

ELK RIDGE
CITY COUNCIL MEETING
December 10, 2024

TIME AND PLACE OF MEETING

This regularly scheduled meeting of the Elk Ridge City Council was scheduled for **Tuesday, December 10, 2024, at 7:00 PM preceded by a public hearing**. 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 December 9, 2024.

ROLL CALL

Mayor: Robert Haddock

Council Members: Jared Peterson, Tanya Willis, Melanie Paxton, Charles Wixom, Late- Cory Thompson

Others: Royce Swensen, *City Recorder*, Laura Oliver, *Deputy Recorder*, Deputy Monsen,

Public: Larry Lee, Miranda Van Horn, Lisa Graham, Bob Clark, Nate Brusik

OPENING – Councilmember Wixom

PLEDGE – Councilmember Peterson

COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE AGENDA AND TIME
FRAME COUNCILMEMBER PAXTON SECONDED

VOTE (4) AYE (0) NAY APPROVED

Absent Councilmember Thompson

PLANNING COMMISSION UPDATE

Maureen Bushman stated Planning Commission reviewed the detailed Trails Map and recommends completing the Trails Master Plan and went reviewed the Logo recommendation of 7-3 and 11 with #1 as another option. Jacob Hansen joined the meeting and went through the changes. Due to confusion of the information given the Planning Commission and Hansen sending their changes at 12:30 am to the city the Planning Commission didn't have time to fully read the document but the subdivision changes required by the state were completed the previous meeting.

PUBLIC FORUM

1. Miranda Van Horn - stated she wanted to know what was going on with the mound next to her house.

Councilmember Willis motioned to move item 8 up to number 2 Councilmember Paxton

Seconded

VOTE AYE (4) NAY (0) APPROVED Absent Cory Thompson

48 **PUBLIC HEARING**

49
50 **SUBDIVISION ORDINANCE AMENDMENT 10-15**

51
52 COUNCILMEMBER PETERSON MOTIONED TO OPEN THE PUBLIC HEARING FOR THE
53 SUBDIVISION ORDINANCE AMENDMENT 10-15 COUNCILMEMBER WIXOM
54 SECONDED.

55 VOTE AYE (4) NAY (0) APPROVED Absent Cory
56 There was no public comment

57 **AGENDA ITEMS**

58
59 **1. LIGHTHOUSE SUBDIVISION DISCUSSION**

60 Mayor Haddock turned a few minutes of time over to Nate Brusik of Lighthouse Subdivision.
61 Nate Brusik stated "He would like the City Council to put the Lighthouse Subdivision into
62 durability. They feel like Lighthouse subdivision should have been on the agenda for approval.
63 They had the final inspection, had been given a list and they would complete the items and would
64 be reinspected and more items would be added, they would fix those items and more items would
65 be added. His excavator is just done. This should have been done once and those other items
66 should have been addressed at the end of durability. Either way that is water under the bridge. We
67 did what they wanted the last time and they sent a list which included 2 items; one is recording
68 the easement that Councilmember Thompson wanted done, which was an addition to our
69 approved plan, which in the beginning Councilmember Peterson told him the city would like to
70 see a natural easement though lot 12. He (Nate) agreed to it, they did it the last meeting back in
71 October which was delayed and delayed asking for the additional easement to be recorded which
72 he resisted but he said finally because he was sick of it, if that is what we need to do to get it done
73 then fine, do it. Our only concern is we don't want to devalue our property and we want to make
74 sure it can be moved or flexible for the city's need or the home owner's needs. The reality is if
75 the clients above maintained their water on their property there wouldn't even be a need for that
76 but the reality is people don't do that, so he agreed that it needed to be there which was the
77 agreement that he had with Councilmember Peterson in the beginning. He called in yesterday and
78 he felt like Royce (Swensen) had known that they wanted to be on that agenda, had planned to be
79 on that agenda and was calling to confirm and Laura said that they were not on it. Royce got on
80 the phone and said no you can't be on it until it because they didn't have the plat recorded or the
81 easement recorded. We didn't have anything to do with that, that is the city's deal, that can
82 clearly be done during the one year durability. The other item is the pipe in the back. That pipe in
83 the back is a super sore spot. Councilmember Peterson can attest to this, the city had a need for a
84 drain for the overflow for the tank. You asked if they could piggyback that pipe the city wanted to
85 be put in, to be redundantly safe, which was good, on our project. I begged a pleaded not to put it
86 on their property you already have an access road, you already have sewer on that road, you have
87 water on that road, you already have an open trench on that road, which should be sufficient, but
88 you want to add something different great but please put it on the other property. Royce assured
89 me it couldn't be done so I said fine if it's going to be on our property all I ask is that it is 3 - 4
90 feet deep to avoid being punctured by a fence, assuming a fence post is going to be a back

property line. A standard fence actually is 6 feet and that it be placed 3 feet off property. Councilmember Peterson and he contacted the engineers, who were asked to do this project, for dirt cheap because the city was on a tight budget, which they did and in that conversation the only thing I ever asked was that pipe to be 3-4 feet deep and 3 feet off property. They asked for his excavator to give a bid. He was in Mexico so he gave a quick bid of \$27 a foot, he told Laura, months went by no decision was made, they ended up going with another person because my guy didn't give an official bid which he thought was taken care of with the other estimate. No harm no foul. So the city hires another contractor to install their own pipe. He happened to show up the day they were installing it. They had put in 2 sections from the pond heading up the hill. When I got there the city's contractor was stealing dirt from our lots, tracking it across the cul-de-sac, breaking concrete curbs, sidewalk gutter, spilling dirt, just throwing it on the ground and setting the pipe on it, then buried the pipe. No compaction on it, the pieces they put in, no permission to take the dirt. I showed up and said whoa that is supposed to be buried. Jared can attest, the only thing he asked for was the placement on our property, if it's on our property, that it's buried 3-4 feet deep and 3 off property. The gentleman that was there said the inspector just left, Brandon the old public works director, and he said it was fine. So I called Brandon and said Brandon, hey this pipe was supposed to be buried Jared knows it, I know it, it's not buried. Brandon said just tell them what you need, he is ok with that. If that is what you and Jared discussed I'm fine with that. He said awesome, hung up the phone, walked over, talked with the guy and said Brandon said it's fine to bury it, you're going to have to bury it. The excavator looked perplexed and said well we've done work so that is going to be an issue and that he would have to call his boss. I told him to call his boss, that's fine. The next day I had court for a friend that passed away tragically, it was horrible so I didn't take calls that Tuesday. HI showed up after that and the pipe had been completed and they continued to steal our dirt, do a horrible install, no compaction, no gravel, no nothing, just piling dirt up along the back. I was like what the hell? I called Brandon, didn't answer, didn't answer, got ghosted by the city for a while. When I finally got through it was like well Jerry (Jared?) went up and measured it. He doesn't want to throw Jared under the bus, Jared in his opinion did the best he could do. Jared was faced with an issue of what do I do? Jared went up there and looked at the drawings the architect did or the engineer. The engineer put an elevation on the box inlet at the top. He failed to note on the plan the agreement that we both had that the city agreed to, that it would be buried 3-4 feet deep and 3 feet off property. Jared told him to proceed because those elevations were correct. Noone has ever taken responsibility for that. The people that didn't want the pipe, that asked if it had to go on property to just meet these requirements, have been steamrolled because of that stupid pipe. I was the one who pushed to get the meeting to meet to get it resolved. We all met up here, the owner of the engineering company Tim, Jim came up, I was here, Bob was here, the Mayor was here, and we went up to the job site. I was saying hey the city should take responsibility, the engineer should take responsibility, they should split it because the engineer didn't put that comment on there. A simple oversight, but in his defense he assumed the contractor meaning me, the city meaning Jared, knows that it was supposed to be there clearly it didn't get done right. We went up to the job site, we trudged up there in deep snow. This is the winter of last year, this is how long it's been going on and it was going on the summer before that in 22, we are 4 years into this project, but we can't get it done because the target keeps getting moved. We climb up on the box, Tim says just so I understand what you are asking me, I said all I'm asking is that the pipe is 3 feet off our back pins and 3-4

135 feet deep. I kicked that cow a thousand times, nothing has changed. Tim realizing the city didn't
136 want to pay for it being stalwart said just so I understand what you want us to do then is drop this
137 pipe down right here, we were standing on the box, so its 3-4 feet deep and run it down to the
138 pond. I said yes. He said if you guys are ok with it, if we come in and we do this we will cover
139 the cost. Are you guys ok if we come in and drop it down and run it in? The consensus was yes.
140 There was no discussion. Since then, Royce told him there was supposed to be a study, there was
141 supposed to be a new plan, there was supposed to be a box put in where it was down there.
142 Absolutely not one of those words was said. When Tim got done, he said just to be clear, so if I
143 do that you guys are good? We're good, we all agreed and said yes. He said, based on the
144 conditions here, let me ask you one more thing with all this snow and stuff, is it ok if we come
145 back when the weather is better? I said that was fine with me. I was just excited that Tim agreed
146 to take the entire burden that he didn't need to take because I had every right to tell the guys to
147 stop and to install it properly and then they were told to proceed by a city representative, which
148 was the city subcontractor; nothing to do with us. Tim sent up his guys, the guys he worked with
149 came up and did it. I don't know what day he did it, I was not there. I show up and it was done,
150 awesome. The city hires a new public works director who has been an absolute pain in the butt.
151 he's making us tear out entire curb sections for chips the size of a coin. When a curb section
152 cracks on a control joint, it's not a straight crack; it's intertwined. So, when a control cracks, those
153 pieces are still locked together. I agree if a curb section has been damaged it should be replaced
154 but not to the level that he's calling. He said that's what other cities do and I said no we have
155 worked in other cities there are certain leeway's of what you can do. He has had zero tolerance.
156 We go in and cut up these little sections and you can't do it perfect, it's scorching hot when we
157 did the first section so the operator bumped the asphalt with his bucket and they made him cut out
158 that asphalt. When you drive in now there's all these hideous looking cutouts in the asphalt. You
159 guys have it down in this other neighborhood and those excavators are frustrated. My excavator
160 Wilson Excavation said when the city had the fire issue we went up there and spent nearly 30
161 straight with our dozers cutting in a fire line with no charge to the city. When the city ran out of
162 water we ran our water trucks up to help them. I will never help the city again. I have countless
163 buddies that are developers that hate Elk Ridge City, courtesy of Jerry, he is a nice guy but he is
164 not representing you well and Royce lets him get away with it. I don't want to throw anyone
165 under the bus. I'm just stating the facts. We go to do our final inspection which we have pretty
166 much been begging to do and it keeps getting delayed. We were charged nearly \$5,000 for a
167 review for a topo map that was updated for lots 7-11 and because we put 1 inch to 2 feet of dirt on
168 the back of lot 5 and 6, totally outside of the building envelope of the house in the landscape area
169 it has nothing to do with compaction. Jerry made us do compassion tests on that totally outside of
170 his scope of what he should be requesting. The request that we had last time you tried your best to
171 explain to the public in the recap of what that meeting was, we never asked for an exception on
172 that all we wanted was to grade it at 2 to 1 or less which is within code to make lot 7 through 11
173 buildable because it was just a big mound of dirt. I had to do that as a builder, I had every right to
174 ask the excavator to stair step those lots. I was told I can't backfill lots, I can't touch the grade up
175 there because they haven't approved the topo. Look at the topo map, Jerry should have looked at
176 the topo map and looked at the grading and said yea it looks good, could have given us an
177 approval on that. It was like pulling teeth just to get enough dirt off of lot 7 to finish lot 6 that we
178 had to wait weeks and weeks just to get an approval. I sent the updated grading stuff to Jerry back

179 in May, which had had discussions before. We were trying to get this done way back in May and
180 Luke Wilson of Wilson Excavation said Jerry had an issue with the dirt you brought up to the
181 back of lots 5 and 6, wants to get compaction tests and he's got an issue with the overall topo. I
182 said ok. I talked to Jared and I thought based on the conversation was the city just needed an
183 updated topo map that matched what I did up there so if I change it as long as it was within a 2 to
184 1 and as it wasn't outside of building practices that are good. I feel like we got absolutely hosed
185 \$4800, for what, an updated topo map? When I first sent the updated map to Jerry I called and
186 said what is going on with this? It looks like you have an issue, it doesn't match what the
187 approved plan was. I said ok well I'll send you the updated one so you guys have a current one.
188 Jared said it needed to match what we did so if I give you what we did and it matches what we
189 did it should be fine. Well, we just have to have our guy approve it. I said great. I sent it over,
190 nothing, nearly 2 months go by of me calling and asking hey where's it going, what's happening.
191 Can you send it to Laura? Then it's a slow response to it has to go through Planning, so we have
192 to go through a Planning meeting. Now it has to go through the city council, so we have to wait.
193 It cost \$5000 to review an entire neighborhood, not one freaking page. It's ridiculous. We keep
194 trying to get our inspection to be done with this project and we are being held up for 2 items that
195 are ridiculous. The easement, guys if you want to record, I agreed and said that's fine, but I have
196 every right as the landowner and representing future landowners to say hey that can be adjusted if
197 the city shows up. Look the reality is that if people retain the water on the property above there is
198 zero reason to have that easement but since they might not and you guys have a big pipe up there
199 that's clogged that you accused us of, it leaking on our property when it was you guys' stuff, had
200 nothing to do with us that easement has to be able to be flexible. Because if you bought that 1
201 1/12 acre lot and wanted to build a nice home you should be able to adjust that and coordinate it
202 into your landscape. You should be able to have flexibility. The city should have the right to
203 protect their interests, so we agreed to that. But the city agreed that they would cover the cost, and
204 they would handle the process of getting that recorded. That is what was agreed. We never agreed
205 we were doing that. It was asked by the city council, it was agreed that the city would do it
206 through your attorney, through your engineer. All I would do is have input on what was in that.
207 That was it. Royce agreed to have it recorded. We met back in October to try and get it done but
208 he said we want to get it done for the November 12th city council meeting. We are shooting for
209 that too so we are pushing, pushing, pushing but we couldn't get on that agenda because, why,
210 because it wasn't recorded right? Ok so we will wait one more month, even though it has been
211 going on since basically spring of this year. We are trying to get it done. Here we are on this date,
212 Royce knew that I was planning on being on the agenda. Noone called me and said hey you're not
213 going to be on it because we don't have the easement recorded. He told me our guy charged more
214 than we thought and I'm not going to be able to pay that. We are going to have to discuss that but
215 maybe your guys can do it cheaper. I said that's great I'll call them and ask them I have been
216 trying to help resolve that. Our guys talked with them and met with them. It's your guys'
217 easement you want to record above and beyond what our approved plans say. It's not what we
218 want. We feel like the drainage is there. Every time we submit a plan we have to submit a topo
219 map and drainage plan and when we submit it on lot 12 it can be addressed then. In my opinion
220 it's just a waste of city money, a waste of city time to record that easement. The intention is good
221 but it's looking past the mark, its tunnel vision, it's totally wrong in my opinion. Here we are
222 tonight and all I get is a discussion on Lighthouse, we should be getting approved for durability. I

223 am asking the city council to approve us our durability the only 2 items are the easement which is
224 the city's and the pipe in the back. The pipe in the back was never our deal. Your guys installed it
225 wrong. I told them it was wrong, your guys told them to proceed because you're worried that guys
226 would be sitting there. Who cares? Jared knew it was supposed to be buried, that setup should
227 have been installed right. I agreed but I didn't wreck it. I didn't install it so now we are being held
228 up. They need a new city public works director, Jerry shows up and starts coming up with all
229 these things; I'm worried about this pipe it's going to clog. I said Jerry it's not a pressurized pipe,
230 it's a gravity pipe the inlet is higher than the outlet, if you're worried about it clogging, run a
231 water truck up there, squirt water down it and watch what happens. Jerry is requesting that the
232 engineer pays for tests now. I talked to them today and he said they would pay for it because they
233 are done. They are supposedly doing that I guess Monday. The engineer sent over the description
234 on what he thinks would be a good easement and says it can't be a rigid easement, it has to be a
235 flexible easement, it can be moved and he did some verbiage that might work. But that is up to
236 the city. I am asking you it should be ethically.....the only right answer it to approve us for
237 durability because there is no other way to say how do you hold us up for 2 items that are the
238 city's issue. Royce said its to do with your project. The city's pipe was never to do with our
239 project. It got put on the project and we have every right to say but you have to do it in the way
240 that it was agreed to."

241 Mayor Haddock thanked Nate and stated the meeting needs to move on. Mayor Haddock let Bob
242 Clark of Lighthouse Subdivision speak. Bob Clark stated he wanted the council to understand
243 where they are coming from on this thing. It's just been a mess for years. He paid the first check
244 to you guys on October 31, 2020. In 2022 we had 5 payments to our excavator, then it stopped.
245 We got a new guy coming up here. Our excavator went through the roof the other day when we
246 were up here on the last inspection because Jerry keeps coming up with stuff with his can of spray
247 paint. We got to mobilize our people come up and cut holes in cement do all these things. If you
248 look at the things these people have done to keep you happy they are losing their shirts in this
249 deal. Right now your simply saying that your problems are our problems. We don't have any
250 responsibility for the pipe you put up there. We aren't responsible for something you added to the
251 program after it's all been done. I will tell you one thing in talking to people, and it's mainly been
252 from the excavators, there are people who will never work on your projects again. You are not
253 helping yourselves. I even called the Ombudsman's which is the State of Utah and asked them
254 what he could do to work with these people and they asked where is it at and he said it is in Utah
255 County. Well, tell me the name of the place. He said its Elk Ridge. He said we know all about
256 those guys. You know what kind of reputation you're getting for having someone who won't pass
257 things in going through 5 different inspections on projects? Instead of having, ok we have done
258 everything you have said, come and give us a list, let us fix it let us get into durability. We are 4
259 ½ years into this thing already, Oct till this time and we are still sitting here because you don't
260 want to do anything about it. I'm suggesting that you are hurting yourself in many ways because
261 you are doing things that nobody's gonna want to build in Elk Ridge. I have had guys say this and
262 this excavation company won't touch thing. It's not just because of us, it's because of the man
263 you have doing all these things. I don't think its everybody but if you hire somebody maybe you
264 should take a look at it and say is this going to help us, because it is not helping us and we have
265 financial obligations to that we are eating on this thing because it's taking too long to get it done.
266 I would suggest that you go and Royce is always telling me, Royce is great and he always says

267 don't hold me to that and I understand but I think we've gone 3-4 months in a row that we are
268 going to try to get this thing on the agenda and get you into durability. That just means we have
269 another year to get everything you want to get done and we have to worry again with Jerry doing
270 that because the guy is....I walk out there and there's spray paint cans I was hoping to get done
271 there's other projects like that 60 lot deal, how many spray paint cans is on that thing. Nobody is
272 happy, saying they are thinking of putting together some kind of legal action against the city.
273 Nobody wins in this deal. We are not winning, you are not winning but we just think you should
274 not hold us up on it forever.

275 Mayor Haddock stated we would like to get it passed as much as you. Nate Brusik asked then
276 why don't you pass that if the only 2 items that are holding it up are the easement and the pipe
277 which can be addressed, if you guys approve it, an entire year before durability is up. You don't
278 have to release durability until those things are done. But even considering that it's a city issue,
279 what does it have to do with us, why do you have to hold us up on that?

280 Mayor Haddock stated the pipe was not modified by the city. Nate interrupted and said it was
281 modified by your engineer. Councilmember Peterson stated since my name was mentioned,
282 maybe it was mis mentioned. Your project moved the drainage for our water tank, it was
283 originally going through the lot that is why I thought it was a good idea to do it. Originally I did
284 call you and said let's have your engineer present 2 ideas one was the ditch and one was a pipe
285 and he came to the meeting. I had no communication with this guy other than let's get 2 options
286 and all the communication was with you up to that point with that gentleman. We have 2 ideas
287 come forth in city council and asked if Councilmember Willis was on council at that time.

288 Councilmember Willis stated it was through preliminary when she got on council. Everyone
289 agreed the ditch was bad, even you said the ditch was not a good idea on your property. So they
290 took the option with the pipeline. The next thing is they have a final design, he had no
291 communication with the designer. Nate stated that Councilmember Peterson called him on
292 multiple occasions. Councilmember Peterson stated that he had no communication with the
293 engineer up to that point other than let's get hold of him and let's get 2 options. The engineer
294 presented them, it gets staked, the guys go up there and do it. I don't disagree that you showed up
295 the day before and noticed some stuff. We planned a meeting the next morning, you were in
296 court, I tried to call you several times and the guys just kept going. Nate Brusik stated he didn't
297 get a text or a phone call. Councilmember Peterson stated he left Nate a message and so did
298 Brandon (Hundley, former Public Works Director). We also called the engineer and asked if there
299 was a problem with the staking, and the engineer said no, there wasn't a problem with the
300 staking. They continued with their work. A few days later they are done and you're upset about it.
301 It was built per the design. If the design was wrong I didn't have any input on the design. We
302 looked at it and he mentioned the pipe was underground and through communication with you
303 and him, I don't know if he didn't hear your request. Time goes by and we have to change it. I
304 wasn't at that meeting but I was told after that meeting... I was asked several times if we could
305 change it would that be ok. I said yea and I believe in that meeting, because I heard it from a few
306 different people that in that meeting we can change it as long as we get design approved so
307 everyone can look at it, because we don't want this to happen again. The next we know the pipe
308 has been moved. I didn't give anyone direction to do that, Royce didn't give anyone direction to
309 do it, the Mayor didn't. We believe that either you or your engineer did; moved it. Have you seen
310 the video of how that looks? It's terrible, there are a bunch of squashed sections. Nate Brusik said

311 from your guys who did it, we tried to salvage the pipe. You should talk to the guys who installed
312 it before you assume who did it, because I know who did it. Mayor Haddock stated to allow
313 Councilmember Peterson be allowed to finish. It has not been reinstalled correctly. Current
314 conditions are terrible. Nate Bruskin stated it is a lot better than what it was. Councilmember
315 Peterson disagreed. As far as the easement discussion, in my motion he agreed that you needed to
316 do an easement and it would allow for a flexible easement. As far as the easement that was my
317 motion and that was what was approved. Greg (Shelton, Planning Commission), was at the
318 meeting and I don't know why it has not been done, if we are back and forth with language. I
319 can't answer for that but I know the pipe is a big deal because someone has come in and changed
320 it and it wasn't approved with the city and it's installed, it's a public utility and now we have a
321 pipe that isn't anywhere near descent. Mayor Haddock stated Councilmember Peterson does a
322 great job and knows Nate doesn't agree with that. Nate Brusik asked if he could respond to
323 Councilmember Peterson's remarks. Mayor Haddock allowed it. Nate Brusik stated let's iron this
324 out real quick. Who's pipe is that? Mayor Haddock stated it was Nates because it hasn't gone into
325 durability. Nate Brusik and Bob Clark stated no it was the city's, the city paid for it and installed
326 it. Mayor Haddock stated and then you modified it. Nate Brusik restated no, it was the city's, the
327 city paid for it and installed it. Mayor Haddock restated and then you changed it. Nate Brusik
328 stated no we never changed it. Jared, on your life in all honesty...Councilmember Peterson stated
329 he never talked to the engineer about changing it and asked Nate who told the contractor to
330 change it? Nate Brusik stated the Mayor was there, I was there, he was there. Councilmember
331 Peterson stated Nate was told to submit a different plan if he didn't like it and to go through his
332 engineers we never saw anything, the next thing we know it is changed. Nate Brusik said that is a
333 lie Mayor. You never stood on that box and said submit a plan. Mayor Haddock said I don't
334 remember standing on a box. We stood on the box by the pond, I didn't go up to the top of the
335 box. Nate Brusik asked you don't remember four wheeling up there and walking in the snow,
336 there was a foot of snow. Mayor Haddock said four wheeling? No and asked Bob Clark if he
337 remembered the Mayor being up there. Bob Clark stated he can't remember the whole thing.
338 Mayor Haddock stated they were talking about the pond that day and I think the pipe came up. I
339 wasn't there. Nate Brusik stated yea, in regards to the pond you said it's overflowing the top.
340 Mayor Haddock stated it was. Nate Brusik stated no it overflowed by the box. Kent Partridge a
341 building official who had been there for 20 years, it was coming through the wall... Mayor
342 Haddock asked Councilmember Willis if she remembered the pond overflowing. Councilmember
343 Willis stated she has it on video actually and it was coming over the top. Nate Brusik stated it was
344 coming through the wall. Mayor Haddock stated we need to stop, this isn't going anywhere.
345 Councilmember Willis asked to table this we can't enter this into durability. Nate Brusik stated he
346 has a right to respond to this. Mayor Haddock stated you really don't. Nate Brusik stated what do
347 you mean I don't, we are being held up because of a city pipe. Councilmember Willis stated the
348 things you said do not match her memory either. Mayor Haddock stated this is a public meeting.
349 We have given you your time and you're done. Nate started to speak again and Mayor Haddock
350 stated again that he was done. These are the 2 issues and you are not going into durability until
351 they are done. We talked about the deflection, the pressure, the mandril test, when they get done
352 and they pass, good if it doesn't it needs to be corrected. Nate Brusik stated he never told the
353 guys to change the pipe. Mayor Haddock stated somebody changed the pipe, we didn't change it.
354 Nate Brusik asked are you stating before the record that you never told Tim or Jim that it was ok

355 to put that in the pipe and that you weren't at that meeting when we were there? Mayor Haddock
356 stated I don't remember any of that. Nate Brusik asked you don't remember looking at the pond
357 ... Mayor Haddock stated I remember looking at the pond. I didn't go any further, maybe you
358 guys did after I left but I remember the pond and that as it. On that snowy day when you had
359 sandbags it had been going over the rocks, I didn't go traipsing through the snow. Nate Brusik
360 stated March 16th when we went up there, the sandbags were... the water had already receded,
361 we looked at that and we walked up, we drove up there, through the snow in four wheel drive,
362 and parked at the end of the cul-de-sac and walked out to the box, we stood on the box and we
363 asked specifically if you were ok with that. We offered to pay for that. Mayor Haddock stated all
364 he remembers is the pond that day. I rode with Royce. I don't remember going any further. I
365 remember we got to the box, got our feet wet, got back to the car and we left. Councilmember
366 Willis requested to hear the recording of this last conversation because she doesn't remember it
367 not matching what was said here. Nate Brusik stated your guys' installer installed it wrong as per
368 what Jared and I agreed on. Councilmember Peterson stated they installed it as per the engineer.
369 Nate Brusik stated but it was never agreed to be 4 feet above the ground buried with dirt that they
370 stole from us and not compacted. Councilmember Peterson stated I also remember them stating...
371 there was a change of engineers, someone went out of business or sold out. Nate Brusik stated the
372 engineering firm changed names. Councilmember Peterson stated there was a discrepancy on
373 their plans and he admitted this to me that what was shown for the pipe, the topo was different
374 then what you guys had been directed to give them so the design may have been a little bit
375 messed up. Nate Brusik stated the elevation of the box and the elevation of the pond and they
376 forgot to put the 3 deep and 3 foot off property. Councilmember Peterson stated the engineer
377 admitted to that and that is why he gave directive to the guy to change it and paid for that. It was
378 originally installed per his design and he agreed to pay to fix it later. There are 2 things going on,
379 it was installed per the design and then the issue with him giving directive to change it without
380 having an approved design through us (city). Nate Brusik stated what the design with the city
381 onsite and it was agreed upon and he did exactly that. Councilmember Willis asked if there was
382 anything in writing. Councilmember Peterson stated the summary he got, after that meeting he
383 questioned Royce and Jerry about it and asked what they are doing and was told they are going to
384 present their design and have everybody look at it and get it approved and then possibly change it.
385 Mayor Haddock stated the city never saw the second design, we just saw that it had been
386 modified. Councilmember Peterson stated that Jerry said he thought the pipe had been changed.
387 Nate Brusik stated I don't know honestly how you can sit with yourself and think that is honesty.
388 There is no reason that we should be held from going into durability with the facts that are there.
389 The Mayor knows that he was there, he knows that he told Tim that was ok.

390
391 2. **RIGHT OF WAY, SURPLUS PROPERTY ON CANYON VIEW AND SUNSET DR.**
392 **DISCUSSION**

393 Mayor Haddock stated this property is on the corner of Hudson and Canyon View. The
394 subdivision will be building a berm there. Miranda Van Horn lives on that corner and she would
395 like access to her property. If it was the subdivision's property the city could talk to them about
396 deeding it over to the Van Horn's, the city does not have that ability. What the city can do is,
397 depending on the council agreeing, is to declare it as surplus property and offer publicly for fair
398 market value but it then could be purchased by anyone. The issue is there are utilities through the

property but at this time the city doesn't know exactly which ones. There was some discussion as to the water lines being capped off and possibly a sewer line. Councilmember Willis stated she would be open to it if there was something recorded; that the property could not be built on and some protections for the city if they have to dig up a tree or something so there isn't any confusion in 50 years, some very clear utility easement language and would like a fence so that cars can't drive through it and to not allow a driveway on that corner. Miranda Van Horn stated cars have been driving through it and around the berm the whole time and knows if anything can fit through there, motorcycles, golf carts etc., it will continue. Councilmember Peterson stated that a private citizen could probably deal with this better than the city with having to maintain it but there is a possibility that you may not end up with the property. Councilmember Wixom asked if the city could grant a right of way to the property owner, that stays with the property? Mayor Haddock stated he didn't know if that is allowed and would need to ask the attorney. Discussion ensued on access to the utilities, neighboring landowners, right of way easement encumbrments. Councilmember Peterson asked what is involved in selling the property? Royce Swensen stated the property would need to be surplusd, surveyed, and get an appraisal, and put in on the open market at the market value. Councilmember Willis recommends seeing if the road needs to be abandoned and if the city should surplus the remainder of the road to the north as well and how to maintain a trail. The attorney will be asked what the city can do, any options available to the city.

COUNCILMEMBER PETERSON MOTIONED TO CLOSE THE PUBLIC HEARING
COUNCILMEMBER THOMPSON SECONDED ALL AYE

(There was no public comment)

VOTE	AYE (5)	NAY (0)	APPROVED
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3. LOGO SELCTION

Mayor Haddock stated Councilmember Paxton has found a web designer that is going to volunteer to redo the website and include the rebranding of the city and part of that is a new logo. Councilmember Paxton presented the different logos and discussion ensued on the choices of logo and chose 7-3 with the antlers being corrected.

COUNCILMEMBER WILLIS MOTIONED TO PICK THE GREEN ONE WITH THE
BLOCKS LETTERS ONCE THE ANTLERS ARE ANATOMICALLY CORRECT AS
APPROVED BY JARED COUNCILMEMBER PAXTON SECONDED. 3 yes 2 nay

Councilmember Thompson stated the only thing that is objectionable was "as approved by Jared
Councilmember Willis restated the motion

COUNCILMEMBER WILLIS MOTIONED TO ADOPT 7-3 WITH THE MODIFICATIONS
TO THE ANTLERS AS STATED COUNCILMEMBER PETERSON SECONDED ALL AYE

VOTE	AYE (5)	NAY (0)	APPROVED
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443
444 **4. SUBDIVISION CODE ORDINANCE AMENDMENT 10-15**

445 Mayor Haddock stated the deadline for the ordinance change is Dec. 31. Councilmember
446 Peterson stated the SRC members were changed. Discussion ensued on who should be on the
447 committee and agreed to keep the changes. Councilmember Peterson and Councilmember
448 Wixom stated the road standards still need to be corrected. Council went through the corrections
449 from the previous meeting. Council added to the beginning of 10-15-1a3 “unless otherwise
450 specified elsewhere in code” for clarity. Discussion ensued on adding a traffic plan to define a
451 truck route, council decided to not at this time but will add this to the list of items to be talked
452 about in the future. Reference to the trails map with the will be added and a Trails Master Plan
453 with specifications will be drafted. Discussion ensued on whether building permits should not be
454 issued before a development goes into durability, currently a development has to be 60%
455 completed but certificate of occupancy is not issued until development is into durability.
456 Building permits will stay as is and be discussed at a later date. Construction entrance will be
457 added with mitigation efforts not to be on city right of way. 10-15-B- h street signs need to be
458 provided and installed by the developer. For cul-de-sacs add “unless specified in other code”.
459

460 COUNCILMEMBER WILLIS MOTIONED TO ADOPT SUBDIVISION CODE 10-15
461 AMENDMENT ORDINANCE 24-04 WITH THE CHANGES AS DISCUSSED AND
462 GRAMMATICAL CORRECTIONS FROM LISA GRAHAM COUNCILMEMBER PAXTON
463 SECONDED
464

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

471
472 **5. TRAILS MAP**

473 Councilmember Paxton went through the detailed trails map. The details are type of trail, size,
474 what side of the road, and connectors to existing trails. The trail from Sunset down to Goosenest
475 is to remain. The ravine on Loafer Canyon is private property and would need to be put in a right
476 of way. Asphalt trails have to include concrete at corners to be ADA compliant. Discussion
477 ensued on easement for single/natural/conservation trails and to be no bigger than 10 feet. The
478 Trails Map will have a public Hearing in Planning Commission in January.
479

480 COUNCILMEMBER PAXTON MOTIONED TO SEND THE GOOGLES TRAILS MAP TO
481 PLANNING COMMISSION FOR PUBLIC HEARING TO AMEND THE GENERAL PLAN
482 COUNCILMEMBER WILLIS SECONDED
483

VOTE	AYE (5)	NAY (0)	APPROVED
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486 6. CAPITAL FACILITIES TRANSPORTATION

487 Tabled

488
489 7. CAPITAL FACILITIES WATER

490 Tabled

491
492 8. CAPITAL FACILITIES SEWER

493 Tabled

494
495 9. FINANCIAL REVIEW

496 There were no issues or concerns

497
498 10. CITY COUNCIL MINUTES FOR OCTOBER 22, 2024

499 Council Wixom recommends clarifying rates on lines 68-70

500
501 COUNCILMEMBER WIXOM MOTIONED TO APPROVE THE MINUTES FROM
502 OCTOBER 22, 2024 WITH CHANGES ON LINES 68-COUNCILMEMBER PAXTON
503 SECONDED

504
505 VOTE AYE (3) NAY (0) APPROVED
506 Abstained- Thompson and Willis

507
508 **ADJOURNMENT**

509
510 COUNCILMEMBER PETERSON MOTIONED TO ADJOURN COUNCILMEMBER
511 WILLIS SECONDED

512
513 VOTE (5) AYE (0) NAY APPROVED
514
515

516
517 
Laura Oliver