

**ELK RIDGE
CITY COUNCIL MEETING
July 27, 2010**

**TIME & PLACE
OF MEETING**

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, July 27, 2010, at 7:00 PM**; this was preceded by a **City Council Work Session at 6:00 PM**. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda 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 July 22, 2010.

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Kenneth O. Lutes; *City Council:* Julie Haskell, Sean Royslance (Connected electronically via speaker phone), Weston Youd & Erin Clawson (Absent: Derrek Johnson; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Fire Chief:* Seth Wait; *Public:* Sherrie Dalton, June E. Christensen, Jamie D. Towse, Kristin Royslance, Krisel Travis, Joel Harris, Ken Harris, Gordon Jones, Ken Lutes, Jr., Russell Osborn & Troop 951 (BSA): Jeff Romare, Brett Williams, Jeff Jones, Duncan Osborn, Mason Fullmer, Cameron Harell, Max Johnson, Walter Peterson; Davis & Ann Brough, Jeshca Anderson, Lynn Weakley, Charles Wixom, Matthew Thurman, Scot Bell, Randy Jones, Logan Nilsson, Janine Nilsson, Scott J. Hansen Tanner W. Hansen, Brian Badders, Garren Holman, Shelby Judd & Chelsey Alexander; *and the City Recorder:* Janice H. Davis.

SANTAQUIN ROYALTY

(Queen Shelby Judd and one of her Attendants, Chelsey Alexander) The Santaquin Pageant Royalty were present to inform the City Council of the upcoming Santaquin City Celebration (Orchard Days), to invite the Council Members to the festivities and to present them all with Carmel apples.

**LANDSCAPING
REQUIREMENTS**

(Postponed until later in the meeting, when Mr. Badders was present.)

**JETTING / VAC
DISCUSSION**

Corbett Stephens: Mr. Stephens addressed the City Council regarding storm drain maintenance: According to the City Engineer and past engineers, the recommendation is to clean the storm drains (curb inlet boxes and sumps) be cleaned annually. Problems with flooding occur as a result of not doing so, like the flooding that has taken place at Ray Brown's home. The curb inlet boxes leading to Mr. Brown's home were all full of mud so none of them worked, which passes the flow on down the street.

Aqua Engineering recommends putting together a comprehensive storm drain plan; in which there would be a schedule of maintenance and tracking trouble spots. He was seeking from the Council direction or permission to go forward with this recommendation and the possible consideration of the purchase of a "vac" truck to facilitate doing that.

About \$20,000 is budgeted for revenue from storm drain fees; part of that is for maintenance and cleaning and part of it is for installation of curbing, sumps and inlet boxes. It is to be decided how much of the budget is to be spent on the various needs. \$5,000/year has been budgeted for sump clean-out; should this be increased to better meet the City's needs?

Part of this year's budget is for the installation of 2 new sumps + continuation of cleaning. If possible the City will try to install new sumps, as needed in the trouble spots; but it appears that \$5,000/year for cleaning of the current sumps may not be enough.

Mr. Stephens would like to move forward with a comprehensive plan that would help us formulate future needs and identify costs associated with those needs; compared to the current storm drain fee.

He feels the City is falling behind on maintenance and will continue to fall behind unless we do more to mitigate the issues.

Due to the immediate need to clean out certain sumps; Mr. Stephens called Spanish Fork City's Public Works Director to use their vac truck for 2 or 3 hours. The full inlet boxes were cleaned out in the area of Magellan and Columbus Lane; but that is only 8 boxes out of 150 sumps and boxes in the City. Last year the cleaning addressed about 10 or 12 boxes and 3 or 4 culverts (\$5,000). If the City takes the Engineer's advice, it would cost about \$50/year to clean all the sumps and boxes every year.

(Council Member Youd asked the cost of a new vac truck.) It is about \$250,000.

(Council Member Clawson suggested the possibility of a used truck.)

Julie Haskell: She asked why the City could not just stay with the service that has been used in the past. She added that there is a comprehensive plan in place that was being followed.

Corbett Stephens: There was a plan; but he stated that it was not enough...if the plan was sufficient to the City's needs, there would not be the resulting flooding issues.

Julie Haskell: There have been some unusual storms. She feels that all of the areas do not need to be cleaned all the time...there is a rotation.

Corbett Stephens: The City Engineers advise cleaning every box; as well as inspecting and cleaning every sump...every year. Last year we did less than a dozen.

Julie Haskell: She maintains that using Twin D is less expensive than purchasing a truck...and she questioned who would run the truck...she asked Mr. Stephens if he would be doing the work...or would the City hire another employee? That would all cost more than hiring Twin D (cleaning contractor) to do the job.

Corbett Stephens: A comprehensive plan would address all of these issues.

Erin Clawson: With the unusual storms, more trouble spots have come up. She has gotten many calls from residents; one from the Vance's, who requested a sump be installed by their corner; they have a problem with flooding.

Weston Youd: (Clarifying Mr. Stephen's position) So, there is a plan in place; he felt Mr. Stephens was asking to re-address it and re-align it to see exactly what it would take to expand the plan to fit current conditions.

Corbett Stephens: It is the Engineer saying the current plan is not enough. (*Weston Youd: "And the current plan does not account for that..."*) If no new sumps were installed, and all the money generated in the Storm Drain Fund were spent cleaning curb inlet boxes and revitalizing the sumps we have, there would still not be enough money.

(*Council Member Haskell commented that the City can only do what there is enough money to do.*)

Mr. Stephens continued: Yes, but we fall further and further behind and sooner or later the insurance company will dictate that the City improves maintenance or the premiums will go up.

Example: Ray Brown filed a claim against the City for flooding and the insurance company covered the claim. How many times does that happen before the City pays for this through increased insurance premiums?

Weston Youd: He suggested Mr. Stephens research costs and then "we can go from there". He advised bringing a proposal back listing:

- the worst and best case scenarios
- what can the City afford?
- How to bring the two together...

Corbett Stephens: We will come up with a comprehensive plan.

1. We need to get an inventory

2. We need to determine the condition of the existing system

He mentioned the demonstration of the vac truck on the 2 sumps on Elk Ridge Drive and Gladstan Drive: the 2 sumps both had 3 feet of mud in them...they don't work properly with that much mud. The mud seals off the sump so the water cannot soak back into the ground. (*Council Member Youd asked if those were cleaned last year.*) As far as Mr. Stephens knows, they have not been cleaned. He has gone back to 1998 with records from Twin D...the sumps have not had much attention.

He does not feel we can wear out the welcome with Spanish Fork and Salem has informed the City that they will not come up and assist in cleaning.

(*Note: at a joint work session with Payson City officials, former Mayor Bills said their vac trucks are too busy all year and too expensive to lend or rent out.*)

Erin Clawson: Added to the list of a proposed plan: to identify current problem areas.

Weston Youd: He agreed that those areas should be included; as well as:

- the number of existing sumps
- the number we need
- how much money we have
- (He added) What is the condition of the sumps that have been cleaned as opposed to the ones that have not been cleaned? What is the life-cycle of sump? Is the capacity 2 or 3 years...so we can see if a rotation plan will work? Perhaps they do not need to be cleaned every year. Will they operate efficiently if cleaned out on a rotation basis?

Corbett Stephens: We can only do the "leg work" part of the plan; eventually an engineer will need to be involved. Once he gets as much done as he can; he will come back to the Council with a proposal from the Engineer to see what it will cost.

Weston Youd: He would like to know what a sump would be like after two years of heavy storms.

Corbett Stephens: He will look back at Twin D reports as far back as he can to try to compile the requested information.

Mayor Lutes: Asking for further direction from the Council: Does the Council want prices on vac trucks (new and used)?

Weston Youd: That is what he meant by the worst and best case scenarios.

Corbett Stephens: He further explained: Currently the City budgets \$15,000/year for jetting and "vac" (Sewer - \$10,000 and Storm Drain - \$5,000) Insurance company says you *will* clean the sewer on a 3-year rotation. If this money is already budgeted every year, perhaps it could be used wiser with the purchase of a vac truck rather than getting a truck two weeks/year...we have one year round.

(*Mayor Lutes asked if Mr. Stephens would discuss a "jet trailer".*)

Noel Hiatt has a "jet trailer" that he would like to co-op with him to buy out another partner. The City could buy into that trailer for \$7,500; with that we would have ½ use of a jet trailer that would allow us to do our own sewer...within the first year, it would be paid for. We would have use of it ½ a year. Twin D is here for two weeks when they come in to service the City. All the trailer does is "jet" (sewer lines); a vac truck has the jetting hose and the vacuum attachments (storm drain clean out).

Mayor Lutes: If the City buys into the jet trailer, then finds a good deal on a vac truck...we could sell our ½ interest in the trailer either to Mr. Hiatt or someone else? (Yes.)

He asked for any further direction from the Council for Mr. Stephens.

Weston Youd: He reiterated his previous list; then to come back to the Council for review of the information he has gathered...then the Council can look at how much money we really have for what is required. He wants to know if a rotation plan will work for sumps. Perhaps we can manage with the funds we currently have.

12:20

16:09

19:02
LIGHTS – TENNIS
COURT &
PLAYGROUND

(Memo from Corbett Stephens to City Council – included in packets)

“1-Tennis Court Lighting-Propose 4 adjustable 250 Watt Metal Halide lights.

These lights are adjustable to compensate for the different heights of the poles due to slope around the fence. We will fabricate shrouds to keep the light from infringing on the neighboring properties. The cost for these lights is \$139.90 each plus \$25.90 each for the mounting bracket. The light poles and concrete for pole bases were all donated. Additional conduit, wiring, switching as desired and timer would add approximately \$150.00; bringing the total for the lights and brackets on the tennis court to about \$850.00.

2-Playground Safety Lighting-Propose 2 Adjustable 250 Watt Metal Halide lights, as those for tennis court.

These lights, with brackets, will mount to the same poles as the West lights for the tennis court. These lights will come on at dusk and off at dawn through the use of photo cells. Total cost for lights, wiring, photo cells and brackets is approximately \$400.000.”

Corbett Stephens: He reported that Council Member Clawson knows an electrician that will connect everything up; all we have to do is purchase the fixtures.

Julie Haskell: She had the impression that SESD was going to install all the electrical for free.

Corbett Stephens: SESD dug the holes for the City with their hole digger; the concrete bases have been poured.

Mayor Lutes: He added that Mr. Stephens has poured the bases with free concrete he arranged to use form left-over construction jobs. The thought was to use two of the poles for both the tennis court and the playground area...to save money.

Corbett Stephens: The lights for security around the playground would be on photo cells; the ones on the tennis court would be on a timer.

Weston Youd: The Public Facilities Code dictates that if lighting is to be on past 11:00 PM or sooner than 7:00 AM; that request must be cleared through the Planning Commission.

Mayor Lutes: He asked Council Member Royslance if he could bring that up with the Planning Commission; or is there a special process? (Yes.)

(Council Member Youd responded that there is no special process; it is simply in the code.)

Weston Youd: He feels lighting is an “excellent idea”; it is simply the times to be left on. For the amount of money spent on vandalism, he would like to see lights; he would just like the timing done in the right way.

Erin Clawson: The security representatives that came out recommended the lighting.

Julie Haskell: She agreed that the proper process should be followed; but she thinks lighting is a good idea.

22:45
SANITATION –
DISCUSSION

Mayor Lutes: There options available:

- Allied Waste - Current contract due to renew; they are willing to lower rates
- Payson City – No final numbers yet
- Elk Ridge sanitation business

Corbett Stephens: (Mayor invited him to address the Council)

He is still of the opinion that going into the sanitation business could be profitable for the City. The spread sheet from Curtis Roberts (Finance Director) indicates many options that can be tried out to see varied results. In the worst case scenario with costs; it still looks to be profitable within 10 years. Woodland Hills has committed to sign an Interlocal agreement for 10 years...this makes the situation even more viable. He feels that, as a city, we have the responsibility to offer the best we can to the residents for the best price possible. No one can do it for “free”. Everyone else in it to make money; other companies cannot compete with the City itself.

He agrees with Council Member Youd that Government can be too big; but government also has the responsibility to do its best to control the private sector. If that means that the City gets into the business to be able to provide the service at a better price; then he feels the City owes the residents by giving it a try.

The Finance Director feels there is the possibility to make money; there must be something to it.

Mayor Lutes: He suggested placing this item on the next Meeting agenda for action; taking into consideration all of the options available to the City.

Certain things have changed in considering our own business:

- The City would not have to buy into the District
- We could dump in Payson’s landfill
- The City does not need to purchase the most expensive model of truck; it would cost less

He feels it is worth looking into.

The Finance Director is willing to come to the Meeting to discuss the numbers and answer questions.

The Mayor also suggested inviting interested persons to come and offer their input.

Weston Youd: He agreed that the public should be involved; and that the options be available. He would like to compare Allied’s prices with the figures on the spreadsheet. He was hesitant to have action the same night; he was not sure when the numbers would be available.

Erin Clawson: There are smart, well-educated citizens in the City; if the value is there, they will recognize it in the presentation. The more input the better. Could Allied also come to the meeting?

Mayor Lutes: If Mr. Stephens could gather all the numbers; there would still need to be a solution to handling cans with Payson’s offer

Perhaps the bay area could be used for the meeting.

25:38

32:51

OAK BRUSH
ESTATES
SUBDIVISION

(Memo from Planner to City Council, dated 7-13-10)

“Background

The applicant is requesting that the lot line between his property and his neighbors, Matt Cahoon and Daniel Steele, be adjusted to add more land to his property to facilitate a drainage problem behind his home. Since his lot and the others are in two separate subdivisions, they are proposing to vacate their lots out of these subdivisions and create a new subdivision addressing the change. Essentially, the only physical change is the adjustment of the rear lot line between the three neighbors.

Proposal

The applicant is proposing to amend the Greenview Estates Subdivision and the Fairway Heights Subdivision by Vacating Greenview Estates, Lot 5 and of Fairway Heights, Lots 2 & 3. The applicant is then proposing to create a new subdivision called Oak Brush Estates. The new subdivision will contain the same three lots that were vacated only with an adjustment of the rear property line between the three properties.

Staff Findings

All three property owners are in agreement with the change. If all the lots were in the same subdivision, this change would be simpler with just a lot line adjustment with no public hearing. Amending the current subdivisions and creating a new subdivision makes a cleaner process for the City, County and the title companies; but also requires a public hearing.

Public Hearing

The Planning Commission held a public hearing on the matter on 12 December, 2009. No comments from the public were given.

Planning Commission Motion

Dayna Hughes motioned and Kelly Liddiard seconded that the Planning Commission approve the amendment to the two subdivisions by vacating Greenview Estates Subdivision, Lot 5 and Fairway Estates Subdivision, Lots 2 & 3, and creating the Oak Brush Cove Subdivision. The Commission also recommends to the City Council the same. The Commission finds that the proposed changes fit City Code, has no negative impacts to the home owners in the neighborhood, and will have a positive effect for the property owners involved.

Vote: Yes – all, No – none, absent (3) – John Houck, Jason Bullard, Kevin Hansbrow

Draft Council Motion

I move that the City Council approve the amendment to the two subdivisions by vacating Greenview Estates Subdivision, Lot 5 and fairway Estates Subdivision, Lots 2 & 3 and creating the Oak Brush Cove Subdivision. The Council agrees with the Planning Commission findings that the proposed changes fit the City Code, has no negative impacts to the home owners in the neighborhood and will have a positive effect for the property owners involved.”

Discussion:

Weston Youd: He had wanted to see natural drainage identified on the plat; this was the reason this was brought forward initially. He would like this to be a condition of approval.

34:16
SECONDARY ACCESS
CODE – DISCUSSION

Mayor Lutes: He welcomed developer Krisel Travis and asked that she introduce her group: (Joel Harris, Ken Harris & Gordon Jones)

The Planning Commission recommended changing the code, as per request, to match the International Fire Code; which would allow 30 units on a single access. That is what will be addressed this night.

Discussion:

Weston Youd: He had already approved this on the Planning Commission; but he had questions: He felt the package presented to the Council was very “schizophrenic”...referring to conflicting opinions. He wanted to be informed how this happened. The change seemed to be acceptable when this went before the 4 Planning Commission; not it was not (according to the memos from the Fire Chief and Corbett Stephens). (Both Mr. Stephens and Chief Waite wrote memos to the Council for their packets; clarifying their positions.)

Corbett Stephens: Mr. Stephens explained that Shawn Eliot asked him what he thought about following the International Fire Code; and he responded that he did not have a problem with it as long as everything applies. He does not feel it all applies. He does not feel circumstances allow up to 30 units on an access. The representation that he was “for it” was not accurate. Mr. Stephens did not see the report entitled “staff report”; he felt it was more of a representation of Mr. Eliot’s opinion. Had he see it, he would have had a chance to clarify his response.

Chief Seth Waite: He understands what the Fire Code says; but he feels there are other issues to be considered. He is not saying that the proposed change should not be approved; he simply feels other issues should be reviewed; then if the code is applicable, approve it. He cautions approval without first considering all aspects of the situation; it could “hurt us down the road”. “Every time we do a blanket statement for something like that, we are going to end up with, ‘I wish I wouldn’t have done that’.”

Some of the issues:

- Some of the road slopes (It is hard to get those big trucks in and out of there if the road slopes are not conducive to big trucks...you can’t turn them around...particularly if there are people trying to exit the opposite direction.
- He mentioned in his memo some of the issues with interface areas.

Weston Youd: He expressed that he felt there has been some confusion on the 16 lots; they were based on a cul-de-sac of a 1,000 ft. So they took the minimum frontage and divided it by 1,000’, which produced the 16 unit minimum. This situation is not a cul-de-sac; it will eventually be a through road, according to the plat.

Corbett Stephens: He brought up Salem Hills Drive; approved many years ago as an “eventual through road”...it has yet to be connected and has two dead ends. The mistake was made before and we still have to deal with the risks associated with 60 – 80 (88) homes on a single access. Do we continue making the same mistake? Or do we try to address the issues associated with what is currently going on? He tried to address some of these issues in his memo:

- If a risk is created by the City, the City takes on the liability.
- If the City approves a risk, then the liability must be dealt with as well.
- If the situation is not appropriate, we should not be doing it.
- If it is a through road, then make it a through road...do we burden the developer with all that expense? Perhaps not.

Erin Clawson: Could the road be installed prior to development?

Krisel Travis: “Part of what is being proposed includes a water line for future use. One of the other “betterments”: On top of the water line, there would be a maintenance or “access” road. A portion of the road does follow where the permanent roadway will be...It is not necessarily going to be a “dead-end” road; they are going to loop it so there is a permanent loop until it goes through. In an emergency, there would be another access...it is steep and would not be a road the fire dept. could use...but it could be used to direct traffic another way.

Erin Clawson: She asked who would maintain this other road.

Mayor Lutes: He reminded those present that this was not meant to be a discussion of the proposed subdivision; it is on the agenda to discuss a proposed code change.

Erin Clawson: She remarked that she needs information to be able to consider the proposed change.

(Mayor Lutes said for her to go ahead and ask the questions.)

She does not feel the whole code needs to be changed to allow development to move forward. Could the decision be based on varying terrain? She proposed leaving the code as it is; and be able to approve up to a certain number of units? Why require that there must be that many?

Weston Youd: The codes conflict with one another: It reads International fire Code and the 16 units. A base code must be decided upon; then exception could be granted.

Erin Clawson: (Clarifying) She suggested leaving the code as is; but with the ability to approve more and grant exceptions.

Sean Roylance (Clarification) The conflicting codes has one additional piece: it is 16 units on a cul-de-sac, if in a normal HR-1 Zone; but if we are in the HR “Overlay” Zone, then there are actually 20 units on a cul-de-sac rather than 16.

When the discussion took place previously, it was based around a cul-de-sac rather than a single access point. When doing the math, in some cases the result is 16 units on a cul-de-sac and in some cases it was 20. *(Council Member Clawson thanked Council Member Roylance for the clarification.)*

So the requirement changes, depending on the zone.

Krisel Travis: The verbiage coming from the Planning Commission brings those two into alignment and follows the International Fire code.

Sean Roylance: In April, 2008, there was the Ewell/Fitzgerald application which had Preliminary Approval with an extension to 19 lots allowed on that cul-de-sac...due to the HR Overlay Zone. In the minutes, there was no discussion that there would actually be other houses on that access point which would have brought the number over 20 units.

Mayor Lutes: He asked if there were any more questions.

Krisel Travis: Speaking for her clients: she asked why there request was not on the agenda for action and was on for discussion only. It was their understanding from City Code that their application was in order and submitted and “on the table the Thursday prior to the meeting...and should have been placed on the agenda for action. So we are wondering why, between these meetings, there have been these other meetings that have happened that have stopped the process.”

Mayor Lutes: He felt it was obvious from the discussion with Mr. Stephens and the Fire Chief that the staff report did not accurately describe their feelings and there needed to be time for them to present their ideas. It seemed unreasonable to expect an instant decision...that is why the Council was discussing the application in a Work Session.

Krisel Travis: “It just makes it difficult; because it is an ordinance and that is the way it is supposed to go...and not that the vote, had in gone, been successful...but it is just a frustration to my clients as to why the time has expired and why we still...this is the second meeting...and we are still in discussion. How long will we discuss; when we have already been approved by the Planning Commission. Are we going to end up having to go back because things are going to change?”

Joel Harris: Is the provision in the Code to allow for traditional time? Does the Code specifically say that...based on miscommunication between staff?”

Weston Youd: He said that the developer is right...that after the Thursday, it can be on the agenda. “The next meeting”...that is what it means.

Krisel Travis: The next meeting was cancelled; so it should have been this meeting.”

Gordon Jones: “At this point, what would you guys recommend? This is new to us...from staff...so where do we go from here? Is it a work session with us and staff...it sounds like some staff...”

Krisel Travis: “We had a TRC before we got to Planning Commission and that is what got us to Planning Commission...we couldn’t get to Planning Commission without those kinds of reviews and the staff

report...that's what got us there; and then they recommended that we move to City Council. Their recommendation was what was to be considered by City Council...and I understand that there are other concerns. We are asking for a code change; we're not going to go out and build homes tomorrow. And it does impact the City and there needs to be education and consideration on all sides. We are just frustrated with the system...and the problem that has occurred.

Mayor Lutes: "we appreciate that...do you all feel good about this? Do you want to make a code change? Are you ready to do it next time and put it on the agenda for action next time? We cannot put it on for tonight.

Weston Youd: "No, but we could possibly see an option to do it quicker than two weeks."

Erin Clawson: "If you are not building homes tomorrow; do you mind waiting two more weeks?"

Krisel Travis: "No; it is just was repeated...it just keeps happening..."

Mayor Lutes: He responded that "this is the first time the Council has had it...you go to the Planning Commission for months, right?"

Krisel Travis: "We went to Planning Commission last month on the 24th (6/24), so there has been a month in between. This is the last hurdle so we can get to the point where we can start a subdivision plat. But it doesn't make sense to do that...so we just keep kind of waiting...we're glad to do whatever and cooperate with the system; as long as the system is functioning like it should."

Weston Youd: "Your frustration is not lost on us...so, I think if we look at options to still stay within the process...everybody knows that I am a stickler for the process', so if we can follow the process and get it done quicker...then we will identify options to do that."

Mayor Lutes: He asked again if there were any further comments or questions. There were not

(*Note: Not part of the official minutes...I have emailed all of the Council Members asking for the reference for the "code" spoken of in the previous discussion...Krisel Travis said it is an "ordinance" and Council Member Youd agreed that it says "next meeting". Marissa Bassir and I have both looked at length for this code...the approval process for code amendment I have included in your packets...I have looked in every section I can think of...plus have done numerous searches in our Code and the Utah Code...I can find nothing that states any time line to be followed. If this is in some obscure part of the code, please let me know. I got no response from any of the Council regarding the email I sent out with this same request. Thank you.)

51:13
CURB &
GUTTER UPDATE

Corbett Stephens: All of the agreements are signed except one and that person has already paid in full; the agreement is a formality, but will be signed. Materials have been ordered for the sumps and the installation will be in the next 2 or 3 weeks.

Mayor Lutes: He added that the curb & gutter is about 2/3 completed on Oak Ridge Drive; that will be finished before they get started on Columbus Ln.

Weston Youd: He asked about Loafer Canyon Road; should he wait to put decorative rock down. He was told by Mr. Stephens that it would be best to wait.

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OF MEETING

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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 July 22, 2010.

ROLL

Mayor: Kenneth O. Lutes; *City Council*: Julie Haskell, Sean Roylance (Connected electronically via speaker phone), Weston Youd & Erin Clawson (Absent: Derrek Johnson); *Building Official*: Corbett Stephens; *Sheriff*: Deputy Brent Butters; *Fire Chief*: Seth Wait; *Public*: Sherrie Dalton, June E. Christensen, Jamie D. Towse, Kristin Roylance, Ken Lutes, Jr., Russell Osborn & Troop 951 (BSA): Jeff Romare, Brett Williams, Jeff Jones, Duncan Osborn, Mason Fullmer, Cameron Harell, Max Johnson, Walter Peterson; Davis & Ann Brough, Jeshca Anderson, Lynn Weakley, Charles Wixom, Matthew Thurman, Scot Bell, Randy Jones, Logan Nilsson, Janine Nilsson, Scott J. HansenTanner W. Hansen, Brian Badders, Garren Holman, Shelby Judd & Chelsey Alexander; *and the City Recorder*: Janice H. Davis.

7:05 PM -

REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

OPENING REMARKS &
PLEDGE OF
ALLEGIANCE

Opening Remarks: Erin Clawson offered an opening prayer and Scout Walter Peterson led those present in the Pledge of Allegiance, for those willing to participate.

55:09
APPROVAL OF THE
AGENDA TIME FRAME

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:05 PM, AND APPROVING THE PRESENCE OF COUNCIL MEMBER ROYLANCE BY ELECTRONIC MEANS VIA SPEAKER PHONE TO THE COUNCIL ROOM
VOTE: YES (4) NO (0) ABSENT (1) DERREK JOHNSON

55:56
PUBLIC FORUM

1. *Scot Bell:* He wanted to thank the Mayor for working out the details to get a bus stop further up El Ridge Drive on Cove Drive. This is greatly appreciated and goes beyond the efforts of past administrations. The residents in the area have waited 16 or 17 years for this. The Mayor is also doing other maintenance jobs, like pouring cement.

2. *Charles Wixom:* He wanted to thank Corbett Stephens for fixing the water pressure north of Park Drive; the pressure has been very low for some time now. Whatever was done, the pressure is much better.

3. *Brian Badders:* He wanted to express his gratitude to Mayor Lutes for personally coming to his home to work out his landscaping issues. He took the time to help him work out a solution that works for everyone. Mr. Badders said this was much better than a letter. He told the Council that much can be accomplished by talking face to face. The Council should be proactive. He promised that when the economy turns around, he will take care of the rest of his landscaping.

4. *Jeff Jones:* He has an issue with flooding on Canyon View Drive from the Vance's home. The Vance's are asking the City to assist in redirecting the run-off that comes off their property. When this run-off is redirected, it will cause him (Mr. Jones) a big problem because the run-off will go to his lot...he is the low spot. He suggested taking the curbing all the way to Lakeview Drive.

5. *Jamie Towse:* Garbage Trucks: Will the savings be passed on to the citizens?
(August 10 will be when the Council discusses this at length.)

6. *Lynn Weakley:* Mr. Weakley addressed an issue that he has been attempting to install in his back yard. There were certain neighbors opposed to the installation and felt that it could be dangerous. There was a petition passed around with names of individuals against the zip line. Mr. Weakley also went around to every house he could see the zip line from to talk to these neighbors and also has a petition with 20 names on it that are not opposed to the zip line. He commented that there are many things that are dangerous; one neighbor has an above-ground pool...that is also dangerous. If individuals do not come to his yard, the line is not dangerous to them. Another reason for the opposition was a lady that commented it is not something one would normally see in a community. He knows of others in the surrounding area. There was a concern about how many people would be at his home riding the line. He said he is building it for the enjoyment of his own children and friends. He wants his children in his yard playing. He submitted photos of the construction. He will be dealing with his own insurance. He is going to cut down the poles from the current 30 ft. to lesser height. The poles are tied together and he feels that are sound.
(The Mayor asked that Mr. Weakley save his comments and any discussion until the regular session.)

7. *June Christensen:* She has been organizing a neighborhood watch since there has been a problem in the City with vandalism and theft. There will be a meeting on Thursday, 8-5-2010, at 7:00 PM at the brown church. This is more of a security issue rather than a volunteer issue; so she would prefer the security person come to this meeting and work with her on this. She thanked Mr. Stephens for patrolling and keeping his eyes open and stopping an incident in her area. She reported that the yard lights that were stolen from her have been returned (9 out of 11 stolen).
The Mayor closed the Public Forum.

1:13:29
EAGLE PROJECT

Chris Beckett: Scout Chris Beckett was ready to meet with the Council after first having met with the City Recorder, Corbett Stephens and Mayor Lutes to prepare his portfolio with his plan written up for his Eagle Project. He proposed to move the bullet board by the flag in the Park to the entrance of the City where it is more visible. Included in his write-up were photos of before and after shots, with the after photo superimposed to the area where he would like to locate it. He plans on adding solar lights and placing on a 4' X 12' cement pad, so when it rains, there will not be a mud puddle around it. It will be 25' from the road.

(Weston Youd: He suggested a path from the road to the sign.)

Vehicles will be able to drive right up to the sign and park.

There will be galvanized metal on the middle panels so citizens can put their notices up with magnets. Scout Beckett was complimented on the job he did in presenting his Project to the Council.

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE EAGLE SCOUT PROJECT FOR CHRIS BECKETT
VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE
Council Member Roylance's connection was terminated.)

1:17:50
WORK SESSION
ITEMS – ACTION

1. *Jetting / Vac:*

The direction from the Council is for Corbett Stephens to get the numbers together and bring those figures back to the Council.

2. *Lights for the Tennis Court:*

Corbett Stephens: Initially, the tennis court lights will automatically go off at 10:00 PM.

(If the Council wants them on longer than that, the Planning Commission will have to be involved.)

Mayor Lutes: He reminded the Council that there have been security issues and the insurance company encouraged the City to get some lights up.

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE \$850.00 FOR LIGHTS AROUND THE TENNIS COURT AND \$400.00 FOR LIGHTS FOR THE PALYGROUND AREA

VOTE (POLL): ERIN CLAWSON-AYE, WESTON YOUD-AYE, JULIE HASKELL-AYE (3)

NAY (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE

Passed 3-0

1:21:35

3. *Sanitation:* There will be a public meeting along with discussion and action at the next Council Meeting (8-10-2010). Direction:

- Get the numbers together
- Get the word out regarding public input

BUS STOP –
COVE DRIVE

Mayor Lutes: The School District agreed to change the bus stop from the corner of Elk Ridge drive and Park Drive up to the corner of Cove Drive and Elk Ridge Drive; with the following condition:

- The bus must be able to turn around in the “bulb” of the cul-de-sac on Cove Drive (the other cul-de-sacs up higher are too small).
- The garbage cans must be up against the curb
- No vehicles parked on the road

(then the bus can turn around).

The residents of Cove Drive have been contacted and they are all in favor of this arrangement.

It is proposed to put up signs to disallow parking during school days. Violators will be towed.

Mayor Lutes showed a sample of the sign that says:

“6 AM to 5 PM on school days”

With the Council’s approval, the signs can be ordered and posted before school starts again.

There has been consideration in getting some kind of shelter for that corner.

Corbett Stephens: The school bus will not back up; they do not want to take a chance.

Mayor Lutes: The preference would be to call any resident that may be in violation so the resident can have a chance to move the vehicle, rather than just having it towed.

Corbett Stephens: He suggested getting the residents’ cell phone numbers so they can call them.

Question: Where will all the snow be placed?

Currently all the snow gets put on the vacant lot. Perhaps the snow can go to the natural drainage channel.

Kristin Roylance: She is concerned with the proposed location of the bus stop; it would be good to have some kind of structure there for shelter. The road is very slippery in the winter at that location. Parents will still be driving their small children to the bus stop.

Corbett Stephens: He contacted UTA regarding any used shelters they may have on hand. They said that if they do have in their inventory any old shelters, that the City could have it for a dollar. We can make it as safe as possible. Bus routes are the first ones plowed. The School District will be up next week to tell the City what they want at this stop. It may be that they stop on Elk Ridge Drive to get all traffic to stop.

Mayor Lutes: The agenda item was simply to obtain approval to post signs on the cul-de-sac. The size is standard, as per the MUTCD Standards (State Code). It would be like a “No Parking” sign.

ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, TO PROCEED TO HAVE NO PARKING SIGNS MADE AND POSTED ON COVE DRIVE, SO THE SCHOOL BUS CAN MAKE THE TURN IN THE CUL-DE-SAC

VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE

1:34:27
OAK BRUSH
COVE
SUBDIVISION –
PRELIMINARY &
FINAL

Mayor Lutes: He called for any further discussion.

Weston Youd: (Directed toward Mr. Holman) He asked if the drainage could be listed on the plat.

Garren Holman: He responded that there is no drainage. That is the reason to go forward with the plans; due to there elimination of drainage on the lot. The drain has been eliminated on paper.

Weston Youd: He felt that there must be drainage created.

Corbett Stephens: (He asked to address this...) All the drainage that was originally identified for that area is taken up on Salem Hills Drive. The drainage that was supposed to come down there (natural drainage) is intercepted by Salem Hills Drive and does not come down to that area. The only drainage that is there is the drainage that “lands on the property” between their property line and Salem Hills Drive. It is not an accumulation of drainage that they need to address.

Scot Bell: He believes the Code states that you can’t transfer more than 2% of the water onto another property owner; they have a slope to the street so that any run-off from their property goes to the street, so it does not go to another lot.

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, THAT THE CITY COUNCIL APPROVE THE AMENDMENT TO THE TWO SUBDIVISIONS BY VACATING GREENVIEW ESTATES SUBDIVISION, LOT 5 AND FAIRWAY ESTATES SUBDIVISION, LOTS 2 & 3 AND CREATING THE OAK BRUSH COVE SUBDIVISION. THE COUNCIL AGREES WITH THE PLANNING COMMISSION FINDINGS THAT THE PROPOSED CHANGES FIR CITY CODE, HAVE NO NEGATIVE IMPACTS TO THE HOME OWNERS IN THE NEIGHBORHOOD, AND WILL HAVE A POSITIVE EFFECT FOR THE PROPOERTY OWNERS INVOLVED
VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE

1:39:40
ZIP LINE
DISCUSSION

Mayor Lutes: There has already been some discussion in the Public Forum. The Mayor asked for any further comments or discussion. The City Attorney advised that this is not the City's issue. There are no ordinances against the zip line in the back yard; the installation is not an illegal activity, which would constitute a nuisance finding possible. He advised that it is really a neighborhood issue, not a government issue.

City Recorder: The statement on the petition and which was quoted in the Planning Commission regarding the definition of a "nuisance" was not current code. As the Mayor said, the current Code mentions that the activity must be "unlawful" to be defined as a nuisance.

Weston Youd: Tow points must be satisfied:

1. Three people must see something they consider a nuisance
2. Whatever they see must be against the law or Code

If these two points are satisfied, then the City is obligated to take some action; if one or both points are not satisfied, then there is no action to be taken.

Erin Clawson: She asked how high the platform is going to be.

1:42:34

Mr. Weakley: The platform is 10' high; and the zip line itself is 19' off the ground.

Erin Clawson: Some of the emails she received were concerned with privacy. She suggested that he could meet with the neighbors and discuss this issue.

Mr. Weakley: Many of those that would have a privacy issue have signed his petition; and he believes there is no more of a privacy issue that simple standing on the top corner of his yard. The zip line itself will only be 7 ½ ft. off the ground when one arrives at Mrs. Dalton's property level; plus if one were level with her deck, it would be higher than his planned platform...and is more than 100' away from her property line. The reason the poles were installed at their full height was that he had to stand them up to know how and where to cut them down in size. He also stated that he has the ability to lock the line against unwanted intruders; this would make it safer for all.

Mayor Lutes: He asked if all of the poles are going to be cut down in height. *(Yes...one pole will be higher than the others to be able to launch from; but all will be decreased in height.)*

The Mayor wondered if that made a difference to some neighbors.

Mayor Lutes also asked about the liability insurance the owner had wanted to have in place.

Mr. Weakley: He said the owner does not have a problem with the line as long as it is not causing problems with the City or neighbors. The owner has not mentioned requiring liability insurance to him; but Mr. Weakley also stated that he is willing to take care of the insurance because he does not want problems either.

Mayor Lutes: This seems to be more of a neighborhood issue than anything the City can take action on. He wanted to see certain things brought out; but he did not feel any action on the part of the Council would be appropriate. He asked the Council if they were in agreement.

Weston Youd: He said he agreed that it is not an issue for the City. The Council is not saying that Mr. Weakley can or cannot build the zip line.

Sherrie Dalton: (Opposed to the zip line installation) Mrs. Dalton said that there seemed little she could do about it. She hoped that the City Code could be amended to prevent this in the future. She also has a concern with lighting and noise. *(Mr. Weakley commented that these are issues that any neighbor would have.)*

She feels this is not normal backyard equipment.

Weston Youd: He informed Mrs. Dalton of the code amendment process and that then the Planning Commission and Council would consider her request.

1:50:55
AUDIT PROPOSAL

Mayor Lutes: This is the proposal for the audit for the fiscal year ending June, 2010. He asked the Recorder for input.

City Recorder: The cost has increased slightly, by \$250.00 from last year...last year the price did not increase from the previous audit. They would typically increase every year, but they try to be sensitive to the economic situation most cities are in.

Weston Youd: This is less than 1% increase.

Comments:

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE AUDIT PROPOSAL FOR JONES SIMKINS TO PERFORM THE ANNUAL AUDIT FOR THE YEAR ENDING JUNE 30, 2010

VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE

Discussion:

A member of the public asked if the City advertises for bids for other firms. The response from Mayor Lutes was that we have in the past; but we would not want to change auditors frequently...Jones Simkins provides a good audit.

City Recorder: Prior to Jones Simkins, the auditors we had created some issues that had to be corrected. We then put out to bids and hired Jones Simkins, who have been great to work with and have been very thorough.

Is there a legal obligation to do so? It is like the City Engineer; do we change engineering firms frequently? No. She feels that the Finance Director would alert the City if the price were not competitive.

Mayor Lutes: The feeling is that they do a “marvelous job” for the price they charge the City.

Weston Youd: When we changed form the previous audit firm, we “shopped around” and found Jones Simkins to be the best...now we are just continuing on.

1:56:42

EXPENDITURES:

General: None

1. Check Register & Payroll for June, 2010:

Discussion:

Julie Haskell: (Page 3) She questioned the wage decided on for weeding and who determined the rate paid. She did not recall being involved in that decision and she has been present at all the meetings.

City Recorder: Perhaps that was determined based on the amount paid for summer help in the past.

Julie Haskell: The summer help were not paid \$8.00/hour; that is why she questioned it.

Mayor Lutes: He inquired if Council Member Haskell felt that was excessive.

Julie Haskell: She asked who decided on the rate and who made the decision? She felt that should be a Council decision.

Erin Clawson: This is not part of the “Volunteer Fund”; it is part of the Parks Fund and it came out of the \$2,000 that Council Member Johnson and the Council approved for Park Maintenance.

Julie Haskell: She felt that was to be for vegetation.

Erin Clawson: Part of it was used for vegetation.

Mayor Lutes: It was felt that the Council approved that money for fixing up the Park and that is what was done.

Julie Haskell: Why isn't Public Works doing this maintenance?

Erin Clawson: At that time they were involved with curb & gutter installation.

Julie Haskell: There are always many jobs to do. When the Council discussed the \$2,000, she did not understand it was for wages.

Erin Clawson: There was too much weeding for volunteers to start it. Once that money was approved, she spoke to Council Member Johnson (over Parks) and he approved this. They felt the wage was less than what most people earn for this kind of job.

Julie Haskell: “So, you and Derrek went on that wage then.”

Erin Clawson: She said she asked what had been done previously.

Julie Haskell: It was not \$8.00/hour.

City Recorder: Perhaps Council Member Johnson went off of the cost of hiring the individual from Spanish Fork that worked on the park maintenance and landscaping...that was higher than what we had paid before. She feels that City employees should be doing this work.

Mayor Lutes: He extended an apology if there had been anything done wrong; it cannot be undone and he did not imagine it will be done in the future.

Erin Clawson: A program has been introduced for citizens to adopt a piece of the Park...there has been a lot of good response. Nothing like this has been done in the past. The Park was run down and needed to be weeded before mulch and other landscaping could be addressed. She said she felt that they were doing the City a service.

Weston Youd: He asked if approval could be deferred.

City Recorder: Yes; but the expenditures have taken place...what would change if approval were deferred. The Council and the Dept. Head approved the up to \$2,000 for landscaping. The auditors look for proof that the Council is aware of the finances to safeguard against anything unlawful going on. There is no problem with deferring the approval; but she said she would like to have the approval by the end of August in preparation of the audit.

Weston Youd: As was indicated by Council Member Clawson, the money came out of the \$2,000 that was approved. He felt that perhaps that puts the pressure on the Council to be more specific when approving an amount.

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CHECK REGISTER AND PAYROLL REGISTER FOR JUNE OF 2010

VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE

2:04:18

MINUTES

Council Minutes of June 8 and June 22, 2010:

No discussion.

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL MINUTES FROM JUNE 8 AND JUNE 22, 2010

VOTE: YES (3) NO (0) ABSENT (2) DERREK JOHNSON & SEAN ROYLANCE

ADJOURNMENT

The Mayor adjourned the Regular Session at 8:14 PM.

City Reorder