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This public hearing was held in conjunction with the regularly scheduled meeting **Tuesday, September 10, 2024, 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 September 9, 2024.

Mayor: Robert Haddock  
Council Members: Jared Peterson, Tanya Willis, Melanie Paxton, Charles Wixom, Cory Thompson  
Others: Royce Swensen, *City Recorder*, Laura Oliver, *Deputy Recorder*, Deputy Monsen,  
Public: Maureen Bushman, Nate Brusik, Larry Lee, Nelson Abbott, Shelby Peterson, Mark Peterson

VOTE (5) AYE (0) NAY APPROVED

## PLANNING COMMISSION UPDATE

## PUBLIC FORUM

Mayor Haddock will talk to the Fire Chief for clarification.

## BUDGET AMENDMENT ELK RIDGE DR PROJECT

COUNCILMEMBER WIXOM MOTIONED TO OPEN THE PUBLIC HEARING FOR THE BUDGET AMENDMENT ON THE ELK RIDGE PROJECT COUNCILMEMBER WILLIS SECONDED

VOTE AYE (5) NAY (0) APPROVED

Mayor Haddock stated the city will be doing road improvements from 11200 where the county project ends to Sky Hawk, widening the road, putting in water lines and a trail. The county will be doing the improvements. The cost is \$250,000 which half of the cost it would be of \$500,000 which is a good deal. The work will be done in the spring. The developer of Amblevue will reimburse the city for the improvement installed at that time. Councilmember Willis recommended recording the reimbursement.

COUNCILMEMBER PETERSON MOTIONED TO CLOSE THE PUBLIC HEARING  
COUNCILMEMBER THOMPSON SECONDED

VOTE AYE (5) NAY (0) APPROVED

## **AGENDA ITEMS**

### **1. BUDGET AMENDMENT ELK RIDGE DR PROJECT**

COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE BUDGET AMENDMENT FOR THE ELK RIDGE DR. PROJECT UP TO \$225,000 COUNCILMEMBER PAXTON SECONDED

VOTE	AYE (5)	NAY (0)	APPROVED
	Councilmember Paxton	AYE	
	Councilmember Wixom	AYE	
	Councilmember Peterson	AYE	
	Councilmember Willis	AYE	
	Councilmember Thompson	AYE	

### **2. LIGHTHOUSE HEIGHTS SUBDIVISION PLAN AMENDMENT**

Councilmember Thompson stated he is concerned because the council gave a substantial exception before and does not want to set a precedent of giving another substantial exception on top of the previous exception. He does not want to give the impression to anyone in the city that council is willy nilly with making big exceptions. If voting nay to prove this point, he will. Councilmember Wixom stated this makes it hard to enforce the code consistently when someone can come back and say council didn't enforce the code before. Councilmember Peterson stated not every developer gets an exception. The code states you can't have a cut or fill over 7 feet, Lighthouse had some that was over that. With the topography Lighthouse was granted the exception. What Lighthouse is asking the council is to level off some of the lots to make a better buildable area. Councilmember Peterson showed on the plans the area where the first exception was located, those lots were recently graded down a little further than the original amount. Discussion ensued on protecting drainage, and a swale and who maintains the easement. Councilmember Peterson stated the engineers recommend making an easement where the swale is to protect the swale from being altered by landowners. Mayor Haddock stated the R-1-15,000 does not have restriction of cut and fill that the CE3 and HR1 zones. Councilmember Peterson stated the new grading is actually better for drainage and mitigates the need for a lot of retaining walls. The topography is all 2-1 slopes per city code and doesn't require any retaining walls at this point. Mayor Haddock stated retaining walls that happen during the building process is a different issue. Councilmember Peterson stated the engineers do not recommend allowing further cuts and fills during the building process. He has been saying for a long time that builders needed to put the structures in, like they do in St George, and prepare the lots so the building lot drainage

is already in place to prevent the runoff problems of flooding neighboring homes. Councilmember Willis asked about the box above the 55 plus homes. Councilmember Peterson stated that the pipeline had been reworked and is not an issue. Ryan Selee of Jones and DeMille stated the last survey done by the developer engineer did show that the pipeline had been reworked. Nate Brusik, Developer of Lighthouse asked to speak and thanked the council for hearing the issue. The original exception they were granted was to cut the area where the road entered the development. Through the development of the subdivision, he saw that the lots needed to be graded differently than the original plans and wanted to do it while the equipment was still onsite. He was told by Councilmember Peterson that since he changed the approved grading plans, he needed to get the changes approved through council. He didn't think he needed to get approval since the lots met city code. The biggest concern from flooding previously was from a possible flood from the city water tank and the city put in a drainage pipe to mitigate that possibility. The other area of concern for flooding was the area of the retaining wall above the 55 plus development and which did happen but before the retention basin and overflow/box was completed. Mayor Haddock stated the water breached the retaining wall and went around the box and there was a waterfall going over the retaining wall. Nate Brusik stated that has all been reworked by up sizing the pipe and correcting the slope of the drainage pipe and is now completed. Councilmember Thompson asked for clarification as to whether these changes to the topo are an exception. Councilmember Peterson stated if this was on flat ground council wouldn't be talking about this but the fact that the subdivision was granted an exception and there were changes made to the approved topo council needed to approve/deny the change. Councilmember Willis recommended tabling the matter until they can talk to Jerry, Public Works Director and see if these maps Jerry has seen match up with the maps council has. Councilmember Wixom asked the engineer to explain the drainage. Councilmember Paxton stated there are 3 issues on the city engineer's memo and would like clarification of all 3 items. Ryan Selee stated the retention pond box needed to be a foot lower than the pond which has been corrected and have a certified report from the surveyor which was completed for the Planning Commission recommendation. The swale area, it is recommended to see if the swale can be placed in the PUE area which would further protect it from being built on by landowners. Councilmember Willis would like a letter recorded on the lot, so all future landowners know of restrictions on the property. Discussion ensued on what mechanism should be used to protect the swale, a letter or an easement and the language that should be used. Nate Brusik stated he is fine with an easement but would like the language on the swale to be drafted in a way that lets the homeowner, and the city have a conversation on where that location is and would like to get this resolved so they can finish the subdivision. He has not been able to do anything since May waiting to get this new grading approved.

COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE LIGHTHOUSE HEIGHTS PLAN AMENDMENT WITH THE CAVEAT THAT THE ENGINEER AND THE ATTORNEY WORK THROUGH THE MECHANISM OF AN EASEMENT FOR THE SWALE COUNCILMEMBER PAXTON SECONDED

VOTE	AYE (3)	NAY (2)	APPROVED
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Councilmember Willis and Councilmember Thompson voted nay

Nate Brusik asked what the city wants him to do, he wants the city to feel good about it? He is proposing to grade it as approved.

Councilmember Peterson clarified to Nate Brusik that he put in the motion Nate had to do an easement and the Nate is to work with the attorney and the engineer for that description. If the

attorney and the engineer are ok with making the easement flexible then that is something that Nate, the attorney and the engineer needs to work out. The engineer determines whether it can be flexible, and the attorney will draft the easement.

**3. ALLOCATE WATER SHARE, HOLLEY RIDGE SUBDIVISION**

COUNCILMEMBER PETERSON MOTIONED TO ALLOCATE 2.6 ACRE FEET OF WATER FROM WATER RIGHT 51-6888 (a51622) COUNCILMEMBER PAXTON SECONDED

VOTE            AYE (5)                      NAY (0)                      APPROVED

**4. SALEM HILLS PLAT M RELEASE FROM DURABILITY**

Mayor Haddock stated this is a one lot subdivision. The one-year durability period has ended, and the development improvements have been inspected and approved by Jerry Clark to be released from durability.

COUNCILMEMBER WILLIS MOTIONED TO RELEASE SALEM HILLS PLAT M FROM DURABILITY COUNCILMEMBER PETERSON SECONDED

VOTE            AYE (5)                      NAY (0)                      APPROVED

**5. FISHER HAVEN PLAT A RELEASE FROM DURABILITY**

Mayor Haddock stated the one-year durability period has ended and the development improvements have been inspected and approved by Jerry Clark to be released from durability.

COUNCILMEMBER PAXTON MOTIONED TO RELEASE FISHER HAVEN PLAT A FROM DURABILITY COUNCILMEMBER WILLIS SECONDED

VOTE            AYE (5)                      NAY (0)                      APPROVED

**6. DRYLAND SUBDIVISION PLAT A SIDEWALK AND ASPHALT RELEASE FROM DURABILITY**

Mayor Haddock stated the one-year durability period has ended for the warranty work done on the sidewalk and asphalt repairs. The repairs have been inspected and approved by Jerry Clark to be released from durability.

COUNCILMEMBER WILLIS MOTIONED TO RELEASE DRYLAND SUBDIVISION PLAT A SIDEWALL AND ASPHALT FROM DURABILITY COUNCILMEMBER THOMPSON SECONDED

VOTE            AYE (5)                      NAY (0)                      APPROVED

**7. RATIFY POLL VOTE BARTON SUBDIVISION ENTER DURABILITY AND ACCEPT INTO THE CITY**

COUNCILMEMBER WILLIS MOTIONED TO RATIFY THE BARTON SUBDIVISION ENTER INTO DURABILITY AND ACCEPTANCE ONTO THE CITY COUNCILMEMBER PAXTON SECONDED

VOTE            AYE (5)                      NAY (0)                      APPROVED  
Councilmember Paxton            AYE

Councilmember Wixom AYE  
Councilmember Peterson AYE  
Councilmember Willis AYE  
Councilmember Thompson ABSTAINED  
Councilmember Thompson did not vote during the poll vote

## 8. RESOLUTION FOR AUDITOR

Mayor Haddock stated the auditor was approved August 13, 2024, but needs to be done as a resolution with a roll call vote. Royce Swensen clarified this is a clerical issue due to the original vote did not state the resolution number or do a roll call vote.

COUNCILMEMBER PETERSON MOTIONED TO APPROVE RESOLUTION 24-09-10-1R TO APPROVE GILBERT AND STEWART AS THE CITY AUDITOR COUNCILMEMBER WILLIS SECONDED

VOTE	AYE (5)	NAY (0)	APPROVED
Councilmember Paxton	AYE		
Councilmember Wixom	AYE		
Councilmember Peterson	AYE		
Councilmember Willis	AYE		
Councilmember Thompson	AYE		

## 9. GOOSENEST AND ELK HORN DR: STOP SIGN, SPEED BUMPS

Mayor Haddock stated a few residents are concerned about the speed bumps and would like to add a stop sign on Gooseneast Dr at Elk Horn Dr. Councilmember Willis asked Nelson Abbott why the city stopped doing speed bumps. Nelson Abbott stated it was a failed experiment; it didn't slow anyone down, it just threw drivers off the road in the winter. Putting a stop sign on a collector road so a minor road can get onto a collector goes against the Uniform Traffic Code. Councilmember Thompson researched speed bumps in the state code, and they are allowed but they cannot be built to damage a vehicle: the city can build one, but it has to be ineffective. Mayor Haddock asked Shawn Elliot, a traffic expert, his opinion on the stop sign and speed bumps. Shawn Elliot stated a speed study was just completed on Gooseneast and 87% of drivers did 37 mph. 10 years ago a traffic study was done and it was recommended the speed be set at 35 mph but was set at 30 mph. Putting a stop sign on a collector for a local road has been found that drivers will roll through or not stop at them, and people feel like they have been stopped unfairly. They are ineffective. Deputy Monson stated it is a busy road right now and doesn't feel the speed limit doesn't need to be raised and does not recommend the stop sign. Discussion ensued on removing the speed bumps. It was the consensus of the council the speed bumps remain as is and not to add stop sign.

## 10. GENERAL PLAN

COUNCILMEMBER PAXTON MOTIONED AT APPROVE THE GENERAL PLAN  
COUNCILMEMBER PAXTON RESCINDED THE MOTION.

Councilmember Paxton wanted to motion but council needed to have further discussion. Councilmember Willis stated page 3 paragraph 3 needs to be rewritten, council decided to remove it. Page 4 the link does not work and will be removed. Discussion ensued on the WUI map and to remove the link and who decided the WUI area. Councilmember Willis Page 6 paragraph 7 - are all 30% slopes, fault lines, wildlife corridors and ridgelines protected in the

WUI? This makes it sound like they are protected in all zones, is this correct? Councilmember Peterson questioned whether that belonged on the General Plan, there are a lot of areas that are incorporating code when it should be general. Discussion ensued on whether the WUI fire code should be put in the General Plan. Councilmember Willis page 9 recommends an asterisk stating \*all features must be verified at time of development. Councilmember Peterson asked about page 8 referring to the CE2 code, and why was it in the plan it's no longer in the code. Councilmember Thompson confirmed that the CE2 zone is still in the code. Discussion ensued on the CE2 area which is only in the Association and should it be rezoned. Mayor Haddock stated that a zone change of the CE2 is outside the general plan discussion. Discussion ensued on page 10 and removing the paragraph containing 5 acres. Page 13 needs to reference the current map and remove the link. Councilmember Willis would like to reference E-Bikes in the general plan and to adopt E-Bike code. Councilmember Thompson stated there is state code for E-Bikes, the general plan is not the place to codify the code. Discussion ensued on the transportation map and to remove the second line of the asterisked statement on the transportation page. Councilmember Peterson stated page 16 connectivity needs to be removed and it says trails need safety elements; this needs to be addressed in code. Stress the importance of trails; that they need to be safe and maintained, have access and not go into the specifics. Discussion again ensued on being too specific and putting code into the general plan. Councilmember Willis stated Page 17 paragraph 3 says "should" when it needs to say "will". Council looked at surrounding cities' General Plan. Councilmember Wixom stated the council needs to focus on what is the city vision, and how to get there. Councilmember Paxton stated this general plan is coming from the Planning Commission and it has what they thought was important to have and they worked on this for a year and a half. Council will research other codes in the next 2 weeks and continue the General Plan discussion next meeting.

COUNCILMEMBER WILLIS MOTIONED TO TABLE THE GENERAL PLAN DISCUSSION  
COUNCILMEMBER PETERSON SECONDED

VOTE AYE (4) NAY (1) APPROVED  
Councilmember Paxton voted nay- thought council should finish the general plan tonight.

#### **11. APPROVAL OF MINUTES FOR JUNE 25, 2024**

COUNCILMEMBER PAXTON MOTION TO APPROVE MINUTES FOR JUNE 25, 2024,  
COUNCILMEMBER THOMPSON SECONDED

VOTE AYE (3) NAY (0) 2 Abstained APPROVED

Councilmember Peterson and Willis abstained

#### **12. APPROVAL OF MINUTES FOR AUGUST 13, 2024**

Line 145-146 Correct who said what - Councilmember Paxton stated moving the trail to Hillside and Councilmember Willis -the asterisk on private property statement.

COUNCILMEMBER WIXOM MOTION TO APPROVE MINUTES FOR AUGUST 13, 2024,  
WITH SAID CHANGES COUNCILMEMBER WILLIS SECONDED

VOTE AYE (4) NAY (0) 1 Abstained APPROVED

Councilmember Thomspson Abstained

307 COUNCILMEMBER WILLIS MOTIONED TO ADJOURN COUNCILMEMBER PAXTON  
308 SECONDED

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Laura Oliver