ELK RIDGE
CITY COUNCIL MEETING
September 13, 2016

TIME AND PLACE OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, September 13, 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 12, 2016.

ROLL CALL

Mayor: Hal Shelley
Council Members: Tricia Thomas, Ty Ellis, Nelson Abbott, Brittany Thompson, Dale Bigler
Others: Melanie Hoover, *Deputy Recorder* and Royce Swensen, *Recorder.*
Shay Stark, *City Planner*
McKay Lloyd, *Public Works Director*
Public: Lee Haskell, Richard Dougan, Paul Crook, Jim Chase, Dean Ingram, Jared Barton, Audrey Miller, Megan Lyon, Allyson Crandall, Sarah Simons, Steven Barton, JT Webster, Cindi Ellis, Carissa Nosack

CITY COUNCIL WORK SESSION

6:00 pm

1. PROPOSED AMENDMENTS TO ACCESSORY BUILDING CODES/RECOMMENDATION FROM PLANNING COMMISSION.

   Shay Stark referred to the amended draft in regards to code changes recommended from planning commission. He referred to 10-12-5-A-1a the change of the wordage from *said building* to *principal building*. He then referred to A-3, adding the wordage *walls* and also *and the like* has been deleted out of the code. In C-3 regarding containers, planning commission decided to keep these prohibitions in the code and left it as previously written. In E- 2a regarding line of sight at intersections, he included the referenced section of code that talks about line of site in all intersections and stated this requirement needs to be met with accessory buildings as well as homes. In D, planning commission recommended changing the total combined coverage area from 20% to 15% and the area of an accessory building was changed from 10% to 8%. He also stated that a few typos have been corrected.

   Ty Ellis has concerns on the requirement to not allow an accessory structures to be taller than the home.

   Brittany Thompson has concerns on what is listed as prohibited accessory buildings and/or structures. She feels if prohibited items are listed, they are the only items prohibited.

   Shay Stark responded that the proposal is to add number 4 the wordage *any object where the original use is not for storage.* He asked what if the list of prohibited items were taken out? Code enforcement may be an issue if this is left in the code.

   Tricia Thomas feels it's better to have it in the codes in order to enforce if there is an issue.

   Brittany Thomspon's feels that specific items need to be listed as prohibited.

   Mayor Shelley stated there is more work that needs to be done and suggested sending this back to planning commission for their review.

2. PROPOSED AMENDMENTS TO THE ASSISTED LIVING CENTER CODES/RECOMMENDATION FROM PLANNING COMMISSION.

   Shay Stark referred to the memo he created in regards to the assisted living center code. The city attorney has advised that the minimum spacing requirement is not an enforceable code. As far as fair housing is concerned, the location code is proposed to be eliminated. The proposal is to eliminate 10-12-31-C6.

3. LEE HASKELL COMMERCIAL DEVELOPMENT CONCEPT PLAN.

Lee Haskell presented a concept plan and wants to know how council feels in regards to his plan to build commercial buildings with apartments on the top level. The property is currently zoned commercial and this allows for commercial entities on the main floor and residential on the second floor. He is aware there are not specifically defined city commercial codes. He would like to build 4 or 5 buildings. The property is located on the corner of Goosenest Drive and Elk Ridge Drive. This is the beginning stages and set development/building plans are not in place and he has brought this before Planning Commission and City Council to get their feel on the proposed idea.
There were no council members who expressed opposition to this idea.
Ty Ellis and Nelson Abbott's concerns are that there are no specific commercial codes in place.
Shay Stark reminded council that at the time an application is submitted, whatever code is in place is what applies to the application. A draft of commercial code has been before planning commission for their review to move forward. How much is the city going to regulate this, how much capability does the city have to regulate this, how complex is this going to be or is the city going to set simple parameters and guidelines that are easy to administer.
Lee Haskell wants his project to look nice and wants the apartments to be high end. He would like to start with developing the corner as it's an eyesore and this will eliminate the canal that runs down the road in rainstorms. Most of the infrastructure is already in place.

4. PRESENTATION FROM UTAH COUNTY HEALTH DEPARTMENT, REQUEST TO AMEND PARK CODES REGARDING E CIGARETTES.
Megan Lyon, Allyson Crandall and Tucker Nixon introduced themselves as members of a youth group called Outrage and would like Elk Ridge to update their park policies to include e cigarettes. Their goal is to fight tobacco. They stated the reasons why they would like e cigarettes to not be allowed in parks to protect children. They have presented this to cities county wide. If the policy is changed, they will provide signs and the manpower to install the signs.
Mayor Shelley asked what studies have been done to prove e cigarettes are dangerous.
Sarah Simons responded that there have been preliminary studies done with preliminary results that e cigarettes possibly have a negative effect.
Mayor Shelley asked where the state's view is at outlawing e cigarettes.
Sarah Simons responded that the state has not taken a stance yet but the action has been taken by cities. She wants her group to do whatever they can to protect the youth.

5. PRESENTATION FROM COMCAST REGARDING AGREEMENT AND PROPOSED CODE CHANGE.
Royce Swensen stated that Comcast was not able to attend the meeting to make a presentation. This agreement is an ongoing agreement and this is presented to renew the city's contract with Comcast. This contract has been reviewed by the city attorney. A code change would need to be made in 7-3-4 since the previous company was TCI and was included in the code. A proposed amendment would be to eliminate TCI Cable and include *a cable television company.*

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 Mayor Hal Shelley and he led those present in the Pledge of Allegiance, for those who wished to participate.

AGENDA TIME FRAME

NO ACTION NECESSARY

PUBLIC FORUM

Carissa Nosack stated she is a real estate agent and is following up on the request/proposal from Jim Olsen that was made at the last city council meeting on August 23 and the request is documented in the August 23 meeting minutes. She reported that in order to file a claim with her insurance, attorneys and a lawsuit would need to be involved. She contacted Don Mecham who does not have a specific recollection of any agreement.
Nelson Abbott stated he has talked with residents who built homes in the subdivision and they don't remember what they paid on impact fees.
Mayor Shelley recommended that the city attorney be contacted for his recommendation and will bring this back to city council.

Dean Ingram stated that Chad Brown contacted him to help him decide on what to do to sell his home on Elk Ridge Drive. He is looking at selling the home and the lot south of his residence. This issue is what is the best use for the south lot. This property is currently zoned commercial. If the property is rezoned residential and residential lots are proposed, they can meet the size residential lot requirements.
Chad Brown reported the zone was changed from residential to commercial with his home already on the lot. In order to sell the home, the commercial zoning can cause problems.
Shay Stark stated that in order to allow residential, it would need to be rezoned.
Brittany Thomspon and Nelson Abbott feel that since it was residential when the Brown's purchased the property and it has never been used as commercial, they would agree to rezone the property to residential.

Dean Ingram asked if there are any restrictions on him landscaping the roundabout. Mayor Shelley stated he is ok to go ahead. McKay Lloyd stated he is working on the bids to landscape the trails on Elk Ridge Drive. Mayor Shelley stated that once bids are obtained, a decision will be made on reallocating landscaping costs/development fees.

1. APPROVAL TO ENTER AGREEMENT WITH COMCAST.

NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO ACCEPT THE AGREEMENT WITH COMCAST.
VOTE: AYE (4) NAY (0) ABSTAINED (1)
BRITTANY THOMPSON ABSTAINED AS SHE HASN'T READ THE AGREEMENT.

2. DECISION ON PROPOSED AMENDMENT TO FRANCHISE AGREEMENT CODE.
Mayor Shelley clarified the proposed amendment is to eliminate the wordage *TCI* and replace with *a cable company.*

NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO AMEND CODE 7-3-4 WITH REGARDS TO THE FRANCHISE AGREEMENT AS PROPOSED.

VOTE: AYE (5) NAY (0)

TRICIA THOMAS	**(AYE)**
TY ELLIS	**(AYE)**
NELSON ABBOTT	**(AYE)**
BRITTANY THOMPSON	**(AYE)**
DALE BIGLER	**(AYE)**

3. APPROVAL OF HARRISON HEIGHTS PRELIMINARY PLAT AMENDMENT.

Shay Stark presented an overhead view of the proposed amendment of the Harrison Heights Preliminary Plat. In the original preliminary plat along 11200 south, it showed 4 acres set aside for a future church. The future church is no longer going in so the developer has asked to add additional lots in the 4 acres. A cul-de-sac would be built there with an additional 9 lots in that area. Planning Commission has recommended approval to the city council.

Brittany Thompson asked if there are any exceptions.

Shay Stark responded that Lot 54 needs a deed restriction regarding pesticides and this requirement would need to be included in the final plat of Phase 9, not this preliminary plat. He also stated that the pump station has 100 foot protection zone surrounding the well. This lot is ok because there is a drainage area pond.

Brittany Thompson has concerns with the state law that requires the protection zone. How does the city enforce a deed restriction if one is put in place? She doesn't agree with lot 54 being there.

Discussion ensued.

Nelson Abbott suggested that if necessary, an exchange of property could take place so the city and property owner are both protected.

Mayor Shelley suggested that Shay Stark research this before lot 54 moves forward.

Nelson Abbott clarified that the cul-de-sac meets city standards and Shay Stark agreed.

NELSON ABBOTT MOVED, TY ELLIS SECOND, TO APPROVE HARRISON HEIGHTS PRELIMINARY PLAT AMENDMENT AS PRESENTED.

VOTE: AYE (4) NAY (1)

BRITTANY THOMPSON VOTED NAY.

4. FINAL PLAT APPROVAL FOR HARRISON HEIGHTS PHASE 9.

Shay Stark presented an overhead view of Harrison Heights Phase 9 with the phase including 19 lots. Included in the plans is an access road that needs to be created to allow a rig to access the pump if it ever goes down again. The access road creates a top wall to the pond area. The pond is in the protection zone therefore an impervious liner is required so that storm drain will not seep into the ground. This pond is designed to retain water in case of emergencies and will be dry most of the time. A different option would be to add basins to park strip areas that are gravel so the water is directed to an underground sump. The downside is that there will be a limit on what can happen in the park strip. Also, if a hazmat spill were to occur, it would go right into the ground.

Brittany Thompson is not comfortable approving this phase with lot 54 since she feels there is no way to enforce a deed restriction and feels it's a huge liability to the city.

Dean Ingram will research state code to see if deed restrictions are enough to address the issue.

BRITTANY THOMPSON MOVED, TY ELLIS SECOND, TO TABLE THE FINAL PLAT APPROVAL FOR HARRISON HEIGHTS PHASE 9 UNTIL WE CAN GET MORE INFORMATION AND GET THE 100 FEET AROUND THE WELL WORKED OUT.

VOTE: AYE (5) NAY (0)

5. FINAL PLAT APPROVAL FOR ELK RIDGE MEADOWS PHASES 8 AND 9.

Shay Stark presented an overhead view of Elk Ridge Meadows Phases 8 and 9. These two phases are on one application so approval will be one process. Phase 9 will resolve issues with the

Goosenest/Golden Eagle Way intersection and phase 8 will resolve the driveway issue on the older part of Elk Ridge Drive (homes within Utah County boundary). Phase 8 will also landscape the retention pond in that area as well.
Brittany Thompson asked if there are any exceptions in these two phases and Shay Stark replied no, that both phases meet city code.

NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO APPROVE THE ELK RIDGE MEADOWS PHASE 8 AND PHASE 9 FINAL PLATS.

VOTE: AYE (4) NAY (1)

BRITTANY THOMSPON VOTED NAY AS SHE DOESN'T THINK THE CITY HAS A PLAN TO DEAL WITH INCREASED CAPACITY AND RESIDENTS EVEN THOUGH THEY BRING IN PROPERTY TAX, THE SERVICES REQUIRED TO PROVIDE FOR THOSE RESIDENTS, THE PROPERTY TAX DOES NOT COVER THOSE SERVICES SO FOR EVERY HOUSE WE BUILD WE ARE INCREASING TAXES TO EVERY RESIDENT IN ELK RIDGE UNTIL WE HAVE ANOTHER PLAN TO BRING IN COMMERCIAL OR TO GET OTHER REVENUE IN.

6. RATIFY POLL VOTE FOR WATER LINE PROJECT WITHIN PARKSIDE COVE.
Mayor Shelley stated this water line comes from the pump house and was installed with the initial project and is dead ended. It's now the ideal time for the city to tie into that line with Parkside Cove project in process.

MOTION WAS MADE BY POLL VOTE TO APPROVE THE WATER LINE TIE IN PROJECT WITHIN PARKSIDE COVE.

VOTE:	**AYE (4)**	**NAY (1)**
TRICIA THOMAS	**(AYE)**	
TY ELLIS	**(AYE)**	
NELSON ABBOTT	**(AYE)**	
BRITTANY THOMPSON	**(NAY)**	
DALE BIGLER	**(AYE)**	

7. DECISION ON PROPOSED AMENDMENTS TO ACCESSORY BUILDING CODES.

CITY COUNCIL SENT PROPOSED AMENDMENTS TO ACCESSORY BUILDING CODES BACK TO PLANNING COMMISSION FOR THEIR REVIEW ON HEIGHT REQUIREMENTS, CONNECTIVITY AND PROHIBITED USE LIST, NO ACTION TAKEN AT THIS TIME.

8. DECISION ON PROPOSED AMENDMENTS TO ASSISTED LIVING CENTER CODES.
Mayor Shelley specified the proposal is to eliminate 10-12-31-C6 regarding ¾ mile spacing requirement.

NELSON ABBOTT MOVED, TRICIA THOMAS SECOND, TO APPROVE THE PROPOSED AMENDMENT TO THE ASSISTED LIVING CENTER CODES.

VOTE: AYE (5) NAY (0)

9. KARL SHULER QUIT CLAIM DEED.
Mayor Shelley reminded council of thr previous discussion made that Hal Shuler gave the city property in various locations for wells. One of these locations is in Loafer Canyon which will not be used for a well. In order for him to sell the property, it needs to be deeded back to him. Karl Shuler will prepare the document and take care of abandoning the well. There is no benefit to the city in keeping this property.

NELSON ABBOTT MOVED, DALE BIGLER SECOND, TO HAVE KARL SHULER PREPARE A QUIT CLAIM DEED SO THAT THE CITY CAN TRANSFER THE PROPERTY BACK TO THE SHULER PROPERTY.

VOTE: AYE (5) NAY (0)

10. AMENDMENT OF BUDGET FOR FIRE DEPARTMENT CHILI COOK OFF.

Nelson Abbott stated the donated money collected in the amount of $1,000 was put into the general fund and needs to be allocated into the fire departments fund to cover the cost of the chili cook off. This will show the fire chief the accounting that the money is there to spend.

Royce Swensen clarified the amount of $1,000 will be amended into the fire department for the chili cook off and Nelson Abbott agreed.

BRITTANY THOMPSON MOVED, DALE BIGLER SECOND, TO AMEND THE BUDGET TO TAKE $1,000 FROM THE GENERAL FUND TO THE FIRE DEPARTMENT FUND FOR THE 2016-2017 BUDGET YEAR.

VOTE: AYE (5) NAY (0)

11. DEPARTMENT REPORTS:

A. Administrative & Planning Commission, Water- Mayor Shelley

1. City Property Report.

   Mayor Shelley reported the city property in Elk Ridge Meadows is legally protected not to be sold with development agreement. The city owns a smaller parcel in Loafer Canyon. The only city property in sizable amount that could be sold is on Elk Ridge Drive/Goosenest Drive. He asked council to decide what to do with the proposal of rezoning the 4 lots.

2. City Scholarship Report.

   Mayor Shelley reported he made attempts to contact individuals for a committee but has not had any responses.

B. Roads & Storm Drain – McKay Lloyd

McKay Lloyd reported the seal coat of the roads is being completed in the north end of town. The south end of town is being crack/sealed. This plan allows the newer/good roads to be preserved and the older roads to be maintained, fixed and repaired. He also got bids on mastic seal coat and will be awarding the bid on the trail from Alpine to Alexander. The asphalt berm on north Clark Lane should be completed within a couple weeks.

C. Parks, Trails & Recreation – McKay Lloyd

McKay Lloyd reported that three bids are on their way for landscaping the islands on Elk Ridge Drive for the fall season. He asked if council wants to wait until spring to protect the plants and trees from the winter months. Council would like to wait until the spring to complete the landscaping and wondered what the cost difference would be with fall vs spring installation. Council also requested McKay to see if there is a warranty on trees.

Dale Bigler reported the south county trail committee came out and he is awaiting results from their study.

D. Water, Sewer, Sanitation & SESD – McKay Lloyd

McKay Lloyd reported that the 12 inch water line is installed in Parkside Cove and the tie in will be done tomorrow.

E. Economic Development & Code Enforcement – Mayor Shelley

Dale Bigler reported he attended the Utah County Dispatch meeting this past month. He is impressed with their new building and suggested council to visit the open house to tour the facility.

12. APPROVAL OF CITY COUNCIL MEETING MINUTES FROM MAY 24, 2016.

NELSON ABBOTT MOVED, TRICIA THOMAS SECOND, TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM MAY 24, 2016.

VOTE: AYE (5) NAY (0)

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

MEETING MINUTES ARE NOT COMPLETED YET, NO ACTION TAKEN AT THIS TIME.

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

ADJOURNMENT

Mayor Shelley adjourned this meeting at 8:40 pm.

Melanie Hoover, Deputy Recorder