

ELK RIDGE
CITY COUNCIL MEETING
April 12, 2011

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5 TIME & PLACE
6 OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for Tuesday, April 12, 2011, 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 April 8, 2011.

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12 **6:00 PM –**

CITY COUNCIL WORK SESSION AGENDA:

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14 ROLL

Mayor: Kenneth O. Lutes; *City Council:* Sean Roylance, Weston Youd, Julie Haskell, Erin Clawson & James Mayfield; *Planning Commission:* Nelson Abbott; *Building Official:* Corbett Stephens; *Sheriff:* Deputy Brent Butters; *Public:* Rick & Lucretia Thayne, Ciera Thayne, Tricia Gunnerson, Aaron Lawrence, Jack & ShaMayne Mason, Seth Mason, Neil Dykstra, Ed & Linda Christensen, Jane Watson, Ann Brough, David & Sophia Clark, Darren Balls, Laura Loree, Jamie Towse, June Christensen, Leona Christensen, Amy Boswell, Michael W. Schwabland, Perry Ewell, Jacob Johnson & Rob M. (roll unclear); as well as the Deputy Recorder, Janine Nilsson & the Planning Commission Assistant, Marissa Bassir.

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22 OATH OF OFFICE –
23 CITY COUNCIL

The Deputy Recorder administered the formal Oath of Office to the Newly-appointed City Council Member, James Mayfield.

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25 ELK RIDGE MEADOWS
26 PUD, PHASE 2 –
27 DISCUSSION /
28 DAVID CHURCH

(The City Attorney was not present when the discussion began; he arrived later.)

Mayor Lutes: The Council received several documents for review in the Council packets. The Mayor summarized: Basically, Mr. Millheim would like for the City to accept the water impact fees for Phase 2, rather than continuing to pursue the claim against the Insurance Company of the West (ICW) for the durability retainer. The agreement for the reimbursement of water impact fees called for \$2,841.50 to be paid back in exchange for the original \$233,000.00 upfront money paid into the Water Project for Phase 2.

The original agreement was with Elk Ridge Managers; but Centennial Bank took that over. The City's legal counsel was to pay the required reimbursement into a bank account until the courts decide who the money goes to. The courts have decided that Mr. Millheim (Elk Ridge Managers) is the party to be reimbursed; however, he has proposed an amendment to the agreement, allowing the City to take whatever money is in the bank and the rest of the impact fees owed to the City (over \$200,000).

James Mayfield: He questioned if the City has a copy of the release from the courts indicating that Mr. Millheim has legal claim to the impact fee reimbursements.

He also wanted to know what improvements are still needed and if there is an agreement for any remaining improvements/repairs.

(Mr. Stephens has that information, but he was not present at that time to answer the question.)

Sean Roylance: He understood that whatever is remaining, besides the park, would have been covered by the insurance bond.

Discussion: The general understanding was: if the City accepts the offer of the impact fee money, then the City will be responsible for the repairs/remaining improvements (example: overlay).

Mayor Lutes: He explained further that the overlay was not done, but may not need to be done at this point; the road currently is not showing the wear. The overlay should have been completed; and the City is due that money for that uncompleted improvement. The City may wait until more building takes place, then complete the overlay. Mr. Stephens felt accepting the offer of water impact fees would be a good move; it could work out to be more money...over time than the insurance bond.

- The entrance to where the model homes are needs to be repaired

The complete punch-list can be provided by Mr. Stephens. Council Member Haskell would have liked for that list to be in the Council packets for review before the meeting that night.

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54 10:46

The Mayor noted that the park issue is not part of this specific decision; it was included in the money agreed to by the insurance company; however, it was not part of the original improvements covered by the durability retainer, so it is an unknown if that would be part of the final settlement from the insurance company.

The Mayor had requested a draft of the proposed agreement from David Church for the Council packets; but it was not provided. He surmised that Mr. Church would be looking for an approval from the Council that the proposal from Elk Ridge Managers would be acceptable; and that the City would waive any further interest in the surety bond claim in exchange for the impact fees.

(Council Member Haskell cautioned against any further creditors and unforeseen issues or money owing.)

The Mayor felt that Mr. Church is comfortable that "due diligence" on the part of the City would take care of that threat.

Brief discussion of the history of the Elk Ridge Meadows Development and the various phases.

(The Mayor suggested skipping ahead to "Code Amendments" while waiting for Mr. Church and Mr. Stephens to arrive.)

00:16:10

CODE AMENDMENTS

Adam Castor: (Planner) He referred to the Staff Report supplied to the Council:
The 1st two amendments were recommended by Sterling Codifiers, after their review of the codes:

A. Public Hearing Requirements:

“DESCRIPTION:

This is a recommendation to amend Ordinance 10-9A-15-10 regarding the Public Hearing requirement for a Preliminary Plat in the HR-1 Hillside Residential 1 Zone. The code amendment is to correct a reference to Chapter 14 of the code, which has been repealed. The code amendment reads as follows:

10-9A-15-10: Public Hearing:

A public hearing shall be held with the neighboring property owners in accordance with section ~~40-44-5~~ 10-11F-4D of this title. This is a formal meeting. Concerns and comments from the public shall be taken. Staff and/or the commission shall address any comments that cite code violations or health, safety, and welfare concerns. Comments from this hearing can aid the applicant, staff, and the commission to address design elements of the development. (Ord. 08-4, 2-26-2008)

RECOMMENDATION:

LEI and City staff have reviewed and discussed this code amendment and recommend approval.

Planning Commission Recommendation:

On March 10, 2011, the Planning Commission voted to recommend approval of the code amendment without conditions.

FINDINGS:

Elk Ridge Municipal Code

The public hearing requirement for preliminary plats in the HR-1 Hillside Residential Zone is now described in Article F – Planned Mountain Home Developments (MHD) of Chapter 11. The procedure for approval, including the public hearing requirement, was previously written under Chapter 14 – Large Scale Developments, which has been repealed.”

B. Approval Procedure – Low Power Radio Service Antenna Facilities:

DESCRIPTION:

This is a recommendation to amend Ordinance 10-12-28B: Procedure for Approval regarding low power radio service antenna facilities (cellular phone transmission towers and facilities). The code amendment is to correct a reference to Chapter 14 of the development code, which has been repealed. The code amendment reads as follows:

10-12-28B: Procedure for Approval:

Same as required for approval of a large scale development (see section ~~40-44-5~~ 10-11F-4 of this title).

RECOMMENDATION:

LEI and City staff have reviewed and discussed this code amendment and recommend approval.

Planning Commission Recommendation:

On March 10, 2011, the Planning Commission voted to recommend approval of the code amendment without conditions.

FINDINGS:

Elk Ridge Municipal Code

The procedure for approval of low power radio service antenna facilities (cellular phone transmission towers and facilities) is now described in Article F – Planned Mountain Home Developments (MHD) of Chapter 11. The procedure for approval was previously written under Chapter 14 – Large Scale Developments, which has been repealed.

00:17:44

(The next two proposed amendments were discussed back in October when Lee Haskell applied for a conditional use for a possible Assisted Living Facility. There was confusion in the City Code which would be clarified and would more closely match the State Code.)

C. Assisted Living Facilities:

“DESCRIPTION:

This is a recommendation to amend Ordinance 10-12-31: Assisted Living Facilities, and Ordinance 10-10A-2: Permitted and Conditional Uses. These two code amendments are intended to 1) clarify within the development code the two different types of assisted living facilities, per Utah Code, 2) list assisted living facilities as a conditional use **only** in the C-1 Retail Commercial zone, and 3) include assisted living facilities as a conditional use in the Permitted and Conditional Uses table in the C-1 Retail Commercial Zone. The code amendments read as follows:

10-12-31: Assisted Living Facilities:

A. Assisted living facility means:

- I. A type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who:
 - a) Require protected living arrangements; and
 - b) Are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and

- II. A type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.
- B. Each resident in a type I or type II assisted living facility shall have a service plan based on the assessment, which may include:
 - I. Specified services of intermittent nursing care;
 - II. Administration of medication; and
 - III. Supportive services promoting residents' independence and self sufficiency.

Assisted living facilities are a conditional use in ~~all zones~~ the C-1 Retail Commercial Zone based on the following conditions and standards:

10-10A-2: Permitted and Conditional Uses:

Amend the Permitted and Conditional Uses table in the C-1 Retail Commercial Zone to include assisted living facilities as a conditional use.

RECOMMENDATION:

LEI and City staff have reviewed and discussed this code amendment and recommend approval.

Planning Commission Recommendation:

On March 10, 2011, the Planning Commission voted to recommend approval of the code amendment without conditions.

FINDINGS:

Elk Ridge Municipal Code

The development code does not currently contain any information on the different types assisted living facilities. LEI and City staff believe that the development code should include the language that defines and differentiates the two types of facilities.

The development code currently allows assisted living facilities as a conditional use in all zones. LEI and City staff believe that amending the development code to list assisted living facilities as a conditional use only in the C-1 Retail Commercial Zone, rather than all zones, is appropriate based on the business nature of assisted living facilities, the size of the facilities and necessary parking, and the increased vehicular and service traffic – all of which may be incompatible in residential zones.

The Permitted and Conditional Uses table under the C-1 Retail Commercial Zone does not include assisted living facilities as a conditional use. LEI and City staff believe that this table should be amended to include assisted living facilities as a conditional use.”

D. Residential Facilities for the Elderly:

“DESCRIPTION:

This is a recommendation to amend Title 10, Chapter 12 – Supplementary Regulations within Zones. This code amendment is intended to add the regulations pertaining to Residential Facilities for the Elderly, per Utah Code, to the supplementary regulations found in Chapter 12. The code amendment reads as follows:

10-12-39: Residential Facilities for Elderly Persons:

- A. A residential facility for elderly persons may not operate as a business;
- B. A residential facility for elderly persons shall:
 - 1. Be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
 - 2. Be consistent with any existing, applicable land use ordinance affecting the desired location;
and
 - 3. Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
- C. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

RECOMMENDATION:

LEI and City staff have reviewed and discussed this code amendment and recommend approval.

Planning Commission Recommendation:

On March 10, 2011, the Planning Commission voted to recommend approval of the code amendment without conditions.

FINDINGS:

Elk Ridge Municipal Code

The development code currently lists Residential Facilities for the Elderly as a permitted use in all of the residential zones, pursuant to Utah Code, but does not contain the regulations pertaining to these types of facilities. LEI and City staff believe that amending Chapter 12 to include these regulations is appropriate since these facilities are a permitted use, and that including these regulations in the development code will also differentiate a Residential Facility for the Elderly from an Assisted Living Facility. “

There was no further discussion.

(While still waiting for David Church to arrive, some of the agenda items from the Regular Session were discussed.)

CITY CELEBRATION

Weston Youd:

- He is trying to figure out how many attended the Mayor's dinner in the past. He wanted to know if anyone present knew that; if not, he requested to go through some of the financial records; to see how much food to order (hot dogs). This information was not included in the folders that were passed on by former Council Member Johnson.

*Discussion of various needs regarding food and ice. *(Janine Nilsson said she would check receipts turned in.)*

- The budget amount for the Celebration is \$5,000; he wanted to know what the expectation is for recouping all or a portion of those funds.

Typically the City recoups part of the money spent; but only about half. The budget figure is simply renewed each fiscal year.

Sean Roylance: He felt that this is a matter of opinion of those serving as Council Members; he favors community involvement as opposed to making the money back. He felt the food and games should be kept at a reasonable cost to allow more residents to participate.

Julie Haskell: She agreed that the Celebration should be affordable for everyone. Ideally it would be good to recoup the money spent; but she and Council Member Youd felt that should not be the priority.

Ann Brough (Chair Person): She agreed and felt that was how the Committee is approaching the planning of the Celebration.

She also clarified the dinner; that hot dogs would not be served this year...they are thinking of Indian fry bread with chili and cheese.

The residents will be encouraged to purchase tickets to the dinner ahead of time at the discounted price of \$2.50; whereas if it is purchased the night of the dinner, the cost goes up to \$3.00...in that way, the Committee is hoping to get some sort of count ahead of time.

- The foot race (managed by Zack Lundberg) is being done as an Eagle Scout project. He spoke to Jenny Olson, who has done this before; and she said there is a box of materials to assist Zack in this...but the location of that box is not known. *(The Public Works employees will have to be contacted.)*

(Council Member Clawson received a text from Sandy Johnson during the meeting which reported past attendance at the Mayor's dinner at about 250 people.)

*Council Member Youd will contact the City Public Works staff to see if they know the location of the equipment and materials.

- Citizen of the Year Award: The Committee would like to have the presentation done during the last Council Meeting in June.

*That needs to be placed on the Agenda for that meeting.

00:31:50

ELK RIDGE MEADOWS PUD – PHASE 2

(David Church arrived to address the Elk Ridge Meadows PUD, Phase 2 discussion. The time was turned over to him.)

Mayor Lutes: He informed Mr. Church that a couple of questions had come up:

1. Where is the list of things that still need to be done or completed in Phase 2?
2. The Council would like a copy of the letter of release of further obligations from the FDIC to Elk Ridge Managers.

David Church: (Addressing the questions first)

1. The City generated the list of things that needed to be completed. The Inspectors and engineers would have created that list and likely the Council can get a copy from them.

2. It is a complicated situation due to all the parties involved. There are two separate transactions and agreements being dealt with.

- Reimbursement Agreement: (In exchange for up-front money paid into the water system for tank and water line upgrades and installation. The reimbursement comes in the form of Water Impact Fees (Phase 2: \$2,841.50 per building permit or unit; up to the amount paid to the City (\$233,000 for Phase 2).

Memo from Mr. Church to Council summarizing the brief history of events: (Mr. Church reviewed the history of events leading up to the present, as noted in a memo to the Council):

"BASIC FACTS

- Millheim, through Elk Ridge Managers LLC, did a subdivision in the City (Elk Ridge Meadows, Phase II)
- Millheim has a reimbursement agreement with the city which obligates the city to collect certain water impact fees from builders and pay them over to Millheim as they are received up to the amount of \$233,000. *A copy of the agreement was attached.)*
- Millheim as part of the development had an obligation to complete certain infrastructure in the development
- The obligation was secured by a surety bond
- In order to get the surety bond, Millheim had to sign a personal guarantee with the surety company
- The City feels the subdivision was not completed properly
- The City made demand on the surety bond
- The surety bond sent a person to inspect the condition of the subdivision and then made a proposal to pay the City \$240,000
- The City accepted the proposal
- The surety company made a claim against Millheim on the personal guarantee
- Millheim disputed the amount of the claim and alleged that the surety had offered more than it needed to the City
- The Surety's attorney looked at the information provided by Millheim and the City and withdrew its previous offer and has made a smaller offer. *(A copy of a letter that explains its rationale for this was attached)*
- The City has threatened to sue the surety to enforce the original settlement offer
- Millheim has now proposed to the City that if we do not pursue the claim against the surety then he will assign to the City all of his rights to the reimbursement agreement

(Memo from Mr. Church – cont.)

“BENEFITS OF ACCEPTING PROPOSAL

If the City accepts the proposal, then it will not have to expend any money pursuing the law suit against the surety. Some amount of recovery will be a sure thing since there is already some money being held by the City for reimbursement. The City will also not have to continue to collect for and account to Millheim under the reimbursement agreement and may potentially recover under the reimbursement agreement than it is entitled to from the surety.

“DOWNSIDE OF ACCEPTING THE PROPOSAL

The money will come in slowly through the impact fees rather than all at once and there is some small risk that there may be other claimants to the proceeds of the reimbursement agreement. The small risk can be ameliorated by good due diligence up front and with a good settlement agreement with Millheim wherein he makes disclosures about other potential claimants and holds the City harmless from those claims.

ATTACHMENTS

- Reimbursement Agreement
- Letter from Attorney Clark Fetzer”

Mr. Church added to the summary the involvement with Centennial Bank, who held the bond for Elk Ridge Managers; they also went under and the FDIC took over. All those individuals have reached an agreement with the FDIC and gave the City notice of the settlement agreement with the FDIC.

00:35:21

The City took the position that we would not pay anyone the reimbursement money until we are sure who has legal claim on it; so we placed it in a savings account at Far West Bank to hold until such time that the City has that assurance from the courts.

He further explained that the claim against the surety bond came about due to certain improvements and repairs not being addressed by the developers, including problems with the road, a sewer line and the last overlay on the road...there are also some issues and questions with the park and whether it was covered by the surety bond. The developers (Mr. Millheim) agreed to the roadwork and possibly the sewer line; but not the involvement of the park.

All of this resulted in arguing back and forth until the current proposal from Mr. Millheim and Mr. Peavy for the City to keep what has been collected in impact fees and that they would waive their right to the rest of the \$233,000 in water impact fees; in exchange for the City dropping the claim against the ICW (surety bond company) and releasing their bond. There are pro's and con's in accepting the proposal (as noted in the memo).

Discussion:

Julie Haskell: She asked Mr. Church his professional opinion as to which option he would recommend.

David Church:

- There is no guarantee the City will get the \$240,000 from the surety company; though we have a good argument.
- The City's position is fairly simple: they made an offer and we accepted it. (He was hesitant to go into all of the pros and cons of the City's position and possible strategy in a public meeting.) We signed their contract and our position would be that they are bound by it...if they made a mistake in the amount, then that is their mistake.
- There are always benefits to resolving disputes; particularly with a new building season beginning.

(Corbett Stephens came into the Meeting and questions were directed toward him.)

Mayor Lutes: How much money would it take to address the necessary repairs in Elk Ridge Meadows, Phase 2? Would the money collected in impact fees and being held at the bank be sufficient to cover those immediate costs?

Corbett Stephens: The estimate for the entrance at 11200 South (though possibly outdated, as it was given about a year ago) was \$15,000. There is just under \$40,000 in the bank currently.

Erin Clawson: She asked about the park; is it separate from the rest of the development?

David Church: As per the other agreement, the City would end up owning the park...after a certain percentage of occupancy (50% occupancy). The individuals the City was dealing with had some obligation up to 50%, then the City would take over. That agreement would not be affected by any of the current proposals from Mr. Millheim.

Mayor Lutes: (To Mr. Stephens) Questions brought up:

- The list of things that need to be addressed in the development

Corbett Stephens:

- Settlement around the valve box right by the park
- There is broken concrete
- The overlay

There were two estimates: They were for \$116,000

- 15,000: Entrance
- 101,000 was for the overlay

00:46:37

David Church: Originally, part of the \$240,000 offered was for the park upgrades and repairs. *(Mr. Church reviewed a bit of what he had discussed with the Council with Mr. Stephens to update him.)*

The decision for the City:

- Accept the proposal; get the due diligence done with the paperwork and end up with the right to keep the impact fee money, up to the remainder of the original investment of \$233,000...there is \$218,000 left. The City would have to give up the claim against ICW.

00:48:05

Sean Roylance: How many lots are left...the plat has not been changed?

Corbett Stephens: The only proposed change would be to the east/west tail: they wanted to change that to three lots. That is between the City and Salisbury Homes.

David Church: That is all independent of the offer from Mr. Millheim. The offer would resolve our issues with ICW and with Mr. Millheim and Mr. Peavy. \$218,000 over time vs. law suit for the \$240,000.

He would be glad to discuss any further strategy either privately or in an “executive” session.

The action for the Council would be to either accept or reject the proposal; that would determine the action to be followed by him, as the City’s attorney.

James Mayfield: He sought clarification as to the City’s obligation to fix the repairs and the motivation for the offer from the original developers.

David Church: If the offer is not accepted, ICW will send a proposal to alter the amount of their offer to a lower amount...\$40,000; with the argument that the bond if for “durability”, not improvements.

Julie Haskell: She suggested moving into an executive session that night, if possible.

David Church: He agreed and suggested that the Council adjourn to the Mayor’s office, due to the number of people (public) in attendance in the Council chambers. A motion would be needed with a roll call vote.

00:54:22 Mayor Lutes closed the Council Work Session at 7:00 PM.

(Another folder on the recorder was used for the Regular Session and the Closed Session.)

**ELK RIDGE
CITY COUNCIL MEETING
April 12, 2011**

TIME & PLACE OF MEETING This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, April 12, 2011, 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 April 8, 2011.

7:00 PM - **REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**

ROLL *Mayor: Kenneth O. Lutes; City Council: Sean Roylance, Weston Youd, Julie Haskell, Erin Clawson & James Mayfield; Planning Commission: Nelson Abbott; Building Official: Corbett Stephens; Sheriff: Deputy Brent Butters; Public: Rick & Lucretia Thayne, Ciera Thayne, Tricia Gunnerson, Aaron Lawrence, Jack & ShaMayne Mason, Seth Mason, Neil Dykstra, Ed & Linda Christensen, Jane Watson, Ann Brough, David & Sophia Clark, Darren Balls, Laura Loree, Jamie Towse, June Christensen, Leona Christensen, Amy Boswell, Michael W. Schwabland, Perry Ewell, Jacob Johnson & Rob M. (roll unclear); as well as the Deputy Recorder, Janine Nilsson & the Planning Commission Assistant, Marissa Bassir.*

00:00:19 (2nd Folder) OPENING REMARKS PLEDGE OF ALLEGIANCE An invocation was offered by ShaMayne Mason; and Mr. Christensen 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 7:05 PM**
VOTE: YES (5) NO (0)

00:02:33 MOVE TO EXECUTIVE SESSION **ERIN CLAWSON MOVED, SECONDED BY JAMES MASON, TO MOVE INTO AN EXECUTIVE SESSION WITH THE CITY ATTORNEY TO DISCUSS ISSUES ASSOCIATED WITH ELK RIDGE MEADOWS PUD, PHASE 2**
VOTE (POLL): ERIN CLAWSON-AYE, WESTON YOUD-AYE, JULIE HASKELL-AYE, SEAN ROYLANCE-AYE & JAMES MAYFIELD-AYE (5) NAY (0)
Passed 5-0

The Council adjourned to the Closed Session in the Mayor’s Office.

EXECUTIVE (CLOSED) SESSION

ROLL *Mayor: Kenneth O. Lutes; City Council: Sean Roylance, Weston Youd, Julie Haskell, Erin Clawson & James Mayfield; Building Official: Corbett Stephens; City Attorney: David Church*

00:00:17 (3rd Folder) Discussion of Legal Strategy

REGULAR CITY COUNCIL MEETING AGENDA ITEMS (CONT.):

PUBLIC FORUM Michael Schwabland: He is the Emergency Preparedness Specialist in the LDS 1st Ward in Elk Ridge. He requested a list of the current positions with the Disaster Preparedness and Emergency Management Roster.
Mayor Lutes: He referred Mr. Schwabland to Edward Whitlock (Emergency Preparedness Director for the City. He is the one making the assignments; but the Mayor said if he needs assistance, there is help available.
There were no further comments.

00:02:23

CITIZEN DISCUSSION

ShaMayne Mason: (Speaking for a group of citizens)

A handout was provided summarizing the expressed concerns:

“As constituents of the City of Elk Ridge, we invoke our right to speak to and ask questions of our representatives on the City Council. Our concerns have been building for some time.

- To hold “special” meetings without the mayor in town is cause for suspicion.
- To harass a constituent for informing others of such a meeting is cause for suspicion
- All agenda items concerned with such a meeting are cause for suspicion, including:

The following was included in the handout; but was not read out loud in the meeting:

*Secondary access code change-

(Read if necessary: A development request for a 30 home subdivision on a single access road or cul-de-sac where the universal fire code recommends 16 and where terrain concerns for a mountainous area like Elk Ridge might be grounds for an even lesser number. This issue has yet to be resolved.)

*City Planner discussion

*Council Member discussion

*Weed abatement

The verbal complaint continued:

“Rather than erring on the side of safety for the citizens of Elk Ridge, we have witnessed repeated rejection of professional counsel, and expert opinions. This is cause for suspicion as indicated by but not exclusive to the following examples:

*Universal Fire Code clarification and the Elk Haven subdivision – (LEI recommendations tabled in favor of another petition review by planning commission)

*Water tank security fence - (finally resolved by regulation)

*New Blades for snow plows

*Garbage and garbage can fees

Lastly, the appointment of an 11th hour candidate is cause for suspicion as we observed no apparent consideration of any of the other well qualified candidates from most of the Council, especially in light of the said candidate having stated his lack of desire to serve in that capacity in August.

We appreciate those who are filling their office with integrity. Thank you.

However, we have witnessed incongruencies, contradictions, disrespect and animosity in and out of city council meetings in the last few months. Because of the rift we perceive in the council, there is concern that this new appointment brings with it a greater power and opinion imbalance.

Our government is not a democracy where majority rules. It is a republic where supreme power rests in the body of the citizens who participate in a representative government. Please remember we hired you to represent us and not special interests.

[Thus, we are extending a call to action. Give us integrity, honesty, clarity and civility.”

(Not included in verbal complaint.) “Change our perceptions! We appreciate and support honest and open effort.” *(End of handout.)*

Lucretia Thayne: She feels a concern of many of the citizens is with a “pattern of behavior”...”just what is the ‘agenda’ of this Council?” As stated, much of the concerns go back to the August 4th “special” meeting. She felt that the reason given for the meeting simply was to “exercise the power” of certain Council Members. The power struggle seems to have resonated many times throughout the terms of office of this Council. There seems to be “grouping” within the Council. Some concerning statements:

- A statement made to a Council Member by another Council Member: that he had three votes to run the town and he would use them”.

She expressed that seeking power to “run the town” is not seeking the town’s best interest...she felt “that is wrong”. The citizens do not know what the goals of the Council are. She further stated that she felt what was witnessed at the last Council Meeting was “an abuse of power” with those three votes (*referring to the mid-term appointment*).

Elizabeth Dayton: After the last Council Meeting, many citizens felt that the election of James Mayfield fell into the same suspicious pattern. When she came to the meeting, she expected a well-thought-out election and said she was “stunned” at the outcome. In an effort to clarify the proceedings of that night, she had some specific questions for the Council (she did not want the questions to be taken personally):

To James Mayfield:

- Did any member of the Council or any former/current City employee encourage you to run for this position or discuss this with you?

James Mayfield: “One of my neighbors, who is not on the Council.” When asked if he would identify that person, he responded that he would need to consult with that person before bringing that name forward publicly. He did say it was a former City employee.

Dr. Dayton asked him if it was Shawn Eliot. He responded, “That would be safe to say...he said “it would be nice to see someone like you”. He further stated that Mr. Eliot remembered the letter Mr. Mayfield’s letter regarding the “secret meeting” and he thought Mr. Mayfield would be a good candidate.

- Did you say in that letter that his name (Mr. Mayfield’s) would not be seen on any signs, indicating he was not interested in serving on the City Council?

James Mayfield: “I’m a busy person and at the time I did not feel I would run (for office).” He appreciates those who do run.

- Did any member of the Council speak with you regarding your candidacy prior to the election? (*Council Member Mayfield wanted to know how that affects whether he runs or not.*) Dr. Dayton responded that, “It is a yes or no question”.

James Mayfield: He said that Council Member Roylance had asked if he was running and he replied that he would have to think about it.

00:07:34

(Dr. Dayton continued)

- "Before the vote, did he indicate to you at any time prior to the meeting that he believed you would be elected?"

James Mayfield: "That's a good question. He said that if I ran, that all candidates would be considered and he mentioned that my letter was a good one and that he liked my stance...but that's all I can tell you on that."

- "He didn't indicate that he felt confident you would be elected?"

Sean Roylance: "You are asking him about what I said. No, I never said that."

(Dr. Dayton insisted that she was addressing Mr. Mayfield.)

James Mayfield: "What I'd like to say on that is that the City really has had a lot of drama. For me, why am I on here? I'm just not big on the drama. I think I can bring to this team some stability. I'm a business owner..."

Dr. Dayton: "But the way that you got on the Council contributes to drama..." "I'm not saying you did it directly; but I am just asking you."

James Mayfield: "I'm not an 'eleventh hour'...my name as submitted the last day before...I took a long time to think about doing it."

To Sean Roylance: (Dr. Dayton continued)

- "You did discuss then with Mr. Mayfield his candidacy prior to the vote?"

Sean Roylance: "Yes; and he is not the only one I discussed it with. I discussed it with another candidate that was 'up here', as well."

- "Did you encourage Mr. Mayfield to run?"

Sean Roylance: "Along with about a dozen other people."

- "Did you discuss your vote with any other members of the City Council prior to the meeting...to indicate how you would vote?" (His response was, "no.") "Did you call any of the other Council Members and ask them specifically about their vote?"

Sean Roylance: "I hadn't heard anything about any of the applicants; so I called several of the other existing candidates (was this meant to be "existing Council Members"?) To see if they had heard anything about the candidates that were applying and what could they tell me about them. To be clear, I talked to every single one of the existing Council Members about who they knew that were applying...what their thoughts were on them and what they could tell me about them; because I wanted to do my due diligence as best as I could to see what I could learn about the people who had applied."

- "Did you come to the meeting with an agreement with the other Council Members to vote for Mr. Mayfield?" (His response: "Absolutely not.")

- "So, you believe that each member came to their own independent decision at the meeting...that Mr. Mayfield was the best candidate?"

Sean Roylance: "I can't speak for them; I can speak for myself...that's when I made my final decision."

To Julie Haskell: (Dr. Dayton continued)

- "Did Mr. Roylance call you prior to the meeting to discuss your vote in this election?"

Julie Haskell: "No; absolutely not. I have my own mind; nobody tells me how to vote."

- "So you had no idea how Mr. Roylance was going to vote prior to..."

Julie Haskell: "Absolutely not. I didn't even know Mr. Mayfield was on the...he wasn't in the packet that I received; I didn't even know he'd put his name on."

To Weston Youd: (Dr. Dayton continued)

- "Same question: Did Mr. Roylance or any other member of the Council call you or discuss your vote in this election prior to the meeting?"

Weston Youd: "No."

- "If under the Freedom of Information Act, we requested your phone records, we wouldn't see calls to them that day?"

Weston Youd: "You would see calls...I called many of the Council Members."

- "So, the day of the election they didn't call you to discuss that?" She also added, "or prior to the election".

Weston Youd: "The day of the election? No. We discussed several things...you're going to see many phone calls. Erin and I were discussing roads and issues with staff several times up to that meeting."

To Erin Clawson (Dr. Dayton continued)

- "Did Mr. Roylance or any other member of the Council call or meet with you to discuss your vote prior?"

Erin Clawson: "Not specifically my vote; but Sean Roylance did call me to talk about candidates. He wanted to know if I knew about James Mayfield; but he did not discuss his vote."

(Council Member Roylance asked Council Member Clawson if he talked about anything else.)

"I don't remember, Sean."

Sean Roylance: "I asked her what she knew about every single other one. She told me that one of the candidates was serving on the Youth Council; another was serving on the City Celebration Committee."

Dr. Dayton: "Did any of you have any indication of how the others were voting prior?"

(All of the Council Members responded with, "No".)

So, it seems unusual and very suspicious that you, as Council Members, with the exclusion of Council Member Clawson, who didn't vote for Mr. Mayfield, would choose a candidate on behalf of the citizens who:

1. Stated in his letter he wasn't interested in running for a City office
2. Had only been to two City Council meetings prior to running, while other candidates had been...we had a candidate that had been to every single meeting and others who had been to multiple meetings
3. Had never done any volunteer work for our City; or shown any previous involvement in the City...unless you count writing a single email as 'volunteer work'."

(Council Member Mayfield responded that "was not true".) Dr. Dayton went on to say that when he was asked that question at the meeting last time that was the one thing that you could say... (She was interrupted...)

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3 James Mayfield: “I went around with the scouts to hand out the last poll from the Community...I’ve been
4 involved in the Community.”

5 Dr. Dayton: “That wasn’t evident when they were voting because you couldn’t produce that at the last
6 meeting.” *(Council Member Mayfield: “I didn’t remember it at the time. It was a couple of years ago.”)* “But,
7 they based their vote on what you said at the last meeting; so you had never done any volunteer...”
8 *(There was talking over one another about how the Council based their vote; with Council Member Haskell*
9 *explaining that the Council based their vote on what was stated by the candidates.)*

10 James Mayfield: He stated that if he would be “researched”; it would be discovered that:

- 11 • He employs 20 people
- 12 • He has great leadership instincts

13 “Whether I stated in the letter that I did not want to run doesn’t mean that at a future date I would deny myself.”

14 00:16:28

15 Dr. Dayton: “You openly stated in the meeting you were not interested in working too hard at this position.”

16 James Mayfield: “Am I running in November, I don’t know. My motto is ‘work smart / work hard, but not too
17 long’. You are misquoting me...you are saying I didn’t want to work hard. I’ve already gone to work. I’ve
18 already come in and gotten assignments.”

19 Sean Roylance: “You are really taking things out of context.”
20 *(Brief argument as to how things were being stated.)*

21 Dr. Dayton: She mentioned another statement made by Council Member Mayfield while he was declaring a
22 position on something; he said that his position was to “generally take the middle of the road”. She felt that
23 when asked about a library, that he demonstrated a lack of decision making by responding that his position
24 would have to be “yes” so he did not have to answer to his wife...rather than thinking about what was in the
25 best interest of the City fiscally.

26 Council Member Mayfield asked Dr. Dayton if she has a “sense of humor”...she responded that she doesn’t
27 when it comes to how someone is put into office. She felt it appeared that there had been “collusion” on the
28 part of the City Council. Council Member Mayfield did not agree. Dr. Dayton went on to say, “Every single
29 person who walked out of that *(meeting)* said that was a pre-determined vote.”

30 Sean Roylance: He wanted to know who those people are. He felt there may have been three people who had
31 one particular person they wanted.

32 Dr. Dayton: “I came in not knowing the candidates and came out thinking that three of them were so
33 excellent...”

34 *(Discussion from various Council Members about how qualified all 6 candidates were.)*

35 Dr. Dayton continued: She felt it was quite surprising that after Council Member Clawson made two motions
36 and they died on the floor...that then the next one was immediately voted one with three ‘ayes’.

37 00:19:28

38 “The handbook states that no vote should be pre-determined...it states, ‘It is not appropriate for members of
39 public bodies such as city councils and planning commissions to conduct their deliberations privately and then
40 in the public meeting perfunctorily vote’. It was very apparent to many of us and very suspect to many of us
41 attending the last meeting that these guidelines were blatantly disregarded.” She felt that three members of the
42 Council would not have come to the conclusion they did independent of one another. She also felt the Council
43 chose to vote in a manner that benefited their own personal agendas, rather than vote in behalf of the citizens
44 of Elk Ridge.

45 She concluded, “This pattern of irregular and irrational voting seems to be a play for power; so that further
46 compromise with other members of the Council or the Mayor who may dare to have a different opinion, should
47 be unnecessary. Instead of voting for the most qualified candidate, you voted for your ‘buddy’, who didn’t seem
48 to have a lot of opinion about what is best for the City...and can be educated by you because it seemed that
49 he didn’t want to work real hard.”

50 *(Council Member Haskell felt the presentation was insulting; and Council Member Roylance felt it was*
51 *“ridiculous” and that there could be more respect shown.)* In the minutes from August, it states that ‘you could
52 run this City with three votes’. This is what she has observed as a citizen. She did not feel the vote taken was
53 an attempt to help reconcile the Council...it felt more like a “move to ensure that you won’t have to
54 compromise with other Council...because now you have the votes in place...you won’t have to work with
55 people you disagree with. That was the appearance that came across at that meeting. I came into it not having
56 any real expectation at that vote...I think there were several good candidates.” She again stated that the vote
57 felt very “pre-determined”. There were others who have expressed that feeling as well. She has concerns that
58 things are being determined ahead, which goes against the manual that states how a Council should run.
59 She thanked the Council for the time to voice her concerns.

60 Lucretia Thayne: *(She promised to be brief.)* She thinks that when behavior looks a bit suspicious, people are
61 suspicious. She agreed that everyone she had spoken to that was at the meeting wondered what that “was all
62 about”. She felt it was apparent that any of the other candidates appeared to be more ready to work hard and
63 serve the Community. When the vote came in, she agreed that it seemed to be “set up”. That was the feeling
64 that people in the room had. We don’t trust what is occurring, because there have been indications throughout
65 this year that ‘power’ and ‘control’ are more important than the good of the City. That is our impression. We
66 appreciate this time to express it. I also would like to close with a statement from this handbook, ‘Just because
67 you got away with it, doesn’t make it right...always remember that you are the government that the Bill of
68 Rights was written to protect the people from’. When we sense people that seem more interested in power,
69 then we feel that those are the ones we need protection from.”

70 Mayor Lutes: He said that he appreciated the concerns brought forward and he was sure that the advice given
71 will weigh heavily with the Council on anything done in the future. He said he appreciates the citizens keeping
72 an eye on the Council.

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June Christensen: She asked what their recourse, as citizens, might be to repeal or to take someone off the Council that they feel is self-serving or not representing the City...what can they do.

Do they have to wait for the election; or can they do petitions?

Mayor Lutes: He did not feel he could tell her all she might want to know; but he did feel he could say that when seeking legal advice on this issue, the answer always seems to be to take care of it at election time. There is one coming up in November, 2011.

00:26:45

June Christensen: She felt there is a way to do what she asked and she requested more information on the citizens' options. If the citizens continue to feel this way...she declared that she has been lied to by members of the Council. She knows for a fact that she has and she does not trust them any more. She feels this is serious...she has to see these people in other settings (such as Church) and it is difficult to separate these things off...Church and City.

*Mayor Lutes said he would talk to the City Attorney and contact Mrs. Christensen. Council Member Youd also said he would look into it and let her know.

00:27:37

ELK RIDGE MEADOWS PUD, PHASE 2

Mayor Lutes said this was discussed in the Council Closed Session and he felt the Council should be prepared to make a motion.

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO PURSUE THE SETTLEMENT WITH MR. MILLHEIM INSTEAD OF CONTINUING ON WITH THE LAW SUIT AGAINST THE SURETY BOND COMPANY; PROVIDING THAT THE SETTLEMENT WITH MR. MILLHEIM DOES NOT HAVE ANY OTHER OBLIGATION WITH ANY OTHER CREDITORS; WITH THE UNDERSTANDING THAT THE FINAL AGREEMENT STILL NEEDS APPROVAL

VOTE (POLL): WESTON YOUD-AYE, ERIN CLAWSON-AYE, SEAN ROYLANCE-AYE, JULIE HASKELL-AYE AND JAMES MAYFIELD-AYE NAY (0)

Passed 5-0

00:29:02

CODE AMENDMENTS

Adam Castor suggested the Council could move to accept all four proposed amendments in one motion.

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO APPROVE ALL FOUR PROPOSED CODE AMENDMENTS AS FOLLOWS, AS RECOMMENDED BY THE CITY PLANNER:

A. Public Hearing Requirements / Preliminary Plats – HR-1 Zone

B. Approval Procedure – Low Power Radio Service Antenna Facilities

C. Assisted Living Facilities

D. Residential Facilities for the Elderly - Supplementary Regulations within Zones

VOTE (POLL): WESTON YOUD-AYE, ERIN CLAWSON-AYE, SEAN ROYLANCE-AYE, JULIE HASKELL-AYE AND JAMES MAYFIELD-AYE NAY (0)

Passed 5-0

00:29:31

SAFETY GRANT

Corbett Stephens: Corbett Stephens reported that Utah Local Gov'n't. Trust offered the City a reimbursement through a grant, if the City will meet certain safety requirements. The grant is based off of a percentage of the premium that the City pays. The grant = \$1,036. The City has to spend the money to get reimbursed...for safety items. The City has already spent \$310 on a blower...the balance is \$736. He is requesting approval to spend the balance on safety items.

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE \$750 TO QUALIFY FOR THE SAFETY GRANT

VOTE (POLL): WESTON YOUD-AYE, ERIN CLAWSON-AYE, SEAN ROYLANCE-AYE, JULIE HASKELL-AYE AND JAMES MAYFIELD-AYE NAY (0)

Passed 5-0

00:30:51

SNOWPLOW SPREADER CHUTE

Corbett Stephens: Mr. Stephens explained that he wants to have a chute for the back of the spreader to fill sandbags. Anything that will go into the spreader could use the chute. AG Truck (where the truck was purchased) said it is quite common for cities to do this. (He described what would be required to do to the truck.) This would also allow more efficient spreading of road base on the edges on the side of the roads, with less manpower required. This would be a custom job; Noel Hiatt said he could build it for \$400 to \$500 to pay for his time.

JAMES MAYFIELD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE FUNDS TO PAY FOR A SPREADER CHUTE; IN AN AMOUNT UP TO \$500

VOTE (POLL): WESTON YOUD-AYE, ERIN CLAWSON-AYE, SEAN ROYLANCE-AYE, JULIE HASKELL-AYE AND JAMES MAYFIELD-AYE NAY (0)

Passed 5-0

00:35:45

LOAFER CANYON WELL – UPDATE

- The pump motor and column will be pulled the next morning after the Council meeting.
- The Oak Lane Booster is still 6 – 8 weeks out
- He spoke to Loafer Recreation Association; they gave permission to use their water to keep the top tank full
- A sample was taken of their water and it came back good. They did 3 samples, which were all good
- The electrician will be at the well site on Thursday & Friday
- The floor was poured out that day and a 15" culvert was placed through the foundation wall into a floor grate
- They got concrete from Robert Nelson Construction to finish the floor
- Nickerson will be back Monday to video the casing and make recommendation to either clean or start putting the pump and column and motor back in.
- He is hoping that in two weeks things will be done

- Back-up: Lower Loafer Canyon Well (“Dugway Well”) would pump to the Hillside tank
 - Paul Tervort and Don Cole (Association) came up to check their tank and their springs are running about 60 gpm...that will likely be sufficient for the City’s needs
- The Mayor thanked Mr. Stephens for trying to save the City money in dealing with the Association rather than having to turn the Cloward Well on.

00:38:33

CITY COUNCIL ASSIGNMENTS

Mayor Lutes: This has been discussed in the past; but there is a new “player” now; James Mayfield has agreed to take the unassigned duties. “The packet has what has been assigned, which should be no surprise to anyone...it is just James Mayfield picking up the ones that weren’t currently assigned is all.”

Weston Youd: He offered to help with Storm Drain.

Mayor Lutes: He called for a motion...”to make these official...most of it has already been official; mostly for James.”

James Mayfield: He reviewed his assignments:

- Parks
- Roads
- Storm Drains
- Manholes
- Rental Property and collections

Weston Youd: He said he would take Strom Drain. He asked Mr. Stephens to set up a schedule.

Corbett Stephens: He informed the Council that all the boxes in the Canyon have been cleaned out; that was the biggest concern right now. There still needs to be something done where the pipe comes out across the road north of Lofthouse’s home. That ditch needs to be cleaned.

Erin Clawson: she requested that she and Council Member Mayfield meet to talk about traffic safety; she felt that might fall under Roads. She would like to coordinate their efforts. (Council Member Mayfield agreed.)

Mayor Lutes: He mentioned his appreciation that Council Member Mayfield came in to review these assignments and was willing to assist; the Mayor said he welcomes the help. He did tell him that his assignment s would be “made official” at this meeting.

ERIN CLAWSON MOVED, SECONDED BY JULIE HASKELL, TO ACCEPT THE CITY COUNCIL MEMBER ASSIGNMENTS AS PRESENTED; WITH THE EXCEPTION OF HAVING WESTON YOUD TO BE OVER STORM DRAIN SUMPS AND SEWER

VOTE: YES (5) NO (0)

00:42:41

CITY CELEBRATION

(Much of the discussion took place earlier in the Work Session...Council Member Youd summarized)

Weston Youd:

- Need a Race box
- The number for the dinner is about 250 for the Mayor’s dinner
- The \$5,000 budget: it should not be the goal for the Committee to try to recoup the entire amount; though the money will be used in the most efficient and responsible way.
- The Citizen of the Year award will be presented at the last Council meeting in June by the Council *Make sure that is on the agenda.
- He could use some assistance from the other Council Members in planning; the Committee meets every Thursday at 7:00 PM.
- The Committee has been trying to recruit or get advice from other citizens who have been involved in the Celebration in the past.
- Questions to decide upon:
 1. Consult with Deputy Butters regarding any security measures that should be taken. (The run and the Parade)
 2. The thought is to have a Craft Fair in allow the residents to participate. (The Council felt that would be good.)

Jamie Towse: Are there any ordinances against people selling things in the park? She had no idea; but the question came up.

Weston Youd: He looked at the Code and found nothing that would indicate that this should not be done. (Directed to Deputy Butters) He asked about additional security being necessary during the Parade; and they will likely need staffing at the intersections for he 10K run. He asked how to coordinate that with the Sheriff’s Dept. and if he felt there should be any other security requirements.

Deputy Butters: regarding the run; simply provide him with the route to be taken and he will find out how many people he will need for the intersections, etc. He plans to be at the Celebration all day, including the Parade...he is willing to do what he can to assist. He will have possibly two more officers besides himself present the day of the Carnival, as well.

Council Member Mayfield asked about the helicopter rides or the drop. (That will not be part of the Celebration this year...he believes that Utah Helicopter did not recoup enough to make it beneficial to repeat the event.

- There will also be events targeting the teens this year. He asked the Youth Council for a report.

Laura Loree: The Youth Council would like to have a “Teen Night” on Saturday night. They talked about having activities specifically for the teens. The plans have not been finalized yet.

Weston Youd: The expectation is to have the events and activities finalized by May 1st so the information packets can be assembled and disbursed.

Jamie Towse: They are planning live music; right around dinner time...with local bands.

Mayor Lutes thanked Council Member Youd for his work in coordinating this and for the assistance of Ann Brough.

00:50:49

PERSONNEL UPDATE

Erin Clawson: She reported that SOS Temp Services was contacted and he called her this evening to let her know he has some candidates and will be ready for interviews this Friday. She mentioned that on page 9 of the minutes that the position would be posted in the City Newsletter. With a misunderstanding between the Mayor and herself as to who would be writing the article, the Newsletter did not have the information in it. If anyone knows someone who would like to apply, they need to go through SOS Staffing in Spanish Fork. The candidates have been screened at SOS for the last two weeks. Suggestions: - Post it on the web site - Use the "A" frame signs Mayor Lutes: He apologized for the article not getting in the Newsletter; but SOS should be the one to guide the wording for the article, because that is why the City is using SOS...to keep things professional.

00:54:20

CITY WEBSITE / COMMUNICATIONS

There was no information at that time and the item was postponed. (Council Member Youd asked if the dates for the City Celebration could be posted on the City Website...which are June23, 24 & 25. He asked if anyone wanted to run a basketball tournament.

00:55:26

CITY SANITATION BUSINESS

Sean Roylance: At the last meeting the possible option with Payson was discussed. There was a desire to learn more from Council Member Clawson outside the public meeting to see what she had learned about Payson and their disposition toward Elk Ridge. Hopefully anyone that was curious about that has talked to her. He wanted to know what the Council thinks about the option of contracting with Payson; or would they prefer to hold that as a possibility while negotiating with others?

James Mayfield: (Seeking to understand)

- We have a pretty good deal with the current provider
- With Payson, there are some further "perks" (Use of the pool, library, etc.); but it would be more expensive because we would have to provide our own cans (last offer from Payson)

In negotiating, the longer you wait, the better deal you get...it sounds like we have a pretty good deal.

Julie Haskell: The better deal was the longer option (3 years)...slightly less for 2 years.

Mayor Lutes: That would be a possibility; to negotiate with Allied for a better deal...for perhaps longer.

James Mayfield: He wanted to know if our "better offer" had been taken to Payson to allow them the opportunity to counter.

Sean Roylance: That has not been done yet. It does seem like the only thing Payson may be willing to negotiate on would be the cans; as far as the price, their stance was that they would charge us the same price as their own residents. The price is likely "fixed"; though it is comparable to Elk Ridge's.

Benefits, as last proposed by Payson:

- Elk Ridge would be treated the same as a resident with the library, recreation, the pool (swimming lessons).

Council Member Roylance would like to get a survey out that inquires about sanitation and recycling.

Mayor Lutes: He explained that the budget must be adopted tentatively by the end of May; so decisions should be made.

Erin Clawson: She felt that if the City went with Payson, with a good contract; it would not hurt to get a proposal.

Discussion of possible relations with Payson. Anyone in the sanitation business is in it to make money; that should be understood.

There are pro's and con's with both options. Council Member Haskell preferred Allied's proposal, but she is open to further possibilities.

James Mayfield: Realistically, this could be re-visited in another year. The City could renew for another year, then reconsider. Perhaps during that time, negotiations could resume with Payson. With a month before the budget is due, that is not time to address negotiations properly.

Mayor Lutes: He reminded the Council that the other option the Council was going to revisit was going into business for ourselves. If the personnel is available, perhaps that could be a consideration next year.

Sean Roylance: If the City renews for one year, it would probably be wise to assign one of the Council Members that will still be around next year to assist him in the negotiations.

No action at this time.

1:03:07

MINUTES

1. City Council Minutes of 3-22-2011:

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL MINUTES OF 3-22-2011, AS PRESENTED VOTE: YES (5) NO (0)

1:03:32

EXPENDITURES:

General: None

A. Check register and Payroll for March, 2011:

Erin Clawson: Since she is over the Planning Commission, she had requested a detailed invoice from the City Planner; she wanted to table the expenditures until the next Council Meeting so she can have time to review that breakdown.

ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO POSTPONE THE APPROVAL OF THE CHECK REGISTER AND PAYROLL UNTIL THE NEXT COUNCIL MEETING VOTE: YES (4) NO (0) ABSTAIN (1) JAMES MAYFIELD (WAS NOT ON THE COUNCIL AT THE TIME)

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(Expenditures Cont.)
B. Budget Discussion:
This was postponed due to the City recorder not being present.

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:30 PM.

City Recorder