

ELK RIDGE  
CITY COUNCIL MEETING  
May 11, 2010

TIME & PLACE  
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, May 11, 2010, at 7:00 PM; this was preceded by a City Council Work Session at 6:00 PM. A City Council Closed Session was scheduled for 8:45 PM, at the conclusion of the regular Session. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda as well as an Amended 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 May 6, 2010; & an Amended Agenda on 5-10-2010.

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

*Mayor: Kenneth O. Lutes; City Council: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; City Planner: Shawn Eliot; Building Official: Corbett Stephens; Public: Dairrel Gardner & Ryan Bingham (Spectra Management), Nelson Abbott, Lucretia Thayne, Jamie Towse, Kari Turner, Shaun Merrill, Melissa Merrill, Christina Larsen, Tiffani Currie, Terie Righetini, Tricia Gunnerson, Lucretia Thayne, Ray Brown, Fred Gowers, Doug & Cecile Scribner, Bryanne Colver, Cynthia Peck, Blain & Cathie Ogden, Jim Spencer, Kyle Houghton; and the City Recorder: Janice H. Davis.*

SPECTRA  
MANAGEMENT  
SERVICES

*Mayor Lutes introduced Mr. Gardner of Spectra Management:*

*Spectra Management met with the City Recorder about two months ago to propose replacing Utah Local Governments Trust (ULGT) as the City's insurance brokerage firm. The City Recorder was impressed with their presentation and updated the Mayor on the discussion. He agreed to have them provide information for the Council Members and to have representatives come to a Council Meeting to speak to the Council.*

*(Memo from City Recorder to Council – provided in their Council Meeting packets)*

*"Spectra Management: They have proposed taking over as the City's brokers for health care with PEHP.*

*The reason I agreed to listen to their presentation was that ULGT has seldom, if ever, acted proactively in the City's behalf regarding health insurance. ULGT has, on the other hand, been very good to work with regarding our other insurances (liability, property, etc.)...that is a different dept.*

*When I spoke with the representatives from Spectra, I was impressed with the proactive part they wish to play in working with the City (staff) and the City Council to act in our behalf...finding the best deal for the City.*

*In the past, we relied on former Council Member Abbott to analyze our insurance needs...and weigh options for the City. I like the idea of a representative coming in to train the Council directly and to research options to provide good coverage, and still be sensitive to City budgets. All we ever get from ULGT or PEHP is a renewal form and we are left to do the research ourselves.*

*They (Spectra Management) would not require any more from us than ULGT does for the fee, paid to them by PEHP or any other insurance company we would go with. We would also be on a month-to-month basis with them; so if we were dissatisfied for any reason, we would not be locked into a long-term contract.*

*Dairrel Gardner and Ryan Bingham were present to present a brief proposal, explaining the services offered and to answer questions."*

*There were no questions at that time.*

0:22:26

OAK HILL ESTATES,  
PLAT E – ZONE  
CHANGE REQUEST

*(Memo from Planner to the City Council, dated 5-11-2010)*

**"Background**

Mr. Fred Gowers, the owner of lot 1 of Oak Hill Estates plat E located at approximately 110 South Hillside DR., is requesting that his 1.5 acre lot be rezoned. Currently the lot resides within two zoning districts. The northeastern portion of the lot is within the R-1-15,000 Zone, the southwestern portion is located within the Hillside Residential 1 (HR-1) Zone. Mr. Gowers is proposing to rezone the HR-1 portion to R-1-15,000. Though he is not proposing to split his lot in this process, his future plan is to create 2 building lots. The HR-1 zoning would not allow 2 lots since lots must be at least 1 acre. The R-1-15,000 Zone allows third acre lots. His lot was created in 2006 by RL Yergensen through the subdivision process. Half of the lot has had extensive grading to provide access to one buildable area. This lot has also had considerable discussion about the need to re-vegetate the hillside on the eastern edge of the property abutting Hillside DR. At final plat approval, Mr. Yergensen was told by the council that any development on the back side of the lot in the hillside zone would have to come in under the hillside zone rules.

**Staff Findings**

The lot should be rezoned to be within one zoning district. The question is which rules and regulations should apply; those of the HR-1 Zone or of the R-1-15,000 Zone? Though there has been considerable grading on the property that has taken away much of the vegetation, there is still an undisturbed steeper area of the lot that would be protected under the HR-1 zoning. Whichever zone the lot is placed in, creating two lots in this terrain will be difficult due to steep slopes and driveway requirements. The HR-1 Zone has more requirements for cuts and fills and re-vegetation and would only allow one lot. The R-1-15,000 Zone does not have the cuts and fills and re-vegetation requirements, but still has driveway grade and retention wall requirements. Up to 2 lots could be created with the R-1-15,000 zoning.

It is important to note, though the applicant has indicated what he plans to do with the land if it is rezoned to R-1-15,000, the issue being reviewed presently is not his future plans, but what do both zones allow for this land and which zone is appropriate.

Since the planning commission made their recommendation of denial to rezone the land to R-1-15,000, Mr. Gowers has emailed the mayor (attached) stating that he believes that his lot was re-zoned as part of the subdivision plat process in 2006. He argues that the plat map lists the subdivision as being in the R-1-15,000 Zone, which is correct. He further states that after this the city later changed the zoning back (to two zones) with the re-write of the HR-1 Zone. Both arguments are incorrect. Mr. Yergensen never applied to re-zone the land as part of the subdivision process. Even with the omission of the CE-1 (now HR-1) Zone on the plat map, re-zoning the property is a legislative process that would have taken a separate action above the administrative action of creating a subdivision. The council minutes at the approval of the subdivision clearly state that all involved knew that the lot was within two zones (council minutes attached).

**Applicant Proposal**

Re-zone southern portion of lot from HR-1 Zone to R-1-15,000.

**Planning Commission Meeting/Recommendation**

The planning commission held a public hearing on 14 January 2010 to take input from the public. No persons were present regarding the matter. The planning commission discussion centered on concern about the scarring of the hillside that has already taken place and the need to enforce the HR-1 requirements on this property (see PC minutes on next page).

Jason Bullard motioned and Kevin Hansbrow to deny the request to change the zone from HR-1 zone to R-1-15,000. **Vote: yes – all, no – none, absent – John Houck**

Jason Bullard explained he denied the request because the planning commission cannot guarantee, if the zone is changed, what will happen to that hill and how many lots will be allowed. It cannot be guaranteed of how much the hill will be destroyed to make those lots work.

Kevin Hansbrow further explained that to get a driveway to work for lot 1B, it would create further scarring of the hillside, which has already been dug up.

**Council Discussion**

1. Is this area appropriate for third acre lots?
2. Are the protections of the HR-1 zone needed for this land or does the R-1-15,000 requirements suffice?
3. Should re-vegetation be an issue?"

Shawn Eliot: He reviewed the memo with the City Council, using maps to orient the Council with the areas being referred to.

Fred Gowers: He gave a brief history of the time when he purchased the lot and the research he did in conjunction with this purchase. He said that though he did not examine the zoning maps that were current at the time, he did refer to the plat map of the subdivision and found that it was in the R-1-15,000 Zone. He admitted that he could have done a "deeper due diligence" at the time...but he felt he was purchasing an R-1-15,000 lot. It was about 1 ½ years after the purchase of the lot that he learned of the CE-1 zoning on the back of the lot. In examining the criteria and restrictions in the HR-1 Zone vs. the R-1-15,000 Zone; he stated that are some 15 restrictions in the HR-1 Zone, with 8 very significant plan submissions & engineering evaluations that are required in HR-1. With what Mr. Gowers plans to do with his lot, the costs are much higher, if not prohibitive with the extra restrictions.

Mr. Gowers feels his zone change request is more of a "restoration" to the R-1-15,000 Zone. He feels that the HR-1 Zone was imposed on him at the time it changed from CE-1 to HR-1 (*this was addressed in the memo from the Planner*). He said that the Planner had been very helpful in assisting Mr. Gowers understand the entire picture; and he began to understand that there was a CR-1 line across the lot at the time that the plat was approved...but the plat was actually recorded as an R-1-15,000 plat. The Council at the time should have had this division noted on the plat. Had he known of the division, he said he probably would not have purchased the lot.

Shawn Eliot: Mr. Gowers was approaching the zone change request as a "restoration" and that was his view; but the Planning Commission was saying that it was never an "R-1-15,000 lot...there was an "omission" on the mylar recorded; but the zone change to make the lot all R-1-15,000 never occurred or even requested...and the minutes from the City Council Meeting even states that the Council was fully aware of the split zoning and that it was intended to be different zones, due to the terrain of the back portion of the lot.

He added that the one thing that has remained constant with the change from CR-1 to HR-1 zone is the one acre lot requirement. The only way to do anything except a one acre lot on this parcel would be to have the R-1-15,000 zone.

Mr. Eliot continued: It comes down to the Council deciding if there is a "fairness" issue; but there is no "legal" issue involved. It was an error on the Plat map that the dual zoning was not noted; but that happens at times.

Weston Youd: He asked if the plat map (mylar) is a legal declaration of zoning.

Shawn Eliot: He responded that it is not; the plat map is supposed to list things such as ownership of adjoining lots, current zoning, etc.; but to actually change a zone is a completely different process. There are other ways to determine zoning of a lot, like zoning maps and the City web site.

Weston Youd: He questioned further regarding the best way to determine applicable zoning.

Mr. Gowers: He responded, "The zoning map is the authoritative source"; however, he rarely refers to zoning maps, he said he typically will refer to plat maps.

Mr. Eliot: He made the point that it is the buyer's obligation to find out detail about the lot...Mr. Yergensen (developer of that lot) did know about the zoning on that lot.

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2 1:01:26  
3 PARKS

*Playground Equipment: (Council Member Johnson came into the Meeting later, so this topic had been postponed until his arrival.)*

Derrek Johnson: Council Member Johnson had options to review regarding proposed playground equipment for the City Park:

- 1. "Tower"
  - Steps inside
  - Enclosed
- 2. A "tower", but shorter
  - Stairs inside

It is proposed to be erected in the area of the current volleyball court.

3. There were photos of other playground equipment that would go with either option 1 or 2.

Council Member Johnson has consulted with Corbett Stephens for installation of additional equipment:

- 1. Four Lights around the tennis court
  - 2. Three other over-head lights around the playground equipment
- (The light poles have been donated. SESD has drilled holes for us at no cost. Extra cement is being gathered by Mr. Stephens from contractors in the area. The sand around the swing sets will be replaced. The risk management representative said that the existing playground equipment is too close to the retaining wall; it is planned to level out that area, including where the playground equipment for smaller children is located. New bark will replace the existing bark and sand around the equipment. New curbing will be installed around the area where the volleyball court is now. The lighting will be directional and should not affect the neighbors.

Council Member Johnson spoke to the residents around the playground and they had no problem with the proposed equipment.

Sean Roylance: He asked about the risk management representative and what his counsel was. Was there concern over the height of the proposed equipment mentioned?

Derrek Johnson: The proposed equipment is manufactured by "Little Tykes"...the safest playground equipment made. He felt confident that they have researched risk management issues.

Sean Roylance: Council Member Roylance mentioned that not all playground companies offer equipment of this height due to safety issues. Would this be a liability or a safety issue?

Derrek Johnson: He responded that there are liability issues in most things we do; but playground equipment is made safe for the very reason that the manufacturers do not want the liability problems either.

Weston Youd: His concern with this aspect of the proposed equipment was such that he called the risk management representative at the Utah Local Governments Trust (ULGT); but he has not returned his call.

Derrek Johnson: He had heard that there were also concerns with the planned proximity of the proposed equipment to the parking lot on the east side of the Fire Bay; he asked for a more specific clarification of the concerns.

Sean Roylance: Certain residents felt that perhaps the children would not be in clear sight of their parents while on the equipment; could there be a problem with the security of the kids due to how close the parking lot is? Is there an additional risk in that area vs. a more open area?

Derrek Johnson: Parents will be involved; benches will be placed around the area.

Erin Clawson: (RE: Falling from the height of the proposed "tower") She is also concerned with health and safety. She spoke to a risk management person and he said that one thing that prevents injury is the depth of the wood chips or ground cover around the equipment; Council Member Johnson has taken that aspect into consideration. The representative from the playground equipment said more information could be available; but the depth of the ground cover is a key point of consideration. She personally prefers the enclosed option.

Sean Roylance: He likes the idea of the equipment; and he agreed that parents must be responsible for their children. His question was simply if someone associated with risk management has been consulted. *The point was made that currently the roof of the City Hall and the City trees are used to play on...there is liability there, as well.*

Weston Youd: He suggested stairs at the northeast corner, leading up to the playground area.

Sean Roylance: He added that he had "googled" national standards for playgrounds and found the following advice: the appropriate ground cover can support falls from up to 10'; anything over 10'...the risk increases. That is why he asked about the liability. He is also of the opinion that "families take care of themselves and that this is a public service".

58 0:42:25  
59 CURB & GUTTER

1. *Oak Ridge Drive*: (Mayor Lutes) Installation of curb & gutter in the area of Heidemarie Foulger's home (97 W. Olympic Lane) has been approved for installation as soon as the weather permits. Letters were sent out by the previous City Council and were signed by the individual residents affected, wherein they agreed to pay the City back for the work.

2. *218 N. Columbus Lane (& Park Drive) – Elizabeth Weeks Residence*: (Mayor Lutes) A problem with run-off will be solved by the resident; she intends to install a retaining wall. When Mrs. Weeks asked Corbett Stephens about specification details; she was told she did not need a building permit (unless the wall is over 4' tall...it isn't) nor does she need engineering. She commented that the wall on her side would be about 2' tall and on the street side would only be about 6" above grade.

3. *Raymond Brown*: (He was present to address the Council) A Letter from Mr. Brown to Mayor Lutes was also included in the Council packets, wherein a brief history of an existing problem with run-off was outlined: (A portion of said letter follows)

68 0:44:13

“Due to the development of Park Drive and Magellan Lane, roads, cement, roofs and other associated land clearing developmental issues, including the expansion of Magellan Lane, water now is being diverted West North West.

With the added street and development, water has become a problem at Columbus Lane, which runs north and south and becomes a buffer for all the water flowing WNW. My home was flooded by the tremendous amount of water. I need to address my concerns before we have another water event. I had Jason Bullard, Kyle Hill and Doug Howell assist me during the last flooding. They can attest to the massive amount of water that was coming down Magellan and making a 45° turn north. With the slope of the terrain, water pours directly down my driveway across my yard and into my window wells in the front of my home, which faces east. After the flood, I had Corbett Stephens come down and assess the situation and offer suggestions. We determined that there was a slope in my yard on the south side of my property, which could carry some of the water to the back yard and continue on into the grassy area of the brown church on Elk Ridge Drive; allowing absorption along the way and not creating problems for other property owners. We determined that some type of curb and gutter would divert some of the water further north without causing harm to my neighbor, Mr. Doug Howell. An additional sump on the west side of Magellan between my property and that of Suzette Caplin would be very helpful in controlling the water flow.”

Mr. Brown showed slides of the issues and the effort he has made by digging out window wells and adding five gallon receptacles below the window grade, with electric float-activated sumps. He feels he has done what he can to alleviate a problem he feels he did not create.

Requests:

1. Curbing
2. A sump on west side of Magellan
3. Assistance of the City in excavating soil on south of his property (making a 2’ to 3’ wide ditch, filled in with large rocks, as well as lining the top)

Mr. Brown said he was willing to discuss any other solutions or ideas. At the Meeting, he said that he felt the best solution is to install a sump, which would lessen the damage...if not stop it completely.

He is not a year-round resident any longer and he would like to have some resolution before he leaves town again.

The cost is estimated at about \$15,000 with “in-house” work and use of a contractor for some of the work.

Sean Roylance: He felt the City needs to do something about this problem; but he questioned availability of funds, the timing and how much of a priority this particular issue is.

Mayor Lutes: The curbing in front of Mrs. Foulger’s home was one of the priorities; and that is being addressed.

0:56:30

ROAD REPAIR –  
CRACK FILL

*(Memo from Corbett Stephens to the Council)*

“Crack Fill Proposal: In communicating with local city public works departments, they are in agreement that crack filling needs to take place prior to consistent ambient temperatures reaching 80°. I am requesting that the Council amend the current budget, transferring monies from next year’s “roads budget” to this current year’s budget for road maintenance. Spanish Fork City has agreed to let us use their crack fill machine to complete this work. While Wayne and I are not able to do this alone, Woodland Hills is willing to help us if we will help them in an equitable trade for labor. Following is some research that has been done to help us understand the value in preventative maintenance:

**Federal Highway Administration**

**National Highway Institute**

**Publication #FHWA NHI-01-040 September 2001**

‘Extending time to major rehabilitation, more frequent/less expensive treatments, fewer land closures contribute to...

- Lower life-cycle costs
- Smoother roads, fewer delays
- Lower user costs

Reported Cost Savings:

- Initial preventive maintenance costs 14 times less than rehabilitation or reconstruction.
- The overall ‘Life cycle’ cost analysis is 6:1
  - Every one dollar spent on preventive maintenance: saves six dollars in rehabilitation of reconstruction costs’

The reason for doing crack fill before the temperature gets to 80°: when the asphalt gets too warm and expands out, that fills the cracks in until there is no crack to fill; until the fall when the asphalt shrinks again.

Sean Roylance: He asked former Council Member Ray Brown his opinion of crack fill (he was over “roads” when he was on the Council).

Raymond Brown: He agreed with Mr. Stephens in the timing and value of using crack fill on road maintenance. He also suggested spraying weed killer on the weeds growing out of the cracks and then using a compressor to blow out the cracks to clean them out before the fill is applied.

*The Mayor closed the Work Session.*

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7:15 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; *Building Official:* Corbett Stephens; *Public:* Dairrel Gardner & Ryan Bingham (*Spectra Management*) Nelson Abbott, Lucretia Thayne, Jamie Towse, Kari Turner, Shaun Merrill, Melissa Merrill, Christina Larsen, Tiffani Currie, Terie Righettini, Tricia Gunnerson, Lucretia Thayne, Ray Brown, Fred Gowers, Doug & Cecile Scribner, Bryanne Colver, Cynthia Peck, Blain & Cathie Ogden, Jim Spencer, Kyle Houghton; and the *City Recorder:* Janice H. Davis.

OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE

An invocation was offered by Corbett Stephens and he led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME  
FRAME

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:15 PM  
VOTE: YES (5) NO (0)**

1:14:14

PUBLIC FORUM

*Mayor Lutes reviewed the parameters of the Public Forum time period; he asked that those participating hold their comments to two or three minutes...with no response from the Council at this time.*

1. Terie Righettini: (Dumpsters – Problems with mess created)

Mrs. Righettini is concerned about the lack of consideration shown by residents using the scheduled dumpsters: they disregard the capacity of the dumpsters and continue to fill them over the limit...allowing the over-flow to spill out and even simply throwing their deposits onto the ground when the capacity is met. This creates trash blowing all over the surrounding neighborhood and gives a "Tijuana" appearance to the City. She informed the Council that the neighbors would no longer take responsibility to clean up after everyone else. She suggested discontinuing the service or placing the dumpsters in another location.

Lucretia Thayne: She added that she had seen the problem as she drives by.

1:18:16

2. Doug Scribner: (Water Tank Fence)

- He and others (He and his wife plus over 40 individuals Mr. Scribner has spoken to; with signatures on a petition) support the concept of having a fence around water tank. The security the City Council has decided upon is a good thing and is supported.

- Concerns lie within the details of the fence:

A. Appearance: He feels there should be a "substantial upgrade"

- The fence should be attractive

- The fence should not look like a "prison" fence

(He feels the proposed fence (6' with barbed wire) has that appearance)

Proposed alternate solution:

- All feel there is room to compromise; however they feel strongly about certain points:

1. Chain link: Vinyl coating (less visible, will not reflect in the sun and will blend in with surroundings)

2. Barbed wire: There was a very negative reaction to this

- Option: point the barbs of the chain link fencing up rather than folding down

- Added cost for a beautified fence: Proposal to use the money generated from the sale of property to Mr. Scribner; it could be used for the upgrades to the fence. The fence should not be a detriment to the property, but should enhance the value and beauty of the Community.

Mr. Scribner moved to Elk Ridge 4 years ago; it was a beautiful area...with a golf course and a rolling hill to the side of their property. The golf course hole has been moved and the City built a water tank on the rolling hill and now a fence is proposed. He added: when he purchased the lot, he thought the land that the previous owner landscaped was part of the lot he purchased; he has discovered that it is not. Mr. Scribner is proposing to purchase the strip of land that belongs to the City.

Terie Righettini: Suggestion: to landscape around the fence to beautify it.

3. Lucretia Thayne: (RE: Security fence around the Water Tank)

She and her husband certainly understand the concerns and frustrations expressed; however their main concern is with the security of the City's water supply. She heard there was a petition being circulated that was in favor of an attractive 4' fence, as well as some covering over the water tank. She realizes that the terms have changed since the petition first went out; but initially, she was alarmed at the proposed terms and generated another petition. She has collected 118 signatures; she has not had much time or she could have gathered more signatures. Request: "That the City Council not diminish the security of the water tank from that which has been voted upon."

- She addressed the barbed wire: This was discussed with the people whose signatures appear on the petition; and the response was that the fence is not a "security fence" without the barbed wire.  
- Vinyl covering: She agrees with doing anything that would beautify the fence.  
- Without the barbed wire, a 6' fence would not be high enough to address safety.  
She addressed Council Member Roylance: The point was made that other cities do not insist on the level of security proposed for this fence; the response was that people were not as concerned with what other cities do as they are with the security of our City's water.

Another point made by Council Member Roylance was that this tank area is very visible when one enters the City. She drove by the area and took photos; she finds it ironic that the least obvious security fence would be the previous Option "A", which would surround the entire City property rather than cut across the middle of it, which is more visible (Mrs. Thayne also remarked that this was the option preferred by the State Drinking Water Specialist and the City Attorney and City staff members). This option would be more down in a ravine rather than being situated higher, in a more visible location.

When the petition was circulated, Mr. Scribner's petition was also made available.  
The point is not to re-visit the fence; but if the Council decides to do so, the only topic she and the citizens she represents would want re-visited would be to reconsider the location to be that of Option "A".

The security of the fence should not be in question. "If anything happens to our water supply...we can't live without water...it's one of the most important things."

- She also expressed the desire to enclose the retention ponds within the security fencing.

1:33:19

Sean Roylance: Council Member Roylance felt he should respond, since there were comments made which involved his views and he felt they were not completely represented in their entirety.

He did ask if people who were being approached understand that the measures to be taken by the City that will be inside of the fence are basically more secure than the fence would be, as far as people like "teenagers" are concerned and anyone attempting to climb over the fence. The proposed measures would not be sufficient to keep a determined criminal out, but neither is a fence with barbed wire.

*(Mrs. Thayne responded that those extra security measures that are to be inside the fence were mentioned as the petition was circulated...it may not have been worded exactly as Council Member Roylance worded his question.)*

Council Member Roylance added that there was a key point made by him that had not been explained in her presentation to the Council; so he "could only presume" that she did not explain it when the petition was circulated: key point is that the barbed wire keeps out those people already being addressed; but not the people that could also get through the inside security.

*(Mrs. Thayne: One of the discussion points brought out was that without barbed wire, teenagers would be climbing over the fence at night...perhaps to sled on the hill.)*

1:35:22

4. Jim Spencer: (Resident of Cove Drive...next to Mr. Scribner)

- For the last two years, he has only seen a couple of attempts to sled on that hill; he does not feel that hill is a "sledding hill".

- He wished that Mrs. Thayne had come to his house with her petition...perhaps her focus was in the wrong part of town.

- He feels there is a balance in the City code between beautification and security.

- o If teens have not been a problem on the hill without a fence, why target them?
- o Beautification should be represented fairly.

- He is not in favor of any fence.

- He considers the installation of the tank an "eye-sore" that has cost him thousands of dollars in property value.

- This has been a point of anger and frustration to him and he hopes this City Council does not make the same mistakes that the previous Administration did.

- The security measures in place at this time are sufficient to safeguard against incidental vandalism.

- He fully supports Mr. Scribner's proposal and petition.

1:38:47

5. Trisha Gunnerson: (Water Tank Fence- Resident of e. Salem Hills Drive)

Mrs. Gunnerson also has a full view of the water tank. She has small children and is concerned about their safety and the security of the tank. She has had to call the Sheriff more than once regarding the activities of certain teenagers on the top of the tank.

- Her 4 year old could scale a 4' fence; so the fence needs to be tall enough for proper security.

- Vinyl coating: If this is decided upon, she feels the color black would be nearly invisible. She also suggested eagle Projects to assist in landscaping the fence.

- She has seen fences in Highland around their open reservoir and their water tank; they have done a "beautiful job" in landscaping their fence.

- There are options for security as well as aesthetics.

1:40:59

6. Jamie Towse: (Water Tank Fence)

- Her greatest concern is safety as well as with the water.

- She does not like the location of the tank either; but since it is there, it is the City's responsibility to make it safe. She feels safety should be the top priority.

- She agreed with Mrs. Gunnerson about the vinyl coating, if the budget allows it.

- She would not "renig" on the security measures: barbed wire especially.

- She was at the Council Meeting when the gentleman over water security during the Olympics suggested the entire road be fenced, as well as the drainage basins.

- The Attorney that was present recommended that all of the City property be fenced. If that looks better, then she would say to extend the fence beyond what was voted on to address liability. All the residents would have to pay for any issue with liability.

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1:42:57

- Safety and liability take precedence.  
- She was assisting in circulating the petition from Mrs. Thayne; and she found that there was not one person she contacted that did not want the water secured with a high fence with barbed wire.  
7. Fred Gowers: (General Comment – Resident of Hillside Drive)  
He felt enthused at the number of issues coming before the Council and the preparation involved in not only presenting the issues, but in recommendations for solutions to the issues. He felt very positive about the exchange taking place and complimented those involved in the process.

1:43:33

8. Cathie Ogden: (Water Tank Fence)  
While in England recently, she noted that chain link fencing is used everywhere; but it is covered with hedge rose, which is beautiful and effective.  
(Mrs. Towse added that Paul Squires advised that this is a good time of year to plant acorns and scrub oak.)

1:45:09

9. Nelson Abbott: (Water Tank Fence)  
He wanted to state (for the record) that he did sign the petition in favor of the security fence. He thought that the previous decision had included black vinyl coating (it did not).  
(Both Council Members Roylance and Clawson encouraged the public to email the Council with their thoughts and concerns.)  
Council Member Haskell asked if the color brown wouldn't blend in with the surroundings better than black.  
The topic was to be further discussed during the regular Session.  
The Public Forum was closed. The Mayor expressed his appreciation at the public participation.

1:45:50

OAK HILL ESTATES,  
PLAT E – ZONE  
CHANGE  
REQUEST  
(GOWERS)

(Council Comments)  
Sean Roylance: (seeking clarification) He wanted to understand that even if Mr. Gowers had ideas to perhaps subdivide his lot when he purchased it; that it was a single lot at the time of purchase? (Mr. Gowers: "That's correct...a one-lot subdivision.")  
Erin Clawson: She questioned: if we go back to R-1-15,000 zone, if the current HR-1 Zone would be affected, since there are other restrictions that protect the hillside terrain? Could there be a home placed on the lot in the R-1-15,000 portion?  
Weston Youd: He clarified that the lot has been designated as two zones from the time it was developed... R-1-15,000 & CR-1 (at that time...CE-1 has been changed to HR-1 Zone). There is enough room to place a home in the R-1-15,000 portion; however he asked Shawn Eliot if there would be sufficient area to subdivide the lot...or if there is a full acre on the back part of the lot.  
Shawn Eliot: He was not sure if there is a full acre included in the HR-1 portion of the lot; but there would need to be 150' access to the road to be able to subdivide the back part of the lot.  
(Mr. Gowers shared that the HR-1 portion of the lot is less than 1/2 of the lot.)  
Erin Clawson: She concluded that the lot could be left the way it is and still accommodate a home in the R-1-15,000 part of the lot. She also commented that the entire Planning Commission recommended denial of the requested zone change.  
Weston Youd: The lot was sold as a single, buildable lot.  
Sean Roylance: He was concerned about the statement by Mr. Gowers that the HR-1 Zone requires additional work to develop...looking at the map; Council Member Roylance feels a home could easily be built without infringing on the HR-1 Zone...so extra work would not necessarily be required.  
(To Mr. Gowers) He could feel his pain and frustration at purchasing a lot where conditions seemed to be misrepresented; he experienced a similar situation; but all have to learn to deal with change.  
**ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO FOLLOW THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY THE ZONE CHANGE REQUEST OF MR. GOWERS'**  
**VOTE: YES (5) NO (0)**

1:56:06

PARKS: PLAYGROUND  
EQUIPMENT

Comments / Questions:  
Sean Roylance: He feels that it is his responsibility to ask questions, particularly when the subject involves a considerable amount of money to be expended. After thinking about the different questions, he feels there are certain responsibilities placed on parents to watch over their families...people cannot be put into a "padded room" to protect them from everything. He likes the proposal of the new equipment; his question was: has the Council considered any other options for that Park Impact Fee money other than the playground equipment? If so, what were they?  
Erin Clawson: She mentioned a water park.  
Sean Roylance: He mentioned starting to develop an additional park on the land owned by the City (Goosenest Drive).  
Derrek Johnson: He pointed out that the majority of the Impact Fees have been collected by the residents in the central part of the City. He felt that development of the land purchased on Goosenest Drive is a long ways off. He felt it would be preferable to upgrade the area in the central part of the City. This Park is used extensively and should have more facilities available.  
Weston Youd: Could an access to the playground area from the northeast parking lot be added to the list of expenditures for Park Impact Fees?  
Corbett Stephens: He has been working on a proposal to present to the Council regarding the expansion of the City Hall/Fire Dept. Bay area. The retaining wall that is out there now that creates the ramp, would come all the way around...so there would be a trail that would extend along the fence line and go south along the tennis courts so it would be flat. But a retaining wall or stairs could be poured, as well.  
Shawn Eliot: Looking at the over-all plan that was presented, the trail issue was not addressed other than the trail was shown going around the ball fields and up to go around the tennis court. This would allow an additional access to the different areas of the park.

The area around the ravine (City owned) could be opened up for future improvements. He does feel a way should be provided from the Pavilion to the playground area that is not so steep...perhaps a ramp would be appropriate.

Julie Haskell: She added that though she agrees with upgrading the Park, she has a problem with tearing out something that is nice...she suggested adding to rather than taking away from the improvements. Why level all that has been done off; why not simply add to the improvements. She is also concerned about the height of the proposed equipment. She has not heard or seen any advice from any of the experts; she would like this information to be available for review.

Sean Roylance: He reported what a mess the current volleyball area is...it is like a "landfill". He does not quite understand the plan to level out the current areas.

Derrek Johnson: Several Playground companies came to the City; the advice was that there needs to be at least 6' between the bottom of the current playground equipment and any "obstruction"...the current distance is only about 4'. If anyone were to fall off the equipment or the wall, there would be a liability issue.

- Also, the wall creates a sort of "barrier", especially for small children; he felt it would be better to take out the existing wall and allow a nice flow throughout the whole playground area...including around the swings.

- The clearance areas around the new playground equipment have been figured in

- The plan is to not disturb the trees in the Park; and to plan picnic tables in the shade...more "family friendly". He said he would be happy to provide more information to the Council; any of the playground equipment companies are willing to come to the City to talk and answer questions.

Julie Haskell: Perhaps they should come to a Council Meeting; she felt as if this proposed project has been "pushed through" a bit. The information was dropped off on their door steps with no discussion in a Council Meeting...she had a problem with this approach.

Mayor Lutes: He felt that Council Member Johnson had wanted to expedite the project to avoid summer vacation with the park being used as much as it has been in the past.

Derrek Johnson: He also wanted to avoid having the park torn up for the City Celebration.

Sean Roylance: He felt most of his questions had been adequately answered; however the one remaining concern was with the height and possible misuse of the equipment...even enclosed, there could be inappropriate use of the equipment. He would still like more information on this aspect of the proposed project.

Weston Youd: He reminded the Council that he is waiting to hear back from Lance (Insurance adjuster for ULGT). That information could be provided to the Council as soon as he receives an answer.

Derrek Johnson: In defense of the Playground Company, they would not be allowed to manufacture unsafe equipment due to liability to them. He questioned if the Council will listen to a risk management individual regarding this issue, since it did not seem to matter the last time advice was offered on the fencing of the tank property. Will it be worth while to wait for this advice?

Sean Roylance: He felt that the advice on the fence did have a final impact on the vote that was taken. Besides that issue, he felt it was the right thing to do, particularly with the concerns for safety that have been expressed. He felt that once the information is available, he would be in favor of expediting the vote.

Corbett Stephens: Can the concrete work be started that creates the wall around the side; regardless of what is decided about the equipment? *(Free concrete is available for use by the City.)* The sand does not have to be dug out to put the wall in...it would even help contain the volleyball court if it stays in. If there is somewhere we can use this free concrete...even just the light poles around the tennis court...it would be good for the City to be able to make use of it. SESD came out to help with the light poles.

2:19:57

Mayor Lutes: Once the information comes through from the risk management individual, how will that information get to the Council Members?

Weston Youd: He will find out what information he has and get it out to everyone. He can contact Council Member Johnson and see if the Council could come in to vote on the options.

Julie Haskell: She asked why this could not be taken care of at the next regular Council Meeting in two weeks. She was not clear on the reason for "pushing" a decision without all the information.

Sean Roylance: With the information available, he agrees that the Council could act upon it; he will be out of town, but the vote could be taken electronically.

*It was decided that the information will be provided to the Council and a polled vote could be taken.*

City Recorder: She inquired if a vote could be taken that night to allow a retaining wall and perhaps steps to be constructed while the other issues are being discussed and decided upon.

**WESTON YOUND MOVED, SECONDED BY JULIE HASKELL, TO AUTHORIZE THE MAYOR TO ASSIGN CORBETT STEPHENS TO BEGIN INSTALLATION OF THE LIGHT POLES WITH ANY CONCRETE THAT IS AVAILABLE FREE OF CHARGE TO THE CITY**

*Discussion:*

Erin Clawson: She understood that Council Member Youd will email each of the Council Members with the information he will gather.

*Corbett Stephens asked if the motion could be amended to include a foundation coming up the north side of the playground.*

**WESTON YOUND AMENDED HIS PREVIOUSLY STATED MOTION, SECONDED BY ERIN CLAWSON, TO INCLUDE FOUNDATION ON THE NORTH AND EAST SIDES OF THE CURRENT VOLLEYBALL COURT IN THE WORK CORBETT STEPHENS IS AUTHORIZED BY MAYOR LUTES TO BEGIN; THIS IS ADDED TO THE LIGHT POLES...AS SOON AS THE CONCRETE IS AVAILABLE**

**VOTE: YES (4) NO (1) JULIE HASKELL**

1  
2 2:30:02  
3 CURB & GUTTER

*This is IN consideration of the issues/problems addressed by Raymond Brown:*  
Sean Roylance: Question: Is the money in the budget to authorize any work for storm drainage?  
City Recorder: The current budget covers the curb and gutter scheduled for Loafer Canyon Rd. and for the homes located by Mrs. Foulger.  
The added work would come out of the budgeted fund balance in the General Fund...this could be spent from the General Fund or transferred to the Storm Drain Fund. It appears that there will be a projected fund balance of over \$40,000 in the General Fund for the current fiscal year.

10 It would be good to do as much of the curb & gutter as possible, at the same time.  
11 Weston Youd: He stated that there could be a conflict of interest in voting on curb & gutter, since it involves his  
12 home on Loafer Canyon Rd. Curbing for his frontage has been paid for already.  
13 Sean Roylance: He had concerns regarding the priority of the work to be addressed; but it appeared that the  
14 other places have been taken care of; so he had no further concerns.

15 Corbett Stephens: He explained that it might be best not to specify the exact location of the sump to be  
16 installed; there may have to be some engineering involved with placement. Perhaps the best place to put a  
17 sump is where the water is, rather than where the water travels to.

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO AUTHORIZE PLACEMENT OF A SUMP  
AS ENGINEERED TO ADDRESS THE ISSUE OF WATER RUNOFF...SPECIFICALLY FROM WEST  
MAGELLAN LANE ONTO COLUMBUS LANE; THE LOCATION OF SAID SUMP TO BE APPROVED BY A  
LICENSED ENGINEERING FIRM, AS DEEMED BY STAFF**  
VOTE: YES (5) NO (0)

23 2:39:04  
24 ROAD REPAIR –  
25 CRACK FILL

**SEAN ROYLANCE MOVED, SECONDED BY WESTON YOUD, TO AUTHORIZE SHIFTING THE  
BUDGETED AMOUNT OF MONEY IN THE ROAD REPAIR ACCOUNT DESIGNATED FOR CRACK FILL,  
FROM THE 2010/2011 BUDGET TO THE CURRENT YEAR...2009/2010 BUDGET**  
VOTE: YES (5) NO (0)

29 ELK RIDGE MEADOWS  
30 PUD, PHASE 2 –  
31 SURETY BOND  
32 RELEASE

Mayor Lutes: The Mayor polled the Council regarding authorizing him to sign a form agreeing to the  
release of the surety bond to the city. David Church forwarded this form to the Mayor; it was generated by  
the new legal firm hired by the surety bond company to handle the issues with the Elk Ridge Meadows PUD,  
Phase 2 bond. In the past, the City has sent a letter requesting the release of the bond; but this is their form.  
It is a formality that David Church recommended we simply comply with, to expedite the process.

**WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO RATIFY THE POLLED VOTE TO  
AUTHORIZE MAYOR LUTES TO SIGN THE RELEASE FORM FOR THE SURETY BOND ASSOCIATED  
WITH ELK RIDGE MEADOWS PUD, PHASE 2**  
VOTE: YES (5) NO (0)

38 2:42:33  
39 TENTATIVE 2010/2011  
40 BUDGET

City Recorder: There will be a public hearing at the next Council Meeting on May 25, 2010, to discuss the  
Tentative Budget for 2010/2011. The adoption of the Official Budget for next fiscal year must be prior to  
June 22, 2010...changes can be made before the "Approved" Budget is adopted in June. Drafts of the  
Tentative Budget were provided to the Council Members for review.

44 EXPENDITURES:

General:  
Dumpsters:  
After discussion, it was decided to schedule three dumpsters rather than two for the following week-end; and  
to move them to the parking lot west of the City Hall; or down to the parking lot north of the field if they will not  
fit in the west lot.

*Check Register & Payroll for April, 2010:*  
It was requested to have more detail listed with the Visa line item. (Find out what "PR" means on report.)  
**JULIE HASKELL MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE CHECK REGISTER  
AND PAYROLL REGISTER FOR APRIL OF 2010**  
VOTE: YES (5) NO (0)

56 MINUTES

*City Council Minutes of 4-13-2010:*  
**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL  
MINUTES OF 4-13-2010, AS CORRECTED**  
VOTE: YES (5) NO (0)

61 ADJOURNMENT

The Mayor adjourned the Regular Session at 9:02 PM; and moved to the City Council Closed Session.

63 9:10 PM -

**CITY COUNCIL CLOSED SESSION**

65 ROLL

*Mayor*: Kenneth O. Lutes; *City Council*: Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin  
Clawson; *Building Official*: Corbett Stephens; & *the City Recorder*: Janice H. Davis

Discussion of Land Negotiations and Discussion of Personnel

**REGULAR SESSION AGENDA ITEMS**

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ROLL

*Mayor:* Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Roylance, Derrek Johnson, Weston Youd & Erin Clawson; *Building Official:* Corbett Stephens; *Public:* Lucretia Thayne, Jamie Towse, Jim Spencer & Kyle Houghton; & *City Recorder:* Janice H. Davis

ACTION FROM  
CLOSED SESSION

*1. Price of Land to be sold to Mr. Scribner:*  
**SEAN ROYLANCE MOVED, SECONDED BY JULIE HASKELL, TO OFFER TO SELL THE CITY-OWNED LAND ADJOINING MR. SCRIBNER’S LOT AT \$2.00 PER SQUARE FOOT, AS DISCUSSED IN CLOSED SESSION**  
**VOTE (POLLED): SEAN ROYLANCE-AYE, WESTON YOUD-AYE AND JULIE HASKELL-AYE (3)**  
**ERIN CLAWSON-NAY & DERREK JOHNSON-NAY (2)**  
*Passed 3-2*

*2. Water Tank Fence:*  
Julie Haskell: She had asked about the color of the fence: why black and not brown, since it would seem that brown would blend in with the surroundings better.  
Jim Spencer: He felt that most communities go with black to blend in; he would prefer the black vinyl (though he felt he could not speak for Mr. Scribner). He simply would prefer the fence to be a dark color.  
Kyle Houghton: He also preferred black vinyl for the fence.  
**WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, THAT THE FENCE TO BE PLACED AROUND THE FAIRWAY WATER TANK AREA (DISCUSSED IN THE APRIL 13, 2010 CITY COUNCIL MEETING) BE ALTERED FROM THE ORIGINAL VOTE, TO BE INSTALLED AS FOLLOWS:**  
- INCREASED HEIGHT TO SEVEN (7) FEET HIGH  
- BLACK VINYL COATED  
- THE BARBS ON THE TOP OF THE CHAIN LINK FENCE ARE TO POINT UPWARD RATHER THAN BE FOLDED DOWN (KNUCKLES DOWN/BARBS UP) – ELIMINATING THE BARBED WIRE ON THE TOP OF THE PREVIOUSLY VOTED ON 6’ FENCE  
- WITH APPROPRIATE SIGNAGE  
**VOTE: YES (3) NO (2) DERREK JOHNSON & ERIN CLAWSON**  
*Passes 3-2*

ADJOURNMENT

The Mayor adjourned the Meeting at 10:15 PM.

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City Reorder