

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

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

AMENDED NOTICE & AGENDA – CITY COUNCIL

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 12, 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. Fred Gowers – 2 Lot Subdivision
- 7:25 2. Assisted Living Facilities Code – Discussion and Action to Send to Planning Commission:
 - A. Amend Assisted Living Facility Ordinance
 - B. Amend City Code – Distinction Between Assisted Living Facility and a Residential Facility for the Elderly
- 7:55 3. Resolution – Fee Schedule
- 8:25 4. Release of Durability Retainers:
 - A. Doe Hill Estates, Plat A
 - B. Oak Hill Estates, Plat D
- 8:45 5. Allied Waste Company – Sanitation Contract
- 9:00 6. Servicing the Upper Loafer Well
- 9:15 7. Storm Drain
- 9:25 8. Expenditures: (General)
- 9:45 9. 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 8th day of October, 2010.



City Recorder

CATION

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 October 4, 2010; as well as an Amended Agenda on 10-7-2010 & on 10-8-2010.



City Recorder

ELK RIDGE
CITY COUNCIL MEETING
October 12, 2010

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, October 12, 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 October 4, 2010; & an Amended Agenda on 10-7-10 & on 10-8-10.

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 Roylance); *Building Official:* Corbett Stephens; *City Planner:* Adam Castor; *Public:* Jamie D. Towse, F. Lucretia Thayne, June Apaui-Lane, Kelee Malan, Shelby Lane, Alexis Zobell, Taylia Farley, Brittany Eidem, Neil Dykstra, Fred L. Gowers, Stewart Spencer, Christina Larsen, Brittney Adams, Scot Bell, Emily Bell, Katherine & Roy Gerber, Skylie & Jeff Steinacker, Andraya Salcido, Seth Adams, Karla Adams, & Tiffani Currie; *and the City Recorder:* Janice H. Davis.

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Neil Dykstra; and Kelee Malan led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

The Meeting started at 7:05 PM.

1:35
PUBLIC FORUM

No one addressed the Council.

FRED GOWERS –
2 LOT SUBDIVISION

Mayor Lutes introduced Adam Castor (LEI Engineering) to those present as the new City Planner.

Adam Castor: (Brief History of why Mr. Gowers was present)

Fred Gowers submitted an application for a lot split involving Oak Hill Estates, Plat E Subdivision. The lot has some particular conditions associated with it and Mr. Gowers was requesting assurance from the current City Council that the R-1-15,000 zoning regulations would be applicable to his proposed lot 1A and the HR-1 zoning regulations be applied to his proposed lot 1B.

On August 8, 2006, the City Council discussed the one lot subdivision and stated the following, which was read by Mr. Gowers, "This new subdivision contains areas in two zones: the R-1-15,000 Zone & the CE-1 (currently: HR-1 Zone). Since the larger portion of the buildable area falls within the R-1-15,000 Zone and a footprint of the proposed home has been placed entirely within that Zone, the requirement for a grading site plan approval by Planning Commission has been waived. Mr. Yergensen understands that should any future development be desired in the back portion of the lot within the CE-1 Zone area, the approval of a grading site plan will be required at that time."

(Memo from Planner to Mayor Lutes, dated 9-24-2010)

"On Thursday, September 23, 2010, an informal TRC meeting was held with the applicant, Mr. Fred Gowers, regarding Mr. Gowers' 2-lot subdivision concept plan."

"Prior to this meeting, LEI performed a review of Mr. Gowers' subdivision concept plan and application for completeness and adherence to the City's Development Code. LEI presented its findings and recommended that Mr. Gowers provide additional information with the concept plan for further review, before proceeding with a Preliminary Plan application."

"Mr. Gowers is concerned about moving forward with a Preliminary Plan application, and the costs associated with preparing the application, due to the split zoning that applies to his lot."

Recommendation from LEI/Planner to the Council:

"It is our recommendation that the City Council provide Mr. Gowers assurance that the R-1-15,000 Residential Zone shall apply to proposed Lot 1A and that the HR-1 Residential Zone shall apply to Proposed Lot 1B, should he decide to proceed with further review of the concept plan and a Preliminary Plan application. This recommendation is based on the following:

- The HR-1 Residential Zone covers a very small portion of Proposed Lot 1A, the southeast corner;*
- The entire footprint of a residential structure and access driveway can be constructed within the R-1-15,000 Residential Zone;*
- Adjusting the lot lines of the proposed subdivision to create Lot 1A entirely within the R-1-15,000 Residential Zone would create an undesirable "buildable area" within Lot 1A, a steeper access driveway to Lot 1B with more cuts and fills, and a potential need for an access easement across Lot 1A; and*
- The grading and stripping of existing vegetation previously done by RL Yergensen within the building envelope of proposed Lot 1A is more in keeping with the R-1-15,000 Residential Zone, and does not necessarily comply with the ordinances in the HR-1 Residential Zone.*

Mr. Castor showed a proposed plat map to the Council; which detailed the lot configuration. He also pointed out that typically, when there is split zoning on a lot, the more restrictive regulations are applied; but, due to the small size of the portion on lot 1A that is zoned HR-1, the recommendation was to apply the R-1-15,000 regulations.

Discussion:

There was concern over the steepness of the terrain and possible cuts & fills associated with the lot owned by Mr. Gowers. Additional information has been requested of Mr. Gowers, if he moves forward into the subdivision process. There was no slope analysis submitted.

Derrek Johnson: Considering the steepness of the slopes on the lot, he did not think it feasible to get two lots out of the one with the Hillside regulations in place.

Mayor Lutes asked Mr. Gowers to explain his request to the Council.

Fred Gowers: He explained that the Planning Commission acted on his request to re-zone the property to R-1-15,000; it was denied by both the Planning Commission and the City Council. Now he is asking for an assurance from the Council regarding the possibility of the application of the R-1-15,000 zoning regulations to lot 1A, for a future application for a lot split.

(Mr. Gowers read from the minutes of the Council Meeting held 8-8-2006.)

He has considered several different options in designing a lot split on this property; he felt the option he presented was the best:

- for the house he designed
- access for the driveway on lot 1B

Mr. Gowers felt the slope on the property was 10% from the road to the base of the hill; and in another corner, it could be 20%...but he had no proof of slopes to submit. He felt confident he could get an 8% (or less) grade for a driveway...he thought his fills would be under 15 ft. and the cuts would be about 5 ft. to get the driveway in place.

Derrek Johnson: He felt, "that hillside is already an eye-sore to the City and has been since RL (Yergensen) did it". He did not feel Mr. Gowers' proposal helps...it is steep terrain.

Weston Youd: He questioned why this request was not before the Planning Commission... "Was a step missed?" He felt the process should have included the Planning Commission and a public hearing.

Mr. Castor explained the request to the Council...that he needed to get assurance from the Council prior to moving into the development process.

Fred Gowers: There is a proviso that the footprint of the house would not encroach into that small portion of property within lot 1A that is zoned HR-1. That small portion would be located within the set-backs for the home. He wanted to know if he should proceed with his current design; if not, he will have to redesign the lots.

Discussion:

Derrek Johnson: He did not feel comfortable giving any assurances with this particular lot, due to the steep terrain.

City Recorder: Suggestion: Could there be conditions placed on that small corner of land on lot 1A that would prevent any major grading or disturbance?

Adam Castor: He responded that, yes, that corner could still be held to HR-1 regulations while allowing Mr. Gowers to build on lot 1A under the R-1-15,000 regulations; and lot 1B would be held to the more restrictive requirements of the HR-1 Zone.

Weston Youd: He questioned if a re-zone for the particular corner on lot 1A would be more appropriate.

(Mr. Castor did not feel that would be necessary; that the corner alone could be held to the more restrictive regulations.)

Erin Clawson: She was "okay with holding that corner to the more restrictive"; but she felt the general policy should just be to instruct developers to build within the established and existing zone. She said she would be willing to grant the assurance Mr. Gowers was requesting, if the footprint of the house stays within the R-1-15,000 zone and the corner zoned HR-1 falls under the more restrictive regulations.

The other concerns would be addressed during the development process.

DERREK JOHNSON MOVED, SECONDED BY JULIE HASKELL, TO DENY THE REQUEST FOR ASSURANCE BY FRED GOWERS THAT THE LESS RESTRICTIVE ZONING REGULATIONS OF THE R-1-15,000 ZONE WOULD APPLY TO THE PROPOSED LOT 1A OF THE PROPOSED LOT SPLIT OF LOT 1, PLAT E, OAK HILL ESTATES; THE MORE RESTRICTIVE REGULATIONS OF THE HR-1 ZONE WILL APPLY

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

31:13
ASSISTED LIVING
FACILITIES CODE

While reviewing the City Code in order to process Lee Haskell's Conditional Use application for an Assisted Living Facility, it was discovered that there are some discrepancies regarding these types of facilities. The Code should differentiate between Residential Housing for the Elderly and Assisted Living Facilities. The current Code needs to clarify how and where the regulations are listed. The goal would be to more closely match the Utah State Code.

Adam Castor (City Planner): Suggested recommendations:

1. Amend Code: To list Assisted Living as a "conditional use" in the Commercial Zone (C-1 Zone)
2. Amend Code: To address the distinction between Assisted Living Facility and a Residential Facility for the Elderly (Mr. Castor reviewed the restrictions associated with "residential facility for the elderly").

He recommended sending these items to the Planning Commission for a Code amendment recommendation. Corbett Stephens: Limitations on the Assisted Living Facility are established by the size of the property, the site plan process and the actual building of the facility.

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO SEND TO THE PLANNING COMMISSION THE CITY COUNCIL'S REQUEST FOR A CODE CHANGE RECOMMENDATION REGARDING CLARIFICATION OF ASSISTED LIVING FACILITIES AND RESIDENTIAL HOUSING FOR THE ELDERLY

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

RESOLUTION – CITY
FEE SCHEDULE

The areas addressed in the proposed changes to the fee schedule are:

- Development Fees (*In the past, they have been insufficient to cover expenses*)
- Hearing Adjustor Fees (*They are insufficient for the process involved*)
- Utility Shut-off Fees (*This is to encourage payment of City utility bills and lessen those on the shut-off list*)
- Sanitation Fees (*A new contract with Allied is pending and "administrative fees" in the General Fund have not been covered*)
- The current water, sewer, storm drain and garbage charges are also listed; simply to get all the City fees onto one document (*no changes in rates*)

Utility Charges:

Mayor Lutes: (*Discussion of proposed utility deposit and "shut-off" charges*):

38:19

There are issues with the number of utility shut-offs that have been occurring and the amount of time it takes to deliver tags, deal with the collections, shut off meters and reconnect them...the number is growing. Increased fees could encourage people paying their utility bills.

Some of the proposals:

Deposits:

- Perhaps discontinue returning the original deposit after 18 months of a good payment record (only applicable to new deposits)
- Deposit stays in the account until account is discontinued (terminated)
- There must be a deposit on record with the City; so if it has been returned and the resident is shut-off due to non-payment, the original \$100 would have to be re-deposited + \$25 with each shut-off (increasing by \$25 with each shut-off)

Shut-offs:

- Red Tag (warning of pending shut-off) = \$15 charge
- Disconnect (to actually shut water off if resident has not been in to pay) = \$25
- Re-connect = \$25

These proposed fees in no way affect the established water rates.

The current "shut-off" fee is a simple \$25 "service charge" and does not seem to be much of a deterrent.

Weston Youd: Council Member Youd brought up a good point: There should be clarification between shut-offs due to delinquency in payment and shut-offs of choice (examples: vacations, wintering in a southern state, missions, terminations due to moving, etc.)

Corbett Stephens: He would refer to "shut-offs" (delinquencies) and "discontinuance of service" (by choice).

(The question would be whether or not to charge the same fees associated with a voluntary discontinuation of service as a forced shut-off.)

(There was discussion of the pros & cons about both scenarios; including suggestions from the audience.)

Julie Haskell: She suggested that should be part of the expected service provided by the City.

Erin Clawson: Are citizens in "good standing" with the City regarding their payment history going to be penalized, if they leave town temporarily? These "good" citizens should not be penalized.

50:25

Lucretia Thayne: She asked about calling to make arrangements for payment: is a red tag or actual shut off still required? *(The Mayor responded that the City "has been known to be compassionate"; and that he did not feel she needed to worry about it.)*

Neil Dykstra: He asked about the \$100 deposit as applied to a citizen who has lived in town for quite a while and then moves...

Mayor Lutes: He explained that if the deposit has been applied to the person's account; it would have to be replaced if they are on the shut-off list. In the future, the deposit would stay in the account and not be returned until the person leaves town.

Julie Haskell: If the resident does not leave town, she questioned being able to hold that deposit indefinitely. ~~It is not the City's money.~~

Mayor Lutes: Other cities handle it by keeping the deposit in the resident's account until they move and using it to off-set the last month's billing. This is all in an effort to get people to pay their bills; it is a "waste of time" to deliver all the red tags and shut people off.

Corbett Stephens: He cited an example of a resident leaving town without paying his/her bill and the City was stuck with a bad debt of over \$500. The risk needs to be minimized or other residents absorb those fees.

Every month there are about 30 – 35 red tags resulting in perhaps two or three actual shut-offs; the shut-offs are the only ones affected by all of the fees. When SESD started charging to deliver the red tags, the number of red tags decreased by about 50%.

Erin Clawson: She questioned the method of informing the residents; not everyone in town reads the Bugle (City Newsletter).

Suggestion: Print the notice on the bill itself, or on a sticker on the outside of the envelope holding the City bill.

Mayor Lutes: The recommended enforcement date for these proposed utility fees was to be January 1, 2011; but the other proposed fees need to be effective after passage (approved).

City Recorder: She explained "effective dates" vs. "enforcement dates"; typically resolutions are effective upon passage...enforcement can be another date.

Julie Haskell: (*Seeking clarification*) She reiterated that she felt the residents should get their deposits back if they have a good payment record.

To continue to track re-deposits for 18 months at a time could be an accounting problem.

Weston Youd: He was also hesitant about holding the deposits.

(Further discussion on deposits)

Development Fees:

Adam Castor (Planner) After consideration and meeting with staff from the City, it became apparent that the fees for development needed to be addressed in order to decrease the instances when the City subsidizes the developer.

Corbett Stephens: He noted that the "fixed fees" stay with the City and the "deposits" cover outside engineering and planning. These fees must be sufficient to cover all the reviews.

There is a statement just under the title, "Development Fees" that covers the required reviews.

Adam Castor: The stated fees cover two reviews; anything beyond that would require additional fees to be paid by the applicant. It was proposed that the engineering/planner deposit be non-refundable; this tends to even itself out.

City Recorder: The size of the development does not always dictate the number of reviews required.

(Mr. Castor agreed.)

The Recorder suggested that the fees be considered separately and moved on separately, as well.

**Action was postponed until after the discussion on Sanitation, including the proposed contract with Allied.*

1:07:31

RELEASE OF
DURABILITY
RETAINERS

1. Doe Hill Estates, Plat A:

Corbett Stephens: Everything is completed; the letter from the City Engineer states the "deed restrictions" for Lot #25; which are part of the original recorder plat and are still in place. The "cash-in-lieu" money has been paid to the City. Certain funds (part of the Inspection Bond) are being held to pay the remaining inspection fees.

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO ACCEPT THE CASH-IN-LIEU OF THE INSTALLATION OF A TRAIL IN THE AMOUNT OF \$4,194.00, PLUS THE COST OF ANY FINAL INSPECTIONS; AND TO RELEASE DOE HILL ESTATES, PLAT "A" FROM THE DURABILITY TIME PERIOD

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

2. Oak Hill Estates, Plat D:

Corbett Stephens: He had Dave Hansen (State Division of Services) come out to inspect the re-vegetation installed by RL Yergensen (developer); Mr. Hansen wrote the original re-vegetation plan for Mr. Yergensen for this subdivision. He inspected it and said it "looked good"; but he wants his "range master" as well as PJ Abrams (Forestry expert for the State) to inspect the work before he writes a letter to the City.

Suggestion: to table any release for Oak Hill, Plat D until this information is available.

Note: The developer has submitted the "Cash-in-lieu" of installation of the "collars" associated with their subdivision in the form of a wire transfer.

JULIE HASKELL MOVED, SECONDED BY WESTON YOUD, TO TABLE APPROVAL OF A RELEASE OF DURABILITY RETAINER FOR OAK HILL SUBDIVISION, PLAT "D"; PENDING RECEIPT OF A LETTER FROM MR. DAVID HANSEN REGARDING RE-VEGETATION

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

1:15:14

ALLIED WASTE
COMPANY –
SANITATION
CONTRACT

Mayor Lutes: He and Council Member Johnson have spoken to Gordon Raymond (Allied) to relay the Council decisions and preferences from the last Council Meeting.

- Both cans the same price
- 1 year contract
- Cans on the same side of the street (if it would save money)
- Keep the 15 roll-offs per year

Amendment #2 was sent as from Allied as a result of that conversation. It has been received and is ready for a signature. ~~It seems that no matter how the figures are arranged, the sum of money going to Allied remains the same.~~

In July, 2010, there was an expectation of a \$2.00 to \$3.00 increase from Allied due to issues with land-fill; but with Elk Ridge considering our own business or going with another entity, this created pressure on Allied to change their operations to use Payson's land-fill, which resulted in a slight decrease in their fees. Rather than increasing fees, the City can maintain the current charge of \$11.00 for the 1st can to the residents.

Allied was not comfortable in raising the 2nd can to equal the 1st can; they fear loss of business if the 2nd can is at \$10.00 or higher. Some cities charge a fee slightly lower for the 2nd can than the 1st can; others are the same for both.

Allied proposed:

- 1 year contract
- Same side of the street "cart service"
- 1st "cart" (can) = \$9.35 + fuel charge
- Extra cart = \$5.50 monthly
 - In the event the number of extra cans drops below 200, for each ten extra cans, the 1st can rate will increase \$.80 per can.
- If the agreement automatically extends past December 31, 2011, these fees will increase 2% beginning January 1 of the extended term & each subsequent term.
- 90 day termination/renewal notice (written), rather than 6 months

Mayor's recommendation:

To approve the agreement with Allied; perhaps retro-active to August 1, 2010.

The other side to this arrangement is what the City will do with its fees to residents? As he and Council Member Johnson discussed the issues, they felt the City should:

- Leave the fee for the 1st can at \$11.00 (current rate)
- Increase the fee for the 2nd can from \$5.00 to \$9.00 (making Elk Ridge more consistent with other communities) This will allow the City's administrative costs to be covered. (The Finance director has recommended in the past to raise the fee for the 1st can to \$12.00 to cover administrative costs.)
- The choice for the 2nd can is optional.

Erin Clawson: She suggested that the Council continue to pursue going into the sanitation business during the year contract with Allied.

Neil Dykstra: There was a request from Mr. Dykstra to have information in the newsletter regarding recycling centers in the area.

1:28:35

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO ACCEPT AMENDMENT #2 FROM ALLIED WASTE; AND TO AUTHORIZE THE MAYOR TO ENTER INTO THE AGREEMENT, AS STATED

Discussion:

Erin Clawson: She would like to continue to pursue the City's own sanitation business during the contract time period with Allied.

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

1:29:35

RESOLUTION –
CITY FEE SCHEDULE
(CONTINUED)

**This was carried over from earlier in the Meeting to give the Council the opportunity to address the sanitation fees.*

The City Recorder suggested handling the fees in separate motions; the Council agreed.

Discussion:

Utility Fees: There were concerns regarding:

- Deposits being held by the City
- Clarifying voluntary discontinuation of service when residents leave temporarily

*Council Member Young would like a chance to review the fees and to talk to residents.

Mayor Lutes reiterated the reasoning behind the escalation in the deposit to deter people from being on the shut-off list.

*The utility fees should be addressed at the next Council Meeting to allow opportunity to put an announcement in the November newsletter.

1. Development Fees:

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE "DEVELOPMENT FEES" AS PRESENTED IN RESOLUTION #10-10-12-7R

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

2. Sanitation Fees:

JULIE HASKELL MOVED, SECONDED BY WESTON YOUNG, TO APPROVE THE SANITATION FEES, AS PRESENTED IN THE CITY FEE SCHEDULE (RESOLUTION #10-10-12-7R)

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

3. Utility Fees:

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO TABLE ACTION ON THE UTILITY FEES

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

4. Hearing Adjustor:

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE FEES FOR HIRING A HEARING ADJUSTOR AS PRESENTED IN THE CITY FEE SCHEDULE (RESOLUTION #10-10-12-7R)

VOTE: YES (3) ABSTAIN (1) ERIN CLAWSON NO (0)

ABSENT (1) SEAN ROYLANCE

(Council Member Clawson was out of the room during the discussion and explanation.)

1:38:55

SERVICE UPPER
LOAFER WELL

Corbett Stephens: Widdison Turbine has the information they need to assist the City in evaluating a course of action for an upgrade to the Loafer Well. Their recommendations have not come back yet.

(SESD) They say that the transformer that is up at the Well will handle a 100 horse motor; which is twice that installed currently.

The phase converter that is up there is 16 years old; it is a motor that sits on the power system and "fakes out" the pump that is in the ground by making it respond like there is a 3rd leg...to create 3-phase power. It is inefficient. One of the things suggested by Widdison is: instead of going with a 3-phase motor (a 3-phase - 480 volt), go with a single phase (240 volt)...so we don't lose anything through a phase converter and we get the same horsepower motor ("50 horse is 50 horse"). He quoted about \$8,000 - \$10,000.

*More information will come to the Council when it is received.

(Further discussion on the phase converter)

The City Recorder reminded the Council that Water Impact Fees can be used for this project, even though it is an "operating expense" because the Water Impact Fees are reimbursing the City for the Major Water Project (Fairway Tank).

Discussion of operation necessities for the Water Dept.

1:45:41

STORM DRAIN

Weston Youd: The map is completed and the information needs to be explained to Mr. Stephens. Council Member Youd will get together with Mr. Stephens. Council Member Youd said he will email the information to the City and he suggested putting it on a hard drive and to save it and use it for inventory for now and in the future.

EXPENDITURES:

General:

None to approve.

1:47:38

MINUTES

City Council Minutes of September 28, 2010:

WESTON YOUNG MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL MINUTES OF 9-28-2010, AS PRESENTED

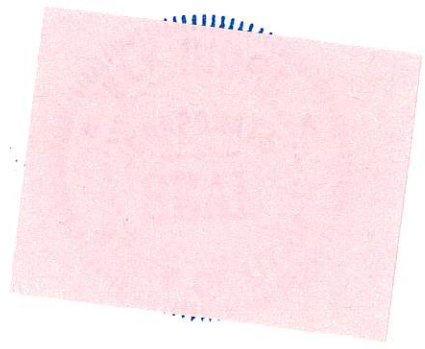
VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLOANCE

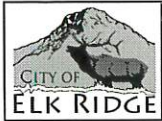
ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:50 PM.



City Recorder





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

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

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, October 26, 2010, at 7:00 PM**; this Meeting is to be preceded by a City Council Work Session at 6:00 PM.

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

6:00 PM - CITY COUNCIL WORK SESSION AGENDA ITEMS

Code Enforcement Report – Raymond Brown
Administrative Court Presentation – Raymond Brown
Youth Council Presentation – Erin Clawson
Speeding/Traffic Control – Erin Clawson
Loafer Canyon Water Line Repairs

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. Action on Work Session Items

- A. Administrative Court
- B. Youth Council
- C. Speeding/Traffic Control

7:30 2. Planning Commission Appointment

7:35 3. Resolution – Fee Schedule – Utility Service Charges

7:55 4. Parks – Derrek Johnson

8:10 5. Servicing the Upper Loafer Well

8:20 6. Utah Local Governments Trust – Incidental Insurance Renewal (not major health)

8:30 7. Expenditures: (General)

- A. Check Registers & Payroll for September, 2010
- B. Loafer Canyon Water Line repairs

8:40 8. Approval of City Council Minutes

Adjournment to Closed Session

CITY COUNCIL EXECUTIVE (CLOSED) SESSION

Discussion of Personnel

REGULAR COUNCIL MEETING AGNEDA ITEMS (CONTINUED)

Action on Closed Session

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

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

Dated this 25th day of October, 2010.

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 October 22, 2010; & an Amended Agenda on 10-25-2010.


City Recorder


City Recorder

ELK RIDGE
CITY COUNCIL MEETING
October 26, 2010

TIME & PLACE
OF MEETING

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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, Weston Youd, Derrek Johnson & Erin Clawson; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Code Enforcement Officer:* Ray Brown; *Public:* Jim & Jamie D. Towse, Lucretia Thayne, Laura Loree, Lynn Peterson, Eric & Karen Adams, Neil Dykstra; Gary Hansen, Tricia Gunnerson, David Simmons, Brandon Griffiths, Scouts: Travis Nielsen, Mason Bigler, Ben Preece & Colter Hansen; and *the City Recorder:* Janice H. Davis.

CODE
ENFORCEMENT
REPORT

Raymond Brown: (Presentation on Code Enforcement)

Summary of Nuisance Violations:

- About 30 calls came in
- 29 Inspections (Possible violations)
- 21 Violation Notices given out
- 11 Corrections
- 6 Extensions Granted
- 2 Awaiting a Planning Commission Meeting (Application for Conditional Use Permit)
- 2 Non-compliant

Calls came in for various reasons.

Percent Summary:

- 52.4% - Compliant
- 28.6 – Extensions
- 9.5% - Pending approvals
- 9.5% - Non-compliant

This all comes to about 90% "Compliant" (Those with extensions or pending approvals are not out of compliance).

Comments: Most citizens are willing to comply with the codes of the City. Mr. Brown was made aware of some of the tough times people are going through and coming into compliance with a landscaping code may not be high on their priority list; compassion must be applied.

He did find an overall appreciation that the City was attempting to enforce the codes.

A small percentage of citizens either will not or cannot comply with the City's codes.

Recommendations:

- Continue code enforcement
- Review the current noticing procedure
- Establish an "Administrative Court" (Information to follow)
- Follow-through (with non-compliant individuals)

Mr. Brown reported that the general reception of enforcement has been reasonable and cooperative. He is pleased that the citizens are trying to comply, though there will always be the few that refuse.

The "few" (in reality, two citizens) that refuse to comply has brought us to the point of having to impose fines. This position has led to a review of the current process and where it leads to; which was the topic of his next presentation to the Council that night.

(Council Member Haskell asked if any citations had been issued to date and, if so, how were they issued?) Mr. Brown responded that two "Administrative Citations" had been issued with time limits to comply; when it comes to the point of non-compliance with the Administrative Citation, then that citation would be issued by the Sheriff's Dept. (has not occurred yet). The intent is to work with people and to make an attempt toward compassion.

10:25

(Council Member Roylance asked about the time frame on extensions granted.) There has only been one granted due to a pending law suit on some construction issues; it would not make sense to insist on landscaping now when their yard will have to be torn up by heavy equipment necessary to fix problems associated with the house settling. The owners were given until the spring of 2011 and their situation will be reviewed again to see where they are...they will possibly need an additional extension.

12:40

ADMINISTRATIVE
COURT
PRESENTATION

Raymond Brown: As mentioned, the enforcement process had gotten to the point of issuing a citation.

According to the current code, this would be considered a misdemeanor if found guilty and that would result in a "criminal record" for the individual in violation of the Nuisance code; which is rather harsh and not the intent of the code. Mr. Brown spoke to David Church to discussion options.

14:03

(Summary of findings)

Enforcement by Municipalities can take 2 forms:

1. Criminal Statutes: (resulting in fines and/or prison)

2. Civil Statute: (fines)

The current process is "good" (review of process for violations under present code)

The problem arises when an official citation is issued which results in judicial court. Compliance with possible fines as a penalty should be the intent; not creating criminal records.

Possible Solution:

- Amend Code to establish an "Administrative Law Court" (suggestion from David Church)

Mr. Brown has had experience with "mediation" at Brigham Young University; which is an "administrative" function, not a "judicial" function.

- An Administrative Law Judge would be appointed by the Mayor with approval from the Council

- Citizens could have the opportunity to seek a hearing for alleged violations

- This option is less adversarial and less costly to both parties

Issues & Processes associated with Justice vs. Administrative Courts were discussed.

17:52

Administrative Court - Fines and Fees:- 1st Offence – fines; 2nd Offence – Perhaps a higher fine

Appeal process: He suggests Administrative Court and he then reviewed the process to proceed after notice of violation, including the timing of fees.

There is not enough activity in Elk Ridge to be approved with our own Judicial Court; so an appeal would end up in judicial court elsewhere. It is really not to the City's advantage financially to have a Judicial Court since most of the money from fines and surcharges would not stay in Elk Ridge; whereas, with Administrative Court, that money stays with the City.

He made the point that we do not want to "lump" nuisance violators in with criminals.

Cities successfully using Administrative Courts:

- West Valley City

- Saratoga Springs

- Park City

The Courts meet once a month in these cities and the process is working for them.

Mr. Brown informed the Mayor and Council that they and he are invited to attend one of the Courts in November in Saratoga Springs.

*Another advantage:*By nature of the position of an "elected official"; Council Members and the Mayor receive many calls and many are regarding nuisance violations and/or enforcement. Should one of those nuisance calls come in and it is "in the process", this is an "out" for the Council, because there really should be no involvement on the part of the Council, the Mayor and any of the office staff; that would be a "conflict"...the matter needs to "run its course". *(Mr. Brown related a bit of the history of the rules governing administrative courts.)*

30:27

*Questions:*Erin Clawson: She wanted to know how many steps there would be to get to Administrative Court.Raymond Brown:

- Finding of Nuisance (The individual in violation can file for Administrative Court at that time)

- If the person does not file, after 10 days, the established process begins.

In talking to some one, there are two steps:

- Notice (Volunteer Agreement can be filed at this time; which would avoid the citation)

- Administrative citation

Erin Clawson: Following the current code ends with a criminal offence with all of the associated fees and fines. She also asked who the Administrative Judge "answers to".Raymond Brown: He replied: District Court and to the City Council. A code amendment would be necessary to create this proposed process.Deputy Butters: He added that he would support the idea of an Administrative Court; it makes sense that the City be allowed to keep the revenue from fines brought in, rather than the District Court. He agrees that these types of violations should not generate a criminal charge. *(Mr. Brown agreed.)*

37:13

YOUTH COUNCIL
PRESENTATIONErin Clawson: She reminded the Council that in January 2010 she had presented the idea of her heading up a Youth Council in Elk Ridge and all agreed it would be a good idea. Since that time, she has done some research and has been looking for some very special people to be leaders to the Youth in this endeavor. In working with June Christensen, Council Member Clawson was led to Laura Loree; who is a resident of Elk Ridge and has agreed to be the liaison to the City Council, through Council Member Clawson, for the Youth City Council. Jamie Towse has agreed to work with Mrs. Loree as her assistant. These are volunteer positions. Mrs. Loree was introduced and the time was turned over to her.

38:25

Laura Loree: *(She had a handout for the Council explaining Youth Councils)*

Mrs. Loree began by telling a bit about herself and her qualifications in working with the youth; including three educational degrees:

- Associates Degree in Administration of Justice

- Bachelor's Degree in Social Work

- Master's Degree in School Counseling & Education

She mentioned that Mrs. Towse also works in education; so the combination should work fine.

Handout:

- Brief history
- Purpose and goals, including a mission statement:
 - "The Mission of the Association of Youth Council is to provide opportunity for youth to develop mature citizenship, leadership, a sense of personal achievement, and an understanding of government."
- Types of Youth Council activities
- Fund Raising activities
- "Sister City" Resolution
- Benefits of the Program
- Description of the positions to be filled and their associated duties
- The Election process

There was a slide presentation that covered much the same information that the handout did, including an explanation of types of Youth Council, their duties and funding other than fund raising. She listed the many positive aspects of having a Youth Council.

*Erin Clawson: She referred to the list of activities and asked that the Council Members review it and add to it and offer their opinions.

48:08

SPEEDING &
TRAFFIC CONTROL

Erin Clawson: This has been an important topic to her for some time. She gets calls and emails from citizens concerned about speeding and traffic control in Elk Ridge. She asked Deputy Butters to conduct a traffic analysis in Elk Ridge on Elk Ridge Drive.

48:59

Deputy Butters: (Utah County Sheriff's Dept.) He reported on the traffic study he did with the use of a "Speed Trailer" (RU2 Traffic Data Center) he borrowed from Eagle Mountain and posted on Elk Ridge Drive.

How it Works:

- It measures the top speed for each vehicle and that is what it records
- Graphs and charts make up the reports generated by the machine

- Page 1:

Compares average speed with the posted speed limit (Average speed = 27.6 mph) of the 10,720 vehicles passing that point in 6 days. The speed falling into the "85th percentile = 32 mph (generally considered when setting speed limits). This indicates that the speed limit is where it should be for that street.

- There were reports for every day; comparing the time of day with time of day and speeds.
- Report showing 15 minute intervals (vehicle count vs. speeds)

Deputy Butters said that though there are a few vehicles going over the speed limit, he did not think there was a "huge speeding problem there"...he felt the speed limit is where it needs to be (30 mph).

Possible Solutions:

- ❖ Paint center lines and fog lines on major roadways (Elk Ridge Dr & Loafer Canyon Rd)
- ❖ Paint white lines on roadways; even with stop signs along major roadways
- ❖ Add signs to unmarked intersections (Map included and with 34 suggested signs)
- ❖ More citations? (47 handed out since June, 2010)
- ❖ Promotional Stopping campaign (Positive reinforcement)

1:00:35

Erin Clawson: She envisions the Council, over time, coming up with a traffic calming plan. The suggestions made by Deputy Butters should be considered; but she also realizes that the City cannot afford to do all of it at once. She requested the Council's input regarding the options available. Once a plan is in place; the goals can be worked toward regardless of who is on the Council. A safer Community is the goal for all.

1:01:24

Weston Youd: He agreed with wanting a safer Community; with his experience in losing pets and trying to stop speeding vehicles on Loafer Canyon Road, endangering children and all alike.

He requested the same study for Loafer Canyon Road.

Deputy Butters: He reminded the Council the "traffic speed trailer" was on loan from Eagle Mountain and he is not sure how much they will be willing to loan it out. He may be able to impose on their generosity a "time or two more", but the trailer is not available through the Sheriff's Dept. He agreed that it is nice to have the data to back up the posted speed limits. Something should be done with the data collected.

Erin Clawson: She mentioned Hillside Drive, Canyon View Drive and Rocky Mountain Way as problem roads for speeding...or most anywhere in the City. She feels a good starting point is with "awareness" and educating the citizens on what the Council is doing to combat this issue.

She shared the idea of "raised cross-walks" that she had seen in Cedar Hills. She felt this could be a good traffic calming device to consider. Cedar Hills has 15 in their City; they are used year-round and work well with snowplows. They are conducive to speeds of about 25 to 30 mph...higher speeds could cause problems.

*Council Member Clawson would like to have the Council create a plan for traffic calming. She felt there could be enough interest to involve the citizens on a volunteer basis. She would like to see some action taken later in the Regular Session.

1:08:00

LOAFER CANYON
WATER LINE
REPAIRS

Corbett Stephens: Mr. Stephens reported a break in the Loafer Canyon Water line. He showed the piece ("saddle") that was worn away. He said this was a testament that things "don't just maintain; they are always falling apart"...it's just the rate at which they are falling apart and when you find out".

He went on to explain that as a result of the break in the line, a long-standing problem was brought to light again: the end of the line issues at the location of the Peterson's and the Spencer's on South Loafer Canyon Rd.

Issue: Every time a hydrant on the north end of Loafer Canyon Rd. is opened, it drops the pressure on the south end of the line. If a hydrant on the south end is opened and on the north end...the hydrant on the south end will actually suck air; this eventually stirs up the sediment and the Peterson's and Spencer's get this

sediment (dirty water) at their house. After the break in the line and the line was charged back up, they were there 3 hours waiting for the dirt to run out of the water. "When it first started, you would swear it was chocolate milk...it was that dark; and that happens every time there is a pressure loss on the line."

Proposal:

- Place a "blow-off" on the end of the line that will allow the line to be flushed and get rid of the sediment as it accumulates and before it gets into their houses. (He explained how this would be done.)
- Move the PRV (Pressure Reducing Valve):
The location of the PRV was determined (from what he has heard) by Gary Bowen and should have been installed further down the line. With the PRV in its present location, the pressure at the very north end of Loafer Canyon Road is 165 lbs. (too high) and causes many problems. The break that occurred did not "just happen"; it has been happening over time.
He proposed moving the vault and moving the PRV down the street. This will solve pressure problems on both the high end and the low end. The issues at the south end will be taken care of and the pressure at the north end will be much more manageable. This will also make any future growth at the south end of Loafer Canyon more manageable.
- To move the PRV down the road 57' in elevation, it would reduce the pressure at the new location by 25 lbs. Everyone on south end of the new location would see an increase of 50 lbs and everybody on the north end of the new location would lose 25 lbs.

At 155 N. Loafer Canyon Rd. (according to "Google Earth") that is 57' in elevation...which puts the pressure at this house (Ault's) at either 135 lbs or 85 lbs (depending on if the PRV is on the "upstream" side of this connection or the "downstream" side.

Mr. Stephens would like to talk to the residents to make sure they are okay with this change. There would not be much impact on the residents.

**ELK RIDGE
CITY COUNCIL MEETING
October 26, 2010**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 26, 2010, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM**. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda 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.

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Weston Youd, Derrek Johnson & Erin Clawson; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Code Enforcement Officer:* Ray Brown; *Public:* Jim & Jamie D. Towse, Lucretia Thayne, Laura Loree, Lynn Peterson, Eric & Karen Adams, Neil Dykstra; Gary Hansen, Tricia Gunnerson, David Simmons, Brandon Griffiths, Scouts: Travis Nielsen, Mason Bigler, Ben Preece & Colter Hansen; *and the City Recorder:* Janice H. Davis.

**1:18:01
OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

An invocation was offered by Mrs. Tricia Gunnerson; and Scout Colter Hansen led those present in the Pledge of Allegiance, for those willing to participate.

**AGENDA TIME
FRAME**

~~WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:25 PM~~
VOTE: YES (5) NO (0)

**1:19:26
PUBLIC FORUM**

Mayor Lutes encouraged those wishing to address the Council to be as concise as possible.
Lucretia Thayne: (Code Enforcement) She wished to express her concern that there seems to be so much public concern about lawns and landscaping. She feels some people think of a nice lawn as an indicator of whether a person is a "good citizen" or not. She feels that we have "better things to do than worry about their neighbor's yard". She reported that there are many others that are also concerned about this type of enforcement.

Jamie Towse: (Code Enforcement)

- Proper role of government: It should be for public safety, etc....but not to patrol people's yards.
- Water problems (recent): She felt the announcement to the citizens was very confusing. The process of informing everyone was disorganized, especially on the week-end. She suggested a sign letting everyone know the water was safe to drink and what was going on.
Perhaps in the future, we can be clearer.

Mayor Lutes: He explained the reasoning behind the calling to alert residents of why the water may have a slight smell and taste of chlorine...that the lines were being flushed as a preventative measure. The "telephone tree" method was not clear and the message became a bit confused.

On Saturday (10/30) the Emergency Preparedness Committee is going to be discussing the future of disaster preparedness...communications will be one of the topics.

Corbett Stephens: He pointed out that his cell phone number is listed in the Bugle (City newsletter). He encouraged people to use it...he will answer it.

ACTION ON
WORK SESSION
ITEMS1. *Administrative Court:*

- Though the direction of creating an Administrative Court seems appealing to the Council, they needed time to consider the information provided this night.
- The Council is interested in attending an established court; Saratoga Springs has invited me. Brown and the Council Members to attend one of theirs.
- Council Member Clawson would like to ask those associated with the court in Saratoga how they like it and what benefit it has been to their city.

Ray Brown: There are pending matters that are going to need to be addressed; so "time is of the essence" regarding getting this process in place.

*He will let the Council know when the sample court in Saratoga is scheduled.

Sean Roylance: He thought the City Council already had the power to weigh circumstances and make judgment calls. He is concerned about the amount of fees that could accrue within the process. Accrued fines on top of the expense of actually putting a yard in could be overwhelming.

Ray Brown: Those issues are already in the code and an administrative judge would be able to make those decisions regarding extenuating circumstances.

Sean Roylance: Though he is in favor of the idea; his concern remains that it works...as long as fair people are in place to make those judgments. Perhaps, since a vote of the Council is with more people, there could be a better chance of fairness.

Weston Youd: He agreed that there is a lot of information to consider and feels the invitation to the court in Saratoga would be good to attend.

There would have to be a code change to allow the administrative court to be implemented.

Erin Clawson: She sees the concern with fairness in the hands of one person.

Raymond Brown: He pointed out that the "judge" would be an employee of the City and, as such, would be answerable to the Mayor and to the Council. Most of the cases do not get to that point, anyway. Most people make arrangements to remedy their situation.

**This will be on the next City Council agenda.*

2. *Youth Council:*

Council Member Clawson mentioned that this concept had been preapproved last January; not we are just ready to move forward.

3. *Speeding & Traffic Control:*

**This will be on the next City Council agenda.*

Deputy Butters came to the Council table and pointed out on the map he submitted the locations of the proposed stop signs.

Council Member Youd mentioned that Council Member Haskell's insights would be beneficial, since she has worked closely with the Sheriff's Dept. in the past.

Both Council Members Roylance and Haskell said they would like the "unmarked" intersections to be addressed first.

Lucretia Thayne: She felt a 3-way stop at the intersection of Elk Ridge Drive and Park Drive would be present difficulties in the winter. To stop and then go on an uphill incline creates problems in the winter. A 3-way stop will not address the speeding.

Derrek Johnson: There are several places like that in the City.

Sean Roylance: He listed other traffic calming methods; such as painting lines on the roads.

Mayor Lutes: It is recommended that winter is not a good time to be painting lines on the streets; since the snow and plows will take the paint off. He recommended considering the information presented as far as traffic calming and create a plan over the winter months. The location of a few stop signs could be decided on and they could be put in place now.

(There is only about \$2,000 in the current budget for signs; that could be amended.)

Corbett Stephens: We have some posts and hardware; no signs. *(No costs were available at that time.)*

**Cost need to be researched by the next Meeting.*

Estimate: The sign itself is about \$35 or \$45, not including posts and hardware.

Sean Roylance: We have gone a long time without them; he did not see that purchasing signs had to be done right away.

Deputy Butters: He agreed that spring is the better time to paint lines; but a plan should be in place.

Mayor Lutes: He expressed the City's appreciation for John Houck and the service he has rendered by serving on the Planning Commission. He resigned due to scheduling conflicts; making him unable to attend the Meetings.

Recommended: Randy Jones (current Alternate Member) to take Mr. Houck's position as a Regular Member; and Dan Steele to be appointed as an Alternate, to take Mr. Jones' place.

SEAN ROYLANCE MOVED, SECONDED BY ERIN CLAWSON, TO APPOINT RANDY JONES TO FILL THE POSITION VACATED BY JOHN HOUCK AS A REGULAR MEMBER OF THE PLANNING COMMISSION

VOTE: YES (5)

NO (0)

ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO APPOINT DAN STEELE AS AN ALTERNATE MEMBER OF THE PLANNING COMMISSION

VOTE: YES (5)

NO (0)

2
3 RESOLUTION –
4 FEE SCHEDULE –
5 UTILITY SERVICE
6 CHARGES

After discussion, it was decided to recommend the following fees, as listed in the motion to approve:

The discussion included comparisons with other nearby cities.

It was decided that any "voluntary turn-offs" would be free of charge; however these residents should still be charged at least the Base Rate, since the bond payments are calculated on the Base Rates. They are still considered a "live" connection.

(Corbett Stephens mentioned a previous discussion regarding charging water rates on a different basis:

- Having a Base Rate that yields no water

- Start charging at gallon #1 and up...on a tiered structure (Spanish Fork does this)

The question was whether this approach would encourage no watering at all, since residents would be charged for every gallon beyond their initial Base Rate. *(This was a discussion for another time.)*

Mayor Lutes: He commented that though there should be compassion shown to people experiencing hardships; there are those that abuse the system and even leave town without paying their utility bills. The budget has an account that 'bad debts' are figured into...over \$2,000 last fiscal year.

Compared to other cities, Elk Ridge's fees are more lenient.

17 2:02:13

Sean Roylance: He summarized what his opinion was on these fees: The motion was basically Council Member Roylance's suggestion; he stated he was not particular, one way or the other, in favor of the fee to turn a meter back on.

Further discussion on the above statement.

Mayor Lutes allowed a few comments from the public:

Neil Dykstra: He suggested a \$20 Red Tag fee (the Council did not agree).

Lucretia Thayne: She brought up the option of being allowed to pay off a back bill over time; or to pay any re-deposit over time, if delinquent (the Council did not agree with timed payments...staff can work this out).

25 2:21:55

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVED THE FOLLOWING UTILITY SERVICE FEES; EFFECTIVE JANUARY 1, 2011:

CITY UTILITY FEES

• Deposit = \$100 (Refundable after 18 months of consistent good payment record)

• Administrative Fee = \$10 (paid with deposit)

• Late Fee = \$10.00 (After the last day of the month)

• Involuntary Shut-off Fees: (After the 15th of the Month)

○ Red Tag Fee = \$15 (To deliver warning of shut-off)

○ Disconnect (Shut-off) Fee: \$25

○ Re-deposit: \$100

(2nd Shut-off: If no deposit is on record with the City, with the 2nd shut-off within an 18 month period of time, \$100 must be re-submitted to the City - *Non-refundable*)

This Deposit increases \$25 with each subsequent Shut-off

VOTE: YES (5)

NO (0)

Sean Roylance brought up that the City Web site has the capability to do mass emails and texts; in case of emergencies or notifications. There needs to be a current list of addresses. There needs to be a campaign to gather these addresses.

**Council Member Roylance said he would write up something for the newsletter.*

44 2:24:17

45 PARKS

Derrek Johnson: Utah Local Governments Trust decided to reimburse the City for the playground equipment that was burned, after all. Initially the claim was denied because they said the equipment was not listed specifically under our liability policy; however another city had a similar situation and they decided to cover their loss, so ULGT reconsidered and decided to cover Elk Ridge's claim as well. They sent a check to the City in the amount of just under \$18,000 cover our loss.

He is working on ideas for the Park area for the spring of 2011.

Mayor Lutes: There are security issues that will also need to be addressed.

Julie Haskell: If the insurance money was to cover the City's loss; shouldn't the funds be applied to replacement of the equipment that was destroyed?

Derrek Johnson: He felt this could all be discussed once a plan is in place regarding how to best equip the playground area.

Weston Youd: He wanted to know how he could assist Council Member Johnson. Council Member Johnson said he would get in touch with him.

58 2:26:58

59 SERVICING THE
60 UPPER LOAFER
61 CANYON WELL

Mr. Stephens was still waiting on an estimate from Widdison. The suggestion was made to call Nickerson for another bid to service the Well.

62 2:28:21

63 ULGT –
64 INSURANCE
65 RENEWAL

City Recorder: Utah Local Governments Trust (ULGT) still carries the Life Insurance, Vision & Disability Insurance for the City employees; this is the form for renewal.

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO RENEW THE INSURANCE COVERAGE AS THE CITY CURRENTLY HAS IN PLACE FOR THE EMPLOYEES, THROUGH ULGT

VOTE: YES (5)

NO (0)

68 2:31:09

69 EXPENDITURES:

General: None

A. Check Registers and Payroll for September, 2010:

ERIN CLAWSON MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CHECK REGISTERS AND PAYROLL REGISTER FOR SEPTEMBER, 2010

VOTE: YES (5)

NO (0)

B. Loafer Canyon Water Line Repairs:

Corbett Stephens: He obtained estimates through Mountainland Supply and the overall cost will be about \$5,000. Water Impact Fees can be used for these repairs, since they are a reimbursement to the City for the next 13 or so years.

ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, TO APPROVE THE USE OF WATER IMPACT FEES TO FUND THE REQUIRED REPAIRS TO THE LOAFER CANYON WATER LINE, IN AN AMOUNT NOT TO EXCEED \$5000

VOTE (POLL): ERIN CLAWSON-AYE, WESTON YOUD-AYE, SEAN ROYLANCE-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE (5)

NAY (0)

Passed 5-0

2:35:04
MINUTES

City Council Minutes of October 12, 2010:

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 10-12-2010

VOTE: YES (5)

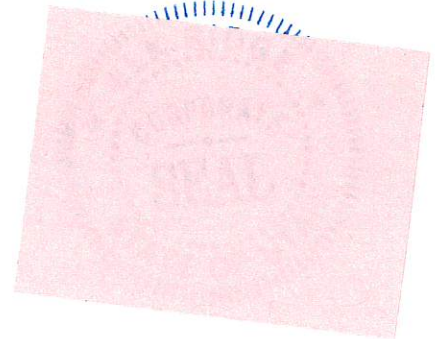
NO (0)

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:40 PM.



City Recorder



ELK RIDGE
CITY COUNCIL MEETING
December 14, 2010

TIME & PLACE
OF MEETING

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

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Sean Roylance, Weston Youd, Derrek Johnson & Erin Clawson (Absent: Julie Haskell); *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Fire Chief:* Seth Waite; *Public:* Lindsey Merritt (Jordan Credit Union); Dairrel Gardner & Diana Hampton (Spectra Management);

Saysha & Angella Bennett, Kelee Malan, Christina Thomas, Devin Muhlestein, June Apau-Lane, Alicia Money & Shelby Lane; and the *City Recorder:* Janice H. Davis.

AUDIT PRESENTATION
2009/2010 FISCAL YEAR

Curtis Roberts: He introduced Mike Kidman (Audit Partner for Jones Simkins). Bound copies of the financial statements were provided for review with the City Council.

Mike Kidman: They felt the audit went well and Mr. Kidman expressed his appreciation to have Elk Ridge as clients.

Review:

- Opinions: (Pgs 1 & 2) "Independent Auditors' Report" : This is independent of any work or opinions of the Finance Director and it states if the figures are materially correct, that they have been audited in accordance with proper standards. This would also be the area where any "out of place" issues would be listed; there were none and they have rendered what they consider to be a "clean opinion" on the City's financial statements.

- MD&A "Management Discussion & Analysis" (addressed later by Mr. Roberts): As Mr. Kidman said, "This is the section you read if you are not going to read the other stuff"...it is written by Mr. Roberts in terms that are easier to understand. It is a condensed version of what went on in the City in 2009/2010.

Basic Financial Statements: (Addressed by Mr. Roberts later in the meeting)

- (Pg 69 & 70) "Independent Auditor's Report on Internal Control over Financial Reporting & on Compliance & Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards":

Government audits have more standards attached to them than a regular business type audit. The government auditing standards dictate that an audit must be performed on internal controls and compliance issues...relative to things that could have a direct and material affect on the City's financial statements. Jones Simkins has applied the required tests and came up with *no material findings* in either "internal controls" or "compliance". That is what the City is looking for.

04:32

- (Pgs 73 & 74) "Report on Compliance with State Legal Compliance Requirements"

There are specific auditing procedures to be followed regarding State money coming to the City. This list grows every year. There were no material findings in this area. There was one minor issue where the expenditures in the Storm Drainage Fund was over about \$100 due to a miscalculation in the "Depreciation" account. "This is very unusual...I will just remind you; that is not the case for most the governmental entities...most of the cities that are smaller would have a number of findings; especially in the area of internal control...that is what you would expect to see. Yours is a little unusual; and that is in part in having done a good job designing what goes on here...and then by having Curtis (Roberts) work with you...he fills some holes you can't fill unless you have someone with that level of knowledge...doing...and splitting up what gets done between him and the other people that work here. That works in your favor relative to our "internal control" opinions." Mr. Kidman mentioned that it is even considered a "finding" if someone in the City does not have the expertise to prepare the financial statements...he said it is not a very realistic expectation, because most small cities don't have access to those kinds of resources, but it is an expectation nonetheless. Elk Ridge does not have that problem.

Jones Simkins issues a letter called the "Management Letter" summarizing findings.

- If there were policies in place that the auditors did not agree with, those things would also be mentioned...no findings in this area.
- Estimates: No financial report can be perfect to the dollar...there are always estimates. Staff must simply use their best judgment. They review these to see if the estimates are "reasonable"...they found the estimates to be reasonable.
- There were no difficulties in performing the audit.
- Were journal entries (adjustments) made to the figures presented? There are seldom any journal entries. (Mr. Kidman again commented that this is pretty unusual.)
- There were no disagreements with Management.
- Management Representation: That all the books presented were complete; with nothing hidden.
- The City is not working with any other Independent Accountants.

Internal Control:

There were 2 minor findings:

1. The slight overage in the "depreciation" account in the Storm Drain Fund.
2. There are new laws in reporting Fund Balance that shall be applied in the next audit that the City must address before that time.

11:28

Mr. Kidman summarized: "Very good...very clean...we very much like to do your work..."
The Mayor and Mr. Roberts complimented the staff for the good work they do...the Mayor and Council expressed their appreciation to them and to Curtis Roberts, as well.

12:06

Curtis Roberts: The financials are a result of a team effort and each does his/her part.

Review of Audit Figures:

- (Pg 18) Review of "enterprise Funds"...specifically the "Operating Income/Loss" number:

Water Fund - +\$79,607

"Rate of Return" is at about 1.7% (about 6% is the goal). This will be monitored.

Sewer Fund - Loss of \$3,249

This loss is a bit concerning. The costs paid out to Payson and to Salem are using up much of the revenue generated by the fees charged to residents. Those fees need to be looked at and an increase considered and/or expenses decreased. Repairs must be planned for.

Mayor Lutes interjected that the rates to Payson just went up from \$22/month to \$22.88/month; which will add to the problem.

15:06

- (Pg 53) "Non-Major Fund" (Capitol Projects Funds, Special Revenue Funds))

- Parks: Cash Balance - 87,114
- Reserved (Impact Fees) - 80,560 - About \$35,000 of those impact fees will need to be spent by 2012 on park facilities. The Council should be prioritizing possible projects.

- (Pg 15) "General Fund" -

- Debt Service - This shows the pay-back and restructuring of the Sale Tax Revenue Bond during the last year; this resulted in lower debt payments going forward into the current fiscal year.
- There was fund balance transferred over to the Capital Projects Fund (Future Improvements); which brings that total to about \$512,969. Mr. Roberts counseled to choose the projects wisely since this is considered meeting capital needs on a "one time" basis.

Overall, the City's finances were reported efficiently and some money was set aside for improvements (roads, perhaps).

Mr. Roberts took some time to review the up-coming GASB 54...new accounting regulations regarding fund balance and how it is reported.

19:25

Two Main Issues:

1. (Pg 13) "Reserved & Unreserved":

GASB 54 will change this section to "Non-spendable Items", "Committed", "Assigned" & "Unassigned"

This reclassifies how the equity presentation is done.

- "Assigned" is going to have a very specific meaning: it will basically be amounts set aside for specific projects in the future...or even in the upcoming year (any time after June 30).
- Key Issue: The Council needs to decide who will be authorized to say what is assigned; this becomes important when the financial statements are being prepared. It is usually not known how much is available for assignment until the financials are getting ready to close out for the fiscal year. If that assignment needs to then go back to the Council for projects to be assigned, it could be lengthy and that can be problematic. Many cities are designating someone (Mayor, Finance Director, etc.) to recommend what is assigned and to present those assignments as part of the financial statements. If the Council has a difference of opinion; later in the year, those assignments can be reallocated back out and reassigned. The assignments come from discussion before hand; and are not legally binding...it is just an idea of how the money would be used.

2. The Fire Fund needs to be re-analyzed: Special Revenue Funds are to be re-classified and re-defined. There is not a "significant" source of revenue (besides the General Fund). Mr. Roberts is trying to find a way to keep the presentation in the budget format as a Special Revenue Fund. He said that it may stay in our books as a separate fund; but be drafted a part of the General Fund.

Mayor Lutes asked about the newer version of Caselle ("Clarity").

Mr. Roberts answered that the Clarity version of Caselle will address the "Transparency Act; which is a full disclosure of city business out on the State's web-site. He feels this will generate more uninformed criticism of city spending. The newer Clarity version of Caselle will facilitate this process, as well as add many upgraded features to the existing Caselle program. By May 15, 2011, reporting will begin to meet the requirements; the reporting is to be done in a particular way.

Mike Kidman: He added that he feels that Elk Ridge is in better financial shape than most other cities. He felt the audit report reflects good management of the City.

Erin Clawson: She commented on the possible need to re-visit the Storm Drain Fee and the Sewer Fee.

Mike Kidman: He agreed that though initially a bit "painful", it is best to be prepared and to be able to deal with infrastructure maintenance and upgrades. Long-term thinking is necessary, even if it would be another Council that would deal with the issues.

There were no further questions.

EMPLOYEE
INSURANCE RENEWAL

Spectra Management Presentation: The City Recorder introduced Darriel Gardner & Diana Hampton; both present as representatives of Spectra Management. They have taken Utah Local Governments Trust's place as the City's broker/agent and representative to PEHP (or any health insurance carrier the City would choose to go with).

The proposal to be the City's broker included the promise to be more proactive in comparisons with other insurance carriers and to assist in guiding the City in the best options available. The bound copy of comparisons made available for the Council's review, was provided and the two representatives were there to go over these with the Council and answer any questions.

Spectra Management does not represent any particular carrier; they work in behalf of the City...to determine and recommend the best options available for the City. It was stated that the "proactive promise that was such a selling point has become a reality".

Dairrel Gardner: They looked at PEHP as well as other insurance companies to see if they might be considered appropriate options.

The Health Care Reform Act took effect on September 23, 2010 and actually impacted rates this year because the insurance companies had to go out and project what their costs might be moving forward into 2001 and beyond. The provisions of the Act "roll out" over a 6-year period of time; so we won't see it all up front; but there are certain types of things we do see:

- Starting immediately in 2010, the age for pre-existing conditions was taken from below 19 (years of age): they can no longer say they will enact pre-existing conditions rules. The insurance companies basically have to take the child (under 19) whether there are pre-existing conditions or not.
 - Someone under the age of 26 can stay on the parents' health plan...even if they get married.
- These things cost the insurance companies money.

As we get into 2011 with renewals:

- No life-time maximums. Insurance companies now have to deal with probable increased costs based on life time coverage.
 - Annual maximums: Though there are limits on them, those change yearly until eventually being eliminated.
- Changes implemented by the State have also caused the insurance companies to review their rates.

Over all, among the various insurance companies, approximately 3.5% of increases this year are related to their projections of what their additional costs will be.

Mr. Gardner discussed "trend"; which is all the different impacts that cause medical rates to go up. This year, "trend" was about 9% to 12%. This would cause an expectation of about a 15% increase.

Comparisons (Based on "Base Rate"):

PEHP: over-all increase of 6.6% (Compared to others, they feel this is a "very moderate" increase) - Summit 3
 Altius: 15.9%
 Selecthealth: 14.3%
 Blue Cross/Blue Shield: 36.4%
 United Healthcare: 49.8%
 Humana: 17.5%

Typically one would fall somewhere between the Base Rate and the Maximum Rate.

Recommendation:

They could tell almost immediately that it does not make any sense to even consider other carriers, since they feel PEHP is "still the best bet". This is the case for many small cities.

They also looked at reducing the rates within PEHP:

- "Qualified High Deductible Plan": (Brief history/explanation) The high deductible health plan is linked with a health savings account; most of the time the employer takes the savings they may see in the beginning with a lower premium on a high deductible health plan and put that into a bank for the employee, whereby some of the expenses can be paid. In turn, the co-pays go away...the patient literally pays 100% of the cost upfront...the bank account is to help them do that. They recommend that there needs to be a variance of about 30% between a standard plan and a high deductible health plan...or it either starts to cost the employer or the employee too much on out-of-pocket expenses.

With everything figured in, the result would be a "true" increase of about 18%. They did not see that as a good option.

Recommendation:

~~Stay with the current plan: Summit Option 3~~

Dental Plan:

Compared PEHP, Selecthealth Dental, Humana Dental, Regence

- Employee (only) the increase with PEHP is at about 5%.
- Humana Dental was a bit below (employee only)
- With the other levels (employee + spouse, employee + family, etc) and the associated rates, all of the other plans increase significantly over and above the rates with PEHP.

Recommendation:

Stay with PEHP Dental – Preferred Plan

Mr. Gardner asked for questions/comments; there were no questions. Appreciation was expressed for the well-prepared presentation and professionalism displayed with the comparisons and recommendations.

Weston Youd: He felt that a 6% increase in the current financial environment is pretty good. Council Member Clawson agreed.

Break until Regular Session.

54:08

ELK RIDGE
CITY COUNCIL MEETING
December 14, 2010

TIME & PLACE
OF MEETING

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

7:00 PM –

CITY COUNCIL REGULAR SESSION AGENDA ITEMS:

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Sean Roylance, Weston Youd, Derrek Johnson & Erin Clawson (Absent: Julie Haskell); *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Fire Chief:* Seth Waite; *Public:* Lindsey Merritt (Jordan Credit Union; Dairrel Gardner & Diana Hampton (Spectra Management); Saysha & Angella Bennett, Kelee Malan, Christina Thomas, Devin Muhlestein, June Apaui-Lane, Alicia Money & Shelby Lane; and the *City Recorder:* Janice H. Davis.

OPENING REMARKS
PLEDGE OF
ALLEGIANCE

An invocation was offered by Council Member Erin Clawson; and Fire Chief Seth Waite led those present in & the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

The Regular Session started at the advertised time of 7:00 PM.

PUBLIC FORUM

There were no comments.

ACTION ON
WORK SESSION
ITEMS

1. 2009/2010 Fiscal Year Audit:

No further comments.

ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO ACCEPT THE ANNUAL AUDIT PERFORMED ON THE 2009/2010 FISCAL YEAR, BY JONES SIMKINS, LLC, AS PRESENTED
VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

57:55

2. Employee Insurance Renewal:

Weston Youd: He felt the groups presenting information were as clear as could be.

Sean Roylance: He was very please as compared to past years. Without former Council Member Nelson, they would have been "in trouble".

Erin Clawson: She agreed with the other Council Members.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE RENEWAL OF THE CURRENT EMPLOYEE HEALTH INSURANCE WITH PEHP (SUMMIT – OPTION 3); AND WITH PEHP DENTAL INSURANCE (PREFERRED PLAN)

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

OAK BRUSH COVE –
RESCIND PRELIMINARY
& FINAL APPROVALS

This item was postponed due to illness of one of the property owners.

59:19

SCHEDULE PUBLIC
HEARINGS – DEFAULT

1. Elk Ridge Meadows PUD, Phase 1:

Memo from Corbett Stephens, dated 12-8-2010:

"The previous action for this subdivision required that the 1" overlay be completed "prior to the end of the 2010 asphalt season". As of yet, the overlay has not been completed. An attempt was made on our part to facilitate completion of this requirement, by organizing all asphalt work needing to be done, both on the part of developers and the City, yet this developer was unable to meet the requirements of doing the work through the City.

On October 25th, 2007 the developer was granted an extension allowing until December 27th, 2007 to complete all required work. On the 8th of May 2008 the development was accepted and placed into durability, retroactive to the 2nd of May, 2008. The durability was extended to expire in April of 2010, allowing the developer to finish the required overlay "prior to the end of the 2010 asphalt season."

I recommend beginning the default process by holding the required public hearing, thus still giving the developer the chance to finish this requirement of the development agreement and meeting any other obligations. In the event he does not, the City will be in the position to use the required bond to complete this work ourselves."

He felt that starting the default process now would be preferable to waiting to see if the overlay is completed in a timely manner. He recommended going forward to schedule the Public Hearing. "This is a wake-up call" to the developer."

City Recorder: Typically, in the past, the City has scheduled the public hearing, invited the developer to be present to offer any solution and a time frame to have the work completed; then the Council can grant that requested or required extension and say that, should the work not be completed, then the developer would be considered "in default". This eliminates the necessity of the issue coming back before the Council at that time. The extension should take into consideration that, with this development, the overlay would need to be done when the weather warms up enough.

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO SCHEDULE A PUBLIC HEARING ON JANUARY 11, 2011; AT 6:00 PM; TO CONSIDER THE DEVELOPER OF THE ELK RIDGE MEADOWS PUD, PHASE 1, IN DEFAULT

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

1:04:19

2. Oak Hill Estates, Plat D – Discussion and Possible Approval of Adjusted Re-vegetation Plan:

"I have previously inspected and recommended release of this development with approvals from Mr. Dave Hanson. Mr. Hanson recommended that a field inspector review the re-seeding of the terraced walls. On the 9th of November Mr. Lowell Gardener, Range Conservationist with the USDA Natural Resources Conservation Service, inspected the terraced walls and the associated re-seeding that was done. Mr. Gardener's letter addresses concerns of the performance of the work. I retract my previous recommendation until these concerns are addressed.

Mr. Yergensen, the original developer, is currently taking care of other business and unable to address these issues, Mr. Lindsey Merritt, Jordan Credit Union, the current owner, is willing and ready to remedy the concerns to the satisfaction of the City.

In light of the situation I recommend setting a public hearing to start the default process, in the event that all issues are not taken care of appropriately. In the event that all issues are resolved, no further action will be needed."

(Photos of the wall were included.)

Lowell Gardner (Range Conservationist for National Conservation Resource Services) has been out to inspect the site and has recommended actions that need to take place. Lindsey Merritt, Jordan Credit Union, has taken over from RL Yergensen as the owner/developer.

Mr. Merritt: He explained that they provided the original financing for the Project. About 14 months ago, Mr. Yergensen said he would not be able to re-pay the loan and asked that they take back the lots in Plat D (Lots 1, 2, 5, 6, 7, & 8) and arrange a "deed-in-lieu"...which they agreed to. As part of this deal, they inherited about 4 other lots south of this project. There were some title work issues that came up and for various reasons; that took about 6 months longer than it was supposed to. They want to finish the Project so they can sell the lots. He said that Mr. Stephens has been "great to work with" in assisting him in understanding what needs to be done.

He knows they were behind schedules from the time they took over; they have already hired a landscaper to assist. They are up against bad weather. If the changes in the re-vegetation plan are accepted by the Council, they hoped to begin before the end of the week, weather pending.

Corbett Stephens: He reviewed that Jordan Credit Union holds the bonds for the Project (he asked Mr. Merritt to correct him if he was wrong). The Mayor, Lowell Gardner, Wasatch Landscaping and Mr. Stephens all met on site the day before the Meeting and Mr. Gardner went through the details of his recommendations with Wasatch Landscaping in order for them to provide an estimate to Jordan Credit Union. His recommendations are different than the original plan due to the time of year and the results of what was done in the past. Mr. Gardner feels this is the best time of year to get the seed in and allow time to germinate; then in early spring the seed has a head-start.

Mayor Lutes suggested waiting for more explanation until Mr. Gardner arrived at the Meeting. He suggested moving forward with scheduling the public hearing.

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO SCHEDULE A PUBLIC HEARING FOR JANUARY 11, 2011, AT 6:30 PM; TO CONSIDER THE DEVELOPER OF OSK HILL ESTATES, PLAT D, SUBDIVISION IN DEFAULT

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

1:12:25

SUBDIVISIONS –
RELEASE FROM
DURABILITY
RETAINERS

1. Kimber Estates:

(Memo from Corbett Stephens, dated 12-8-2010)

"The final inspection for the above referenced subdivision has been held and the developer has satisfactorily completed all of the required items. The required 1 year durability period has expired. There are no outstanding issues required of the developer."

The recommendation was for "final acceptance of the subdivision and release all of the remaining funds upon final payment of engineering and inspection fees".

LEI's letter, dated 12-10-2010, recommending that the bond be released accompanied Mr. Stephens' letter.

ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, TO APPROVE FINAL ACCEPTANCE OF KIMBER ESTATES SUBDIVISION; AND TO RELEASE THE REMAINING FUNDS IN THE BOND, UPON FINAL PAYMENT OF ENGINEERING AND INSPECTION FEES

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

2. Ridge View Meadows Subdivision:

(Memo from Corbett Stephens, dated 12-8-2010)

"The final inspection for the above referenced subdivision has been held and the developer has satisfactorily completed all of the required items. The required 1 year durability period has expired. There are no outstanding issues required of the developer."

The recommendation was for "final acceptance of the subdivision and release all of the remaining funds upon final payment of engineering and inspection fees".

LEI's letter, dated 12-10-2010, recommending that the bond be released accompanied Mr. Stephens' letter.

The only "improvements" done by the developer was to reroute the sewer line from going around the old lagoon and through the old metering station; now the line goes straight down between lots 1 & 2.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE FINAL ACCEPTANCE OF KIMBER ESTATES SUBDIVISION; AND TO RELEASE THE REMAINING FUNDS IN THE BOND, UPON FINAL PAYMENT OF ENGINEERING AND INSPECTION FEES

VOTE: YES (4)

NO (0)

ABSENT (1) JULIE HASKELL

1:16:01

SUVMWA TECHNICAL
COMMITTEE –
DISCUSSION

Weston Youd: (Review of the issue)

He explained that ways are being explored in which water could be used more efficiently. The cities in the north part of Utah County have conducted a study regarding creation of a "water bank". This is referred to as a "ground water re-charge study". There is a group that wants to do the same type of study for southern Utah County. SUVMWA has approved the advancement of that study. They want to form a "technical committee" to review the proposals and the approaches taken in the study and add insight and input. Bruce Ward (Salem City) is leading the technical committee and he is asking for representation from each city to assist.

The plan is: instead of having water pass through down through Utah Lake and Jordan River to Salt Lake County, they would put in a sort of "percolating pond" or pond that would re-charge the aquifer and it would go back into ground water. The water flow would be routed into these "reservoirs" or ponds...which would then feed the aquifer.

Elk Ridge relies on well water coming from aquifers; whatever can be done to stabilize that source of water is the goal.

In speaking to the Mayor, it was agreed that Mr. Stephens is pretty busy with his duties in the City. Council Member Youd will try to get the technical information and relay that information to Mr. Stephens...Council Member Youd will continue to work with his normal duties in SUVMWA. He feels the proposed study will be beneficial to all.

The Mayor expressed his appreciation for the information Council Member Youd had gathered.

1:19:59

OAK HILL ESTATES,
PLAT D –
RE-VEGETATION
PLAN (CONT.)

(Mr. Gardner arrived and Mayor Lutes directed the discussion back to the matter of the proposed re-vegetation plan for Plat D.)

Lowell Gardner: (USDA)

Mr. Stephens summarized the past discussion for Mr. Gardner.

Mr. Gardner: He spoke of his recommendations and why he is recommending a change from the original plan: (A handout was provided for the Council: "Critical Area Planting Specification Sheet"...outlining his plan to re-vegetate.)

Reason for proposed changes to original plan:

For some reason the original section of wall was seeded and the seed did not "take"...was not established.

About the only vegetation growing there are some annual grasses and some species of weeds...and the root system is very shallow. This gives little or no stability to the wall.

On the newer section of wall...the part that was re-seeded...it looks good; the seeding "took". When they were up there looking at the site, they found a weed barrier that was put down. He dug around and that only stretches out back behind the rocks about 10 – 12 inches.

The older section of wall is the only section being addressed.

He has been talking with Wasatch Landscape and he gave his opinion as to what could have occurred: Many times when rock walls are constructed, the barriers will be placed so the soil will not be washed out from between the rocks as much...it helps hold the soil.

This plan is revised slightly in the types of grass species (narrowed to 3 species). He hopes that the deeper root system will help stabilize the area.

1:24:49

He added sagebrush even though Elk Ridge did purchase some and planted it; it was the wrong species and did not grow.

He mentioned in his plan how important it is to establish a weed-free seedbed. He plans on trying a couple of different methods to ensure the seedbed is free of weeds:

- blow torch off the existing vegetation
- hand pull the existing vegetation and rake off the soil to bury the new seedlings
- wait until spring and spray the existing vegetation with a herbicide (round-up, etc.) and let it die and seed later.

Council Member Johnson cautioned that hand-pulling could result in the competing grasses coming up with the vegetation that is trying to grow.

Mr. Gardner is not completely sure which method they are going to implement. He has been asked to over-see the work.

It should be expected that in the first year, there will be weeds mixed in with the annual grasses; that will need to be controlled during that 1st year. The control is accomplished with herbicides, hand pulling early in the season before the weeds get very big.

Council Member Johnson asked if the Credit Union is willing to do that. The response was that they did not want to do any of it; but are willing to do what it takes.

Mr. Gardner continued: though this is the best time of year to plant the seeds; it is dependant on the amount of snow they would have to deal with; it may be that it will be necessary to wait.

The area to be re-vegetated is about 200' per terrace.

Spring seeding does lower the chances of success on a more natural area like this where there is not irrigation water to put on it. The disadvantage in the winter is to clear away what is there.

Mayor Lutes: He cautioned that the weather forecast calls for a great deal of snow within the next few days.

Mr. Gardner: He explained the need for long-term weed control. There is also the possibility of doing some hydro-seeding; that could help get the seed established in the spring. He does not have much experience with this method. Who would be responsible for long-term weed control? (*Ultimately the property owners.*)

Corbett Stephens: He advised that the City take care to not make the recommendation to the developer. If they want to take the recommendation of the USDA and that is the professional opinion...if it works, the City can accept it...if it does not work, the City does not have to accept it.

It comes down to if the Council is willing to approve a change in the plan from the original. Whatever the outcome, the developer has to guarantee success.

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE PROPOSED CHANGES IN THE RE-VEGETATION PLAN FOR THE ROCK WALL, AS PRESENTED, FOR THE OAK HILL ESTATES, PLAT D SUBDIVISION

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

1:47:12

**RESOLUTION:
MOUNTAINLAND
ASSOC. OF GOV. –
PRE-DISASTER
HAZARD MITIGATION
PLAN – 2010**

City Recorder: She did contact Mr. Bob Allen (MAG) and he said that adopting this proposed resolution would allow the City to:

A. Apply for FEMA Grants for Pre-disaster mitigation (this is the main focus) at ...75%/25% matching funds; with the City at 25%

B. Post-disaster funds are available to all...to a point; but, according to Mr. Allen, the City would be able to get more of the funding.

The Recorder asked Mr. Allen if there would be any fees associated with this arrangement and he replied that there would not be...only the portion of matching funds, should the City apply for a grant.

The Mayor felt there were no reasons not to pass the resolution and it could place the City in a better position if a FEMA grant were applied for.

There was no further discussion.

WESTON YOUNG MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE MOUNTAINLAND ASSOCIATION OF GOVERNMENTS PRE-DISASTER HAZARD MITIGATION PLAN FOR 2010

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

1:49:19

**SEWER CONNECTION
PAYMENTS TO
PAYSON – INCREASE –
UPDATE**

City Recorder: The sewer payment to Payson City increased from \$22.00/connection to \$22.88/connection per month. As a result of this, Mr. Roberts pointed out that the City will likely have to consider an increase in the sewer rates.

1:50:35

EXPENDITURES:

General: None

A. *Check Registers and Payroll for November, 2010:*

ERIN CLAWSON MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CHECK REGISTERS AND PAYROLL REGISTER FOR NOVEMBER, 2010

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

B. *Loafer Canyon Well Repairs:*

Corbett Stephens: He updated the Council that over Thanksgiving there were problems with the Well:

"The Well died; it wouldn't run." He explained the single phase power with a phase converter. The Mayor and he went to the booster pump at Oak Lane and discovered that someone had turned off the power and ice was on the outside of the building and the meter froze and it broke. He made phone calls at 10:00 PM for assistance and to get the necessary parts to repair it. It was repaired and flushed out...turned it on to start pumping water from the Hillside Tank to the top Tank. The new booster pump pushes the water from the Fairway Tank to the Hillside Tank. About 2:00 AM (Thanksgiving) it all seemed okay. The next day they went back up to the Loafer Well to see if they could get the generator running. With dead batteries jumped, it started up but would not pump water and kept "tripping out". They called Widdison Turbine and they actually answered and told them what to look for to repair it. He explained how they got it to pump water. Thursday night the generator was turned off because the tanks were full; then on Saturday, the generator was turned back on...it ran for about 10 hours. On the following Monday, the generator would not work.

They have been working on it with problems:

- It has a 1973 manufacturer's date on it.
- It is a military generator...everything is different on it...not much is standard
- It has been brought down to the shop here at the City Offices to be able to work on it...the Mayor downloaded a manual.
- It was leaking a lot of oil
- They located a mechanic that works on military generators...it was transported up to Slat Lake to their shop
- He spoke to the mechanic that day and there does not seem to be anything wrong with the generator...even loaded to capacity. He thinks there is something wrong with the pump.

- We are limited as to the amount of power we can get out of the generator...
 Explanation of power to the generator and the Well and what was done to test the converter. He still thinks there is something wrong with the generator; but the Well is working right then.
 The mechanic feels the pump is old and needs to be replaced.

He further explained that since January, 2010 (when the Cloward Well was basically turned off and we started using the Loafer Well as the primary source)...the Cloward Well was only turned on when absolutely necessary. The result has been a savings in this calendar year of over \$25,000 in electricity; compared to last year's billing.

If we could turn off the Cloward Well and get more water out of the Loafer Well; the City could easily save another \$10,000 to \$13,000 in a year; on top of what we saved this year. Last year, the total bill to SESD was over \$65,000...if we could save another \$13,000, we would cut our power consumption in half. To do it, the City would have to spend some money. Something is still not right with the Loafer Canyon Well.

Verbally, Widdison Turbine has said they could pull the pump, inspect it, install a bigger pump and a bigger, more efficient motor in the Well, a VFD that would allow a "soft-start" (better for everything for many reasons)...

He was asked about when the City would get a firm bid from them...the Council has been waiting for that information.

Mr. Stephens continued: He did contact Nickerson's...they say they can only get 700 gpm for \$32,000. They did not do the original testing on the Well...Widdison did. Widdison says they can get 900 gpm with a 75 horse motor (only 50 horse now). 811 gpm would cover the City's peak demand over the last 5 years...anything over 811 gpm could be renewed. 900 gpm costs more to get; but can save more in power.

Widdison says \$55,000 + to get 900 gpm.

Sean Roylance: In 4 or 5 years, it would pay for itself in energy savings.

Weston Youd: The City would also gain a better primary water source.

Corbett Stephens: There is a pump and motor in the Well house; they are 16 years old but have not been used and could be sold. Originally, the Well tested at 1,102 gal. per minute (gpm). At the time, the State would only allow a percentage of that test amount to be pumped; that has changed to allow any amount under the test amount...that would have to be approved by the State through the engineers.

Sean Roylance: He asked about installing 3 phase power to the Well.

Corbett Stephens: The estimate from Duane Curtis (SESD) to get 3 phase power up there would cost about \$180,000. I development takes place in Loafer Canyon, the developers will bring 3 phase power...let them run the power. Right now a phase converter will work.

2:09:24

We still need a formal proposal on paper from Widdison; there has been a bit of miscommunication and has held that up. He felt that he may not get the job.

Mayor Lutes: He was impressed that Widdison was not only reachable, but was willing to help them over Thanksgiving. He was right on in his advice and was generous with his time...even over a holiday. He felt it would take about two weeks to install everything. This would be a good time of year to have to resort to using the Cloward Well.

The biggest concern he has is that the Well may not continue to work and if the City has to use the Cloward Well too much, that is more power used.

He asked if it would be feasible for the Council to approve up to a certain amount to get going.

2:15:54

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE FUNDS TO REPAIR THE LOAFER CANYON WELL, AS DISCUSSED; NOT TO EXCEED \$60,000...USING WATER IMPACT FEES REIMBURSEMENT TO THE CITY AS MUCH AS POSSIBLE

Discussion:

Mr. Stephens explained further about phase converters.

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

C Track Kit Purchase – Ratify Polled Vote:

Mayor Lutes: He reported that the tracks were installed and used that day. The polled vote was appreciated. He mentioned that Council Member Youd expressed some concerns about selling the snow mobile. After consideration, the Mayor felt that they would not be able to get much out of the sale and perhaps it would not be worth selling. (Council Member Johnson agreed.)

Weston Youd: He disagreed.

Corbett Stephens: He added: what if something happened and we needed to get up there and the 4-wheeler was not working...the snow mobile is paid for. Would it be worth keeping for emergency purposes?

(Council Member Youd suggested placing it on KSL to see what the City could get for it. Why would we want to store it and continue to keep up registration?)

Erin Clawson: She felt it is a good back-up and we have it.

Corbett Stephens: He asked if the City could not get enough out of it to be worth the sale; if we could keep it. Is there a minimum?

Derrek Johnson: Brand new snow mobiles are selling for "nothing".

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO RATIFY THE POLLED VOTE FOR THE PURCHASE OF THE TRACK KIT FOR THE 4-WHEELER; AND FOR THE CITY TO KEEP THE SNOW MOBILE

VOTE: YES (2) NO (2) ABSENT (1) JULIE HASKELL

TIE BREAK VOTE BY MAYOR LUTES: (YES)

The vote passed 3-2

2:23:24

D. Purchase of Snowplow Blades:

Corbett Stephens: It was explained that typically blades will break in the middle of plowing. The recommendation is to have extras on hand. Holland Equipment's price is \$1,085.07 per blade. Mr. Stephens explained how the blades on the plows break; and that one did break and was fixed with the assistance of Scot Bell and Noel Hiatt. The 10-wheeler is only good for helping to keep the main roads clear; it is generally not used unless they absolutely have to.

SEAN ROYLANCE MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE UP TO \$2,500 FOR THE PURCHASE OF SPARE PLOW BLADES FOR THE SNOWPLOWS

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

2:32:19

E. Install existing telemetry (SCADA) / Oak Lane Booster:

Explanation: The City has excess telemetry equipment that could be installed at the Oak Lane Booster site. The bid included in the packets listed options; but according to Corbett Stephens, only Option #1 is needed to install the remote system for programming and monitoring. The old equipment from the Cloward Well could be used.

Eventually, he would like to consider heating that building.

Cost: \$860 + Remote control for \$150 (appreciated, but could be done without)

SEAN ROYLANCE MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE BID FROM SKM INC FOR THE \$860 + \$150 = \$1,010 TO PROVIDE CONTROL, SECURITY AND AUTOMATION FOR THE OAK LANE BOOSTER

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

2:39:15

NON-AGENDA ITEMS

- Mayor Lutes: He asked about addressing the issue down by Council Member Youd's house. Dan Steele has equipment that might be useable. There could be an alarm for security on the Well to protect the meter. This will be discussed at a later time.

- It would be nice to do something nice for Noel and Cory Hiatt for their willingness to assist whenever they can. The Council agreed. (\$75 dinner cards)

- Mr. Stephens explained hydro electric energy and the possibility of making money. \$35,000 in cost could generate about \$19,000 in power every year.

Weston Youd mentioned that Spanish Fork is doing just that.

A building could be built for another \$10,000...and there is money to be made.

The water system could be paying the City.

This should be addressed in the future...the Council agreed to place this on the agenda in the future.

2:50:24

MINUTES

City Council Minutes of August 24, 2010 & October 26, 2010:

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 8-24-2010 & 10-26-2010

VOTE: YES (4) NO (0) ABSENT (1) JULIE HASKELL

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 9:00 PM.


City Recorder