

**ELK RIDGE
CITY COUNCIL MEETING
September 22, 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, September 22, 2009, at 7:00 PM**; this was preceded by a **City Council Closed Session at 6:00 PM**; & a **City Council Work Session at 6:30 PM**.

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

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 September 18, 2009.

12
13 **6:00 PM –**

CITY COUNCIL CLOSED SESSION

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15 ROLL

Mayor Pro-tempore: Raymond Brown; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance (Absent: Mayor Dunn & Derrek Johnson); *City Planner:* Shawn Eliot

Acquisition of Land (Negotiations)

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19
20 **6:30 PM -**

CITY COUNCIL WORK SESSION

21
22 ROLL

Mayor Pro-tempore: Raymond Brown; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance (Absent: Mayor Dunn & Derrek Johnson); *City Planner:* Shawn Eliot; *Public:* Tyrei Carter, Mark & Talia Christensen, Jan Christensen, Darin & Tracie Magoffin, Brady Magoffin, Samantha Magoffin, Jordan Riley, Mitch Purdy, Jonathan Larsen, Chris Jorgensen, Kyle Comer & Erin Clawson; *Planning Commission Assistant:* Marissa Bassir

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28 SHERIFF'S
29 PRESENTATION

Deputy Tindall: June 2, 2009, Elk Ridge had the opportunity to have a RAD's Kids Class. On the way to class, two youth, Talia Christensen and Brady Magoffin, came across a substantial amount of money at the side of the road. They did the right thing and turned the money in. After 90 days, no one claimed the money. He called the two youth up and presented them with certificates from the Sheriff's Office and ½ of the unclaimed money to each. He shook hands with the two young people and congratulated them for being honesty and integrity. Deputy Tindall added that the law recently changed; the old law stated that any unclaimed money was turned over to the State.

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36 SUBDIVISION -
37 REQUESTS

1. Elk Ridge Meadows PUD, Phase 1 – Request for an Extension on the required overlay: (Memo from Corbett Stephens to Council, dated 9-18-09)

"Re: Elk Ridge Meadows Phase I

Mr. Tom Henriod, developer of Elk Ridge Meadows Phase I, has requested that the required one inch (1") overlay be postponed until the end of the durability period. The overlay requirement allows for the project to be tested for failure prior to final release and allowing for fixes of any failures and the overlay, leaving the development looking new and for an increased performance period, prior to the overlay. The two (2) year durability period expires in April of 2010. The required overlay would be completed prior to final release and before the end of the paving season of 2010.

I recommend postponing the required overlay as requested by the developer. This, I feel, will strengthen the City's position in verifying the quality of workmanship for the installed improvements and still maintain the expense on the developer for this overlay."

Raymond Brown: Agreed with Mr. Stephen's recommendation. (*Julie Haskell also expressed her approval.*)

Other contractors have requested putting the overlay off due to lack of activity within the subdivisions. It makes sense to wait.

Nelson Abbott: (Question) Another part of the code allows up to two years, if warranted.

Shawn Eliot: If extended another year for the overlay, does that allow the City to keep that portion of the Retainer for that amount of time? IF the Retainer is released and the overlay is not installed, then there is nothing to go back on.

Raymond Brown: That is a good question that should be asked.

Shawn Eliot: The State Code says that one year is the time limit; but there are exceptions based on certain criteria. The Code does reference calling the bond if the City finds fault in the improvements. Perhaps the City Attorney should be consulted with on this matter.

Raymond Brown: He agreed that only a portion of the bond should be held back for the overlay; but, the bond should be held until that point.

Shawn Eliot: Maybe the approval of the extension should state the condition of carrying the bond until the release of the improvements.

Raymond Brown: This needs to be checked out with David Church about this specifically. Corbett Stephens would have to determine how much to be held in the bond. It should be at least 10% to 20% more than is needed for the overlay.

*The Planner was given direction to contact the City Attorney.

Julie Haskell: If we are giving them extra time, then she thinks that the City can make an extra requirement. (*The Planner agreed.*)

2. Oak Hill Estates, Plat D – Entrance into Durability Time Period:
(Memo from Corbett Stephens to Council, dated 9-18-09)

“Re: Oak Hills Plat D

Dear Mayor Dunn:

The final inspection for the above referenced subdivision has been held and the contractor has satisfactorily completed all of the required items. I recommend durability be granted as of September 17, 2009. The required 1” overlay is to be completed in June of 2010 to insure optimum conditions for asphalt placement.”

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17 TIME & PLACE
18 OF MEETING

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25 7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

27 ROLL

Mayor Pro-tempore: Raymond Brown; *City Council:* Nelson Abbott, Julie Haskell, Sean Roylance (Absent: Mayor Dunn & Derrek Johnson); *City Planner:* Shawn Eliot; *Public:* Tyrei Carter, Mark & Talia Christensen, Jan Christensen, Darin & Tracie Magoffin, Brady Magoffin, Samantha Magoffin, Jordan Riley, Mitch Purdy, Jonathan Larsen, Chris Jorgensen, Kyle Comer & Erin Clawson; *Planning Commission Assistant:* Marissa Bassir

33 OPENING REMARKS
34 & PLEDGE OF
35 ALLEGIANCE

Opening Remarks were offered by Raymond Brown and Jonathan Larsen led those present in the Pledge of Allegiance, for those willing to participate.
Opening Remarks: Councilmember Brown played a moving recording of the inspiration behind the creation of the Star Spangled Banner.

38 AGENDA TIME
39 FRAME

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE AGENDA TIME FRAME
VOTE: YES (4) NO (0) ABSENT (2) MAYOR DUNN & DERREK JOHNSON

42 ACTION ON
43 SUBDIVISION
44 REQUESTS

1. *Elk Ridge Meadows PUD, Phase 1 – Request for Extension for Overlay:*
Raymond Brown: The Attorney is going to be asked about the ability to extend the bond when the Council is asked to grant an extension beyond the legal time period for the Durability Retainer.
MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY JULIE HASKELL TO APPROVE THE REQUEST TO EXTEND THE TIME FOR THE INSTALLATION OF THE REQUIRED 1” OVERLAY FOR ELK RIDGE MEADOWS PUD, PHASE 1; CONTINGENT UPON REVIEW BY THE CITY ATTORNEY TO VERIFY THAT THE DURABILITY RETAINER CAN ALSO BE EXTENDED TO THE SAME TIME FRAME
VOTE: YES (4) NO (0) ABSENT (2) MAYOR DUNN & DERREK JOHNSON

2. *Oak Hill Estates, Plat D – Entrance into Durability Time Period:*
MOTION WAS MADE BY RQAYMOND BROWN TO APPROVE THE REQUEST TO EXTEND THE TIME TO INSTALL THE 1” OVERLAY UNTIL JUNE OF 2010 FOR OAK HILL ESTATES, PLAT D; WITH THE CONTINGENCY THAT THE CITY RETAIN SUFICIENT FUNDS IN THEIR DURABILITY RETAINER TO FUND THE OVERLAY; AND TO BEGIN THE DURABILTIY TIME PERIOD AS OF SEPTEMBER 17, 2009

(No second on the motion...so the motion dies.)

Discussion:

Shawn Eliot: The one year Durability Time period has not begun due to other circumstances; so the overlay in June 2010 would still be within that one year time period.

Nelson Abbott: The developer was supposed to do some re-vegetation.

Shawn Eliot: The developer (RL Yergensen) did put top soil in and seeded it. There was direction for him to cut the weeds to allow the seed to come through.

Sean Roylance: Wasn't he supposed to plant scrub oak trees?

Shawn Eliot: Yes; and he did not do that...as far as he knows. He said he would do that. Perhaps Corbett Stephens should follow up with him to see if these things have been completed.

Nelson Abbott: He did not feel the developer was ready to go into the one year Durability Time frame; because he has not completed all that is on his list.

Shawn Eliot: He did make an effort; but the seeds have not been taken care of through proper procedure.

Nelson Abbott: He suggested conferring with Paul Squires, due to his expertise in vegetation.

Raymond Brown: This item will be on hold for now; and it is the Council's recommendation that Mr. Stephens recheck the re-vegetation areas and the conditions that were to be met.

Sean Roylance: The direction last year was that fall and spring are good planting times; in case the seeds have to be re-planted.

CIVIL SCIENCE
ENGINEERING –
PRESENTATION

The City is considering contracting with an engineering firm that is closer than Aqua Engineering is. Craig Neeley (Aqua) was in to speak to the Council at the previous Council Meeting and to answer any questions. Civil Science Engineering was asked to address the Council this night. Representatives of Civil Science Engineering were present and Mayor Pro-tempore Brown turned the time over to them:

Their firm is located in Lehi, Utah.

Kyle Comer (A Principal with the Firm) has been with Civil Science since 1991. Chris Jorgensen accompanied Mr. Comer (Project Engineer). Both gentlemen have met with Mayor Dunn and Kent Haskell.

The Firm has been in existence since 1978...under various names. The core Office has been in place in Utah County since 1978...starting in Provo.

- Main emphasis: City Engineering services and transportation services.
- They have served as City Engineers for Highland and Lehi...Genola, Fairfield; Cedar Hills are other Cities they have serviced.
- They offer a full range of services: (In-house) CAD, support, survey, etc.
- They try to stay away from certain services: geotechnical, soil services, which are very technical...so they partner with other firms that specialize in these services.
- Generally, any engineering service that Elk Ridge would need, they could provide. (Water, Sewer, Storm Drain, Roads, Planning, Financing support, economic Analysis, etc.)
- They maintain 13 professional engineers and 3 professional land surveyors.
- There is a focus of value / cost...what are you getting for your money?
- They had handouts for the Council in the form of folders with their professional information contained.
- They also had a slide presentation to share.
- They wanted to address some of the current concerns and issues facing the City at this time...Annexation, open space, application of impact fees in the potential development of a park.
- GIS (Gather up information on maps, documentation of data...and streamline that information
- Responsiveness: How do we get to the City; how do they serve the City; make sure the partnership has value over time

The cities they have worked for, they have long-standing relationships with. They are interested in providing value over the long term.

Chris Jorgensen:

Annexation Issues: Civil Science has experience in annexation planning. Even though the sewer and water systems are pretty much in place in the prospective areas, they understand that there is still some engineering planning that needs to take place.

- Fitting new areas with old and the resulting impact is an area they could assist with regarding water, sewer, roads, etc.
- Feasibility studies
- Annexation process: They assisted Highland City with their new projects
- Parks: They love parks and have a great deal of experience in developing them...they have worked with Cedar Hills, which is much like Elk Ridge
- GIS: (Geographic Information Systems) Compiling data and maps to use for various projections (Software program that takes information from various depts. and compiles it into a single data base.) It needs to be customized to the particular city. (They brought a training manual for staff to review.)
- Responsiveness: They want to be on site as much as needed; but their desire to serve motivates them to offer a little "extra". They are willing to donate certain parts of their services: travel time (*Aqua also offers ½ their travel time*). Once a month they could come to a Council Meeting and donate that travel time. (*Julie Haskell: She asked if they charge both ways on travel time on a regular basis.*)

Typically, that is on a case-by-case basis to arrange that...with most administrative services they could arrange that with Elk Ridge.

(Julie Haskell asked: If Elk Ridge were involved in some big project; would there be one field inspector assigned to the City...or would there be various people to deal with?)

They would assign a particular engineer to be the sole source of contact; but he may pull in various consultants to consult. These things are important to them to have a long-term relationship.

Shawn Eliot: When mistakes are made on the part of engineering, what is the policy (regarding development)?

Mr. Comer: There is not a particular formula; really it is case-by-case. They recognize they are not "perfect" and they do maintain professional liability insurance for major things. The long-term relationship is the important thing. "Bumps in the road" need to be worked through.

Shawn Eliot: He reviewed the current practice of collecting development fees (planning fees); he wanted to know what they think may work regarding fees and the number of reviews required. The City's current policy can leave the City covering extra engineering costs.

Mr. Comer: There are as many policies as there are communities. Most of the communities they work with are encouraged to pass those costs on to the developer; at times there are scales according to the size of the subdivision. The problem is when junior engineers are used at times and the cities can provide the "training ground". He asked if there are standardized check lists to follow; those are invaluable and must be applied. When applied equally to all developers, they will come to respect the City's process.

Raymond Brown: He thanked Mr. Comer and Mr. Jorgensen for coming to present their information to the Council. The City is looking for the best service for the best price. The City would like for a fee schedule to be provided to Mayor Dunn.

Nelson Abbott: The costs as well as what those costs provide will be considered. It is important to have the best service the City can afford. Engineering mistakes have cost the City in time, money and in ill-will of citizens at times. With a limited budget, these things place the City in a bad position.

Mr. Comer: Along with the rate schedule, he can also indicate the experience level of the engineers on staff at Civil Science Engineering.

Nelson Abbott: He brought up the current policy of having the City's own building official work with the engineers in doing some of the field inspections to save the City money.

Mr. Comer: They visited with Mr. Stephens and they could be flexible in working with inspections.

15 STORM DRAIN –
16 CURB & GUTTER
17 PRESENTATION

Raymond Brown: Some of the areas of concern regarding storm water run-off have been reviewed. His assignment was to gather up pricing. Corbett Stephens contacted Noel Hyatt and he gave the figure of \$12.50 per linear foot (plf). That would include all of the work; the next cheapest price was \$15 plf. He would like to avoid an SAA (Special Assessment Area).

He has come up with the following for problem areas:

4 homes on Oak Ridge; 7 on Columbus; 4 on Magellan; and one home on Hudson = about 16 homes.

He has spoken too many of the owners (about 60 %) that are willing to install the curb & gutter. This would be a faster way of getting the improvements in before the spring thaw. This would not solve all of the problems...there are still sumps that are required; but it will greatly relieve the run-off issues.

Councilmember Brown had a sample agreement letter to review with the Council; this letter would go out to the affected citizens. The agreement would be to pay the City back in quarterly payments until the individual assessments are paid back...with no interest on the payments. An SAA would require a great deal of paper and legal work required on the part of the City and the costs would go up. Money could be saved and the work could be done now. This is strictly voluntary and the letters are to be back into the City as soon as possible. He intends on hand-delivering the letters personally to the homes to be sure the individuals receive the letters.

Nelson Abbott: He felt this is a step that has to be taken, even if the individuals choose not to participate. He feels it is better than forcing an SAA without first having offered them this option.

Raymond Brown: He agreed that this effort should be made to provide the work at a better price; he feels that the bid from Mr. Hyatt is as good as it gets.

Nelson Abbott: When a SAA was created for Fremont Way, the cost was \$17.50 plf.

Raymond Brown: The cheapest he has seen was about \$15.50; and at that time that price was considered a "good deal". The City would be purchasing the cement to put into Mr. Hyatt's machine...that would save about 2.5% (because the City is tax exempt).

Sean Roylance: How much is the City going to have to spend? What is the total; even though the City will eventually be paid back?

Raymond Brown: \$48,000...and this would be taken out of the Sewer Fund. It needs to be determined how much in the Storm Drain Fund is available for use; then the rest would come from the Sewer Fund.

Nelson Abbott: The first quarter's payments would be due fairly soon, so that would be \$12,000 paid back rather quickly.

Raymond Brown: He figured about \$3,000 per yard...some are a bit less or more; but that is an average.

Julie Haskell: She had a concern with the Storm Drain Fee...if all of the money is used, what will be used to clean out the sumps?

Raymond Brown: Part of the money will come back the 1st quarter. It will not be depleted to a zero balance. The residents participating will have to sign off on the document, agreeing to the terms. Most of the people he has spoken to have been in favor of the arrangement (about 60% in favor, of the people contacted). To be effective, the curb & gutter should be contiguous.

Shawn Eliot: (Question) He wanted Councilmember Brown to reiterate the list of residents in favor.

How long do the residents have to repay the debt? (*One year.*)

- The curb & gutter is to go into the easement, why should individual residents pay for it?
- The old code, if a person lived on a corner lot, only one side was expected to be paid for...the City was expected to pick up the other side with the storm drain fee.

Julie Haskell: She did not agree with that, since all the citizens would be paying for that person's curb & gutter.

Raymond Brown: He realizes that there will be opposition; but if 80% approve of the project, then there will be solutions to the problems.

Sean Roylance: He asked about the Week's home since it is a potential trouble spot with as double-sided lot...and the economy is hitting their business hard...and could the pitch of the road contribute to the problem? The City was responsible for the road above them (Magellan).

The Council agreed that the letter should go out and that the City needs to try this approach to the citizens first.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO APPROVE THE STORM DRAINAGE LETTER DRAFTED BY COUNCILMEMBER BROWN

VOTE: YES (4) NO (0) ABSENT (2) MAYOR DUNN & DERREK JOHNSON

68 FIRE DEPT. –
69 INSURANCE &
70 FUND RAISER

Julie Haskell:

1. Insurance Comparisons:

There were three bids; one was very high with little coverage (Councilmember Abbott agreed that this was not the company to go with.

Continental Western Insurance has better coverage; but is expensive.

Nelson Abbott: After review, he feels that the City would not be better off going with Philadelphia than where the City is currently. He sees no added value or coverage. He felt a key matter was under the automobile portion of the coverage...the big difference is what is included. One of the driving forces behind this was an incident where an EMT backed into another EMT...and because they were in personal vehicles, the City's insurance refused to cover the accident. Personal vehicles are not covered for liability...there is huge exposure. The proposed insurance gives them some additional coverage that the City does not have with "hired or borrowed vehicles". With Philadelphia, the liability coverage is lower than what the City has currently...the coverage with Continental Western is higher. He feels it would be better to have more coverage.

Another thing with Continental Western includes is flood and earthquake coverage.

Julie Haskell: There is also coverage on EMT equipment; whereas the other does not.

Nelson Abbott: Where there is a lot of mobile equipment, there needs to be good coverage. The only hesitation he had with making the change was with the way the City's insurance is written...if he could find a policy written like the current insurance is written, he would recommend that coverage...most policies are written fairly loosely. He recommends whichever policy they go with, that the City requires that there be an annual review and an initial review. One of the frustrating aspects of the current insurance was that prior to the claim for the EMT incident being denied; Councilmember Abbott and the Mayor met with the agent and were told this type of coverage is included.

Julie Haskell:

- Philadelphia Insurance: \$3,876
- Continental Western Insurance: \$4,588

Nelson Abbott: The Fire Chief needs to stay on top of this and meet with them and review it...and to keep the insurance company updated on a current list of equipment.

His recommendation was to go with Continental Western; it is considered to have an A+ rating. The current coverage will be discontinued for the Fire Dept.

The City Council was in agreement to go with Continental Western Insurance Company.

2. Fund Raiser:

There was to be a "movie night" as a fund raiser...then it was cancelled. The Chief felt that the Dept. was rushing the project a bit and he wanted to involve more of the Dept.

Chief Wait also wanted to check on the ability to use a film for the movie night without infringing on any copy right laws.

It was also suggested to have more than one, and to time one of the events to be in conjunction with the City Celebration for the 4th of July.

CITY FEE SCHEDULE

(Administrative Fee as part of the development bonding process)

The addition is simply placing a minimum on the fee of \$100. The current formula would not be sufficient to cover costs for staff.

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY SEAN ROYLANCE TO APPROVE THE CITY FEE SCHEDULE; WITH THE ADDITION OF A MINIMUM ADMINISTRATIVE FEE OF \$100

VOTE: YES (4) NO (0) ABSENT (2) MAYOR DUNN & DERREK JOHNSON

It was suggested to add:

- Out of town park/pavilion rental fee
- Higher deposit for rental of Pavilion and park

TEMPORARY SALT SHED – UPDATE

Raymond Brown: The Salt Shed is going to be placed where the existing tack barn on the City owned land is; the existing cement pad will be used. It will be delivered and installed within three weeks. This is likely not the permanent place for the shed...when the City Center is built. The cost will be \$7,565. This will save the City in the loss of salt.

CITY COUNCIL MINUTES

1. City Council Minutes of 8-11-09:

MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 8-11-09; WITH CORRECTIONS

VOTE: YES (5) NO (0) ABSENT (2) MAYOR DUNN & DERREK JOHNSON

NON-AGENDA ITEM

Shawn Eliot: (Update on the question of the entrance onto Elk Ridge Drive – Payson City) The Planner met with Payson City staff and they were concerned with the entrance to the Golf Course trailer park...they want a driveway onto Elk Ridge Drive because they want it gated with a fancy opening. He relayed that this is not what Elk Ridge wants because of the concern with too many accesses all in the same place...plus the issue with the extra lot where there could be one house in Payson and two in Elk Ridge...right next to each other. Payson's Planner will present this to them to see how it is received.

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EXPENDITURES:

General:

1. Eagle Scout Project – David Bell (Request for additional \$100 from the City)

MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY NELSON ABBOTT TO APPROVE AN ADDITIONAL \$100 FOR THE EAGLE PROJECT FOR DAVID BELL

VOTE (POLL): JULIE HASKELL-AYE; RAYMOND BROWN-AYE; NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE (4) NO (0) ABSENT (2) MAYOR DUNN & DERREK JOHNSON

Passes 4-0

ORDINANCE –
DEVELOPMENT CODE
DURABILITY RETAINER

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO TABLE THIS UNTIL THE NEXT CITY COUNCIL MEETING IN OCTOBER

VOTE: YES (4) NO (0) ABSENT (2) MAYOR DUNN & DERREK JOHNSON

ADJOURNMENT

The Meeting was adjourned at 9:16 PM.

City Recorder – Elk Ridge City