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**ELK RIDGE  
CITY COUNCIL MEETING  
March 8, 2016**

**TIME AND PLACE OF MEETING**

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, March 8, 2016, at 7:00 PM**; this meeting was preceded by a **City Council Work Session Meeting at 5:30 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 March 4<sup>th</sup>, 2016.

**ROLL CALL**

*Mayor:* Hal Shelley

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

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

*Public Works Director:* Cody Black

*Deputy Sheriff:* Cheri Rhoades

*Fire Chief:* Seth Waite

*Public:* Becky Shelley, Richard Dougan, Paul Crook, Brent Skipper, Brian Burke, David Clark, Stacey Petersen, Jim Chase, Kim Christensen, Carrie Christensen, Allan Knuteson, Shawn Eliot, Ryan Cloward, Rob Fitzgerald

**CITY COUNCIL WORK SESSION**

5:30 pm

1. SITE VISIT
  - A. HILLSIDE DRIVE ROAD CONNECTION/SLOPE.
  - B. PARKSIDE COVE
  - C. CITY PROPERTY
  - D. COUNTY PROPERTY 11200 SOUTH AND ELK RIDGE DRIVE

2. DISCUSSION ON SITE VISITS.

- A. Hillside Drive Road Connection/Slope.
- B. Parkside Cove.

Cody Black stated that he feels that Hillside Drive needs to connect to Elk Ridge Drive as per the Master Plan. This has been the city's future plan on how the city was laid out for future development and was planned as an emergency exit for southern city residents.

Shay Stark stated that the senior housing overlay zone that was applied has a requirement that the streets cannot have over a 6% grade. If the city council approves the road connection, there will be slopes over the 6% grade up to 8% grade and an exception would need to be made if approved. The city street ordinances allows local streets up to 12% grade. There isn't additional exceptions that would need to be made. The question is which is more important - the connectivity of the road or meeting the code of the senior overlay zone.

Dale Bigler doesn't like to see a dead end street in regards to maintenance and snow plowing. He feels the road needs to connect through to Elk Ridge Drive. He likes the idea of the senior overlay housing development. This is an attractive appeal to the use of the land in that area.

Brittany Thompson feels the plan doesn't fit this part of the city's master plan in regards to city slope codes. As far as the road being connected, speed is an issue but this is a neighborhood/enforcement issue. She doesn't feel the amount of traffic will be increased that much but feels that the road does need to be connected for an emergency exit.

Nelson Abbott stated that he doesn't know why the grades and slopes within the senior housing overlay are any different that the rest of the city. They should all be the same and our code isn't what it should be. The code was written for the city to be able to control what happens and to allow

1 permitted use where the city wouldn't have more issues with hillsides being damaged. He feels the  
2 city needs to have connections and this is an opportunity for the city to have the road put in without  
3 spending a significant amount of money. The amount of traffic won't be much more than it is today.  
4 He would like to find a way to make this work as seniors are a great asset within the community and  
5 the proposed plan for the senior housing would allow this opportunity.  
6 Ty Ellis also likes the idea to have a nice place for seniors. He's not concerned with the slope issue.  
7 He feels a lot of residents will use the proposed road. The residents that will have driveways  
8 connected to the road will see an amount of increased traffic that most others won't have in the city.  
9 The slope is not an issue and unless weather permits, more people will use the road. He is reluctant to  
10 agree with the road connection and is not convinced that the road connectivity is worth it. He feels the  
11 senior housing would be nice even if the city has to make exceptions to allow it.  
12 Tricia Thomas asked if fill would need to be brought in to change the slope.  
13 Shay Stark responded that a few feet of fill would need to be brought in at the temporary turn around  
14 location to change the slope to 11.5%. The homes there would need to be built on solid ground and  
15 not on fill. In most cases at preliminary approval, grades are not looked at but he knew that grades  
16 would be an issue therefore it was brought up initially to make sure plans would work in moving  
17 forward.  
18 Brent Skipper stated there have been multiple TRC meetings held and staff has been great to work  
19 with.  
20 Cody Black stated that all possibilities have been looked at and his opinion is that the road connection  
21 is the best plan. The benefit of the connection far outweighs the increased traffic issue.  
22 Tricia Thomas asked how this will affect the Fitzgerald's driveway and wants to make sure this plan  
23 will work.  
24 Shay Stark responded the developers engineer has looked at this and reported that the road would be  
25 4-5 feet higher with 11.5% grade but the road swings out a bit so there is more space to make the  
26 transition. It won't be perfectly flat but won't encompass his driveway.  
27 Cody Black stated that Hillside Drive will be shaved off at a higher point to slope off sooner.  
28 Tricia Thomas questioned what the width of the road would be.  
29 Shay Stark stated this is a local street and will be a 56 foot wide right-of-way which is the same as  
30 what's above. The issue that has been brought up is that Hillside Drive is fast, windy and narrow. If  
31 this would be split into a connector road, would it be faster or slower? He feels that traffic will be  
32 faster. The windy/narrow roads tends to slow down traffic. The only reason to make the road wider is  
33 high volume of traffic and feels there will not be higher volumes of traffic on this street.  
34 Tricia Thomas stated that several future roads will all be connected to Elk Ridge Drive and wonders if  
35 this will help with fire and emergency escape or create a problem with one road out of town.  
36 Shay Stark responded that the new sections of Elk Ridge Drive will have an extra 8 feet of pavement.  
37 That area warrants the additional lane width.  
38 Tricia Thomas asked Deputy Rhoades' opinion if the Hillside Road connection will be more  
39 dangerous due to speed.  
40 Deputy Rhoades doesn't feel this would be much different than the current Elk Ridge Drive that goes  
41 up the hill. The speed limit there is 25 mph and with the lack of homes people tend to speed there.  
42 Tricia Thomas wanted clarification that if the road is approved, are exceptions necessary to approve  
43 the senior housing.  
44 Shay Stark responded that the senior housing plan has brought this road issue up. Now that a new  
45 development plan is here, the issue on the road connection in the master plan needs to be addressed. If  
46 the road is allowed through, there will have to be an exception. If the road connection is not approved,  
47 there will still be a different exception.  
48 Seth Waite feels the road connection won't have a huge impact on emergency/fire services. In regard  
49 to fire evacuation, the more routes out of town, the quicker the evacuation. In previous drills, there are  
50 choke points discovered at the intersection of Park Drive and Elk Ridge Drive. If there is another  
51 route, the traffic can be funneled to avoid the impact at the choke point.  
52 Brittany Thompson asked what the plan is on the drainage in the ravine.  
53 Shay Stark responded that the ravine is not the problem because the ravine sees little flow. The  
54 developer's engineer has looked at this at a higher intensity storm level to see if overflow would be an  
55 issue. The design of the ponds and the bottom of the ravine allows the flow to continue. The drainage

1 that brings water down runs below the city's water tank and down below in that direction. The  
2 engineers have taken precautions to allow the flow to continue.  
3 Brittany Thompson asked what the cost to the city would be if the connection is allowed versus if the  
4 connection is not allowed. Cost also needs to be considered in this discussion.  
5 Cody Black responded that whatever is on the developer's property is covered by the developer.  
6 Anything that is off the development would be paid for by the city.  
7 Shay Stark stated that the tie in to Hillside Drive includes a vertical curve which will extend into the  
8 city's right-of-way. If the connection is required, the developer will have to cover the cost of the  
9 vertical connection on city property. This would be minimal costs compared to the recommended  
10 relocation and creation of the new permanent turnaround cost to the city if the road is not connected.

11 (out of order) C. City Property.

12 Tricia Thomas feels the 4 lots should be sold and the city should keep the rest of the property for the  
13 future.

14 Brittany Thompson agrees with Tricia and feels that by keeping the 6.7 acres, that's plenty of room to  
15 build a civic center and a park when the city has the money. By eliminating the debt on the property  
16 the funds could then be saved to go towards the civic center and/or park.

17 Mayor Shelley stated this is the only sizable property the city owns and there is a sizable debt as well.  
18 The load is paid through a sales tax revenue bond and is projected to be paid off in 6 years at  
19 \$77,000.00 per year that the city could save. It would be nice not to have a debt of \$500,000.00 and  
20 put the yearly payments toward future projects.

21 Ty Ellis feels the city could sell the 4 lots, reduce the debt and retain the acreage. It wouldn't make  
22 sense to have to acquire property later when the city has the property now.

23 (out of order) D. County Property 11200 South and Elk Ridge Drive.

24 Mayor Shelley reported this is county property. The proposal is to have the property be zoned as  
25 commercial if it ever were to be annexed into the city. There was a public hearing with Planning  
26 Commission in this regards. The property owners have a concern that the acreage is too much land to  
27 be zoned commercial. The sales tax generated from businesses would be beneficial for the city. The  
28 types of businesses need to be beneficial to the city as well. He asked for continued discussion to be  
29 held at a later time.

30  
31 3. SETH WAITE/FIRE DEPARTMENT, ISO PRESENTATION.

32 Seth Waite presented council with a report on the city's ISO rating in response to Brittany  
33 Thompson's questions in a previous meeting. He reported that the fire department is already to the  
34 point of needing a new fire truck. The city has a lack of personnel issue as personnel is considered in  
35 the evaluation and point rating system. He explained the point system and how the ISO rating is  
36 determined. The city's current ISO rating is a 5. The city is only 7 points away to get a rating of 4.  
37 Our city has a better than average rating as most ratings country wide are between 5-9. The easiest  
38 way to get more points for the better rating is to have an extra engine and personnel on hand to avoid  
39 Payson responding. The report he presented is an overview. He has an appointment for next week to  
40 meet with them to help the city get a better point rating plan for the future. The ISO rating is  
41 significant to residents as it keeps the cost of homeowner's insurance down. The higher the ISO rating  
42 the higher the homeowner has to pay on insurance.

43 Tricia Thomas asked how often the city is rated.

44 Seth Waite responded the city is rated every 5 years. The next rating should be in 2019 and a request  
45 for a sooner rating can be made. Every rating point change makes a difference on homeowner's  
46 insurance. What is the city willing to spend to get the rating lowered? Population, building and  
47 numbers of response calls has an impact on the rating system.

48  
49 4. DEPUTY CHERI RHOADES, NOISE ORDINANCE PRESENTATION.

50 Cheri Rhoades stated her presentation is in regards to current issues of a noise nuisance in a specific  
51 neighborhood. The question is if the situation is a nuisance or not. Two council meetings ago, a  
52 resident presented an issue of a health hazard in regards to noise. Some of the information received  
53 was not accurate. She wants council to understand the bigger picture. In March of 2015, the issue was  
54 presented to her and was not pursued due to lack of evidence of it being a nuisance and a repetitive

1 problem. The complainant was told to contact the city and he is now demanding results. The major  
2 issue the complainant made was that hearing damage is at risk. She researched OSHA standards and  
3 performed her own readings with a certified decibel meter device. She presented an overhead view  
4 that OSHA requires hearing protection on anything over 85 decibels as hearing damage can occur IF  
5 there is 8 hours of consecutive noise. She referred to common tools, street bikes, ATV's used in  
6 neighborhoods that are above 85 decibels. If the racecars are banned then all common tools will have  
7 to be banned within the city. All these items may be loud but won't cause hearing damage. Can the  
8 race cars be singled out? The loudest rev that was metered on the racecar was at 112 decibels at close  
9 range within the garage. Readings from 10 feet of the car was rated at 85 decibels and below and is  
10 not a hearing damage issue. Hearing loss is not at risk however it may be considered a nuisance. The  
11 only way this could cause hearing damage if is someone is right next to the car. The point isn't to  
12 justify the existence of the cars. The conflict is what is considered continuous or repetitive as stated in  
13 the city code and everyone has their own opinion. The cars never rev over 15 minutes and has to be  
14 revved as part of the warming up process. She feels that nuisance would be a more appropriate  
15 approach instead of a safety issue. If repetitive starting and revving is banned this will have a domino  
16 effect with cars, ATV's, and dirt bikes being started in the city. The complainant wants zero starting  
17 and feels the two codes are cut and dry. However, the city, the City Attorney, Sheriff Rhoades and the  
18 County Attorney feel the code is not cut and dry. The code lists items of nuisance with specific causes  
19 and a race car is not included in the list. The question is, what can be done? Should the definition of  
20 continuous and repetitive be re-defined? Should it be left as is and handled on a case by case basis as  
21 problems arise? Or should the code be eliminated? Both parties need an answer on what they can do.  
22 This has been going on for a year and needs a solution. The race car owners feel they are being  
23 singled out and have made sure they don't start them after hours.  
24 Tricia Thomas thanked Deputy Rhoades for her research and clarification of the issue. She feels this  
25 is a slippery slope. If the city says no to this, then pretty soon no one will be able to even mow their  
26 lawns.

- 27  
28 5. SCHOLARSHIP RESOLUTION DISCUSSION.  
29 No discussion was made.

30  
31 Mayor Shelley closed the City Council Work Session at 8:00 pm.

32  
33 **ELK RIDGE**  
34 **CITY COUNCIL MEETING**  
35 **March 8<sup>th</sup>, 2016**

36  
37 **TIME AND PLACE OF MEETING**

38 This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for  
39 **Tuesday, March 8<sup>th</sup>, 2016, at 7:00 PM;** this meeting was preceded by a **City Council Work**  
40 **Session Meeting at 5:300 PM.** The meetings were held at the Elk Ridge City Hall, 80 East Park  
41 Drive, Elk Ridge, Utah.

42 Notice of the time, place and Agenda of these Meetings, were provided to the Payson  
43 Chronicle, 145 E. Utah Ave, Payson, Utah, and to the members of the Governing Body, on March  
44 4<sup>th</sup>, 2016.

45  
46 **ROLL CALL**

47 *Mayor:* Hal Shelley

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

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

50 *Public Works Director:* Cody Black

51 *Deputy Sheriff:* Cheri Rhoades

52 *Public:* Becky Shelley, Richard Dougan, Paul Crook, Brent Skipper, Brian Burke, David Clark, Stacey  
53 Petersen, Jim Chase, Kim Christensen, Carrie Christensen, Allan Knuteson, Shawn Eliot, Ryan Cloward,  
54 Rob Fitzgerald

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2  
3 **OPENING REMARKS** An invocation was offered by Tricia Thomas and Brittany Thompson led those present in  
4 the Pledge of Allegiance, for those who wished to participate.  
5

6 **PLEDGE OF ALLEGIANCE**  
7

8 **AGENDA TIME FRAME**

9 **DALE BIGLER MOVED, BRITTANY THOMPSON SECOND, TO ADJUST THE START TIME**  
10 **OF THE CITY COUNCIL MEETING TO 8:00 PM.**

11 **VOTE: AYE (5) NAY (0)**  
12

13 **PUBLIC FORUM**

14 Mayor Shelley asked for comments to be brief. As for the format of all future agendas, if residents would  
15 like to speak in the public forum, they will need to make a request to the city along with the topic to be  
16 discussed by the Wednesday before Council Meeting. This is to keep discussions as civil as possible.  
17

18 Shawn Eliot feels the senior development code was originally written to be on a smaller parcel. He referred  
19 to 5 codes listed in his letter previously presented to council that need exceptions for this development to be  
20 approved. His main concern is there is already a collector system in place. He feels the hill will create more  
21 speed. If this road goes through, it will be a collector even though it is classified as a local street. If the road  
22 connection is not approved, a suggestion would be to have a wider pedestrian connection.  
23

24 Brian Burke feels Hillside Drive is a problem street in regards to speed. He has a problem with visibility  
25 with the road curve. He feels the city will have a real problem with speed and children that may wander into  
26 the road and enforcement is a problem since the city can't afford a full time sheriff. He feels that the Hillside  
27 Drive connection won't be the right plan for an emergency escape road.  
28

29 Rob Fitzgerald feels that this boils down to convenience versus code. He feels this will be a very long  
30 dangerous road. He feels that the city should make sure that it can live up to its codes. He feels that sooner  
31 or later someone will get hurt on this road and a lawsuit could come into place in regards to the codes that  
32 will be violated.  
33

34 1. APPOINT BRUCE THORPE AS PLANNING COMMISSION ALTERNATE.  
35

36 **NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO APPOINT BRUCE THORPE AS**  
37 **PLANNING COMMISSION ALTERNATE.**

38 **VOTE: AYE (5) NAY (0)**  
39  
40

41 2. HARRISON HEIGHTS PHASE 4, ACCEPTANCE INTO DURABILITY.

42 Mayor Shelley asked if the modifications in the letter are to the council's satisfaction.

43 Brittany Thompson questioned why number two is left definitive.

44 Tricia Thomas reminded Brittany that she requested the wordage to be included at the last meeting.

45 Mayor Shelley also reminded Brittany that time frames are weather permitted and may have to be an  
46 exception.

47 Brittany Thompson questioned why the durability doesn't start at time of acceptance by Council.

48 Cody Black responded that as per State and City Code, the durability starts at the time of final  
49 inspection.  
50

51 **BRITTANY THOMPSON MOVED, TY ELLIS SECOND, TO APPROVE THE HARRISON**  
52 **HEIGHTS PHASE 4 ACCEPTANCE INTO DURABILITY WITH THE EXCEPTION ON**

1           **PARAGRAPH 2 THAT AFTER NOVEMBER 9, 2017 THERE IS A PERIOD AND WE STRIKE**  
2           **WHEREAS THE TERM AS DETERMINED BY PUBLIC WORKS DIRECTOR CODY BLACK.**

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

4  
5           3.   **AMEND GENERAL PLAN IN REGARDS TO HILLSIDE DRIVE ROAD CONNECTION,**  
6           **RECOMMENDATION FROM PLANNING COMMISSION.**

7           Nelson Abbott has a concern if this road plan is changed because it doesn't meet the code and how firm  
8           is the city willing to be on this when High Sierra and Fairway Drive is extended as those may need  
9           exceptions as well in regards to slopes. He feels this could be sent back to planning commission for  
10          review of the transportation map for future road connections.

11          Brittany Thompson feels that exceptions on developments is not okay. She feels that council needs to  
12          say enough is enough and if a developer wants to be here then they need to follow code. If the code  
13          needs to be changed, then Council needs to change them.

14          Brent Skipper stated the Cloward's (property owners) have written a letter in support of his proposed  
15          development. He agreed to forward this letter to council. They recognize this is a growing market  
16          segment of the community. This is more of an empty nester active community. This will be a smaller  
17          impact on schools, roads, etc. and hopefully most of these future residents can donate time and  
18          knowledge to the city. He is willing to either build the road or not build the road. The only exceptions  
19          he would look for is in regards to the slope grades.

20          Dale Bigler agrees with Nelson. We are a hillside community and he feels that you won't find any  
21          hillside community that can't grant an exception. The 6% grade may not be an accurate figure and may  
22          need to be changed in the codes to reflect what is realistic in development in different areas of the city.  
23          The more cul-de-sacs and dead ends, the harder it is for maintenance for the city. He is in favor of  
24          connecting the road.

25          Ty Ellis commented that the code could be changed but that more exceptions may come forward in the  
26          future. He feels the code should be kept tighter and look at exceptions as they arise rather than relax the  
27          code. He feels there will always be exceptions as it is the nature of the game.

28          Brittany Thompson feels if the road does not continue, this will be a big cost to the city to re-build the  
29          temporary cul-de-sac into a permanent cul-de-sac and feels the city cannot burden this cost.

30          Nelson Abbott agrees with Brittany's statement.

31  
32           **BRITTANY THOMPSON MOVED, DALE BIGLER SECOND, TO LEAVE THE GENERAL**  
33           **PLAN IN PLACE WHERE HILLSIDE DRIVE CONTINUES TO CONNECT TO ELK RIDGE**  
34           **DRIVE.**

35           **VOTE:                            AYE (3)            NAY (2)**

36           **TY ELLIS AND TRICIA THOMAS VOTED NAY.**

37  
38           4.   **PARKSIDE COVE PRELIMINARY PLAT APPROVAL.**

39           Brittany Thompson asked about the setbacks on lots 23-28.

40           Shay Stark responded these are zero lot lines. What she is seeing is a private area. The setback is to the  
41           foundation.

42           Brittany Thompson feels the senior housing overlay zone does not fit the harmony in regards to  
43           development grades. She is in favor of senior housing but feels this is not the right location and it  
44           doesn't fit. She agrees with Shaun Eliot that senior housing should be in smaller clusters throughout  
45           the community as per the city code.

46           Shay Stark reminded council that when the senior overlay zone was approved, the exception to allow  
47           the 15.49 acres was approved. If a developer comes in and the city sticks with the 6 acres increments,  
48           the city cannot see the big picture for all of the land. Road connections are based on guesses at that  
49           point and how does the city know that the road connections that are being made need to be made? That's  
50           why Elk Ridge Meadows was approved at 122 acres annexation so the city council and planning  
51           commission at that time could see the whole picture connecting trails, roads and visualizing the open  
52           space to see how it all ties together. As this has been discussed previously, the limitation of 6 acres does  
53           not allow the city to see the big picture on what ultimately happens.





- 1 No report at this time.  
2 D. Sewer, Sanitation & SESD – Cody Black  
3 No report at this time.  
4 E. Economic Development & Code Enforcement – Mayor Shelley  
5 No report at this time.  
6

7 7. APPROVAL OF FEBRUARY 9, 2016 MINUTES.

8 Brittany Thompson requested a change to page 5 lines 26 and 39 to include accounting/financial.

9 **NELSON ABBOTT MOVED, BRITTANY THOMPSON SECOND, TO APPROVE THE MINUTES**  
10 **FROM FEBRUARY 9, 2016.**

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

12 APPROVAL OF FEBRUARY 23, 2016 MINUTES.

13 **BRITTANY THOMPSON MOVED, TY ELLIS SECOND, TO APPROVE THE CITY COUNCIL**  
14 **MEETING MINUTES FROM FEBRUARY 23, 2016.**

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

16 **NELSON ABBOTT ABSTAINED AS HE WAS UNABLE TO ATTEND THE FEBRUARY 23, 2016**  
17 **CITY COUNCIL MEETING.**

18 8. CLOSED SESSION IF NECESSARY.

19 Closed session was not necessary.  
20

21  
22  
23 ADJOURNMENT

24 Mayor Shelley adjourned this meeting at 8:30 pm.  
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26

27  
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\_\_\_\_\_  
Melanie Hoover, Deputy Recorder