

**ELK RIDGE  
CITY COUNCIL MEETING  
January 9, 2007**

TIME & PLACE  
OF MEETING

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, January 9, 2007, at 7:00 PM; this was preceded by a City Council Work Session at 6:45 PM & a City Council Closed 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 of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on January 4, 2007; & an Amended Agenda on 1-5-07.

**6:00 PM -**

**CITY COUNCIL CLOSED SESSION**

ROLL CALL

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg, & Raymond Brown (Absent: Nelson Abbott & Mark Johnson)

Discussion of Personnel

**6:45 PM**

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**CITY COUNCIL WORK SESSION AGENDA ITEMS:**

ROLL CALL

*Mayor:* Dennis Dunn; *City Council:* Alvin L. Harward, Mary Rugg, & Raymond Brown (Absent: Nelson Abbott & Mark Johnson); *Public:* Torie Ashton, Diana Bell, Joann Bigler, Alan & Barbara Eliason, Ray Osburn, Carolyn Shirley & *City Recorder:* Janice H. Davis

PARK IMPACT  
FEES

Currently the City Code and accompanying Resolution setting the fees and who should pay these impact fees, allows for a Park Impact Fee (now at \$1,385 to be collected both by the developer (1/2 the fee) and the eventual homeowner (other 1/2 of the fee) at the time of building permit. With the change-over in staff and City Planner, and the fact that the collection of these fees was not included on the Final Checklist for development in the City; the 1/2 Park Impact Fee has not been collected from developers for a period of time. These fees should be collected, along with the other zoning and development fees prior to granting Final Approval.

Mayor Dunn contacted the City Attorney for advice and was informed that the City could change the Code to have the entire fee payable at the time of building permit. Another option would be for the City to keep the "credit" process wherein a developer can obtain "credit" for open space or parks installed and have residents in those subdivisions pay 1/2 the Impact Fee; and those building homes in subdivisions where there is no contribution of parks or open space, would be subject to the full Park Impact Fee at the time of building permit.

The Council read and discussed certain memos written to them from: Plan Coordinator, City Recorder and the City Planner.

The Planner indicated that the Final Plat Checklist has already been amended to include payment of the Park Impact Fees; another change could be to amend the Development Code to refer to the Park Impact Fee section of the City Code.

*(Portion of the memo from the Planner to the Council):*

"What to do with developments owing half impact fee:

The developers should be contacted and made aware that the fees are still due and payable, regardless of the recording status of the final plat. They should be told that if they do not make this payment, it will be charged to the builders. It may be difficult to collect the first 1/2 of the fees on lots for which building permits have already been issued; I understand this number to be fairly small as compared to those who have not yet been issued permits."

After discussion, the Council decided to have all impact fees (Water, Sewer & Park) payable at the time of building permit and to eliminate any credit options for developers. They felt that the developers dedicate open space and parks for density points, not for credit on Park Impact Fees.

\*Mayor Dunn is to call MAG re: Park Impact Fee Study update (they did the original Study).

\*Mayor to also contact Craig Neeley (Aqua Engineering) to see if the Park Impact Fee could be added to the over-all Study they are currently doing.

AQUA ENGINEERING  
RE-ADJUST RATES

Mayor Dunn: After Jeff Budge left the company, the rates were re-adjusted down; not as low as they were prior to the last adjustment to increase them (done in an effort to retain Mr. Budge at Aqua Engineering). They Council approved of the proposed rate change.

PUBLIC FACILITY  
UPDATE

Mayor Dunn: Mr. Rasmussen owns property on the corner of Elk Ridge Drive and Goosenest Drive. The Mayor and Councilmember Harward approached him with an offer to trade property for a City Center Facility. They were not in favor of trading the properties; but they are willing to sell a portion of the land to the City.

Councilmember Harward suggested considering the west side of their property to connect to the City's land.

Another option would be to approach Lee Haskell and Clark Kay (property owners across Elk Ridge Drive on the bend at Goosenest Drive; to see if they would be willing to sell their property and for how much.

\*Mayor Dunn is to look into both options and bring the information back to the Council.

If the City could build another City Center, then the Fire Dept. could utilize the current building. (They are applying for a grant for an ambulance; which would have to be stored in a dry/heated environment.)

Woodland Hills is building a new City Center and have included some multi-use areas to generate revenue for the City; this would be good for Elk Ridge. Woodland Hills built their City Center through grants, fund raisers and donations.

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**7:14 PM -**

**CITY COUNCIL REGULAR AGENDA ITEMS**

ROLL CALL

*Mayor*: Dennis Dunn; *City Council*: Alvin L. Harward, Mary Rugg, & Raymond Brown (Absent: Nelson Abbott & Mark Johnson); *Public*: Torie Ashton, Diana Bell, Joann Bigler, Alan & Barbara Eliason, Ray Osburn, Carolyn Shirley & *City Recorder*: Janice H. Davis

OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks (prayer) were offered by Alvin Harward, after which the Pledge of Allegiance was led by Torie Ashton, for those wishing to participate.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:25 PM  
VOTE: YES (3) NO (0) ABSENT (1) NELSON ABBOTT & MARK JOHNSON**

PUBLIC FORUM

Alan & Barbara Eliason expressed their concern at the proposed street name change for N. Loafer Drive. The Mayor said the Council will entertain their comments during the Agenda Item designated for this discussion.

SUVMWA WATER  
RIGHTS (7 SHARES)

City Recorder: (Summary) Tony Fuller (Water Rights Consultant) requested that the Council decide if they prefer the 7 shares the City is purchasing to be:

- Left in SUVMWA's name and the City use the water; or
- Deeded to the City

The Council prefers having the water deeded to the City.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO HAVE THE 7 SHARES OF WATER RIGHTS DEEDED TO THE CITY  
VOTE: YES (3) NO (0) ABSENT (1) NELSON ABBOTT & MARK JOHNSON**

\*Mayor Dunn to contact Tony Fuller.

HASKELL SUBD. **MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO**  
PLAT H – WATER **ALLOCATE 5.84 ACRE FEET TO HASKELL SUBDIVISION, PLAT H; AT THE CURRENT**  
RIGHT ALLOCATION **MARKET VALUE AT THE TIME OF PAYMENT**  
**VOTE: YES (3) NO (0) ABSENT (1) NELSON ABBOTT & MARK JOHNSON**

PARK IMPACT FEES *Schedule Public Hearing:*  
**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO**  
**SCHEDULE A PUBLIC HEARING TO CONSIDER AMENDING THE PARK IMPACT FEE**  
**SECTION OF THE CITY CODE; ON FEBRUARY 27, 2007, AT 6:00 PM**  
**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**

ACTION – CLOSED **MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN**  
SESSION **TO AUTHORIZED MAYOR DUNN TO INTERVIEW INDIVIDUALS FOR THE FOLLOWING**  
**POSITIONS:**  

- **BUILDING INSPECTOR**
- **CITY PLANNER**

**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**

**AN AMENDED MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY**  
**RAYMOND BROWN TO AUTHORIZE MAYOR DUNN TO INTERVIEW FOR THE**  
**FOLLOWING POSITIONS:**  

- **FULL-TIME BUILDING INSPECTOR**
- **PART- TIME CITY PLANNER**

**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**

CODE VIOLATION – Mayor Dunn: (Brief History)  
ACTION (The Mayor will not bring the individual's name into the discussion at this time.)  
The Post Office approached the Mayor a couple of months ago needing the City's support in assisting with one of the City's residents move some vehicles blocking the mailbox. They were unable to deliver the mail. They (Postal Service) approached the individual asking for cooperation and he did not respond. An emissary from the Post Office was sent to talk to this resident and the individual confronted the Postal Carrier to the point of frightening her to the point of saying, "You are scaring me, I'm going to leave". The resident did move the mailbox. The Mayor sent a letter to the resident describing that if he would move his cars, not only would it help in the situation with the mailbox; but it would also alleviate the situation that the City's snow-removal ordinance would be complied with. The road (a cul-de-sac) could be plowed in a more effective way.  
There is some history of arrests for other infractions of the law not having to do with the City Codes. There was another letter sent from the City on an additional violation having to do with the "storage of junk" on one's property. He has a dozen or so cars and trailers stored in his front yard; the ordinance states that there can only be two. The individual refused three times to sign for it. The Postal Service left notices in his mail box for it. The carriers were told not to approach him at his doorstep; but to leave notices in his mailbox. The Mayor received the letter back. Mayor Dunn approached an ecclesiastical leader over him to assist in contacting this individual (phone number was also changed and is unlisted). They came to an agreement that the resident would receive the letter by certified mail and that he would read it. (Included in the letter are listed and copies of all of the Code violations, explanations of where he stands according to the Code and what his options are. He was given a 30-day period to respond to the letter. His denial at the beginning of this process used up a good portion of the original 30-day period. The Mayor recommends re-initiating the 30-day period to give him extra time to respond to the letter. The ecclesiastical leader agreed to take the letter to him so he would not remain in ignorance of the Code violations. The Mayor's motivation was to have him first understand the violations and to have him voluntarily comply. The leader is in possession of the letter and will deliver it to the resident in violation.  
Is the Council willing to re-set the 30-day period?  
Mary Rugg: Questioned how many days are left in the original 30 days?  
Mayor Dunn: (None.)  
Mary Rugg: Will allowing an extra 30 days make a difference?

Mayor Dunn: Was not sure; but it does allow him to be informed of the Code violations and to understand them.

One of the City's Deputy Sheriffs placed citations warnings (not actual citations) on all the vehicles in the road and one on the door of his house; he went up the next day and confronted him. The tone and language of the individual was very demeaning; which the Officer did not respond to. The Officer basically said he was there to establish the position of the City and to give direction as to what the citizen can do; if not responded to, the vehicles would be towed away and the citizen would be responsible for cost involved. The citizen eventually moved some of the cars off the road.

With an extension, if the individual does not respond within the 30 days, then the next step would be to contact the City Attorney to inform him of the situation; then the City could go in and have all the vehicles except two pieces and he would have to pay costs of impounding, collection and any fines associated with the violations.

Raymond Brown: Felt it was fair to grant him the extra 30 days to have him informed of the violations and have the time to respond; however, he advised against going over the 30 days.

Can the vehicles be moved with snow in the yard? (The individual says they all run; it would take a bit of labor to do so.)

Mayor Dunn: This has the potential to be a volatile situation; judging from the reports of all the parties who have talked to him, personally. The Mayor does not want this to "get ugly"; he would rather that the individual understand things and that the situation can be "worked out".

Mary Rugg: Can the individual be communicated with; because he has already had 30 days...he chose not to look at the information sent to him. (True.) These are the rules the City an exception. She feels that this person should be talked to and informed that he is being granted an exception and he should utilize the extra 30 days to his best interest.

\*Mayor Dunn: He said that he would draft a letter to this person and make sure that this is<sup>rd</sup> party.

Raymond Brown: It should also be noted that, granting him the extra 30 days strengthens the City's position.

The Post Office can also withhold his mail and inform him that he can pick it up at the Post Office.

Alvin Harward: Is in favor of allowing the extra 30 days and to communicate this through the 3<sup>rd</sup> party. (There is also a violation in the north section of the City; has a letter been sent on this?)

\*Raymond Brown: This other individual is partially responding, but he should have a reminder of the City's position.

STREET NAME  
CHANGES

*1. N. Loafer Drive:*

Mayor Dunn: This Street was mentioned in one of the first lists of names to be considered for change; no action has been taken on this particular street. No action will be taken tonight except to review the problems associated with this street name.

N. Loafer Drive and Loafer Canyon Rd. are parallel roads that have some confusion attached to them. It is due to the name similarity. Emergency Services in Payson have talked to the Mayor when name changes have been discussed in the past. The reason it is coming forward at this point is because there are five new lots on the south extension of the road. plus the lot owned by Cory Snyder; added to the four existing homes.

The Mayor reviewed the process of changing a street name:

- Schedule a Public Hearing
- Letter form the City to each resident on the affected street, expressing the City's concerns
- Public Hearing: Listen to public and weigh the problem

Alan Eliason: (Asked to speak) They have lived in their home for 14 years; and they have not had any problem with people finding them. As far as emergency services, GPS units direct the drivers to an exact location. (The City's trucks are not equipped with GPS units.)

He sees the concerns, but fails to see the urgency to change the name.

Carolyn Shirley: Her husband was with the ambulance Dept. for Spanish Fork when they lived there for 10 years. It was part of their job to know where addresses and even took tests on them. They took great pride in knowing where every street was. He does not feel there is a problem with the street name.

Mary Rugg: She expressed appreciation for both of the residents' comments. There are both

She also feels that emergency service individuals should be acquainted with the street names in their areas to service. When names changes for streets come up, she does not always understand the reasoning behind the suggested change.

Raymond Brown: He agrees with the comments made. He is a former emergency response person and an instructor for the entire State; and is acquainted with the testing process. He does also know that, in the “heat of the moment”, when there is a call and you have to be there when someone’s life is at stake, it does get confusing. The adrenaline is pumping and thoughts and directions can get confused. He could seconds/minutes can one afford during an actual call-out? Those are the facts.

Mayor Dunn: Another element to consider is, if this were a brand new road, the City would not allow the road to be named a name that sound it creates confusion. This street name exists and is somewhat confusing. The residents would be given the opportunity to re-name their street.

Ray Osburn: His wife has been a resident of this City, at this address, for 26 years and just does not see the problem. If the name is changed, who makes all the changes on all the systems out there?

Mayor Dunn: The City does. We go to 911 Emergency Services first; then the Post Office and all the utility companies, UPS, Utah County, etc. The Internet services take a little longer to

Alvin Harward: The County records have already been changed with the new changes in the City.

Carolyn Shirley: There will be even more confusion if the street name is changed.

(The Mayor responded that the confusion would be only temporary.)

Mayor Dunn: He assured the residents present that the proper process would be followed before any change of the street name would occur, if it occurs.

**2. N/S Ama Fille Ln:**

There is a north/south piece of Ama Fille Ln with only one house on it. This road has been on the agenda in the past and as a result, a letter was sent to Jon & Tammy McNaughton asking them to consider a new name for their road.

*(Memo from Mayor)*

“Jon McNaughton called and talked to me on 11 December, 2006, and said that both he and his wife had talked about name changes for the street and had come up with Artist Ave.

*Recommendation:*

Make the change and also make a house number change at the same time. The new address for the McNaughton’s will be: 450 North Artist Avenue.”

(He is a well-known artist in the area and the change will only affect his home.)

*Comments:*

Not all of the Councilmembers were in favor of the proposed street name; however, the point was made that the resident was willing to change his address with no confrontation, and that is important. The resident should not have been given the opportunity to name the street anything he wanted; there should have been a Public Hearing where the resident gives his input and the Council then decides.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE STREET NAME CHANGE ON THE NORTH/SOUTH SECTION OF AMA FILLE LANE TO ARTIST AVENUE**

**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**

\*Alvin Harward: The County has changed Alpine Drive to Powell Road on their records. This needs to be corrected. The Mayor will contact them with this correction.

**SALEM SEWER CONNECTIONS**

Mayor Dunn: Salem City Council has approved the permanent connections for the north side of 11200 South; this will allow Randy Young to move forward with Phase 1 of the Elk Ridge Meadows PUD. They had received Final Approval, contingent upon Salem’s approval of these connections. This action required a change in the original contract from 500 potential connections to 200 potential connections. This change in the contract needs to be ratified by the Elk Ridge Council. The residents in this situation will be billed at the non-resident rate.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO RATIFY THE CHANGE IN THE CONTRACT WITH SALEM CITY REGARDING PERMANENT CONNECITONS NORTH OF 11200 SOUTH; TO CHANGE THE NUMBER OF CONNECTIONS FROM 500 TO 200 CONNECTIONS**

**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**

- MEETING SCHEDULE FOR 2007 After discussion, the Council decided on keeping the current schedule of the 2<sup>nd</sup> & 4<sup>th</sup> Tuesdays of each month. The Planning Commission has already moved to still have their Meetings on the 1<sup>st</sup> & 3<sup>rd</sup> Thursdays of each month.  
**MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO APPROVE THE 2<sup>ND</sup> AND 4<sup>TH</sup> TUESDAYS OF EACH MONTH FOR CITY COUNCIL MEETINGS; WITH THE EXCEPTION OF JULY 24<sup>TH</sup> AND DECEMBER 25<sup>TH</sup>, AT WHICH TIME THE MEETINGS ARE CANCELLED**  
**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**
- RE-APPOINTMENT OF CITY STAFF **MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN TO RE-APPOINT LINDA COOPER AS THE CITY TREASURER AND JANICE DAVIS AS THE CITY RECORDER**  
**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**
- CITY COUNCIL ASSIGNMENTS Mayor Dunn Proposed keeping the same Council assignments for 2007; all present were in agreement.
- EXPENDITURES: *General: None.*  
*Check Registers & Payroll for December, 2006:*  
**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY EXPENDITURES AND PAYROLL FOR DECEMBER, 2006**  
**VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE**  
**NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**
- MINUTES  
*1. City Council Minutes of 11-14-06:*  
**MOTION WAS MADE BY MARY RUGG AND SECONDED BY RAYMOND BROWN TO APPROVE THE CITY COUNCIL MINUTES OF 11-14-06, AS PRESENTED**  
**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**  
*2. City Council Minutes of 11-28-06:*  
**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE CITY COUNCIL MINUTES OF 11-28-06, AS PRESENTED**  
**VOTE: YES (3) NO (0) ABSENT (2) NELSON ABBOTT & MARK JOHNSON**
- ADJOURNMENT At 8:45 PM, Mayor Dunn adjourned the Council Meeting.

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City Recorder