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**ELK RIDGE  
CITY COUNCIL MEETING  
February 9, 2016**

**TIME AND PLACE OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, February 9, 2016, at 7:30 PM**; this meeting was preceded by a **City Council Work Session Meeting 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 these Meetings, were provided to the Payson Chronicle, 145 E. Utah Ave, Payson, Utah, and to the members of the Governing Body, on February 5<sup>th</sup>, 2016.

**ROLL CALL**

*Mayor:* Hal Shelley

*Council Members:* Nelson Abbott, Brittany Thompson, Ty Ellis, Tricia Thomas, Dale Bigler

*Deputy Recorder:* Melanie Hoover, *Recorder:* Royce Swensen

*Deputy Sheriff:* Cheri Rhoades

*Public:* Richard Dougan, Paul Crook, Jim Chase, Brent Ventura, Chris Hansen, Tyler Coon, Jayden Brian, Lucretia Thayne

**CITY COUNCIL WORK SESSION**

6:00 pm

1. MT NEBO WATER AGENCY PRESENTATION.

Brent Ventura; Mt Nebo Water Agency, Tyler Coon; Goshen Valley Local District, Chris Hansen; Central Utah Water Conservancy District, were present and are all on the technical committee for Mt. Nebo Water Agency.

Brent Ventura stated that the presentation is to provide information to see if the city would like to support Mt. Nebo Water Agency.

Chris Hansen presented handouts to council. He stated the agency is interlocal, was created roughly 2 years ago and was brought together with Payson, Salem, Spanish Fork, in conjunction with Utah County, Goshen Valley Local District and Central Utah Water Conservancy District. Each of those entities has a seat on the board, Utah County has 2 seats, Strawberry/High Line Canal also has a seat on the board. He stated Mt. Nebo Water Agency was founded to look at and protect the needs of water in South Utah County. This isn't an agency about the High Line Canal Company. There is an operating cost associated with being a part of the agency. He presented a map with the agency's service area.

Brent Ventura presented a map of the agency's study area. The purpose of the study is to collect all existing studies inside the study boundary and get an idea of what data exists. Then, the agency would take the summarized existing data and fill in the gaps, add to it, to create a comprehensive study to see where we are at on water resources and how we share and utilize it in the future. Mr. Ventura presented the proposed phase 2 scope of work including administration, demographics and define water needs. He then stated that the agency needs assistance in identifying the value of work that each member agency has already contributed in the form of previously completed studies. He referred to Exhibit 7 in regards to the spreadsheet on the conceptual fee estimate.

Nelson Abbott questioned why the city would need to be a member if we don't get water from the canal.

Mr. Ventura responded that this study is for southern Utah County as a whole, and not just the canal. This study will estimate the growth and how much water will be needed in the future.

Mayor Shelley stated the city has a recent Capital Facilities Plan that can be provided to the agency which includes future water usage for the city. He needs to understand where SUVMWA stands in this situation as the city is unaware of their stance.

Mr. Ventura stated he is unaware of their stance as well.

1 Mayor Shelley questioned if there has been discussion that Mt. Nebo could at some point assimilate  
2 SUVMWA.

3 Mr. Ventura responded that assume would be a better word but is the idea of where the agency is  
4 going. Mt. Nebo is here to look at the area and see what the needs will be and try to put a framework  
5 in place to make things work for everyone. They are not shifting water, they are just trying to  
6 accommodate everyone's needs.

7 Dale Bigler stated that the city doesn't have a natural surface water supply.

8 Brittany Thompson questioned if the amount the city has already spent on water studies would go  
9 towards the city's contribution amount?

10 Mr. Hansen responded that the dollar amount is taken into consideration but cannot give a specific  
11 amount until he knows who is going to participate in the study.

12 Mayor Shelley expressed some frustration that the city was invited to come on board after the fact. He  
13 is not sure if the city can afford to join another agency with the limited income it has. He stated the  
14 city's previous studies can be provided to the agency.

15 Nelson Abbott asked where does Salem Canal fit into this mix? Is the Goshen Canal and Irrigation  
16 part of the Goshen Valley District?

17 Mr. Ventura responded there are several irrigation companies that are affected by this area that the  
18 agency is reaching out to them to see if they have an interest in participating in the study.  
19

## 20 2. LANDSCAPING CODE CHANGES.

21 Mayor Shelley referred to the attachment of the proposed landscaping code amendment changes that  
22 was provided. He asked for council's questions and concerns at this point.

23 Nelson Abbott feels that changing anything needs a well balanced approach that needs to be  
24 considered to see the perspective from others as they work through this process. He went through the  
25 code and felt that he supports some but doesn't support some codes at the same time. He feels a  
26 backflow preventer requirement should be included in the code.

27 Dale Bigler feels code changes need to be made and feels the proposed changes are not intrusive. He  
28 would like to have a requirement for a front yard with two trees planted to be included in the code. He  
29 feels those who have not planted trees could be approached on Arbor Day to plant two trees. He feels  
30 the only way the city has control of front yards being installed is prior to the residents moving in. City  
31 Council reviewed and read the current codes in place and gave their opinions.

32 Nelson Abbott would like clarification on landscaping corner lots. He doesn't want council to get  
33 caught up in creating codes the city cannot enforce. He feels the code in section C requiring a  
34 landscaping plan drawn by a licensed landscaping architect is over the top and needs to be eliminated.  
35 He feels the code in regards to the tree requirement of being potted vs burlap needs to be eliminated.  
36 He feels the code in section I in regards to a class C misdemeanor and fines needs to be better defined  
37 and clarified. He feels in section J, the insect free requirement needs to be eliminated. He feels that  
38 the code in regards to unhealthy and dead materials needs to be replaced in 6 months needs to be  
39 eliminated. In section A1, he referred to the bond requirement. He would like input from developers  
40 to consider the whole picture. The costs of landscaping will be incorporated in the homes and has  
41 concerns in that regards.

42 Dale Bigler feels the pressurized irrigation requirement code removal frees up some funds to  
43 incorporate landscaping funds to make it more affordable to homebuyers.

44 Brittany Thompson stated that the problem is that homeowners are building to the maximum that they  
45 can afford and they don't have the funds to install a yard within the 2 year code requirement.

46 Nelson Abbott questioned if the problems are in the new part of town or the old part of town.

47 Brittany Thompson feels the problem is city wide. She feels if the yard is required to be put in before  
48 occupancy, this will eliminate this part of the problem.

49 Tricia Thomas feels it might be a good idea to have the front yard financed.

50 Ty Ellis feels landscaping could be required, but residents should not be told on how to do it.

51 Mayor Shelley stated that the issue is who gets to decide if landscaping ideas conform and the city  
52 needs to find a good way to do that.

53 Ty Ellis pointed out that the major concerns is weeds and erosion.

54 Mayor Shelley stated the need is to identify why the code exists. What is the code attempting to  
55 accomplish? Then the city can better decide. He likes the concept to get the requirement at the time of

1 occupancy but that becomes a separate issue from the rest of the city that's already in place. The city  
2 will then have to look at how many are currently in violation in the city. How can this be addressed?  
3 Once this is done, then he recommends starting from square one to effectively change the code with  
4 modifications and deletions and whatever makes sense.

5 Dale Bigler feels that what the council wants the city to look like needs to be decided.

6 Mayor Shelley responded that everyone's idea of what they want the city to look like may be  
7 different. He would love the city to be nice, clean and beautiful but what might be for one, may not be  
8 for another. He doesn't disagree with the concept but feels that it needs a careful approach.

9 Nelson Abbott suggested accommodating the lowest common denominator that works for everyone.

10 Brittany Thompson feels the code should be as is, including a front landscaping requirement at the  
11 time of certificate of occupancy and a requirement for a backflow preventer.

12 Tricia Thomas also suggested removing a lot of code requirements.

13 Mayor Shelley asked each council member to go through the codes and give their ideas of additions  
14 and eliminations to Jim Chase and Dale Bigler at the next City Council Meeting.  
15

16 3. CITY PROPERTY RE-ZONING, TO PLANNING COMMISSION.

17 Mayor Shelley stated the last planning commission meeting in regards to the re-zoning of the city  
18 property went off track. The way it should have been presented was to see if the city's presentation of  
19 what to do with the city property complies with city code. Their view was on their opinion of what  
20 they think. He feels it was a well discussed meeting but the issue at hand wasn't dealt with. The idea  
21 was to re-zone the red house area and acreage and to re-zone and develop 4 lots. There is 4.71 acres  
22 retained as public zoning for an undetermined purpose at this point. Planning Commission felt the  
23 civic center should remain in the plan. A couple residents in opposition stated they bought their  
24 property with a promise that the park would go in. He reminded them if there is not a recorded plat or  
25 contract, ideas don't exist and sometimes plans have to be changed because it makes sense. He then  
26 addressed the issues of the cost of a new park and the funds the city currently owes on the property.

27 Brittany Thompson pointed out the two parks in Elk Ridge Meadows the city had to take over and the  
28 cost of an additional park is not feasible. She stated that Council needs to do what's best for the entire  
29 city and plans change over the years.

30 Mayor Shelley asked Planning Commission and the public to figure a way on how to afford a park. Is  
31 being out of debt what the city wants or does the city want to provide an amenity? If the city builds a  
32 civic center, rental funds on events could be collected but the money to build the building needs to be  
33 available. If the city wants to get out of debt, take the idea back to Planning Commission and see if it  
34 complies with code.

35 Tricia Thomas pointed out there is still public zoned land available to build a civic center left over if  
36 the proposed re-zoning changes were made.

37 Ty Ellis is in support of building a new multi-function civic center/town hall and having the fire  
38 department take over the current city office. He feels the current building for the city office is not  
39 sufficient for the needs of Elk Ridge.

40 Mayor Shelley stated the loan on the property would be paid off in 7 years with funds collected from  
41 sales tax.

42 Brittany Thompson feels the city does not need that amount of park space. She feels a civic center  
43 would be great and feels if enough of the property could be sold to retire the bond, the city could save  
44 for the down payment of a civic center and loan payments could possibly be made by renting the  
45 building out. If the 4 lots were sold, the city would still have 6.7 acres.

46 Mayor Shelley stated this issue will be tabled for council to be able to consider what they want to do  
47 and to obtain more input from more residents.  
48

49 4. NAME ELK RIDGE MEADOWS PARKS, PHASES 1 AND 2.

50 Mayor Shelley proposed to rename Elk Ridge Meadows Phase 2 park to Bigler Park. He feels that  
51 Dale Bigler has spent a lot of time and effort and has the desire to make the parks right.

52 Nelson Abbott feels another name to consider is the Cloward's since they have donated ground to the  
53 city. He feels the community should be involved to pick a name for one park, if not both.

54 Brittany Thompson feels that the community should have a say but that Bigler Park really needs to be  
55 considered since Dale and his wife have done a lot for the community.

1 Mayor Shelley stated this information and suggestions for park names will be included in the March  
2 newsletter.  
3

4 5. GENERAL PLAN IDEAS, PLAN AND RECOMMENDATIONS.

5 Mayor Shelley stated that beyond the previous conversation, the city has no direction on where to go  
6 to update the General Plan.

7 Nelson Abbott feels that more information needs to be obtained through a survey from residents on  
8 what they want and expect from the city. This will give the council more direction and clarity.

9 Mayor Shelley suggested taking the previous survey, look at it closely and modify it so that it's  
10 asking questions in a way without directing an answer. He would like this to include the opinion on  
11 the city property as well.

12 Nelson Abbott stated the last survey was taken out by scouts and the city had a 51% response.

13 Tricia Thomas suggested an online survey.

14 Mayor Shelley stated there could be multiple options on how to take the survey. He asked for a  
15 volunteer from the council to orchestrate the survey.

16 Ty Ellis offered and will have proposed ideas to present at the March 8 city council meeting.  
17

18 6. PLANNING COMMISSION STIPEND.

19 Dale Bigler feels the planning commission is viable for the city and he has previously proposed to  
20 have some of his monthly stipend donated to the Planning Commission or he would like to have in the  
21 budget funds available for each planning commission member to be paid \$25 per meeting attended.

22 Mayor Shelley stated that currently they are only getting a thank you.

23 Tricia Thomas feels they should be compensated.

24 Brittany Thompson feels that it is a good idea if it can be fit into the budget and would like something  
25 in place to show appreciation.

26 Jim Chase and Paul Crook both stated they got on board knowing it was volunteer work and they are  
27 happy to continue with their uncompensated donated time.

28 Ty Ellis suggested providing gift cards or something else to show appreciation.

29 Mayor Shelley will visit with the Planning Commission to revisit their bylaws on attendance  
30 requirements and will ask them their opinions on a stipend as well.  
31

32 Mayor Shelley closed the City Council Work Session at 8:00 pm.  
33

34 **ELK RIDGE**  
35 **CITY COUNCIL MEETING**  
36 **February 9<sup>th</sup>, 2016**  
37

38 **TIME AND PLACE OF MEETING**

39 This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for  
40 **Tuesday, February 9<sup>th</sup>, 2016, at 7:30 PM**; this meeting was preceded by a **City Council Work**  
41 **Session Meeting at 6:00 PM**. The meetings were held at the Elk Ridge City Hall, 80 East Park  
42 Drive, Elk Ridge, Utah.

43 Notice of the time, place and Agenda of these Meetings, were provided to the Payson  
44 Chronicle, 145 E. Utah Ave, Payson, Utah, and to the members of the Governing Body, on February  
45 5<sup>th</sup>, 2016.  
46

47 **ROLL CALL**

48 *Mayor:* Hal Shelley

49 *Council Members:* Nelson Abbott, Brittany Thompson, Ty Ellis, Tricia Thomas, Dale Bigler

50 *Deputy Recorder:* Melanie Hoover, *Recorder:* Royce Swensen

51 *Deputy Sheriff:* Cheri Rhoades

52 *Public:* Richard Dougan, Paul Crook, Jim Chase, Brent Ventura, Chris Hansen, Tyler Coon, Jayden Brian,  
53 Lucretia Thayne  
54

1 **OPENING REMARKS** An invocation was offered by Tricia Thomas and Dale Bigler led those present in the  
2 Pledge of Allegiance, for those who wished to participate.  
3

4 **PLEDGE OF ALLEGIANCE**

5  
6 **AGENDA TIME FRAME**

7 **BRITTANY THOMPSON MOVED, DALE BIGLER SECOND, TO ADJUST THE START TIME**  
8 **OF THE CITY COUNCIL MEETING TO 8:04 PM.**

9 **VOTE: AYE (5) NAY (0)**  
10

11 1. **RATIFY POLL VOTE, PLANNING COMMISSION MEMBERS (BRITTANY THOMPSON TO**  
12 **ABSTAIN).**

13 **VOTE: AYE (4) NAY (0) ABSTAINED (1)**

14  
15 **TRICIA THOMAS (AYE)**  
16 **TY ELLIS (AYE)**  
17 **NELSON ABBOTT (AYE)**  
18 **DALE BIGLER (AYE)**  
19 **BRITTANY THOMPSON (ABSTAINED) DID NOT RESPOND TO VOTE**  
20

21 2. **APPOINT TREASURER.**

22 Mayor Shelley stated the function of the city treasurer is to be in charge of the deposits and investments  
23 for the city and is required by State statute. He proposed to have Jan Butler, who was previously  
24 temporarily appointed, to be appointed as the city treasurer. Her current position as city staff is to  
25 oversee the building permit department.

26 Brittany Thompspon feels that an appointed city treasurer should have an accounting/financial  
27 background.

28 Royce Swensen stated that as a team, city staff works together and he recommends Jan Butler and feels  
29 she would be a good fit. He oversees the treasurer and as she prepares the necessary reports, he reviews  
30 them for accuracy. She fills out an annual report of deposits and bank accounts and there are no funds  
31 to invest for the city at this time. Approval would be necessary from Council to invest funds.

32 Mayor Shelley was told by David Church, city attorney, that any city council member or resident could  
33 be appointed.

34 Dale Bigler feels that Jan Butler would be a good fit.

35 Royce Swensen agrees.  
36

37 **NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO APPOINT JAN BUTLER AS CITY**  
38 **TREASURER.**

39 **VOTE: AYE (4) NAY (1)**

40 **BRITTANY THOMPSON VOTED NAY AS SHE FEELS THERE SHOULD BE AN**  
41 **ACCOUNTING/FINANCIAL BACKGROUND REQUIREMENT FOR THE CITY TREASURER.**  
42

43 3. **APPOINT RECORDER.**

44 Mayor Shelley proposed to appoint Royce Swensen as City Recorder.

45 **DALE BIGLER MOVED, NELSON ABBOTT SECOND, TO APPOINT ROYCE SWENSEN AS**  
46 **CITY RECORDER.**

47 **VOTE: AYE (5) NAY (0)**  
48

49 4. **APPOINT MAYOR TEMPORE.**

50 Mayor Shelley stated the mayor tempore would take responsibility to assume the mayor's position if  
51 he is unable to do so or were to resign.

1 Nelson Abbott is happy to remain mayor tempore and would be more than happy to take on some of  
2 the Mayor's current responsibilities for the city.

3 **TY ELLIS MOVED, BRITTANY THOMPSON SECOND, TO APPOINT NELSON ABBOTT AS**  
4 **MAYOR TEMPORE.**

5 **VOTE: AYE (5) NAY (0)**

6  
7 5. RESOLUTION TO APPOINT SUVMWA/MT NEBO WATER AGENCY MEMBERS.

8 Mayor Shelley stated that a council member needs to be appointed to the SUVMWA board (along with  
9 Cody Black and Mayor Shelley who are currently members) and to attend the Mt. Nebo Water Agency  
10 meetings.

11 Nelson Abbott recommended that Ty Ellis be appointed.

12 Mayor Shelley stated there are a lot of issues with SUVMWA and that there are funds to possibly be  
13 reimbursed to the city and he also recommended that Ty Ellis be appointed.

14 **NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO PASS A RESOLUTION TO APPOINT**  
15 **TY ELLIS TO THE SUVMWA/MT NEBO WATER AGENCY BOARDS WITH CODY BLACK AS**  
16 **TECHNICAL SUPPORT AND THE MAYOR AS WELL AND TO ATTEND MT NEBO WATER**  
17 **AGENCY MEETINGS**

18 **VOTE: AYE (5) NAY (0)**

19  
20 6. DISCUSS AND APPOINT 3 VOTING MEMBERS FOR UTAH COUNTY LEAGUES OF CITIES  
21 AND TOWNS FOR THE LEGISLATIVE POLICY COMMITTEE.

22 Royce Swensen stated that all council members can be appointed but only 3 are required.

23 Mayor Shelley recommended that he, possibly the mayor tempore and Brittany Thompson or Dale  
24 Bigler be appointed.  
25

26 **DALE BIGLER MOVED, TRICIA THOMAS SECOND, TO APPOINT MAYOR HAL SHELLEY,**  
27 **NELSON ABBOTT AND BRITTANY THOMPSON AS VOTING MEMBERS FOR THE UTAH**  
28 **COUNTY LEAGUES OF CITIES AND TOWNS FOR THE LEGISLATIVE POLICY**  
29 **COMMITTEE.**

30 **VOTE: AYE (5) NAY (0)**

31  
32 (OUT OF ORDER) Jayden Brain, a resident who was in attendance, asked to address council.

33 Mayor Shelley responded that the Public Forum section used to be included on all agendas however,  
34 some residents were using this time to attack the Mayor and Council. If a valid reason for discussion  
35 with council is brought to him, he is willing to have discussions added to the agenda. He will grant  
36 Jayden Brian an exception and hear what he has to say.

37 Mr. Brian introduced himself as living in Elk Ridge Meadows Phase 1. He presented council with a  
38 letter he has written regarding the stock race cars in his neighbor's yard. He understands that certain  
39 steps have been taken by the city to determine code violations. He has done research into how loud the  
40 cars are. He is proposing this as an immediate public health concern that needs to be addressed. The  
41 revving of the engines create an unsafe decibel and can cause hearing damage, especially to children.  
42 This noise exceeds the OSHA noise limits. He referred to codes that he cited that he feels are being  
43 violated in regards to repetitive starting, peace comfort and well-being, boisterous conduct, unsightly  
44 storage of vehicles on his lot. He feels that if amends need to be made to the code, that OSHA guidelines  
45 be applied to the code amendment. As of today, there are 15-16 vehicles on the lot. He is not seeking  
46 civil suit, he just wants to be able to enjoy his home. He stated that other neighbors also feel this way.  
47 The City Office, Tricia Thomas and Nelson Abbott have had residents complain to them in regards to  
48 the stock race cars as well.

49 Mr. Brian has confronted this resident and the response was that there is nothing the city can do to  
50 enforce the codes.

51 Deputy Sheriff Rhoades stated that she has talked with the resident as well. The cars are revved as  
52 process of warming up the vehicles and this is what causes most the most noise. Sheriff Rhoades  
53 reported that several residents have told her they won't make a formal complaint.

1 Mayor Shelley stated there are loopholes in the code. The County Attorney has been contacted by  
2 Sheriff Rhoades and he suggested starting the civil process. Since power tools, dirt bikes, etc. are  
3 allowed, the code violation cannot be specifically defined.

4 Mr. Brian pointed out the immediate health concern code is in violation.

5 Mayor Shelley wants to make sure he is on solid ground before a cease and desist is issued and that a  
6 certified decibel meter may need to be used. He will contact the city attorney for advice. He would like  
7 an amicable solution in this matter. He suggested to council that the code be re-written to avoid  
8 circumstances like this.

9 Ty Ellis suggested getting a certified decibel meter to get an accurate reading.

10 Mr. Brian asked this to be expedited as this is a health issue.

11  
12 7. ELK RIDGE CITY SCHOLARSHIP, DISCUSSION AND ACTION.

13 Mayor Shelley feels a scholarship is valid to consider and that it won't take any dollars from the city  
14 and will prove that the city is in support of the youth. A board including residents would be appointed  
15 to administer scholarships. Nebo School district offers a program to administer and collect the funds  
16 and provide the scholarship.

17 Brittany Thompson offered to contact the Nebo School District to obtain information on how they can  
18 assist in administering a city scholarship and will report back at the next city council meeting.

19 **NO ACTION TAKEN AT THIS TIME.**

20  
21 8. CITY PROPERTY RE-ZONING, TO PLANNING COMMISSION.

22 Mayor Shelley requested to push this back until a survey is obtained from the residents.

23 **NO ACTION TAKEN AT THIS TIME.**

24  
25 9. DEPARTMENT REPORTS:

26 A. Administrative & Planning Commission, Water- Mayor Shelley

27 Mayor Shelley has had discussion on ideas for a cemetery and will bring the information  
28 forward at a later date.

29 1. Action Items Report

30 Mayor Shelley contacted Mountain Land for census information and will provide that  
31 information at a later date.

32 Mayor Shelley reported that the maintenance costs for wells cannot be given as Cody  
33 Black is absent from tonight's meeting.

34 Mayor Shelley stated that the date for the city celebration meeting has been discussed  
35 earlier and will be posted once it's determined.

36 Mayor Shelley reported that the ULC&T members were determined earlier in this  
37 meeting.

38 2. Report on C.A.N.S.

39 Melanie Hoover explained how the new Everbridge Alert System (C.A.N.S.) works.

40 3. Council Training Items.

41 Mayor Shelley reminded council that if they are appointed to represent the city in different  
42 situations, to make sure they are representing the city and not to give personal opinion.  
43 Their duty is to obtain information to bring back to council. Also, if they choose to attend  
44 a public meeting as a private citizen, to make sure they are not representing the city but  
45 as an individual.

46 4. TIP Grants Result

47 Mayor Shelley reported that the city did not get the grant for the trails. The city scored  
48 high enough to move to the next phase of the application. The concept of the trails will  
49 continue. He has been told by the County that the widening of Elk Ridge Drive has been  
50 funded and will be done. He has been pushing for sooner than the proposed 3 years.

51 B. Roads & Storm Drain – Cody Black (absent)

52 C. Parks, Trails & Recreation – Cody Black (absent)

53 Dale Bigler reported he talked with Mountain Land and obtained a map of the city's roads. He  
54 would like to see a proposal of which roads needs work and when.

