

**ELK RIDGE  
CITY COUNCIL MEETING  
May 8, 2007**

TIME & PLACE  
OF MEETING

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 8, 2007, at 7:00 PM; this was preceded by a Joint City Council/Planning Commission Work Session at 6:10 PM; with a Special Introduction of Utah County Commissioner 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 May 4, 2007; & an Amended Agenda on 5-7-07.

**6:00 PM -**

**UTAH COUNTY COMMISSIONER – GARY J. ANDERSON**

Mayor Dunn: Welcomed Commissioner Gary Anderson; and introduced him to those present. He then turned the time over to Commissioner Anderson to speak to the City Council, the Planning Commission and those present.

Utah County Commissioner Gary Anderson: Commissioner Anderson introduced himself and spoke of his goals in the County to serve with dedication and an interest in how to better assist the communities. He mentioned that mistakes have been made in the past and he does not wish to repeat this. He asked that everyone feel free to contact him with any issue deemed important.

**6:20 PM -**

**JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION AGENDA ITEMS:**

ROLL CALL

*Mayor:* Dennis Dunn; *City Council:* Mary Rugg, Nelson Abbott, Mark Johnson, Alvin Harward & Raymond Brown; *Planning Commission:* Russ Adamson, Sean Roylance, Kevin Hansbrow, Dayna Hughes, Paul Squires, Kelly Liddiard & Shawn Eliot; *City Planner:* Ken Young; *Plan Coordinator:* Margaret Leckie; *City Attorney:* David Church; *Public:* David Millheim, Forrest Millheim, John Money, Steven Shepherd, Steven Sumsion (Attorney), Karl Shuler, Jed Shuler, Elliott Smith, Bob Peavely, Barry Prettyman, Torie Ashton, Joann Bigler, Burke Cloward, Brian Bean & Anna Bean, Bronda Cazier, Bob Strang & McKay Massey; and the *City Recorder:* Janice Davis

CE-1 & CE-2  
REGULATIONS &  
ELK RIDGE  
MEADOWS PUD,  
PHASE 4 –  
ACCESS ROAD

Mayor Dunn: The Mayor welcomed all present for the Joint Work Session. He introduced the City Attorney, David Church, to those present. The Mayor opened up the discussion by reviewing some of the City's concerns. Mr. Church has visited with a couple of different groups last week regarding some of the issues concerned with the CE-1 Zone and developments north of the City.

He opened up discussion to the Planning Commission and the City Council and encouraged the members to seek a balance on some of the internal issues facing the City currently; with streets and roads; as they apply to the process of changing the Code. The City needs to be protected as well as the developers. The issues have become a bit complicated. He turned the time over to Mr. Church:

David Church: It is obvious that the City is busy with growth because he has gotten calls from developers and their lawyers regarding certain issues. In speaking to these developers, both groups were concerned about the same process issues; they felt they were caught in the middle of changes in the Code and in the development process. Both of them have concerns that they have attained a status where they should be considered "vested" in prior interpretations and prior rights and not caught in the change. Each of the two groups dealt with roads, though slightly different. One group is dealing with road grade issues in the CE -1 Zone, and the other dealt with the issue of partial width roads vs. full width roads.

For the benefit of the Council and the Planning Commission and for members of the public, he spoke of his understanding of the law regarding what many refer to as "vested rights": It is actually fairly simple in stating what it is...it becomes difficult in the application. The basic law is this; it is clear in Utah statute that the developer is entitled to have his project approved if it meets the State law requirements and the City ordinance requirements on the date that they file substantially complete application...whatever that means. For example, under Elk Ridge's ordinances, there is a section in the Code that says that people are not vested until Preliminary Plat.

“In my opinion, it doesn’t matter what your ordinances say, the court and the State law says that the triggering time for vesting is when they file a substantially complete application, whatever that is”; and so you cannot artificially say a person isn’t vested until some arbitrary time (Preliminary or Final, etc.)...it is when they file an application. There are some exceptions to that; no one gets vested if you’re in the process of changing those ordinances when they file; even if they don’t know you’re in the process ...if, in fact, you complete the process within 180 days. If you don’t complete the process within 180 days then...the idea is that the City has had plenty of time to finish it and they get to continue under whatever the existing ordinances are. The other exception, that is rarely applied, is that if in fact there is a serious public health/safety issue. That being said, it gets difficult in the application of the law because the question is, what is a “substantially completed application”? How do we tell what triggering time is? Can we artificially say that it is at Preliminary Plat? Can we say that it is at “Concept”? His opinion is that the courts are going to say that they’re vested at the earliest possible state that the ordinances provide. Example: if there is a “Concept Process” where an application is filed and fees are paid, that they are going to pay attention to that. If you have some kind of informal process where people come in and just chat and no application is filed and there is no list of things people have to turn in, they will ignore that...there needs to be some kind of formal triggering process that says, “this is the start of my project”. His experience is that the courts, for purposes of vesting, will look at the earliest possible date that people have to do something official with the City where there are requirements to be met.

As this is applied to the issue (for example to the issue on the road grades), the key is; what was the law on the day when the application was filed? Mistaken approvals don’t vest people; if you make a mistake and then correct it, people don’t gain any rights in that. If a staff mistakenly says something, if a Planner mistakenly interprets the Code or an engineer mistakenly interprets the Code; and people rely on that advice; it is not his opinion that people gain any rights in that. The key is what do the ordinances actually state?

- If we look at the development with the ½ street, it seems clear to him that the City ordinances don’t allow ½ streets...there are no vesting rights. The City cannot allow a ½ street unless the City is willing to change the ordinance so it applies to everyone; there is no good way to do a variance.
- The key to the road grade issue was to take the earliest possible date when some application was filed and see what the ordinance said. You apply that ordinance, whatever it is. If the ordinance changed during the time, you ignore the change...unless the people want to voluntarily comply with it. If the ordinance didn’t change, then it is rather simple.

This is a general view; he does not necessarily know how this applies in each individual problem that we have. He asked if there are some specific questions he could address?

Mayor Dunn: He felt that Mr. Church had answered a lot of questions in the opinions presented. He knows the Council has some questions:

Raymond Brown: If the City, in considering an application of some sort, determines there are safety issues, such as getting up the hill with the snowplows, busses, etc. and the City is in the process of changing the ordinances; some 60 to 90 days before the application is filed, he would think the safety issues would be a major concern.

David Church: If the ordinances are in the formal process of change at the time the application is filed, and if the City completes that process within 180 days, then the City has the right to apply the new regulations.

Raymond Brown: Another question: If a person applies and are informed that they are in the process of change, but they want to go forward with some kind of approval for their own reasons; the City could grant the approval with the understanding that there are changes being made...it may take a while to get it done.

David Church: The State statute says the changes must be done in 180 days or you won’t be able to enforce those new ordinances that are in the process. Those 180 days are important because the City has the right to also declare a 6 month moratorium. You can see how that coordinates. The City won’t be allowed to delay people in their rights to develop their property beyond the 6 months. The State Legislature meets quickly and they do not seem to realize how long it can take to actually change an ordinance.

The 180 days is from the time the City started the ordinance change, not from the time any applications were filed.

When the road grade issue is considered, whatever the application process began, what did the Code say at that time? The safety issue would have to be a “serious” safety issue.

Mr. Church went on to say that he feels the difference between a 10% and an 8% road grade is not going to be a serious safety issue.

(Councilmember Brown replied that the difference between 8% and 15% is big difference.)

The other side of the issue is, even if the ordinance is applied...anytime a regulation is applied, the City must be prepared to justify it...there must be some rational basis. If the City states that 15% grade presents some serious safety issues, then you must be prepared to have an engineer or some professional verify that statement. You cannot just pick a number.

Steven Sumsion: Introduced himself as representing the “Elk Haven” group. He referred to minutes of November 28, 2006, meeting: “Recently the City Council adopted an ordinance amendment which provides for slopes on streets to be up to 10% slope; with the ability by the City Council to approve short stretches of up to 15% slope; however, a new ordinance amendment coming forward will limit slopes to a maximum of 10%, and although the applicants have vested rights into the existing ordinance requirements, they have agreed to keep the proposed road slopes under 10%.” He wanted to highlight the fact that there was a vote of the Council 4-1 in favor of granting the 10% or less road grade for Elk Haven.

He stated that he agrees with everything that Mr. Church has stated as a rule of law. The other principle that they ask the Council to recognize is that there are processes to go through to gain approval, and it is important to have a “rule of law”...or to have structure and some degree of finality with regard to this Council's vote. It was their proposal that the road grade issue be put aside. It has been presented in detail before this Council and approved; their request is to address other parts of the development. He feels the “vesting” issue has been decided upon. The applicants made application in February of 2006, paid their fees and went through an “exhaustive” process to get feedback at every level. In respect to this Council's decision making power, it seems prudent for the Council to reaffirm, if necessary, what has already been decided.

Nelson Abbott: Question: (Referring to vesting and the 180 day time period) Let's say someone comes to the Council and the existing Code says something like, “One cannot build on a lot with a 110' frontage, then 90 days into this, the Code is changed to 135'; which one is applied?”

David Church: The one on the day they come in; unless the City is *in process* of change when they come in.

Nelson Abbott: The next question: One of the items brought up referred to the Code at the time when they developers initially approached the City; we did not have the Code that is in place now in the CE-1 Zone with regards to road grades. The grades were in question...which one applies.

David Church: This needs to be clarified: the Code when they applied said 8% or something...then there is the reference to the Code as quoted by Mr. Sumsion; did the City change the Code twice?

Nelson Abbott: Yes, because we needed to get the CE -1 Code in place, or at least a “skeleton” of it. The road grade question was still in question, so that portion of it was taken out of the “mix” to have time to review it; and then it was added back in.

David Church: Then, at the November 28 (2006) meeting, you vote to accept the road grade plan...and when you voted on this, it met the existing Code...right?

(Mayor Dunn replied, “Yes, that's right”.)

The difficult issue is, what did you intend when you adopted the road grade plan?

Nelson Abbott: Speaking for himself, he was the dissenting vote in the quoted 4 -1 vote; he did not agree with it. He did not feel the developers were justified allowing up to 10%; he did not have enough information to make that determination.

David Church: Whatever was intended to grant them, they have. If votes mean anything, you did something. He does not know what the *intention* was; he just knows what the minutes say.

Nelson Abbott: The Code is very specific about the 8% up to 10% *if they can show that, by allowing the 10%, that they are able to reduce the amount of cut & fill*. He has not seen anything one way or the other on this...at least not in terms he can understand.

David Church: He is saying that, if this issue did go to court as litigation; that November 28<sup>th</sup> vote would mean something to the judge. The judge would say, “You gave them something there, what did you give them?...otherwise why did you vote on it...what did you approve?” .

Shawn Eliot: Explained the reasoning behind the Planning Commission's question on vesting on the issue of slopes: When the application was submitted, the Development Code allowed 8%; about two weeks later, the Planning Commission started re-writing the CE-1 Code over a totally different issue.

At that time, they were aware that the roads were steep and there were road issues and they had nothing in the Code regarding roads and the allowed slopes. In the CE-2 Zone, the question of road grades was addressed; so the Commission “borrowed” from it and re-wrote the Code accordingly. Then when Elk Haven submitted, it was noted that there were up to 15% grades allowed. The Planning Commission noted that the submitted plats had these proposed steeper grades and this was not what was desired for the City in that area. It was at that time when they (Planning Commission) started to interview other engineers, the City’s own engineers, the Fire Chief & the Public Works; all felt uncomfortable with the steeper slopes. The developers were also submitting information gathered from other cities about road grades. That is the point at which the Planning Commission felt they were working on fixing the problem. When the Concept Approval was passed at the Council level; it was two weeks later that a new road grade ordinance was passed. The Commission felt under pressure to pass this ordinance and felt they had the “ball in motion”.

Karl Shuler: There is an important point left out; there was an in between plan when they (developers) were informed they were too steep and the City would be changing this in the future...and voluntarily (even though they felt they were vested under the previous Code) changed there plats and went to 10% or less...this is the standard the City was moving toward at that time. They did change and they did comply with the pending ordinance amendment. They wanted to work with the City. Now, as the lots are being developed, the City wants to “start over”.

Shawn Eliot: The Code allows 10% for “short” stretches and there are some pretty long stretches shown. In the Code it states that the developer would have to demonstrate that one is more advantageous than the other. That is what the Planning Commission has not seen.

Karl Shuler: But, they did comply with what they were told...the Code had not been passed. The Council approved it as presented.

John Money: They knew there would be problems associated with the CE -1 Zone; that is why they decided to present the road first; so they would not have to re-draw and re-plat every plat...they wanted the road stationary.

Mayor Dunn: (Directed to David Church) On the memo from Ken Young, the issue of “time line”...it is the Mayor’s understanding that the Elk Haven road Concept Approval should stand as it was approved, based on the time line presented by the City Planner.

David Church: That would be up to the City Council...only the Council knows what the vote of November 28 was intended to be; was it intended to adopt the presented road plan? If so, then the road plan was adopted. He thinks the courts would find it inequitable to change it, unless you’ve got some very significant safety reasons to require the change. There may be some safety issues to work out.

Alvin Harward: His opinion is that the vote was taken and approval was granted; the engineers have done all the work based off of that approval; he feels the approval should stand.

Nelson Abbott: He sought clarification on the stated “time line” of the events and decisions as presented in the memo from the Planner: He was trying to understand if the 10% rule, or the 8% with allowances to 10%, if requirements are met. What percentage is being applied?

David Church: His understanding is that they (developers) offered in November to comply with what they understood the new ordinance to be (8% slope, with allowances up to 2% more) and they presented the Council with a road plan and the Council said, yes. He is not sure that it is clear to all concerned.

Nelson Abbott: He is not sure that there yet enough evidence to convince him that the extra 2% is justified; that is why he voted against it before.

Raymond Brown: Right now, it is 8% with the extra 2% being allowed upon approval? He still questions what the length of “short stretches” should be. This seems to be up for interpretation. If part of the road is too steep and too long to get a snowplow, bus or emergency vehicle up to an area, it is too long. He has maintained from the beginning, that the road has to be accessible to these types of vehicles; this has to do with the safety of the residents.

John Money: He does not feel that the road should even be an issue at this point; we should be considering the lots proposed for platting. As far as “short stretches”; the entire proposed road is only 1 & 1/3 mile long. They have met with all the technical people involved to arrive at the proper slopes in the road.

David Church: Suggested that the City tighten up on the ordinance regarding the definition of “short stretches”. In considering the lots, the Council must consider cuts and fills; how high the retaining walls should be; as opposed to how flat you want the road. It is a balancing act. It is a tough deal to consider the aesthetics vs. the functionality of a road.

Mayor Dunn: In fairness to the process that has been going on, he feels the catalyst for this discussion was the memo written by several of the Planning Commissioners, withdrawing their recommendation for approval. This was presented on the day of City Council so an amendment to the Council Agenda could not be made for any action item. The reason for re-visiting this was to work through some of these issues and find out what the legal obligations are. He agrees that action was taken by the Council on Concept and that does mean something. A recommendation that comes to the Council and then action is taken on that recommendation basically becomes “gospel”; he feels we need to be careful with this process. Serious situations can be created. There is an obligation with the action taken.

Nelson Abbott: He feels the road grade issue is put to rest; he still has a question on two other items on the memo: 1) Grading plans 2) Right of way: Will these items still be discussed?

Karl Shuler: The grading plan was turned in; the slope analysis and grading plan were combined, as the City Engineer said they could. Barry Prettyman (their engineer) drew them both on the same print.

Shawn Eliot: The concern was that parts of it were missing...the retention plan and the re-vegetation plan are all part of it. The City has been placed in a negative position when these things have not been in place. There is the requirement that part of the grading plan shows re-vegetation, what will be taken out, what will be retained and how drainage issues will be handled.

Karl Shuler: Part of that was discussed in the narrative accompanying the plan they turned in.

David Church: In an attempt to answer Councilmember Abbott’s question: If some information is missing, then the City has a right to request this information and review it. The application has to be complete.

Right-of-way: “It will be what it is. You are going to say what your right-of-way is as set by your Master Plan and your ordinances; for the width, it will be what it will be; so that is part of the process; I think if developers understand that. You draw lines on the map where the roads go and tell them what the widths are.” He did not understand where the confusion is; he knows that it is costly to hire attorneys.

Mr. Sumsion: On the vegetation issue: There were comments in the same record stating that as each plat is coming forward, that the vegetation will be addressed. This is an open issue. These plans do have to be provided.

David Church: The second development seems to be more straight forward and easy (referring to Elk Ridge Meadows PUD, Phases 2 & 4) ...he has looked this over; the City does not allow ½ streets...the developer has come up with an alternative to a ½ street; he is not sure how this alternative meets with City standards. There are many solutions as alternatives to ½ streets; but he does not think it is a good idea to build very many ½ streets. Any alternative would have to be approved by the Planning Commission and the Council.

(Before moving on to further discussion of the ½ road, Mr. Shuler continued ☺)

Karl Shuler: There is an issue he is not sure everyone understood: that of the 56’ right-of-way vs. a 66’ right-of-way...At the November 28 Council meeting, the road was approved at 45’ in width. Is this still an issue? If so, why?

Shawn Eliot: He does not recall any of the handouts showing right-of-way; they simply showed the roads. (The developers said that they were shown on one of the pages of the required drawings.) Mr. Eliot referred to the City’s circulation map indicating this section of road as a “major collector” road...this would be a 66’ right-of-way. This is the main road in and out of this area.

John Money: They agreed that Hillside Drive would be a 66’ right-of-way, but not High Sierra Drive. (High Sierra is a 56’ right-of-way.)

Shawn Eliot: Hillside Drive is shown as a “major collector”; the proposed road behind High Sierra is a “major collector” and there is an access to Loafer Canyon Road. It is really Hillside that is the issue. On the “original map” Hillside is shown as a collector and the High Sierra “loop” road as an “arterial”, which is not correct...that is why the Planning Commission re-visited the issue.

City Recorder: (Question) The existing Hillside Drive is a 56’ right-of-way; how will this connect to a 66’ right-of-way and be considered a “collector”?

Shawn Eliot: The major collector ends at Salem Hills, which is also a collector; this results in a two-block section that remains at 56’...this should be addressed some day. The road behind High Sierra that will be the main entrance in and out of the area.

Ken Young (City Planner): He pointed out that, even though what Mr. Eliot brought up may be correct in theory, he thinks the reality of what we had here at the City offices as far as mapping is concerned; there was no “correct” map until very recently, when it was reviewed and approved by the City Council. There were two or three different versions hanging up on the wall; all of them were incorrect, especially regarding Hillside Drive and High Sierra Drive. He also pointed out that as you connect into High Sierra and Hillside, they are both 56’ rights-of-way.

Shawn Eliot: Elk Meadows/Elk Ridge Drive: There is a one-block stretch that is 56’...the rest is 66’. The fact that there is the potential of so many homes in the area south of the City with future development, there needs to be more collector roads.

Ken Young: The issue of vesting still comes up and under what requirements would they be held to, when they made their application. He has a question in his mind if we even know what we had at that time. “Was there any way to get a clear message to them at that time? How can we effectively hold them to a 66’ right-of-way if it was assumed, in many instances, that it was a 56?”

David Church: he suggested that the process be put to work. “The Planning Commission needs to make a recommendation on the Preliminary Plat or at whatever stage it is, and say, ‘we recommend that these roads be whatever it is’, and with that recommendation, it goes to the Council and the Council then makes their decision.” “The trouble we get into is when we ‘ping-pong’ it back and forth...trying to reach a consensus...if the Planning Commission’s recommending that those roads be a certain width and has a rational...they have the right to make that recommendation to you. It comes to you, the people have the right to respond to it...then we get a decision done... these guys at least have a decision that they can then appeal up to the next level or accept...one way or the other. One of the things we do in local government that is completely unfair is to search for a consensus amongst us, where we just keep sending things back and forth between the Commissions and the Councils...and in the end we get a decision that nobody likes...and everyone gets mad because it took them all summer to get it. So, if the Planning Commission feels strongly, make a recommendation on those widths...let them make it and send it forward...then you guys (Council) do your job.”

Mr. Sumsion: Question about the 56’ right-of-way has already been approved, given that the plans have been presented...there is a question whether there was a detail identifying a 56’ right-of-way; the detail was sufficient for a reasonable person to come to a conclusion...and the Councilmembers to approve that already. He would argue that this falls into the same category as the 10% grade. This has been presented and there has been a conscious decision; he feels the memo from the Planner re-enforces this.

David Church: That may be and it may not be. He is suggesting that we get this process going and make that argument then. We don’t know how many lots are going to be up there...“you bring one lot up there, it’s 56’...you bring your maximum, we might need 66’. Road widths are decided when you show us the plats and the lots and the layouts...not with some kind of road plan. I am just saying that’s the other side of it...when see your Preliminary Plats, generally...and we look at our Master Plan, we say, that road needs to be wider, narrower or straighter...that is part of the typical subdivision process...it makes sense to most people.”

The Planning Commission will be making recommendation on it, sending it on to the Council...the arguments can be made there. Then a decision will be made.

*Full Width Road:*

Eliot Smith: (one of the developers of the Elk Ridge Meadows, Phase 4 /Horizon Farms)

He presented their planned alternative to a full-width road to the Council and to those present: All the way through the development process, there was the assumption that, based on the plans presented, that would be a ½ width road. Everyone missed it until recently when it was pointed out that there was a ½ width road and those are not allowed in Elk Ridge. When they met with Mayor Dunn (a couple of weeks previously), they left the meeting with a clear impression that was going to be a very difficult path...to change the ordinance and get approval for ½ width. So, they sought alternative solutions.

The proposal was to place part of the road in question (Cotton Tail Lane) on the property known as Phase 4 at full-width and to curve the road going south to the west and have that part as ½ width + 9’. Keeping the intersection of Sky Hawk Way and Cotton Tail in tact is pretty important because there are four roads that tie into it in the future. In working with the developers of Phase 2, the suggestion was made to bend the road, build Sky Hawk Way (full width) and leave only one section where the necessary portions of the right-of-way would be dedicated; and Development Associates would escrow the costs to complete that road at some

future point in time, when the other property owner (Smart) decides to proceed with development. Another reason they are not big fans of shifting the road is that it starts to “pinch” the open feel they are trying to maintain in their planned development. This would not require any proposed ordinance changes nor require any exercise of “eminent domain” procedures.

Comments:

Mayor Dunn: Phase 3 covers a portion of this road. The road could go in at full-width if placed internally onto Phase 4's property. He has taken a copy and marked it, showing this design. He is only asking a short piece to be included into the full-width road. According to the Code, the off-site reimbursement clause would refund their money to them by the other property owners. Question: Re: Proposed escrowing of costs...If money goes into escrow or a “buy -out” (as the Mayor refers to it), could there be a provision for cost of living adjustments in the costs of the road? Or, wouldn't it just be easier to comply with the existing Code and install the full-width road now?

David Church: In more aggressive communities, some of which he represents, would say they want a full-width road, and they would exercise their eminent domain to acquire the property that the developers do not control...the road would be installed and the reimbursement agreement would be signed. The down side to this is the property on the other side; he does not know the land owner or the situation surrounding this. He feels those are the two choices. “½ width really doesn't work; and the developers who get condemned hate that; but that is an option.”

David Millheim: Though he appreciates what is being said, he wanted to add a few things: He had to go to district court last week and stop Bluffdale City (owns property there) from condemning ground that he felt was a “hideous misuse of power” and the judge agreed due to other things being involved in the equation.

- He can understand the options, but he would be absolutely opposed to any condemnation process.
- He is not in favor of reimbursement agreements. It is impossible to project what other property owners will do; he only knows what he is doing today.
- He feels that ½ widths serve a purpose. He said he was not there to debate the Code or vesting; but he felt there are some circumstances that should be taken into consideration:
  1. He said he felt he had full plat approval (Phase 2) and they are in the middle of construction...he has stopped the graders until it is decided what will happen with this road in question.
  2. He wants things to do things correctly and has great faith in the developers of Phase 4.
  3. He does not want to open up the density factor a gain and they are trying to work with Phase 4 to configure the lots and the roads to best meet the needs of the Community. The intersection spoken of needs to stay in tact.
- (Addressing the Mayor's concern) He does not know how to escrow the road for the future. He has no problem agreeing to building the road as agreed, but he feels that the portion of the road could be ½ width without a problem. What is the proper escrow number? From a design aspect the proposed design works for Phase 4. He does not want to get into a 30-year reimbursement agreement.

Mayor Dunn: The agreement would allow the engineer at the time of reimbursement to assess the cost of reimbursement.

David Millheim: He agrees with a differential they put on that stops at a fixed point in time and he would suggest it be tied to the same rules you have to follow to track that law. It is like tracking impact fees; if the fees are not used within a period of time, the fee is returned to the one that paid the fee. He has no problem saying that they will may an inflation factor that is mutually agreed upon, in the escrow; as long as the funds are expended within a time period (7 years?). He is not willing to go into the 30 years. They are trying to come up with a solution that will work for everyone. He knows the road issue needs to be resolved for Phase 4 to progress.

David Church: 1) If the Council is interested in escrowing a portion of the road, they (City and Mr. Church) can come up with an agreement that would work. Typically, he would suggest choosing a number of years (not 30 years)...a reasonable time when we feel the road would be built or the City would be willing to build it. We would then look at our recent past...that is the of construction, inflation and land values; return on City investment and build these factors cost into the escrow.

The amount escrowed would be more than typical inflation because construction land costs exceed that.

2) There are only two other approaches:

- Either shift that road over because the ordinance does not allow ½ streets
- Get the property and build the whole road (He would not recommend condemning people's property unless it is absolutely necessary).

(Mr. Millheim feels this would be bad development business.)

Mr. Millheim: To clarify further re: escrow: "We would want the escrow to be only on those portions of the road we own; I do not want to be paying for the escrow of a future condemnation." There would be a road right-of-way dedication now so you've got the ground; so that part of the "clock doesn't have to keep moving". The only part to be escrowed would be our proportionate share of that road...then there is no reimbursement.

City Recorder: Explained that the City Engineer (Craig Neeley) brought this issue to the attention of the City: that the road in question had only received Preliminary approval and should have been included in the plat recorded for Phase 2 as part of the off-site improvements. At this point in time a "road dedication plat" needs receive Final Approval. (He said that, "Preliminary is preliminary and Final is final". Mr. Neeley stated that this dedication needs to receive final approval prior to construction on the road.

(Mr. Millheim said he agrees...that this road needs to be dedicated to the City. )

The last thing that Mr. Neeley recommended was that a full -width road should be required.

Alvin Harward: (Directed to the developers) You have met with the family (Lyle Smart)?

(It has been several years, but yes.)

Are they opposed to participating on the road? (He had not spoken to them about this issue.)

Councilmember Harward suggested contacting the property owner to see if he will cooperate.

He is in favor of a full-width road. (The Mayor agreed.)

Mr. Smith (?) This would have to include Mr. Millheim. But they would be happy to be accommodating with them; they just want to expedite this.

Mr. Millheim: They purchased the property from a consortium and he wondered why this piece of ground was left out of the annexation/development; they responded that it was because they could not get the property owner to cooperate. He did not contact them. He wants to cooperate with property owners in development. He would not be involved if he had not offered to install this road for Phase 4. ½ width roads are useful in making owners responsible for the improvements on their own property.

Alvin Harward: In that case, he suggested placing the road entirely on their property.

Mr. Millheim: But is this what is desired...to force the road into Phase 4 and sacrifice the open space and the design?

Alvin Harward: The full width road ordinance was passed for a reason; we have many problems in a mountain community with ½ width roads in existence now.

Shawn Eliot: The suggestion has been made to eliminate Cotton Tail; but there were concerns:

- It is the only real access to 11200 South (connecting to the big park in Phase 3)
- The homes where the front doors would be facing the road; they end up, potentially, facing a fence of another development (future).
- Simply being able to access that area (Smart property) rather than having that area access out onto 11200 South

They recommend keeping the road and making it work.

David Millheim: He is not opposed to contacting the Smart Family; but he does not want to push someone where he does not want to go. He agrees that the road will go in someday...all the other roads are full width.

David Church: The direction on this (directed to Mr. Millheim and Mr. Smith) is that you have to talk to those people first.

Mr. Millheim: Does the City like the proposed design? This information will be needed to move forward.

Mayor Dunn: Offered to poll the Council:

Nelson Abbott: In favor of full width road; speak to Smart Family then consider design;

Mary Rugg: Full width road; Raymond Brown: Full width; Alvin Harward: Full width &

Mark Johnson: Full width

All agreed that the full width should be installed now.

The Mayor will assist in any way to contact the Smart family.

Mr. Millheim just wants to build a good subdivision, as they have in the past.

**ELK RIDGE  
CITY COUNCIL MEETING  
May 8, 2007**

TIME & PLACE  
OF MEETING

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 8, 2007, at 7:00 PM; this was preceded by a Joint City Council/Planning Commission Work Session at 6:10 PM; with a Special Introduction of Utah County Commissioner 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 May 4, 2007; & an Amended Agenda on 5-7-07.

**7:50 PM -**

**CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS:**

ROLL CALL

*Mayor:* Dennis Dunn; *City Council:* Mary Rugg, Nelson Abbott, Mark Johnson, Alvin Harward & Torie Ashton, Joann Bigler, Burke Cloward, Todd Trane, Brian Bean & Anna Bean, Bronda Cazier, and the *City Recorder:* Janice Davis

OPENING  
REMARKS &  
PLEDGE OF  
ALLEGIANCE

Opening Remarks (prayer) were offered by Raymond Brown, after which the Pledge of Allegiance was led by Mayor Dunn, for those wishing to participate.

AGENDA TIME  
FRAME

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:50 PM  
VOTE: YES (5) NO (0)**

PUBLIC FORUM

No comments.

PLAT VACATION –  
PRELIMINARY &  
FINAL APPROVALS  
BEAN SUBDIVISION

*(Memo from Planner to Council, dated 5-8-07)*

“Background:

The applicants have requested to split the lot into 3 new lots as shown on the attached plat . Lot 1 will have access on Canyon View Drive, while Lots 2 & 3 will have access on Alpine Drive. The proposed three new lots meet the minimum square footage and lot frontage requirements of the R -1-15,000 zone. Corrected rear yard setbacks have been requested, showing 30 feet on all lots. A new plat with these corrections is expected prior to the meeting.

Single lot splits are the simplest method of creating a new subdivision, and although only one plat is required to be submitted, the approval is considered to be for both a preliminary and final plat.

The Planning Commission reviewed this application on 5-3-07 and has found no further concerns. Curb and gutter are not recommended since the area is mostly developed and none exist nor are anticipated to be installed in the area in the future.

*Recommendation:*

It is recommended that the City Council approve this simultaneous submission of a preliminary and final plat for the Bean Subdivision.”

Margaret Leckie: A Public Hearing was held and no oppositions were voiced regarding the proposed vacation.

(The Plat has been changed by the County to meet requirements, rather than actually acquiring another plat.)

Nelson Abbott: There is to be no curb & gutter? (Not required as there is not contiguous curbing in the area.) There will be no road alignments? (No.)

Water rights have been previously allocated from the SUVMWA Rights owned by the City.

No further comments.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO:**

- 1. FIND THERE WOULD BE NO MATERIAL INJURY INVOLVED WITH THE PROPOSED VACATION AND SO TO APPROVE THE VACATION OF SALEM HILLS SUBDIVISION, PLAT B, BLOCK P, LOT 6; AND**
- 2. TO GRANT PRELIMINARY AND FINAL PLAT APPROVAL TO THE NEWLY CREATED BEAN SUBDIVISION, PLAT A**

**VOTE: YES (5) NO (0)**

CLOWARD  
SUBDIVISION,  
PLAT B –  
FINAL PLAT

*(Memo from Planner to Council, dated 5-8-07)*

“Background

The Preliminary Plat was reviewed and approved earlier by the City Council, and the applicant now desires approval of the Final Plat for this 39 -lot subdivision.

The Planning Commission reviewed this request on 3-15-07 and 5-3-07. The identified corrections have been submitted and are attached for the Commission’s review.

One outstanding issue which should be resolved prior to the approval by City Council is the applications submission of a signed waiver of entitlement for development rights. This will preclude the issuance of any building permits in this development until the transfer of water rights for the development to the City is completed, or until City water is available.

*Recommendation:*

It is recommended that the City Council approve this plat, subject to the applicant’s waivers of entitlement being filed with the City.”

*Comments:*

Alvin Harward: Burke Lane shows this going into a ½ street; why is that?

Todd Trane: That is the future Armstrong development; the other ½ will be built with them (Doe Hill Estates...already approved).

Raymond Brown: Dot Drive is only 47’ width? This should be a 56’ right-of-way.

Todd Trane: In the future there will be an additional dedication for a 10’ trail on there. It is on the utility plan. So there is the full width and curb & gutter; and in the future the other 10’ will be dedicated as a trail, creating a 57’ right-of-way. The asphalt section will be identical to a 56’ roadway; you would just be missing the sidewalk and planter on the one side. There will be curb & gutter on both sides. This is a separate parcel. This was approved with the Preliminary Plat. This is the same as approving a temporary turn around...subject to future development. Plans and profiles are shown on the construction documents. In the future, the sidewalk and planter strip will be a trail. The Final Plat will not show these construction drawings.

Alvin Harward: Agrees that the full width (56’) should be installed now with this plat, to conform to the Code. This is Final Plat, not Preliminary. This is the same issue just discussed concerning the proposed road with Phase 4 of Elk Meadows PUD.

Mary Rugg: Can there be a notation on the Plat indicating what will occur?

Todd Trane: We can place a notation on the Plat saying: “Full improvements will be in the 47”’. (The construction drawings were reviewed and explained by Mr. Trane.)

The Code said ½ width roads were acceptable when they first got Preliminary.

(The City Recorder added that Preliminary was granted in December, 2006; the full width requirement has been in place since 2005.)

After discussion, the Council agreed that a full width road should be installed with this development, to be shown on this Final Plat.

Alvin Harward: Asked Mr. Cloward if he agrees with adding 10’ more to the other side of Dot Drive.

Burke Cloward: He responded that he is fine with this.

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY NELSON ABBOTT TO GRANT FINAL PLAT APPROVAL TO THE CLOWARD ESTATES SUBDIVISION, PLAT B; WITH THE FOLLOWING CONDITIONS;**

**1. WAIVERS OF ENTITLEMENT TO BUILD ARE TO BE PROVIDED TO THE CITY, TO BE RECORDED ON EACH LOT**

**2. DOT DRIVE IS TO SHOW A 57’ RIGHT-OF-WAY DEDICATED ON THE FINAL PLAT**  
**VOTE: YES (5) NO (0)**

ORDINANCE –  
DURABILITY  
RETAINER

Mayor Dunn: The City Engineer, Craig Neeley, and the Mayor came up with the figures together to change the requirement for developer bonding regarding the Inspection Bond. Previously, it was set at a flat 6%, which is too high for larger developments. It will stay at 6% for smaller subdivisions. The amendment would also loosen up the wording regarding durability retainers, allowing more options for guaranteeing the money.

This has been discussed by the Council and agreed upon at previous Council meetings.

*(Memo from Planner to Council, dated 5-8-07)*

“Concerns have arisen regarding the requirements for the posting of durability retainer bonds, allowing some flexibility in the form of the bond. The Mayor has suggested that the Planning Commission consider the following changes in a proposed ordinance amendment in a public hearing: *(Review of retainer and tiered rates for Inspection bond)*

*Recommendation:*

It is recommended that the City Council amend the City Code as proposed above.”

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE POSTING OF A DURABILITY RETAINER WITH PERFORMANCE GUARANTEES FOR A DEVELOPMENT PROJECT, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE & NELSON ABBOTT-AYE**

*Passes 5-0*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY ALVIN HARWARD TO MOVE AGNEDA ITEM #7 AHEAD TO THIS POINT IN THE AGNEDA TIME FRAME VOTE: YES (5) NO (0)**

HIRE NEW  
FIRE CHIEF

Mayor Dunn: Fire Chief Craig Olson has resigned and Seth Waite has agreed to be the new Fire Chief. He has been in this position before; and has agreed to fill this position again. Mr. Waite is well respected as a leader and the Department is fortunate to have him back. Mr. Waite was present to meet the Council.

The Council has been polled to hire Mr. Waite and the Council needs to ratify this polled vote.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO RATIFY THE POLLED VOTE TO HIRE SETH WAITE AS THE ELK RIDGE CITY FIRE CHIEF VOTE (POLL): NELSON ABBOTT-AYE, MARY RUGG-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE & RAYMOND BROWN-AYE**

*Passes 5-0*

One of the things that Mr. Waite focuses on is to maintain the City’s ISO Rating; he was instrumental in actually bringing it down to “5”.

Nelson Abbott: This saves residents money on their home insurance...10% to 20% drop.

Mayor Dunn: Being Chief requires much of an individual; it is suggested to increase the pay for this position from \$200 to \$300 per month.

**MOTION WAS MADE BY NELSON ABBOTT AND SECONDED BY MARK JOHNSON TO ADOPT ORDINANCE #07-8, PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS AND EMPLOYEES OF ELK RIDGE CITY; REGARDING AN INCREASE IN THE SALARY FOR THE POSITION OF FIRE CHIEF FROM \$200 TO \$300 PER MONTH**

**VOTE (POLL): NELSON ABBOTT-AYE, MARY RUGG-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE & RAYMOND BROWN-AYE**

*Passes 5-0*

Mayor Dunn: The Fire Chief’s vehicle is being underused by the Fire Dept.; if it is not going to be utilized, he proposes using it for the Building Inspector. (The vehicle has not been licensed and registered; that is one reason it has been under-used. Chief Waite will assess the situation when he further acquaints himself with the current issues in the Fire Dept.

Raymond Brown: Cautioned use of any emergency vehicle without a cover on the top lights for anything but emergency uses.

Mary Rugg: Asked Chief Waite to contact her regarding the City Celebration. (He met with Linda Jones later that same night about the budget; and he will contact Councilmember Rugg.)

*\*The City Recorder administered the Oath of Office to the new Fire Chief.*

NEW CITY  
EMPLOYEES  
POSITIONS

Mayor Dunn: (*Memos from Mayor to Council, dated 5-8-07*)

1. “We have a new *Building Inspector* that will be serving the city starting in June. Because of contractual commitments, our building inspector will be finishing up for Woodland Hills and coming full time to us by June 15. Our office here is moving stuff around to make a work space for Corbett. He cannot work for us until his contract with Woodland Hills is finished. He can still inspect for us.”

2. *New City Clerk Position*:

“As the City is growing, it has become apparent that the office has need of an additional position. This position will be a cross-over job that covers both the treasurer’s duties and the assistant Clerk job. Filling this position will give the office complete coverage for building permit, payroll, file management, newsletter and cash receipting.”

The Building Inspector will supervise the building permit portion of the duties of the new position and the Deputy Recorder. Building Permit revenue will be coming into the City rather than paying Woodland Hills.

BOUNDARY LINE  
ADJUSTMENT –  
ELK RIDGE &  
PAYSON

Mayor Dunn: This has been discussed with the Council previously; it is the proposed boundary line adjustment between Payson and Elk Ridge north of the Golf Course. Payson City desires to have condominiums built in that area, with access to Elk Ridge Drive. Currently, the boundary does not include one of the holes of the Golf Course. Payson City has purchased a piece of property from Shulers' along Elk Ridge Drive. This gives them access to place a gate leading to this project. This will be a City-owned project.

A Public Hearing needs to be scheduled.

Raymond Brown: Can the City use this adjustment as leverage for Hole #7?

Nelson Abbott: Elk Ridge should come up with an offer to purchase Hole #7.

\*Mayor Dunn will contact Mayor Bills to further discuss the purchase of this ground ; it has been offered verbally at the price of "raw ground".

City Recorder: Suggested getting all these arrangements with Payson in writing: Water rights for this property, re-venuing utility charges...will they be at non -resident rates, Hole #7, etc.

\*It was agreed that David Church should be consulted on this agreement.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO SCHEDULE A PUBLIC HEARING FOR JUNE 12, 2007, AT 6:00 PM; TO CONSIDER THE PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN ELK RIDGE CITY AND PAYSON CITY; ALONG THE NORTH BOUNDARY OF THE GLADSTAN GOLF COURSE**

**VOTE: YES (5)**

**NO (0)**

NON-AGENDA  
ITEMS

There are various properties that the Council needs to re-address:

- Loafer Canyon Road – City owned property west of Jed Shuler's lot.

- The Council decided that we need to acquire costs for part of the "arena property" for a future site for a City Center. (*The owners said they will get back to Councilmember Harward regarding a price.*)

Re: Property in Loafer Canyon...

Nelson Abbott: Is there a legal obligation to open the sale of that property to the public?

Alvin Harward: Feels there is no problem with the sale of the property as long as it is sold at fair market value.

Mayor Dunn: Fair market value eliminates the need for the "auctioning process".

The property has become "dead" property for the City, since it was going to be used to assist in widening of the dugway. To widen the road 10', 40 feet of property would be necessary. This would require a condemnation process for the remaining properties to the north to actually do this (this would be 9 lots).

The drainage easement on the west side of that property needs to be kept clear.

Raymond Brown: Pointed out that this property used to belong to the Shulers'; they deeded it to the City; and now they would like it back, since the City does not plan to use it in the way it was intended.

Alvin Harward: He does feel the City should publicly announce the proposed sale of the property and if there are any questions, call the City Office.

\*David Church should be consulted on disposing of City property.

SEWER IMPACT  
FEE –  
DISCUSSION

Mayor Dunn: There needs to be a statement issued by Aqua Engineering regarding the portion of the Sewer Impact Fee (\$1,700) that will be paid to Payson. The fee was calculated by Payson City; but it becomes part of Elk Ridge's over-all fee. There should be some reference to it in our Study to justify the charges. Elk Ridge's portion for collection is \$910. This letter should be issued by either Aqua Engineering or Payson City.

\*The Mayor is to contact either Payson or Aqua Engineering for this letter.

ACTION ON  
WORK SESSION

No action besides the fact that the Council decided to uphold the Code regarding a full width road for the Elk Ridge Meadows PUD, Phases 2 & 4.

Raymond Brown: Pointed out that the standard is 8% grade for roads; with the option of going to 10% for short stretches, *with Council approval*. Developers need to realize that no matter how many other cities they have developed in, they need to adhere to Elk Ridge's Code when they develop here.

Mayor Dunn: Expressed his appreciation to the Council for upholding the Code in the way that they did.

Alvin Harward: Suggested that, in the future, when a recommendation comes forward from the Planning Commission that is an exception to the Code, it should be accompanied by an explanation of the reasoning behind that recommendation.

Mary Rugg: Many times developers want the Code changed to fit their plans. The Planning Commission could pass things along to have the Council determine if these requests should be considered.

Mayor Dunn: He stated that he is in his position to uphold the law; his personal feelings do not matter. He felt that there was a definition of the law this night and a stand taken. The tools the Planning Commission and the Council have are the laws and the Codes; they need to be adhered to.

BUILDING PERMIT  
REQUEST –  
GOOSENEST

*(Memo from City Recorder to Council)*

“Mr. Ron Moody owns two 5-acre parcels, possibly considered lots of record, in the Goosenest Drive area. (Located on the north side of Goosenest Dr., east of Elkhorn Drive) He came in to speak to the City Planner regarding the possibility of building on his property.

*Brief History:*

For some time there were no more building permits issued in the Goosenest area due to the water lines not being of a sufficient size to support fire hydrants and the City disallowed any more septic systems. During the administration of Mayor Fritz, the Code was altered (Section 10 -12-24 of the City Code). The Code does mention exceptions for the culinary water and sanitary sewage requirements in sub-sections (A) & (B)...“except in locations where not further extension of the line is anticipated” (written in 2002).

Also...Resolution 2-8-27-12R was passed by the City Council addressing the issue of sewerage with the City; specifically in the Goosenest area...(Resolution attached)

This resolution was considered due to the location of the existing City well being east and north of this location. The drainage flows to the northwest, so the Council felt this was not an issue.

Further...a building permit was issued to Mr. Ken Orton on August 11, 2005; these regulations allowed this building permit to be issued.

*Issues:*

1. The parcel must be declared a “lot of record” (Zoning Administrator of Building Inspector)
2. The City Planner feels the Council should interpret Section 10 -12-24 (A) & (B) wherein it states that, ‘...no further extension of the line is anticipated’...the Planner asked:
  - A. For a certain period of time?
  - B. Indefinitely?
3. Mr. Moody has water shares in the Goosenest Water System; will they allow him to utilize those with another connection?
4. Mr. Orton was required to sign a waiver agreeing that, in the event of a fire, they will hold the City harmless as it pertains to flow and pressure...Mr. Moody would be expected to sign a similar waiver.
5. A statement of serviceability from the Fire Chief would be required. ”

\*Mayor Dunn is to direct Ken Young, as the Zoning Administrator, to determine if these parcels are lots of record.

Mayor Dunn: There is limited fire protection in this area. If the sewer comes within 300’ of their properties, they will have to connect. The sewer would run west and north of this area.

Alvin Harward: If it continues that Elk Ridge is not able to service this area, we may have to consider the possibility of an eventual de-annexation to Payson; so that these residents can be serviced properly, for their benefit.

Nelson Abbott: There are other properties that connect to this property that have issues , as well.

*Discussion of whether services are “anticipated” or not.*

Raymond Brown: There are certain rights one cannot sign away...is it legal to have a waiver?

Nelson Abbott: He feels that service can be “anticipated” in the future.

Mary Rugg: This issue concerns her in that she knows some of the history surrounding this wording in the Code; and she disagrees with it. Can there be a further change in the wording to clarify this wording? If Payson were to eventually annex this area, why grant permits now with these problems?

Mayor Dunn: From Mayor Bills (Payson) and Andrew Hall (Payson): Payson has no anticipation to annex this Goosenest area, or any part of Elk Ridge.

Raymond Brown: How can the Council deny a permit to another individual after approving one for Mr. Orton? But, perhaps an amendment could be addressed to further clarify the Code.

Alvin Harward: There is no fire suppression in the County.

Mayor Dunn: However, a city has a different obligation to its citizens.

Alvin Harward: The Planning Commission could be directed to consider for areas where there is insufficient water pressure, sprinkler systems should be required.

Question: If Mr. Moody applies for a building permit, what is the Council's direction?

Alvin Harward: If it is a lot of record, he should be able to get a permit.

Nelson Abbott: Interprets it to be "no", based on knowledge now. If it is a lot of record, then that could change it for him.

Mary Rugg: That would not change it for her...she would still say "no". (Councilmember Abbott agrees.) The service *is anticipated* in the area.

The Mayor wanted the Council to offer their opinions if they would agree to a building permit, under the condition that these properties are lots of record:

(Council Polled): Mary Rugg (No); Nelson Abbott (No); Raymond Brown (Yes); Mark Johnson (Yes); Alvin Harward (Yes)

3-2 in favor

\*Action to be taken:

- Mayor Dunn to contact: David Church re: waivers; and Ken Young re: Determination of Lots of Record
- Planning Commission to consider sprinkler systems for the areas where water pressure is insufficient for fire flow (including CE-1 Zone and the Goosenest area)
- (Alvin Harward) Ask the Planning Commission to consider amending resolution to say there will be no building permits in the Goosenest area unless there are options for fire suppression capabilities and to make recommendations to the Council.

\*Mayor Dunn will get this information to the Planning Commission for their packets.

*At this point, then, the City is in the process of changing the Code and applicants should be informed of this.*

- Mayor to David Church: When does the process begin? If Mr. Moody begins building now, can the 180 days be considered applicable?

MINUTES

*City Council Minutes of 4-10-07:*

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARK JOHNSON TO APPROVE THE CITY COUNCIL MINUTES OF 4-10-07, WITH CORRECTIONS ON PG 3; CHANGE "SUE" TO "SURE" IN PARAGRAPH BY RUSSELL ADAMSON  
VOTE: YES (5) NO (0)**

EXPENDITURES:

*General: None*

*Expenditures for March & April, 2007:*

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY RAYMOND BROWN TO APPROVE THE CHECK REGISTER FOR MARCH & APRIL, 2007  
VOTE (POLL): RAYMOND BROWN-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE, MARY RUGG-AYE & NELSON ABBOTT-AYE NO (0)**

*Passes 5-0*

*Laminator for the Building Dept. (Not scanner as mentioned in the Agenda)*

The Building Inspector is requesting a laminator to assist with plans, rather than having plans laminated at a copy store. Eventually, this will save the City money. Total = \$1,895

This expense would be covered by the revenue coming in with building permits.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE PURCHASE OF A LAMINATOR FOR THE BUILDING DEPT.; AT THE COST OF \$1,895**

**VOTE (POLL): RAYMOND BROWN-AYE, MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE, NELSON ABBOTT-AYE**

*Passes 5-0*

SCHEDULE  
PUBLIC HEARING –  
TENTATIVE BUDGET  
FOR 2007/2008

**MOTION WAS MADE BY RAYMOND BROWN AND SECONDED BY MARY RUGG TO SCHEDULE A PUBLIC HEARING FOR MAY 22, 2007, AT 6:30 PM; TO CONSIDER THE 2007/2008 TENTATIVE BUDGET  
VOTE: YES (5) NO (0)**

ADJOURNMENT

At 10:15 PM, Mayor Dunn adjourned the Council Meeting.

\_\_\_\_\_  
City Recorder