

**ELK RIDGE
CITY COUNCIL MEETING
February 23, 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, February 23, 2010, at 7:00 PM**; this was preceded by a **Public Hearing at 6:00 PM**, on a proposed amendment to the 2009/2010 fiscal year Budget; and **City Council Work Session items**. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

10 Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on February 18, 2010.

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13 **6:00 PM –**

PUBLIC HEARING – PROPOSED AMENDMENT TO THE 2009/2010 FISCAL YEAR BUDGET

Public Hearing/To consider a proposed amendment to the 2009/2010 Fiscal Year Budget for the operation of Elk Ridge City

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17 ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Royslance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner:* Shawn Eliot; *Public:* Scouts: John Watson, Shad Ashton, Tyler Christensen, Ben Brimhall, Jose Bardales, Joseph M., Tyler Denning, Steven Nielson, Colton Henderson, Justin Tuckett, Mike Abbott, Caleb Frandsen & Isaac Tally; Matt Reichman (Daily Herald), **M. Merrill**, Kirk Denning, Rick Thayne, Nelson Abbott, Eric Rassi, Karla Adams & Lindsay Stevens; and the *City Recorder:* Janice H. Davis

22 Mayor Lutes opened the Public Hearing at 6:00 PM.

23 *Discussion:*

24 The City Recorder briefly reviewed the proposed Budget with the City Council and those present; pointing out that the "budget notes" explain most of the individual accounts. The Council Members had the proposed budget provided to them in their Council packets.

25 Overall, the City's finances are doing better than they have in the recent past; the cuts in expenditures have resulted in the Fund Balance in the General Fund increasing from the original figure of \$8,733 to the projected figure of \$34,782 by June 30, 2010.

26 The projected increase is partly due to very conservative spending as well as some added revenue; listed below are some of the larger increases:

- 27 - General Sales Tax: \$7,000 increase
 - 28 - Personal Property Tax (Motor Vehicle): \$10,000 increase
 - 29 - Building Permits: \$15,000 increase
 - 30 - Safety Grant: 0 to \$1,078
 - 31 - Road Impact Fees (due to increase in Building Permits): \$5,730
 - 32 - Transfer in from Capital Projects/Trails (from unused Fund Balance in that Fund): \$4,837
 - 33 - Reserve Emergency Preparedness Fund Balance (saved from previous years): \$2,041
- 34 General Fund Expenditures have actually stayed about the same as the original budget and have even increased in some areas:
- 35 - Emergency Preparedness: Increase from \$1,000 to \$4,041 (due to reserve Fund Balance and Council decision to increase the current year budget by an additional \$1,000. (The additional money is to be used to purchase radios, batteries and carry-cases. Council Member Youd asked if the radios need to be licensed...*this will be checked out.
 - 36 - Postage: Increase from \$1,500 to budgeted \$2,500 (this amount will likely be reduced by the end of the fiscal year).
 - 37 - Volunteer Projects: Increased from \$500 (typically reserved for Eagle Projects at \$100 each) to \$5,500 (to get the projects started for the "Catch the Spirit" effort and is covered by the transfer in from Capital Projects/Trails)
 - 38 - Purchase of Equipment: Increase from usual beginning figure of \$1,000 to \$2,000 to cover the cost of the purchase of a new PC for the Planning Commission Asst. (her old one went to Public Works, since it crashed).
 - 39 - Road Salt: Increase from \$10,000 to \$12,000 to cover increase in costs
 - 40 - Street Repair: Increase from \$62,000 to \$79,595...to cover actual costs of repairs & maintenance; as well as an additional \$2,000 for spring repairs and fixing collars for Rocky Mountain Subdivision; this amount (\$1,950) was paid to the City by the developer.

41 The Council's decision to pay back the rest of the bond money (627,000) onto the Sales & Franchise Tax Revenue Bond is shown in the General Fund Budget; however, the money transfers in and then out again, so it does not really affect the General Fund totals much.

42 *Water Fund:*

43 The budget will reflect the decrease in Capital Outlay for the replacement of the water main on Canyon View Drive; which will be moved to next fiscal year. The current year will cover the upgrades to the telemetry system and valves in the water system.

44 *Water & Sewer Funds:*

- 45 - Impact Fees are increasing in both Funds due to the increase in Building Permits.

46 *Much of the discussion of the budget has taken place at previous Council Meetings.*

47 There was no further discussion.

48 Due to amending the Agenda, the adoption of the proposed budget was inadvertently left off of the Regular Session and will have to be carried over to the next City Council Meeting.

49 At 6:30 PM, Mayor Lutes closed the Public Hearing.

0:13:06

TANK FENCING – UPDATE

Part of the Fairway Water Tank Project included security fencing. Cost projections have been submitted that would increase the \$10,000 budgeted amount and spread the installation of the fence out over this and next fiscal years. The Mayor, some of the Council Members and the City Planner have been to the tank site to try to determine where the fence should go and the type of fencing to be used.

There is a side issue involving the proposed fence which involves a resident on Cove Drive (close to the hill where the tank is located). Mr. Scribner lives on the cul-de-sac and has a playground area that lies on City property and is part of the open space where the tank was installed.

Issue: what to do about fencing that playground area and what to do (if anything) with that City property. Mr. Scribner has been in to see the Mayor; he offered the possibility of the City tying into his existing fence and asked that the City leave the playground area attached to his lot. Mr. Scribner feels there has been a hardship placed on him in that he did not have the fact that the City owns the land disclosed to him prior to him purchasing the lot; and he was not aware of the City’s plans to install the tank.

There has been no offer to purchase the land. Shawn Eliot provided the Council with a map of the area, indicating ownership boundaries; this was reviewed by the Council and the Planner. The map shows that Mr. Scribner’s play area is clearly on City property.

Shawn Eliot: He explained that when the water tank was built, the hill was not supposed to be as steep as it is and was to go down to the playground area; however, it did not and the playground space was left as it was.

Mayor Lutes: In his discussion with Mayor Lutes, Mr. Scribner expressed his desire to have a low fence around the City property to fence off the retention basins...for safety with small children.

The Mayor outlined a possible location for the fence and gate(s). Regardless of how the fencing project is completed, he does feel the tank should be fenced for security reasons. The Council will have to decide the particulars:

- Higher or lower fence
- Barbed wire on the top or not
- Location

City Recorder: She mentioned possible liability problems with a private playground on City property.

Weston Youd: He would like to determine the specific purpose of the proposed fence. If the main point is to secure the tank and pump house, then why not fence closer to the tank and pump house and keep the other property as open space, which is what the design was originally? He would also like to separate off the playground issue from the fencing issue.

Sean Roylance: He agreed that the issues should be considered separately.

1. Fencing the City property
 - A. Height, Color etc.
2. What to do about Mr. Scribner’s playground area

Julie Haskell: She was unsure of the reasoning to take the fencing down around the entire City-owned land around the tank. She felt it would be better to fence closer to the tank and pump house.

Derrek Johnson: He was also concerned about the possible liability issues associated with the retention basins as well as the playground area.

Discussion on alternate locations for the fence followed.

**It should be determined what, if any liability issues there are.*

Weston Youd: He is more concerned about the liability around the playground area than the retention basin; there are other retention basins in the City and they are not fenced. Salem has retention basins and they are used as parks.

Sean Roylance: He agreed with Council Member Youd regarding the retention basins.

There is the possibility of any fencing being an “invitation” to mischief rather than a deterrent.

Mayor Lutes: He reminded everyone that there are guidelines from the Drinking Water Committee that must be considered. Regardless of where or how the fence is installed, there are “hardening” measures (things to make the tank and pump house more secure besides the fencing) that must be taken to assist in ensuring the safety of the City’s water.

There was further discussion regarding fencing just around the tank and pump house; leaving the road and walking trail open (a locked gate was suggested); and expected uses for a 4’ fence vs. a 6’ fence.

Erin Clawson: She mentioned planting trees to obscure the fence.

Weston Youd: He was not sure if the budget could handle trees added to the fencing. Fencing less property fits into the budget better.

0:38:47

Mayor Lutes commented that the discussion had been useful; but any action would be taken after more consideration and discussion at another meeting.

- Generally, the Council felt the least amount of fencing located closer to the tank would be preferable.
- They were all in agreement that access to the pump house and the tank should be secured better.
- Mr. Scribner’s playground area needs to be addressed before long, as well.

0:47:48

PUBLIC FORUMS - DISCUSSION

Mayor Lutes: Public Forums:

- Does the Council feel they should be on the agendas?
- How should they be conducted?

The Mayor stated that he feels Public Forums should give the public the opportunity to voice opinions without expecting an immediate reaction from the Council.

Derrek Johnson: He agreed with Mayor Lutes; he cautioned about allowing them to go on too long.

Mayor Lutes: The Mayor shared with the Council that there are plans to re-model the Council Table; as well as making room for a small podium for citizens to approach the Council in a more formal manner.

City Recorder: She shared that she attended a Salem City Council Meeting where a ½ hour public forum was allowed. Though the topic was a controversial one, the public that spoke were allowed three minutes to speak from a podium; then they sat down. There was no immediate response from the Council Members at the time. It was respectful and orderly.

Weston Youd: He feels the Council should be “exposed to the constituents at all times”. He also agrees that there should be structure involved in the approach to the Council. He would like to be able to discuss issues with the public, perhaps outside the Council Meetings; but the Public Forum allows a way to become aware of the issues.

Julie Haskell: She agrees that the public should feel like they have a voice with the Council.

Erin Clawson: She also felt the public should have access to the Council.

0:53:30

NUISANCE CODE –
DISCUSSION

Shawn Eliot: The City Council requested that three items be adjusted in the proposed Nuisance Code; these include:

- Prohibit the storage of junk, distressed vehicles and other materials on a vacant lot or obscure from view of the street (ok if within a fenced area or structure).
- Allow for one Trailer, Boat, ATV or Recreational vehicles to be stored between a home and the street.
- Storage of these items between the home and street must be on an approved pad.

The Council preferred he simply review the “Results” listed in the memo:

(Each of the following items are considered a “nuisance”)

“RESULT

4-2-1-30-30 Parking or Storage - Distressed Vehicles

Parking or storage of inoperative, unregistered, abandoned, wrecked or dismantled vehicles, or vehicle parts, outside of an enclosed structure or fenced area on premises, in the public right-of-way, on a street, on a vacant lot or parcel, or in view from a street.

4-2-1-30-31 Parking or Storage - Trailers, Boats, Recreation

Parking or storage of multiple trailers, boats, all terrain vehicles, or recreational vehicles between the front or side of a residence and a street is prohibited - storage of these items in the interior side and rear yards is permitted. A total of 1 of the aforementioned vehicles can be parked or stored in the front or side yard areas adjacent to a street provided that the vehicle is located in an area improved for parking (gravel, asphalt, or cement). Parking or storage of these vehicles within the street public right-of-way is prohibited. A reasonable amount of time, generally up to 2 weeks, to load/unload, clean, or repair these vehicles between the front or side of a residence and the street shall not be considered a nuisance.

4-2-1-30-37 Storage of Materials - General

The keeping, storing, depositing, accumulating, or maintenance of dirt, sand, gravel, concrete, or other similar materials on a lot, in the public right-of-way, on a street, or on a vacant lot or parcel for an unreasonable period of time, generally over 1 week.”

Discussion:

Most of the Council Members agreed with the changes as presented.

Council Member Clawson asked if she could read from a letter from a citizen regarding the proposed code:

(Citizen: Karla Adams)

“I would like to ask you to take into consideration those people who operate their businesses from utility trailers who need to have some place to park them. A lack of compassion for their situations is hard for me to understand.

Limiting the number of trailers (camping, utility, motorcycle) to 1-2 seems reasonable to me. Being able to park them in our driveways is important due to the uneven yards that a lot of people have in Elk Ridge. My side yard and back yard are down hill.

(Councilmember Clawson visited her lot and confirmed the statement regarding the steepness of her side & back yards and she agreed that it would not be possible for them to park their trailer there.)

Driving around Elk Ridge looking for weeds growing in people’s yards feels very un-neighborly and intolerant to me. I can’t imagine the city would have time to do that. I have a neighbor that has a very unsightly yard with weeds up to my hip in the back. Instead of seeing the weeds, I choose to see, until recently, a single mom with bad health. I see a woman that is doing her best to take care of her family. Unfortunately that means she doesn’t have the resources or the time and energy left to have a nice yard.

Being fined when you leave your garbage barrel out makes me shake my head in wonder. Where do I live?

Thank you again for making the effort to communicate with me personally about this issue.”

Council Member Clawson feels the City Council should consider these points as a vote is taken.

Mayor Lutes: He explained that the proposed Code does allow for a trailer to be parked on a pad in the front of a home.

Julie Haskell: She commented that the proposed code does address parking in the front.

Erin Clawson: She agreed that if the code were left as presented, the issue would be solved. “Weeds” is not covered in what was being addressed that evening.

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7:08 PM -

CITY COUNCIL MEETING – REGULAR SESSION AGENDA ITEMS

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *City Planner:* Shawn Eliot; *Public:* Scouts: John Watson, Shad Ashton, Tyler Christensen, Ben Brimhall, Jose Bardales, Joseph M., Tyler Denning, Steven Nielson, Colton Henderson, Justin Tuckett, Mike Abbott, Caleb Frandsen & Isaac Tally; Matt Reichman (Daily Herald), **M. Merrill**, Kirk Denning, Rick Thayne, Nelson Abbott, Eric Rassi, Karla Adams & Lindsay Stevens; and the *City Recorder:* Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An invocation was offered by Sean Roylance and Scout Mike Abbott led those present in the Pledge of Allegiance, for those willing to participate.

1:02:51
AGENDA TIME
FRAME

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:08 PM
VOTE: YES (5) NO (0)

CITY COUNCIL
MINUTES

A. City Council Meeting 2-9-10:
SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL MINUTES OF 2-9-10
VOTE: YES (5) NO (0)

NUISANCE CODE –
ACTION

Discussion:
Weston Youd: (Question on Enforcement) Is the Council interested in having a part in monitoring enforcement? He feels that notifying the citizens of the results of the Council's consideration of the nuisance issues would be in order.
Mayor Lutes: He feels the process is in place to allow enforcement. He has requested a file on each of those in violation, so action and responses can be effectively tracked.
Derrek Johnson: He feels that the citizens are always welcome to attend the open meetings; the agendas are available for review. Citizens have an obligation on their end to be informed.
Mayor Lutes: (Suggestion) The City Planner could write an article for the Newsletter.
Erin Clawson: She asked how many were still out of compliance with the code. (*Shawn Eliot responded that about 20% of those receiving letters were still out of compliance.*) She feels it is an act of "good will" to place an article in the Bugle to inform those involved.
Mayor Lutes: He also plans on individual contact with those affected. (*Council Member Clawson offered to assist with the personal contact; it seems to make the transition easier.*)
Sean Roylance: He agreed and felt that the same personal contact could be applied to the Landscape violations that are coming up in 6 months or so.
Shawn Eliot: There are about 50 Landscaping letters that will need to go out to citizens in violation of that code. The Newsletter is not always an effective tool to get information out to people.
Julie Haskell: She suggested courtesy letters as well as an article in the Bugle.
WESTON YOUD MOVED, SECONDED BY DERREK JOHNSON, THAT THE CITY COUNCIL APPROVE THE AMENDMENTS TO THE NUISANCE CODE AS PROPOSED IN THE STAFF REPORT; FINDING THAT THE AMENDMENTS TO THE CODE ARE FAIR AND BETTER DEFINE NUISANCES
VOTE (POLL): JULIE HASKELL-AYE, DERREK JOHNSON-AYE, SEAN ROYLANCE-AYE, WESTON YOUD-AYE (4) NAY (1) ERIN CLAWSON (CHANGED LATER TO "AYE")
Passed 4-1
(Then changed to 5-0)
When asked by Council Member Roylance for the reason behind Council Member Clawson's "nay" vote, she responded that she feels that there is a hardship placed on those with both recreational trailers and utility trailers. She is in favor of the City looking nice; but she feels this presents a "hardship". Some people are helped, not others.
Later, Council Member Clawson changed her vote to an "aye" vote; she felt she better understood the proposed code. So, the vote ultimately resulted in passage at 5-0.

1:16:41
APPOINTMENT TO
SESD

It was discovered that the representative to the SESD Board of Directors must be a user of the company. Mr. Stephens is not at this time. Mayor Lutes has offered to be the representative.

DERREK JOHNSON MOVED, SECONDED BY SEAN ROYLANCE, TO RATIFY THE APPOINTMENT OF MAYOR KENNETH O. LUTES AS THE ELK RIDGE CITY REPRESENTATIVE TO THE SESD BOARD OF DIRECTORS

VOTE: YES (4)

NO (1) JULIE HASKELL

*Adoption of the proposed Amendment to the 2009/2010 Fiscal Year Budget will be back on the agenda for the next City Council Meeting.
1:17:38

NON-AGENDA ITEMS

- 1) SUVMWA (South Utah Valley Municipal Water Association) – Weston Youd:
There are 285 acre feet of water reserved for use by Elk Ridge. The City did purchase a portion of that water for the “Cash-in-lieu program we had in place. Is the Council interested in using any more of their water rights? SUVMWA has an opportunity to sell those water rights to a company. Do we have enough? SUVMWA is not asking for Elk Ridge to purchase the water rights; they simply want to know if we anticipate using them for future growth.
Suggestion: to contact various developers that could be interested.
*Council Member Youd will get together with staff after he finds out more about the water right needs of any pending developers. He will then report back to the Council.
In response to Mayor Lutes’ question of who would be contacting the developers; he felt that, according to the code, for him to act for the City, he would have to be assigned by “advice & consent” of the Council. Contacting the developers would be the duty of the Mayor unless it was assigned to him.
*Mayor Lutes concluded he would then contact the developers.
Shawn Eliot: He felt that SUVMWA simply wants to know if Elk Ridge has any intent to use any part of that water; the response could be that we are interested in some, if not all.
Weston Youd: He can contact Bruce Ward (Salem) to find out more about SUVMWA’s intent. (Mr. Ward is the engineer for SUVMWA.)
Sean Roylance: He would prefer not spending any money unless we are sure of the sale to a developer.
- 2) Regional Sewer Plant: There are administrative decisions to be made regarding the future management of the Regional Sewer Plant; Elk Ridge would have no direct input in these decisions.
- 3) Mayor Lutes: He invited each of the City Council Members to write a short article for the Newsletter; keeping in mind that the goal is to have positive input...not “lectures”.
- 4) Council Member Roylance is to meet with Kara Cook to arrange for her to have access to the City Web Site for athletic announcements. He will be training her and any of the Council Members on the process. Council Member Clawson would like to be included in that training.

EXPENDITURES: General: None

ADJOURNMENT At 7:40 PM, the Mayor adjourned the Meeting.

City Recorder