

**ELK RIDGE
CITY COUNCIL MEETING
MARCH 25, 2025**

TIME AND PLACE OF MEETING

This regularly scheduled meeting and public hearing of the Elk Ridge City Council was scheduled for **Tuesday, March 25, 2025, 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 March 24, 2025.

ROLL CALL

Mayor: Robert Haddock

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

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

Public: Marcus Williams, Maureen Bushman, Steven Anderson, Milo Anderson, Larry Lee, Lis
Graham

OPENING Steve Anderson

PLEDGE Larry Lee

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

VOTE	AYE (4)	NAY (0)	Approved
Absent -Councilmember Paxton			

PLANNING COMMISSION UPDATE

Maureen Bushman - There is no update. Planning Commission has not met yet

PUBLIC COMMENT

Marcus Williams- The Hales Theater has moved to Pleasant Grove

Steve Anderson - Fusion Networks is an internet service provider here in Elk Ridge and has been providing high speed broadband here for 4-5 years now. Steve gave an update on the Elk Ridge Fiber Project. Fusion has purchased existing fiber optics infrastructure from SEDS and has been able to expand that infrastructure. Fusion has recently completed installing fiber on the north end of town near Grizzly Way and Bear Hollow for 131 homes. They currently are working on Hillside Dr serving the south end of town. The goal in the next 12 months is to have fiber available to the entire city from Loafer Canyon to Coley's Cove and everyone in between. Right now, Fusion is trying to bring grant money to Elk Ridge to help expedite that construction. Fusion now has to find a place to put all the gear that makes the network run. Fusion is grateful for the support they have received from the city and looks forward to continuing servicing and working with the city.

48 1. ANNEXATION MAP

49 Tabled

50
51 2. IMPACT FEES

52 Mayor Haddock stated Curtis Roberts, City Financial Director, filed the Impact Fee Report with
53 the state and the State Auditor didn't like it. The city has impact fees that do not have supporting
54 projects and need to be returned to the developer. These are fees that go back to 2011. A project
55 has to be in the Capital Facilities plan and be connected to growth. The impact fees for the sewer
56 were stopped a few months ago for the city portion; Payson's portion is still being collected. A
57 motion needs to be made to stop the road impact fees at this point. Councilmember Thompson
58 stated the city has a growth-related project, the city needs a sewer plant and needs clarification on
59 the issue. Councilmember Peterson stated it had to be an identified project. Royce Swensen stated
60 the identified projects have been completed. The only identified project is the Dugway (hillside
61 going down east Park Drive to Loafer Canyon). Every time it was brought up, with the match, it
62 was never passed by the council. Councilmember Thompson said the council needs to get the
63 sewer plant into the Capital Facilities now. Mayor Haddock stated the amount to return is
64 significant, about 1 ½ million dollars between the sewer and the roads. Discussion ensued on the
65 Dugway. It would be a 50/50 match and does the city want to use money from the general fund to
66 project. The report has to be filed 60 days from March 5th, which is May 5th. Royce Swensen
67 stated the Capital Facilities report was just done and no sewer or road projects were identified that
68 meet the criteria for impact fees for growth. The city cannot use impact fees for repairs.
69 Councilmember Peterson stated everyone has looked at this and the lesson learned is the city needs
70 to get the projects needed on the Capital Facilities plan. The list they are looking at was made
71 before the current council. Royce Swensen stated he has to make a report showing all the impact
72 fees collected for each year. Royce Swensen stated that in order to keep the money you have to
73 have allocated funds to a project. Councilmember Willis stated we have a project, the Dugway, the
74 city doesn't have to return the funds. Royce Swensen stated but the city has not committed any
75 funds. The city would have to come up with 50% which would come out of the general fund,
76 which would be at last estimated \$700,000 to \$800,000. Councilmember Willis said then the city
77 hurry's and commits it and pays for half now instead of all of it later and does that hillside need
78 stabilized and will they need that 50 years from now. The project needs to be done at some point.
79 Councilmember Peterson stated the main exit from the city now is Canyon View. The discussion
80 now is does the project still need to be done now that Canyon View is the main corridor and would
81 rather spend the money elsewhere. The Dugway is narrow, and the bulk of the traffic goes down
82 Canyon View. The rules are you have a Capital Facilities Project that sets the ration. Mayor
83 Haddock stated the road could be abandoned and used for a trail. Councilmember Thompson read
84 the state code which said the funds can be held longer if the city can show a compelling reason and
85 give a date on which they will be expended. It would be amazing to keep the funds for a real
86 project that the city needs but if the city doesn't have one then we don't have one. Councilmember
87 Willis asked for clarification that it would have had to be in the capital facilities plan. Continued
88 below

89
90 Councilmember Paxton arrived

92 3. FINANCIAL REVIEW

93 There were no concerns

95 4. CITY COUNCIL MINUTES MARCH 11, 2025

96 Line 162 correct vote count, correct spelling on corral

98 COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE MINUTES FOR MARCH
99 11, 2025, COUNCILMEMBER WIXOM SECONDED.

101 VOTE AYE (5) NAY (0) Approved

103 Royce Swensen asked the Mayor if the council would go back to the impact fee discussion; a
104 motion is needed to suspend road impact fees.

106 Councilmember Paxton asked why the road on Canyon View above the extension needs to be
107 widened. Councilmember Peterson stated it wasn't on the Capital Facilities Plan when it was
108 collected. It had to have been on the Capital Facilities Plan and the percentage as to have been
109 allocated to it. Councilmember Willis stated the council didn't get anything on this and hasn't had
110 time to research anything. Councilmember Peterson stated this has been why the urgency to update
111 the Capital Facilities. Councilmember Thompson stated the funds cannot be used for repairs; it
112 has to be growth related. Royce Swensen stated Canyon view was studied from Canyon View to
113 11200 and it did not become a project. Councilmember Paxton stated the council needs to exhaust
114 in how to use the money. Royce Swensen stated right now all he has to do is the report which
115 includes where every fee came from. The city loses funding if the report is not done by May 5th.
116 The money doesn't have to be returned just yet. In the current plan the only project is the dugway.
117 When a project is placed in the Capital Facilities plan an impact fee study takes place, then the fees
118 are collected for that project. Councilmember Thompson stated the city has 6 years to use the
119 funds and the funds have to be allocated. Councilmember Willis wants clarification from the
120 attorney. Councilmember Peterson stated Royce has been harping on this for half a decade to
121 update the Capital Facilities Plan. Royce Swensen stated the city received a letter stating the city
122 has 60 days to resolve this and he has to get the report in. The only attachment that could have
123 been given to you was the letter. Councilmember Peterson stated the letter says the city unjustly
124 over collected and we need to resolve it. The city did some projects but right now the only option
125 the city has is to do the dugway road and the city has to 50/50 it. Curtis Robert's the city's
126 Financial Director and the State have confirmed all of this. Royce Swensen stated it is on the
127 agenda in order to tell you of the report received by the state. Councilmember Paxton said then
128 why don't we do the dugway. We can add a trail to that and get a MAG grant. Councilmember
129 Willis stated it was mentioned earlier about turning that whole piece of road into a trail.
130 Councilmember Peterson stated that the road is used a fraction of what it was. Go for the grant but
131 he isn't willing to spend the city's money on that project just to use the fees when \$700,000 could
132 be spent elsewhere. The money has to be returned to whoever paid it. Councilmember Wixom
133 stated he's not sure unjustly is the right word, the city collected the money in anticipation of what
134 costs but when the actual costs came down to it the city did not spend that money and therefore,
135 they are due back. Councilmember Thompson stated the city probably has to give it back.

Councilmember Thompson stated it's fun to ask an attorney, but the Utah State Impact Fee Act (11-36a-302) reads: "Impact fee facility plan must be completed before imposing the impact fee." If the city does not have a road project technically the city cannot collect it. "The impact facility plan must include among other things identification of existing level of service. An impact fee facilities plan shall: (i) identify the existing level of service; (ii) subject to Subsection (1)(c), establish a proposed level of service; (iii) identify any excess capacity to accommodate future growth at the proposed level of service; (iv) identify demands placed upon existing public facilities by new development activity at the proposed level of service; and (v) identify the means by which the political subdivision or private entity will meet those growth demands.

For refunding the money 11-36a-603 Refunds - The city is required to give notice and post for a period of time, if it's not claimed, after 12 months of notice the city can use the money for any current capital facilities. There are requirements as to where it must be posted. If the government collected money and it was not used it should be given back. Mayor Haddock stated there is some time to research it and discuss it but right now the report needs to be done, and road impact fees need to stop being collected until the city has a project.

COUNCILMEMBER WIXOM MOTIONED TO HALT COLLECTING ROAD IMPACT FEE UNTIL THE ISSUE IS RESOLVED OTHER THAN THE BUY IN PORTION
COUNCILMEMBE PETERSON SECONDED

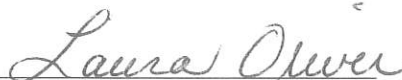
VOTE AYE (3) NAY (2) Approved

COUNCILMEMBER PETERSON MOTIONED TO GO INTO CLOSE SESSION PER UTAH CODE 52-4-204 FOR CONTRACT NEGOTIATIONS COUNCILMEMBER WIXOM SECONDED.

VOTE AYE (5) NAY (0) Approved

COUNCILMEMBER -MOTIONED TO ADJOURN THE MEETING COUNCILMEMBER SECONDED

VOTE AYE (5) NAY (0) Approved


Laura Oliver