

**ELK RIDGE
CITY COUNCIL MEETING
October 12, 2010**

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TIME & PLACE OF MEETING This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 12, 2010, at 7:00 PM.**
The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place and Agenda of this Meeting was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 4, 2010; & an Amended Agenda on 10-7-10 & on 10-8-10.

7:00 PM – CITY COUNCIL REGULAR SESSION AGENDA ITEMS:

ROLL *Mayor:* Kenneth O. Lutes; *City Council:* Julie Haskell, Derrek Johnson, Weston Youd, Erin Clawson (Absent: Sean Roylance); *Building Official:* Corbett Stephens; *City Planner:* Adam Castor; *Public:* Jamie D. Towse, F. Lucretia Thayne, June Apau-Lane, Kelee Malan, Shelby Lane, Alexis Zobell, Taylia Farley, Brittany Eidem, Neil Dykstra, Fred L. Gowers, Stewart Spencer, Christina Larsen, Brittney Adams, Scot Bell, Emily Bell, Katherine & Roy Gerber, Skylie & Jeff Steinacker, Andraya Salcido, Seth Adams, Karla Adams, & Tiffani Currie; *and the City Recorder:* Janice H. Davis.

OPENING REMARKS & PLEDGE OF ALLEGIANCE An invocation was offered by Neil Dykstra; and Kelee Malan led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME FRAME The Meeting started at 7:05 PM.
1:35

PUBLIC FORUM No one addressed the Council.

FRED GOWERS – 2 LOT SUBDIVISION *Mayor Lutes introduced Adam Castor (LEI Engineering) to those present as the new City Planner. Adam Castor: (Brief History of why Mr. Gowers was present)*
Fred Gowers submitted an application for a lot split involving Oak Hill Estates, Plat E Subdivision. The lot has some particular conditions associated with it and Mr. Gowers was requesting assurance from the current City Council that the R-1-15,000 zoning regulations would be applicable to his proposed lot 1A and the HR-1 zoning regulations be applied to his proposed lot 1B.
On August 8, 2006, the City Council discussed the one lot subdivision and stated the following, which was read by Mr. Gowers, “This new subdivision contains areas in two zones: the R-1-15,000 Zone & the CE-1 (currently: HR-1 Zone). Since the larger portion of the buildable area falls within the R-1-15,000 Zone and a footprint of the proposed home has been placed entirely within that Zone, the requirement for a grading site plan approval by Planning Commission has been waived. Mr. Yergensen understands that should any future development be desired in the back portion of the lot within the CE-1 Zone area, the approval of a grading site plan will be required at that time.”
(Memo from Planner to Mayor Lutes, dated 9-24-2010)
“On Thursday, September 23, 2010, an informal TRC meeting was held with the applicant, Mr. Fred Gowers, regarding Mr. Gowers’ 2-lot subdivision concept plan.”
“Prior to this meeting, LEI performed a review of Mr. Gowers’ subdivision concept plan and application for completeness and adherence to the City’s Development Code. LEI presented its findings and recommended that Mr. Gowers provide additional information with the concept plan for further review, before proceeding with a Preliminary Plan application.”
“Mr. Gowers is concerned about moving forward with a Preliminary Plan application, and the costs associated with preparing the application, due to the split zoning that applies to his lot.”
Recommendation from LEI/Planner to the Council:
“It is our recommendation that the City Council provide Mr. Gowers assurance that the R-1-15,000 Residential Zone shall apply to proposed Lot 1A and that the HR-1 Residential Zone shall apply to Proposed Lot 1B, should he decide to proceed with further review of the concept plan and a Preliminary Plan application. This recommendation is based on the following:

- The HR-1 Residential Zone covers a very small portion of Proposed Lot 1A, the southeast corner;
- The entire footprint of a residential structure and access driveway can be constructed within the R-1-15,000 Residential Zone;
- Adjusting the lot lines of the proposed subdivision to create Lot 1A entirely within the R-1-15,000 Residential Zone would create an undesirable “buildable area” within Lot 1A, a steeper access driveway to Lot 1B with more cuts and fills, and a potential need for an access easement across Lot 1A; and
- The grading and stripping of existing vegetation previously done by RL Yergensen within the building envelope of proposed Lot 1A is more in keeping with the R-1-15,000 Residential Zone, and does not necessarily comply with the ordinances in the HR-1 Residential Zone.

Mr. Castor showed a proposed plat map to the Council; which detailed the lot configuration. He also pointed out that typically, when there is split zoning on a lot, the more restrictive regulations are applied; but, due to the small size of the portion on lot 1A that is zoned HR-1, the recommendation was to apply the R-1-15,000 regulations.

Discussion:

There was concern over the steepness of the terrain and possible cuts & fills associated with the lot owned by Mr. Gowers. Additional information has been requested of Mr. Gowers, if he moves forward into the subdivision process. There was no slope analysis submitted.

Derrek Johnson: Considering the steepness of the slopes on the lot, he did not think it feasible to get two lots out of the one with the Hillside regulations in place.

Mayor Lutes asked Mr. Gowers to explain his request to the Council.

Fred Gowers: He explained that the Planning Commission acted on his request to re-zone the property to R-1-15,000; it was denied by both the Planning Commission and the City Council. Now he is asking for an assurance from the Council regarding the possibility of the application of the R-1-15,000 zoning regulations to lot 1A, for a future application for a lot split.

7:47 *(Mr. Gowers read from the minutes of the Council Meeting held 8-8-2006.)*

He has considered several different options in designing a lot split on this property; he felt the option he presented was the best:

- for the house he designed
- access for the driveway on lot 1B

Mr. Gowers felt the slope on the property was 10% from the road to the base of the hill; and in another corner, it could be 20%...but he had no proof of slopes to submit. He felt confident he could get an 8% (or less) grade for a driveway...he thought his fills would be under 15 ft. and the cuts would be about 5 ft. to get the driveway in place.

Derrek Johnson: He felt, "that hillside is already an eye-sore to the City and has been since RL (Yergensen) did it". He did not feel Mr. Gowers' proposal helps...it is steep terrain.

Weston Youd: He questioned why this request was not before the Planning Commission..."Was a step missed?" He felt the process should have included the Planning Commission and a public hearing.

Mr. Castor explained the request to the Council...that he needed to get assurance from the Council prior to moving into the development process.

14:35 Fred Gowers: There is a proviso that the footprint of the house would not encroach into that small portion of property within lot 1A that is zoned HR-1. That small portion would be located within the set-backs for the home. He wanted to know if he should proceed with his current design; if not, he will have to redesign the lots.

Discussion:

Derrek Johnson: He did not feel comfortable giving any assurances with this particular lot, due to the steep terrain.

City Recorder: Suggestion: Could there be conditions placed on that small corner of land on lot 1A that would prevent any major grading or disturbance?

Adam Castor: He responded that, yes, that corner could still be held to HR-1 regulations while allowing Mr. Gowers to build on lot 1A under the R-1-15,000 regulations; and lot 1B would be held to the more restrictive requirements of the HR-1 Zone.

Weston Youd: He questioned if a re-zone for the particular corner on lot 1A would be more appropriate.

(Mr. Castor did not feel that would be necessary; that the corner alone could be held to the more restrictive regulations.)

Erin Clawson: She was "okay with holding that corner to the more restrictive"; but she felt the general policy should just be to instruct developers to build within the established and existing zone. She said she would be willing to grant the assurance Mr. Gowers was requesting, if the footprint of the house stays within the R-1-15,000 zone and the corner zoned HR-1 falls under the more restrictive regulations.

The other concerns would be addressed during the development process.

DERREK JOHNSON MOVED, SECONDED BY JULIE HASKELL, TO DENY THE REQUEST FOR ASSURANCE BY FRED GOWERS THAT THE LESS RESTRICTIVE ZONING REGULATIONS OF THE R-1-15,000 ZONE WOULD APPLY TO THE PROPOSED LOT 1A OF THE PROPOSED LOT SPLIT OF LOT 1, PLAT E, OAK HILL ESTATES; THE MORE RESTRICTIVE REGULATIONS OF THE HR-1 ZONE WILL APPLY

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

31:13
ASSISTED LIVING
FACILITIES CODE

While reviewing the City Code in order to process Lee Haskell's Conditional Use application for an Assisted Living Facility, it was discovered that there are some discrepancies regarding these types of facilities. The Code should differentiate between Residential Housing for the Elderly and Assisted Living Facilities. The current Code needs to clarify how and where the regulations are listed. The goal would be to more closely match the Utah State Code.

Adam Castor (City Planner): Suggested recommendations:

1. Amend Code: To list Assisted Living as a "conditional use" in the Commercial Zone (C-1 Zone)
2. Amend Code: To address the distinction between Assisted Living Facility and a Residential Facility for the Elderly (Mr. Castor reviewed the restrictions associated with "residential facility for the elderly").

He recommended sending these items to the Planning Commission for a Code amendment recommendation.

35:50 Corbett Stephens: Limitations on the Assisted Living Facility are established by the size of the property, the site plan process and the actual building of the facility.

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO SEND TO THE PLANNING COMMISSION THE CITY COUNCIL'S REQUEST FOR A CODE CHANGE RECOMMENDATION REGARDING CLARIFICATION OF ASSISTED LIVING FACILITIES AND RESIDENTIAL HOUSING FOR THE ELDERLY

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

36:43

RESOLUTION – CITY
FEE SCHEDULE

The areas addressed in the proposed changes to the fee schedule are:
- Development Fees (*In the past, they have been insufficient to cover expenses*)
- Hearing Adjustor Fees (*They are insufficient for the process involved*)
- Utility Shut-off Fees (*This is to encourage payment of City utility bills and lessen those on the shut-off list*)
- Sanitation Fees (*A new contract with Allied is pending and “administrative fees” in the General Fund have not been covered*)
- The current water, sewer, storm drain and garbage charges are also listed; simply to get all the City fees onto one document (*no changes in rates*)

Utility Charges:

Mayor Lutes: (*Discussion of proposed utility deposit and “shut-off” charges*):

38:19

There are issues with the number of utility shut-offs that have been occurring and the amount of time it takes to deliver tags, deal with the collections, shut off meters and reconnect them...the number is growing. Increased fees could encourage people paying their utility bills.

Some of the proposals:

Deposits:

- Perhaps discontinue returning the original deposit after 18 months of a good payment record (only applicable to new deposits)
- Deposit stays in the account until account is discontinued (terminated)
- There must be a deposit on record with the City; so if it has been returned and the resident is shut-off due to non-payment, the original \$100 would have to be re-deposited + \$25 with each shut-off (increasing by \$25 with each shut-off)

Shut-offs:

- Red Tag (warning of pending shut-off) = \$15 charge
- Disconnect (to actually shut water off if resident has not been in to pay) = \$25
- Re-connect = \$25

These proposed fees in no way affect the established water rates.

The current “shut-off” fee is a simple \$25 “service charge” and does not seem to be much of a deterrent.

Weston Youd: Council Member Youd brought up a good point: There should be clarification between shut-offs due to delinquency in payment and shut-offs of choice (examples: vacations, wintering in a southern state, missions, terminations due to moving, etc.)

Corbett Stephens: He would refer to “shut-offs” (delinquencies) and “discontinuance of service” (by choice). (*The question would be whether or not to charge the same fees associated with a voluntary discontinuation of service as a forced shut-off.*)

(There was discussion of the pros & cons about both scenarios; including suggestions from the audience.)

Julie Haskell: She suggested that should be part of the expected service provided by the City.

Erin Clawson: Are citizens in “good standing” with the City regarding their payment history going to be penalized, if they leave town temporarily? These “good” citizens should not be penalized.

50:25

Lucretia Thayne: She asked about calling to make arrangements for payment: is a red tag or actual shut off still required? (*The Mayor responded that the City “has been known to be compassionate”; and that he did not feel she needed to worry about it.*)

Neil Dykstra: He asked about the \$100 deposit as applied to a citizen who has lived in town for quite a while and then moves...

Mayor Lutes: He explained that if the deposit has been applied to the person’s account; it would have to be replaced if they are on the shut-off list. In the future, the deposit would stay in the account and not be returned until the person leaves town.

Julie Haskell: If the resident does not leave town, she questioned being able to hold that deposit indefinitely. It is not the City’s money.

Mayor Lutes: Other cities handle it by keeping the deposit in the resident’s account until they move and using it to off-set the last month’s billing. This is all in an effort to get people to pay their bills; it is a “waste of time” to deliver all the red tags and shut people off.

Corbett Stephens: He cited an example of a resident leaving town without paying his/her bill and the City was stuck with a bad debt of over \$500. The risk needs to be minimized or other residents absorb those fees. Every month there are about 30 – 35 red tags resulting in perhaps two or three actual shut-offs; the shut-offs are the only ones affected by all of the fees. When SESD started charging to deliver the red tags, the number of red tags decreased by about 50%.

Erin Clawson: She questioned the method of informing the residents; not everyone in town reads the Bugle (City Newsletter).

Suggestion: Print the notice on the bill itself; or on a sticker on the outside of the envelope holding the City bill.

Mayor Lutes: The recommended enforcement date for these proposed utility fees was to be January 1, 2011; but the other proposed fees need to be effective after passage (approved).

City Recorder: She explained “effective dates” vs. “enforcement dates”; typically resolutions are effective upon passage...enforcement can be another date.

Julie Haskell: (*Seeking clarification*) She reiterated that she felt the residents should get their deposits back if they have a good payment record.

To continue to track re-deposits for 18 months at a time could be an accounting problem.

Weston Youd: He was also hesitant about holding the deposits.

(Further discussion on deposits)

2 Development Fees:

3 Adam Castor (Planner) After consideration and meeting with staff from the City, it became apparent that the
4 fees for development needed to be addressed in order to decrease the instances when the City subsidizes the
5 developer.

6 Corbett Stephens: He noted that the “fixed fees” stay with the City and the “deposits” cover outside
7 engineering and planning. These fees must be sufficient to cover all the reviews.

8 There is a statement just under the title, “Development Fees” that covers the required reviews.

9 Adam Castor: The stated fees cover two reviews; anything beyond that would require additional fees to be
10 paid by the applicant. It was proposed that the engineering/planner deposit be non-refundable; this tends to
11 even itself out.

12 City Recorder: The size of the development does not always dictate the number of reviews required.
13 (Mr. Castor agreed.)

14 *The Recorder suggested that the fees be considered separately and moved on separately, as well.*

15 *Action was postponed until after the discussion on Sanitation, including the proposed contract with Allied.

17 1:07:31

18 RELEASE OF
19 DURABILITY
20 RETAINERS

21 1. Doe Hill Estates, Plat A:

22 Corbett Stephens: Everything is completed; the letter from the City Engineer states the “deed restrictions” for
23 Lot #25; which are part of the original recorder plat and are still in place. The “cash-in-lieu” money has been
24 paid to the City. Certain funds (part of the Inspection Bond) are being held to pay the remaining inspection
25 fees.

26 **DERREK JOHNSON MOVED, SECONDED BY ERIN CLAWSON, TO ACCEPT THE CASH-IN-LIEU OF
27 THE INSTALLATION OF A TRAIL IN THE AMOUNT OF \$4,194.00, PLUS THE COST OF ANY FINAL
28 INSPECTIONS; AND TO RELEASE DOE HILL ESTATES, PLAT “A” FROM THE DURABILITY TIME
29 PERIOD**

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

31 2. Oak Hill Estates, Plat D:

32 Corbett Stephens: He had Dave Hansen (State Division of Services) come out to inspect the re-vegetation
33 installed by RL Yergensen (developer); Mr. Hansen wrote the original re-vegetation plan for Mr. Yergensen for
34 this subdivision. He inspected it and said it “looked good”; but he wants his “range master” as well as PJ
35 Abrams (Forestry expert for the State) to inspect the work before he writes a letter to the City.

36 Suggestion: to table any release for Oak Hill, Plat D until this information is available.

37 Note: The developer has submitted the “Cash-in-lieu” of installation of the “collars” associated with their
38 subdivision in the form of a wire transfer.

39 **JULIE HASKELL MOVED, SECONDED BY WESTON YOUD, TO TABLE APPROVAL OF A RELEASE OF
40 DURABILITY RETAINER FOR OAK HILL SUBDIVISION, PLAT “D”; PENDING RECEIPT OF A LETTER
41 FROM MR. DAVID HANSEN REGARDING RE-VEGETATION**

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

43 1:15:14

44 ALLIED WASTE
45 COMPANY –
46 SANITATION
47 CONTRACT

48 Mayor Lutes: He and Council Member Johnson have spoken to Gordon Raymond (Allied) to relay the
49 Council decisions and preferences from the last Council Meeting.

- 50 - Both cans the same price
- 51 - 1 year contract
- 52 - Cans on the same side of the street (if it would save money)
- 53 - Keep the 15 roll-offs per year

54 Amendment #2 was send as from Allied as a result of that conversation. It has been received and is ready for
55 a signature. It seems that no matter how the figures are arranged, the sum of money going to Allied remains
56 the same.

57 In July, 2010, there was an expectation of a \$2.00 to \$3.00 increase from Allied due to issues with land-fill; but
58 with Elk Ridge considering our own business or going with another entity, this created pressure on Allied to
59 change their operations to use Payson’s land-fill, which resulted in a slight decrease in their fees. Rather than
60 increasing fees, the City can maintain the current charge of \$11.00 for the 1st can to the residents.

61 Allied was not comfortable in raising the 2nd can to equal the 1st can; they fear loss of business if the 2nd can is
62 at \$10.00 or higher. Some cities charge a fee slightly lower for the 2nd can than the 1st can; others are the
63 same for both.

64 Allied proposed:

- 65 - 1 year contract
- 66 - Same side of the street “cart service”
- 67 - 1st “cart” (can) = \$9.35 + fuel charge
- 68 - Extra cart = \$5.50 monthly
- 69 - In the event the number of extra cans drops below 200, for each ten extra cans, the 1st can rate will
70 increase \$.80 per can.
- 71 - If the agreement automatically extends past December 31, 2011, these fees will increase 2% beginning
72 January 1 of the extended term & each subsequent term.
- 90 day termination/renewal notice (written), rather than 6 months

73 Mayor’s recommendation:

74 To approve the agreement with Allied; perhaps retro-active to August 1, 2010.

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The other side to this arrangement is what the City will do with its fees to residents? As he and Council Member Johnson discussed the issues, they felt the City should:

- Leave the fee for the 1st can at \$11.00 (current rate)
- Increase the fee for the 2nd can from \$5.00 to \$9.00 (making Elk Ridge more consistent with other communities) This will allow the City's administrative costs to be covered. (The Finance director has recommended in the past to raise the fee for the 1st can to \$12.00 to cover administrative costs.)
- The choice for the 2nd can is optional.

Erin Clawson: She suggested that the Council continue to pursue going into the sanitation business during the year contract with Allied.

Neil Dykstra: There was a request from Mr. Dykstra to have information in the newsletter regarding recycling centers in the area.

1:28:35

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO ACCEPT AMENDMENT #2 FROM ALLIED WASTE; AND TO AUTHORIZE THE MAYOR TO ENTER INTO THE AGREEMENT, AS STATED

Discussion:

Erin Clawson: She would like to continue to pursue the City's own sanitation business during the contract time period with Allied.

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

1:29:35

RESOLUTION –
CITY FEE SCHEDULE
(CONTINUED)

**This was carried over from earlier in the Meeting to give the Council the opportunity to address the sanitation fees.*

The City Recorder suggested handling the fees in separate motions; the Council agreed.

Discussion:

Utility Fees: There were concerns regarding:

- Deposits being held by the City
- Clarifying voluntary discontinuation of service when residents leave temporarily

*Council Member Youd would like a chance to review the fees and to talk to residents.

Mayor Lutes reiterated the reasoning behind the escalation in the deposit to deter people from being on the shut-off list.

*The utility fees should be addressed at the next Council Meeting to allow opportunity to put an announcement in the November newsletter.

1. Development Fees:

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE "DEVELOPMENT FEES" AS PRESENTED IN RESOLUTION #10-10-12-7R

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

2. Sanitation Fees:

JULIE HASKELL MOVED, SECONDED BY WESTON YOUD, TO APPROVE THE SANITATION FEES, AS PRESENTED IN THE CITY FEE SCHEDULE (RESOLUTION #10-10-12-7R)

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

3. Utility Fees:

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO TABLE ACTION ON THE UTILITY FEES

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

4. Hearing Adjustor:

WESTON YOUD MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE FEES FOR HIRING A HEARING ADJUSTOR AS PRESENTED IN THE CITY FEE SCHEDULE (RESOLUTION #10-10-12-7R)

VOTE: YES (3) ABSTAIN (1) ERIN CLAWSON NO (0)

ABSENT (1) SEAN ROYLANCE

(Council Member Clawson was out of the room during the discussion and explanation.)

1:38:55

SERVICE UPPER
LOAFER WELL

Corbett Stephens: Widdison Turbine has the information they need to assist the City in evaluating a course of action for an upgrade to the Loafer Well. Their recommendations have not come back yet.

(SESD) They say that the transformer that is up at the Well will handle a 100 horse motor; which is twice that installed currently.

The phase converter that is up there is 16 years old; it is a motor that sits on the power system and "fakes out" the pump that is in the ground by making it respond like there is a 3rd leg...to create 3-phase power. It is inefficient. One of the things suggested by Widdison is: instead of going with a 3-phase motor (a 3-phase - 480 volt), go with a single phase (240 volt)...so we don't lose anything through a phase converter and we get the same horsepower motor ("50 horse is 50 horse"). He quoted about \$8,000 - \$10,000.

*More information will come to the Council when it is received.

(Further discussion on the phase converter)

The City Recorder reminded the Council that Water Impact Fees can be used for this project, even though it is an "operating expense" because the Water Impact Fees are reimbursing the City for the Major Water Project (Fairway Tank).

Discussion of operation necessities for the Water Dept.

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1:45:41
STORM DRAIN

Weston Youd: The map is completed and the information needs to be explained to Mr. Stephens. Council Member Youd will get together with Mr. Stephens. Council Member Youd said he will email the information to the City and he suggested putting it on a hard drive and to save it and use it for inventory for now and in the future.

EXPENDITURES:

General:
None to approve.

1:47:38
MINUTES

City Council Minutes of September 28, 2010:

WESTON YOUND MOVED, SECONDED BY JULIE HASKELL, TO APPROVE THE CITY COUNCIL MINUTES OF 9-28-2010, AS PRESENTED
VOTE: YES (4) NO (0) ABSENT (1) SEAN ROYLOANCE

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:50 PM.

City Reorder