ELK RIDGE
CITY COUNCIL MEETING
September 27, 2016

TIME AND PLACE OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 27, 2016, at 7:00 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 September 26, 2016.

ROLL CALL

Mayor: Hal Shelley
Council Members: Tricia Thomas, Nelson Abbott, Brittany Thompson, Dale Bigler, Ty Ellis
Others: Melanie Hoover, *Deputy Recorder* and Royce Swensen, *Recorder.*
Shay Stark, *City Planner*
Public: Richard Dougan, Jim Chase, Paul Crook, Becky Shelley, Kaylee Bush, Katie Newman, Kristina Mathe, Josey Headman, Chad Brown, Diann Brown, Bean DeGraffenried, Paige Foster, Julie Smith, Laura Stepp, Angela Stepp, Devin Ingram, McKenzie Montague, Maxx Montague, Corbin Harris, Sam Larsen, JR Webster, Evanya Carter, Harrison Ingram, Matthew Ottesen, Jared Barton

CITY COUNCIL WORK SESSION
6:00 pm

1. PRESENTATION OF PLAQUE TO MAYOR HAL SHELLEY.
Royce Swensen presented Mayor Shelley with a plaque in appreciation of his loyal and dedicated service as Mayor from 2012-2016. On behalf of the city, council, residents and especially staff, he thanked him for his time and dedication to the city.
Mayor Shelley stated that he truly appreciates the 5 year opportunity to see a lot of good things happen within the city. He feels there is not a better place to live than Elk Ridge.

2. DISCUSSION OF PROPOSED LINE ITEM ON RESIDENT'S UTILITY BILLS.
Mayor Shelley stated this is brought back to council from budget discussions. Does council want to visit this idea? This line item would be for various items that need to be purchased within the city such as a snow plow, salt shed, etc. This will provide residents the opportunity to see where the funds will go. This was part of the discussion in regards to Budget B.
Dale Bigler referred back to the survey results which most residents were be in favor of line items and he clarified the line item to be $7.50.
Ty Ellis clarified that $5 would go towards the depreciation of the snow plow and $2.50 would go towards the salt shed.
All of council agreed to move forward except for Brittany Thompson.
Brittany Thompson feels that items can be funded with funds the city has. She feels this is still a tax increase for the residents even if it's delayed for a year.
Mayor Shelley reminded her these are one time funds the city has and can't fund ongoing expenses.
Nelson Abbott asked Brittany what she took off of the list to fund the snow plow.
Brittany Thompson read off a list of items she feels can be funded with what the city already has: road maintenance, Park Drive stabilization, public works equipment fence, public works storage shed, bobtail/snow plow bond payment and replacement, vehicle and equipment depreciation, fire truck and salt shed. She feels these are important projects to be funded with the excess city funds from last year. She proposed eliminating the following items off the list: Salem Hills trail widening, tennis court repair, Shuler park lights, digitalizing office records, flatbed trailer, park maintenance vehicle, civic center and the aerator. She feels a volunteer page should be put on our website and she has a volunteer who stated they would oversee volunteer projects.
Mayor Shelley reminded her that volunteers are one time. It's difficult to depend on volunteers from year to year. It also becomes a liability insurance issue.

Tricia Thomas feels the volunteer savings will not offset the dollar amount of the projects.
Ty Ellis stated that some projects can be done through volunteers but that certain projects will require certain contractors/professionals. Aerating will be a risk since sprinkler heads can be run over and volunteers won't know where they are located.
Discussion ensued.
Nelson Abbott clarified this is just discussion and council will need to evaluate what can be funded into one time expenditures and/or ongoing expenditures.
Ty Ellis asked council to consider this discussion because a decision needs to be made.
Brittany Thompson clarified that Ty Ellis wants them each to send their proposal to be included in the packet of what projects they would like to see allocated.

3. REVIEW BUDGET B TO ALLOCATE PROJECTS.
Discussion was held during the discussion of the proposed line item on resident's bills.

4. DISCUSSION OF A WATER CONSERVATION PLAN.
Mayor Shelley stated that unless there is a specific assignment to a specific person to follow through, plans and projects are difficult to get completed. He referred to the city's most recent water conservation plan that is required by the state. The document is required to have but a representative needs to actively pursue it. A new plan needs to be completed by December 31, 2016.
Royce Swensen feels that the chair person needs to come from the council. Office Staff needs to be involved which will include himself, Melanie Hoover and McKay Lloyd. A lot of the document needs data updated. This really needs to become a plan for the city including water rates and the new well. Steps need to be in place so that it can be prepared and submitted to the state by December 31.
Mayor Shelley feels that this needs to be implemented and not just a document that was created.
Discussion ensued.
Dale Bigler volunteered to be a chair of the water conservation plan committee.

5. DISCUSS POTENTIAL JOINT WORK SESSION WITH PAYSON CITY COUNCIL.
Mayor Shelley stated the request was from Payson City Council to discuss the annexation area between Elk Ridge and Payson. Council agreed to have the work session with Payson at the October 27 scheduled meeting.

6. DISCUSSION OF PROPOSED AMENDMENTS TO ACCESSORY BUILDING CODES/RECOMMENDATION FROM PLANNING COMMISSION.
Mayor Shelley asked for any further discussion and there were no comments.

7. DISCUSSION ON ORDINANCE OF PARK CODE, REQUEST FROM UTAH COUNTY HEALTH DEPARTMENT REGARDING E CIGARETTES.
Mayor Shelley stated there are reasons why the city could push this aside to wait for state mandates. He would like to support the proposal. He feels as this is an image issue, not necessarily a health issue.
Ty Ellis stated that this could violate civil rights and this is a tough decision. He is willing to follow other cities or wait for state manadates in the future.
Royce Swensen clarified that the city does not have specific park codes and this is a new code that would need to be created. The county has mandated a clean air act but has yet to add e cigarettes to their clean air act.
Tricia Thomas would like to wait for studies to be in a final stage instead of just preliminary. At that point, it could be state mandated.
Brittany Thompson is in favor of the county's request.
Discussion ensued.

8. DISCUSSION OF DECLARING SURPLUS ITEMS.

Mayor Shelley referred to the list provided by Public Works Director McKay Lloyd. These items are not usable by the city because they are no longer efficient or effective. The cost to repair outweighs the value of items.
Discussion ensued on maintenance tracking and depreciation.

Mayor Shelley closed the City Council Work Session at 7:00 pm.

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OPENING REMARKS and PLEDGE OF ALLEGIANCE – INVITATION

Opening remarks were given by Ty Ellis and Mayor Shelley led those present in the Pledge of Allegiance, for those who wished to participate.

AGENDA TIME FRAME

NO ACTION NECESSARY

PUBLIC FORUM

Jim Chase expressed his appreciation for Mayor Hal Shelley's dedication to the city and thanked him for his service.

1. APPOINT MAYOR TY ELLIS.
   Mayor Shelley stated that Ty Ellis will be sworn in on October 3. He stated that he will remain mayor until October 2.

BRITTANY THOMPSON MOVED, DALE BIGLER SECOND, TO APPOINT TY ELLIS AS SUCCEEDING MAYOR FOR THE 2016-2017 TERM EFFECTIVE OCTOBER 3, 2016.

VOTE:	**AYE (3)**	**NAY (2)**
	TRICIA THOMAS	**AYE**
	TY ELLIS	**NAY**
	NELSON ABBOTT	**NAY**
	BRITTANY THOMPSON	**AYE**
	DALE BIGLER	**AYE**

NELSON ABBOTT AND TY ELLIS VOTED NAY AS THIS VOTE WAS MADE AT THE CITY COUNCIL MAYOR INTERVIEW MEETING HELD ON SEPTEMBER 15, 2016.

2. APPOINT A MEMBER TO PLANNING COMMISSION.
Mayor Shelley stated that Gregg Anderson resigned as a Planning Commission Member therefore he has interviewed and selected Jared Barton to be appointed as Gregg Anderson's replacement.

BRITTANY THOMPSON MOVED, NELSON ABBOTT SECOND, TO RELEASE GREGG ANDERSON FROM THE PLANNING COMMISSION AND APPOINT JARED BARTON AS THE NEW PLANNING COMMISSION MEMBER EFFECTIVE IMMEDIATELY.

VOTE: AYE (5) NAY (0)

3. DECISION ON REQUEST FOR RELEASE OF THE ALLOCATION OF WATER RIGHTS FOR ELK HAVEN SUBDIVISION, PLAT E.
Shay Stark reported that the Elk Haven Subdivision Plat E was going through the approval process when the economy dropped. Water had been allocated to the property. The subdivision has expired and is not recorded. The request is for the council to remove the allocation so the water isn't tied specifically to this subdivision and can be used/purchased somewhere else in the city.

NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO RELEASE THE ALLOCATION OF CERTIFICATE OF WATER RIGHT ASSIGNMENT 59.69 ACRE FEET ON ELK HAVEN SUBDIVISION PLAT E.

VOTE: AYE (5) NAY (0)

4. HARRISON HEIGHTS PHASE 9 FINAL APPROVAL.
Shay Stark referred to the last city council meeting discussion regarding lot 54 next to the well in the 100 foot protection zone. He met with Craig Neeley, City Engineer, who contacted the state and reviewed federal law to understand what is being protected and what the requirements are. He found that any well constructed before 1993, the land use around the protection zone doesn't apply as there is nothing to enforce there. There are federal guidelines on the amounts of what can and can't be stored. Residential uses are exempt from these requirements as long as there is nothing commercial on the property. The small amounts of pesticides in residential does not apply. The city still wants to be conservative to protect the well. There is 160 feet of clay between the water source and the ground above. The state agrees that 160 feet of clay is a substantial protective buffer which protects the well. He recommends placing a note drawn on the plat where the 100 foot radius zone is stating that it is source protection zone 1 around the well and referred to the wordage included and written by Craig Neeley in the memo.

NELSON ABBOTT MOVED, TY ELLIS SECOND, TO APPROVE HARRISION HEIGHTS PHASE 9 FINAL APPROVAL WITH THE ADDITIONAL INFORMATION BEING ATTACHED TO THE DEVELOPMENT FOR FUTURE REFERENCE.

VOTE: AYE (4) NAY (1)

BRITTANY THOMSPON VOTED NAY AS SHE FEELS THIS SHOULD BE REVIEWED BY THE CITY ATTORNEY FOR LIABILITY REASONS.

5. WATER ALLOCATION FOR ELK RIDGE MEADOWS PHASES 8 AND 9.
Shay Stark referred to the memo and spreadsheet of water calculated for these two phases.

NELSON ABBOTT MOVED, BRITTANY THOMPSON SECOND, TO ALLOCATE 12.57 ACRE FEET OF WATER FROM THE WATER RIGHTS TRANSFERRED BY THE DEVELOPER TO THE CITY OF ELK RIDGE FROM THE EAST JORDAN IRRIGATION COMPANY CHANGE APPLICATION NUMBER 51-8593 TO THE ELK RIDGE MEADOWS SUBDIVISION PHASES 8 AND 9.

VOTE: AYE (5) NAY (0)

6. DECISION ON PROPOSED AMENDMENTS TO ACCESSORY BUILDING CODES/RECOMMENDATION FROM PLANNING COMMISSION.

BRITTANY THOMPSON MOVED, DALE BIGLER SECOND, TO ADOPT THE ACCESSORY BUILDING REGULATIONS AS PROPOSED BY THE PLANNING COMMISSION MEMBERS AS PROPOSED.

VOTE: AYE (3) NAY (2)

TY ELLIS AND NELSON ABBOTT VOTED NAY AS THEY BOTH FEEL IT IS ARBITARY RESTRICTIONS ON PERSONAL PROPERTY RIGHTS TO HAVE THE BUILDING MEET THE EXISTING STRUCTURE HEIGHT.

7. DECISION ON ORDINANCE OF PARK CODE, REQUEST FROM UTAH COUNTY HEALTH DEPARTMENT REGARDING E CIGARETTES.

NO ACTION TAKEN AT THIS TIME AS THERE IS NO OFFICIAL PARK CODE IN PLACE TO ADD THIS RESTRICTION TO.

8. DECISION ON DECLARING SURPLUS ITEMS.

TY ELLIS MOVED, DALE BIGLER SECOND, TO DECLARE THE ITEMS LISTED AS SURPLUS.

VOTE: AYE (5) NAY (0)

9. DECISION ON CITY PROPERTY.

Tricia Thomas feels the parcel with the proposed four residential lots should be developed and sold. The decision on what to do with the funds collected can be decided at a later date.
Mayor Shelley stated the first step would be to rezone the parcels from public facility to residential. If this property is sold, the city will still have approximately 6 acres.

DALE BIGLER MOVED, TRICIA THOMAS SECOND, TO PROCEED WITH THE NECESSARY ZONE CHANGE IN ORDER THAT THE CITY MIGHT HAVE THE OPPORTUNITY TO DEVELOP AND SELL THE 4 LOTS (SPECIFIC ACREAGE).

VOTE: AYE (3) NAY (2)

NELSON ABBOTT VOTED NAY AS HE FEELS IF THE PROPERTY IS GOING TO BE SURPLUS, IT SHOULD BE SOLD AS RAW GROUND AND THE CITY SHOULD NOT INVEST IN DEVELOPING COSTS IN CASE THE MARKET CRASHES.

BRITTANY THOMPSON FEELS ITS BEST TO KEEP ALL THE CITY OWNED LAND TOGETHER AS A BIG CHUNK THAT CAN BE USED FOR FUTURE CITY USES.

10. DEPARTMENT REPORTS:
    A. Administrative & Planning Commission, Water- Mayor Shelley
        1. City Scholarship Report.
           Mayor Shelley has 4 individuals willing to serve on a committee for a scholarship fund representing Elk Ridge City. He has not had a first meeting with them yet.
        2. Report on Carissa Nosack/Jim Olsen's request regarding impact fees.
           Mayor Shelley reported that contact was made with our city attorney and the decision to not reimburse the impact fees was made.
    B. Roads & Storm Drain – McKay Lloyd (absent)
       Ty Ellis asked about the traffic study and Nelson Abbott stated the study is currently in process.
    C. Parks, Trails & Recreation – McKay Lloyd (absent)
       Dale Bigler has had eagle scouts reach out to him to put in flag poles in the roundabout. He will direct them to the Eagle Scout board to start the approval process.
       Tricia Thomas asked about the bids for landscaping the center islands on Elk Ridge Drive and Dale Bigler feels it's better to wait until spring at this point. Bids are currently being collected.
    D. Sewer, Sanitation & SESD – McKay Lloyd (absent)

No report at this time.

E. Economic Development & Code Enforcement – Mayor Shelley
No report at this time.

11. APPROVAL OF CITY COUNCIL MEETING MINUTES FROM AUGUST 23, 2016.

BRITTANY THOMPSON MOVED, DALE BIGLER SECOND, TO APPROVE THE MINUTES FROM THE AUGUST 23, 2016 CITY COUNCIL MEETING.

VOTE: AYE (5) NAY (0)

12. CLOSED SESSION IF NECESSARY.
Closed session was not necessary.

ADJOURNMENT

Mayor Shelley adjourned this meeting at 7:45 PM.

Melanie Hoover, Deputy Recorder