

**ELK RIDGE
CITY COUNCIL MEETING
JANUARY 26, 2021**

TIME AND PLACE OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council was scheduled for Tuesday, January 26, 2021, at 7:00 PM. Due to the Coronavirus Pandemic the meeting was held via ZOOM;

Join Zoom Meeting

<https://us02web.zoom.us/j/82526780613>

Meeting ID: 825 2678 0613

One tap mobile

+12532158782,,82526780613# US (Tacoma)

+13462487799,,82526780613# US (Houston)

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 Jan. 25, 2021.

ROLL CALL

Mayor: Ty Ellis

Council Members: Nelson Abbott, Tricia Thomas, Cory Thompson, Jim Chase, Jared Peterson

Others: Royce Swensen, *City Recorder*, David Jean, *Public Works Director*, Deputy Gary Coffee

Public: Lee Haskell, Justin Haskell, Stan Nelson, Cindi Ellis

OPENING REMARKS– INVITATION

Jared Peterson offered opening remarks.

APPROVAL/AGENDA TIME FRAME

NELSON ABBOTT MOTIONED TO APPROVE THE AGENDA AND THE TIME FRAME JIM CHASE SECONDED.

VOTE: AYE (5) NAY (0) APPROVED

7:00 PM - REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

1. DRYLAND SUBDIVISION FINAL PLAT

Jim Chase stated there is a gap along west side of Golden Eagle Way and the lot line at lot 5 which needs to be adjusted or defined, also the sewer line should be defined on the sheet 2(mylar) as private. Jared Peterson stated the word proposed needs to be removed.

JIM CHASE MOTIONED TO APPROVE DRYLAND SUBDIVISION PLAT A WITH THE CORRECTION OF THE BOUNDARY LINE AND LOT LINE AND THE SEWER LINE ON LOT 13 TO SHOW AS PRIVATE JARED PETERSON SECONDED

VOTE: AYE (5) NAY (0) APPROVED

2. DRYLAND SUBDIVISION WATER ALLOCATION

NELSON ABBOTT MOTIONED TO ALLOCATE 7.73 ACRE FEET OF WATER FROM WATER RIGHT 51-3496 AND 23.36 ACRE FEET OF WATER FROM WATER RIGHT 59-5996 TO THE DRYLAND SUBDIVISION, A SUBDIVISION WITHIN THE CITY OF ELK RIDGE, UT JIM CHASE SECONDED.

VOTE: AYE (5) NAY (0) APPROVED

3. SUVMWA, WEST SMITH DITCH WATER SHARES

Cory Thompson stated the city has 2 water-share issues. The first is a block grant of additional water from the Department of the Interior to SUVMWA that is related to the Mapleton Springville pipeline. The pipeline was completed in 2020 so there is additional water. SUVMWA and Central Utah Water District is assigning all of that additional water to Mapleton and Springville. FYI-It shows over the next 30 years, based on the current allocation, Elk Ridge will have a municipal and industrial water shortage. Cory will update the council as needed. The second item is more problematic for the city The West Smith Ditch Co. is a water sharing collective which involves several cities. The governing body of West Smith Ditch has decided to close the corporation. Elk Ridge is the owner of 5.232-acre shares of the water in West Ditch. The city received a letter from a law firm (Gordon Law) that the Ditch company is ridding itself of all its members and the water rights from the ditch. The maintenance has gotten too expensive, and the ditch is in disrepair. The company cannot afford to maintain the ditch, so they have decided to close. All other shareholders have backed out the ditch except for Provo and Elk Ridge. The letter stated Elk Ridge could sell the water at market rate or transfer the water into another entity, however, it is against the Utah Constitution for a municipality to sell the shares. To transfer the shares, West Ditch wants a fee of \$80,000-\$100,000. The city has a couple of options a.) if the city does nothing then Elk Ridge and Provo would have to negotiate with each other to decide what to do with the rights, and maintain the ditch b.) Central Utah Water District stated the water in the ditch belonged to the Provo River basin. Central Utah Water is extremely interested in owning these shares. The city could likely broker a deal with Central Utah Water where Central Utah Water would cover the fees and maintenance of the ditch if Elk Ridge would give them rights to the shares in the Provo River area and they would exchange them for other shares. This is legal for the city to do. c) the city could enter negotiations with the law group in the amount of the fees charged to exit the ditch. Cory is disinclined to pay anything at this point. d) Cory spoke with a one of the few water law experts in Utah who would take a look at the letter and go through the options and help the city understand the options and recommend the most expedient and cheapest option. The cost is almost certainly less than \$5000 unless the Gordon Law pushes back. All options have some negatives associated with it. Nelson Abbott stated about 10 years ago the city brokered a deal with the state along the same lines. Surface water rights always lose volume when converted to ground, (10-acre feet of surface water ends up being 6-acre feet for example). Nelson recommends talking with Tony Fuller who the city has worked with. Royce Swensen stated Tony Fuller has retired. Otherwise, Nelson Abbott likes option b. Jim Chase asked if it's a ditch does that means real estate is involved. Cory Thompson will find out if the city owns just water rights or if the city owns any actual real estate. Cory Thompson stated he does not think the city wants to battle/negotiate with Provo but needs to transfer out of the ditch and put the shares in the city's name directly which legal cost should be less than \$5000 if there isn't a fight with Gordon Law. The city doesn't want to give away valuable Provo River shares. Mayor Ellis recommends moving forward with the attorney to give the city expert advice and not sell the city short. Jared Peterson stated that the state takes unused shares and thinks the rights need to be transferred but agrees that the city needs legal counsel. Cory Thompson stated the Ditch is having a meeting Jan 30th which Cory is planning to attend. Mayor Ellis stated that the city would need to do a budget amendment for legal counsel.

4. ACCESSORY STRUCTURES 10-12-5 PROPOSED AMENDMENT

Mayor Ellis stated as the council goes through this discussion for them to keep in mind that this code affects the whole city and how will it impact the city as it goes forward. This is a city-wide conversation and not a barn conversation and should stand on its own regardless of the animal code. Discussion ensued on the type of buildings that could be built in the front yard behind the front setback of 25 feet, from a barn or shed with junk around it to a tree lined driveway with a garage Tricia Thomas asked what if someone wants to build an apartment in front of the house can you put

in multiple accessory buildings and is concerned about unintended consequences. Mayor Ellis stated that the city cannot end up with numerous accessory buildings with accessory apartments on a lot. Nelson Abbott is in approval of this amendment due to property rights of homeowners. Jim Chase asked if this should just be for the R&L zone and not the smaller lots. Tricia Thomas stated that this is a big change to let people build in front of their homes and she is not in favor of the change. Cory Thompson is concerned about residence putting in a very objectionable business in an accessory building, in what ways can people take advantage of this that would be pleasing to the city other than just building a shed in front of a house. Jared Peterson stated that the nuisance code states you cannot have certain businesses in the city.

JARED PETERSON MOTIONED APPROVE ORDINANCE 21-01 ACCESSORY BUILDINGS 10-12-5 NELSON ABBOTT SECONDED

VOTE:	AYE (4)	NAY (1)	APPROVED
Jim Chase	AYE		
Jared Peterson	AYE		
Cory Thompson	AYE		
Tricia Thomas		NAY	

5. COMMERCIAL VEHICLE CODE NUISANCE CODE DISCUSSION

Discussion ensued on the nuisance code regarding violations. Discussion of ambiguity of C and the addition of clarifying language, that vehicles must meet both B and C and change continuous to attended parking.

6. AIRBNB AND VRBO DISCUSSION

Royce Swensen stated the city office has had calls wondering if Airbnb's are allowed in the city. Discussion ensued on issues that should be part of a code such as parking, business licenses etc. and should the city pursue a code to collect the taxes and protect residences. Per the Council's request administration will draft something and take it to Planning Commission.

7. REPLACE FIRE TRUCK RESCUE 222

Mayor Ellis stated that the 1996 Rescue truck needs replaced due to ongoing mechanical issues and is not reliable. Fire Chief Seth Waite did research and the truck they need will cost around \$105,000. This truck will be ready for use and not need to be rebuilt or anything. There will need to be a budget amendment to purchase the truck.

JIM CHASE MOTIONED TO APPROVE REPLACEMENT OF THE FIRE TRUCK RESCUE 222 FOR A BUDGET AMENDMENT PUBLIC HEARING NELSON ABBOTT SECONDED

VOTE:	AYE (5)	NAY (0)	APPROVED
-------	---------	---------	----------

8. PLOW TRUCK REPLACEMENT

David Jean stated the 99 International plow truck needs to be replaced due to age. The new truck would be a 10-wheeler, with the plow, sander, bed with more capacity to move material. This is a multi-use truck and can be used by several departments. The funds will be paid out of depreciation funds set aside for the purchase of a new truck and along with funds from different departments. This is for next year's budget. The truck must be ordered and will be picked up around October 2021. Cory Thompson, Tricia Thomas, Jim Chase, Nelson Abbott, and Jared Peterson are all in support of the purchase. They cannot officially motion to purchase the truck at this time.

154 **9. OAK LANE BOOSTER STATION-VFD**

155 David Jean stated when the bid was submitted the electrician left out the cost for the VFDs which
156 wasn't noticed when the bid was reviewed by Aqua. The city would need to purchase the equipment
157 and the electrician will put it in at cost. If this had been on the bid it would have still been the low bid.
158 There needs to be a budget amendment for \$34,500 added to the Oak Lane Booster Station for
159 equipment purchase of 3 VFDs and soft-start assembly
160

161 **JIM CHASED MOTION TO APPROVE A BUDGET AMENDMENT FOR \$34,500 ADDED**
162 **TO THE OAK LANE BOOSTER STATION FOR EQUIPMENT PURCHASE OF 3 VFDS**
163 **AND SOFT START ASSEMBLY NELSON ABBOTT SECONDED**

164 VOTE: AYE (5) NAY (0) APPROVED

165 **10. STORM DRAIN PLAN DISCUSSION**

166 Mayor Ellis stated the storm drain plan needs to be developed.
167 Part of the plan must be funding the storm drain enterprise fund. Storm drain is lacking especially
168 along Canyon View, and Park Dr. Mayor Ellis recommends raising the storm drain fee. Council needs
169 to think of how to raise the funds to complete the storm drain plan.
170

171 **11. ANNUAL DRINKING WATER QUALITY REPORT**

172 David Jean stated that the water report came back, and the city is in good shape and there are no
173 violations. The part of the city that does not have a back-flow preventer device needs to have them
174 installed by the homeowners and they must be inspected yearly. This is a state mandate. The city needs
175 to be completely in compliance by the end of year 5.
176

177 **12. FINANCIAL REVIEW**

178 There were no concerns
179

180 **13. CITY COUNCIL MINUTES FOR JAN. 12, 2021 APPROVAL**

181
182 **CORY THOMPSON MOTIONED TO APPROVE THE MINUTES FOR JANUARY 12, 2021**
183 **WITH THE CHANGE OF RYAN HASKELL TO JUSTIN HASKELL JIM CHASE**
184 **SECONDED**

185 VOTE: AYE (5) NAY (0) APPROVED

186
187 **NELSON ABBOTT MOTIONED TO ADJOURN COUNCIL MEETING JARED PETERSON**
188 **SECONDED**

189
190 VOTE: AYE (5) NAY (0) APPROVED
191
192
193
194
195

Laura Oliver, Deputy Recorder