

**ELK RIDGE
CITY COUNCIL MEETING
October 27, 2009**

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 27, 2009, at 7:00 PM**; this was preceded by a **Public Hearing at 6:00 PM**, regarding an Amendment to the City Code concerned with Nuisance Abatement Procedures; and a **City Council Work Session 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 October 22, 2009; & an Amended Agenda on 10-26-09.

6:00 PM -

PUBLIC HEARING/AMENDMENT TO THE ELK RIDGE MUNICIPAL CODE REGARDING NUISANCE ABATEMENT PROCEDURES

ROLL

Mayor: Dennis A. Dunn; *City Council:* Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; *City Planner:* Shawn Eliot; *City Council Candidates:* Kenneth Lutes, & Weston Youd; *Public:* Chris Salisbury, Tom Henriod, RL Yergensen, Shawn Merrill, Rhonda & David Salcido; *and the City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:05 PM.

(Memo from Planner to Council, dated 10-27-09)

“Background

With the creation of the new animal code, the mayor and members of the council have requested that we look at the nuisance code to make it more usable, make a process for citing offenders, and to assign fines.

Draft Nuisance Code

1. Reviewed many codes countywide and found they were mostly the same.
2. Tailored the draft code after Orem’s.
3. Code is in two sections, definitions of a nuisance and the procedures to abate a nuisance.
4. Definitions list state code and specifics situations that can be considered a nuisance.
5. Abatement lists that you first try to get voluntary compliance, then a citation, then court.
6. Also, has a section for habitual violators and an appeal process.

Planning Commission Review

The planning commission reviewed the proposed code and forms and was very supportive to get the procedures into place. They made minor text changes to the draft code and discussed whether RV’s, trailers, etc. should be allowed to be parked/stored in front of homes.

Public Hearing

Comments from the public should be taken on the proposed new code.

Council Discussion

1. Is the new code clearer and more usable?
2. Are the descriptive definitions appropriate? Can some be combined, eliminated, added too?
3. Is the \$50 fee under Administrative Citation the correct amount?
4. Should the appeal process go to the hearing officer or the council?
5. **Are the changes made from the last council meeting what was wanted (added vandalism, corrected noxious weeds, hours for noise for construction activates.**
6. **The effective date should be at the codes passing.**

Staff Recommendation for Commission Motion

Motion: that the city council approve the proposed Nuisance code finding that the new code is needed to better define nuisances for better enforcement and finding that the new code better defines the abatement process in a fair and orderly manner.”

Comments:

Raymond Brown: The Sheriff brought up a point: if the City wants to create code that fits into the ordinance as a Class “C” or “B” Misdemeanor of the Nuisance Code; he offered to deliver the notices to those in violation.

Shawn Eliot: He would like for the Sheriff to deliver them after the Planner does the research; his presence would be more effective. The forms that are accompanying the code will assist the Deputy, as well.

Raymond Brown: The Sheriff would like to see the issues with trailers, roosters, abandoned cars, etc. included in the Criminal Code; then he can enforce the code easier.

Shawn Eliot: The Nuisance Code is not in the “criminal code”; it is under “Health & Safety”. The criminal code is for more serious violations. The last time code violation letters went out, the Sheriff delivered some and MR. Eliot delivered others (Corbett Stephens delivered one); Me. Eliot said that there is one violation that he would prefer that the Sheriff handles.

Raymond Brown: The Sheriff’s point was that the City would have their fine; then the criminal code would also impose a fine.

Shawn Eliot: The proposed code does go to that level; if they do not take care of the violation, then the City can take them to court...at that point it is the City Attorney that gets involved, not the Sheriff.

Raymond Brown: The Sheriff would like to be able to follow up with a notice of violation of the criminal code, if the violation were not taken care with the 1st notice from the City.

He is not sure what the classification is for other cites; the penalty could be raised to a class “B” Misdemeanor; but he does not believe the State Code is written with that intent for smaller offenses.

Raymond Brown: The penalty needs to “get their attention”; otherwise the notices are typically ignored.

Shawn Eliot: He felt that a possible \$50/day fine would be sufficient; if the Council decides that \$50 is appropriate...Orem is \$100/day. The way it is set up is that the violator must get to that "blatant" level, disregarding the notices, before the penalty is imposed.

Nelson Abbott: This will be a change in the way things are handled. He did read through the Planning Commission minutes to gather more background on the proposed code. He did not have a chance to look up the code on Accessory Apts. He knows that there are some basic parameters that have to be in place: parking, separate entrance, etc....but he did find that violators could be fined.

Shawn Eliot: The code refers to "illegal accessory apartments" can be fined. One thing that is in the City's code is that one must obtain a permit to build an accessory apt.; he is not sure how many actually have gotten permits. There is also an impact fee that is supposed to be collected for accessory apts.; to date this has not been done.

Mayor Dunn: There is a reason for that. He has gone through the current code and the impact fee studies to justify an impact fee being charged for accessory apts. He found the following:

- Resolution setting the impact fee
- Impact Fee Studies: he specifically looked up "ERU's" (estimated residential usage) The recommendation was to charge an impact fee of \$1,700 per ERU. The Mayor read from the Code of the definitions within the code.

Nelson Abbott: He questioned if it is required to pay the impact fee to qualify as an accessory apartment.

City Recorder: There is an ordinance that allows for the fee to be charged; but there is confusion as to the point a portion of a home becomes an accessory apartment...or is it just "family living with parents"?

Nelson Abbott: Example: Alvin Harward's old house...there is a tenant in the basement; they have h problems even finding parking space for the tenant. It must be defined what is legal and illegal; then go after the illegal ones.

(It was mentioned that there is an agenda item addressing accessory apartments scheduled for later in the Regular Session.)

Mayor Dunn: (He chose to address the questions at this point of the meeting, rather than wait.) He referred to a copy of the adopting ordinance for the impact fees, adopted in 1999.

Defined: "A portion of a one family dwelling which is a primary dwelling, containing separate cooking, sleeping and sanitary facilities; and occupied or intended for occupancy as a separate but subordinate dwelling unit."

So the design would be for a separate dwelling unit within a single family home. Some are grandfathered that were in existence prior to the code being adopted in 1999.

Shawn Eliot: He asked if they would have been considered "illegal" at that time, since they were not allowed within the zones. The "apartments" could have simply been finished basements at that time...and not for renting out. The Accessory Apt. Code was written to partially satisfy the "affordable house" requirement.

Mayor Dunn: He read from the "intent" of the code: "Accessory Apartments: Intent – The following regulations have been established to:

A. Provide minimum standards for the establishment and operation of the accessory apartments within the Town;

B. To facilitate the implementation of the "affordable housing" element of the Elk Ridge General Plan..."

(The Mayor interjected :) "In 1995, when the State legislature created the House Bill, it was not for "affordable housing"...it was for "moderate income housing"...there is a difference. "Moderate Income" Housing is established with the County figures and is a County-wide policy; and every community in this County uses these standards for their "Moderate Income Housing. The Bill also mandated that it be an element in the General Plan. It was found that cities/towns like Elk Ridge (in the foothills) were being "prejudiced" and were insisting on more expensive homes in their areas. The House Bill was also a bit incomplete; it mandated certain things, but enforcement was difficult and cities were cutting corners to try to "make it work. Grants began to be withheld from the communities and one financial institution was created specifically for low-interest loans to help that kind of building. In some older communities, where build-out has taken place; redevelopment takes place and a blighted building could be re-designed into condos...then those units are sold...so the redevelopment contractors did not do what they did as rentals, they did it for a purchase...to help build credit and to establish some kind of equity in a structure. "Affordable Housing"...the term itself implies ownership.

An apartment termed "affordable housing" or "moderate income housing" in a single-family home implies that Someone is going to come in and buy that unit...then it becomes a "duplex" and Elk Ridge does not allow duplexes; unless other arrangements are made through zoning.

The Mayor feels this was a good attempt made by the Administration at the time to meet the requirements of a Bill they were mandated to follow. They had to do something and this is what they did.

The Mayor still intends to speak to the City Attorney about where the City is legally in relation to accessory apartments, the fees that can legally be charged and the current ordinance.

He continued, "Accessory Apartments situated within one-family dwellings may be approved by the Zoning Administrator or such other Town Officer or Board, hereafter referred to as 'designated approval authority', as may be delegated by the Town Council (This has never been defined as to who is the 'authority'); following receipt of an application and subject to finding that the primary dwelling and the proposed accessory apartment conform to the conditions and standards herein set forth. Any person constructing or causing the construction of a one-family dwelling containing an accessory apartment or any person remodeling or causing the remodeling of a one-family dwelling intended to include an accessory apartment, shall first obtain an accessory apartment permit (annual renewal fee = \$30...perhaps it could be a business license).

Shawn Eliot: Has anyone ever applied for a permit? (No.)

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17:46

Mayor Dunn: Mayor Dunn reviewed the application process for accessory apartment s, including the payment of impact fees; which is currently under re-consideration. One accessory apartment is allowed within the primary dwelling. He continued to read from the Code, stating the requirements for Accessory Apartments. Raymond Brown: He asked if it is considered a violation of the Code when 3 separate families are living together and no rent is collected.

21:50

Shawn Eliot: This is where we get into the definition of “family”. The Code states that if residents are related by marriage, blood or by adoption (perhaps including foster care...or it can be 2 non-related people if they live with the owner of the house. Currently, he agrees that a definition is needed so it is clear what the requirements are. Many cities say that if the basement is plumbed with a kitchen, then it is assumed it is for an accessory apartment; other cities require the basement to be separate from the main living area...when a house is built with these characteristics, it is “tagged” as having an accessory apartment. It is common for owners to come in later and build the extra space...this is difficult to keep track of.

Mayor Dunn: Councilmember Brown has added to discussions on this subject: he has questioned if it is “family”; or is it when the owner begins to collect rent from the sub-lesers.

Shawn Eliot: He feels that it is more a matter of the unit itself; rather than who is in the unit. *Councilmember Brown agreed with the idea of the definition being tied to the unit, rather than to who the occupants are.*

Elk Ridge has not done any enforcement due to the difficulty in actually defining what an accessory apt. is. The Planner does not feel the City should be retroactive in charging fees. *(Mayor Dunn agreed.)*

Mayor Dunn: He has been searching for justification for charging the “accessory apartment impact fee” that is currently included in the list of City fees. He is concerned that the fee could be challenged. He does not feel the number of people living in a home is proper criteria to decide if an impact fee should be charged.

Nelson Abbott: Since the City only requires one meter and one set of utility connections, he does not see how an additional impact fee can be charged...if they were separate, then it would be different.

He also had a question on another section in the proposed code: “dangerous conditions” being considered a “nuisance”...there is a house on W. Salem Hills Drive that has a deck that has been falling off for some time; would this example fit under this section? *(Yes.)*

Shawn Eliot: When a building is first being built or remodeled, then there are inspections to make sure code is met; but when a home is older, there should be a way to enforce code.

31:37

Mayor Dunn: The Building Inspector has authority over a home through final inspection; but once the occupancy permit is granted, then the Inspector has no more authority over that structure.

Raymond Brown: (4-2-2-110-2) “Hearings”: He questioned having a “Hearing Officer”, as appointed by the City; as well as the court process...what are the City’s plans for a Hearing Officer?

Shawn Eliot: This is already in place as per ordinance; a Hearing Officer replaces the Board of Adjustments. The City has not need the services of a Haring Officer since the code was put in place; the need arises when someone is denied within the development process, they have the option to appeal that denial; that appeal would be an independent person to come in and hear the appeal...it could be a planner from another community or a land-use attorney, or whomever the City decides on.

Mayor Dunn: He continued to review the requirements for an accessory apartment and the zones allowing for such. (Basically, all zones except the PUD’s allow accessory apartments.)

The Mayor asked if there was any public present for the Public Hearing on the proposed Nuisance Code:

Rhonda Salcido: They were present to report a neighbor that could be in violation of the landscaping code; as well as commercial equipment being stored on their property and in the street. The Salcido’s sent in a written complaint and spoke to Corbett Stephens; they were told that there is no law in place that forces the neighbors to clean up their yard. They were also told to be present at this Public Hearing to voice their concerns.

Shawn Eliot: There was a law passed last October that states that all front yards are to be landscaped within two years of the passage of that law. In the past, it was only applicable to new homes; but it is now applicable to all homes. One year has gone by since the passage of the code; and reminders are to go out that next year, violators will be cited.

Mrs. Salcido: She was told that there is nothing in place that sets a time frame for enforcement. A Letter has gone to their neighbors asking them to move their heavy equipment, which they do on occasion; but it comes back. The letter also asked them to clean up their weeds. The problems seems top be with the lack of a specified time frame for enforcement.

Raymond Brown: He is the one that wrote the letter to their neighbors; and he thought he did give them a 90 day time period to show progress. He did include the 3 areas of violation, and this should be followed up on in the spring.

40:13

Dave Salcido: He asked about the nuisance creating a fire hazard; that goes beyond a simple nuisance. Accessibility to the property in case of fire would be prohibited by both weeds, and vehicles and equipment. He feels the intent should be with the more blatant violations.

Nelson Abbott: He agreed that letters should go out as a reminder. The City Attorney advised that the most blatant violations should be used as examples of enforcement.

Shawn Eliot: A list of violations needs to be created by canvassing the City; in this way, letters can go out to those that are in violation.

Raymond Brown: The Mayor has sent out letters in the past for yards to be cleaned up and about ½ complied right away.

Kenneth Lutes: Notices should go out in time to start the citations and fines at the 2-year mark.

Shawn Eliot: He explained the process regarding the time when the violation has occurred and the fines actually begin.

46:05

Mayor Dunn: The letter should include:

- Reminder that the code has been in place for one year
- Action will be taken in October, 2010

Shawn Eliot: What is the feeling about yards that have been in compliance in the past; but are now dead and dying out...he would assume these would qualify as "un-landscaped" yards...is this correct?

Nelson Abbott: Two years was allowed to give the resident two full warm, workable seasons to comply.

Shawn Eliot: The way the code is written, once the fine process begins, it cannot be stopped; the City Attorney can (after the fact) go back and reduce the fine, if so warranted.

Mayor Dunn closed the Public Hearing at 7:55 PM.

7:55 PM -

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; *City Council*: Derrek Johnson, Julie Haskell, Raymond Brown; Sean Royslance & Nelson Abbott; *City Planner*: Shawn Eliot; *City Council Candidates*: Kenneth Lutes, & Weston Youd; *Public*: Chris Salisbury, Tom Henriod, RL Yergensen, Shawn Merrill, Rhonda & David Salcido; *and the City Recorder*: Janice H. Davis

ELK RIDGE MEADOWS
PUD – DISCUSSION
51:15

Mayor Dunn: At the last Council Meeting, it was decided to have a meeting with the developers to discuss some of the issues and come to some conclusions prior to the Council Meeting this night; that did not take place.

(Points of Consideration - from Planner to Council, dated 10-27-09)

"Things to agree to put into Development Agreement

27 September 2009

Phase 1

1. Developer improves open space as negotiated between city and developer for \$20k. City council will approve landscape plan.
2. Developer will start improvements of open space at 25% occupancy.
3. Developer maintains improved open space area until 50% occupancy. Work must be complete and signed off by city.
4. In lieu of \$69k Park Impact Fees, developer pays city difference of \$49k.
5. Developer will amend plat to show open space and trails as public.

Phase 2

1. City improves park/open space with surety bond.
2. City will start improvements of park at 25% occupancy.
3. Developer maintains improved park area until 50% occupancy.
4. Developer pays city \$114k collected at building permit stage at an amount per lot to equal \$114k.
5. Developer will amend plat to subdivide east/west open space area into 3 lots, proceeds will go to city.
6. Will re allocate east/west open space acreage to phase 4 as a strip of land adjacent to phase 2 open space.
7. Developer will amend plat to show open space and trails as public.
8. Developer will work with the city to come up with a plan for the phase 2 open space with costs. Plan will include parking lot, bathrooms, and other sport facilities. The \$114k and proceeds from the sale of the 3 lots could go towards these improvements (at the council's discretion).

Phase 1 and 2

1. Homes will have a staggered front yard setback of 20 to 30 feet from the road to create a staggered look along streets.
2. A variety of available floor plans and elevations will be used to create a diverse neighborhood.
3. A mix of fascia materials and Hardiplank or LP Smart Side. No vinyl.
4. Front yards and side yards on corner lots, will be landscaped prior to occupancy.
5. Planter strips along each street corridor will be planted with the same street tree type as per city code.
6. Keeping fencing standard consistent along park and open space areas."

(This is a result of the ideas that have gone back and forth between the City and the developers.)

Whatever is decided on will go into a development agreement...that is the next step.

The City Planner reviewed the above list with the Council, point by point:

Phase 1:

1. (Comments) The developer did submit his landscape plan, which is beyond the "natural grasses & wildflowers". Is what Mr. Henriod proposing what the Council wants in place?
2. (Comments) This has been discussed in the past (25%).
3. (Comments) This has also been discussed (50% occupancy); as well as the stipulation of having to have this signed off by the City as a safeguard.
4. (Comments) The difference is the \$20,000 for improvements (see #1)
5. (Comments) This is "if" the City decided to take over the open space & trails.

Phase 2:

1. (Comments) Already discussed and surety bond company approached.
2. (Comments) 25% is the same as Phase 1
3. (Comments) 50% occupancy is the same as Phase 1
4. (Comments) \$114k...Mr. Salisbury owns the option on 62 of the 82 lots; so if the \$1,385 were collected on each of the 62 lots, this would not equal \$114k...this needs to be worked out. Perhaps the \$1,385 could be collected from the individual lot owners.

Rick Salisbury:

- The \$114k comes from the park impact fee on the lots; if this were just a simple subdivision plan, it would just be \$1,385 per lot. We have to remember where this figure comes from.
- There has been conversation with the banks involved and they are interested in selling the lots to Salisbury Homes.

- Eventually, the \$114k will be collected, as building occurs. They will start on the Centennial lots 1st, then get to the other lot owners. He sees no issue with the \$114k.
Shawn Eliot: The City would want a guarantee of the \$114k; he recommends including this in the agreement.
 - 5. (Comments) Mr. Salisbury addressed the issue of “proceeds going to the City”: When he received these points from Shawn Eliot, he did not recall discussion on this point with the Council. Salisbury Homes does not feel comfortable with this point. They would be developing those 3 lots and the proceeds of the sale of the lots going to the City is not agreeable to them. If this item remains, with all that Salisbury Homes is willing to do, they would “walk away” from the development.
Shawn Eliot: This has been talked about in the past. It was discussed that the City could use the proceeds to fix up the park and open space; perhaps a parking lot for the park.
Chris Salisbury: He feels that can be accomplished with the \$114k and the surety bond. If this was discussed, he missed it.
Tom Henriod: He would have recalled this important point and he had no recollection of the proceeds going to the City.
Shawn Eliot: The \$114k is to allow the City to address some of the other City needs as a result of new growth in that area, not just for park improvements.
Mayor Dunn: He questioned if the 3 newly created lots are figured into the impact fee calculations (No, but that money would go back to the City as the lots are built upon.)
Mr. Salisbury: He expressed that Salisbury Homes is already agreeing to things that will benefit the City: (example: He feels the \$114k is going beyond what might be expected, since the park itself could be thought of as making up the value of the \$144,000). In considering #8, Salisbury Homes could be a resource to actually install the improvements, since they have the tools to do so. They do not want to be responsible for the improvements, but they could assist the City.
Really, Mr. Salisbury agrees that the “bullet list” is fine with them; if #5 were eliminated and #8 were adjusted so that Salisbury Homes is not ultimately responsible for the project, but perhaps hired as a consultant or contractor. The only other thing he noticed was the section addressing both Phases 1 & 2: Adding something about the fencing being consistent, especially along the park. He has spoken to Mr. Henriod about the items, but could not speak for him.
Shawn Eliot: He was not sure the fencing issue could be handled in a developer agreement, since it would be the developers enforcing it; perhaps it could be addressed in some kind of protective covenants.
Tom Henriod: He disagreed; if the development agreement were recorded with a legal description, it runs with the land; and can be enforced at the time of the issuance of a building permit.
Shawn Eliot: The City would need more detail on the fencing. The City Attorney will review any final draft of the agreement.
 - 6. The developer agrees to relocate the 3 lots.
 - 7. (Comments) The land is currently classified as “private” in conjunction with the HOA; this needs to change.
 - 8. This has been addressed.
- Phases 1 & 2:*
Mayor Dunn asked Mr. Henriod if he had any concerns with the items listed under Phase 1; he did not. Mr. Eliot reviewed the list of the items for both Phases; he will add in the “fencing” requirements, as discussed. Samples of the siding were shown to those present. Salisbury Homes puts 20-year paint on the siding.
Tom Henriod: (Phase 1) He wants to make sure that it is on the record that they (Wentworth) have already submitted a plan. (Mr. Henriod came into the Council Meeting after Phase 1 had been discussed...Mr. Eliot reiterated that City staff would like to review his plan and make sure it is what the City wishes to take over. If there are any changes, those would still needs to be worked through.)
#3. The City attorney is looking into this.
#2 (of the items for Phases 1 & 2) They will be selling to multiple home builders; that alone should provide the variety the City is seeking. He would be more comfortable with wording like: “an identical floor plan will not be used from house to house”. This is somewhat out of their control since they will be selling to multiple home builders. Perhaps that language can be changed a bit.
Mayor Dunn: He does not see a problem with that. He asked for any further comments...there were none.
The Work Session was closed at 7:25 PM.

1:17:23

**ELK RIDGE
CITY COUNCIL MEETING
October 27, 2009**

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OF MEETING

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ROLL *Mayor: Dennis A. Dunn; City Council: Derrek Johnson, Julie Haskell, Raymond Brown; Sean Roylance & Nelson Abbott; City Planner: Shawn Eliot; City Council Candidates: Kenneth Lutes, Erin Clawson & Weston Youd; Public: Chris Salisbury, Tom Henriod, RL Yergensen, Shawn Merrill, Rhonda & David Salcido; and the City Recorder: Janice H. Davis*

OPENING REMARKS & PLEDGE OF ALLEGIANCE Opening Remarks were offered by Nelson Abbott & RL Yergensen 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 NELSON ABBOTT TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:25 PM**
VOTE: YES (5) NO (0)

PUBLIC FORUM There were no comments.

NUISANCE ABATEMENT PROCEDURES – ACTION Mayor Dunn asked the Planner if he had anything to add to the discussion. He responded that, as stated in the Council memo, he would change what the Council directed him to change; no one has asked him to change anything, except the construction start and stop times, wording on the weed abatement and destruction of public and private property...those things were changed in the proposed code.
Nelson Abbott: He asked if all the Council approved of the \$50 per day fine...all agreed; Councilmember Abbott would prefer \$25/day; but said he was fine with the \$50, if everyone else approved it. (Shawn Eliot reminded the Council that Orem City's fine is \$100 per day.)
MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ADOPT THE PROPOSED ORDINANCE AMENDING THE ELK RIDGE CITY MUNICIPAL CODE REGARDING NUISANCE ABATEMENT PROCEDURES, EFFECTIVE UPON PASSAGE AND POSTING
VOTE (POLL): SEAN ROYLANCE-AYE, NELSON ABBOTT-AYE, RAYMOND BROWN-AYE, JULIE HASKELL-AYE & DERREK JOHNSON-AYE NAY (0)
Passed 5-0

ELK RIDGE MEADOWS PUD - ACTION *Raymond Brown: Even though there is some fine-tuning that needs to go into the development agreement, he feels that the PUD issues can move forward to a motion:*
MOTION WAS MADE BY RAYMOND BROWN TO ACCEPT ELK RIDGE MEADOWS PUD, AS PRESENTED BY THE CITY PLANNER TO THE CITY COUNCIL
Discussion:
 Question: Does that indicate that the City Council is willing to accept Phase 1 open space?
Raymond Brown: The Planner said that the acceptance of the open space in Phase 1 was still to be negotiated, as well as repairs and landscaping as part of the on-going development agreement. (Mayor Dunn felt that the answer to the question is, Yes.)
Shawn Eliot: Phase 1: The City was going to work with the developer and the landscaping to make sure that it is low-maintenance and something the City wants. The developer has submitted the landscaping plan; but it has yet to be reviewed by staff. This is a detail, as long as it is validated that it will come within the cost estimate. Mr. Eliot directed that any action at this Meeting would be to decide:
 - Does the Council want to accept the open space?
 - With the Council's approval, the development agreement can then be written up as discussed.
City Recorder: One of the main discussion points in the past has been whether or not to accept the open space in Phase 1; does the Council want to do that?
Nelson Abbott: So, any approval would be contingent upon the landscaping plan.
Tom Henriod: He did not recall this part of the discussion; he thought the Council's feelings were that the City would accept Phase 1's open space as City Park area...and that they would be treated the same as Phase 2 (at 25%, the park would be re-planted and at 50% occupancy, the City would take over the maintenance).
Julie Haskell: She thought that she had made her opinion quite clear, that she was not in favor of that. All of the Council was not in favor of accepting the open space in Phase 1.
Tom Henriod: "You may not have been. I think there might be some question as to whether or not...knowing backgrounds, whether you should be able to vote (directing the comment to Councilmember Haskell)."
Julie Haskell: She questioned what "background" he referred to.
Tom Henriod: His understanding is that there is "familial interest in parks and open space in the City".
Julie Haskell: She had no idea what Mr. Henriod referred to. (Mayor Dunn interjected that perhaps Mr. Henriod was referring to the fact that Kent Haskell, Councilmember Haskell's husband, is over Parks & open space due to his position as Public Works Superintendent. The question would be if there is any "conflict of interest"? Has Mr. Haskell expressed any concerns or opinions on the matter at hand that could establish a position taken by Councilmember Haskell?)
 Councilmember Haskell answered, No, there has not been She further commented that she and her husband actually feel differently about some of the issues; so she stood by her own opinion.
City Recorder: Having reviewed the minutes of the last meeting, after coming out of Closed Session, Councilmember Brown responded to the question of how maintenance would be handled; and his answer was that it would be handled the same as with Phase 2, if it was accepted. (Councilmember Brown agreed that that was how he understood the situation in the last Council Meeting.)
 There was nothing in the minutes that actually came to a conclusion on the issue.

Raymond Brown: He understood that negotiations for Phase 1 would include low-maintenance landscaping.
Shawn Eliot: The discussion also included that the area would not be considered very “desirable” as a public area because it is not large and open...it is located behind the homes. These were some of the past concerns. There has been past discussion whether open space would be acceptable for both Phases; and then in the last meeting it was brought up that Phase 1 and Phase 2 are tied together regarding the amenities and that it is a PUD and it could be a bit awkward to accept just part of it. Does the Council want to accept both Phases?
Raymond Brown: He does not feel the City has the man-power to manage more park space right now...but certain types of landscaping could prevent high maintenance. If that becomes a fact, then he would be in favor of accepting the open space in Phase 1...otherwise, he would not be.

Tom Henriod: He is not opposed to low-maintenance landscaping.
Shawn Eliot: At 50% occupancy, there should be enough tax revenue to be able to afford the maintenance.
Tom Henriod: Phase 1 is part of Phase 2 and if they are not interested in dissolving the HOA, the economics do not work for them. Phase 1 would be obligated to pay HOA fees to maintain the Phase 2 park; these fees to their residents, in addition to the price of a home, would not work for them. The economics of this deal included the possibility of waiving sprinkler systems, but this has all come down to landscaping...and he feels this is minimal to get building permits generated.

Julie Haskell: She could not see how taking over their open space and maintaining it would benefit the City.
Mr. Henriod: The benefit is that the City would be issuing building permits.
Julie Haskell: Issuing permits also benefits the developer; she does not feel that the responsibility should fall on the City, unless the Council agrees.

Mayor Dunn: The Mayor went to check out the retention basins (Phase 1) to see how big they are and what benefit they might be to the City (perhaps recreation use). There are benches and areas where people can picnic...there is a 2nd basin as well.

1:33:48

Trails & open space:
About 6 years ago, there was a “trails committee” that planned on orienting trails throughout the Community and, as development occurs, to try to tie it all in together, since there are no sidewalks. There are sidewalks in Phase 1; however, one of the amenities added for density bonus points was to install trails. The trails were approved by the City and they were installed. So what is the City’s attitude for the trails? IF we still want a trails system in the City, it could be beneficial to take over the trails in Phase 1. As the rest of the surrounding properties develop, will this set the standard? He feels a trails system would be good to keep as a requirement; and the maintenance will cost...but with 50% occupancy, the tax base would be there to support it.

Sean Roylance: He feels that the offer by both developers to “give: the City land to simply maintain it is a great opportunity for the City; and will be beneficial to both the developers and the City. This opportunity may not present itself again. With 50% occupancy, he felt that the City would be able to handle the associated costs.

Derrek Johnson: HE was concerned that the City is down revenue and struggled to meet costs with the current City park. He was sure that previous Administrations were confident that taxes would maintain the existing park, as well. Transferring fund balance into the General Fund to balance the budget cannot continue.

Sean Roylance: He pointed out that there would be increased revenue from additional residents factored in to meet costs. Higher density housing creates more revenue than regular 1/3 acre lots (or larger). Parks and open space are important to the Community.

There was further discussion on the current need to tighten the budget vs. planning for the future...if things remain too “tight”, is there a need to merge with another community?

Shawn Eliot: Water and sewer have been expanded in capacity to accommodate new growth; the park system needs to be expanded as well. He feels the 50% occupancy as an HOA or not, gives the City some assurance that the tax dollars will be there to off-set costs.

Raymond Brown: He feels confident of the proof of what Salisbury Homes is capable of than he has in some developers that have approached the City.

Tom Henriod: His company, as developers, is “still standing” in every community they have developed in; he hoped the City sees that as strength.

Councilmember Brown re-stated his motion:

1:48:54

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO ACCEPT THE PROPOSAL FOR ELK RIDGE MEADOWS PUD, PHASES 1 & 2 WITH THE FOLLOWING CONTINGENCIES:

- THE CITY TAKES OVER OPEN SPACE AT 50% OCCUPANCY
- ADDITION OF WORDING REGARDING THE FENCING BEING CONSISTANT IN DESIGN
- DEVELOPER WILL AMEND PLAT TO SUBDIVIDE EAST/WEST OPEN SPACE AREA INTO 3 LOTS (WITH THE REMOVAL OF THE PORTION OF ITME #5 REGARDING THE PROCEEDS GOING TO THE CITY)
- THE CITY PLANNER IS TO WORK WITH THE DEVELOPER OF PHASE 1 TO SEE THAT THE LANDSCAPING IS AS LOW-MAINTENANCE AS POSSIBLE; WITH THE FINAL APPROVAL OF THE LANDSCAPING PLAN TO BE BY THE CITY COUNCIL

VOTE (POLL): RAYMOND BROWN-AYE, NELSON ABBOTT-AYE & SEAN ROYLANCE-AYE NAY (2) DERREK JOHNSON & JULIE HASKELL

Passed 3-2

The developers will start on the drafts of the developer agreements.

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1:51:13

ELK RIDGE
MEADOW, PHASE 2 –
SURETY BOND

(The offer has changed somewhat; the information was not included in the Council packets.)
Shawn Elliot: Corbett Stephens has kept contact with the Insurance Company handling the surety bond for Phase 2 of the PUD. Mr. Stephens informed the Planner that the Insurance Company was going to contract out and take care of the repairs on the roads, sewer, etc.; however, since the work did not get done this year and winter is upon us, they would rather pay the City off and the City can be responsible for the repairs in the spring.

Mr. Stephens contacted another contractor beside the one the Insurance Co. had gotten a bid from (Noel Hyatt) and his bid was about \$10,000 less than the other contractor. The City could collect the costs from the Surety Bond Co. and install the repairs for less and gain a bit of funding in the process.

Raymond Brown: The concern was that prices could increase and the pay-off amount would not cover the cost of the repairs.

Mayor Dunn: Mr. Hyatt contacted Geneva Asphalt and asked if they would hold their prices into the spring and they agreed.

City Recorder: The offer has changed to add the cost of the road repairs onto the already approved \$118,500 for park repairs.

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY SEAN ROYLANCE TO ACCEPT THE OFFER FROM THE SURETY BOND COMPANY TO ADD THE COSTS ASSOCIATED WITH ROAD AND SEWER REPAIRS TO THE ALREADY ESTABLISHED \$118,500 FOR PARK REPAIRS; WHICH WOULD RELEASE INSURANCE COMPANY OF THE WEST FROM ANY FURTHER OBLIGATION TO ELK RIDGE CITY

VOTE: YES (4) NO (1) NELSON ABBOTT

LOAFER WELL
SWITCH-OVER

Kent Haskell: He was asked by Mayor Dunn to address the Council regarding the switch-over from the Cloward Well to the Loafer Well; so that the Loafer Well becomes the City's primary Well.

Update on the altitude valve:

It was installed in the early summer, for the purpose of releasing water from the upper tank to come into the middle tank; to allow the City to be able to use more water from the Loafer Well, which would result in "cheaper" water.

The Loafer Well has been online through the summer, and the average savings are as follows:

- July, '09 - \$1,600
- August, '09 - \$1,200

Rather than bringing water from the lower well, up to the middle portion of town (Zone 2)...about 75% of that same water is coming from above, which creates a savings.

Mayor Dunn: The Mayor took the usage and billing records to determine the savings generated by the switch-over. The actual change over to the Loafer Well did not happen as quickly as anticipated for various reasons and the savings reflected that delay. The Mayor had figures for June, July, August & September, 2009:

1:59:50

Information on all wells:

- How much water out of each well
 - Cost per 1,000 gallons
 - Savings (added by Mr. Haskell)
1. May 26 – June 26, 2009
 - ❖ Cloward Well:
 - How much with booster pump: 2,129,000 gal.
 - Cost/1,000: \$.30.55
 - ❖ Park Well:
 - How much: 1,500,000 gal
 - Cost/1,000: \$.37.42
 - ❖ Loafer Well:
 - How much: 4,373,000 gal
 - Cost/1,000: \$.16.27
 - ❖ Oak Lane: (Inactive)
 - Valve cost: \$13.97
 - Cost @ Oak Ln Well & Booster: \$32.00

Total \$45.97

2. June 27 – July 26, 2009:
 - ❖ Cloward Well:
 - How much with booster pump: 12,329,000 gal.
 - Cost/1,000: \$.29.61
 - ❖ Park Well:
 - How much: 1,500,000 gal
 - Cost/1,000: \$.38.40
 - ❖ Loafer Well:
 - How much: 11,866,000 gal
 - Cost/1,000: \$.09.23
 - ❖ Oak Lane:
 - Valve cost: \$13.97
 - Cost @ Oak Ln Well & Booster: \$32.00

Total \$45.97

- ❖ Savings: \$400

3. July 27 – August 26, 2009:

- ❖ Cloward Well:
 - How much with booster pump: 3,612,000 gal.
 - Cost/1,000: \$.26.14
- ❖ Park Well:
 - How much: 1,500,000 gal
 - Cost/1,000: \$.36.15
- ❖ Loafer Well:
 - How much: 17,642,000 gal
 - Cost/1,000: \$.09.75
- ❖ Oak Lane:
 - Valve cost: \$10.69
 - Cost @ Oak Ln Well & Booster: \$32.40
 - Total \$43.09
- ❖ Savings: \$1,600

4. August – September, 2009:

- ❖ Cloward Well:
 - How much with booster pump: 1,908,000 gal.
 - Cost/1,000: \$.25.90
- ❖ Park Well:
 - How much: 1,500,000 gal
 - Cost/1,000: \$.36.07
- ❖ Loafer Well:
 - How much: 13,662,000 gal
 - Cost/1,000: \$.11.66
- ❖ Oak Lane:
 - Valve cost: \$14.00
 - Cost @ Oak Ln Well & Booster: \$32.00
 - Total \$46.00
- ❖ Savings: \$1,204

Mayor Dunn: Each tank has a zone assigned to it and there must be adequate Capacity for fire protection. (250,000 gallons is required in each tank)

Kent Haskell: He feels the goals have been accomplished. The booster pump is the best indicator to look at: there has been a change of about 10,000,000 gal. of water, which have resulted in a substantial savings to the City. Currently about 75% to 80% of the water going into Zone 2 comes from the Loafer Canyon Well.

Caution: This is effective; but that well was not installed as a “primary well”; it was a secondary well. There is a single-phase line that runs power to the Loafer Well (it is over-head) and it goes down on a regular basis. The pump & motor in the well is 15 years old, though there is a spare pump & motor on site. The biggest concern he has is if the well goes down in the middle of the winter, there would be about a \$15,000 “cat fee” to get up there to get equipment up there.

He also cautioned against shutting wells down for a long period of time.

Mayor Dunn: He and Mr. Haskell discussed shutting the Park Well off, which would save about \$7,200/year; it would not be disconnected, just shut down. Perhaps we should be proactive and replace the old motor in the Loafer Well before it breaks down. The old motor could be re-built and stored as the spare.

When the City was proving up on the water for the SUVMWA water rights, the Loafer Well was producing about 28,000,000 gallon.

Kent Haskell: With the figure gathered from the wells, if the current figures continue, he estimates a savings of about \$8,000 per year.

Mayor Dunn: The anticipated savings at the first of the year was not reached; we are going the right direction, but will take additional planning.

Kent Haskell: (FYI) The reason the smaller booster was installed at the Oak Lane site was so that there would be a 2nd access to the tank. The way the system is set up, he can move water into any tank from two different sources. The State wants to see this.

Nelson Abbott: Can the same claim be made regarding moving water into any tank from 2 sources in the middle of the winter? (*Kent H. responded that we have the ability to do so.*)

Mayor Dunn: The letters to the affected residents regarding the possible installation of curb & gutter in the problem areas have gone out. The Mayor has a file full of responses to those letters and the result is about 50/50 for and against. The north side of Oak Ridge Lane and all of Magellan says yes, except for Mr. Abbott (Not related to Councilmember Abbott). The repairs may need to wait until spring to be able to do it right, weather pending. T

Part of the problem on Oak ridge is on the south side of the street: in front of Mason’s, White’s & Prestwich’s a gravel drainage ditch that is too shallow and can overflow and run across the street. The City is going to move the gravel out of the way and dig the ditch deeper...later in November; Twin D will come in and jet the drain pipe to clean it out. The gravel will be put back into the ditch. If there is still a problem, other option will have to be considered. South Hillside Dr. will also be jetted.

Raymond Brown: Curb & gutter is needed on the south side as well, but it may take an SAA in the future.

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CURB & GUTTER
(W.MAGELLAN &
OAK RIDGE LN)

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3 RELEASE OF
4 DURABILITY
5 RETAINER BONDS:
6 2:21:43
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1. *Haskell, Plat H:*
MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO ACCEPT THE DEVELOPMENT IMPROVEMENTS AS COMPLETE FOR THE HASKELL SUBDIVISION, PLAT H; AND, AS PER RECOMMENDATION FROM INSPECTOR CORBETT STEPHENS, TO RELEASE THE TWO YEAR DURABILITY RETAINER
VOTE: YES (5) NO (0)

2. *Anderson Heights, Plat A:*
MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY JULIE HASKELL TO ACCEPT THE DEVELOPMENT IMPROVEMENTS AS COMPLETE FOR THE ANDERSON HEIGHTS, PLAT A SUBDIVISION; AND, AS PER RECOMMENDATION FROM INSPECTOR CORBETT STEPHENS, TO RELEASE THE DURABILITY RETAINER
VOTE: YES (5) NO (0)

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17 OAK HILL ESTATES,
18 PLAT D –
19 BEGIN DURABILITY

(Memo from Corbett Stephens to the Council, dated 10-27-09)
“The final inspection for the above referenced subdivision has again been held and the contractor has satisfactorily completed all of the required items pertaining to construction. The City Council meeting of September 22nd of this year (*Councilmember Abbott corrected this date to October 13, 2009*) raised concerns pertaining to the re-vegetation of the terraced walls. On the 23rd of this month, the developer, Mr. Yergensen, planted gamble oak at spacing of approximately 20-30 feet throughout the terraced walls. After notification of the planting, I placed flags at all the locations I could see, about 30 spots. These flags are visible from the road. The planting was performed as per recommendation of Paul Squires, of the Planning Commission; Dave Hansen, who wrote the original re-vegetation plan and P.J. Abraham of the State Forestry. I recommend final acceptance and entrance into the required durability testing period. The required 1” overlay is to be completed in June of 2010 to insure optimum conditions for asphalt placement.”
Mayor Dunn: He contacted Dave Hansen regarding the recommendation of Paul Squires (planting oak) and he was not comfortable with that method. The Mayor invited Mr. Hansen to inspect the re-vegetation. He was faxed a copy of the original plan he wrote, and copies of invoices of seed that had been purchased and planted; Mr. Hansen responded that it is too early to inspect the seeds that have been planted...that they would not manifest themselves for two years and he was sure the vegetation would look different next year. Mr. Hansen referred the Mayor to P.J. Abraham (Dept. of Forestry and an expert in plants). The Mayor contacted him and asked him about the method of planting recommended by Paul Squires; and he was interested to see if it would work. He advised an alternate plan of planting oak. Mr. Abraham also felt that 18’ spacing is too close. The Mayor and Corbett Stephens assisted RL Yergensen in planting oak, using all the recommended methods. Behind the terraced wall there is about 95’ of space with vegetation growing (photos taken and shown). (Regarding the straw that was to be spread out) The straw that was put down germinated and is growing on the hill. There are sage and plants growing all over the hill.
Sean Roylance: 1) from a safety standpoint, are the rocks in the wall going to stay in place? And if so, how can we be sure?
Mayor Dunn: When he and Mr. Stephens walked the wall, it was stable and intact. The weed barrier helps with stabilizing the wall. Last spring, Corbett Stephens and Craig Neeley (Aqua Engineering) went on site to check the wall out; he felt the wall was stable and would not be going anywhere. Code states that anything over 4’ has to be engineered. (*Mr. Yergensen said the wall was engineered to go higher than 4’.*)
RL Yergensen: On top of the wall, he installed a ditch all the way around the top so not water run-off from above flows onto those rocks. There is no sign of erosion either on the wall or up above. The ground is very porous and hardly any water actually runs down the ditch; and there are plants growing.
Sean Roylance: 2) (Directed to Ken Lutes & Shawn Eliot, who live close to the rock wall) Have they observed anything that would be a concern regarding this rock wall?
Ken Lutes: He expressed that he would rather the wall was not there. He would be hesitant to build a house beneath the wall.
Derrek Johnson: He questioned what type of rock they are.
RL Yergensen: They come from Fountain Green and are a type of sandstone. (*Councilmember Johnson replied that sandstone deteriorates.*) Mr. Yergensen disagreed and claimed that they hold up better than other types.
Shawn Eliot: (responding to Councilmember Roylance) We do not know what type of vegetation will be growing in a year or two. The vegetation plan was meant to keep the weeds out so the other plants could grow. Another concern is with the developed lot area; there is no top soil at this point. Hardpan soil is not porous and turns into a lake in the spring. What would happen in a larger storm?
Mayor Dunn: He reminded those present of the purpose of the agenda item: to look at the re-vegetation plan; to see if it was fulfilled. The soil is “different dirt”.
RL Yergensen: He has top soil stored for the time when houses are being built; why put in on now and have weeds growing? The seeds on the hill are native plants, whatever they are. He saw no reason to continue to deny this subdivision.
Sean Roylance: It depends on what one refers to as “native seeds”. There is what is there; but if it is scraped off...what comes back? It is not what was there; it is different.
There was further discussion about the seeds that are considered “native” vs. what replaces it.
Shawn Eliot: He suggested observing the plants in the spring to see what is actually growing.

Sean Roylance: His primary concern is the safety of the rock wall; he thought the “off-handed” comment made by the City Engineer sounded somewhat suspicious.

RL Yergensen: The City Engineer came out and approved the subdivision. A check list was provided and he has done all that was on the check list and more. He felt that things should progress from this point forward.

Nelson Abbott: At this point in time the developer has done what was required by Code; whether the Council likes it or not. He felt it is the Council’s position to accept the development at this point and enter into the Durability testing time period. He asked if the developer is subject to one year or two years, since he started prior to the code change.

Shawn Eliot: He felt it may be the one year time period, but if the Council feels there are “extenuating circumstances”, then it could be extended.

Raymond Brown: He agreed with Councilmember Abbott; that the Council could not continue to postpone the decision. He has done what was required of him; perhaps there should be an extension, based on the safety of the wall. The Council must be fair.

Mayor Dunn: He was willing to take the recommendation of the City Engineer.

Shawn Eliot: He recommended having an authority on plants come back and advise when to mow and what the plants are; and if things look good.

Sean Roylance: He continued to be concerned with the wall and felt there is much risk and scarring to the hillside and to the city.

Ken Lutes: When this leaves the durability time period, who will be responsible for any failure in the rock wall? (Would the liability fall on the property owner after durability? The Planner thought so.)

RL Yergensen: He has a similar rock wall on his property where he lives; it is his responsibility. His walls are lovely and have not created any problems.

MOTION WAS MADE BY JULIE HASKELL AND SECONDED BY RAYMOND BROWN TO ACCEPT OAK HILL ESTATES, PLAT D; AND TO BEGIN THE DURABILITY RETAINER TIME PERIOD AS OF OCTOBER 27, 2009; WITH THE FOLLOWING CONTINGENCY:

- **A PLANT EXPERT SHOULD INSPECT THE RE-VEGETATION PLANTED BY THE DEVELOPER IN THE SPRING OF 2010**
- **The 1” OVERLAY IS TO BE COMPLETED IN JUNE, 2010**

VOTE: YES (4) NO (1) SEAN ROYLANCE

(Councilmember Roylance added that his vote was based on his concern of the safety of the rock wall.)

3:04:56

ACCESSORY
APARTMENT FEES -
LOT 1, OAK BLUFF
ESTATES, PLAT G

Mayor Dunn: The homeowners occupying lot 1, Oak Bluff Estates, Plat G were reported to be renting out space in their home to individuals. The information came by way of an “anonymous” complaint sent to Mayor Dunn. (He read the letter to the Council) The letter was very negative and accusatory in nature; registering complaints about the shabby appearance of some of the homes in the City.

The complaint specified the Byron Chappel home (referred to above): several broken down cars, tall weeds, garbage scattered across the property, no yard as well as renters. The complainer was concerned with property values.

Mayor Dunn has looked into the code regarding accessory apartments: the Code does allow accessory apartments; but the process must be adhered to. He asked the Building Inspector to visit the Chappel family to let them know they have some questions to answer. The Chappel’s responded by sending out a letter to their neighbors explaining their situation.

Much of what the Mayor discovered about the Code was shared with the Council earlier in the meeting while discussing the Nuisance Ordinance.

Mr. Chappel came in to talk to the Mayor to do what they need to do to meet Code. The Code has been difficult to enforce due to the lack of information regarding what is allowed; besides, there does not seem to be justification for charging an extra impact fee.

Mr. Chappel asked if the Council could be approached regarding the impact fee. He offered to work off the impact fee, if it is to be charged.

As discussed, the Mayor feels the annual accessory apt. fee should change to an annual business license fee; which is sent out at the beginning of each year.

Shawn Eliot: He reminded the Council that the *units* must be considered, rather than the number of people or who they are. He felt that it may be inappropriate to charge an additional impact fee after the building permit has been issued and the home occupied.

Nelson Abbott: He agreed that it would not be appropriate to go back and charge an impact fee. He does agree that it should be a business license fee.

Shawn Eliot: (Clarified the Code)

- They can rent a room out in the main part of their home (up to two people that are non-relatives)
- He can rent out one accessory apartment

Mayor Dunn: (Addressing the other issues and possible code violations on their property.)

- The “junk” cars are repossessed and the bank refuses to come and move them (the Chappels are trying to get the bank to release the titles so they can donate the cars to the Kidney Foundation).\

- Perhaps the bank should be fined

- Weeds, landscaping and trash, etc. need to be checked out and if there are violations involved, they need to be addressed.

- They need to adhere to the guidelines for accessory apartments.

Nelson Abbott: The Nuisance Code is in place, it should be applied. Perhaps the owners can work out an agreement to take care of the necessary items.

Action:

1. Waive the accessory apartment Impact fee
2. Apply for a business license for the accessory apartment (rather than accessory apt. fee)
3. Advise the bank to get cars off the property or he will remove them
4. Weed abatement – maintain the weeds
5. Have landscaping taken care of on the front and side yards by October, 2010
6. A. Enter into a nuisance agreement
B. Inform the owners of the code regarding renting out

*The current code needs to be clarified

*Mayor Dunn to notify Mr. Chappel

3:33:13

GOOSENEST DRIVE
SIGN PLAN

Shawn Elliot: The signs on Gooseneast need to be rearranged. There are too many signs on one pole.

He proposed removing certain signs and adding others; but to spread the signs out. There will be an extra speed limit sign.

Total signs now – 13

Total signs proposed - 18

There was discussion whether to direct people to Gladstan Golf Course. Councilmember Brown felt we should not.

He proposed having an easy-to-read fire sign.

Change the “No firearms” sign to a sign that covers more than a handgun...take off the picture.

List:

1. Take off “share the road” signs
2. Destination sign – Leave Gladstan Golf Course on the sign
3. Take out “School Bus Stop Ahead” sign
4. Firearms sign: take off picture
5. No “Notice” / street map sign
6. Fire sign in Loafer Canyon (perhaps on the corner at the intersection with 11200 South)
7. Colors: green, yellow, orange, red (not black)

He will not order the signs until the spring.

The Fire sign is about \$300 (X 2 signs).

MINUTES OF
CITY COUNCIL
MEETINGS

1. *City Council Minutes of 9-22-09:*

MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 9-22-09; AS CORRECTED

VOTE: YES (4) NO (0) ABSENT (1) DERREK JOHNSON

EXPENDITURES

General: None

ADJOURNMENT

The Meeting was adjourned at 10:15 PM.

City Recorder – Elk Ridge City