

**ELK RIDGE
CITY COUNCIL MEETING
September 9, 2025**

TIME AND PLACE OF MEETING

This regularly scheduled meeting and public hearing of the Elk Ridge City Council was scheduled for **Tuesday, September 9, 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 September 8, 2025.

ROLL CALL

Mayor: Robert Haddock

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

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

Public: Dani Schultz, Maureen Bushman, Curtis Webb, Kirk Chapman, Mark Shillingburg, Jamie Elder, Tricia Gunnerson, Kenton Morgan, Larry Lee, Cheryl Cottam, Stan Cottam, Nelson Abbott, Rusty and Linda Rogers, Tony Searle, Arian, Christiansen, Jinger and Brytt Cloward, Nate Willis, Jeremy Ashton, Michelle Calcote, Christi Carson, Lee Pope, Katie and Travis Nemrow, Jani and Brent Stratton

Opening - Jamie Elder

Pledge - Councilmember Wixom

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

VOTE	AYE (5)	NAY (0)	Approved
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PLANNING COMMISSION UPDATE

Maureen Bushman stated the Planning Commission had a joint session with the Parks and Trails Committee to go through the Parks, Trails and Open Space Master Plan draft. This was not a public hearing but there was a lot of input from the residents, many residents were from High Sierra and Hillside Dr. they are in opposition to trails in the city right of way that would impact their landscaping. Many did not know about the city right away. Other streets that were represented were Elk Ridge Dr., Rocky Mountain Way and Alpine. They voiced that money should be spent on roads and water. Summary of ideas for the Master Plan was changes to retrofitting older areas of town, trail map needs to be what is in the general plan, alternate paths, storm water drainage, and more public input.

Mayor Haddock thanked Maureen and the Planning Commission and the Parks and Trails Committee for their hard work. He would like to talk about some misconceptions about the trails that were voiced in the Planning Commission and through emails to council. All of the council members, Planning Commission, and Parks and Trails Committee, really do have the best interest

of the city and what he enjoys most about being Mayor, seeing all the hard work they do. He had about 12 things he wanted to go through: the first item is that the general plan was updated this year which outlines the vision of the city. They reached out to the community and did several surveys trying to find out what the citizens think and value and that is what drove the General Plan. In the General Plan it has a trails map and also mentions the Master Plan. The Planning Commission has been working on the Master Plan since June. One misconception is there were back-room meetings, everything was already decided and a done deal. That couldn't be further from the truth. The state requires the city to have open public meetings called "the Open Meeting Act" which means meetings have to be in public and it has to be noticed. Any more than 2 people on the council or Planning Commission creates a quorum and those involved have training on this every year. 2 members of the council or Planning Commission can meet together but 3 members have to be public and nothing can be voted on or passed unless it is in a public meeting and with a quorum. He is not aware of anyone breaking that rule. The scope of the master plan took a left turn and kept going. The Master Plan has to adhere to the General Plan not vice versa. The city does not want to define what goes in the retrofitted trails. That should be project by project. There are no projects slated for High Sierra, Salem Hills, Hillside, or Elk Ridge Dr. at this time. A lot of the opinions from residents are that they like it the way it is, and that's fine. He goes for walks all over the city and might have 2 or 3 cars pass. This master Plan is for the future, the city needs a trails plan in order to apply for grants. If the city does not have a plan together and they apply for grants. The canal is going to be covered and be a main trail and if the city wanted to do a trail to connect to that the city would have to hurry up and do a master plan. Creating a master plan in a hurry might mean missing a deadline or not having what is needed. They are doing a master plan now in order to be ready for apply for grants and plan for the future. The city isn't planning on digging up anyone's front yards, that is not the intention. He has also heard that the surveys were biased and didn't explain right of way issues or costs. Right of way issues and costs were valid but not biased. It is hard when trying to get a vision to give all the specifics because the city doesn't know the specifics yet when there are no projects slated. It was to get the residents' values and would like to be had in the community. There is a Planning Commission member who creates surveys for a living that donated their time. All surveys are reviewed by the city council and the Planning Commission who take the surveys first and give him feedback. There is no hidden agenda, they are not trying to get certain answers. All of these people are serving and giving their time and talents and when he hears comments like it's biased or you're trying to get certain answers or you're holding back information it doesn't feel good. Part of city government is fund accounting. There are funds for parks, roads, water sewer, capital facilities; there are a handful of funds. What funds part of these funds are impact fees that are paid with new development. There is a little over a million dollars in the parks fund. The city collected impact fees for parks. People keep saying use that money for sewer, roads, water; the city can't. The city is bound by state law that those funds be used for what it is collected for. The city cannot take money out of one fund and use it for another. It is not like a private business where all money goes into one fund. The city has rigid laws, so the city can't. If the city does not use those funds, then the funds have to be returned and not use it for anything.

Councilmember Willis asked if she could make a statement

92 Councilmember Willis stated she has spent over 4 hours on the phone with residents today. She
93 didn't respond to emails because she needed to be cautious on what to say. Many people saw the
94 Master Plan on the agenda today. It was not sent to us illegally by the Planning Commission for
95 the council to vote on. That is not what is happening tonight. Council wanted to discuss and to
96 make sure the direction the master plan was going was the scope and feature what was in the
97 general plan and the adopted maps and to give the Planning Commission more direction so that
98 the master plan stays in alignment with the general plan. Council is not voting on this, it is not in
99 Councils hands to vote on it.

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101 Mayor Haddock stated the main reason for the master plan is to be used when applying for grants
102 to define the standards and specs for new development. He would like to take the existing retro
103 items out and say it will be determined on a case-by-case basis which will be recommended in the
104 scope.

105
106 Mayor Haddock turned the time over to Public Forum, there is a 2-minute time limit, if someone
107 has already stated your sentiments then please state you agree with previous comments. The
108 Public Forum will last for 20 minutes.

109 **PUBLIC FORUM**

110
111 Curtis Webb stated he was at the Planning Commission meeting. He is opposed to the trail
112 system. He lives on High Sierra and there is a Blue Spruce tree that is 45 feet tall, a sprinkler
113 system and a retaining wall and 10 feet of his drive would have to be removed. The removal of
114 the driveway would steepen his driveway making it difficult in the winter. There are also phone
115 cables and a mailbox. He has lived here for 20 years and loves this place, and he does not want a
116 trail in front of his home.

117 Kirk Chapman stated he has concerns about the trail system in front of his house. The 10-foot
118 easement for the trail would take out his trees and grass and interfere with their quality of life. He
119 lives on Elk Ridge Dr. He is concerned with the money being spent on trails when there are other
120 problems in the city. Storm water comes down Elk Ridge Dr into his property, the sumps that are
121 supposed to take care of that do not. They have been up many nights trying to monitor the water.
122 He encourages the Council and Planning Commission to look at those things. It says in the plan
123 to inform and educate about the public and they were never contacted about this.

124 Jamie Elder stated that he agrees there should be certain paths, that makes sense. Most of the
125 cross streets are quiet, there are certain streets that people have been walking on forever, his kids
126 have been walking to school buses etc. without any trouble. His suggestion is to prioritize. There
127 are streets that are busier such as Elk Ridge, Canyon View, Park, and Loafer Canyon. Go for it,
128 prioritize where it makes sense, taking care of residents the best we can where it makes sense.

129 Tricia Henderson stated she appreciates the work that went into the surveys, people of certain age
130 groups don't do online, the surveys should have been mailed out to all residents and should
131 include the account number, so the choices are accounted for. A lot of us have been here for a
132 long time when Elk Ridge had a different vision. No streetlights, no sidewalks were a big selling
133 point, we don't want to be changed. Newer areas can have different things, road share trails are a
134 good thing in developed areas. To try and take away from those who have lived there for decades
135 doesn't feel nice. Leaving things vague and doing things and doing things as they do it, doesn't

fly with me. Things need to be spelled out very clearly, especially if you're going to affect a developed area.

Kenton Morgan stated he has lived here for 15 years on High Sierra and would like to echo what has been said, He is very concerned about the trails and how it would change things; increased run-off, increased traffic. He came to Elk Ridge because they like the way it is and don't want it to change.

Larry Lee stated it might be advantageous to have street captains for each street as part of the trails committee. 10 feet is a very wide trail and adds problems like not being able to park on one side of the street. You could split a 10-foot trail into 4-foot sidewalks and put them on both sides of the road and reduce some of those problems. It allows people to park on the road and separates the trail from the road with a curb.

Cheryl Cottam stated she has lived on Elk Ridge Dr is concerned because they are not sure about the map. There is a main gas line that runs up the west side of Elk Ridge Dr. and doesn't think it's a possibility. The street is wide enough and could have a bike path. The runoff is a problem for them and their neighbors, the water runs down the hill and jumps the road into the west side. They have put in landscaping to deal with it. She is opposed to having 10-foot trails in her front yard. Snowplows push the snow from Cove Dr in and near her front yard so that area is needed for snow.

Rusty and Linda Rogers stated on Rocky Mountain Way the side that is proposed to lose 8- 10 feet will cut side yards for 2 homes and another home is slated to lose 10 feet of the front yard. We all have curbing, and they would lose 5, 20-year-old trees. How many of the committee would be impacted? When they moved here there was no sidewalk and the city was trying to keep the rural feel. They walk every day, and they walk in the street with no problem. Who is paying for all of this, who is going to pay for all of this? The trails that are already in; the trail along 11200 has tall weeds on both sides, who is going to maintain the trails?

Jinger Cloward stated she is concerned about the false statements spread and wants to maintain good citizenship with her neighbors. Everything that she has heard is there is a million dollars to be spent. The general plan has existed for a long time, and it sounds like, even after the last meeting, when talking to her neighbors that the measurement from the curb to the houses is incongruencies with what the city said as their yard started at the curb. The one thing with the general plan that was existing, it seems like there was an urgency to spend a million dollars because the city doesn't want to lose it. Mayor Haddock inserted that money was for parks not trails. Jinger Cloward - right in order to do parks the city has to have a plan which could be short-sighted and the surveys that went out weren't thought through because of the urgency to get the parks going. Right now, the parks are unkempt by the citizens, which is great but if that citizen involvement leaves what is the plan to fund and maintain. What is the urgency now to have parks and trails and get back into the plans right now. Is it thought out not just for the next 20 years? The citizens are showing there are holes. If there is a rail on her street (Salem Hills) they lose their parking. The slope of their driveway is too steep to lose any, 70% of the trees on their street would be gone. Trails invite people up, which invites trespassing. If the deadline and urgency to get his done in order to lose a million dollars she would like to hear that. If that is the case, then this plan is short-sighted.

Michelle Calcote thanked everyone for the hours they spent. She has lived on Hillside Dr for 26 years and is concerned about transparency and public meetings act and thought the agenda was

180 too vague and residents are to be informed if they are going to be impacted by a decision, they
181 city makes. They came here tonight thinking the council was going to vote on the master plan. If
182 the city can make a phone call to let them know about a movie in the park, they can make a phone
183 call to let them know the city is going to tear out their trees.

184 Christi Carson (speaker could not be heard) -the city needs to be timely. There are not enough
185 people to justify the need. Where is everyone going to park if the trail to Forebay.

186 Jed Shuler stated he is a longtime resident, 40 years on Loafer Canyon Rd. He is part of a family
187 that owns a property on the south end of town and disapproves of the proposed trail system. The
188 zoning on the south end of town has made the property undevelopable. They have had to block
189 access to the property due to liability issues due to people cutting the fencing which lets the
190 livestock out. The current zoning is very restrictive, but they are interested in working with the
191 city in developing a trail system that is reasonable and safe. High Sierra is not wide enough to get
192 a trail into the south end of town He is not opposed to using the pipeline way as a trail. They are
193 in favor of incorporating trails with some homes on the south side, but they want the right to be
194 able to use their property.

195 Lee Pope has lived here before Elk Ridge existed and is part owner of the Shuler property. They
196 have always been in favor of trails. They want a beautiful high-end area, but they have met with
197 opposition for many, many years to develop anything above the golf course. They have had
198 members of the council and Planning Commission, in public and in private, say they will never
199 allow development there. When they moved here when there were 2 old homes, he used to ride
200 his horses up here. He has a lot of good friends and a good place to raise a family. They have
201 attempted in good faith many times with Elk Ridge to find a way to develop this property to
202 satisfy Elk Ridge and the owners of the property and make a reasonable profit for the developer,
203 but that has never been able to happen. There have been large developers that have approached
204 them in the last several years but have all turned away from development but once they saw the
205 ordinances and how restrictive they were, they all turned away. You all are worried about your
206 existing homes and a trail going in front of them, the city wants to put trails on their property, and
207 they don't even have a development yet. They need a development agreement with everyone that
208 is a good one and agreeable to everyone. If you look at all the nice developments in Mapleton,
209 Spanish Fork, and Springville that's what they want. But the restrictive ordinances don't make
210 that possible.

211 Dani Schultz stated in the vision on page 5 and wants to know what the plan is, how are you
212 going to get people involved and give their opinions. She is also opposed to raising taxes and
213 bonding for trails or parks. There are 3 parks that look great, the rest of them are really poor. If
214 the city is going to get more parks and the city can't maintain what they have, how is that going
215 to look to the citizens? She is concerned with maintenance of the parks, there is a park that is hard
216 to walk through, it needs to be maintained, signs are missing, people want to and do try to play
217 frisbee golf even in its bad state. She would like the city to think about when they are doing trials,
218 about the people on that street and that each street has a different need.

219 Nate Willis stated he is the Captain of the Salem Hills High School cross country track and swim
220 team. Those teams have hundreds of students all of which often train and use the Elk Ridge
221 streets particularly running and biking for off-season training. They have issues with lack of
222 sidewalks and kids getting hit. The other captains of other sports agree that it is too dangerous
223 running in Elk Ridge due to lack of sidewalks and dangerous drivers. As an under-represented

group of younger individuals, it is very significant to them to have the ability to train on the streets of Elk Ridge and not have the fear and risk of endangering themselves. He does live in Elk Ridge.

COUNCILMEMBER WILLIS MOTIONED TO MOVE ITEM 4 THE MASTER PLAN TO NUMBER 1 COUNCILMEMBER PAXTON SECONDED.

VOTE	AYE (5)	NAY (0)	Approved
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AGENDA ITEMS

1. Councilmember Willis brought up the General Plan and the trails map pages 19-20 on the screens. This trail map was adopted in 2018. Both maps are the same except that page 20 is clearer and shows what side of the street the trails are on. Councilmember Willis zoomed in on Rocky Mountain Way and stated there is a dotted yellow line that means that sometime in the future when there is a safety issue there will be a road share. Councilmember Willis then zoomed into High Sierra. There is a dotted yellow line, that means sometime in the future when safety issues and funds necessitate, that would be a south side road share trail. A road share trail, like the one that goes along Park Dr., means there is a painted line on the road. There is nothing in the General Plan that says the city will take your yards. At some point in the future if safety necessitated, if CE3 were to develop, safety could change on your streets. She cannot speak for the other members of the Council, but she would not put a trail down Salem Hills Dr., that would be a waste of money, she would not even consider even a road share trail. However, in the future, if that safety changes, the General Plan says it would be a road share trail on the existing road. Was the Council blindsided by this, yes. Was the Master Plan supposed to support the General Plan, yes: the Master Plan was supposed to support this adopted map. That is what needs to be discussed. Mayor Haddock stated the Master Plan needs to be more specific than the General Plan. The standards need to be identified for new development so when developers will know what kind of trails the city is looking for and the approximate locations. The General Plan has trails on the south side, but they are not set in stone, generally the city would like to have connectivity to Forebay. Standards for offroad standards for natural trails on the mountain. Councilmember Willis showed the key for the trails map. In the future if safety necessitated, road share would be installed and would also mean no parking on that trail. At the section above the new part of Canyon View between Ocampo and Park, there is a section of road where it narrows. Cars speed up and down Canyon View and that is a safety issue. That would be considered a priority due to safety. Do any of the streets in the south end of town have that kind of traffic and speed like there is on Canyon View? No. Why would the Council put money there and waste it. In the future, if through-streets are connected, a road share would be put in. It is hard to find money to even paint the existing road share. When the council sees a safety issue, when residents start saying their kids are almost getting hit, that is when those future trails will be discussed and implemented. Councilmember Wixom stated the dotted lines are all future and won't happen unless there is a need. Councilmember Willis stated you can find out when the meetings and the agendas are on the website. On the new website you will be able to sign up for notifications for city council and Planning Commission meetings through email or texts on the Public Notification

Website. Any land use change requires a public hearing. Councilmember Willis stated the General Plan was already adopted and is not being changed, the Master Plan should have reflected that. The city hired a new firm, and these were recommendations from that firm. The council saw this new map when the residents saw it, complete transparency. This, the map in the general plan, is the adopted trails map. Councilmember Wixom stated for the residents to educate their neighbors, show them the map, show them the dotted lines are not being done until future needs dictate. Councilmember Willis stated the minutes and recording of the minutes show that Council asked for the building standards of the trails be defined, meaning how the trails are made, depth of asphalt, depth of compact etc. Councilmember Paxton agreed and stated the request was made by Councilmember Peterson. Councilmember Peterson stated there were 4 different types of trails and to develop the building standards with a diagram which he could supply if needed, but they got a lot more than that. None of the Master Plan was discussed except for in the Planning Commission meeting until Council saw a rough draft in May and asked for the building standards to be defined. Councilmember Peterson stated he is a big personal property rights advocate and as long as he is sitting there no one is going to take your yard. The city needs to have teeth for future development so the city can have some trails. The survey said that trails are important to people, and a lot of the future development is south where trails would be nice. There is topography and probably open space that isn't developed, that would be nice to have a trail. Councilmember Willis asked if the Council could clarify the scope for the direction of where the Planning Commission needed to go, what we got is not the direction given. Councilmember Thompson asked which map needs to be fixed? Councilmember Willis stated the city already has a map. Councilmember Peterson stated the master plan map could be adjusted. Councilmember Willis stated they were given a map from the city's consulting firm which moved the trail to the opposite side of the street, it changed the type of trails, it left trails out. Councilmember Thompson asked if the consulting firm map is screwed up and needs to be fixed. Councilmember Willis stated no, they should use the map that was adopted. Councilmember Peterson it was a guiding document to envision a road share trail, what is that going to look like. That is just painted stripes. Councilmember Thompson recommended tossing the firm's map; keep the construction standards and the 4 trail types and chuck the map. Councilmember Willis stated the construction standards did come. Councilmember Peterson stated, if everyone agrees, cross sections on 4 different trails are needed. Councilmember Willis listed the trails needing defined as future concrete, future asphalt, future natural and future road share. Councilmember Paxton stated the road share cannot have a standard because each street has different needs. Councilmember Peterson stated that it can be listed out but it needs to be defined; road share will consist of this and can vary depending on the road. Councilmember Willis stated width will vary and it should say it that. Recommends looking at Spanish Fork or Heber standards. Councilmember Peterson stated he can have the standards diagram drawn up. Councilmember Willis recommends using the adopted map. The adopted map went through Planning Commission and City Council and public hearings. Councilmember Willis understands why residents are mad. Councilmember Paxton stated the priorities on the General Plan were to finish the trail on 11200 and Elk Ridge Dr even down past the annexation area. There are school buses, and bikers and pedestrians, it's petrifying, and that is the priority. That is where the Council would love to get a grant to connect the existing trail to Salem. In 3 years, the canal will be covered and is slotted by the county, to have a trail the city would love connectivity to that trail corridor. There is also a

safety issue going down Canyon View. If you look at the goal on the General Plan, these are the priorities, there is no discussion of the smaller streets. We are just trying, just trying, to do the priorities. Every email that she received she responded to and talked to them about what actually was passed and what it had gone through. Council tries to make themselves available, residents can email them at any time, and they will talk with anybody. Councilmember Willis stated the General Plan was available and went through public hearings. Mayor Haddock stated a private Facebook page is not where city business is done. Councilmember Willis stated when posting on Facebook as a city official Council gets crucified. Councilmember Peterson stated the city does not manage any of the private Facebook pages. Councilmembers Paxton and Willis stated there was misinformation being pushed out by members of the community. Councilmember Paxton stated this plan was a recommendation, a draft. Councilmember Willis stated the map was a recommendation by a firm that recommended things that are used in other cities that won't work in Elk Ridge. Council are volunteers, the city does not have the staff that is paid and has degrees in this and sometimes they come up short. These are our friends and neighbors that are putting countless hours into this. It did not go as expected, absolutely, but these are friends and neighbors that are doing their best and was appalled at some of the things that were said. The misinformation that was put out by people that knew better, that knew this plan existed. Can the city do better on communication, yes, and will continue to try. Councilmember Willis continued stating she had put in countless hours into making the new website because the city could not afford to pay someone to do it and doesn't want anyone to feel targeted or attacked because that is not the intention and that if she or anyone comes up short, they should be treated with grace. Does the city have a master plan that most everyone in here wants, yes, because over a year was spent making it in the General Plan. Council, Planning Commission and the Parks and Trails Committee are all volunteers and spend countless hours volunteering their time for the city. Councilmember Thompson stated as gently as possible that if anyone has a question about city business, please call the Council. A lot of the stuff on Facebook is complete garbage. People say all kinds of stuff that is not true. Just call, 2 years ago he gave out his personal number to 300 people in the fire bay, just call us and you will get a straight answer, if you read what is on Facebook almost certainly you will be misinformed. Councilmember Wixom stated there are usually a couple of people that attend meeting after meeting, come to the meetings if you want to know what's going on, we invite you to come to the meetings. Residents have to make the effort too. The city can send out notifications but if you don't come you will not be informed. Councilmember Thompson asked about the city Facebook page, which was answered with there isn't one being used right now. Mayor Haddock stated the office is short staff and down to 2 employees, there should be 3 so there hasn't been time to do a newsletter. The city was waiting to get the remodel done before bringing someone onboard and steered the Council back to the agenda item in defining the scope of the master plan. Councilmember Peterson stated the cross sections need to be done and will help the Planning Commission Chair. Mayor Haddock stated the retro areas are where things went wrong. Councilmember Wixom stated these trails are all road share and that is only a few roads. There are not trails going down every road. There are no excavators at the city limits ready to go. Maureen Bushman stated the map that is in the master plan was a suggestion from the hired firm. If the standards are applied to the trails on the adopted map for the retrofit areas, the city will get the same result. They have to be retrofitted according to the individual road. It does not say anywhere in the plan that yards would be torn out, that was

put on social media incorrectly. Mayor Haddock stated the city has to stay away from trying to define standards for retro areas, 20 years from now the situation may be different. Councilmember Thompson stated to throw the consulting map away and be done with it. Councilmember Willis stated she did not want to offend the consultants, they did what they thought was best, they just didn't support the adopted map. Having street representatives is great but it doesn't have to happen now, planning a trail now that won't happen for 30 years, it would be obsolete. Councilmember Peterson stated he would get with Maureen Bushman and do the definitions for the 4 different types of trails with associated drawings with the language that retrofitted areas will be adjusted and built as needed. Councilmember Willis stated that "Draft" be on the working documents so that when the attachments for Planning Commission or Council are posted it means it's a working document and not adopted. There is full transparency and sometimes it backfires. If the city hires someone to do social media, the city has to increase its budget. The city is debt free and doesn't have the money to just increase the budget. If something is added to that budget something has to come off the budget. Councilmember Paxton stated if residents want to get involved, join the Parks and Trails Committee, the Beautification Committee, the City Celebration Committee, there are multiple areas to be involved and to have a say. Councilmember Peterson stated if residents want to know what's happening, come to the Council or Planning Commission meetings or talk to the Council. He talked with Nelson Abbott and asked Nelson how he felt after they talked. Nelson Abbott responded that he felt a whole lot better after talking with Councilmember Peterson. He did get the information from the state website though. Councilmember Willis stated and that information was, as stated, a draft and incorrect.

Mayor Haddock stated the Master Plan is still with the Planning Commission. The Planning Commission will work with Councilmember Peterson to define the 4 trails and will adhere to the Mater Plan. Retro areas will be planned according to the individual areas. There will be a public hearing at the appropriate time.

2. PUE/RIGHT OF WAY REPAIR DISCUSSION

Mayor Haddock stated a gentleman spoke in the public forum last meeting about the asphalt in front of his home was dug up to repair a water line and asked if the city was going to repair it. That brought up a whole discussion as to whether a contractor dug it up, the contractor is required to repair it, if the city does it has not been well defined as to if and to what degree it is repaired. The area was in the right of way and not in his driveway. Councilmember Peterson recommended defining right of way and utility easement. A right of way is when a development takes place the right of way is dedicated to the city, that would be the street. That could incorporate the street and a sidewalk, or it may be less than that. In the older parts of town there is pavement, but the right of way extends past the pavement if you look at some of the maps. The right of way is dedicated to the city during development. The public utility easement is a section of property that around the perimeter of a yard, is private property, owned by the property owner but can be used for various utilities if needed. Here are what other cities are doing: if it is in the right of way, and has been approved to city standards, when a contractor or a city goes in and repairs something, it has to be put back as such. In this instance if there was a park strip or right of way if it was not to city standards, other cities do not repair it if it isn't to city standards. There are things the city owns

that extend out of the right of way like the water line. The city owns it to the meter, homeowners own it from the meter on. Most meters are in the landscape area. Generally, if it is in the PUE (public utility easement), most of the time the city puts the dirt back, compacts it and leaves the grass or whatever to be repaired by the homeowner. That is what other cities are doing, that is the standard. He is a general contractor and that is what he is held to in other cities. Councilmember Willis stated what the city is legally held to and what she thinks is the right thing to do as a city are not the same thing. Councilmember Paxton stated she spoke with Salem City and if it is the city right of way and they will fill it, compact it and leave it. If it is grass the city would peel back the sod and put it back in place. That is Salem's standard but sometimes they are more generous than that, but they will not replace concrete, and they will not replace asphalt in the right of way. Plus, the city has to come up with the dollars to pay for it. Councilmember Wixom asked about repairs to a driveway. Councilmember Paxton has a right of way through her yard that they asphalted knowing that if the city has to dig it up that she would be responsible for repairing it. Councilmember Peterson stated the only thing the city would repair in the right of way is water. The sewer line is owned by law by the homeowner from the main. If a homeowner's sewer goes bad, they have to dig up the road, bond, get a right of way permit and fix the road to city standards at the homeowner's expense. That is state law. The city has to deal with water, that is it. Contractors are bonded and required to put the yard back. Councilmember Willis stated there are areas of the city that do not have sidewalks and homeowners have asphalted over this area and improved that area out of their own pockets and the city repairs something, fills the hole and that is it, she would be ticked. Councilmember Peterson stated the discussion now is then if the city fixes everything, landscape, asphalt etc. where do you pull the dollars? Discussion ensued on to what extent the city wants to repair the right of way and what can the city afford to do, what would be the timeline and what is the city legally required to do and does the homeowner take on that risk when they hardscape or landscape into the right of way, which is city property. Royce Swensen stated that when the city has done repairs to asphalt previously, they waited and did all repairs at the same time to lower the cost. Councilmember Peterson stated as an example, Larry has asphalted the right of way in front of his house to the street. The snowplow comes along and takes out some of that asphalt. I am going to go into Rusty's pocket and take that money to repair Larry's asphalt. Money set aside for this type of repair still comes from the residents. It's taking even a dollar that is taken out of another's pocket. If it had been improved to city standards then the city would be required to repair it to city standards, but it wasn't built to the city standards. A resident's comment was what if a resident does an expensive improvement that is not to city standards and wants damage to be repaired to the homeowner's standard; there should be a limit, the city should not let a resident impose their expenses on the city. He knows where his property line is and to improve beyond that is a risk. Councilmember Peterson stated he does not know of any city that replaces landscaping, he would love to be generous, but it is not his money it is our - residents' money. Councilmember Thompson asked for clarification from Councilmember Peterson that if a resident does improvements in the right of way to city standards, then the city would repair back to city standards, but if they do something else then that expense is on the resident. Councilmember Peterson stated that is his leaning because of fiscal responsibility. Councilmember Wixom asked if the resident's water meter is in the driveway and they have an extravagant, expensive driveway and the city is required to repair it, does the city repair it to its previous state and expense. Mayor Haddock stated Jerry Clark, Public Works Director, worked

for Pleasant Grove City. Jerry worked 12-hour days at times because he worked in the water department with pressurized irrigation and spent a lot of time doing repairs. The Mayor told Jerry at that time the previous year there were 2 water repairs. There were 2 repairs that year but there could be 10 next year. Whatever amount there is, it is still taxpayers' money. Councilmember Thompson stated he looked up several cities during the discussion and no one is required to do repairs, it is voluntary. Some repair the street, sidewalk, and surface but none of them repair private landscaping, sprinklers or other private improvements. Basically, they will repair the surface only, nothing else, trees no, decorative rock no, other fancy landscape features no, just the surface. If they tear up someone's asphalt they will repair the asphalt driveway, sidewalk, etc. That looks to be across the board, which is voluntary, not mandatory. Councilmember Peterson asked the residents that were there how they would feel about an extra \$20 on their bill for a repair fund? Councilmember Willis stated, **just a what if**; if the city needs \$10,000 in the budget for repairs and there are roughly 1200 water bills that go out that would be \$16.00 per resident a year per resident. Royce Swensen stated some of the repairs might be out of the roads funds. This discussion will continue in the following meeting.

3. **FEE SCHEDULE: WATER RATES, COUNCIL ROOM RENTAL FEE**

Mayor Haddock stated this is a discussion item only. Councilmember Willis stated proposing an increase of 25% for non-residential entities such as commercial, churches, and for water sales to outside the city limits which currently is Payson golf course and a home, a premium cost. It should not be lower than city residents. Mayor Haddock stated the city has an interlocal with Salem for emergency water which would go both ways and that will remain as is. Council will research this, and it will be discussed in the next meeting.

Councilmember Willis would also like the Council to look at the HOA (55 plus) that 1 meter is used to water all the outside landscaping for the development. That usage is split between all of the units and adjusted to that tier. Councilmember Thompson asked if each resident had a meter what would be the difference, would it be the same. Mayor Haddock stated instead of having a base fee for all the units they have 1 base fee. Royce Swensen stated all units have a meter, pay a base rate, and pay for the inside water use. Mayor Haddock stated the outside property is owned by the HOA. Councilmember Willis stated the Assisted Care facility is also on 1 meter and they have 35 units, but they don't get it shared between 35 units per unit rate like the HOA has which would drop it to a lower tier. Why are they getting a discount? Royce Swensen stated this was argued before Council several years ago and the Council made the decision to change it to what is on the fee schedule. Councilmember Willis stated the council lowered the resident base rate to \$50 and no one noticed. Council needs to see if the pressure could be taken off the residents by increasing non-resident rates. Councilmember Thompson stated most cities double nonresident fees. Council will continue this discussion after the figures are on a spread sheet and Council has a chance to look at this item. It was clarified that the water rates for residents is **not** part of this discussion.

Fees for council room rental will also be discussed, which need to include setting up, tearing down, cleaning, time limits etc. Councilmember Paxton will research this for the next meeting.

4. **DARK SKY NUISANCE CODE: MIGRATORY BIRDS**

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Tabled

5. APPROVE MINUTES FOR AUGUST 12

Tabled

ADJOURN COUNCILMEMBER PETERSON MOTIONED TO ADJOURN
COUNCILMEMBER WILLIS SECONDED

VOTE AYE (5) NAY (0) APPROVED

Laura Oliver