

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

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NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Meeting on Tuesday, July 30, 2013, at 8:00 PM.**

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

8:00 PM - SPECIAL CITY COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance - Invitation

Approval/Agenda Time Frame

8:05 Ratify Polled Vote - Appointment of Poll Workers for the 2013 Primary Election

8:10 Self Help Homes - Agreement

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 26th day of July, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of this Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on July 26, 2013

City Recorder



ELK RIDGE
CITY COUNCIL MEETING
July 9, 2013

TIME & PLACE
OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, July 9, 2013, at 7:15 PM**; it was preceded by a **City Public Hearing at 6:00 PM** regarding the proposed adoption of an Amended Budget for the 2013-2014 Fiscal Year; as well as a **City Council Work Session, scheduled for 6:15**. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave. Payson, UT, and to the members of the Governing Body, on July 5, 2013.

ROLL

Mayor: Hal Shelley; *City Council*: Brian Burke, Paul Squires, Erin Clawson, Nelson Abbott Weston Youd; *City Recorder*: Janice Davis; *Public Works Director*: Cody Black; *Public*: Melissa Prins, Linda Cooper, Jason Robinson, Amy Robinson, Kim Stepp, Laura Stepp, Stacy Mecham, Trevor Mecham, Brad Bishop, Ed Christensen, Dale Bigler, David Jean II, Lucretia Thayne, Ryan Haskill, Shay Stark, Rex Davis, Robin Clawson, Jim Chase, Adele Chase, McKoy Lloyd, Reihard Jones, Scott Tuttle, Ashlee Tuttle, Elizabeth Dayton, Melanie Fox, Martin Fox, Colby Wilde, Lacey Christenson, Gregg Anderson, Colin J. Legue, Rhett Gordon, Lexie Gordon, Roy Gerber, Katherine Gerber, Livia Lundberg, Pam Lundberg, Rosetts Whiting, Gerry Whiting, Marissa Bassir, Joann Bigler, Tom Checketts Nicole, Jex, Justin Jex, Steve Fillerup, Catherine Fillerup, Jim Towse, Jamie Towse, Cindi Ellis, Ann Brough, Debbie Cloward, Randy Cloward, Tammy Rich, Tyler Haderlie, Rhonda Salcido, Careene Eliot, Karin Adams, Annebel Meredith, David Clark, Joann Bigler, and the *Deputy Recorder*: Mary Preece.

OPENING REMARKS
PLEDGE OF
ALLEGIANCE

An invocation was offered by Marissa Bassir; and Rhett Gordon led those present in the Pledge of Allegiance, for those who wished to participate.

AGENDA TIME
FRAME

WESTON YOUD MOVED, SECOND ERIN CLAWSON, TO ADJUST THE REGULAR START TIME

TO 8:12 PM

VOTE: AYE (5) NAY (0)

ADOPTION: BUDGET
AMENDMENTS TO THE
2013/2014 BUDGET

The Mayor asked for any discussion from the Council. There were no further comments.

**WESTON YOUD MOVED, SECOND PAUL SQUIRES, THAT THE COUNCIL ADOPT THE
AMENDMENTS TO THE 2013 - 2014 BUDGET, AS PRESENTED**

VOTE: AYE (4) NAY (1) BRIAN BURKE

1:52:21
PLANNING
COMMISSION
ITEMS
OAK BLUFF ESTATES,
PLAT J - GABLER

Shay Stark briefly explained to the Council the amendment to the Oak Bluff Estates, Plat J, included three lots on Salem Hills Drive at 162, 142, and 116 West Salem Hills Drive, that have fragments of lots to be consolidated into one single lot.

The Mayor read the recommendation: The proposed plat amendment complies with the applicable sections of the Elk Ridge City Development Code and General Plan, and with the provisions and requirements of the 10-12-37E (Plat Vacations). Planning Commission recommended approval.

**WESTON YOUD MOVED, SECOND ERIN CLAWSON, THAT THE COUNCIL APPROVE THE
AMENDMENT TO THE OAK BLUFF ESTATES, PLAT J, AS PRESENTED**

VOTE AYE (5) NAY (0)

1:55:20
K. SHULER - LOT LINE
ADJUSTMENT

Shay Stark reviewed with the Council the Karl Shuler Lot Line Adjustment which is located on Goosenest Drive where there is a narrow rectangular parcel between two lots; Mr. Shuler's existing lot and the one to the east of it. The adjustment also included a small portion of the back, or south side, of Mr. Shuler's existing lot. These will be adjusted to go to the vacant lot east of Mr. Shuler's existing lot.

**ERIN CLAWSON MOVED, SECOND WESTON YOUD, TO APPROVE THE LOT LINE ADJUSTMENT
FOR KARL SCHULER; LOCATED AT 943 W AND 985 W GOOSENEST, AS PRESENTED**

VOTE AYE (5) NAY (0)

1:56:53
PUD LOT FRONTAGE
CODE AMENDMENT

Shay Stark:
Brief History:

2:00.00

**WESTON YOUD MOVED, SECOND NELSON ABBOTT, TO APPROVE THE AMEDNMNT TO THE
PUD OVER LAY ZONE SINGLE FAMILY LOT FRONTAGE DISTANCE TO INCLUDE THE 60 FEET
BETWEEN VARIOUS ZONES FOUND IN ELK RIDGE CITY DEVELOPMENT**

VOTE: AYE (5) NAY(0)

ELK RIDGE MEADOWS
PUD, PHASES 5-10
PRELIMINARY PLAT
APPROVAL

Shay Stark stated this parcel was a part of the original Elk Ridge Meadows Subdivision annexation; which was annexed into the City in 2005. Dean Ingram purchased the parcel located at the southwest corner (Goosenest Drive & Elk Ridge Drive or 1600 West); and plans to develop according to the original plan. The school district purchased a part of Phase 3; which altered the original plans for this area.

Issues have come about (bankruptcies, bonding issues, etc) since the development of Phases 1 & 2.

This whole area is a PUD type development and a certain amount of open space is required.

This Phase of the PUD will create some changes:

- Re-routing of Elk Ridge Drive on a diagonal (through these last phases) from 11200 South to the turn at Elk Ridge Drive and Goosenest Drive (just east of the City-owned property); the right-of-way width is designed at 108'. The school will be on the northeast side of the proposed road; and there will be a trail / open space on the other side.

Open space:

- The School District is interested in purchasing the southeast corner of the open space, which would be contiguous to their property.

- A pocket-park for the Community

the proposed changes meet the annexation / development agreement.

Required by the Annexation / Development Agreement:

- A round-about

- A monument to serve as an entrance to Elk Ridge City

The development agreement was amended to allow two additional extensions for Preliminary Approval to accommodate the multiple phases in this project.

The City code is met by the proposed plans for this development.

2:05:46

The Planning Commission recommended approval of the Preliminary Plat for Phases 5 through 10.

The Planning Commission felt there were certain areas of discussion for the Council to address: Mr.

Stark asked if the Council wished for him to review those; but, since this was for Preliminary Plat

Approval, it was felt that these items could be discussed at a later time.

Council Member Abbott requested at least a review of the topics subject to consideration:

Staff Memo from Planner to Council, dated 7-9-2013)

- Terms of amended or re-stated Development Agreement
- Landscaping for Elk Ridge Drive / open space & park amenities
- Entry monument
- Elk Ridge Drive between Pine Tree Cove & future Cotton Tail Lane is 1,313' & does not comply with 10-15C-3 "Blocks": Length no greater than 1,200' & no less than 500'. Mid-block walk on 800 + foot blocks. This street is an arterial street and is meant to have limited access. It is the opinion of Staff that limiting intersections and pedestrian crossings on Elk Ridge Drive adjacent to the school parcel is a public safety issue and an exception to 10-15C-3 is warranted.
- Does the City want a drainage basin constructed in the south east corner?
- Does Dean (Mr. Ingram) want to included the dedication of Elk Ridge Drive in Phase 6 or 7, so that he can divide off the open space that is adjacent to the school site for sale tot he school district? This would require agreement on terms for maintenance and the understanding that the road would still be developed in phases 7 & 8.
- Relocation of Cloward driveway entrance

(From discussion of proposed Development Agreement amendment)

Mr. Stark:

- The developer will be completing Sky Hawk Way and where the school property is adjacent to this, the school would reimburse the developer for a portion of the surface improvements.

- The developer will be allowed to phase this in 6 phases

- The City will acquire the current 1600 West from Utah County from 11200 - south; and will vacate a portion of this on both sides to get the right-of-way down to the 66' width required by City Standards.

- The City will allow the developer to plat the parcels in cul-de-sacs and on curves with the 60' minimum frontage length

- allow the addition of two preliminary plat extensions due to multiple phases. (Based on developer complying with existing requirements for the current one-year extension + the developer would need to complete the platting and construction of at least one (1) phase during the previous year...as long as development is moving forward, the added extensions would be allowed; if not moving forward or if problems arise, there is the opportunity for the Council to review the issues prior to granting an additional extension.

Discussion:

Recorder: She asked about the park involved: Is a HOA planned? Will residents owe Park Impact Fees due to donation of open space? In previous Phases, a "fee-in-lieu of Park Impact Fee" was charged to be used to re-furbish the open space prior to the City taking in over with maintenance. Will the open space be landscaped when the City takes it over? If Park Impact Fees are owing; would they be in full or in part? Will this be part of the amended development agreement?

Mr. Stark: It was his understanding that the open space will be landscaped. He felt that the residents would owe a portion of the Park Impact Fees. He agreed that the subject of Park Impact Fees should be mentioned in the amended development agreement.

Weston Youd: (To clarify) Preliminary Approval can be granted with guidance to have the open space questions of Park Impact Fees, the condition of the park at the time the City takes it over. He did not believe any of the parties were prepared to answer these questions at the meeting. The Council does expect answers to these issues.

Public Comment:

(Not identified) She was a resident of Phase 2...asking for clarification if the park in their phase had been taken over by the City...and will this proposed park take priority over the existing one. Some of the residents in Phase 2 have waited 7 years. (The Mayor asked that the Council be allowed to finish the agenda item under consideration prior to addressing her questions.)

Dean Ingram: He explained:

- The park, when finished, would be turned over to the City
 - Some of the costs associated with the main road (Elk Ridge Drive) were improved upon by the addition of the school property; this was reconfigured after the original Agreement was in place.
 - He felt that the proposed lay-out for the school is "phenomenal" and will be an improvement to the original plan (he listed some of the advantages).
 - Change is location of part of the open space: An improvement made to the original plans was the relocation of a number of lots; allowing the school to utilize the area to avoid small, localized areas that could permit students to gather unsupervised; lots were relocated to accommodate this.
 - Landscaping: The necessity of landscaping both sides of the road was eliminated with the school having ball fields planned for the east side.
- It needs to be decided how the roadside will be landscaped.
The trails will take safety into consideration.

2:16:08

Mr. Stark: A key point is that the school will develop the new road, Cotton Tail Lane, and the school will face this road. There will not be access along the back side of the school (along Elk Ridge Drive) for kids to go running across this major street...the school will likely fence this side of the school to mitigate the risk.

Mr. Ingram: The plan is to begin at the lower (northern) section of the development to better utilize utilities. Mr. Ingram said he is a resident and plans on raising his children in Elk Ridge...he has a vested interest in assisting to make Elk Ridge a great Community. He would like to see this move forward in a responsible way.

He also stated that there could be consideration of taking the park out of the plans and donate money "in-lieu-of" to assist in paying for trails and other open space.

WESTON YOUNG MOVED, SECOND BRIAN BURKE, TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO GRANT PRELIMINARY PLAT APPROVAL TO THE ELK RIDGE MEADOWS PUD, PHASES 5-10; WITH THE UNDERSTANDING THAT PRIOR TO FINAL PLAT APPROVAL THE PLANNING COMMISSION WILL PRESENT TO THE CITY COUNCIL THE FOLLOWING:

- **FINAL PLAN FOR THE PARK**
 - HOW WILL IT BE SET UP AND MANAGED UP TO AND INCLUDING THE TRANSITION TO THE CITY
 - WILL THE BUDGET ALLOW THE ADDED COST OF THIS MAINTENANCE?
 - **DETERMINE IF THERE ARE ISSUES REGARDING ANY ISSUE ASSOCIATED WITH THE LAND BEING IN RANGE OF AN ESTABLISHED COMMERCIAL ORCHARD AND ANY LIMITATION THAT MIGHT EXIST**
 - **PARK IMPACT FEES VS. "FEES-IN-LIEU OF PARK IMPACT FEES" ISSUES RESOLVED**
- VOTE AYE(5) NAY(0)**

2:21:30

NON-AGENDA ITEMS

1) Question regarding the park in Phase 2 of the PUD:

Mayor Shelley: (Brief Review of history of bankruptcies and issues arising from the eventual situation where the FDIC ended up with most of the lots in Phase 2 of the PUD)

The City has tried to work with Salisbury Homes, who purchased the lots from the FDIC. The goal has been to bring the open space up to the agreed-upon standard so the City is able to take over the open space without having to incur the associated costs.

This started last summer. The work put forth by Salisbury has not been successful, and they have been informed that it is not acceptable. The fee-in-lieu-of Park Impact Fees have not been paid yet. These fees may be enough leverage to get it the work completed in a satisfactory manner. The lack of success has been frustrating to Salisbury as well as to the City; not to mention the residents.

It has been advised by Legal Council that the sooner the City is in control of that property, the better it will be for everyone. The input of the residents would be appreciated.

The best way to do this is being considered currently.

(Added concern expressed by resident) Can the open space be developed into more lots by Salisbury; since he owns it? Her personal feeling is that the sooner the City takes possession of the park, the better. She realizes that any proposed plan would have to go through the City; she hoped it would not be approved.)

The Mayor said that he agreed and has expressed that to the Council.

2:24:49

Erin Clawson: The Council desires to do what the residents in the area want. If she is re-elected, she would want that to be a top priority.

Mayor: Input from the residents would be appreciated. What would work? A pavilion has been considered for the park.

2) Drainage Issues - Randy Cloward:

He brought up the problem with erosion in and around the area of Phase 2 of the PUD; he wondered if any conclusions had been drawn. Many promises were made by the developers that were not adhered to.

The Mayor responded with a statement that the City is looking into alternative and less expensive alternatives and possible options with regard to retaining walls and what responsibility the builder has to see that the problems are resolved. The City will do what it can, but it eventually becomes a civil matter rather than a city matter.

The hillside has been cut into and the attempt has been to make this the responsibility of the home owner...a retaining wall could be up to a \$10,000 "fix".

Dean Ingram: He stated that problems such as these should be resolved before certificates of occupancy are issued; that is the leverage. He suggested checking with David Church about this. Developers have to control the drainage created by the development.

Mayor: He said the Building Inspector is withholding certain certificates of occupancy at this point. There is a limit as to the ability to enforce regulations applicable to past occurrences.

The Council does not want this to happen again; there must be a solution to avoid this type of situation as further development takes place.

David Church has been and will continue to be consulted on these matters.

2:31:31

Gerry Whiting: He has experienced problems with drainage on his land as well. There are homes being built that do not seem to have any plans to contain the run-off...he predicted that that water will run down and affect other people's property. This is not good for residents and for the City's reputation. He has spent a great deal of money on landscaping and he feels that Elk Ridge City should have done more to control the builders. He does not accept that the residents are "just out of luck"; does the City have some liability in all of this? That should be checked out with the attorney.

He felt the citizens should have had better involvement from the City.

Mayor: As he and the Council have become aware of various issues throughout the City, they have done their best to address those issues. Many problems existed when he and the Council took office.

(Mr. Whiting felt that the Mayor should have been better-informed when he took office.)

Mayor Shelley responded with an apology for lacking the wisdom that Mr. Whiting felt he should have had; but he has been "on top of this" as soon as he was made aware of the problems and he will continue to try to find solutions and hold those that are obligated legally responsible, as much as possible within the confines of the law.

Since this was not a formal agenda item; the Mayor announced that they needed to move forward with the regularly scheduled agenda.

2:35:46

SELF HELP HOMES

Brief Review of the current issue:

Building plans were submitted to the City for approval for the Self Help Homes Project in the Crestview Estates Subdivision; they were denied by the Building Inspector due to the dwelling size not meeting current code.

Mayor Shelley introduced Brad Bishop, Director for Self Help Homes, along with his Legal Council, Tom Checketts. He turned the time over to them to explain the circumstances involved with Self Help Homes building in Elk Ridge. He announced that the discussion would be with the Council initially; that the citizens would be allowed input after the discussion.

2:36:18

Brad Bishop: He clarified that the discussion would be regarding building homes in the Crestview Estates Development. In Phase 1 of the Elk Ridge Meadows PUD, they are not changing anything further than has already been established with their HOA.

He explained that he was present to request that the City Council approve a resolution allowing the nine lots in Crestview Estates to build under the original zoning regulations concerned with building size, rather than the current zoning, as it has been changed.

Brief History:

The previous year, nine lots were purchased when the zoning required 1,200 sq ft of living space (rambler style). In May, 2013, seven of the nine lots were sold to families (some were present at the meeting) and 2 were under contract at the time of the meeting.

In December, 2012, the City Council approved a change to the zoning regulations that increased the minimum sq. footage requirement for dwellings in the various zones. Many families are affected by these changes; as well as the lender for the construction loans for the homes. Mr. Bishop said they (he and the owners) did not know about the change.

2:39:02

He understood that the reason given for the zone change was that the General Plan needed to be updated. He finds the changes restrictive and would only allow those able to afford larger homes to build in Elk Ridge. The house plans exceeded the previous code by 400 sq. ft. When the plans were rejected caused them to contact the City...and the matter is on the agenda.

It is his opinion that the change in the code occurred partially from the Council's reaction to "citizen outcry"; which he felt was based on unfounded assumptions, rumors and misunderstandings about the families and the homes to be built...one such rumor was that values would be "torn down" for neighboring homes; he disagreed with this assumption.

Families:

The property owners are good people; many are sons and daughters of current residents; who will be valuable citizens in the Community.

Homes:

The homes will be rambler-type, with basements and many upgrades. The Self Help homes will meet and even exceed the standard of many of the existing homes in Elk Ridge. The homes are built to last and be affordable at the same time. There will be water-sensitive landscaping.

He introduced two of the potential home owners to offer their explanations:

Ashley Tuttle, and Jim Chase.

2:44:18

Each expressed their desire to bring their families to Elk Ridge to raise them in this great community.

They are willing to serve the many hours expected of them to be a part of this project.

They feel they had met all the requirements asked of them, and were so disappointed to discover they had been denied their building permits. They reassured the public they were aware of the particular situation as to the location and cost of living in the City of Elk Ridge. Each were grateful for the consideration of the Council, and hoped for a positive result to allow them to move forward.

2:54:30

Question:

(Unknown) How & why were the requirements raised? He understood that the engineer had to be involved. Was it truly due to "outcry", as Mr. Bishop claimed; or was research done to justify change?

Comment from Public (Unknown): There has not been an issue with people coming into Elk Ridge; it was a matter of current residents trying to protect property values. All people are respected. She would not opposed to the lots that have been sold; however, she felt the code should remain at the increased size for future building.

Brad Bishop concluded by requesting that these 9 homes be allowed to follow the previous Code in existence before December 2012. The families that Self Help Homes serve represent about 42% of the County.

2:57:36

Weston Youd: (Addressing previous question) According to the City's General Plan, there is a certain percentage of median level income homes that should exist in the Community. Research was done by the City Planner and the City Engineer; and they determined that the City was far beyond the requirement percentage. The question was asked, if the City continued down the path, would there be the balance sought for in the General Plan? It was asked, what needs to be done to bring the City into line with the General Plan? It was determined that the square footage requirements needed to be reviewed within all of the different zones. The previous code required 1,200 sq ft for all zones; which was not appropriate and needed to change. As the professional counsel was taken into consideration, the code was amended by the proper and legal process. A public hearing was held by the Planning Commission; which was open to all interested...it was posted in the newspaper. The recommendation to the City Council was to pass the amendment; which was discussed and action taken in an open and public meeting. The action was not taken to "stop a certain builder from coming in"; but due to the question if the code was in compliance with the General Plan.

The percentage of median income homes is above that required by the General Plan.

Mr. Checketts: The General Plan addresses the Federal minimum percentage; not necessarily the needs of the Community. *(Council Member Youd did not agree with Mr. Checketts' assessment.)*

Weston Youd: It was established that the majority of the lots were purchased in May, 2013; from Self Help Homes. Mr. Bishop was asked if he had even looked at the codes or if he had done due diligence regarding the codes, as they existed at the time of sale of the lots.

(Mr. Bishop responded that when they (Self Help Homes) purchased the lots, they had checked the code. When meetings were posted on "telephone poles", he did not read them. They felt that the zoning requirements were "vested". "we had no idea that this was going on behind the scenes."

3:03:30

Council Member Youd corrected Mr. Bishop that notices are published in newspapers, as required by law. "It wasn't behind the scenes."

Discussion: The comments persisted between Brad Bishop and the City Council as to the responsibility of the developer to become aware of the code before they proceed with building. It was the opinion of Mr. Bishop that "vesting" was at the time of the original purchase of the land; but this was clarified that "vesting" is at the point of application for a building permit.

Trisha Watson She addressed the public to ask if they realize that it is good neighbors and friendly people that make up our City; not the size of the home or possessions.

Unknown: Concern was expressed about granting exceptions and any possible liability as a result of that; others might expect the same treatment and there would be no standard.

Malory Sorensen: Things change and then there are those that are surprised; as long as proper procedures are followed, as stated by Council Member Youd, then it does not mean the City is in the wrong. She further stated that there is a need to have more communication allowing citizens to be made aware of what is going on.

Woody Echols: He expressed his knowledge of how fine the homes and people involved in Self Help Homes are, based on his experience as a contractor for them and worked closely with them.

Mayor Shelley: The issue at hand is how to proceed in an orderly and legal manner. All comments are appreciated in reaching a decision; which would be up to the Council.

3:10:00 Tom Checketts (Attorney representing Self Help Home) He stated he was involved with the City's legal Counsel in preparing the resolution; and that this was Self Help Homes proposal.

Concerns:

1. Granting exceptions - what is the result?

There was much discussion at the meeting about informing people of changes. The past legislative session passed House Bill 88; requiring that when zoning is changed, property owners need actual notice...not "legal" notice. It is one thing to meet the legal requirements of posting; it is another thing to have "actual" notice...in the form of a letter to every lot owner in the zone. He admitted that this was not the law when the zone change referred to happened. There is an impact on people and the law changed to recognize this impact.

Perhaps there was "legal" notification; but he does not believe many people came to those meetings.

2. What obligation did the developer have?

He referred to the from the minutes of the Council Meeting when engineer Greg Magleby came; Mr. Magleby said over and over (3 times) that the currently platted subdivisions were vested with the zoning that was in place when the plat was recorded...and that the changes would apply to future developments. Yet, when applications (building) were made, these families found that this was not the case.

I searching for a solution, they (he and Self Help Homes) are asking that the Council consider a resolution that would apply to everyone...it would say that the new zoning size limitation would not go into effect until September 1, 2013. Elk Ridge Meadows, Phase 1, is not affected since the housing size is controlled by CC&R's; this refers to nine lots in Crestview Estates and other lots throughout the City.

3:13:32

An informal survey was conducted and he has found that there are not many vacant lots throughout the City that are not controlled by the PUD or CC&R's. He did not feel there would be a "rush" of people applying to build a smaller home.

The proposed resolution essentially says that the ordinance that was passed will not go into effect until September 1, 2013. He would be surprised if there would be any other homes besides these nine homes that would not already meet the new zoning requirement.

Are we asking for an "exception" that just applies to Self Help Homes? No.

3:14:57

Comments:

Erin Clawson: She questioned if the action taken in Elk Ridge Meadows, Phase 1, veers from the model plan that Self Help Homes presents to communities. (Council Member Clawson referred to the number of lots purchased; which numbered 42 of 50 lots in the subdivision.)

Mr Checketts: He responded that it is his understanding that the R-1-12000 PUD Zone requires 1,400 sq. ft. in a home; and the CC&Rs in place require the homes to have 1,487 Sq. ft.; making larger and more attractive homes. Therefore, the action requested of the City Council would not affect that subdivision. (This subdivision was not the subject of discussion in that meeting.)

Weston Youd: He agreed that the requested extension could only impact the nine families in Crestview Estates. The Council also has the burden of considering the other building permits applied for during this time period since the code changed; some may have preferred a smaller home, but were held to the standard in the code...the difference was that the code was applied and adjustments made to be in compliance. Mr. Checketts is not recognizing this possibility. Any one of these applicants could ask why they were forced to adhere to the code and an exception was granted to others.

The code amendments were in place for months when lots were sold by Self Help Homes.

Randy Cloward: He said he strongly agreed with both sides; but he pointed out that these people cannot afford to build a larger home than what is offered by Self Help Homes. If these people cannot build, are they being discriminated against?

The other side was exemplified when Rural Housing attempted to come into the Rocky Mountain Subdivision and the residents resisted due to the threat to their property values.

When the Clowards bought up a great deal of land in the area many yhears ago; it was tio help create a "really nice" area to live in. "Do we want to keep them out? NO; but do we want to put 50 of them all in one area? We just have to be careful in how we weigh it out."

(Unknown): There is not assurance the CC&R's will be complied with; since there is no architectural committee to enforce them.

Mr. Checketts: Even though that is not part of the discussion on the agenda; he advised that if someone does not adhere to established CC&R's...whether there is an active HOA or not...then neighbors have a "cause of action" against neighbors...that is how all CC&R's work.

3:20:56

Donny Allred: (New residents in the Crestview Estates subdivision) Although the Self Help Homes will effect his family as much as anyone. He expressed how excited he was to welcome these families into his area. He feels the Community would be blessed to have these families. There is always a way through legal issues.

Tyce Erickson: He has a home in the lower subdivision. For him, he is a "people person" and he loves people. The hard part for him is that he built a home with the understanding that there would be a certain type home with a certain value associated with their area. No one informed them that this was all taking place and that Self Help Home had purchased all the rest of the lots. It is not against the great people wishing to move in...it is a legal issue. His feels concern when he drives through Spanish Forks in areas where Self Help Homes have built about 5 years ago and there are "a couple for rent...some for sale...so people were moving on". It is hard when you build a particular type of home and then it changes for the majority of the homes in the subdivision. He felt they should have been informed.

3:28:03

Andy Costin: (Directed toward the home owners) He felt the problems came about due to Brad Bishop not doing his due diligence and making a poor business decision. He bought the lots under a certain requirement...things changed and he was not aware of it. He still sold the lots to these people without checking. He wanted to second what the Council said about taking a hard look at the legal issues. Though he is not against the 9 owners building; he is concerned about what may happen down the road if exceptions are granted.

3:29:43

Jan Davis: She wondered if many of the problems were not coming from the overall effect of granting an exception...or putting off the time frame. Besides the homes being built by Salisbury Homes, there are over half of the home built since the code change went into effect are not part of Phase 2 (Salisbury Homes). She felt the proposed resolution opens up issues across the City. It has been stated that the "Zone was changed"...it was not. Some of the zoning requirements changed; but the Zones did not. Zone Changes have required more specific notification that requirements within the zones. Regulations are amended all the time...example: building heights were changed a few years ago.

Suggestion: (This would have to be run by David Church) Is there a way to grant an exception to just the nine lots in Crestview Estates, without affecting all the other lots and building permits issued? She pointed out that the Council is in a "tough spot". It has nothing to do with the prospective residents that would move into the Self Help Homes; it has to do with the difficult position the Council is in with the other homes built.

3:31:51

Tom Checketts: He responded to the question: Could there be a resolution that would only be applicable to the 9 homes in Crestview Estates? Yes; but the challenge would that there would have to be an admission on the part of the City Council that the zoning was changed to solely address Rural Housing situations. The City minutes only mention Rural Housing; so that conclusion could be arrived at. He felt that would be acceptable to Rural Housing. The resolution offered by Self Help Homes that was across the board because:

- They do not think the impact would be that great
- They felt it was less binding to the City Council

3:33:56

(Unknown) Are people willing to accept the decision made without hard feelings; regardless of which way it goes?

COUNCIL INPUT:

The Mayor asked for Council input:

Brian Burke: He was not sure how the nine lots could be considered individually and exclude the affect on the rest of the Community. He expressed concern for the potential for great liability due to the number of permits issued in the last 7 or 8 months. As was mentioned earlier, what about any of these applicants that may have wished to build a smaller home and were not allowed to do so, based on current zoning regulations...or any now that may be having trouble qualifying for a larger home? Will they demand an exception as well? (The lots in Elk Ridge Meadows, Phase 1, are not involved in this.)

Nelson Abbott: He strongly supported making the exception for the nine homes. He was certain that in one and a half months (until September) the number of homes coming in to be built in that zone would be very few. He loves the way Elk Ridge, as a Community, rallies around the few...as when Cody Towse was killed in action and the tremendous show of support that was demonstrated. Self Help Homes fosters working together..."we want more of this unity in our Community here; and I, for one, am completely fine with that." He encouraged this type of support.

- A big house does not always indicate high income
- The census: how much high is the "moderate income"; when asked, he feels it is "none of their business".

He feels there is not reason why the Council should not work with the people in Crestview Estates and make things happen.

Erin Clawson: She expressed what a difficult decision this has been; it involves people she is acquainted with, existing citizens and she feels an obligation to represent ALL of the citizens. It is a matter of trust. (Directed toward Brad Bishop) She felt he should have come forward as he represented he would. Referring to the number of lots purchased in Phase 1: she felt this goes against the usual manner in which they build in a community...and goes against what he represented to the City Council as a model. There are citizens worried about their property values and she also represents those citizens. There are legal issues that she would like to have discussed with the City's attorney.

There is a tremendous amount of pressure to make the correct decision; taking the future home owners into consideration, as well as the laws and ordinances in place.

No one...not any council member...can have perfect foresight...the same types of emotional issues were raised with the possibility of a drug rehabilitation home in Elk Ridge; there were many concerns brought forward regarding "discrimination" in that case. These types of issues come forward all the time; and Councils are expected to "vet" the issues and seek legal solutions.

She felt that Mr. Bishop had a responsibility to his buyers to be informed and to pass that information along to them. He does this all the time, as a developer. She felt he absolutely "let his customers down". How could they plan without the correct information before them?

She agreed that the City Council should own any responsibility that falls on them; but not to take on more than is theirs. She did not feel she was prepared for a decision that night. The legal ramifications should be looked into.

3:42:34 Paul Squires: He agreed that he needed to get more information and legal background. He respects both sides of the issues. He was not prepared to vote at that time.

3:44:49 Weston Youd: He also felt the Council needed to gather more information. He also agreed with the Recorder's suggestion to look at only the nine lots. "Zoning Estoppels": the concern would be that there would have to be an admission of doing something incorrectly. He does not believe that the Council did something incorrectly. That is not to say that a different proposal could be considered. He wanted the issues review by not only David Church, but by another attorney, as well...a third party. He also feels that Self Help Homes should contribute to another review...demonstrating good faith. He asked if Self Help Homes would be willing to agree to "something like that". Would the Council agree to this? He does not want to consider another change when some due diligence in reviewing a code that had been in place for 5 months may have changed the individuals from purchasing these lots and placing the Council in the present position.

(All the Council agreed to Council Member Youd's suggestion...Council Member Abbott said that he would agree, if it was the only way to "get it through".)

3:47:18 Mayor Shelley: The Mayor said how much he appreciated the input from all sides of the issues at hand. The next Council meeting would not be until August due to the 24th holiday and that will be the night of the Primary Election. A special meeting could be called, if necessary...sooner would be better than later. A date will be arranged that is satisfactory to all parties involved.

Shay Stark: If there is to be any further amendments, a Public Hearing would be required with the Planning Commission. That requires longer notice than 24 hours.

Tuesday, July 30, 2013, was suggested as a meeting date; and, if necessary, the Planning Commission could hold a public hearing at a later time.

The citizens will be informed of the meeting by way of poster board announcements.

It was also suggested to consult with attorney, Dan McDonald, if a third legal opinion is sought. That suggestion was agreed to. (He was the attorney the City used regarding the drug rehabilitation home that applied for a business license in the City.)

Comment: (Unknown) A point was made that, in building a house, due diligence is not always followed. He did not feel that Brad Bishop should be held accountable for that.

*The Mayor will try to arrange for all information to be available as close to July 30th as possible.

3:54:12

BID ANNOUNCEMENTS - Water Lines 1. (Public Works Building and Canyon View Drive)

WATER & SEWER LINES Cody Black: He explained the change in the installation of the water line to run around the Goosenest Drive, rather than cutting across Elk Ridge Drive, allowing the reimbursement from developers to come sooner and the utilization of the line quicker; however this will mean an initial increase in cost by \$40K-\$60K to the budget; impact fees will cover this expense.

Sewer Line (Elk Ridge Drive)

He explained that at the time the budget was being approved, the process of working the cost out with Payson City and all parties involved had not taken place, so \$120,000 of impact fees was set for Elk Ridge's part. With up-sizing the line, equipment, supplies, and elevations from 11200 South to Goosenest Drive, the engineer's estimate was \$198,000. The impact fee monies will cover the installation. This had already been incorporated into the City Budget that was passed.

The bid opening is scheduled for July 29, 2013. There may be a percentage that would come from "Unrestricted Funds".

There are things that could be done in-house, if other projects are completed.

4:00:53

The advertisements started the previous Thursday; and bid opening is scheduled for July 29th.

FIRE DEPARTMENT
REMODEL

Mayor Shelley: He informed the Council that the plans for the remodel have come in; but they are not complete; there is still structural engineering that is required; which were to have come in by the end of that week. Two different contractors that have reviewed the plans and have offered rough estimates that are within about \$10,000 of each other. The projected cost for the remodel of the Fire Station is about \$535,802.

Aqua Engineering is over-seeing the bid process.

The motion should state that the bid will be awarded go to the apparent lowest, responsive and responsible bidder,

WESTON YOUD MOVED, SECOND ERIN CLAWSON, TO APPROVE THE FOLLOW
SCHEDULE FOR BIDS ON WATER & SEWER LINES:

- *DATES OF ADS IN THE DAILY HERALD: 3 CONSECUTIVE SUNDAYS 7/7, 7/14 & 7/21
- *BIDS WILL BE RECEIVED UNTIL JULY 29, 2013, @ 2:00 PM, AT THE CITY OFFICE, BY
CITY RECORDER OR ASSIGNEE
- *BID OPENING WILL BE AT THE CITY OFFICES AND READ ALOUD
- *BID AWARD WAS SET FOR THURSDAY, AUGUST 1ST.
(THE AWARD IS BY THE MAYOR AND CODY BLACK)
- * BID AWARD WILL GO TO THE APPARENT LOWEST, RESPONSIVE AND
RESPONSIBLE BIDDER.

4:04:56

VOTE AYE (5) NAY (0)

STREET NAME
CHANGE

Postponed.

SCHEDULE PUBLIC
HEARING FOR
AN AMENDED
BUDGET

ERIN CLAWSON MOVED, SECOND WESTON YOUD, TO SCHEDULE A PUBLIC HEARING TO
AMEND THE 2013-2014 BUDGET; TO PROVIDE FOR THE FUNDING OF THE FIRE DEPARTMENT
REMODEL FOR AUGUST 13, 2013 AT 6:00 PM.

VOTE AYE (5) NAY (0)

4:09:16

MINUTES

WESTON YOUD MOVED, TO ACCEPT THE MINUTES FROM JUNE 11, 2013; AS PRESENTED.

VOTE AYE (5) NAY (0)

4:09:49

EXPENDITURES

Loafer Canyon Well -

Cody Black: He stated that he had contacted surrounding cities concerning the issues at Loafer Canyon
Well and the possibility of working together in a co-op arrangement for a pump; none of the cities were
interested. Recommendation: to purchase a backup pump at a cost of \$10,000 which does not cover
any labor or installation.

NELSON ABBOTT MOVED, SECOND WESTON YOUD, TO APPROVE UP TO \$10,000 TO
PURCHASE A BACK UP PUMP FOR THE LOAFER CANYON WELL.

VOTE: (POLLED) ERIN CLAWSON-AYE, BRIAN BURKE-AYE, NELSON ABBOTT-AYE, PAUL
SQUIRES-AYE & WESTON YOUD-AYE (5) NAY (0) *Passed 5-0*

ADJOURNMENT

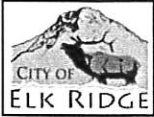
The Mayor adjourned the City Council Meeting at 10:40 p.m.

City Recorder

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

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

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a Special **City Council Meeting on Tuesday, July 30, 2013, at 8:00 PM.**

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

8:00 PM - SPECIAL CITY COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance - Invitation

Approval/Agenda Time Frame

8:05 Ratify Polled Vote - Appointment of Poll Workers for the 2013 Primary Election

8:10 Self Help Homes - Agreement

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 26th day of July, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of this Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on July 26, 2013

City Recorder

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ELK RIDGE
CITY SPECIAL COUNCIL MEETING
July 30, 2013

TIME & PLACE
MEETING

This special Meeting of the Elk Ridge City Council, was held on Tuesday, July 30, 2013, OF at 8:00 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 July 29, 2013.

8:00 PM -

CITY COUNCIL REGULAR SESSION AGENDA ITEMS:

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; ; *Public:* Jamie Towse, Ann Brough, Paige Cunningham, Tary Griffiths, Brad Bishop, Steve Haskell, Karen Haskell, Jim Chase, Adele Chase, Jason Robinson, Amy Robinson, Gerry Whiting, Tom Checketts, Lucretia Thayne, Scott Tuttle, Ashlee Tuttle, Dallan Olson, Angelia Olson, Brent Bluth, Donny Allred, Lacey Christenson, Colby Wilde, Ben Lewis, Jim Towse, Lexie Gordon, Rhett Gordon, Martin Fox, Melanie Fax, Bill Pierce, Mary Thompson, Malerie Simonsen, Sandra Burke; & the *City Recorder:* Mary Preece.

OPENING REMARKS
AND PLEDGE OF
ALLEGIANCE

An invocation was offered by Jamie Towse; and Paul Squires led those present in the Pledge of Allegiance, for those who wished to participate.

APPROVAL OF FULL
TIME PLANNING
COMMISSION
MEMBER

Mayor Shelley: introduced the name of Andy Costin for the position of full time Planning Commission Member to take the place of Jed Pfaff.

ERIN CLAWSON MOVED, SECOND BRIAN BURKE, TO APPROVE ANDY COSTIN AS A FULL TIME PLANNING COMMISSION MEMBER
VOTE: AYE (5) NAY (0)

RATIFY POLLED VOTE
APPOINTMENT OF
POLL WORKERS 2013
PRIMARY ELECTION

RATIFY POLLED VOTE - APPOINTMENT OF POLL WORKERS FOR THE 2013 PRIMARY ELECTION: ANN BROUGH, MARIA HAWKINS, KATHLYN LOVERIDGE & RONALD DAHLSTROM
BRIAN BURKE (AYE), NELSON ABBOTT (AYE), WESTON YOUNG (AYE), ERIN CLAWSON (AYE), PAUL SQUIRES (AYE) 5-0
PASSED AYE (5) - NAY (0)

0:07:08

SELF HELP HOMES -
AGREEMENT

Mayor Hal Shelley explained that a good deal of discussion had taken place between Brad Bishop of Self Help Homes, their legal counsel, Tom Checketts, the City Council, and Mayor Shelley; along with the City Attorney, David Church...to resolve the situation that arose in the Crestview Estates Subdivision. The Attorneys brought forth a resolution that the Council had reviewed previously; which would allow the nine Self Help Homes to be built under the current code. The difference in the proposed agreement is the removal of Item #7 from the draft of the document.

Present at the Meeting: Mr. Brad Bishop (Self Help Homes), Mr. Tom Checketts (Attorney for Self Help Homes) & Mr. David Church (Attorney for City)

Comment / Questions from the City Council:

Weston Youd asked if both counsels would respond to his questions; which he had emailed to them concerning the procedure and process the City had taken to change the size of homes in the code. The email asked if the City had followed the procedure for zone requirement change correctly?

0:11:15

David Church responded in the affirmative; as far as he could see. He identified one issue from the Council minutes; that there was reference to the specific project of Rural Housing (now Self Help Homes) in the public meeting. State Statutes requires that if a specific project is discussed, the developer of that project must be notified at least three days before the meeting. They are to be invited to the meeting. Rural Housing claims this did not happen; this is one of their arguments.

Weston Youd He pointed out that Rural Housing's project exposed a weakness in the code that all zones had the same square footage requirement. He asked if it is reasonable for a city to have variable sizes of homes.

David Church informed him that most cities do not have a minimum home size requirement. Most cities would not have a variable size home requirement either. They control density with lot size and setbacks; rather than through building size. Most cities are concerned more with the space between dwellings; not about making the buildings bigger.

Weston Youd: He asked if it would be considered "unreasonable" to have a variation in home sizes according to the size of the lot

00:14:25

David Church: It would be "reasonable" if there would be an appropriate purpose for that. It becomes kind of a tricky issue because cities are typically more worried about homes being too large, rather than too small. While lots seem to be getting smaller, the size of homes seems to be expanding.

Erin Clawson asked if David Church could provide the Council with the State Statue he referred to concerning notification of meetings to developers.

David Church provided the information of the bill titled 10 chapter 98 section 202.

Paul Squires: (Question to Mr. Church) He research "Affordable housing": He found that it was not based on size; but on income and the "norm" would be about 30% of gross income.

David Church: He pointed out that this is not a discussion about "affordable housing". Moderate income is based on 30% of the County average.

Weston Youd requested from Mr. Tom Checketts: He referred to the proposed resolution, under "Finding Fee" or Recital D: correction...the "tt" should be "at".

The document states that Self Help Homes entered into contract prior...is this specific to Crestview lots? he requested a copy the contract that was entered into for the lots in Crestview prior to the change.

Tom Checketts: Several issue come to mind. Firstly: He expressed appreciation for the repeated meetings addressing these matters; he knows it has take a good deal of time and thought.

Brief Review & concerns:

- Concern that they had not been made aware of pending changes

- Concern for the timing of the changes

- Typically the homes being built over the past year or so are anywhere near the minimum sq. footage. The only ones close were being built by Salisbury and they are regulated by CC&R's. They actually worked with the residents and Salisbury to solve the issues associated with their CC&R's.

- He agreed that most cities are worried about the "mansions" being built.

- He was not sure that there was a valid concern regarding house size before the change in the code; this only came up when Rural Housing "came on the scene"...as stated in multiple public meetings.

- Concern that in public meetings, Rural Housing was called out specifically.

- Gregg Magleby (LEI) was asked multiple times (Meeting minutes) and he volunteered that these zone changes would not apply to existing, platted lots.

- One of the reasons the recitals were drafted as the were was because, even after the zone change...they felt the zone change did not apply to any existing lots. There is nothing in the Planning Commission minutes from December, 2012, that would leave the impression that the zone change applied to any existing lots.

The answer to Mr. Youd's question...was yes, these contracts were in place when there was still an expectation that the proposed homes complied with the zone.

Weston Youd: Council Member Youd clarified that he was asking for actual contract entered into prior to the zoning changes. There is a difference between "permitted" lots and "platted" lots. Permitted lots would have been grandfathered in. If a code change occurs after a building permit has been issued (or even applied for), then the current code applies.

Tom Checketts Though he is familiar with this as "vesting"; he still maintained that the minutes reflect that Mr. Magleby was stating a different standard...applying to "platted" lots.

Weston Youd: Returning to his request: The resolution does state that there were contracts specific to a 1400 sq foot home prior to the code change. He referred to the "financial hardship" mentioned in the document.

Mr. Checketts: He explained that there were contracts with third parties; not necessarily individual contracts with the individual parties intending to build homes.

Recital D could be drafted more specifically; but it was drafted in a spirit of creating a resolution that would be more palatable to the city, trying to not focus on the legislative intent argument. The intent was to form a resolution that was generally applicable. However, the feedback they received indicated a desire to have something a little more tailored to the 9 homes in Crestview. They could have been more specific; but, the desire was to avoid creating something that would open the door to law suits.

0:27:43

David Church Mr. Church explained that there are two issues referred to my Mr. Checketts:

1) The ordinance that was passed (not the procedure): he sees it coming to the question; "Can a city do that?" or, can a city have a 1600 sq. ft. minimum requirement? One asks, "What is the proper role of government"? Should government dictate the size of a home to build?

The current state of Law in Utah is at best unclear. City ordinances must accomplish two things:

- They have to be done right procedurally

- They must also "further a legitimate purpose"

So, is it a legitimate purpose of government to tell someone who wants to build a small house that they cannot?

It is agreed that there is a size on the lower end where a legitimate purpose of government dictates due to health, safety & welfare. Example: a 250 or a 500 sq ft home would be too small to meet the demands of health, safety & welfare. Somewhere between the extremes of say a 5,000 sq ft minimum and 500 sq ft is a point that the courts would declare a "legitimate use of government power".

The City's issue: Is it a legitimate purpose of government to require 1600 sq ft minimum for one floor? He said that he wants to avoid that fight and keep the City ordinance. The way to avoid that fight in this case is the clause in the law called Zoning Estoppel.

"If you catch somebody in the change, and it is unfair that the ordinance be applied to them, then you are estopped from applying it to them".

To avoid the overall challenge to the ordinance, he suggested that the City process the resolution; where the only challengers of the new ordinance that could win would be the people wanting to build these 9 homes; with the recognition that they are "estopped".

He explained his rationale:

- Self Help Homes had owned the lots at the time of the change; the lots were purchased by Rural Housing.

- Self Help Homes (Rural Housing) are not retailers of lots, they are builders of this special type home. These contracts that the Council is referring to:

- 1) Might not have had clients in them, but they had extended the money for these lots.
- 2) Owners were not at the meetings due to no notification; therefore they had no opportunity to respond.
- 3) Since that time, without knowledge of changes, they have extended significant design money, and third party cost.

"Is it legally fair to apply the new ordinance on these nine lots?" If Council determines it is not legally fair, the City can escape a bigger fight about whether 1600 or 1200 or 1400 are appropriate numbers and take care of the issue with the nine lots in Crestview, and "get it behind us" with the "Estoppel".

On the general issue, itself, (the 1600 sq ft requirement), a judge would ask, "Is that the number that local government should be forcing"?

Smaller homes used to be the "norm"; however the "modern" home is much bigger.

If we enter in to this fight we have to be able to justify the minimum sq. ft. required to build a home; would the court and juries determine if it is the appropriate role for government to tell people what they can or cannot do. He would like to avoid this; "that is a real hard fight".

But, if necessary, he and the City would take on the "fight".

Brian Burke reminded David Church that the Council used information and plans gathered from other cities in this decision.

David Church He agreed that numbers, as such, could be found; however, he represents a lot of cities directly...example: Alpine City... Alpine does not have a minimum house size. A building lot in Alpine would cost \$500,000 if on the hillside; and people with that kind of money are spending a great deal of money on a house. They don't need a minimum home size. He said the same about the City of Kamas. It depends on where someone is looking.

If the City gets into the situation where the ordinance must be justified; the argument would not be that "other people have it"...it would be that this ordinance accomplishes the public purpose; like protecting property values...that is a typical argument.

Weston Youd asked about clause 1-a-ii in the Agreement; which reads that after September 30, 2013, the ordinance is fine. He feels this disputes the idea that 1600 sq ft is inappropriate. Will Rural Housing be okay with the ordinance change after September 30th?

David Church We are attempting to avoid the fight and saying that only Rural Housing, on these 9 lots, needing to act quickly, have until September 30th to obtain a building permit under the preceding ordinance.

00:36:22 Erin Clawson She asked how the date of September 30th was arrived at.

Mr. Checketts They sensed that the City Council did not want one set of lots "going down one track indefinitely, and the rest of the City lots going down another track". They (Rural Housing) wished to merge the 2 tracks into one as quickly as practically possible.

(Council Member Burke asked how many permits were ready for submittal.)

Mr. Checketts responded that all 9 lots would have building permits submitted by 9-30-2013; this would take care of all lots sold and currently under contract for purchase.

The owners contribute about 1200 hours to build these homes and they build them together; there is a real sense of "community". There are advantages to having the group go all at once. The individuals cannot move in until the homes are all completed.

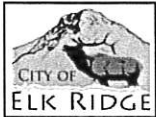
00:39:22 Erin Clawson Her questions were not about the program; she is in favor of the program.

Her concern: The Council is required to consider what effects this proposed action could have on other home builders since the code was changed.

Mr. Church: He did not feel there would be any effect on other builders during this time period. The Estoppel involved just the 9 homes in Crestview Estates. Others are in a different situation, and this would not affect them.

Mr. Checketts: If someone built a larger home than they would otherwise have built...if they end up not being able to afford the home...could they come back and sue the City for forcing them to build a larger home? He questioned if he was interpreting the concerns accurately.

Tom Checketts He responded that the majority of the 38 or so permits issued, the majority was issued in the R-1-12,000 PUD zone and the minimum home size is dictated by the CC&R's and these were unaffected by the zone change. Of the other permits issued, one was the Assisted Living Center, eight were homes built 20% larger than required, and one that was just over 1600 sq. ft.



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

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

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, August 13, 2013, at 7:00 PM;** which will be preceded by a **City Council Public Hearing at 6:00 PM** regarding the proposed adoption of an Amended Budget for the 2013/2014 Fiscal Year; as well as an **City Council Work Session at 6:30 PM**.

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

6:00 PM -

1. PUBLIC HEARING/AMENDED BUDGET #2 FOR THE 2013 – 2014 FISCAL YEAR

Public Hearing/ to consider the proposed adoption of certain Amendments to the 2013/2014 Fiscal Year for the operation of Elk Ridge City

6:30 PM -

CITY COUNCIL WORK SESSION

2. City Siren / Alarm System - Mayor Shelley

3. Nelson Abbott:

A. Street Name Change (Shayda Cr)

B. Dump Passes (Republic Waste & Payson City)

C. Sewer Repairs - Payment Agreement - Nelson Abbott

4. Job Description - Brian Burke

5. Fall Concert in the Park - Erin Clawson

7:00 PM -

REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance - Invitation

Approval/Agenda Time Frame

7:10 Public Forum

7:20 6. Planning Items to City Council:

A. Ryan Johnson Lot:

1. Driveway Length:

2. Water Rights Allocation

7:40 7. Adoption: Budget Amendments to the 2013/2014 Fiscal Year Budget for the Operation of Elk Ridge City

7:50 8. Work Session Items - Action:

A. Street Name Change - Nelson Abbott

B. Job Description - Brian Burke

C. Sewer Repairs - Payment Agreement - Nelson Abbott

8:00 9. Resolution - City Fee Schedule

8:05 10. 2012/2013 Fiscal Year Audit Proposal - Jones Simkins

8:10 11. City Council Minutes (June 25 & July 9, 2013)

8:15 12. Expenditures:

General:

A. "Hot Tap" Equipment - Cody Black

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 12th day of August, 2013.

City Recorder

CERTIFICATION

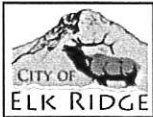
I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on August 9, 2013; & an Amended Agenda on 8-12-2013.

City Recorder

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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

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Approval/Agenda Time Frame

7:10 Public Forum

7:20 6. Planning Items to City Council:

A. Ryan Johnson Lot:

1. Driveway Length:

2. Water Rights Allocation

7:40 7. Adoption: Budget Amendments to the 2013/2014 Fiscal Year Budget for the Operation of Elk Ridge City

7:50 8. Work Session Items - Action:

A. Street Name Change - Nelson Abbott

B. Job Description - Brian Burke

C. Sewer Repairs - Payment Agreement - Nelson Abbott

8:00 9. Resolution - City Fee Schedule

8:05 10. 2012/2013 Fiscal Year Audit Proposal - Jones Simkins

8:10 11. City Council Minutes (June 25 & July 9, 2013)

8:15 12. Expenditures:

General:

A. "Hot Tap" Equipment - Cody Black

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 12th day of August, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on August 9, 2013; & an Amended Agenda on 8-12-2013.

City Recorder

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ELK RIDGE
CITY COUNCIL MEETING
August 13, 2013

TIME & PLACE
OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, August 13, 2013, at 7:00 PM; it was preceded by a Public Hearing, at 6:00 PM, was to consider the adoption of an Amended Budget for the 2013/2014 fiscal year.
There was also a City Council Work Session, scheduled for 6:30.
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.
Weston Youd had requested an electronic connection.

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 9, 2013.

6:00 PM

PUBLIC HEARING/AMENDMENT #2 FOR THE 2013 - 2014 FISCAL YEAR BUDGET

Public Hearing: Amendment #2 to the 2013-2014 Budget for the operation of Elk Ridge City

ROLL

Mayor: Hal Shelley; *City Council*: Brian Burke, Paul Squires, Erin Clawson, Nelson Abbott, Weston Youd; *Public Works Director*: Cody Black; *Deputy Sheriff*: Brent Butters; *Public*: Jamie Towse, Gerry Whiting, Dirk Seitz, Larry Lee & Spencer Strand; and the *City Recorder*: Janice H. Davis;

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

BUDGET AMENDMENT
20013-2014 FISCAL
YEAR BUDGET

City Recorder: The Recorder reviewed the proposed changes to the current fiscal year Budget: *(Memo from Recorder to Council, dated 8-13-2013, was reviewed with the Council)*

Explanation: All proposed amendments were included within the budget, as presented that night. If the Council added or deleted any proposed amendments, that would be part of the adopting motion and the appropriate changes would be made.

1. Fire Station Remodel: There have been 2 rough estimates on the remodel, based on the plans provided by Ken Harris. Both estimates were close to \$500,000.

Question: Does the Council feel a good part of the work should be done in-house to try to cut costs as much as possible? If the final costs end up being less than the budgeted amount, then the figures will be adjusted down at the end of the fiscal year.

It was explained that each amending figure requires adjustments to one or more budget accounts to accomplish the amendment. (Accounts potentially affected: Revenues, Expenditures and, at times more than one Fund when transfers take place.)

Remodel: Budget figure: \$500,000...matched by that same amount being transferred into the General Fund; coming from two different Capital Projects Funds: 1) Town Hall / Fire Station & 2) Future Improvements.

2. Plans for Re-model: \$15,000 was budgeted for plans; the invoice came in at \$22,810 (Budget will change to **\$23,000**)

Tape #1 - 00:05:58

Erin Clawson: Questioned the increase.

It was explained that there could have been various reasons:

*(*To better hear the recording)*

- Although listed as a "re-model", the Fire Station will be "brand new", as opposed to re-doing what had been done to the Public Works Building.

- Tying into the existing building will be difficult; and the whole building will have to be brought up to the current building code, as well...such as the fire sprinkler system.

(In the future, the plans will be bid out to get differing estimates.)

Erin Clawson: She reminded the Council that it had been discussed and decided to stay with the same architect as the Public Works Building to have the same look.

00:03:37

General Fund Totals: With all the proposed amendments, the balancing amount would be \$34,915; which would be transferred in from the "Capital Projects Fund / Future Improvements". There would still be a balance of just under \$500,000 in that Capital Projects Fund.

Erin Clawson: She commented that this is good; particularly with all that has been accomplished and that will be accomplished.

Recorder: The balance in the Capital Projects Fund can be built back up towards a new City Center in the future. She congratulated the Council for the City being in this favorable position.

3. Siren System for City: The Mayor contacted Toole County regarding the same type of alarm/siren system that Woodland Hills installed. At one point, the City was contemplating purchasing the extra siren Woodland Hills bought; but they plan to utilize it for parts for their own system.
The installation of the system would be more costly than the units themselves:

The increase to the budget: \$52,000 (Budget figure: **\$53,000**.
(The Mayor discussed this late in the Work Session.)

00:06:34

*(*Back to Tape #1)*

4. Sander for Plows: (Approved last fiscal year) The sander did not actually come in by the end of June, 2013; so, the expense had to be carried over to this fiscal year. Cost: of Sander: **\$8,900**

00:06:58

5. Weed Mowing: The City needs to comply with code in mowing the weeds at the edges of the roads and around the new Public Works Building. There are a couple of choices:
1. Rent Tractor and mower from Ace Rental: 1,455 + \$70 for delivery and pick-up = **\$1,525**
(Other places were called for quotes to rent the machinery; but they all referred the City to Ace Rental.)
2. Boyd Erickson (Code Enforcement Officer) offered to mow the weeds, using his tractor with the rented mower attachment for **\$1,175**
Budget Figure: **\$2,000** (Allowing for additional weed control or bug control)

00:10:33

6. Elections: Proposal to increase by **\$500** to cover added cost of additional Poll Worker and a Primary.
Water Fund:
(2 lines to be installed)
Bids had come in and were awarded for the work:
1. Canyon View Drive (Between Park and Alpine)
- Budgeted amount: 95,000
- Bid amount: 145,309.98 (145, 310)
Increase: **50,310**
2. Service to Public Works Building:
- Budgeted amount: 106,000
- Bid amount: 91,786
Decrease: **14,214**
3. Loafer Canyon Pump: (Approved previously...waiting for final cost)
- Increase: Cost of pump - **9,087**
(*Revenue Accounts will also be affected to off-set these costs; Impact Fees to be used.)

Sewer Fund:

(Sewer main to be installed from Public Works Building to 11200 South)

- Budgeted amount: 197,880
- Bid amount: 164,681 (**165,000**)
Decrease: **33,199**

(*Revenue Accounts will also increase; off-setting the costs; Impact fees to be used.)

Ms. Davis observed: Between the two Funds, the over-all difference is an increase of \$11,984; including the Water and Sewer Funds.

00:12:03

Discussion regarding the Fire Dept. Re-model:

Question: To bid out all the work or try to do much of it in-house.

Concerns:

- If work is done in-house, would there be one general contractor overseeing the work?
- Will the work take too long? Can volunteers be depended upon to show up and to do quality work?
- How could a general contractor guarantee the work on volunteers?
- Would the City get sub-contractors' bids on each phase of the building process?

00:13:53

The changes that have taken place within the City Hall have been "cosmetic" in nature...it did not really involve any heavy construction, electrical, etc.; the re-model will.

(Tape #2 13:30)

Nelson Abbott: He felt the initial focus could be to just get the shell up; then the interior could be addressed in stages. There are certain areas that using the City's resources (talented & qualified volunteers) could save the City money; but, "when it comes right down to it, you get a General and they get in here and get the job done and get out of our way". He felt this would be a better way to go

Erin Clawson: She was a major part of the re-model of the Offices and Council Room; she noticed that the volunteerism began to fall short and the majority of the work was left to just a few people.

(Council Member Abbott felt that would be the way it would go with this project.)

Cody Black: The dollar amount is large enough to be concerned with contractors complaining that the City is "competing" with the contractors.

Nelson Abbott: The City can take "donations" in terms of labor; people can donate money...Woodland Hills took donations to help build their City Building.

Mayor Shelley: His concern is with the time required for the project; with winter coming.

00:17:14

Water Fund:

- Hot Tap equipment (Cody Black): Cost **\$5,600**

This would allow the water lines to be "tapped" into without shutting the line down and putting citizens out of service. This is fairly standard equipment for any City to have.

Discussion: What has been done in the past to service the Community.

It was explained that the City has borrowed the equipment in the past. Payson & Santaquin have the equipment that could be borrowed; but in the middle of the night or an emergency, it is hard to track down.

00:21:02

(Tape #1: 23:58)

Recorder: Any changes to the budget as it was presented would have to be made within the motion to adopt the proposed amending budget.

00:25:41

Elk Ridge City Council - Public Hearing - 8-13-2013

Continued Discussion - Fire Dept, Re-model:

Question: Do the work in-house; or put the work out to bid?

00:26:15

Mayor: There have been various professionals that have offered their services for the work: structural, electrical, heating, etc.

If a "General" Contractor were hired, the City would need someone that others are willing to work under. That can "get a little 'iffy' sometimes." Who would be hired? Would a citizen be considered, or would that person be from out of town?

(Tape #2: 26:32)

Nelson Abbott: He felt the residents would be better-served if the contract was put out to bid and go with the lowest and best bid. The Mayor and Public Works Director could meet with the Contractor and review all the items and where costs can be brought down. He felt managing the project in that way would be preferable to doing the work in-house. Perhaps the City could look more toward volunteerism when the future City Center is built; but the Fire Station is time sensitive due to public safety being a priority.

(Weston Youd arrived at the meeting; but had no comments regarding the Fire Station or the budget.)
No further comments.

00:28:09

ADJOURNMENT

Mayor Shelley closed the Public Hearing at 6:34 PM.

6:35 PM

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council:* Brian Burke, Paul Squires, Erin Clawson, Nelson Abbott, Weston Youd; *Public Works Director:* Cody Black; *Deputy Sheriff:* Brent Butters; *Public:* Jamie Towse, Gerry Whiting, Dirk Seitz, Larry Lee & Spencer Strand; and the *City Recorder:* Janice H. Davis;

CITY SIREN SYSTEM

Mayor Shelley: During the last Emergency Preparedness drill, there was a follow-up meeting with all those involved for a review: one of the issues was when the current siren does sound off; it cannot be heard except from close by. They wondered if the City could do something about this weakness in our system. The Mayor contacted the individual that sold Woodland Hills their system to see if anything is available. He indicated that there are at least 5 sirens available for purchase. Woodland Hills installed 4 sirens, using a 5th one for parts. The individual came and drove around with the Mayor to assess the City's needs. The thought was that Elk Ridge could get by with four sirens and use a 5th for parts. Installation is about twice the cost of purchasing the units.

The sirens are used; mostly around the Toole Army Depot (retail is around \$40,000 per unit).

The cost to the City: about \$3,000/siren + installation at about \$32,000. Part of the cost is transporting the poles; the Mayor asked if the City could cut some of the cost by getting the poles...perhaps SEDS would have the correct size poles. (Poles = \$500/each & are 55' in length - 2 1/2' diameter at the base)
*Could Council Member Abbott find out from SEDS?

The system could be used and pre-programmed for various types of disaster preparation; with various announcements...it is more than a siren system.

Paul Squires: He mentioned surplus property as a source for the City to use in looking for and purchasing equipment. He feels Mr. Black should be cleared as a "screener". Council Member Squires would assist in this process.

Mayor: The Mayor feels that is a great deal of money (for the siren system).

Recorder: Though it is a lot of money; if it is needed to better protect the City in case of some type of disaster; would the cost be worth it?

00:37:29

Weston Youd: He suggested more current technology than a siren system; there are many options available...Reverse 911, broadcast blast text messages, etc.

Nelson Abbott: Some options available to other cities may not be available to Elk Ridge, based on the amount paid into the program.

Weston Youd: What is the best deal for the City? Sirens are great but they are antiquated...could the City consider something more modern? Should the City plan for this financially; rather than buying a system now?

Cody Black: He discussed the "Reverse 911" option.

Mayor: He reminded everyone that contact information for each citizen needs to be current and filed with the City to be on the 911 list.

00:41:23

STREET NAME
CHANGE

Nelson Abbott: The proposal to change Shayda Circle to Cody Circle has been discussed at previous meetings. He was assigned to get documentation to ensure that the residents of that street are in agreement with the proposed change. Jay Finch provided a document, signed by each of the citizens on the cul-de-sac, saying that they are in agreement with the proposed change to Cody Circle. Council Member Abbott recommended that the Council approve this change in the regular session. This action was initiated by the citizens.

No further comments.

00:42:13

DUMP PASSES

Nelson Abbott: He emailed out to the members of the Council a copy of the interlocal agreement between Payson & Santaquin to review. Both Council Members Youd and Clawson responded to the email; but he had not heard back from other members of the Council.

Agreement between Payson & Santaquin: allows 250 tons of waste to go into the Payson Landfill per month. Elk Ridge averages 74 1/4 tons per month.

Dumpsters: He recommends continuing with these for the citizens, since they come at no extra charge to the City.

00:43:52

(Council Member Abbott continued:)

There are two options:

1. Punch-pass permit (Set fee for the pass)

2. As a resident of Elk Ridge, each citizen could go to the dump and pay the resident rate, based on the weight of the particular dump. (That is what they have with Santaquin, based on weight.)

(No charge for "green waste")

He wanted input as to the Council's preference.

Mayor: He preferred the weight based rate. (Council Member Abbott said this way is easier for the City to manage and track than the Punch-pass choice.)

00:45:27

*He said he would get a draft agreement like Santaquin's that is Elk Ridge specific and bring that back to the Council for review.

SEWER REPAIRS -
PAYMENT AGREEMENT

00:48:00

JOB DESCRIPTION

This Agenda item was skipped and addressed later in the Work Session.

Brian Burke: At the Council Meeting on June 25, 2013, it was decided that the City needs updated job descriptions; the Mayor was tasked with that responsibility. Reasons for having proper job descriptions:

- Assists in the hiring process

- Helps in evaluating current employees

He personally feels that job descriptions should be in a set format and kept in the HR Book.

As a sample of the format he proposed, he used the job description provided by Linda Cooper for the Treasurer's position and the one for the Asst. Public Works Director and adapted them to a particular format; then they were sent out to the two Dept. Managers for review and input.

00:50:08

He asked the Council to look at the proposed format; which is a common format...similar to the one used in Salem City. (Council Member Burke went through the format with the Council.)

There may be certain physical requirements that may not be required of the office staff.

If the Council approves the format; then the assignment to write the various job descriptions can move forward. Council Member Burke said he would not be writing the job descriptions...he is addressing the format that those descriptions will be written in.

00:51:38

The descriptions can be addressed and updated, if necessary, every couple of years. He recommended that they be signed by the "incumbent" as well as the Dept. Manager, so the terms are fully disclosed.

Weston Youd: He suggested adding under "Responsibilities": "Other duties, as assigned"

(Council agreed)

After the format is approved, the individual positions need to be identified.

Nelson Abbott: He cautioned that these job descriptions be in place prior to any other employee being hired.

00:54:42

FALL CONCERT

Erin Clawson: The Mayor and she discussed the possibility of hosting a Fall Concert for the citizens in the Park. She would like to see more of these types of activities to bring the Community together and create more unity. She would like to see local talent spot-lighted in these concerts. Question: whether the participants would be paid or volunteer. (The Mayor said he preferred non-paid, if possible.)

If the Council was in agreement, she wanted to set a date for the first event.

Nelson Abbott: He agreed that the performers should not be paid; and also suggested extending an invitation to the Salem Hills High School for their band and/or orchestra.

Council Member Clawson pointed out that it is good advertising for the performers and is good community service.

00:56:59

Mayor: He suggested looking at all aspects of hosting this type of event:

- Good sound system available (The City is in need of a sound system for other purposes, as well.)

- Determine any liability issues (*Weston Youd is to check on this with the ULGT...like a "special event policy".)

Paul Squires: He again reminded the Council that the government surplus program may be a good place to see about getting a sound system.

Public:

Jamie Towse: She thought it is a good idea and would be in favor of these types of events.

Gerry Whiting: Perhaps asking the Community for ideas and input would be good.

It could be placed in the Newsletter to let people know.

*Date: Perhaps 9-28-2013; which is a Saturday. Council Member Clawson asked that the Council be present.

1:01:32

SEWER REPAIRS

(This item should have been addressed earlier in the meeting; but, was skipped.)

Nelson Abbott: He reported an issue with a sewer line backing up in the home of Rick and Lucretia Thayne (residents on South Clark Lane). The current code declares the line is the responsibility of the owner; so they hired a plumber to come out to determine the extent of the problem. The line was cameraed and a break in the line was discovered, 3' off the main.

Cody Black has gone out to assess the situation; working with an excavation contractor to give an estimate of what it would cost to repair the line. Another employee went out to camera the line to better identify where the break is. The cost is more than the Thayne's can afford all at once. At the end of June, 2013, a similar event occurred elsewhere in the City and the City has those residents on a payment plan. Request: to allow the Thayne's to pay the City back over time & for the City to do the work. The Thayne's asked Council Member Abbott to bring this to the Council.

1 1:03:53

Elk Ridge City Council Work Session - 8-13-2013

2
3 *Recorder:* She added that a claim was submitted to the City's insurance; but the claim was denied
4 based on the City Code. The current Code is common to most cities. Discussion took place regarding
5 the possibility of spreading the payments out over two or three years.
6 The costs could be less if the damage is less than expected.

7 Certain equipment would have to be rented, since the City does not own a trencher. (SESD does own
8 one...perhaps that one might be available.)

9 *Mayor:* He feels that, due to the age of the City's sewer system, this need to be looked into for the
10 future. With the water lines, there is a cut-off point (the meter) of responsibility; not with the sewer lines.
11 He feels the bigger issue also needs to be addressed...a solution needs to be found for future problems.
12 He is concerned about setting precedent; but he does want to serve the citizens.

13 *Nelson Abbott:* Suggestion: a fund wherein all the residents pay in a dollar or two per month; to be used
14 to fix these inevitable breaks.

15 Perhaps the City could be responsible from the easement out (on a lateral). Three lines have backed up
16 this past summer.

17 *Weston Youd:* He inquired as to the restrictions that would be placed on these funds. The reason the
18 demarcation point is located at the main: control is lost after the main. The government should not have
19 control about "what comes down the pipe".

20 *Cody Black:* He brought up the issue of City employees going onto private property to get to the "clean-
21 outs"...citizens do not like that.

22 *Weston Youd:* So the place where the private property and the public property meet is at the main.
23 Whatever goes on toward the house should not be controlled by the City; but the home owner is
24 responsible for that line.

25 *Nelson Abbott:* If the code is not going to change, then the residents should be educated so they can be
26 prepared for any breaks in their laterals.

27 (The bids from the plumbers were \$9,000 to \$11,000 to repair the line (Thayne's).

28 With a backed-up sewer line, the damage inside the home would be covered under homeowner's
29 insurance; but not repairs to the line, itself.

30 *1:09:14* The Council needs to be on the same page as staff in the policy and enforcement. The citizens in the
31 older parts of the City will be facing these repairs.

32 *Weston Youd:* Depreciation is happening to the systems; is the City making good use of the unrestricted
33 money for operations and maintenance? There needs to be a five-year and a ten-year plan.

34 It would be cheaper for the homeowner to fix any connections as the lines are being replaced by the
35 City.

36 *Erin Clawson:* She mentioned how important cameraing the sewer lines in Sugarhouse was in
37 establishing that the City was not liable when they had back-up issues.

38 *Nelson Abbott:* That is why the GIS system and regular cameraing is vital.

39 Recommendation: To try to work something out with the Thayne's regarding a payment plan.

40 *Brian Burke:* He questioned how that would work...if it would be part of their monthly utility bill.

41 *Public Comment: (Jamie Towse)* She wondered if they could not finance the work directly with the
42 company they hire. Since this will happen again, does the City want to become a "bank"?

43 *Nelson Abbott:* That is an option that they are not able to do. They have explored their resources and
44 just cannot meet the financial obligation at this time.

45 *Mayor:* The City does not want to take on the financial obligations of a "bank" or lending agency.

46 *Erin Clawson:* The City needs to move forward and work on a maintenance schedule.

47 **Nelson Abbott:* With the GIS system this should be pulled together.

48 *Jamie Towse:* Citizens are concerned and uninformed about the price of water; perhaps a forum
49 addressing the water could be organized...to inform people of the system and the associated costs of
50 operations. The information on the sewer system could be included. Maybe the citizens could come up
51 with alternatives.

52 *Nelson Abbott:* He mentioned a power point presentation given in the past explaining the rates and
53 water rights, etc.

54 *Erin Clawson:* These types of meetings could be organized annually or every so often to better inform
55 people.

56 *Mayor Shelley:* Typically, when people take the time to understand an issue, tolerance increases.

57
58
59 **ELK RIDGE**
60 **CITY COUNCIL MEETING**
61 **August 13, 2013**

62 **TIME & PLACE**
63 **OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday,**
64 **August 13, 2013, at 7:00 PM;** it was preceded by a **Public Hearing , at 6:00 PM,** was to consider the
65 adoption of an Amended Budget for the 2013/2014 fiscal year.

66 There was also a **City Council Work Session, scheduled for 6:30.**

67 The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.
68 Weston Youd had requested an electronic connection.

69 Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E
70 Utah Ave, Payson, UT, and to the members of the Governing Body, on August 9, 2013.

1:16:41

ROLL

Mayor: Hal Shelley; *City Council*: Brian Burke, Paul Squires, Erin Clawson, Nelson Abbott, Weston Youd; *Public Works Director*: Cody Black; *Deputy Sheriff*: Brent Butters; *Public*: Jamie Towse, Gerry Whiting, Dirk Seitz, Larry Lee, & Spencer Strand; and the *City Recorder*: Janice H. Davis;

OPENING REMARKS &
PLEDGE OF
ALLEGIANCE
AGENDA TIME
FRAME

Jamie Towse offered an opening prayer as the opening remarks; and Spencer Strand led those present in the Pledge of Allegiance; for those wishing to participate.

ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:24 PM
VOTE: YES (5) NO (0)

1:18:10

PUBLIC FORUM

Jamie Towse: 1) *Minutes*: She expressed public concern that the minutes for the meetings take a long time to be available to citizens. She requested the minutes be ready within a week from the time of the last meeting, if possible.

(The Recorder reviewed the legal requirement to having minutes posted: 30 days to get the minutes into a written form; and once approved, they should be posted within 3 days of the meeting.)

A digital form should be available directly after the meeting (they are at this time).

Mrs. Towse clarified that it would be at least two weeks, with approvals.

She asked about having them available in a transcript form; to be available in a written form sooner.

1:20:09

Nelson Abbott: He explained a process wherein the document could be in a larger PDF format where searching for particular items of interest is made easier within the entire document.

Weston Youd: He did not think a single PDF document containing all of the minutes is feasible. the file would be too big. "Tagging" is an option...there is a cost to arranging this type of document organization. One could look up a topic and search various documents for the subject matter.

The PDF's would have to be digitized and scanned.

Recorder: When this was discussed previously, the intent was to post the recorded version of the meetings on the web site directly following the meeting; however, the files were too large to upload to the web site. Perhaps Mrs. Bassir could get some assistance in knowing how to do this. This was a good option; but has not worked out. The recordings are always available upon request; a flash drive must be provided by the person requesting the recording.

**Weston Youd said he would assist Mrs. Bassir (Web person) in this.*

It was mentioned that Eagle Mountain does this; maybe they could be consulted.

2) *Office Hours*: Mrs. Towse reported that some of the citizens she had spoken with questioned the office hours for the City Office; could they be open longer?

She also heard that people would like to be able to pay on line and use credit cards.

Mayor: Mayor Shelley responded that the City had recently changed over to a newer version of the financial software (Caselle) used; and both options are being pursued currently. Auto-pay has been available for quite some time.

(It was briefly discussed that the City may be looking to switch banks; there are some decisions at the current institution (American West) that need to be answered before this decision is made.)

**Suggestion: To inform citizens through the newsletter that these options are coming.*

1:28:40

RYAN JOHNSON
LOT

1. *Driveway Length*:

There were two memos for Packets: one from the Fire Chief and one from the Planner.

Fire Chief's Concerns:

- Length of hoses: the truck has to be no more than 150' from the fire, since that is the length of the hoses

- Other long driveways in the City are supported by fire hydrants

- Steep grade of driveway (slower response time)

- Lack of workable area at the proposed residence

Recommendation:

- Position a hydrant close to the structure

- Increase the turn around area

Chief Waite did not recommend allowing construction until these issues are addressed.

(From memo from Planner, dated 8-13-2013)

Background:

"Mr. Ryan Johnson is interested in constructing a home on a parcel located at approximately 715 Goosenest Drive (west of Public Works Building). The parcel is 436' long. Mr. Johnson is interested in locating his house toward the rear of the parcel with the garage accessed at the rear of the house. With this arrangement, the driveway would extend approximately 400'."

The memo explained that the code requires any driveway over 200' to be cleared by the City Council and Fire Chief; since the length of the driveway affects emergency services' ability to perform.

The code also requires a sizeable turn around if the driveway is over 150' long.

"Associated with this issue, the Public Works Director and the City Engineer have reviewed the proposed location of the driveway entrance which would exit in the intersection of Goosenest Drive and Elk Ridge Drive; they have determined that this entrance location would be a public safety issue. The driveway entrance needs to be located on the west side of the parcel by swinging the driveway across the parcel, but will need to take into consideration the curvature to make sure that emergency equipment can traverse the driveway."

Recommendation: (Shay Stark)

It was recommended that the Council grant an exception to the dwelling location and driveway length; and allow the placement of the home toward the back of his lot with condition that he adhere to the following:

- Provisions found in the City Code (10-15G-2)
- The recommendations of the Fire Chief, Public Works Director and City Engineer including, but not limited to:

- Providing adequate turning facilities
- Installation of a fire hydrant at the home
- Locating the entrance to the west side of the parcel

The adjustments will require review by, and approval of the Fire Chief before a building permit can be issued.

Comments:

(In the absence of Mr. Johnson, a representative was present to address the Council and answer any questions...he did not identify himself.)

Unknown: He understood that the 2 major issues were the 1) turn around & 2) Fire hydrant; however he also understood that water rights must be allocated for the parcel, for a fee to the City.

He understood that the Fire Chief approved Option A of the drawings provided to the Council.

He reported that Mr. Johnson was in agreement with the stated terms.

(It was Primary Election night; so the Recorder had stepped out for a short time during this discussion; the Council had moved on without any motions; which was corrected when the Recorder came back in. They moved forward at this time with the Budget; see reference #1:31:03.)

1) Length of Driveway:

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO GRANT THE DRIVEWAY EXCEPTION TO THE RYAN JOHNSON LOT, REGARDING THE LENGTH OF THE DRIVEWAY BEING OVER 200 FEET; CONDITIONAL UPON ADHERANCE TO THE RECOMMENDED TERMS BY THE FIRE CHIEF AND CITY ENGINEER:

- Providing adequate turning facilities
- Installation of a fire hydrant at the home
- Locating the entrance to the west side of the parcel

VOTE: YES (5)

NO (0)

2. Water Right Allocation:

NELSON ABBOTT MOVED, SECONDED BY BRIAN BURKE, TO ALLOCATE 1.8 ACRE FEET OF THE CITY'S WATER RIGHTS TO THE RYAN JOHNSON PARCEL, LOCATED AT 715 GOOSENEST DRIVE

VOTE: YES (5)

NO (0)

Discussion:

Erin Clawson: The "Hot Tap" equipment was discussed earlier by Cody Black before Council Member Youd arrived. The projected cost was \$5,600. The proposal was to place that in the budget amendment. *(Cody Black clarified what a "hot tap" is.)*

She felt the City should be prepared to service the citizens properly.

It has been necessary to utilize a hot tap 4 to 5 times in less than a year; since Mr. Black was hired.

Weston Youd: He asked what the cost to rent the equipment would be. There is liability in equipment depreciating.

Mr. Black: He feels this is pretty standard equipment for a City to own. He was surprised to find out Elk Ridge did not have it. to try to track one down during an emergency takes time.

Mayor: He added that there was also a proposed \$500 for Elections.

(At this point, the Recorder came back into the Meeting and asked to return to action items for the Johnson Lot. It was decided to move forward with the Budget, then return to Mr. Johnson's Lot.)

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE PROPOSED BUDGET AMENDMENTS, WITH THE FOLLOWING EXCEPTIONS:

- ADD \$500 TO ELECTIONS
- ADD \$5,600 TO THE WATER FUND FOR "HOT TAP" EQUIPMENT
- ELIMINATE THE SIREN SYSTEM FROM THE GENERAL FUND (\$52,000)

VOTE (POLLED): ERIN CLAWSON-AYE, PAUL SQUIRES-AYE, WESTON YOUD-AYE, NELSON ABBOTT-AYE & BRIAN BURKE-AYE (5)

NAY (0)

Passed 5-0

(Return to Johnson Lot...above in the minutes.)

NELSON ABBOTT MOVED, SECONDED BY ERIN CALWSON, TO APPROVE THE PROPOSED STREET NAME CHANGE: CURRENT - SHAYDA CIRCLE, TO CODY CIRCLE

VOTE: YES (5)

NO (0)

1 1:38:51

Elk Ridge City Council Meeting - 8-13-2013

2
3 JOB DESCRIPTION
4 FORMATTING

BRIAN BURKE MOVED, SECONDED BY WESTON YOUNG, TO APPROVE THE FORMAT FOR THE EMPLOYEE JOB DESCRIPTIONS, AS PRESENTED IN THE WORK SESSION
VOTE: YES (5) NO (0)

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7 RESOLUTION -
8 CITY FEE SCHEDULE
9 - VARIOUS
10 CORRECTIONS

City Recorder: She explained that the amended schedule did not contain any new fees; there were certain fees left off that needed to be included:

- Oversized water meters (over 1")
- Colored copies - cost at \$.25/page
- Storm Drain Fee (Changed to \$6.50 some time ago...fee schedule did not change)

WESTON YOUNG MOVED, SECONDED BY NELSON ABBOTT, TO ADOPT THE RESOLUTION REGARDING THE CITY FEE SCHEDULE; WITH THE CHANGE IN COST FOR COLOR COPIES FROM \$.10 TO \$.25 / COPY

VOTE: YES (5) NO (0)

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16 1:43:45
17 2012/2013 FISCAL
18 YEAR AUDIT PROPOSAL
19 LETTER - JONES
20 SIMKINS

Recorder: Jones Simkins' formal Audit Proposal will not increase to the budgeted amount.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AUDIT PROPOSAL FROM JONES SIMKINS FOR THE 2012-2013 FISCAL YEAR AUDIT

VOTE: YES (5) NO (0)

21 1:44:19
22 CITY COUNCIL
23 MINUTES

1. June 25, 2013:

WESTON YOUNG MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE CITY COUNCIL MINUTES FROM JUNE 25, 2013, AS PRESENTED

VOTE: YES (5) NO (0)

2. July 9, 2013 Minutes:

The minutes were not approved and had to go back to the Deputy Recorder for more corrections.

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29 1:49:24
30 EXPENDITURES

General:

1. Sewer Payment Agreement - Thayne's:

NELSON ABBOTT MOVED TO SET UP A THREE-YEAR REPAYMENT PLAN FOR THE THAYNE'S SEWER BACK-UP REPAIRS; BASED ON THE ACTUAL COST OF THE REPAIRS...WITH NO INTEREST RATE ADDED IN

Discussion:

Brian Burke: He asked if the Council had ever done this for other people.

Erin Clawson: She pointed out that this is the first time this type of situation had come before the Council for consideration. Council Member Clawson wanted to know if David Church had been consulted. This would be good to know.

(Council Member Young agreed that Mr. Church's opinion should be sought. He was not prepared for a decision that night.)

Council Member Clawson felt that this would likely be happening again, given the age of the system; she suggested an overall policy or plan on how to handle the situation.

The City cannot be the only alternative.

Nelson Abbott: The citizens on Escalante are on a repayment plan for curb & gutter. Previous Councils have considered this kind of assistance.

Weston Young: He was not prepared to act on this matter that evening. More information is needed.

Concern: "We are not a bank." Escalante's curb & gutter was for the overall good of the Community...it was not individual. How do we limit the City's liability? Does the City want to become a "high risk" lender? (Cody Black asked what would happen if they could not pay the City back? What would the City do? He understands that the Thayne's are "stuck" financially)

Erin Clawson: If this was done previously with someone else; it should have been brought to the Council's attention first. Who would manage all the loans from the City?

Nelson Abbott: The Council has done some far more gracious things in the past. Perhaps more information is needed before a decision is made.

*David Church to be consulted. (Mayor)

*Curtis Roberts to be consulted regarding carrying over payments from year to year. (Recorder)

A. Hot Tap Equipment: (Included in the budget approval)

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60 1:56:44
61 NON-AGENDA ITEM

Luke Clawson: He is a young resident of Elk Ridge who requested that the City Council consider installing a Skate Park for the youth of the City.

The Mayor responded that it would be looked into and information gathered.

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65 ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:02 p.m.

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City Recorder

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

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

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, August 27, 2013, 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 CANVASSING PRIMARY ELECTION RETURNS

7:20 Public Forum

7:30 1. Haskell Assisted Living Center - Release of Construction Phase and Entrance into Durability Period

7:35 2. Eagle Scout Project - Josh Adamson

7:45 3. Dump Passes (Republic Waste & Payson City)

7:50 4. Sewer System Policy - Nelson Abbott

8:00 5. Fall Concert - Liability Issues - Weston

8:10 6. City Council Minutes (June 25 & July 9, 2013)

8:15 7. Stop Signs - Re-visited - Erin Clawson

8:25 8. E. Salem Hills Drive - Cindi Ellis

8:35 8. Expenditures:

General:

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 26th day of August, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda, as well as an Amended Agenda, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on August 23, 2013; with an additional Amended Agenda on 8-26-2013.

City Recorder

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**ELK RIDGE
CITY COUNCIL MEETING
August 13, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 13, 2013, at 7:00 PM**; it was preceded by a **Public Hearing , at 6:00 PM**, was to consider the adoption of an Amended Budget for the 2013/2014 fiscal year.
There was also a **City Council Work Session, scheduled for 6:30**.
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.
Weston Youd had requested an electronic connection.

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 9, 2013.

6:00 PM

PUBLIC HEARING/AMENDMENT #2 FOR THE 2013 - 2014 FISCAL YEAR BUDGET

Public Hearing: Amendment #2 to the 2013-2014 Budget for the operation of Elk Ridge City

ROLL

Mayor: Hal Shelley; *City Council*: Brian Burke, Paul Squires, Erin Clawson, Nelson Abbott, Weston Youd; *Public Works Director*: Cody Black; *Deputy Sheriff*: Brent Butters; *Public*: Jamie Towse, Gerry Whiting, Dirk Seitz, Larry Lee & Spencer Strand; and the *City Recorder*: Janice H. Davis;

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

**BUDGET AMENDMENT
20013-2014 FISCAL
YEAR BUDGET**

City Recorder: The Recorder reviewed the proposed changes to the current fiscal year Budget: (*Memo from Recorder to Council, dated 8-13-2013, was reviewed with the Council*)

Explanation: All proposed amendments were included within the budget, as presented that night. If the Council added or deleted any proposed amendments, that would be part of the adopting motion and the appropriate changes would be made.

1. Fire Station Remodel: There have been 2 rough estimates on the remodel, based on the plans provided by Ken Harris. Both estimates were close to \$500,000.

Question: Does the Council feel a good part of the work should be done in-house to try to cut costs as much as possible? If the final costs end up being less than the budgeted amount, then the figures will be adjusted down at the end of the fiscal year.

It was explained that each amending figure requires adjustments to one or more budget accounts to accomplish the amendment. (Accounts potentially affected: Revenues, Expenditures and, at times more than one Fund when transfers take place.)

Remodel: Budget figure: \$500,000...matched by that same amount being transferred into the General Fund; coming from two different Capital Projects Funds: 1) Town Hall / Fire Station & 2) Future Improvements.

2. Plans for Re-model: \$15,000 was budgeted for plans; the invoice came in at \$22,810 (Budget will change to **\$23,000**)

Tape #1 - 00:05:58

Erin Clawson: Questioned the increase.

It was explained that there could have been various reasons:

(Tape #2: 04:59)

*(*To better hear the recording)*

- Although listed as a "re-model", the Fire Station will be "brand new", as opposed to re-doing what had been done to the Public Works Building.

- Tying into the existing building will be difficult; and the whole building will have to be brought up to the current building code, as well...such as the fire sprinkler system.

(In the future, the plans will be bid out to get differing estimates.)

Erin Clawson: She reminded the Council that it had been discussed and decided to stay with the same architect as the Public Works Building to have the same look.

General Fund Totals: With all the proposed amendments, the balancing amount would be \$34,915; which would be transferred in from the "Capital Projects Fund / Future Improvements". There would still be a balance of just under \$500,000 in that Capital Projects Fund.

00:03:37

Erin Clawson: She commented that this is good; particularly with all that has been accomplished and that will be accomplished.

Recorder: The balance in the Capital Projects Fund can be built back up towards a new City Center in the future. She congratulated the Council for the City being in this favorable position.

3. Siren System for City: The Mayor contacted Toole County regarding the same type of alarm/siren system that Woodland Hills installed. At one point, the City was contemplating purchasing the extra siren Woodland Hills bought; but they plan to utilize it for parts for their own system.

The installation of the system would be more costly than the units themselves:

The increase to the budget: \$52,000 (Budget figure: **\$53,000**.)

(The Mayor discussed this late in the Work Session.)

00:06:34

*(*Back to Tape #1)*

4. Sander for Plows: (Approved last fiscal year) The sander did not actually come in by the end of June, 2013; so, the expense had to be carried over to this fiscal year. Cost: of Sander: **\$8,900**

00:06:58 5. Weed Mowing: The City needs to comply with code in mowing the weeds at the edges of the roads and around the new Public Works Building. There are a couple of choices:
1. Rent Tractor and mower from Ace Rental: 1,455 + \$70 for delivery and pick-up = **\$1,525**
(Other places were called for quotes to rent the machinery; but they all referred the City to Ace Rental.)
2. Boyd Erickson (Code Enforcement Officer) offered to mow the weeds, using his tractor with the rented mower attachment for **\$1,175**
Budget Figure: **\$2,000** (Allowing for additional weed control or bug control)

00:10:33 6. Elections: Proposal to increase by **\$500** to cover added cost of additional Poll Worker and a Primary.
Water Fund:
(2 lines to be installed)
Bids had come in and were awarded for the work:
1. Canyon View Drive (Between Park and Alpine)
- Budgeted amount: 95,000
- Bid amount: 145,309.98 (145, 310)
Increase: **50,310**
2. Service to Public Works Building:
- Budgeted amount: 106,000
- Bid amount: 91,786
Decrease: **14,214**
3. Loafer Canyon Pump: (Approved previously...waiting for final cost)
- Increase: Cost of pump - **9,087**
(*Revenue Accounts will also be affected to off-set these costs; Impact Fees to be used.)

Sewer Fund:
(Sewer main to be installed from Public Works Building to 11200 South)
- Budgeted amount: 197,880
- Bid amount: 164,681 (**165,000**)
Decrease: **33,199**
(*Revenue Accounts will also increase; off-setting the costs; Impact fees to be used.)
Ms. Davis observed: Between the two Funds, the over-all difference is an increase of \$11,984; including the Water and Sewer Funds.

00:12:03 Discussion regarding the Fire Dept. Re-model:
Question: To bid out all the work or try to do much of it in-house.
Concerns:
- If work is done in-house, would there be one general contractor overseeing the work?
- Will the work take too long? Can volunteers be depended upon to show up and to do quality work?
- How could a general contractor guarantee the work on volunteers?
- Would the City get sub-contractors' bids on each phase of the building process?

00:13:53 The changes that have taken place within the City Hall have been "cosmetic" in nature...it did not really involve any heavy construction, electrical, etc.; the re-model will.
(Tape #2 13:30) Nelson Abbott: He felt the initial focus could be to just get the shell up; then the interior could be addressed in stages. There are certain areas that using the City's resources (talented & qualified volunteers) could save the City money; but, "when it comes right down to it, you get a General and they get in here and get the job done and get out of our way". He felt this would be a better way to go
Erin Clawson: She was a major part of the re-model of the Offices and Council Room; she noticed that the volunteerism began to fall short and the majority of the work was left to just a few people.
(Council Member Abbott felt that would be the way it would go with this project.)

Cody Black: The dollar amount is large enough to be concerned with contractors complaining that the City is "competing" with the contractors.
Nelson Abbott: The City can take "donations" in terms of labor; people can donate money...Woodland Hills took donations to help build their City Building.
Mayor Shelley: His concern is with the time required for the project; with winter coming.

00:17:14 **Water Fund:**
- Hot Tap equipment (Cody Black): Cost **\$5,600**
This would allow the water lines to be "tapped" into without shutting the line down and putting citizens out of service. This is fairly standard equipment for any City to have.
Discussion: What has been done in the past to service the Community.

00:21:02 It was explained that the City has borrowed the equipment in the past. Payson & Santaquin have the equipment that could be borrowed; but in the middle of the night or an emergency, it is hard to track down.

(Tape #1: 23:58) Recorder: Any changes to the budget as it was presented would have to be made within the motion to adopt the proposed amending budget.

00:25:41

Continued Discussion - Fire Dept. Re-model:

Question: Do the work in-house; or put the work out to bid?

00:26:15

Mayor: There have been various professionals that have offered their services for the work: structural, electrical, heating, etc.

If a "General" Contractor were hired, the City would need someone that others are willing to work under. That can "get a little 'iffy' sometimes." Who would be hired? Would a citizen be considered, or would that person be from out of town?

(Tape #2: 26:32)

Nelson Abbott: He felt the residents would be better-served if the contract was put out to bid and go with the lowest and best bid. The Mayor and Public Works Director could meet with the Contractor and review all the items and where costs can be brought down. He felt managing the project in that way would be preferable to doing the work in-house. Perhaps the City could look more toward volunteerism when the future City Center is built; but the Fire Station is time sensitive due to public safety being a priority.

(Weston Youd arrived at the meeting; but had no comments regarding the Fire Station or the budget.)

No further comments.

00:28:09

ADJOURNMENT

Mayor Shelley closed the Public Hearing at 6:34 PM.

6:35 PM

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council:* Brian Burke, Paul Squires, Erin Clawson, Nelson Abbott, Weston Youd; *Public Works Director:* Cody Black; *Deputy Sheriff:* Brent Butters; *Public:* Jamie Towse, Gerry Whiting, Dirk Seitz, Larry Lee & Spencer Strand; and the *City Recorder:* Janice H. Davis;

CITY SIREN SYSTEM

Mayor Shelley: During the last Emergency Preparedness drill, there was a follow-up meeting with all those involved for a review: one of the issues was when the current siren does sound off; it cannot be heard except from close by. They wondered if the City could do something about this weakness in our system. The Mayor contacted the individual that sold Woodland Hills their system to see if anything is available. He indicated that there are at least 5 sirens available for purchase. Woodland Hills installed 4 sirens, using a 5th one for parts. The individual came and drove around with the Mayor to assess the City's needs. The thought was that Elk Ridge could get by with four sirens and use a 5th for parts. Installation is about twice the cost of purchasing the units.

The sirens are used; mostly around the Toole Army Depot (retail is around \$40,000 per unit).

The cost to the City: about \$3,000/siren + installation at about \$32,000. Part of the cost is transporting the poles; the Mayor asked if the City could cut some of the cost by getting the poles...perhaps SEDS would have the correct size poles. (Poles = \$500/each & are 55' in length - 2 1/2' diameter at the base)

*Could Council Member Abbott find out from SEDS?

The system could be used and pre-programmed for various types of disaster preparation; with various announcements...it is more than a siren system.

Paul Squires: He mentioned surplus property as a source for the City to use in looking for and purchasing equipment. He feels Mr. Black should be cleared as a "screener". Council Member Squires would assist in this process.

Mayor: The Mayor feels that is a great deal of money (for the siren system).

Recorder: Though it is a lot of money; if it is needed to better protect the City in case of some type of disaster; would the cost be worth it?

00:37:29

Weston Youd: He suggested more current technology than a siren system; there are many options available...Reverse 911, broadcast blast text messages, etc.

Nelson Abbott: Some options available to other cities may not be available to Elk Ridge, based on the amount paid into the program.

Weston Youd: What is the best deal for the City? Sirens are great but they are antiquated...could the City consider something more modern? Should the City plan for this financially; rather than buying a system now?

Cody Black: He discussed the "Reverse 911" option.

Mayor: He reminded everyone that contact information for each citizen needs to be current and filed with the City to be on the 911 list.

00:41:23

STREET NAME
CHANGE

Nelson Abbott: The proposal to change Shayda Circle to Cody Circle has been discussed at previous meetings. He was assigned to get documentation to ensure that the residents of that street are in agreement with the proposed change. Jay Finch provided a document, signed by each of the citizens on the cul-de-sac, saying that they are in agreement with the proposed change to Cody Circle. Council Member Abbott recommended that the Council approve this change in the regular session. This action was initiated by the citizens.

No further comments.

00:42:13

DUMP PASSES

Nelson Abbott: He emailed out to the members of the Council a copy of the interlocal agreement between Payson & Santaquin to review. Both Council Members Youd and Clawson responded to the email; but he had not heard back from other members of the Council.

Agreement between Payson & Santaquin: allows 250 tons of waste to go into the Payson Landfill per month. Elk Ridge averages 74 1/4 tons per month.

Dumpsters: He recommends continuing with these for the citizens, since they come at no extra charge to the City.

00:43:52

(Council Member Abbott continued:)

There are two options:

1. Punch-pass permit (Set fee for the pass)

2. As a resident of Elk Ridge, each citizen could go to the dump and pay the resident rate, based on the weight of the particular dump. (That is what they have with Santaquin, based on weight.)

(No charge for "green waste")

He wanted input as to the Council's preference.

Mayor: He preferred the weight based rate. *(Council Member Abbott said this way is easier for the City to manage and track than the Punch-pass choice.)*

00:45:27

*He said he would get a draft agreement like Santaquin's that is Elk Ridge specific and bring that back to the Council for review.

SEWER REPAIRS -
PAYMENT AGREEMENT*This Agenda item was skipped and addressed later in the Work Session.*

00:48:00

JOB DESCRIPTION

Brian Burke: At the Council Meeting on June 25, 2013, it was decided that the City needs updated job descriptions; the Mayor was tasked with that responsibility. Reasons for having proper job descriptions:

- Assists in the hiring process

- Helps in evaluating current employees

He personally feels that job descriptions should be in a set format and kept in the HR Book.

As a sample of the format he proposed, he used the job description provided by Linda Cooper for the Treasurer's position and the one for the Asst. Public Works Director and adapted them to a particular format; then they were sent out to the two Dept. Managers for review and input.

00:50:08

He asked the Council to look at the proposed format; which is a common format...similar to the one used in Salem City. *(Council Member Burke went through the format with the Council.)*

There may be certain physical requirements that may not be required of the office staff.

If the Council approves the format; then the assignment to write the various job descriptions can move forward. Council Member Burke said he would not be writing the job descriptions...he is addressing the format that those descriptions will be written in.

00:51:38

The descriptions can be addressed and updated, if necessary, every couple of years. He recommended that they be signed by the "incumbent" as well as the Dept. Manager, so the terms are fully disclosed.

Weston Youd: He suggested adding under "Responsibilities": "Other duties, as assigned"*(Council agreed)*

After the format is approved, the individual positions need to be identified.

Nelson Abbott: He cautioned that these job descriptions be in place prior to any other employee being hired.

00:54:42

FALL CONCERT

Erin Clawson: The Mayor and she discussed the possibility of hosting a Fall Concert for the citizens in the Park. She would like to see more of these types of activities to bring the Community together and create more unity. She would like to see local talent spot-lighted in these concerts. Question: whether the participants would be paid or volunteer. *(The Mayor said he preferred non-paid, if possible.)*

If the Council was in agreement, she wanted to set a date for the first event.

Nelson Abbott: He agreed that the performers should not be paid; and also suggested extending an invitation to the Salem Hills High School for their band and/or orchestra.

Council Member Clawson pointed out that it is good advertising for the performers and is good community service.

00:56:59

Mayor: He suggested looking at all aspects of hosting this type of event:

- Good sound system available (The City is in need of a sound system for other purposes, as well.)

- Determine any liability issues (*Weston Youd is to check on this with the ULGT...like a "special event policy".)

Paul Squires: He again reminded the Council that the government surplus program may be a good place to see about getting a sound system.Public:Jamie Towse: She thought it is a good idea and would be in favor of these types of events.Gerry Whiting: Perhaps asking the Community for ideas and input would be good.

It could be placed in the Newsletter to let people know.

*Date: Perhaps 9-28-2013; which is a Saturday. Council Member Clawson asked that the Council be present.

1:01:32

SEWER REPAIRS

*(This item should have been addressed earlier in the meeting; but, was skipped.)*Nelson Abbott: He reported an issue with a sewer line backing up in the home of Rick and Lucretia Thayne (residents on South Clark Lane). The current code declares the line is the responsibility of the owner; so they hired a plumber to come out to determine the extent of the problem. The line was cameraed and a break in the line was discovered, 3' off the main.

Cody Black has gone out to assess the situation; working with an excavation contractor to give an estimate of what it would cost to repair the line. Another employee went out to camera the line to better identify where the break is. The cost is more than the Thayne's can afford all at once. At the end of June, 2013, a similar event occurred elsewhere in the City and the City has those residents on a payment plan. Request: to allow the Thayne's to pay the City back over time & for the City to do the work. The Thayne's asked Council Member Abbott to bring this to the Council.

Recorder: She added that a claim was submitted to the City's insurance; but the claim was denied based on the City Code. The current Code is common to most cities. Discussion took place regarding the possibility of spreading the payments out over two or three years.

The costs could be less if the damage is less than expected.

Certain equipment would have to be rented, since the City does not own a trencher. (SESD does own one...perhaps that one might be available.)

Mayor: He feels that, due to the age of the City's sewer system, this need to be looked into for the future. With the water lines, there is a cut-off point (the meter) of responsibility; not with the sewer lines. He feels the bigger issue also needs to be addressed...a solution needs to be found for future problems. He is concerned about setting precedent; but he does want to serve the citizens.

Nelson Abbott: Suggestion: a fund wherein all the residents pay in a dollar or two per month; to be used to fix these inevitable breaks.

Perhaps the City could be responsible from the easement out (on a lateral). Three lines have backed up this past summer.

Weston Youd: He inquired as to the restrictions that would be placed on these funds. The reason the demarcation point is located at the main: control is lost after the main. The government should not have control about "what comes down the pipe".

Cody Black: He brought up the issue of City employees going onto private property to get to the "clean-outs"...citizens do not like that.

Weston Youd: So the place where the private property and the public property meet is at the main.

Whatever goes on toward the house should not be controlled by the City; but the home owner is responsible for that line.

Nelson Abbott: If the code is not going to change, then the residents should be educated so they can be prepared for any breaks in their laterals.

(The bids from the plumbers were \$9,000 to \$11,000 to repair the line (Thayne's).

With a backed-up sewer line, the damage inside the home would be covered under homeowner's insurance; but not repairs to the line, itself.

The Council needs to be on the same page as staff in the policy and enforcement. The citizens in the older parts of the City will be facing these repairs.

Weston Youd: Depreciation is happening to the systems; is the City making good use of the unrestricted money for operations and maintenance? There needs to be a five-year and a ten-year plan.

It would be cheaper for the homeowner to fix any connections as the lines are being replaced by the City.

Erin Clawson: She mentioned how important cameraing the sewer lines in Sugarhouse was in establishing that the City was not liable when they had back-up issues.

Nelson Abbott: That is why the GIS system and regular cameraing is vital.

Recommendation: To try to work something out with the Thayne's regarding a payment plan.

Brian Burke: He questioned how that would work...if it would be part of their monthly utility bill.

Public Comment: (Jamie Towse) She wondered if they could not finance the work directly with the company they hire. Since this will happen again, does the City want to become a "bank"?

Nelson Abbott: That is an option that they are not able to do. They have explored their resources and just cannot meet the financial obligation at this time.

Mayor: The City does not want to take on the financial obligations of a "bank" or lending agency.

Erin Clawson: The City needs to move forward and work on a maintenance schedule.

*Nelson Abbott: With the GIS system this should be pulled together.

Jamie Towse: Citizens are concerned and uninformed about the price of water; perhaps a forum addressing the water could be organized...to inform people of the system and the associated costs of operations. The information on the sewer system could be included. Maybe the citizens could come up with alternatives.

Nelson Abbott: He mentioned a power point presentation given in the past explaining the rates and water rights, etc.

Erin Clawson: These types of meetings could be organized annually or every so often to better inform people.

Mayor Shelley: Typically, when people take the time to understand an issue, tolerance increases.

ELK RIDGE CITY COUNCIL MEETING August 13, 2013

TIME & PLACE OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 13, 2013, at 7:00 PM**; it was preceded by a **Public Hearing, at 6:00 PM**, was to consider the adoption of an Amended Budget for the 2013/2014 fiscal year.

There was also a **City Council Work Session, scheduled for 6:30**.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Weston Youd had requested an electronic connection.

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on August 9, 2013.

1 1:16:41

2
3 ROLL

Mayor: Hal Shelley; City Council: Brian Burke, Paul Squires, Erin Clawson, Nelson Abbott, Weston Youd; Public Works Director: Cody Black; Deputy Sheriff: Brent Butters; Public: Jamie Towse, Gerry Whiting, Dirk Seitz, Larry Lee, & Spencer Strand; and the City Recorder: Janice H. Davis;

7 OPENING REMARKS &
8 PLEDGE OF
9 ALLEGIANCE

Jamie Towse offered an opening prayer as the opening remarks; and Spencer Strand led those present in the Pledge of Allegiance; for those wishing to participate.

10 AGENDA TIME
11 FRAME

ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:24 PM
VOTE: YES (5) NO (0)

13 1:18:10

14 PUBLIC FORUM

Jamie Towse: 1) Minutes: She expressed public concern that the minutes for the meetings take a long time to be available to citizens. She requested the minutes be ready within a week from the time of the last meeting, if possible.

(The Recorder reviewed the legal requirement to having minutes posted: 30 days to get the minutes into a written form; and once approved, they should be posted within 3 days of the meeting.

A digital form should be available directly after the meeting (they are at this time).

Mrs. Towse clarified that it would be at least two weeks, with approvals.

She asked about having them available in a transcript form; to be available in a written form sooner.

22 1:20:09

Nelson Abbott: He explained a process wherein the document could be in a larger PDF format where searching for particular items of interest is made easier within the entire document.

Weston Youd: He did not think a single PDF document containing all of the minutes is feasible. the file would be too big. "Tagging" is an option...there is a cost to arranging this type of document organization. One could look up a topic and search various documents for the subject matter.

The PDF's would have to be digitized and scanned.

Recorder: When this was discussed previously, the intent was to post the recorded version of the meetings on the web site directly following the meeting; however, the files were too large to upload to the web site. Perhaps Mrs. Bassir could get some assistance in knowing how to do this. This was a good option; but has not worked out. The recordings are always available upon request; a flash drive must be provided by the person requesting the recording.

*Weston Youd said he would assist Mrs. Bassir (Web person) in this.

It was mentioned that Eagle Mountain does this; maybe they could be consulted.

2) Office Hours: Mrs. Towse reported that some of the citizens she had spoken with questioned the office hours for the City Office; could they be open longer?

She also heard that people would like to be able to pay on line and use credit cards.

Mayor: Mayor Shelley responded that the City had recently changed over to a newer version of the financial software (Caselle) used; and both options are being pursued currently. Auto-pay has been available for quite some time.

(It was briefly discussed that the City may be looking to switch banks; there are some decisions at the current institution (American West) that need to be answered before this decision is made.)

*Suggestion: To inform citizens through the newsletter that these options are coming.

44 1:28:40

45 RYAN JOHNSON
46 LOT

1. Driveway Length:

There were two memos for Packets: one from the Fire Chief and one from the Planner.

Fire Chief's Concerns:

- Length of hoses: the truck has to be no more than 150' from the fire, since that is the length of the hoses

- Other long driveways in the City are supported by fire hydrants

- Steep grade of driveway (slower response time)

- Lack of workable area at the proposed residence

Recommendation:

- Position a hydrant close to the structure

- Increase the turn around area

Chief Waite did not recommend allowing construction until these issues are addressed.

(From memo from Planner, dated 8-13-2013)

Background:

"Mr. Ryan Johnson is interested in constructing a home on a parcel located at approximately 715 Goosenest Drive (west of Public Works Building). The parcel is 436' long. Mr. Johnson is interested in locating his house toward the rear of the parcel with the garage accessed at the rear of the house. With this arrangement, the driveway would extend approximately 400'."

The memo explained that the code requires any driveway over 200' to be cleared by the City Council and Fire Chief; since the length of the driveway affects emergency services' ability to perform.

The code also requires a sizeable turn around if the driveway is over 150' long.

"Associated with this issue, the Public Works Director and the City Engineer have reviewed the proposed location of the driveway entrance which would exit in the intersection of Goosenest Drive and Elk Ridge Drive; they have determined that this entrance location would be a public safety issue. The driveway entrance needs to be located on the west side of the parcel by swinging the driveway across the parcel, but will need to take into consideration the curvature to make sure that emergency equipment can traverse the driveway."

Recommendation: (Shay Stark)

It was recommended that the Council grant an exception to the dwelling location and driveway length; and allow the placement of the home toward the back of his lot with condition that he adhere to the following:

- Provisions found in the City Code (10-15G-2)
- The recommendations of the Fire Chief, Public Works Director and City Engineer including, but not limited to:

- Providing adequate turning facilities
- Installation of a fire hydrant at the home
- Locating the entrance to the west side of the parcel

The adjustments will require review by, and approval of the Fire Chief before a building permit can be issued.

Comments:

(In the absence of Mr. Johnson, a representative was present to address the Council and answer any questions...he did not identify himself.)

1:29:37

Unknown: He understood that the 2 major issues were the 1) turn around & 2) Fire hydrant; however he also understood that water rights must be allocated for the parcel, for a fee to the City.

He understood that the Fire Chief approved Option A of the drawings provided to the Council.

He reported that Mr. Johnson was in agreement with the stated terms.

(It was Primary Election night; so the Recorder had stepped out for a short time during this discussion; the Council had moved on without any motions; which was corrected when the Recorder came back in. They moved forward at this time with the Budget; see reference #1:31:03.)

1:35:48

1) Length of Driveway:

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO GRANT THE DRIVEWAY EXCEPTION TO THE RYAN JOHNSON LOT, REGARDING THE LENGTH OF THE DRIVEWAY BEING OVER 200 FEET; CONDITIONAL UPON ADHERANCE TO THE RECOMMENDED TERMS BY THE FIRE CHIEF AND CITY ENGINEER:

- Providing adequate turning facilities
- Installation of a fire hydrant at the home
- Locating the entrance to the west side of the parcel

VOTE: YES (5)

NO (0)

2. Water Right Allocation:

NELSON ABBOTT MOVED, SECONDED BY BRIAN BURKE, TO ALLOCATE 1.8 ACRE FEET OF THE CITY'S WATER RIGHTS TO THE RYAN JOHNSON PARCEL, LOCATED AT 715 GOOSENEST DRIVE

VOTE: YES (5)

NO (0)

1:31:03

AMENDED BUDGET
2013/2014 FISCAL
YEAR

Discussion:

Erin Clawson: The "Hot Tap" equipment was discussed earlier by Cody Black before Council Member Youd arrived. The projected cost was \$5,600. The proposal was to place that in the budget amendment. *(Cody Black clarified what a "hot tap" is.)*

She felt the City should be prepared to service the citizens properly.

It has been necessary to utilize a hot tap 4 to 5 times in less than a year; since Mr. Black was hired.

Weston Youd: He asked what the cost to rent the equipment would be. There is liability in equipment depreciating.

Mr. Black: He feels this is pretty standard equipment for a City to own. He was surprised to find out Elk Ridge did not have it. to try to track one down during an emergency takes time.

Mayor: He added that there was also a proposed \$500 for Elections.

1:33:17

(At this point, the Recorder came back into the Meeting and asked to return to action items for the Johnson Lot. It was decided to move forward with the Budget, then return to Mr. Johnson's Lot.)

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE PROPOSED BUDGET AMENDMENTS, WITH THE FOLLOWING EXCEPTIONS:

- ADD \$500 TO ELECTIONS
- ADD \$5,600 TO THE WATER FUND FOR "HOT TAP" EQUIPMENT
- ELIMINATE THE SIREN SYSTEM FROM THE GENERAL FUND (\$52,000)

VOTE (POLLED): ERIN CLAWSON-AYE, PAUL SQUIRES-AYE, WESTON YOUNG-AYE, NELSON ABBOTT-AYE & BRIAN BURKE-AYE (5)

NAY (0)

Passed 5-0

(Return to Johnson Lot...above in the minutes.)

1:38:42

STREET NAME
CHANGE - CODY CR

NELSON ABBOTT MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE PROPOSED STREET NAME CHANGE: CURRENT - SHAYDA CIRCLE, TO CODY CIRCLE

VOTE: YES (5)

NO (0)

1:38:51

JOB DESCRIPTION
FORMATTING

BRIAN BURKE MOVED, SECONDED BY WESTON YOUNG, TO APPROVE THE FORMAT FOR THE EMPLOYEE JOB DESCRIPTIONS, AS PRESENTED IN THE WORK SESSION
VOTE: YES (5) NO (0)

RESOLUTION -
CITY FEE SCHEDULE
- VARIOUS
CORRECTIONS

City Recorder: She explained that the amended schedule did not contain any new fees; there were certain fees left off that needed to be included:

- Oversized water meters (over 1")
- Colored copies - cost at \$.25/page
- Storm Drain Fee (Changed to \$6.50 some time ago...fee schedule did not change)

WESTON YOUNG MOVED, SECONDED BY NELSON ABBOTT, TO ADOPT THE RESOLUTION REGARDING THE CITY FEE SCHEDULE; WITH THE CHANGE IN COST FOR COLOR COPIES FROM \$.10 TO \$.25 / COPY

VOTE: YES (5) NO (0)

1:43:45

2012/2013 FISCAL
YEAR AUDIT PROPOSAL
LETTER - JONES
SIMKINS

Recorder: Jones Simkins' formal Audit Proposal will not increase to the budgeted amount.
WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AUDIT PROPOSAL FROM JONES SIMKINS FOR THE 2012-2013 FISCAL YEAR AUDIT

VOTE: YES (5) NO (0)

1:44:19

CITY COUNCIL
MINUTES

1. June 25, 2013:

WESTON YOUNG MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE CITY COUNCIL MINUTES FROM JUNE 25, 2013, AS PRESENTED
VOTE: YES (5) NO (0)

2. July 9, 2013 Minutes:

The minutes were not approved and had to go back to the Deputy Recorder for more corrections.

1:49:24

EXPENDITURES

General:

1. Sewer Payment Agreement - Thayne's:

NELSON ABBOTT MOVED TO SET UP A THREE-YEAR REPAYMENT PLAN FOR THE THAYNE'S SEWER BACK-UP REPAIRS; BASED ON THE ACTUAL COST OF THE REPAIRS...WITH NO INTEREST RATE ADDED IN

Discussion:

Brian Burke: He asked if the Council had ever done this for other people.

Erin Clawson: She pointed out that this is the first time this type of situation had come before the Council for consideration. Council Member Clawson wanted to know if David Church had been consulted. This would be good to know.

(Council Member Young agreed that Mr. Church's opinion should be sought. He was not prepared for a decision that night.)

Council Member Clawson felt that this would likely be happening again, given the age of the system; she suggested an overall policy or plan on how to handle the situation.

The City cannot be the only alternative.

Nelson Abbott: The citizens on Escalante are on a repayment plan for curb & gutter. Previous Councils have considered this kind of assistance.

Weston Young: He was not prepared to act on this matter that evening. More information is needed.

Concern: "We are not a bank." Escalante's curb & gutter was for the overall good of the Community...it was not individual. How do we limit the City's liability? Does the City want to become a "high risk" lender? (Cody Black asked what would happen if they could not pay the City back? What would the City do? He understands that the Thayne's are "stuck" financially)

Erin Clawson: If this was done previously with someone else; it should have been brought to the Council's attention first. Who would manage all the loans from the City?

Nelson Abbott: The Council has done some far more gracious things in the past. Perhaps more information is needed before a decision is made.

*David Church to be consulted. (Mayor)

*Curtis Roberts to be consulted regarding carrying over payments from year to year. (Recorder)

A. Hot Tap Equipment: (Included in the budget approval)

1:56:44

NON-AGENDA ITEM

Luke Clawson: He is a young resident of Elk Ridge who requested that the City Council consider installing a Skate Park for the youth of the City.
 The Mayor responded that it would be looked into and information gathered.

ADJOURNMENT

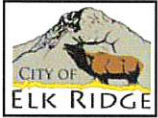
The Mayor adjourned the City Council Meeting at 8:02 p.m.

 City Recorder

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

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

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, August 27, 2013, 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 CANVASSING PRIMARY ELECTION RETURNS

7:20 Public Forum

7:30 1. Haskell Assisted Living Center - Release of Construction Phase and Entrance into Durability Period

7:35 2. Eagle Scout Project - Josh Adamson

7:45 3. Dump Passes (Republic Waste & Payson City)

7:50 4. Sewer System Policy - Nelson Abbott

8:00 5. Fall Concert - Liability Issues - Weston

8:10 6. City Council Minutes (June 25 & July 9, 2013)

8:15 7. Stop Signs - Re-visited - Erin Clawson

8:25 8. E. Salem Hills Drive - Cindi Ellis

8:35 8. Expenditures:

General:

Adjournment

Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 26th day of August, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda, as well as an Amended Agenda, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on August 23, 2013; with an additional Amended Agenda on 8-26-2013.

City Recorder

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**ELK RIDGE
CITY COUNCIL MEETING
August 27, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, August 27, 2013 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 August 23, 2013.

7:00 PM –

CITY COUNCIL REGULAR SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Nelson Abbott, Brian Burke, Paul Squires & Weston Youd; *Sheriff:* Deputy Butters; *City Recorder:* Janice H. Davis; Gerry Whiting, James Harvey, May Harvey, Dave Curtis, Carolyn Curtis, Lucretia Thayne, Russell Cloward, Debra Cloward, Sherry Moody, Melissa Shuler, Brian Smith, Brad Shuler, Veronica Field, Lewis Field, Jodi Oliver, David Oliver, and Deputy Reorder, Mary Preece.

**OPENING REMARKS
PLEDGE OF
ALLEGIANCE**

An invocation was offered by Erin Clawson; and Dale Bigler led those present in the Pledge of Allegiance, for those who wished to participate.

**AGENDA TIME
FRAME**

The meeting started on time.

CANVASSING PRIMARY ELECTION RETURNS

00:02:54

Jan Davis presented to the Council information, forms, and ballots for the required Canvassing of the 2013 Primary Election Returns. The Provisional ballots had been checked against the State and County Registries.

- * 20 Provisional Ballots were received; which were matched against the registry.
16 were valid and 4 were invalid.

- * Results altered the numbers but did not change the elections results.

Mayor:

Hal Shelley	6 Provisional	Total 302
Jamie Towse	4 Provisional	Total 134
Gerry Whiting	6 Provisional	Total 56

City Council:

Erin Clawson	7 Provisional	Total 176
Ed Christensen	7 Provisional	Total 199
Melissa Prins	4 Provisional	Total 96
David Jean	0 Provisional	Total 108
Ryan Haskell	7 Provisional	Total 149
Dale Bigler	4 Provisional	Total 208

**WESTON YOUNG MOVED, SECOND NELSON ABBOTT, TO APPROVE THE 2013 PRIMARY
ELECTION RESULTS, AS PRESENTED**

VOTE: AYE (5) NAY (0)

Nelson Abbott noted that there were 1000 ballots cast, the City has 1480 registered voters. This indicates 67% turn out. (Correction: There were 1,000 ballots ordered; 538 votes were cast.)

0:11:33

PUBLIC FORUM

The point was made that if an item was already on the agenda, concerns could be addressed during the assigned time for discussion; public forums are for concerns not on the agenda that the Council will take under advisement.

Jim Harvey (He felt his question was general and was appropriate for the Forum.) He expressed his concern for changes made to the stop signs on Escalante and Alpine. He wanted to know what started the recent process to repeal the previous changes. Before, the residents resisted for the same reasons as the current "push-back". The Council responded to the previous resident resistance. Why is this being re-addressed after the clearly negative response from the public?

Nelson Abbott replied that there were a number of concerned citizens who requested the City review the standards and enforce the standards the way they are on the books; after the intersection was recently re-designed as a part of the re-alignment of Escalante.

- The change made four years ago was in alliance with the uniform traffic code stating that a "T" intersection be provided with a stop sign at the end of the tail of the "T"; which was the action taken...installing a stop sign at the south end of Escalante and removing the two stop signs on Alpine. Reasoning behind the previous exception to the adopted Standard: The Public Works Director at that time felt that snowplowing would be difficult with a stop sign at the south end of Escalante;

00:16:08

therefore, the exception to the Standard was made by that Council; placing the stop signs on Alpine (east & west).

May Harvey presented the Council with the National Standard from the traffic engineer and requested they review it; taking into consideration placement of the stop sign at the top of Escalante Drive. She did not feel the Standard, as presented by the previous Planner, was professional and accurate. Referring to the National Standard she provided, Mrs. Harvey mentioned one of the criteria for stop sign placement as being a high volume of traffic. She felt that Escalante Drive has more volume of traffic than Alpine Drive since both sides of the south end of the City utilize Escalante. She is also concerned with the road conditions in the winter months; the snow makes such a steep grade hazardous.

(Mayor: He explained the reasons for re-aligning Escalante Drive; it had little to do with traffic flow; it was safety oriented.)

Mrs. Harvey continued: The school bus stop was also mentioned as a reason for having a stop sign on Alpine instead of on Escalante. If the roads are slippery, the drivers will not stop; they are using common sense and are responsible for the safety of the children on their buses.

She would like the Council to make the right decision, based on common sense; the citizens depend on the Council to do that. There is liability connected to the decisions made.

She feels there are too many stop signs in Elk Ridge...she asked that "Yield" signs be considered, as well. Nelson Abbott: He pointed out that there are many intersections all over the City that are uphill, with steep inclines. He did agree that there are too many stop signs in the City. The school bus stops are a separate issue. He also made the point that the bus routes are the first roads to get plowed in the winter months.

Bus drivers are subject to the law just as everyone else is.

Council Member Abbott added that the liability lies on both sides of the issues.

David Curtis: The Curtis' were involved with the original changes to the stop signs; he is not sure why the reasoning behind those changes were not taken into consideration. There were two accidents previously that ended up in their front yard (Curtis' live on the northwest corner of Escalante & Alpine). The City snowplow took out a tree in their yard...then the stop signs were changed to how they were before the current Council decided to take out the signs on Alpine and install one on Escalante.

There were other reasons:

- The bus going uphill couldn't stop and get going again.
- A 3-way stop was also discussed at that time.
- Backing out of their driveway is a problem

Council Member Abbott felt that backing out of their driveway should be easier with people slowing down to stop.)

Mr. Curtis referred to backing out to head north on Escalante.

Erin Clawson: She asked Mr. Curtis to clarify which way he preferred to have the stop signs.

Mr. Curtis responded that he was in favor of putting them back the way they were before the last change.

Mayor Shelley: He announced that this discussion would continue under the scheduled agenda item later in the Regular Session. He asked if there was any other topic for the Public Forum that was not already on the Agenda.

Discussion:

Jan Davis clarified that the bond would be for the infrastructure in the road; installed by Lee Haskell. The final inspection has been completed and a letter from Aqua Engineering was provided, ensuring compliance with City Standards and requirements.

A letter from Central Bank was also provided, stating that 20% of the original bond will be held until August 31, 2014, for the project.

WESTON YOUD MOVED, SECOND NELSON ABBOTT, TO RELEASE THE HASKELL ASSISTED LIVING CENTER FROM THE CONSTRUCTION PHASE OF THE PROJECT AND MOVE IT INTO THE DURABILITY PHASE, EXTENDED FOR ONE YEAR TO THE END OF AUGUST, 2014
VOTE: AYE (5) NAY (0)

Josh Adamson presented his Eagle Scout Project plan of a new city directory. In the next City Newsletter he will inform the citizens how to opt out, if so desired. He will contact the business owners in the City of advertising opportunities for the directory. There will be four large ads inside the front cover at the cost of \$20.00 each and the back two pages will have smaller ads for \$10 each; this should bring in \$280. The price to produce the directory per book would be 55 cents for 650 books issued; this would total about \$360. He asked if the City would donate \$100 to cover the difference. If the request for ads from business owners exceeds the two pages, other pages could be added and the cost covered with the money collected from extra ads.

Mayor Shelley inquired if Josh could provide an electronic version of the directory, for future reference. New names, addresses and phone numbers could be added as residents move in.

Josh was willing to provide this to the City in the form of an excel file.

The Scout has been instructed on the proper procedure to follow for his project, and he said he is conforming to the requirements.

The Scout can utilize the City list, without phone numbers attached, since that is private information.

0:39:03

ERIN CLAWSON MOVED, SECOND NELSON ABBOTT, TO APPROVE JOSH ADAMSON'S EAGLE PROJECT, PENDING APPROVAL FROM THE EAGLE SCOUT BOARD; AND AGREED TO ASSIST HIS PROJECT WITH \$100 FROM THE CITY

VOTE: AYE (5) NAY (0)

00:39:49

DUMP PASSES
(REPUBLIC WASTE &
PAYSON CITY)

Nelson Abbott reported that the draft he had previously presented to the Council concerning the dump passes has been modified to reflect an agreement between Elk Ridge and Payson City; which is being reviewed by Dave Tuckett (Payson City Manager). He will present the draft to the Payson City Council in September for their approval. If approved, Council Member Abbott will bring the agreement back to the Council for final approval; January 1, 2014, could be the effective date.

00:41:02

Mr. Abbott is also meeting with Republic Waste to discuss future contracts and options to keep costs minimal.

Mayor Shelley had visited with Dave Tuckett; who expressed concern regarding last year's request from Payson City to have Elk Ridge assist with the water in the Golf Course pond for the purpose of trying to keep the greens alive during the extremely dry weather experienced. Elk Ridge's Council was not in favor of this proposal. Mr. Tuckett felt this decision could affect Payson's Council's decision regarding the dump passes for Elk Ridge residents.

Mr. Abbott After speaking with a few of the Payson City Council Members, he felt the vote would be favorable.

There is also a mutual desire to move forward in a joint effort to drill a well to benefit both communities; also solving the Golf Course's needs. This would be a solution which would not jeopardize Elk Ridge's underground aquifers.

0:43:06

*Council Member Abbott wanted to make every effort to be present at the Payson City Council meeting when this is discussed, to answer any questions and to make sure there are no misunderstandings.

00:43:19

Mayor Shelley also intended to be present at that meeting.

FALL CONCERT-
LIABILITY ISSUES

Weston Youd More information was needed to be able to determine the extent of liability that would exist with this type of special event. Having local talent just come and perform creates less liability than a "City sponsored" event. The event needs to be better defined.

Mayor Shelley explained the idea of these concerts was to invite local talent to perform a few numbers, total time being about an hour; on a volunteer basis.

The City has been in need of a good sound system for other types of events, as well.

Paul Squires: The Government Surplus is a source to look for a sound system. He had not heard back from Cody Black.

*The Mayor directed that this be placed on the next Council agenda.

Nelson Abbott: He added that professional performing groups typically provide their own certificates of insurance.

00:47:44

SEWER SYSTEM
POLICY

Mayor Hal Shelley wanted to address the City's aging sewer system.

Recent issues have brought up the question of who bears the responsibility of the cost of repairs in the connecting lines. Present Code establishes that if the problem is between the house and the main line, it is the responsibility of the home owner.

Suggestion: that the City should consider options as to the best way to handle these situations in the future. Though the current code is common in cities, there are instances where other alternatives could be possible:

- Code could determine a point within the city easement defining responsibility.

- A clean out in the easement area to give the City access with a camera; without having to go onto the individual's property or into the home.

He feels the need to address issues that are beginning to impact the City and will continue to do so.

Nelson Abbott: He added that the City also needs to keep up on regularly scheduled maintenance of the lines. The sewer camera recently purchased, added to the GIS system, will help with this.

00:50:54

(Delivery of the sewer camera for this process has been pushed back another week.)

Erin Clawson: It would be beneficial to be able to give some warning to residents that breaks in the line could be pending; to give them time to prepare financially.

00:51:23

CITY COUNCIL
MINUTES

Corrections were noted for July 9th:

(Line 21: pg 1...Logue misspelled)

(Line 25: pg 2...\$14 - \$12 per hour...transposed)

ERIN CLAWSON MOVED, SECOND BRIAN BURKE, TO ACCEPT THE MINUTES OF JULY 9, 2013; WITH CORRECTIONS

VOTE: AYE (5) NAY (0)

July 30th:

NELSON ABBOTT MOVED, SECOND BRIAN BURKE, TO APPROVE THE MINUTES OF JULY 30, 2013, AS PRESENTED

VOTE: AYE (5) NAY (0)

00:54:01

Elk Ridge City Council Meeting – 8-27 -2013

1
2 STOP SIGNS –
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Mayor Shelley: He explained: Having lived on Astor Lane when he first moved to Elk Ridge, the Mayor knows something of the concerns expressed regarding the difficulty of driving the Alpine area in the winter. Personally, he would have preferred to leave the stop signs as they were; he felt they were effective in that position. Mayor Shelley stressed that having a City located on a hill creates unique challenges, especially on snowy, icy roads; which are difficult to maneuver on with snow on the roads. A number of citizens feel that with the roads on an incline, it is difficult to come to a stop and then continue on up the hill during the winter.

The Mayor also understands that people typically expect to stop at the cross section of a "T" intersection; the study that was adopted as the standard for the City was based on that particular premise.

Though the Council had rendered a decision to ratify the previous adoption of the traffic study; challenges and issues have been raised.

Erin Clawson: An expert in traffic control was asked to conduct a study to standardize the traffic signs in Elk Ridge. She was unaware at the time that the system had changed as often as it had.

She felt the concerns of the citizens who live in the area close to the stop signs in question should be given precedence, as they are affected on a daily bases. Whether it reflects badly on the Council or not, she felt those citizens should be heard and their opinions weighed heavily.

Paul Squires: He has also found it difficult to make it up Escalante in the winter; even with 4 wheel drive.

Weston Youd: Though he sees the issues, he admitted concern with the liability of the City in switching the signs back...going against a careful study, done by a professional. He is not opposed with changing the signs back; but the Council needs to face the possibility of increased liability.

Brian Burke: (Council Member Burke is over the Roads Dept) He and Deputy Butters drove around the City (the Mayor also went on occasion); to look at various places with stop signs. He did not agree that it was right to focus on just one or two "T" intersections; he thought that the Council needed to consider what works best for the City and the reasoning behind the original placement?

He was not in favor of simply changing the stop signs back and forth; but he felt the issues important enough to re-address them. He pointed out that there are also citizens that wanted the stop signs out.

Mayor Shelley: He explained a petition was received from a citizen with concerns about the stop signs on Goosenest Drive and Elk Horn. This petition was in favor of removing the stop signs on Goosenest, claiming that the flow of traffic on a major collector road for the City was interfered with.

The Mayor asked this individual if anyone living in the Goosenest area had been approached; the answer was, "No." The Mayor noted that this petition was not representative of the "City"; and that safety has to precede convenience.

Nelson Abbott: He noted that the Deputy Sheriff had placed a speed trailer on Goosenest Drive before and after the stop signs were removed; to monitor the speed and number of cars traveling on Goosenest Drive and Elk Horn. The results showed traffic was within the parameters before the signs were removed; the results indicated an increase in the average speed by 2-2 1/2 MPH, after the signs were removed. Mr. Nelson felt the opinions of those in favor of removing the signs could be offset with the opinions of those who are in favor of leaving the signs in place.

(Deputy Butters interjected that he had been in favor of the stop signs being left as they were. He felt his opinion was professional advice, as well. The Mayor felt that once drivers get used to no stop signs on Goosenest; that the speed will likely increase more. The Mayor asked Deputy Butters to give that area extra patrol time in an effort to keep speeds down. Council Member Clawson mentioned that people drive slower when there is a speed trailer on the road.)

Alpine & Escalante:

Council Member Abbott continued: (Alpine & Escalante) Though he agreed that there are too many stop signs in the City where "yield signs" might be better; he did not necessarily agree that stop signs should be eliminated when a road is inclined uphill.

He commented there are other intersections throughout the City that have the same situation with the stop being at the "tail" of the "T" (He listed other intersections.) There must be other reasons to consider replacement of the signs. He recalled the vote to go with the Traffic Study being unanimous.

Stop signs are to control the movement of the traffic not the speed. Each driver has to be responsible for observing the law. Speeding issues should be dealt with through enforcement.

Erin Clawson: The vote was unanimous due to the Traffic Study; but they had not heard from the citizens that live in those areas. These citizens are telling the Council that the Council's decision has jeopardized their safety.

(Much public comment at this time...over-running one another and the Council.)

Deputy Butters: He was aware of one accident at the intersection in two years...it was with a school bus.

Mayor Shelley: His concerns are not when the school busses are at the stop; they are when the children are walking to the stops.

He reiterated a point that Council Member Youd had made: that of discounting the professional study. The Mayor suggested consulting the City Attorney to determine where the liability would lie in replacing the signs; and would it be better "to err on the side of safety"; whatever that may be.

He turned time over to those citizens wishing to express comments and asked that their comments be limited to 2-3 minutes.

David Curtis: His main concern was the safety of the school children on the way to and during their wait at the bus stop.

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Melissa Shuler: (Goosenest & Elk Horn): She brought up the hardship placed on the residents on Elk Horn Drive attempting to get up the street, then turning onto Goosenest Drive safely, in the winter. It is a "blind" intersection.

May Harvey: She stated that in her research, it was clarified that when a study from traffic experts has been provided, it becomes a "recommendation only" and the liability still lies with the City in a Court of Law. Minutes would be researched and conversations like the one being conducted that night would be discovered. She also noted in her findings when any changes in traffic signs are made; that notification should take place two to three months before the changes. She asked the Council to use common sense in their decisions.

(Though a letter of notification to immediate residents did go out; the citizens felt it was not enough time between the letter and the change. They felt they should have had their say prior to the Council decision to make the changes.)

Randy Cloward: (Goosenest Drive) Suggestion to control speed on Goosenest Drive: Speed Tables. Speed tables in the City of Cedar Hills have proven very effective. He could provide pictures of the speed tables to the Council. He continued to express his concern for the safety of the school children. He mentioned a near fatal accident in Eagle Mountain involving a child and a motorist that ran a stop sign.

Lucretia Thayne: She was not sure where "common sense" would lie in Elk Ridge. The City is on a hill and that creates a different situation on many of the roads in the winter...both going uphill and downhill. Even without snow, roads going up steeper hills still require a stop if entering traffic; going downhill creates a problem with sliding into oncoming traffic. She is just as frustrated with the stop sign at Canyon View and Alpine. We live on a hill and have to do the best we can. She pointed out that a number of citizens would favor doing it one way; the other citizens not present at that meeting would favor an entirely different way. She felt coming to a decision needs to be done in an orderly fashion; taking into consideration what is best for the majority of the people.

Carolyn Curtis: (Escalante & Alpine) Her main concern was for the school children waiting for the bus. They do not line up at the stop, they run around. Her fear is one of these children will run into the road and be struck by a speeding car. Suggestion: to look into the locations of the bus stops.

Mayor Shelley: He is aware of this danger at many of the bus stops throughout the city; he would like to see the citizens use more personal integrity when driving these roads.

*The Mayor will look into these locations and visit with the school district.

Brian Smith: He has been a resident on Goosenest Drive for seventeen years and has witnessed high speed traffic. He has come to the Council a number of times concerning this issue. He encouraged more enforcement. The stop signs at least required motorists to slow down. *(Mr. Smith currently lives within County boundaries.)*

Liability: Stop signs have been in place for a long time and there have been no issues.

David Oliver: He wanted to see speed bumps ("tables") put in place on Goosenest Drive. He has seen them be effective in Pleasant Grove and Lindon City, where he works as a law enforcement officer. Speed bumps are more effective than stop signs for controlling speed.

He also expressed concern for the danger to pedestrians along Goosenest Drive; it is a narrow road with no sidewalks. The speed of some drivers is high and hazardous. *(He also noted that on opening day for school, there was a City truck going 50+ mph on Goosenest. The Mayor said he has heard that and would address it with Public Works.)*

He feels that 35 to 40 mph is too fast for that road. A stop sign would be for those living on Elk Horn Drive; speed "bumps" would be for all traffic. Widening the road might be a solution, as well.

He asked that the Council look at the safety issues and make informed decisions.

Randy Cloward: He agreed that speed tables would be a good idea for Goosenest.

Jim Harvey: He wanted to thank Erin Clawson for bringing this issue to the Council Meeting, giving citizens who live along these roads an opportunity to express their concerns. He noted that citizens are always invited to come to the public meetings; but they tend not to, and then actions come as a surprise. He also thanked the Council for agreeing to review the action taken regarding the stop sign removal. Studies are conducted; but the citizens drive the roads every day and are aware of the existing problems. He mentioned that he had spoken to the "expert" that conducted the traffic study; he is a decent fellow...but what are his credentials?

Weston Youd: (Answering the question regarding credentials) He stated that he (the former Planner) is a certified "traffic engineer".

Mr. Harvey continued: He has studied and done research on "Google Earth" on most of southern Utah County. He found that Elk Ridge is unique to the surrounding area regarding the placement of stop signs. Elk Ridge has "fashioned our City to this expert's standards"...he feels this is a mistake.

Jodi Oliver: (Resident of Goosenest) She measured a number of roads in the City and found that Goosenest Drive, even though it is an entrance to the City, is narrower than all the roads she measured. This is dangerous for children and citizens walking on this road. She cannot even walk with her children along the road. Many children have to be driven to school because they have nowhere to walk to their assigned bus stop.

Sherry Moody: She has been is a resident of Goosenest Drive since 1991. When they built their home, the population was about 800 and Goosenest Drive was a graveled road. It is now an inconvenience, for the rest of Elk Ridge "chooses to drive down our road". Since she does not drive most of the roads in Elk Ridge, she should not have a say in what is done with other stop signs. The Council does not live in her neighborhood; and she takes offense that the Council makes decisions that affect the safety of her and her neighbors.

She was also concerned with the safety of the children. She teaches school as a profession and children are her main interest every day. She has cared for and knows the children and people on her street. It is dangerous to have children walking along this street...for any reason. She and her neighbors should not have to live like this...in fear of someone getting hurt.

The information regarding pending changes to the stop signs was not available. Good communication is essential in this kind of decision, utilizing all the resources and media available. If she had known about these decisions prior to them being made; she would have been present at the meeting(s) to voice her concerns. She would be happy to head up a petition. Many more citizens would have been present at the meeting that night; but it was short notice and they are home with children.

She encouraged more enforcement by the Sheriff for speeding violations. When the Sheriff or the speed trailer is not there, people simply do not pay attention. She was in favor of speed "bumps".

1:35:56

Deputy Butters: He asked the Council to give the same consideration to his professional opinion as a law enforcement officer as the traffic study has received. He had advised against the removal of the stop signs; and he stands with his original suggestion; even after the speed studies.

1:36:24

Mayor Shelley turned the time back to the Council for discussion

Speed tables were discussed favorably for the Goosenest area.

Mayor Shelley: Speed is an issue all over the City.

(Sherry Moody commented that there have been huge trucks going 50+ mph. Goosenest has gone from a quiet residential street to a "freeway"; this was not the intention.)

Erin Clawson: There has already been research done on speed tables. She was in favor of the speed tables for another area in the City; but the idea did not pass the Council at that time. She still has the information gathered back then.

Cedar Hills has been very effective in their use of speed tables; they are also a family oriented community. Speed tables can be plowed in the winter...low speeds have to be observed or vehicle damage results...they are attractive and can add to the beauty of the City and even serve as crosswalks.

Randy Cloward: He offered to help with his company's equipment to see this project of speed tables completed.

Mayor Shelley: He wanted to make citizens aware of the installation of speed tables well in advance to prevent any vehicular damage, if possible.

He also pointed out that there are two separate issues: Alpine & Escalante and Goosenest & Elk Horn.

Question: Sherry Moody: If following the study, why was the stop sign at Goosenest and Elk Ridge Drive left in? It is also a "T" intersection.

Deputy Butters: He informed those present that a speed trailer placed on each of the roads showed Elk Ridge Drive had traffic volume of 10,000 cars/week; while Goosenest Drive's traffic volume was about 5,000-6,000 cars/week.

1:41:29

Weston Youd: asked:

1. How much money is available in the road budget?
2. What is the cost of a speed table?
3. Can the City accommodate the cost of the speed tables?

Jan Davis (City Recorder) reported there is a positive cash flow in the General Fund budget.

Erin Clawson clarified that the cost varied with the type and size of speed table used.

Mayor Shelley stated the research completed at the time of Mayor Lutes will be reviewed, costs determined; and the information brought to the next Council meeting.

1:43:53

RECOMMENDATIONS FOR ESCALANTE

Nelson Abbott: Since the traffic expert used seemed to have been discounted; the liability issues on both sides needed to be brought to David Church (City Attorney).

He felt a number of stop signs could be removed and yield signs be installed. The Council should look into both the State's standard recommendations and the information provided to the Council by May Harvey. Standards are useful in creating uniformity in traffic laws, regardless of where a driver may be.

1:45:00

Brian Burke When suggestions were presented in the past regarding yield signs, issues came up regarding liability.

Jan Davis (City Recorder): She asked if, during the review period, the Council could also ask Mr. Church if the City is required to follow state or national standards; or could the City create a standard specific to this particular community.

Weston Youd: He felt that personal opinions and requests would create confusion; that the overall standard needs to be based on state or federal expertise, considering the possible liability involved.

Jan Davis: She recalled a statement made when Shawn Elliott (traffic engineer) presented the recent review of the standard adopted: that one cannot base a standard off of winter months or the seasons. This statement swayed Council to follow the standard and apply it city-wide. She would like to know why the City could not consider the seasonal issues; since they have to be dwelt with.

1:47:36

Erin Clawson: In fairness, she explained that Shawn Elliott does have credentials as a traffic engineer. He also lives in Elk Ridge and has children that ride the bus. His report was not based on any personal agenda. His information was to educate the Council.

Council Member Clawson agreed that the special needs for individual areas of the City should be considered. She favored a standard specific to Elk Ridge, if possible.

1 1:48:33

2
3 Mayor Shelley: He responded to a citizen who wanted to have this handled in a timely manner; he
4 agreed...he did not want these issues to continue unresolved much longer.
5 This citizen also asked if the speed limit could be lowered to 25 mph on Goosenest; as it is in other areas.
6 The Mayor explained the differences in the speed limit; which is based on use (classification) and road
7 width. *(The comment was made that with speed tables, speeds cannot be over 25 mph without vehicle*
8 *damage.)*

9 1:50:40

Carolyn Curtis: She wanted to know what the next move is.

10 1:52:02

11 Nelson Abbott: He suggested that the school district should also be involved along with the City in
12 determining the safety issues. The School District does assign people to visit the City and drive the routes
13 to gather information before each school year starts.

14 Any time a bus stops, that becomes a "bus stop" due to the stop signs on the busses, themselves.

15 He recognized that these issues are not "bus stop issues"; but the District should be involved.

16 1:53:02

Erin Clawson: Suggestion: to change the signs back for now; until final decisions are made.

17 Mayor: Though he would not be opposed to that action, he is not sure this would be best on a temporary
18 basis.

19 **PAUL SQUIRES MOVED TO RETURN THE STOP SIGNS THAT HAD BEEN TAKEN OUT RECENTLY**
20 **BACK TO THEIR ORIGINAL PLACE**

21 *The motion died due to the lack of a second.*

22 *Discussion:*

23 City Recorder (Jan Davis) She commented that to place stop signs and then to remove them again if
24 speed tables are installed, could result in even greater liability. She suggested simply acting quickly on
25 these issues.

26 Mayor Shelley: He reminded the Council that stop signs are not speed control tools; but that speed tables
27 are an effective method which would serve the City better on Goosenest Drive. He felt that if the funds
28 were available, the City should pursue the speed tables.

29 1:57:10

Nelson Abbott: He felt that, with 2 or 3 speed tables on Goosenest, that a yield sign on Elk Horn would be
30 sufficient. The decisions need to be made and avoid re-visiting the issues.

31 **ERIN CLAWSON MOVED TO ADD TWO SPEED TABLES TO GOOSENEST DRIVE; WITH A**
32 **PROPOSED YIELD SIGN ON ELK HORN DRIVE; AND THAT THE COUNCIL REVERSE THE ACTION**
33 **TAKEN TO REMOVE THE STOP SIGNS ON ALPINE DRIVE...REPLACING THEM AND REMOVING**
34 **THE ONE ON ESCALANTE DRIVE**

5 *The motion dies due to lack of a second.*

6
7 *Escalante & Alpine:*

38 **ERIN CLAWSON MOVED, SECOND PAUL SQUIRES, TO REVERSE THE INSTALLATION OF THE**
39 **STOPS SIGN ON ESCLANTE; WITH STOP SIGNS BEING PLACED BACK ON ALPINE DRIVE**

40 **VOTE:** AYE (2) NAY (3) WESTON YOUD, NELSON ABBOTT &
41 BRIAN BURKE

42 *Motion was denied 3-2*

43
44 Nelson Abbott: He explained that until the advice of the City Attorney is sought and the Council is
45 confident of the liability issues; he was not willing to act on reversing the Council decision.

46
47 *Goosenest Drive:*

48 **ERIN CLAWSON MOVED TO INSTALL TWO SPEED TABLES ON GOOSENEST AND CONSIDER A**
49 **YEILD SIGN ON ELK HORN DRIVE;**

50 *Discussion:*

51 Weston Youd: He recommended adding to the motion that the placement or location of the speed table be
52 reviewed by Deputy Butters and Deputy Oliver. He agreed with a comment that the speed tables would
53 have to be strategically placed; particularly with a yield sign on Elk Horn.

54 Randy Cloward: He suggested contacting the County to see if they would assist with the costs; since
55 Goosenest turns into a County road.

56
57 **ERIN CLAWSON AMENDED HER MOTION; ADDING THE FOLLOWING:**
58 **TO REQUEST THAT DEPUTY BUTTERS AND DEPUTY OLIVER HELP WITH THE PROPER**
59 **PLACEMENT OF THE SPEED TABLES**

60 **THE MOTION, AS AMENDED, WAS SECONDED BY WESTON YOUD**

61 **VOTE** AYE (5) NAY (0)

62
63 2:02:00

64 Weston Youd: ULCT (Utah League of Cities & Towns) also has a transportation resource that could be
65 utilized.

66
67 *Suggestion: to take a field trip to Cedar Hills; they are an excellent model for effective use of speed
68 tables.

69 *It was decided that Escalante and Alpine would be back on the agenda at the next Council meeting.
70
71

There were some final comments from the Public: If the Council voted against the replacement of the signs on Alpine due to liability issues; what about the liability of an injured child?
Deputy Butters commented that, from the standpoint of liability, the City might be better off with the signs as they have been for a number of years rather than as they have been for a short time.

Weston Youd: He disagreed. The study had shown that the signs should be as they were changed to recently; the City went against the study when an exception was made.

*Mayor Shelley: Understanding all of the various positions; he would seek the counsel of the City Attorney and would bring that advice back to the Council at the next Meeting.

Erin Clawson: She would also like to get a traffic expert from the ULCT to come to Elk Ridge and give some recommendations.

2:05:08

Nelson Abbott: He felt that he deserved respect as much as the citizens deserve respect. He would like to have representation from residents with differing opinions. He wanted to hear from citizens and he invited any to contact him outside a meeting.

Carolyn Curtis: She commented that she did not feel that Council Member Abbott was really listening to their feelings. (Council Member Abbott expressed his sorrow that she felt like that; he is open to being contacted.)

May Harvey: Meanwhile, the children are in danger every day.

Nelson Abbott: A certain amount of responsibility must be on the part of the citizens, as well.

Mayor Shelley declared that unless there was another motion regarding Escalante and Alpine; he was going to move forward. The feelings, issues, and passion regarding the stop signs were understood.

ERIN CLAWSON MOVED, SECOND PAUL SQUIRES, BASED ON DEPUTY BUTTERS RECOMMENDATION, THAT UNTIL THIS ISSUE CAN BE DECIDED, THAT THE CITY PUT THE STOP SIGNS ON ESCALANTE AND APINE BACK THE WAY THEY WERE; AND ERR ON THE SIDE OF SAFETY

VOTE:

AYE (2)

NAY (3) WESTON YOUNG, NELSON ABBOTT & BRIAN BURKE

Motion denied 3-2

*The Mayor said the Council would get as much information as possible as quickly as they could; and would bring that back to the next meeting for an appropriate decision.
He thanked all those present at the meeting for expressing their concerns.

2:08:46

E. SALEM HILLS DRIVE

Mayor Shelley: The easement in front of the Cindi Ellis' home on East Salem Hills Drive is extra wide due to the road having a 66' right-of-way and the pavement being situated incorrectly. There is a question as to the maintenance of that right-of-way.

Mrs. Ellis has been bringing this topic up since she served on the Council years ago. Salem Hills Drive was designed to be a "collector class" road...eventually connecting Canyon View and W. Salem Hills. It would not solve the problem to re-classify just E. Salem Hills Drive. The road needs to be widened and straightened out.

Mrs. Ellis's concerns were to be addressed by the Planning Commission two days from then; was this appropriate? Since there is no zoning or road re-classification, perhaps this item should be removed from the Planning Commission agenda.

2:20:35

Discussion continued about the condition of East Salem Hills Drive and what alternatives could be considered. Mrs. Ellis wanted to have the solution to this road be placed on a 5-year Capital Projects Plan; and money saved to solve these long-standing problems.

Nelson Abbott: He was not sure how the road got the way it is; but there are problems all along that road. The only place the road is where it belongs is right in front of Council Member Abbott's house.

The alignment is all off, there are weeds to be addressed and SESD is currently replacing boxes.

Erin Clawson: She wondered if any solutions had ever been suggested for this road.

Mayor: He brought up the trail; which will extend across E. Salem Hills Drive.

2:20:35

Discussion continued about the condition of East Salem Hills Drive and what alternatives could be implemented.

Dale Bigler: Grading the edges of the roads would give a finished look. Road base is inexpensive. He feels talking to the neighboring citizens about cleaning up the edges would be in order. Good communication with the residents on that street is important.

Erin Clawson: Now would be a good time to make the required changes.

Nelson Abbott: Curb & Gutter has been favorably seen in the past; the decision to move forward may include curbing.

Recommendation: To contact each property owner on both sides of the road and see what options they would like to see happen.

Mayor Shelley: It was decided that the Planning Commission need not address these concerns at that time. Any decision regarding widening, trails or curb & gutter are all Council decisions.

Nelson Abbott: There are other ways to protect the edges of the road rather than curbing...like a "V" ditch along the sides.

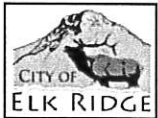
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Council Member Clawson recalled that Weston Youd had pointed out at a previous meeting that it is time to start updating the General Plan; solutions to E. Salem Hills Drive could be included in this update. That direction should come from the Council to the Planning Commission.

NONE

ADJOURNMENT

Deputy City Recorder / City Recorder



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

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

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 10, 2013, at 7:00 PM;** which will be preceded by a **City Council Work Session at 6:00 PM.** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

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

1. Traffic Signs - Discussion
2. Storm Drain System - Goosenest Drive / Discussion - Mayor Shelley
3. Wayne Miller Plat - Discussion of Approval
4. Fall Concert - Erin Clawson

7:00 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance - Invitation
Approval/Agenda Time Frame
- 7:05 Public Forum
- 7:15 5. Traffic Signs
- 7:25 6. Water Right Allocation - Elk Ridge Meadows PUD, Phase 5 - Dean Ingram
- 7:30 7. Water Right Allocation - Wayne Miller Lot (Kyle Houghton)
- 7:35 8. Wayne Miller - One Lot Subdivision - Preliminary & Final Plat Approvals
- 7:50 9. Fall Concert / Any Action Required
- 7:55 10. City Council Minutes: August 13, 2013
- 8:00 11. Expenditures:
 General:
 A. Check Registers for June, July & August, 2013
- 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 6th day of September, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on September 6, 2013.

City Recorder

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ELK RIDGE
CITY COUNCIL MEETING
September 10, 2013

TIME & PLACE
OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, September 10, 2013, at 7:00 PM; this meeting was preceded by a City Council Work Session at 6:00 PM.

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

Notice of the time, place and Agenda of these Meetings, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 6, 2013.

6:00 PM -

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council*: Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; *Planner*: Shay Stark (Aqua Engineering); *Public*: Lucretia Thayne, Sharon Hardy, Kyle Houghton, Jim Chase, Melissa & Brad Shuler, Gerry Whiting, Jim & Matt Harvey, Angelia & Dallan Olson, Sandra Burke, Dale Bigler & Ann Brough; & the *City Recorder*: Janice H. Davis

TRAFFIC SIGNS -
DISCUSSION

Mayor Shelley: This item was brought back to the Council agenda from the previous meeting. At the last meeting, there had been a 3-2 vote against changing the stop signs back right away; until the City Attorney had been contacted regarding liability issues. The Mayor contacted David Church on 9-11-2013. Mr. Church did not come to the City to actually view the intersections; but he does have an understanding of the basic concept of traffic flow. The Mayor explained the issues, including actions already taken and the desires of some of the citizens that had come to express their opinions. The 2008 Traffic Study was also explained to Mr. Church. He asked what liability the City could face, relative to the issues at hand. Mr. Church's response: The greatest liability issue the City might face would be...if there was a professional study done...and the City does not follow the study.

Discussion:

Nelson Abbott: He had a copy of an email from Shawn Eliot (former Planner and Traffic Engineer). Council Member Abbott had asked Mr. Eliot about a yield sign replacing the stop sign on Escalante Drive. Mr. Eliot's recommendation: Due to trees and visibility issues, he recommended not replacing the stop sign with a yield sign. Fences might have to be moved and trees trimmed up to make the line of sight clear. Mr. Eliot's children are assigned to the bus stop at Escalante and Alpine; he was not concerned about the safety aspect of the current placement of signs.

He also asked about other intersections with stop signs; Mr. Eliot did not address those.

- Council Member Abbott did drive past the intersection (Alpine & Escalante) one morning as children were waiting for the school bus; and he noted that drivers are forced to stop at Escalante as opposed to previously being able to drive through the bus stop when the stop sign was on Alpine (the bus stop is on Escalante in front of Curtis' driveway).

- He spoke to his children's bus driver about the policy the drivers follow if children are not lined up at the designated bus stop, where they should be. She told him that the drivers are instructed by Nebo School District to let the children know that if they are not where they should be when the bus pulls up, then the children should be directed to obey the rules.

00:05:04

Brief discussion of line of sight, as addressed by Mr. Eliot.

Council Member Abbott has thought about the issues for two weeks; more information was brought forward; the Attorney's advice was sought and given in support of adhering to the adopted standard...all things considered, he saw no reason to change the decision regarding placement of the stop sign at this point in time. Perhaps the test of the intersection should be over the winter months.

He added that Escalante was re-engineered when the road was installed recently and the inclines are not as steep as they once were. It is on the bus route, so the plows are required to clean the routes first.

00:06:20

Mayor Shelley: The Mayor asked for any other discussion regarding this particular intersection.

Brian Burke: He clarified that the primary issue is safety in going uphill, rather than convenience. The stop sign gives a greater level of safety at the top of the hill.

(Mayor: He agreed that this is what the Traffic Study would indicate; particularly when coming to a "T", the common thought is that one would stop prior to proceeding through the intersection.)

Weston Youd: With a yield sign; one asks the question, "Who are you yielding to?"

Nelson Abbott: Mr. Eliot addressed this in explaining why yield signs are not used as much in this type of setting...because does one yield to the right or to the left?

City Recorder: She asked about the other exceptions to the Study that had been allowed? The Study was re-affirmed by the Council, with some exceptions granted.

00:07:47

Erin Clawson: Would a traffic study for a hillside be different than a community in the Valley, where it is flatter? There are specific needs in a hillside community.

Nelson Abbott: He noted possible difficulties: Examples:

- Uphill roads feeding into Park Drive that have stop signs deal with steeper grades on the north side of Park Drive; those would have to be addressed.

- Elk Ridge Drive & Goosenest: Cars are off to the side on the curve during winter.

The Uniform Traffic Code is in place so that non-residents can know what to expect in Elk Ridge or any other community. (Council Member Clawson did not feel Elk Ridge fits into that uniformity.)

00:09:12

Weston Youd: Hillside control comes through a road plan rather than through signage. Examples:
 - Road grades & slopes
 - Cuts & fill

The grades / slopes for intersections must be appropriate for hillside communities. The consideration of the hillside comes in the road design; not in a signage plan.

00:09:53

Erin Clawson: Though that makes sense, there are existing issues that are still not addressed. She favors leaving the exceptions to the Standard in place because they are there for specific purposes.

Mayor: He noted one of the exceptions: Canyon View & Alpine (According to the Standard, there should not be a stop sign on Canyon View.)

Recorder: Good planning can help in the future; but there are some roads that are steeper than they should be and must be dealt with.

Erin Clawson: Canyon View is also a "freeway"; perhaps speed tables would be an appropriate solution on that road.

Nelson Abbott: He agreed that speed tables might be a good idea for Canyon View. He added that the HR-1 code does address the slopes and approach distances at intersections; which was included to avoid these issues. This was a challenge for the Elk Haven Development (south of the City); which ended up not being finalized as a subdivision.

Erin Clawson: Every winter there are traffic problems with not being able to get up the roads (heading south).

Weston Youd: Traffic calming devices meant to control speed should not include stop signs; there are different tools available.

00:12:44 (Rec A)

Nelson Abbott: He listed some traffic calming tools:

- Striping the road
- Planting trees along the side of roads
- Speed tables

00:12:22 (Rec B)

Brian Burke: He wanted to discuss the visit to Cedar Hills: He, the Mayor & Cody Black went to Cedar Hills that afternoon to see their traffic calming devices. They met their Public Works Director to question him on the effectiveness of these devices.

Mayor:

They viewed:

- Speed tables of various sizes and heights; designed for various speeds. (Council Member Burke recalled one of the speed tables they saw that was on a steep hill and it narrowed the road.)

Concrete barriers were used to narrow the road in that spot; but the Public Works Director said some people had actually slid into those barriers because of the incline.

This kind of device would have to be carefully weighed before used.

- Roundabouts of various sizes were used throughout the community; they are very effective at slowing traffic. These would not fit the situations being considered in Elk Ridge presently.

- The speed limit in the center of residential areas was 25 mph; while collectors were posted at 30 mph and 35 mph.

The Mayor drove over the speed tables at the speed limit with no problems; but when the speed is exceeded even slightly (perhaps 35 mph), there was quite an impact. They are designed to slow traffic down. His concern is what would happen regarding vehicle damage until everyone gets used to the tables being in place. A driver would lose control on a speed table at a speed of 40 mph...or the likelihood would be greatly increased. The Public Works Director was asked about liabilities incurred...he responded that all they had to do was to drive over the speed table in question at the recommended speed and the City was fine...but if the speed limit were exceeded, and then the liability transfers to the driver.

- The speed tables they saw ranged from 12' to 14' in length...some a bit longer...over both lanes of the road. There is also a graduated line approaching the table. In some areas there were signs warning "speed bump ahead"...or "slow down"; they were, however, recommending taking these signs out.

Costs need to be reviewed: the Mayor provided some estimates provided by Aqua Engineering; which tend to be high.

00:18:53

Brian Burke: Another device Cedar Hills uses is drainage gutters across the road (dip). They drove over dips and found that the speed tables were more effective.

Mayor: Review of the estimates from Aqua:

There were three separate estimates:

1. (20-25 mph - Concrete Speed "Hump")

The quantity was listed as 4 to allow for both sides of the road for two complete tables.

Cost: \$28,860

2. (25-30 mph - Concrete Table)

Quantity: 4

Cost: \$38,354

3. (20-25 mph - Asphalt Table) these do not hold up as well as concrete.

Quantity: 4

Cost: \$17,160

The tables vary in length; but are about 24' wide; this is a problem since Goosenest Drive is only 21' to 22' wide. The tables may have to be designed down to size.

The City needs to address widening the road. (There was a comment from the public that was a negative response to this idea.) The Mayor explained that there had been many complaints at the previous Council meeting regarding Goosenest being too narrow.

(Mayor continued) The local residents want to be able to walk along the road without fearing the traffic. If the road were widened, the Mayor's recommendation would be to widen the road with a walking path striped in; as opposed to just widening the road and adding more asphalt...this would create more of a safety opportunity for those citizens.

00:22:27 (Rec B)

Erin Clawson: Her point was that if one is driving 25 mph, it is safe; regardless of the road being narrow. Nelson Abbott: He assumed, with the exception of the winter when the snow gets piled up along the sides of the road, that one could walk on the south side on the gravel shoulder that exists. He felt that the issue was in the winter...when the road narrows from snow.

Mayor: He suggested meeting with the Goosenest residents to find a positive solution that makes sense; keeping safety as the focus.

Sharon Hardy: She commented that she has walked and run that road for years and she has always had room to do so; the only time it is difficult is in the winter.

Mayor: He was referring to the comments expressed at the previous Council meeting that the residents did not feel safe walking down the road; particularly with children and a stroller.

Mrs. Hardy: Her opposition to widening the road is that then traffic tends to go even faster.

Weston Youd: He reminded her that there would be speed bumps installed. That road is a main collector and should have more width to it.

Mrs. Hardy: She agreed that, likely, speed bumps "would be okay". She wanted to know if that action is assured. (The Mayor assured her that the speed table had been approved; they were still reviewing costs and design.)

00:24:24 (Rec B)

Erin Clawson: Randy Cloward had been contacted to see if he could get bids for the tables, as well.

Mayor: Jeff (Public Works Director in Cedar Hills) was asked the name of their supplier; and he gave the Mayor the contact information; they had served their community well. He guessed about \$6,000 each for each of the tables. The Council needs to have some good estimates to choose from and make sure the City gets what best fits the needs of a particular area.

Two tables have been approved; is that sufficient, or are more needed? There is no question that this action will cause some resistance; so he encouraged gathering as much good information as possible before action is taken.

00:26:35 (Rec B)

Erin Clawson: The Council has already committed to the speed tables on Goosenest; it was a unanimous vote. Any negativity will come from people driving that route.

Nelson Abbott: He believes that the "push back" would come if a speed table were installed that was not designed for the posted speed (30 mph). If a speed table is installed that requires a lower speed; then he suggested lowering the speed well before the tables are installed.

Mayor: The design and placement location must be appropriate...perhaps on either side of Elk Horn Drive.

Discussion of the time frame involved.

Nelson Abbott: If asphalt is involved for widening the road, it would have to be done before the temperature gets below 50°.

Mayor: He explained that the asphalt will have to be cut for the tables; but the tables are of concrete. He deferred action until the regular session of the meeting; but, he imagined the project would have to be complete by the end of October. Concrete can be poured in the winter. He asked if there would be value in getting the Goosenest neighborhood together to talk about the possibility of widening the road and putting in a walking trail. (He directed the question toward Melissa Shuler.)

Mrs. Shuler commented that the neighbors should be involved in the decisions.

Sharon Hardy: Widening the road for a place to walk is different than widening the driving space; she felt that "would be great".

00:30:55

Erin Clawson: She questioned if the proposed widening and trail is in the General Plan. (It is not)

Nelson Abbott: He suggested opening up the decision to all of the citizens; not just the residents on Goosenest.

Lucretia Thayne: As a main road leading into the City, it is everybody's road that lives in Elk Ridge; which is what Council Member Abbott had mentioned. What happens with emergency vehicles going over the speed tables?

Mayor: He used to drive in emergency vehicles for about 6 years; and those vehicles are subject to the same hazards of driving on snowy roads and they are also subject to the same laws. They will have to drive safely, as they already do.

Nelson Abbott: Chief Waite has told everyone in the Department: When driving one of the emergency vehicles, he directed them not to speed anywhere in the City; "That 15 or 20 seconds saved, isn't going to make a big difference if going to a fire...or an EMS call". The Chief's vehicle is not going to beat the equipment getting to an emergency. The speed limits have to be obeyed in order to properly navigate the turns with the City. The Chief would rather that the trucks are driven with safety in mind than create a secondary incident.

00:33:05

Brian Burke: He added that rushing someone to the hospital is different and a different route could be taken...north on Elk Ridge Drive to the Highway.

Mayor: He asked about noticing requirements for another public meeting to make these decisions.

(24 hour notice for a public meeting) The bigger issue would be informing the residents.

Recorder: She pointed out that input from other parts of town will be from the perspective of those driving through that area; not living there...as with the previous petition by some of the citizens, many just do not want to be impeded. It is a 66' right-of-way; the City is not planning on changing that. Is there a need for the rest of the citizens' permission to widen a road, if it is within the right-of-way?

When Escalante was straightened out and curbing installed, only the local residents were consulted. Road repairs, as done every year, are for the benefits of all of the citizens.
(Comment: unknown...Park Drive was widened and a walk way striped in; that benefits many.)

00:35:27
STORM DRAIN
SYSTEM

Mayor: Sharon Hardy and the Mayor talked about this matter about 4 or 5 months ago; then he received another email recently regarding storm drain on Goosenest.

(There were questions as to the reason why the residents on Goosenest are required to pay storm the storm drain fee on their utility bills...the understanding has been that storm drainage in the City does not affect them.)

Mayor Shelley explained that he prefers to think of all of Elk Ridge as a municipality. He does not have any storm drain on his street...there is nothing on Canyon View Drive. When the question was brought up regarding no storm drain located in the Goosenest area, the Recorder recalled that a sump had been installed many years ago to handle the pooling affect of the run-off on the south side of the road toward the Osborn home. He and Cody Black went to check it out; and there is one there. When the Mayor went to check it, the sump was empty; however, with the last big storm, it filled up...and did it help to alleviate some of the pooling of the run-off. The Public Works employees went down to clean out that sump and to paint it orange.

The concept he wants people to understand is that, as a City, there may not be things that impact us directly; but there still needs to be a willingness to assist with the needs of the Community.

Example: The Mayor has been concerned with the water supply in the Goosenest water system. He has asked a couple of the residents on that system about the situation. If there are issues with insufficient water, they are still part of the City...and he thought of a possible "tie-in" to the City's water system, in case of emergency.

He hopes people realize that the Mayor wants to represent the whole City the best way possible. It was surprising to him after taking office how many "pockets" of problems and needs there are to be addressed. He went on to explain the reason why the Storm Drain fees were increased from \$3.00/month to \$6.50/month: When sumps are installed to try to control the trouble spots, it costs about \$20,000 to \$24,000. As the operating needs increase so must the ability to pay for these services. Infrastructure depreciates just like a new car leaving the car lot...it needs replacement and upgrades. The Storm Drain Fund was operating at an increasing deficit every year. To get out of this situation, it was recommended to increase the rates in order to balance the budget. The rate will allow operating maintenance, but will also allow the City to save and budget toward more sumps to control the still existing problem areas throughout the City.

(Sharon Hardy: She asked about owing \$10,000; which was why the rates were increased by \$3.50/month. She wanted to know that once that \$10,000 is balanced, will the fee decrease.)

00:41:25

The Mayor continued: He added that the budget for the Storm Drain Fund was "going into the hole" due to depreciation. It is always the hope that fees can be lowered; but it just does not work out like that.

Perhaps more residents moving in can help off-set the expenses.

Weston Youd: Council Member Youd further explained that the depreciation costs also increase.

Mrs. Hardy: Though she understands the financial side of the budget, she still feels it unfair for her to have to pay for something from which she gains no benefit. She also feels that the residents in the Goosenest area are, as she described it, the "orphans down there". "People think they can drive through our roads as fast as they want"...she was glad the Council was addressing this issue. She feels as if their taxes are collected and they are ignored...she cited as an example last winter..."the roads were not plowed as good as when Wayne Frandsen was doing it". She appreciates the speed bumps and that the Council seems to be paying a little attention to them, since they pay a lot of taxes too.

Mayor Shelley: He expressed his appreciation for bringing these issues to the Council's attention so they can be addressed. If the roads need to be plowed better, he will talk to Public Works about it.

The Mayor said that he is concerned about all of the City; including where she lives, as well as the newer areas that are coming in.

Mrs. Hardy: She commented that he seems to care; "but in the past ..." She felt that she had said what she needed to and thought she would leave. She appreciated the comments and they will look forward to the speed bumps. Though she is not in favor of the storm drain fee; she will likely pay it.

(The Mayor responded that he gets to pay it as well.)

00:43:41

WAYNE MILLER PLAT –
DISCUSSION

Seeking Preliminary & Final Plat Approval:

Shay Stark: This one-lot subdivision (1.4 acres) is located at the intersection of S. Hillside Drive and Lakeview Drive. It is owned by Kyle Houghton; Wayne Miller was the former owner that began the development process. Originally, the parcel was divided illegally from a larger one. Because of this division, it cannot be considered a legal lot of record. The subdivision process was necessary.

Mr. Miller was trying to develop the land for his daughter; but it became too much and he sold the land. The lot lies in the HR-1 Zone and is subject to the hillside regulations.

This is a difficult corner for drainage and flooding; it is a natural drainage area.

The Hillside Residential Zone is there for a purpose; it is in place due to steep slopes and environmentally sensitive areas. There are many considerations associated with development.

All the physical parameters of the lot meet the requirements. There has been a lot of environmental work done on this lot:

00:47:32

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- A geotechnical study (looking at any potential hazards...none were found).
 - Slope analysis (Mr. Stark used power point to demonstrate his description): He showed that the 20% & 30% slopes existing on the lot...no building is to take place on 30% slope...even between 20% & 30%; building is to be very limited.
- All of these things were taken into consideration. One of the issues that came up during the public hearing at the Planning Commission was the drainage: Basically, Federal law, which carries down through State law, into local law...requires on an existing piece of property (if there is a water way or drainage that passes through the area) then the lot must handle it so that it is allowed to continue its path. Each development must deal with any drainage created by the development.
- It was determined that there would be nothing this developer could do to solve the existing flooding problems on the corner of E. Salem Hills and Hillside Drive. He does need to maintain the drainage that is close to the pavement...that is all he would be required to do.
- Mr. Houghton was requesting a 30 ft. setback (regularly a 50' setback in HR-1 Zone); but there is an exception allowed of down to 20' on a front setback...if the hillside would be protected by that action. This is what Mr. Houghton proposes...the 30' must be maintained from the centerline of a stream or drainage. The Planning Commission felt his request still complies with the code and they agreed.
 - All of the utility issues have been dealt with.
 - It generally complies with the Elk Ridge City code and it is felt that the proposed development serves the purpose of the HR-1 Zone.

00:51:12

Comments:

Brian Burke: He mentioned cuts in the past that left the hillside scarred; that scenario must be avoided.

Weston Youd: The cut performed by R.L. Yergensen (the one referred to by Council Member Burke), preceded the HR-1 Zone; in fact, was part of the reason this Zone was put in place.

Mr. Stark: The cuts and fills meet the regulations of the code.

Mr. Houghton: Currently, he lives by that scarred hill created in the past; he does not, nor will he create the same negative impact. There will be a small retaining wall; but he will live there and does not wish to create another "scar".

Action was scheduled for the Regular Session that night.

00:52:58

FALL CONCERT

Erin Clawson: She discovered that the date reserved for the first Fall Concert in the Park (9-28-2013) is the same date as the General Relief Society Broadcast in conjunction with the semi-annual General Conference for the LDS Church.

After consideration of the time of year and pending weather; it was decided that it may be better to postpone the Concert until the spring.

Nelson Abbott: He reported that SESD is willing to donate money toward the event as well (\$500).

Erin Clawson: She recommended that the sound system should still be purchased since it could be used for Council meetings, City Celebration and other events. She is still willing to help plan for a concert and prepare for it.

(Council Member Squires would still like to talk to Cody Black about the government surplus program.)

She understood that liability for the City does not need to be a problem; as long as the concerts stay on the small, local level.

ELK RIDGE
CITY COUNCIL MEETING
September 10, 2013

TIME & PLACE

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 10, 2013, at 7:00 PM;** this meeting was preceded by **a City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of these Meetings, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 6, 2013.

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; *Planner:* Shay Stark (Aqua Engineering); *Public:* Lucretia Thayne, Kyle Houghton, Jim Chase, Melissa & Brad Shuler, Gerry Whiting, Jim & Matt Harvey, Angelia & Dallan Olson, Sandra Burke, Dale Bigler & Ann Brough; & the *City Recorder:* Janice H. Davis

OPENING REMARKS
AND PLEDGE OF
ALLEGIANCE

An invocation was offered by Paul Squires; and Erin Clawson led those present in the Pledge of Allegiance, for those who wished to participate.

AGENDA TIME
FRAME

The Meeting started on time.

00:58:31

PUBLIC FORM:

Paul Squires: (As a citizen)

1. City House on City property: What is the status regarding the salvage project.

The Mayor said that the notice was supposed to be posted; but had not been. After it is posted, he will let Council Member Squires know.

2. Standardize grasses to re-establish open spaces:

He has sent out his analysis of the grasses that would be best for this area. He would like that brought forward to a vote.

3. He wanted to let the Council know that he has an appointment with the US Dept. of the Interior to discuss the grant for CUP Project completion. He wants to find out what would have to be done to secure some of that money for infrastructure in Elk Ridge.

Question from Public:(Unknown): She wanted to know if Council Member Squires referred to irrigation water when he spoke of the "CUP Project". She also wanted to know what had held up the program.

1:03:41

Paul Squires: He explained that it is irrigation water and he intends on find out the details when he meets with them.Mayor Shelley: He and Council Member Squires had met with the Central Utah Conservancy District, who works in conjunction with the Central Utah Project; and their best guess was that it might be 12 to 15 or even 20 years before that water could come to Elk Ridge. The current U.S. Administration has taken the funds that were allocated to this Project and have used it on administrative and maintenance costs. Perhaps Council Member Squires will find out additional information when he meets with them.Weston Youd: There would have to be holding ponds designed. The water would need to be pumped from the canal & Loafer Canyon Road up to Elk Ridge.Paul Squires: It might be more advantageous to go with Strawberry Water Users to obtain grants from the Federal Government. There would have to be some water share "swaps" with Payson.Mayor Shelley: He had heard that if the Highline Canal is enclosed; that process could take about 5 years; but then it would be a matter of having the infrastructure money to bring water to Elk Ridge from Highline Canal. The natural pressure may assist with pumping needs.

The soonest estimate could be 5 or 6 years in the future.

Weston Youd: He recognized Council Member Squires' effort in following up on this long term project and for trying to keep Elk Ridge in the "loop".

1:08:51

Dale Bigler: He complimented the recent road work on Elk Ridge Drive and Park Drive; including the seal coat over the chip & seal; along with the striping. It looks good; he added that it would be nice to put the logo along the trails.Erin Clawson: The logos are planned; and they are to eventually connect city-wide.

1:09:36

TRAFFIC SIGNS

Mayor Shelley: The Mayor reviewed briefly some of the Work Session discussion for the Council Members that arrived after. He included the advice from David Church: that the least amount of liability would be if the Council follows the professional study.

The Mayor asked for Council comments.

Lucretia Thayne (Public Comment): She has been listening to the recordings of the Public Meetings; including the discussion on May 14, 2013, when traffic signs and the study were discussed. She began by complimenting the Council on the rational, logical discussion that they had. It seemed to her, based on the study and the other information; that the decisions were logical and rational. Any action taken will impact citizens in ways they are either for or against. She was reminded of some things as she listened.

At times, she would be expecting to stop at the cross point of the "T" intersection (south end of Escalante) and had to remind herself that the stop sign was on Alpine. To her, it was not logical placement as it was.

Mayor: After thanking Mrs. Thayne for her comments, the Mayor turned back to the Council for their comments:*The Council had nothing to add at this time and Mr. Jim Harvey asked to speak.*Jim Harvey (Public comment): He asked for documentation of the credentials of the professional who headed up the study.Erin Clawson: She replied that he (former Planner) is credentialed.Weston Youd: That credentialing was required prior to the study being conducted. It was not only the City's former Planner, Shawn Eliot that provided the study; it was also backed by Mountainland Association of Governments (MAG).

1:12:17

Nelson Abbott: One of the reasons the City is affiliated with MAG is that they have facilities and expertise that the City has access to as members.Paul Squires: There are also the recommendations from Deputy Butters, who represents Utah County. His opinion was in conflict with parts of the study.Mr. Harvey: Regarding the liability issue...he added that he felt the Council was doing their duty to consider it...but, is this the only consideration? What about the concerns of the neighbors; the local residents? What about the safety record of years of having the signs in place?Nelson Abbott: He responded that the majority of the time, the signs had been as they are now; prior to Alpine continuing west to Mahogany. He felt that the Council really has to look at the issues based on when that intersection became a "T".

He has mentioned that he has given this matter a great deal of additional thought. Now that there is a stop sign; people actually have to stop in front of where the bus stop is...before, they did not have to; from that standpoint, he feels it is actually safer for the kids at that bus stop.

1 1:14:06

Council Member Abbott continued: He noticed that the children are staying out of the road more than they have in the past; for whatever reason...whether from parents' counsel or bus drivers directing their children to stay out of the street.

Jim Harvey: He did not think the Curtis' would agree that it seems safer now. He is concerned that the Council is following a study that he feels is a "farce"...and neighbors' opinions and concerns are being overlooked...they are ones that pay the taxes. He felt that a vote from those local residents would be overwhelmingly in favor of the restoration of the stop signs.

10 1:15:34

Mayor: Though he did not disagree with Mr. Harvey's suggestion; he also felt that the Council has to consider the standard, as it applies to other areas in the City, as well. Speeding on Gooseneck is a problem they are trying to address in a different way (speed tables). There are multiple concerns and opinions and the Council is trying the best they can to identify them, address them and make the City as safe as they can. As he has been able to gather, the biggest safety issues are on snow days. Though the winters cannot be ignored, the whole picture needs to be considered.

Mr. Harvey: He feels if it is a "close call with liability, they are going to err on the side of this 4 year old study from this individual that lives around the corner...if it is a close call..." he feels that the concerns of the neighbors should be heavily weighted.

He believes the Council is trying to do the best they can; but the likelihood is high that some future Council will change things again. The opinions of the local residents should be seriously considered now and in the future.

22 1:18:55

Nelson Abbott: He advised that the legal counsel from the City attorney has to be followed, since it will be him that has to defend the City regarding responsibility or liability.

Erin Clawson: She added that there are two professional opinions: the legal Counsel and Shawn Eliot (& MAG) and that of the Deputy Sheriff.

Brian Burke: About 3 or 4 months ago Council Member Burke rode around the City with Deputy Butters. He recalls very distinctly what Deputy Butters' opinion was. Council Member Burke was leaning toward yield signs in several locations, including Escalante and Alpine. He felt that if the City were to do something, it should be stop signs that should be addressed. He asked Deputy Butters what he thought about changing the signs at Alpine & Escalante. Deputy Butters said he had no problem with changing the signs at Alpine & Escalante; He said he had a problem with the signs on Gooseneck Drive...this conflicts with his statements made the previous week.

Mayor: It is a hard decision. The information was before the Council and that decision needed to be made. He asked for the recommendation of the Council.

5 1:21:35

Brian Burke: He suggested postponing a decision on Alpine and Escalante until they observe what happens this winter. If it becomes obvious that the intersection is hazardous, then the Council will have to act on that; but he would like to see if it works the way it is through the winter snow. He just does not want to go back and forth without good reason to do so. He felt the Council was divided on the issues.

(The Mayor asked for a formal motion or proposal.)

BRIAN BURKE PROPOSED THAT THE COUNCIL RE-EXAMINE THE "T" INTERSECTION AT ESCALANTE DRIVE AND ALPINE DRIVE UNTIL AFTER THEY (THE COUNCIL) HAS AT LEAST SEEN THE RESULTS OF THE FIRST SNOW...AND THEN DETERMINE IF CHANGE IS NECESSARY

Comments:

Sandra Burke: The intersection that they have trouble at is the other stop sign at Hillside and Mahogany. The Mayor declared that the matter would be postponed unless there was an opposing motion...there was none. The proposal stood.

48 1:24:03

49 WATER RIGHT
50 ALLOCATION S:

1. Elk Ridge Meadows PUD, Phase 5:

13.810 acre feet of water right were needed to fulfill the water right requirement for development.

Tony Fuller (Water Right Consultant) assures the City that there is sufficient water right available in the City-owned rights to allocate this amount to Mr. Ingram's development. Mr. Ingram was on the agenda for Planning Commission that week for Final Plat approval and needed this allocation prior to that approval recommendation.

Council Member Abbott questioned the price of \$4,500/acre ft. It has been in place for some time; would it be advisable to review that price.

Recorder: She explained that the price is based on the negotiated price from SUVMWA. Council Member Squires checked fairly recently with SUVMWA and they said the water rights would still be available for purchase at the same rate. Though current market values are less; they are not less from SUVMWA...they feel that the price includes the convenience of purchasing already-transferred rights to the City.

There was a brief explanation of where Phase 5 would be located.

**WESTON YOUNG MOVED, SECONDED BY NELSON ABBOTT, TO ALLOCATE 13.810 ACRE FEET OF THE CITY'S WATER RIGHTS TO ELK RIDGE MEADOWS PUD, PHASE 5; AT \$4,500 / ACRE FOOT
VOTE: YES (5) NO (0)**

5 1:29:55

7 SPEED TABLES
68 (RE-VISIT
69 TRAFFIC SIGNS)

The Mayor wanted to return to traffic signs and to address speed tables; they have been approved, but the Council needed to decide when they will be installed.

Nelson Abbott: The information from Cedar Hills was that they would cost about \$6,000 each.

Erin Clawson: She was concerned that there would be delays in ordering the tables and getting the location. She felt they should try to get on a time table. In the meantime bids can be collected and it could be determined where the best location for the tables would be. Who will decide the location? Would Shawn Eliot be willing to assist with this? (*Nelson Abbott responded that he said he would be willing to help.*)

Discussion of costs:

It was decided that the cost could be approved using the estimates from Aqua Engineering as the basis, though they are high. The bids would likely come in lower; but the motion could approve "up to" an amount.

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE UP TO \$40,000 FOR THE INSTALLATION OF THE SPEED TABLES ALREADY APPROVED IN THE PREVIOUS COUNCIL MEETING

VOTE (POLL): PAUL SQUIRES-AYE, ERIN CLAWSON-AYE, WESTON YOUNG-AYE, NELSON ABBOTT-AYE & BRIAN BURKE-AYE (5) NAY (0)

Passed 5-0

WESTON YOUNG RESTATED HIS MOTION, SECONDED BY ERIN CLAWSON, TO APPROVE UP TO \$40,000 FOR THE INSTALLATION OF THE SPEED TABLES ALREADY APPROVED IN THE PREVIOUS CITY COUNCIL MEETING; AWARDED THE BID TO THE HIGHEST QUALITY / LOWEST BID...LEAVING THAT DETERMINATION TO THE CITY'S PUBLIC WORKS DIRECTOR

VOTE (POLL): PAUL SQUIRES-AYE, ERIN CLAWSON-AYE, WESTON YOUNG-AYE, NELSON ABBOTT-AYE & BRIAN BURKE-AYE (5) NAY (0)

Passed 5-0

1:35:16

Comment/question: Melissa Shuler: She offered to get Gooseneck neighbors together to discuss widening the road with a walking trail. The Mayor said he appreciated her offer and said for her to arrange a date and time and he and the Public works Director will be there.

1:37:21

WATER RIGHTS
ALLOCATION

1. Wayne Miller one-lot Subdivision (Kyle Houghton):

2.05 acre feet of water right was needed for this lot; prior to Final Plat approval.

NELSON ABBOTT MOVED, SECONDED BY NELSON ABBOTT, TO ALLOCATE 2.05 ACRE FEET OF ELK RIDGE WATER RIGHT TO THE WAYNE MILLER ONE-LOT SUBDIVISION

VOTE: YES (5) NO (0)

1:39:15

WAYNE MILLER
SUBDIVISION –
PRELIMINARY &
FINAL PLAT
APPROVAL

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO ADHERE TO THE PLANNING COMMISSION RECOMMENDATION AND GRANT PRELIMINARY AND FINAL PLAT APPROVAL TO THE WAYNE MILLER SUBDIVISION; AND TO GRANT AN EXCEPTION TO ALLOW FOR A 30 FOOT SETBACK RATHER THAN A 50 FOOT SETBACK TYPICALLY REQUIRED IN THE HR-1 ZONE

Discussion:

Nelson Abbott: He asked about curb and gutter and if that would be required.

Shay Stark: He replied that curb & gutter would not be required since there is no curbing on either side and it would not be contiguous.

VOTE: YES (5) NO (0)

FALL CONCERT

1:42:13

MINUTES

Erin Clawson: She proposed postponing the concert in the park until the spring.

1. City Council Minutes of 8-13-2013:

Corrections:

- Pg 1; Line 66; correct the word, "that" to "than"

- Pg 8; Line 36: The sentence needs to be restructured

ERIN CLAWSON MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE CITY COUNCIL MINUTES OF 8-13-2013, AS CORRECTED

VOTE: YES (5) NO (0)

1:44:02

EXPENDITURES

General:

None

1. Check Registers & Payroll for June, July & August, 2013:

Explanation: The June expenditures take a while to gather in all the end of year invoices; that is why they were late in getting to the Council.

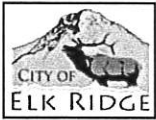
It was decided to pay the Athletic Director ½ of what she would have collected for fall Soccer, since it cancelled.

WESTON YOUNG MOVED, SECONDED BY BRIAN BURKE, TO APPROVE THE CHECK REGISTERS AND PAYROLL REGISTERS FOR JUNE, JULY & AUGUST, 2013

VOTE: YES (5) NO (0)

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 7:52 PM.



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

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

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, September 24, 2013, at 7:30 PM;** which will be preceded by a **City Council Work Session at 6:00 PM** and a **City Council Field Trip at 7:00 PM.**

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

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

1. Road Projects - Re-allocation of Funds to Loafer Canyon Road - Cody Black
 - A. Salt Shed - Joint Project
2. Athletic Program Discussion - Mayor Shelley & Erin Clawson
3. Reverse 911 Presentation - Craig Alder

7:00 PM - CITY COUNCIL FIELD TRIP

Field Trip to site of Elk Ridge Meadows PUD, Phase 5

7:30 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

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

- | | |
|------|--|
| 7:35 | Public Forum |
| 7:50 | 4. Reverse 911 - Action |
| 8:00 | 5. Elk Ridge Meadows PUD, Phase 5 - Final Plat Approval |
| 8:30 | 6. Speed Tables - Action |
| 8:40 | 7. Road Projects - Action <ol style="list-style-type: none">A. Salt Shed - Joint Project |
| 8:50 | 8. City Council Minutes: August 27 & September 10, 2013 |
| 8:55 | 9. Fire Dept. Remodel |
| 9:00 | 10. Expenditures:
General:
Adjournment |

Handicap Access upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 23rd day of September, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on September 20, 2013; & an Amended Agenda on 9-23-2013

City Recorder

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**ELK RIDGE
CITY COUNCIL MEETING
September 24, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 24, 2013, at 7:30 PM;** this meeting was preceded by **a City Council Work Session at 6:00 PM & a Field Trip scheduled for 7:00 PM.**
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 20, 2013 & an Amended Agenda on 9-23-2013.

6:00 PM -

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; *Public Works:* Cody Black; *Planner:* Shay Stark (Aqua Engineering); *Public:* Lucretia Thayne, Dale & Joan Bigler, Brad Shuler, Gerry Whiting, Angelia Olson, Jamie Towse, Malea Simmons, Malerie Simonsen, Sherry Moody, Mallory Meyer, Thomas Braithwaite, Gregg & Ellen Anderson, Eric Hopkins & Adam Bushman (Parlant 911 Services); *Loafer Recreation Association:* Glen Cole (President), Martin Cole (Director), Don Cole, Karen Wright (Secretary), Adam Bushman, Paul Tervort, Scott Fuller (Director) & Max Fuller; & the *City Recorder:* Janice H. Davis

**ROAD PROJECTS -
LOAFER CANYON
ROAD**

(From the memo from Cody Black - Loafer Canyon Rd)
Mr. Black submitted to the Council that the City had been contacted by Loafer Recreation Association about overlaying the road (S. Loafer Canyon Rd.) up to the gate. "This road is in terrible shape. The road falls in three jurisdictions: Elk Ridge City, Utah County & Woodland Hills. We have met with Utah County to see if they would be willing to help out in any way. They are willing to use their equipment and provide all the labor if the City will cover the cost of the asphalt. This is a great deal for the City. The cost in asphalt is around \$40,000. The cost of the labor would more than double that number. "Mr. Black indicated that Woodland Hills would be willing to participate for their portion of the repairs (about 1/4 of the total project). He and the Recorder have reviewed the budget figures and the project would require the reallocation of the funds designated to Canyon View and Hillside Drives' chip seal. The chip seal can be postponed until next fiscal year, which would work better with plans for water line replacement and trails along Canyon View.

Discussion:

Mayor Shelley: The Mayor and Mr. Black reviewed the above information with the Council and those present. Certain concerns had been raised:

- Much of the road property is privately owned
- One small portion of the Road has been deeded to the City (Ken Hall Property annexed into the City)
- The City Public Works employees do access this road to get to the Loafer Well about 3 to 4 times per week.
- The fires in Loafer Canyon last summer had to be accessed from Loafer Canyon Road...the road is in very poor condition. The City has an on-going obligation to protect the land up Loafer Canyon, including beyond the gate.
- Many of the City's residents walk / ride bikes on that Road

*(Folder A/File A)
00:04:00*

Paul Squires: He pointed out that Loafer Canyon is access to the trail head for the National Forrest.

Nelson Abbott: His main concern is that the majority of the Road is private property. He feels if the City is not willing to assist current residents with something as simple as a sewer line break, then he did not see how the Council could move forward on Loafer Canyon Road until the right-of-way is deeded to the City in satisfactory condition. He stated that when a road is improved in conjunction with development; the City does not take that road over until proper inspections have taken place & it is determined that the road meets City standards. He cited the park in Elk Ridge Meadows as being a similar situation. The City will take ownership of the park; but there is an expectation of where the park needs to be prior to that point. He did not see how the City could spend any money on Loafer Canyon Road until that Road is deeded to the City and is completely within City limits. He did not think the City could improve a road that is privately owned and not within the City limits. He said he was open to different information, if anyone has any to share. He agreed that the City would be responsible for the part within Elk Ridge, not the other parts.

Erin Clawson: She reasoned that the City uses the Road to access the well. It is all part of being "good neighbors". When the City rebuilt the well, the Association allowed the City to utilize their retention basin and their water during that time period. The Road is used quite a bit by the City employees and citizens. *(Council Member Abbott said that most of the City roads are dedicated rights-of-way; repairs can and should be made.)*

Council Member Clawson reminded the Council that the City snowplow has had to plow that Road to access the well property in the winter months.

Nelson Abbott: He maintained that the City cannot spend City funds on private property.

Paul Squires: He agreed with Council Member Abbott.

- He felt the road should be open to the trail head
- He also expressed his frustration with the Association's apparent negativity with allowing scouts and their leaders access to the forest.

00:08:47

He does not agree with having to produce a lengthy document giving him permission to be in the area. He said he has had the unpleasant experience of being yelled at when he has been in the company of 11-year old boys (scouts).

(When asked by one of the Association if Council Member Squires was holding a "grudge" against them; he responded:)

He said he was not holding a grudge; but that he feels he has a right to use that trail head.

(Loafer Recreation: They maintained that they built that trail head. They also brought up that access was not being denied; but that private property had to be crossed to get to that area. Anyone asking has been given permission. They added that he (Paul Squires) would not allow people to walk across his private lot...why should they?

Mayor Shelley: He encouraged discussion regarding the legalities of repairing a privately owned road.

00:10:33

Brian Burke: Even though much of the road is considered private property; the conditions of the road are not good...parts of it are literally falling apart. "Something needs to be done with it." He felt that the proposal could work if Woodland Hills would go in on the repairs.

He walks that road and he agreed that there is a section of the road that is much worse than the rest.

(Cody Black said that the worse section is within Elk Ridge; the best sections are County.)

Nelson Abbott: If the road could be deeded to the City; then he would agree with the repairs. If the City spends money repairing the road; one of the owners could decide to develop their land and have to tear up the road and install it to standard width, etc.; or could demand that the improvements be taken off their land.

Association Member (unknown): He suggested the Council consult with the City Attorney; it was felt that the Council would get a different perspective.

Paul Tervort: He maintained that private property owners could not "cut the road off"; he said it "would be impossible. The County would force it and the City could force it". He added that an individual may own property that is designated as a road...that individual may pay taxes on it"...but, it is still public. He agreed that these owners should deed that land to the City; but the City can still improve it, as it is.

Mayor: He noted that Loafer Canyon Road has been in place for a long time; initial paving could have taken place in the late 1940's.

00:14:02

Don Cole: He gave a history of the road and the surrounding area:

- 1947-1948: Mr. Cole helped build a fence on the west side of the road

- The road was actually built in 1890; it led to a saw mill

- About 1903; members were running cattle on the State section of the land

- A delegation was sent to Salt Lake City with an offer to purchase the land from the State...in 1902, the State agreed to sell it to Loafer Recreation Association and the patent was issued in 1907.

- When the patent was issued, there was no withholding of rights-of-way for roads, ditches or anything else.

- Example: With the Highline Canal, there was much of that land that the Bureau of Reclamation did not have to purchase because they had a "reserved right-of-way".

- The property was sold and patented out and homesteaded; but on their homestead patent, it read:

"reserving there from for roads, ditches & (?unclear on tape)". Mr. Cole worked for the Bureau of Reclamation for several years and there was a lot of issue with people encroaching on the Canal right-of-way (100' each side of centerline).

(The Mayor clarified that the situation with the Canal is the same situation that exists with Loafer Canyon Road...leading to the Recreation land...Mr. Cole agreed that it is very similar.)

- The point that the Road is an "Access to the Forest Service":

After WWII, two men (Clawson Taylor & Lew Christensen) went to the County Attorney and asked for an entrance to access the Canyon on Loafer Mountain. Dick Chappel (with Payson City's Police Dept.) was installed as County Sheriff. He (Mr. Cole) and members of the Association met at the gate to the Association land with the County Sheriff and the County Attorney (Arnold Roylance), where the patent was read, dated 1907. It was stated that the two men (Taylor & Christensen) had no right to enter the Association property...that the Association had the right to gate the land and to either leave it open or to lock it. That was the end of any controversy with any of the citizens in Salem. Many of the citizens had gone to the area to hunt deer and use the forest and it was these citizens who pressed the County.

- The argument that the road needs to be dedicated to the City before any repairs can be considered:

Mr. Cole used the "Beet Road" outside of Salem as an example (Salem City does not own that Road):

Salem asked for the County's assistance in repairing the "Beet Road"...arguing that people from many of the neighboring communities use that road; so could the County help?

The same situation exists with Elk Ridge Drive...all of the deeds are overlapped.

In the entire County, there are very few roads dedicated to the County. He explained that road dedication is a result of the subdivision process. The plat dedicates the roads for public use, utilities, etc. There is not deed, it is dedicated by plat.

As a practicing surveyor for about 40 years, he would say that close to 95% of the roads are not deeded to either the County or to cities. The roads have been in existence for use for a long time.

Mayor Shelley: He expressed his appreciation for the insights and history shared by Mr. Cole. He suggested to consult with the City Attorney; who was to be in the City for a meeting with the Mayor the following Thursday. The Mayor will address this issue along with the other matters to be discussed. He will get his legal perspective.

He called for any other Council discussion.

Nelson Abbott: He still maintained that "it comes down to putting the road on private property"...it is the property owners' responsibility to develop their own property. The City needs to be consistent. He felt that \$40,000 was a great deal of money to only "benefit the public works' dept. and the people at the Association...primarily". Perhaps the money would be better spent if used on another road that is used more by the citizens. He said that he wanted to make sure that "we are doing it right".

00:22:46

Martin Cole: He cited the time when Elk Ridge and Loafer Recreation Association were in the middle of a "condemnation" process when the City drilled the Loafer Well; he suggested the City simply condemn the road and take possession of it.

Don Cole: (RE: Cost) He made a list of all the owners of cabins in Loafer Recreation area; and the amount of property tax paid. Just for the 2012 tax year, the cabin owners paid \$17,300 to the County. Much of that (about 50%) went to the School District; which educates the children of Elk Ridge. In 10 years, that would be about \$170,000...50% going to the Schools.

- Their cabins are taxed at 100% rate...whereas a house in Elk Ridge is taxed at a lower rate (Primary vs. secondary residence).

(Nelson Abbott: He commented that B&C Road Funds are used to repair roads in the City.)

(Mr. Cole continued:) He reminded the Council recall the assistance given to Elk Ridge by the Association when the Loafer Well went down. Corbett Stephens spoke to Glen Cole to see if any type of assistance would be available, under the circumstances. The pump was broken down and the tanks needed to be filled.

Suggestion: to connect onto the fire hydrant installed by the Association for the sole purpose of protection to Elk Ridge, the well house, etc. This installation was at no cost to Elk Ridge.

- Their water was connected to the Elk Ridge system for about a month (1.5 million gallons). A flow meter was installed to measure the water used.

This filled Elk Ridge's 500,000 gal. tank and served the citizens of the City for a month to a month & 1/2; until a new electric system was installed. There was no charge to Elk Ridge at all; while Elk Ridge collected fees charged to residents for use of their water...this would be a complete profit for Elk Ridge City.

- Water line to Loafer Well: an easement was needed to go from the Well to the tank. Loafer Association also needed a road in that same area; so they had an individual grade that road out and a pipe line was installed later. He (Mr. Cole, Jerry Fuller and the man hired to do the work flagged that road...on a 5% grade. He (Mr. Cole) surveyed the easement to make sure that the Well would have gravity flow to the tank. That is how the easement / road was designed...all without cost to Elk Ridge. This right-of-way is over 4,000'.

- He felt they have tried to cooperate with Elk Ridge. He did not feel that anyone that had requested to get into the area had not been given a key to the gate. The County Sheriff has a key; the Public Works Dept. has one; the Emergency services (Fire Dept.) has keys. If people call, they are accommodated.

00:29:25

- The accommodation they have tried to provide has been abused; there has been vandalism, people have advertised trips up through the Association property, turkey poaching has taken place and there has been damage by off-road vehicles. There was even a bon-fire by one of Elk Ridge's Elder's Quorums under the "Big Tree". It was necessary to install a fairly good fence to mitigate these issues.

This is private property established back in 1907.

00:32:45

Erin Clawson: She did not feel it was appropriate to compare the upgrade of a road to assisting with a break in a sewer line serving one residence. There is a clear line where the City is obligated to fix a main (Referring to the code on ownership of sewer laterals) and where the homeowner is obligated to fix the lateral.

Even though portions of the road lie on private property, it is generally within the City limits and is being used as a public road. In her mind, working together on things like the water system in the future is desirable and should call for some compromise.

00:33:45

Glen Cole (Current President of the Association) They (Association) are trying to solve an existing problem. There are 40 members in the Association that pay taxes and they are asking for a bit of compromise in return. They would like to be treated fairly. In spite of years of negative feelings, he (Mr. Cole) is trying to create better relations between the Association and Elk Ridge. People are welcome to come up there; but it is private property and arrangements need to be made. The Association would like to get something positive done on this road; it is a fire hazard the way it is.

00:35:39

Mayor Shelley: He is concerned about the problems with the road, as well. He would also like to improve the relationship between the City and Loafer Recreation Association. He wants to make sure the Council proceeds legally and properly. Funds are being expended on other roads in town and part of the property taxes paid by the Association will help pay for these other repairs. There are projects going on that are being paid for by the various sources of revenue for the City...the Fire Station remodel is one of those projects that will serve the entire Community. He hopes these things can be accomplished together. *He will bring up these issues to the City Attorney when he meets with him.

Nelson Abbott: If the City is able to legally expend funds to repair Loafer Canyon Road and not have citizens have any grounds to "sue" the City; then he said he was "okay with that". He would still like for that road to be deeded to the City so that mileage can be added into the calculations for B&C Road Funds.

Glen Cole: The road does not need to be deeded to the City to receive B&C Road Funds for it. The City can claim any road within City limits.

Nelson Abbott: Therein lies part of the problem: portions of the road are not within City limits.

Don Cole: He maintained that the road does not need to be annexed into the City or deeded to the City.

00:40:07

Discussion of City boundaries took place.

Glen Cole: He concluded that, with the County willing to participate in the repairs, it is worth serious consideration.

(The Association members excused themselves from the meeting at that time.)

00:42:31

SALT SHED -

JOINT PROJECT

Mayor Shelley: *(Cody Black had stepped out of the meeting to take a phone call.)* The Mayor mentioned that some time ago the former Public Works Director (Corbett Stephens) approached Utah County to see if they would be interested in sharing costs for a jointly used salt shed for storage of road salt for winter use. At the time, the County was interested. The County is still interested. Woodland Hills was also interested to do the same type of project with the County.

The cost to the City could be about \$50,000 (high estimate). The location would be directly behind the Public Works Building. The County indicated they would be responsible for 30% of the cost; plus providing a "loader" during winter months. The current location of the salt shed will eventually have to change. The County is entertaining proposals from both Cities.

00:45:39

ATHLETIC PROGRAM

Erin Clawson: She and the Mayor met with Mayor Brailsford (Salem), Aaron Cloward and their Recreation Director, to discuss joining with their athletic program in the future. The current Elk Ridge program has not been going well for the past two seasons.

Problems:

- Programs have cancelled due to lack of participation
 - Money paid into the programs has been refunded.
 - There has been some disorganization and lack of timely notification for the sign-ups.
- It was felt that some of the election signs got in the way of the signs advertising for sign-ups...she felt that there were other issues causing the problems.

Salem explained that Elk Ridge citizens would still be charged the \$5 out-of-city fee; this was explained that Salem citizens are charged impact fees and other fees which help pay for the programs, whereas participants from outside of Salem are not...that is the reason for the \$5 charge...in comparison to the fees paid by Salem citizens for recreation, this is minimal.

They are willing to produce 100 booklets of Salem programs for Elk Ridge. There can still be advertisements and Elk Ridge parents can be coaches on teams. Notices can go out in the Elk Ridge newsletter. They will assist until or if Elk Ridge gets things going in a better way with regards to an active athletic program.

Salem administrators were very cordial and accommodating.

The only negative aspect that resulted from the meeting was that some parents complain about the distance to travel between Salem and Elk Ridge.

Whoever ends up being over Parks and Recreation can continue to work on this relationship between Salem and Elk Ridge...perhaps take some polls whether more soccer fields are desired...are there other ideas for the fields?

There would be no maximums for sign-ups; the Elk Ridge citizens would be treated the same as Salem citizens regarding the creation of teams, etc. It was a very positive meeting.

00:50:13

REVERSE 911

PRESENTATION -

"PARLANT"

Adam Bushman *(Representing Parlant; the name of the company offering the services):*

Craig Alder (Parlant) met with Linda Cooper, Jan Davis and the Mayor the previous week; but was not able to attend the meeting that evening.

Mr. Bushman presented several points of interest to demonstrate the benefits to the City in utilizing reverse 911 services.

- Located in Provo; but is a National company with clients all over the United States (Over 20 years)
- They specialize in mass communication services
 - "Mass communication" allows the City the ability to contact its residents instantly.
 - There are "multiple delivery" methods (Phone, cell phone, email, text messaging, Face book, etc.; which methods could be utilized all at once.)
 - Contact could be for emergencies, athletics, and any type of public announcements.
- They work with many school districts (including Nebo School District), and public entities
- Examples of some of the disasters and warnings announced
- They are used to working with large areas; so Elk Ridge would be easily serviced
- Parlant does interface with Caselle (the City's financial software); which would be useful with utilities and shut-offs, warnings, etc.

00:54:09

Discussion:

Mayor Shelley: He listed some of the surrounding communities using Parlant currently: Santaquin, Payson, Salem, Spanish Fork & Springville. A concern surfaced during one of the Emergency Preparedness drills regarding the lack of an effective communications system. A siren system was discussed; but is expensive and somewhat outdated. The option of "reverse 911" types of service was discussed; the Mayor got the contact information from Santaquin City.

There are many options for messaging; not just emergencies, but any other types of announcements that need to get out to the citizens quickly.

Many concerns have been expressed by the residents about the general lack of good communication. This service would open the door and allow that communication to take place.

Erin Clawson: She added that this service would be useful in any further power outages to alert citizens.

Weston Youd: (Questions)

1. Acquisition of contact information: how is that accomplished?
2. Privacy and security concerns: how is contact information protected?

Mr. Bushman:

1. Contact information: They rely on assistance from the City through utility billing information.

Example: With other cities, they are using the utility billing system (Caselle). This information is not always current; so there are other options:

- Publicize the service and give citizens a reason to offer their accurate contact information
- Every type of communication is supported through Parlant
- There is a "mobile app" that would be specifically for Elk Ridge in order to receive notifications on phones.
- Since Parlant works with Nebo Scholl District, their contact information can also update the City's information

2. Security: Parlant complies with all privacy laws (FERPA). They have secure facilities; the School District requires a high level of security and Parlant meets those specifications.

Mayor Shelley: The initial contact could be through the web site, or the newsletter; giving an "opt out" choice; if a citizen does not want to be involved in this system of communication.

Mr. Bushman: Those are possibilities; there are other options that can be discussed to initially gather contact information.

1:06:07

Projected Costs:

- Set-up fee: \$500 (One-time charge)
- Annual Message Fee: \$1,137.50 (First Year...based on about 650 homes)
- Per Household Message Rate: \$1.75
- Total due 1st Year: \$1,637.50

- Training is included. Until staff is fully trained, messages will go out anyway.

- The announcements can be organized for specific areas within the City (example: for a water main break and water being shut down temporarily).

The Mayor closed the Work Session and the meeting adjourned to the scheduled Field Trip to the site of the proposed Elk Ridge Meadows PUD, Phase 5; at 7:15 PM.

CITY COUNCIL FIELD TRIP

This Filed Trip was to view on-site the proposed Elk Ridge Meadows PUD, Phase 5, development. The entire Council and Mayor and most of the public left to visit the site.

**ELK RIDGE
CITY COUNCIL MEETING
September 24, 2013**

**TIME & PLACE
OF MEETING**

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7:50 PM -

ELK RIDGE CITY COUNCIL REGULAR SESSION AGENDA ITEMS:**ROLL**

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; *Public Works:* Cody Black; *Planner:* Shay Stark (Aqua Engineering); *Public:* Lucretia Thayne, Dale & Joan Bigler, Brad Shuler, Gerry Whiting, Angelia Olson, Jamie Towse, Malea Simmons, Malerie Simonsen, Sherry Moody, Mallory Meyer, Thomas Braithwaite, Gregg & Ellen Anderson, Eric Hopkins; *Loafer Recreation Association:* Glen Cole (President), Martin Cole (Director), Don Cole, Karen Wright (Secretary), Adam Bushman, Paul Tervort, Scott Fuller (Director) & Max Fuller; & the *City Recorder:* Janice H. Davis

**OPENING REMARKS
AND PLEDGE OF
ALLEGIANCE**

An invocation was offered by Brian Burke; and Nelson Abbott led those present in the Pledge of Allegiance, for those who wished to participate.

(Folder A/File B)
00:01:31
AGENDA TIME
FRAME

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:50 PM
VOTE: YES (4) NO (0) ABSENT FROM VOTE: (1) PAUL SQUIRES

PUBLIC FORM:

The Mayor asked that Public Forum comments be kept to a minimum time frame due to the already adjusted start time for the Regular Session.

1. *Malerie Simonson: (Representing the residents in Elk Ridge Meadows PUD, Phase 2...regarding Drainage and Grading issues):*

Mrs. Simonson provided a handout to the Council and the City Recorder with the listed concerns and issues; she reviewed those issues with the Council and those present:

(Memo, entitled "**Legal Issues**")

1. Drainage and Grading in Elk Ridge Meadows Phase Two Subdivision

(The handout will be quoted directly, including typographical errors placed in italics)

"It has not been done to state and city codes. In the city and state codes it states that when a developer changes the flow of the water on a property they have the responsibility for keeping the drainage on that property. When Salisbury dug the basements, they did not haul their dirt away. This caused the homes to be built up on a little hill. Several homes have flooded other homes.

Once the city releases the bond on that property then the responsibility is the *cities*. Your city inspector *past*ed off several homes that were not to code. Here are a few examples to look at or families to talk to.

1. Simonsen Family - 162 Sky Hawk Way
2. Ethier Family - Sky Hawk Way nest to park
3. Groesbeck Family - 187 Bear Hollow Lane
4. Hazard Family - 191 Sky Hawk Way

2. **Retaining Walls** were not put in place before homes were built as Salisbury agreed to do. From citizens in the community, members of this council, and the mayor, we know that Salisbury agreed to put them in. It is in the City Council minutes. We are waiting for the grama report we requested from the city to verify this. Randy Cloward, whose family owns the land south and east of this development, knows this and voiced his concern in July to the city. These minutes are attached (City Council minutes: 7-9-2013 & 2-26-2013). He stated that the promises made by the developer were not adhered to. Was there some agreement made with Salisbury and the city so they would not have to do this? It is not in the council minutes and it was not voted upon. What did the city do? Was this bonded? Did the city release the bond? Were the retaining walls required for all homes that needed it or just some? If the city released the bond then they are responsible. We want to know why it was not done and want it fixed.

3. **EPA Code Violations** - Salisbury had their contractors dump their excess cement at the west end of Sky Hawk Lane in the park. Some of the cement has gone into the storm drain system. Was Salisbury issued a permit to dump by the city? Who is cleaning it up? Several of us contacted the city and nothing was done. We have contacted the state EPA and it is clear violation. There is retention basin for our neighborhood, but it did not fill up with the recent storms. Water from our subdivision is to drain there. Why isn't it? Are the drains working or are they plugged? The developer is responsible to see that it does. If the bond is released, it becomes the city's responsibility.

4. **SWPPP Law** - In January, Cody Black encouraged the city to be on board with this. When was the SWPPP put in place in our city? Salisbury has clearly violated these laws. Larger cities have a person assigned to make sure these requirements are done or they could be fined heavily. Following it now is wise or many will be required to *do fix things* to code at a great expense. Our city is close to being the size of population where we won't have a choice whether to follow it or not. It will be a federal requirement.

"CODE ISSUES

1. **Water Meters in Driveways.** One home owner had their pipes freeze more than once. It took the city 6 months to figure out how to resolve it. Another home owner called the city and questioned why meters were allowed in the driveways. The city said they were not going to do that anymore. The home owner saw three more homes go in with this. Why was this allowed?

2. **Exposed Cement.** The city was doing really well with this until the last few homes. The two homes kitty-corner to each other on Sky Hawk Way have large amount of cement exposed. When talking to one home owner, they said that in the middle of building Salisbury called them up and said they would need four thousand more dollars to *build down* to put a stucco finish on or leave the cement exposed. No one else was charged extra that had the same issue. The code states that no more than 18 inches of cement can be exposed on the front and side that is visible. There are other homes like this that need to be fixed to code.

3. **Spacing between houses.** The city web site states that there is to be 8 feet between the property line and the home structure. For some reason, five feet was allowed. What is the code? Why were homes *past* off that were not meeting this fire code? When one neighbor called Salisbury and questioned where they placed their home, Salisbury said it didn't matter and it wasn't his concern, because the city *past* it off. We need the city to stand up to its codes and not keep giving in to developers. Protect us - your citizens.

4. **Overlay.** The last lot has been sold in the Elk Ridge Meadows Phase 2. When will the overlay on the road be done? There are minutes attached from the council on this matter.

"CITY ISSUES:

1. **Open Space and Park.** Each home owner in Elk Ridge Meadows was assessed a 1400 dollar impact fee for the park and open space. Many of us have complained and asked for the park to be fixed up and made a proper functioning park and open space.

Salisbury has not done what it promised. The city gave them the ok to not put the irrigation boxes in with the promise that they would use the money to upgrade the park. The only improvement this year is that mowing is being done more often. It is still mainly *weeks*, rocky, and not even graded on open space or landscaped at all. Many trees are dead. Salisbury tore up the pipes and wiring for the open space building a home to close to the property line. The city was called and nothing done. The open space along the paths has never been watered. With the wiring cut and pipes *broke*, it continues to grow weeds and look *unkempt*. Get the park from Salisbury and charge them for what it takes to fix it right or hold them to fixing it before you get it. If not, we need to form a HOA and deed it to the city.

2. Zoning Issues. From minutes of the city council work meetings we found the following and would like to know how Salisbury is able to present town homes to be built after the following actions were taken by the council and Mr. Salisbury himself stated that he was not in favor of twin homes or multi-unit town homes. Please see the attached minutes from a work meeting and council meeting.
(In closing, we as citizens of Elk Ridge City, living in Elk Ridge Meadows Phase 2, are asking the city to work with Salisbury to fix the issues we have stated. The city of Elk Ridge needs to be a city that upholds the codes of their city, the state codes, the federal codes, the EPA, and SWPPP guidelines. Do not *allowed* developers to be granted exceptions that cause the city of Elk Ridge and their citizens problems that will cost them dearly down the road. Fix it now.

We are asking you as a council to table any plans for Salisbury to build until they have complied with the codes and promises they made to the city. Make them fix the problems before they can do any more building in our city. Protect yourself and your citizens.
In two weeks we would like to hear what you are going to do as a city to resolve these issues before we take further action."

00:09:10

Mayor Shelley: He expressed his appreciation for the research done and presented to the Council. He added that the City Attorney is aware of many of the issues and he has been asked to address the concerns included in the memo/handout provided to the Council. The Council will also review these matters, with the assistance of the City Planner. It must be determined who is liable for the existing problems and what the solutions will be. "Can this be accomplished in two weeks; we can get a start"; that is the intention of the Council.

Nelson Abbott: He committed that "whatever we can do legally, we are willing to do".

Paul Squires: He asked about the exposed cement referred to. (*The Mayor explained that the cement should have been plastered / stuccoed.*)

Comment: (Unknown) This is an issue with the last three houses built. The owners were even asked to pay for the "fix".

Mayor: He requested a copy of the current CC&R's for the development; that might be helpful to the City Attorney. He appreciated the organization for the information presented.

There was also a list of residents who have experienced problems in Phase 2. There has been some flooding reported.

Eric Hopkins: Issue: They (Salisbury?) sloped the land away 10' from the house to pass code; then after "there is nothing". After the 10' slope, the rest of the yard turns into a "river" due to run-off from above his property. He (Mr. Hopkins) cannot go onto his neighbor's property in an attempt to mitigate the problem.

Malerie Simonson: It all goes back to disturbing the "natural flow" of the water.

Eric Hopkins (Continued): On Sky Hawk Way (in the location of the future elementary school); if one would continue on into the Salisbury development, houses facing north will all flood in the back. His neighbor's basement flooded with the last big storm. He has taken measures to protect his lot; but when water hits the bottom of his lot, the run-off will dump onto other property. An option for him would be to build a sort of "canal" to the street. Sometimes even expensive retaining walls do not help the existing problems...walls become "waterfalls".

Comment (Unknown): Homes may be built on a hill; but then there are homes higher still that create run-off problems.

Comment (Another Unknown): He has the same problems as Mr. Hopkins; but he also expressed his gratitude that Mayor Shelley had been kind enough to come down to their lot to assist his wife during the storm.

The Mayor paid tribute to Mitchell Excavation for assistance, as well. It was a very severe storm.

Comment (Another Unknown): When developers come into the City, they should be required to guarantee this does not happen...improvements should be properly inspected and bonds held in place until improvements are acceptable.

00:16:44

Discussion of Durability retainers: Bonds held in place during the warranty period...Elk Ridge does require this.

City Recorder: The Recorder explained that two types of bonds had been referred to: a building bond and a development bond; which is held for one year from the time that engineers deem the improvements as acceptable and the Council releases the subdivision from the construction phase and allows the one year "Durability Time period" to begin. She pointed out that Salisbury Homes is not the "developer" that signed all the original agreements and put the bonding in place. Elk Ridge Managers were the Developers; they declared bankruptcy. There is money that has been accepted in lieu of the Surety Bond (*"which did not include the park. This money will be used to overlay the roads."*)

Luke Clawson: He still requests that Park Impact Fee money be used to install a "skate park".

Some of the public agreed that there should be things that interest the youth of the City.

00:18:16

There were no further comments and the Public Forum was closed by Mayor Shelley.

REVERSE 911
SERVICE

Council Discussion regarding Parlant's presentation in the Work Session:

Nelson Abbott: He has first-hand experience with this service through NEBO School District and Payson City (his office is in Payson) and he feels it is a "powerful tool" to efficiently communicate with the residents. He feels it is "money well-spent".

ERIN CLAWSON MOVED TO PURCHASE THE REVERSE 911 SERVICE FROM PARLANT; AND SPLIT THE COST WITH PARKS, ROADS, WATER & SEWER DEPARTMENTS

Discussion:

Mayor: There will be no increase to resident fees due to this service.

Erin Clawson: She feels the Fire Dept. should administrate this service.

Weston Youd: He would like to dedicate some money to involve the youth to help educate the citizens.

Brian Burke: He wanted to know if the City had received any feed-back from any of the cities that have used this service. *(The Mayor said Santaquin has been very supportive. Council Member Clawson said they use it at the Hospital and she uses it personally and has had a very positive experience.)*

Shay Stark (Planner): He is acquainted with the service and finds it very useful and easy to use. *(Discussion of the various options available)*

Mayor: The City needs to identify which of the many options would best serve the Community.

SECOND BY NELSON ABBOTT

VOTE: YES (5)

NO (0)

00:26:20

ELK RIDGE
MEADOWS PUD,
PHASE 5 –
DEAN INGRAM /
DEVELOPER

Shay Stark (Planner):

Mr. Stark reviewed a brief history of the proposed development (also part of the memo to the Council, dated 9-24-2013):

"Phase 5 – General Characteristics:

Zone: R-1-12,000 – with PUD Overlay

Total Acreage: Overall: 5.199 acres

Open Space Acreage: Required this phase: 1.30 acres; approximately 0.17 acres along Elk Ridge Drive & 1.13 acres from school credit.

Density: Allowed density 3.63 Units/Acre (Per Annexation Development Agreement); as proposed 2.60 Units/Acre

Background:

The Elk Ridge Meadows Subdivision Phases 5 –10; Preliminary Plat, was approved by the City Council on July 9, 2013. Phase 5 has been submitted to the City with an application for final plat. A TRC was held on August 9, 2013 for the proposed Phase 5 Final Plat and was approved with a few conditions concerning changes to some details and additional notes on the drawings. These items have been addressed and revised drawings have been submitted. The Developer has purchased water from the City and is procuring the bonds. Planning Commission approved the final plat in their September 12, 2013 meeting. The City is working with David Church to finalize the Addendum to the Annexation Development Agreement for this particular subdivision and generally with the exception of the addition of specifying the improvements required in the proposed neighborhood park/open space as requested by the Council, the terms of the Development Agreement stand as previously approved by the Council."

Recommendations:

The Planning Commission recommended that the City Council approve final plat for Elk Ridge Meadows, Phase 5; with the condition that the plat will not be recorded until the appropriate bonds be in place and the Development Agreement shall be executed and recorded prior to or at the same time as the plat is recorded."

Mr. Stark continued: The proposed Phase 5 meets the Development Code requirements and City Standards. Mr. Ingram has purchased water rights from the City for Phase 5.

The performance bonds are being pursued by Mr. Ingram; based on the approved cost breakdown + 26% (20% - Durability & 6% for Inspections). If approved, the development agreement will have to be completed and recorded at the same time as the plat...and this, after the bonding is in place.

He does not know of any other outstanding issues, beside two invoices to be paid: one to Tony Fuller and one to N. Jordan Canal Company.

**Mr. Ingram said he would check on the water right charges; as it involves a third party.*

(Samples of the invoices were provided.)

Discussion:

There was a brief explanation of the assessment owing the N. Jordan Canal Company for the pending water rights still in the transfer process at the State.

00:35:36

Shay Stark: He said that this development would set the standard for the future development in the area. Phase 5 will have a "pocket park"; the Development Standards need to reflect how the City would like for open space to be dealt with. He mentioned tapping into the experience of Paul Squires regarding planting open spaces.

Since Mr. Ingram is donating the park and finishing landscaping; and because the current Park Impact Fee Study is out-dated, impact fees will not be charged to residents of this subdivision. The Study was within legal bounds when written; but it does not meet the current State codes. Things have changed and now specific projects must be identified as well as how the fees will be used, prior to being able to assess the fee. *(That Study is being updated by Aqua Engineering.)* This is part of the development agreement to be recorded with the plat.

00:38:31

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Erin Clawson: This was discussed in the meeting she attended regarding park Impact Fees. It was decided then to designate specific projects.

**The issue of Park Impact Fees is to be on a future agenda for the Council to discuss.*

There was no further discussion.

00:40:47

ERIN CLAWSON MOVED, SECONDED BY WESTON YOUNG, TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION, AND GRANT FINAL PLAT APPROVAL TO ELK RIDGE MEADOWS PUD, PHASE 5

VOTE: YES (5)

NO (0)

00:41:34

SPEED TABLES

A second estimate was obtained from Randy Cloward to install the speed tables on Goosenest Drive. (The bid was for two tables.)

Nelson Abbott: He inquired where the dividing line between Elk Ridge and County lies (Goosenest Dr.). (Answer: At Cutter Creek Rd. That is the diagonal road headed southeast off of Goosenest Dr.)

There was discussion about location of the tables.

It was suggested by Council Member Young to have Mountainland Assoc. of Governments (MAG) assist with proper location.

Randy Cloward: The installers would be the same company that installed the tables in Cedar Hills. The Mayor, Council Member Burke and Cody Black have seen their work; the company is ESB Excavation; they worked with Cedar Hills before High Country Concrete. Mr. Cloward said they would match any specifications the City desires.

(Cody Black has the APWA Specifications.)

One of the main concerns with the residents on Elk Horn Drive is when they drive uphill in the winter...it is slick, icy and steep. The speed tables are going to need to be placed in positions to allow these residents to make the turn onto Goosenest Drive.

Weston Young: Rather than the Council determining the location of the tables, Council Member Young recommended relying on professional opinion; like a transportation engineer; or someone that can direct the best place for the tables. He felt the funds allocated to this project are sufficient to hire a consultant or a traffic engineer / designer.

Sherry Moody: She reminded the Council that Officers Butters and Oliver should be consulted to locate the tables. She also wanted to know the time frame for installation.

Mayor: He agreed that the Officers could be consulted as well. Time Frame: He would like to see the tables installed by the end of October...as long as bids are in and contractors are available.

00:46:58

Randy Cloward: He asked about the width / length of the tables.

Cody Black: APWA specs: 22' (length)...7' with the "rise" X 21'. (A copy of the specs was provided to Mr. Cloward.)

Snowplows: there is no problem with the design.

Discussion: The Council discussed getting a consultant through the Utah League or MAG...Council Member Young thought Utah League would likely defer to MAG, anyway. The City pays annual dues to MAG to be able to utilize their expertise. Using Aqua was also mentioned; however, Aqua would charge for the service and MAG would not.

Shay Stark said they (Aqua) defer to a separate firm Outside of Lehi for traffic engineering. This would be a better way to go for locating the tables rather than designing the tables.

Mayor: The Mayor mentioned that Deputy Butters is out of town for a couple of weeks; but they can get Deputy Oliver involved.

Nelson Abbott: He brought up the point that Elk Ridge pays MAG for these services in dues.

Mayor Shelley: He called for a motion that:

- The speed tables be installed by the end of October, 2013; contractor schedule permitting

- To contact MAG for recommendations as to placement of the tables

Brian Burke: He suggested speeding up the process by taking a polled vote when the 3rd bid comes in; with the recommendation of the Mayor and Mr. Black.

00:52:53

Erin Clawson: The money has already been voted on; the lowest, responsible bid needs to be decided on. Randy Cloward says he will match any bid that comes in.

Mr. Cloward: He added that the Council could use his bid to get other bids down...he and the other residents just want to get the tables installed.

It was decided that a motion would be unnecessary and that the Mayor could just go ahead and decide on the best, lowest bidder.

**The Mayor will move ahead with contacting MAG, Officer Oliver and getting the tables in by the end of October; he will continue working on this the next day. He said he will get this done.*

00:54:22

ROAD PROJECTS

1. Loafer Canyon Road:

Mayor Shelley: Brief Review:

- The cost of repairs would be split, in part, with Woodland Hills for materials (\$40,000)

- Utah County is willing to supply all equipment and labor

- This would cover from the Loafer Association gate to the improved part of the road (Spencers); which is about 5,000 linear ft.

It must be determined what part of the road is Woodland Hills' responsibility.

(Cody Black thinks it could be \$10,000 or less for Woodland Hills.)

Brian Burke: He thought it would just be for the part that is Elk Ridge's.

The Mayor responded that if the City only does the part within City limits, which is the worst part of the road, that the rest of the road would need it as well.

Weston Youd: He commented that the road is already a "patchwork".

The Mayor continued: He agreed and added that if the road is going to be repaired, it would make sense to complete all of it. It could possibly still be done this fall.

Cody Black: He agreed that the entire road is in bad shape and he felt that it should be completed in the right way; especially with the County supplying the equipment and labor...this would be a "huge savings to the City".

Typically, there is no more asphalt available after October 15; they could possibly still do it this year; but they could at least come in and patch the potholes this year and then do the overlay in the spring.

00:56:44

Funding: The money in the Road Budget designated to chip / seal Canyon View Drive and Hillside Drive would be moved to this project. Canyon View should not be done until after the water line project is completed on that street...it would be next year, anyway.

Nelson Abbott: He would prefer waiting to hear the opinion of the City Attorney regarding the legal implications...of whether or not the City should pave a road that is not deeded to the City. He could not vote for the proposed project without that assurance.

Erin Clawson: She asked the Recorder if this has been done in the past and have there ever been any legal implications as a result?

Recorder: Repairs to that section of Loafer Canyon Road has been done with patching and gravel being hauled in the past; with no legal implications she was aware of.

Erin Clawson: She suggested a motion for approval, pending legal counsel. None of the Council would want to vote for the project if there were legal implications.

00:58:40

WESTON YOUNG MOVED TO ALLOCATE \$40,000 FOR THE PROPOSED LOAFER CANYON ROAD PROJECT; PENDING DAVID CHURCH'S REVIEW OF MAKING IMPROVEMENTS TO PRIVATELY OWNED PROPERTY...AND ANSWERING THE QUESTION IF THE CITY WOULD HAVE TO HAVE THE ROAD DEEDED TO THE CITY PRIOR TO BEING IMPROVING IT

Discussion:

City Recorder: The point was made that the part of E. Park Drive known as "the dugway" is not City property, it is privately owned; yet the City repairs and maintains it regularly. By use, it is considered a public right-of-way; but it is not owned by the City. This was discovered when the City looked into engineering the "dugway" to mitigate the sloughing that occurs.

Question: Is South Loafer Canyon plowed? The answer was that it is plowed at times in the winter to get utilities or emergency vehicles up the road; but the road is not plowed regularly.

Brian Burke: He asked if Loafer Canyon is one of Woodland Hills' egresses.

(Answer: Yes, it is one of two fire escapes for Woodland Hills.) Could they assist more in the repairs?

Mayor: The indication is that they would consider it; but it needs to go to their Council for approval. The Mayor can request that this matter be taken to Woodland Hills' Council.

The Mayor called for a second on the motion, if there was to be no further conversation.

ERIN CLAWSON SECONDED THE MOTION

VOTE: WESTON YOUNG-AYE, ERIN CLAWSON-AYE (2 AYES)

PAUL SQUIRES-NAY & NELSON ABBOTT-NAY (2)

BRIAN BURKE-ABSTAIN (1)

TIE VOTE: MAYOR BREAKS A TIE VOTE: MAYOR VOTED: AYE

Motion Passed 3-2 with 1 abstention

1:02:00

SALT SHED

The Mayor explained the proposed joint venture with the County in the Work Session. Were there any questions for Cody Black, as he had stepped out of the meeting to take a phone call?

The Budget would have to be amended to allocate an additional \$37,450 (70% of the cost estimate)...and that is if the County covers 30% of the cost.

This would come out of the Road Fund Budget.

Weston Youd: He asked if this project has to be done this fiscal year.

The answer was that it does not have to be done this year; however Woodland Hills has approached the County with the same proposal. The County indicated they would prefer the location be in Elk Ridge, but there is the possibility they will join with Woodland Hills.

Council Member Youd was hesitant to amend the budget again, since it had already been amended twice since July 1. While it is true that the Budget can be amended as often as needed, he wondered if that was responsible planning.

Priorities were discussed and Council Member Clawson suggested the "dugway" preservation might be a higher priority.

Mayor: There will come a point when the Salt Shed must be moved; even if it is the one we currently have.

Nelson Abbott: If the proposed project with the County moves ahead; perhaps the positioning could be such that it would provide the availability of road salt for the County to be able to clear all the way to the Freeway.

The Mayor added that the County is close to some solutions for that connecting road to the Freeway...perhaps by 2015.

Nelson Abbott: Preliminary discussions have taken place with the County; perhaps if the Mayor could be authorized to continue negotiations and come up with some hard figures.

Mayor: Commissioner Anderson and the County Public Works Director, Richard Nielsen would like to see this project happen; as well as the County Road Supervisor. Their funding is available.

Council Member Youd concluded that he would be willing to consider amending the budget if more information regarding costs and percentages is available to the Council.

Cody Black: He would also like to get a more definite number and commitment from the County; but to do so, he (Mr. Black) would also need a commitment from the Council that if it is lined up, they can proceed this fiscal year.

The Council did not feel they could commit absolutely prior to receiving more information...then the budget would have to be amended to allocate the money.

They felt the only thing they could commit to at that point was to listen to further proposals.

1:06:50

FIRE DEPT
RE-MODEL

Mayor Shelley: The Mayor informed the Council that a "complication" in the process of remodeling the Fire Dept. Bay area had surfaced. In having the plans checked over, it was discovered that the setbacks, designed to meet residential zoning at the time the building was initially erected, do not meet the since designated Public Facility Zone requirements. (There was no "Public Facility" Zoning at the time the City Hall / Fire Station was built...about 1984 or 1985.)

It is the back setback in question...the one adjoining residential property at the southeast corner of the planned building (about 23' that would be in question).

(There are allowances for a type of grandfathering for public facilities and non-conforming uses; but a procedure must be followed.)

A Public Hearing is required before the Planning Commission to seek an "exception" to the Code, with certain criteria being met.

The Mayor has attempted to speak to the affected neighbors, living on the west corner of Escalante Drive; but they have not been home when he has called. He will meet with them and present a statement /memo prepared by the City Planner, Shay Stark; which summarizes the issues and talk over how this action could impact their property. There is the hope that they will move forward with the City. The Public Hearing will take place on Monday, October 7, 2013, at the Planning Commission level. It will be on the Council agenda on October 8, 2013, to discuss and act upon that Public Hearing. This gives time for proper notification and posting of the up-coming meetings.

If there are no further issues, then the re-model process could proceed.

1:10:25

Shay Stark (Planner): He explained that basically the Public facility Code; written in a general fashion, needs to be amended so the text matches the table stating various setbacks. There is another point of consideration: this is a public safety issue; which takes precedence. In the Public facility code, there is a section that basically allows re-zoning a piece of property that the City may purchase (example: park, or lands that are to be used for a specific purpose). This is the process that will be utilized for the specific purpose of public safety. Questions can be discussed at the Public Hearing.

It was noted that no site plan accompanied the architectural plans obtained for the building.

Mr. Stark continued: Aqua Engineering must create a site plan showing the setbacks.

1:12:56

Mayor Shelley: The general contractor for the re-model approached the Mayor with a proposal to be allowed to proceed in the current part of the building that has been the east portion of the public works bay area...so that time is not lost completely. (A "stop work" order had been issued until things were addressed.) This was a question for the Planner: Can a part of the overall bid (overall contract) be removed...specifically the placement of the wall in the public works bay area; including cutting the concrete, placing the footings, pouring a concrete foundation wall and erecting the wall...all this becoming part of the existing building...not the expansion. Can that work be removed from the contract and awarded as a separate contract? The Mayor told the contractor he would bring that proposal forward to the Council and the Planner...the Mayor was adamant that he did not want to do anything that would jeopardize the overall project. This work would take about a week or so to do.

Shay Stark: He asked for clarity in his understanding of the proposal: Was the idea so that the contractor could move ahead with the south side of the existing building?

The Mayor asked Randy Cloward, who is a general contractor, for his input.

Randy Cloward: He did give a suggestion that would strengthen the foundation (unclear on the recording)...but, the Mayor said his suggestion was already in the plans.

Mr. Cloward felt that if done, the award should go to the same contractor. *(It was going to be; it would simply be a portion of the overall contract that had already been awarded.)*

1:15:47

Shay Stark: He said he would look at that proposal. He commented further that the existing building is a non-conforming use, as it stands. It was placed here before the code was put in place; the Development Code was adopted in 1997 (current). Under a non-conforming use, there can be repairs, upgrades & maintenance to an existing building; the issue comes with the add-on...the addition has to conform with the current zoning regulations.

Mr. Stark will check to be sure; but he does not believe there would be a problem with a "change order" for the project for the existing building. Question: Does it have to be "change ordered" out of the project; or can a letter simply say that the re-model will begin with the existing building and if something happens where the overall project is in question; then there could be changes at that point.

Erin Clawson: Time is an issue and if the work can continue on a portion of the building; that would be preferable. It is hard on many with arrangements as they are now.

Shay Stark: If there is good reason not to grant an exception; then there will have to other solutions to the re-model. The contract needs to be very clear; the City does not want to cross some line.

1 1:19:50

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2
3 (The contractor is aware of the issues and that there is the possibility that the expansion part of the
4 building could be in jeopardy.)
5 The Mayor said that, on this basis and with Council approval, the contractor would start on that interior
6 wall the next day. Does this require Council approval?
7 The bid has been awarded and, as long as the contract is clear on these points...and if the contractor is
8 good with it; he could go ahead and start the following day.
9 *Mr. Stark will make sure of this and Aqua has already created a basic site plan to go off of.
10 (There was a question why a site plan was not included with the plans from Ken Harris.)
11 There was much talking over one another with Council, Mr. Stark and public at this point.
12 *The Mayor said he would be in touch with Mr. Stark the next day.

13 1:22:13

14 NON-AGENDA ITEMS

15 1. Health Insurance notices were sent out via email; the Recorder had hard copies at the meeting and all
16 Council Members were handed one and asked to initial having received a copy.
17 2. Meet the Candidate Night should be held at the last Council Meeting in October; however, where will it
18 take place? The Council Room is too small, the Fire Dept. bay area is torn up and the new Public Works
19 Building is not yet able to be occupied. Suggestion: Liberty Academy on Elk Ridge Drive (Salem).
20 *The Recorder offered to call Liberty Academy.

21 MINUTES OF
22 PREVIOUS COUNCIL
23 MEETING(S)

24 1. August 27, 2013 Minutes were sent out to the Council for a polled vote, in order to get them posted on
25 the web site earlier; however, only two Council Members responded. Question: Are the Council Members
26 receiving their emails? If not, then Council Agendas and packets are not being received.
27 Correction to minutes: Two corrections were made previously by Council Member Abbott; and the
28 changes were reflected in the current minutes, as presented.

29 **WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL**
30 **MINUTES OF 8-27-2013; WITH PREVIOUS CORRECTIONS**
31 **VOTE: YES (5) NO (0)**

32 2. September 10, 2013:

33 Correction: Page 6: Line 19...Clarify "Administration" to the "U.S. Administration"

34 **ERIN CLAWSON MOVED, SECONDED BY BRIAN BURKE, TO APPROVE THE CITY COUNCIL**
35 **MINUTES OF 9-10-2013; WITH CORRECTION TO PAGE 6, AS STATED**
36 **VOTE: YES (5) NO (0)**

37 1:26:53

38 EXPENDITURES

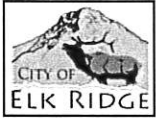
39 General:
40 None

41 ADJOURNMENT

42 The Mayor adjourned the City Council Meeting at 9:15 PM.

43

City Recorder



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

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

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, October 8, 2013, at 7:30 PM;** which will be preceded by a **City Council Work Session at 6:00 PM.** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

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

1. Elk Ridge Meadows PUD, Phase 2 - Discussion
2. Loafer Canyon Road Repairs - Mayor Shelley
3. Lucretia Thayne - Sewer Issues
4. Fire Station / Re-model - Discussion & Review of Planning Commission Recommendations
(Shay Stark - City Planner)

7:30 PM - REGULAR COUNCIL MEETING AGENDA ITEMS:

- Opening Remarks and Pledge of Allegiance - Invitation
Approval/Agenda Time Frame
- 7:35 Public Forum
- 7:45 5. Fire Station / Re-model - Action
- 8:00 6. Loafer Canyon Road Repairs - Action
- 8:10 7. Speed Tables / Options - Mayor Shelley
- 8:20 8. Phone System Replacement - Mayor Shelley
- 8:35 9. Approval of Standardized Grasses for Re-planting Open Spaces - Paul Squires
- 8:45 10. Minutes of Previous City Council Meeting: 9-24-2013
- 8:50 11. Expenditures:
General:
A. Check Registers for September, 2013
Adjournment

Handicap Access upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 4th day of October, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on October 4, 2013.

City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
October 8, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 8, 2013, at 7:30 PM;** this meeting was preceded by **a City Council Work Session at 6:00 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 4, 2013.

6:00 PM -

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott & Paul Squires (Absent: Brian Burke); *Planner:* Shay Stark (Aqua Engineering); *Sheriff:* Deputy Butters; *Public:* Lucretia Thayne, Becky Shelley, Jamie Towse, Angelia Olson, Dale Bigler & Joan Bigler, Bryce Kimber, Kelson Eliot; Sarah Riley, Maddie Elder, Dallan Olson, Tricia Watson, Ciera Thayne, Tyler Brinkerhoff, Clint Mitchell & Malerie Simonsen; & the *City Recorder:* Janice H. Davis

**ELK RIDGE MEADOWS
PUD, PHASE 2 -
DISCUSSION OF
ISSUES**

Mayor Shelley: Mayor Shelley mentioned that David Church (City Attorney) was present to address the issues associated with Phase 2 of the Elk Ridge Meadows PUD. A list of concerns was given to the Council for consideration at the previous Council Meeting.

Time has been spent taking these concerns under advisement to see what solutions may be available. The Mayor has consulted with Shay Stark (Planner) and Marissa Bassir has done a lot of research gathering information. David Church has been consulted and was present that evening.
(Draining & Grading)

There are differing issues:

1. Drainage between homes:

- There must be a certain grade away from the home; once the grading is in place, homeowners must landscape in cooperation with one another to permit the drainage to collect between the homes and flow to the street. The required slopes are supposed to work.

- At times grading is disturbed by either the home owner, contractor / builder...someone; which disturbs the flow of the run-off.

- He knows that there have been promises to residents by Salisbury Homes committing to certain steps resolving the drainage issues.

- He has been on site a few times to actually view some of the existing issues between the homes.

- There is a specific issue on Wolverine Creek: *(The Mayor used the white board to illustrate some of the problems with lots on Wolverine Creek.)* There are problems with the run-off coming from the future Cloward Development just south of Phase 2 (on Wolverine Creek).

He showed lots with slopes designed away from the individual homes; as well as the Cloward property above the homes. In a bigger storm, run-off comes off the slope from the Cloward land in a volume that cannot be handled by the individual lot owners. Rather than draining toward the street, water pools at the base of the hill and causes flooding to occur.

Something needs to be done at the base of this slope behind the lots to mitigate the run-off coming off this larger slope. *(The Mayor turned the time over to David Church.)*

David Church (City Attorney): *He used the Mayor's illustration on the board.*

Question: Who is responsible?

"Water doesn't belong to anyone; it just falls." When the water falls, it is going to go somewhere".

- Water that falls on the road: Theoretically, there is a storm drain system that will handle a certain level of storm and water won't escape from the road.

- Water that falls on impervious areas (someone's lot, roof, driveway): Building codes require that the water be shed away from the homes; "but it doesn't allow you to shed your water that comes off your home onto your neighbor's lot."

(Using the Mayor's drawing showing slopes away from the individual homes) There should be a slope away from the house at a certain grade for 10 feet out...after that, "the building code doesn't identify it; but just among neighbors, you don't have any right to shed water onto their property and they don't have any right to shed water onto your property. So you cooperate on your landscaping...no matter what the shape of it is...so that you have a way to drain it down to the public infrastructure".

So, if neighbors are cooperating with one another, it is their responsibility; "it's not necessarily a public responsibility".

- Cloward Property Situation: It is known that when a certain level of storm arises, "there's going to be water that 'sheet-drains' off that Cloward piece. It used to 'sheet drain' down and cover this area and no body cared because it was open field...now it's not an open field".

"In my mind, whether it's a public responsibility or not; it is a public purpose...a typical government purpose...that we would plan and say, 'How do we take care of this water that comes off this undeveloped piece...so it doesn't add to the problem that is created by the subdivision being there?'."

It seemed to Mr. Church that there are different problems:

- Issue of drainage between the lots: That is a problem for lot owners / neighbors...on their landscaping
- Cloward Property draining onto lots: A bigger public problem that lot owners cannot take care of on their own...how to handle the run-off from the Cloward property?
When the Cloward property develops, that will be handled; there will be designed & engineered storm drains. Until it is developed, "the only thing I see lacking, is a way for the City to help these people and the Clowards handle the water that they can't handle just by their own landscaping...that is going to take the cooperation of the City and the Clowards to do that."
Ha added that he thought there are ways to handle the problem temporarily.

00:11:23

Angelia Olson: The residents understood that Salisbury Homes was required to have that retention wall in place before they dug any holes.

David Church: He responded that the purpose of a retention wall is not to retain water; it is to retain dirt. "In some ways, a retention wall...depending on how it is built...might even have exasperated the water situation."

"There is no legal obligation for the Clowards...if it is natural water to take care of. If they are generating water by changing something; then that is their problem. But, there is no obligation for the Clowards to do anything; there is an opportunity for the Clowards to help solve the problem."

00:12:16

With a legal and Planning perspective, one would think of water problems in the following manner:

"What is a problem that an individual home owner can solve?"

That individual home owner can keep his (or her) root water...water generated by his cement and that...off his neighbor...and keep it out of his own basement and direct it to the storm drain. That is a responsibility of a an owner. "You don't landscape in such a way that it drains toward your house. You don't landscape in such a way that it drains toward your neighbor's house without providing a slope" away from the houses..."that is the individual's responsibility."

00:12:52

What is the Community's responsibility?

"Things that the home owner can't take care of themselves. In this case, that's the issue coming off the Cloward field."

Question: Erin Clawson: Why would this not be Salisbury's problem? Malerie Simonsen added that the natural flow of the water and vegetation had been disturbed by Salisbury.

Mr. Church continued: Whoever disturbed it through landscaping..."they changed it". He made the point that the water coming off the Cloward property is not Cloward's problem. "It is something that requires Cloward's cooperation to fix."

Erin Clawson: "It is not something that Salisbury would be required to fix?"

Mr. Church: He was not sure who designed the storm drain system...or who approved it; but it seemed to him, that regardless of who designed the subdivision and how the system was installed; the water is going to flow a certain direction off of the Cloward property. "Those lots (*indicating the lots on Wolverine*) could have been level with the Cloward field and water would have come off the field into the lots." The water may have flowed a different direction. "This subdivision doesn't generate the water off of that field."

Erin Clawson: She said she was not saying that it does; she was referring to a retaining wall that should have been constructed. There were two different things being talked about.

Angelia Olson: From the residents' understanding, typically, there is drainage installed underneath a retaining wall.

Mr. Church: When a retaining wall is built, water is not retained behind the wall; "weep holes" are installed so the water can get through; if not, then water undermines the wall and the entire wall can come down.

(*Erin Clawson: She still wanted to know who is responsible for this wall?*)

Mr. Church responded: Who could do it?

Malerie Simonsen: She clarified her intent: Who is "legally responsible"? She says that the law states if a builder / developer changes the natural flow of the water; then "they are responsible to re-do the flow of the water"...as well as re-vegetating the area...by the City not holding them to the code...

David Church: "...No, the City did..." (*Interrupted*)

Mrs. Siminsen: "...But, they didn't...because the house behind me...I am up on a hill...the house behind me is up higher than me, and I am on top of the hill; so that's not the natural flow of the water."

Mr. Church: "Whoever owns that house and built that house and landscaped that house is responsible for that house."

The residents argued that it is the builder / developer that is responsible.

(*There was much talking over Mr. Church...but the main point was that the developer/ builder should be the one responsible since he was the one who disturbed the natural flow of the water...this point was repeated to Mr. Church several times throughout the topic of discussion.*)

David Church: He clarified, "When you say 'developer', you mean whoever bought and built that house."

Mrs. Simonsen: "Salisbury...because I have...if we have to take it further, we can...but..."

Mr. Church: "Well, go ahead and take it wherever you want. I'm not going to discourage you from taking it...I am just talking right now about this Cloward piece."

Malerie Simonsen: "I am talking about in general...with the drainage issues that we brought up...it wasn't just Cloward."

00:16:49

Mr. Church: "If you've got drainage coming off of your neighbor's house; it's yours and your neighbor's problem."

(Mrs. Simonsen argued that it is not, due to the natural flow of the water being disturbed. She continued informing Mr. Church that the City cannot legally pass a house that is draining water onto her property.)

Mr. Church: Answer: "Oh, yes they can."

(Mrs. Simonsen told him to read the code.)

Mr. Church: He responded that he would not argue with her on it...He reiterated: "If you've got a claim against your neighbor or your neighbor's builder...bring your claim. I don't know your situation, I am talking about the Clowards." He indicated that the homes on Wolverine Creek would have no claim against Cloward. "Clowards have done nothing here."

00:17:24

Angelia Olson: She asked about a grading plan; one should have been approved. (Mr. Church said there was one approved.) Mrs. Olson had asked for a copy, she had not yet received it...she inquired what is on the plan. According to Randy Cloward, there was to be a plan before any of the homes were built. (Mr. Church knows that there is an approved Grading Plan for the Subdivision. He was not sure why she did not have a copy.)

00:18:05

Shay Stark (Planner): When Salisbury purchased the lots, the Development was 85% to 95% completed...meaning the earthwork had been done, the streets were already in...all the sub-surface. (Mr. Church added that Salisbury typically builds homes...they bought the lots...they built the homes.) (Mr. Stark continued): His point was that they are dealing with two totally different parties; the problem is that one of those groups no longer exists (meaning the original Developer, Elk Ridge Managers). Angelia Olson: She maintained that when a developer (Salisbury) comes in, the grading plan still needs to be followed.

Mr. Church: He clarified that when one discussed the Subdivision grading plan, it refers to the infrastructure; "you're not going to be talking about grading the individual lots".

Malerie Simonsen: She again asked if Mr. Church was saying that the City can pass a house being built up about 6' above where it should be and slopes into the neighbor's yard...was Mr. Church saying that the City can pass that, even though it is against code.

Mr. Church: "If it meets code, the City can pass it." He was not particularly aware if the home Mrs. Simonsen referred to met code or not...he assumed it did, or the City would not have issued a permit. (Mrs. Simonsen went on to say it does not meet "slope code...(talking over)

Mr. Church: answered that he did not know if it did or not. He tried to bring the conversation back to his discussion of the Cloward piece of property...but, Mrs. Simonsen went on to say they were not getting answers to their questions.

Mr. Church: (Answer) "If it passes code, the City will approve it. If it doesn't pass code, then the City shouldn't have approved it."

Mrs. Simonsen asked: If the City passed it against code; what then?

Mr. Church: "If you think you have a claim against either the builder or the City; bring the claim."

Mrs. Simonsen asked if there would be no negotiation or working with the City...?

Mr. Church responded that the City is not going to take the house down.

Mrs. Simonsen said that is not what they are asking..."bring in dirt..."

Mr. Church: "To where? If your house is properly landscaped on your lot, the water should not get in your house...no matter what your neighbor did. On a typical storm, if your lot is properly landscaped to code, you shouldn't get water in your house..."

Mrs. Simonsen claimed that her house is to code; but the house behind her is not.

00:21:19

Mr. Church: (Continued)...because the water should flow away from your house...on your lot. If you've got the proper slope away from your house, in your landscaping, it should flow away from it, except in an extraordinary storm." (Comment: We, Elk Ridge, has had extra-ordinary storms.)

Clint Mitchell: He had not been flooded and had no water issues until a month ago, when a lot was built on next to him...he felt it was built "way too high". (Mr. Church commented that he is not sure why more water was being generated...he is a lawyer, not an engineer.) Mr. Mitchell described his lot prior to Salisbury building next to him...no water on his lot. Salisbury has built a house; which has resulted in water running onto his lot.

Mr. Church: He agreed that when a house is built, "more impervious area is put on the lot...more water then is shed off the lot (rather than soaking into the soil). When the home owner builds or when the home owner landscapes, whoever it is...whether private or whoever...he/she has to take steps in landscaping to not dump that newly-created water on the neighbor's ground. That won't be covered by this Subdivision plan...that is taken care of, theoretically, in the landscaping in the building permit."

He went on to demonstrate his point: Two neighbors...one individual builds first...this 1st lot isn't going to shed a lot of water and the owner will be able to landscape. When the other lot owner builds and landscapes...more water will be shed. Hopefully, both owners anticipated this and planned for slopes sufficient to take care of future water being directed toward the street...regardless of the size of the lots. The 2 neighbors need to cooperate in their landscaping so that, as water flows away from the homes and downhill, it can get to the street. Occasionally there will be a storm big enough that it may generate too much water, no matter what the two neighbors do."

(Mrs. Simonsen continued her point that when one of the homes is not built to code; then it is a different scenario.)

Mr. Church: His opinion was that, "No matter what it is, you should be cooperating with each other; no matter the size of the lots or the size of the houses...if you are cooperating and working with your neighbors when you landscape and grade your lots and make changes in it...the water will flow away from your houses and toward the public streets where we've got the storm drains in."

Mrs. Simonsen: She did not feel they (the residents) were arguing that point; but if the code is not followed; then what? It is about illegal grading.

(Mr. Church asked her if she had water coming off another lot onto her lot.)

Mrs. Simonsen answered that she does...from the neighbors behind her. Her basement gets flooded...even in a light rain. If it is against code, do we have to file a claim against the City or are they going to try to help us beforehand?"

(Mr. Church asked what Mrs. Simonsen wanted the City to do to help her.)

She responded that she needs more dirt brought in to make it level...to fill in between her's and her neighbor's lot.

Mayor Shelley: He pointed out that if more dirt is brought in between the two homes; that would fill in the drainage area to the street.

(Mrs. Simonsen said she was not sure what should be brought in. Is the City going to work with the residents; or do they have to file a claim?)

David Church: "The City is going to work with you; but whether you have a claim or not; I'm not telling you, if you think you have a claim, not to bring it."

00:27:17

(He wanted to get back to the Cloward drainage): "What the City should try to do is work with the Clowards to put a temporary ditch or something here (at the base of the hill) to move the water...until the Cloward property develops. It is not the Cloward's problem on that." He felt there is no way the lot owners at the base of the slope from Cloward's property could handle as much water as would be generated off this land. "It is too big of a piece of property and it is downhill."

"The other thing that you need to remember...for you people down there...all of Elk Ridge is built on a slope. Over the years, if you drive around the older part of town; all these things that used to happen, have been handled. There are a lot of roofs, a lot of driveways, a lot of sidewalks, a lot of roads...and the water is hitting them just like it is hitting down there and you'll see some houses higher than others and some lower. It all gets worked out; if the neighbors cooperate after it develops. I drove through...and yours isn't unique compared...on the drainage and the slopes and the things; as you drive around the old part of town."

(Discussion about inspections at the time...the City contracts with another inspector now than the one that inspected the development of Phase 2...much talking over. Hard to tell who had the floor.)

David Church: It should be understood what the City procedure is: The City Building Inspector will get a call asking for a "Final"...the Inspector will go out and the home could pass Final. What landscaping goes in after that Final inspection...the City does not permit and inspect landscaping."

00:29:42

Mr. Mitchell: He asked about the situation where a previous Inspector passed something that may or may not be to code...what happens if there are issues? Is that home owner responsible? Who is responsible, if something is against code?

David Church: "If whoever caused the flood...assuming that something has caused the flood...and not just rain and natural weather; whoever caused the flood has potential responsibility. Now, you don't cause a flood, necessarily, by approving a subdivision or approving a house. The flood could be caused by lots of different things; but without looking at each situation, it is hard to say."

"I will tell you that, in general, cities are not liable to home owners for negligent inspections."

(Mrs. Olson: "Even if passed against code?") Mr. Church responded, "Yes".

(Who would be responsible, then?) "Maybe the builder, maybe the home owner."

Mrs. Olson: Residents trust the City to not pass a home if it is not to code.

00:31:19

David Church: The purpose of building inspections: The Inspector does not inspect for "quality"...only for compliance. What has been said would be equivalent to a Sheriff not picking up a speeder...and then the speeder gets into an accident...they could not sue the County for not enforcing the speed. "You get to sue the person who caused the accident."

(Mrs. Simonsen: She concluded that Mr. Church was saying: Is it her fault that the person behind her is causing flooding.) Mr. Church did not say it was her fault. If her neighbor built it outside of code, it is her neighbor's fault.

Mrs. Simonsen: "So, the City has no liability...they can pass whatever they want...and..."

Mr. Church: He answered, "Yes".

(Discussion as to whether "code" means anything to building.)

Mr. Church said, "In fact, the City, if it wanted to, could be out of the building inspection business and say, 'You are on your own'."

Mr. Mitchell: He works for a construction company that installs showers. About every city is going to requiring inspections on these. They have to meet the particular city's code and pass that inspection. In one case, there were issues and the city (Daybreak) had passed it already. The City ended up being responsible.

David Church: He replied that the city voluntarily did that. He further stated that the City of Daybreak sits on a hill...and the lots there are very small...much smaller than the lots in question here in Phase 2. There is a lot of impervious area...the home owners have to be very sure that they preserve the slopes and drainage. Fights occur between neighbors.

"It is not the size of a lot. It is not the fact that it is on a slope. It is not the fact that it is a big house on small lot, or a small house on a big lot...it is planning and cooperation...and draining it off. And anybody along the way can screw it up...the builder, the landscaper, the home owner, the guy that plants your shrubs...you have to watch it carefully."

Angelia Olson: The lot next to her lot just sold and Salisbury is building the home. Currently, there is a ditch dug by her lot; because when it rains, water from that lot runs to the ditch and out to the drain. Salisbury is noted for building up homes and not digging basements very deep. If this happens, she will have flooding.

(Mr. Church asked if it had happened yet...it had not.)

The City needs to follow the codes. The issue is that the City is not.

(Mrs. Simonson said that Mr. Church said the City did not have to.)

Mr. Church: He explained: "I am not saying that we're not. *(Interrupted...unclear)*." You've got to listen to me. I'm just saying...if you want to make a claim; bring your claim. I do this for a living; I don't care if you bring a claim or don't bring a claim. If you feel like you need to; do it. If you are asking what the City can do to help; then, the Mayor and the Council are looking for ways to help you. We're not..."

(Interrupted) Mrs. Simonson: "All I've heard from you is, 'make a claim'."

Mr. Church asked if she had not heard what he had just said...and the Mayor asked what she wanted the City to do for her.

Mrs. Simonson: "And we gave them a list; but all we've heard..." *(Mr. Church asked what the idea was...)*

Mrs. Simonson responded that they had asked for more dirt..."make a little retaining wall..."

Weston Youd: He added that it needs to be properly engineered.

00:36:02

Mayor Shelley: Out of respect for the concerns listed, he wanted the residents to understand that the Council and others have been looking at the issues; and not just recently. He had been looking into many of the issues with the current building Inspector for the last 7 to 10 months. The problem is with identifying specifically the origination of some of the problems. If it can be found that a problem came from created the builder; the Mayor has no problem with going to Salisbury and making the attempt to have the problem corrected. He has phone calls in so he can have this visit with Salisbury; but has not had a return call...and that has been some time ago.

There has been research on minutes and notes to try to find where some of the issues came from; for example, the retaining wall talked about by Randy Cloward...it has not been found (going clear back into 2006) anywhere where it says they are required to put in a retaining wall. "We are looking; we can't find it." This does not say it was not a requirement; but if they cannot find any reference to it in an approved Council / Commission vote..."it doesn't matter what someone else recommends and suggests...we are looking for that".

Angelia Olson: That is why she had requested the grading and excavation plan and what the requirements were.

Mayor: He commented that Marissa Bassir had been working hard on these requests. *(Mrs. Olson agreed that she had "worked wonderful"...) (The Mayor continued)* He said they have to have the time to do some more research; which is going on.

The Mayor is interested in the particular situations existing with the lots referred to. He said he would be willing to go down to the sites of these and try to help figure out possibilities of shedding the water in a different direction.

00:38:49

- He said he had a call in to Randy Cloward and is waiting for him to return the call. He (the Mayor) and Shay Stark think they may have come up with a pretty good idea about at least that area (Cloward's). There are many issues being addressed and he wanted the citizens to know they are seriously looking into them.

- How much can the City do legally? He is more concerned with doing things because of ethics.

David Church: The City can do a lot if they want to spend the money to do it. There is a limit as to what the City can force others to do. He returned to the Mayor's point about Cloward's hill and run off:

Those lots definitely need to cooperate to make sure that the water that goes to the back will still flow to the street. If one person wants to build it up and change the natural drainage; then you can see that there has to be a way to get it to the street or down below the site. "That is home owners cooperating with each other."

00:40:07

Mayor: He said he was willing to have the City come in and talk to the neighbors directly to discuss the slopes and make sure the backs of the lots are higher than the fronts of the lots; so that when water drains off the house, it can come through.

David Church: He went on site with the Mayor and one of the things he noticed was that some of the people have made some drastic changes with landscaping plans. So there needs to be some cooperation on this or there will be some individuals with water problems.

(Discussion of property lines and setbacks...question on back setback.)

Nelson Abbott: He answered the question: The code states 25 ft from the main dwelling to the back property line. Side: 8 ft. and on a corner lot: 25 ft. to the other street side.

(The point was made that many homes do not have 8 foot side setbacks. The side setbacks were 5 ft on the plat; they changed.)

Angelia Olson: Even though she is neither a builder nor an engineer, when someone hires a builder to build a home, it is expected that they would know the code. The City should not be allowing builders to get away with not adhering to the code. It is a problem.

Mr. Church: "The City is not letting any builders get away with things."

Nelson Abbott: If mistakes were made, it was not intentional...perhaps it was an act of "omission" rather than "commission". He had gone onto "Google Earth" and had brought up their Subdivision...it shows what the development looked like in the early days. There were only 6 homes. It showed the south end, where the grade used to be; in comparison to where the grade is now.

When a building permit is issued and construction begins...everything that was done previously with the development process would likely be erased. If the Council can facilitate cooperation among the neighbors; they would like to do what they can. When he measured the side setback between the Hopkins and the Phillips; it measured 9 ft. from the house to the property line. They need to visit the area to make sure it is understood which houses / lots are being referred to. If issues are going to be resolved, there needs to be cooperation and the problems needs to be solved one step at a time...not all at once.

00:44:42

David Church: The City contracted with professional, trained, certified building inspectors..."these were not City employees that got two weeks of orientation"; they are outside professionals (Corbett Stephens, Sunrise Engineering and Payson City for a while)." No one is doing unprofessional, "drive-by" inspections. "The complaints we got about the inspectors weren't from the buyers, they were from the builders saying our inspectors were too assiduous...too aggressive...that is good."

Angelia Olson: The City needs to "stick up" for its citizens so these issues do not exist.

David Church: "When you say that 'the City abandoned you...the City didn't do that or the City did these things'...I am not saying that mistakes don't happen; I am saying that if they did happen, it wasn't because of the best efforts of the City for hiring people and contracting with people and training people and making sure they are certified...and actually doing the inspections."

00:46:18

Mayor Shelley: He reported that in one situation the City did discover that the inspector at the time had done certain inspections incorrectly; and it was corrected...from that point forward he was directed to "do it right". It was too late to "move a home" at that point. Codes were addressed regarding spacing between houses..."that was with the previous building inspector".

Malerie Simonsen: "We can agree to disagree? You guys think it was done right; we think it was done wrong..."

(Mr. Church responded that he did not know if it was done right or wrong...)

She explained that it was stated that the City could pass a permit whether it was done to code or not.

David Church: "If you want to know what the law is...Yes, that is the law. You can't sue a City for negligent inspection...that is just bluntly the law. We inspect for our purposes, not for consumer protection. That is the law in most of the United States...if you want to know what the law is. That is not to say that the City is not going to do something to help you. If your question is, 'Can I sue the City because your inspector made a mistake?'...the answer is, no."

(Mrs. Simonsen responded that she had not asked about suing...she had questioned liability...that the City could pass something with slopes against code...)

Mr. Church explained that there would be no liability on the City; unless the City did it "intentionally, to harm you".

(Mrs. Simonsen said she had heard "other things from other City employees"...)

Mr. Church commented that if she had heard things from City employees, he was sure the Mayor would want to know. *(Mayor Shelley agreed and asked which City employees.)*

(Mrs. Simonsen responded that she would not say a name; "but a past City employee told me that if it is Salisbury, regardless of code, it gets passed no matter what".)

Mayor Shelley: "If that is what's been stated, that's blatantly wrong."

(Mr. Church: "That would come as a surprise to Salisbury.") The Mayor went on to state that he would be more than happy to address that.

Mr. Church: He said he would be happy to answer any other questions for him; otherwise, "blame the attorney, blame the inspector...don't blame these guys *(referring to the Mayor and City Council)*; they are doing a good job for you....and they will help you out if you want."

"I drove through your neighborhood; it's a very nice little neighborhood; it's going to be a nice neighborhood in the future. It looks good; it looks like nice people".

Mr. Church went on to remind those present of the former statement regarding these same types of problems existing in the older parts of Elk Ridge...when those areas first developed...with drains and coordinated landscaping, it all works out. There are things that need to be done "to make the water disappear". "As a Community, the biggest problem is not just the water on your lots; it's what we're going to do with the water after it comes off your lots...because it is a long way downhill to the Lake *(Utah Lake)*; and we don't get to dump it on anybody else."

Angelia Olson: There have been many issues with the builder that they have had and with the City; "but what we want is for this not to happen any more". The citizens in this neighborhood love the City and their homes; but because of how inspections were passed off, many issues have come up. "We don't want that to continue with all the development going on. It needs to be fixed."

00:50:01

Erin Clawson: She felt the Council has tried; she knows she has tried. "I think the City is just trying to find out if there were mistakes made...and I have said it before...they weren't intentional". She said further that the City is willing to help fix the issues; but must be prudent with finances "and make sure we are spending wisely and it is benefiting all of the citizens and not just one or a few." It must be determined where the "breakdown happened".

"If Salisbury is willing to step up and make some of the changes, if that's is where the breakdown lies...fine; and if it's not, I don't think that we have ever said that we are not willing to help...it's just doing that research and getting to that point to see where the breakdown happened; and then to make sure, as a Council, that we are spending everyone's tax-payer money wisely."

00:50:56

David Church: "They have all new inspectors and new engineers since then; if you think there was a problem with the past ones, that's fine. If you think there's a problem with the current ones, then you need to let them know."

Mayor Shelley: He committed to continue to follow-up and address the issues as best they can; as Council Member Clawson suggested...taking care to be fiscally responsible with the City's finances. He explained that the Council comes into their positions as "lay people" and are working hard to address the issues at hand.

Erin Clawson: She said she thought the City would be willing to assist with a retaining wall.

Mayor: He felt a good solution had been arrived at regarding the water coming off of Cloward's property: it would include individual homes.

He listed the various issues and the City's response:

- He will continue to try to get Salisbury to respond to him (the Mayor).
- Clean up at end of Sky Hawk Way: When the Mayor found out about the situation, he contacted Salisbury. Dean Ingram also needs to get this cleaned up for his work on Phase 5. Chris Salisbury assured the Mayor it would be addressed the following day & it was cleaned up over the following couple of days (He understands that it should not have happened.)
- He had not heard anything at that point from the EPA (*Mrs. Simonsen had contacted the EPA*)

What has happened cannot be changed; but measures have been taken to correct things in the future. (*Mrs. Simonsen mentioned fining any violation of the code up to \$1,000 / violation / day. She suggested that might be a way to generate money for the repairs. She wanted to know if Salisbury is just going to get away with what he has done.*)

David Church: He clarified that violators can be fined; but only after being charged and convicted. The fines would not go back to the City as revenue; they are retained by the court system. Mr. Church said there has never been a problem with charging people with crimes; He was not sure that everyone is convinced that Salisbury has done something that warrants getting charged with "criminal misconduct"; but "we'll look at it".

Regarding the environmental issue: He assumes Mrs. Simonsen referred to the State Dept. of Water Quality. (Yes, she was.) He knows that the City engineer has looked at that and is working with the storm water and how it is handled. (*The Mayor had not heard from the EPA.*)

(*Mrs. Simonsen was told by the EPA to call them when they wanted to begin an investigation.*)

Mr. Church told her to feel free to call them. (*Mayor Shelley told her to have them come down and he would be glad to visit with them.*)

Mrs. Simonsen: She said she was not angry at the Council; the residents want to "get on the same side as the City".

Mr. Church: He agreed that If things are inappropriately being dumped in the water, the EPA should be called. It is an important issue. It would be the same if a neighbor were dumping motor oil down the drain.

Shay Stark: (Planner) This has been mentioned and was likely come up at the Planning Commission meeting on the following Thursday: Salisbury has brought forward another proposed development (Phase 4 of the PUD or "Horizon View Farms"). From his legal perspective; based on these outstanding issues in Phase 2, can Salisbury be held up with his proposed development if his current proposal meets the code?

David Church: He said it depends on the outstanding issue; "but generally speaking, the rule is that if their proposed development meets city codes then you have to approve it".

(*Mrs. Simonsen argued that the code states they cannot be approved. She was asked to quote the section referred to, which was 10-3-15 (C) "Withholding Building Permits"; which refers to withholding permits upon a parcel which has not been subdivided in accordance with the provisions of the development code.*)

Discussion: Points were brought up in response:

- The section had to do with building permits being issued within the same development
- Salisbury was not the developer on Phase 2 (*The argument is that Salisbury disturbed the natural flow of the water.*)
- Mr. Church said he would be interested to have an engineer look at the situation to see if there is a house wherein Salisbury violated the code.
- If Phase 4 were in violation of the development code, then permits could be withheld in that development.

Mayor Shelley: Addressing items on the list provided from Phase 2:

- Water meters in driveways: "we don't want them there." He was not sure why they were allowed; but it was a mistake. If it freezes or there is a problem, that would mean tearing up the driveway. This would be the City's liability to repair. He has addressed this with the Building Inspector to see that this does not continue.
- Exposed cement: This becomes a "CC&R issue"
- Spacing between homes: This was addressed earlier in the meeting. This has also been addressed with the current Inspector.
- The money is set aside for the overlay in Phase 2; it will likely be one of the 1st road projects planned for the spring. The project has waited until building is nearly complete so the road would be disturbed as little as possible.
- Open space & park: There is money to use on refurbishing the park; it must be used efficiently. He appreciates the recommendations that have come to him. He would also like to see landscaping along the trails. (*Recorder: The City is waiting to receive the Warranty Deed from Salisbury; what pressure could be placed on Mr. Salisbury to get that from him? Could the City prepare the deed; anything to put the City in the position of taking over the open space?*)

*The Mayor said he would call Mr. Salisbury again the next day. He could also call the title company that prepared the quit claim deed. He would follow up on it. Council Member Clawson will also call him.

Angelia Olson: In all the minutes she had read through, she understood that the park was to be taken over by the City with certain terms being met. Salisbury has not held up their end of the agreement. They have created issues in Phase 2 that have been a hardship on the residents. They were granted a waiver to installing irrigation boxes so they could apply that money to fixing up the park; that was not done. She is glad that Dean Ingram is being held to the requirements; she asked that Salisbury be held to what he has agreed to before he is allowed to do more. Mr. Salisbury has asked for and been granted many exceptions...it hurts the citizens.

Question: She referred to the meeting held January 10th, where Mr. Salisbury said he no longer wished to build multi-unit developments.

The Mayor: It was an expressed preference; but when the proposal came to the Planning Commission, there was no commitment as to which way they would go. Until the process goes from the Planning Commission to the Council, it remains his preference.

(Mrs. Olson said the Council passed an ordinance that declared the R-1-12,000 Zone would be single-family units...this is what the citizens of Elk Ridge wanted. It was approved.)

Shay Stark was asked to address the difference between the R-1-12,000 Zone and the PUD Overlay Zone:

1:04:32

Shay Stark: He said that Mrs. Simonsen had called him and they reviewed the minutes being referred to together. He gave a brief review / history of the circumstances:

- 2005: the R-1-12,000 PUD Zone was created by the City as part of the annexation process. About 122 acres were annexed into the City from the County.

- Along with this annexation, a development agreement was put in place

- That development agreement is very specific. (In the same January 10th minutes) Shawn Eliot, former Planner, make it very clear...to make sure it is on the record...that Phases 1, 2, 3 and 4 are under the Development Agreement and that the City is bound by the 2005 code (he offered to read the code).

- The Development Agreement is tied with the land. *(Interrupted: that it was supposed to be "some town homes and some homes"; Council Member Clawson added, that is what it is proposed to be.)*

(Mr. Stark continued) The "some town homes" was that 10 acres...74 units of town homes. From the very first, Phase 4 was to be town homes or condominiums; that is how that 10 acres was set up for that higher density. Everything else, Phases 1, 2 & 3 would all be single family homes.

- 2010: The General Plan was changed and at that point the City realized there were some issues with having the PUD ordinance tied directly with the R-1-12,000 Zone.

- The discussion and the approval was about creating a new PUD Overlay Zone. The conflicts between the zoning had to be addressed.

- In the General Plan, it specifically states that in the R-1-12,000 Zone...the intent is that Elk Ridge Meadows is the only Development that will have that R-1-12,000 PUD Zone. The General Plan was being passed slightly ahead of the changes in the PUD Ordinance.

- With the change in the PUD Ordinance, there would be no further R-1-12,000 PUD Zones.

- Salisbury came in: They discussed where they would use the PUD Zone...Shawn Eliot informed them that what is done in Elk Ridge Meadows is controlled by the Annexation / Development Agreement and not the Code. *(Question: Can't the Council change that?)*

Weston Youd: Answer: No. Once it is set and approved it is set. It is not a zoning law; it was set at the time of annexation.

Mr. Stark: *(Continued)*

- Salisbury then comments that he just wants to do single family homes. After that, they turned in several plans unofficially...not a formal application that went through the development process...these were conceptual.

- When Horizon View Farms was proposed, they were informed by the Planner: There are two options:

1. Town homes (vested for that)

2. Single Family lots (but they cannot be 3,000 sq ft lots; they must meet the code)

- Since then: With every step taken with Salisbury for Phase 4...the Planner has made sure the specifics are understood.

Angelia Olson: The frustration has been that, when the residents built, they were told that the surrounding area would be single family homes...never mentioning town homes. They feel that is deceptive. It is felt that this is an indication of the type of developer he is. He had a plan for future development and it did not include town homes.

1:10:26

Erin Clawson: She reminded those present that the Council is not responsible for what they were told.

Mrs. Olson: Many citizens are frustrated and want the City to be aware of the many deceptions. He does not respond to problems brought to him regarding their homes; he advises them to "get a lawyer".

Many of the owners cannot afford this; the ones that can afford a lawyer, get things fixed. He needs to be held to the code and his commitments. If town homes are going in, why can't they be nice ones? Self-help Homes going into Phase 1 adds to the overall frustration; but that cannot be changed.

Mr. Mitchell: *(He had a 3-part question)*

- Town homes coming to Elk Ridge? *(Yes, nothing has received Final.)*

- What can be done to stop it, if anything?

Erin Clawson: These town homes were approved since 2005; the 1st Salisbury Home was not built until 2010...so nothing.

Weston Youd: When that land was brought into the City; part of the Annexation Plan was that this area would be a "town home area".

Council Member Youd added: The building code already exists and their plan must adhere to the code.
(Point: If anything goes beyond the normal code requirements, it must be included in CC&R's associated with the specific development.)

Mr. Mitchell: (Question 3)

- Are there any future plans for town homes in Elk Ridge?

Mayor: There is nothing being proposed and nothing the Council is aware of.

Weston Youd: Senior Housing Overlay Zone allows for multi-unit dwellings (like twin homes); or there would have to be a R-1-12,000 Zone with a PUD Overlay.

There are no other R-1-12,000 PUD Overlay Zones.

Mayor Shelley: There has actually been discussion about removing the option of PUD's.

Weston Youd: Other proposed expansions (proposed annexations) have been larger lots. There is not the opportunity of density to allow town homes. Could it happen? He cannot speak for future Administrations; but, the current code and General Plan does not designate the area for that.

(There was added concern about views being ruined by the town homes, if they are too tall. How he [Salisbury] is allowed to grade will be very important.)

Weston Youd: Salisbury is a land owner and he is free to develop his land as he wishes; within the confines of the code. That is what is in place to protect the owner and the current residents.

The City has "tightened up".

(The residents want the City to hold to the codes and be tough in enforcing them.)

Mayor: Due to the issues that have come up; the Council is trying hard to hold to the code. There has been discussion about creating a document that informs resident of their obligations; signed by the builder and home owner. This would, hopefully, result in better-informed home owners.

Nelson Abbott: He informed Mr. Mitchell that Payson City has discussed building town homes around the golf course area; but that is in Payson's boundaries.

Recorder: At one point (years ago), a developer named Eric Allan had proposed multi-unit dwellings in Elk Ridge; just east of the golf course.

(It would be impossible to predict what future development would bring to the Community.)

Erin Clawson: This was all done prior to the current Council's terms of Office.

(Mr. Mitchell encouraged the Council to treat each development like it would be their neighbor.)

*Council Member Abbott said he would be happy to be contacted with concerns and ideas.

1:18:56

SEWER ISSUES -
LUCRETIA THAYNE

Mrs. Thayne asked to be on the agenda to address the Council regarding the break in the sewer lateral the Thayne's experienced. She wanted to address any misunderstandings and perhaps clarify any misrepresentations. (She had a handout for the Council.)

She reviewed that handout:

As she has listened to the recordings of the Council Meetings, and other comments that have been made; she felt that the impression was that the Thayne's had approached the City asking for a "handout" to fix the break in their sewer lateral...wanting the City to finance the repairs. (This matter had been on previous agendas to discuss the City's liability in the situation. The code states that the maintenance of the lateral is the obligation of the home owner.)

The Thayne's are not asking to be exceptions to the code; they are asking that the Council examine the code because they believe the problem is the City's, not theirs.

- They believe the code is unclear

- If the line is in the City's property (the road), the City should be responsible for repairs to that line

- Most citizens think that they are responsible from their property lines to their homes

(She included some information from the City of Livermore because they have code that Elk Ridge could consider.)

1:21:35

(Livermore's explanation)

"What is the Customer's Responsibility?

The customer is responsible for all normal maintenance of the sanitary sewer service line on his or her private property. All problems on private property are the sole responsibility of the customer. If your plumber is unable to restore service, and the blockage is in the right-of-way (the area between the property line and the sanitary sewer main line) call the Water Resources Division while the plumber is still on site, if possible."

"What Does Normal Maintenance Mean?

Normal maintenance is removal of materials that are flushed, dropped, or inserted down the sanitary sewer service line. These materials include, for example, toys, diapers, construction debris, and tree roots in the line between the property line and your house." (Mrs. Thayne explained this would be like calling "Roto-rooter" to clean out the line.)

Elk Ridge:

"Unless provision is expressly made for ownership of mains or lines by owner of the adjacent property by means of written agreement, all lines and mains connecting the sewer system to a landowner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises." (ORd. 84-9, 11-19-1984, eff. 11-28-1984)

1:22:06

*(Elk Ridge code quoted, as well)***8-5-4: Ownership of Sewer Service Laterals - Responsibility for Installation and Maintenance:**

"All sewer service laterals lying within the right-of-way of a city street shall be installed by or under the direction of the City; provided however, that all maintenance of said service lateral and any damage to the building or contents that may arise as a result of a blockage of said lateral shall be the responsibility of the property owner and/or occupant regardless of whether the lateral is within a public street. If any sewer line or other elements of the City sewer system are damaged as a result of a contractor excavating or other cause, the City may require, at the City's discretion, the person or entity causing the damage to either compensation by the offending party to pay the cost of repair or repair such damage." (Ord. 03-10-28-7, 10-28-2003, eff. 12-7-2003)

Another part of the City's code states that the pipe is the property of the City (8-3-7); just like the trucks, and the roads. She does not feel the citizens are responsible to repair them...anymore than they help repair the roads or the trucks. They help maintain the roads by being respectful and not damaging them etc. so they are not destroyed.

1:22:52

Contradiction: The City claims ownership; but if a repair is needed in the middle of the road (like their situation), then the claim is that the home owner should be responsible for that repair. *(Handout shows the break in their lateral is in the middle of the cul-de-sac.)*

The break appears to be close to the connecting point to the main. The cause of the break is unknown at this time.

"Maintenance" to most people does not include major repairs...it is keeping something in good condition so repairs are not required.

It has been interpreted that "maintenance" includes repairs; she disagreed. "repairs" would mean "restoring something that is broken to its original condition".

The other issue is that the City can repair this for about 1/2 the cost of hiring a private contractor. If other cities require property owners to repair the laterals, typically the wording did not declare the lateral to be the property of the city.

There should be information out to citizens as to what these terms mean and what is expected; particularly with an aging system.

Other cities also have in place types of "insurance programs" that allow citizens to put money away toward any possible repairs that could occur; these programs can be optional and voluntary.

With an aging system, citizens need to be prepared. There could be a real problem pending. Saying the lines are "city property" implies responsibility. There are many possibilities for causing the break in the line...perhaps geological.

She asked that the Council look into these things and consider what is ethically and morally right.

According to the City's code, this is the City's property they are being asked to repair.

**Mayor Shelley:* He asked Nelson Abbott to continue to look into options and to review the code regarding responsibility and apparent ambiguities. The Mayor said he would continue to consider the points brought forward by Mrs. Thayne. *(The Mayor had photos from cameraing showing the connection to the main as being in tact. The break is further into the lateral.)*

(Council Member Abbott is acquainted with the type of insurance program referred to by Mrs. Thayne.)

Nelson Abbott: Infiltration is a real problem from broken and aging systems. Payson City wanted to know what Elk Ridge's infiltration rate is. Water quality can be affected. This needs to be addressed.

Discussion: Past services rendered by Twin D to flush out lines...the rotation program was inadequate and costly.

1:38:06

**LOAFER CANYON
ROAD REPAIRS**

Mayor Shelley: The funding for this Project was previously approved, pending legal counsel from David Church. Mr. Church advised that the road does not have to be specifically dedicated to the City by deed; it becomes dedicated by use. So, the City can legally repair the road. Part of the road is being repaired by the County.

Nelson Abbott: He wants to see if Loafer Canyon Rd. is included in the calculations for B&C Road Funds from the State. If not included, it needs to be added. Woodland Hills is taking this to their Council for approval.

*This needs to be followed up on. Measurements also need to be supplied to Woodland Hills.

Loafer Recreation Assoc. has been notified; as well as the County. It will be done this fall, if possible; if not, then they will do it in the spring.

1:41:02

**FIRE STATION -
REMODEL**

Planning Commission Recommendations:

Shay Stark:

Review of Memo, dated 10-8-2013:

The Public Facilities Zone requires a certain process whenever there are modifications made to the layout of a site; the proposed project does not require a change in zoning. A public hearing was required at the Planning Commission level to approve the layout of the site. There are two issues to consider:

1. Generally, the process taken and the proposed site meets the Public Facility requirements.

The City Hall is considered a government building; there are 6 defined types of public facilities within the code and a government building is one of them. Three of the six have specific requirements for setbacks; neither a government building nor a utility building require setbacks.

Examples:

- A well house is built; with small square footage...there is no need to use up developable land for a well house.

- Locating a Fire Station: The most important issue is accessibility to the service area...response time.

1 1:44:58

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2
3 This affects insurance rates and how effectively emergencies can be handled. The concern is not in
4 placing the Fire Station in the middle of a residential subdivision or out in a field.

5 He feels this is why setbacks are non-specific.

6 Mr. Stark had handouts with the site showing setbacks and location of the existing building and the
7 proposed expansion. Was the Council comfortable with the site plan?

8 In addressing setbacks, the Mayor spoke with the neighbors on Escalante Drive right next to the City
9 property.

10 Mayor: The residents were informed of the situation and concerns; that the City was going through the
11 necessary process to be compliant with the Code. The Mayor wanted to know if they were agreeable to
12 the distancing from the proposed expansion. The Mayor asked that they talk it over and get back to him
13 with any concerns they may have. The owner was given a copy of the site plan and building drawings. It
14 was indicated that they were not opposed to the proposed project. They did not come to the Public
15 Hearing and had not contacted the Mayor with any concerns; and they have returned the drawings. There
16 could be a consideration of planting trees, if so desired, to help obscure their view. The residents were
17 favorable to this idea.

18 1:47:14

Shay Stark: (Continued)

19 Second Issue:

20 2. The expansion extends out into the parking area; they had found that this parcel is not part of the
21 parcel where the existing building is located. It is actually part of the road right-of-way. This parcel is not
22 part of any surrounding subdivision plats; but is tied to the road. It was recommended to do a lot line
23 adjustment to adjust the entire parking area into the parcel where the existing building is located.
24 (Council Member Abbott expressed concern about hard-scape creating run-off.)

25 The Public Facility is a separate Zone from the other zones; although drainage is always a concern, that
26 whole area is already paved. The impermeable surface won't really change.

27 - As the expansion was designed, there was no site plan provided with the plans, nor was there a survey
28 done; the current one was done by Aqua. The design calls for the east end of the expansion to be
29 elevated up four feet to a higher level. He questions if the elevation needs to be four feet; could it be
30 lowered a couple of feet? Could it work and be a bit less expensive? A survey would help determine this.
31 A survey would be required for the Lot Line Adjustment, as well. The surveyors will provide a description
32 and the adjustment can be accomplished through deeds.

33 There was no public comment at the public hearing.

34 1:51:11

35 The Mayor closed the Work Session.

36
37
38 **ELK RIDGE**
39 **CITY COUNCIL MEETING**
40 **October 8, 2013**

41
42 **TIME & PLACE**
43 **OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday,**
October 8, 2013, at 7:30 PM; this meeting 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.

46 Notice of the time, place and Agenda of these Meetings, were provided to the Payson Chronicle, 145 E
47 Utah Ave, Payson, UT, and to the members of the Governing Body, on October 4, 2013.

48
49 **6:00 PM -**

CITY COUNCIL WORK SESSION AGENDA:

50
51 **ROLL**

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott & Paul Squires (Absent:
52 Brian Burke); *Planner:* Shay Stark (Aqua Engineering); *Sheriff:* Deputy Butters; *Public:* Lucretia Thayne,
53 Becky Shelley, Jamie Towse, Angelia Olson, Dale Bigler & Joan Bigler, Bryce Kimber, Kelson Eliot; Sarah
54 Riley, Maddie Elder, Dallan Olson, Tricia Watson, Ciera Thayne & Tyler Brinkerhoff, Clint Mitchell &
55 Malerie Simonsen; & the *City Recorder:* Janice H. Davis

56
57 **OPENING REMARKS**
58 **AND PLEDGE OF**
59 **ALLEGIANCE**

An invocation was offered by Erin Clawson; and Kelson Eliot led those present in the Pledge of
60 Allegiance, for those who wished to participate.

61 **AGENDA TIME**
62 **FRAME**

ERIN CLAWSON MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE AGENDA TIME
FRAME; ADJUSTING THE START TIME TO 7:58 PM
VOTE: YES (4) NO (0) ABSENT (1) BRIAN BURKE

63
64
65 **PUBLIC FORM:**
66 **1:53:27**

No Comments.

67 **FIRE STATION**
68 **REMODEL**

The Mayor asked for any further comments / questions.

69 Recorder: (Question) Will the Council also be considering lowering the east side of the expanded part of
70 the building along with any approval?

Mr. Stark felt that the survey would help determine that point. The funding would not be affected.

ERIN CLAWSON MOVED, SECONDED BY NELSON ABBOTT, TO ACCEPT THE PLANNING COMMISSION RECOMMENDATION TO APPROVE:

1. THE SETBACKS AS SHOWN ON THE PROPOSED SITE PLAN
2. THE RECOMMENDED LOT LINE ADJUSTMENT
3. AS WELL AS HAVING A SURVEYOR HIRED TO SURVEY FOR THE PROPOSED LOT LINE ADJUSTMENT

VOTE: YES (4) NO (0) ABSENT (1) BRIAN BURKE

1:55:41

LOAFER CANYON
ROAD REPAIRS

No further action was required.

SPEED TABLES -
OPTIONS

Mayor Shelley: Mayor Shelley contacted MAG and spoke to Shawn Eliot regarding the spacing of the speed tables. There has been some opposition to the tables, as expected. Some citizens claim that they are happy with the 30 mph speed without having to stop along Goosenest Drive. (Council Member Clawson disagreed; she has since walked along that street and cars travel too fast; well above the speed limit.)

The commitment has already been made to install the speed tables; but, he brought up the option of heavy-duty, rubberized speed tables rather than cement ones. This was suggested to him by MAG (Shawn Eliot). The cost would be about the same; but it would allow the City to try them out on a more temporary basis than cement. They must be removed in the winter months and stored. The size would be the same.

(Council Member Clawson was not in favor of rubberized tables; the cement ones had already been approved.)

Nelson Abbott: He added that if the rubberized ones were installed; and they work, then they could be replaced with cement ones and moved to another road to try it out in another location.

Erin Clawson: It has already been proven to work in other communities. That was part of previous discussions. The road is also unsafe to walk on and should be widened with a walking trail.

Mayor: He still needs to have this discussion with the residents in that area. Melissa Shuler was to be the contact person to notify the neighbors and set something up. The Mayor will have to contact her to see where things are.

*He and Deputy Butters went down and identified two locations that they felt would be appropriate. He needs to have Officer Oliver and Mr. Eliot (MAG) offer their opinions, as well.

Concern: Placement needs to not leave too much shoulder room for the drivers to go around the tables; signage can warn of speed tables. The tables cannot interfere with driveways.

Erin Clawson: She and Jamie Towse walked the area with Randy Cloward and his wife and identified four possible places; taking driveways into consideration. The commitment was to have the tables in by the end of October.

Weston Youd: He would still like to have a traffic engineer offer his professional opinion on placement.

Mayor Shelley: Both Deputies were to be involved; Deputy Butters was out of town. The Mayor wanted to have the current conversation and then have the traffic engineer go down. The expert from MAG that had been recommended, is not recommending the City put them in at all; but is willing to recommend placement. The end of October time frame was pending weather and contractor availability.

*Next step: Call Shawn Eliot to offer opinion.

The Council was in favor of staying with the concrete tables, as approved.

2:03:51

PHONE SYSTEM
REPLACEMENT

Mayor Shelley: The City Offices have an aging phone system and for some time staff has been experiencing issues with the phones actually not working. The problems vary from not being heard to not being able to hear the caller clearly. He asked the Recorder to explain the issues from her perspective. (She basically reiterated the Mayor's explanation; that the phones are older and the system is unreliable. it would be nice to have better messaging capabilities. She said that Executech's offer included a phone system utilizing the Internet; which is Veracity; what happens when the Internet goes down? She knows that people using Internet based phone systems like Vonage are not happy with the service.)

Mayor: When asked about "voice-over IP", the Mayor said that Century Link, when they came in, recommends not using it.

Nelson Abbott: He suggested it might not be the phones; the problems might be coming from the lines...they are Quest line and they have a reputation of having issues. He had problems until he switched to Comcast and has not had problems since...using the same phones.

Mayor Shelley: He added that the cost for Veracity service is significantly more (almost double) than the base price for the lines coming in. Century Link would go to about 80 MGS for Internet service. (Council Member Youd has this new service and is very happy with it.)

Difference in cost:

- Veracity: \$351/month
- Century Link: \$132.20/month (New phone system)

Two things to consider - Century Link:

- Bringing in a phone (hard) line
- The Internet line

Executech: Cost for their system: for 10 handsets (4 lines) \$338 (Does that include the Internet?)

Weston Youd: Suggestion: To rent the phone system rather than purchase them (expensive and wear out).

2:10:29

Elk Ridge City Council Meeting – 10-8-2013

Mayor: He would prefer to have one of the Council handle this who is better versed in electronics (he looked at Council Member Youd).
Century Link: Costs to purchase phones: \$7,900
*More information is needed regarding renting the phones rather than purchasing them. What would the difference be in costs? Place on the next agenda. The information should be sent out ahead of time so the Council can weigh the differences.

2:13:17

STANDARDIZED
GRASSES -
RE-PLANTING
OPEN SPACES

The Mayor said that Paul Squires had provided the Council with recommended grasses to re-plant the open spaces. It was on the agenda to discuss and approve.
Question to Council Member Squires: If / when the City takes over the open spaces, currently all in weeds...if standardized grasses were planted, would all the old weeds have to be removed first?
Paul Squires: In the plan he provided, it discussed spraying, disking and removing all weeds...then planting the new grasses. This formula is close to "native grasses" for this area.
Discussion of future irrigation water: could the flowers and natural foliage be thickened up along the trails so grass does not have to be planted?
Erin Clawson: She and the Mayor have talked about trails and she had asked Brad Olsen to come up with suggestions for wild flowers, rocks, shrubs and trees...where it is not all grass and easier to maintain.
Paul Squires: This is similar to the recommended trees for the area: one picks the trees and grasses that have the best chance of growing and continuing on. There are accompanying instructions with the grass seed plan. The areas need to be identified where these grasses would be used.
PAUL SQUIRES MOVED, SECONDED BY WESTON YOUD, TO ACCEPT THE METHOD AND PREPARATION FOR THE AREAS NEEDING GRASS; AND TO FOLLOW THE APPROVED FORMULA, AS PRESENTED BY PAUL SQUIRES
VOTE: YES (4) NO (0) ABSENT (1) BRIAN BURKE

Shay Stark: He suggested moving things like this into the Standard Specifications and Details so it is readily available.

2:18:35

NON-AGENDA

Erin Clawson: She pointed out that there should have been a discussion regarding Parks Projects on this agenda; it was not.
The Park Impact Fee analysis was in line with current laws at the time it was written; State codes have since changed and the Park Impact Fees Study needs to be brought into compliance.
*This should be placed on the next agenda.

2:20:25

MINUTES

1. City Council Minutes of 9-24-2013:

Corrections:

- Pg 9; Line 15; correct the word, "southeast"
- Pg 12; Line 25: Extra "w" in a word

NELSON ABBOTT MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 9-24-2013, AS CORRECTED

VOTE: YES (4) NO (0) ABSENT (1) BRIAN BURKE

2:21:45

EXPENDITURES

General:

None

1. Check Registers & Payroll for September, 2013:

ERIN CLAWSON MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE CHECK REGISTERS AND PAYROLL REGISTERS FOR SEPTEMBER, 2013

VOTE: YES (4) NO (0) ABSENT (1) BRIAN BURKE

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:35 PM.

City Recorder

should be brought to the narrow entries which could require a retaining wall if the homes were stepped. According to the plans, there should not be much opportunity for large areas of exposed foundation in the front of the homes. The developer has been asked to consider continuing the same motif used on the front of the homes around the back, at least in the truss areas and possibly the "bump outs". This would break up the look of one long stucco wall along the unit of 4-5 homes.

Another concern brought to the attention of Salisbury was expanding the common area of each unit from 10 feet to 15 feet.

The HOA item of concern is not governed by the City. The City reviews the HOA and CC&R document to check for violations of codes. Disbanding of an HOA include issues that are not in control of the City,

The Planning Commission made a motion to approve the preliminary with the request that Salisbury consider the three concerns addressed above.

0:19:45

Chris Salisbury: (Always Affordable Homes) He reported the materials for this project being considered was "LP Smart Side". This is the same material used on homes in the ERM, 2. Cost of the material would be a deciding factor. All options and suggestion of the Council would be considered for siding and landscaping; keeping in mind how they affect the pricing of the homes.

Mayor Shelley asked Mr. Salisbury if he could give a ball park figure of the difference in cost from vinyl to the LP Smart Side. He expressed the residents' preference, together with his preference, was the better quality and asked for that to be the option choice made.

Mr. Salisbury's response was that the jump from vinyl siding to stucco was significant, and from stucco to LP Smart Side creates an increase but not as great.

Erin Clawson: She expressed the main concern of the citizens in the area is that the information given will not be the final result. She wanted to know if there was a better way to know and understand what the town homes would look like before the City makes a commitment.

Mr. Salisbury: He would present to the Council pictures of similar completed projects in other cities with different color combinations to give a better detailed idea of what the town homes would look like.

Erin Clawson addressed Fire Chief, Seth Waite if consideration to this more dense population in Phase 4 had been discussed with regards to the evacuation of the City, in case of an emergency.

Seth Waite (Fire Chief) responded that assuredly his department was continually working on this situation; constantly trying to keep abreast of construction. With this specific development, the concentration of fire hydrants, based on the square footage of the buildings being in line with the national fire code, is a main concern. He had suggested the desired spacing and placement of the fire hydrants on the preliminary plans.

Weston Youd: He expressed to Mr. Salisbury the approach to gain Council support would be the stucco and LP Smart Side approach. The Council approved the town homes, but we want the right type of town homes and a quality of community. Mr. Stark assured the citizens present the width of the streets is the same as all the residential streets in Elk Ridge, excluding the park strip area.

Paul Squires: He suggested the list of trees the City finds best suited for this area be considered in the landscaping of this project. He then asked if the trees had been ordered.

Chris Salisbury assured the Council that once the approval was made the bidding out of all phases of completing the development, including the landscaping, would move forward.

0:34:14

Mayor Shelley took a few comments from those present:

Unidentified Citizens asked if the homes would be built as a whole neighborhood, or individual purchases?

Mr. Salisbury explained the project would begin in one area with a designated number of homes for sale; then move to one different area at a time until the project was completed.

Unknown Citizen inquired if it was proper for excavation to begin before a permit was issued.

Mary Preece (Deputy Recorder) responded that excavation could be started since an application was submitted and being considered; but no construction such as footing or otherwise could begin until the permit was issued. (This was not a correct statement, according to code.)

Angelia Olsen: Her questions for the Council arose due to the fact she did not get to see the plat during the public forum. She presented the Council with a copy of the plat to point out her concerns:

She wanted a fence that would still give access to the open areas

- Most cities with high density areas are enclosed with fencing.

- It is a private HOA; which restricts other citizens from using their park, yet they have access to the open area.

0:39:07

- Salisbury has not held up his end for fixing up the park for ERM, 2, so why let him build until the ERM, 2 park is completed? Can Salisbury be trusted?

- Her concern for the driveways and parking area being a danger to citizens.

Nelson Abbott tried to explain to Mrs. Olsen that restricting building in ERM, 4 could create a position to expose the rest of the town and residents of Elk Ridge Meadows to lawsuits, cost and fees. The Council will work within the parameters of the Code, and do all that it allows. He asked Mr. Stark if what has been proposed meets the annexation agreement.

Shay Stark replied in the affirmative.

Mrs. Olsen was instructed to close her comments; however she continued by asking Mr. Salisbury a question about the intentions that had been relayed to her by Salisbury that the area West of ERM, 2 would be homes like ERM, 2; with a school, with no mention of town homes.

The Mayor was tapping the gavel and as Mr. Salisbury began to make an explanation, Mrs. Olsen interrupted to argue the point that he had misrepresented to them his intentions.

The mayor moved the meeting forward.

Unknown Citizen asked the Mayor if the City and builder need to be in compliance with SWPPP and NPDES permits before they build.

Mayor Shelley: He stated the Council is working with the Planning Commission to put that together. As of yet, it is not in place. Because of code and new legislation we can now opt out if it is our choice; but we are opting into it and working on it at present.

Unknown Citizen stated there was a lot of space in planter strips, and with so many dogs in the city, they need to keep dog owner's responsibilities enforced.

Mr. Salisbury expressed they have spent around \$40,000; and they have been working with the City to solve problems left by the prior developer to get the park in good condition. All the pieces were put in place but hard, cold weather created a new set of problems. It is not correct to say "nothing is being done".

Discussion continued between the members of the audience and the Council as Weston Youd and Nelson Abbott were trying to make a motion. Comments concerning the fencing and landscaping continued.

Erin Clawson attempted to explain to Angelia Olsen that you cannot make the builder do the fence, but the Council will make suggestions and work with him. The "natural" fence fits the requests of the people wanting more open space in the City. Salisbury is following all of the codes we have in place; regardless if all the people have their desires met or not.

0:49:40

WESTON YOUNG MOVED, SECONDED BY ABBOTT NELSON, TO APPROVE THE PRELIMINARY PLAT FOR HORIZON VIEW FARMS DEVELOPMENT; ALSO TO ENCOURAGE THE DEVELOPER TO TAKE INTO CONSIDERATION PAUL SQUIRES' PLANTING GUIDELINES FOR THEIR LANDSCAPING PLANS; SPECIFYING TREES AND SHRUBS. DEVELOPER IS TO CONSIDER A LARGER BACK YARD COMMONS AREA...IF POSSIBLE, UP TO 15 FEET. THE COUNCIL ALSO ENCOURAGED THE NON-USE OF VINYL; BUT USING STUCCO AND LP MATERIALS AS THE CITY'S PREFERENCE.

VOTE: 5 (AYE) 0 (NAYE)

0:55:53

**DISCUSSION OF PARK
PROJECTS-CAPITAL
IMPROVEMENT PLAN**

Mayor Shelley turned the time for this discussion over to City Planner, Shay Stark.

Shay Stark: He stated that a number of questions had arisen the past few months regarding available funding for parks, trails, and open space. The impact fee for parks and recreation was developed in 1998. The State Impact Fee Code has changed over the years since 1998 with more specificity being required. Some of the challenges coming up for the City are:

- * The City does not comply with the current State Impact Fee Code. This, in part, prevents a park impact fee for Phase(s) 5 (5-10) of ERM because of no definition to tell us what the impact fee is and where the money would be spent. Also, a park & open space is being dedicated to the City in Phase 5.

- * The City does not have any standards set up for parks and trails. Therefore, developers have presented landscaping plans without any standards for parks and trails.

When David Church (City Attorney) reviewed the Development Agreement for Phase 5, he instructed the City to specify very clearly exactly what is expected to prevent the same problems in the future that have come up in the past.

- * Does the language in the PUD ordinance provide the desired outcome for what the City wants to see come about?

The current requirement of 25% open space brings to light the question of what benefit this is to the City other than the cost of maintenance. Are bits and pieces of open space a benefit to the Citizens?

The General Plan directs to get as many parks and open spaces as possible; it may not be feasible financially. It is important to consider what the City can afford and what the citizens are willing to pay to have these open spaces.

With the calculation of the impact fees being more specific on how they are spent, the City has to determine specific projects. New growth can't pay for maintenance. The City must determine the service areas where these fees apply. The impact fees from any individual development needs that will benefit the people in that development. Impact fees from one part of town cannot pay for parks (etc.) for another part of the City. The use of impact fees could be used for regional parks, regional trails, or City wide recreation programs.

The ordinances could require the developers to develop local trails, neighborhood parks, and similar amenities. The proposed projects must be detailed including a capital facilities plan with costs and a proportional share attributed to the new growth.

It is important to have a vision of where the City wants to go with this. Sewer and water fees are an area of city government that is logical and associated to the infrastructure of the City. However, Parks and Trails need the input of the citizens and what they are willing to pay for.

We need to have standards in place for uniformity in the community. Clarity in landscaping is important; including all the options that are available.

The PUD Ordinance needs to accomplish what the City desires. What benefit does the City receive from this ordinance? Open spaces, again, are expensive and can be difficult to maintain. Time, money and man power can be more effectively utilized if the smaller open spaces were tied together. What benefit has the developer received? Does the City desire high density zones? Can the desired results

be accomplished in a simpler manner under the standard zones. By law the general plan is meant as a guidance document to direct policy. When it is followed, the General Plan acts as the legal justification for City policies. It is important for the City to have this in place. The current language in the General Plan promotes aggressive a parks and trails program; which brings up the question of whether the City can afford it. The vision of what the citizens of the City want and are willing to pay for should be in the General Plan; then transferred into the impact fees.

This vision needs to be in place, so as the City moves forward with updating the impact fee analysis, a document can be created that is useful and accurate, avoiding contradictions.

Mr. Stark proposed creating a committee that includes a City representative, citizens, and even a developer or two. They would craft ideas to implement the vision to be presented to the citizens for comments. From the feedback, the City can adopt the vision by updating the parks and recreation section of the General Plan. Once this is in place, the City can move forward by updating the impact fee analysis, creating standards and specifications and updating the development code or even other sections of the General Plan, if needed.

1:14:20 Nelson Abbott: He would like to see the PUD code discontinued. It has served its purpose, now it needs to be removed. To have adequate facilities for the City, there is a need to improve the areas now in place. As the City expands, the plan for these facilities also needs to expand.

Erin Clawson: She agreed that the City needs to come up with a standard to justify the impact fees. Bathrooms, trails, pavilion, and play equipment can be decided within the standard to justify the usage of the impact fee. It makes sense to apply the fees to the areas where the citizens are going to be able to best use it. She expressed urgency in getting started to be in compliance with the State as soon as possible.

Mrs. Clawson: She had requested Brad Olsen (Olsen Nursery) of Payson City to provide some renderings of landscaping he has used in his consultations with this type of situation throughout the Valley. He was given the expressed desire of just grass from some of the citizens in the ERM, 2 concerning the open area. He found it totally possible to combine grass with shrubs, trees, rocks, and other xeriscaping materials. She presented the pictures of areas he had completed such as in Santaquin City. These renderings presented low maintenance & water conservation answers to large areas. Mr. Olsen gave a quote of \$2,880 for every 75 feet. If the area was larger and the materials were those he had on hand, the price could be considerably lower.

If the Council is going to adopt a standard, it would be throughout the City not just the area of ERM, 2. This could be funded by the impact fees coming into the City.

Paul Squires: He stated a meeting will be held with the director of the CUP Completion Act and the Department of Interior in approximately three weeks to discuss the needs of the City.

Mayor Shelley proposed a study of the material Shay Stark had presented and a possible survey of the citizens to receive input and ideas for formalizing a standard.

1:25:47

ERIN CLAWSON MOVED, SECOND BY NELSON ABBOTT, THAT THE INFORMATION PRESENTED BY SHAY STARK BE SENT BACK TO THE PLANNING COMMISSION; THAT THERE SHOULD BE AN ATTEMPT TO CONDUCT A SURVEY DURING ELECTION TIME TO GATHER CITIZEN INPUT THAT WOULD EVENTUALLY BE SENT BACK TO THE PLANNING COMMISSION.
VOTE: AYE (5) NAY (0)

1:26:39

IMPACT FEE STUDY
WORK RELEASE

Mayor Shelley explained the need for a new impact fee study. He requested Aqua Engineering to move forward with the study. He inquired of Shay Stark if any progress had been made towards the study.

Mr. Stark stated that it had begun; however, there was a request that only the items of concern be the scope of the study. It appears that LEI had completed the analyses for the storm drain and there was a proposed storm drain code with the analysis. He felt it needed to be strengthened so developers know they will be held to the standards. The work release is not completed, but Aqua is getting a good picture of what it must contain. He requested a copy of the original proposal from LEI to better understand the scope of work they were approved for. Along with the City's road impact fee, storm water impact fee, water impact fee, sewer impact fee, parks and recreation fee there is an accessory apartment fee. According to the State Code there are specific impact fees a City can charge, and an accessory apartment fee is not one of them. If a homeowner turns his basement into an apartment the water, sewer, and storm drain fees can be charged, but it cannot be broken out and created as an accessory fee.

Aqua will strive to have the Work Release ready for the next Council meeting.

No action was taken.

1:31:44

PROPOSED LEE
HASKELL GOLF COURSE
DEVELOPMENT

The Mayor asked Shay Stark to lead the discussion.

Shay Stark explained that during the examination of the plans for this development, it was noted that the City or other adjacent land owners would be paying for the construction of half of the main street (Olympic Lane); also the street was coming into the future park parcel that the City owns. This created the need for a meeting with Mr. Haskell, Marisa Bassir (Planning Commission) Cody Black (Public Works), Mayor Shelley, and Shay Stark. In the discussion that ensued, the following points were brought forth for the Council's consideration:

* There is a 56 foot wide parcel (purchased from Schulers) owned by the City for a park to connect two existing City parcels. There was an easement across Mr. Haskell's property; he also

needed to complete that access to the future park. Mr. Haskell was not certain if a written easement agreement was in place, or if it was simply verbal. Shay Stark verified there was a recorded easement. The entry road that is proposed, Olympic Lane, would be utilizing the 56 foot wide parcel (.48 acres) the City owns.

Once the road passes Chad Brown's property, it shifts with the center line of the road coming across the City parcel. There is also an area of 350ft in length (.18 acres) in that road where it crosses the City Parcel. Mr. Haskell wants to use these two parcels (.48 and .18 acres-total .66 acres) for his development.

He was requesting that the City pay for half of the road that fronts the City parcel. An approximate cost to complete half of this road would be between 40 and 50 thousand dollars.

* If the City were willing to accept that arrangement, Mr. Haskell would be willing to sell the City the .46 acre lot on the west end of the existing City parcel; so the City could square off the park area. This would be at the cost of \$35,000; which is the raw land cost.

Mr. Starks' personal opinion is that the City should receive just compensation for their land. The City land in question is not a right-of-way; it is a parcel with a Tax ID number.

If this road were to be straightened out and taken off the City's park land, it would require a re-configuration of the lots. There is a possibility of two options.

1) One lot would be lost; or

2) If the storm drain basin were located in a different area, it would allow Mr. Haskell to retain 15,000 sq feet along the back, and still have the same number of lots.

Mr. Haskell felt that the 56 ft. wide parcel was not a lot. It would not be possible to build on that type of a parcel. The City bought that strip for a road and he did not feel the developer should have to purchase that from the City to build a road. He felt the neighbors on both sides of the road are going to pay for the road. A lot of people in the City will be parking on the road to watch their children play ball and many other reasons for years to come.

Mr. Haskell felt the parcel the City is interested in, if developed, would be worth 80-90 thousand dollars. He could pay for the City's half of the road and sell the lot for 80 or 90 thousand; but if the City buys the lot at \$35,000 and pays \$45,000 for 1/2 of the road; then the City ends up with the lot and the road.

Either way it is going to be about \$80,000. He also made the point that in most situations, land owners on each side of the road pay their share for the development of a road. He stated, in addition, the developers would be contributors to the payback of the funds spent on the new Elk Ridge road and sewer line.

Mr. Stark brought up the fact that there is still the .18 acres of the City not accounted for in value of the deal.

Mayor Shelley: He presented to the Council a summary of the City's next action would be to resolve this issue. The City must decide how much of an advantage it would be to purchase the half acre. Does the City want to pay for the portion of the road that fronts the park? The City needs to be sure their investment is a wise decision for all concerned. The City does not have a plan set for what they want to do with this area. Planning and further discussion needs to take place. Eighty thousand dollars appears to be high.

Mr. Stark reminded the Council that the development cannot take place without the 56 foot wide road; which is the standard for the City. If the retention pond is moved, it leaves enough ground for all the lots desired; yet either way, one party or the other loses .18 acres.

Discussion took place among the Council and it was determined more information with further examination and consideration needed to take place. No action was taken at this meeting. Insight from Mr. Haskell was welcomed. This proposal will be placed on the next City Council Meeting in two weeks.

2:04:19

CODY BLACK
401-OPTION

Mayor Shelley reviewed the information Cody Black had sent to each Council Member addressing his 401-K and health insurance benefits. Mr. Black has proposed he not take the health insurance, saving the City a considerable amount of money. In lieu of this action, he has proposed to take half of the premium saved as a contribution to his 401-K and the City would have benefit of the other half of the premium. He explained that Mr. Black's wife carried insurance for the family.

Cody Black: He explained that either situation would be satisfactory to him; to sign up for insurance costing the City the premium of around \$13,000 to \$14,000 a year, or to contribute half the cost into his 401K and the City keep half of the premium. He has worked for two other cities that participated in this type of split.

Weston Youd expressed a concern for what the maximum limit is that the City can contribute to a 401K. Nelson Abbott: He felt the City CPA, Curtis Roberts be consulted to determine what the contribution limit is.

2:08:05

PHONE SYSTEM
UPDATE

No Action was taken; this will be placed on the next meeting's agenda.

Mayor Shelley: He informed the Council that Century Link had made a very impressive presentation to the staff. The other option presented was with ExecuTech; the staff was not impressed with their equipment or service. ExecuTech would have to buy service off Century Links hard lines, and the consensus of those involved was it would be better to utilize Century Links product along with their service.

No action was taken at this time, and item was postponed until the next council meeting.

2:10:39

Elk Ridge City Council Meeting 10-22-13

MINUTES OF
CITY COUNCIL
MEETING

No corrections were noted

**BRAIN BURKE MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE MINUTES OF
10-8-2013, AS PRESENTED.**

VOTE: AYE (5) NAY (0)

Shay Stark responded to a question concerning the lot line adjustment for the fire station. Aqua is researching the County records to be sure all information has been presented. Upon receiving the survey, the deed will be created and recorded.

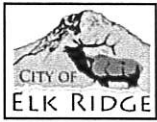
EXPENDITURES

Nothing was presented.

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 10:14 p.m.

City Recorder



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

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

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, November 12, 2013, at 7:00 PM;** which will be preceded by a **City Council Work Session at 6:00 PM.** The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

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

1. Elk Ridge Meadows, Phase 1- Durability Retainer
2. Proposed - Lee Haskell Golf Course Development - Shay Stark
3. Sewer Code Clarification
 - A. South Clark Lane - Sewer Repairs
4. Bella Vista Lane - Future Development - Shay Stark
5. Phone System Update (Estimate with Rented phones) - Mayor
6. PEHP Insurance Renewal / Cody Black - 401K Option

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 7. CANVASSING GENERAL ELECTION RETURNS
- 7:30 8. Work Session Items - Action:
- A. Elk Ridge Meadows, Phase 1
 - B. Proposed Lee Haskell Golf Course Development
 - C. Sewer Code Clarification
 - A. S. Clark Lane - Sewer Repairs
 - D. Bella Vista Lane - Future Development
 - E. Phone System
 - F. PEHP Insurance Renewal / Cody Black - 401K Option
- 8:15 9. Impact Fee Study - Work Release from Aqua Engineering
- 8:25 10. City Fee Schedule - GRAMA Requests
- 8:30 11. Minutes of Previous City Council Meeting: 10-22-2013
- 8:35 12. Expenditures:
- General:
- A. Check Registers for October, 2013
- 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 November, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on November 8, 2013.

City Recorder

**ELK RIDGE
CITY COUNCIL MEETING
November 12, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 12, 2013, at 7:00 PM;** this meeting was preceded by **a City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of these Meetings, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 8, 2013.

6:00 PM -

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; *Public:* Ciera Thayne, Lee Haskell, Andrew Tuttle, Dale Bigler, Randy Rosekelley, Bryce Kimber, Charles Wixom, Lucretia Thayne; & the *City Deputy Recorder:* Mary Preece

**ELK RIDGE
MEADOWS PUD
PHASE 1 – DURABILITY
RETAINER**

Mayor Hal Shelley had invited Tom Henriod (Developer); however, he was unable to attend.

The Mayor explained the bond for the durability retainer has been renewed a number of times during the past few years. Mr. Henriod submitted a proposal a few months ago to buy out their obligation on the balance of the work needing to be completed. The amount Mr. Henriod suggested for the buyout was \$30,000; the City felt the cost for the work would be considerably more than the offer made. The estimate the City received last spring was for \$90,000. It was recently discovered that the bid was for 2" of asphalt and the overlay only needs to be 1 inch. This lowers the cost of the work considerably.

Last week Mr. Henriod contacted Jan Davis expressing his willingness to renew the bond. He asked if he could reduce the amount of the bond. He had received recent bids from \$46,600 to \$54,000.

In examining the request with the new bids, the City proposed to Mr. Henriod using the high bid and adding 3%. Mr. Henriod seemed to be in agreement with this offer.

Shay Stark (Planner) stated the amount of the Durability Bond that has been extended again and again is for over a million dollars to cover \$50,000 of pavement. The extensions to the bond were specifically spelled out as being for the asphalt overlay; therefore it cannot cover anything else. The million dollar bond is a significant cost to Mr. Henriod that does not benefit him or the City.

Nelson Abbott suggested the overlay in Elk Ridge Meadows, Phase 1 be completed in the spring of 2014 along with the overlay in Elk Ridge Meadows, Phase 2. This would be a considerable savings for the City due to the larger amount of Asphalt and having it all completed at one time. He asked if the bond needed to be for one or two years.

Shay Stark explained that at the time of the initial durability bond the code required it to be for a 2 year period. Even though he has continued to renew the durability bond, you cannot go back on any part of the development already completed. A new durability bond for the correct amount would reset the time, allowing the City to have recourse from that point forward.

0:09:34

**SEWER CODE
CLARIFICATION -
SO. CLARK LANE**

Mayor Shelley acknowledged that the Sewer Code does need clarification concerning a number of issues. The Code indicates that "maintenance/repair" is the responsibility of the homeowner from the house to the main line. There is ambiguity in indicating the sewer line is to be maintained by the home owner; but it is owned by the City.

Nelson Abbott had contacted Curtis Roberts (Finance Director) to clarify if the City is depreciating property owned by the City, specifically the sewer laterals; as well as collecting money for the same thing. The answer he received from Mr. Roberts was yes, but not across the board. "The City plans to require all residents to replace any sewer lateral to stop any depreciation on these assets. The City still needs to capture the value of the assets, as they are owned by the City." In some cases the City is depreciating them.

The City is putting aside close to \$1200 a year for depreciation of certain laterals. The Code states the laterals are to be maintained by the home owner if there is any blockage or damage to the laterals regardless of whether the lateral is within a public street. There is a need to fix the Code to what the City is doing, or change what the City is doing to align with the Code.

Shay Stark clarified there are a few cities that state on the application for service that the lateral is owned and maintained by the homeowner from the home to the main line. In this case it relieves the liability from the City in case of plugged or damaged lines. There are other communities where the lateral is owned by the City to the property line. City main lines have manholes, enabling the use of jet trucks to clean out the lines. Typically, there are no clean outs on the City side of the right away for access to clean the laterals out. There are options the City can consider to eliminate the confusion.

Weston Youd stated that the option for homeowners to own and maintain the laterals also limits government control and trespassing on personal property.

Lucretia Thayne felt it is important to make a clear definition of maintenance and of repair. Repair referring to damages; maintenance being the elimination of a plugged-up lateral. In the case of her home, the cause of the problem has not been determined. Complications arise when the City makes the homeowner responsible for work needed in the middle of the street.

Nelson Abbott would like to have a breakdown for the cost per hour the Public Works Department charges individual homeowners for work they perform.

Weston Youd expressed that the need could arise to have the employees bonded and insured if they were farmed out to do work for individuals. That situation would make the City liable for those employees.

Mayor Shelley Suggestion: to make the repairs to the lateral at the Thayne residence, and assess the cause when problem is exposed. He would like to see a very definitive change in the code to make sure it is clarified and possibly be consistent with what other cities are doing that has been successful. This should not benefit one person at the expense of the City, but to help the entire community.

Discussion ensued concerning a program (form of insurance) for citizens to opt into for costs that could occur. It was determined this type of program was more successful in large Cities with staff to manage and execute the system. The concern was "does Elk Ridge have the infrastructure and ability of management to take this on".

0:33:36

(Out of Order)

PROPOSED – LEE

HASKELL GOLF

COURSE DEVELOPMENT

Mayor Shelley: He welcomed Lee Haskell to the meeting and asked the Council if they had taken time to view the area for a better understanding of the situation. There was not a positive response from any Council Member. He turned some time over to Shay Stark to summarize the proposal once again.

Shay Stark explained that Mr. Haskell is proposing that the City's 56 foot parcel (a total of .48 acres); and the portion of land where road juts out into another City parcel (consisting of .18 acres), be contributed to the project for the completion of a road into the Golf Course Development.

He is also asking the City to pay for half the development of the road (Olympic Lane) that abuts the City's property (future City park). The estimated cost to the City would be \$40,000 to \$50,000. If the City agrees to this, Mr. Haskell is willing to sell Lot #1 to the City for \$35,000.

Lee Haskell clarified: the first 350 feet of the entire road entering the development from Elk Ridge Drive would be the developer's responsibility. The road would be a joint effort between Chad Brown, Payson City, and David Nixon; as each will benefit from the road.

The road will allow the City double access to the future park development.

Mayor Shelley expressed concern that the purchase of Lot #1 would increase road development responsibility for the City. He felt there wasn't a need for the City to have the extra half acre to square up the park. The Council agreed with his remarks.

0:49:08

BELLA VISTA LANE-

FUTURE DEVELOPMENT

Time was turned over to Shay Stark by the Mayor for a review of issues surrounding several parcels known as the proposed Plat "K" of the Salem Hills Subdivision.

Shay Stark explained there is potential movement toward the sale and development of some of these parcels. These parcels are generally 11,000 square ft; which is similar to the existing development; however, the current zone for this area is R-1-15,000. This issue not only affects the 10 parcels on Bella Vista but also various parcels throughout the Salem Hills Area. They also need to know if they will be able to develop those lots in the future as 11,000 sq ft lots. Two issues have been brought to the attention of the City:

1) A formal request for the City to grant a zoning exception for the 11,000 sq ft parcel is presently being considered by one land owner (Troy Richardson). His lot has a large shop building on it. Any purchase requiring financing will require a letter from the City stating the land and the structure are legal and conforming to protect their interest; insuring the value (land and structure). The bank also wants a rebuild letter from the City to protect the structure they are loaning money on. This is not possible, as it is not legal or conforming. A letter from the City could be prepared for the bank stating the history of the lot; and even though it is not a legal lot, or a conforming lot, there is a zoning exception (10-12-30) that allows for lots to be developed if they are 80% the size of the existing lots that are within 400 feet. This can apply to this lot, and would require going through a single lot subdivision process. The history of this lot is complicated, as research reveals many illegal processes taken for the construction of the shop. This type of structure requires a conditional use permit; which was never obtained. In addition:

- The Plat work required of Mr. Richardson was never recorded at the County
- There is no record of a final inspection or occupancy permit (2008 a letter was sent to Troy Richardson stating the fact, & requesting he get a final inspection)
- The setbacks for the shop were ignored along with the maximum size of an accessory structure. The table shows 350 sq ft. for a lot 11,000 sq ft. The shop is 1500 sq ft.
- The City issued a building permit with the understanding that lots lines would be dissolved; which never took place

Mr. Charles Wixom (realtor) felt the proposed Plat K and L were recorded since the parcels for Bella Vista road were deeded to Elk Ridge City by the County due to delinquent taxes. These parcels were part of the proposed Plat change.

Mr. Stark stated the best way to resolve this particular situation is a letter to the bank that the City; under conditional use requirements, will allow the structure to remain; or be re-built, in its current use until the time the owner decides to modify the structure. At that point the structure would have to be brought into conformance with the code.

Mayor Shelley asked Mr. Wixom if he had an interested party for the purchase of this property. Mr. Wixom confirmed there were interested parties.

Mr. Wixom presented to the Council his proposal asking for the following:

- A Zoning exception
- An acceptable building lot parcel be granted under 10-12-30 of the City Code.
- A traditional non-conforming use to be granted; allowing the structure to be used as a shop. When improvements are made in the future, the owner can continue with that use if they decide to attach a residence to the existing structure. This would require an exception or variance, since the setback is not conforming.

Mr. Stark responded that the State Code does not allow an illegal non-conforming structure. This would require the entire structure to be brought into conformance, and be brought before the Council at that time to work through the issue. The City at this point can't assure any action that would take place at that time. If the zoning exception (10-12-30) were granted and the single lot subdivision approved, the structure could have repairs and maintenance to keep the original state of the building.

2) Mr. Andrew Tuttle (Developer) has been asked by the Goodsells, who own three of the parcels on one side of Bella Vista Lane and one on the other side, to develop said parcels and construct the Bella Vista Lane road. These lots are 11,000 sq ft, and the zone for this area is, again, 15,000 sq ft. The zoning exception section (10-12-30) mentioned earlier, is limited to 2 parcels; therefore would not apply to this issue.

The Goodsells are going to contact other owners of parcels along the proposed Bella Vista Lane to determine if they would be interested in selling their parcels, or developing them for building lots. If they are interested in joining with the Goodsells, the issue could be resolved. A subdivision plat could be created for the area, then plat the parcels; making them legal lots. The infrastructure would be developed, the road would be completed, and in the future, these lots could be sold as building lots.

The Planner proposed: to allow the owners, through a development agreement, to develop the subdivision as 11,000 sq. ft. lots; which fit in with the surrounding area. If this does not take place, the City would be at a "stale mate" until all the owners die; allowing someone else to purchase all the parcels. The City would benefit from a platted subdivision that would deal with the issue of all of these non-conforming parcels; which would include a paved street and utilities. All other code requirements for an R-1-15000 zone would be enforced at that time.

Nelson Abbott asked if there was an issue in building the required 1600 sq. ft. home on these smaller 11,000 sq. ft. lots.

Mr. Stark assured him it was adequate space to meet the minimum building requirement.

Mr. Tuttle stated their interest was to develop the properties as a complete subdivision with as many participants as possible. If any property owners were not interested in selling the lots, the development would move forward, and a reimbursement agreement could be established. He reassured the Council the lots were sufficient in size to build the minimum required living space. The most narrow lot is 97.5 ft wide and 110 ft deep. With 30 ft. front and back setbacks it allows a 50 ft. envelope front to back; and with 12 ft. side setbacks, there is room for a 70 ft. wide home.

Shay Stark remarked if the City can't work this out, allowing the owners to utilize their land legally, they can say this is a "taking" and bring action against the City. Negotiation is possible because an exception is an option.

Mr. Wixom: He brought to the attention of the Council that the other lots in this area were sold as legal description lots; and the remaining lots that are in question were victim to the economy collapse. Waiting for the economy to recover, the zone change was made to R-1-15000. The lots were purchased and conformed to the zone requirements at the time. The owners expected to build or utilize their land when the opportunity came.

**(Note from City Recorder: The Zoning was changed in 1993 from S-1, "Suburban Residential Zone" to the R-1-15,000 Zone; this occurred when the entire Zoning Ordinance that was in existence since 1978 underwent an entire change.)*

1:42:30

PHONE SYSTEM UPDATE

Mayor Hal Shelley proposed to the Council that the City switch to a new provider, tying in with Century Link, to see if this would solve the problem of the faulty phone service the City is experiencing. If the problem is not solved, then another alternative could be considered. The Council agreed with this action.

1:43:40

PEHP INSURANCE
RENEWAL / CODY BLACK

Mayor Hal Shelley drew attention to the memo from Curtis Roberts (Accountant) addressing the PEHP options. Mr. Curtis suggested the alternative of paying Mr. Black half of the insurance premium in cash; which would require taxes to be deducted; and then he could choose what he would do with the money. Brian Burke's reaction to this suggestion was it sounded like a "cafeteria plan". If this were done for one employee; it should be done for every employee, not just one individual.

**ELK RIDGE
CITY COUNCIL MEETING
November 12, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, November 12, 2013, at 7:00 PM;** this meeting was preceded by **a City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of these Meetings, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on November 8, 2013.

REGULAR CITY COUNCIL AGENDA ITEMS

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; *Public:* Ciera Thayne, Lee Haskell, Andrew Tuttle, Dale bugler, Randy Rosekelley, Bryce Kimber, Charles Wixom, Lucretia Thayne; & the *City Deputy Recorder:* Mary Preece.

**OPENING REMARKS
AND PLEDGE OF
ALLEGIANCE**

An invocation was offered by Nelson Abbott; and Mayor Hal Shelley led those present in the Pledge of Allegiance, for those who wished to participate.

**AGENDA TIME
FRAME**

WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:53 PM.

VOTE: YES (5)

NO (0)

1:54:35

PUBLIC FORM:

1. Paul Squires asked as that a portion of the Agenda include a report from each Council Member on their responsibilities. He felt this would be an important step in educating the Council as to what is going on in different areas.

Mr. Squires also requested to be provided with the records that have been completed by Boyd Erickson (past Code Enforcement Officer). Some of the actions taken are still in motion and he would like to make sure they are followed up on. This would allow Council Member Squires to turn over these records to a future Code Enforcement Office for the record.

2. Nelson Abbott reported the Mayor of Woodland Hills informed him that re-vegetation will be done by Don Meham where excavation is taking place on the west side of Loafer Canyon. This should be completed by the end of this year.

3. Anglia Olsen requested an update on issues concerning Elk Ridge Meadows 2 addressed in the last Council Meeting. She would like to inform the residents as to what has taken place.

Mayor Shelley was happy to report as much of an update as he could. He asked Planner Shay Stark to help with finding a resolution to the storm drain issues. He has had contact with a few residents who have had successful ideas. It is a matter of finding a way to do this legally and make sure it is available City-wide.

The City is trying to make any successful changes that are possible for the City to accomplish.

1:57:36

**CANVASSING GENERAL
ELECTION RETURNS**

Mayor Shelley presented the official election returns to members of the Council to review and inspect. Tabulation of Election Returns for ER01 and ER02 (combined) of Elk Ridge, Utah were presented by the Mayor.

* State of Disposition of Ballots were inspected and found correct.

* Tally List was verified as accurate.

* Number or Person voting according to the number of listed in the Poll Book – 607 regular, 59 absentee votes, 1 late absentee vote, 21 valid provisional votes. Total Valid Voters was 688.

* Number of registered persons as listed in the Official Register Book – 1520 resulting in 45% voting.

Names of Candidates or Positions	Office	Votes	Prov. Votes	Late Votes	Total
Hal Shelly	Mayor	473	10	1	484
Jamie D. Towse	Mayor	193	10		203
Erin R. Clawson	Council	260	6		266
Ed Christensen	Council	369	7		375
Ryan Haskell	Council	217	14	1	232
Dale Bigler	Council	435	12	1	448

Absent Votes: There were 66 municipal absent-voter ballots used this year; 60 were Returned & Valid.

Provisional Ballots: Number used: 24; Number Invalid: 3.

WESTON YOUNG MOVED, SECOND ERIN CLAWSON, TO ACCEPT ELECTION RETURNS AS PRESENTED

VOTE: AYE (5)

NAY (0)

2:04:27

WORK SESSION ITEMS
ACTIONA. Elk Ridge Meadows, Phase 1

Further discussion concerning Tom Henriod's request to re-bond at a lower amount proceeded:

Shay Stark pointed out the need to set the amount of the bond to include escalation of oil prices over the next couple of years. The bond needs to be extended for a period of time to cover one year durability after the work is completed.

Nelson Abbott encouraged the Council to consider completing this overlay of Phase 1 in the spring when Phase 2 overlay is done; this would save considerable amount of money.

WESTON YOUNG MOVED, SECOND BY NELSON ABBOTT, TO REDUCE THE ELK RIDGE MEADOWS, PHASE ONE DUAILITY BOND FROM ONE MILLION TO ONE HUNDRED THOURSAND DOLLARS. ALSO, THE BOND PERIOD IS SET FOR ONE YEAR FROM THE TIME OF EXPIRATION OF THE EXISTING BOND.

VOTE: AYE (5)

NAY (0)

B. Proposed Lee Haskell Golf Course Development

WESTON YOUNG MOVED, SECOND BY NELSON ABBOTT TO APPROVE THE PLAN PRESENTED TO THE COUNCIL FOR THE HASKELL SUBDIVISION;

- WITHOUT THE PURCHASE OF LOT #1

- TO ALLOW HIM TO UTILIZE THE CITY ACCESS RIGHT-OF-WAY, AND DEVELOP IT AS ACCESS TO THE PROPOSED SUBDIVISION

- (FOR A FUTURE DATE) TO PARTICIPATE IN THE DEVELOPMENT WITH HALF THE ROAD ALONG THE CITY PARK FRONTAGE.

VOTE AYE (5)

NAY (0)

2:22:55

C. Sewer Code Clarification - South Clark Lane-Sewer Repairs

Council discussion: The Council felt that the Code should be sent to the Planning Commission to clarify and define the articles and responsibility of the City. The Council should provide definite directions and guidance.

The question came up regarding the possible obligation for the City to make the repair of the lateral on South Clark Lane. It was suggested that the City consider assisting the citizens needing work to laterals, allowing them to arrange for a payment agreement for one year. This would be available to all citizens through out the city.

Brian Burke felt there had been too many exceptions in the past. Staying consistent with the policies in place is extremely important. If the policies are wrong, the Council needs to fix them.

The Council Members agreed to his statement.

2:38:53

D. Bella Vista Lane - Future Development

Mayor Shelley was in favor of the plan that Shay Stark presented to the Council. He felt it could address the solution long-term. He asked Mr. Stark if this could be done in one change, or would it have to be done separately.

Mr. Stark confirmed two separate instances due to the fact that Troy Richardson's property is presently for sale and the length of time to get the subdivision approved could be three four months. The issue with the structure has to be resolved either way.

Weston Youd requested clarification of the statement: "Once the roads and improvements are installed, a residence may be permitted on the parcel, provided it meets the building code requirements, currents setbacks of existing structure allowed and approved". This should be "current and future setbacks" due to the necessity of removing the building if a residence were to be built. If a residence is added on, the use of the structure would change. It would become a residence and not an accessory building.

Mr. Charles Wixom added that there is room to add a residence onto that structure. If this happens, will it be required to tear down the structure instead of adding on to it? He felt the City issued a building permit, inspected it, and now these problems are preventing any sale of the property requiring financing.

Weston Youd explained that the action of requesting a zone exception 10-12-30 allows the use and rebuild of the structure as long as the use does not change.

Mr. Stark responded that adding onto a residence would change the use to a dwelling instead of an accessory building; at that point is must conform to the code for a dwelling. State Code does not allow an illegal non-conforming structure. This would require the entire structure to be brought into compliance; and would necessitate coming before the Council at that time to work through the issue. The City at this point can't assure any action that would take place at that time.

CONCLUSION: It was acceptable to the Council that the City provide a letter stating there is a process in place for an exception. The exception would allow the property to be turned into a conditional non-conforming lot which would allow the shop to be maintained, repaired, and rebuilt as long as the use does not change. Once the use of the structure changes, the allowance is dissolved and all the current code requirements would apply. The letter would explain that there is a process available to turn the parcel into a legal lot if they want to develop a dwelling on it. The Council will ask the Planning Commission to take action towards this request.

The second issue would be handled through the development agreement. It would require an exception to the zoning 10-12-30. The request presented is for at least 4 - 6 existing lots. The exception would need to address the limit of the 2-lot maximum requirement.

This item will be referred to the Planning Commission for their consideration.

3:05:52

E. Phone System

The Council agreed the phone system was an executive decision and Mayor Shelley will proceed with the action to be taken.

3:06:08

F. PEHP Insurance Renewal - 401K Option

The consensus of Council was the requested option needs to become a part of the HR plan, preferably a cafeteria plan, offered to all employees rather than to Cody Black at this time. The issue will be brought before the Council after further consideration has taken place.

3:16:49

IMPACT FEE STUDY-
WORK RELEASE FROM

Shay Stark: He stated that in April the Mayor had asked for a proposal from Aqua Engineering addressing an Impact Fee study. At that time Aqua assumed the storm drain study had been completed. Studying the document, the report did not address what the fees should be, and included very few projects. There were four items Aqua was asked to address in April:

1. Water
2. Sewer
3. Roads
4. Parks

In 2008 Aqua Engineering completed an impact fee study and a capital facilities plan for the City, including water and sewer. This will be used as much as they possible can.

He presented a basic overview of what they propose for each area of concern.

- * A 20 year population and demographic projection to estimate the future demand.
- * They will characterize and update the existing infrastructure.
- * Determine the future improvements necessary to meet the future demands.
- * Calculate the levels of service, using the state guidelines and requirements, keeping in compliance with the state code.
- * Using existing budget audits, establish the value of existing facilities infrastructure and existing debt service obligations.
- * Calculate the proportional share. How much of these proposed projects are due to impact on new growth verses how many benefits existing users.
- * To evaluate and revise the current impact fee document.

This would provide the City with a capital facilities plan that would include the water, sewer, roads and parks; and the updated impact fee documents that could be used to set the rates for the impact fees off.

The cost estimates were \$8,000 for water, \$8,500 to do sewer, \$5,750 to do roads, 5,000 to do parks totaling \$27, 250. This total would be used as 'a not to exceed number'. They will bill on time and materials. This would make it possible to use monies from one section, if the estimated costs were not entirely used up, for another section that might need more time and materials.

The City needs to decide what direction they want to take with parks in order to know what would be addressed with the impact analyses.

Nelson Abbott inquired of Mr. Stark if it were possible to include cost of the impact fees study in the impact fees?

Shay Stark was not certain if that was allowed, but he would look into the possibility.

WESTON YOUNG MOVED, SECOND BY NELSON ABBOTT, TO APPROVE THE \$27,250 FOR THE PROPOSED IMPACT FEE STUDY UPDATE BY AQUA ENGINEERING; WITH THE BREAK DOWN OF DIFFERENT DEPARTMENT CONTRIBUTIONS AS OUTLINED; ALSO THE POSSIBILITY OF UTILIZING THE IMPACT FEES TO OFF SET SOME OF THE COST OF THE STUDY, ITSELF
VOTE: AYE (5) NAY (0)

3:30:11

CITY FEE SCHEDULE

NO ACTION – NOT ABLE TO OPEN ATTACHMENT

3:32:56

MINUTES OF PREVIOUS
CITY COUNCIL MEETING

NO ACTION – NOT ABLE TO OPEN ATTACHMENT

10-22-13

EXPENDITURES

NO ACTION – NOT ABLE TO OPEN ATTCHMENT

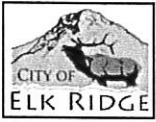
NON-AGENDA

Paul Squires wanted to report he, the Mayor, and Rex Davis of Public Works will be meeting with the budget manager for Central Utah Water Conservative Project Act on the 19th of November, 2013 at 10:30 am.

The Hill along Hillside Drive has been re-vegetated with 300 Gamble Oaks starts. He also planted 600 Gamble Oaks on the water reservoir, and on the east side was Colorado blue spruce and Austrian pines.

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 9:42 PM.



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

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

NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, December 10, 2013, at 7:00 PM;** to be preceded by a **City Council Work Session at 6:00 PM.**

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

6:00 PM -

ELK RIDGE CITY COUNCIL WORK SESSION

Presentation to Out-going City Council Members - Mayor Shelley

- Water Rights Discussion - Tony Fuller

- Sewer Code Clarification - Shay Stark

A. S. Clark Lane - Sewer Repairs

- Secondary Irrigation Discussion / Action - Shay Stark

7:00 PM -

REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance - Invitation

Approval/Agenda Time Frame

7:05 Public Forum

Any Required Action:

7:15 1. Water Rights

7:20 2. Sewer Code Clarification - Shay Stark

A. S. Clark Lane - Sewer Repairs

7:30 3. Secondary Irrigation Discussion / Action - Shay Stark

7:40 4. Additional Snowplow - Mayor Shelley

7:50 5. Minutes of Previous City Council Meeting:

A. Ratify Polled Vote for 10-22-2013 Minutes

B. Minutes for 11-12-2013

8:00 6. Expenditures:

General:

A. Check Registers for October (From last Council Meeting) & November, 2013

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 6th day of December, 2013.

City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was provided to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and to each member of the Governing Body on December 6, 2013.

City Recorder

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**ELK RIDGE
CITY COUNCIL MEETING
December 10, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, December 10, 2013, at 7:00 PM;** this meeting was preceded by **a City Council Work Session at 6:00 PM.**

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

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on December 6, 2013.

6:30 PM -

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Brian Burke & Paul Squires (Absent: Nelson Abbott); *Planner:* Shay Stark & Tony Fuller (Aqua Engineering); *Council-Elect:* Ed Christensen; *Public:* Lucretia Thayne & Jay Garlick; & *the City Recorder:* Janice H. Davis

**PRESENTATION TO
OUTGOING CITY
COUNCIL MEMBERS
1:29:17**

(Postponed until later in the meeting...there was no quorum until about 6:30 PM; the Mayor waited to hear from those addressing the Council.)

Later in the meeting: Mayor Shelley presented plaques to the two Council Members, Erin Clawson and Weston Youd, whose terms of Office will terminate at the beginning of January, 2014. He thanked the two Council Members for their service on behalf of the City and added an expression of his own appreciation for their assistance.

The City Recorder presented the Mayor with a plaque in gratitude for his service over the last two years. Mayor Shelley was re-elected, so the gavel (typically part of the plaque for the Mayor) he uses will continue with his service.

The individual strengths of both Council Members will be missed.

WATER RIGHTS

Tony Fuller: (Water Right Consultant to the City through Aqua Engineering)

Mr. Fuller referred to a "Build-out Study" performed by Aqua Engineering that indicated the eventual need for 2,050 acre feet of water right for the City at the maximum population. According to Mr. Fuller's records, the City currently has 1,250 of that 2,050 acre feet.

- There is also a "pending" application (Ingram / Garlick) that has not cleared the State Engineer's Office (Total: 139 acre feet).

- There is another 110 acre feet in the name of Rindlesbach Construction (The original transfer was 129 af; but there is a clause in the approval that could reduce it to 110 af)

Mr. Rindlesbach's Approval states that those water rights must be in the City's name before the expiration of the 1st five years approval; which is the end of January, 2014. He has been reminded multiple times by the City of this requirement, with no response. The City has received word that Mr. Rindlesbach is in bankruptcy. It is not known whether the state requirement will be met by the deadline; there is an attempt being made to try to do so.

Mr. Fuller feels it would do no good to try to file an extension, because of that clause in the State Engineer's approval. At the end of the time period, the water right does not "go away"; it simply cannot be used in Elk Ridge...it is the approval of the transfer that would be void. The rights return to West Ditch (around the golf course in Provo).

- With about 1,250 acre feet currently in Elk Ridge; the City needs about 800 acre feet more for build-out. The City does not need these extra acre ft. now; it is unknown how long it will take to get to the number of residences for build-out (about 1,500 homes...there are about 700 homes currently).

Mr. Fuller has been working for quite some time on a project to determine exactly what the City is using...there have been some difficulties due to a meter that has not been reading properly.

- He estimates the City's usage at about 780 acre feet per year...and there are 1,250 available; so the City is not using all its water now...there is room to grow. That is one reason he does not believe the City needs all of the "build-out water" right away. In fact, "proofs" have been a bit difficult when they come due because of the lack of usage.

- Non-use status: Laws have changed giving municipalities more leeway in holding rights; all that is needed is to say that the rights will be needed for future growth.

- Elk Ridge allows "banking" of water rights: Typically, developers bring in water to support any development planned for the City. The developer would purchase the water and have the City co-sign on the application for change. After the transfer approval, the developer would deed only the amount needed for a particular development...plat by plat. Due to this process, the City ended up with water for municipal use in Elk Ridge...part of which in private names. The State Engineer informed the City that this type of arrangement was no longer allowed; the water needed to be deeded to the City in exchange for Certificates of Allocation to the developers. Every one of the developers were informed by letter and, over time, all of the rights were deeded to the City and "banked" in their names. The water must be used within Elk Ridge; but they can use it for their purposes or sell it to someone else developing in Elk Ridge. (Mr. Rindlesbach's water rights were not deeded to the City.)

- Banked water rights: 279 acre feet (Cloward has 80 acre feet).

- Dean & Peay have water rights associated with the proposed Elk Haven Development, Plat E...those rights are available; according to Craig Neeley (Aqua). Mr. Fuller does not have that information.

Mr. Fuller explained that the banked rights are not subject to cash-in-lieu for the City; they would have to be either used by the original developer or purchased by another developer from the original one. The Certificate of Allocation would reflect the developer actually putting the rights to beneficial use.
- SUVMWA Water Rights: His records show that the City has 122 acre feet of SUVMWA water rights. The bulk of this is paid for and committed to specific owners. (The 122 af is over and above the 1,250 af.)

Mr. Fuller explained: This all came to his attention recently because Mr. Jay Garlick contacted the City with a proposal to bring into the City additional water rights. As Mr. Fuller weighed this proposal, he had some concerns he wished to share with the Council.

Concerns:

- His concern is with water rights brought into the city for some "future use" and not designated to a particular pending development. The water rights are banked with the City and it is an unknown when or how they will be used. Perhaps if Mr. Garlick had a list of developers in mind.

If the water is not used as the City moves toward "build-out", it will go to waste. Once it is in the City's name, there is no way to get rid of it unless there is some kind of trade.

- Another concern: The reason the City started banking water rights was due to the amount of pending development ready to go at that time (2007 or so). This is when the ordinance was passed allowing cash-in-lieu of providing the water rights for development. The City had 250 acre feet available at the time and it was sold (cash-in-lieu) to developers rather quickly. They were willing to pay a little more for the convenience of not having to go through the transfer process at the State. The cost for those rights was \$3,500/acre foot; then the City had to replace it with SUVMWA rights at a higher cost...the price was raised to \$4,500/acre foot. The price has not been lowered due to the likelihood of having to continue to negotiate with SUVMWA for any additional rights. This is in line with what other municipalities are doing. The City could go out to the open market and purchase water rights at a lower price than charged by SUVMWA; there just has not been the need; nor has there been the desire on the part of the Council to be involved in this type of "water right brokering".

Mayor Shelley: With water rights banked and others available through SUVMWA, there has been no need to purchase more. He agreed that there is no need to have it if unable to apply it somewhere in the City.

- The cash-in-lieu of actually providing the water rights was done for the convenience of the developers coming in. With transferred rights available, developers can move toward final approval faster than having to wait on the State transfer process.

City Recorder: She pointed out that even though various Councils have not been in favor of being in the "water right business"; having those extra acre feet and selling them for cash-in-lieu did provide about 1.2 million dollars to use on the Tank Project; which eliminated the need for a larger loan/bond. This was a huge advantage for this City.

Another concern she expressed: Regardless of water rights that may or may not be available; is the actual water available for future use and "build-out"? How are the aquifers for now and the future? Should the Council propose an in-depth study to find out? This is critical for future development of any kind.

(The Council shares this concern.)

The individuals residing on Elk Ridge Drive on the west side have been concerned about development across the street from them for this very reason; they tap into the same aquifer that the City does.

Mayor Shelley: He has heard comments from residents a bit lower in the Valley...that their aquifers are dropping. They are assuming that is due to Elk Ridge tapping into common aquifers.

Tony Fuller: He agreed that this area needs attention; he has some ideas he would like to share with Craig Neeley (Aqua Engineering) about how wells are used and where to develop.

Weston Youd: If Don Mecham follows through with some of the plans that have been discussed regarding sharing in future development and growth in the water systems; there is a possibility of joint ventures with Woodland Hills. There are a lot of unknowns.

Recorder: This information is critical for the future of Elk Ridge and possible development; if the aquifers do not support the expected growth, then the City would be in a position of putting a halt to further development...at least until the problem was solved. But, all this is unknown until the information becomes available.

Paul Squires: He wanted to add that at the last SUVMWA he attended they discussed having a lump sum of water available (40,000 acre feet) at a much lower price.

(Mr. Fuller's figures did not agree with Council Member Squires' numbers and he said he would check it out. The figures may be referring to something Mr. Fuller is not aware of. He felt it may have to do with pressurized irrigation water. He will get back to the Council on this.)

Tony Fuller: In the process of trying to get the flow records straightened out (example: How many acre feet are banked?), he also did some work to see if there is water that the City could accept "cash-in-lieu" for. Banked water cannot be used because someone else owns the rights through the City.

Mr. Fuller believes there are about 100 acre feet that the City could accept cash for. (He will further clarify this figure.) Recently 13,810 acre feet were used of that amount in behalf of Dean Ingram.

He recommends the City exchange this water for cash to be used in the Water Fund.

Summary:

- He would like to see the application from Jay Garlick and Dean Ingram approved by the State prior to consideration of a further application.

Jay Garlick: (Water Right Broker) He wanted to address the Council regarding a proposal to submit an application to the State to transfer water rights to Elk Ridge.

He gave a brief history of his experience as a water right broker.

He also referred to the 40,000 acre feet of water rights mentioned by Council Member Squires: It was Geneva Steel water that CUP owns that is going out to Eagle Mountain for use there.

Information regarding CUP water:

- CUP has a 36" well in Vineyard that goes down 2000'
 - There is Utah Lake (Utah County aquifer)
 - Under the Lake there is another aquifer; the 2000' deep well taps into the lower aquifer.
- CUP owns a great deal of water.

The water rights he would like to transfer come from Jordan River Water. The application states that there are 80 Shares; which equals 1.72 acre feet per share = 137.68 acre feet. North Jordan Irrigation Company takes a 20% cut of that; so the actual amount transferring to the City would be 110.6 acre feet.

Mr. Garlick has submitted water rights in most every city in Utah County by this process. He feels that banking water is a good practice for cities; rather than not looking to obtain more water until the banked water is used up; this puts the water in the city's name until it is put to good use. "You always want to have excess water...I would think."

He would be selling his water rights at \$3,800 per acre foot. He felt that \$4,500/acre ft. is a bit high for the area. These are rights out of Utah Lake; which are great rights.

**(Note: The \$4,500/acre ft is for water rights negotiated for with SUVMWA and the cost is based off of what they charge the City.)*

00:31:24

Reason for his proposal: He said that developers call him almost daily requesting the location of available water rights. He would like to bank it in the City to be available for use on a more timely basis than having to wait for the transfer process through the State. It can be in his name or the City's; whatever the City would require.

Mr. Garlick commented that if the Council wanted to know anything about water, he "knows it all"...through his experience as a broker.

Mayor Shelley: He expressed his concern about the City's aquifers and their ability to continue to produce sufficient water to service the City and expected growth. The number of shares available is secondary to the ability to produce the actual water.

How does the Council determine the amount of water actually available in the aquifers? Should the City look into drilling another well? He has proposed a test well. Future development depends on the availability of water as well as water rights.

00:34:29

Recorder: The City has been considering an additional well for years. There was one proposed along 11200 South some years ago. There was also a joint venture being considered with Payson City, to go up into Payson Canyon for a well...and to co-own a water tank. The sources did not look as good as hoped for; so the venture was dropped at the time. There has also been discussion of a joint venture with Woodland Hills. So, the City has been pursuing an additional source of water for some time; the need has not been as great since development all but came to a stand-still for a number of years.

Erin Clawson: She commented that it is better to be proactive than to wait until the need is great.

Mr. Garlick suggested drilling down to the secondary aquifer under Utah Lake; perhaps in a joint venture with Payson City. The Council discussed the prohibitive pumping costs that would be required to get the water up to Elk Ridge. Mr. Garlick mentioned using solar power for pumping costs. The Council would rather utilize gravity in a well / spring south of the City. Any excess power from a gravity-fed hydro-electric system could be sold off.

There are options and a plan needs to be decided on for the future of growth and development.

Discussion: Power sources

00:39:56

Recorder: Two of the owners of water rights in the City (Dean & Peay) want to sell their rights; so those are available...the contact information is through Craig Neeley (Aqua). She was not sure of the price.

Tony Fuller: The charge for rights can be reviewed; SUVMWA rights are somewhat restricted due their costs for the City to purchase them.

Erin Clawson: She felt the City needs to know where the availability of water is in the aquifers prior to moving forward; otherwise, the Council is making uninformed decisions.

Weston Youd: He summarized:

- The Council needs to know the final number of rights available for cash-in-lieu; there is a market for that.
- The Council needs to know the status of the aquifers
- The water rights cost should be reviewed for cash-in-lieu arrangements (Not SUVMWA rights)

Mr. Fuller reiterated that he would like to see the current application from Mr. Garlick go through the entire transfer process before another one is submitted. There still has been no word whether there will be a hearing on the protests or not. There has been no real action on the current application.

Council Member Youd would rather not see the liability of unused water rights on the City's books. He feels that bringing in more water would add to this liability.

Discussion of possible annexation areas. There is an agreement with Payson that Elk Ridge will not annex west of 1600 West (Elk Ridge Drive). The Mayor suggested adjusting the annexation map to honor that agreement.

00:46:07

Mr. Garlick explained that typically the State Engineer's office will go to the Counties to conduct hearings on protests. The reason he wants to submit the second application now is that he would like to get it reviewed at the same time as the first one; and not have to wait until the State gets around to it perhaps six months or a year in the future.

The "liability" could be avoided by keeping the water in his name.

There is not much concern regarding the protests and the application not being approved (Mr. Fuller agreed).

Mr. Fuller continued: If Mr. Garlick could supply the list of interested developers wishing to break ground in the spring, he would be more willing to have an additional application submitted at this time.

(No developer has even approached the City with a "concept" of a development at this time; beside those that are already in the subdivision process with the City.)

Mr. Garlick is sure that the growth is happening in the south end of the County.

00:50:51

Short Break

00:51:48

SEWER CODE
CLARIFICATION &
SOUTH CLARK LN

Shay Stark: (Planner) From memo to Council dated 12-10-2013:

Mr. Stark was asked to review the current code on the sewer system and related wording.

(From Curtis Roberts: The Mayor stated that there are about 5 development areas in the City where the laterals are being depreciated; the area the Thaynes live in is not one of those areas.)

Mr. Stark felt that there are two separate issues:

1) Current code and why there are problems & 2) Thaynes' particular issue on S. Clark Lane

There will be some sort of amendment to the current code.

Current Code:

(Memo) "Title 8 - Water & Sewer - Chapters 3 & 5 contain language concerning sewer laterals.

8-3-5: Plumbing Requirements: A. B. & C:

(Mr. Stark summarized from the wording of the code in his memo; not wanting to take the time to read it word-for-word.)

A. Basically, it is unlawful for anyone to connect onto the sewer system unless there is someone qualified to make the connection

B. The users of the services are to keep their service laterals and other pipes and connections in good repair and protected from frost, etc. at their own expense.

(There are contradicting terms: Sewer "Superintendent" & "Inspector"...it should be clarified as to who is in charge of the sewer and who will be responsible to administer the program?)

C. Materials need to be used that meet the current code.

(So, in this first section, it is basically determined that the owners are to maintain their lines.)

Then there is Section 8-3-7 (Ownership of Connecting Lines)

"...all lines and mains connecting the sewer system to a landowner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises."

(This specifically states that all lines within the public right-of-way are owned by the City & the City has absolute control of them.)

00:57:54

Chapter 5 in Title 8 covers Installation and Maintenance of Water & Sewer Service Laterals:

This paragraph makes three statements:

1. Service laterals lying within the public right-of-way shall be installed by or under direction of the City and shall be owned by the City.

2. Maintenance & damage resulting from a blockage are the responsibility of the property owner and/or occupant regardless of the location of the lateral.

3. If any damage is caused to other parts of the system from installation or repair, the owner/occupant is responsible to pay for the damages.

(This paragraph again makes it clear that the City owns the lines within the right-of-way, but the owner/occupant of the property for which the line serves is responsible for the maintenance of the line.)

A point was made that there should be clarification between "blockages" and "breaks" in the line.

Problem:

If the City claims ownership of the lines, it also has a responsibility toward their proper maintenance and repair. It also shares in the liability of damages caused by the malfunction of the lines due to a lack of maintenance and repair. Just because the City states in its code that it has no responsibility for maintenance and repair, nor liability from damages caused, does not mean that this is the case.

Mr. Stark stated that Elk Ridge is not unique in its codes; in fact, much of Utah County and Utah has similar wording; this does not mean it is legal or right. When an issue or a claim comes to a point of going to court, the courts usually side with some level of liability for the City.

In State code, a city has "immunity"; so many statements in code tend to try to indemnify the city from damages or certain actions. This only goes so far and the reality is that if someone can show some form of negligence on the city's part...this "immunity" would not matter.

Where did the City code originate?

In the mid to late 1990's the League of Cities and Towns addressed the existing sewer issues and drafted a model ordinance that most cities and towns adopted.

1:02:01

File B - 1:04:17

Basically that draft ordinance stated that the line would be drawn at the right-of-way and anything outside the right-of-way would be owned by the property owner; inside the right-of-way would be owned by the City. This statement got inserted into the draft ordinance that the cites then adopted. Most cities have something similar to this original ordinance drafted by the League; even though it may have been altered somewhat over the years.

What Others Do:

There are typically three paths that other cities have taken in Utah:

1. (Most popular) The idea of ownership ending with the right-of-way.
2. (Last few years...an attempt to correct flaws in #1; but is also flawed) Maintenance and damage resulting from a blockage are the responsibility of the property owner and/or occupant regardless of the location of the lateral.

1:05:17

Utah issues going before the courts seem to be tied to "citizens' rights" and upholding the protections of the citizens.

Example: Toole City has had many sewer issues over the years and they now have a program called a "no-fault claim". People can file a claim with the City up to \$10,000 and the City Attorney will review the claim using a set of criteria. If it meets all of the criteria, the damages (claim) will be paid out or a percentage; or they will find that the City has no fault in the incurred damages.

The courts are declaring that, typically, there is shared responsibility.

Paul Squires: He shared that in Orem, prior to being able to sell a home, the sewer must be cleaned out.

3. (Least-used method or pathway in the State) The City states that the property owner owns the lateral out to the sewer connection...period. They own it; they maintain it...it is theirs. There is a permitting process in place in case of needed repairs and the coordinating inspections. There are problems with this method in that while the permitting process takes place, further damage could occur...now the City would be liable for that further damage.

1:09:15

- Orem is an example of a "hybrid" of this path: The City would state that they own the lateral up to the building. Orem will keep up maintenance; if there are blockages, the owners will try to clear those...but if there are repairs needed, the City will pay for replacement of infrastructure: they backfill it, compact it...but they do not pay for any landscaping...the owner is responsible for any replacement, if needed. During the repair, the City will assess what has caused the damage; and if it has been caused by some from of negligence on the part of the owner, or if by tree roots coming into the system; then the owner will be charged for the repair. If the damage is simply due to an aging system or normal causes, the City will pay for the repair.

The City needs to review these options and amend the current ordinance in the best way possible for Elk Ridge.

- Depreciation of Laterals: Mr. Stark spoke to Curtis Roberts regarding the depreciation of certain sewer laterals...there are five subdivisions that are a part of the depreciation. Interestingly, there are other subdivisions constructed at or about the same time that are not listed with those being depreciated...and there are subdivision that have been constructed since that time that are not.

Mr. Roberts said that there has really been no clear direction about depreciation of laterals, based on code. Mr. Roberts would like to be kept informed about the code as it changes and any further direction about how to handle laterals, financially.

The reality is, if the City decided to start depreciating laterals throughout the City, the result may be an "administrative nightmare" trying to track aging laterals.

The City Recorder noted that the higher the depreciation costs, the higher the cost of service to residents to maintain the Sewer Fund financially. Council Member Youd pointed out the need for depreciating the laterals if the City is going to replace them; otherwise the expense is not budgeted. He felt the Council would have to consider raising rates; how much would need to be resolved.

Mr. Roberts informed Mr. Stark that, with depreciation, anything with less value than \$2,000 is not accounted for in the depreciation schedule. Each sewer lateral, installed new (depending on how it is broken out by the developer) is valued at about \$2,000 or less.

Mr. Roberts said other cities he works with do not try to keep the rates in line with depreciation.

1:17:23

S. CLARK LN. -
THAYNE RESIDENCE

(Memo from Planner to Council)

"Recommendation: As for the instant issue of the broken lateral serving the Thayne residence: the current code does not appropriately address the relationship between the City and its citizens whom it serves. The break lies within the right-of-way in which the City claims ownership and absolute control without taking on the responsibilities inherent with ownership and absolute control. This is why the code is being amended. The City has a contractor on another project that can make the necessary repair and thus solve the immediate problem. Very likely this break is due to the age of the materials and not likely the fault of any of the involved parties. If the City chooses to repair the line, it can then work out an equitable solution that shares the responsibility to pay for the necessary repairs."

The City's Public Works Dept. is not really equipped to handle deep trenching to repair the lines. The backhoe cannot safely dig that deep. The City needs to hire it out or jeopardize the workers' safety. The cost should be fairly reasonable to hire the company already up here.

1 1:20:04

2 Mr. Stark summarized:

3 1. Fix the line.

4 2. Work out an equitable arrangement to share the liability.

5 Mayor: It is likely the break is due to aging; there does not appear to be anything blockage. The break is
6 presenting the ongoing issue of leaching out into the soil and possible contamination.

7 1:21:52

8 SECONDARY
9 IRRIGATION

10 Mayor Shelley: He called attention to the memo from the Planner, dated 12-10-2013.

11 Currently developers are required to install dry irrigation systems and, realistically, will CUP water be
12 available as it was thought in the past. It is unknown when or even if secondary irrigation will become a
13 reality. The infrastructure, as it sits in the ground unused, will begin to deteriorate. It is expensive for the
14 developers and if the City is unsure about the future of irrigation water; perhaps the requirement should be
15 reviewed. Option: The existing system could be charged with water to keep the lines active.

16 Memo from Planner:

17 **"Background:**

18 10-15C-4-E-3 (Development Code): "All lots within subdivisions of at least five (5) acres in size shall be
19 served by separate connections for a secondary irrigation system.

20 Exception: The City Council may approve an exception to this requirement in certain areas and
21 developments where the installation of a secondary water system may not be deemed practical or feasible
22 in the foreseeable future."

23 "Current Practice: The City has required the developer to install an 8" irrigation line in the street and
24 service laterals to each lot within the development.

25 Dean Ingram has asked the City if the City wants irrigation laterals stubbed into each of the lots in Elk
26 Ridge Meadows, Phases 5 - 10.

27 The dry irrigation lines have been a topic of discussion among City staff members for some time.
28 The concern is that if the lines sit unused for the next 10 to 20 years, there will be many breaks from
29 installation of other utilities, tree roots, subsidence, etc. that will go undetected until the system is charged
30 up. This is going to be very expensive and time consuming to try to resolve these issues, as the location
31 of many of the problems will be unknown. The greatest risk of these problems occurs with the service
32 laterals. These laterals have a small diameter and are relatively shallow. They also run perpendicular to
33 all of the other utilities that will be installed as homes are built (i.e. Internet, cable). They are susceptible to
34 breakage from heavy tractors, dump trucks and concrete trucks during landscaping. When the system is
35 charged and regularly maintained these issues are dealt with as they occur and usually it is easy to find
36 the break due to knowing what recent activities have occurred in the area. When the system sits for a long
37 period of time, it is harder to track down. In many cases, with the directional drilling equipment that is used
38 to install smaller utilities, they do not even know that they have hit small lines unless the line is charged.
39 The benefit of dry laterals quickly diminishes when these problems show up.

40 **Recommendation:**

41 To remand the issue to the Planning Commission for consideration of amending the code to remove the
42 requirement of installing dry laterals from the development code."

43 Weston Youd: He agreed with and repeated the Planner's recommendation mentioned in the memo.

44 City Recorder: She pointed out that perhaps the mains should be part of that consideration. If the system
45 will not be used, what benefit would installing the mains provide? The cost for bringing in the water and
46 pumping it should be determined and reviewed by the Council.

47 (Council Members Youd and Clawson agreed that "mains" should be part of the consideration.)

48 Paul Squires: At the last meeting with SUVMWA, the indication was 1 to 1 1/2 years for CUP water to be
49 available; so he was not sure if the mains should be included.

50 Mayor Shelley: The Mayor said that at the previous meeting regarding CUP water (attendance: Council
51 Member Squires, Cody Black and the Mayor), it was indicated that 15 years would be the soonest the
52 water would be available.

53 Council Member Squires responded that timelines have changed because of the realization that south
54 Utah Valley is developing at a faster pace than anticipated. The need is obvious. He felt that the money
55 (5 million per entity) may still be available, as well.

56 Mayor: Dale Bigler accompanied Council Member Squires to the meeting; but his understanding was
57 somewhat different: He understood that the water would not be available for a number of years.

58 *After discussion, it was decided to have Reed Murray come to a joint City Council / Planning Commission
59 meeting to answer any questions.

60 1:29:08

61 **It was at this point that the Mayor presented the out-going Council Members Youd and Clawson with
62 plaques thanking them both for their service. Summarized earlier in the minutes.*

**ELK RIDGE
CITY COUNCIL MEETING
December 10, 2013**

**TIME & PLACE
OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, December 10, 2013, at 7:00 PM; this meeting was preceded by a City Council Work Session at 6:00 PM.

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

Notice of the time, place and Agenda of these Meetings, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on December 6, 2013.

8:00 PM -

CITY COUNCIL REGULAR SESSION AGENDA:

ROLL

Mayor: Hal Shelley; *City Council*: Erin Clawson, Weston Youd, Brian Burke & Paul Squires (Absent: Nelson Abbott); *Planner*: Shay Stark & Tony Fuller (Aqua Engineering); *Council-Elect*: Ed Christensen; *Public*: Lucretia Thayne & Jay Garlick; & *the City Recorder*: Janice H. Davis

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

An invocation was offered by Ed Christensen; and Lucretia Thayne led those present in the Pledge of Allegiance, for those who wished to participate.

**AGENDA TIME
FRAME**

WESTON YOUNG MOVED, SECONDED BY PAUL SQUIRES, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 8:00 PM

VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT

**PUBLIC FORM:
1:32:01**

No Comments.

WATER RIGHTS

Review: Mr. Jay Garlick proposed an application to the State Engineer's office to transfer 110 acre feet of water right into Elk Ridge's points of diversion.

*The Council felt that this was not the right time for that application.

(Tony Fuller felt the City should wait to see what happens with the application already at the State from Mr. Garlick and Mr. Ingram.)

Weston Youd: He did not feel the City should have water rights available beyond the 100 or so acre feet that the City already has available and those already designated to other developers.

*The Council also wants to instigate a study on the current aquifers. They feel that is very important information that will determine the future of development in Elk Ridge, as well as protecting the current residents.

*Mayor Shelley: Tony Fuller has been a great asset to the City; how long will he be around? Does he plan on retirement any time soon? Does he have any suggestions of individuals that do what he does with water rights?

- The study on the aquifers should be done while the City still has the advantage of Mr. Fuller's expertise.
- The Mayor will ask him these questions when next they meet.

1:37:43

**SEWER CODE
CLARIFICATION**

Mayor Shelley: The Planner has been asked to offer his opinion about a proposed sewer code change. The Planning Commission will not be reviewing this since it is not a "land use" issue.

Weston Youd: He favored Option #2 to "wash our hands of it". **(It was unclear which option 2 he referred to...what the current code states; or #2 under the heading, "What Others Do".)**

Brian Burke: He asked if the other Council Members felt there should be concern about setting precedent with the repairs on the Thayne's lateral.

Mayor: He reported that David Church (City Attorney) advised that, "Yes, the City is setting a precedent...but not one significant enough (in his opinion) to alter moving ahead with the repairs.

Weston Youd: With amendments to the code, he felt the only one to consider regarding possible "grandfathering" might include those lines being depreciated now.

Mayor: That should be addressed in the coming year.

1:39:21

*Shay Stark is to come forward to the Council with a proposed code change to review and take action on.

**S. CLARK LN.
REPAIRS**

Mayor Shelley: It was his suggestion to have the construction company that is already mobilized and working on the City's water and sewer lines provide a cost estimate for the needed repairs.

The cause of the break needs to be determined; that will not be obvious until the trench is open and the break revealed.

Brian Burke: If the City agrees to repair the break; what about the work on cameraing that has already been done to S. Clark Lane?

Lucretia Thayne: She explained that the cameraing had been paid for by them and the insurance covered the house contents that were damaged. Their concern was with the broken pipe that they feel is the City's responsibility to fix. They are also concerned to the possible infiltration resulting from the break.

1 1:49:59

Elk Ridge City Council Meeting - 12-10-2013

2
3 **BRIAN BURKE MOVED, SECONDED BY ERIN CLAWSON, TO MOVE AHEAD WITH THE REQUIRED**
4 **REPAIRS ON SOUTH CLARK LANE; UTILIZING JOHANSON BROTHERS TO PROVIDE A COST**
5 **ESTIMATE; AND TO MAKE THE REPAIRS, IF APPROPRIATE**
6 **VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT**
7

8 *Discussion: The Recorder asked if the City was going to simply fix the break; or if there would be*
9 *arrangements for "shared responsibility", as recommended by the Planner?*

10 *The Mayor responded that once the cause of the break is determined, then responsibility will be reviewed.*
11 *Mrs. Thayne would like to know the cause of the break before deciding any liability or responsibility.*

12 1:44:27

13 *There was further discussion regarding tracking the repairs on the water and sewer system. Council*
14 *Member Clawson mentioned having a program in place that does this. The Mayor asked Mr. Black for*
15 *those reports; he has not provided them yet.*

16 **This reporting needs to be placed on an agenda in January.*

17 *Council Member Youd advised planning for these repairs financially. The system is 30 years old and*
18 *deteriorating. *The Mayor was to follow up with Mr. Black and Johanson's the following day.*

19 1:49:16

20 SECONDARY
21 IRRIGATION

22 **It was decided that Mayor Shelley and Council Member Paul Squires would coordinate a Joint City*
23 *Council / Planning Commission Meeting with Mr. Reed Murray to address the members regarding CUP*
24 *water. The goal is the second Council Meeting in January (1/28); or the first Meeting in February (2/11).*
25 **Council Member Squires will contact Mr. Murray.*

26 1:51:02

27 ADDITIONAL
28 SNOWPLOW / TRUCK

29 *Mayor Shelley: There really was no action to be taken at that point; except to gather information about*
30 *costs and financing available...a possible least could be considered.*

31 *The Mayor felt another 10-wheeler would be best (to replace the current one that needs extensive*
32 *repairs). A 10-wheeler is useful for hauling , as well as plowing. The City cannot register the old one; it*
33 *needs a \$1,500 fuel pump to even get it registered. A great deal of money has been expended for repairs*
34 *to that truck.*

35 *Council Member Squires suggested checking with the Government surplus.*

36 *The Mayor had already instructed Mr. Black to do that and they had not found anything appropriate.*

37 **This should be placed in the coming budget year.*

38 1:53:12

39 MINUTES

40 *1. Ratify Polled Vote for City Council Minutes from 1--22-2013:*

41 *Discussion: It was decided that, since one of the Members polled (Nelson Abbott) was not present; that*
42 *the vote would be taken fresh:*

43 **WESTON YOUNG MOVED, SECONDED BY PAUL SQUIRES, TO APPROVE THE CITY COUNCIL**
44 **MINUTES FROM 10-22-2013, AS WRITTEN**

45 **VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT**
46

47 *2. City Council Minutes from 11-12-2013:*

48 *(No corrections)*

49 **ERIN CLAWSON MOVED, SECONDED BY WESTON YOUNG, TO APPROVE THE CITY COUNCIL**
50 **MINUTES FROM 11-12-2013, AS WRITTEN**

51 **VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT**
52

53 *Council Member Burke would like to see listed in the minutes whomever is responsible to carry out an*
54 *assignment handed to that Member by the Mayor or Council, as a whole. (Currently, there is an asterisk*
55 *by the person's name that has received an assignment.) Perhaps that could be more clear.*

56 *City Council updates to be included in future agendas. The Dept. assignments for the new Council need*
57 *to be decided first.*

58 1:56:35

59 EXPENDITURES

60 General:

61 None

62 *1. Check Registers & Payroll for October & November, 2013:*

63 *Sandbags were purchased and citizens should be aware of how to obtain them and what to do*
64 *(Newsletter).*

65 **ERIN CLAWSON MOVED, SECONDED BY WESTON YOUNG, TO APPROVE THE CHECK REGISTERS**
66 **AND PAYROLL REGISTERS FOR OCTOBER & NOVEMBER, 2013**

67 **VOTE: YES (4) NO (0) ABSENT (1) NELSON ABBOTT**
68

69 **Suggestion to change the sign on Cody Circle that reads "Dead End" to other wording. It will be done.*

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:35 PM.

City Recorder