

ELK RIDGE  
CITY COUNCIL MEETING  
January 13, 2009

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, January 13, 2009, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 9, 2009.

6:00 PM –

CITY COUNCIL WORK SESSION

ROLL

*Mayor:* Dennis A. Dunn; *City Council:* Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance & Derrek Johnson; *City Planner:* Shawn Eliot; *Public:* (Salem High School Students) Billy Fairbanks, Tyler Tarter, Micah Richins, Celeste Lee, Christy Pray, Drew Christensen, Melissa Merrill, Clive Jane Lawson, Britt Pratt, Katelyn Lambert, Linsey Johnson, Elisa Lewis, Brayden Ryan, Morgan Rugg, Kyle Shuler, Cody Towse, Karlin Adams; and the *City Recorder:* Janice H. Davis

ANIMAL RIGHTS –  
HORSES ON CITY  
PROPERTY

Mayor Dunn: (Brief History) The City purchases 6 acres of ground about a year ago; the property is in a zone that includes animal rights. There was a stall on the property and an individual boarding his horse in the stall. The previous owner of the property said the individual boarding his horse would be terminating the boarding arrangement in three months (March, 2008). The corral is still there and so is the horse. The individual came into the City Office and the Mayor asked if he is the one with the horse on the City property; he responded that he is. The Mayor commented that the issue needed to be addressed and the individual replied something like he had been waiting to see what would happen. The Council needs to decide whether or not his horses should remain on the property and if a fee should be charged for boarding his horses...there would also be an opportunity to extend the same option to another resident in the City who has a horse on his property without animal rights. This is a non-action item at this point in the Work Session; but discussion can take place.

*Comments:*

Raymond Brown: There seems to be a feeling within the City that is it easier to “ask for forgiveness than to ask permission”; and he is getting tired of this way of thinking. We have rules and regulations and in this case the owners of these animals should know that there is advantage being taken. The arrangement was with the previous owner.

*(From a memo from Councilmember Brown to the Council)*

“Once the property was sold, no attempt was made to make any type of arrangements with the City. Not only have they taken advantage of the situation, but placed the City in an uncomfortable and tenuous situation.

1. There is an appearance that these individuals are receiving special treatment by being allowed to use City property for their personal use.
2. They have not furnished any proof of insurance to cover any accident or injury to their livestock or persons that may interact with their livestock on City property, leaving the City liable for any claims or litigation.
3. Their actions set precedence for others who may try to take advantage of the City codes or ordinances. The question would be, the Jones’ were allowed to keep their horses on City property without paying and nothing was said or done.

A quick review of the financial loss to the City if the violators were paying the going rate, which is between \$30 and \$40 a month per horse and using the time period of one year:

1. Four horses @ \$40 a month would have been \$160 a month or \$1,920 for a year.
2. Four horses @ \$35 a month would have been \$140 a month or \$1,680 for the year.
3. Four horses @ \$30 a month would have been \$120 a month or \$1, 440 for the year.

These violators should pay the \$1,680 for the use of the land for the past year and starting January 2009, if the City is allowed to rent the land, the charge should be \$40 per horse per month on a month-to-month agreement. If the City is legally not able to rent this land, the owners of the livestock need to be given 48 hours from the notice to remove their property or be fined daily thereafter at a rate of \$50.00 a day.”

*(Councilmember Brown did check with other people who board horses to see what they charge.)*

Derrek Johnson: He spoke with Kevin (Paxton) the previous week-end; Councilmember Johnson does not feel that he has taken advantage of the City...perhaps there has been miscommunication, but he does not feel Mr. Paxton was deliberately trying to take advantage of the City. He does not feel the City should go back and demand payment for past services (much like the past problem in accounting for garbage cans). The City was unaware of the situation and he feels in should simply be handled from this point forward.

Nelson Abbott: He feels the Council is heading “in the right direction with what Derrek (Councilmember Johnson) is saying”; however, he does feel that since now the City is aware of the situation, we can move forward and assess a reasonable fee to board his horses (from \$30 to \$60 per horse). The water he uses for his horses is from Goosenest Water System.

*(Councilmember Johnson added that Mr. Paxton is more than willing to work something out with the Goosenest System.)*

Another issue on the same property: there are several vehicles that either belong to the City or someone else...they are parked by the brick out-building on the property. It needs to be determined who those vehicles belong to and they should be moved. Perhaps the Sheriff could run the VIN numbers on the vehicles to identify the owners. He feels that the Council should decide on a set fee to board the horses.

Mayor Dunn: The green trailer belongs to the CERT Team.

Raymond Brown: He feels these animal owners knew or should have known that arrangements should be made with the City to continue the boarding of the horses. He was simple waiting until the City said something, as he indicated to the Mayor. (*Councilmember Johnson was unaware of this statement to the Mayor.*)

Mayor Dunn: This was indicated to the Mayor when the individual came into the City Office; and the previous owner had arranged that he would be gone from the property by March of 2008. The Mayor did ask him (Mr. Paxton) how much of the equipment is his; the answer was unclear and ownership must still be established and vehicles moved. Mr. Paxton seemed very open to an additional arrangement with the City; he understood that the Council would be discussing the issue.

Nelson Abbott: Before taking any action, there are some things that need to be determined:

1. Ownership of vehicles on the property
2. Proof of liability insurance for the horses to be boarded on the property
3. Explore the fee to be charged to board the horses (*\*Councilmember Abbott will check on this.*)...not feeding the horses, just boarding.

Nelson Abbott: He asked if the City could legally charge for boarding horses; referring to the bond restrictions Regarding renting the house on the property; would the same restrictions apply to charging to board animals on the property? (*\*Mayor Dunn will include this in the list of things he has to talk to David Church about.*)

Mayor Dunn: The second part of this Agenda Item: Does the Council want to create an opportunity for another individual to board a horse in the same area? (*This would be for Mike Brockbank and his horse.*)

Julie Haskell: She did not see why not; there is room for it.

*\*To be on the next Council Meeting Agenda.*

Mayor Dunn: Deseret News published an article entitled, “Elk Ridge Mood is Changing on the use of Sales Tax Bond” (Rodger Hardy). He quotes a few of the Councilmembers (Mayor, Sean Royslance and Curtis Roberts). The article is about the intended use for the 6 acres that the City purchased about a year ago. The Council has touched on the issues a couple of times but the Council has not really officially had a public discussion on the Agenda. The only update is that he would like to dedicate a good portion of the February 24<sup>th</sup> Council Meeting to an in-depth discussion of the issues involved; the Mayor’s goal is to formulate some kind of a plan.

When the previous City Council discussed this issue, it was a good economy at the time. It took several months to make offers and negotiate with the previous land owner, Mr. Rasmussen; while the City was making offers on the land other offers were also being made. The City had earnest money down (\$10,000), so our offer was being considered first; the other offer was for one million dollars. The higher offer was being considered, if the deal did not proceed with the City.

Reasoning behind the purchase...the City was attempting to satisfy several things:

- Park space: The Planning Commission survey indicated that citizens were in favor of more park space within the City; and the City is behind on the expected ratio between parks space and population. At the time of negotiations for the land, the City was attempting to negotiate with Payson City to purchase Hole #7 (Payson was abandoning the hole). Closer consideration of Hole #7 resulted in the realization that the land would good for just open space, but would not be good for sports due to the uneven terrain.
- The Council was also looking at some of the growth opportunities and trying to assess the City’s future needs regarding the current City Hall, including the needs of the Public Works Dept., the Fire Dept., and the City Sheriff. There was a need of a building that would house the City’s needs. There was a great deal of discussion; which included creating surplus property and housing equipment.
- When the property came up for sale, it was an opportunity to join the land already owned by the City and to make it contiguous into one larger parcel; large enough to satisfy the open space needs being requested and the future needs of the City as growth continued. The Council did not know what that the economy would be in trouble later.

Economy dictates a lot of what government entities do. He does not want to encumber the tax payers with something that may not be presently needed; but he feels it is a wonderful piece of ground with great potential to not only meet the needs of the City; but there are some revenue opportunities, as well.

- The existing home is currently being rented from the City; there is the potential to move it, tear it down or to keep it for the nucleus of a potential building or to let the Fire Dept. utilize it for training purposes. The house was given to the City; it was not part of the sale. It would have been illegal to rent the house if bond money had been used to purchase it. (The City cannot go into debt to create rental properties.)

On 2-24-09, the Mayor would like for the Council to be prepared with input on potential uses for that property; “we do have to do something”...the City still has over \$600,000 of bond money that must be used or put back onto the loan. The Mayor said that he is not opposed to doing whatever is “right”. The previous Council felt that the decisions were in order and that the purchase was the proper thing to do.

He welcomes the thoughts and ideas of the Council in creating a good plan.

Raymond Brown: He had asked for an agenda item for 1-27-09 regarding storing road salt; he will postpone that until this discussion on 2/24. Currently, the road salt is stored out in the open...there are good reasons not to continue in this practice:

- Much time is spent on “snow days” inside the bed of the trucks breaking up clumps of salt; the clumps will not allow the salt to spread.
- We are losing a portion of the slat as it leaches off into the ground.

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POTENTIAL CITY  
CENTER & FUTURE  
GROWTH –  
UPDATE

- The leaching is damaging property that is not the City's.

Councilmember Brown recommends building a storage facility on the City property to store the road salt in. There are a couple of ways to approach this:

1. If a Public Works portion of a future City Center were to be built, we could start with a storage area as part of the Works area.
2. If this is not the direction we go, then a covered area is needed...with electricity and pavement; so the backhoe can get in there to load the trucks with salt...the cost would be about \$7,000 or \$8,000 just for the building.

City Recorder: If going forward with any part of a building, wouldn't that necessitate plans for the overall City Center, so we would know how the Public Works portion would fit in?

Raymond Brown: Yes; that is the reason he is willing to say that we would opt to build a portable type building...then by next winter we would at least have a covered building to store salt and a backhoe in.

Mayor Dunn: Much of the decision-making process regarding the price of the property was discussed in Closed Session; which is allowed by law. When it came time to actually do the bonding; that was all public. The Mayor reviewed the reasons a Closed Session can be held. He asked that the Council be prepared.

IMPACT FEE  
STUDY UPDATE

Mayor Dunn: Included in the Council Packets were copies of the current update to the Impact Fee Study; the Study included Water, Sewer and Roads. The Council has not adopted Impact Fees for roadways; these fees have never been collected. The Water & Sewer Impact Fees have not changed much. With the Road Impact Fee Study, the list of roads to be included has changed several times. He wanted the Council to review this current list and to be prepared to comment on the roads to be included in the Study.

- #1. Loafer Canyon Rd: This project is about 60% finished...the rest of it will be finished in the Spring of 2009. This will come off the list; but in was included in the Study because it is a road that benefits the entire Community.
- #2. East Salem Hills Drive: There will be a time when development will join the east and west portions of Salem Hills Drive...this will be considered an "east/west connector" to both sides of town and will need to be able to sustain traffic. There have been problems over time of getting emergency vehicles from one side to the other. (The connecting portion between the two sides came off of the list due to development activity.)
- #3: The north side of east Goosenest Drive (beside Burke Cloward's driveway): This was installed when ½ plus 9' was required of developers when installing a roadway. The unfinished north side is on the current list.
- There are two #4's: two of the parcels owned by the City as accesses to the City property; those would have to be developed as access roads.

Raymond Brown: Suggested adding Goosenest Drive, west of the #4 access...it has been discussed to widen that section of Goosenest Drive by 4' to the south, to match the rest of the road.

\*Mayor Dunn will mention this addition to Craig Neeley.

Nelson Abbott: (Concerns) Referring to #3 in the Study: If Burke Cloward develops the land north of this section of Goosenest Drive, will the City be able to collect Off-site Reimbursement? (*Councilmember Brown replied that yes, the City would be able to collect for 30 years.*)

He also asked about widening Salem Hills Drive: does the right-of-way need to be the standard 56' (or 66')?

Raymond Brown: He felt Councilmember Abbott made a good point; in that when he and others were working on Loafer Canyon Road, Corbett Stephens and he measured the width...there were many deviations in the width.

Nelson Abbott: He is not as concerned with the width of the easement as he is with the width of the pavement. The wider the road, more maintenance is required. If the added width is not needed to meet the needs of the residents, the less it will cost to maintain the road.

Another option could be to sell the easement to the adjoining property owners, to generate some revenue which could fund other road projects in the City.

Raymond Brown: He agrees that the internal roads could be decreased in width from the 66'.

Julie Haskell: She cautioned that any decrease in width would have to take into consideration the utility easements.

Mayor Dunn: The Mayor met with some of the Legislators and other Mayors from Utah County; and one of the issues discussed was "corridor preservation" and how important this is. The north end of Utah County is experiencing severe problems associated with not having the corridors necessary to build the roads needed to transport the kind of growing density in those areas. One of the biggest problems is transporting traffic from the Eagle Mountain and Saratoga Springs areas to I-15. Often it is hard to see the potential for growth.

Utah County told the Mayor some time ago that they wanted to maintain ownership of 11200 South (currently a 2-lane road) because its potential would be a five lane road. That is hard to believe now; but the potential for growth is there in the future. When considering the City roads, the City Planner has been very proactive in classifying the City's roads; perhaps a 66' right-of-way and 42' of asphalt seems wide, but if the potential is there to widen the road to accommodate growth, it is easier when the right-of-way is in tact.

Raymond Brown: Another example of future plans that seem difficult to imagine: the planned road across Utah Lake to access the Saratoga Springs area...this seemed impossible, yet is discussed as a reality now.

Mayor Dunn: He encouraged the Council to review the Study and to feel free to ask questions either of him or the engineers...perhaps the City Engineer could come to a meeting to answer any questions.

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BOUNDARY LINE  
ADJUSTMENT

Mayor Dunn: This is the same proposed adjustment discussed for the last year or so...located at the north side of the Gladstan Golf Course. The last time the Council discussed this item, it was decided that any approval be tabled until the Council has an opportunity to meet with Payson City to discuss possible inter-local arrangements. Councilmember Brown felt that Payson City should be willing to work with Elk Ridge.

FUTURE DISCUSSIONS  
WITH PAYSON &  
WOODLAND HILLS

The Mayor spoke with Mayor Bills (Payson) regarding getting the two Councils together; Mayor Bills suggested Mayor Dunn arrange with Jill Spencer for a time in February. The Mayor will call MS. Spencer and get some dates back to the Council.  
The mayor has not been able to contact the Mayor of Woodland Hills; they will meet the following Thursday night at a meeting; he will speak to him about getting together with his Council.  
Mayor Dunn asked if arranging both meetings in February met with their approval...they responded that it would be favorable.

TRAINING WITH  
CITY ATTORNEY

Mayor Dunn: The Mayor has been corresponding with David Church and has suggested three possible dates to conduct some training and a question/answer period with the City Council; he is willing to do this. The dates had been narrowed to 1/27 & 2/10; the Council decided that 1/27 would be the best date, at 6:00 PM.  
\*Mayor Dunn will contact him to confirm the date and time.

OAK HILL ESTATES,  
PLAT D –  
RE-VEGETATION

Mayor Dunn: RL Yergensen sold a lot to an individual; the lot is in need of re-vegetation; as are the other lots in Plat D. Mr. Yergensen has taken care of re-vegetating all but some scrub oak on his lots; he also left some equipment on the lot that sold and that needs to be removed. Both individuals have agreed that re-vegetation will be done in the spring.

LOAFER CANYON RD.

Mayor Dunn: Councilmember Brown coordinated the in-house project in finishing the curb & gutter on Loafer Canyon Road; it has been a good project to save money. The only part that ran over budget was one driveway that needed to be re-done. It will be completed in the spring.

NON-AGENDA  
ITEMS

Sean Roylance: He thought there would be an agenda item to discuss animal rights, in general; including what to do with them. He thought that was what Agenda Item #1 was; he wondered if there would be any further discussion about this.

Mayor Dunn: It was not scheduled due to the Planning Commission tabling the matter; and he was waiting to see what their recommendation will be. There has been nothing that has come forward from the Planning Commission.

Sean Roylance:

- He was at the Planning Commission Meeting where Shawn Eliot handed out a very useful chart listing other cities and how they handle animal control. At first, the focus was on chickens only...he (Councilmember Roylance) told the Planning Commission that, in his opinion, it might be good to address animals in general...then they would not have to keep coming back to the subject over and over. He said that he hoped that was the right direction to give them.
- There are different ways to enforce the animal rights issue; and that the type of enforcement used would dictate the type of code created. Most of the cities in the County enforce the animal code on a "nuisance basis"; they don't do anything unless there is a complaint. Another option would be to actively go out and enforce these types of code. If the City addresses the issues on a "nuisance basis", the code can be a bit more restrictive and then when there is a problem, the City can enforce the code. If enforcement is on a proactive basis, then it may be worth considering making the code looser than otherwise...many people could be "caught" that are "just fine, realistically". He felt it would be good for the Council to discuss the options before the Planning Commission comes forward with a recommendation...this would give them some input to guide the work the Planning Commission puts into this.

Mayor Dunn: Proactive enforcement can be accomplished in mote than one way:

- Conditional Use
- Ration permits (Example: The fist 10 residents to apply for chicken permits (fee in included), would be granted permits, with conditions to be met. Under "Conditional Use", the City can be as strict as we want... not being strict is what got the City into this whole issue of animals & fowl. If the conditions are violated, the permit holder would be subject to losing the permit and it could be granted to someone else.)
- Another option would be to go back to the current code; and these animals/fowls are in violation. If the individual wants to raise chickens, they would have to go to a zone that permits them.
- Some cities allow chickens, but on an acre of ground.

Sean Roylance: (Question) Does the Council want to give any direction to the Planning Commission to indicate the direction they go with developing code? Do we want them to go in the direction of the Nuisance Code; or to figure out what we want to proactively enforce? These seem to be the two sets of parameters.

\*Mayor Dunn: \*He suggested placing this matter on the next Council Meeting Agenda.

Nelson Abbott: He feels that even a proactive approach to enforcement would still involve dealing with violations on a "nuisance basis". Example: Dogs are allowed as pets, but they still fall under the nuisance code.

Derrek Johnson: Councilmember Johnson brought up the matter of requiring that Mike Brockbank remove his pony from his lot by the end of January, 2009. He suggested allowing him to keep his pony while the Planning

Commission is working on code that would affect him. Since the Planning Commission is including more than chickens in their proposed code, it would affect other animals as well.

Raymond Brown: Mr. Brockbank has already “had a bite of the apple already”; is Councilmember Johnson proposing to allow a “second bite”?

Derrek Johnson: This is a “non-issue”...he feels this has been blown up out of proportion; “whether it’s code or not, we’re not here just to say it’s black and white...we’re citizens, we’re neighbors...we’re friends...let’s take an objective view...let the Planning Commission work with this, and see if there is a situation out there that can work for everyone.”

Raymond Brown: Councilmember Brown recalled the application that came before the Council (previous Council) wherein application was made to allow miniature horses in the residential zone Mr. Brockbank lives in; “it was denied”...he (Mr. Brockbank) ignored the decision and “kept his horse...so I don’t know that that’s a good thing”. “If we all decide which laws we will obey and not obey...”

Derrek Johnson: “Is this really injuring anybody?”

Raymond Brown: “I don’t know.”

Derrek Johnson: “There hasn’t been...there hasn’t been a single complaint on it, Ray.”

Raymond Brown: “I am saying...the law is the law.”

Derrek Johnson: “Exactly; we don’t have to be black and white...work with them.”

Raymond Brown: “Unfortunately, in most cases, the law is black and white.”

Derrek Johnson: “Is it hurting anybody, Ray?”

Sean Roylance: “Actually, if you look at people who study the law, they say that the law actually has several purposes: one of which is to teach, but has no intention whatsoever of enforcement. Then you have the other end of the spectrum, which is to enforce absolutely...and then you have everything in the middle.”

“Most laws are going to fall somewhere in the middle; they’re not going to be on one end of the spectrum or the other.”

Raymond Brown: “I disagree, in that I spent most of my life training people to enforce the law.”

Derrek Johnson: “They let people off on tickets.”

Sean Roylance: “I got that information from a professor at BYU...”

Raymond Brown: “I’ve had a couple of professors come in to help with my classes, and I’ve not asked them to come back again because they misinterpret constitutional law, state law and local law...and sometimes they feel like you, ‘Who’s it hurtin’. What they say is this: ‘If we have a law... (and some people do say this, and I think you said it)...and it serves no use, then let’s do away with the law’.” Councilmember Brown went on to make the point that there is some validity to this approach except that a law can seem to have no use unless a situation comes up, albeit seldom, where the law would then be applicable. “Laws are written because of the violations.” Councilmember Brown again relayed the process on trying to get the text of the code changed to allow for miniature horses; the application was from two individuals who owned miniature horses at the time...in the end, the request to change the code was denied. One of the town individuals moved to a zone where horses are allowed and one ignored the edict of the City. “I don’t think that’s right, whether you’re hurting anybody or not, I don’t think you can do that.”

Derrek Johnson: “Let’s let the Planning Commission work through this and see if we can come to a solution.”

Raymond Brown: “My point is, how many ‘bites of the apple’ do you give a violator? I just don’t understand that.”

Derrek Johnson: “Okay, then I am willing to give him another one; let’s just let the Planning Commission work through this.”

Sean Roylance: “If the first bite was for several years; then the second bite is a little, bitty nibble...if that’s what we are going to compare it to...since we’re talking about a month. The other thing, too...is it’s not ‘just a professor’; it was the person who was over the law school...and then later became the president of BYU...and now is pretty well-respected...”

Raymond Brown: “Sometimes people walk around with all these credentials and everything, and that makes them experts...in fact that’s not true...the fact is that people, like our own President basically said, ‘I made a mistake...I shouldn’t have hung that banner that said VICTORY’...he didn’t want to say that before, MISSION ACCOMPLISHED...”

Sean Roylance: “So, your opinion is that the law only has one use, and that is...it’s black and white and that you enforce it absolutely. My opinion, and obviously someone who has a little bit more credentials than anyone in this room, disagrees with that...and I tend to agree with him.”

Raymond Brown: He feels that our society has broken down with this way of thinking...he cited an example wherein leeway is found in the law that allows violators to get off from conviction. His point was that excuses can be found in the court system to justify even murder, but with law enforcement officers, you kill someone, and it’s murder.

Sean Roylance: “I don’t know Dallon Oaks’ views on murder.”

Raymond Brown: “The liberal thoughts of people, such as your judges, your professors and some of these other people...have changes society.”

Sean Roylance: “His point was that sometimes the law is used to teach; that is one function of the law...it’s used to teach. Then there is the other function...and like I said, there’s a spectrum...and every law falls at some point on that spectrum.”

Mayor Dunn: “What is he teaching by breaking the law? He’s teaching his kids that it’s okay to thumb your nose at a law you don’t agree with.”

Derrek Johnson: Maybe the law is so ridiculous that it needs to be worked out.”

Mayor Dunn: “That’s a matter of perspective...it’s there for a reason...”

Raymond Brown: He went on to declare that flies and manure are a problem.

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3 Derrek Johnson: He feels this is ridiculous and that the Council should work with these people.

4 Sean Roylance: "Does our whole society teach everybody to be criminals because everyone on the road is  
5 going over 65?"

6 Raymond Brown: Using an example of speeding, Councilmember Brown made the point that if the speed sign  
7 says '65 mph' and a person goes 68 mph, that could warrant a ticket.

8 Sean Roylance: He countered that this does not happen...or happens rarely.

9 Mayor Dunn: He relayed an experience where he was ticketed for going 56 mph in a 55 mph zone.  
10 He remembers it, because his statement to Mayor Dunn was, "Did you know you were breaking the law?" The  
11 Mayor responded that he was aware that he had passed the officer.

12 Sean Roylance: "And you talk to any reasonable person and what is their reaction going to be?"

13 Derrek Johnson: "What a jerk." (Referring to an officer that would ticket someone under those circumstances)

14 Raymond Brown: "Most laws that are written...not all of them...are black and white."

15 Derrek Johnson: "Then that is a cop who is clogging up the court system."

16 Sean Roylance: "And to this case, who is the judge? The 'judge' generally is us. (Referring to the City  
17 Council)."

18 Mayor Dunn: "We've got to pay attention to our Code. We have an obligation to the Code that we have, and  
19 that is to make sure that it is properly enforced. I wrestle with this; in fact I wrestle with it enough that I call and  
20 email the attorney on a lot of issue that we discuss here because I want some professional opinion on things  
21 from someone who is presently active in municipal law."

22 The Mayor went on to make the point that if someone, through ignorance, had a marijuana plant growing in his  
23 yard, it would be against the law...even if it were not directly harming anyone. It would not matter what it was  
24 being used for, it is against the law. The example of knowingly violating the law sets a dangerous example.  
25 The situation with the miniature horse is a code violation, even if not a nuisance.

26 City Recorder: (Question) If the Council is considering allowing Mr. Brockbank to keep his miniature horse  
27 while the Planning Commission works through the code, will other animal/fowl owners be considered in the  
28 same way? Or, there are other code violations; will the code be enforced with all of the violations?

29 Raymond Brown: He does not agree with re-writing code for one individual; once that happens, then others  
30 expect the same treatment.

31 Sean Roylance: His point was not to attempt to come up with a direction now...but we need to discuss this in  
32 the next City Council Meeting. He feels that the Council should give the Planning Commission some general  
33 direction; or the Council can wait until a recommendation comes from the Planning Commission.

34 Mayor Dunn: One of his main concerns with this matter is that it started out with Lisa Denning coming before  
35 the Council to see if the code to be changed; it evolved to the Council, with a motion, giving direction to the  
36 Planning Commission to create a code for chickens, not other animals...not the Council is discussing other  
37 animals. The issue seems to be "getting bigger and bigger".

38 Shawn Eliot: What did it was the issues with cats, then chickens...after the public hearing and the survey, the  
39 Planning Commission realized that there is a bigger than what was in front of them at the time. That is when  
40 they (Planning Commission) asked to review the "Nuisance Ordinance".

41 In the City's Code, the nuisance section addressing animal control simply adopts the Utah County Code. The  
42 Utah County Code contradicts the City's Code in various places, even though we reference it as "our Code";  
43 now that is being reviewed; but the Council will have to participate.

44 As he has gone through other city's codes, he has found that some cities are very restrictive with animals and  
45 other cities are rather lax...examples: Alpine & Lindon. Elk Ridge tends to be on the restrictive side. He feels  
46 that when they get through this, it will be good to present the findings to the Council.

47 Mayor Dunn: He felt to re-define "restrictive"...we are on the 'restrictive side' in our residential zones".

48 Nelson Abbott: He felt it is understood that "residential is being compared to residential".

49 Shawn Eliot: He agreed and went on to review what various cities allow in their residential zones; and what is  
50 allowed varies a great deal. Some cities allow residential "kennel permits" or "hobby permits"; the Planning  
51 Commission is saying that if you allow up to 6 dogs or up to a certain number of dogs, those people would  
52 have to meet more requirements and more regulations...but they would also be more responsible because  
53 they went through all these requirements and that "people would be watching them".

54 City Recorder: Kennels were placed in the Commercial Zone for reasons...if a dog owner gets beyond a litter  
55 of pups, then doesn't this get beyond "hobby breeding"?

56 Shawn Eliot: There are different types of "hobby breeding": 1) "The kind when you just do it yourself" and 2) a  
57 "Kennel in a commercial zone, in the cities that just do commercial zoning, they were businesses; whereas,  
58 the 'hobby breeders' was more someone who wanted 'extra pets'...so, it makes those people jump through  
59 more hoops.

60 The hard part about limiting 2 dogs & 2 cats, and that kind of thing...is, if you're going to go through every  
61 house in town and in every city in this County...there are many that have more than three. This gives  
62 responsible pet owners an avenue to at least make themselves legal. We are not going to go through every  
63 house and check how many dogs you have and every cat...unless it becomes a nuisance."

64 Sean Roylance: If something becomes a nuisance, and the permit is taken away, a person would have to get  
65 rid of all the extra animals.

66 Derrek Johnson: Made the point that there is "no avian bird flu" in any of those cities.

67 Mayor Dunn: He suggested that he close the Work Session with a further note: "We have an obligation as  
68 stewards of the code and the law to do our best with it. Leniency isn't always the best and maybe the 'black  
69 and white' isn't always the best in every circumstance; but we wouldn't have the problem we have now if we  
70 would have kept up with the code and just said, 'Sorry, it's against the law for you to do that...you can't do it'.  
71

It's pretty simple...I think there would have been a little bit of offense, but we wouldn't be facing some of the issues we're facing now."

Derrek Johnson: "Mayor, do you think we have any obligation, as City Officials, to work with our citizens?"  
*(Mayor Dunn answered: "Oh, you bet.")*

Raymond Brown: "Yes, within the law."

Derrek Johnson: That is what he would like to see...he would like to have the Planning Commission have the opportunity to come to some sort of recommendation.

Mayor Dunn: "We have been doing that." The Mayor said that as Mayor, he hears complaints on both sides of the issues...in this case, chickens. One citizen would like to place the issue of chickens on a ballot for the citizens to vote on. The Mayor was told that certain citizens do not want the Council to make a decision on the chickens, because certain citizens feel they "know where it's going to go. Than Mayor responded to this person that they may have an idea of where the issue will go, but they do not really "know".

Nelson Abbott: He commented that he would be more comfortable with that idea (referring to placing the issue on a ballot)...at that point, it would not fall on any of the Council.

Derrek Johnson: If there are complaints, people should be willing to claim responsibility and not complain anonymously.

Raymond Brown: He asked if any of the Council had read through the comments on the surveys that have come back in... *(Councilmember Johnson said he had gone through a few of them, the Mayor had read them all, Councilmember Abbott said he had read them)*...Councilmember Brown had read them all and felt that some make good points (pro & con); he felt all the Council should read through them.

Nelson Abbott: Reading the surveys gives the Council a feeling of how the residents feel.

Mayor Dunn: He felt there were a couple of things that the Council should convey to Mr. Brockbank (owner of the miniature horse):

- It still needs to be determined if the City can allow him to board his horse on City property.
- ?

Derrek Johnson: He asked again if the Council is going to enforce the code with all of the animal owners who are in violation, or allow them to keep their animals while the code is being reviewed.

Mayor Dunn: The code does not really allow violators to be "on hold" while changes are taking place in the code...there isn't an "allowance" in the code to remain in violation while the code is under review. He actually made a mistake by saying that owners in violation could keep their chickens while the code was being considered for change.

Sean Roylance: He felt the Mayor made the right choice; otherwise, Councilmember Roylance would be saying, "Let's have a public Meeting tomorrow and every single day this week, until we get it resolved."

Derrek Johnson: He again asked the Council to make a decision regarding what to do about enforcement while the code in being reviewed. Mr. Brockbank only has until the end of January before he has been asked to remove his horse from his property.

*Mayor Dunn asked the Council what they wanted to do:*

Polled opinions:

- Derrek Johnson: He is in favor of allowing the owners in violation to keep their animals while the code is being considered for change.
- Julie Haskell: She is in favor of adhering to the code, as it is written (which would require enforcement).
- Raymond Brown: Adhere to the code. (He feels we should "live and die" by our code; "if we're not going to do this, this none of our codes are any good.")
- Nelson Abbott: He was unsure, and wants to know what it would take to get this on the ballot...this is not on the agenda tonight...
- Sean Roylance: "If we are going to tell everybody to get rid of their animals this month, then I want to have however many meeting it takes this month to get it resolved before the end of the month."

Mayor Dunn: He suggested telling Mr. Brockbank to "hold off until we get it at the Council level and make a decision".

Nelson Abbott: He feels that the Council should prepare Mr. Brockbank that one way or the other, action will be taken and he's going to have to live and abide by that.

Derrek Johnson: He cannot speak for Mr. Brockbank, "but If he has seen that this has gone through the Planning Commission...there's been a lot of debate about it...I think he'd feel more comfortable with that than saying, 'well, you're out'."

Raymond Brown: "But, that has happened once before for him."

Sean Roylance: But there was also the sentiment of; "Alright, we're not going to make this legal, but we're going to look the other way".

Raymond Brown: "Not with the Planning Commission or the City Council, it wasn't."

Sean Roylance: "The Planning Commission approved it; it was the City Council that rejected it; and the previous Mayor basically said as much...that he would look the other way."

Raymond Brown: He wanted to know if Councilmember Roylance had spoken to the previous Mayor (Vernon Fritz) regarding "looking the other way". Councilmember Brown said that he recently spoke to former Mayor Firtz and he further asked Mayor Dunn if he had spoken to former Mayor Fritz about "looking the other way" regarding the miniature horse.

Mayor Dunn: He was reminded what Mayor Fritz had said and perhaps that is what is being recalled..."we're not going to make a decision with this Council; we're going to leave it up to the new Mayor".

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3 Raymond Brown: He spoke to former Mayor Fritz and asked him if he had “given the indication that  
4 it was okay, even though the Council voted it down, to keep the horse? He (Former Mayor Fritz)  
5 said ‘no’...”

6 Sean Roylance: “Well either way, that’s what’s gotten back to people.”

7 *\*(Note: Quote from the minutes of 12-13-2005...This was a non-agenda comment: “Mayor Fritz: The proposed ‘Miniature  
8 Horse’ Ordinance was not approved; this leaves Mr. Mike Brockbank in violation of the current Ordinance, which disallows  
9 miniature horses in residential zones. He will leave the enforcement of this violation to the next Administration.”  
10 Since this was the last meeting for the Administration with Mayor Fritz as the Mayor, this only makes since that any  
11 enforcement would come from the next Administration.)*

12 Councilmember Roylance continued: The point is that Mr. Brockbank can be “painted as a “bad guy”; “but the  
13 fact of the matter is there was communication, whether it was right or wrong...there was an indication given  
14 that ‘we’re going to look the other way on it’, so he thought he was okay...and I choose to view him as trying to  
15 do the best he can and I am not going to look down on him because he understood that  
16 communication...again right or wrong...and he acted on it; I’m not going to condemn him for that.”

17 Raymond Brown: He does not know Mr. Brockbank; “he may be a wonderful man...all I know is that once the  
18 edict was delivered, he violated the code.”

19 Sean Roylance: “All I know is 98% of people violate the speed limit every single day.”

20 Raymond Brown: “Then, let’s just take down speed limit signs.”

21 Sean Roylance: “You did not understand my point.”

22 Raymond Brown: “No, you did not understand my point; everybody violates speeding...so, let’s take down the  
23 signs...now how safe are you going to be?”

24 Sean Roylance: “We don’t take down the signs; what we do is...we have a standard, and then if something is  
25 close enough that people don’t care...or that they are going to say that they are going to say that we’re going  
26 to look the other way...then they allow it.”

27 Raymond Brown: “My idea is; your educational part is...take down the signs; when the crash, you go up there  
28 and go...did you learn anything?!”

29 Sean Roylance: “You are putting words in my mouth; I never said to take down the signs.”

30 Raymond Brown: “You said to ignore them; what’s the difference ignoring them and taking them down?”

31 Mayor Dunn: Asked if the Council might move on. He commented that there were some good arguments and  
32 that they were getting into some ethical parts of the law.”

33 Derrek Johnson: The main issue he brought up was what direction to give Mr. Brockbank and any  
34 other animal owner involved...he again came back to that point.

35 Raymond Brown: He asked if letters had gone out to get rid of goats.

36 Shawn Eliot: He responded that the letters had actually been written this past summer (a goat letter and a  
37 chicken letter); but it was at that time when the chicken issues came up; and Mr. Eliot asked what he should  
38 do with them...he said the Mayor told him to wait until things got cleared up...that is why the letters were not  
39 sent out.

40 Mayor Dunn: He recommended “sticking with that, then...let’s wait until we get this cleared up.”

41 Raymond Brown: He feels there is a danger is going back and forth continually. He feels the issues have been  
42 “beat to death”.

43 Derrek Johnson: “Doesn’t that happen with every new Council?”

44 Raymond Brown: “Not really...this is different.”

45 Nelson Abbott: “This was beat to death pretty good back in the early 90’s...”

46 *It was brought up that Councilmember Johnson’s question had not been addressed totally; and the response  
47 was that it had.*

48 Mayor Dunn: He felt that it had been settled...he repeated: “Let it go...let’s stick with the Counsel we’ve been  
49 going with since the middle of the summer.”

50 Nelson Abbott: He was on the City’s web site and was unable to find a place where he could print off a license  
51 for cats or dogs; he would like to take this a step further and come up with a single page, perhaps in the  
52 newsletter, to give people a chance to meet their obligation to license their animals. *(It was pointed out that it  
53 is not required to license cats.)*

54 Sean Roylance: The Planning Commission is looking at permits for dogs and cats.

55 City Recorder: Dog licenses could not be placed on the web site to print off since they are based off of the  
56 animals’ rabies vaccination and they owner has to present the rabies certificate to obtain a license.

57 Shawn Eliot: At the Planning Commission Meeting, Dayna Hughes pointed out that from the surveys that have  
58 gone out, it seems like the predominant problems are with dogs. She asked why we are not doing anything  
59 about the problems. He did agree with Councilmember Abbott, that we need to encourage pet owners to  
60 license their animals.

61 Mayor Dunn: The Sheriff’s Dept. did have a “dog fair” where they offered rabies shots and licensing, on the  
62 spot...only a few showed up.

63 Shawn Eliot: He suggested that we could have a “blitz” for a couple of weeks, where the focus is picking up  
64 stray dogs...owners would begin to “get the hint” and be more responsible with their pets.

65 Mayor Dunn: He was insistent on moving forward with the established Council Agenda.  
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**ELK RIDGE  
CITY COUNCIL MEETING  
January 13, 2009**

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5 TIME & PLACE  
6 OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, January 13, 2009, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM**. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

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9 Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 9, 2009.

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12 **7:40 PM -**

**CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS**

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14 ROLL

*Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance & Derrek Johnson; City Planner: Shawn Eliot; Public: (Salem High School Students) Billy Fairbanks, Tyler Tarter, Micah Richins, Celeste Lee, Christy Pray, Drew Christensen, Melissa Merrill, Clive Jane Lawson, Britt Pratt, Katelyn Lambert, Linsey Johnson, Elisa Lewis, Brayden Ryan, Morgan Rugg, Kyle Shuler, Cody Towse, Karlin Adams; and the City Recorder: Janice H. Davis*

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20 OPENING REMARKS  
21 & PLEDGE OF  
22 ALLEGIANCE

An invocation was offered by Nelson Abbott and Kyle Shuler led those present in the Pledge of Allegiance, for those willing to participate.

23  
24 AGENDA TIME  
25 FRAME

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:40 PM**  
**VOTE: YES (5) NO (0)**

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28 PUBLIC FORUM

Derrek Johnson: He questioned why the Ewell property was not on the agenda; he thought it would be. (*Mayor Dunn responded that it would be first on the agenda on January 27, 2009. The Mayor did contact Mr. Ewell to apologize for not placing the item on the Agenda, it was simply an oversight.*) All the Councilmembers indicated that they had received the letter from the Mayor with the attorney's response regarding the portion of the code referenced by Councilmember Johnson concerned with granting extensions. Mayor Dunn also emailed the same letter and response to Brian Ewell.

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35 ORDINANCE –  
36 DURABILITY RETAINER  
37 & INSPECTION

(Memo from City Planner to Council, dated 1-13-2009)

**“Background**

State law was changed last year allowing for one year instead of two the amount of time a municipality can require a durability retainer and engineering inspection bond. Basically, a durability retainer allows the city funding, if needed, to repair faulty construction of improvements such as roads, utilities, and other subdivision improvements. An engineering inspection bond insures the funding is there for city inspection fees.

**Staff Findings**

The current code required a two year durability and engineering inspection bond period; state law requires that cities change this requirement to one year.

**Staff Recommendation for Council Motion**

Motion: The city council agrees with the planning commission finding and approves the proposed code changes in the attached code changing the durability retainer and engineering inspection bond requirements from two years to one. The council finds that the proposed changes are required for the city to comply with state law.”

This change reflects the new State law regarding a limit of one year for durability retainers.

Mayor Dunn: (Brief history of change in law) The Mayor went to a meeting with other mayors and part of the discussion was centered on this change, as well as immigration. The State law changed to one year and if there are failures after the one year, the City then takes responsibility to correct the failures. This was a “satellite bill” from another bill. Many real estate people were involved. The cities did not have the opportunity to defend the two-years. The law benefits the developers, not the cities.

This will force the inspections to be very precise and to not allow any variance from the code. This will affect things like compaction testing as well as other phases of the development process. If the code is not adhered to, they will not pass inspections...example: There will be no leeway on videoing the sewer lines.

The Attorney counsels that all Retainers would be affected, even existing ones. The engineer says that it does not apply to current agreements entered into. The developer must comply with the requirements as well; otherwise the durability time period does not begin.

Shawn Eliot: Suggestions: 1) To have the durability retainer begin after the one inch overlay, since the construction phase would still be going on. (This would need to be considered.)

2) Have two-part durability time period: one for the regular infrastructure and another on just the overlay

Mayor Dunn: He listed other options: Do all the construction, including the 1” overlay at the same time; or possibly the city could accept the money set aside for the overlay and use it in conjunction with a road project to improve that portion of the road.

Raymond Brown: It will take added effort on the part of the City (Planner, Planning Commission, Engineer, City Council, Public Works and Inspector) to make sure all requirements are met.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT AS FOLLOWS:  
DUE TO CHANGES IN UTAH STATE LAW DEALING WITH DURABILITY RETAINERS, AND AGAINST  
THE BETTER JUDGEMENT OF THE MEMBERS OF THE COUNCIL; THE CITY COUNCIL ADOPTS AN  
ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE AMENDMENT TO THE  
DEVELOPMENT CODE REGARDING DURABILITY RETAINER AND ENGINEERING INSPECTION BOND;  
CODIFICATION, INCLUSION IN CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND  
PROVIDING AN EFFECTIVE DATE

VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, RAYMOND BROWN-AYE, JULIE  
HASKELL-AYE & DERREK JOHNSON-AYE (5) NO (0)

Passes 5-0

Mayor Dunn: Various options should be discussed in the future regarding the application of this code.

ACTION ON WORK  
SESSION ITEMS

There was no action on these items.

STATUS REPORT –  
CITY COUNCIL-  
MEMBERS ON  
DEPTS.

Julie Haskell: (Public Safety)

- Fire Dept: FEMA has changed its requirements dealing with the instant command system; as part of this, they have created the National Instant Management System (NIMS)...this requires all emergency personnel to be certified with the NIMS System. Councilmember Haskell has completed her first certification and has a couple more to go.

- Today she had a Special Service District Board Meeting (911 Dispatch). All members were sworn in and it was decided that there would be 4-year terms...staggered so that members would not all be leaving at the same time. Councilmember Haskell will be serving a 2-year term. There will be another meeting on Thursday (Meetings are at 10:00 AM, every second Thursday.)

- Chief Waite will be back in town and she will meet with him on budget matter.

- Mayor Dunn wants to host an ATV Safety Course in the City; he will spearhead this project; but it falls under Public Safety.

Derrek Johnson:

- Trails: Councilmember Johnson will contact Shawn Eliot regarding grant applications for Trails.

*(Raymond Brown said there is a grant under "Safe Routes to School"; there may be a possibility of a grant to build trails toward bus stops.) One of the issues with the last application was that there were not enough "safety" type issues...we only missed being awarding the grant by a few points.*

*The Planner was going to approach the grant from a different point of view...demographically looking at more local areas than the entire City.*

- City Celebration: He is to evaluate the projected expenses for Celebration as compared to the upcoming budget amendments.

Suggestions for Celebration: Craft Fair and charge for places in the fair for individual booths; fund raisers/donations from each household in the City and renting a pop dispenser.

Raymond Brown:

Roads: *(Handout from Councilmember Brown)*

"Roadwork & Projects for City for 2008-2009

Expenditures to maintain & improve the City's Road System

1. We contracted with Staker-Parson to overlay the following roads

- a. Canyon View Upper end - \$44,259.00
- b. Park Drive 98,815.00
- c. Hudson Ln 9,570.00
- d. Oak Ridge Dr 32,940.00
- e. \*Salem Hills Dr 9,000.00

2. Hot Asphalt Services to Crack Seal roads within City limits, where needed; at a cost of approximately \$8,000.00; this was not accomplished in 2008-2009 due to budget restraints.

3. ASI to bid on four (4) streets to "fog seal"; put off til' fiscal year 2009-2010.

The City began & completed about ½ of the Loafer Canyon Rd. curb & gutter fall of 2008. There remains the cost of finish work, including curb & gutter for the west side of Loafer Canyon Rd. Completion of this project should be in the spring of 2009. The estimated cost at completion: \$50,000.00, dependent on cost of providing raw materials. This is a co-op program with the City workers participating as well as the City providing raw materials. This co-op will result in a cost savings, to be determined after the completion of project and billing for materials. It should be noted that there was one driveway that had to be re-designed and built with the cost being borne by the City.

Class B & C Road Funds have been updated as of December, 2008, to reflect the current roads under maintenance and service of the City (attached: letter to UDOT). July of 2008, there will be B & C Road Funds available to the City. It is the intent to use little of no general funds of the City to complete the following projects:

1. Overlay of:

- a. Dugway (road leading from Park Dr to Loafer Canyon Rd)
- b. Amerigo Wy (taken off the road program last year due to financial restraints)
- c. Bottom & top of Magellan Ln (dependent on overlay of builders of 1" on new road)
- d. \$8,000 to \$12,000 of crack seal throughout the City
- e. Completion of curb & gutter on Loafer Canyon Rd

2. Fog seal selected roads ASI (cost & amount of roads not available at the time of this writing)

3. Determine the amount of salt and cost (after this winter season) needed to budget for 2009/10

4. Widening of Gooseneast (west City boundary up to 3-way intersection) approximately 3 to 4 feet on the south side of Gooseneast

5. Striping of road from City boundary on W. Gooseneast up to end of widening of Park, south. The striping of Park to Escalante will depend on the overlay (by developer) of failed road on Park  
Finally, the limitation of using only B & C funds to maintain the roads will depend on the safety and necessity of work to maintain the integrity of our transportation system. This will require the prioritizing of projects as well as needs of the Community.”

Sean Roylance: He commented on how well the roads in Elk Ridge are plowed and maintained through the winter; he said he felt they are the best kept roads around, compared to surrounding cities.

Mayor Dunn: Cities are cutting their budgets and leaving snowplowing on the flat surfaces to conserve money.

Nelson Abbott: Water & Sewer:

(Water) - This past year the water tank well upgrade project was completed; he is anxious to see how things look around the tank in the spring.

- SUVMWA is in the process of getting the land they purchased for the Regional Sewer Plant re-zoned; he thinks this is nearly completed. There has been fair amounts of public out-cry from people in the area; not over the Sewer Plant, but over the garbage that the waste transfer station generates.

- The water rights that were authorized for purchase were actually paid for. There are also other shares that Tony Fuller is working on an exchange with the LDS Church.

(Sewer) He feels the Sewer Dept. is headed in the right direction. *(There was an increase in the sewer rates this past year.)*

Sean Roylance:

Planning Commission:

- This year the Planning Commission has done a good job this past year: one of the bigger projects was to re-write the HR-1.

- There will be a new Chairperson appointed this coming year; with the resignation of Russ Adamson; the Commission will vote on this. He has handled the Commission well.

- There will be an opening (possible 2) on the Planning Commission.

- This coming year the Planning Commission hopes to review some of the other codes in the other zones; at the very least, there are inconsistencies that continually come up...example: the Annexation Code, the PUD Code, etc. There will be some months where the Commission only meets once, to take a break with the lull in development.

Web Site:

Councilmember Roylance demonstrated what he has been working on to make the City Web Site more useful and “user friendly”. He is reorganizing the site to allow easier access; he also showed the Council future changes and additions he is working on.

The changes will have more links and will allow the Dept. Heads to change and modify their own pages; with passwords for proper log-in to the site they are authorized to modify...there will be restrictions.

He would like to come up with a great slide show on the main web page.

The work he has done is close to being ready for use.

Future Improvements: He would like to create a feature that is “ask a question”: Someone would put in the name and email address and pick from a “drop down list” of who they want to ask the question of (Mayor, City Council, Planner, Planning Commission, staff member, etc)...the question goes to that person or group; when that party responds, they can email back to the original party. If there were a common question, that could be added to a list of public questions or frequently-asked questions.

He read a list of features he would like to address over the next year:

(Administrative tools, archive center with agendas and minutes, document center, events calendar, frequently-asked questions, job postings, business directory, site search, “notify me”, RSS [“real simple syndication”], history logs, job application system, photo gallery, slide show, “blog” [each Councilmember could have their own web page], facilities reservation system [pay online], potentially pay for other things online)

Councilmember Roylance informed the Council that he is using this work on the City’s site as a model for contracting with other cities. If the City were to contract for the work he has done on the web site, it could run up around \$30,000.

Nelson Abbott: Suggestion: When business owners apply or renew their business licenses, they could pay an additional amount and have their business listed on the web site...this would be a way to generate revenue for the City.

Sean Roylance: He feels much of the changes are no more than a couple of weeks away from being a reality; all of the features discussed will not be available at first; but will be added to in stages.

Mayor Dunn: Asked that Councilmember Roylance contact Marissa Bassir (staff) to work with him in this project.

Mayor Dunn:

Administration:

Being Mayor can be complicated, though exciting. In the time coming up, the City faces some challenges.

He finds that working with people and creating relationships is worth the effort of being involved with City government.

He looks at his “available resources” as the people around him, including the Council and the City staff; he depends on those the serve with him. He expressed his appreciation for all he serves with.

Raymond Brown: He has informed people that tend to complain that they really do not have a clue as to what the Council and the Mayor do. The Council has been elected and should be respected because of the work they do in behalf of the citizens of Elk Ridge. The Council can disagree, but should respect one another as being “on the same team”. The Mayor puts a lot of effort into serving the City and he appreciates that.

\*Councilmember Brown has agreed to assist in re-doing the Administrative Policy for the City.

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CITY COUNCIL ASSIGNMENTS

Mayor Dunn: The Council assignments will stay the same for 2009.

RE-APPOINT CITY RECORDER & TREASURER

*Annual Appointment:*  
**MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY JULIE HASKELL TO RE-APPOINT JANICE DAVIS AS THE CITY RECORDER AND LINDA COOPER AS THE CITY TREASURER**  
**VOTE: YES (5) NO (0)**

ANNUAL SCHEDULE FOR CITY COUNCIL MEETINGS

*Discussion of any possible Meetings to be cancelled.*  
**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO CONTINUE TO HOLD CITY COUNCIL MEETINGS ON THE SECOND AND FOURTH TUESDAYS OF EACH MONTH FOR THE YEAR 2009; WITH EXCEPTIONS NOVEMBER 24<sup>TH</sup> AND DECEMBER 22<sup>ND</sup> SHALL BE CANCELLED DUE TO HOLIDAYS**  
**VOTE: YES (5) NO (0)**

PRIMARY WELL CONCERNS

Mayor Dunn: In the past the City's primary well was the Loafer Well because of the ability to gravity feed" the water system. All the new improvements installed this past year have taken a toll on the Water Fund finances. The Mayor proposes to switch back to having the Loafer Well as the Primary Well again; and perhaps use the Cloward Well as back-up during the summer months or whenever needed. We do not have the need right now for all the new capacity in the Cloward Well since much of the purpose for upgrading the system was for growth in the northern sections of the City; impact fees and up-front money from developers of the Elk Ridge Meadows PUD paid for a good portion of the project. During the process of getting the tank and new upgrades to the system online, the focus was switched to the Cloward Well...this focus needs to go back to the Loafer well.  
\*The Mayor will present calculations showing pumping costs at the next Council Meeting.  
Derrek Johnson: Asked if the return on assets dropped from 6% to 2% in the Water Fund due to pumping costs, or due to the amount of water people used.  
City Recorder: The Finance Director mentioned in the Audit Presentation that higher depreciation on more assets has contributed to the drop, as well as increased pumping costs.

WATER LINE REPLACEMENT

Mayor Dunn: He wanted to remind the Council that the old cast iron water line on Canyon View Drive needs to be budgeted for; the cost will be approximately \$105,000. It has broken three times in the past year. The suggestion from both Kent Haskell and Corbett Stephens (both certified water operators) is to place the new line in the shoulder of the road so we do not dig the road up; then bring each service into the line and abandon the old one. The new line will be from Alpine Drive to Park Drive.  
\*Place in the Amended Budget.

EXPENDITURES:

General:  
Sean Roylance: Asked where the garbage collection and the discrepancies in the inventory of containers are at, in considering reimbursements.  
Mayor Dunn: The City Treasurer, Linda Cooper, and the Mayor met with the Director from Allied Waste. The Mayor explained about the problem exemplified by the Neria Family and what had happened with them; as well as what the City Attorney has advised about only going back to the beginning of the current fiscal year for any reimbursement. The Mayor informed the Director that really the City is only making about \$.56 per can on the 1<sup>st</sup> can, and about \$.26 on the 2<sup>nd</sup> can. He explained that when the City has this problem in inventory, that he (the Mayor) would just send the resident on the Allied with any claim, because Allied is who receives the money. Next week the Director said he would send a team down to do a "hard count" inventory of containers; Mrs. Cooper will provide him with the same list that Kent Haskell, Corbett Stephens and the Mayor used to get a count on cans. The team from Allied will even knock on doors to make sure the cans can be accounted for. (Allied has relied totally on the City's count of extra containers; but there is an ongoing problem with residents calling Allied directly with requests to add or remove cans...without notifying the City soothe charges can be updated. The staff at Allied is supposed to direct those calls to the City; but many times they do not; so the inventory has been faulty.)  
The Mayor informed the Director of another issue: there are times when residents would like extra dumps on the can or cans they have; he asked if there is some way to accommodate these times.  
The Director explained that each time the truck picks up a can to dump it, it is considered a separate "pick up" so Allied wants a second charge for the second pick up. He said that if residents want this service, that they can call Allied's Office and supply them with a credit card number...pre-pay for the extra pick up...then they will contact the driver and accommodate them. It would be a direct pay to Allied, not through the City.  
There will be a dumpster for Christmas trees.  
Raymond Brown: He made the point that he is still bothers him...if a resident has two cans and is only paying for one; why not correct the matter rather than being dishonest?

CITY COUNCIL MINUTES

A. City Council Meeting 11-25-08:  
**MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 11-25-08**  
**VOTE: YES (5) NO (0)**

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SCHEDULE PUBLIC  
HEARING –  
AMENDED BUDGET  
FOR 2008/2009

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO SCHEDULE A  
PUBLIC HEARING TO CONSIDER AMENDING THE 2008/2009 FISCAL YEAR BUDGET FOR THE  
OPERATION OF ELK RIDGE CITY; FOR FEBRUARY 24, 2009; AT 6:00 PM**

**VOTE: YES (5) NO (0)**

*The City Recorder reviewed the areas to consider amending with the Council and provided a rough copy of  
the Budget to the Councilmembers. They are to contact her with suggestions for amending the original figures  
in time for her to combine those amended figures into the Budget to be presented.*

*Conferences:*

The Council discussed the need to cut back on any unnecessary expenses; and in conjunction with that,  
decided that attendance at most of the usual conferences would be held to only those necessary for water  
certification, or the Roads School, Fire Dept. training, Planning certification training, etc.

*Fire Dept.*

Fire Dept. Grant: Councilmember Haskell said the equipment had been purchased, but they had not submitted  
the bills for reimbursement at that point.

Nelson Abbott: Suggestion: ATV speed signs at the entrances to the City and throughout in certain places.

ADJOURNMENT

At 10:02 PM, the Mayor adjourned the Meeting.

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City Recorder