

**ELK RIDGE
CITY COUNCIL MEETING
January 26, 2010**

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5 TIME & PLACE
6 OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, January 26, 2010, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM.

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 January 21, 2010 & an amended Agenda on 1-25-10.

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13 **6:00 PM –**

CITY COUNCIL WORK SESSION

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15 ROLL

Mayor: Kenneth Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson (Absent: Sean Roylance); *Building Official/Public Works:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* (Salem High School Students) McKade Wait & Ryan Rowley; Ed Christensen & Paul Eddy; and the *City Recorder:* Janice H. Davis

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20 UPDATES –
21 CORBETT STEPHENS

22 *1. PRV Replacement (Solenoid valve replacement at Hillside Tank)*

23 Explanation from Corbett Stephens: "This valve was installed approximately 16 years ago in an application that was ultimately the cause of the failure. With an inlet pressure in excess of 110 psi and an outlet pressure of less than 10 psi, cavitation will occur and ultimately destroy the valve again, as it did. The PRV that was decommissioned at the intersection of Escalante and Park was used to replace the failed body at the Hillside Tank. There still needs to be anti-cavitation trim installed in this valve to prevent the same type of failure in the future, especially with the increased use making the Loafer Canyon Well the primary source. The quote from Mountainland Supply for the anti-cavitation is \$1,675.00 plus freight."

24 Mr. Stephens explained the water damage within the valve referred to above and showed slides of the corrosion. The anti-cavitation trim would slow the flow of water within the valve. The corroded valve was replaced at the Hillside Tank. To replace the valve, it was necessary to borrow certain parts from Woodland Hills. He recommended the purchase and installation of the anti-cavitation device to prevent this kind of corrosion in the future.

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33 *2. Energy Grant Application:* "On the 18th (January) we met with Norman Harrison, of Progressive Power Solutions, to finish the grant application started by Mayor Dunn. This grant, if awarded, would provide the City with approximately \$183,000 to make upgrades to the City building, Cloward Well and the Loafer Canyon Well. The upgrades will include photovoltaic (solar) panels on the City building and Cloward Well, lighting upgrades to the City building throughout, and a new "Variable Frequency Drive" (VFD/soft start) to the Loafer Canyon Well. Our participation commitment, if awarded, would be the contribution of the rebate amount from Questar Gas on the unit heater replacements in the shop area and fire bays; and then the annual reporting to the State of the annual energy comparison after upgrades. This reporting is already started for the grant and the monthly numbers for gas consumption and kilowatt-hours. We did not commit any cash from the City."

34 Initially, Progressive Power Solutions contacted the City to inform us there is grant money available; they offered to write up the necessary documents for the grant application and submit the application for the City. If the Grant is awarded, they want to do the electrical work involved. If the City decides to hire another company, then the City would be billed by Progressive for the time involved with the grant application; if Progressive does the electrical work, they would not bill the City for preparation of the grant application. Progressive's prices are comparable with other similar companies.

35 Information regarding awards for the Grant should be available by April 1, 2010.

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42 *3. Rocky Mountain Subdivision, Plat B (Release of Durability Retainer):*

43 "The developer has opted to allow us (City) to complete the required collars for the remaining valves and manholes. It would require Council approval to do this work in-house. The developer has agreed to cash-in-lieu funds, to satisfy contractor's bids, and I feel that we could do the work for less and be sure that the work is done as per City standards. I anticipate the work to take less than 8 hours for Wayne and myself, and the concrete would cost approximately \$150.00. We have the backhoe and the jackhammer to cut the asphalt and haul off the spoils." (\$1,950 for 5 water valves and 2 sewer manholes.)

44 Mr. Stephens cleared this concept of cash-in-lieu of actual installation of the repairs with the City Engineer, Craig Neeley. After the cash-in-lieu funds have been received; then the balance of the development bond can be released to the developer. There will also be \$1,500 held out of the bond to cover the utility trench and the durability time period is to be extended for an additional year because the developer did not call for inspections.

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4. Water System Telemetry Upgrade:

62 A. Scada (telemetry) Upgrades: "The existing telemetry system only utilizes three of the four alarms. There are no alarms for power failures, intrusions, pump failures, etc. The following proposal will certainly allow for better monitoring of the water systems using alarms with increased specifics. This upgrade includes a pc based dialer that gives the capacity of unlimited alarms as well as ease of programming. Upgrades also include required expansion of existing hardware in some locations as well as salvaging the system used on the old Cloward Well and using it at the Oak Lane Booster Pump. SKM proposal: minimum \$7,400 to \$9,000 plus; with the addition of hatch switches, temperature sensors, etc. The implementation of the controls to the Oak Lane Booster would come later."

63 Councilmember Haskell felt this request is more of a "convenience" than a "necessity".

Mayor Lutes responded that much of the equipment is available in the old pump house; it needs to be moved up from the pump house to be able to use it.

With the programming in this system, we would also get the controls to be able to turn the pumps on at a given time (not when the tank levels are down); this would result in a reduced rate on the power bill because of using "off-peak" hours.

The equipment is available, but needs to be re-programmed to make this happen; which would be the \$7,400 - \$9,000...this would include re-programming, additional controls, contacts, expansion to the systems in all the buildings currently. In the long run, it will pay for itself in savings (in perhaps 5 years). Just to turn the Cloward Well on, it is \$1,030 at the speed it is set at currently (80%)...at 100%, the highest demand charge has been about \$1,300 in a month. If the City can turn the pump on in off-peak hours, then SESD will waive the demand charges...the only way to control that is either manually, or re-programming the Scada system.

(To fund this, it is proposed to use part of the Capital Outlay money set aside to replace the water main on Canyon View Drive; postponing the line replacement until next fiscal year.

Mayor Lutes: Part of this is to allow the Fairway Tank to be kept full from the Hillside Tank...so the Loafer Canyon Well can service all the tanks.

Corbett Stephens: (Memo from Mr. Stephens to Council) "Solenoid Valve Installation at Fairway Booster Station: this valve installation would facilitate automatically filling the Fairway Tank from the Hillside Tank, through the booster pump line; eliminating the energy usage except for lights, heating and controls. The material required to install this valve totals \$4,076.36, plus freight."

00:23:19

VOLUNTEER PROJECTS
- ERIN CLAWSON

Councilmember Clawson passed out folders to the Council with a summary of the status of the Volunteer Projects. The information in the packets is all subject to change as the projects take actual form. She requested Council input to determine direction for these projects.

- Councilmember Clawson submitted a sampler flier to go out with the utility bills, inviting citizens to "Catch the Spirit of Elk Ridge", by donating time, talents, tools, materials and financial support.

- She suggested initiating the Volunteer Campaign by door-to-door visits from the Councilmembers...she invited all to her home to gather.

- In the packet there was a list of various service projects that could be considered

- Recognition: Perhaps a "Service Tree" in the City Office with plaques bearing names of donors

- A visual "barometer" could let passers-by know how the projects are coming along...

- The process of receipting and recognition was discussed.

- Tool Drive: Donation of tools (list provided in packet)

Youth Council: She feels a Youth Council would be a great service to Elk Ridge. She has been in the process of informing herself on the benefits. This Youth Council could assist in implementing some of the service projects for the City. Councilmember Clawson is willing to be the advisor to the Youth Council for now; after it gets going for a while, the City could advertise for an advisor.

Time was turned over to Ed Christensen, a citizen who is assisting in heading up these volunteer projects.

Ed Christensen: He is offering his time and talents to assist in organizing the volunteers. He started in his own neighborhood to get an idea on willingness to participate. They started to make a list of possible projects. He feels there plenty of individuals willing to participate in various ways.

Continued management of the projects will mean success.

Mayor Lutes: He suggested budgeting about \$5,000 to initiate these projects.

City Recorder: There is about \$4,800 + in Fund Balance in "Capital Projects Fund / Trails" that could be transferred over to the General Fund to get the projects started. As donations come in, these could be applied to reimburse this account.

00:42:02

The General Fund appears that it will continue to be "in the black".

Ed Christensen: Each project will be outlined, including cost estimates. Before spending money, he would like to see how much can be accomplished through volunteerism.

Erin Clawson: Donations can be specified to be applied to a particular project. A Youth Council could assist in these projects, as well as with the City's 4th of July Celebration.

Mayor Lutes: With the City Council's support, these projects can develop and be successful and all can "catch the spirit of Elk Ridge".

00:46:07

PROPOSED CODE
CHANGES –
SHAWN ELIOT

1. PUD Discussion: Mr. Eliot gave the applicable memos, codes and ordinances to the Council at the last City Council Meeting for review. He was hoping the Council would come with any comments or questions.

Clarification: R-1-12,000 Zone: (This is where the current PUD is) In the proposed Code, since the R-1-12,000 Zone is converted back to a normal single family zone; in the PUD Overlay Zone (proposed) multi-family units are permitted. Even though this is an overlay zone, PUD's are only allowed in the R-1-12,000 Zone.

The Senior Overlay Zone is different; it allows townhomes, duplexes, etc. These will be the City's only 2 zones that allow multi-family units, other than the Commercial Zone, which allows housing on top of the commercial units.

The Council had no comments or questions and felt prepared to vote on the proposed code later in the Regular Session.

2. Storage of Junk & Debris: This is a portion of the City's Development Code that says residents are allowed to have two items of "junk" in the front yard. This contradicts the new Nuisance Code and needed to be taken out of the Development Code portion of the City Code.

3. *Conditional Use Notice Requirement:* About 5 to 6 years ago, the State changed the noticing requirement for new subdivisions and new ordinances from 14 days to: Subdivisions – 3 days & Ordinances – 10 days. At that time, the Conditional Use Code was overlooked regarding noticing requirements; on the State level, there is not specific requirement. The recommendation of the Planning Commission is to change the notice requirement from 14 days to 3 days. Mayor Lutes suggested going from 14 days to 10 days notice; he felt 3 days was not enough time. After discussion, it was decided to go to 10 days notice.

INVITATION TO GENERAL PLAN OPEN HOUSE

Shawn Eliot: The Planning Commission extended an invitation to all City Council Members to attend the General Plan Open House on February 11, 2010, from 6:00 PM to 8:00 PM. Mr. Eliot will supply a copy of the proposed General Plan to each Council Member.

00:57:12

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7:00 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd & Erin Clawson (Absent: Sean Royslance); *Building Official/Public Works:* Corbett Stephens; *City Planner:* Shawn Eliot; *Public:* (Salem High School Students) McKade Wait & Ryan Rowley; Ed Christensen & Paul Eddy; and the *City Recorder:* Janice H. Davis

OPENING REMARKS & PLEDGE OF ALLEGIANCE

An invocation was offered by Derrek Johnson; who also led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME FRAME

**WESTON YOUD MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:05 PM
VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE**

PUBLIC FORUM

No one was present to approach the Council.

CITY COUNCIL MINUTES

A. City Council Meeting 1-12-10:
**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 1-12-10, AS PRESENTED
VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE**

1:01:08
ACTION ON CODE CHANGES:

1. PUD Code:
Weston Youd: He voiced appreciation to the Planning Commission and to the City Planner for the work on this proposed code. This will be useful as growth occurs.
The Council agreed with the expression of appreciation to the Planner and the Planning Commission.
**ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, THAT IN REVIEWING THE PROPOSED CHANGES TO THE PLANNED UNIT DEVELOPMENT CODE AND THE R-1-12,000 PUD ZONE CODE, THE CITY COUNCIL AGREES WITH THE PLANNING COMMISSION'S FINDINGS THAT THE NEW PUD OVERLAY CODE AND REFORMATTING THE R-1-12,000 PUD CODE INTO A NORMAL SINGLE FAMILY RESIDENTIAL ZONE WILL ALLOW THE PLANNING COMMISSION AND THE CITY COUNCIL TO FOSTER BETTER PUD DEVELOPMENTS AND PROVIDE FOR THE RECREATIONAL ACTIVITIES THAT WILL BE NEEDED WITH A GROWING POPULATION. THE COUNCIL ALSO AGREES WITH THE PLANNING COMMISSION'S FINDINGS THAT THIS CHANGE IS IN KEEPING WITH THE GENERAL PLAN TO CREATE A VARIETY OF HOUSING TYPES AND PARK SPACE. THE COUNCIL ALSO AGREES WITH THE PLANNING COMMISSION IN FINDING THAT, WITH THE PROPOSED CHANGE, THE LARGE SCALE DEVELOPMENT CODE IS NO LONGER NEEDED AND THAT THE MOUNTAIN HOME DEVELOPMENT CODE SHOULD BE RELOCATED IN THE DEVELOPMENT CODE, WITH THE ADDITION OF AN APPROVAL PROCESS AND THE CHANGE TO STANDARDIZE ROAD GRADES
VOTE (POLL): ERIN CLAWSON-AYE, JULIE HASKELL-AYE, DERREK JOHNSON-AYE & WESTON YOUD-AYE (4) NAY (0) ABSENT (1) SEAN ROYLANCE**
Passed 4-0

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2. Storage of Junk & Debris:

No further discussion.

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, THAT AFTER REVIEWING THE PROPOSED RESCINDING OF 10-12-7 "STORAGE OF JUNK AND DEBRIS" OF THE DEVELOPMENT CODE AND REVIEWING THE PORTIONS OF THE NEWLY PASSED NUISANCE CODE THAT COVERS JUNK ACCUMULATION AND DISTRESSED VEHICLES, THE COUNCIL FINDS WITH THE PLANNING COMMISSION THAT THE RESCINDING OF 10-12-7 WILL TAKE AWAY ANY CONFUSION OF HAVING CONTRADICTING CODE IN DIFFERENT LOCATIONS OF THE MUNICIPAL AND DEVELOPMENT CODES; THAT THE NEW NUISANCE CODE IS MORE APPROPRIATE IN DISALLOWING JUNK ACCUMULATION AND THE STORAGE OF DISTRESSED VEHICLES IN OPEN AREAS; AND THAT THE NUISANCE CODE IS A MORE APPROPRIATE LOCATION IN THE MUNICIPAL CODE TO ADDRESS THESE ISSUES RATHER THAN THE DEVELOPMENT CODE. THE CITY COUNCIL RESCINDS 10-12-7 OF THE DEVELOPMENT CODE.

VOTE (POLL): WESTON YOUD-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE & ERIN CLAWSON-AYE (4) NAY (0) ABSENT (1) SEAN ROYLANCE

Passed 4-0

1:06:18

3. Conditional Use Notice Requirement:

When there is no State requirement, it is as stated in City code.

Changes:

- Change from 14 days to 10 days notice (not 3 days)
- Agree with recommendation to change from 200' to 300' for notice area

DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, THAT THE CITY COUNCIL, AFTER REVIEWING THE PROPOSED CHANGES TO 10-12-37 "CONDITIONAL USES", AGREES WITH THE PLANNING COMMISSION FINDINGS, EXCEPT THAT THE CHANGE WILL GO FROM 14 DAYS NOTICE TO 10 DAYS NOTICE, RATHER THAN THE RECOMMENDED 3 DAYS NOTICE, FOR A CONDITIONAL USE PUBLIC HEARING. THE COUNCIL FEELS THAT 10 DAYS IS MORE IN LINE WITH THE ORDINANCE APPROVAL CODE AND STATE LAW; AND IS A REASONABLE AMOUNT OF TIME TO RECEIVE A PERSONAL NOTICE BY MAIL. ALSO, THE COUNCIL FINDS THAT CHANGING THE NOTICE AREA AROUND THE PROPOSED CONDITIONAL USE FROM 200 FT. TO 300 FT. WILL BETTER NOTICE THE LAND OWNERS THAT COULD BE AFFECTED BY THE PROPOSED USE

VOTE (POLL): WESTON YOUD-AYE, DERREK JOHNSON-AYE, JULIE HASKELL-AYE & ERIN CLAWSON-AYE (4) NAY (0) ABSENT (1) SEAN ROYLANCE

Passed 4-0

1:14:03

ROCKY MOUNTAIN SUBDIVISION, PLAT B – RELEASE DURABILITY RETAINER

There was a review of the exceptions to the requested release:

- \$1,500 to be held for additional year for the utility trench
- \$1,950 to be paid to the City to install collars and manholes

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, THAT THE CITY COUNCIL AGREES THAT BESIDES THE AMOUNTS LISTED BELOW, THAT THERE IS NO FURTHER FINANCIAL OBLIGATION ON THE PART OF THE DEVELOPER FOR THE ROCKY MOUNTAIN SUBDIVISION, PLAT B:

1. \$1,500 IS TO BE HELD IN DURABILITY FOR ONE ADDITIONAL YEAR, ENDING NOVEMBER 1, 2010; FOR THE UTILITY TRENCH
2. THE DEVELOPER AGREES TO PAY \$1,950 TO ELK RIDGE CITY TO COMPLETE THE REQUIRED COLLARS FOR THE REMAINING VALVES AND MANHOLES;

AND TO RELEASE THE REMAINDER OF THE DURABILITY RETAINER TO THE DEVELOPER

VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLANCE

1:17:07

SALES & FRANCHISE TAX REVENUE BOND, SERIES 2007 –

Mayor Lutes: Wells Fargo prepared a payment schedule based on \$620,000; with the payoff amount at \$636,895.00. The difference will be made up in the lower payment due June 1, 2010.

Mayor Lutes was authorized to move forward and secure these figures to be considered by the Council. The payoff would be scheduled for March 1, 2010.

CHANGE IN TERMS

City Recorder: The bond money, amounting to about \$627,000 will be transferred into the General Fund from Capital Projects (Fund Balance); and it will go back out in the form of the bond payment. The budgeted portion of the Bond Payment will increase due to the payoff; however, the 2nd payment for this fiscal year will decrease by about 1/2 and the future payments will be considerably less. The payment schedule indicates the annual payments will go from about \$141,000 down to about \$76,000 - \$78,000; this represents about a \$67,000 per year savings. The figures sent to us by Wells Fargo Bank did not have the salt shed figured into the calculations; so that needs to be adjusted.

The requisition form to be reimbursed for \$8,043 for the salt shed has been submitted.

The Council approved of the payment schedule, with the figures adjusted to account for the salt shed; with the payoff date of March 1, 2010.

The amended figures will be part of the amended budget public hearing.

1:23:20

APPOINTMENT – SESD BOARD OF DIRECTORS

This was discussed at the last Council Meeting; but the appointment was not on the agenda for action. This is a City Council appointed position. Mayor Lutes recommended appointing Corbett Stephens as the City's representative.

Julie Haskell: She meant no disrespect to Mr. Stephens; but she feels the City's representative should be a user of SESD power.

Mayor Lutes: He clarified that the By-laws for SESD require elected representatives to be users; however appointed representatives do not have to be.
WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPOINT CORBETT STEPHENS TO THE POSITION OF THE ELK RIDGE CITY REPRESENTATIVE TO THE BOARD OF DIRECTORS FOR SESD (SOUTH UTAH VALLEY ELECTRIC DISTRICT)
VOTE: YES (3) NO (1) JULIE HASKELL ABSENT (1) SEAN ROYLANCE

NON-AGENDA ITEM

Mayor Lutes: He announced to those present that he has asked Council Member Erin Clawson to fill the position of Mayor Pro-tempore, and she has accepted the responsibility.

1:25:15

EXPENDITURES:

General: None

1. *Anti-cavitation Trim:*

All of the proposed upgrades to the water system will be considered one Water System Improvement Project. The items will be voted on one at a time.

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE \$1,675.00 FOR THE PURCHASE OF AN ANTI-CAVITATION TRIM; TO BE FUNDED THROUGH THE FUNDS SET ASIDE IN CAPITAL OUTLAY IN THE WATER DEPARTMENT...WITH THE INTENT TO POSTPONE THE REPLACEMENT OF THE WATER MAIN ON CANYON VIEW DRIVE UNTIL NEXT FISCAL YEAR
VOTE (POLL): WESTON YOUD-AYE, DERREK JOHNSON-AYE & ERIN CLAWSON-AYE (3)
NAY (1) JULIE HASKELL ABSENT (1) SEAN ROYLANCE

Passed 3-1

2. *Scada System Upgrades:*

After Council discussion, it was decided to postpone approval of the requested upgrades until a detailed breakdown of the costs is available to consider. Action will be on the next Council agenda. The Council did not feel comfortable with an open-ended estimate.

The estimate needs to include:

- intrusion alarm
- Temperature gauge

Mr. Stephens was given direction to include the items he feels are important in the detailed breakdown.

2. *Solenoid Valve Installation (Fairway Booster Station):*

WESTON YOUD MOVED, SECONDED BY DERREK JOHNSON, TO APPROVE THE PURCHASE OF A SOLENOID VALVE; TO BE INSTALLED AT THE FAIRWAY BOOSTER STATION; AT THE COST OF \$4,076.36 + FREIGHT
VOTE (POLL): WESTON YOUD-AYE, DERREK JOHNSON-AYE & ERIN CLAWSON-AYE (3)
NAY (1) JULIE HASKELL ABSENT (1) SEAN ROYLANCE

Passed 3-1

3. *Replace borrowed parts (Woodland Hills) and purchase additional parts for system repairs:*

The City needs to obtain parts to have on hand for system repairs. This is considered "operating expenses".

4. *Volunteer Projects – Authorize \$5,000 to begin the upgrades:*

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE \$5,000 TO BE ALLOCATED TO VOLUNTEER PROJECTS; TO BE REIMBURSED WITH DONATIONS, AS THEY ARE SUBMITTED
VOTE (POLL): WESTON YOUD-AYE, DERREK JOHNSON-AYE, ERIN CLAWSON-AYE & JULIE HASKELL-AYE (4) NAY (0) ABSENT (1) SEAN ROYLANCE
Passed 4-0

1:58:49

NUISANCE CODE DISCUSSION

Mayor Lutes: At the last Council Meeting, the Council discussed the possible code changes as well as conversing with Jim Harvey (resident opposed to the Nuisance Code). Mr. Harvey and the other residents opposed to the code feel that City government should not be involved in controlling what people have on their own property. The Council listened and the Mayor assured him that he would consider the issues that have been presented to the Council. Mayor Lutes also asked Mr. Harvey to submit a summary or a list of concerns. He has not done so, nor has he come in to visit with the Mayor. The Mayor asked Mr. Harvey to be patient due to the amount of business to be dealt with currently.

Councilmember Youd offered to compare the old code with the new for changes...and, according to Councilmember Youd, the only changes were in the enforcement mechanism and how they are applied.

Weston Youd: The nuisance portion was the same; it has not been consistently enforced.

Shawn Eliot: The new code also clarified the definitions, which cause some of the consternation among a few residents.

Mayor Lutes: The new has replaced the old with greater specificity. The Council may want to consider some of the suggested changes.

Weston Youd: He is opposed to returning to vagueness; operationally, the new code is clearer.

Mayor Lutes asked that the Planner review the options with the Council:

Shawn Eliot: (Reviewed the memo to the Council, dated 1-26-2010)

"At the council meeting on 8 Dec 2009, citizens expressed their concerns about the new code positively and negatively. The main concerns heard were ranged from, "we need to enforce the code", or "we are a country small town that shouldn't have these rules", or "residents should be able to talk to each other and not involve the city". Some like the new code as is, some would like the new code rescinded and the old code returned.

Another comment at the meeting was brought up regarding the comparison of Elk Ridge to other cities, some of which were larger than Elk Ridge such as Murray and St. George. It was stated that we are not as large as these cities and should not have rules like them. One thing to note, while these cities do have more population, commercial districts, multi-family districts, large roads and freeways, they also have single family neighborhoods that are similar to our neighborhoods.

Trailers/Boats/RVs/Junk Automobiles in Front Setback

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

1. About 80% of the 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 that 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 then 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 then in front. Is this ok?

Options (Heard from the comments from the Council and the public)

1. Revert back to old code completely and don't classify any nuisances.
2. Keep current code; just remove the storage of trailers/boats/etc. section.
3. Keep new code and clarify some areas of concern found in this first round of nuisance issuances.
 - a. Should storage of a trailer, boat, etc. in the front yard setback be allowed, period? (All lots instead of just corner lots).
 - b. Where in the front yard setback can these items be stored (graveled area, cement pad, adjacent to the driveway only, anywhere in the front yard).
 - c. How close to the street can they be stored (closer to home than street, out of ROW, or just a measurement from the street like 10 or 15 feet?)
 - d. If not to allow one item in front yard setback, can a portion of a stored item on the side of a dwelling stick out into the front yard setback? More behind the dwelling than in front? A measurement in front of the dwelling like 10 feet?
 - e. For home owners within the 2 year window of installing front yard landscaping, should the city allow for items to be stored in front yard setback because fencing or cement/gravel driveway pads are not yet installed?"

The question for the City Council was whether to revert to the old code or keep the new code and refine it. Mr. Eliot reminded those present that storage of "junk" is in another part of the code. Councilmember Haskell felt we should keep the new code, but refine it; in fact, the Council agreed. Any directions from the Council still had to be placed in ordinance form and brought back to the Council for approval.

Direction from the City Council regarding the options listed in the memo from the Planner:

1. Do not revert back to the old code.
2. No; there will be a limit on the number of items...the code does allow for trailers/boats/etc. while in use.
3. Keep new code with clarifications:

- a. Storage of items allowed on all lots (interior & corner)? (Yes.)
- b. Where in front yard? After discussion, the general direction was that items could be stored on both sides of the yard, on some type of a permanent surface; but not in landscaped areas.

The point was made that only one item could be stored, so they would not be parked on both sides of the driveway.

- c. How close to street? Stay out of the Right-of-way. (There was a suggestion to have the City provide storage space for RV's etc. that residents could rent. Liability is costly and the point was made that people would not want to reside by an area like that; nor would it be good to have a space like that by the golf course.) (Questions c & d overlapped a bit in discussion.)

- d. Councilmember Youd feels that residents make a choice as to what their priorities are: if they choose to install a structure that forces them to place their stored item in the front yard, then they choose to store that item somewhere besides their lot. Corbett Stephens brought up the perspective of enforcement; would it become a judgment call as to what would have to go? Since the code allows one item in the front yard, would judgment be too subjective? The code has to be enforceable.

The opinions were split; Councilmembers Youd & Johnson agreed that the item should be stored on the side if possible...with Councilmembers Haskell & Clawson feeling it is reasonable to allow one item in the front yard, regardless.

The Mayor recommended allowing one item in the front yard regardless of what structure is to the side of their yards.

Stored items must stay out of the ROW.

- e. Items stored during 1st two years; before landscaping requirement is enforceable? It was felt that the owner should submit a plan and the City would work with the owner. The Council felt the City should not be as strict during the 1st two years; however, items should be stored on gravel or cement pads.

2:14:33

#3 on the memo (courtesy letter for nuisance findings)? *The Council suggested that there should be a courtesy letter sent out.*

Other Issues (memo):

1. Garbage cans? *Leave the new code as is;* allowing 24 hours to take cans in. The cans do get in the way of snow plowing.

2. Smoking? *Leave the new code as is.*

Paul Eddy: He commented that the responses to the article in the Deseret News were nearly all in favor of the Nuisance Code (88% in favor).

*The Planner is to check the code for details on accessory buildings; are they considered “accessory to the main dwelling or can they exist on a lot without the main dwelling?

*This should be on the Agenda for the next Council Meeting for action.

The Planner suggested sending out a final letter explaining the final action taken by the Council; that there were compromises made...and that the City will allow until April 1, 2010 for those in violation to address their particular issues. In the future, the courtesy letters will be sent out first.

2:54:06

NON-AGENDA ITEMS

Weston Youd:

1. He would like to provide information on the Utah Lake Commission; it has been suggested that the City consider membership. He will send this information to the Council.

2. Legislative Session:

He attended the legislative committee for the Utah League of Cities & Towns (ULCT). He will continue to attend those meetings every Monday of the Legislative Session.

Paul Eddy volunteered for city service.

ADJOURNMENT

Mayor Lutes adjourned the Council Meeting at 9:05PM.

City Recorder