

**ELK RIDGE
CITY COUNCIL MEETING
April 14, 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, April 14, 2009, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:30 PM. The Public Hearing on Impact Fees was scheduled for 6:00 PM.**

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

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10 Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle,
11 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on March 6, 2009; and an
12 Amended Agenda on 3-9-09.

13
14 **6:00 PM –**

PUBLIC HEARING – CULINARY WATER, WASTEWATER COLLECTION & ROADWAY IMPACT FEES

15 Public Hearing/To hear Public Comment regarding Elk Ridge City's revision to its Capital Facilities Plan,
16 including a new Impact Fee for Essential Roadway Improvements; and an adjustment to the Culinary Water
17 System Impact Fee and Wastewater Collection System Impact Fee, pursuant to the provisions of the Utah
18 Impact Fee Act.

19
20 ROLL

Mayor: Dennis Dunn; City Council: Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson (Absent: Raymond Brown); City Planner: Shawn Eliot; City Engineer: Amy Thatcher; Public: Deseret News: Rodger Hardy; Scouts: Sam Weeks, Mason Calcote, Joe Cromar, Dylan Christensen & Tanner Smith; Don Weeks, Shane Epply, Frank Montague, Mike Johnson, Ryan Haskell, Jed Shuler, & Dean Ingram; and the City Recorder: Janice H. Davis

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26 Mayor Dunn: The Mayor opened the Public Hearing at 6:00 PM. He asked if there was any public in
27 attendance specifically for the Public Hearing; there was no response. He announced that the Hearing would
28 be left open for the full half hour. Amy Thatcher (Aqua Engineering) was present to answer any questions
29 about the Impact Fee Study performed by Aqua Engineering.

30 *Comments:*

31 Nelson Abbott: He has reviewed the Study provided to the Council; he reviewed the various changes in the
32 fees and asked about the Sewer (Wastewater) Fee.

33 Ms. Thatcher: The update is on the infrastructure within the City limits. Then the additional fees that are paid to
34 Payson are added to the proposed fee.

35 The Elk Ridge portion of the pending Regional Sewer Plant (purchase of land by SUVMWA) was included in
36 the Wastewater Impact Fee.

37 Nelson Abbott: (Roadway Impact Fee) Specific roads have been included in the discussions; have the roads
38 changed?

39 Ms. Thatcher: Some roads have been removed from the previous list that was in the original report generated
40 in 2007. Removed:

- 41 - East/West Salem Hills Drive
- 42 - Extension of Hillside Drive

43 Mayor Dunn: He reviewed the roads that are included:

- 44 - Loafer Canyon Rd (west side) – to Park Drive
- 45 - Two access roads into the City property (Gooseneast)
- 46 - Widening the south side of East Salem Hills Drive (Canyon View Drive to Hillside Drive)
- 47 - North side of West Gooseneast Drive

48 Impact Fee Changes & Updates:

- 49 1. Wastewater (Elk Ridge's portion...not including the part paid to Payson)
50 From \$910 to \$1,214 (Increase of \$304)
- 51 2. Roadway Impact Fee

52 Enact Fee of \$573 (For the above mentioned road improvements)

53 Nelson Abbott: The map included with the Impact Fee Study did not show the widening of E. Salem Hills Drive
54 any further west than Councilmember Abbot's property line.

55 Mayor Dunn: He asked that the map be brought out to look at; and it does not show the proposed widening all
56 the way through to Hillside Drive; that needs to be corrected.

57 Amy Thatcher: The map can be amended, as well as the fee; she did not feel this addition would affect the fee
58 much. (About 150' of curb & gutter would be added...it would need to be measured.)

59 (Memo from Planner to Council, dated 4-14-09...read by Mayor Dunn)

60 **"Background**

61 The impact fee study plan completed by Aqua Engineering in October 2008 recommended that the waste water impact fee collected
62 for Elk Ridge be adjusted from \$910 to \$1,214, an increase of \$304. It also recommended that an essential roadway impact fee be
63 enacted at \$573. **Lastly it recommended that the culinary water impact fee be raised from \$5,140 to \$5,410, an increase of \$270.**
64 When reviewing our current code it was discovered that there have discrepancies in how previous fees have been adopted. The last
65 change in impact fees was done a few years ago and was adopted by the council by resolution. State code requires that it be done by
66 ordinance. A prior adoption of impact fees was done in 2004 by ordinance. Basically we currently have the code from 2004 that states
67 one fee and a later resolution that states different fees and new fee categories (waste water).
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Staff Findings

1. The proposed code streamlines our code to be in line with state code.
2. It gives a table of the various fees to make it easier to convey to developers.
3. It puts all the impact fee categories and fees together within ordinance.
4. It consolidates all the impact fee codes into one chapter.

City Council Discussion

1. Does the revised impact fee code serve the city better?
2. Is the proposed increase in the sewer impact fee for Elk Ridge appropriate?
3. Is the proposed new impact fee for essential roadways appropriate?
4. **Is the proposed increase in the water impact fee for Elk Ridge appropriate?**

Proposed Council Motion

Motion: The city council agrees with the findings of the Impact Fee Analysis & Recommendations study completed in October 2008. Namely;

1. That the waste water impact fee for Elk Ridge needs to be increased to improve the city’s waste water system due to growth
2. **That the culinary water impact fee for Elk Ridge needs to be increase to improve the city’s culinary water system due to growth.**
3. That the essential roadways impact fee is needed to improve identified improvement projects needed because of growth.
4. That the council agrees that the proposed impact fee ordinance better serve the city and its citizens and that the proposed changes are required for the city to comply with state law.”

Shawn Elliot: When reviewing the proposed impact fees; the developers did not think the fees particularly expensive...until the electric fees were added in, and the City has no control over this.

Mayor Dunn: Is there a typical time limit to the road impact fee? When the project is completed, the fee goes away.

3. Culinary Water Impact Fee:

Raised from \$5,140 to \$5,410 (Increase of \$270)

Amy Thatcher: (RE: appropriateness of water impact fees) A portion of the costs in 2007 were associated with the upgrade to the Cloward Well and the new water tank; this updated version included the “actual” costs for construction; so the fee went up based on actual costs.

The actual costs were projected into the future to include another tank and another well before the build-out capacity is met. Fees may need adjustment in a few years.

Nelson Abbott: (Questions on the proposed ordinance)

- Was the 14 day public notice met? (Yes)
- He referred to page 3 (table): The Waste Water Impact Fee to Salem is missing; it just refers to Payson. This needs to be added. (Same rate as Payson’s)

(This addition will not affect the bottom line for the impact fee.)

Sean Roylance: He questioned how Elk Ridge’s Impact Fees compare to others in the surrounding area.

Mayor Dunn: Woodland Hills’ Fees are about \$6,000 higher; he is not sure how our fees compare to Salem’s. The electrical impact fee is City-wide. A couple of years ago SESD did an impact fee study and they knew they needed to rebuild their sub-station. They talked to the developers and got up-front money from them...for instance Randy Young and his partner paid them a check in the amount of \$1,000,000. All of that went to electrical improvements. People wanting to develop or build are given the information that they need to contact SESD also. The City does not collect these fees for SESD.

(The Mayor gave the Boy Scouts present a brief explanation of the Public Hearing process vs. Public Forums.)
Mayor Dunn closed the Public Hearing at 6:45 PM.

6:45 PM -

CITY COUNCIL WORK SESSION AGENDA ITEMS

UTAH LOCAL
GOVERNMENTS
TRUST (ULGT) –
LIABILITY VIDEO

- This is a video provided by ULGT for training of local Government Officials. It covers issues that Officials should be aware of to safeguard the Community and themselves...
- How authority is exercised is very important. The United States Supreme Court has stated that “ignorance of the law is no excuse, generally; and it is even less of an excuse for men whose roll it is to enforce the law”. The point is to not place the City in a position of being “liable”, either publically or privately. The maintenance program for the existing infrastructure should be reviewed to determine if they are sufficient to identify and correct problems before they develop. This program should included things like:
- Sewer clean-out schedules
 - Road maintenance schedules
 - Capital Facilities Replacement schedules
 - Sign replacement schedules
 - A reporting system so residents can report problem areas and have them addressed
 - Prioritize required maintenance based on which problems are most likely to create the greatest threat of liability
 - Schedule needed repairs according to the prioritization system.
 - Evaluate City work environment to determine whether existing work place conditions or practices contribute to employee injuries...identify solutions to those issues.
 - Make sure the City has properly located safety equipment to comply with State and Federal requirements (OSHA)

Elk Ridge City Council Work Session – 4-14-09

“Unseen Structure” exists in a municipality (day-to-day activities); which helps conduct the business of “people”...insuring that citizens are afforded their constitutional rights and are protected from improper

1 governmental actions. If this “unseen structure” is not properly created or maintained, if practices are
2 defective...it can also create liability for your governmental entities.

3 Policies and procedures form the foundation of sound practice.

4 “In 1978, the United States Supreme Court held that local governing bodies can be sued for monetary,
5 declaratory and injunctive relief. The law states that, if a municipality’s ordinances, policies or procedures are
6 inadequate or in violation of the law, the city may be held liable for any constitutional violations that are caused
7 by an employee following those policies; however, the Supreme Court went on to say that a city may also be
8 held liable for constitutional violations if they fail to adopt appropriate ordinances, policies and procedures and
9 the employees develop or practice unconstitutional customs on their own.

10 Municipalities should make sure that they have and regularly review and update ordinances dealing with such
11 issues as:

- 12 > Land use
- 13 > Planning and zoning
- 14 > Licensing
- 15 > Public Nuisances

16 Personnel policies should address (at the minimum) the following issues:

- 17 > Employee selection and hiring
- 18 > Working with independent contractors
- 19 > Employee compensation
- 20 > Employee code of conduct
- 21 > Employee discipline
- 22 > Employee performance and evaluation
- 23 > Employee management
- 24 > Policies should address the “Family Leave Act”
- 25 > Drug & alcohol free work place and testing procedures
- 26 > Policy outlining dealing with sexual harassment allegations
- 27 > Written guidelines for safety policies & procedures

28 Exercising “unrighteous dominion”:

29 Constitutional laws were created to limit abuse by government officials...the Bill of Rights.

30 (Allowing everyone ‘due process of law)

31 In 1972, the U.S. Supreme Court decided two landmark cases which expanded the definitions of “liberty” and
32 “property”: The Court held that an individual’s “liberty right” included a person’s “good name, reputation, honor
33 & integrity”. “Property rights” encompassed legitimate expectations or entitlements created by statutes,
34 ordinances, policies or contracts. This “due process” requirement becomes particularly important when you
35 deal with personnel issues. In most circumstances, an employee must be afforded due process before they
36 are deprived of their employment or position.

37 So, what is “due process”?

38 Due process of law implies the right of the person to be present before the tribunal which pronounces
39 judgment upon the question of life, liberty or property...to be heard by testimony or otherwise, and to have the
40 right of controverting, by proof, every material fact which bears on the question of right in the matter involved.

41 Due process is generally provided in the setting of municipal meetings.

42 Public Meetings play a large role in our form of government; it is the “doorway” through which the citizens
43 enter to access and to interact with their government. Public Meetings are subject to constitutional due
44 process requirements, but are also subject to specific statutory provisions. (Open and Public Meetings Act)

45 This requires that all public meetings be open to the public, unless the law specifically allows a closed
46 meeting. (Review of reasons to close a meeting)

47 Meeting: any time a quorum of the governing body gets together and they talk about any of the pending issues
48 before them, they are having a “meeting”....wherever they happen to be. If it is a “meeting” the law needs to be
49 met in specific ways.

50 “Documentation is the ‘roof’ of your ‘unseen structure’ which will protect everything else that you’ve done to
51 limit your municipality’s exposure to liability. It provides a written history of actions taken and decisions made
52 by your municipality...this is critical if you become involved in litigation, because as a general rule, if an action
53 is not documented, it did not happen.

54 Documentation also highlights issues needing correction; it provides feedback to the governmental entity
55 about policies that need to be implemented. Documentation should follow some basic guidelines to be
56 effective:

- 57 > Timely
- 58 > Make sure you understand what it is you are communicating
59 (Documents prepared by others should be thoroughly reviewed and understood.)
- 60 > The documentation will be read by others; be clear
- 61 > Tell your audience what they need to know to understand the issues you are dealing with
- 62 > Develop the habit of documenting everything you do as a government official
- 63 > Make sure your documentations maintain a safe and secure environment

64 Quote by Adelaide Stevenson: “Those who hold in their hands the power of government must have the
65 wisdom, the experience and the courage to identify the pressures that are always at work and to see the public
66 interest steadily.” It is far easier to concentrate on the public interest when your own interest is not at risk.
67 ULGT is committed to helping to protect those interests.

68 *Elk Ridge City Council Work Session – 4-14-09*

1. Councilmember Haskell submitted a draft of the proposed Interpositional Cooperation Agreement between Utah County and the Utah Valley Dispatch Special Service District for the provision of certain administrative services and for the transition and payment of dispatch services. She had wanted David Church to review this proposed agreement. It has not been adopted and she simply submitted the draft to the Council for their review and possible input. A Public Hearing is set for May 14, 2009, at 10:00 am; to be held at the County Commissioner's Office

2. A sample budget was included with the draft of the Agreement.

3. Elk Ridge's assessment for 2009 is \$10,241; and this Agreement would go into effect on July 1, 2009. (Assessment would be for the 2009/2010 fiscal year.)

A new account will have to be created in the General Fund; separate from the charges for police protection.

Call-outs:

Councilmember Haskell figures the City paid \$15.50 per call last year; the SSD added to it = \$16.74 per call. Nelson Abbott: If you take the 381 calls in 2008, and use the usage fee they would assess, it would actually be about \$27.00 per call. He knows that Payson, when they are dispatched, there is a fee charged for the fire dept., ambulance, etc. (they charge the maximum allowed for Utah State). 381 calls averages to at least one call per day, if not more.

Will the assessments change as growth occurs?

**Councilmember Haskell will find out. 52:13*

Councilmember Abbott feels the charges should be based on the actual cost per call. He would hate to have resident hesitant to utilize the 911 number in case of emergencies because they are afraid of charges.

Mayor Dunn: He believes that, under the old system, the rate for 911 calls was going to go to \$26 per call. This would have been a "big jump". The Committee that Councilmember Haskell is on started about 3 to 3 1/2 years ago; she just became a member last December (2008). Certain cities in the County are not members of the Service District because they have their own dispatch centers. There have been some extensive discussions in the past and what we see now is the result of all those discussions.

Councilmember Haskell will take the Council's questions back to the Committee.

Julie Haskell: She will bring any further information back to the Council.

2. 2009/2010 Budget Discussion:

In the interest of time and in order to start the Regular Session of the Council Meeting on time, the City Recorder suggested adding this discussion to the Regular Agenda items.

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OF MEETING

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7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Dennis Dunn; City Council: Nelson Abbott, Julie Haskell, Sean Roylance & Derrek Johnson (Absent: Raymond Brown); City Planner: Shawn Eliot; City Engineer: Amy Thatcher; Public: Deseret News: Rodger Hardy; Scouts: Sam Weeks, Mason Calcote, Joe Cromar, Dylan Christensen & Tanner Smith; Don Weeks, Shane Epply, Frank Montague, Mike Johnson, Ryan Haskell, Jed Shuler, & Dean Ingram; and the City Recorder: Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Mayor Dunn and Scout Joe Cromar led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME; ADDING THE CONTINUATION OF THE 2009/2010 BUDGET DISCUSSION AS ITEM #12

VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

PUBLIC FORUM

There was no one of the Public that had comments to make. Mayor Dunn gave the Scouts present a brief explanation of the differences between a "Public Forum" and a Public Hearing".

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ACTION ON PUBLIC
HEARINGS

1. Elk Ridge Meadows PUD, Phase 2 – Default Declaration:
The Public Hearing for this issue was held on March 24, 2009. The action was postponed to allow the City

1 Attorney (Davis Church) to get together with the Attorney for Mr. Dave Millheim; Mr. Millheim's Attorney did not
2 contact Mr. Church to schedule a time to meet. The Mayor contacted Mr. Church to ask if the City could go
3 ahead and take action on the Default Declaration; and to start the process of calling on the surety bond in
4 place for this Development. Mr. Church advised to go ahead and take action.

5 There were items that need to be addressed by utilizing the surety bond.

6 **MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY DERREK JOHNSON TO:**

- 7 **A. DECLARE ELK RIDGE MANAGERS, THE DEVELOPERS OF ELK RIDGE MEADOWS PUD, PHASE**
8 **TWO, IN DEFAULT, AND**
9 **B. TO TAKE IMMEDIATE ACTION FOR THE CITY TO CALL ON THE SURETY BOND IN PLACE FOR**
10 **THIS DEVELOPMENT; AND TO UTILIZE THIS MONEY TO FINISH THE IMPROVEMENTS**
11 **ASSOCIATED WITH ELK RDIGE MEADOWS PUD, PHASE 2**

12 **VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, NELSON ABBOTT-AYE & SEAN**
13 **ROYLANCE-AYE (4) NAY (0) ABSENT (1) RAYMOND BROWN**

14 *Passes 4-0*

15
16 **Mayor Dunn is to contact David Church the next day to request that he contact the surety bond institution to*
17 *begin the process of calling on that bond.*

18
19 *2. Culinary Water, Waste Water Collection & Roadway Impact Fees)*

20 The Mayor reviewed the proposed Council action from the memo to the Council from the City Planner.

21 **MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT THAT THE CITY**
22 **COUNCIL AGREES WITH THE FINDINGS OF THE IMPACT FEE ANALYSIS & RECOMMENDATIONS**
23 **STUDY COMPLETED IN OCTOBER, 2008, NAMELY;**

- 24 1. **THAT THE WASTE WATER IMPACT FEE FOR ELK RIDGE NEEDS TO BE INCREASED TO**
25 **IMPROVE THE CITY'S WASTE WATER SYSTEM DUE TO GROWTH**
26 **(Change to Table on Page 3 of Ordinance: Payson/Salem...add Salem to Table)*
27 2. **THAT THE CULINARY WATER IMPACT FEE FOR ELK RIDGE NEEDS TO BE INCREASED TO**
28 **IMPROVE THE CITY'S CULINARY WATER SYSTEM DUE TO GROWTH**
29 3. **THAT THE ESSENTIAL ROADWAYS IMPACT FEE IS NEEDED TO IMPROVE IDENTIFIED**
30 **IMPROVEMENT PROJECTS NEEDED BECAUSE OF GROWTH**
31 **(Change: Widen E. Salem Hill Drive all the way to Hillside Drive)*
32 4. **THAT THE COUNCIL AGREES THAT THE PROPOSED IMPACT FEE ORDINANCE BETTER SERVES**
33 **THE CITY AND ITS CITIZENS AND THAT THE PROPOSED CHANGES ARE REQUIRED TO THE**
34 **CITY TO COMPLY WITH STATE LAW; AND**

35 **TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY MUNICIPAL CODE PROVIDING FOR**
36 **THE AMENDMENT TO THE BUILDING CODE REGARDING IMPACT FEES, CODIFICATION, INCLUSION**
37 **IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND PROVIDING AN**
38 **EFFECTIVE DATE**

39 **VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, NELSON ABBOTT-AYE & SEAN**
40 **ROYLANCE-AYE (4) NAY (0) ABSENT (1) RAYMOND BROWN**

41 *Passes 4-0*

42
43 RIDGE VIEW
44 MEADOWS, PLAT B

45 *1. Preliminary & Final Plat: (Dean Ingram – Applicant)*
46 *(Memo from Planner to Council, dated 4-14-09)*

47 **“Background**

48 The applicant has been working with the staff on Ridge View Meadows, plat B on and off since spring 2007. Some prior
49 concerns were how to locate the sewer easement through the property (the main sewer line for the city runs through the
50 property), whether lot 3 of Ridge View Meadows Plat A should be reconfigured to be a part of the proposed subdivision, and
51 should a flag lot be permitted.

52 Last spring the flag lot question went to the city council and it was denied. Flag lots have been removed from the code as
53 being allowed in Elk Ridge. This new proposal drops the total lots from 4 to 3, includes a driveway easement on lot 1 to
54 access the rear of lot 4 (where the current garage is located), and relocates the sewer easement to traverse between lots 2
55 and 3.

56 **Staff Notes**

57 Due to the size of the development and the amount of time put into previous submittals, staff recommended that the
58 applicant be allowed to have preliminary and final plat processed together. The current plan adheres to code and staff and
59 the planning commission recommend that it receive final approval by the city council contingent on a list of minor changes,
60 all of which the applicant has made, except we are waiting on a response from the fire chief regarding number 3 below.
61 The planning commission held a public hearing on the plat and no negative comments were received.

62 The applicant is requesting that the city sell him cash in lieu water shares for this development. Tony Fuller calculated that
63 for lots 1 - 3 as well as the additional land added to lot 4 (applicant's current lot) that 5.12 acre feet of water would be
64 needed. At the current rate of \$4,500 an acre foot the cost for the water shares would be \$23,040.

65 There are three issues that should be completed contingent to recording the final plat. They include:

- 66 1. The city council sell available water shares to the developer and the city receive payment.
67 2. An agreement is entered into between the applicant and the LDS church regarding the installation of curb/gutter, road,
68 and stubbed utilities. The agreement shall state whether the applicant shall reimburse the church for the
69 improvements made to Goosenest DR along his property when the new LDS stake center was constructed.
70 3. Need fire chief to approve fire hydrant spacing (should have this info at the council meeting).

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72 **Planning Commission Motion**

Kelly Liddiard made a motion and Weston Youd seconded that the final plat for the Ridge View Estates plat B moves forward to the city council as long as the listed staff notes are met and taken care of, including the engineer's letter from aqua engineering. The planning commission approves Ridge View Meadows plat B, preliminary and final plats and recommends that the city council approve them. The commission finds that the proposed development follows the intent and regulations of the R-15,000 zone and conforms to the surrounding development. Vote: yes – all (4), no – none, abstains – (1) Jason Bullard, absent – (1) Kevin Hansbrow

City Council Discussion

The Council should decide:

1. If the preliminary / final plats fit the intent and regulations of the code.
2. The council should approve, approve with conditions, or deny the plats based
3. Shall the city council sell 5.12 acre feet of water rights through the cash in lieu program for \$23,040?

Proposed Commission Motion

The planning commission approves Ridge View Meadows Plat B, preliminary and final plats and recommends that the city council approve them. The commission finds that the proposed development follows the intent and regulations of the R-15,000 zone and conforms to the surrounding development."

Shawn Eliot: After the staff report was generated, there were some issues that came up last Friday (4/10) that he reviewed with the Council:

Issues with Ridge View Meadows B

"Off-site Road Reimbursement

1. Talked with LDS real-estate department, they are paid in full and were not expecting any reimbursement.
2. They need another day to verify, but if they expect reimbursement, they usually have a reimbursement agreement in their files and they don't. (*The City does not have anything in our files either.*)
3. They paid for ½ the improvements and Burke Cloward paid the other half.
4. Dean Ingram states that the Church and Burke approached him and stated they would put in all the improvements (full road, curb & gutter, stub utilities) if they would allow for the road (Goosenest Dr.) to be built.
5. If the Church doesn't find anything else, they will send a letter signing off on any reimbursement.
6. Burke Cloward is ill and it might be hard to get his half of the story.
7. Recommended that final be passed and that it can't be recorded until written agreements are obtained.

Full Width Road

1. Throughout the year plus history of this project (flag lot and now 3 lot subdivision), the requirement of a full width road was never brought up by staff, planning commission, or city council.
2. Two reasons for this:
 - a. Cloward B was an approved subdivision to the north that was installing these improvements.
 - b. There were already improvements on Dean Ingram's side of the road (including utilities stubbed) not requiring any road work.
3. Problem now is Cloward B final is now expired (Dec 2008).
4. Talked with Craig Neeley about this. Feels that since this portion of the road is short (340 feet vs. 1,500 feet of the road, that there ought to be a way to waive this requirement.
5. Code 10-15C-2E allows the city council to waive curb & gutter requirements.
6. Full width improvements as an issue wasn't brought up until last Friday.
7. It doesn't seem fair to require the full width improvements at this stage of the development. Especially since it is Burke Cloward's land and the majority of the road, all along his land, is not finished.
8. Need direction.

Fire Hydrant

1. This issue was brought up at the planning commission level a month ago, but the fire chief was unable to review the plat until last Friday.
2. He does want a hydrant on the north side of Goosenest Dr. centered between Burke Ln. and the proposed Dot Dr.
3. This is an easy add to the plat map since the water line is already on the north side of the road, it just needs to be shown tying into it.
4. Recommend final be passed contingent that a new plat be drawn with the hydrant.

Sewer Easement

1. The applicant has worked with the city to relocate (at his own cost) the main sewer line that currently crisscrosses his property.
2. The new alignment takes out a bad curve in the line that is not very accessible.
3. Craig Neeley brought up last Friday, a new concern that if there is no bonding for the improvement and if the work doesn't get done, the city would have a sewer now on a vacated easement.
4. Again, this is an issue brought up at the last moment, whereas the relocation of the sewer was a topic over the last year plus.
5. Need direction."

Comments:

Dean Ingram:(Regarding Off site Reimbursement) There was no talk of this; the road had to be moved over on his side of the street for the proper easement...there was no talk of reimbursement, but it was implied that there would not be.

Mayor Dunn: (Regarding Full width road requirement) The Mayor read Craig Neeley's (Aqua Engineering) letter dated, 4-13-09:

"Ridge View Meadows B – Preliminary & Final Plat

I've reviewed the following for compliance with city requirements and standard engineering practice:

Preliminary and Final Plats for Ridge View Meadows B prepared by Dudley & Associates and submitted April 7, 2009.

My comments are as follows:

- Drawings: I understand a fire hydrant needs to be shown and installed on the north side of Goosenest Drive opposite the project.
- Road Improvements: The code requires the applicant to improve the entire road adjacent to the project. I understand the applicant was counting on the opposite side improvements being completed by others. Unfortunately, this has not taken place. My recommendation is to require the applicant to follow one of the following courses of action:

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- Bond and complete the improvements and request future reimbursement

- Petition the city to change the current code and then seek final approval under the modified code.
- Wait until the opposite side of the street is improved by others and then seek final approval of the project.
- Sewer Relocation: I'm concerned about the easement for the existing sewer line being abandoned before the sewer line is relocated. I realize that I recommended the project be platted this way, but now I understand the sewer improvements may not be bonded. My recommendation is to have the applicant follow one of the following courses of action:
 - Bond and complete the sewer improvements
 - Leave both easements intact on the final plat and then vacate the abandoned line easement when the new sewer improvements are complete. END"

Mayor Dunn commented on the first bullet under "Road Improvements": This is "normal code as it is written at this point"...when you do something, you put in both sides of the road and whoever benefited from the improvements not attached to your project has a 30 year time period to reimburse you for those improvements that benefitted them."

He continued, "Dean (*Mr. Ingram*) is in that situation where, at the time, the Church was required to put in one side and then there was going to be an agreement to work out the other side that hasn't happened. So, Dean is in a position where he needs to improve the other side and then when Cloward renews their application they would pay Dean back for the improvements that he puts in."

Nelson Abbott: He said that he understands what the Mayor is saying but he feels that this is not necessarily the way it should be. He used as an example, the Jolley's (lot split on E. Salem Hills Drive) wherein they were not required to install curbing because it was not contiguous...there is already curbing on Mr. Ingram's side of the street. He does not think this is any different.

Dean Ingram: "From just the practical sense...and Shawn alluded to this...really what does it accomplish? If you're coming up the land, It's probably going to make more of a hazard than it is not...people will come out of the Stake Center; there's going to be one small section and then it is going to dead-end at Cloward's fence. People are going to be swerving; I think it's better to keep it one contiguous issue because, if not, it doesn't do any good...it doesn't improve anything."

Nelson Abbott: "That was my whole point...it is what I was saying earlier; with some of the lot splits and things that we have done...if there was no curbing on either side, we didn't require the new lot split or subdivision to come in and put curbing there."

Sean Roylance: He questioned the difference in the code: The current code requires the full width; but 10-15C-2E allows the Council to waive curb & gutter requirements

Shawn Eliot: "The difference is that curb & gutter is one thing; full width road is wider than just not allowing the curb & gutters to be done. It used to be 1.2 + 9 feet."

He said he had been looking through the code to "try to stretch and point to something that would allow you to do that."

Mayor Dunn: There is curbing on the east side of Burke Lane; he questioned if there is curb on the west side... (*Mr. Eliot said there is not.*)

Shawn Eliot: When the Church put in their improvements (1/2 + 9') they did the south side of Goosenest Drive, the east side of Burke Lane and then the north side of Ridge View... (*Burke Cloward put the south side of Ridge View in with his subdivision.*) The improvements do not really touch each other. They did that because the south side of Goosenest has continuous improvement into the Haskell Subdivision."

Dean Ingram: He brought up that Mr. Cloward would have also had to reimburse the Church for some improvements, but that did not happen; probably due to their agreement with one another.

Sean Roylance: "I tend to agree with what Nelson was saying...it seem a little odd to have this little patch of road that is all of a sudden wider."

Julie Haskell: "But, I think we need to stick with the code."

Mayor Dunn: He said that he brought up that particular corner because it may be a place to start to make the current code useful. If the corner had been installed, then there would be contiguous improvements.

Dean Ingram: He wanted to know if it makes a difference that his application was before Cloward's proposed development expired. He had no control over someone else's subdivision approval expiring.

City Recorder: In the past, the City Attorney has advised that one subdivision is not dependent on another, nor can the city hold one subdivision up on approvals due to issues associated with another...each is on its own merit. This has come up in the past.

Dean Ingram: He has been through this process already with this body and other bodies...this has never come up before.

(There was discussion as to whether or not this particular development has been through Technical Review...not the flag lot version. Mr. Eliot and Amy Thatcher feel there has been an additional Review.)

It doesn't make any sense anyway. It is more of a danger when it doesn't connect to anything.

Derrek Johnson: He asked if this is not taken care of now, what happens in the future with this if it is "looked past now"? Would Cloward be responsible?

Julie Haskell: "You can't count on that."

(Mr. Ingram still feels it won't "improve anything.")

Shawn Eliot: "I think the reason we did full-width road was to get away from having 'cookie-cutter' pieces.

Mayor Dunn: The Mayor responded that it wasn't for that reason. When Lee Haskell built his subdivision west of the area being considered, if the full-width road code would have been in place at that time, the other side of Goosenest Drive would have been finished. We have had situation happen where basements have been flooded three different times...once this year on High Sierra...and this is due to this 1/2 + 9 ft. of road.

Mr. Ingram interjected that he does not feel this is an issue in their case.)

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The Mayor continued that it is always an issue when we are looking a 1/2 the road being installed and 1/2 not.

The reason the code exists is to make sure that we don't face these liable situations.

Dean Ingram: "I would agree, but this is ...if I were putting in the road...the curb & gutter...on my side...I agree with your code change; it needs to be that way...this is just a different situation. I am not putting in my side of the road, it is already there."

"It just doesn't make any sense."

Nelson Abbott: Councilmember Abbott sees this development as more of a "lot split" than a "whole new development". "Maybe that's why I see it the way that you do" ((Directing the comment to Mr. Ingram).

Shawn Eliot: For the Council to be able to waive curb & gutter, the code says that it must be shown that there would be no flooding problems as a result of waiving the requirement. The road has been in place for a number of years and history would indicate that there is no flooding problem in the area.

Mr. Ingram: He is not planning on installing anything that would impact the area.

Nelson Abbott: If anything was going to happen, it would have happened.

Shawn Eliot: According to the engineer's memo, one of the memos would be to adjust the code...that could be discussed, if that is what the Council wants to do.

Nelson Abbott: HE did not see a need for a code change; he feels it is what it is now...if there were a change, the code would be back where we were. He would not want to change the code for 200' of curbing that could affect much more. He did not feel the code needs changing to make this happen.

Fire Hydrant:

Shawn Eliot: The previous plats (flag lot) a fire hydrant was shown; a hydrant was also shown on Cloward's Plat B (now expired)...for this submittal, there was not. It is easy to add a hydrant to the plat. This would be added to the plat. The hydrant within Cloward, Plat A is actually about 150' up Goosenest Drive; it is not on the corner...so that became an issue, as well.

Mayor Dunn: The present location of the hydrant associated with Cloward's Plat A was determined by Corbett Stephens, Kent Haskell and possibly the Fire Chief. Mr. Cloward had to go back and install that one. Hydrants should be not more than 500 feet apart and the code says that a property should not be more than 250' away from a hydrant...not the structure, but the property.

(The hydrant will be located between Burke Lane and the proposed Dot Drive.)

Sewer Easement:

Shawn Eliot: At Planning Commission, a memo came from Aqua Engineering saying that we needed to show the easement being removed from the final plat. The final plat did not show the removal of the easement; in fact the easement was shown as ½ there and ½ not...so, they removed the easement. When Mr. Eliot spoke to Craig Neeley last Friday (4/10), he brought up a concern no one had noticed; and that was: on the final plat, if the sewer easement is removed, there would be an approved subdivision plat without a sewer easement for a city sewer main line. He felt that could be a problem. Mr. Neeley suggested:

- ❖ Bond for it
(Mr. Ingram is moving the sewer on his own; and this will clean up a bad situation.)
- ❖ In the memo from Aqua to the Council, he says to leave both easements on the plat for now.

Nelson Abbott: He added that the memo does state that...and that once the improvements are in, then the abandoned line easement can be vacated.

Mayor Dunn: He reviewed the process for a "hot tap" connection; that is what would be necessary for this situation.

Shawn Eliot: When the fire hydrant is placed on the map, this can be addressed at that time...it can be added back on. He asked Mr. Ingram when he proposed that the work would be done.

Mr. Ingram: "Right away; when we get everything done."

Nelson Abbott: He felt it would be best to take the engineer's advice and leave them both on for now; then we would not be tied to some time frame.

Julie Haskell: She advised that the plat should show that there-location & improvements to the sewer shall be installed by the developer...she would like to see a statement of that sort actually stamped on the final plat. She would also like to have the plat note that no building permits be issued until the new sewer line is complete.

Shawn Eliot: He suggested that bonding would probably "take care of the problem". Once the plat is recorded, the developer can legally start to sell lots. Typically, the improvements referred to in the code are the roads, curb & gutter, water and sewer mains...they are already in; except for the relocation of this sewer easement on the one lot. *(Mr. Ingram said that two of the lots are already connected to another sewer line.)*

Mayor Dunn: (Review of the issues)

- Off-site road reimbursement:

- ❖ Mr. Ingram is to hear from the LDS Church on the south side improvements (a document stating their position). Recording will not happen until the City receives this document.
Mr. Ingram felt that the "heads-up" on the possibility of off-site reimbursements should come at the time the improvements are being installed.

Mayor Dunn: The City Attorney has advised that a document be created at the time of the installation of the improvements; the document would be an agreement between the developer installing the improvements, contiguous land owner(s) and the City regarding the future off-site reimbursements; and this document would be kept on file at the City. *(Mr. Ingram felt that would be a "perfect thing to happen; so that your eyes are wide open")*

The reimbursement time is for 30 years and even if one of the parties dies or is unavailable in some way, the land use documents will stay with the property so that there is an awareness of the issues attached to that property.

1 Jed Shuler: He wanted to know if the reimbursement document could be recorded so it would come up in as
2 title search.

3 Mayor Dunn: He thinks it would be like covenants recorded with a homeowner's association.

4 - **Full width Road:**

5 Options:

- 6 ❖ Apply the code strictly
- 7 ❖ Modify or waive the requirement, based on being non-contiguous
- 8 ❖ Defer the improvements to Clowards, when they develop

9 Sean Roylance: "If we were to say that we are not going to make him put in the full width road, is there a
10 scenario in the future where we could come back and say, why did we do that? (*Mayor Dunn responded that*
11 *there always is.*) Could someone explain what that scenario might be? For me, so far, I am having a hard time
12 visualizing what that scenario could possibly be."

13 Nelson Abbott: Perhaps another way to look at it would be Shulers and their development south of the City...if
14 they came to the City to develop their land, and we told them that they have to put in both sides of the
15 road...would we be willing to require that they put in both side of the road all the way out to the main road.

16 Mayor Dunn: There is a difference; one road is pre-existing and the other road does not exist.

17 Shawn Eliot: The developers of Elk Haven was told that they would be required to fix High Sierra Drive (the
18 spot where the home is going in now)...because the road is so narrow through there and all the traffic for the
19 new development would warrant them fixing the connecting road.

20 Mayor Dunn: When Burke Cloward built his home (1972 or so) he installed a driveway to access his home and
21 estate...there was not road along E. Goosenest Drive, except some old asphalt leading back behind his land.
22 When the north side of Goosenest is improved to full width, he does not feel that Mr. Cloward's driveway will
23 be altered.

24 City Recorder: (Addressing Councilmember Roylance's question) She said she could think of a scenario
25 where the Council could come back in the future...has to do with what the City Engineer stated in a phone
26 conversation with the Recorder: if it is part of the Standards, he could see considering waiving it; if it is code,
27 don't violate it. Does waiving this requirement set precedence for other developments? Someone usually owns
28 property that is considered contiguous. There are examples of both sides of the issue: Lee Haskell had to
29 widen Elk Ridge Drive for 4 lots; that is why this main road is wider in that area and north.

30 So, in the future, could this action be justified to another developer who is being required to install a full width
31 road?

32 Shawn Eliot: The code says that "You shall require the minimum standard that the City has". The code does
33 not get into what the standards are; but the code says we require the "minimum".

34 Dean Ingram: (Questions) He is not sure where Lee Haskell is with plans to develop the commercial property
35 on Goosenest; but when that goes in, will he be required to put in a full width road there?

36 Nelson Abbott: It depends on what perspective is taken; "if we made you do it, then obviously he would
37 definitely have to...on that section between Elk Ridge Drive and Star Lane.

38 Dean Ingram: Everything that goes through the city is on its own basis. Typically other subdivisions are not
39 brought into the requirements for another one. The approvals or disapprovals would be specific to a particular
40 subdivision.

41 City Recorder: The code cannot be exercised arbitrarily and that is a legal issue...if it is enforced in one
42 instance but not another. David Church has been consulted over the years with other subdivisions...

43 Dean Ingram: "Then I suggest you change the code..." He feels that he has "no opportunity to move the road
44 or to put everything onto one side. He knows that Burke Cloward would not want his trees or his driveway
45 disturbed by a full width road.

46 Shawn Eliot: He brought up the new proposed "senior housing development"; the City is requiring curb &
47 gutter on both sides; yet, Loafer Heights was not required to install curb & gutter on both sides. It has been
48 applied back and forth through the years. "All we were saying was that this one had so many extenuating
49 circumstances with it that...if you can't use the current code that either says go with the minimum
50 standard...as Jan said, then you can waive or adjust standards...or waiving the curb & gutter: the only other
51 way would be to change the code and allow for an exception if you deem that this one portion has a future
52 opportunity of having it put in when the entire road is put in...or is it too small of portion to make any sense
53 right now?"

54 Dean Ingram: Mr. Ingram still did not think installing the improvements now makes any sense.

55 The Mayor reviewed the Council's response to this issue:

- 56 - Julie Haskell: Apply the code (require full width road)
- 57 - Derrek Johnson: Though he really struggles with "picking and choosing which codes are enforced or not"
58 (particularly with the Engineer's memo); but he also sees Mr. Ingram's side...he has been here dealing
59 with this a long time...(Mr. Ingram interjected that he has gone through multiple technical reviews and
60 spent thousands of dollars on this.)
- 61 - Mayor Dunn: The history of this code was a result of the ½ + 9' rule not functioning the way it was
62 supposed to. The way the code is written tried to alleviate the issues. Earlier in the Meeting, the Road
63 Impact Fee addresses one of these issues of ½ + 9' on E. Salem Hills Drive...now we are looking at
64 impact fees to try to improve and widen this road...it should have been a developer-driven issue and
65 installed at the time of the original development of this road. (Mr. Ingram feels this is different...there is not
66 gap currently, there would be a gap in the opposite way if a small portion of the road were installed.)
67 The Mayor reviewed the lot split for Jolley's and the problems that have occurred.

1 The concern when the Mayor was on the Planning Commission was how to stop these kinds of things
2 from "falling through the cracks" to avoid flooding or other issues resulting from ½ + 9' width roads? The
3 full width road code was to solve some of these problems.

4 One of the things they spent a great deal of time on was the exact situation Mr. Ingram is in...where the
5 improvements are alone and not contiguous, will it work? In some cases it doesn't and that is why some
6 developers have been allowed to do "certain things".

7 *(Mr. Ingram commented that most of the flooding problems have come from newer developments with
8 better standards of storm drain and curb & gutter extending into developments without curb & gutter...that
9 is an issue with catching the water.)*

10 Standards have changed over the years, as well.

11 In waiving the requirement for full width road, would it be beneficial to the City and to the entire corner? Is
12 there a liability issue with flooding...there may not be. Would an isolated piece of curb & gutter be undermined
13 or would it slough off? Would the integrity of the road be upheld until the land around it is developed?

14 Dean Ingram: He does not think there is any benefit in putting the improvements in; is there a benefit in not
15 putting them in at this time? That is debatable. It would have made sense to have all this put in at the time the
16 LDS Chapel was built.

17 - Nelson Abbott: He had nothing to add.

18 - Sean Roylance: He had nothing to add.

19 Shawn Eliot: He mentioned Payson City, where there are sections of the city with curb & gutter exists in
20 sections and though it is not good, it was Payson's way of saying they had to start somewhere.

21 *(Discussion of the development of the north side of Gooseneck Drive...it will be addressed through impact
22 fees.)*

23 Dean Ingram: He feels that development in Elk Ridge is too costly and that is why there is not more
24 development going on in Elk Ridge.

25 *(Mayor Dunn responded that though it is costly, Elk Ridge is not at the top of the list.)*

26 - **Fire Hydrant:**

27 Mr. Ingram is going to shown that on the final plat and has agreed to install the hydrant.

28 - **Sewer Easement:**

- 29 ❖ The plat shall have a notation that the sewer relocation shall be done by the developer
- 30 ❖ Leave both easements in tack on the final plat; then vacate the abandoned line easement when the
31 new sewer improvements are complete
- 32 ❖ Plat shall show that no building permits shall be issued until the improvements are complete; or
33 bonded for by the developer

34 - **Water Rights:**

- 35 ❖ Apply for 5.12 acre feet of water rights (SUV MWA Rights)
- 36 ❖ Bring in other rights, after they are transferred to the City's points of diversion.

37 Councilmember Abbott recommends leaving at least 20 acre feet of the water rights purchased from
38 SUV MWA for the City's demands. Mr. Ingram could purchase some of these for his needs.

39 Mr. Ingram: He wanted to know how much of what does the City need. He asked if water from Strawberry
40 Water Users is an option. *(Mayor Dunn said that Strawberry is not an option.)*

41 City Recorder: She reminded Mr. Ingram that to purchase water rights and to go through the transfer process
42 takes about a year. The SUV MWA rights have already gone through that process at the State and are ready to
43 be allocated.

44 Mr. Ingram: With other developments he has done, he has not had to wait a year...

45 *(It is not the City that requires a year; it is the State process, which the City has not control over.)*

46 In other developments, he has bought the rights and submitted them to the city.

47 Mayor Dunn: It takes about a year for that transfer to take place; so to help out with that, the City has water
48 rights that are ready to purchase and waiting to be assigned.

49 The rights are underground water; some of it used to be surface water, but it has been converted over.

50 *(Mr. Ingram wanted to know what name is on the rights...where did they come from?)*

51 SUV MWA purchased blocks of water in the past; the City is a member of this entity and the water rights are
52 offered to the members. All eight communities could say to SUV MWA that they want to take over their
53 allocated amounts and make use of them. There is no waiting period. It originally came from various shares of
54 surface water, but it is now converted to water owned by SUV MWA. Everything we have in our cash-in-lieu
55 program is underground.

56 *(Mr. Ingram wanted to know what the amounts are that = an acre foot.)* The State would have that information.

57 We are not sure of what kind of "haircut" the State is going to give the shares of water submitted.

58 Our schedule simply states the amount of water in acre-feet for the square footage involved.

59 Mr. Ingram is not sure where he will purchase water rights from at this point.

60 Nelson Abbott: He reminded Mr. Ingram that the water rights must be conveyed to the City before recording of
61 the plat.

62 City Recorder: If the City is not going to sell SUV MWA water rights to Mr. Ingram, then the agenda item that
63 was to allocate water to Mr. Ingram cannot be addressed at this time. Will Final Approval be granted without
64 the water rights issue being decided?

65 Derrek Johnson: He thought the developer had to have water rights prior to granting Final.

66 City Recorder: It is on the Final Check List.

67 Shawn Eliot: Normally the rights are sold to the developer at Final; then he cannot record until they are paid
68 for. The Townhome Project received Final, then they did not come in to get the water...and the development
69 was never finalized.

City Recorder: The water assignment was done between Preliminary and Final.
Julie Haskell: She suggested tabling this approval until all the contingencies have been met.
(Mr. Ingram felt that then if he did not have the "letter of an agreement, then he would have to bring in the money. He feels it would be useless. He knows he has to adjust the final plat.)
The Engineer, Amy Thatcher, had no further comments; she said it is a "unique situation".
Julie Haskell: She asked, "Are we not talking about sticking with the code on this?"
Nelson Abbott: It depends on how the motion is made; and depending on the vote.
Mr. Ingram: He wanted to "talk frankly" beforehand..."You guys need to decide what you are going to do as far as that particular item goes before you do anything...because I'm not going to be doing this thing if I've got to go spend more money across the road. #2) I'd probably come back and try to figure out how to do something with the code after the fact. It's just not right."
Nelson Abbott: "I agree with you. That is my opinion; based on the information I have available to me at this time."
Sean Roylance: "I agree with Derrek, I can definitely see both sides to this."
Nelson Abbott: "I can see both sides, but I can just see more of one side."
Derrek Johnson: He still had a struggle contemplating curb & gutter out there by itself.

Preliminary and Final Plat Approvals:

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY NELSON ABBOTT TO GRANT PRELIMINARY AND FINAL APPROVAL TO THE RIDGE VIEW SUBDIVISION, PLAT B; CONTINGENT UPON:

1. **OFF-SITE REIMBURSEMENT:**
 - A. **LETTER FROM LDS CHURCH INDICATING AN AGREEMENT BETWEEN THE CHURCH AND MR. INGRAM WHEREIN THE LDS CHURCH EXPECTS NO OFF-SITE REIMBURSEMENT FROM MR, INGRAM FOR THE IMPROVEMENTS INSTALLED ON THE SOUTH SIDE OF GOOSENEST DRIVE FOR THE FRANTAGE OF HIS DEVELOPMENT; OR**
 - B. **PROOF THAT MR. INGRAM HAS PAID THE LDS CHURCH THE AMOUNT OF MONEY REQUIRED FOR OFF-SITE REIMBURSEMENT TO THE LDS CHURCH; OR**
2. **FULL WIDTH ROAD:**

THE COUNCIL WILL NOT REQUIRE THAT THE NORTH SIDE OF GOOSENEST DRIVE BE INSTALLED BY MR. INGRAM
3. **FIRE HYDRANT:**

FIRE HYDRANT IS ADDED TO THE FINAL PLAT
4. **SEWER EASEMENT:**
 - A. **BOTH EASEMENTS ARE ADDED TO THE FINAL PLAT**
 - B. **VACATE ABANDONED SEWER LINE EASEMENT WHEN THE NEW SEWER IMPROVEMENTS ARE COMPLETE**
 - C. **THE PLAT SHALL HAVE A NOTATION THAT THE SEWER RELOCATION SHALL BE DONE BY THE DEVELOPER**
 - D. **THE FINAL PLAT SHALL SHOW THAT NO BUILDING PERMITS ARE TO BE ISSUED UNTIL THE IMPROVEMENTS ARE COMPLETE; OR BONDED FOR BY THE DEVELOPER**

**VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, DERREK JOHNSON (3)
JULIE HASKELL-NAY (1) ABSENT (1) RAYMOND BROWN**

Passes 3-1

Councilmember Haskell stated that the reason for her "nay" vote was due to the issue of the full width road requirement; she feels the City Council should stay with the Code.

Both Councilmember Roylance and the Mayor agree with Councilmember Haskell's concern.

Water Right Allocation:

No motion was made at this time.

Nelson Abbott: He reiterated that the purchase of the SUVMWA Water Rights from the City is an option for Mr. Ingram; he may do with it what he wants.

Mr. Ingram: "I will take care of those before the time to record."

Mayor Dunn: He said that as long as Mr. Ingram is aware that recording will be after the conveyance of water rights to the City. There are 5.12 acre feet required. The water rights stay with the property.

City Recorder: If Mr. Ingram chooses to purchase water rights from another source and have them transferred; the Final Approval is only good for six months from this date.

(Mr. Ingram indicated that he understood this.)

ELK RIDGE MEADOWS
PUD – DISCUSSION
& UPDATE

Shawn Eliot: At the last Council Meeting, several options were discussed regarding the future of the PUD; one of the topics discussed was the park associated with Phase 2...Mr. Eliot was asked to gather information regarding costs to maintain the current City Park. He found that the City gets a pretty good rate...he went to Linda Cooper to verify the figures he had gathered and they were the same. He felt is strange that the City charges ourselves for water...he guesses that is an accounting thing.
In some cases the cost averages out to between \$100 & \$120 per month for water.

New Information from the City Planner to the Council, dated 4-14-09:

"The table below looks at past water costs and the cost of seasonal help. Currently Shuler Park has 1.82 acres of grass area; The Elk Ridge Meadows Park has 4.35 acres. Water costs were projected to the new park based off Shuler Park costs at the higher acreage. Maintenance continued at the same cost."

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Annual Cost of Upkeep:
Shuler Park/Ingram Field **1.82 Acres**

Year	Water	Main	Total
2003	\$1,388	\$3,000	\$4,388
2004	\$1,306	\$3,000	\$4,306
2005	\$1,218	\$3,000	\$4,218
2006	\$1,297	\$3,000	\$4,297
2007	\$1,238	\$3,000	\$4,238
2008	\$ 720	\$3,000	\$3,720

Elk Ridge Meadows Park **4.35 Acres**

Year	Water	Main	Total
2003	\$3,317	\$3,000	\$6,317
2004	\$3,121	\$3,000	\$6,121
2005	\$2,911	\$3,000	\$5,911
2006	\$3,100	\$3,000	\$6,100
2007	\$2,959	\$3,000	\$5,959
2008	\$1,721	\$3,000	\$4,721

Costs not included: Non-routine maintenance (broken pipe, bench installation, etc.)

"Other issues: Would the city need a trailer to haul the mower down to the new park and the current mower is wearing out.

Recommendation:

If it is decided to enter into an agreement with Centennial Bank to take over the park, the following should happen:

1. Amend the developer agreement requiring the owner of the park to restore it to the approved landscape plan.
2. Amend the developer agreement to require that the owner keep the park for a prescribed time period (2 to 4 years) or until a percentage of certificates of occupancy (30 to 40%) is reached. It should also include that eh city shall approve the acceptance of the as per landscape plan prior to transfer. *(Wording is confusing)*
3. Amend the developer agreement to require that a mix of homes and sliding types be preserved as per the current CC&R's. This can guarantee that future builders do not build all the homes alike with cheaper outside materials."

Explanation:

- The \$3,000 per year is for hired help ("Maintenance") in the summer for the park.
(Added information was provided to Shawn Eliot regarding costs that came from the Detailed General Ledger; but he did not have it when he drafted the above table.)
- In 2008, \$2,070 was for contract labor to maintain the rock wall landscaping (not included in the figures, since it would not be applicable to both parks.)

Mayor Dunn: The Council needs to know projected costs to assist in deciding if it would be beneficial to the City to take over the park in the Elk Ridge Meadows Development.

Councilmember Abbot brought up a good point about the City switching to a more efficient watering system in the existing City Park; perhaps that could be considered for this new park as well.

He knows that Paul Squires (retired two months ago and on the Planning Commission) that wants to volunteer to assist in the City in any way we may have a need. The Mayor offered paying; but he prefers to volunteer with a flexible schedule. But he could assist with the park maintenance.

The Mayor directed Mr. Eliot to review the added documents from the Detailed General Ledger and to adjust the figures where appropriate...and then to get back to the Council.

SALEM HILLS
 SUBDIVISION, PLAT C,
 LOT 20 (LOT SPLIT)

This Subdivision was developed by Carey White (then Montierth). The Durability Retainer Time period is up as of May 1, 2009. Corbett Stephens inspected the improvements and submitted the following letter to the Council:

Memo from Corbett Stephens to Council, dated 4-14-09:

"Re: Salem Hills Plat C, Lot 20 (Split)

The final inspection for the above referenced subdivision has been held and the developer has satisfactorily completed all of the required items. The required 2 year durability period has expired as of the end of this month. There are no outstanding issues required of the developers.

I recommend final acceptance of the subdivision."

Nelson Abbott He questioned whether Mr. Stephens had inspected the correct street; he thought the road was sinking where the improvements were installed.

It was decided to table this item until the meeting on 4-28-09, since the Retainage period is actually up on May 1, 2009. Mr. Stephens is to verify the condition of the road where the improvements were installed.

SPEED LIMIT SIGNS

Mayor Dunn: Rocky Mountain Way and Goosenest Drive have been classified "major collector roads". There are requirements that accompany this classification:

- The homes that front those roads must have "hammer-head" or "circular" driveways, so traffic does not back out onto a busier road.
 Corbett Stephens brought an issue with the code to the Mayor's attention; the code states that only about 40% of the front yard can be in concrete...these driveways would require a higher percentage of concrete than the code allows. He wanted to know what he should do.
- The Mayor spoke to Shawn Eliot about a year ago regarding what could be done about this the difference in the code; and part of the discussion included the Mayor mentioning that the speed limit signs are posted at 25 mph; Mr. Eliot responded that the speed limit on a "major collector" is 30 mph.
 The public Works employees have been asked to move the 25 mph signs to another road that matches that speed limit; and to replace them with 30 mph signs.
 The Mayor mentioned this to the Sheriff and felt that the Council should be aware of this.

1 There is a resident on the corner of Rocky Mountain Way and Ridge View Drive that contacted the Mayor with
2 speeding concerns...she wanted that intersection changed to a 4-way stop. The Mayor felt he may have
3 offended her when he explained about the sign standard and that people that do not obey the law typically
4 would not stop at a 4-way stop, anyway. She is concerned about the speed at 25 mph; she will likely be further
5 offended when the speed limit signs are changed to 30 mph, as they are supposed to be.

6 City Recorder: She asked about the 25 mph speed limit on Loafer Canyon Road...is not that road also
7 classified as a "major collector"?

8 Shawn Eliot: He explained that the standard was adopted after Loafer Canyon Road was posted...
9 He read: "Speed limits in Elk Ridge range between 25 mph and 40 mph; City Council can adjust limits on
10 streets to reflect local needs and conflicts. In general, speed limits should be set to protect the functionality of
11 each road type. All local streets and minor collectors shall be posted at 25 mph...major collectors should have
12 speed limits between 30 and 35 mph...and all "arterials" should have speed limits between 35 and 40 mph."
13 That was the standard for new development. When those roads were installed, they were told to post the signs
14 at 30 mph. 25 mph signs were posted in the meantime.

15 The issue is if the Council agrees with the circulation plan and the standard that has been adopted; if so, then
16 the speed limits should be conducive with the design of the road. The other side of the issue is that that at
17 times the City puts local uses along these higher traffic roads and then there are complaints.

18 As the area develops, the traffic should slow down some, but it is a wider road and is on a hill...this
19 encourages higher speeds. 30 mph is not an unsafe speed limit for a wider road.

20 The speed study (Goosenest Drive) indicated that most people go around 35 mph and it is posted at 30
21 mph...this is still an acceptable range...there will always be those that drive at unsafe speeds.

22 Mayor Dunn: As that area around Rocky Mountain Way develops, the added homes will have a traffic calming
23 effect. Currently, there is an open feeling, which encourages higher speeds.

24 Shawn Eliot: The speed on Loafer Canyon has not been addressed. The road is designed poorly, though it is a
25 main road. It is probably a road where 30 mph would be justified...it is easier when development first occurs
26 than on an established road since residents are used to a certain speed limit.

27 Also, the new landscape code does not have the same percentage of concrete for a front yard. It was changed
28 for the very reasons that were discussed earlier.

29 Mayor Dunn: During the winter months, he took particular note of the circular drives, and owners generally do
30 not clear the circular drive and are still backing up onto the major roads.

31 Shawn Eliot: The code says that homes on the major roads should be avoided; but if they are or have to be
32 located on those roads, then the circular or hammer-head drives are required. Elk Ridge is a smaller
33 community; so we have local conditions...the code is not "one size fits all".

34 Nelson Abbott: In many cases the homes in Elk Ridge were built at a time when there were no other road
35 classifications besides "local"; the classifications came after the homes were in. He mentioned the street
36 where he lives; when most of the homes were built, the west side of Salem Hills Drive and that whole section
37 of town did not even exist. Should connecting east and west sides change the intent of that road? When Elk
38 Ridge is totally built-out, we will never be a "big city". Do we need the classifications such as "major collector"
39 roads.

40 Shawn Eliot: He feels that when roads are designed to be wider, it is to channel people to that
41 road...conditions on that road are more appealing than driving through the neighborhood. If every road in town
42 is posted at 25 mph, part of that appeal is taken away. Speed limits should not be set up so that people are
43 breaking them.

44 Nelson Abbott: He knows that there is an approved standard; but he may not have been particularly for the
45 circulation map.

46 *(Former Councilmember voiced his disapproval at that time, based on the size of Elk Ridge. He did not feel*
47 *that the size, even at build-out, warranted anything but local and collector roads?)* Councilmember Abbot
48 recalls him saying that.

49 Shawn Eliot: UDOT descriptions are in the standard; whereas, we do not have anything close to UDOT
50 classifications.

51 Nelson Abbott: Do we really want roads that have a 66' right-of-way? There is just more asphalt to maintain,
52 more road surface to plow, etc.

53 City Recorder: But the City has roads with those rights-of-way...Canyon View Drive is 66' wide (right-of-way).

54 Shawn Eliot: The pavement is at 42'...in Salem and Payson; their local roads are 40' wide of pavement.

55 Mayor Dunn: He and the Planner have had discussions wherein the Mayor has expressed his concern that
56 there has been a bit of "over-kill" regarding the definitions of the road classification. Even at build-out, with
57 1,500 homes, he does not think we will experience what most think of as road "congestion".

58 Shawn Eliot: He used Hillside Drive, where there is the turn onto Mahogany and then you make the "big
59 loop"...that is designed as a residential neighborhood; yet that road is being used as a "thoroughfare". The
60 plan has roads that are designed as "thoroughfares"...and for a town of the size of Elk Ridge. A road plan will
61 resemble a "tree"; with little "branches" connecting to bigger "branches, which connects to the "trunk" of the
62 tree. Once Salem Hills Drive connects, traffic patterns will change...like Hillside Drive changed patterns when
63 it connected.

64 He recommends that we really do not need "minor collectors" in Elk Ridge...example: Hudson Lane is not
65 much different than Magellan Lane.

66 He feels we do have a pretty good system with the City roads.

67 Mayor Dunn: He feels the Council should continually evaluate the plan and critique it as growth occurs.
68 Bringing the discussion back to a point of order...do we change the signs on Rocky Mountain Way from 25 to
69 30 mph?
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Nelson Abbott: He pointed out that many of the other “collector” roads are still posted at 25 mph at certain points.
Shawn Eliot: Studies show that just because you change speed limits, people are not going to go that much faster...they are already going a speed they feel is “safe”; there are not many that keep their speeds at 25 mph all the way down the road.
Mayor Dunn: He has talked to the Sheriff about some of the features of our roads that create speeding issues...slope and gravity speed traffic up. Line-of-site and being able to see a clear way to an intersection tends to speed traffic up, as well. The radar machines have been placed in these areas to make drivers aware of their speeds.
Council Opinions:
Julie Haskell: Leave the speed at 25 mph.
Nelson Abbott: He agrees with 25 mph.
Sean Roylance: He is in favor of changing it to 30 mph. He agreed with Shawn Eliot, that people will go the speed they feel is safe, anyway.
Derrek Johnson: He was also in favor of changing to 30 mph.
Leaving a tie-break vote for Mayor Dunn:
Mayor Dunn: He felt the speed should be changed to 30 mph; this is to protect the standards we have in place.
Nelson Abbott: If speeds are going to change on Salem Hills drive, he would like some fore-warning.

CITY CELEBRATION
UPDATE

Derrek Johnson: A couple of events are still being considered:
- The Mile Run
- The 10 K will be changed slightly: to more of a “fun run” event.
- Gary Hansen was contacted regarding the possibility of a helicopter drop
- He has been considering a Family Movie night (rather expensive; they are looking for sponsors)
- Craft Fair: Not really leaning toward that event
- He has considered renting a coke trailer for the park area
Nelson Abbott: He has gotten together with Mayor Dunn to plan a possible raffle or silent auction to create some additional revenue for the City. The items and services used would come from residents and local businesses. They discussed various items that could be used to attract interest. His wife did this for a certain charity and her organization sent out letters to bigger businesses in other areas for vouchers for hotels, etc. The Mayor and he have discussed having different levels on the raffle...example: if a person bought \$10 of tickets, but \$20 would buy extra tickets for the same amount.
Mayor Dunn: Explained purchasing “blocks” of tickets and the advantages that could be possible to encourage people to spend more money...there would be different levels, as well (Regular, Blue and Gold). The Gold level would be for things of greater value.
This could showcase local businesses by donating items or services for advertizing for their businesses. The tables could be set up in the Public Works Bay area. (*Councilmember Johnson cautioned that there will be items stored in the Bay area for the Celebration.*)
Nelson Abbott: Another discussion topic was that the efforts in contacting businesses for donations should be coordinated with the volunteers handling the Parade; so the businesses do not feel over-burdened. They are open to suggestions.
Shawn Eliot: He suggested contacting Wal Mart; they have community grants available.
Mayor Dunn: We want to make sure the Fire Fighter’s Breakfast is a success and not cut into their event.
* He will speak to Chris Phillips to see if we can get a couple of garbage bags full of popcorn.
Sean Roylance: He feels that charging for the popcorn and drinks would bring in some added revenue.

JOINT WORK
SESSION WITH
PAYSON CITY
COUNCIL

Mayor Dunn: The Joint Work Session with Payson City’s Council is scheduled for the following Tuesday (4/21) at 6:00 pm; to be held at the Elk Ridge City Hall.
*The Mayor will get drinks and cookies for the meeting.

EXPENDITURES:

General: (None)

CITY COUNCIL
MINUTES

City Council Minutes of 3-10-09:
Correction on Page 1 (Line 54)
MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 3-10-09, AS AMENDED
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

City Council Minutes of 3-24-09:
Approval was postponed. (They were emailed out to the Council, but the email must have been faulty because the Council did not receive them.)

PLANNING
COMMISSION
MEMBER
APPOINTMENT

(*Ratify Polled Vote*)
MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY DERREK JOHNSON TO RATIFY THE POLLED VOTE TO APPOINT FRED PIERCE AS A PLANNING COMMISSION MEMBER
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

1 BUDGET
2 DISCUSSION FOR
3 2009/2010 FISCAL
4 YEAR

Shawn Eliot spoke to David Church and was told that there is really no place in the State Code that states that City Council have to actually schedule public hearing; the noticing must be according to code, but then you just have them.
(The Public Hearing for a proposed Tentative Budget is to be held in conjunction with the last Council Meeting in May, 2009...of May 26, 2009; at 6:00 pm.)

City Recorder:
Review of the General Ledger as compared to budget figures is always necessary during this time of year.

- Questions:
- Arbor Day Grant: Will that or has it been applied for this year? *(No.)*
 - Will the Council decide to have a Truth in Taxation Hearing in August? *(Decision is put off until Councilmember Brown can be included in the decision.)*

Certain budget figures were reviewed that appear to be either coming up short in revenue or exceeding the budgeted expenditures.

- Questions:
1. (To Councilmember Roylance) \$1,000 for "Advertising"; nothing has been spent out of this account...will there be? *(No, it may be zeroed out.)*
 2. (To Councilmember Brown, when he returns) Will the City be doing pot-holes and any repairs to the roads by the end of June; or will that wait until the new fiscal year?
**The Mayor asked that the Council email him a list of pot holes to be filled and he will get that list to Kent Haskell.*
 3. (Parks): \$2,000 is budgeted for "Special Projects"...are there any planned? *(No, there won't be.)*
It could be applied to the Celebration
 4. (Water Dept.) \$244,657 is still budgeted for the Tank/Well Project; what is left to be done? *(Fencing...we need a cost estimate on that and when will it be installed?)*

Nelson Abbott: Part of that money would be for the connecting line through Fitzgerald's Development.
5. (SUV MWA Assessment) Is the payment annual or semi-annual? *(Annual assessment)*
The Recorder asked that the Council have their budget figures to her as soon as possible, to allow time to compile the information.

31 NON-AGENDA
32 ITEMS

1. Mayor Dunn: Marissa Bassir (Planning Commission Assistant) emailed some information to the Council and the Planning Commission regarding the effects of the recession on land development.
The Mayor asked that the Council review the email and be prepared to discuss it at a future meeting.
2. School Bond: \$160,000 is planned for a school bond. He recommended going to www.nebo.edu to look for a link to a 39 slide presentation on the bond vote and the leeway vote...they are different.
3. He asked if any of the City Councilmembers would be willing to take the Mayor's place at eh scheduled South County Mayor's Meeting the following evening; to hear Chris Sorenson (Superintendent of Nebo School District) speak to the Mayors about this proposed bond.
**Councilmember Abbott will let the Mayor know the next day if he can attend.*

41 ADJOURNMENT

At 9:45 PM, the Mayor adjourned the Meeting.

City Recorder