

ELK RIDGE CITY COUNCIL MEETING
December 8, 2009

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4 TIME & PLACE
5 OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, December 8, 2009, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM.**

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

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

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12 **6:00 PM -**

CITY COUNCIL WORK SESSION

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14 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, Jason Bullard, Erin Clawson & Weston Youd; Building Official: Corbett Stephens; Sheriff: Deputy Tindall; Public: Rodger Hardy (Deseret News), Tyrel Carter, Chris Salisbury, Lee & Diana Freeman, Paul Eddy; and the City Recorder: Janice H. Davis

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20 NON-AGENDA ITEM
21 CITY COUNCIL
22 PRESENTATION

The City Recorder presented gifts to the Councilmembers whose terms of office will be expired at the beginning of January, 2010. Flags that flew over the Nation's Capitol, encased in display cases with name plaques, were presented to the three out-going Councilmembers: Mayor Dennis Dunn, Raymond Brown & Nelson Abbott. The Mayor was presented with his gavel and a plaque in appreciation for his service. The City Recorder thanked all for their dedication and said they will be missed.

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26 CITY COUNCIL
27 PLANNING SESSION –
28 FUTURE SOURCES
29 OF REVENUE & THE
30 CITY CENTER

Mayor Dunn: He reviewed various sources of revenue that would work for the City. All other Communities are experiencing the same problems; particularly smaller ones.

- Franchise fees provide a little revenue

- "Soft commercial" has been discussed, but has not happened.

Opportunities for revenue has been a topic of discussion before he took office; he was on an economic committee that came up with a list of possible businesses that could work in Elk Ridge.

The need for commercial, mixed with the struggle to get the point across to the general citizenry about water conservation, spurred something that Corbett Stephens brought to the Mayor's attention about a month ago; which is the possible use of a greenhouse in the City. The Mayor feels much of our society has not been taught the principal's of conservation...tied to xeri-scaping. The lack of understanding seems to be "generational". Areas in the "sunbelt" states are already requiring stricter laws regarding conservation.

Greenhouses:

Spanish Fork has one and Elk Ridge even purchased plants from them when Mary Rugg was on the Council and over Parks. Corbett Stephens contacted the man that runs that greenhouse and gathered some good information regarding their "adopt a planter" program.

The Mayor suggested consideration of providing access to "Utah's 20" (native plants to Utah that further conservation). He turned the time over to Mr. Stephens to explain:

Corbett Stephens: Spanish Fork goes through ½ million seedlings each year. They take shoots off of plants and start their own plants, so they do not have to buy as many plants. They keep the "mother" plants in the greenhouse. Their budget for their greenhouse is about \$24,000/year; they use the plants for their own city needs as well as selling plants to residents. The City takes care of all of the required maintenance with part-time and full-time employees; as well as with seasonal volunteers.

Perhaps Elk Ridge could take this basic idea and create some revenue.

Mayor Dunn: People could rent a portion of the greenhouse and grow their own seedlings to plant in their own yards. There are 2 Elk Ridge residents whose professions are xeri-scaping and natural vegetation and have even written books on the subject. These experts were asked to re-build the water conservation garden on 1200 S. in Orem...they have done other projects throughout the State. Their own yard is an example of "natural" landscaping. It would be beneficial to have experts like these involved with a project here in the City. A newspaper article was brought to the Mayor's attention by Corbett Stephens regarding Pleasant Grove doing some "hydro-generation" projects. Mr. Stephens and the Mayor met with Mayor Daniels (Pleasant Grove) and four other people developing some experience with hydrogenation. The "head-pressure" in gravity-fed lines is in place to turn these hydro-generators. Elk Ridge has possibly 8 locations where they could be installed.

Discussion on "aggregate net metering": Power is created and if it goes into the "grid", the City would receive "one dollar credit for every dollar made"...Pleasant Grove has made progress in developing this project; and they hope to get communities throughout the State online with these little generation plants and get the cost down to about \$10,000 per plant.

Corbett Stephens: He talked to Pleasant Grove's engineer about this process and discussed the possibilities with him...he reviewed these figures with the Council and those present. At 30 kilowatt hours, the City could generate about \$1,800/month in the summer and about \$500/month in the winter months (with just one hydro-generator). There are two locations in the City where 30 kilowatts of power could be generated.

Discussion:

Weston Youd: Net metering needs to be cleared through SESD; they do not have to agree to the metering as the result could be that there would be no one to sell the power to.

Corbett Stephens: There is a net-metering program in place currently; SESD may be a bit hesitant due to the volume being proposed. (Further discussion)

The City could not generate enough power to off-set the costs of maintaining the City Hall; but the City could get credit.

Mayor Dunn: The project in Pleasant Grove is in the beginning stages; but has great potential. These are the types of projects that could generate additional revenue for the City.

Growth will happen in this State, County and City. Planning for the future is imperative; though all the “gaps” will not be filled now.

The Mayor gathered up the priority lists from the Councilmembers and reviewed them.

(Mayor Dunn) *Many of the items on the lists repeated themselves; these will not be restated.*

- Many of the items on the lists have been accomplished: Salt Shed, T-intersection, Address changes, Road name changes (Elk Meadows & N. Park Drive to Elk Ridge Drive), Sewer with Payson, N. end of Salem Hills Drive changed name, Field Trip with Planning/Zoning & Road Impact fees in place

- Many items still to be addressed: Redevelopment of Loafer Canyon Well and possibilities, Possible use of existing home on City property as City Hall, Park layout & design, Public Works Building, identify surplus properties (City) and develop plan for them, Consider PUD park as future City park.

- Inter local Opportunities: Payson boundary line adjustments, Woodland Hills boundary line adjustment, water revenue possibilities with Woodland Hills & Salem, Identify commercial areas, Consideration of a City Cemetery

(Nelson Abbott) Funds from sale of property possibly used to pay down bond on City Center property, Increase number of licensed dogs and stricter leash laws, Clarify purpose of business licenses for residential businesses, create additional redundancy in water system & connect Fairway Tank to Hillside Tank & explore additional revenue ideas for the City.

(Raymond Brown) Look at ways to better enforce codes: Dog control, weed control, yard landscaping, storage of equipment, vehicles, etc, & the house numbers still out of compliance. He would like to see the City establish our own sports & recreation center and he listed all that accompanies that project.

(Julie Haskell) Salt shed (completed) & Public Works Building...enforcement of codes.

Mayor Dunn: He listed some of the types of businesses that could be compatible with the General Plan for Elk Ridge.

(Sean Roylance) His did not have his list written down; but had items to consider: Balancing the budget without development income, Planning & development of parks & open space & getting the City codes in place for future development.

Comments on Woodland Hills Boundary line adjustment:

Mayor Dunn: Woodland Hills is having a public hearing on 12/10 regarding a possible boundary line adjustment between Woodland Hills and Elk Ridge; if that proposed line divides Loafer Canyon Road, the Mayor will deliver a formal protest in behalf of Elk Ridge. When the two Cities met at a joint work session, this was not the understanding the two Councils had. According to legal counsel, both Cities must agree for the adjustment to take place.

The Mayor added that “affordable housing” is not necessarily a negative term any longer. The Housing & Urban Development Corporation assists in building affordable homes; they have groups of people participating in building homes together. There is an interest in 16 properties north of the City.

Developers/contractors are beginning to build/sell homes across the County, including in Elk Ridge. With this growth, planning for the future is important.

The Mayor reviewed the maps of the proposed site plan plus a map showing the various parcels of land owned by the City. Part of the reasoning behind the original purchase of the land was to join the City-owned land together and to address the open space/park issues raised by the public.

He encouraged the Council and the new Council to consider the options available for this City-owned property.

1:00:35

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OF MEETING

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7:13 PM -

CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS

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, Jason Bullard, Erin Clawson & Weston Youd; Building Official: Corbett Stephens; Sheriff: Deputy Tindall; Public: Rodger Hardy (Deseret News), Tyrel Carter, Chris Salisbury, Tom Henriod, Lee & Diana Freeman, Paul Eddy, Micah Purdy, Jordan Riley, Jamie D. Towse, Sean L. Nielsen, May & Jim Harvey, Bob Van Parys, Lynn & Jennifer Weakley, Suzanne Perry, Brent & Tammy Christensen, ? Christensen, Karla Adams, Brian Badders, Russ Lundberg, Wendy & Sean McCarthy, Chris Thorpe, Malea & Dave Simmons, Lila Branam, Evan Nielsen, Lisa Denning, Sherrie Woodward, Eric Allen & unknown ; and the City Recorder: Janice H. Davis

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OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

Opening Remarks were offered by City Recorder, Janice H. Davis; she honored the Councilmembers leaving Office and offered a prayer; Scout Jordan Riley led those present in the Pledge of Allegiance, for those willing to participate.

Mayor Dunn and Councilmember Brown expressed gratitude for the gifts and, though public service is not easy, it has been rewarding to them. Mayor Dunn also paid tribute to Deputy Tindall and all the service he has rendered to our Community.

AGENDA TIME
FRAME

RAYMOND BROWN MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:13 PM
VOTE: YES (5) NO (0)

1:12:18

ELK RIDGE MEADOWS
PUD, PHASE 2 –
ACCEPTANCE OF
SURETY BOND &
RELEASE FROM
DURABILITY TIME
PERIOD

(Memo from Corbett Stephens to the Council, dated 12-4-2009)
“The final inspection for the above referenced subdivision has been held and the developer has not completed all of the required items. The required 2 year durability period has expired as of the end of November 2009. There are multiple outstanding issues required of the developer that we as a city will complete with monies provided by Insurance Company of the West, the bonding company for this development. In the Council Meeting on October 27 of this year, the Council accepted ICW’s offer to release to the City monies in the amount of \$240,000.00. This money will meet the requirements of the required repairs as well as allow us to complete landscaping improvements when there are enough homes built to sustain required maintenance. The acceptance of the bonding company offer releases them from any further obligation. I recommend final acceptance of the subdivision.”

Mayor Dunn: Read the letter form ICW Group (Insurance Company of the West), dated 11-30-2009). The letter described the terms of the bond money, as understood by ICW Group. The letter states that, if the terms are acceptable to the Council, the City will provide “written confirmation through the approval of the City Council meeting minutes”. “Once ICW has received written confirmation of the City Council’s acceptance”, the \$240,000 to the City will be processed and arrangements made to exchange the payment for the bond release.

Comments:

Nelson Abbott: He question if the money will be placed into an interest-bearing account until spring.

After discussion, it was decided to:

- 1. Place the portion to be paid for work in the Spring 2010 into an account at the State Treasury; and
- 2. Place the \$118,000 for the park into a CD at the bank...to earn a higher interest rate.

1:16:30

RAYMOND BROWN MOVED, SECONDED BY NELSON ABBOTT, TO ACCEPT THE TERMS OFFERED BY THE SURETY BOND COMPANY (INSURANCE COMPANY OF THE WEST) OF A LUMP SUM PAYMENT OF \$240,000 TO BE PAID TO ELK RIDGE CITY, AS THE BOND FOR ELK RIDGE MEADOWS PUD, PHASE 2 DEVELOPMENT. THE CITY AGREES TO:

- 1. INSTALL ALL NECESSARY LANDSCAPE AND IRRIGATION WHEN REQUIRED
 - 2. AND TO COMPLETE ALL OTHER CLOSE OUT ITEMS ON THE PUNCH LIST
- THIS ACCEPTANCE RELEASES THE DURABILITY RETAINER TIME PERIOD AND. UPON RECEIPT OF THE \$240,000, ELK RIDGE CITY THEN RELEASES INSURANCE COMPANY OF THE WEST FROM ANY FURTHER OBLIGATION TO ELK RIDGE CITY**

VOTE: YES (5) NO (0)

Passes 5-0

1:19:09

ELK RIDGE MEADOWS
PUD – DEVELOPMENT
AGREEMENTS

Mayor Dunn: The latest drafts of the proposed Development Agreements were emailed to the City Council for their review.

(Memo form Planner to Council, dated 12-8-09)

“Background

The council has been discussing the park and open space issues of Elk Ridge Meadows phases 1 and 2 over the summer. In October the council voted to enter into a developer’s agreement with the owners of phases 1 and 2 to formulate the terms of the city acquiring the park and open space areas of both phases. Over the last month staff has been working with the owners to draft agreements that fit the terms the council voted on. The terms were the following:

Phase 1

The owner will restore/improve the open space areas to the amount of \$20k when the phase has 25% occupancy.

The owner will work with the city to adjust the landscaping plan to have minimal maintenance.

The owner will maintain the open space areas until the phase has reached 50% occupancy.

At 50% phase occupancy, the owner will deed the city the open space areas.

At 50% phase occupancy, the city will maintain the open space areas.

The owner will pay the city \$49,250 for the city to acquire the open space areas.

The city will collect \$985 per lot at building permit submittal to obtain the \$49,250 for acquiring the open space areas.

Phase 2

The city will use the surety bond for phase 2 to restore the park space commencing when the phase has 25% occupancy.

The owner will maintain the park and open space areas until the phase has reached 50% occupancy.

At 50% phase occupancy, the owner will deed the city the open space areas.

At 50% phase occupancy, the city will maintain the open space areas.

The owner will pay the city \$114k for the city to acquire the park/open space areas.

The city will collect \$1,425 per lot at building permit submittal to obtain the \$114k for acquiring the park/open space areas.

The owner will convert the east/west open space area with the trail into 3 building lots.

The owner will transfer the acreage from the east/west open space area to the main open space area.

The city will facilitate the transaction of creating the 3 lots and transferring the open space land.

The owner will work with the city to develop ideas of what facilities and improvements can be made to the open space area.

Both Phases

Homes will have a staggered 20 to 30 foot setback from the roads.
Landscaping will be required in the front yard (and side yard facing a street on corner lots).
Building façade materials will include Brick, Stone or Pre-Cast Stone, Stucco, LP SmartSide and Cement Fiberboard. No vinyl.
Identical front elevations will not be allowed on neighboring lots or those across the street.
Fencing will be of the same consistency throughout the development.
Planter strips shall have street trees of the same kind along each street corridor.

Staff Recommendation

Staff has read the development agreement’s for both phases and reviewed the exhibits and concludes that all is in order as agreed upon by the council. Staff recommends that the council allow the mayor to enter into the agreements.

City Council Discussion

1. Is the agreement for phase 1 what the council agreed upon?
2. Is the landscape plan acceptable? (Options: go with the developer supplied plan or come up with different plan that will most likely cost more).
3. Is the agreement for phase 2 what the council agreed upon?

Shawn Eliot: He reviewed the memo with the Council.

Phase 1: David Church reviewed the proposed agreements and had no problem.

Landscaping and maintenance of parks and open space has been a problem: A plan came up that priced out at \$80,000 to \$100,000...this should be a long-range goal.

Landscaping plan submitted by Mr. Henriod: Within the cost breakdown, no trees were listed...trees are costly. All of the original trees will be replaced by the developer.

Corrections were made in four places:

- Terms (2): “Developer” changed to “owner”
- (Insert) “The owner also agrees to replace all dead trees that were planted as part of the original Phase 1 Development, at owner’s cost.”
- 6 (b): Same as above
- 6 (1st paragraph) “Restrictive Covenants” has been changed to “architectural and landscaping restrictions” This was to further eliminate all language referring to CC&R’s.

Phase 2: The only change:

- Page 2 (7) The restrictive covenant issue: changing wording to “architectural and landscaping restrictions”
- The City Attorney has a concern about the Surety Bond; the proposed agreements are based on the City receiving that bond money; so approval would be contingent upon receiving that bond money.
 - o *It will be Centennial Bank that signs the agreement because they still own the open space area and will until 50% occupancy is reached.*
 - o *The HOA has been dissolved as of that day...there is one more signature to get.*

1. *Elk Ridge Meadows PUD, Phase 1:*

RAYMOND BROWN MOVED, SECONDED BY SEAN ROYLANCE, TO ACCEPT THE DEVELOPMENT AGREEMENT FOR ELK RIDGE MEADOWS PUD, PHASE 1; WITH CHANGES:

- **Terms (2): “Developer” changed to “owner”**
- **(Insert) “The owner also agrees to replace all dead trees that were planted as part of the original Phase 1 Development, at owner’s cost.”**
- **6 (b): Same as above**
- **6 (1st paragraph) “Restrictive Covenants” has been changed to “architectural and landscaping restrictions”**

VOTE: YES (4)

NO (1) JULIE HASKELL

Passed 4-1

2. *Elk Ridge Meadows PUD, Phase 2:*

RAYMOND BROWN MOVED, SECONDED BY NELSON ABBOTT, TO ACCEPT THE DEVELOPMENT AGREEMENT FOR ELK RIDGE MEADOWS PUD, PHASE 2; AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY COUNCIL ONCE THE \$240,000.00 HAS BEEN DEPOSITED IN AN INTEREST-BEARING ACCOUNT FOR THE CITY; AND CHANGE:

- **Page 2 (7) The restrictive covenant issue: changing wording to “architectural and landscaping restrictions”**

VOTE: YES (4)

NO (1) JULIE HASKELL

1:33:11

NUISANCE ORDINANCE / RE-VISIT CODE

There were many citizens present at the meeting to hear this discussion and to be heard during the Public Forum. Mayor Dunn asked that the public hold their questions and comments until the Public Forum; many questions may be addressed during the discussion between the Planner and the City Council. (Memo from Planner to Council, dated 12-8-09)

Mayor Dunn read the memo:

“Background

With the creation of the new animal code, the Mayor and members of the Council requested that we look at the nuisance code to make it more usable, make a process for citing offenders, and to assign fines. This new code was passed by the City Council in October. The application of the new code has concerned some citizens and staff is asking for guidance from the Council to see if how the code is being applied is what was wanted. Shawn Eliot identified the nuisances and documented them; Corbett Stephens hand delivered all of the notices and talked to anyone that was home.”
(When the animal code was first being considered for change, there were complaints about enforcement. The Nuisance code was re-written to “streamline” the enforcement process.)
The Mayor commented that out of 49 nuisance findings, about 80% have complied with the new code.

(Memo – continued)

“Trailers/Boats/RVs/Junk Automobiles in Front Setback

The trailer issue seems to be one that causes much concern. The issues are:

1. Over half of the 49 nuisance findings issued have complied.
2. Some haven't complied, feeling they should be allowed to store these items within the front setback area.
3. The City hasn't cared all these years, why now?
4. Some state they were told by the City that they could park them in these areas.
5. Some state that the neighbors don't care, so why is it a problem?
6. Some think the zoning code should be less strict in the older areas of the City than in the newer ones.
7. The new code only allows one trailer/boat/RV on a corner lot if there is not a place to store it to the side or back of the home.
8. The Planning Commission recommended that one of these items be allowed on an interior lot, if not a place to store to the side or back. The Council didn't approve this in their motion.
9. Staff has not worried about if a trailer is farther behind a home than in front. Is that ok?

How to Present a Nuisance Finding

This is the other big issue. Many people are shocked to receive a finding.

1. Propose that an article in the newsletter/website be placed that states the code that we are focusing on and that in x amount of time we will be issuing nuisance findings.
2. Propose that at the same time as the article that we send a courtesy letter to those that are currently out of compliance stating the code and that we will be issuing finding of nuisance letters in x amount of time.”

(The Mayor reviewed the 3-step process of enforcement:

- The finding itself
- A plan can be worked out (time frame is negotiable)
- The actual citation

(Memo continued)

“Council Discussion

1. Is how staff has been enforcing the code appropriate? (Mayor Dunn added that there has actually been no enforcement yet...no one has been cited.)
2. Should one trailer/boat/RV etc. be allowed in the front setback if there is no place to store on side/back for all lots?
3. What about large RVs that extend from home to street? Should we enforce the 9 foot ROW setback?
4. Can any portion of an item extend to the front of the home (more behind than in front)?
5. Was the approach to issuing findings too abrupt, should we give warning and courtesy letters first when we do a city-wide canvass?
6. Should we have different zoning for the old part and new part of town?”

Shawn Eliot: He passed out a comparison of various cities and their laws regarding the allowance of storage of the above mentioned items. The code varies greatly from city to city. (Review of the different codes.)

Council Discussion:

(The Council discussed each of the “Council Discussion” items, starting with #1, etc.)

1. Enforcement appropriate?

The Council generally agreed that a courtesy letter should go out (#1 & #5 go together). The letters should be simple and to the point; stating the code in an understandable way...like the landscaping letters going out currently...any specific issue should be addressed in the letter.

Councilmember Abbott brought up that the safety issues of an item being extended too far into the easement or to the road.

Derrek Johnson: He reminded the Council why this code was re-written; so it would be easier to enforce; why? Because the storage of junk and many other items can detract from the beauty of the City, as well as drop home values. Many residents are tired of looking at the junk and vehicles parked in the front of lots; but do not wish to offend their neighbor in violation. The Code is trying to address these issues. The property owner also has a responsibility to take care of their lot.

1:55:20

Nelson Abbott: One item is not a problem; but several items do detract.

Mayor Dunn: He is not opposed to seasonal use of vehicles; as long as things are taken care of.

2. One item allowed on all lots?

The Council was in agreement that one item should be allowed to be stored, if there is nowhere else to store the item.

Sean Roylance: (Concerns) Though he favors not regulating other people's property, he also expressed concern about the following:

- Rights-of-way and items being stored within it; “safety” is a big issue for him. Line of sight needs to be clear at intersection.
- Many people who were out of compliance, did have the capacity to store an item somewhere beside the front of their lot. Will changing the code to allow one item create more problems?

If these two concerns were met, he would be in favor of allowing one item.

3. 9' ROW setback?

The Council all felt that the 9' ROW setback should be enforced.

4. Extending an item to front of home if most of the item is behind?

The Council was okay with this, as long as the setback from the road is adhered to.

5. (Tied to #1)

6. Different zoning for old/new parts of the City?

The Council agreed that the code should be the same for all. (The setbacks could vary due to road widths.)

Shawn Eliot: He knows that enforcement is not easy; but there have been concerns and problems over the years that the City was not enforcing code...but, the City Council desires to enforce code.

Mayor Dunn: The upkeep of residents' yards has been an issue of concern for some time. The Council is trying to honor the Oath of Office that goes with the position, wherein they swear to uphold the law.

2:15:02
PUBLIC FORUM

Mayor Dunn: He believes that some of those in violation of the code have been offended; that was not the intent. There are issues deeper than the surface ones, which was the motivating factor. There has been much criticism of the Council to enforce the code; and the code says to do something about the violations. The Council has a duty and an obligation to see that the code is properly applied...the attempt was made to do it fairly...across the board. The Council is looking at discovering the best method to make this work and still have a beautiful community. The photos were taken to indicate the various violations, not to offend.

Guidelines for the Public Forum:

- Talk when recognized; public “clamor” will not be tolerated. (This is not a “public hearing”.)
- Give information politely.
- Do not be redundant.
- 3 minute limit per person (speaking)
- The Council is to hold emotions in check, as well.
- He will allow 25 minutes for the public to be heard.

Jim Harvey: (Not part of his 3 minutes) There are hurt feeling that need to be dealt with as well as gathering information. He advised taking the emotion and hurt feelings as part of the information the Council is trying to gather.

Public Comments:

May Harvey: (Resident on Astor Lane)

Mrs. Harvey requested that the Council not “change” the nuisance code; but “repeal” it. There are many things in the entire code that do not fit our small Community. *(Several times Mrs. Harvey referred to Elk Ridge as a “suburb of Salem”...she was corrected by Mayor Dunn: Elk Ridge is not now nor has it been in the past a suburb of Salem)* Mrs. Harvey made the point that our City should not be compared to larger cities.

She questioned changing the code from Utah State law; people should be allowed to utilize their property; not to live as a “gated community”. She chastised the Council for voting for this law so “quickly”; she feels it should have been voted on by the people. She brought up the part of the code where garbage cans left in the road are considered a violation; she feels this is unrealistic.

(Mayor mentioned that there were some good points made; but no one has been cited yet, even though it may have appeared so to some.)

Brian Badders: He feels Elk Ridge is a beautiful Community and that surrounding communities are “junky”. Real Estate values are holding higher in Elk Ridge than in the surrounding communities. He was cited for a landscape violation; he is resolving the issue. He feels everyone needs to work together and come to a good resolution for all to exist peacefully. If there are violations that affect him, he is willing to “stand up” and sign a complaint.

Jim Harvey: He feels that “property values” should not enter into consideration of Elk Ridge as a good place to live. They moved here because of the feeling of “freedom”, “friendship” and the government was easy to live with. He has a neighbor who has an unkept yard and that indicated to him (Mr. Harvey) that he had the “freedom to look bad”. Mr. Harvey is offended by the whole law; there is no reason to compare this City to larger cities...he also referred to Elk Ridge as a suburb of Salem. Our code should not be more restrictive than Salem’s or Payson’s. He said, “it is not about property values; it is about people values”.

RV’s should be parked for “use” rather than “storage”. He made the point that the older homes in town were not built to accommodate this code. Elk Ridge should be a “country village”, not a “gated community”.

He feels the law should be repealed and re-thought to show respect to the people who built this Community. There are no problems to address. He felt those that complied did so out of fear of being fined \$50/day. He is in favor of being able to use their land the way they want to.

2:32:36

Mayor Dunn: *He gave a brief history of Elk Ridge and how it came about, never as a subdivision of Salem; though it did have the name of Salem Hills, which was a subdivision of the County...it changed to Elk Ridge in the mid 70’s.*

Paul Eddy: (Resident for 14 years) He spoke about property values in the City; they are important to some. He is trying to sell his property and in his current assessment (valuation) it is \$65,000 lower than it was one year ago. He has invested a great deal of money into his home. He had an interested buyer from Colorado; but after driving through the City, he (buyer) felt the City was “in disarray” and commented on the trash, trucks & trailers all over the yards. Mr. Eddy was adamant about property values being important and that they are indeed affected by the condition of the City...the values are “hurt, when we don’t maintain our properties”.

He thanked the City Council for trying to enforce the codes; he further commented that it is just a few individuals that are not in favor of this new ordinance...though it may need some “fine tuning”.

He pointed out the extreme fire hazard the tall weeds are that are on many lots.

Malea Simmons: She was upset about the notification of violation delivered to her. She lives on a corner lot and has more than one item stored on her lot.

- Horse trailer: She boards her animals elsewhere and needs the trailer to be able to access her animals and be able to ride them on a regular basis.
- Camp trailer: It is used frequently by her family
- Club House built by her children: It was considered “trash” and it was taken down.

In a storage unit, the items would not be as accessible for use by her family.

She was very offended by the photos taken of her front yard.

She feels that her freedoms are being taken away by the restrictions placed on her land by the current code.

Shawn Eliot: *He felt it important to apologize to those offended at the photos taken of their homes...he was the one who took the photos. He was directed to do so and he took one picture of whatever was against the code; he took another of the addresses to better remember which house was being referred to.*

(Mayor Dunn warned the public that there are only 3 minutes remaining of the Public Forum...he was told by the citizens that the time needed to be extended to hear all the concerned citizens.)

Diana Freeman: (13 year resident) She wishes this enforcement had been done 13 years ago. She feels that the citizens of Elk Ridge can “do better”, raise the standard and take care of our possessions and have a cleaner Community. She does not feel she should have to look at other people’s “stuff” in their yards. It has nothing to do with being a small community or a large community; it has to do with being a “clean” and organized community.

Property values have dropped; she recently sold her mother’s home here in Elk Ridge and they recovered about what was paid for the home 13 years ago. Realtors will tell you that the trailers and items in the yards do matter to prospective buyers. Take responsibility for your possessions.

Karla Adams: (Resident of 4 ½ years) She responded that Mrs. Freeman should not have purchased in Elk Ridge 13 years ago if they did not like the appearance of the City. She planned her landscaping around the storage of her vehicles. She feels her rights are being infringed upon. How many complaints were received to instigate the changes?

The complaints came in frequently and the caller typically wants to remain anonymous. They will be asked if they have talked to the “offending neighbor”...usually the answer is no, they have not. They call the City because they do not want to “offend” their neighbor...so they want the City to enforce the code. Much of the code is not “new”; some things have been re-written, but have been in the code for some time. The average is a complaint per week (4 years of Office = about 200 complaints).

(Mrs. Adams – continued) She understands about the 9’ right-of-way; however there is an issue with the City owning that ROW and the individual maintaining it. So, part of that 9’ right-of-way should be able to have items stored on it. Why should one Councilmember’s opinion over-ride her rights as a home owner?

It is not right that Mrs. Simmons had to remove a club house her children built.

Chris Thorpe: After listening to the review of the laws and all the complaints; he does not understand why there is such a problem and so many complaints. He stated that the law requires storing items. He agrees with part of what has been said; but he does feel that items should be placed out of sight if possible, and if not possible, then other arrangements could be made.

Bob Van Parys: (Resident since 2005; and a volunteer firefighter) He agrees that codes are necessary, but many do not follow them, particularly in the winter. He spoke of safety issues and clearing fire hydrants. He also noted yards that are un-mowed. He warned against creating fire hazards through neglect of codes.

Lila Branam: (Resident for 35 years) She agreed with the nuisance law regarding “junk”; but she does not agree that people should be limited to one item on their own property. She has two trailers for ATV’s and she is considered a “nuisance”. They are parked to the side of her home because when she first built, she could not have her driveway coming onto the main road (which would have given her more room). She does not agree with this code for RV’s, trailers, etc.

Sean Nielsen: The water is so expensive in Elk Ridge that people cannot afford to landscape their yards and are now hauling in rocks; which is not attractive. He does not feel the City even needs a nuisance ordinance; he feels that neighbors should have to deal with one another...and the City would not be involved.

2:51:47

Mayor Dunn: He asked the Council’s permission to go past the designated time for the Public Forum; it was decided that two more comments would be heard.

Sean Roylance: He reminded the public that the Mayor had asked that there be no “repeats”: and there have been many. He would like to hear “new” comments.

Diana Freeman: She asked that both sides of the issue should be represented fairly.

Jamie Towse: The City government cannot be granted any rights that the residents do not have; she hopes that will be kept in mind so that the government does not over-step their bounds. Citizens simply need to be able to “do the best they can”; there will never be total agreement on issues...everyone is different.

Lynn Weekley:

- Gated communities will dictate what yards and landscaping must look like.
- Parking items in back yard: He does not really have a back yard...he has two frontages (front & back)...which one does he use to park his items in?

He moved up here to have plenty of room to park his equipment; now he finds that he cannot do that.

- He knows that two of his neighbors have complained about him:
 - A. One is regarding his trailers
 - B. The other one was regarding chickens

Most people that call and complain are also in violation of the codes in some way. They should worry about themselves 1st. We should all relax a bit...we are in a “rural community”.

Mayor Dunn commented that we typically do not know who the one complaining is; they wish to be “anonymous”; but the City will follow up on the complaint and see if it is justified.

Tammy Gardner:

1. The animals (goats) she had were for therapy for a troubled daughter; yet she had to move them to comply with the code. Now the pets are 8 miles from where they live. She did not move to El Ridge so she could live in a “retirement center”.

2. She has trailers in front of her house; they are not “junk” trailers, they are all licensed. She would like to be able to just work things out with her neighbors.

She complied with the law; but she is not happy about it.

3:02:44

Mayor Dunn: He closed the Public Forum and expressed his appreciation for those that participated. He said that it may take a while to work the issues out (perhaps a couple of months); and there will be a new Council in a few weeks. The Council understands about property rights; but he reminded those present that we live in a “Republic”, designed and kept by laws...if he does not agree with all of the laws, he still has to obey them.

If someone was not heard that wanted to be; he encouraged these people to put those thoughts in writing and submit them to the City Offices. He agrees that we live in a great Community. No one has received a citation; they will be withheld until there is additional discussion to review the notes taken by the Councilmembers.

Dave Holman: (A couple of additional comments)

- How can the Council justify not allowing licensed, registered vehicles being parks where they are accessible?
- Why can't a person work on their cars and house...why does it have to be "perfect"?
- What is the need for aerial photos...that is an invasion of privacy?
- Why are old people being harassed by not being able to park their little vehicles?

3:07:03

PARKVIEW CORNER –
REQUEST FOR
EXTENSION –
PRELIMINARY
(Agenda item moved
forward by Council
Approval)

(Written Request form Eric Allen, developer, to the Council, dated 11/30/09)

"RE: Park View Corner Extension
11/30/09

Dear Mayor and City Council of Elk Ridge:

On December 9, 2008, the City Council gave Preliminary Plat Approval for a 7 unit Senior Housing Community named Park View Corner. Out understanding is the approval is in force for 12 months from the date of approval. We request an extension of this approval for an additional 12 months."

Eric Allen: He stated that they did not get continue toward final due to the economic problems; he did not want the lots to sit there and not sell. There has been no response to their advertising. They are simply waiting for the market to come back. They are optimistic that they can move forward in the next year.

Raymond Brown: To Mr. Allen's credit, he has kept the weeds down on his property.

Nelson Abbott: He reminded Mr. Allen that there can only be one extension granted and that is all.

NELSON ABBOTT MOVED, SECONDED BY JULIE HASKELL, TO GRANT A ONE-YEAR EXTENSION TO THE PRELIMINARY APPROVAL FOR THE PARK VIEW CORNER DEVELOPMENT; THE ONE YEAR IS TO BE COUNTED FORM 12-9-2009

VOTE: YES (4)

NO (1) DERREK JOHNSON

There was concern expressed about the possibility of the developer selling off the project. This has created problems with other development; the Council would like to avoid these problems.

Mr. Allen responded that he owns the land and that he anticipates staying with the project; he asked if it was a contingency for approval of the extension; the reply was that it was not.

3:20:40

ANNEXATION /
BOUNDARY
ADJUSTMENT

Mayor Dunn: *(Explanation of the Annexation process)*

The Mayor passed out handouts from the notes taken at a class he took at the Utah League of Cities & Towns Conference. The Mayor has been working on gathering information regarding a possible annexation that would be initiated by the City rather than a private party. The current discussion between Woodland Hills and Elk Ridge regarding the proposed boundary line adjustment could assist in this. The purpose of an over-all annexation would be to clean up the boundaries to the west and to the east...concentrating at this point on the property to the east of Elk Ridge.

Gary Hansen owns land at the corner of 11200 South and Loafer Canyon Rd. that is in the County. He submitted a petition for annexation a while ago and it was denied on the basis of "creating an island" in the County (across Loafer Canyon Rd.). The Mayor has passed the information he has gathered to Mr. Hansen and asked that he pass it along to his neighbors to see what they think. He has been doing just that.

The Mayor had a list of all the property owners that could be affected by this proposed annexation.

The Mayor is preparing letters to the property owners detailing what the proposal is and how it would affect them. There was also a copy of an email from the County Assessor's Office to the Mayor, listing the tax issues to consider when annexing land...it is actually a bit cheaper for these land owners to annex into the City.

3:25:48

NON-AGENDA ITEM

Russ Lundberg: (Was present for the Public Forum) He came back in to thank the Council for their service to The Community and to express appreciation for how the public was handled during the Public Forum.

(Annexation discussion continued)

The Mayor reviewed the maps included with the packet of information provided to the Council.

Properties under consideration:

- Property on the east of Loafer Canyon Rd.
- Upper Loafer Canyon

The Mayor asked for the Council's approval to send the information and letter to the list of property owners, so they can know of the discussion and they can decide to be a part of the action, or not..

Derrek Johnson: There is only one land owner who has requested annexation in the upper Loafer Canyon area...Harris'.

Mayor Dunn: Both Hansen's and Harris' were denied by the County. If the annexation takes place, it would clean up the boundary with Woodland Hills as well as the other parts of unincorporated land

Derrek Johnson: He prefers to wait until the new City Council is in place; to see which direction to go...then letters would not be sent out prematurely.

Nelson Abbott: (Future Land Use Map) Questioned what the zoning would be for any newly annexed land in the Loafer area.

City Recorder: Typically people hesitate to annex due to fear of fees and connections to the city systems.

The City usually accepts annexation with the land, as is...when development occurs, then the zoning can be applied.

Council Elect Youd: Why de-annex the Wallentine property; the property tax benefits Elk Ridge.

Mayor Dunn: That property lies in Elk Ridge and the east side is in Woodland Hills. There will be a road from Woodland Hills that will access the east side of the land. The lay of the land goes toward Woodland Hills

Weston Youd: He agreed with the upper portion of Loafer Canyon; but feels the Wallentine's land should stay in Elk Ridge; his road access will be through Loafer Canyon Rd. and we already provide service to that home. Typically, roads create natural boundaries.

Mayor Dunn: There is land that belongs to Don Mecham (14 lots) that is located within Woodland; but Woodland Hills is willing to give up that land...again due to the lay of the land and feasible access and serviceability through Loafer Canyon Rd.

Nelson Abbott: He questioned Elk Ridge's current ability to provide services, including snowplowing, to the area east of Loafer Canyon Rd. (Mr. Mecham's property). There is a Public Hearing on 12-10-09 in Woodland Hills regarding their proposal for an adjustment; that equation should be added to the information the Council has to consider.

Shawn Eliot: State law dictates that certain benefits must occur with an annexation; these things are typically agreed upon through an annexation agreement/development agreement prior to annexation.

Sean Roylance: Why, as a City, would Elk Ridge not want to be involved in passing along information to land owners of possible annexation? If we do not, they will be annexed in somewhere; if not Elk Ridge, then we lose control of how that land will develop.

Mayor Dunn: He reported that the feelings at the joint work session with Woodland Hills were to try to adjust boundaries in a manner that it will be beneficial to both Communities. He reminded the Council that Gary Hansen (property owner) has requested this and has been working with the Mayor on this proposal for a few months. According to the lay of the Land: anything in the Canyon and buildable on either side of the road should remain in Elk Ridge. Regarding taxes: he feels it is a fair trade to have Wallentine's home in Woodland Hills and Don Mecham's lots in Elk Ridge.

Mr. Wallentine has not been consulted regarding which Community he would prefer to be in.

Mayor-elect Lutes: He requested that the letters to the affected property owners not be sent out at this point, since the Administration is soon to change.

Sean Roylance: He agreed with Mayor-elect Lutes that the new Council will need to discuss the issues and decide whether or not to move forward; however he also agreed with the proposal to consider cleaning up the boundary line between Elk Ridge and Woodland Hills.

Weston Youd: He felt the current Council should do whatever they deem necessary until their official terms of Office are ended.

Councilmember Haskell asked for clarification on numbers 7 & 8 on page 2 of the handout, "Steps to take for Annexation". (Number 8 is slightly confusing and needed further explanation: Shawn Eliot added that when a City initiates annexation, they are not held to the same requirement in creating "islands", like a private property owner is; which is why Mayor Dunn started the whole process of gathering information.)

ACTION ON WORK SESSION

No action on any of the Work Session items.

DRINKING WATER SOURCE PROTECTION STUDY UPDATE – AQUA ENGINEERING PROPOSAL

Mayor Dunn: The State Dept. of Environmental Quality sent a letter to Kent Haskell, dated September 21, 2009; stating that and updated Drinking Water Source Protection Plan (DWSP) was not submitted and was due 12/27/2008. The updated Plans are due every six years, starting with the original due date. The Rural Water Assoc. can assist in preparing the updated plans.

Mr. Haskell told the Mayor about the letter and got permission to ask for a bid proposal from Aqua Engineering to update the Source Protection Study. The update will amend the existing Study. The bid from Aqua is \$5,330.

Missing the deadline resulted in "points" being assigned to the City's water system...this is a negative. Once the Study is updated, the negative points will be removed.

The letter was received in September and the Mayor received it right after that. *(If the deadline was in 2008, why is the letter coming in September, 2009? Why the delay?)*

The point was made that the mandate to update information every 6 years may be within the Study itself.

Questions: Can the other wells be updated at the same time? Why are the Studies out of sync (Perhaps the Cloward Well is expected before the others due to the 2002 upgrade of that Well)?

*The Mayor will call the Dept. of Environmental Quality to let them know we are working on the update and to find out how the points will affect the City.

*Mayor Dunn will contact Craig Neeley *(Aqua) to find out if the Study on the Cloward Well can be completed by the end of December, 2009; and if the other Wells can be done at the same time. He will also call the Drinking Water Board to ask the same questions; along with asking why the letter was sent out late. Can the 12/31 date be extended?

*The Mayor will poll the City Council with the added information.

4:12:21 EXPENDITURES

General: None

A. *List of Expenditures (Check Registers) May through November, 2009:*

NELSON ABBOTT MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE CHECK REGISTERS FOR CITY EXPENSES FOR MAY THROUGH NOVEMBER, 2009

VOTE: YES (5) NO (0)

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MINUTES OF
CITY COUNCIL
MEETINGS

City Council Minutes of 10-27-09:

**RAYMOND BROWN MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL
MINUTES OF 10-27-09**

VOTE: YES (5) NO (0)

2. City Council Minutes of 11-10-09:

**RAYMOND BROWN MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE CITY COUNCIL
MINUTES OF 11-10-09; AS CORRECTED**

VOTE: YES (5) NO (0)

ADJOURNMENT

The Meeting was adjourned at 10:30 PM.

City Recorder – Elk Ridge City