

**ELK RIDGE
CITY COUNCIL MEETING
January 10, 2023**

TIME AND PLACE OF MEETING

This regularly scheduled meeting of the Elk Ridge City Council was scheduled for **Tuesday, Jan. 10, 2023, 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 Jan. 9, 2022.

ROLL CALL

Mayor: Robert Haddock

Council Members: Nelson Abbott, Tricia Thomas, Jared Peterson, Tanya Willis, Absent- Cory Thompson

Others: Royce Swensen, *City Recorder*, Brandon Hundley, *Public Works Director* Laura Oliver, *Deputy Recorder*, Deputy Monsen,

Public: Larry Lee, Todd Larsen, Robert Black, Marcia Vincent, Ted Mickelsen, Ryan Selee, Mike Hanson, Elijah Mason, Tori Black, Clint Hurst, Robert Bigler, Clint Ashmead, Kent Hart, Collin Brinkerhoff, Harrison Angerhofer, Rebecca Angerhofer, Eric Adams

OPENING REMARKS- INVITATION

Opening remarks were offered by Melody Haddock

Pledge lead by Elijah Mason

APPROVAL/AGENDA TIME FRAME

**COUNCILMEMBER ABBOTT MOTIONED TO APPROVE THE AGENDA AND TIME FRAME
COUNCILMEMBER WILLIS SECONDED**

VOTE: AYE (4) NAY (0) APPROVED Absent- Councilmember Thompson

PLANNING COMMISSION UPDATE

Maureen Bushman stated the Mayor presents his vision for 2023. The Planning Commission made a plan for updating the general plan and will be starting with trails as well as updating data such as population etc.

PUBLIC FORUM

Robert Black stated he has a lot at Rocky Mountain Rd and Sage Lane. After learning of design concerns with a retention basin above Washougal he was concerned about the design and engineering of the retention basin that is planned to go in above his property on Sunset Ave. An independent engineer reviewed the plans and found they violate federal, state and city code, regulations, ordinances, and professional standards. Does not comply with the Utah water quality act, the Utah Department of Environmental Quality Guide to Low Impact Development within Utah, city code disposal of stormwater within the subdivision, and requirements for emergency overflow spill, percolation tests, drainage within 24-hour period. The engineering report and codes were emailed to councilmembers yesterday. The Developers have proposed an alternate design for a deeper larger basin in Loafer Canyon eliminating the basin at Sunset Ave and urge council to approve that design.

Mayor Haddock stated that the engineers are looking at the redesign of that basin. An amendment has been submitted by the developers.

Tori Black stated they are not anti-development. They didn't question the design of the basin originally because they assumed the city would make sure it met code and ensured the health and safety of residents until they heard about the serious concerns with the basin at Washougal. Both basins were designed by the same engineering firms and reviewed by the same engineer which called into question the Longview basin. The independent engineer found serious safety and health problems with the basin. The developers have reconsidered placement of the basin, but the city council has been resistant to change the plan even though the developers have a superior plan. If the city insists on locating the basin as designed, it will reduce their property value and they cannot sell it due to ticking time bomb above them and urges the council to reconsider the placement of the basin.

Larry Lee stated he would like the comment from Todd Larsen's comments on Dec. 13 that the culvert size of 24" isn't large enough in Loafer Canyon ravine be placed in the minutes for Dec 13 on line 36.

Todd Larsen stated he has concerns about the culvert of 24" culvert in Loafer Canyon and the retention basin. There is a massive basin going in on the corner of 11200 which proves there is concern about massive runoff from Loafer Canyon and would like to stay up to date on what is happening with the design of the culverts and basins. His son built a home in Spanish Fork which was done by the same engineers and his home was recently flooded and does not have faith in the engineering of the development plans.

Councilmember Willis asked if the council has gotten any new plans and stated she has not received any new plans yet. Councilmember Thomas stated they have not received any new plans and that council has asked for them and would like to state for the record that council was made aware of the plans immediately, took note of it and began moving towards a solution. She does not like the council being accused of things. The council wants to take care of problems before they happen. Councilmember Willis stated there may be a miscommunication and was concerned about this when it was in preliminary.

The revision is with the city staff which are the engineers and has not yet been brought to planning commission or the city council for consideration

REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

1. BURTON SUBDIVISION AMENDMENT

Mayor Haddock stated the council had questions from the last meeting. Darren Hawks, Engineer wrote a memo regarding line of sight and recommendations if the driveway is allowed as planned that no other exceptions be made to retaining walls, the right of way cannot be made as grade to the driveway, fencing is required to meet code, ingress and egress from the driveway is to be forward out/in, warning signs. Warning signs possibly "blind driveway". Councilmember Peterson stated he went by the property, and he can see the problem and thinks that the proposed plan is the best solution. The intent is to have everything in front of the retaining wall flat so visibility will be better for someone pulling out of the driveway and recommends approving the plan be approved as long as all recommendations are met. He recommends lowering the speed limit on that curve. Clint Hurst Homeowner stated the property is a mess as they just completed building. The easement is large and once the dirt is gone line of sight will be good. Councilmember Willis stated with the depth of the right of way once the dirt is cut back and the retaining wall is in place line of sight will be much better than it is now. Clint Hurst stated the property has been surveyed 4 times and the retaining wall will be totally on his property. Mayor Haddock stated would like the grade of the driveway measured before it is poured.

COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE BARTON SUBDIVISION AMENDMENT WITH INSTALLATION OF WARNING SIGNS AND THAT ALL THE RECOMMENDATIONS ARE COMPLIED WITH AND THE DRIVEWAY GRADE MEASURED BEFORE TO IS POURED COUNCILMEMBER THOMAS SECONDED.

VOTE AYE (4) NAY (0) APPROVED Absent - Councilmember Thompson

2. TED MICKELSEN PRESENTATION

Ted Mickelsen of Jones and Mills Engineering and has been in business for 40 years which is a full-service firm built with the business plan of servicing communities and not developers. He is based in Springville He lives in Woodland Hills and is currently working in Elk Ridge with the NRCS on fire mitigation projects. One of the subsidiaries is a city planning firm. He introduced Mike Hanson who is a community consultant and works with land use issues and the ombudsman office and does free workshops and training. The firm also does emergency prep work. Ryan Seely stated he is a city planner and has worked previously as a city planner for Salem City who has worked with development review, city standards and stormwater planning. Ted Mickelsen stated the firm has service centers with specialized practice groups in many areas such as transportation, structural engineering, water resources, environmental, which they can lean on for specialized issues. The firm does not do Geotech. The firm is located close, and he would be able to be on hand for meetings etc. They do work with water rights and tracking filings for beneficial use etc. Councilmember Willis stated the concert to be able to rely on the planning and review process. Councilmember Abbott stated the problem is not always the review but not having someone to properly and thoroughly present and explain and or defend an issue. Mayor Haddock would like to have more

direction and not a multiple-choice answer to a question. Councilmember Thomas stated having someone at a meeting is needed. Councilmember Thomas stated she would like to state for the record that she and Ted are not related. Ted Mickelsen stated he is local and is available to be at meetings. Councilmember Peterson stated he is not an engineer but is in the industry, what is included in the fees for attending meetings, working the capital facilities, general plan etc.? Ted Mickelsen stated before anything is started it is reviewed and he gives a cost for the project so the city can plan accordingly. A lot of time they don't charge to run down to a meeting or for council meetings, but if it is a specific project that cost will be stated. Development reviews are paid through the fees from the development application fee. If there is a last-minute meeting the most efficient person for that task would attend or something unexpected comes up, a cost analysis would be done. But the cost analysis done before the project begins would include everything typical and cost breakdown for everything. Councilmember Peterson stated having a planner or engineer at the meetings for developments is necessary and the cost for that needs to be included in the cost fees or cost estimate so the development issues can be properly explained or defended. Councilmember Thomas stated there is more than one way to solve a problem, just because one engineer says something doesn't mean that is the only way to do it. It would have been very helpful tonight to have someone here. Mayor Haddock asked Maureen Bushman, Planning Commission Chair, her thoughts on what was presented. Maureen Bushman stated she would be excited about having a firm with the resources needed close by. Councilmember Abbott stated the city needs experts on hand and has felt the city has needed a different firm for 14 years. Larry Lee, Planning Commission, asked how dealing with transportation issues such as road studies would be handled. Ted Mickelsen stated they have a transportation group that works with road studies. Road studies for a development should be paid for by the developer and work with the developer to get that done. Brandon Hudley, Public Works Director asked how the firm would handle the aging infrastructure problems. Ted Mickelsen stated the firm would sit down with the city and go through all the issues, and projects. Depending on what the problem is, such as water or sewer, they would go through modeling and planning and look at grants and figure out funding and went through how different grants work.

3. **COUNCIL TRAINING, ERIC JOHNSON, ATTORNEY**

Erik Johnson, City Attorney, did the annual training for council. He went through the public meetings act and how to do so properly as well as ethics pertaining to city council. He also went through the dynamics of how the planning commission works and city council work and how discussions planning commission is having are not commented on until the item of discussion is passed on to city council.

4. **DARK SKY DISCUSSION SEASONAL LIGHTING**

Mayor Haddock stated in a recent meeting a resident voiced her concern with the dark sky ordinance and that the resident couldn't put up the lighting she wanted for security, but JellyFish Lighting is everywhere and does it comply with dark sky and the ordinance needs to be removed or revised. Is JellyFish lighting compliant with the Dark Sky Ordinance and should the ordinance be reviewed for revision. Councilmember Abbott stated what is the point of seasonal lighting such as Christmas lights, when everyone is putting them up and are on every day. Councilmember Thomas stated that possibly limiting JellyFish Lighting to just holidays and turning them off at a certain time. Councilmember Willis read the list of holidays that other cities have put in their city code the holidays these lights can be used and there is precedence the city can regulate JellyFish Lighting. These regulate lights that outline the house, string lights in the back yard for instance fall under another lighting code. Councilmember Thomas stated she leaves her lights on her house all night and there isn't anything that says you cannot light up your patios. Lights should not be obnoxious and bother the neighbors. Councilmember Abbott had to change lighting and with the new dark sky compliant lighting he put in there is more light in his yard than before because of the difference in technology with LED's. Councilmember Peterson stated there are 3 problems: 1. existing homes did not have to comply with dark sky until fixtures needed changing and therefore enforcing dark sky lighting on homes that were grandfathered in when the code was passed. 2. Dark sky is always evolving. Dark Sky lighting regulation has changed in the last 4 years ago. 3. Does the city revise the code every time something changes. Discussion ensued on whether JellyFish Lights are compliant because they are flush with the house and not angled and do the residents really want a dark sky ordinance, does the ordinance need to

be reviewed and revised. Councilmember Peterson stated the code already has regulation on seasonal lighting. Councilmember Thomas stated that the city needs to educate the residents on the code. Mayor Haddock will send the Dark Sky ordinance to the Planning Commission.

5. NUISANCE CODE DISCUSSION

Mayor Haddock stated there is a strip of property between the public works property and the neighboring resident. There is a sewer easement in that property that would remain. The property would need to go through the process requirements for selling property at fair market value. Councilmember Thompson stated the funds from the sale of this property could be used to do something the citizens want on the survey. Council did not have any concerns with selling the strip of property. Councilmember Abbott would like to off all the pieces of property that the city has that are unusable.

6. BUDGET AMENDMENT

Mayor Haddock stated there have been a lot of snow events and the cost of salt has gone up. There needs to be a budget amendment to approve funds, estimate is \$10,000, to purchase more salt. Brandon Hudley stated typical salt usage is 30-40 tons per event. If it snows in the morning and then again at night, then that usage is 60 to 80 tons of salt. Councilmember Peterson stated the state is not taking any more deer mitigation applications and the money that was set aside for that can be amended for use elsewhere.

7. APPROVAL OF CITY COUNCIL MINUTES FOR JANUARY 10, 2023

COUNCILMEMBER WILLIS MOTIONED TO APPROVE THE JANUARY 10, 2023, MINUTES WITH THE CHANGES ON LINE 36, ADDING ENGINEERING GROUP DETERMINED THE 24" CULVERT WON'T HOLD THE WATER AND WILL FLOOD HIS HOUSE, LINE 111 TYPO AND LINE 132 STRIKE FROM THE BUS TERMINAL COUNCILMEMBER THOMAS SECONDED

VOTE	AYE (4)	NAY ()	APPROVED
Absent - Councilmember Thompson			

COUNCILMEMBER ABBOTT MOTIONED TO ADJOURN COUNCILMEMBER THOMAS SECONDED

VOTE	AYE (4)	NAY ()	APPROVED
Absent- Councilmember Thompson			

Laura Oliver