20 lots on a cul-de-sac and we had 16 on a single access."

The other point: He indicated Escalante Drive coming onto Alpine and Mahogany Way... (Referring to a proposed Fairway Heights Subdivision, which was abandoned): In that proposed development, they did the open space requirements and got the 20 lots on the cul-de-sac. So they had an additional 16 lots...and then there were already another 3 lots on the cul-de-sac...so it came in just under 20...I think it came in at 19 lots. That fit within our Code." He continued that if you look at the single access with this plat, there were actually 23 to 25 lots that were at the single access point. This was the first application under this code.

His point in all this was that consideration of the 16 units on a single access was not even consistent with what was in the code at the time; nor was it consistent with the first application of the code when reviewing the Fairway Heights Development.

Due to this oversight; he feels the issue should be reconsidered and determine what is appropriate for a single access; or to adopt the International Fire Code standard.

Dennis Jacobson:

He asked what the conflict was between the Mayor and the Council over this issue.

Sean Roylance: "Because it is not being brought to the City Council in a timely manner. Instead, what was happening..." Council Member Roylance said he didn't want to "get into it"...simply that it was not brought to the Council.

Dennis Jacobson:

"Is he opposed to that?"

Weston Youd mentioned that he (Mayor) does not have a vote.

Mayor Pro-tempore Clawson added that they could not answer for the Mayor.

"It seems straight forward that you could have a fairly basic discussion about it; it seems to me that to get it on the agenda to have discussion...I just don't see why that's so hard." (Sean Roylance: "Exactly.")

So, to be able to sit down with the Mayor and say, 'Can we put this on the agenda so we can discuss this...a lot of people have some anxiety about it...can we talk about it?'...if he told you, no...I would be one of the first ones to know about it...because my first phone call would be to him to say, 'Why can't you discuss this?'

And I think anybody here would do the same thing. Can you ask the Mayor why you can't discuss it?"

Lucretia Thayne:

"But it was on the discussion last week."

Weston Youd: "But it should have been for *action*...according to the process."

Dennis Jacobson:

"Do we know what his issue is?" (Sean Roylance: "I don't want to speculate.") "He hasn't voiced his opinion about the issue?"

Sean Roylance: "If you want to talk to me afterward, I could tell you the reason why we have a problem with it; but I don't want to get into all of that...suffice it to say that we felt it was necessary to do this."

(*Suggestion: to place it on the agenda for the next meeting.*)

Mayor Pro-tempore Clawson: She explained that it is already on the agenda for the next meeting.

Scot Bell:

He suggested tabling the issue for now; he said he would like to hear the Mayor's answer to this.

Mayor Pro-tempore Clawson: (A portion of her statement was inaudible) Since July 27, 2010 was the first time she was able to discuss this issue with the Council, she would like to have answers to some of her questions.

Jodi McKee:

She has heard many different issues; but from what she has heard at the meeting regarding the statements from the Fire Chief, Corbett Stephens and the Planning Commission; she was curious as to the problems with the number of lots requested. (*There was reference made to the Planning Commissioner that resigned...there was confusion as to the reason for his resignation.*)

Paul Squires: (*Planning Commissioner who resigned*)

In an effort to clarify his reason for resigning, Mr. Squires reiterated those reasons with those present. He resigned due to his code book not being updated as he thought it was and he had quoted old code on a particular matter. He felt frustrated due to this lack of consideration from the City Office. He needs correct information.

1:16:14

Jodi McKee: (Question)

Whether the matter was tabled or not, it seemed to her that there was a miscommunication between the intentions of the Fire Chief and Mr. Stephens and the information provided to the Planning Commission and what they understood. As a citizen, she advised before a vote was taken, that everyone is clear on the concerns. She felt a bit of anxiety that a vote would be taken based on the Planning Commission's recommendation, which did not include the current information from the two gentlemen that spoke (Chief Wait and Mr. Stephens). She was counting on the Council to be cautious and have all the information available; she advised against "jumping to a decision" prematurely...she did not feel another six days would make a difference.

Sean Roylance: He felt Mrs. McKee made some good points and he felt that the action taken would likely be to table the topic; but he would still like to be fair to the applicant. (Mrs. McKee added that "fair" should be accompanied by "accurate".) Council Member Roylance agreed.

Jodi McKee:

She felt the major message in the meeting was that there was miscommunication on many sides.

**ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO TABLE THE SECONDARY ACCESS CODE CHANGE REQUEST AGENDA ITEM UNTIL THE REGAULR CITY COUNCIL MEETING TO BE HELD ON TUESDAY, AUGUST 10, 2010; THE REQUEST SHOULD BE ON THE AGENDA FOR ACTION**  
**VOTE: YES (4) NO (0) ABSENT (2) MAYOR LUTES & DERREK JOHNSON**

Kevin Hansbrow:

He encouraged those present to get involved more often. He has been on the Planning Commission for a while and seldom do people want to serve on committees.

Jennie Olson:

This Community also has many people who have served diligently and end up being treated with disrespect. (There were some derogatory comments made and Mayor Pro-tempore called the Meeting to order once again and announced that the Meeting would proceed.)

1:21:46

REVIEW OF  
DEVELOPMENT  
PROCESS &  
PROCEDURES

Weston Youd: To avoid the type of issue being dealt with at the meeting, he felt it would be beneficial to discuss examples of code and clearly define the process to be followed.

He explained that there is a level of "political appointment", which is the Mayor and the Council...and then there is the Planning Commission and staff, and they are "administrative" and they should be "protected or separated as such"; "so that the process goes through staff and administrative to a certain point...and only until then allow for the political side to occur...which is 'this'...so that would clarify it."

Council Member Youd spoke to David Church and there is "complete freedom...anybody can talk to anybody...you can talk to the Mayor; you can talk to a City Councilman about development. What we want to look at is taking the process and the application process and say: until a certain point, a political entity cannot get involved in the process until it reaches the conclusion of that administrative phase; so that you have that completely unbiased or uninfluenced opinion from the City's safety engineer, from the Fire Chief, from the Planner, from the Planning Commission. So I would like to begin looking at examples of that. I believe Santaquin City has an example of that whereby those on the Council and those that are elected officials, i.e. political entities...cannot get involved in the application process until the point that staff and administrative people have been able to thoroughly "vet" it and say, "this conforms to code...this conforms to the General Plan of the City...in its whole, it matches with everything that we need to take away any ambiguity. Then at that point, it triggers the conclusion, which is a political process, i.e. coming before the City Council and saying, 'is this appropriate or is it not'...and apply those 5 things. Basically, so that there is no 'discussion only' point that can then cause an influence on those aspects...so that you truly get that separation and those administrative people can give that uninfluenced opinion and it is truly their own."

He wanted to know what the Council's thoughts were.

Mayor Pro-tempore Clawson: Her thought was to work on this when everyone can be present to do so.

Julie Haskell: She expressed that it is important that people are heard after following all the procedures. "After following all the steps, how would every one of you feel if you weren't heard?" (Some one asked for her to repeat her statement because it could not be heard the first time.) She repeated what she had said and added, if all the steps had been followed and "it came to the point where it was time to come before the City Council and they were denied that...how would they feel?" "I feel that's wrong."

Tricia Gunnerson: (Responding to Council Member Haskell's question)

She has had an issue come before the Council before with the previous administration...and perhaps some of these Council Members. I had to come before the Council; and twice in a row I was told to be present and it did not get on the agenda. Even though I have been a resident here for almost 9 years, a "special" meeting was not called to deal with my issue. I waited patiently and took care of it, even though it was a painful item...until the next week. I wasn't heard but eventually we worked through the process and I was heard. I don't think the expense of this special meeting was appropriate."

Mayor Pro-tempore Clawson: She asked for any further discussion on the agenda item. She asked if the Council was going to move forward with the discussion at the Council Meeting.

(The City Recorder asked if this was being tabled until the next Council Meeting.)

Weston Youd: He stated that he did not see that there was a critical need; but he did want to bring it up in this setting, so it could be avoided in the future. The process should be clearly defined in our code.

1:27:33

He suggested postponing this item until the Council Meeting at the end of August, so the process can be refined...he said he would work with David Church.

CITY PLANNER  
DISCUSSION

Sean Roylance: He felt he had already explained his position on this matter.

Weston Youd: He expressed his concern and felt that the City Council needs to address the fact that the City is without a City Planner. "That valuable resource is no longer available to us; and what, as a Council, are we going to do to rectify that?" He felt that the reason for the Planner's resignation should be known.

Jack Mason:

He asked why the City no longer has a City Planner.

*(Since the former Planner was in attendance, he was asked if he cared to comment.)*

Shawn Eliot: He felt there were road blocks in trying to following procedures.

Weston Youd: (Directed to the former Planner) He asked if there were things that could be done with the code; "like putting a more stringent development and code process in place to ensure that there are repercussions or a recourse when that is not followed...to help say that the City Planner is important...he or she needs to be able to do the things that are necessary as a Planner for the City to keep things going..."

Mr. Van Parys:

He wanted to know if what they were saying was that they wanted to separate the political side from the administrative side of the process...let's say something within the City plan would have to come forward for there to be an action."

*(Weston Youd: "Those 5 action points...once it is done it says, this is ready for action.")* In other words, a political person cannot step in and make recommendations or try to nullify what is going on..."

*You can be informed of what is going on; "you can't influence"; the involvement would be strictly receiving information...direction would not be offered at that time."*

Mayor Pro-tempore Clawson: What about when the staff report is incorrect...would there be opportunity to ask questions of the individuals involved?

Sean Roylance: He felt there was an "extremely important point made: "We're part time people; we just live down the street; and we are trying to do our best to make good decisions for the City. If we cannot rely upon our staff to give us their special opinions, who can we rely upon at that point?" He said he does not know enough about the fire station and those concerns...I don't know enough about our engineering concerns. I have to be able to take what they tell me and make decisions".

Neil Dykstra: (Question)

"From what the Fire Chief and the engineer have said, their recommendations and concerns were ignored."

*(Julie Haskell commented that there was no engineer present.)*

Sean Roylance: He emphasized that they have not ignored them; in fact the Council had just tabled the item. Their points have yet to be discussed.

Krisel Travis: (Developer of Elk Haven, E)

She made the point that it is very hard, as a developer, to work with the City without a Planner.

Weston Youd: There has just been a re-subdivision of three property owners who wished to address a drainage issue; without a Planner who knows the Code (from an administrative role); then those three citizens without that resource would have been confused as to the direction to take to solve their issues. With a Planner, he can direct them and give suggestions to resolve the issues. A Planner can provide this resource, not only to developers but to residents of the City.

Kelly Liddiard: (Planning Commission)

Is there not a process in place? "To my understanding, that process is not being followed." He asked if that is one of the issues that caused the special Council Meeting that night. *(Weston Youd: "Yes.")* He felt that is what all those present needed to understand. "It is not that you are trying to 'back-door' the Mayor; I just learned about it today. It is something that needs to happen. We need to follow the process that is in place. Just like the judicial system in the United States or the State of Utah...it is not perfect, but that's what we have...and it does work. So, if the Mayor and the Council and the Planning Commission and all the staff follow that process, it'll work. There are probably some issues that need to be refined on it; but that is something that these guys need to look at with the Mayor. That's the advantage of having this meeting; now we have come to a head...and it will be addressed. It can't be "back-doored" any more."

Mayor Pro-tempore Clawson: She felt that everyone on the Council was in agreement that the City needs a City Planner; so, she suggested moving on with the agenda.

Weston Youd: He also suggested that the City Council and the Planning Commission play an active role in decisions surrounding the Planner. He wanted to have a resolution that says that the candidate would be presented for acceptance by the City Council and the Planning Commission...for advice and consent. It is important that the right person be found for the job. *(Council Member Haskell agreed.)*

Sean Roylance: He also agreed. He referred to the Planner we had prior to Mr. Eliot, who caused problems with code and the application of the code; whereas things have changed for the better with Mr. Eliot.

Julie Haskell: She considers it a "great loss" to lose Shawn Eliot as the Planner. He has been a great resource.

Weston Youd: He added that a lot of knowledge was lost with him.

Kelly Liddiard: (Planning Commission)

He asked what it would take to get him back. What would need to be resolved?

*(The comment was made that since he reported to the Mayor, then the Mayor should be present to add to the conversation.)*

1:35:59

Jason Bullard: (Planning Commission)

He asked if it was true that questions were asked suggesting that "we figure out ways to get rid of the Planner". Was this suggested to any member on the Council that we figure out a way to replace the Planner? If so, who asked?

Sean Roylance: He stated that he has known since last November (11/2009) that there was "interest in getting rid of our Planner". It was the Mayor that showed this interest.

Jason Bullard:

He wanted to know if reasons were given. He has worked with Mr. Eliot on the Commission and felt that he knows a great deal and has an interest in the City. The Planning Commission has relied on him for guidance. If there are issues with the Mayor, this should be addressed at the next meeting with the Mayor to find out why he was not pleased with Mr. Eliot's performance. He does not know anyone that is not happy with his performance.

Unknown: Comment: That the people that are making comments in very "shallow terms". He felt that perhaps that it was appropriate not to speak of the Mayor or to complain without him being present. He wanted to know if these same people making comments were willing to speak up in concrete terms at the next Council Meeting, about what the concerns are...and what is getting in the way.

1:40:00

Jason Bullard:

He questioned the procedure regarding hiring...is it the Mayor?

Weston Youd: He answered that after a presentation to the Council, it is "with advice and consent to the Mayor for that position"...he went on to say that this applies to firing as well as hiring.

Jason Bullard:

*He hoped that Shawn Eliot would "put his name back in" for the position of the Planner. He also felt that from the developer's standpoint, applications should be dealt with in a timely manner due to high costs involved with development. He felt it is an "embarrassment" for a developer to show up "meeting after meeting" expecting action. He apologized to the developer for her to have to be involved with personality conflicts or discrepancies. The economy is bad enough without making it harder on developers. He also felt that the welfare of the City should be considered.*

1:45:10

Unknown: (Comment/suggestion)

The kind of meeting that is being discussed for the next scheduled Council Meeting tend not to have a high level of success due to the tendency to fall into a "hearsay" situation...with all parties defending themselves. He felt it would be better to settle the issues between the Mayor and Council in a non-public meeting. He suggested coming to the Meeting with a plan on how to improve the problems. He felt that approach has a higher probability of succeeding than coming with defenses prepared...with the public interrupting the process. *(The gentleman was corrected and informed of the Open & Public Meeting" laws of 3 or more of the Council constituting a "public meeting".)*

1:43:24

Mayor Pro-tempore Clawson: She suggested moving to the other agenda items.

**WESTON YOUNG MOVED, SECONDED BY SEAN ROYLANCE, TO TABLE THE REMAINING TWO AGENDA ITEMS TO "A LATER TIME"**

**VOTE: YES (4)**

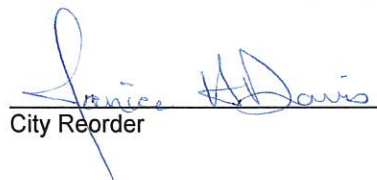
**NO (0)**

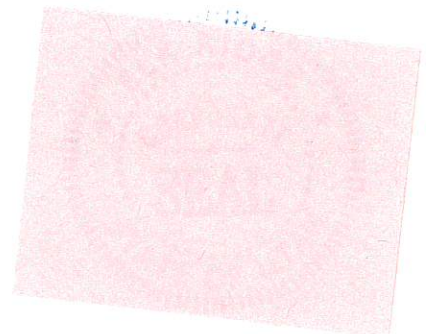
**ABSENT (2) MAYOR LUTES & DERREK JOHNSON**

*(The City Recorder had asked if Council Member Youd meant to table the items until a specific date...he did not.)*

ADJOURNMENT

The Mayor Pro-tempore adjourned the Meeting at 9:20 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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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, August 10, 2010, at 6:00 PM.**

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

**6:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:**

- Opening Remarks and Pledge of Allegiance Invitation
- Approval/Agenda Time Frame
- 6:05 Public Forum
- 6:15 1. Elk Ridge Meadows PUD, Phase 1 – Development Agreement
- 6:30 2. Storm Drainage
- 7:00 3. Sanitation
  - A. Finance Director – Curtis Roberts
  - B. Discussion - Comments / Questions
  - C. Action
- 8:00 4. Requested Code Change – Secondary Access Code (Elk Haven Subdivision, Plat E)
- 8:45 5. Expenditures: (General)
- 8:55 6. Approval of City Council Minutes
- 9:00 7. Weed Abatement
- 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 9<sup>th</sup> day of August, 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 August 5, 2010; & an Amended Agenda on 8-9-2010.



\_\_\_\_\_  
City Recorder

**ELK RIDGE  
CITY COUNCIL MEETING  
August 10, 2010**

**TIME & PLACE  
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 10, 2010, 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 this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 5, 2010; as well as an Amended Agenda on 8-9-2010.

**6:00 PM –**

**REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**

**ROLL**

*Mayor:* Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Weston Youd & Erin Clawson (Absent: Derrek Johnson); *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Fire Chief:* Seth Waite; *Asst. Fire Chief:* Jon Hoschouer; *Planning Commission:* Dayna Hughes, Paul Squires, Randy Jones; *Public:* Robert L. Siemer, Marielen Christensen, Neil & Ilene Dykstra, Alan Hughes, Greg Pozernick, Scot Bell, Gary & Lynn Frankovich, Cheyn & Tricia Gunnerson, Amy Boswell, Jamie D. Towse, Karla Adams, Brett Black, Russell Sly, Kristin Roylance, Jodi McKee, Chad Christensen, Ed Christensen, Kevin Clark, June E. Christensen, Janine Nilsson, Lucretia Thayne, Robert Goodwin, Nelson Abbott, Jack & ShaMayne Mason, Stephanie Spencer, Cathie & Daniel Allred, Rex & Mary Ann Sessions, Allison Thaut, Ken Lutes Jr., Lyndell Lutes, Jeri Evans; *and the City Recorder:* Janice H. Davis.

**OPENING REMARKS &  
PLEDGE OF  
ALLEGIANCE**

Opening Remarks: Mr. Ed Christensen offered an opening prayer and Ken Lutes, Jr. led those present in the Pledge of Allegiance, for those willing to participate.

**APPROVAL OF THE  
AGENDA TIME FRAME**

**WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 6:10 PM; AND TABLING APPROVAL OF THE CITY COUNCIL MINUTES (MINUTES NOT COMPLETED)**

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

**03:32  
PUBLIC FORUM**

**1. Mayor Kenneth Lutes: (Addressing certain issues that had come forth)**

The Mayor welcomed all in attendance and expressed appreciation for the support extended.

*Background: (for those unacquainted with the Mayor)*

- He did not "seek" for the Office of Mayor; he was recruited for the job. He is not in Office for monetary gain; he is simply in Office to do a job that citizens asked him to do. Perhaps this gives him a slightly different attitude than most.
- He is not a "politician"; so all he knows is one "story" he sees as the truth.
- He is not trying to "cover anything up"; he wants the public in on the City business
- He was pleased to have the public present; they have been needed for other meetings in the past...the attendance has not been high. When there is not much of the public present; the actions do not reflect what the citizens want; they reflect what somebody else wants.
- His training included an appointment to West Point, at the age of 17. At West Point, there is an "honor code": they had to live the honor code or be demoted in rank; the cadets learned to do that. They learned that a cadet "shall not lie, cheat or steal...nor tolerate anyone who does". That included such things as taking unfair advantage of people or any kind of deception.

~~If we look at what goes on in the world today, there are not a lot of people ready to live that code completely.~~  
He is not perfect; but he tries to do that; which goes along with his religion.

- At West Point, he also learned a great deal about leadership. Most people do not know that much about "leadership" because most schools teach "management".
  - o Leadership: One does not say, "Take that hill"; one says "follow the leader"
  - o If the leader cannot do a task; how can it be expected for others to do it?

He has tried to lead out in his professional life; and show people how to do things...solve the problems...remove road blocks. He has tried to do this here in the City; and because of that, much has been accomplished:

- City Offices have been remodeled and cleaned up. This was done with some initial "seed" money authorized from the Council; but mostly through volunteerism. About \$25,000 or \$30,000 worth of work has been done for under \$5,000.
- Many things have been done due to people being willing to work together.

*Issues that have been brought up:*

**1. Why is he involved in so many things?**

"I don't want to do everything;" he said he delegates to staff all he can. There are some things he feels a leader "needs to do". (Examples):

- He has accompanied the snowplow drivers in the middle of the night to keep them company...bring some hot chocolate. He is not driving the snowplow; he is simply trying to assist the staff in little ways.

- Water Meters: why is he reading them? (Why not delegate?) He will be glad to delegate "as fast as he can". There were problems: the software needed to be fixed, we needed to get an ATV...you find these things as a leader by trying these things to see how they work. There are still some things that need to be improved upon; but now it is at a point where someone else can do it.
- Sprinklers: He has been working on the sprinkler system in the park because Mr. Stephens did not have time and there was no one else to do it..."I could, so why not?" The sprinklers are fixed and the system has a map...now Mr. Frandson can run it. The Mayor does not do it anymore; but it was set up so others can do so.

"This is the kind of thing I do; I pitch in and work. I don't think it's right for me to sit in a chair and point and say, 'go do this...or go do that'. The main thing is, I want everything to be public and in the light. You all have a right to know what's going on...this is public business. I don't want secret meetings." He felt the majority of the public was in agreement with that.

He expressed his disappointment at some of the things that went on the previous week in his absence. He is also "greatly appreciative of the support from the people".

10:41

Issues brought up at the last Meeting:

- ❖ *Claims that the Mayor "keeps thing off agendas:* He is not aware of anything that would apply to this.
  - There was a "last-minute request" by Council Member Youd to place *Weed Abatement* on the agenda and that was done.
  - He knows of no request to have something placed on the Council agenda that has not been honored. "I have to do that. If the Council wants something on the agenda, I have to put it on."
- ❖ *Attempt to keep Officials out of the process regarding things coming from the Planning Commission to the Council.* Some do not believe the Mayor has the right to review things before they go onto the agenda; that the Council should have to see things at the same time. He does not believe this is required. He feels he has been elected to over-see what goes on in the City; and "if I see something that needs to be adjusted...then we can work on that".
- ❖ *The Code Change Process:* "This application process has been a 'big thing'."
  - The recommendation, in the form of a memo from the Planner, did not come at the appropriate time. The request was to have anything coming from the Planning Commission to the Council received "early so I could look at them and get them on the agenda...and instead it came after the Agenda had already been set". The Mayor felt it was a complex matter, so he decided to send it out to the Council to have time to review the information; but he found that there were discrepancies in the memo from the Planner, referred to as the "staff report":  
(Discrepancies: The views of the Fire Chief and Corbett Stephens were not accurately represented in the staff report.) With these discrepancies, it was felt that it would be best to place it on the agenda for discussion only and on the agenda for the following meeting for action (8-10-2010).  
The Mayor made the point that he does not have a vote; but he feels it his duty to get information out to the Council, so they can then deal with the matters and vote.  
The staff report provided to the Planning Commission was flawed. To research this matter has been difficult since there are no minutes for the Technical Review Meeting held (there are supposed to be). With the discrepancies and questions; his question: why is this matter being pushed through? Why not send it back to the Planning Commission and follow proper process?
- ❖ *Questions on "communication"...that the Mayor will not talk to the Council:* Back in January or February, 2010; there was a "heated" discussion, plus a discussion after the meeting...and it was decided between a certain Council Member and himself to meet at the Mayor's home on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays to further discuss things that there was no time to discuss at other times. "He did that once, maybe twice...and did not come anymore." The Mayor was not sure why that was broken off. "The communication is always open on my end; my door is always open...they can come anytime."  
"Another Councilman came to see me one time in the office and we were talking about some of the nuisance issues; and I asked him if he could help us with some of these nuisance issues and maybe talk to some of these people or something. He cited State Code to me...that he couldn't do anything but make law...he couldn't talk to me; he couldn't help me...he could only make law."  
The Mayor felt that perhaps the problem in communication is on the part of certain Council Members in not being willing to talk or help.
- ❖ *Fence around the Tank:* The Mayor tried to talk about it and he was told he would have to wait until Tuesday night to find out what their thoughts were. He felt that is poor communication.

He said that he did not mention these matters to "rile everyone up"; but he feels the public has the right to know the truth...and this was the way it happened...particularly since he was not present at the previous meeting when these things were brought out.

Another issue:

- ❖ *1/3 of the City's staff is gone:* He was not sure where that percentage came from. One staff member at the beginning of his administration had resigned; and he felt that had been with the "consent of the Council"...not the entire Council, but the majority. He was curious why he would be accused of "eliminating staff"...when they were part of it. There is no one else..."so what are we talking about?"  
*Deputy Sheriff:* He was not staff. The Dept. was asked to replace him; it was time for a change. He feels he gets along well with staff; as evidenced by the birthday card and balloons in his office from staff. He feels the assumptions are simply erroneous.

16:34

18:43

- ❖ *Harassment of staff:* The Mayor felt the public should be aware that some of the staff has been harassed by certain members of the Council...trying to get them to find something wrong that the Mayor is doing. It has been said that "they do not have to do what I say"...if the Mayor ever tells you to do something you don't want to do, just come and tell me". He feels undermining the staff is unprofessional.
- ❖ *Resignation of Planner:* That was his decision; and it came about due to the Mayor pressing him as to the reason why the 16 lots vs. the 30 lots issue could not be discussed. He did not want to. The Mayor said he asked why they could not discuss this and when the Planner refused, he asked him who he was working for...and he left and ended up resigning.

The Mayor feels there are conflicts of interest going on. He feels it best if the Council would start working with him "instead of holding meetings when I'm not around...because we could do a whole lot more together. There's a lot of talent here; and we could all work together and there is so much more we could do. But with all this bickering going on, it's hard to get anything done...it causes hard feelings. I do not want to bring up these things...this is the first time I have ever said any of these things to the public; and I wouldn't be saying them now except this situation...I think...warrants it, based on what happened last week."

The Mayor agreed that the City needs a planner; but neither Woodland Hills nor Salem have planners. He does not feel the City needs a full-time planner; but "we need some planning from time to time; and we can do that. We have access to people who do that." He did not feel this is a crisis.

*Accomplishments:*

- City Hall remodeling
- Saving money on crack & seal by doing it ourselves
- Installing curb & gutter (in house) at discounted prices (to assist residents) to those who have had flooding
- Upgraded backhoe
- Fence around Water Tank (in house to save money)
- Money has been saved on power to the water system (running water downhill rather than uphill)
- Bond payment (Sales Tax Revenue Bond) has been cut in half by turning in the extra money back onto the Bond.
- Web Site: Council Member Roylance did a lot of work to put this together and it was implemented in January, 2010.
- Newsletter (Bugle): Has a new look and feel to it, which has received many compliments from the public
- Over 100 homes with low water pressure have been assisted in receiving adequate pressure

"We have done a lot of good things and could do so much more; if we could all work together and stop the bickering and special interests and whatever is going on. We just need to follow the rules and the code we have and just get the job done." Mayor Lutes asked for the public to support him and help look out for the interests of the town. He asked that the City Council not "tie my hands and say I can't look at anything until they look at it...that I just have to put it on the agenda blindly."

He further stated that the wrong code had been quoted and it was misapplied regarding the Secondary Access request.

He wanted the public to know some of what has been going on; he said he was not trying to "hide anything". He said he wants it all open; that he wants people to participate and to feel they can come to his office any time. The staff is available for questions. There are staff meetings every Thursday afternoon and it is open...no secrets. "We make a lot of decisions as a group so I get their input...I don't even publish the Bugle without first having it go through the office to have them all critique it...to make sure it is accurate."

He said he was not trying to boast; he just wants the public to know the facts.

The Mayor opened the Meeting up for public comment and asked that speakers come up to the microphone and to keep their comments to a couple of minutes.

23:31

*1. Paul Squires:*

1. Apologized for comments and actions at the last Council Meeting when he resigned from the Planning Commission. He was frustrated with a nuisance issue and he was complaining about the code book that had not being kept up to date.
2. The City Recorder and his wife have been assisting him in updating his code references via the web site.
3. He had training with the Planning Commission and they learned that Public Forums are for the public to be heard; it is the Planning Commission and the Council's job to listen and learn...not to have "back and forth conversations". After the Forum is closed, then the Council should be able to go through the rest of the meeting without interruptions from the audience.
4. He was unsure when the Planning Commission turned the application for Secondary Access Code Change over to the Council. He would like that information.

27:35

*2. Robert Goodwin:*

Secondary Access Code: He read from minutes of a City Council Meeting held in July of 2009...The minutes quoted then current code which allowed 16 units on a cul-de-sac and the point was made in the motion that unless the plats (Elk Haven) work together, the City could not allow 25 or 30 units. It was felt that changing the code would not have served the City at the time.

He feels we live in a City that has a great deal of variation and it makes more sense to him to keep the lower number of units, with the option of being able to negotiate in case the terrain is such that it could handle more units.

3. *Lynn Dykstra:*

Last week was the first City meeting she had ever attended; she wanted to say as a citizen of Elk Ridge that she loves the City we live in. Her biggest concern is that she does not want to have to make a decision for her "team". As far as she is concerned, the Council is "her team". Contention prohibits making progress on important things. She does not see how this group of people, who the people are supposed to stand behind, can make any progress if the public cannot go out of this meeting confident that they will end the "side-taking". What assurance can the Council give the public that this will happen and how can the issues be discussed without quarreling? The Council was elected as a "team" and the public has confidence in the Council as a "team".

4. *Jamie Towse:*

She agreed with Mrs. Dykstra. Those who have shown less than good faith need to "bend over backwards" to regain the people's faith. There are many and varied talents to be utilized. Suggestion: Roberts Rules are used in meetings rather loosely; perhaps they should be used more to insure fairness and order. This might be preferable to having a lawyer trying to teach everyone how to get along.

5. *Marielen Christensen:*

Question: She wanted to be able to expand her understanding and wanted to know where to go online for information about the TRC Meeting for the current application. Who is on the committee? She requested that be addressed.

32:50

6. *Lucretia Thayne:*

- She expressed her concern about the suggested code revision. She was at the Planning Commission meeting last year when this same matter was discussed. At the time, the Fire Chief and Mr. Stephens addressed their concerns and, as far as she could tell, their positions have not changed. The claim that other officials were influencing their positions does not make sense to her.
- It also concerns her that it appears that the matter has come before the Council with the Planning Commission acting on misinformation. She asked that the Council, as representatives of the citizens, when there are questions on matters that have a potential significant impact on the City, not allow it to go forward without clarification.
- There are also concerns regarding the working relationships between the Council Members. Based on inconsistencies with certain members of the Council, her trust level toward these members has gone down. She asked that each member think back over what has occurred and examine in their hearts and minds to see if there are personal grievances or personal agendas that have had an impact on what has gone on in our City; and if there are and they cannot let them go, she felt they should not be on the Council. The Council should be working for the best interest of the citizens they serve.
- She appreciated that the Mayor's statements had "internal consistency" as opposed to statements from other members of the Council, which had seemed very inconsistent to her.

She plead with the Council to "come back to the level of concern for the City".

7. *Scot Bell:*

He said, "thank you" to the Council for postponing the issues on the agenda for the special meeting the previous week to the regular meeting scheduled for that night. He felt it had been an "interesting week"; he heard many things and went to a "neighborhood watch meeting". It was refreshing to see the turnout.

He asked Deputy Badders, who was present if the crime has gone up or down since he was assigned to Elk Ridge.

*(Deputy Badders: The overall number of incidents being reported has increased due to a higher level of awareness. The number of crimes has gone down. This is due to concerned citizens.)*

Sometimes change is good. A Springville Mayor wanted to make a lot of changes and they ended up being good for their City.

Changes in Elk Ridge:

- Reduced the budget (not easy to be efficient)

This takes courage and he "applauds" the changes that have been made for the benefit of the City.

8. *Trisha Gunnerson: (Secondary Access Code Change)*

It is her understanding that the International Fire Code is a maximum standard or law; then we come to the State, County or city levels. The law is evaluated by those representing the various entities to see if it needs to be more restrictive. She asked Shawn Eliot about our "closest neighbors" position on this issue and he replied that Woodland Hills does not seem to have a comparable policy (this has not been verified). He said that Payson has a limit of 10 units...and Elk Ridge has 16 units. It appears that the Fire Chief and others are in favor of keeping it at 16 units with the ability to reevaluate all developments on a case-by-case basis. She is concerned for fire fighters as well as everything else. She encouraged the Council to consider that perspective.

Comments:

9. *Sean Roylance: (He asked to make a few comments.)*

1. He said he appreciated everyone showing up again. As difficult as the previous week was, he was "really happy" to see so many concerned citizens. He does not believe any of the Council would be in the positions they are if they did not rally care about the City.

2. He proceeded to inform the public present a little about the people on the Council:

- Erin Clawson: She has done many things in the short time she has been in Office:

- She has organized the volunteer program around the City; "spear-heading the renovation of the City Hall; park clean-up, etc. She has done an amazing job with these things.

40:25

- Julie Haskell: One of her main concerns since before she was elected has been the Fire Dept. and law enforcement, as well as support for these people to help make our Community safer in all respects. Council Member Roylance admires the way she meticulously reviews the City Council minutes and the lists of expenditures, ensuring accuracy and appropriateness.

- Weston Youd: Prior to being elected to the Council, he served on the Planning Commission. The Planning Commission is a volunteer organization and the members are appointed by the Mayor and City Council. They work very hard. Council Member Youd comes into the Council meetings as prepared as he was for Planning Commission. He is very diligent about doing things according to our own laws.

- Mayor Lutes: Since the Mayor took Office; there has been success in cutting the City budget. Taxes have been raised in the past; but this year, the Council did not, even with the possibility of a reimbursement from the State that was possible. One of the most important things when Council Member Roylance ran for Office was a "safety issue"...the distance the school children had to walk to get to their designated bus stop. One of the things he talked to Mayor Lutes and Corbett Stephens about was that about 15% or 20% of the City's school children have to walk a long distance to a bus stop that is located at the stop sign at Elk Ridge Drive and Park Drive...a dangerous location for a bus stop. The Mayor took immediate action:

1. He asked Mr. Stephens to re-route the snowplowing so that road could be plowed more thoroughly and earlier to allow the buses safer conditions.
2. He also convinced the School District to place a bus stop further south on Cove Drive and Elk Ridge Drive. The School District has been resistant in the past; but through persistence, they have agreed. This took care of one critical issue.

*(Derrek Johnson was not present)*

Council Member Roylance agreed that the Council needs to find a way to get along. They need to be busy serving the public rather than being reactive to one another...this is not productive.

He mentioned a couple of things he would like to see happen:

1. He felt there should be a way to reinstate Shawn Eliot as the Planner. This same feeling had been expressed by others, including some of the Planning Commission Members. The circumstances need to be sorted out. He felt there have been many improvements with Mr. Eliot as the Planner and it would be difficult to find another as well suited to serve the City in this capacity.

*(Comment from the public that too much time was being taken...that much had been said the previous week and that everyone else in the Public Forum had kept their comments to the requested brief time frame...that there was much to accomplish on the agenda.)*

*(Council Member Roylance hoped that the public understood the intent of what he was trying to accomplish by his statements. The suggestion had been made to move forward. He said he would be as brief as he could.)*

2. He felt the Council needed to "get on the same page" regarding the roles and responsibilities of each office so they can act effectively in those roles.

He added that though it is difficult to not answer things that are said that are not true; he felt to spend time answering those things would be counter productive to moving forward.

The two points he made were what he considers to be two key issues; he will not rest until they are solved and he would do his best to work with the Mayor and all of the City Council to get back to serving the City.

Much has been accomplished and more can be if all the Council is moving in the same direction.

10. Ken Lutes, Jr. *(he made the point "for the record" that his father had no idea he was planning on coming up to speak)*

He recently returned from a mission for the LDS Church and he feels very strongly about the teachings of Jesus Christ. He reminded all that God knows the intent of our hearts and we will be judged according to that intent. We must be just in our dealings rather than be about a type of "civil war". He quoted Abraham Lincoln when asked: "Do you think God is on our side?" Abraham Lincoln responded, "I hope we are on God's side".

*The Public Forum was closed at 7:00 PM.*

Mayor Lutes encouraged public participation during the following agenda items.

- 53:24  
ELK RIDGE MEADOWS  
PUD, PHASE 1 -  
DEVELOPMENT  
AGREEMENT
- (Brief history of why this item was placed on the agenda, as per memo from Recorder to Council, date 8-5-10)*  
*"The reason this was placed back on the agenda: This was to be signed by Mayor Dunn; it was not. The signing became an issue when Phase 2; which was taken over for the most part by Centennial Bank...went under and was taken over by the FDIC. We are still unaware of who the new owner will be or what the arrangements will be for the Park, open space, conversion of part of the open space to 3 extra lots, etc.*  
*In the meeting on December 8<sup>th</sup>, the Planner had wanted to separate the phases out; but Mr. Henriod (developer of Phase 1) was very insistent that all the phases still be considered as one unit...one PUD (which is how they started out). The open space was an issue since it was combined. Mr. Henriod wanted the City to treat his development with the same terms as Phase 2.*  
*The acceptance of the open space in Phase 1 was not as well received as accepting the park in Phase 2; but it passed 4-1 (Council Member Haskell was the opposing vote).*  
*The homeowner's association is still in fact as far as we are aware. The park impact fees are still being charged rather than the amount in the agreement for "fee in lieu of park impact fees". Homes are being built in that Phase.*  
*The developer has been anxious to have Mayor Lutes sign the agreement. Mayor Lutes has been waiting on the advice of the Attorney, David Church.*

*The question: is one Council bound by the decisions of a previous Council? In legislative decisions (code, etc.) they are unless the proper amending process is followed. But, the legal counsel was that he should not sign the agreement without the direction from the current City Council. Could this be considered a "breach of contract"? Possibly...or not.*

*Mr. Henriod was not pleased to be back on the agenda. He feels the previous Council approved the agreement, and it should be signed. Mayor Lutes is acting on the legal advice from the City Attorney. Phase 1 has not been held up in selling lots or in building homes.*

*Please review the agreement and minutes to decide if these terms are still acceptable at this point in time; even though we are unsure of the outcome of Phase 2. If it is accepted and signed, what will happen to the homeowner's association? If dissolved, where does that leave the City with regards to all the Phases? These are the concerns."*

Mayor Lutes: The referred to Agreement was not signed by Mayor Dunn and the legal counsel was to have the current Council direct Mayor Lutes. Things have changed with Phase 2 and the two Phases are tied together. He asked for discussion:

Sean Roylance: When this Agreement was approved last year, it was the intent that the signing was tied to Phase 2. It was unknown at the time that Centennial Bank would fail and plans would "fall apart". If there is any legal option, he said he would prefer not signing the proposed Agreement with Phase 1; but if obligated, legally, then he feels there is not much choice in the matter.

It seemed like there might be some options. He asked if that was the impression from the City Attorney.

Mayor Lutes: He said that it is "our decision, whether we want to sign it or not. If we do not sign it, there is the possibility that we could be sued for 'breach of contract'. Whether that would happen or not would be up to Mr. Henriod". It is not known if that charge would stand in court. The Council can decide what direction to give.

Erin Clawson: (Directed to Mr. Henriod) Since building is happening and lots are being sold, does it matter if this proposed agreement is signed or not?

Tom Henriod: To them (developers), the point is: at the time that the agreement was made, Phase 2 was out of their control..."it never has been in our control...we never owned it". They understand that the intent was that they are together. They asked the Council to keep in mind that Phase 2 was never under their control. They (Wentworth) have lived up to their end of the bargain and fully intend to do so. Their neighbors have defaulted and the bank has failed; they continue to make payments...have begun selling lots and building homes, based on the assumption that the agreement was made with the City. He said he was still trying to determine the reason they were back on the agenda for something that was agreed to in December of 2009. The previous Mayor was directed to sign the Agreement. Mr. Henriod assumed it was a formality, since the Council has voted on it. It was not signed, for whatever reason. Mr. Henriod contacted Mr. Eliot many times; he did not return the phone calls. Finally Mr. Eliot returned his call and informed Mr. Henriod that he had been instructed not to call him back because the City was undecided as to the action they would take. He expressed to Mr. Eliot that he did not understand because it had been voted on and was "done".

Mr. Henriod spoke to Mayor Lutes and he felt they were patient in waiting for him. After speaking to the Mayor in May, 2010; he did not hear back with any information. About 10 days prior to the Meeting (8-10-10), he heard that the matter was being placed back on the agenda for reconsideration.

The point of the Agreement was to try to get some homes built and to reduce some of the fees by eliminating the HOA. 6 permits have been issued; they plan to apply for many more. Once they get to 25..."the interior park will be restored by us at our expense and at that point the park will be deeded to the City and the City would then maintain it from that point forward". That is where things are. If the Council votes against signing the Agreement, "I suppose that is your prerogative; it is our prerogative to seek other means to do something else. I thought we had an agreement; it seems you people are interested in going back on that agreement".

Mayor Lutes: He apologized for the delays in getting back to him; he responded when he was directed by the City attorney. He was not trying to do harm in any way.

Weston Youd: He was trying to get a time line and make sure everything was clear. He reiterated the previous process of two Phases coming before the previous Council and the instructions were to sign one agreement and not the other until certain conditions had been met. What happened was the previous Mayor signed the one that he should not have signed rather than the one he was instructed to sign.

Sean Roylance: (He sought to correct Council Member Youd's understanding) The other Phase had an appealing element...the park. They (Phase 2 owners) were going to give the land and an improved park to the City...free. Considering the price of land available, that had the Council's attention. They came forward with that plan and Phase 1 came forward as part of that because they are combined through the HOA. In order to get enough votes in the HOA, the cooperation of Phase 1 was required. Phase 1 asked was to also "sign off" on this land that they had that they "wanted to rid themselves of". After deliberation on the part of the Council, the Phase 2 element (park) was the "carrot" that the Council wanted. The Council at the time assumed that the two were joined together. It seems to have turned out that perhaps the two phases were not joined after all. Since then, the Bank that owned the majority of the lots in Phase 2 "fell through" and the lots were turned over to the Federal Government...and it has been in a mess since that time.

From Council Member Roylance's perspective: "If we have no legitimate leg to stand on, my opinion is we should go ahead and sign it; but if all that has happened legitimately changes things with respect to Phase 1, then that is where I think we should pursue it." He was not sure if the circumstances changes things regarding Phase 1.

1:03:36

Tom Henriod: He added that Salisbury Homes was a prospective buyer...not a buyer or an owner. Salisbury Homes was looking to the expected surety bond to assist in the restoration of the park...that has been held up in the process of multiple failures on their part. He encouraged the Council to remember that they (Wentworth) were completely agreeable to anything the City wished to do on that property. "We were going to deed the property to the City and improve it at our cost up to \$20,000. We were completely agreeable to whatever landscape plan the City wished." He expressed his frustration at this indecision. He is still willing to abide by the same terms of the proposed agreement.

Weston Youd: The open space in Phase 1 was not defined as a "park".

Scot Bell: It sounded like the developers want all the benefits. As he recalled as a member of the Planning Commission at that time; the developers also agreed to maintain the park...the park has not been maintained and there is a possibility that there is a breach of contract on the part of the developers. Now those same developers want the benefits.

Tom Henriod: He disagreed and said that the agreement stated that at the time of the 25<sup>th</sup> permit, and then the open space would be restored.

*(Mr. Bell was referring to the original Performance Agreement that developers sign at the time of bonding wherein they agree to maintain all improvements until the Durability time is complete.)*

Tom Henriod: He agreed that the open space has not been maintained. He said a great deal of money had been lost on this development; but that it not the issue. His point was that an agreement was made with the City...they pay their water bill and they are building homes. He did not understand why the City does not wish to work with them. To issue HOA fees will slow down the building of homes with the economy the way it is. It is difficult to obtain financing for prospective home owners.

1:07:56

Sean Roylance: He felt that the Council understood Mr. Henriod's position. He hoped he understood the reasoning that it was the "other ½ that was the attractive part of the agreement; when that "fell apart", that caused the Council to want to consider what other options they may have.

**SEAN ROYLANCE MOVED TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT, CONTINGENT UPON HIM CHECKING WITH THE CITY ATTORNEY FIRST TO SEE IF THIS IS REQUIRED; OR AS A RESULT OF ALL THAT HAS HAPPENED WITH PHASE 2, DOES THAT IMPACT THIS AGREEMENT, GIVEN THAT THEY WERE NEGOTIATED JOINTLY...IN GOOD FAITH...AS A COUPLE OF AGREEMENTS**

*Discussion:*

City Recorder: She explained that in a conversation with the City Attorney, the question was asked if one Council is held to a decision of a previous Council. He responded that in legislative decisions (passing law), that yes, they are...unless the proper amending process were to be gone through. In administrative decisions, that is up for discussion. That is when he advised that Mayor Lutes take this decision to the current Council for direction. She was not sure the Council would get a definitive answer as to whether the Council should give direction to the Mayor to sign the agreement or not. That was the impression she got from the conversation with David Church.

Tom Henriod: If City Councils across the Nation had the luxury of making agreements and then delay execution until another Council was in place...would the Council "feel good about that"? "What a luxury; to be able to make an agreement and then delay it...wait for a new body to be in there and then not make the agreement."

**THE MOTION DIED DUE TO A LACK OF A SECOND.**

*Discussion:*

Sean Roylance: He stayed with the same motion and restated it:

**SEAN ROYLANCE RESTATED HIS MOTION TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT, CONTINGENT UPON HIM CHECKING WITH THE CITY ATTORNEY FIRST TO SEE IF THIS IS REQUIRED; OR AS A RESULT OF ALL THAT HAS HAPPENED WITH PHASE 2, DOES THAT IMPACT THIS AGREEMENT, GIVEN THAT THEY WERE NEGOTIATED JOINTLY...IN GOOD FAITH...AS A COUPLE OF AGREEMENTS. IF THE ATTORNEY RESPONDS THAT THERE IS AN IMPACT TO THIS AGREEMENT, HE WOULD WITHDRAW HIS APPROVAL TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT**

**THE MOTION DIED DUE TO LACK OF SECOND TO THE MOTION**

**WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO TABLE THE DISCUSSION UNTIL THE CITY ATTORNEY RESPONDS TO THE FOLLOWING POINTS:**

1. THE LEGAL POINTS MENTIONED IN COUNCIL MEMBER ROYLANCE'S MOTION: DOES THE STATUS OF PHASE 2 IMPACT THE REQUIREMENT TO SIGN THE PROPOSED AGREEMENT FOR PHASE ONE?
2. WHAT IS THE STATUS OF PHASE 2 OF THE PUD?

**THIS MATTER WILL BE PLACED ON THE AGENDA FOR THE NEXT CITY COUNCIL MEETING ON 8-24-2010**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) DERREK JOHNSON**

1:17:08

STORM DRAINAGE

Mayor Lutes: There are issues throughout the City with Storm Drain; he asked Mr. Stephens to update the Council and those present.

Corbett Stephens: He was given direction to gather information as to the current status of the sumps and inlet boxes in the City. He created a map showing location and the type of equipment attached.

The map included a "legend" with colored dots that describes the status of each facility.

- Red dots: sump with grate in gutter

According to the engineer, the worst thing to do is to place a sump in the flow line of a gutter. Anything that is on the street washes to the gutter and into the sump. Sumps are considered "classified injection wells"; which means is that it is a direct line to the aquifer. The contaminants from the road wash into the gutter and right into the ground. The best thing would be to put a curb inlet box with a "snout", which provides EPA approved pre-treatment to the water, so the oil and debris has a chance to settle out before it goes back into the ground.

The curb inlet boxes with snouts are, for the most part, full of mud.

The Recorder provided minutes from Council Meetings back into Mayor Fritz's Administration and the need to maintain these has been evident for a long time.

Twin D is the name of the company the City has contracted with to clean out the sewer lines and sumps in the City. One of the owners provided a letter responding to the City's plan for storm drain maintenance and that he has been directed where to go for cleaning and what to do. There has been no map available, except for some that the drivers themselves have drawn that show the work they have done.

1:20:32

The current status is not good. There are sumps that have 10' to 12' of mud in them, and curb inlet boxes that are starting to seal off as the mud gets close to the bottom of the snout. The closer the mud gets to the bottom of the snout; the worst it gets because the velocity of the water trying to get under the snout and into the pipe to go into the sump speeds up the closer the mud gets to that bottom of the snout. As that happens, the sumps get "blinded off"...that is when a sump gets so much fine material in it, the water cannot settle through the mud to get back into the ground.

Along with the map, Mr. Stephens provided a list of 118 devices and their current conditions. The map is still incomplete at this point. The problem at Ray Brown's was mainly due to the curb inlet boxes that are uphill from him; they were full of mud...those boxes are only two years old.

Something has to be done often; the conditions are only going to get worst with time and the engineers tell us that the cleaning should take place annually.

*(Mayor Lutes asked what his recommendation would be:*

1:23:20

- funds to increase service with Twin D?

- funding for a "vac" truck?)

Mr. Stephens continued: Mark Denning (Twin D) said if we could provide a list, he could give us an estimate of what it would take to clean all the devices. He (Mr. Stephens) is a firm believer that you will pay more to someone else to do that which can be done one's self. Currently, the City budgets \$10,000/yr to jet sewer lines because we have to...the Insurance dictates that we will jet our sewer lines on a 3-year rotation, so we do 1/3 every year. The City is supposed to be pulling every single manhole every year.

The question: Do we need a vac truck? He feels it would benefit the City to be able to get caught up and maintain the storm drain system as it should be; but that is also more work. If the City saves the money going out to a contractor, that money could be applied to payments...however, additional assistance would be needed.

1:25:35

*The Mayor asked for any questions:*

Weston Youd: He asked how many could be pumped with the existing "set up".

Corbett Stephens: Last year the City hired Twin D to pump out 5 culverts (no boxes, no sumps) for just under \$5,000. The City pays Twin D \$15,000 for two weeks of work; with a vac truck, the work could be done year round.

Price: (Used truck) Beaver City got a Federal Grant and bought a vac truck. Part of the conditions for the grant was that they had to sell their old truck for what they had invested in it...they sold it for \$25,000.

(New) \$250,000. So, the price would be somewhere in between. He has seen quotes for a used truck at about \$90,000.

Mayor Lutes: Would it be best to authorize up to a certain amount so that when a deal comes up, it can be taken advantage of? This is what was done with the ATV the City purchased and it worked well.

Corbett Stephens: He is concerned with the amount of work that the City needs to have done; which of the jobs do we quit doing due to lack of time: crack fill, curb & gutter, installation of sumps, putting up the fence around the tank? We would save money by doing our own jetting and sump cleanout; but at the expense of which of the other jobs?

He had all of Twin D's reports for the last several years; the Council is welcome to review these.

Weston Youd: What is needed is an estimate of the cost per sump, culvert and inlet box, so we can get an overall estimate for the entire storm drain system. Then a comparison can be made between the costs to contract the work out vs. the costs associated with owning a truck.

Corbett Stephens: He reminded the Council that the list he had provided of 118 devices is incomplete; there could be at least 250, perhaps 300.

Weston Youd: Though he did not feel it required a motion; he felt that the City should:

- Find out from Twin D the cost of servicing a sump, inlet box and culvert (If the cost is more than the purchase of a truck, including depreciation; then the Council will know the direction to go).

- The cost of an additional employee could be added into the calculations

June Christensen: She asked if consideration could be given to share the costs with other communities.

*The Mayor asked Mr. Stephens to address this*

Corbett Stephens: He responded that the neighboring communities are very "protective" of their vac trucks...there are other uses for a vac truck: dump truck with a 12 yard "hopper", a backhoe. Some cities are willing to assist in an emergency situation; Spanish Fork came up to assist and in two hours, 8 inlet boxes were cleaned out... but how long can we "abuse" that?

The engineers say that a sump can be "revitalized" by sucking the mud out. "Surging": where you pump water in and suck the water back out...when the water comes back out, all the mud comes with it. The City has 60 or 70 sumps; do we replace them at about \$15,000 each; or do we maintain them properly.

Weston Youd: All the "intangibles"; like sharing costs with Woodland Hills should be figured into the comparison.

*\*Mayor Lutes: This will be placed on the next City Council Agenda.*

Nelson Abbott: Previous Council Member Rugg found a vac truck and brought it before the Council for consideration. It was discussed and some issues came up:

- Where to park it (does it have to be indoors?)
- Maintenance

Provo City cycles their out; that is where this particular used truck was to come from.

At that point, it did not make sense to the Council to purchase a truck. He does not believe things have changed much. Perhaps other equipment could be parked outside to make room

Corbett Stephens: He said the City could do without the "10-wheeler"; it sat so long that when they did pull it out, it had 3 flats. *(Council Member Youd suggested selling it.)*

Scot Bell: When he was still on the Planning Commission, he recalled speaking to Bruce Ward (at that time he was still with Aqua Engineering) about options in storm drainage in the City. The cost was prohibitive for a city-wide storm drain system; that is why sumps were decided on as an alternative. Bruce Ward's recommendation was to clean those boxes annually. If the cost is nearly \$5,000 to clean 5 culverts, that is about \$1,000 per unit. Even with 118 units, that would be about \$118,000. *(That would increase with the addition of the other units to \$200,000 - \$300,000)*

1:36:33

This would have the 3-year rotation for cleaning the sewer lines on top of that. The engineering advice should be followed; however, the storm drain fee should likely be reviewed...\$3.00/month per household is obviously insufficient to meet the needs.

Corbett Stephens: Responded to Dennis Jacobson regarding Woodland Hills: they are not interested; they do not have sewer, nor do they have storm drains...it is all open ditches on the sides of the roads, or no ditch...

*Mayor Lutes asked that the Storm Drain fee set years ago be discussed.*

City Recorder: The \$3.00 fee was set in 2004 by motion. The Council knew it would be insufficient but something was needed to generate money for cleaning the sumps. The motion actually stated that the fee was temporary and should be reviewed by the Council again in three years (2007). That review has not happened. The Storm Drain Fund is an Enterprise Fund, which is not contributing anything administratively to the General Fund; so the General Fund is actually subsidizing the Storm Drain Fund (The Finance Director, who was present, agreed with that assessment).

*(The Mayor noted that the original recommendation was to set the fee at \$8 per household.)*

1:39:22

Curtis Roberts: (Finance Director) The Storm Drain fee has been discussed briefly nearly every year since it came into the budget (2004) when the annual audit is presented; that the fee is at a bare minimum and that it is not adequate. When this has been discussed, there are always other issues that need to be addressed that take precedence over a review of the fee. The issue has been in the background.

Mayor Lutes: This is a matter the Council is going to need to address and take into consideration the current needs of the City.

Ed Christensen: He had heard there is a jet trailer being considered that would be less expensive than a truck.

Dennis Jacobson: There are a number of ways to approach this. He suggested auctions for good deals; as well as looking in trade magazines. ~~Contractors use these methods all the time.~~

Weston Youd: He mentioned checking government surplus for equipment.

\*Council Member Youd offered to contact Twin D for more information on an estimate for costs per sump and inlet boxes; plus the average time. He would need to get the contact numbers.

Russell Sly: He asked which Council Member has the assignment of the Storm Drain Dept.

*(The Mayor responded that no assignment had been made to the Council for Storm Drain; that it was not required to make that assignment.)*

Mr. Sly suggested that a Council Member be assigned to that Dept.

*Comment:*

*The question was asked if there are grants available to Elk Ridge. The response was that the median income is too high in Elk Ridge for most grants. Cities with "depressed areas" tend to be awarded grants.*

Mayor Lutes: He reiterated that Council Member Youd was willing to assist Mr. Stephens in reviewing the numbers.

\*Weston Youd: He said he would get together as much information as possible and submit them to Mr. Stephens to check over.

1:44:12

SANITATION

Curtis Roberts (Finance Director for the City)

Mayor Lutes explained that there are options available to the City:

- Continue with Allied
- Payson City has made an offer to collect garbage for Elk Ridge
- Elk Ridge go into the business

Mayor Lutes turned the time over to Mr. Roberts.

Background: The City contracts out garbage service and has for as long as he can recall. There is less than \$1,000 difference between the amount the City collects and the amount paid out. Some of the challenges in with the garbage budget:

- Costs have gone up
- The rates have remained fairly "flat"
- 1. Allied has proposed to reduce the fee; but an added fuel surcharge to be considered; as the cost of fuel fluctuates, so will the surcharge...the proposal adds about \$.15 per can (1<sup>st</sup> can pick-up charge).

Proposed rate: \$9.64 per month for the 1<sup>st</sup> can + \$.15 surcharge = \$9.79 + \$4.22 for an additional can.

If the rate to the citizens stays the same as it is currently (\$11 for the 1<sup>st</sup> can and \$5 for the 2<sup>nd</sup> can) the amount of revenue in excess of the contract expenditure would be about \$13,000 for the General Fund; however the contract does require a 2% increase in the fees every year for the life of the contract. They are proposing a 3 year contract (the proposed 1 year or 5 year contracts would be slightly more and slightly less than the 3 year contract).

(Corbett Stephens added that currently, Allied charges the City \$10.17 for the 1<sup>st</sup> can and it would decrease about \$.35.)

Allied also offered 15 roll offs for clean up (no extra charge).

- 2. Another new option /a private citizen interested in getting into the garbage business:  
Offer: \$9 (1<sup>st</sup> can) + \$6.50 for 2<sup>nd</sup> can per month (no fuel surcharge). This would be an individual purchasing a truck. Mr. Roberts felt there would be risk like in any "start-up" business.
- 3. Payson City: They would require that the City lower the fee charged to citizens to \$10.40 per month regardless if it a 1<sup>st</sup> and the 2<sup>nd</sup> can would be also \$10.40 (increase of \$5.40/can).  
Elk Ridge would be required to purchase all of the cans and maintain them (Payson said they do not want to be in the "can" business with Elk Ridge). Elk Ridge would still be responsible for all the billing and paper work; Payson would allow \$2/can of the charges to stay in Elk Ridge to cover administrative costs. \$8.40/can would go to Payson.

Other Allowances:

- Green waste: Residents could haul green waste to their facility for free.
- They offer either: 1 week of spring clean-up/year or 3 punch-passes/yr (any added = \$3)
- Library passes
- No out of town charges for sports or swimming lessons (same status as residents)
- 4. Elk Ridge Sanitation Business ("in house"):  
- Purchase garbage truck and locate place to park it  
- Provide for driver(s) – with back-up  
- Woodland Hills: They have been contacted and they are willing to having service from Elk Ridge, if it could be at a comparable cost (less to save them money). They are favorable to a 10-year contract.  
- Elk Ridge would have to purchase and maintain the cans  
Many cities that he has done work for (those that are in the garbage collection business) have been successful.

Options for Dumping:

- 1. Payson: \$35/ton
- 2. Join Solid Waste District:  
A. Elk Ridge would have a voice on their Board  
B. Buy-in Fee: Just over \$100,000 (Could pay off over time)  
C. Cost: \$32/ton

One of the key factors to be addressed by the Council: "The more you take it in-house, the more you have the ability to control your own destiny. You are not at will of someone else changing the contract on you, forcing you into raising fees if other places decide to raise the rates...we wouldn't have any say in it and that could force a rate increase all the way through."

How much risk is the Council willing to take in running a business vs. how much control is desired?

Weston Youd: He felt the spread sheet provided was very helpful; are there any changes from the last time it came to the Council?

Curtis Roberts: "Not really. There is a lot of variation as to the cost of a truck. As far as is known, the cost for "buy-in" to the District is the same. The costs for cans has fluctuated some...those numbers can be "plugged in".

Based on the highest costs, his last projection indicated that this could be:

- Set up as an Enterprise Fund (no longer in the General Fund) and it could contribute to the General Fund \$20,000 in Administrative Fees.
- It would pay for 2 days of a person's time (employee)
- It would pay off the debt in 10 years (truck, shed, cans & buy-in to land fill)
- The first 10 years it would still "cash flow" over \$5,000
- After the 10 years, depending on how the equipment holds up, the Fund could be generating over \$50,000 per year in cash flow.  
- This could go into the purchase of vehicle(s), perhaps expand services to the citizens & possibly reduce rates.

There are advantages to owning our own business; but there are some risks.

Comments:

Neil Dykstra: He expressed concern about a back-up (contingency) plan...in case of break downs, etc.

1:52:32

2:00:25

Curtis Roberts: Those are valid concerns and have been addressed:

- Provo is willing to loan a truck in an emergency
- Elk Ridge is also welcome to utilize Provo's training for drivers
- Many of those "contingent factors" pertaining to an in-house business have been addressed
- Man-power during snowplowing months
- Agreements with other cities have been worked out for their back-up

Provo is a major player in the Solid Waste District and they see any additional member as a positive thing.

Sean Roylance:

There is a financial risk in the question posed by Mr. Dykstra: if there were a particularly expensive breakdown which exceeded the budgeted amount for repairs; then what is the City to do?

Curtis Roberts: When reviewing these projections, it is important to make sure "there is free cash flowing to the bottom line so that we have available cash for emergency situations." The first couple of years, there is more risk; that is why it may be better to purchase a newer or a new truck and build a model to plan for that. If the City went for a less expensive truck, that could free up cash which could be set aside for repairs that may be needed. There is still some flexibility. "The big thing we want to look at is; with the most costly scenario, would there still be free cash available for these emergency situations and the risks? The first few years, there is a risk.

*(Question on increased insurance premiums)*

The increased premiums were considered and they are minimal and have been factored into the projections.

*(The Mayor asked Mr. Stephens if he had anything to add.)*

Corbett Stephens: "There is money in garbage. Payson wants our garbage for a reason. They don't want to be your friend; as much as you might think they are. They want your money and they want your garbage."

Scott Pepper (Director of Operations for Provo City Sanitation) said: Their dept. contributes \$300,000 per year to their General Fund. They do run 3 trucks full-time and they pick up 1,200 cans/day. Elk Ridge would pick up 1,500 cans/week...not 1,200/day. He feels maintenance would not be anywhere near what Provo experiences.

- Green waste: In the summer, we dump 24 tons/week; in the winter, we dump 16 tons/week...that 8 tons difference is green waste. "Why do we pay to dump it? If we had our own sanitation set-up, we could take that green waste someplace else; perhaps for free." He said that Provo offers "green cans" for "green waste" and they pick them up every two weeks. Elk Ridge could do the same thing. Even with the initial cost of the cans, there would be a savings in dumping fees by not taking that green waste to the landfill. "Looking at the numbers, there is money in garbage; but we have to do it ourselves."

- Parking a truck: He spoke to Spanish Fork City and they are willing to let us park our truck at their facility for free. Mr. Stephens lives in Spanish Fork and could drive his truck to their yard and pick up the garbage truck.

He reminded the Council that he would need additional assistance unless some of the work now being done is eliminated. The garbage business could pay the wages of additional help.

Curtis Roberts: There are advantages where it helps defray some of the costs for an additional employee.

(Weston Youd: What is the cost/can that would be charged the citizens if doing the business ourselves?)

The cost structure would be equal to the current one: \$11 for the 1<sup>st</sup> can and \$5 for the 2<sup>nd</sup> can. Purchasing the cans has been factored in.

Regarding "risks": "All we can do is plan; which is why I would encourage us to make sure there is enough 'cushion' in the fee rate that we structure to have free cash flow coming back in to build up and have reserves in case something goes wrong."

*(Weston Youd asked how long the contract with Payson would be for; and whether there is still room for negotiations.)*

Mayor Lutes: The length of the interlocal agreement was not known at that time. Payson's proposal was preliminary. The Mayor felt some of the terms could still be negotiated. Every time Payson talks about it, the terms seem to change. There would have to be a counter proposal. Perhaps Payson and Allied should be invited to present their proposals to the Council.

Weston Youd: With the three offers, numbers would be available for comparison.

Curtis Roberts: He pointed out that, with Allied, the increase to the General Fund would be \$12,000 or \$13,000. Doing the business in house, the contribution to the General Fund would be about \$20,000; and this could help defray some of the cost of an addition to the Public Works Dept. There are some advantages; but there would be risk, as well.

Corbett Stephens: On major expenses and repairs, would the Department have to pay for that or would insurance cover those types of costs?

Curtis Roberts: He responded that it would depend on the type of accident and the coverage provided. Engine problems or some kind of mechanical failure would likely not be covered under insurance. A new truck would have a warrantee that would cover these types of failures while the cash reserves were building up.

Jamie Towse: She wanted to know if there would be a way to lower the fees, once the business is making money.

Curtis Roberts: That is where the City Council would have to be financially prudent with the residents' money; however, care must be taken to meet costs and take inflation into consideration. Last year the cost of living went up 2.2%. We must be mindful that not only should the operations be functional in the present; but in the future as well...while trying to keep fees constant and not raising them. Example: The water rates have stayed constant for 8 to 10 years...while many cities have doubled their rates

Weston Youd: What would the contribution to the General Fund be with Payson? *(Mr. Roberts barely received those figures; he has not had time to factor them into the spread sheet.)*

2:12:34

Corbett Stephens: With 800 cans...12 months...comes to \$19,200; but to get that, rates have to be raised. The 2<sup>nd</sup> can goes from \$5/can to \$10.40/can; so the residents pay an extra \$13,000 for the City to get \$19,000 back.

Curtis Roberts: The City would also have the overall purchase of the cans to consider; how would this be financed?

*(Mr. Stephens commented that when new cans are purchased, there is a 10 year guarantee.)*

Mr. Roberts re-stated that "worse-case scenario", \$20,000 would go into the General Fund and \$6,000 would be generated in cash flow...paying off the debt in 10 years.

*(Nelson Abbott asked about dumpsters for cleanup, as provided by Allied. He would not like to see a decrease in services provided to the citizens.)*

\$2,000 was factored in for "contingent costs" for things such as "cleanups", etc. How often and how long the dumpsters would be available would have to be decided.

*(Ed Christensen asked about can replacement.)*

The maintenance would have to come from the City.

Randy Jones: He felt the City should "get into the garbage business"; many of those present agreed with him.

Sean Roylance: (Question directed to Mr. Roberts) He referred to the last time Mr. Roberts addressed the Council, he had predicted that Allied's fees would increase by a couple of dollars; and in order to come up with the figures being discussed, that the fee would have to be raised from \$11 to \$13 (1<sup>st</sup> can). In reviewing the spread sheet provided at the time, he agreed with Mr. Roberts' assessment. He wanted to know how and where things had changed to allow the purchase of a new truck on an \$11 fee.

Curtis Roberts: The amount contributed to the General Fund was cut down as well the amount of cash available. It was decreased because the Mayor asked that the rate stay at \$11, if possible. He does not really like running off that little cash flow... it is "do-able", but risky. The more we push toward new cans, new truck and are able to get warranties on them...then we have more time to build up cash reserves.

Sean Roylance: He took the amount contributed to the General Fund to "0"; and with a "cheap" truck, 'it still works'; but as soon as you get up into the \$100,000+ range, he found different results.

Curtis Roberts: Some of the difference may be because Woodland Hills was factored back in.

Sean Roylance: He said he also factored them in. That is an important "detail"...assuming that Woodland Hills is a part of this; because on our own, we do not have the volume. As in all businesses, larger volume is more profitable. With Elk Ridge alone, it does not make sense; but if Woodland Hills agrees to a long term contract...and if rates are raised, then it seems to make sense.

Russell Sly: He asked if Elk Ridge has a contract with Woodland Hills; and how that fits with Allied.

Mayor Lutes: The Mayor thought that a decision must be made prior to December 1, 2010; to give the 30-days notice for termination with Allied. If not, then the City would be locked in for another year.

Corbett Stephens: Woodland Hills is currently not under contract; they are waiting for Elk Ridge to decide which direction to go. Their contract expired at the end of last June.

Sean Roylance: Allied's offer of a \$.50 decrease as opposed to a \$2 increase is very different.

Mayor Lutes: He explained that Allied decided not to dump their waste at the transfer station anymore; but to make a deal with Payson to use their landfill...that deal ended up costing less to dump their garbage.

Sean Roylance: He feels it is very beneficial that negotiations and the other options are resulting in more competitive bids for services. He summarized by saying, "Suffice it to say that I know it sounded good...that we get into the garbage business; but until I can be shown where I am wrong on the spreadsheet, the math didn't quite work out that way".

Curtis Roberts: He offered to meet with Council Member Roylance to review the figures with him. He had been at the City working on the figures most of the day and he continued to hold to his calculations: without raising the fees (\$11 & \$5), buying a new truck, building a shed to house the truck and the cans +spare cans...

*(He did not complete his statement as he was interrupted...Council Member Roylance asked again if there had been changes to the spreadsheet, other than the inputs.)*

He replied that the inputs dropped down the administrative fee and the cash flow.

Sean Roylance: He put in Allied's bid and compared the two and in the end, he felt it "showed a little bit different story".

Curtis Roberts: He again said he would like to "sit down and discuss it".

Mayor Lutes: He reminded the Council that this was on the agenda as an action item; he asked them what they wanted to do.

Sean Roylance: He disagreed with Mr. Robert's figures:

1. He would like to know what changed; "because a month and a half ago or so, we were told that at \$13 it worked; now we are at \$11...I need to understand why it is different".
2. The Council just received the information regarding Allied's and Payson's proposals. He felt any decision would have been premature.

Mayor Lutes: He replied that this topic has been postponed "two weeks at a time" for some time, with no time to "crunch the numbers"...he wanted to know if there was any commitment and who would be willing to review the numbers so a decision could be made.

Weston Youd: He argued that he felt progress was being made; there are more numbers available. He wanted to have Payson solidify a proposal; he liked some of the additional offers. He had a concern with the cost of the 2<sup>nd</sup> can. Would they negotiate if the agreement were for a longer time? There would be benefits for Elk Ridge residents. He suggested that both Allied and Payson come and present their proposals to the Council. Those numbers could then be factored into the spreadsheet. He felt they were progressing in the right way.

2:23:44

2:25:17

Mayor Lutes: Then there could be presentations from both at the next Council meeting.

Erin Clawson: She thanked Mr. Roberts for coming down and working hard with Mr. Stephens on the figures to present at the meeting. "They have tried to make something positive happen for our City."

*(Suggestion from the audience: To have one of the Council Members contact Payson and Allied for their proposals.)*

Mayor Lutes: He felt it best to invite them to come to the next Council meeting. The meetings thus far with Payson have been with the Mayor, City Manager and Public Works; to have a Council Member do the same would be a bit repetitious. If they are invited to the meeting, then questions could be asked.

It is not out of the question to have someone go; but it may be best if they are here with firm offers...since they keep changing. There has been no written or formal offer from Payson. Perhaps they would be convinced that Elk Ridge is serious.

Russell Sly: It seemed to him that there should be two enterprise funds being considered:

1. Storm Drain
2. Garbage

He felt there should be a Council Member assigned to each of those on a temporary basis to develop those enterprise funds.

Curtis Roberts: He added that there is already an enterprise fund for Storm Drain. It is fully accounted for separately.

Russell Sly: "If we have an enterprise fund; why don't we have someone in charge of it?"

Mayor Lutes: He responded that there is someone in charge of it. When asked, "who?"...he replied that he (the Mayor) is in charge of it. He added that he delegates all that he can, if someone is willing. If he had a Council member that were really willing to put the time in and communicate; he would be more than happy to do that. In answer to Mr. Sly's comment that it is up to the Mayor to make those assignments, the Mayor agreed and said that is what he does.

*(Comment from audience: One of the Council Members said he "could only make law".)*

The Mayor continued: "That is what he told me; so I haven't been going back because he wasn't willing to help and said he couldn't do stuff...except 'make law'...so I haven't pursued it. He is willing now; tonight he has been very helpful...I'd be more than willing to talk about him doing some of these things. I need all the help I can get; but I have to have someone willing to actually do the work and to give it the time."

2:29:58

Weston Youd: He responded that if the comments were attributed to him, then he had to say something: "I did not say that I only make law." He said he did not want to delve back into the conversation; but his statement was that he would need to be given that ability to do that. "A Councilman cannot administer in a city...specific to that." He continued: "There is a separation of authorities that a councilman can do and a councilman cannot. It is clearly stated in not only our code, but in State municipal code, that the city council cannot order or enforce law; because we are a political entity. So it rests with an administrator, and unless that administrator divests himself of that duty...and he has to do that with the council's approval...or we would all have to unanimously agree to say, 'we would like to take that on'."

*(Comment: [unidentified] It was felt that Council Member Youd had gotten off the subject.)*

Council Member Youd said he was simply answering the Mayor's reference to "a council member that said he could only make law"...He wanted to clarify his position. That was not the intent of what he said.

*(Comments regarding duties that are council members' that are not simply making law.)*

But those duties are assigned to him/her.

It is different when there is code that needs to be enforced. For instance, he attends water meetings...he makes sure that is done appropriately; but if he was to take action, he would have to come back and turn that executive action back to the Mayor. He could not execute the law as an enforcement officer. As a political entity, they cannot get into that.

*(Comment: [unidentified] Summarizing what the gentleman thought he understood: There is a difference between enforcing code and managing certain projects...as what Council Member Clawson has done.)*

Council Member Youd agreed. "Or the Mayor can divest himself of that responsibility and say this is now under a specific Councilperson's purview...and they manage it; but then the Council has to accept that." It is voted on. "State code says the Mayor has to hold everything...and if he gives it away and there is an election, it all goes back to the Mayor and the Mayor holds all those responsibilities." He can assign various areas of operation to the Council Members, but the Council has to approve those assignments.

The Mayor has assigned different tasks; like attending the SUVMWA Meetings to represent the City. He (Council Member Youd) cannot direct an employee to solve a problem in the City and give direction on how to do it. That is against code. Council Member Clawson can manage volunteers and direct where they are working and what they are doing because that is not executing code.

*(Comment: [unidentified] Directed to the Mayor: The Mayor needs help. He cannot do everything. Could assignments be made to assist in doing some of these things? In the spirit of working together, what can be done?)*

When asked if a City Council Member could come to his house in the case of a violation, Council Member Youd responded that they could not cite him. He felt the discussion had gotten off and that these things could be discussed later.

Mayor Lutes: "But the issue at the time was that I wanted you to talk to somebody about their nuisance; we were not talking about enforcing...we just wanted you to talk to them to see what we could do, and you didn't want to do it. So that's where we are."

2:36:17

Dennis Jacobson: "If you ask him to do something and he basically says, 'no I don't want to do that'...is that what has happened? He has explained all this stuff and I'm getting confused."

Mayor Lutes: "That's basically what happened and we haven't talked anymore since." The Mayor thought that communication was not good.

He encouraged that the agenda should move forward.

**WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO TABLE THE GARBAGE DISCUSSION AND INVITE PAYSON CITY AND ALLIED WASTE TO MAKE PRESENTATIONS AT THE NEXT POSSIBLE SCHEDULED OPENING FOR A CITY COUNCIL MEETING...ALSO OPEN THAT UP TO A PUBLIC HEARING**

*Discussion:*

Weston Young: He wanted the public to hear the presentations.

*(A suggestion was made to have the City business proposal as well, so all three could be heard and seen on a screen...with all the numbers.)*

\*The Mayor asked if Council Member Roylance would be willing to present this information...he agreed.

**COUNCIL MEMBER YOUNG AMENDED HIS MOTION TO INCLUDE THE CITY'S ENTRY INTO THE GARBAGE BUSINESS, AS WELL; AS PART OF THE PRESENTATION THE SECOND BY JULIE HASKELL HELD**

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

2:37:49

SECONDARY ACCESS  
CODE – REQUESTED  
CHANGE –  
ELK HAVEN, PLAT E

The Council has had the information provided that there have been discrepancies as to whether proper procedures were followed; the Technical Review Committee meeting seems to be without minutes of the meeting. The staff report referenced approvals from the Fire Chief and the Building Official that did not match their professional opinions; both of them put their positions in writing. They feel this request should not go through without good cause and they would have like the chance to review the issues.

A possible recommendation could be to send the request back to the Planning Commission where all the facts can be reviewed and discussed. That is what will be determined by the Council.

The Mayor mentioned that some of the Council felt he had held up the process. The matter was placed on the agenda for this meeting (8/10) prior to him leaving for Alaska so there would be action on this request.

The Council may:

1. Approve the requested code change
2. Deny the request
3. Send it back to the Planning Commission

*(Tabling the matter or approving with changes are also options.)*

*Open for discussion:*

Ed Christensen: He asked what the benefit to the City would be in changing the code.

Weston Young: The change makes the code uniform. Currently there are conflicting areas in the code:

- One area in the code states that cul-de-sacs can only be 1,000 feet; and with overlays, there could be as many as 20 units on a cul-de-sac.
- Then there is the "dead-end" with the potential for an existing road going through; which is not clearly defined; but the International Fire Code states that 30 units (lots) are permissible.

Cul-de-sacs with no potential to be extended; then they can stay the same (16 or 20 units); but if the road is going to be extended, what is applied? The International Code or the cul-de-sac code; or does the City create new code? He has been through this issue twice (once when he was on the Planning Commission and once at the Council level.) He has not changed his opinion: he feels 30 units too high and that the International Code is too aggressive for developers to "punch through these roads where ever they want".

This particular case and the way the developer wants to apply the code for Preliminary Plat matches with the City's General Plan that indicates the road going through. Even in this case, he felt 30 units would be too high. He stated back in 2009 (he was on the Planning Commission then) that he felt 24 – 25 units is a "more manageable number, only with the 'through-put road' at the other end actually part of the General Plan that has been approved". He also felt there should be a "caveat", "if there is another part of town where it makes sense, that the Fire Chief, along with the Planning Commission can review that and say if there is an adjustment that needs to be made".

Summarized: He feels 30 units is too high; he agrees with 25 units, with the ability to review by the Fire Chief and the Planning Commission, to determine any needed adjustments.

*(Comment [unidentified]: From his understanding, this issue has already been voted on last year, in favor of keeping the code as it is now. So what is the reasoning for going to a higher number of units? This still has not been addressed. What is the benefit to the City to go higher than 16 units?)*

Jason Bullard: Ideally, the International Code is designed more for normal, flat ground than the ground that is being considered. Changing the code to allow 30 units with a single access point does not serve the City as well as leaving the code at the current level of 16. With it previously having been voted on at 16 and everyone talking about looking at each individual situation differently...where ever a development may be..."I don't think that we're trying to limit the units to 16; but he feels that each case would need to be looked at (involving the Fire Chief). If an applicant desires more units, the City wants to assist, but we also have to make sure it is safe for everyone. He recommended that "we leave it at 16...let the developer come in with a plat that says, 'we're shooting for 24'...let's look at that at that time. If 24 works and it is safe...we approve it for that. But to move it up to 30...there's no way we could ever go back. If there were a situation that would cause a bad safety issue, we could never go down."

Staying at 16 at least allows us to have the verbiage to say, 'let's look at each developer's situation...let's look at the ground it sits on...and let's involve the Fire Chief and Health Inspector or whomever needs to be involved.'

2:45:54

Sean Roylance: He felt he should answer the questions and why he felt they had not been answered.

1. Current code: 16 units (Mr. Bullard was saying 16, with a possibility of more)

- That would require change #1

2. He felt it was an oversight at the time that this was voted on previously; two things indicate that:

A. "In the exact same code in the exact same area, we allowed for up to 20 lots on a cul-de-sac; because of that...those 2 don't make sense together. One says 20 is okay (discussed at length); and the other one says, 16 is the maximum number." Because they were not discussed together (it was cul-de-sacs being focused on at the time); then the single access part was overlooked. It was an oversight...the two numbers do not make sense. It would have to be one or the other. "It was an oversight by all of us involved."

(Again; the same question (unidentified) What is the benefit to the City to raise the number? If a decision is to be made regarding the number of units; what is the benefit to the City to make it 20? In the interest of reconciling the discrepancy, why not make it 16?)

Sean Roylance: "First of all, it needs to be looked at." Once this is recognized, then the next question is with a cul-de-sac...there were very detailed conversations about cul-de-sacs...it was decided that 20 units would be acceptable for one road. The question for him would be: If you have one road that is going to be a through road, and another road that is a cul-de-sac (20 units okay)...then what is a fair additional number, if any? The Council has not discussed that number yet. That number must be fair to the existing residents in protecting the City; and is fair to the land owner. "I do not want anything that is 'unfair'...at the same time, "I think it is a little presumptuous of us as citizens if we want something that is unfair to the land owner."

(Comment: The question still has not been answered.)

Sean Roylance: So was the decision of allowing 20 units wrong?

2:49:40

(Comment [unidentified]: In a general sense, Elk Ridge is challenged in terms of access. We all understand that. We also have a problem where there are 80 homes (not an exact number) on a single access. It could be said that a mistake was made; but why perpetuate something that is not a good idea? Just because '20 units' was decided on, it does not mean that should be for everything else. What is the rational? Again, what is the benefit of going to a higher number?

Sean Roylance: The problem he sees "with that line of thinking"... "why shouldn't we scale back to 5? Or zero...unless there is a dual access? How do we get to a starting point?" There are two ends of the spectrum: zero and the International Fire Code. The Fire Chief previously said that for a cul-de-sac, 20 units would be acceptable... (discussed last year). If there are 20 on one road...and then the International Fire Code that allows 30...what is the rational for 16?

(Comment [unidentified]: It seems like we are comparing 'apples to oranges'. The question still remains, what is the benefit to the City? The decision has already been made by a previous Council that the starting point is 16. I am assuming there was a rational for that. He wants to know the benefit...not what is acceptable or what can we "get away with"? But what is the benefit to the City to go up from 16? He wanted an answer to that.

Sean Roylance: #1) It is easy to have the mindset of limiting developers...what can we do to protect our scenic beauty? The code we have is very much about that. A concern he has is, are we going to step on the rights of the land owner just to protect something without a "real reason". The point has been made that the previous Council decided on 16 units...but his point at the beginning of the discussion was that the previous Council overlooked it. "To say they agreed upon it is a little bit of a hard thing to say."

#2) Another point: (he felt cut off before) The first application of the code (HR-1) right after it was passed; a cul-de-sac with 19 lots on it was approved...and the single access had 23 -25 lots on it. The single access was not brought up because it was a "complete oversight". He feels that '20 lots' is really what the Council previously approved. He agrees that a reasonable number should be picked as a starting point; but 16 was an oversight.

Erin Clawson: "Whenever the code is changed, it should only be done with the health, safety and welfare of the citizens that moved here in mind. I think that is what they tried to do with the 16...it is not just fire danger; there are other things. We have talked a lot about storm drainage tonight...people's homes flooding...and the more you put in 'up there' the more we inherit 'down here'." She feels that care should be taken with whatever goes up there. She spoke to Ray Brown and former Mayor Dennis Dunn to ask them who in the City knows most about storm drains, sumps and possible issues inherited by any development in the area above the City. They both agreed that, besides themselves that Scot Bell knows a lot about those things. She asked for Scot Bell to speak about the safety of the water issue.

2:54:56

Sean Roylance: (He said he would be more than happy to hear from Mr. Bell..."in a second".) He felt there is a problem with that line of thinking...when this was put into place, the water was taken into consideration to the point "that we have to accommodate a lot more than 16 or 20, or whatever..."

Erin Clawson: No one was saying not to accommodate them; the people are just saying to settle on a 'reasonable' number and take it up from there...they are not saying to stop it".

Mayor Lutes: He asked if Council Member Roylance could tell him what process took place, since there do not seem to be any minutes for the review committees that were supposed to take place. He was referring to this particular application for a code change. Why hasn't the proper process been followed? Why are we not willing to send this back to the Planning Commission to go through the proper process?

The Fire Chief and the Building Official should actually come to the Planning Commission meeting to share their positions. It sounded like that had not happened. He asked Council Member Roylance to address that, as the Council Member that goes to Planning Commission meetings.

Erin Clawson: Shawn Eliot said there are no minutes of the TRC Committee meeting...which should be attended by: the Planner, Building Official, the engineer, the Mayor and a City Council Member...there are no minutes to even review. It is all in someone's mind. How do you remember?

Sean Roylance: He gave a brief explanation about the difference between the process for code change and development.

1. Perhaps the best thing would be to send this back to Planning Commission

There is an issue that people seem to be concerned about lots being built as opposed to safety; and he insisted that there were discussions about safety at the time when the code was initially created.

He further explained that to be able to go up from the number of 16 units, a code change would be required.

Erin Clawson: She was concerned that the memo from the Planner and the recommendation from the Planning Commission was to go to 30 units...it was not to come to another number; as was being suggested at the Council meeting that night.

Krisel Travis: (developer/applicant) The reason it is on the agenda again was because they (developers) asked again. "We can ask as many times as they can deny us...as many times as necessary...or not necessary." They had suggested 30 units to go along with the International Fire Code; but they are open to any kind of discussion to address concerns. She made the point that this is not part of the subdivision; they are requesting a code change..."so that we can have the tools to give the Community a quality development." She felt that if the number of units is limited to 16 or the 20, that the City encourages cul-de-sacs. The number of units needs to be that which developers can work with on a dual access road at a future point. "You would be giving them more tools to be able to create a quality development that will encourage the kind of people and the kind of community you want up here. If you limit it to a certain number without any flexibility, you encourage cul-de-sacs and dead ends and those types of things. The reason we asked again was that we want to have the tools necessary to bring a quality development to your area."

Weston Youd: He felt that was kind of an answer to the question of comparing "apples to oranges"...why are we addressing this? Because the 16 was based on a cul-de-sac premise; whereas a single access with potential for a "through-put" does exactly that..."it is not that we are going to have cul-de-sacs everywhere because a developer will come in and say, 'well I'll put a cul-de-sac and drive another 10'...put another cul-de-sac...and we'll have a bunch of cul-de-sacs..."

A developer will say, 'in this zone, how big of a lot do I have to have?' and they will plan a cul-de-sac to that point ...even if you don't put a 'through-put' road there.

Another point: This facilitates the accomplishment of our General Plan (just passed by both the Council and the Planning Commission) showing that in this area and others, the City plans to have a lot of through roads. "To do that, you have to have the ability to develop in such a way that it fosters that 'through-put' ability for the developer."

Erin Clawson: If the City has a good plan, she did not feel it should be "given away cart blanche".

Dayna Hughes: (Planning Commission Chair) "This is a hornet's nest. It became a hornet's nest by simple human error. Our City Planner was given information that he thought was correct and he passed it on to the Planning Commission." They thought that the Fire Chief and Mr. Stephens had said they were okay with the proposed change. They had information from the developer that cited the International Fire Code. The Planning Commission said "okay". "That was a mistake. A mistake was made. It was not intentional; nobody should be pointing fingers." She suggested that "rather than hashing it out over and over again at this level, you either:

- drop it (table it)
- keep it as it is
- or send it back to the Planning Commission

She felt this is for the Planning Commission to go over. It will be sent on to the Council. "This is what we do...we look at these things. We don't have to deal with garbage trucks...we don't have to deal with budgets and all this other stuff." She saw that an error was made and that "we should just fix it" and send it back to the Planning Commission.

Jason Bullard: He wanted to make sure the Council knows that when a project does come (as in the one with the applicant wanting to change the code so she has a base to work from)...we need to be able to look at this project...and see the likelihood that this will be a through road at some point...then we would allow the developer to put as many units as is reasonable...it is important that each project is reviewed in light of future roads.

Mayor Lutes: Perhaps the developer needs to just put that road through; because we have examples where that has not happen.

Jason Bullard: He was saying 16 units, *with the option to go higher*, based on recommendations from all the key people.

Kenton Morgan: He agreed and he wanted to add to what was just said. "This is an issue of trust. This is not against the developer; she has a different intent...a different motive. She wants to maximize profit." As a City, a certain type of city is desired. He did not feel the City should give latitude to someone with a different motive than the citizens have. He would like to see the code stay the same...but see what the plans are.

3:02:23

3:04:45

We do want a quality development...but he did not think the code should change; but that whatever is proposed by each developer should be taken into consideration.

Sean Roylance: He feels that "exactly hits home"...but there seems to be a point of confusion: in order for the Council to approve something different, we would have to change the code, even starting with 16...but adding to that the option of going up in numbers...only if approved by the Council. Currently, no more than that can be approved unless changed.

Kenton Morgan: It must be kept in mind that the intent is not to maximize the profit of the land owner.

Sean Roylance: "Absolutely not. We do not want to get into a situation where we have in other parts of town...with the 85 on a single access."

Weston Youd: "That is why the City adopted a General Plan; to do exactly that...to guide us." This "guide" will tell us location of planned roads, what is the look and feel of particular areas; why should there be a development in a certain location?

Krisel Travis: "The concept proposed takes into consideration the HR-1 Zone: 'We've change the road grades; I feel like we were kind of the 'test case' for the new Code for the hillside area...and to see if what you guys have written in your Code would work. And that is what our concept has been based on...what you saw the other night was based on that HR Zone...and 23 lots is what fits; so that's why we're asking. Actually, we have upper land that is even higher than what we are proposing that we can't get to because there are no roads. We are 'biting off a big chunk'...we won't ever see profits until we can get to those higher places and other people develop. We understand it is a process and there other things that the City has asked us to contribute. We have talked about new water lines, access roads and reclaiming vegetation...there are other things that we, as the developer have agreed to...but we need the tools first to be able to move forward. Our neighbors next to us have agreed to work with us." She asked that whatever number is decided on, that there is flexibility in that number so that all can work together."

Sean Roylance: He feels there is further misunderstanding on another point: If the Council changes the Code to a certain number with the option to go higher (example: 16 units with the option to go to 25 units), and the developer comes in with 24 units and gets an approval..."that is not going to be eights additional houses that never would have been built. Those houses are going to be built some day. All that's doing is just saying, 'That's going to be built as part of this project'. This Code, no matter what happens, is not going to change the number of houses that can be built on the hillside. That number is basically fixed according to other constraints. It is only a 'time 'issue'...that's it."

Dennis Jacobson: There will likely be future development south of this area under discussion; he wanted to know if the City Council has looked at the impact the development will have on the City's water system. (Council Member Roylance responded, "Absolutely.") He asked if the City would have to drill another well and install another tank. "You are looking at developing one area and leaving an open road and you are going to start developing...that's great; but what is the impact?" He wanted to know if rates will increase; and will he end up "paying" for that, like we did on the other tanks and other property? (Council Member Roylance answered, "No".) Mr. Jacobson wanted to know if that could be guaranteed.

Sean Roylance: "Unless a future Council decides to make you pay for it, then...no."

Dennis Jacobson: He felt the public should be aware of that. The people got "stuck" with the "last stuff"... "From what I understand, they've got to pick up the bill on this other stuff." He wanted to know if another 500 homes could be put on the upper well.

(Council Member Roylance responded that it would not be 500 homes up there.) Mr. Jacobson said that the last Mayor told him it would be 500 homes.

(Council Member Youd explained that before a plat is approved, "those things are taken into account...as to how many homes can be there, based on the infrastructure set-up; and if there is additional, that is assessed to the developer as impact fees. It is unknown at this point what the impact for this proposed development will be.) Mr. Jacobson wanted to know what the impact on the well would be with another 20, 30 or 100 homes added to it.

(Council Member Youd added that it is all part of the review process for a subdivision; he pointed out that the only thing they are considering is a code change..."You've got to separate the two". During the subdivision review process, the developer will propose the number of lots they desire, based on the Code. The City will then go through the development ("planning") process that determines if the infrastructure is suitable.

Questions will be asked if there are sufficient water & sewer capacities; if the slopes are correct. The City will decide if we can "handle" the proposal. "They need to have this Code clarified so they know what kind of plat to put together.")

He felt that the City should know ahead of time the capacity of the well and what will be going in up there.

(Council Member Youd: The General Plan has the outline of the volume and capacity and where they go in zones; so to a degree, that information is available. When they submit the plat, the estimates are "refined" and go from there. So there is an understanding of the capacity and how many homes can be supported on that.)

Sean Roylance: He said that Mr. Jacobson brought up a valid point...that "we all feel burned" by the water tank that went in over here (referring to the Fairview Tank). The bottom line with that was that it could have been passed on to developers...all of the cost was not passed on to developers. The only thing we can do to prevent that type of thing is have the City Council...when that comes forward next time...not take the same kind of action.

Dennis Jacobson: He felt that people want to "push property up there"; if an additional well and/or tank should be necessary, he asked that the cost not be passed on to the residents, but to developers.

(Council Member Roylance replied that he hopes, if that should be necessary, whomever is making the decisions at that time will make the developers pay for it...that is what should happen.)

Mr. Jacobson went on to say, "But if you piecemeal it...20 home here another 20 homes...another 50 homes...where does it come to a point where that decision is made?"

(Council Member Roylance: "At some point, it will come to a stop; and then they are going to have to get a bunch of people together to be able to afford it...to make it work.") Mr. Jacobson encouraged the Council to do that beforehand.

(Comment: [Unidentified] He cautioned the Council to set the fees now for the future...start the process.)

City Recorder: (She asked the Mayor if she might make a comment...he agreed.)

The Fairway Tank was installed with mostly developers' money:

- Up-front money from Elk Ridge Meadows paid \$750,000 up front that the City agreed to pay back through impact fees
- Water rights purchase by developers made up about 1.2 million dollars of the project
- 15 years worth of water impact fees are committed to pay back and reimburse the City

She felt it is a wrong impression that the residents' money paid for that tank.

Sean Roylance: He agreed that most of the tank was paid for by developers; the City paid for part of it..."we didn't have to pay for part of it...but we did and that was a choice that was made. The same process will go forward with other things. At the right time, the exact same type of process will happen. May hope is that developers pay for all of it next time."

3:18:48

Jodi McKee: If the Code is changed to read "an optional amount", the developer is still going to have to submit her plan..."this is not going forward for approval tonight"?

(Council Member Youd responded, "No"; that the code change request was to help them know what kind of plat is possible under the City's Code. This is only one part of the process; drainage will be another issue to consider. Safety: there won't be a road in the subdivision that is not allowed by the Code. This request is to clarify the Code so she can move forward in the process.)

Mrs. McKee continued: She clarified that she understood what was being said; that the development was not going for approval and that she hoped the Council heard the public...that they do not want this to go forward to any approval without 1<sup>st</sup> reviewing all the information available, including the two opinions from Mr. Stephens and the Fire Chief. She hoped that all understood that this request needs to go back to the Planning Commission with accurate information, before any approval.

3:20:30

Scot Bell: (16 lots vs. higher number) He has been in public office a long time. He recalled a "cul-de-sac" & that he lives on that road. It is a "high risk" situation for fire fighters and for the residents. It is all about health, safety and welfare. He has been on the Planning Commission through different Administrations and asks how to mitigate some things done in the past.

The former circulation element extended to the top of High Sierra and terminated...with no additional plan to develop further. As a result of that situation that had been created, a new strategy was adopted: to connect High Sierra to another part of the City. The circulation element was changed to show a road connecting High Sierra Drive to Hillside Drive...or possibly canyon View Drive. The intent was to mitigate the problem and then to proceed with lots. The only reason anyone had the idea of putting in lots up in that area was due to this intent of eliminating the problem before it is expanded.

Today the proposal is a very different approach. (He asked Ray Brown, who served on the Planning Commission with him and later served as a City Council Member, if that was a fair representation...Mr. Brown agreed.)

Raymond Brown: He recalled that there was a developer that wanted to develop in that area (southern section of the City...on the hillside) and he was told that the only way to address the health, safety and welfare was that he needed to get together with the other land owners in the area and come in with a plan. That is how it started when he was the Chairman of the Planning Commission.

Scot Bell: As a result of planning on the part of the Planning commission at the time, it was recognized that there was an issue with developing in that area. With the new circulation element, anyone wishing to develop was given the charge to work collectively to mitigate the problem and then expansion can take place.

He feels "emphatically" that if the City allows development to occur without a master to plan to connect the roads, it won't happen. There are too many variables with the terrain, contours and drainage issues. "If we allow anything to happen, we expand the problem...if we start issuing building permits on any of it." If the City is to follow the circulation element put in place a number of years ago, then the City must insist, for the safety and welfare of everyone, that the two roads are connected before the issuance of even one building permit.

(He asked for a reminder of what he was asked to address earlier.)

Erin Clawson: Council Member Clawson restated that there is concern about having homes up in that area and adding to the risk of run-off and risking the safety of the residents.

Mayor Lutes: He asked if Mr. Bell had not been involved with sumps and their design in the past.

Scot Bell: Yes, he answered that he had been associated with sumps. He recalled discussion with the Planning Commission on possible routes to connect the two roads mentioned; many ideas were presented. None of the ideas became a reality. One concept presented was to take a road to allow homes to be laid out in the flat area...and then have the road connect Plats "A" through "E".

(Discussion on the slope of the terrain and what it would take to get a connecting road through that area, including high retaining walls)

Sumps are designed to control water on a road with a 56' right-of-way. Rather than just 56' of road, there is also the "hardscape" of retaining walls to deal with; resulting in more impact on the sumps. The issue of snowplowing also came up...would the roads have to be widened so there is someplace to "throw the snow" and place sumps? The infrastructure that goes under the road must be considered as well. There are problems on the "high side" of the road and problems with the "low side" of the road with the same 50' to 100' of fall to be retained. Due to the amount of run-off to retain, the sumps have to be increased.

Dayna Hughes: (Planning Commission Chair) She interjected that all of these issues are addressed in the HR-1 Code. She felt this discussion was "completely irrelevant".

Scot Bell: He felt that it was still an issue in regards to the depth of sumps and being able to service them.

Karl Shuler: (One of the developers of the proposed Elk Haven Development...Plat "A") He felt the point was missed that they did not go with that plan; they went with the "upper plan" and missed all of the problems Mr. Bell referred to. He felt that the view presented by Mr. Bell would "scare the people into thinking that the engineers couldn't figure out a way to do it".

Dayna Hughes: "This would never happen today; I just want everybody to know. We've fixed the Code...it would never happen. It came to us and the Planning Commission said, 'No, this is obviously not right'. We completely re-did the residential Hillside Code." She went on to say that the current Code is so restrictive that the number of lots is lower due to the restrictions in the HR-1 Zone.

Weston Youd: He felt it important to note that the concern about cuts and fills is addressed in other parts of the Code; but the subject that the discussion should be based on at this point is regarding "single access".

Scot Bell: He was using his reference as an example because what he mentioned it was a possible scenario that came before the Planning Commission; and it was discussed at length. The result of the discussion was the direction to the developers to create a connection between point A and point B. "If we allow a developer to start and there is not continuity and a plan to complete our circulation element, which is part of our City, we run the risk of somebody developing something and adversely never being able to connect back into it." He said that, yes...that "scares" him. He felt that none of the development should be allowed before the original problems were mitigated...and that additional risk to health, safety and welfare would be allowed as well. He felt that total continuity is a must with such serious terrain, topography and drainage issues. "You cannot fragment a segment one piece at a time."

Sean Roylance: He said that he completely agreed with the whole point..."that we have serious issues; which is why the Code was completely revamped a couple of years ago; and it is also why, with this particular piece, we need the flexibility to do it right instead of doing it the wrong way." He agreed that continuity is important.

Weston Youd: He felt that the General Plan should guide the actions of the Planning Commission and the City Council; and when a developer comes in, the first thing they should be handed is the General Plan for the City. They should understand the Code, including cuts and fills and all that Mr. Bell referred to; and they will have to apply it all to their plan. But, this discussion is supposed to be about a single access road. "On a single access point, with 23 lots, assuming they have met everything else...is that appropriate?" How many lots would be appropriate so the developers can create a plan that addresses all these concerns? They would have to take into consideration cuts & fills, as well as drainage...but all of this is "after the fact". At this point, the developer needs to know how many units they will be allowed; then they will have to apply the Code to their plan. He felt they needed to provide clarity to the developer in the discussion that should be taking place.

Scot Bell: "Until we decide to embrace a concept that will complete the circulation element, they can't create a plan because they haven't worked in conjunction with the rest of the owners." This element was adopted to mitigate problems. The true intent should be considered at the time the circulation element was adopted...it was to mitigate the problem, not to expand it.

Dayna Hughes: The "Transportation Element" is complete and is in the General Plan...the Planning Commission has been working on it for three years.

Weston Youd: The new General Plan, with the Transportation Element referred to was approved by the Council in March.

Mayor Lutes: He asked if the General Plan guarantees that those roads will be installed, "or is that just "wishful thinking"?"

Weston Youd: The General Plan is the guide.

Mayor Lutes: "If they do this part, who says the road is ever going to get finished? What Scot is saying is that this needs to be taken care of." He suggested that perhaps they should be required to complete that road before any development. He felt that the action should be to send this back to the Planning Commission to be reconsidered; taking into consideration the opinions of the Building Official and the Fire Chief. He made the point that there are no minutes for the Technical Review on this issue meeting that may not have taken place.

Dayna Hughes: She did not agree that minutes were required for Technical Review meetings.

She said that she had an additional comment: She brought up that "this is why we need a City Planner".

(The Mayor reminder her that that topic was not on the agenda that night and that the meeting was already long.)

She said that everyone else had talked about their issues..."so don't shut me down".

(The Mayor reminded Mrs. Hughes that that was during the Public Forum. This meeting was set up as a public meeting and he did not feel it appropriate for Mrs. Hughes to be coming in and telling the Council how to run the City.)

Krisel Travis: She said she had been sitting there a long time waiting for the issue to be decided. Many things had been discussed about the "development"... "we're not up for development." She asked that the Council take action on the issue.

(There was a comment to allow Mrs. Hughes "to say her piece".)

Dayna Hughes: She felt it appropriate for her to be there as the Planning Commission Chair; that these are issues about the Planning Commission, not personal issues.

Jason Bullard: (Planning Commission Member) He requested that the Council send the proposal back to the Planning Commission to allow them to advise the Council.

**WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO SEND THE SINGLE ACCESS CODE CHANGE REQUEST BACK TO THE PLANNING COMMISSION FOR FURTHER REVIEW AND RECOMMENDATION**

**VOTE: YES (4)**

**NO (0)**

**ANSENT (1) DERREK JOHNSON**

Dayna Hughes: "All of these questions that we're hearing about water, sumps and flow are all taken care of at the TRC level with the City Planner...that's why we need a City Planner. We are not City Planners. We have not gone to school to be City Planners...these people are elected officials...they are not experts at city planning. We need a City Planner. It says in the Planning Commission By Laws that the volunteer Planning Commissioners are not to be involved in the technical review part. We are to hear the issue after it's been seen by the technical Review Committee and then we look at it. That's what we do. We're not experts on all that stuff...that is what the City Planner is for; and for us as a City to assume that somebody is going to fill that void...is not responsible." She explained that "we have Code or law for our City that says we have to have a City Administrator looking at the development...not the Planning Commission." She asked to hear from the individual members of the City Council as to what the plans are to "fix this problem"; because she did not feel the Planning Commission could "legally go forward". There was a meeting scheduled for the following Thursday that would not require a Planner; but they need to have someone with the expertise who looks at the developments and the Code and answers all the questions..."that's what a City Planner does".

Mayor Lutes: He assured Mrs. Hughes that the Council will provide the Planning Commission with what they need.

Dayna Hughes: She interjected that she still wanted to hear from the Council Members. (The Mayor reminded her that he is a City Council Member.) She asked to hear from the rest of them.

Weston Young: He said his plan was: in the next opportunity available, he would like to introduce a code change that will say that a planner should be utilized and that that individual should be presented to the Planning Commission as well as the Council for approval. He feels that a planner serves both bodies and both should have a say in who is hired. (Mrs. Hughes commented that it is already in the Code that the City needs to have a planner.) If the Code says that, then he wants the Code to read that both bodies be involved in the selection of a planner.

Erin Clawson: "I think everyone agrees that we need a Planner."

(Mrs. Hughes asked that all Members of the Council say that...for the record.)

Julie Haskell: She said she felt the Planner should be Shawn Eliot.

Mayor Lutes: He asked if they are referring to a full-time planner.

Dayna Hughes: "We need to follow our own process; and we're not. We are trying to circumvent the process...I don't know why...by going about things the wrong way. We need to follow our Code. The Code is there and there are certain steps to be taken. Once it leaves Planning Commission, those steps are not being followed."

(Comment [unidentified]: He wanted to know why, when the City had a Planner, things were not worked out.)

Sean Roylance: "The reason we don't have a City Planner is exactly what she just said (meaning Mrs. Hughes)."

(Unidentified: "Why didn't he do it?")

Council Member Roylance replied that he was trying to "do it"... (presumably that meant that he was trying to work things out).

(Unidentified: "It doesn't sound like he did it.")

"No, he was; that's why he left; because he wasn't allowed to do it."

Mayor Lutes: In order to clarify the issue, he said that "people need to understand what's going on here." He felt that the process that they are trying to implement and enforce is where the Mayor (or any one else...other than Sean Roylance, who is the representative of the Council to the Planning Commission) cannot see anything before the Council does." The Mayor referred to a meeting earlier in the year, where Council Member Roylance insisted upon this idea; he finally agreed that the Mayor could possibly see what comes from the Planning Commission at the same time as the Council sees it. He didn't have permission to read the information ahead of time; to figure out how to get it on the agenda or have anything to do with it.

"My problem about that is; I was elected to represent the people. In this case, when I finally was able to read the staff report, the staff report was not accurate. All I tried to do was to get the accuracy put back into it by having the Fire Chief and the Building Official write their positions and provide a history of what happened last year about the same thing; so that they could have the information to make a decision. What they're trying to say is that I don't have a right to do that...that the process, they think, is that it comes right straight from the Planning Commission (people who are appointed...they are not elected by the people...they're appointed) and they make decisions and it is supposed to go right straight to the Council for their approval or rejection without the benefit of the highest elected Official even looking at it."

Dayna Hughes: "That's not our Code. If you want to do that, that's fine; but that is not our Code. It may be what you want to do; but it's not the Code."

3:47:51

Weston Youd: "The Code specifically states that it goes from the Planning Commission to the City Council for five actions: approval, denial, approval with modifications, back to the Planning Commission..."

Mayor Lutes: *(Directed to the public)* "So, is that what you want? Do you want me to back off and just have it go straight forward?"

*(Many comments were called out from the audience...the loudest calling out, "no".)*

Sean Roylance: *(Directed to the public)* "Hold on a second. Before we say 'change' or whatever; let me just clarify one thing: One thing I think is misunderstood is what the responsibilities of the Mayor and what are the responsibilities of the City Council?"

City Council is in charge of:

- Setting the code
- Is in charge of all land use (exactly what we are talking about)

That is the City Council's responsibility.

The Mayor's responsibility:

- Is the administrative portion of the City"

He said he understood if a change is desired; but the public also needs to understand that they are talking about changing the fundamental roles of the Mayor vs. the City Council. "What has been happening is that the fundamental role of the City Council is to review this stuff and it hasn't been being brought to us as it is supposed to be."

Kenton Morgan: "It sounds like what the Mayor is saying is he just wants information. The process that Weston mentioned is a process of decision making; not a process of sharing information."

Sean Roylance: "No, that's not correct. You are misunderstanding, because all that information that he has...we should all be getting and he, as the Chair of the City Council (and we discussed this way back when) gets access to the same information. What needs to not happen is...it needs to not go through a 'filter' before it gets to us. We need to get this information and he can express his concerns. We can express our concerns. We all can have concerns...we can table stuff...we can send it back to the Planning Commission...we can do all kinds of stuff. We don't have to get it and one week later take action on it. But what we do need is we need the ability to get the information and to do our jobs. This is one of our core responsibilities."

Kenton Morgan: "So, you are saying that the information is being filtered before you get it? Is that what you are saying?"

Sean Roylance: "Basically, what our Planner has been asked to do on multiple occasions is to go through and change things before it gets to us."

Weston Youd: "Here's the response: You're absolutely right; the responsibility of addressing this is with the Council; and the Council has those five options. In gathering information they can...in this meeting..."

- Review the minutes from the public hearing that was at the Planning Commission to find out what the public says.
- Ask the developer questions or ask the petitioner who is wanting the code change questions
- Evaluate that and say: do we need to table it, do we need to deny it...all those five things.

It is the responsibility of the Council at that point to take that action."

*(Mayor Lutes asked if the Mayor is a Member of the Council.)*

Absolutely.

*(Mayor: "Then why am I not included?")*

You are included.

Mayor Lutes: He reviewed what happened with the current agenda item: He told how he did not receive the staff report until a Wednesday afternoon; and as soon as he got it, it was sent out to the Council to review..."so you had it".

*(Dayna Hughes called out, "June 24<sup>th</sup>!")*

Weston Youd: "Yes, and it is the Council's responsibility to take one of those five actions; but because it wasn't listed..."

Mayor Lutes: "When I saw it and saw that it was inconsistent and it was inaccurate..." He wanted to know if he should then have done nothing about it...if he should have just gone to the Council to allow them to discover that information on their own.

*(Dayna Hughes spoke over Council Member Youd and said, that is the procedure..."that's the law".)*

Weston Youd: "As a Member of the Council, you should have brought it up and said, 'This is up for action. The suggested code change has come from the Planning Commission and we're here to take action on it; and my (speaking for the Mayor) recommendation for action is to table it because I have these questions...send it back.' That is the role, as a Council Member that you play with respect to this process. It's not a gateway to say..."

Mayor Lutes: "So if there is an error, I can't talk to my Building Official...I can't talk to the Fire Chief to say...Did you really say that?"

Weston Youd: "Absolutely. And then you come...you can talk to them...and you can come to the Council..."

Mayor Lutes: "And they can't write a letter on their positions and include it with the stuff?"

Weston Youd: "Absolutely. And at the time it is presented at the meeting say, (speaking for the Mayor) 'These are the things that I found out; I would like to ask that we move to take it back to the Planning Commission because of these discrepancies'. You have to do that as that action."

Mayor Lutes: "Did you help me to do that? All I did was provide the information to the Council. And all you guys want to do is ignore it and go ahead and approve it."

*(The Mayor allowed the City Recorder to comment; however she was interrupted.)*

3:51:41

Kenton Morgan: "I really am confused. I must be misunderstanding. I thought you said that what you were objecting to was that the Mayor took the information...let's talk real specific so we know what we are talking about...that Shawn (the Planner) said that there was support from the Fire Marshall and from Corbett; that's what is says in here. But the Mayor is saying that that wasn't accurate and so he had each of them write a letter. I thought you were saying you were objecting to that and now I think I am hearing you say...I am confused."

Weston Youd: "To clarify that...he needed to it when it came for action; as part of the action for this code change. It goes to the Council as a code change. It requires action. It's not up for discussion at that point because the process says that you cannot adjust the recommendation of the Planning Commission prior to it going to the Council." He went on to say, "That is why he (the Mayor) makes the recommendation that says, (speaking for the Mayor) 'I see some inconsistencies and the action that we should take is to send it back.' You have to take action at that point."

Sean Roylance: "There are two issues going on here beyond that.  
- One is: it should come to us instead of being delayed for a month."

Mayor Lutes: "Let's clarify that. It was not delayed for a month. You had it immediately, as soon as we got it."

*(Dayna Hughes called out again: "June 24<sup>th</sup>")*

City Recorder: "That's not when he got it, Dayna."

Dayna Hughes: "Well, that's when we sent it off."

City Recorder: "That's not when the Planner sent it forward."

Sean Roylance: "It came in, in plenty of time to be on the first Council Meeting for July."

City Recorder: "The Mayor called on me and I think I have the floor." She explained that the process that everybody has been talking about is not the code amendment application process; it is a subdivision submittal process. "There is nothing in the Code Amendment process that requires this to go on within a week, to the City Council. That code that has been quoted on July 27<sup>th</sup> and in the last Special Meeting is *not* accurate. What you quoted was the subdivision code. We have heard this over and over again...this is *not* a subdivision approval...it is a code amendment. And that process in our own City Code and in the Utah Code does not have a time limit associated with it." (*City Code: Section 10-3-12 & Utah Code 10-9a-503*)

*(Council Member Roylance said, "It does not have a time limit..."*

The Recorder responded, "Correct."

*(Sean Roylance: "But the process is that it should come to the City Council next.")*

"It comes from the Planning Commission to the Council,"

*(Comment [unidentified]: "How is he supposed to do his own research and bring his information to the Council if he hasn't had a minute to look at it before hand?"*

Sean Roylance: "No, we all have plenty of time before hand to look at it. No one is saying that you can't look at it."

*(Comment [unidentified]: "I thought you said he wasn't allowed to look at it.")*

Weston Youd: "He is; as a Member of the Council."

City Recorder: "Administratively, he (the Mayor) creates the agenda."

Lucretia Thayne: (Question) "If you, Sean, received it and you saw discrepancies between X and Y; would you not have a meeting and if he is representing other people, try to talk to them as well...to see what was going on, as part of your position on all that is occurring?"

Sean Roylance: "Absolutely. So there are two things here. That is completely different...Yes; if we have something where we see one person saying this and then from another source, we see they are saying this...we want to investigate that...absolutely. No one is saying not to."

Lucretia Thayne: "Part of that question is...you say he doesn't have a right to change the Planning Commission's recommendation..."

*(Sean Roylance: "That's correct.")*

Mrs. Thayne explained that giving the Council information that the Planning Commission's recommendation was based off of wrong information is not changing the recommendation, it is simply giving you information."

Weston Youd: "You have to apply that action." He explained the types of action mentioned previously regarding taking action on an item from the Planning Commission. He said the Council has to take action. He again reviewed the process of coming from the Planning Commission to the City Council..."There is not an interim there." He went on to say that the item needs to go forward; for the developer's sake and for the Community's sake..."you need to keep things orderly. You say, 'this looks wrong and the action that I take is to send it back to the Planning Commission.'"

*(Question [unidentified]: When he (Mayor) says that, do you vote on it and say, 'Yes, you're right?' Or do you vote and say, 'No, we're not going to?')*

Weston Youd: "That's why we all have individual votes."

*(Much talking over one another)*

The process needed to be followed.

*(Comment [unidentified]: "What if he is just learning it?")*

City Recorder: "What process, though? He did follow it. He put it on the agenda for discussion because there were some discrepancies. He put it on the agenda for action tonight. What wasn't followed?"

*(Weston Youd: "The action should have come..."*

"The action did come... (too much noise from the audience)"

*(Weston Youd: "But we didn't discuss it.")*

City Recorder: "You discussed it and then you voted on it tonight...there's no time limit; so why can't it go on for discussion because there are discrepancies and then go on for action? Which it did, and you voted on it. So, I don't know what the discrepancy is."

3:58:36

Sean Roylance: "There are three things:

- From a time limit standpoint, there is no time limit
  - From an appropriateness standpoint, it should come forward in an appropriate time frame
- (Public Clamor... [unidentified] "That is your opinion...but from the things the "girl" says, there is no time limit.") Council Member Roylance continued: "Okay. Let's say there is no time limit...fine; and that we're fine waiting for a year or whatever..."

(Public [unidentified] "No, that's not what we're saying...")

More clamor...

Allison Thaut: "What are we doing? Do you hear yourselves? It is embarrassing. Do you know why we don't come to the City Council meetings? Four hours and what has been accomplished? Nada. It's painful to sit here and listen to you guys drone on and you don't make any sense. It's common sense, people! The more you talk, the more embarrassing it gets."

Robert Goodwin: "It seems to me that we are right back where we were last week. We have a power struggle taking place and we're nit-picking over what code is and what not code is. I would suggest that the Council get together and put up some kind of a chart to say here's what has taken place...this is the responsibility. But, I still see that we have a power struggle taking place." He said he felt the effort was to try to replace the Mayor.

Sean Roylance: "So, I want to say three things..."

(Several hands went up in the audience.)

Mayor Lutes: (Directed toward Council Member Roylance) "Let's hear from somebody else; you've had the floor almost all night."

Lucretia Thayne: "I have one comment. First of all, I recognize that one reason that this meeting has taken a long time is because members of the audience have been asking questions. I do agree with what's being said, because listening to you and hearing what you say about the Mayor doing anything that is wrong or inappropriate. But, I do want to express my appreciation to each and every one of you tonight for your patience with us as citizens of Elk Ridge when, as Paul said...we're supposed to be quiet during this meeting; and I really appreciate in this particular meeting that opportunity to express feelings and ask questions. Thank you very much for that." (Mrs. Thayne also said something about resolving conflicts, but it was inaudible.)

Sean Roylance: Council Member Roylance did not feel like he had gotten a chance to respond to a couple of things: "The one thing in particular is that our Planner has been asked on multiple occasions to modify his opinion before it got to us."

Mayor Lutes: He did not agree and asked for an example from Council Member Roylance.

Sean Roylance: "Well, I was sitting in one of the meetings where it occurred."

(Mayor: "Well, tell me about it.")

"So, basically, what happened was that the Planning Commission had come up with some code or a recommendation...I don't remember exactly what the specific incident was; but they made a recommendation. That recommendation is supposed to come forward to the City Council. The Mayor wanted some time to make revisions to it. Shawn (Planner at the time) said, 'No, that's not according to the process; in fact that's not according to the code either. So, forget process; that's not according to the code'. You can't make changes from the Planning Commission until it gets to the City Council. Now, we can then say, 'Hey, go back and change it some more; or we can change it. But, in between, nobody can go in and change that.'"

(Mayor: "So, did you come and tell me about that?")

"Yes, I did. I can't believe you're saying, 'Did you come and tell me'. We had a very long discussion about that."

(Mayor: "Did you tell about the time when you read body language and everybody was going to quit...was that the meeting you are talking about?")

"No, no, no."

(Mayor: "Well, what meeting then?")

"I never said that either." (The Mayor insisted that he did.)

"So, here's what happened then: Shawn (Planner) said, 'I can't do that; because that is not legal.'"

(Mayor: "So I forced him to do it?")

"And so you threatened him with his job right on the spot."

(Mayor: "I never said that.")

"You did, too. You can call him and ask him right now."

Weston Youd: He asked if he could move to send the single access point back to the Planning Commission for review. (He was reminded that the motion had already taken place and it had been voted on.)

Mayor Lutes: "All we're trying to do now is to straighten out the Mayor...to get it done."

Jason Bullard: He felt that everyone was doing a good job; but everyone needs to work together. He did have a comment about possibly threatening the Planner's job: "That is a pretty strong accusation. My question would be; from the beginning of your Administration (to the Mayor) how did you feel about the City Planner? Did you want to keep him?"

Mayor Lutes: "From the beginning of my Administration, when Andrew Jackson from MAG (Mountainland Assoc. of Governments) showed me the chart and all the fees we're paying, and I noticed there's this \$10,500 entry to Elk Ridge..." the Mayor asked Mr. Jackson why Elk Ridge is paying them \$10,500.

4:01:53

He explained it is because we have a "circuit rider". That's so Shawn Eliot could answer the telephone down there on our calls during his working hours with them. So, yeah, that's been a concern of mine. Why are we doing that?" He asked for an accounting and he could not find out how many hours were spent on City business; it is a "flat fee". When he asked Mr. Eliot, his response would be that he "spent a lot of time"; which the Mayor said was probably true. "So, I questioned whether or not we should be doing that. Other cities weren't doing that. Andrew (MAG) explained that other cities had gotten rid of their "circuit riders. Here we are, crunched for money and we're spending \$10,500..."

*(Jason Bullard: "We are crunched for money; is that what you said?")*

"We were in debt and still are."

*(Mr. Bullard: [Most of his comment was not audible; but he did ask a question at the end of his short comment:]*

*"Were you in favor of getting rid of him?...my question."*

"It hadn't reached that point, I don't think."

*(Mr. Bullard: "so you hadn't made a decision?")*

"No I hadn't made a decision. We talked about the hours he was spending and what the value was. I remember telling him, 'Well, let's go ahead and continue for six months and see how it goes. I spent a lot of time with him. I had him come over to my home and spent a whole morning talking with him about what we were trying to accomplish to see if he could help me and join the 'team' and accomplish the things we wanted to do. One of the things I asked him to do...it was my understanding of what a planner is supposed to do...is basically to be a 'fly on the wall'." He explained that he felt a planner should answer questions from the Planning Commission, but "not to orchestrate. The Planning Commissions I have gone to; the Chairperson goes to Shawn and says, 'Shawn, what are we doing tonight?' Shawn produces the agenda and that's what they do. I am thinking that's not what the Planner really should be doing. The Planner should be answering questions; and the Chair and the Planning Commission should be taking care of their own items and their own agenda. They should be working with the secretary to come up with the agenda; not the Planner. The Planner is to answer questions. We have a situation here where we've had Sean Roylance as the representative from the Council to the Planning Commission; who has told me he's best friends with the Planner and the Planner creating the agenda for the Planning Commission. I think there are conflicts of interest there that shouldn't be. I think that needs to be addressed."

4:07:23

*(Jason Bullard asked what the conflict of interest is.)*

"Because they are best friends. I think a planner maybe ought to be somebody from out of town...independent." *(The Mayor was asked if he was assuming this off of development.)*

"I'm not assuming anything. We're just saying that there's a possibility of conflict of interest. I have witnessed him basically running the meeting. 'Shawn, what are we going to do?' He says what to do, and you do it. I am saying that, in my opinion, is not what a planner should be doing."

*Jason Bullard:* He said that he and the Mayor have never talked; but he sees what is happening in the meetings. I was not even aware of Shawn resigning until the last meeting; but I see what's happening and it is obvious what is taking place. What I do not understand is; we had a City Planner and it was brought up in the last meeting that you (Mayor Lutes) made it known that you weren't in favor of keeping him or having him."

*Mayor Lutes:* "I would like to know the facts of where I made it known...maybe in my discussion with him he felt..."

*Jason Bullard interjected:* "So I just brought up the question. Who was that and who made it known? So, what I hear now is that Shawn, for whatever reason, has resigned...I don't know that anyone in here knows why. I know he loved his job and I know he did a great job. I don't know that there's anybody in here who worked with him...I'd love to hear a Council Member say that they did not feel he was worth the money; or a Planning Commission member say he wasn't worth the money...or needed. He loved his job; everyone thinks he did a great job. You weren't in favor of it...and he resigned."

4:09:35

*Mayor Lutes:* "And so he resigned; and so that's the end of the story."

*Jason Bullard:* "I just think it's kind of obvious that there's a reason why he resigned. The accusation is that you threatened his job."

*(Lucretia Thayne said that was supposed to be a long time ago.)*

"He was in the meeting and you threatened his job."

*(Erin Clawson started to say that she was there; but was interrupted...)*

*Sean Roylance:* "You were not there."

*(Speaking over one another)*

4:10:09

*Erin Clawson:* "I was there when he walked out...and resigned. *(Jason Bullard asked what the reason was.)*

There was a conversation going on about the secondary access. The conversation got heated and Shawn got up and left. The Mayor went after him. *(She was asked who was participating in the conversation)* It was between the Mayor and Shawn; I was just there to help Shawn do something." She went on to explain that Shawn Eliot got up and went out and the Mayor went after him. "We had an email later that he resigned. It was not even said at the time. I didn't know that until I received the email. So nothing 'threatening' happened at that meeting that I was present for."

*Mayor Lutes:* "All we were doing was talking about why...all the things we have been talking about. He could have talked about it...he could have said, 'This is the reason why'...but all he would do was 'sass' me saying, 'I did talk to them!' " The Mayor said he asked him (Mr. Eliot) if he had talked to Corbett...'I talked to Corbett!' The Mayor said he pressed Mr. Eliot and asked him why he would not talk to him (the Mayor) and finally he asked Mr. Eliot, "Well, who are you working for?" Mr. Eliot's response was, "Well, certainly not you."

And then the Mayor said that is when Mr. Eliot left. The Mayor felt, "If the Planner 'certainly isn't working for me'; how can we work together? I don't know what his reasons were for resigning, but what happened next was that I (the Mayor) got an email from Weston (Youd) demanding at the meeting reports about nuisances and what we had done about it...I realized that this was Shawn's thing. Shawn had gone out and made a list of the weed abatement letters that needed to go out, and so I forwarded the email to him and said, 'Shawn, could you please give me a brief?' This was on the forwarded email from Weston. He (Mr. Eliot) emailed back and said, 'Sorry, I can't give you a brief; I no longer work for the City; under the circumstances'...and said, 'This is my resignation.' So, that's what happened."

Jason Bullard: He wished to address each of the Council Members directly, to see if they felt Shawn Eliot did his job well.

Mayor Lutes: "The point is he resigned..."

Jason Bullard: "Because the power struggle that is taking place up there... (the rest of his comment was lost in the noise in the room).

(Much arguing among the members of the audience)

Sean Roylance: (In response to something said) "It is not hearsay, I was right there."

(More arguing)

"It was his choice because, to quote him, his life was a 'living hell since this last January'. So, basically, as far as politics...when it comes to the Planner...it has never been that way before."

(There were comments regarding the fact that the Planner was just being questioned.)

"Questioned is one thing; but being asked to do stuff that is against the code...against our laws...is another thing. He refused to do that, so he left."

(Comment [unidentified] "That is hearsay.")

(More arguing)

(Comment [unidentified] "They're talking about two different meetings. He was not at the meeting with the Mayor and..."

Jason Bullard: "I am referring to the meeting that Sean Roylance said he was in when he heard the Mayor threaten Shawn's job."

Lucretia Thayne: "And the Mayor said he didn't; so now you have 'he said she said'..."

(More noise and arguing)

Sean Roylance: "You want to call up Shawn, go for it."

City Recorder: (Directed to Mr. Bullard and other members of the Planning Commission) "Why don't you let the Council handle their own 'power struggle' with the City Attorney that's coming next week?"

Weston Youd: He asked if there was any further business or if he could move to table all additional items for a future meeting.

4:15:13

(Comment [unidentified]: "What is the Council going to do to? Because I think this is more than over Shawn. I think there are some more underlying issues here: a lack of trust...which I think is the reason for 'power struggles' when there are power struggles. What are you going to do to resolve that? We don't want that continuing to go on. We want it to stop."

Weston Youd: "I think our discussion with David Church (City Attorney) will help that. I look forward to that."

(More comments about trust issues. Again the comment that power struggles come from a lack of trust. Whoever commented wanted to follow the progress; he did not want to see it "tabled" and forgotten. There were also comments about what it would take to re-hire Shawn Eliot.)

(Comment [unidentified] "We see that you're taking that on (referring to the upcoming meeting with the Attorney) and that is great. For me, that is another confidence that I can see you in action...doing. That's what I like to see. I would like to hear from Julie more often; I don't hear anything out of you. I'd like to hear more about you...what you are doing and how you are progressing and getting along. Sean (Roylance) showed up to the neighborhood watch thing...that was great to see him there. Those are the things that I, as a citizen...that helps me to know what you are up to and what you are doing."

4:17:45

City Recorder: (She asked permission to make another comment) "From what I understand, if someone resigns, it would take a unanimous vote to reinstate that person; is that correct?"

(Weston Youd: "Resigns from what?")

A position at the City.

(Weston Youd: "It would take a majority of the Council.")

"From where do you say that? David Church said that it would take a unanimous vote to reinstate someone that has resigned."

(Weston Youd said that refers to a Council Member. The Recorder clarified that she referred to anyone else and Council Member Youd asked if she meant a City employee..."like a planner?" The Recorder clarified that a planner is not a City employee, he is a contracted person that we hired from MAG.)

The Recorder went on to say that we really do not know what it would take to reinstate him...that is a question for the City Attorney.


"The second thing is, there seems to be some controversy about Shawn (Eliot) one way or the other. He is a great guy; but there are other city planners. We have been expressing a need to get an engineer that's closer to us, because our engineer is in Bountiful. When we hired them, they had a Payson office... (this does have a point to it); we have been contemplating that for some time. LEI, who is in Spanish Fork, happens to have a planner. Is that a possibility? When we have hired others, we have actually advertised. I agree and hear Dayna's pain and the other Planning Commission members. You've got to have something to 'steer the ship'. Somebody's got to advise them; they are not professionals;

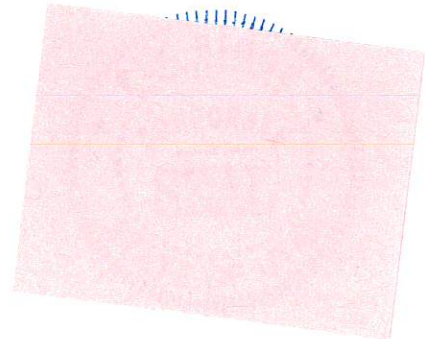
they are lay people that are appointed and they are willing to give their time without any compensation whatsoever...and that's terrible...but that's the law. But they need somebody to guide them through that process. It is true, other cities don't have planners; but they have full-time engineers that act as planners...like Salem. Bruce Ward (*Salem's engineer*) is a great engineer; he came over from Sunrise and then Aqua and joined them as their engineer. He plays an integral part in their TRC's. If we had a close-by engineer that we did not have to bring all the way from Bountiful, maybe we could have better TRC's and have them in our Planning Commission meetings, which is where they belong. Then the Planning Commission has first hand access to these people...maybe they could provide the planner, too.

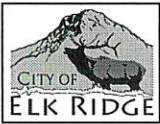
I think there are some good solutions that would solve the problems at hand without everybody 'beating the heck' out of each other. I'm sorry, but you are my Council Members, too; and I know I'm supposed to stay neutral...and that's real tough for an opinionated 'old lady'...but, I will tell you that I see six, including Council Member Johnson (*absent*) very capable, intelligent, wonderful, willing, here, present...people...that could do wonders for this City. This has the potential to be one of the best Council's I have ever served under. Laws come and go and I have watched Administrations...the things that are so important to one Administration...another Administration comes in and it's not so important. Some people want curb and gutter and others don't. The Administrations change and they want something completely different. But there's one law that does not change and that is 'forgiveness'; and I think we need a great big dose of that...from every side to one another...because people make mistakes. The Mayor has made mistakes; the Council Members have made mistakes... I make them so often, I can't keep track. Janine (referring to the Payroll Clerk, Janine Nilsson) keeps track for me. But, we need to give each other a break; and understand that mistakes and personality conflicts happen. I am not trying to 'gloss' things over. There have been mistakes and miscommunication on both sides. I work with this man five days a week (referring to Mayor Lutes); he's not evil. He has things to learn; he admits that...and if you come to him and talk to him, he's willing to listen. Because he furrows his brow doesn't mean he is ready to 'plug' you in the nose. It is just his way of gathering information. I have talked with Sean (*Roylance*); I've talked with Weston (*Youd*); I've known Julie (*Haskell*) for a 'hundred years'; Erin (*Clawson*) and I have...I love these people individually. And it just kills me that you guys can't let it go and come up with another solution. I know I am "yapping" too long; and I will likely get 'heck'...one person told me to remember that I am only the 'Town Clerk'. I know I am just the 'Town Clerk'; but I am also a citizen of this City and I happen to care for this Council very much on all sides. Someone asked me what 'side' I am on. I am not on anybody's 'side'...I am on the 'side' of progress. When politics gets in the way of good governing, it's time for a shakeup; and I am glad that the public has shaken this up, because it is time for some changes."

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO TABLE THE REMINDER OF THE AGENDA ITEMS TO A FUTURE DATE; AND TO EXTEND A VOTE OF GRATITUDE TO NOT ONLY THE CITIZENS BUT THE STAFF THAT HAVE MADE IT THROUGH THIS MEETING...TO BEAR WITH IT**  
**VOTE: YES (4) NO (0) ABSENT (1) DERREK JOHNSON**

Mayor Lutes adjourned the Meeting at 10:25 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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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, August 24, 2010.**

**The start time will be changed to 6:00 PM for the Regular Session.**

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

**6:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:**

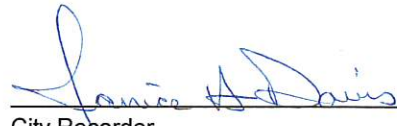
- Opening Remarks and Pledge of Allegiance Invitation
- Approval/Agenda Time Frame
- 6:05 Public Forum
- 6:15 1. Sanitation: Consideration of Proposals
  - A. Allied Waste
  - C. Elk Ridge City – Update
- 6:40 2. Storm Drainage
- 7:00 3. Elk Ridge Meadows PUD:
  - A. Phase 1 – Development Agreement
  - B. Phase 2 – Development Agreement
- 7:15 4. City Council Training – David Church
- 8:15 5. City Planner – Engineering for Development Projects
- 8:35 6. Part Time Employee
- 8:50 7. Assignments - Mayor Lutes
- 9:05 8. Code Enforcement Officer - Appointment
- 9:15 9. Landscaping Extension Application
- 9:30 10. Ordinance – Employee Compensation
- 9:35 11. Expenditures: (General)
  - A. Planning Commission Lap Top Computers - Purchase
  - B. Check Registers for July, 2010
- 9:45 12. Approval of City Council Minutes
- 9:55 13. Protection One Contract Renewal (Office Alarm System)

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

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

Dated this 23rd day of August, 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 August 20, 2010; & an Amended Agenda on 8-23-2010.

  
\_\_\_\_\_  
City Recorder

ELK RIDGE  
CITY COUNCIL MEETING  
August 24, 2010

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, August 24, 2010, 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 this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 20, 2010; as well as an Amended Agenda on 8-23-2010.

6:00 PM –

**REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**

ROLL

*Mayor:* Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Weston Youd, Erin Clawson & Derrek Johnson; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *City Attorney:* David Church; *Planning Commission:* Dayna Hughes, Paul Squires, Kelly Liddiard & Jason Bullard; *City Payroll Clerk:* Janine Nilsson; *Deseret News:* Rodger Hardy; *Allied Waste:* Gordon Raymond; *Public:* Ann Brough, Neil Dykstra, Alan Hughes, Tricia Gunnerson, Amy Boswell, Jamie D. Towse, Kelsey Cain, Dr. Elizabeth Dayton, Ed Christensen, Ray Brown, Deborah Squires, Lucretia Thayne, Jenny Evans, Shamayne Mason, Robert Goodwin, Ken Lutes Jr., Stewart Jolley, Don Duncan, Dennis Jacobson, Jane Watson, Rosalie Hooks, Careene Eliot, Malea Simmons, McKay Simmons, Janene Thorpe, Jesse Conway and Gregg Magleby (LEI Engineering) & Cliff Hardy; *and the City Recorder:* Janice H. Davis.

OPENING REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks: Mr. Kelsey Cain offered an opening prayer and Deputy Butters led those present in the Pledge of Allegiance, for those willing to participate.

APPROVAL OF THE  
AGENDA TIME FRAME  
01:59

The Meeting started on time; with no adjustment.

PUBLIC FORUM

1. Kelsey Cain: (Storm Drainage)

This is a topic of concern for him; particularly in the area of Hillside Dr. and Mahogany. As a result of construction performed by RL Yergensen, there is a drainage pipe that runs through his back yard. The drainage that flows through his yard extends all the way to the top of Elk Ridge. His back yard was to have been left "natural" with the "natural drainage. He encouraged the Council to look carefully at the ability to handle big storms and the subsequent run-off. He was told there would be sumps in his area. The City's Master Plan must include ways to mitigate the run-off.

2. Lucretia Thayne: (Several Issues)

- She was at the Planning Commission Meeting when there was discussion regarding changing the Development Code. The intent behind the proposed code change was to lessen the influence of some of the City's elected officials. That attitude concerns her.

- She had contact with several people the past week and they have expressed "surprise" that two the Council Members "are still here". It was felt that there would be resignations after the response to the perhaps "legal", but "unethical" special meeting that was called. It is felt that "trust has been betrayed". She feared that accusations have been made against the Mayor and though the business at hand my move forward, the thoughts are already in people's minds and damage has been done. She and others do not agree with this method of planting thoughts in the minds of the public.

*The Mayor closed the Public Forum at 6:10 PM, as there were no further comments.*

08:04  
SANITATION –  
PROPOSALS

*(Memo from Recorder to Council, dated 8-24-2010)*

"Sanitation: The current contract with Allied requires 6 months notice to cancel services; we would have had to notify them by July 1, 2010 to cancel at this point. So, for the time being, Elk Ridge is continuing services with Allied.

They will be presenting the terms of their proposed contract and will prorate the rates to August 1. In considering service from Allied, perhaps the one-year option would be preferable; leaving options open for the future.

Following are the rates proposed by Allied:

- 1 year – 1<sup>st</sup> carts (cans)...\$9.73

Add'l carts..... \$4.33

- 5 year – 1<sup>st</sup> carts..... \$9.55

Add'l carts..... \$4.15

- The 3 year option is included in the copy of the Amendment #2 (In packets)

Depending upon which option the City chooses, the City will save approximately between \$425 to \$575 per month.

Mr. Gordon (Allied) will be expecting to hear from the Council regarding questions on proposed rates...or if they left something out that the Council was expecting. (Suggestion: Perhaps the lower rates would be acceptable for the 1 year option?). He did not have information in regards to "free disposal trips" for residents...but thought he could secure a 'preferential rate' for the City disposal at the landfill."

*(Mr. Raymond was present to address the Council.) The Mayor explained the above information.*

Mayor Lutes: Before introducing Mr. Raymond, he said that Allied is willing to go to a 90 day termination/renewal time period rather than the current 6 month requirement.

Gordon Raymond: (Brief Description of size of company) Allied Waste has serviced Elk Ridge since 1997; they think of the agreements they have with various entities as "partnerships". He described how Allied's services benefit the schools. Allied, with the School & Institutional Trust Lands Administration (SITLA), contributes over \$425,000 annually to Utah Schools. Allied and SITLA have an agreement which allows Allied to operate a landfill; "increased volumes to the landfill leads to increased revenues, which in turn means more funding for our schools."

Allied Waste operates over 210 landfills, 240 transfer stations and 78 recycling facilities nationwide. They feel their experience makes them a good choice for servicing the City's needs.

(There were handouts that summarized Allied's services.)

Basically, the longer the contract, the lower the fees; he reviewed the fees: (roughly)

Agreements:

- 1 Year: Save about \$400/month
- 3 Years: Save about \$450/month
- 5 Years: Save about \$475/month

Questions:

Neil Dykstra: He asked about recycling "green" waste and any future plans for this. Is there a possibility to share recycling?

(There are recycle bins for newspapers in town at the LDS Chapel on Alpine; as well as some in Payson.)

Gordon Raymond: Utah is behind the nation in the recycling curve; particularly Utah County. This is a "subscription based" program. It is tougher in Utah County because the processing facilities are located in Slat Lake County and there are transport fees.

19:50

\*Mr. Dykstra suggested sharing recycling information with the residents in the next newsletter.

Mayor Lutes: He felt the Council has had time to review the numbers associated with the various options for sanitation services; he feels that consideration of the City entering into the garbage business should have an impact on the length of the agreement entered into with Allied.

Allied's Offer:

- They have been good to the City
- There are the various options proposed by Allied
- Due to the chance of the City doing the business, perhaps a one year contract would be best
- 90 day option for termination or renewal
- Could the contract be prorated to August, 2010? (Probably, but not on a 1 year agreement.)

No further questions for Mr. Gordon.

22:13

- Elk Ridge City Sanitation:

Council Member Roylance offered to research the figures with the Finance Director, Curtis Roberts. There was a conference call between the Mayor, Council Member Roylance, Corbett Stephens and the Finance Director. 2012 would be the soonest a City sanitation business would be possible.

Sean Roylance: (No projector for as screen to be able to show figures to all.)

(Review of Spreadsheet provided by Mr. Roberts)

There are many "assumptions" that have to be considered. He was trying to determine what kinds of projections to expect. He wanted to high-light some of the key assumptions:

1. There are costs per ton:

2 Options:

A. Buy into the solid waste district

- \$100,000 one-time buy-in
- Permanent members with vote on what happens in the district
- Dumping fees/ton: \$32

B. Go with Payson:

- No buy-in cost
- No say in future costs/fees (Possibly negotiate terms to limit increases)
- Price per ton: \$35
- Other risks of unexpected costs

The City has about 1,000 tons/year to be disposed of. It would appear that going with Payson could be the better choice.

2. Garbage truck:

A. New truck: Between \$175,000 to \$250,000 (initial cost)

- How long will truck last? The estimate on the spreadsheet was 15 years. Is that realistic?

3. Charges per can:

- Woodland Hills charges \$9.70 for 1<sup>st</sup> can + \$7.80 for 2<sup>nd</sup> can

With a \$.50 break on each can, that would result in a savings of about \$4,000/year

4. Contingent Expenses:

- (spreadsheet) \$2,000 was allowed for "contingent expenses: which could be anything from maintenance to trucks, dumpsters...or anything else unforeseen.
- Is \$2,000 enough?

28:38

Sean Roylance:

5. Parking / Location: (More Assumptions)

- Parking the truck at Spanish Fork at no charge
- Back-up trucks to borrow for free from Provo

Question: How long are those offers good for? This could change and charges could result.

**Summary:**

- \$35/ton (Payson)
- \$175,000 truck
- \$.50 break to Woodland Hills
- Do not join the Solid Waste District
- Contingent expenses = \$2,000
- Free offers from Spanish Fork & Provo
- Part time employees are factored in  
(2 days worth of a full-time employee)

**Results:**

1. City operates on our own: the City would be in the "red"

2. Add Woodland Hills: That would put us in the "black" about \$24,000/year

Based on the offer from Allied, that would put the City in the "black" only \$10,000 to \$12,000/year

In addition: Once the truck is paid off, then there would be about \$20,000 added to the profit.

Assumption: 15 year life to truck with an 8 – 10 year pay-off time = about 5 to 7 years without a truck payment.

**Cost of Cans:**

Once paid for initially, all the City would pay for would be replacements (Initial costs are figured in)

This is one side of the equation...the other side of the equation is the Payson offer: Part of the Payson concept sounds good; but there are problems with no control.

Over the long range...going into our own business would be a "good option". 8 to 10 years down the road, Woodland Hills could even discontinue their agreement and the City would still be in the "black" a bit (comparable to the arrangement with Allied Waste; but the City may not be in the "black").

- He is not sure what the difference in the truck would be at \$250,000 vs. \$175,000; but Elk Ridge is a "hilly" Community and the grades of the roads may be harder on trucks and may dictate that we get a 4-wheel drive vehicle.

- If Woodland Hills gets a discount of \$.50; is that worth it to them to contact with Elk Ridge with one truck vs. going with a larger company with multiple trucks? Some of the original figures allowed a higher discount than \$.50 for Woodland Hills. Allied is willing to discount Elk Ridge \$.50/can; so perhaps we could change the numbers around to allow more of a discount to Woodland Hills.

*(Mayor Lutes: Since running our own business is not possible until 2012, we are trying to determine if the Council is interested in pursuing this in the future...so we know how to vote now with Allied (length of contract)).*

- There are many assumptions and contingencies that could be made; in fact, he feels it is the contingencies that affect a new business. The unforeseen expenses can catch a new business financially unprepared. \$2,000 per year is less than 2% of the overall expenses...this seemed low to Council Member Roylance.
- The City could be making a profit once the initial purchases are paid off; or contingencies could "flip" those numbers and work against the City.
- Trucks: Payson said they replace their garbage trucks every 3 to 4 years.  
Provo: Their trucks have a bit longer life span...he does not know what that is...but they were willing to sell us a truck that was 6 years old because it was being replaced.  
If the City were to have to replace a truck in the 8 to 10 year range, then he does not feel the business would be profitable.

*(The point was made from someone in the audience that Elk Ridge would not be using a truck as often as these larger cities.)*

*Council Member Roylance reviewed percentages of use with the various cities; and agreed that Elk Ridge's use would result in less wear on a truck.*

Derrek Johnson: He wanted to know what the Finance Director's opinion was, based on the conference call.

Sean Roylance: Mr. Roberts was supplying facts and he said that, with the assumption of certain things, the business has the potential to make money and be profitable.

The biggest difference between his first recommendation and the most current one is the difference in raising rates and keeping them the same or even decreasing them slightly. The variation in rates changes the numbers quite a bit.

Erin Clawson: She contacted Mr. Roberts to see what his opinion is: He feels the idea of going into business is a viable one. The numbers he supplied were based on the very worst case scenarios; it could be better, depending on things. He agreed that there is risk involved with starting a business; but does the City want to control "our own destiny" or allow someone else to do that.

Weston Youd: But, does the City want to assume that risk?

Sean Roylance: Mr. Roberts had some numbers that are somewhat "in the middle" of what we are discussing. Council Member Roylance said he gave "one end and then the other end" and that Mr. Roberts had some numbers that are actually more "in the middle". One aspect that Council Member Roylance did not agree with was the contingency number of \$2,000 and that there was no money allotted for backup trucks or parking...clearly some things were not "worst case". The cost of the truck was listed at the high end...so some of the numbers were conservative.

"He did not tell us where the estimate of 15 years came from."

Elizabeth Dayton: (Comment) She pointed out that Provo was trying to sell a truck at 6 years; so there was likely life left in the truck.

Weston Youd: Perhaps their depreciation schedule dictated that they sell the truck off at 6 years. He agreed that the actual life of the truck should be based on a balanced figure.

Sean Roylance: He speculated that possibly they could be selling off the truck due to an increase in repair costs. Maybe they felt it best to get a new truck at that point.

44:39

Weston Youd: His "Google" search for depreciation of a garbage truck and it shows a depreciation time for 6 years.

Cliff Hardy: Suggestion: Lease/Purchase of a truck or a Federal Grant.

Sean Roylance: According to his knowledge, no one has looked into a grant; not has a lease option been explored.

Lucretia Thayne: She reminded those present that the issue being discussed that night was an approval of a contract with Allied and how long that contract would be for. These questions did not have to be decided at that point...there is time to further discuss and decide.

*(The Mayor explained that the Council needed sufficient information to be able to decide the length of time for a contract with Allied. If going into business for our selves is not feasible, then perhaps the agreement would be for a longer period of time. The Mayor asked if the Council had enough information to be able to make a decision.)*

Weston Youd: He questioned why Payson City was not at the Meeting; they were to come to present their proposal.

Mayor Lutes: He did not feel there was any point in having Payson present their proposal now, since Allied's contract would be extended until 2012.

Weston Youd: He argued that the contract with Allied would be shorter so other options could be considered.

*(The Mayor agreed that when we get closer to 2012, then the options could be presented and considered at that time. "They want to reassess it at a later date.")*

Council Member Youd asked who "they" are.

*(The Mayor responded: "Payson.")* Council Member Youd replied that he was told otherwise when he called Rich Nelson (Payson) and he said he was told not to worry about coming...so he said he was trying to "figure out what was going on".

*(The Mayor answered that when Allied's contract was automatically renewed, there was not point in pursuing Payson's proposal now...just like there is no point in pursuing going into business for ourselves. That is what he spoke to Rich Nelson about.)*

49:42

**DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO ENTER INTO A ONE YEAR EXTENSION OF THE CONTRACT WITH ALLIED WASTE; WITH A 90 DAY RENEWAL/TERMINATION OPTION**

*Discussion:*

Derrek Johnson: He asked Mr. Raymond if he was willing to negotiate further on lower rates for one year.

Gordon Raymond: He responded that he would be willing to meeting and discuss the rates and perhaps changing to a fiscal year rather than calendar year for the agreement; which would extend it 6 months to July of 2013...from December, 2012.

\*Mr. Raymond will meet with Council Member Johnson and the Mayor.

*The original motion died due to lack of a vote taken. The motion was re-stated:*

**DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO TABLE ANY DECISION ON THE AGREEMENT UNTIL AFTER NEGOTIATIONS ARE CONTINUED BETWEEN MR. RAYMOND (ALLIED) COUNCIL MEMBER JOHNSON AND MAYOR LUTES**

**VOTE: YES (4)**

**NO (1) JULIE HASKELL**

55:09

STORM DRAINAGE

Mayor Lutes: *(Brief Background)* In 2004 the City Council set the \$3.00 Storm Drain Fee to be charged to residents; it was meant to be a temporary fee and was to be reviewed three years from that time (2007); that review did not take place. The Fee continues at \$3.00 per household/month. That Fee generates about \$20,000/year in the Storm Drain Fund. \$ 5,000/year is budgeted to pay Twin D to clean out sumps and inlet boxes and \$15,000 has been designated for the installation of sumps; as well as \$10,000 budgeted to clean 1/3 of the sewer lines per year.

"Corbett Stephens, who has been the Public Works Director since the beginning of the current Administration, provided a map of the system." He has been looking into the records of the services rendered by Twin D and discovered that last year, only 5 culverts were cleaned throughout the City, for just under \$5,000.

The map is partially completed with over 118 storm drain units being noted. The estimate is that there are over 200 units throughout the City to be cleaned...the revenue generated may not be sufficient for the City's needs. Solutions need to be discussed:

- Possibility of purchasing a vac/jet truck to be able to better maintain the system
- Possibility of raising the Storm Drain Fee
- Possibility of contracting out the work as we have in the past, but more frequently than in the past

Council Member Youd has researched this and the time was turned over to him.

58:04

Weston Youd: Under the direction of Mr. Stephens, he contacted Twin D. He spoke to Mr. Denning (one of the owners of Twin D) Mr. Denning felt the City would be paying approximately \$300,000 for the type of truck needed. He informed Council Member Youd that several cities have purchased jet-vac trucks and some are selling them off and renewing their contracts with Twin D...this is a concern. Considering Elk Ridge's history with Twin D, there seems to be a pattern of no concise plan being in place in the last couple of years. He wanted the chance to review their records and compare it to a map of the City to be able to determine how the City's money has been spent for Sewer/Storm Drain clean-out. They are willing to draft a storm drainage management plan for the City, based on the system that is in place. He understood that Mr. Stephens is creating maps of the City; those could be sent over to them for comparison. If the City needs to have the storm drain system cleaned-out soon, it would cost approximately \$15,000. If the City budgeted \$15,000 to \$20,000, they could come in and clean out the entire system and see how far that amount takes them.

Corbett Stephens: He was told they could do 10 to 15 units/day for \$200/hour. If he would be willing to service the entire City for \$20,000, we should sign a contract.

Mayor Lutes: Example: When Spanish Fork came up to assist, they cleaned out 8 inlet boxes in 2 hours; and when the demo truck came up, they cleaned 2 sumps in 2 hours.

Weston Youd: It was Mr. Denning's opinion that to get the best estimate, we should send him the maps of the location of the sumps and inlet boxes in the City and he can develop a plan to assist us.

(The current map is incomplete.) A proactive plan is essential, regardless of which option the City decides on. Corbett Stephens: HE responded that completing the maps and the information that goes on them "just takes time". He is involved in many City projects currently.

The Mayor asked the City Recorder to review some numbers regarding financing a truck, it that is the direction decided upon.

City Recorder: Based on a used truck, averaging perhaps \$150,000 to \$160,000: She spoke to Zion's Bank, who does public financing (the City has a current "lease-purchase" agreement with Zion's for out newest snowplow; which is due to retire in 2013)...

- Financing \$90,000
- City provides the balancer as a down payment (\$11,000 in Capital Projects Fund + Fund Balance)
- Terms:

- o 10 years on \$90,000 = about 4% interest rate

❖ Payment = About \$10,000/year

- o 5 years on \$90,000 = about 3.4%

❖ Payment = about \$20,000/year

- She added that Twin D could be offering a somewhat slanted perspective of the costs involved with doing the work ourselves, since they will certainly prefer to have the City's business.

- Federal Surplus is an option that someone mentioned. The City has purchased surplus equipment and vehicles in the past.

- Grants with start-up businesses (another option).

Mayor Lutes: He pointed out that Mr. Stephens can take the estimate of \$200/hour and time that by the number of units in the City and come up with an overall projection for the cost to have the entire system cleaned out.

Council Member Youd asked if there is someone else he should contact.)

(Comment from Audience): Unidentified...A jet-vac trailer has been mentioned; is that still an option?

Corbett Stephens: There is an opportunity to buy-in to a jet trailer for \$7,500.

Jamie Towse: (Comment from audience) She agreed that Twin D may not lend the best perspective for how the City handles the cleaning of the system.

(Council Member Youd responded that he was directed to contact them.)

Mrs. Towse added that she felt his assignment was to investigate the options available and she felt he should have come to the meeting better prepared.

(Question) Unidentified: He asked if the Council could address the idea of an additional employee to assist if a truck were purchased. (That item was on the agenda for later in the meeting.)

(Recommendation from Audience) Unidentified: A sound bid is needed...proper information is needed to obtain that bid. He recommended that Mr. Stephens get the assistance needed to get accurate information and a solid plan of what is needed. That information should be submitted to several companies so we can get bid comparisons.

(Council Member Youd repeated that his instructions did not include obtaining bids; he was told to contact Twin D to find out about the City's sumps.)

The gentleman went on to say he was not "pointing fingers"; he was merely making a recommendation to get whatever help Mr. Stephens needs to obtain accurate information.

Erin Clawson: (Addressing Council Member Youd) She asked if he was willing to assist Corbett Stephens in finishing the maps and gathering the necessary data on the storm drain system.

\*(Council member Youd agreed to finish the map started by Mr. Stephens; which would require him to locate and measure the depth of the mud in each unit. He requested that Mr. Stephens instruct him as to the measuring procedure. Mr. Stephens said he would do that.)

1:12:36

#### ELK RIDGE MEADOWS PUD – DEVELOPMENT AGREEMENTS

The City Attorney, Mr. David Church, was present to address this and other topics.

1. Elk Ridge Meadows PUD, Phase 1: MR. Tom Henriod could not be present at the meeting; so he requested that the City Recorder address his concerns:

City Recorder: She explained that Mr. Henriod is one of the developers of Phase 1 of the PUD.

(Brief History) The previous Administration voted to authorize Mayor Dunn to sign the proposed Agreement for Phase 1 (last City Council Meeting in December, 2009); signing this Agreement would mean that the City will accept the open space in Phase at a certain point of occupancy. The Planner at the time (Shawn Eliot) had suggested that the phases be handled separately; however Mr. Henriod made an emphatic point of keeping the Phases combined under the same PUD, which is how they were originally presented. The City had not considered taking over the open space in Phase 1; the park in Phase 2 was item being considered. Phase 2 came in almost as an after-thought. The motions regarding the Agreements for Phases 1 & 2 were different: Phase 1: The Council voted to sign the Agreement, with no conditions. The vote to accept that open space was not unanimous.

Phase 2: The Council voted to sign the Agreement only after the City received the Surety Bond money (the Agreement was signed prior to the actual receipt of the money from the Surety Bond Company, based on faulty information that the "check had been cut and was in the mail").

The Agreement for Phase 1 was not signed and the Agreement for Phase 2 was signed (prematurely).

*Mr. Henriod's Perspective:*

He hoped that the Council re-read the Agreement and will recall that the authorization to sign was granted last year. Advantages to signing:

- The City receives fees-in-lieu of park impact fees (Which is actually less than the park impact fee, so may not actually be an "advantage to the City").
- \$20,000 will be provided by the developer to refurbish the open space
- The open space would go to the City "free" of charge at a certain point of occupation (50%)

The HOA is still in existence, though there was discussion of dissolving it. The Recorder asked Mr. Henriod how the HOA "fits in" with current plans. He said the disadvantage of keeping the open space with the HOA is the added cost of fees. The homes they are building are meant to appeal to those seeking "beginning" type homes and they typically have trouble qualifying for their loans; the added fees could be the difference between qualifying or not.

He also pointed out that this is back before the Council due to the problems associated with Phase 2 of the PUD.

*The questions that came up were:*

- Should the two Phases still be "tied" together even though?
- Is one City Council "bound" by the decision made by a prior Council?

*Questions from Council Meeting on 8-10-2010:*

- Is it legal for this Council to over-turn the directions of the previous Council for the Mayor to sign the Agreement?

(The Recorder felt that one Council would be "bound" by legislative decisions of a previous Council; there was a question on Administrative decisions.)

- What is the status with Phase 2 of the PUD?

*David Church: (He thanked the Mayor for the invitation to be present.)* He had no corrections toward the City Recorder regarding her statements.

*Two Issues:**1. Elk Ridge Meadows, Phase 1:*

He got a call from the attorney representing Mr. Henriod: they feel they have an agreement with the City that the City has refused to sign.

- The previous Council approved the Agreement, without conditions.
- They have been waiting for the required signatures; they do not know why it has not been signed.
- As summarized, the Agreement is an amendment to the existing Development Agreement.
  - o Some changes were made to some of the side yard set-backs and other things that were negotiated.
  - o The significant changes:
    - Take what was designated as "open space", owned by the HOA as part of the PUD; and make it public open space, owned by the City.
    - The open space would be dedicated to the City at no cost to the City
    - The developer agreed to do certain minimum level improvements at certain "bench marks" (referring to levels of occupancy).
    - The landscaping plan was changed somewhat to make it more economical

*Key Issues re: Phase 1:**A. Authorization was granted to the Mayor to sign the Agreement (previous Council)*

- The Council Minutes are clear on this
- The new Mayor was hesitant to sign the Agreement
- Mr. Church was asked if one Council is bound by a decision made by a previous Council. (He replied that the "short" answer is, "Yes, except in legislative matters. Contracts are contracts; I would never advise any client of mine to breach an agreement that was made in good faith.")

*B. Advice: "We have agreed and we ought to sign."*

He added that Mayor Lutes wants authorization to sign due to questions that were raised.

Mr. Church does not feel it is a "bad" agreement; but we "do have a proposed, re-stated amended Agreement that we voted on in December to accept and to sign and it hasn't been signed yet; and we have Mr. Henriod and his attorney who want to know why it has not been signed."

*Recommendation:* Unless there is some reason that has not been discussed; he feels the City should not be in breach of the City's side of the Agreement. He does not feel the previous Council can be repudiated...it is not a legislative matter.

*2. Elk Ridge Meadows, Phase 2: (Status)*

- There is a dispute with the Surety Bond Company
- Development Agreement for Phase 2 was "conditioned" and was signed by the previous Mayor.

*Brief History:* The Agreement was signed on their part by Centennial Bank and about 4 weeks later, the Bank went under and the FDIC took over. The FDIC is marketing the lots they own. There are other parties to the Agreement that are not members of the FDIC.

The FDIC is interested in getting a letter from the City that says the Agreement will be honored and that the lots will be buildable. Mayor Lutes asked Mr. Church to prepare a letter.

The Development Agreement is with either the original developers, or their successor. The question is: when people buy from the FDIC, they want that buyer to be treated like a "lot buyer" not the developer.

His opinion is whoever that person or entity is (buyer); is just like any other "lot buyer" buying a lot in a subdivision. There are responsibilities from the City; one of which would be not to

Surety Bond:

- He has spoken to all associated with the Surety Bond and they are suing the original developers. T
- The City has filed a claim against the Surety Company
- The Surety Company has filed a claim against the guarantors
- The guarantors and the Surety Co. are involved in litigation
- The City has a potential litigation; they know we may sue them due to the City thinking we had a firm settlement with the Surety Co.
- The Surety Co. is hoping that their litigation brings the personal guarantors to the "table" to come up with sufficient money to satisfy the City's claim.
- The Surety's position with the City is that they will come up with a certain amount of the demand; but if the City demands more, litigation may be required.
- Whatever the City hopes to regain from the Surety Co.; they hope to recover back from the 3<sup>rd</sup> parties.
- 3<sup>rd</sup> parties: Individual (personal) guarantees on the Surety Bond.

Mayor Lutes: He summarized what action the Council could take on:

1. Signing or not signing the Development Agreement for Phase 1

2. Phase 2: FDIC wants a letter acknowledging that the City will treat the purchaser as if they are like any other lot purchaser in a subdivision. *(Mr. Church added that the FDIC is still holding \$17,000 to cover inspection costs. They are acknowledging that they will deposit that money with the City to recover our inspections costs. They also want the City to indicate to them that the buyer of the 50 lots has no direct obligation for the improvements...he/they are not stepping into the shoes of the developer. The FDIC is like an insurance company that has taken over the Bank's assets; they are selling off those assets. The Bank [Centennial] is gone and the developer has gone broke. What we have is whatever claim is decided on the surety bond and the \$17,000 to make up whatever deficiencies there are...the obligations are the same with or without the bond.)*

*Mr. Church advised against further discussion of pending litigation in an open meeting.*

Corbett Stephens: He asked if the money received from the Surety Company is restricted. It was his understanding that Rick Salisbury has purchased the 50 lots.

*Question from the audience as to the projected benefit to the City to signing the Agreement for Phase 1.*

David Church: He replied that here is always a benefit to honesty; the Council at the time felt that it was beneficial to sign the agreement. He feels the entire City will benefit if lots are bought and homes built. "Cities exist to serve people; one of the things making you successful or not successful is when those empty lots have new families...the school is full and the parks are full." He simply feels that more people in the City to share in the costs is a better situation. A "growing Community" is a successful community. It is a detriment to have derelict subdivisions, with dead and dying parks. "You can have slums without houses."

The water system the City is designed for more homes and currently, a smaller population is paying for it. *Recommendation*: "It is my recommendation, as your attorney, that you sign the Henriod agreement...unless there is something I don't know of wherein you think he is in breach...there was a vote...good or bad."

Sean Roylance: He felt the point is that the agreements had been negotiated as a pair; and the way the motion occurred, they do not seem to be "tied together". Considering this history, the question was, "Is there any way we can legally, legitimately...honorably say that the two were a 'package deal'? If the answer is 'No'; then..." *(interrupted)*

David Church: "Well, they are two separate agreements...separate individuals...there were two separate votes...and the other side, if we do say they are a 'pair', has been signed. The more owners on the agreement that sign, the less of a burden we have...which is why Mr. Henriod is confused. He thinks it is a benefit to both of us; considering the obligations we have under the first... *(recording unclear)*. That's up to you."

**WESTON YODD MOVED, SECONDED BY ERIN CLAWSON, THAT THE ADVICE OF THE CITY'S LEGAL COUNSEL BE FOLLOWED AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT FOR PHASE 1, ELK RIDGE MEADOWS PUD, AS STATED**

**VOTE: YES (4)**

**NO (1) JULIE HASKELL**

Elk Ridge Meadows PUD, Phase 2:

Mr. Church has drafted a letter requesting acknowledgment of the following:

- Currently there is litigation between the original developer, Elk Ridge City and the bonding company in regards to construction durability bond
- Building permits have not been issued on the 50 subject lots
- The City can terminate a few building permits to get development moving in the subdivision
- The City to acknowledge the bond obligation between the City, the original developer & the bond company that does not obligate the FDIC
- The City to acknowledge that if the City "wins" and the bond company has to "settle up"; that would have no bearing on the FDIC; or
- If the bonding company "wins" and has to settle or declare bankruptcy, then the City would then have to go after all lot owners equally to do any kind of "assessment area" (not just the FDIC lot owners); or
- There is \$17,000 being held in escrow, by Centennial Bank, that is to cover the City's costs for inspections and that money shall be released to the City

He did not believe any of the terms were questionable.

*Mayor Lutes thought that Mr. Church was going to have a letter drafted.* Mr. Church said he has a letter drafted that includes the above mentioned issues. He was waiting to see if the Council would authorize the Mayor to sign the letter.

1:46:19

SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO AUTHORIZE THE MAYOR TO SIGN THE LETTER TO THE FDIC; ONCE IT HAS BEEN DRAFTED BASED ON THE INFORMATION AS PRESENTED BY DAVID CHURCH

VOTE: YES (5)

NO (0)

1:46:40

CITY COUNCIL  
TRAINING –  
DAVID CHURCH

Mayor Lutes: (Introduced the topic, as requested by Mr. Church) The Mayor introduced the City Attorney, David Church, as one experienced in administrative policies and procedures regarding government. He is also the Attorney for the Utah League of Cities and Towns; and he literally wrote the book on how Councils should run as well as the responsibilities of the Mayor. Appreciation was expressed for Mr. Church's willingness to respond favorably to the Mayor's invitation to come and address the Council and general citizenry.

David Church: He invited question as he proceeded with the topic he refers to as, "Who's in charge?" (He provides this service to many other cities.

It seems to be the growing opinion that government is not a functional as it has been in the past, which seems to be the case with Elk Ridge's elected officials. This is a confusing area of government to understand for all associated with governments across the State of Utah.

He discussed the three forms of government allowed by State statute, as well as the City Manager form (grandfathered in for those cities that have it...like Orem). Within these forms, there are many legal ways to go about governing. Local government is set up so that cities can design their own way of doing things.

He used the analogy of purchasing a computer with built-in "defaults" and settings; those defaults can be changed to suit the particular city. "That is the same thing the Legislature has done with us."

He continued, "But you guys have bought a used computer. It doesn't have the factory set-ups...someone has previously changed a bunch of defaults. It has been changed over time by previous Mayors and City Councils."

1. "Six-Member Form of Government" – Elk Ridge
2. "Five-Member Form of Government" – Vinyard Town
3. "Mayor–Council Form of Government" (Only one in Utah County id Provo City)

The only differences between 1 & 2 are the number of people sitting on the stand and in a "5 Member Form", the Mayor votes on every issue. In a "6 Member Form", the Mayor only votes on specific issues and when there is a tie vote.

(Handout: State Law on Six Member Form of Government...certain key points highlighted..."default settings")

"Powers & Duties of Mayor in six-member council & five-member council forms of government"  
(10-3b-104)

Highlighted points:

- (a) The Mayor "is the chief executive officer of the municipality to whom all employees of the municipality report"
- (ii) He has the obligation to, "ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed"
- (iv) He has to "perform all duties prescribed by statute or municipal ordinance or resolution"

The reason the above was highlighted was that the source of those statutes, ordinances and resolutions is the Council. As a group, the Council gets to decide what laws govern the Community and the Mayor has to carry those out whether he agrees with them or not.

Example of "default setting": (a) Mayor is chief executive officer; however, the Council decided things like the number of employees, the pay they get, the budget, etc.

The Mayor has the option of how he/she will carry out those duties.

- (A) He can, with the Council's advice and consent, "assign or appoint a member of the council to administer one or more departments of the municipality"

He can "share the load, if he/she wants to...if the Council consents to it. It is the Mayor's choice.

- (2) The powers and duties in Subsection (1) are subject to:
- (a) municipal ordinances in effect on May 4, 2008 modifying the powers and duties of the mayor; and
- (b) the council's authority to limit or expand the mayor's powers and duties under:

(i) Subsection 10-3b-303 (2)(a), for a municipality operating under the six-member council form of government

1:55:05

That is what he meant when he said Elk Ridge's current Council has started with a "used computer". If it is "fresh out of the box", the above are the Mayor's duties. If there was an ordinance passed before May 8, 2008, that changes those Mayor's duties...that ordinance is still in effect. If the Council passes a new ordinance, that changes the Mayor's duties (adding or taking away), that is also an opportunity to customize.

The last page of the handout addressed adding or removing powers:

10-3b-303:

(Summary) "If the Council wants to remove any of those powers from the Mayor (following the section in the code), they have to do it by adopting an ordinance and in order to adopt that ordinance that either removes from the Mayor powers or gives the Mayor any powers back...that ordinance requires the affirmative vote of the Mayor plus a majority or a unanimous Council." In essence, "if there's at least one Council Member who will vote with the Mayor, then the Mayor is given basically an effective 'veto' over being given more power or having some of his powers taken away from him".

The current position of Elk Ridge: "unless you have an ordinance that specifically says otherwise, your Mayor is the chief administrator and executive officer...and gets to run the day-to-day affairs of the City; but must do so in accordance with the policies, ordinances and resolutions that you adopt."

He is the "chief executive officer (CEO), but the Council is like the board of directors"

Mr. Church said he has looked at the City's ordinances and he does not think the City has anything that changes that.

1:58:42

If the Council wants to change the ordinances, "you could change it in almost any way you can think of and it would be legal...if the Mayor and three of you agree...or all five of you agree over the objection of the Mayor."  
Weston Youd: He questioned the logic behind this legislature requiring a unanimous vote to change the procedure.

David Church: Previously, three members of the council could do it with just a majority vote and they did so in Lehi in this County (most recently) as well as in other counties...all at about the same time. All of those communities have very aggressive mayors who fought it, met with their legislators and senators...that is what led to the re-writing of the bill...this was the "grand compromise" between the mayors and the councils at the legislature. The legislature felt they should not be designing local government for every community; but they could decide who is going to "win" when there is a fight.

*Previously*: If the mayor and the council were not getting along, the council could take the mayor's duties and give them to a city administrator or a city manager...but they could not take them away and give them to themselves.

*Options*:

- Theoretically, if all 5 members of the council agree...you could take it and basically create a 'commission system'.
- Divide it up among the six members and each take a piece (Mr. Church does not suggest that)
- You could appoint one member of the Council to be a city manager, as well as a council member (done in Morgan City)
- If the Council disagrees, there is an outline of who is in charge...and the key is...the Mayor is in charge if the Council disagrees...unless there would be a unanimous vote to override the mayor.

(Weston Youd: When the Mayor is newly elected, all the previous assignments are returned back to the Mayor...correct?)

"That is the normal thing...but if the Mayor has made an assignment with the advice and consent...the new Mayor may not have to make the same assignment." He added that he could not locate an ordinance that requires the mayor to make assignments. The State code says that *he can* with the advice and consent; "but there is no ordinance that says he *must*".

On the other hand, "council members cannot be forced to take an assignment if they don't want to".

(Weston Youd: "When you take those assignments, you then assume the responsibility of that ...")

"You would assume whatever it is that is assigned to you...and you guys don't have any ordinances that describes what that is. Without an ordinance that describes what it is...if it is executive or an administrative function, it is the Mayor's prerogative. If it's a 'policy'... 'budget policy', it is the Council's prerogative...not individual council members, but the council's prerogative. And you have the power, as the council, through your resolutions, your procedures, your budgeting...to basically describe in as much detail as you can...how the Mayor runs the day-to-day affairs. But you will never have the power without a unanimous council...to remove the mayor from carrying out those policies...but, you do get to decide what they are."

Example: If there were a majority today that said, 'we think the policy of the City should be to get into the garbage business...we are going to do that'...then the Mayor would be required to 'get it done'...it is a policy decision."

Mr. Church cited other examples of policies, like cleaning out the sumps in town every year and budgeting for it...the mayor would be required to carry that out.

It is not *what the mayor does...but the money he can spend...*

- Legislative power = the power to make policy
- Executive power = power to carry out policy and appoint those that do ("its execution...carrying out...doing...that's the mayor's job, if elected.")

*Questions?*

(Julie Haskell: She understands that the Mayor is the "Chair" of the Council Meetings?)

Correct. "The Mayor is the chair of the Council Meetings and the Council may not take the chair away from the Mayor." He pointed out that the rules of running the meeting is for the Council to decide and the chair's duty to carry it out.

He has 30 years experience with city government; he can tell what the points of conflict are:

1. How the agenda is made up (Again...in the absence of specified rules, it is the chair's prerogative)
2. How to keep a meeting orderly...what the rules are (Again...specific rules or it's the chair's discretion)

*(Question from audience: Lucretia Thayne...She asked what other issues require a unanimous vote from the vote from the council.)*

- When there is a tie on an ordinance that either removes or enlarges powers
- The mayor gets to vote who to hire or who to fire as a city manager

(Erin Clawson: "Hiring or firing...who is in charge of that")

Without policy in place, it obviously will be the mayor...with a policy; the mayor will follow the policy. Many small cities and towns create a policy that states that every employee decision is an important decision and those decisions will be made as a group...but the policy must be passed. Most larger cities do not involve politicians in hiring and firing; they want professional HR people to do it. The problem arises when the city is somewhere between small and large and deciding who has that responsibility.

(Weston Youd: How does the Council interact with staff? Are there limitations with that?)

There are no limitations in law about how councils interact with staff; but the policy is that the mayor is the CEO to whom all employees report...so how do you interact with employees who do not report to you? It is difficult for the staff, particularly if they are being instructed to do things that are different than what the supervisor or the Mayor is telling them...then they are being placed in a "bad position". Unless the Council is specifically assigned to an area, he would avoid putting employees in a position where they have more than one supervisor.

(*Weston Youd: It would be wise to route things through the Mayor if something is needed from staff.*)

Mr. Church agreed; unless the Council passes something else.

(*Erin Clawson: IF there is a problem with an employee; should that be routed through the mayor...or just handle it?*)

Through the mayor...or a supervisor. This is important for the Council to understand:

Currently the employees have a grievance procedure that eventually comes to the Council..."you can't be both ends of it". Another system would have to be decided on if the council is going to be involved in personnel issues.

No further questions for Mr. Church. Mayor Lutes thanked him.

2:12:13

# CITY PLANNER – ENGINEERING FOR DEVELOPMENT PROJECTS

Mayor Lutes: There are some pending project facing the Planning Commission and there is a need to hire a City Planner and some engineering expertise. LEI was invited to come and address the Council regarding services offered by them:

(*LEI Engineering: Jesse Conway & Gregg Magleby*) They were introduced by the Mayor.

Jesse Conway: LEI were the City Engineers for Elk Ridge from 2000 to 2005; they are well acquainted with the City and would look forward to serving once again. Office is based in Spanish Fork, but they also serve in Bluffdale as well. It is a full-service engineering firm, with land surveying and planning.

Gregg Magleby: He listed the services provided to municipalities and listed some of the communities served: (Elk Ridge, Woodland Hills, Salem, Payson, Spanish Fork...as well as other communities).

Planning: They plan for subdivisions, master plans, roadways, trails & parks & utility studies.

Engineering: Provide subdivision review, structure design, inspections, surveying, building inspector (back-up), state and federal funding programs.

Advantages:

- Local firm
- They have been in the industry for about 15 years
- Very familiar with the area and infrastructure and the requirements of the city and surrounding area
- Extensive experience in all aspects of municipal and commercial developments

Staff Provided:

- Greg Magleby – Lead with the full complement of staff

(*Cost?*)

On an "as needed basis" for particular projects, as requested by the Council...on hourly charges. A schedule of hourly rates to be provided.

If services become more regular in Elk Ridge, then a standard fee would be charged for development.

(*City Recorder: She asked about how the arrangements would work with the Planner.*)

The Planner would be involved along with engineering at meetings. The Planner and engineering would be available in interpretation of code and assisting the Planning Commission. They see the need to protect the City while not asking developers to do that which is not in the code.

(*Question: Writing or re-writing code...would there be assistance and guidance?*)

Again, both engineering and the Planner would be involved. There are pit-falls involved with writing code that they are well-aware of.

Any specific project would require a "work release" or a proposal that outlines the work to be done and the cost associated with it.

Weston Youd: He mentioned code (2-1-5) wherein it states that money can be allocated to the Planning Commission to hire these professionals. According to the code quoted, the Planning Commission can ask for funds to be appropriated to hire a planner, as needed, as a consultant.

City Recorder: She understands that contracts will be approved by the Council.

Weston Youd: Quoted the code stating that the Planning Commission may appoint or contract with consultants As long as the funding is appropriated for that purpose by the City Council.

2:25:56

Dayna Hughes: (Planning Commission Chair) In the nearly five years she has served on the Planning Commission, Mrs. Hughes stated they (Commission) had been *very dependent* on a City Planner. The previous Planner seemed very comfortable and knowledgeable about the City Code. Her question to LEI was how they could "possibly know our code" when they do not work for the City?

Greg Magleby: (LEI) From 2000 to 2005, LEI was instrumental in development and code enforcement; which allows them to be familiar with Elk Ridge's Code. He said they are not familiar with the new HR-1 Code; but they can get updated rather quickly and they are familiar with similar codes from other cities.

Kelly Liddiard: (Planning Commission) He expressed concern over the amount of time it could take to send applications to LEI's office before they actually come before the Planning Commission.

Jesse Conway: Their office is in Spanish Fork; so he does not see how it would add time to the process.

City Recorder: The City has not experienced much development over the past few years; but when there were applications being submitted frequently, the established submittal process must include the engineer. Craig Neeley (Aqua Engineering) requested a month to review a Preliminary Plat application and about two weeks for a Final Plat review.

Jesse Conway: The hope is to have many of the problems worked out at the "staff" level, before an application reaches the Planning Commission.

Dayna Hughes: She is concerned that the Planning Commissioners, who are volunteers and are "lay members", will be "held accountable for specific code issues, since they do not have the expertise in planning or the time to research the code. In the past, that knowledge was brought to them with the previous Planner. She felt that a paid "employee" would be preferable to "an hourly person". It seems it would end up costing the City more to hire someone on an hourly basis than to pay a part-time employee whose specific job is to deal with planning.

(\*It should be noted that the previous Planner was not an employee of the City; the City contracted with Mr. Eliot and with MAG for his services. Tax-wise, he received a 1099 form as "contract labor" rather than the W-2 an employee would receive.)

(Mrs. Hughes continued :)

She said she is "really worried" about the responsibility that would fall on her, Jason Bullard and Kelly Liddiard without a "dedicated employee that knows our code and is there to basically protect us from making a mistake". She felt our Planner has been so well-versed in code that he could guide the Commission... "so we don't make mistakes and things have been going really good the past couple of years". Mrs. Hughes referred to re-writing the development code in the recent past, which they would not have had the expertise to do without a Planner. She is concerned that "LEI would have too many fingers in the pie, so to speak".

Neil Dykstra: He asked if LEI would be willing to update themselves on the current code without a charge to the City during that time...so that they would be "as qualified as anyone in the past has been".

Greg Magleby: They never charge to get themselves versed in code. "You are not hiring us to train us. You are hiring us for our expertise and knowledge of your code."

Robert Goodwin: He was on the Planning Commission when the City worked with LEI Engineering. He felt that the Planning Commission then was just as upset when they lost LEI as the current Commission is at the loss of their Planner. "LEI did a very good job for us; and we were very sorry to lose them."

Sean Roylance: He assumed the discussion was to "fill the void left by our Planner..." he wondered if the City is also looking to replace Aqua Engineering as the City Engineer.

City Recorder: The City's current contract with Aqua Engineering allows the City to contract with other firms on projects. The City is still using Aqua Engineering on a water rights project. Locating an engineering firm that is closer than Bountiful has been discussed in the past. When Aqua Engineering was initially hired, they had a Payson Office and the Field Engineer was Bruce Ward (now with Salem City). The City changed from LEI at that time due to their Field Engineer not being what we needed (that individual no longer works for LEI). Aqua's Payson Office closed and Craig Neeley (who is a great engineer) is based in Bountiful.

Sean Roylance: He said that was why he wondered; because the Council has talked about getting a firm that is closer.

Mayor Lutes: He added that for the time being, the City can use both or other firms.

Weston Youd: (Proposal) Under the code he referred to earlier, the City Council can allocate funds to the Planning Commission. (He re-read the code referred to earlier.) The appropriated funds could be for the specific projects pending with the Planning Commission at this time. This could be a trial period to see how the relationship works with LEI. If things work out with these specific projects, then the Planning Commission could recommend that a permanent contract be negotiated between LEI and the City.

Dayna Hughes: "Or perhaps contract with another expert..."

Weston Youd: "Yes. You would have the funds to do what you need to do and if you find that it works out for you and for the Planning Commission, you can promote that to the City Council for a Planner position for the City."

Mayor Lutes: He was not sure why the City would want to take the authority away from elected officials and give it to appointees.

Weston Youd: "because the Planning Commission is specifically an 'a-political' bode...that is why they are not elected. They need to have no influence whatsoever from a political entity."

Mayor Lutes: He pointed out that currently there is a member of the Council assigned to the Planning Commission. There is "elected influence sitting in on every Commission meeting".

Weston Youd: He did not feel the Council should have any influence at all on the Planning Commission decisions."

Dayna Hughes: The City Council Member is there to report the "doings" of the City Council.

Weston Youd: He still maintained that a "political entity" should have influence on the development process until such time that action is to take place.

Jesse Conway: He stated that their experience has been to work with the City Council and the Mayor of the cities they contract with; they have never had a relationship with the Planning Commission regarding approvals of contracts entered into.

They were invited to summarize their services to the Council. It should be clear who they (LEI) would report to in the City; and who they would take orders from. He pointed out that the City Council is over the budget and it is his understanding that it is the Council that authorizes work to be done.

Kelly Liddiard: He wanted to know if the City was considering other Planners and firms; so that hourly rates can be compared...bid to bid.

Jesse Conway: He said he would be glad to provide names, positions and hourly rates; he and Mr. Magleby were invited to present information only at that meeting.

Mayor Lutes: He recommended a trial period for LEI and the Planner associated with them; and that they could address the pending matters. Based on experience, the City has worked well with LEI in the past. The City could take bids from other firms, as well; if the Council desires. In the meantime, LEI could handle the pending issues on a trial basis. He felt that was "a good place to start".

Erin Clawson: She agreed that pending issues need to be addressed; and that there is a need to obtain other bids as a comparison with other firms. The Council could allot a portion of the budgeted money to hire a Planner on a trial basis. If other issues come up, perhaps the City would want to try other options. The pressing issues should be dealt with on an immediate basis.

Weston Youd: He confirmed that there is about \$25,000 budgeted for the fiscal year for a City Planner. Part of those funds could be utilized to contract with a consultant; whether LEI or another firm or person.

Jesse Conway: He will get the requested proposal, with a cost breakdown of hourly fees, to the City.

2:45:02

Dayna Hughes: She felt it would be a good idea for the Council to allocate an agreed upon amount (a smaller amount to start with) that the Planning Commission can use to contact experts. The Commission would have to stay within the confines of that allotted amount; or come back to the Council with a recommendation to hire a full-time planner. *(Council Member Youd pointed out that the City has allocated \$25,000 toward a Planner for the year...10% of that (10 months left of the fiscal year) = \$2,500 could be allocated for now.)*

**WESTON YHOUD MOVED TO ALLOCATE \$2,500 TO THE PLANNING COMMISSION FOR THE HIRING OF A CONSULTANT/PLANNER; TAKING LEI INTO CONSIDERATION FOR THEIR SERVICES**

*Discussion:*

Dayna Hughes: "Who would be responsible for hiring the expert?"

Weston Youd: (Again quoted code: 2-1-5) He felt it should be the Planning Commission.

Kelly Liddiard: Whoever hires someone..."who is it that designates what their tasks are going to be as far as the system with the Planning Commission or the City as far as engineering..."*(unclear on recording)*  
There are things' as the Planning Commission, that we want them to assist with and I want to make sure your proposal contains that 'stuff'."

Erin Clawson: She suggested checking with David Church to make sure that this interpretation of the code is correct; since Mr. Church had just advised that it is the Mayor who hires and fires.

Dayna Hughes: She felt that applied to the hiring and firing of City employees; not this is regarding a service from a consultant.

Erin Clawson: She still maintained that it would be wise to get Mr. Church's advice.

*(Question: Unidentified person)* Where is the accountability for those funds? What would they be used for and who would they be paid to...and have they met the needs of the City? There do not seem to be any guidelines addressing accountability so the City knows we are getting what we are paying for.

Weston Youd: That "accountability" could be part of the contract entered into.

Lucretia Thayne: She anted to know if Elk Ridge has ever given money to the Planning Commission before to be able to hire people. "Something feels funny about this...it seems to contradict everything that we have heard". She wondered if the Planning Commission is going to enter into contracts for the City.

*(Council Member Youd responded that they "would be entering into contracts for the Planning Commission.)*

Mrs. Thayne came back with: "But the Planning Commission is part of the City."

Dayna Hughes: "It's not a contract; it would just be like somebody going to work for McDonald's...and they work for an hourly wage and they are employees 'at will'. The Planning Commission would never enter into a contract on behalf of the City. That would be against our code."

City Recorder: "each 'Work Release' is a contract. They will come forward with a work release...it will be signed...it will be authorized and then signed by the responsible party. Typically the responsible party is the Mayor, approved by the Council. The contract is approved by the Council; like our agreements at the beginning of the meeting...we entered into a contract. The Mayor wanted guidance from the Council." He felt that if he were to enter into a contract, he needed the Council's authorization to do so. Each "work release" that comes forward from any firm would be signed by the Mayor on behalf of the City Council. "That is who signed Shawn's (Shawn Eliot) agreement...that is who signed out agreement with MAG" *(part of Shawn Eliot's arrangement with the City)*. Example: Aqua Engineering does not do work for the City without a contract or a proposal in the form of a "work release" that states parameters of a project and expected costs. Whoever it is that signs the document, will enter into an agreement (contract) with that particular entity or party.

Dayna Hughes: "would it then be more appropriate for the Council to move that in the next ten days they will acquire a certified City Planner...for a short period of time...that works with the Planning Commission...whether it is LEI...I just like the idea of having a certified city planner. I am 'locked in a mold'...this is what I'm used to."

City Recorder: "But Shawn was not a certified city planner. He worked for MAG (Mountainland Assoc. of Governments) as a circulation director. When he first came to work for the City he said, 'I am not a certified city planner'. He said, 'I will learn along with you; but I don't have expertise in municipal planning'."

Weston Youd: He said the only reason he brought this up was so there could be an immediate response.

Dayna Hughes: "From what I am hearing, that is going to cause way more problems than it's really going to solve. It's going to cause contractual problems..." She did not think it would work if she were signing. She did not think it would be her signing contracts.

Rein Clawson: She discussed the advantages she saw with using LEI:

- They are closer
- The planner and engineer are in one firm and can work together
- Check and balances are already in place

Weston Youd: He said it could be done at the Council level.

Dayna Hughes: "It sounds to me like you have to."

Bob Goodwin: The City Attorney advised that the City Council has the responsibility of policy decisions and the Mayor has the executive decisions; "which to me means that the Mayor is going to be the one who's going to sign the contract and that cannot be delegated to the Planning Commission to hire individuals apart from the City."

Weston Youd: He agreed in part, but referred to the code he quoted earlier that allows the Planning Commission to... *(he was interrupted)*

Bob Goodwin: "She's (Mrs. Hughes) not going to sign the contract and be held liable by the City; "if she does, then I don't think that would be very smart". He feels the Council is responsible and any contract would need to be reviewed very carefully. He felt Council Member Youd was quoting "something out of the code that is not in line with the policy of the City".

Paul Squires: He felt that Mrs. Hughes was asking the Council to make that decision.

Dayna Hughes: She felt they (Planning Commission) was at the point where they simply need a planner. (Council Member Youd noted that Mrs. Hughes had an issue with LEI...) She clarified that if she were on the Council, she would not move to hire LEI that night; without further information or anything in writing. She suggested a time period...that the Council could have someone available in the position of planner by the next Planning Commission Meeting...considering other bids. The Planning Commission would work with them on a short-term basis, on an hourly rate. There are problems that need to be solved soon.

2:55:17

Ken Lutes, Jr.: (Comment from audience): He expressed concern at sending a decision like this to the Planning Commission.

Erin Clawson: She agreed that the City should get other bids from other firms as a comparison before making any decision. She questioned the timing of reaching a decision prior to the next Planning Commission Meeting.

**Council Member Youd's motion died for lack of a second.**

\*The matter was to be on the agenda for the following Council Meeting. Council Member Roylance noticed that there may not be another Council Meeting prior to the next Planning Commission Meeting. He suggested perhaps a polled vote.

Mrs. Hughes added that the Planning Commission meeting could be postponed until October. (It was agreed upon.) Mrs. Hughes did postpone the next Planning Commission Meeting until the 2<sup>nd</sup> Thursday in October and cancelled the September meeting. She will contact the Planning Commission Assistant, Marissa Bassir. This will give the Council time to work out the details in this process of reviewing bids to hire a planner.

Kelly Liddiard (Co-Chair of the Planning Commission) suggested waiting postponing the Planning Commission Meeting until the 4<sup>th</sup> Thursday in October. Mrs. Hughes saw no pressing reason why they could not wait until the 4<sup>th</sup> Thursday in October; with no September Meetings.

Mrs. Hughes asked that a planner be in place by the 1<sup>st</sup> Thursday in October; this would give time to update the new planner.

\*Mayor Lutes will gather the bids from various firms and possible individuals to bring back to the Council.

Weston Youd: He would like that information to be forwarded on to the Planning Commission as well as the Council. (Mrs. Hughes said she did not want to be involved...she felt that may "complicate things".)

3:01:30

PART TIME  
EMPLOYEE

Mayor Lutes: It has become apparent, with the amount of work already accomplished and the amount still to be accomplished, that it may be in the best interest of the City to consider hiring a part-time employee to assist. Woodland Hills has approached the City with an interest in sharing an employee, as they need help, as well. In fact, Woodland Hills has already budgeted the funds for ½ the cost of an additional employee. An additional worker would not only assist in the work load, but would be "back-up" for the current Public Works Dept. in case that were needed.

*Discussion:*

Neil Dykstra: He asked who would be responsible for benefits.

Mayor Lutes: Woodland Hills would share the cost, including benefits; but Elk Ridge would be the hiring entity. Perhaps the agreement would not be tied to just one individual; but maybe simply to provide one of the other employees if the new employee were busy on a project. He felt it would be to the City's advantage to train the employee to work with the City's Sept.

Derrek Johnson: He asked about projected costs.

Mayor Lutes: An exact amount was not known at that point; but it would be less than Mr. Stephen's salary...probably more in line with what other City employees earn. He estimated somewhere around \$50,000 to \$55,000...with the City covering ½ of that..."whatever it takes to get qualified help". If the Council thinks this is a concept to pursue further, then more specific information would be provided.

3:05:33

Julie Haskell: She pointed out that Mr. Stephens already has an assistant in Public Works in Wayne Frandson.

Mayor Lutes: He added that Mr. Frandson is looking forward to retirement fairly soon and another employee needs to be trained; and he pointed out that Mr. Frandson lack some of the qualification (water certification) that is needed for back-up. His services are still valuable to the City; but we either need to cut down on the projects assigned to them, or get them some help.

Neil Dykstra: He recommended that Mr. Stephens write up a job description outlining the duties and responsibilities of this position and what the requirements would be; then the expectations are clear when interviewing for the position. (The Mayor agreed with this.)

3:07:50

Sean Roylance: He wanted to know what Woodlands Hills' needs are; if their needs are equal to Elk Ridge's...then we would share in the costs equally...however, if their needs are greater or less, then the charges should be adjusted accordingly. He sees the advantage of bringing an employee on in the future, should the need arise...at that time, that person would have had time to be trained. Elk Ridge would need to be sure that the contract would allow this to happen.

He mentioned that Elk Ridge will be the hiring entity and therefore will have more of a "liability" should Woodland Hills decide to back out of the agreement. He suggested that perhaps Woodland Hills should pay a bit more than ½ of cost.

Weston Youd: He cautioned that a balance be kept in mind so Woodland Hills continues on in the agreement.

*Discussion of sharing hours between the cities. Mr. Stephens sees a "settlement" at the end of each year. This would need to be negotiated. The City contracts with the Sheriff's Dept. for ½ of an officer and the County simply invoices Elk Ridge semi-annually for a flat assessment. Council Member Youd felt the invoices should be monthly to better monitor the time. The amount allotted for an employee needs to be a budgeted amount. (Further discussion of billing options)*

SEAN RYOLANCE MOVED, SECONDED BY ERIN CLAWSON, TO REQUEST THAT THE MAYOR COMPILE A JOB DESCRIPTION; AND FOR HIM TO WORK WITH WODDLAND HILLS IN THAT PROCESS, TO BETTER REVIEW THE POSITION SOUGHT BY BOTH CITIES; TO INCLUDE PROJECTED COSTS ASSOCIATED WITH HIRING AN EMPLOYEE

VOTE: YES (4)

NO (1) JULIE HASKELL

3:18:37

ASSIGNMENTS

Mayor Lutes: He pointed out that three members of the current City Council will be terminating their terms of office in a little over a year. There are responsibilities that need to be learned by others. With this in mind, the Mayor proposed the following Council Assignments (to be mentored and taught responsibilities):

- Planning Commission: Appoint Erin Clawson to assume the role of attending Planning Commission Meetings along with Council Member Sean Roylance.
- Parks and Trails (including the City Celebration): Appoint Weston Youd to be trained by Council Member Derrek Johnson; to eventually assume that role.

Council Member Johnson, as well as his wife and family, have done an outstanding job with this area.

*Discussion:*

*No discussion.*

SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL ASSIGNMENTS AS FOLLOWS:

- ERIN CLAWSON: PLANNING COMMISSION (ALONG WITH SEAN ROYLANCE)
- WESTON YOUNG: PARKS & TRAILS; INCLUDING THE CITY CELEBRATION (ALONG WITH DERREK JOHNSON)

*Discussion:*

The Mayor asked if the two Council Members were willing to accept the proposed assignments. There were no objections.

VOTE: YES (5)

NO (0)

3:22:52

CODE ENFORCEMENT OFFICER

Mayor Lutes: One of the recommendations from the Planning Commission has been for the City to have a Code Enforcement Officer. The Mayor recommended Raymond Brown for the position. He is well-qualified for the position: he has been on the Planning Commission (served as Chair); he is a former City Council Member and has served in various areas of enforcement in the past. He has agreed to an appointment to this position.

ERIN CLAWSON MOVED, SECONDED BY DERREK JOHNSON, TO APPOINT RAYMOND BROWN AS THE ELK RIDGE CITY CODE ENFORCEMENT OFFICER

VOTE: YES (5)

NO (0)

3:24:24

LANDSCAPING EXTENSION APPLICATION - SHIPPS?

Mayor Lutes: This duty would typically be taken care of by the Code Enforcement Officer; but since that position was just approved; it came to the Council for a decision on the application.

The applicant seeking an extension had not yet received an initial letter (no one had) regarding landscaping; yet these people acted on their own to come forward to apply for an extension for one year (October 2011).

The Council had the following options:

- Approve the one year extension
- Deny the request
- Grant an extension for a shorted period of time (perhaps spring of 2011)
- Other?

*(Letters were to go out to residents in violation of the code after a survey by the new Code Enforcement Officer.)*

They asked for the extension due to financial hardship.

~~Comments were made that they keep their yard weed free.~~

ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE A ONE YEAR EXTENSION UNTIL OCTOBER, 2011; FOR \_\_\_\_\_

VOTE: YES (5)

NO (0)

3:27:17

ORDINANCE – EMPLOYEE COMPENSATION

City Recorder: The wages in force currently were approved back in May, 2010, when the Tentative Budget for 2010-2011 was approved. The wages are to be formalized in ordinance form.

The current wages were approved with no cost of living adjustments or raises.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO ADOPT THE PROPOSED EMPLOYEE SALARY/ WAGE ORDINANCE FOR THE 2010/2011 FISCAL YEAR

VOTE: YES (5)

NO (0)

3:28:35

EXPENDITURES

General: None.

1. *Planning Commission laptops:*

It has been recommended and requested by the Planning Commission for the City to purchase 2 or 3 laptops to be able to view the code online, rather than have hard copies of the code, which can be out-dated.

It has been mentioned that these could be purchased for less than \$100; but the Mayor was unsure if this was a reality. Marissa Bassir researched costs and she came up with the lowest cost of \$200 to \$250.

*Discussion:*

Weston Youd: He brought up that there are advantages and disadvantages to bringing personal laptops to the meetings to use. The benefit is being able to access the code easily; however, there may be associated security issues in possibly being able to get into the City's network. If the City purchases the laptops, then the City controls the complete configuration of the computer so no one can get into the network; this would be preferable.

Neil Dykstra: The City is not just purchasing laptops; there is all the software to purchase as well...for each laptop.

(Council Member Youd pointed out that the laptops located for \$248 includes the software. The laptops are really considered "notebooks", with 10" screens.)

He suggested management "guidelines" to disallow personal use...a network administrator with someone that has the authority.

(Jamie Towse observed that it would be good to have updated code available for use in meetings. She also suggested getting just one that could be projected onto the screen in the Council Room.)

Weston Youd: There are other options, perhaps with surplus laptops (Example: Novell recycles their computers frequently and he thought a used laptop could be purchased from them for about \$110 to \$120. An investment of maybe \$500 that would last a number of years...so the Planning Commission would have updated information available to them...he feels this would be a good investment.

Neil Dykstra: He suggested having a computer set up in the City Hall that would be available for any of the Commissioners to come in to review code...or it could be used to project to the whole room. There would be less liability than having a number of laptops distributed to members of the Commission. There is much that can be done with the capacity for multiple windows on the screen.

\*Council Member Youd said he would find out about the options on used laptops and bring that information back to the Council.

Erin Clawson: She felt it was important to have this information by the next Council Meeting.

Sean Roylance: He liked the idea of 2 laptops...used; that would give the ability to have one for projecting onto the screen...and the other used to perhaps look something up at the same time.

**DERREK JOHNSON MOVED TO TABLE THE ISSUE OF PURCHASING LAPTOPS UNTIL MORE INFORMATION IS AVAILABLE**

*The motion died due to lack of a second.*

**SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO AUTHORIZE AN EXPENDITURE OF UP TO \$250 FOR THE PURCHASE OF TWO LAPTOPS; PROVIDED THEY CAN BE LOCATED FOR THAT PRICE**

**VOTE: YES (4)**

**NO (1) DERREK JOHNSON**

*Discussion:*

Neil Dykstra: No criteria have been set as far as what those laptops need to have (power, processing, memory...and other specifications).

Weston Youd: He suggested using the criteria listed on the printout for the laptop found at Walmart for \$248. The Council agreed.

3:40:54

*2. Check Registers for July, 2010:*

**ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE CHECK REGISTER AND PAYROLL FOR JULY, 2010**

**VOTE: YES (5)**

**NO (0)**

3:42:07

MINUTES

*City Council Minutes from 7-27-2010 and 8-4-2010:*

**ERIN CLAWSON MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CITY COUNCIL MINUTES OF 7-27-2010 & 8-4-2010, AS PRESENTED**

**VOTE: YES (5)**

**NO (0)**

3:42:43

PROTECTION ONE

CONTRACT RENEWAL


The City Hall security system is provided by Protection One; the contract is up for renewal. Protection One proposed switching to a remote feature; but the Council and the City Recorder felt that this was not necessary at this time. The service has been satisfactory.

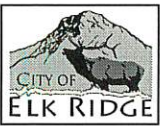
**ERIN CLAWSON MOVED, SECONDED BY WESTON YOUNG, TO APPROVE THE PROPOSED RENEWAL CONTRACT FOR THE CITY'S SECURITY SYSTEM WITH PROTECTION ONE**

**VOTE: YES (5)**

**NO (0)**

Mayor Lutes adjourned the Meeting at 9:45 PM.

  
Janice H. Davis – City Recorder



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

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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, September 14, 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. Allied Waste Contract Discussion
2. Storm Drain
3. Report – Engineering / Planner
4. SOS – Temp. Employees – Discussion
5. Manhole Collars – Corbett Stephens

**7:00 PM -**

**REGULAR COUNCIL MEETING AGENDA ITEMS:**

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum

7:15 6. Crestview Estates – Road Repairs (Corbett Stephens)

7:25 7. Allied Waste Contract – Approval

7:35 8. Storm Drain

7:45 9. Action: Engineer / Planner

8:15 10. Public Works Assistance - SOS Temporary Assistance

8:45 11. Manhole Covers - Corbett Stephens

9:00 12. Expenditures: (General)

A. Planning Commission Laptops

9:15 13. 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.

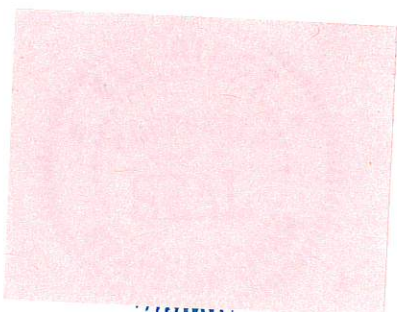
Dated this 12<sup>th</sup> day of September, 2010.

  
\_\_\_\_\_  
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 September 12, 2010.

  
\_\_\_\_\_  
City Recorder



ELK RIDGE  
CITY COUNCIL MEETING  
September 14, 2010

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, September 14, 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 September 12, 2010.

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

*Mayor:* Kenneth O. Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson (Absent: Sean Roylance); *Planning Commission Chair:* Dayna Hughes; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Public:* Alan Hughes, Jack Mason, Neil Dykstra, Lucretia Thayne, Jamie D. Towse, Karla Adams, Mallory Hughes, Cami Carter & Stuart Adams (Horrocks Engineering); *and the City Recorder:* Janice H. Davis.

ALLIED WASTE  
CONTRACT

Council Member Johnson was assigned from the last City Council Meeting to meet with Allied Waste to work out details if a contract with them, including lower fees.  
Derrek Johnson: He did meet with Allied and expressed to them that the City needs "better numbers". The revised agreement came in that day and he has not had time to review it.  
Mayor Lutes: when they met, they said they would like to have a couple of extra dollars to cover administrative costs, rather than subsidizing the costs through General, Fund revenues. They discussed ways that might be accomplished.  
Suggestions from Allied:  
- Roll-offs are expensive...perhaps if those were eliminated, then the costs could be lowered  
- All cans on the same side of the street  
The Council was considering a one year contract.  
Proposal: \$9.73 for 1<sup>st</sup> can (includes collection) + 4.33 each for additional cans  
- Without spring clean-up dumpsters (roll-offs)  
- Place all cans on the same side of the street (Side is dictated by Allied)  
- Possibly decrease the charge for the 1<sup>st</sup> can and increase the charge for the 2<sup>nd</sup> can  
The Mayor added that there is still the fuel charge, which changes from month to month; adding \$.20 or \$.30. So, the Council needs to consider whether to continue with roll-offs or not.  
\*The proposal will be on the next agenda for action.  
Comments:  
Julie Haskell: She liked the idea of decreasing the amount of the 1<sup>st</sup> can by increasing the charge for the 2<sup>nd</sup> can.  
Mayor Lutes: Most cities do not still provide roll-offs for clean-up for their residents; it is too much of a problem and too expensive. Most cities do not have a reduced price for an additional can; example: Payson charges the same for both cans. Those two suggestions might be considered in order to lower rates for the majority of the citizens.  
Julie Haskell: She mentioned that the dumpsters are popular with many residents; but the mess has been an issue. It helped a little when the location was moved.  
Corbett Stephens: He pointed out that it helped with the mess when the dumpsters were moved and more of them provided (4 rather than 2).  
Mayor Lutes: The Finance Director suggested raising the rates to at least \$12 (1<sup>st</sup> can) to cover administrative costs. It is important to get the rates down enough to cover these costs in the General Fund.  
Julie Haskell: She questioned collection on cul-de-sacs and dead-end streets: the trucks have to turn around anyway; would the cans still need to be on one side of the street?

10:19  
STORM DRAIN

The Mayor directed this agenda item to Council Member Youd; he had volunteered to help gather information regarding the number and types of storm devices throughout the City.  
Council Member Youd responded that he had not had time to complete this task; he hoped to during this month. When asked if he had contacted Corbett Stephens, he replied that he had not. He said he had started on creating a single map to create an inventory.  
Mayor Lutes asked Mr. Stephens if there should be a deadline for this work to be completed.  
Corbett Stephens: The Council needs to decide how they want to approach the cleaning. Twin D cannot provide an estimate without the maps and the information.

11:53  
ENGINEERING /  
PLANNER

Four proposals from engineering firms were provided in the Council packets; two of the proposals include services from a Planner (LEI & Horrocks). A summary of some of the hourly rates was in the memo from the City Recorder. Proposals from engineering firms:  
- RB&G, Horrocks, D. Frandson & LEI  
There is quite a spread in prices for hourly wages; LEI was the lowest and they are located in Spanish Fork.  
Mayor Lutes: He had information that had just come in that day from Utah League of Cities & Towns (ULCT): they recommend a man that was a planner for West Valley City, recently retired. The Mayor passed out copies of his resume. (Qualifications were reviewed, indicating extensive experience) This individual was contacted by Mayor Lutes for some training for the Planning Commission; he said he was also available with services as a planner, as well (rate at \$60/hour + mileage for one way only). He was recommended by Meg Ryan (ULCT).

17:31

Other planner rates: LEI (\$100/hr) & Horrocks (\$114/hr...travel could be extra)

*Comments:*

Dayna Hughes asked about the time frame in deciding on a planner. Mayor Lutes responded that the decision could be made at that meeting, or postponed. Mrs. Hughes added that October 9<sup>th</sup> would be the next Planning Commission meeting and a planner would be needed for certain items on the agenda. It would be preferable to give the new planner time to acquaint himself with the issues.

Mayor Lutes asked the Chair if it would be possible to get the Commission together for some training before that time; Mrs. Hughes said she did not understand the need for any training...she felt all of the Planning Commissioners were trained, except for the new ones and they will go as soon as that training is available.

Mayor Lutes: He felt there seemed to be a great deal of confusion on the part of the Commission, particularly in light of the resignation of the former planner...they seemed to be looking for direction. Due to the questions and concerns expressed, the Mayor felt some training would be appropriate. As an example: creating agendas and the proper way to run the Commission and the association with the duties of the Planning Commission Assistant (Marissa Bassir). He suggested it may be appropriate for the City Council to be at the same training so they can understand the proper relationship that the two bodies should have. He felt this would be a good way to start off with a new planner. *(Much of this discussion was inaudible)*

22:16

*(Mrs. Hughes did not see the need. After further explanation, she understood that Mr. Jansen [retired planner] would be coming to a Work Session for training.)* Mayor Lutes also felt that this should not take the place of the training provided by ULCT for planners.

Mrs. Hughes: She was concerned about someone acting as an actual planner for the City; and to have the chance to become informed on the issues that are before the Planning Commission at this time. This would be separate from the training. She also agreed that the training provided by ULCT is valuable.

Mayor Lutes: That can all be arranged as soon as the Council makes a decision on the choices presented to them; or to pursue other options in finding a planner.

Derrek Johnson: He felt it was important to make a decision to give the planner time to get updated on the information.

Mrs. Hughes: She said she would wait for the Council's decision and then arranged to meet with whoever is chosen and Marissa Bassir regarding agenda items. She commented that typically the City Planner sets the agenda; she wanted to know at what point should the cut-off be for someone wanting to get onto the agenda. She also objects to people calling her at home for Planning Commission.

Mayor Lutes: From the conversation he has had with those acquainted with planning commission procedures, the Chairperson should be the one that sets the agenda. The planner should act as an advisor. The Mayor added that people should call the City Offices and go through Marissa Bassir. Setting the agenda would be the same process that the Mayor goes through with the City Recorder; but Mrs. Hughes would work with the Planning Commission Assistant (Mrs. Bassir). The Planner may advise the Chair as to possible agenda items; but should not be relied upon to create the agenda...that is the Chair's job.

This is a change, but the Planning Commission should be run by the Chairperson.

*(Mrs. Hughes will simply wait for direction from the Council.)*

Weston Youd: He offered to contact Mrs. Hughes to inform her of the City Council's decision, since she was unable to stay for the Regular Session. He wanted to know if Mrs. Hughes had a preference as to the options available for planner.

Dayna Hughes: She said she trusted the Mayor and the Council to make this decision; and she will be happy with whoever is hired. She would like to know what the budget for use of the Planner is so that she has an idea of how much to utilize his services; she can keep track of the time. She is afraid that the City will not get the same level of service as with the previous Planner.

\*Mayor Lutes: Though he appreciated the offer from Council Member Youd to contact Mrs. Hughes, he asked Council Member Clawson (assigned with Council Member Roylance to the Planning Commission) to contact Mrs. Hughes.

Erin Clawson: She and Council Member Youd spoke of the advantages of LEI's proposal: they are less expensive, they are close and the City has worked with them previously and they are already acquainted with the City's code.

38:01

SOS – TEMPORARY  
EMPLOYEES

Mayor Lutes: In a previous Council Meeting, Corbett Stephens had requested some additional help with the scheduled projects. The idea of sharing an employee with Woodland Hills was discussed and the Mayor and Mr. Stephens were to create a job description for the position. As they were discussing the matter, they felt that perhaps it would be better for the City to simply utilize temporary help; and that it may be somewhat premature to hire an employee at this time, particularly with winter coming on. They looked into SOS Temp. Services and had representatives come out to City to discuss the terms of their services.

SOS has various skill levels at different prices. The benefits would be covered by SOS and then the City would be bound to this assistance only for as long as the duration of the particular project. If the worker they send out is satisfactory, then he/she continues on with the project; however, if they are unsatisfactory, after four hours, then there is no charge. This seemed like a good idea for the City at this time.

Julie Haskell: She questioned if this would be a day-to-day arrangement (Yes); and if the City still has a list of back-up snowplow drivers (Yes). The observation was that winters tend to be "slow" as far as an abundance of work to do.

Mayor Lutes: He listed some of the pending projects:

The rest of curb & gutter, water tank fence to be installed, concrete work, asphalt patch along side the new gutter, playground lighting.

**Corbett Stephens:** He felt it would take organization on the part of the City to be sure time was spent wisely. He does not want to hire an employee and then have to lay him/her off. He felt temporary services would fit the City's current needs.

*The Council generally agreed that this is a good solution for now.*

**Weston Youd:** The option of "Temp. to hire" is another possibility for the City. A person (worker) can be evaluated on the job and if the person does not work out, the employer is not stuck with a worker that is not qualified. This option can be indicated to the firm. There may be a fee associated with actually hiring an individual.

**Erin Clawson:** If the person worked out, she wanted to know if he/she could just be hired; or would the City be forced to hire through the company?

**Weston Youd:** Many workers prefer the flexibility of temporary work; but it depends on the arrangement that is set up with the company before the worker is sent out. If the City hires a worker, there may be a fee attached to that situation. There could be a time limit for hiring; that needs to be established by reviewing the agreement

**Jamie Towse:** She asked about hiring within the City prior to a worker coming from outside the City.

*(Council Member Youd responded that was a good suggestion.)*

46:03

**MANHOLE COLLARS**

*Memo from Corbett Stephens to Council, dated 9-9-2010)*

"Where currently there is a need to repair water valves and manholes, due to freezing and general movement, these repairs are commonly done through the use of concrete collars. Bringing water valves and manholes to the proper grade and slope of the road is generally the easiest and best way to be done. Currently Griff Johnson, Doe Hill Estates, is in need of having this done and would be willing to allow us as a city to do this, provided we don't hold him up from being released from his obligation as the developer for his project. He is willing to give the city the money associated to install these collars and we in turn would release him from durability. The amount for these collars is \$18,990.00; I have received quotes for the needed equipment to do these collars ourselves and they range from \$13,000.00 to \$15,600.00. The equipment quotes vary slightly and none include a tractor to operate the equipment, rental of which is approximately \$200.00 per day.

I request authorization to accept Mr. Johnson's offer to receive cash-in-lieu of required improvements and then for Wayne and I to install these collars next spring, as time then permits. Professional estimates suggest that with the appropriate equipment we can install 20 collars per day, where when we do it with our jack hammer we may only do 3 to 5 in the same time period."

Mayor Lutes summarized the memo.

**Corbett Stephens:** He estimated that there are about 300-400 sewer manholes in the City (not all in the asphalt). He explained the difference between asphalt collars vs. concrete collars: The concrete allows the manhole to be tilted to the grade of the road. This is an opportunity that presents itself now with the developer work that needs to be done. He further explained the rental of a "bobcat" to attach the equipment to. A resident has also offered the use of his "bobcat", which is a smaller machine, but would still work. If we had the room, it would be good to purchase one; however the expense would be difficult to justify when the city could rent one for \$200/day.

**Derrek Johnson:** He felt this was a "smart" suggestion. He feels it is a good opportunity; perhaps the machine could be rented out.

*No further comments.*

50:08

**ELK RIDGE  
CITY COUNCIL MEETING  
September 14, 2010**

**TIME & PLACE  
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 14, 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 September 12, 2010.

7:00 PM –

**CITY COUNCIL REGULAR SESSION AGENDA ITEMS:**

**ROLL**

**Mayor:** Kenneth O. Lutes; **City Council:** Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson (Absent: Sean Royslance); **Planning Commission Chair:** Dayna Hughes; **Building Official:** Corbett Stephens; **Sheriff:** Deputy Brent Butters; **Public:** Alan Hughes, Jack Mason, Neil Dykstra, Lucretia Thayne, Jamie D. Towse, Karla Adams, Mallory Hughes, Cami Carter & Stuart Adams (Horrocks Engineering); **and the City Recorder:** Janice H. Davis.

**OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE**

An invocation was offered by Mr. Neil Dykstra; and Mrs. Jamie Towse led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME  
FRAME**

**JULIE HASKELL MOVED, SECONDED BY DERREK JOHNSON TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:10 PM**

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

55:09

## PUBLIC FORUM

No one approached the Council.

CRESTVIEW ESTATES  
- ROAD REPAIRS

Corbett Stephens: (Brief History) Park Drive was involved with Crestview Estates. Three years ago the Development was placed into the Durability Time Period; they had not had the required compaction tests on any of the trenches they installed. Park Drive was torn up for an extended time and many meetings were held to try to get them to complete the improvements. Because they failed to have the compaction tests, the Engineer told them that they had two choices:

1. Tear out the trenches and do it over

2. Go with a four (4) year Durability

They opted to not tear it out; but to go with the 4-year Durability. If it failed, they knew they would have to fix the road.

New developers have taken over and the improvements did fail. The "new" developers are actually the original ones that sold it to others. The "new" developers want to get the Subdivision out of Durability; so they are willing to fix the trenches (laterals). The developers met with Corbett Stephens and Craig Neeley (Aqua Engineering) the previous week. Mr. Neeley wrote a letter to the developers, detailing what needs to be done as far as fixing the road. Mr. Neeley felt that in three year's time the trenches have settled all they are going to; but to fix it, he wants what is called a "T" Patch...cutting out the failed sections and fixing those areas according to Code. The developers want their money back and to do that, they need to fix the trenches.

They want to make the repairs now, rather than waiting another year.

Erin Clawson: She wanted to be sure there would be final inspections to ensure the work is "done right".

Corbett Stephens: Once the Council approves allowing the developers to follow the recommendations of the engineer, and to fix the road; then they will make take care of the repairs (inspections the whole time); then they will have a slurry seal place on the top. Upon completion, Mr. Neeley will conduct a final inspection and write a letter of recommendation to release the development and to take them out of durability.

**DERREK JOHNSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE ALLOWING THE DEVELOPERS FOR CRESTVIEW ESTATES, PLAT A, TO ARRANGE REPAIRS TO THE FAULTY TRENCH WORK ON PARK DRIVE, FOLLOWING THE RECOMMENDATIONS FROM MR. CRAIG NEELEY (AQUA ENGINEERING); AND, UPON COMPLETION OF THE WORK AND WITH THE FINAL RECOMMENDATION FROM AQUA ENGINEERING; TO RELEASE THEM FROM THE DURABILITY TIME PERIOD**

**VOTE: YES (4)**

**NO (0)**

**ABSENT (1) SEAN ROYLANCE**

1:00:10

ALLIED WASTE  
CONTRACT

\*Mayor Lutes: It was decided in the Work Session that more time is needed to review the proposals. It will be placed on the next agenda for City Council.

1:00:44

## STORM DRAIN

\*This item was also postponed. The data was not available regarding the number of storm devices in the City. Mayor Lutes asked Council Member Youd what to expect at the end of September regarding information available to the Council.

Weston Youd: He responded that there would be a map and an accounting of all of the storm drains; "everything Corbett has started, I am just going to continue throughout the City".

Directions were given to obtain measurements of how full the sumps/drain boxes are. He agreed that he would do that.

*(The Mayor thought there would also be recommendations as to what to do about cleaning out the systems...whether contracting with Twin D or the purchase of a "vac" truck or trailer, etc. Will there be options for a solution for the problem?)*

Corbett Stephens: He recommended finding out what the entire current situation is. Twin D cannot quote a price until they know the details of the work to be done. Craig Neeley (Aqua Engineering) does not know what to recommend until the details are available. Once that information is gathered up, then the City can submit it to Twin D for an estimate and any engineer we may be using for their recommendations.

Erin Clawson: She asked if Council Member Youd if he needed assistance in gathering the information.

Weston Youd: He said he was asked to help; but he would welcome any assistance.

1:04:10

ENGINEERING –  
PLANNER

Erin Clawson: She asked for a review of the Councils opinions on the various options (she was not present during this discussion in the Work Session).

Derrek Johnson: He reviewed the advantages of using LEI Engineering:

- They are close (Spanish Fork)
- They have a Planner on staff
- They have served Elk Ridge in the past
- There is a good relationship with them
- Prices are lower (overall)

Weston Youd: He agreed with Council Member Johnson.

Erin Clawson: She also agreed.

Julie Haskell: (Part of her response was inaudible; but it sounded like she said she liked the fact that they are close to Elk Ridge.)

Mayor Lutes: He recommended not necessarily taking work away from Aqua Engineering; but to have the option to hire engineering for particular projects.

Julie Haskell: She observed that Aqua Engineering knows the water system and their knowledge would be invaluable to the City. She would hate to lose that relationship with Aqua.

Erin Clawson: The Planning Commission and the Council will have to utilize time spent with the Planner wisely.

The cost (\$100/hr) requires that plans be in place; for example, using the Planner to create an agenda may not be the best way to use his time and the City's money. Having a plan in place for the best use of time and funds is going to be up to the City. The meetings need to be efficiently run.

Mayor Lutes: He suggested staying within the money already budgeted for a Planner for the year; that averages out to about \$2,000/month.

Erin Clawson: She felt that was reasonable for now. There is not a lot going on currently; that amount may need to be adjusted as the year progresses.

**WESTON YOUNG MOVED TO ACCEPT LEI ENGINEERING'S PROPOSAL FOR ENGINEERING AND PLANNING SERVICES; AND THAT SERVICES FOR A PLANNER NOT EXCEED THE ESTABLISHED BUDGET, AS DEFINED IN THE 2010/2011 FISCAL YEAR BUDGET**

*Discussion:*

Mayor Lutes: He pointed out that funding for engineering services would be drawn from other areas in the Budget. The Planner budget could be restricted to the budgets amount for planning; but engineering would not be included in that. Care should be taken how the motion is worded, so as not to restrict money assigned for planning and engineering.

Corbett Stephens: He felt that engineering fees are typically covered for development by the established application fees.

*It was agreed that the money spent for planning should be separate from engineering.*

**THE MOTION WAS SECONDED BY ERIN CLAWSON**

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

*\*Council Member Clawson was to notify Chairperson Dayna Hughes of the Council's decision and the financial restrictions. She will provide a copy of LEI's proposal to Mrs. Hughes, as well. Perhaps Marissa Bassir can assist Mrs. Hughes in tracking the hours and money spent per month. If the \$2,000 is not used for a certain month that excess could be rolled over to a month where the need may be greater.*

1:12:40

PUBLIC WORKS  
ASSISTANCE –  
SOS TEMP.  
SERVICES

Mayor Lutes asked if there was any further discussion besides that which took place in the Work Session. The proposal was to use a temporary service company rather than considering hiring an additional employee at the present time. He suggested that the Council also authorize some money to be spent on the pending City projects. There is \$10,000 budgeted for the installation of the fence; that could be used for labor for that project. \$10,000 should cover the work that needs to be done right now. The City Recorder will have to figure out how best to use that \$10,000.

**WESTON YOUNG MOVED, SECONDED BY DERREK JOHNSON, TO AUTHORIZE UP TO \$10,000 BEING SPENT ON THE WORK THAT NEEDS TO BE DONE ON CERTAIN PENDING PROJECTS; CONDITIONAL UPON THE CITY RECORDER CLARIFYING THE FUNDING AT THE NEXT CITY COUNCIL MEETING**

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

1:15:12

MANHOLE COVERS

Corbett Stephens proposed using developer money to purchase the equipment necessary to install manhole covers within the Doe Hill Subdivision.

Corbett Stephens: He will do what the Council directs; but he would prefer to wait to install those "collars" until perhaps spring. However, the developer would like to be released from Durability. The Council released Rocky Mountain Subdivision, Plat B recently with the same understanding: that the developer would "buy-out" of his obligation to finish certain repairs, with the understanding that the City would use that "cash-in-lieu" money to do the work...and the Development was released from Durability. This proposal would also be "cash-in-lieu" of actually installing the collars at this time; they would be done later by the City.

Once the equipment is purchased; using developer money, then that equipment would be the City's and could be used on other developments, as well as on repair work on existing collars in the City.

So, the Council would need to accept the developer money as cash-in-lieu of requiring the collars to be done before releasing them from Durability. If this is accepted, they can be released from Durability, once the overlay is complete and they pass their final inspection.

**WESTON YOUNG MOVED, SECONDED BY DERREK JOHNSON, TO ACCEPT \$18,990.00 AS CASH-IN-LIEU OF THE COMPLETION OF THE REQUIRED CONCRETE COLLARS FOR DOE HILL SUBDIVISION, PLAT A; AND UPON COMPLETION OF THE REQUIRED ASPHALT OVERLAY AND PASSING FINAL INSPECTION, TO RELEASE DOE HILL SUBDIVISION, PLAT A, FROM THE DURABILITY TIME PERIOD**

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

**ERIN CLAWSON MOVED, SECONDED BY DERREK JOHNSON, TO USE THE CASH-IN-LIEU PAYMENT TO THE CITY FROM THE DEVELOPER OF THE DOE HILL SUBDIVISION, PLAT A; TO PURCHASE THE NECESSARY EQUIPMENT TO FIX CONCRETE COLLARS, IN AMOUNTS BETWEEN \$13,000 AND \$15,600.00**

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

1:23:22

EXPENDITURES:

General:

*A. Lap Tops for Planning Commission:*

Weston Young: There was the model in the packets; or purchase lap tops at Walmart. He was going to get prices on similar lap tops. There was an offer (Neil Dykstra?) to check with local retailers in the area to get brand new lap tops for \$300; loaded with more elements than the ones presented for purchase; they could be more useful.

The question was asked where the money would come from and how many lap tops to purchase.

*\*Suggestion: to wait to approve the expenditure until the next Council Meeting.*

*Discussion of details of lap tops as well as the Office's PC's...Neil Dykstra will assist in analysis.*

MINUTES

*City Council Minutes of August 10, 2010:*

**JULIE HASKELL MOVED, SECONDED BY WESTON YOUD, TO APPROVE THE CITY COUNCIL MINUTES OF 8-10-2010, AS CORRECTED**

**VOTE: YES (4)**

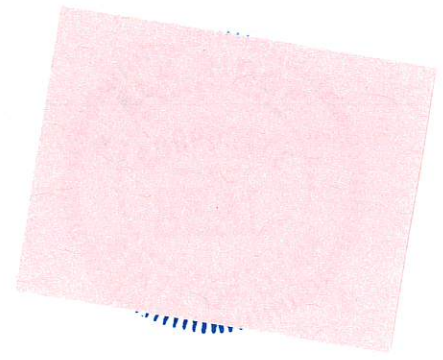
**NO (0)**

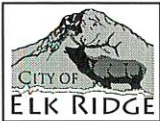
**ABSENT (1) SEAN ROYLNACE**

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 7:41 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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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, September 28, 2010, at 7:00 PM.**

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

**7:00 PM -**

**REGULAR COUNCIL MEETING AGENDA ITEMS:**

Opening Remarks and Pledge of Allegiance Invitation

Approval/Agenda Time Frame

7:05 Public Forum

7:15 1. Allied Contract Approval

7:30 2. Service Upper Loafer Canyon Well

7:40 3. Subdivision Durability Releases:

A. Doe Hill

C. Oak Hill Estates, Plat D

7:55 4. Storm Drain

A. "Vac" / Jet Trailer

8:15 5. Resolution – Fee Schedule

8:30 6. Expenditures: (General)

A. Check Registers and Payroll for August, 2010

B. Clarify Funding for Temp. Services – City Recorder

8:40 7. Approval of City Council Minutes

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

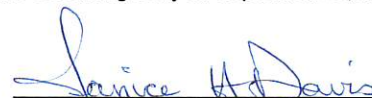
The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.

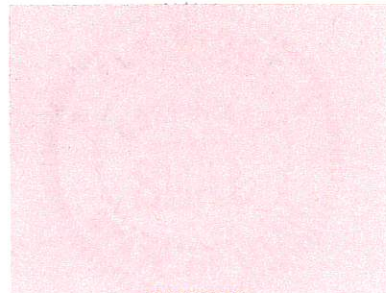
Dated this 23<sup>rd</sup> day of September, 2010.

  
\_\_\_\_\_  
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 September 23, 2010.

  
\_\_\_\_\_  
City Recorder



ELK RIDGE  
CITY COUNCIL MEETING  
September 28, 2010

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, September 28, 2010, at 7:00 PM.

The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.  
Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 23, 2010.

7:00 PM –

CITY COUNCIL REGULAR SESSION AGENDA ITEMS:

ROLL

*Mayor:* Kenneth O. Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd, Erin Clawson & Sean Roylance; *Building Official:* Corbett Stephens; *Public:* Jack Mason, Lucretia Thayne, Jamie D. Towse, Nelson Abbott, Gary & Alex Smith, Cassiopeia Noland, Alecia Money, June Apaui-Lane, Kelee Malan, Andraya Slacido, Alison Reece, Amanda Tipton, Devin Muhlestein, Christina Trevino, Kelly & Treygan Mickelsen, Aaron Eliason & Karie Ryan; *and the City Recorder:* Janice H. Davis.

OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE

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

AGENDA TIME  
FRAME  
3:04

The Meeting started on time, at 7:00 PM.

PUBLIC FORUM

1. Nelson Abbott: (*Allied Waste*) He feels that the City should consider keeping the roll-off (dumpsters) option. The goal is to have a clean City and he feels this service aids this intent.
2. Lucretia Thayne: (*Sanitation*) She agreed that keeping the rates the same is wise; however, if the City keeps the dumpsters and raises the rates slightly to off-set the added cost...she feels the Community would benefit.
3. Christina Trevino: (*Speeding on Elk Ridge Drive*) There was a recent accident on Elk Ridge Drive (near the LDS Chapel); she was also concerned that other traffic issues still exist in the area and it is more critical due to the many children that live in the area. The problem seems to be worse in the morning and when school is out in the afternoons.  
(*Jack Mason added that he also feels traffic in this area is a problem.*)

8:21  
ALLIED CONTRACT  
APPROVAL

Mayor Lutes: The Mayor and Council Member Johnson met with Allied to go over numbers; with that information, Allied was to get back to the City with a final proposal. They have not done that; he feels that they are waiting for the Council to decide on certain factors:

- To keep the option of dumpsters?
- Cans on the same side of the street to save time and money?
- Charge more for the 2<sup>nd</sup> can?

Derrek Johnson: Considering all of the options available, including Payson's proposal, he feels it is important to stay with a one-year agreement with Allied. He feels Payson's proposal, with the added benefits, would be a good option for the future.

Comments:

Julie Haskell: She agreed with the idea of increasing the cost of the second can; and perhaps reducing the price of the 1<sup>st</sup> can to benefit the majority of the residents.

Derrek Johnson: He cautioned that reducing the 1<sup>st</sup> can too much could result in loss of revenue.

Weston Youd: He believes the difference in cost with and without the dumpsters would be about \$.33/can.

Derrek Johnson: The fuel charge must be added into the figures; which currently adds on about \$.20/can.

Julie Haskell: The 3-year option (\$9.64 for 1<sup>st</sup> can & \$4.22 for 2<sup>nd</sup> can) allows room to negotiate.

Derrek Johnson: He is hesitant about the 3-year option because he would like to look at Payson's proposal in a year.

Mayor Lutes: Most cities do charge the same for both cans; and they typically have discontinued roll-offs.

Sean Roylance: Payson charges \$10.40/can (both cans)...that could be a guideline...so in a year, the cost would not have to be altered again.

Erin Clawson: She mentioned the other benefits with Payson: dump passes, library passes, a discount on lessons, etc.

(*Discussion on "green" waste.*)

Weston Youd: Residents he spoke to are in favor of the roll-offs for now.

*The Mayor asked for the Council to list the factors associated with the Allied Contract, and list their collective opinions on each:*

1. Roll-offs (dumpsters): Yes, stay with dumpsters with Allied
2. One Year Contract: Yes.
3. Line up cans on same side of the street: Yes.  
(At \$.19/can per month savings, that only results in about \$1,300 per year savings) Council Member Haskell pointed out that cans left out could be an issue if left in front of a neighbor's house. The process would require that the residents be educated.
4. Increase cost of 2<sup>nd</sup> can: Yes.  
Council Member Roylance felt that increasing the cost of the 2<sup>nd</sup> can, may also result in conservation of waste removed from the City.

*Comment:*

Jamie Towse: (Comment from audience) She encouraged the Council to expedite the decision-making process by prioritizing the issues and coming to a decision; then trusting Council Member Johnson to negotiate with Allied.

Mayor Lutes: He added that the Council had just done that.

\*Council Member Johnson and the Mayor are to contact Allied to get a contract in a form to be presented to the Council.

(Comment from the audience: With large families, how much would a 3<sup>rd</sup> can be? She felt that the additional cost is a hardship on these larger families.)

25:27

#### SERVICE UPPER LOAFER WELL

Mayor Lutes: The specifics were not available; but they want to consider certain upgrades to the pump to possibly increase the amount of water coming out of the well. The well tested out at a much higher capacity than the amount being pumped. The current pump is about 15 years old and by replacing it, we could likely get more water. (He asked Mr. Stephens to explain further.)

Corbett Stephens: State regulations used to be that only 80% of what was tested could be pumped; the regulations have changed to anything less than the amount tested at. The Loafer Well was tested at 1,102 gal. per minute (gpm); so, with that calculation, we could pump 1,101 gpm from that well with no hesitation from State regulations. The more water that is pumped from the Loafer Well, the less required from the Cloward Well. Every month the Cloward Well is not used, that saves the City at least \$1,400.

Widdison Turbine is the company that tested the well 16 years ago; Kyle Widdison came to check out the well (free of charge) and will provide some recommendations as to what can be done to get more water out of it. During the summer months, when the Cloward well is needed, it costs the City \$4,200 just to turn the well on, which is considered the "demand charge"...then there is the cost of the electricity to pump uphill. If we could get 800 gpm from the Loafer Well, the Cloward well could be left off.

Mayor Lutes: Suggestion: To have the pump pulled out and to send a cameral down the well to check out the casing and see what needs to be done. We need more volume.

City Recorder: She reported that, according to the City's Finance Director, the water impact fees that are coming into the City are considered "reimbursements" for the Tank Water Project (the next 13 years or so) and can be used on operations in the Water Dept.

Derrek Johnson: He expressed his on-going concern that the generator and fuel by the Loafer Well (purchased for back up purposes) should be kept in good working order and usable in case of emergency. He felt more fuel should be kept on hand.

Mayor Lutes: He has some of the same concerns. Mr. Widdison indicated that the technology at the Loafer Well is old and uses more electricity than necessary. He made suggestions regarding the electricity feeding the Well. The information will be brought back to the Council.

32:55

#### SUBDIVISION DURABILITY RELEASES

Corbett Stephens recommended tabling both releases for Oak Hill Estates and Doe Hill Estates, due to a lack follow-through on the part of the developers. The developer for Doe Hill needed a cost estimate for finishing the trail; that information is not available. Oak Hill Estates still needs to have the re-vegetation checked by an expert.

*The Council was not in favor of approving releases with contingencies.*

**DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO TABLE ANY PROPOSED RELEASES FROM DURABILITY FOR DOE HILL ESTATES OR FOR OAK HILL ESTATES**

**VOTE: YES (5)**

**NO (0)**

34:12

#### STORM DRAIN

Council Member Youd had offered his assistance in gathering information for a data base for the City's Storm Drain System. He reported measuring and inventoried 196 units (including the ones Corbett Stephens did). There are 40 to 60 units left of 230 to 250 units.

He will have Mr. Stephens review the information he gathers; but the software he was going to use to create a map is not working. He will have a data-base file to be used, going forward. He planned on finishing that same week.

He reported various depths in the inlet boxes and the sumps; as well as other problems such as clogged grates. Mr. Stephens will be able to analyze the information provided to him to determine the priority of the units needing attention. The new sumps will be added to the list.

Corbett Stephens: He explained that Elk Ridge Meadows, Phases 1 & 2 have a storm drain collection system that leads to catch basins.

*(Discussion of effectiveness of inlet boxes and how they work with the sumps)*

The Mayor thanked Council Member Youd for his work and the information he is providing. Tools and equipment are needed to do the work.

"Vac" / Jet Trailers:

Corbett Stephens: (Vac Trailer) N.R. Hiatt has offered to sell a newly acquired, 2009 vacuum trailer for \$10,000...\$5,000 per year over a two year period of time. The "buy-out" includes his services for 2 years, cleaning curb boxes for 2 weeks each year. After the buy-out is complete, Mr. Hiatt offered to provide a covered place for storage and to assist in maintenance, in exchange for his ability to occasionally use the trailer. The trailer has a 4 cubit yard/1,200 gallon capacity.

(Jet Trailer)

N. R. Hiatt has also offered to sell the City a jet trailer with a similar arrangement; but for the total price of \$20,000...\$10,000 per year over 2 years. This offer also includes service for the 2 years; cleaning 1/3 of the sewer lines each year. After the buy-out, Mr. Hiatt has offered to provide covered storage and to assist with maintenance, in exchange for his ability to occasionally use the trailer.

*The money is budgeted in Sewer (\$10,000/year) and Storm Drain (\$5,000/year) for clean-out; that same money could be applied to payments...then the equipment would belong to the City after two years.*

Mayor Lutes felt this would be a good solution to our storm drain needs as far as cleaning out the boxes and sumps.

**DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO PURCHASE A "JET" TRAILER AT THE COST OF \$20,000 (\$10,000/YEAR OVER TWO YEARS) AND A "VAC" TRAILER AT A COST OF \$10,000 (\$5,000/YEAR OVER TWO YEARS) FROM N.R. HIATT...ALL PROPOSAL DETAILS ARE ACCORDING TO MEMOS FROM CORBETT STEPHENS TO THE CITY COUNCIL**

**YES (4)**

**NO (1) JULIE HASKELL**

49:18

**RESOLUTION –  
FEE SCHEDULE**

The current City Fee Schedule is being reviewed by LEI Engineering and their Planner to determine any necessary changes to the platting fees. It has been past experience that the current fees do not adequately cover the services rendered. Those fees were not available at this time.

\*This will be on the next City Council Meeting agenda.

51:21

**EXPENDITURES:**

General:

*A. Check Registers & Payroll for August, 2010:*

*There were no questions.*

**SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CHECK REGISTERS AND PAYROLL FOR AUGUST, 2010, AS PRESENTED**

**VOTE: YES (5)**

**NO (0)**

*b. Clarify of Funding for Temporary Services – City Recorder:*

*City Recorder:* There is \$10,000 budgeted in the Water Fund for installing the fence around the Tank; that money can be used for Temp. Services (SOS).

The money in Storm Drain can be used; and if necessary, money can be transferred from the Water Fund to the Storm Drain Fund, with a budget public hearing...which will take place after the Audit anyway.

*(Fund Balance in the General Fund could be used as a last resort.)*

**MINUTES**

*City Council Minutes of September 14, 2010:*

*Correction on Page 4, line 70*

**ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL MINUTES OF 9-14-2010, AS CORRECTED**

**VOTE: YES (5)**

**NO (0)**

**ADJOURNMENT**

The Mayor adjourned the City Council Meeting at 7:55 PM.

  
City Recorder