

**ELK RIDGE
CITY COUNCIL MEETING
September 8, 2009**

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, September 8, 2009, at 7:00 PM; this was preceded by a City Council Public Hearing at 6:00 PM, on consideration of a proposed Ordinance amending the Elk Ridge Municipal Code regarding the criminal portions of the Animal Control Code. The meetings were also preceded by a City Council Work Session at 5:30 PM; continued at 6:45 PM.

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

Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on September 4, 2009.

5:30 PM -

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance (Absent: Derrek Johnson); *City Engineer:* Craig Neeley; *Public:* Mr. Anderson, Britney Anderson, Tyrei Carter, Mitch Purdy, Jordan Riley, Tami Wilson Chase Wilson, Emily Holcomb, Erin Clawson & Ken Lutes; and the *City Recorder:* Janice H. Davis

AQUA ENGINEERING –
CITY ENGINEERING

The City is considering a change in City Engineering. Aqua Engineering is located in Bountiful, UT and the distance and other issues have created the desire to consider other firms that are perhaps closer to Elk Ridge. Mr. Craig Neeley was present to address the Council regarding any concerns or questions the members may have.

Craig Neeley: Me. Neeley expressed his and Aqua Engineering's appreciation to have been able to work with Elk Ridge. He knows there have been some problems with the travel distance; he understands the problem. They do work with cities and other clients even further away in distance; and he wanted to find out if there are other problems and how best to deal with them. He feels the issues can be worked out.

Raymond Brown: He feels that the City does not have any issues with Craig Neeley or Aqua Engineering, as a firm; in fact both the Public Works Superintendent and the Building Inspector are very complimentary toward Aqua. He feels a problem does exist with the current field engineer with her apparent lack of experience. The City's financial position is reflective of the current economy and it is felt that there have been higher costs associated with correcting certain engineering work. He realizes that Mr. Neeley cannot be at every meeting; but the City needs to be mindful of all expenses.

Mr. Neeley: Travel is billed one way in an effort to keep costs down with clients. The issue with personnel is one that he can address. He tries to come down when he can and he tries to keep his rates low enough to have his services available. At time he has scheduling conflicts and perhaps he has not done his job in making Elk Ridge feel as important as any of their other clients.

Mr. Neeley said that Aqua is the City engineer for various cities: Hyrum, Grantsville, West Wendover and a couple of water districts. He reviewed the usual policy of operation: He would have a staff engineer under Mr. Neeley's direction to assist with a particular city. In the case of Amy Thatcher, he said that she may have been a little bit too "green" for the job...he can take care of that situation. He has a more "seasoned" engineer that is at the same billable rate; but Mr. Neeley can commit to Elk Ridge to be the City Engineer most of the time. Aqua values Elk Ridge as a client; so if these things can be overcome it would be great...if they can't, he understands. HE does try to be cost conscious with municipal clients; and with Elk Ridge they try to allow Corbett Stephens to do all he possible can in the process. He tries to give his clients the work they need; he does not believe in "camping out" on a job to run up the bill.

He is open to suggestions and willing to make accommodations.

Raymond Brown: He appreciates Mr. Neeley's willingness to come and address the Council to clarify certain issues. The distance and extra billing has been a problem.

There were some additional problems with billing that he was not clear on.

City Recorder: There have been problems associated with billing between the Assistant Treasurer (Annebel Meredith) and the billing clerk at Aqua (Peggy). There has been confusion in tracking development draws and billing for inspections. Once a draw request against a development bond is issued, if the developer still does not pay Aqua for inspections or services billed for, then it is the City that follows up on that and becomes Aqua's "collection agent". Hours have been spent in trying to recover payments to Aqua that have been billed to developers. It is reasonable for the initial request to come through the City, but when it becomes a matter of collection, is it possible for Aqua to handle this? The hours spent in behalf of Aqua are not paid for by anyone; in fact, the City ends up getting charged for Aqua to actually cut the invoices. Some of the unpaid bills are over two years old and have received hours of work on the part of staff (mostly Annebel).

There is another issue that the Mayor has dealt with concerning detail in the billing the City passes on to developers; Mayor Dunn has asked for detail regarding the hours billed for.

Mr. Neeley: Mr. Neeley asked if Peggy had always been "professional" when dealing with Annebel. (*Response form Recorder: Yes, as far as personality...but somewhat disorganized.*) Mr. Neeley said that initially the developers were asked to pay the bills to Aqua and then the City was to collect from the bond.

(*Correction form the Recorder: The City sends out the draw request to the bank; but the request indicates that the bank pas Aqua directly.*) Mr. Neeley insisted that initially, Aqua was billing the developers and the developers paid Aqua and that created a conflict of interest.

(Recorder: But that the developers, or their banks, do pay Aqua directly; the City does not collect the money first...the request comes through the City.) One of the things that Aqua has done is to change their billing software that provides for more specificity. Regarding what is outstanding, they can simply write it off.

City Recorder: If developers do not pay their bills, they should not get final acceptance of the development. She suggested having Mr. Neeley come and meet with Annabel to review the billing and see what to do with each one. This was done in the past regarding billing that included Tony Fuller and Randy Young. These aspects of the billing process need to be addressed.

Mr. Neeley: He said he is "happy to contact the developer directly", if he has the information. If the money is coming out of an escrow account, then "there is no problem". He agreed to meet with staff and review outstanding invoices to try to get to a beginning point. He said every city is different; he has not had this problem with any other client, but it is a problem that he wants to fix. HE does not want to give the impression of "hounding" the City for unpaid invoices...he just does not operate that way. He feels with the new billing software, that most of the problems will be solved.

He suggested that when a developer "comes back for more, say, 'Well, you still owe us money'." (The City Recorder responded that a developer cannot be "held hostage" for requirements from one subdivision to another.) Mr. Neeley agreed, but he said that we could at least mention it. He further commented that it seems to be the smaller subdivisions that fall short.

City Recorder: Another thing that should be addressed is between the City Engineer, the Planner, the Mayor and possibly Public Works; and that is to figure out what amount in platting fees will cover costs. Currently, in some cases, the fees do not cover the reviews and the City is left covering the balance, which should not be allowed to occur. (Mr. Neeley agreed we should find a way to correct that.)

Perhaps Mr. Neeley could bring ideas from other cities and how they handle these costs. This is not a problem with Aqua; it is simply a problem with the City that needs input from the City Engineer.

Mr. Neeley: Mr. Neeley stated that he does not bill the City for every minute he works in our behalf. Questions can be asked and discussed without the time being tracked. There are many things he is willing to do for Elk Ridge because he appreciates having Elk Ridge as a client. He said to not be afraid to call him for advice because of cost; he is happy to be available for things like that. He would be glad to look at some fee structures that could result in not falling short on smaller projects...the bigger projects have the other problem: they may have to pay an unrealistic amount.

- He will change the staff engineer, but he will try to be here as much as possible.
- He will work with staff to solve the billing issues (He reiterated that the City is not Aqua's "book-keeper")
- He will review platting fees with the Planner
- He will continue to be "cost conscious" with the City
- He feels the new billing software will be helpful in creating more detail in billing as well as keeping things more organized.

He asked the staff and the Council to call him if there are any further problems. (The Council felt he had addressed all the issues; there were no further questions, so Mr. Neeley excused himself from the Council Meeting.)

Mayor Dunn: One of the ideas discussed in the past was to allow larger subdivision to subsidize smaller ones in costs paid to the City; that the City will lose on some and make money on others...he does not necessarily agree with that perspective. He feels everyone should carry their own weight.

Nelson Abbott: He suggested that the number of lots could be the criteria to decide the fees...perhaps 1 – 15 lots; then 15 & above. These are the platting fees that need to be reviewed, not the percentage of the inspection bond.

City Recorder: A further problem has been with combining Preliminary & Final Approvals...the fees are less and can lead to loss.

Nelson Abbott: Things can get turned around a lot with Preliminaries; if requirements could tighten up at that point, he felt it would help save money and time.

Raymond Brown: He felt there needs to be a "decision-maker"...he did not feel that it should be subjective regarding which fees are paid by whom and when. These should be set fees and any change should be made through a designated person that makes the decision...whether the Mayor, or whomever.

City Recorder: She suggested that it would be the Council's position to approve any deviation from the normal policy or established requirements.

Nelson Abbott (RE: Fee Structure) He was thinking that it could be a certain percentage and/or the actual cost, whichever is greater.

Mayor Dunn: He felt that would be a "good rule of thumb"; in fact he has had conversations with the Planner over some of these issues...he knows he (the Planner) wants to be "fair"; but he (the Mayor) wants to be "real". He feels the "real" part is that the City is losing some of the fees when Preliminary and Final are combined. That is why he has been requesting line item fees to show developers what the actual costs are and what the City is going through in their behalf. He wants them to be responsible for their own costs. A suggestion he made to Shawn Eliot was that perhaps the City Engineer should not be involved in plat review until further along in the process and require their engineers to do the work. Let the developers pay the fees and when their project is ready, then get the City Engineer involved. So far the combining of Preliminary and Final has not worked well.

Nelson Abbott: Typically, the developer is informed enough of the process that he/she attempts to take advantage of the City.

Mayor Dunn: Not all developers are like that, but some do.

Raymond Brown: He agreed with what the Recorder said; but what he was saying was that where the Codes are in place, we need to adhere to them...and have just one person direct it. Decision need to be made based on "black & white" (established policy or Code).

Nelson Abbott: Perhaps direction should be given to staff that those decisions will not be made by them.

City Recorder: Smaller projects are not necessarily the easiest ones...yet many times they are perceived as being simple therefore "fast-tracking" would be appropriate. "fast-tracking" or combining the two approvals should not mean that requirements are skipped; the Project is moved along through Preliminary and Final due to the simplicity of the development. The burden is on the developer to make sure requirements are met in a timely manner so that the approvals can be granted...no steps should be eliminated.

Mayor Dunn: Nothing should be left out. He even suggested inserting a statement into the application saying, if those are combined (if it can work that way) and if costs exceed the application fees, then the responsibility is the applicant's to take care of those costs...and the applicant should know this up front.

6:00 PM –

PUBLIC HEARING – AMENDING MUNICIPAL CODE / ANIMAL CONTROL

Public Hearing/Proposed Ordinance amending the current Municipal Code regarding certain criminal portions of the Code having to do with Animal Control.

ROLL

Mayor: Dennis A. Dunn; *City Council*: Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance (Absent: Derrek Johnson); *City Engineer*: Craig Neeley; *Public*: Mr. Anderson, Britney Anderson, Tyrei Carter, Mitch Purdy, Jordan Riley, Tami Wilson Chase Wilson, Emily Holcomb, Erin Clawson & Ken Lutes; and the *City Recorder*: Janice H. Davis

Shawn Eliot: (Taken from Memo to Council, dated 7-14-09 , when Council considered Land Use Code regarding Animal Control)

"Draft Animal Control Regulations

1. This is the Utah County code that is currently adopted by reference in our municipal code.
2. Made minor changes to add reference to Elk Ridge in the code (where needed) rather than county code.
3. Reformatted numbering and some layout.
4. Removed portions of hobby breeders and kennels permit code to development code.
5. This code is what is proposed to be used for animal nuisance issues.
6. Since this portion of code is under the criminal code and not the development code, the commission can only make recommendation to the council, but the council is required to hold the public hearing."

Raymond Brown: Since the pigeon requirements are removed (they are all under "hobby animals"), he wanted to know if Councilmember Abbott felt any of that code should remain in this section of the code.

Nelson Abbott: He feels that all those that currently have pigeons are still under the old code and all the same requirements apply; if someone gets pigeons now, they come in for a hobby animal permit. He is comfortable with the new code.

Shawn Eliot: This is the same code the Council received in July, 2009; it is basically the same as the Utah County Code for Animal Control; except that the verbiage is actually in the code rather than being adopted "by reference". Previously, the Code was "on file" in the City Office in hard copy form. Changes:

- Where the old code mentioned "Utah County..." it was changes to "Elk Ridge..." or "City".
- There are portions of the proposed code that are strictly controlled by the County (like rabies); those were left with the County
- A portion about permitting for hobby animals that was removed, since it is located in the other part of the code.

There were not many changes. The code covers dogs & cats not being able to leave their own property and not doing damage to other people's properties...the per owner must cover any damage the pet causes. There are also leash laws for dogs. There is another part about "vicious dogs". There is nothing new, but it is more accessible.

Mayor Dunn: Residents are being offended by other people's animals...it has been and will likely continue to be a problem.

Nelson Abbott: A section of the code (page 10) deals with animals being left unattended for more than 24 hours: a point of contact should be left as to who is responsible for the animals in the owner's absence. If there is neglect or another problem, then there is someone to call.

Raymond Brown: The Council has discussed costs associated with picking up the animals; and the code refers to penalties and costs...he referred to page 13 (52-3-060). Councilmember Brown feels the penalties should be very specific, since the City needs to be able to re-coup costs.

Shane Eliot: The Fee Schedule should have these charges included. Currently the Code refers to Class C Misdemeanors, but those fees should be set by the Council. Reasonable fees should be set for these infractions; ranging to more severe cases.

Raymond Brown: If enforcement can be swift and at the point of redemption (when they pick up the animal), there is more leverage. *(It is not known if charging at that time is possible.)* Councilmember Brown would like to see if this is possible.

Mayor Dunn: There is still a lack of knowledge on the part of animal owners where they still don't know what is to be done...there will be the same problems for a while. The lines need to be drawn and the code enforced with set penalties...when fined, people will respond. In this way, there will be order established. The fees should be set by the City Council.

Shawn Eliot: We need a fee schedule; but we need a procedure as well. The procedure can be cumbersome and could be handled administratively rather than having to come before the Council to enact the procedure.

The current procedure is cumbersome. The procedure could be that the Enforcement Officer or the Sheriff could go out and inform the offender of the violation and could either write up a citation at that time, or give them a week to comply...then they get a fine.
This will be done at a future Council meeting.
Raymond Brown: (Question) Page 11 (5-2-2-230) Fees & charges: He questioned the County Fees...does the City charge these? (No, the County will charge their own fees.)

6:30 PM - Mayor Dunn closed the Public Hearing at 6:30 PM

5:30 PM - **CITY COUNCIL WORK SESSION (CONTINUED)**

STORM DRAINAGE

Mayor Dunn: Ms. Heidemarie Foulger could not be present at the meeting; she has spoken to Mayor Dunn and he summarized her concerns:
Ms. Foulger and the Mayor met the previous week to discuss her on-going concerns regarding the problems with storm drainage in her area of the City (Olympic Lane). During the big storm in June, she experienced flooding in her yard, coming from Oak Ridge Lane (above her property).
Photos were taken of the flooding that occurred in her yard (before & after).
Raymond Brown: In all fairness, the vegetation above her property has been cleared off by the horses that dwell on the lot above her.
Mayor Dunn: Had the sumps not been installed in the area, the damage would have been worse; her basement may have been affected. She is extremely anxious to see that something is done to alleviate the potential problem that she still has. She wanted it relayed to the Council that according to her, "this is a matter of life and death"...she is afraid she is going to die in another severe storm and her survivors will then sue the City.
The Mayor referred to a color-coded map he provided to the Council that indicates where the storm drain problems are in the City, based on the storm in June. (Ms. Foulger also has one of these maps.)
Problems: water intrusion into homes, debris on the roads, flooding in yards
There was flooding on Hillside Drive: The water that came down the road was meant to flow into a drainage easement (a ditch along the side of the road). The ditch was filled by debris by neighbors and that altered the flow of the water; it went out into the road enough to flood a basement. Right after the storm, Kent Haskell went up with the backhoe to clear that ditch out and about 1 ½ weeks later, there was more debris in that pathway (ditch). Photos have been taken of the area. The neighbors have been told not to do this because of the issues created. This has created a serious enough situation that the City's Insurance Company has asked that the City not have personal contact with those neighbors...due to an attempt to litigate.
Derrek Johnson: There is an enormous amount of water that comes down that road...the problem is not just with that ditch. That road is not designed well and the water comes down close to Ellis' and across and flows west. There are greater issues that the debris in the ditch.
Shawn Eliot: He feels Councilmember Johnson is correct in that the water does not just flow over that ditch; a lot of it goes to the other side of the street and down. He feels the issues need to be addressed higher up...above the last house on Oak Lane.
Another issue is with the pipe under the road that goes back behind the Brockbanks' and into the ravine; there is a great deal of erosion coming down the ravine. Both of those issues need to be addressed.
The 3rd thing: When the canal was dug out on the west side of Hillside drive, the dirt is just thrown into big piles...we should make an attempt to make it more "slightly".
Nelson Abbott: He went up the dirt road at the end of Hillside drive so he could see where the debris comes from. He had a hard time getting up without 4-wheel drive due to the ruts in the road. He suggested that this condition channels the water. The road should be graded again.
Shawn Eliot: The problems start at the top of that dirt road. Perhaps there needs to be a plan of how to fix that road and get the water off to the side.
Mayor Dunn: The Forest Dept. does that all the time.
Derrek Johnson: He hates to see any litigation because there are other issues involved with the run-off on this road. The Council would give a different perspective.
Mayor Dunn: The Insurance did not explain the situation; they simply asked that the City not get involve in discussions with this family due to whatever legal situation exists.
The map indicates several problems across the City; there was even water coming off of the County road and entered a basement off that road. The County must have been aware of the problems, because they had equipment working on the road shoulders right after the storm.
The Mayor showed a photo of the ditch that was cut on Russell Sly's property during this same storm.
Raymond Brown: Randy Cloward went up and dug ditches to divert the water...they wanted the City's backhoe helping, but Councilmember Brown felt it was too risky. Without vegetation, there will still be debris that fills up a sump.
Mayor Dunn: He feels the City should not be involved in the situation between Ms. Foulger and her neighbor with the horses. If his horses created a problem, it is between them and the City is out of the picture. The animals are grandfathered on that lot from prior zoning.
The last Council Meeting, the Mayor asked for a priority list of the issues across the City as a result of that intense storm, then there is an awareness of where the issues are. He feels that the issue surrounding Ms. Foulger's potential flooding should be at the top of the list. She needs to be able to live comfortably and safely.

About 300 ft. of curb & gutter would be required to alter this situation; of course this also means that the problem is passed on down-stream and ends up in the property known as Phase 3 of the PUD. That problem cannot be passed on to them; so more sumps are going to eventually be required. The common issue in all of the areas in the City is that there is no curb and gutter in these areas. When we do install curb & gutter, then it is channeled...and the City needs to figure out how to take that water and either put in back into the ground or into a retention basin with an ejection well. There are some real issues and there are a couple of critical ones that need the Council's attention. He would like a priority list that results in an action list to work off of.

Questions need answers:

- Where to find the money for this
- Does the Council consider an SAA?
- Will residents participate without an SAA?

These are not easy decisions and some people will not be happy about whatever action is taken. The Council must consider what is appropriate for the health, safety and welfare of the citizens who are affected.

Nelson Abbott: He knows that the "hot button" is that some residents feel they are paying a higher rate than if they went out on the open market for the work to be done. He advised that the Council do the due diligence in finding the best rates possible to offer these residents.

Raymond Brown: He discussed additional sumps that are needed; they need to be included in this list of improvements...but who pays for them? Sumps tend to benefit more residents. The list needs to be complete rather than continuing to assess people.

Shawn Eliot: The design of the sumps must be considered on some of the steeper slopes...perhaps the gutters also need to be looked at.

Mayor Dunn: There are three different types of systems:

- Soft shoulder...run it off the edge of the road and let the water percolate into the ground
- Storm Drain system in some areas (not all)
- Sumps in some areas (not all)

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REGULAR CITY COUNCIL MEETING AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance (Absent: Derrek Johnson); City Engineer: Craig Neeley; Public: Mr. Anderson, Britney Anderson, Tyrei Carter, Mitch Purdy, Jordan Riley, Tami Wilson Chase Wilson, Emily Holcomb, Erin Clawson & Ken Lutes; and the City Recorder: Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

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

AGENDA TIME
FRAME

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME
VOTE: YES (5) NO (0)

PUBLIC FORUM

Derrek Johnson: Suggestion: To move the Closed Session to later in the Meeting so people do not have to wait or leave.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON TO AMEND THE MOTION TO APPROVED THE AGENDA TIME FRAME; MOVING THE CITY COUNCIL CLOSED SESSION TO 9:00 PM, JUST PRIOR TO AGENDA ITEM 10
VOTE: YES (5) NO (0)

EAGLE SCOUT PROJECT

Mayor Dunn: Introduced Scout Chase Wilson and his idea to place another Elk Ridge sign in Loafer Canyon.

Scout Wilson: He submitted a handout to the Council wherein he outlined the details of his proposed Project. The sign will resemble the one at the main entrance to Elk Ridge (Goosenest & Elk Ridge Drive). The sign will be 4 X 5 sheet of metal (cut-out), framed in juniper (stripped of bark). He proposed placing it on the west side of the road in the area of the last houses before the Elk Ridge boundary line. *(The handout detailed the work he plans on doing and how it is to be done.)* The cost is projected at about \$450; which he intends on raising through a fund raiser (lawn mowing, with donated time from other scouts). If he falls short of the goal, he requested the City contribute up to \$100 to the Project.

Nelson Abbott: He advised to do the fund raiser first, then see if the additional money is necessary.

Mayor Dunn: Scouts cannot have similar Projects going on at the same time; not can they “split” a Project that is larger. That is why these two Projects are considered separate Projects. The design Chase is planning fits the nature of Loafer Canyon...he may use the road easement for placement of the sign.

City Recorder: She asked about the mobility of the sign, since the “entrance” to Elk Ridge may be closer to the intersection of the County Road when Gary Hansen completes his annexation plans.

Mayor Dunn: He suggested that the sign could go on Mr. Hansen’s property.

Sean Roylance: He suggested moving the sign closer to the intersection of the County Road (11200 South) and Loafer Canyon Rd. He felt that would be a preferable location. *(The Council was in agreement.)*

*Mayor Dunn will:

- Check with Utah County regarding easements and requirements of the posing of a sign.
- Check with Gary Hansen about the possibility of placing the sign on his property.

ACTION – STORM DRAINAGE

Discussion:

Sean Roylance: He needed clarification on costs and who should pay for any improvements. One side of the issue was discussed; “that it should be narrowed down because of benefitting one person that didn’t pay for it when the home was built”...but there is another side: “some people bought under certain conditions and others bought property and made changes (as in installing curb & gutter) in front of their properties and have now created a problem. In another instance; the horses on one piece of property creates a problem. He wonders if it is not a “wider community issue”; through natural growth, issues have been created.

Mayor Dunn: He felt Councilmember Roylance was correct; some of these issues were not present prior to growth occurring. The codes have required different standards at different times regarding curb & gutter...and the City ends up with a “patch-work” on the roads.

The Mayor attempted to address Councilmember Roylance’ first question regarding payment: In his discussion with Ms. Foulger, he informed her that he would not encumber the tax-payers and citizens of this Community for the benefit of one person, because it is not fair. He told her it is a bigger picture and the Council needs to understand how important the bigger picture is. When the decision was made to install those three new sumps, it was thought that this would fix the problem; but there were other problems upstream. Some problems were fixed or helped, the sumps have benefitted the area, but this storm also demonstrated what the capacity is. The Mayor tried to explain to Ms. Foulger that there are options:

1. Special Assessment Area (SAA)
2. Go directly to the property owners and appeal to them to participate to install the necessary improvements without all the paperwork
3. The City could use whatever Storm Drain money that has accrued (about \$12,000) and invest it into as much as that amount would allow; then wait to build up more funding.

City Recorder: That money is needed to install the remaining curb & gutter on the west side of Loafer Canyon Road; there are no assessments to go back on to complete that Project.

Mayor Dunn: That is the other part of the issue; taking from one area creates a deficiency.

Raymond Brown: He agrees that assessments can be made individually with regard to curb & gutter; but when it comes to sumps...that could be considered a Community assessment. He suggested that sumps be considered a city-wide issue.

Nelson Abbott: Woodland Hills was considering assessing every piece of property in their Community a fee for their Fire Dept, because they offer fire protection. Applying that to this scenario, the City would be offering a way to deal with run-off coming off of some of these properties. The Storm Drain Fee is assessed to every home in Elk Ridge currently.

Shawn Eliot: 1) Ask the City Attorney: When the new subdivision goes in on Park Drive, creating even more hard surface...could the city have required that subdivision to install additional sumps or to install them further down to catch the run-off? Can you require an off-site improvement if you can demonstrate that the new development will be a detriment to other areas?

2) He spoke to Payson and they do have a storm drain fee that is paying for their curb & gutter in their City. The fee was instigated in the 90’s and it has taken a long time to build up enough to install the curb & gutter; but the City is installing quite a bit currently.

Raymond Brown: It is a good point that developers are required to install a minimum number of sumps; when more may be necessary...particularly considering slope.

Shawn Eliot: Richfield City started with localized SID’s (now referred to as SAA’s) and began putting in curb, gutter & sidewalk one block at a time...it was not a popular decision; but necessary.

City Recorder: These are hard decision; yet there are residents that have already been assessed for curb & gutter for their property (Fremont Way); we have heard from one of those residents that it should be the same for others. The “bottom line” is that the City simply does not have the money to cover installation of curb & gutter...City-wide.

Mayor Dunn: He is not sure the City will ever have enough money “in a pot” to fix all the problems; solutions must be area by area, according to a priority list. Perhaps the Storm Drain Fee should be reviewed and raised to maybe \$10/month per household. It has always been the intent to revisit this fee when the need arises. It is an option.

City Recorder: An SAA may not be necessary if most residents want to participate. If residents are given a chance to solve their drainage problems, and they decide against it...and the neighbors decide in favor...the one with the negative vote will be the one that suffers. Then they have no right to complain...if they opted out of the solution the City offered. With an SAA, there needs to be “pot of money” up front; to be able to install the improvements and then be subject to reimbursement...either in one payment from each citizen involved in the Project; or by gradual payments, over time.

Raymond Brown: He has spoken to people that were affected by the storm and he has gotten some interesting responses. One example is a citizen on Magellan Ln.; he is higher than his neighbor...both this man and his neighbor are willing to pay for curb & gutter (neither were flooded). There are residents in favor of taking action.

Mayor Dunn: We need to do all we can to get as good a price on equipment and materials as possible; to be able to offer residents a good deal.

Raymond Brown: Keeping the machine going with as much work as possible in one day is more cost effective. The number of linear feet is needs and how many people will be participating; with this information, the contractor (Noel Hyatt?) will be able to estimate the best price he can.

Will Mr. Hyatt give the City a better price if he does the other City work along with Loafer Canyon Road?

Action:

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO AUTHORIZE THE FOLLOWING:

1. **MAYOR DUNN TO CONTACT THE CITY ATTORNEY, DAVID CHURCH, REGARDING:**
 - A) **AN “SAA” AND WHAT WOULD BE REQUIRED TO INSTIGATE ONE**
 - B) **CAN OFFSITE DEVELOPMENTS BE REQUIRED TO INSTALL IMPROVEMENTS THAT WOULD BENEFIT THE CITY, AS A WHOLE?**
 - C) **A 1 ON 1 AGREEMENT (DRAFT LETTER) THAT WOULD BE BETWEEN THE CITY AND THE CITIZENS; TO ALLOW THE IMPROVEMENTS**
 2. **RAYMOND BROWN: IS TO GATHER PRICING FOR THE IMPROVEMENTS**
- VOTE: YES (5) NO (0)**

RESOLUTION – MUNICIPAL

Mayor Dunn: This is a report tan must be renewed every year. The Mayor and the Public Works Superintendent got together and reviewed the various aspects of the report. It is information passed in the form

WASTEWATER PLANNING PROGRAM

of a resolution. The report asks for a 5, 10 & 20 year plan for capital improvements. Dept. Heads need to plan ahead for their various areas of concern. These questions come up often; even the General Plan lasts for 5 to 7 years, then it should be re-written. The Impact Fee Studies also utilize this information and even go to build-out and beyond.

Shawn Eliot: He reminded those present that though the City does not own a sewer plant, there are aging pipes in the collection system that need replacement. If grant money becomes available, one of the first things to ask for is a long-range plan.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE MUNICIPAL WASTEWATER PLANNING PROGRAM ASSESSMENT REPORT FOR 2008
VOTE: YES (4) NO (0) ABSENT FROM VOTE (1) SEAN ROYLANCE

WATER RIGHTS

1) *Water Right Exchange:*

Nelson Abbott: He chose to state as a public record that he is acquainted with the individual that owns water rights in Payson City (Mr. Jeff Cooper); however Councilmember Abbott did not broker these rights. Mr. Tony Fuller approached Councilmember Abbott regarding a possible exchange of water rights. Councilmember Abbott wants to declare anything that could be considered a “conflict of interest” regarding this matter.

Mr. Cooper has water rights that he may be willing to trade for water rights owned by Mr. Gary Winterton (Suburban Land Corporation). Mr. Winterton has rights that he has not transferred over to the City, in exchange for credit in the City’s water system; because he desires to exchange some of these rights for rights in Payson. Mr. Cooper has water rights in Payson that he is willing to sell. This would be considered a “trade”; but the City’s method of trading would be to purchase the water rights and then exchange them for Mr. Winterton’s rights here in the City at a price where the City would still benefit from the arrangement. Mr. Fuller is arranging the deal.

City Recorder: She spoke to Mr. Fuller and informed him that the City does not have excess money to purchase those rights from Mr. Cooper. Would there be a way to arrange the “trade” directly with Mr. Winterton.

Nelson Abbott: That is the direction he believes this is going. If the City is not in a position to purchase the rights, there is another person who may be interested in purchasing those rights from Mr. Winterton.

2) *Ridge View Estates, Plat B - Dean Ingram Water Rights:*

Dean Ingram (developer of Ridge View Estates) has received Final Approval and desires to record his plat. He needs water rights for his development. He needs 5.12 acre feet; the City has 7.20 extra acre feet from those purchased from SUVMWA. Councilmember Abbott had recommended keeping 25 acre feet for the City’s

needs. Originally, the City bought 35 acre feet from SUVMWA...2.5 acre feet was allocated to Kimber Estates; would the Council be willing to allocate 5.12 acre feet to Mr. Ingram? *(The Council agreed.)*

Elk Ridge City Council Meeting – 9-8-09

MOTION WAS MADE BY RAYMOND BROWN AND WAS SECONDED BY SEAN ROYLANCE TO ALLOCATE 5.12 ACRE FEET OF WATER RIGHT TO THE RIDGE VIEW ESTATES, PLAT B, NEEDED FOR DEVELOPMENT AT THE MARKET VALUE OF \$4,500/ACRE FOOT
VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE
NO (0)

Passes 5-0

ORDINANCES:

1. Municipal Code Amendment – Animal Code:

Replacement of the Utah County Animal Code:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO ADOPT THE ORDINANCE AMENDING THE ELK RIDGE MUNICIPAL CODE REGARDING ANIMAL RIGHTS

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

Passes 4-1

2. Durability Retainer / engineer Inspection Bond / Default:

Shawn Eliot: This has been through public hearing in the Planning Commission; it was passed once by the Council changing the time of the Durability Retainer from two years to one year; but additional changes were needed in the Administrative Fee.

Nelson Abbott: (Phone call between Mike Morley & Councilmember Abbott) Mr. Morley allowed people to express their opinions by way of a kind of "report card". Councilmember Abbott did express his opinion (not favorable to the changes) and subsequently, got a call from Mr. Morley. Councilmember Abbott's concern is that Elk Ridge is a hillside community where weather often times affects our ability to allow for improvements to settle as they should...and he was not happy with shortening the time frame from two years to one year. Mr. Morley said that within the code, there are caveats that allow cities with extreme weather conditions to still have the two year time period. He wants to be sure that those allowances are included in the code the City adopts.

Shawn Eliot: The State law does allow for that. Perhaps we just need to add a sentence that says something like: "If determined, due to weather conditions, that there needs to be an extension..." When he asked David Church about that, and if it could be added to our Code, his answer was "No...it is on a case by case basis...but not to 'blanket the whole City'." That is why it was left out of the proposed code; but he agrees that there could be a sentence added.

Mayor Dunn: The sentence might say that it could be applicable to a project.

Derrek Johnson: He cautioned considering developments on a case-by-case basis...could this set precedent?

Mayor Dunn: He felt Councilmember Johnson made a good point; but he also felt that if the Council is careful about how the extra time is required, that this would not be a problem. The reasons would have to be justifiable and backed up by documentation.

Shawn Eliot: He agreed. He decided he would research this and come back to the Council with different wording.

3. Employee Compensation Ordinance:

This proposed ordinance formalizes the wages already reflected in the 2009/2010 Budget, which has been adopted. The Ordinance shows the positions that the Council approved to eliminate. The Council's decision regarding a wage freeze and no cost of living adjustments is also in the proposed ordinance.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY DERREK JOHNSON TO APPROVE THE EMPLOYEE AND ELECTED OFFICIAL'S COMPENSATION ORDINANCE FOR 2009/2010

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (5)
NAY (0)

Passes 5-0

CITY WORK LIST ITEMS

Mayor Dunn: (Updated 8-27-09) This is a list of projects that have been approved and still need to be accomplished:

1. Salt Shed:

This project has been approved and funded on February, 2009 (in-house job)

- We have yet to pick a final location and stake it out

- Finish what has already been started

- Completion date needs to be set (before November)

Raymond Brown: The target date for completion is actually by the end of September. Kent Haskell was on site that day. Paxton's have been informed that they need to move their horse shed. Kent has "pretty much picked out a position". *(Councilmember Haskell mentioned he needs to specs from Councilmember Brown.)*

City Recorder: She asked how this is being funded.

Raymond Brown: It is coming out of the bond money.

2. Curb & Gutter in Loafer Canyon:

This project has been approved and funded – Fall of 2008 (in-house job)

- Start date set (After the Salt Shed) – Probably October 1, 2009

- Completion date must be set (before November)

The Mayor met with Kent Haskell and reviewed the list with him. It is getting late in the year and these things needs to be done. Last year curb & gutter was installed inn October.

Raymond Brown: He suggested that the new Mayor (Elect) and the Candidates should assist.

Elk Ridge City Council Meeting – 9-8-09

Mayor Dunn: Corbett Stephens is contacting a company that has forms not in use; to se if we can use them.

3. Water Line Replacement on Canyon View Drive:

Approved and funded in the Fall of 2008 (in-house job)

- *Start date to be set*

- *Bid for supplies must be put together*

- *Completion date must be set (Before November)*

Mayor Dunn: There have been beaks on this line and the entire line needs to be replaced. The cost was projected last year by Kent Haskell at \$105,000. The line would go from Alpine to Park Drive...it would go down the shoulder of the road (old line to be abandoned). This has been over-looked and now we are running out of time. We though It possible that some driveways may be affected by this project; there are actually no driveways that would be affected. If we run out of time, he suggested the job be done in the spring.

4. Sewer line and Manhole from Bridger:

This project was discussed last year (summer of 2008) and was to be done as an in-house job.

- *Start dates needs to set*

- *Completion date must be set (This job must be done before Sept. 11, 2009)*

This was not funded.

Kimbers' ran out of time in building their home and are doing that now. The City is to participate in installing the sewer at the west end of Bridger and cuts through to Magellan Lane and down to Hudson Ln. There will be a manhole at the end of Bridger and run about 200' of sewer line. Noel Hyatt said the City could use his track-hoe as long as it is on site. He may have to call and poll the Council on the price.

*The Mayor will get the figures on this project.

5. Sprinkler System in the Park: *(Cross that off... Wayne Frandson fixed this last week)*

6. Fence around the Booster Station:

This project has been approved and funded.

Dates must be set.

There has been no surveying or marking for the fencing. It is planned to go around the booster station, the "mushroom" vent and the access cover. Part of this will include a gate for security.

Derrek Johnson: He wanted to know how we stand on transferring over to the Loafer Canyon Well.

Mayor Dunn: Part of the figures has been put together for the summer months; it appears we are moving in the intended direction...it is getting better. Loafer Canyon actually did produce water from June 26 to July 26 for a total of \$.09 per 1,000 gallons vs. \$.29 per 1,000 gal. (Cloward Well) and \$.33 per 1,000 gal. (Lower Loafer Well). We will likely just turn the lower Loafer Well off, since it is the most expensive to run.

*The Mayor will bring the figures for all three summer months to the next Council Meeting.

8:25 PM -

CITY COUNCIL CLOSED SESSION

ROLL

Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Raymond Brown, Julie Haskell & Sean Roylance & Derrek Johnson; City Planner: Shawn Eliot; and City Recorder: Janice H. Davis

Discussion of Land Acquisition Negotiations

REGULAR CITY COUNCIL MEETING AGENDA ITEMS (CONT.)

EXPENDITURES:

General: None

1. *Ratify Polled Vote: Purchase of Flag Pole with Park Impact Fees:*

MOTION WAS MADE BY DERREK JOHNSON AND SECONDED BY JULIE HASKELL TO RATIFY THE POLLED VOTE FOR THE PURCHASE OF THE FLAG POLE WITH PARK IMPACT FEES

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (5) NAY (0)

Passes 5-0

2. *Backhoe Tires:*

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY SEAN ROYLANCE TO APPROVE \$1,775.70 FOR TIRES FOR THE CITY BACKHOE FROM AMERICAN CAR CARE

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (5) NAY (0)

Passes 5-0

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE \$1,550.00 FOR THE PURCHASE OF A SNOW PLOW BLADE AND CUTTER BAR

VOTE (POLL): DERREK JOHNSON-AYE, JULIE HASKELL-AYE, RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (5) NAY (0)

Passes 5-0

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CITY COUNCIL
MINUTES

City Council Minutes from 6-23-09:

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 6-23-09, AS CORRECTED
VOTE: YES (5) NO (0)**

City Council Minutes of 7-14-09:

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 7-14-09, AS CORRECTED
VOTE: YES (5) NO (0)**

Derrek Johnson: He asked if Chris Salisbury had commented that the Fire Suppression Code is not coming to the States. Councilmember Johnson was talking to a family member (he was a full-time firefighter for American Fork...now he is for Pleasant Grove) and he said that it is coming forward. That needs to be checked out.

*Mayor Dunn: He is going to check this out to see if HB81 is coming to the States or not.

NON-AGENDA ITEM

Mayor Dunn: John Hocshouer gave the Mayor a letter from Congressman Jason Chaffetz regarding the support he is giving the City's request for the 2.5 million dollar grant applied for. Senator Orin Hatch also wrote a letter of support. This is good news for the City.

ADJOURNMENT

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

City Recorder