

**ELK RIDGE
CITY COUNCIL MEETING
April 12, 2022**

TIME AND PLACE OF MEETING

This regularly scheduled meeting of the Elk Ridge City Council was scheduled for **Tuesday, April 12 22, 2022, at 7:00 PM.** The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place, and Agenda of this Meeting was provided to the Payson Chronicle, 145 E. Utah Ave, Payson, Utah, and to the members of the Governing Body on April 11, 2022.

OPENING REMARKS– INVITATION

Opening remarks were offered by Scott Moeller
Pledge lead by Deputy Monsen

ROLL CALL

Mayor: Robert Haddock
Council Members: Tricia Thomas, Jared Peterson, Tanya Willis, Nelson Abbott, Cory Thompson
Others: Royce Swensen, *City Recorder*, Laura Oliver, *Deputy Recorder*, Deputy Monsen
Public: Hayley Parkinson, Rich Parkinson, Fred Gilbert, Austin Gilbert, Larry Lee, Melanie Paxton

APPROVAL/AGENDA TIME FRAME

NELSON ABBOTT MOTIONED TO APPROVE THE AGENDA AND TIME FRAME JARED PETERSON SECONDED

VOTE: AYE (5) NAY (0) APPROVED

PUBLIC FORUM

Hayley Parkinson addressed the repeated flooding of her home. The berm was not done properly and will flood again as well as the Nelson's home which is next door. Drainage and compaction is needed. No one, such as city council, was made aware of it until recently. Who has the answers as to what is going on? Why isn't public works letting people know of the flooding and problems? How does this get fixed?

Mayor Haddock stated that he is over Public Works and is working with them and will talk to them about communications. The berm was done in very muddy conditions in which the mud cannot be compacted.

Councilmember Thomas stated the this is an administrative matter and not legislative. It would be inappropriate for council to tell someone how to do their job and that is why the councilmembers don't know but that they do care what happens.

Rich Parkinson stated they fought hard to get and buy their dream home and now it has been flooded 3 times by the city. There is pump house that is engineered wrong and if the tank overflows it goes on to their property. He is here tonight because he heard that the city council didn't even know they had been flooded at all and wanted them to know. His columns that hold up the roof washed out, and the driveway and outside concrete washed out. One time is an accident, second time is negligence, and the third time is criminal. They deserve to have a home without the risk of flooding from the city. He played a recording of the sound of the water running through the property. He isn't litigious but if push comes to shove, he will show this to a judge. He passed out complaint forms to the council.

Fred Gilbert stated he is new to the community and would like to know if there has been any discussion on hiking trails.

Mayor Haddock invited him to talk to the person sitting next to him (Melanie Paxton) and she could bring him up to speed. The city has been discussing it but all the land is private property.

54 **REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**

55

56 **1. OPEN LAND PRESENTATION VIA ZOOM**

57 Wendy Fisher Executive Director of Open Land (via zoom) has been working with Open
58 Lands for 30 years. A lot of people have come into the state because of the scenic beauty. Utah
59 Open Lands helps landowners/developers who want to maintain their property rights to preserve
60 their lands, open spaces, and quality of life. Conservation easements are held in perpetuity. For
61 every dollar a city gets from residential development the city spends \$1.19-\$1.65. green belts only
62 cost .35-.65 cents. Open space, even a long-term stewardship of a conservation easement, does cost
63 money and it takes time to ensure that the terms of the conservation easement are lived up to. Open
64 Lands is a Nationally accredited organization with the National Land Trust Organization. The
65 conservation easement legislation can be found in the tax code 57-18-1. There are court cases right
66 now regarding subdivisions that put in trails to connect the community with open spaces, the trails
67 are in danger because they were not properly protected depending on how the law sees things. Open
68 Lands sees that open spaces are properly protected. Wendy Fisher turned to time to council for
69 questions. Councilmember Thompson stated the city has developers coming in and the city is trying
70 its best to accommodate their needs as well as the needs of the city. There is a significant interest in
71 trails and access to public lands, but the city needs to know how to do that properly. Are there
72 resources, codes, or materials to read in order to understand and do it right so that everyone gets
73 what they need? Wendy Fisher stated there are a lot of communities that have it written into their
74 code requiring community amenities that are factored into a development. It depends on the base
75 zoning, development agreement process, and negotiations on sensitive areas and trails.
76 Councilmember Thompson stated this is exactly what the city has been working on; clustering,
77 trails, sensitive areas, and access to public lands. Wendy Fisher will send resources and recent code
78 that has passed. One of the biggest mistakes is increasing density or increasing zoning for the
79 number of units per acre which mistakenly is thought to somehow result in open space, which is
80 never the case, it never happens. The city has to build into the code some sort of trade off. If you are
81 looking at clustered density, the infrastructure is going to be less costly to the developer because it
82 is clustered and in addition, they are probably clustering in an area that is more developable then the
83 other portion, the city has to ensure it isn't giving away the benefits that would result in ensuring
84 that they also have to maintain that open space. For instance, Heber Valley wanted to protect a
85 certain area that was zoned for 1 unit per 20 acres. They thought the best thing to do was to zone
86 another area 5 units per acre. But what they didn't think about was that there was no incentive for
87 someone to transfer the density from the 1 unit to 20 acres into the new zone and they didn't need to
88 up zone the property so there were no takings there, they actually just voluntarily up zoned the
89 property creating a windfall. You have to be mindful of not creating a taking when you are looking
90 at protecting these properties. You have to look at the over all geologic patterns and sensitive lands
91 and all the things that are pertinent to the community for health welfare and safety issues for the
92 community. Councilmember Willis stated that the code is being written and read the General Plan
93 density 1 unit for 4 acres or clustering with 400% bonus density. Wendy Fisher looked and sounded
94 very concerned at this. Councilmember Thompson stated that is why the city is talking to Wendy
95 and she has summed up what the city has been discussing for the last 6 weeks. Wendy Fisher stated
96 she will come down to visit and speak with the city in-depth. Wendy will come down at a 6 pm
97 work session which Councilmember Thompson will schedule.

98

99 **2. FIRE CHIEF WAITE BUDGET PRESENTATION**

100 Fire Chief Waite went through the past years' expenses, fire and EMS calls. Based upon
101 population that has risen 129% which will continue to increase as the population increases. Assisted
102 Living gets 11% of the calls. Councilmember Thompson asked what the city can do help increase
103 fire department volunteers? Fire Chief stated that the payroll, which the council and he incentivizes,
104 helped but ultimately people think that fire department is "someone else's job" but they don't think

that they are that someone. It takes 3-4 months to become EMS and 3-4 month for fire fighter and once a month training and certifications. They just have to commit; all training is paid for. If the city had just 10 more people on the department the city would be transporting right now, which also brings in revenue. Discussion ensued on housing those on calls who live outside the city, but that is dependent on number of calls. Fire Chief Waite is very open to anything they can do to increase volunteers. Mayor Haddock stated Ron Gailey is in marketing and may be a good resource to speak with.

3. CAPITAL FACILITIES: SHAY STARK CITY PLANNER

Shay Stark, City Planner stated it is time to update the capital facilities plan. He sat down with Royce Swenson and the mayor before this meeting and there are items that will need to be changed. This will be a brief overview. The Capital Facilities plan is used all the time, by public works, and developers when there are any questions with infrastructure, planning and budgeting. Not all the items in the Capital Facilities plan is impact fee eligible. This is the plan that justifies how much and why the city can charge a fee and the amount of that fee. Shay Stark went through the number of lots, parcels, sewer and water connections, and current developments in progress. The Development Capacity Map was never intended for the number of lots per section as gospel, it was meant to be able to have a feel for worse case scenarios, based on zoning in order, to keep in mind infrastructure needs. This has since turned into something it was never meant to be. While updating the Capital Facilities in the next year the numbers in this report will be used in order to plan for City projects and needs. Discussion ensued on sewer connections contracted with Payson and protected zones and septic tank problems with the south end of the city and discussion on the health of the wells and flow and future development needing another well for south development. If development goes in that is too high up the mountain, then the city cannot serve them if the facilities are not in place. Discussion ensued on storm drain and the possibility of embanking the Skyhawk Park soccer field as a retention area. The city needs to plan what the priorities are and determine what is maintenance and what is capital facilities improvements and put them in the capital facilities plan for budgeting. Flooding, fixing scada etc. is considered maintenance.

4. RESOLUTION 22-04-12-1R PRE-DISASTER MITIGATION PLAN

COUNCILMEMBER ABBOTT MOTION TO APPROVE RESOLUTION 22-04-12-1R AS PRESENTED COUNCILMEMBER THOMAS SECONDED

| VOTE: | AYE (5) | NAY (0) | APPROVED |
|----------------|---------|---------|----------|
| Cory Thompson | AYE | | |
| Jared Peterson | AYE | | |
| Nelson Abbott | AYE | | |
| Tanya Willis | AYE | | |
| Tricia Thomas | AYE | | |

5. HIGHLANDS AT ELK RIDGE SUBDIVISION DECISION

Mayor Haddock stated that the Highlands at Elk Ridge is reaching the 180 day of the final plat and the development has not given the city the items needed in order to proceed and has stopped communicating with the city.

COUNCILMEMBER ABBOTT MOTION TO DENY THE FINAL PLAT OF THE HIGHLANDS AT ELK RIDGE SUBDIVISION THE DEVELOPERS HAVE NOT COMPLETED THE REQUIRED SUBDIVISION ITEMS WITHIN THE 180 DAY APPROVAL/DENIAL TIMELINE SET BY STATE CODE COUNCILMEMBER THOMPSON SECONDED.

VOTE: AYE (5) NAY (0) APPROVED

6. ANNEXATION DEVELOPMENT AGREEMENT ADDENDUM, NEBO SCHOOL DISTRICT

Mayor Haddock stated this so the school can reimburse the developer fees owed as per the annexation agreement.

COUNCILMEMBER ABBOTT MOTION TO APPROVE 22-04-12-2R ANNEXATION AGREEMENT ADDENDUM 2 COUNCILMEMBER PETERSON SECONDED

VOTE: AYE (5) NAY (0) APPROVED

Cory Thompson AYE

Jared Peterson AYE

Nelson Abbott AYE

Tanya Willis AYE

Tricia Thomas AYE

7. SUVMWA PROPERTY SALE, SETTLEMENT AND DISBURSEMENTS

Mayor Haddock stated this is the portion the city received from SUVMWA after the sale of a property that was previously purchased by the city and other municipalities for a regional sewer plant which was not built. Councilmember Abbott stated the money originally came out of the sewer fund and needs to go back into the sewer fund.

8. FAIRWAY TANK NEW DRAINAGE LINE USING LIGHTHOUSE SUBDIVISION UTILITY EASMENT

Mayor Haddock stated the drainpipe for the Fairway tank the city is putting in during the Lighthouse Development construction, has not been finalized. The council needs to do a budget amendment for \$55,000. Councilmember Peterson went through the costs and \$55,000 is not out of line and the city will get another estimate and take a look increasing the retention pond.

9. CITY COUNCIL MINUTES FROM MARCH 8, 2022

COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE MINUTES FOR MARCH 8, 2022 WITH THE CORRECTION ON LINE 92 CHANGING PETERSON TO THOMPSON COUNCILMEMBER THOMAS SECONDED

VOTE: AYE (4) NAY (0) APPROVED Abstained- Councilmember Abbott

COUNCILMEMBER PETERSON MOTION TO ADJOURN A CLOSED MEETING PER STATE CODE 52-4-204 COUNCILMEMBER WILLIS SECONDED

VOTE: AYE (5) NAY (0) APPROVED

Cory Thompson AYE

Jared Peterson AYE

Nelson Abbott AYE

Tanya Willis AYE

Tricia Thomas AYE

Laura Oliver