

ELK RIDGE
CITY COUNCIL MEETING
October 25, 2011

TIME & PLACE
OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, October 25, 2011, at 7:30 PM**; this was preceded by a **City Council Work Session at 6:00 PM**.
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of these Meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on October 22, 2011; & an Amended Agenda on 10-24-11.

6:00 PM –

CITY COUNCIL WORK SESSION AGENDA:

ROLL

Mayor: Ed Christensen; *City Council:* Julie Haskell, Erin Clawson, James Mayfield, Weston Youd & Sean Roylance; *Planning Commission:* Kelly Liddiard (Chair), Dayna Hughes, Debbie Cloward, Nelson Abbott & Randy Jones; *Building Official/Public Works:* Corbett Stephens & Rex Davis; *Candidates:* Brian Burke, Lucretia Thayne, Jamie Towse, Paul Squires & Nelson Abbott; *Public:* Greg & Stephanie Pozernick, David Jean II, Ray Brown, Alvin & Cecilia Harward, Desiree Shallenberger, David Clark, RJ Lundberg, Pam Lundberg, Tony Lundberg, Margaret & David Tipton, Kylee Adamson, Nephi Deeben, Kristin Roylance, Shelly Neria, Rebecca Devenport, Careene Eliot, Linda Christensen, Jennie Wilcox, Robin Sharp, Charles Wixom, Dane Kimber, Robin Clawson, Dennis A. Dunn, AJ Christensen, Margo Brockbank, June Christensen, Stewart Jolley, Robert Goodwin, Darin Magoffin, Deborah Squires, Neil Dykstra, Ron & Sharon Dahlstrom, & Alan Hughes;;
and the City Recorder, Janice Davis

MEET THE CANDIDATES FOR THE NOVEMBER 8, 2011, GENERAL ELECTION

Mayor Christensen instructed the Candidates to take a few moments to explain their basic platform and to be prepared to answer any questions from the public and the current City Council.

The Candidates for City Council:

1. *Lucretia Thayne:* She is a 28 year resident of Elk Ridge and has seen a great deal of change and growth over the years. The function of the government is to help citizens feel greater unity; through less government.
2. *Nelson Abbott:* He was born and raised in Payson, UT He gave a brief personal history, including his experience serving as a City Council Member and was a member of the Elk Ridge Planning Commission. He wants to serve the Community by helping to bring unity back. He believes in upholding the Code and is fairly conservative in his views.
3. *Brain Burke:* He and his wife have been property owners in Elk Ridge since 2005; and residents for the last couple of years. He is retired and has recently returned from a mission in South America. He has extensive experience in the area of Human Resource; which should be useful. He has experience with large projects where budgeting is important.
Philosophy: Government should serve the public. He feels he is a good listener and would not forget those he serves and their interests.
4. *Jamie Towse:* She has been a resident for 7 or 8 years. She has enjoyed working with many throughout the Community. Through attendance at City Council Meetings and Planning Commission Meetings, she noted the general lack of attendance at these meetings by the public. She is responsible for the signs advertising the meetings. (Brief personal history) She loves to teach children about self-government; she feels these same principles are applicable in our lives as adults. With self government, organized government “can stay out of our lives”.
Philosophy: “Limited government and maximum freedom”
The City’s mission should included being a “friendly community; and she feels the only way to be “friendly” is to govern ourselves. (Read a quote)
Accomplishments:
 - Involved with City Youth Council
 - Poll Worker at elections
 - Vice Chair of the Republican Precinct in Elk Ridge
5. *Paul Squires:* List of qualifications:
 - 5 years on the Planning Commission
Emphasis on new landscaping code
 - 33 years with the US Dept of Interior / over contracting of large projects
 - 34 years with and is retired from the US Air force Reserve
Last 25 years in a civil engineering squadron (familiar with infrastructure maintenance
 - College degree in Business Administration & Economics
 - BS Degree in Biology (Range Management)
 - Experience in grant writing*Philosophy:*
 - He believes in personal property rights; until values are jeopardized...then ordinances should be enforced to correct a given situation.
 - Review of CUP Water Issues; he has an interest in this area and would like to see the City get its share of this water for irrigation purposes.He would like to see Elk Ridge be a place where children are “proud to come from and proud to return to”.

00:14:28

Questions:

Erin Clawson: (To all) She wanted to know how they all felt about a code enforcement officer and a committee.

Paul Squires: He feels that codes and ordinances exist and should be enforced. He does not feel the current code is harsh or impossible to comply with; however there are some residents in violation of some of the code. He is in favor of an enforcement committee.

There has been talk about sharing an officer with Woodland Hills

He pointed out that most of the inspections have been performed by Corbett Stephens

- Jamie Towse: It is her understanding that one cannot delegate to government that which one cannot do him/her self...“what I cannot make my neighbor do, I cannot delegate to my government to do”. That would be her “guiding principals” in this area of concern as well. She feels that when government “gets involved” there is a “coercive force that happens”...sometimes that is needed for safety. Otherwise, if government is not involved, “then you have characteristics such as kindness, cooperation & friendliness can take place...but as soon as you have the laws on the books, it turns into coercion and force”. She would use caution when creating and enforcing laws.

- Brian Burke: He agreed with Mrs. Towse in that government should “look at the individual first; and try to work with the individual. He came from a “planned community” with many restrictions and they moved her to get away from so many restrictions.

- Nelson Abbott: He feels “code enforcement, in some instances, is necessary...when it affects the general health, safety and welfare of the residents of the community”. He related the experience he had some years ago regarding his being out of compliance with the code in place at the time and felt the notification process could have been handled differently and in a better way. He feels communication between government and the residents is key.

00:19:41

- Lucretia Thayne: Code enforcement has been an issue of concern for her. At times the code itself needs to be reviewed rather than continuing to enforce regulations that may not be reasonable; she mentioned the landscaping code as an example. There are usually good reasons why someone’s lawn may not be in...reasons of a higher priority than landscaping. She feels government should also take a look at these priorities. We are used to the mind-set of living in a prosperous country and that where certain priorities are mixed up. When she moved to Elk Ridge 28 years ago, it was very rural and she did not have a lawn for many years; but she and her family were “good citizens”...there were other more pressing costs that came up continually. We should not judge one another on outward appearances.

(The Mayor reminded the Candidates that their time is limited for answering questions. He would give them a 30 second warning to conclude their remarks.)

- Paul Squires: He added that most citizens know they are required to put in landscaping; it does not have to be elaborate...it can be simple and inexpensive. He also pointed out that there are other ordinances besides landscaping that need enforcement...such as those that include safety issues.

Greg Pozernick: He has experienced some flooding from run-off. He wanted to know how big a priority storm drainage is to the Candidates and what they plan to do about it.

00:26:25

- Lucretia Thayne: She feels that drainage is an appropriate activity for city government and should be a high priority. The City should do all that is financially possible to improve the drainage.

- Jamie Towse: She agreed that government should address drainage issues. She has learned through her attendance at public meeting that curb & gutter create more drainage issues, particularly on hillsides. Many time hillside communities do not install curb & gutter for the reason stated above. He would like to see other recommendations from the engineers for alternate solutions to the drainage issues.

- Paul Squires: He agreed that drainage is a high priority. The City has invested in a “vac” truck to clean the sumps and drains and that the Public Works Dept. has been addressing the cleaning of the system. He feels drainage is being addressed. “Water is a powerful force” and demands constant study to be able to effectively deal with the issues.

- Nelson Abbott: As a previous Council Member, drainage was an issue that was addressed quite heavily. There was a great deal of new development and resulting run-off that had to be dealt with. He has studied the issues associated with drainage; and though he is not an expert, he knows that the more “hard surface” (asphalt) there is, the more water the City will have to deal with. He feels the width of the roads should also be considered.

- Brain Burke: Drainage is obviously a high priority in the City currently. He feels individual issues should be dealt with on a “priority basis” as well as an “affordability” basis. Example: The City should be “sensitive” to corner lots with two sides of curbing to pay for; though he was not sure how those should be handled at this point.

David Clark: (New resident in the Elk Ridge Meadows, Phase 2 Development) How do the Candidates feel about the Trails system that is supposed to extend throughout the City...it is incomplete presently?

- Nelson Abbott: The Trails system referred to is part of the City’s General Plan; and that Plan was put together as a result of a survey that went out to the residents of the Community...it was worked on by the Planning Commission and the City Council. The Plan is to eventually connect the trails and create a larger system.

- Paul Squires: He has experience in writing applications for grants for Parks & Trails. He knows that tying into the existing forestry trails, that grants are more readily available. He has experience in creating trail systems utilizing existing road surfaces.

- Jamie Towse: She agreed with Mr. Abbott that trails should be affordable; she would not want the City to go into debt for a trail system. If reasonable she would be in favor of trails.

- Brain Burke: He is in favor of trails; he feels they add beauty and enhances property values; as well as attracting residents to the area.

- *Lucretia Thayne*: She has not problem with a trails system; but it comes down to the financial requirements.
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00:35:17

RJ Lundberg: (Resident for 11 years) He was curious about bike lanes that could be painted on the roads. Would the Candidates be interested in this?

- *Jamie Towse*: She feels it is a great idea. She also liked that the youth in the City felt they can be involved and speak up in meetings.

- *Paul Squires*: Trails systems typically include bike lanes; some would be on existing road surfaces where wide enough; and others would be to bring all parts of the system safely to the City Parks.

- *Nelson Abbott*: He likes the idea of bike trails; part of the road in front of the new Public Works Building will be dedicated to trails and bikes. He feels it would be appropriate, where the road is wide enough to allow bikers a degree of safety.

- *Lucretia Thayne*: Not much more can be said about bike trails; but she agrees that, where appropriate she would be in favor.

- *Brain Burke*: He would want to compare Elk Ridge's Plan with what other cities do. He realizes that what may work in one Community might not work in Elk Ridge; but he would like to get some ideas. He is in favor of bike trails.

Kent Burton: He feels some of the stop signs in the City could be replaced with "yield" signs; what do the Candidates think about that?

- *Lucretia Thayne*: People tend to not stop properly at stop signs. There is a concern about speeding in Elk Ridge. Before traffic control signs are installed, they should be a result of a proper study.

- *Nelson Abbott*: He agreed that there are some stop signs that may need to be addressed. He knows there is a standard in place and that if there is a "clear view", then perhaps some of the stop signs could be changed to yield signs. He added that speed should not be controlled with stop signs.

- *Brian Burke*: He views atop signs a bit like "speed bumps"...less is better.

- *Jamie Towse*: She would consider reconsidering the existing stop signs. She believes that just because a rule in "in the book"; it does not necessarily have to stay that way. If there is no safety issue in changing the signs, she would consider a review.

- *Paul Squires*: Some of the stop signs are purposefully placed on hills, with the intent of not requiring a complete stop in the winter time (allowing drivers to get up the hill). He feels that not all the existing stop signs are necessary...he feels the issue would go to the Planning Commission first, then the Council.

00:43:47

Candidates for Mayor:

Mayor Christensen asked that the Candidates sit at the Council Table to address the public.

He announced that Candidate Hal Shelley could not be present at the meeting due to a prior arrangement for a cruise. He has prepared a 5-minute video. (The picture could not be projected onto the screen, a laptop was used. Mr. Shelley's email address was given out: halshelley.com)

1. Hal Shelley: He explained that the trip he and his wife were on had been planned for over a year; well before he considered declaring as a Candidate for Mayor.

Brief Personal History:

Mr. Shelley and his family moved to Elk Ridge about 11 years ago; he moved from Mapleton. He retired after working for the LDS Church for 35 years as a seminary teacher. He has been impressed with the quiet, friendly atmosphere in Elk Ridge. He would like to give back and do what he can to help maintain this type of Community.

Service in City Government:

This has been limited to being the President of the Ambulance Association in Mapleton; including the necessary interaction with the City staff and Officials.

Current Campaign:

He has enjoyed his recent interaction with Elk Ridge citizens and listening to their many concerns.

Issues:

- High utility costs
- Restrictive codes & lack of code enforcement
- Nuisance ordinance (for and against)

He has tried to understand the perspective of those expressing their concerns. He feels that adequate communication has led to misunderstandings and "slanted views". He feels better use could be made of the City Web Site and Newsletter as a source of information.

Attendance at City Council Meetings and Planning Commission Meetings are another good source of information and he encouraged regular participation. As Mayor, he would keep an "open door" and an "open mind". Communication...both ways, is very important.

He would do his best to address the concerns of the citizens...keeping perspectives in mind. He feels both sides of any given issue should be respected.

He understands that the City functions on various levels and he would want to acquaint himself with these aspects to better grasp an understanding of how best to administer how and where necessary.

He "highly encouraged" citizens to visit his web site to learn more about him and express any questions and concerns. He concluded with saying that he would be honored to serve as Mayor; that he has the time to serve and has great respect for all those running for office.

2. Erin Clawson: She began by saying that she desired to simply speak from her heart.

Brief Personal History & Experience: Council Member Clawson has been serving on the current City Council for the past two years. She wanted to run initially due to becoming involved with an issue and the pleasant discovery that one person can make a difference and can be key in making changes. Change can be positive when everyone works together. She learned that not everyone has to agree through the process and that can cause hurt feelings. She expressed that she has great respect for those she has served with and there have

1 been some decisive things that have had to be worked through.

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3
4 Council Member Clawson has learned that people can talk one-on-one and work through things, and in the
5 end, even if there remains disagreement, there can still be respect and consideration for the other's views.
6 Due to the things she has learned and her experience in understanding the issues in the City, she feels she
7 would be a good Mayor. She had no idea who her running mates would be when she declared on the 1st day
8 that declarations could be filed. She feels that all of the Candidates are running because they all care about
9 our Community. She believes Elk Ridge is a special place where she loves raising her family; and she would
10 like to help keep Elk Ridge beautiful and consistent with why most people moved here.
11 One of Elk Ridge's greatest assets is its citizens. When she ran two years ago, she went door-to-door meeting
12 the resident and is in the process of following that same process with this campaign...this is time consuming,
13 but is her favorite part...talking with the citizens. She feels she understands the various concerns and they all
14 affect each of our lives and they are important.

15 She feels a City Council and the Mayor should work together to create good checks and balances with one
16 another to create a balance...to better be able to work for the common good of the citizens.

17 Through personal experience she has come to know more of "special needs" children...applying this to
18 everyone, she feels we all have "special needs" and those things should be important to the City Council and
19 to the Mayor. She chose to run to do what she could to be aware of those needs and to help to meet them.
20 She felt the two others running for Mayor also have those goals in mind.

21 00:54:57 **3. Ed Christensen:** (He had prepared a written statement and wished to read from what he had
22 prepared...this is a summary) He was surprised when he was appointed as Mayor at the end of June, 2011.
23 He thanked all for being there that night at the Meeting. He was appreciative of the opportunity to serve as
24 Mayor.

25 *Brief Personal History:* In his adult life, he has strived to be good example of service. He feels that blessings
26 will come if we serve our fellow man. Since moving his family to Elk Ridge, he has tried to continue to help
27 others when he could. He admitted that recently, his actions seemed to have gotten him into "hot water" with
28 some citizens and others. The previous Friday, he decided to remove all of his campaign signs and thought
29 about leaving the campaign. After many concerned phone calls from friends and citizens around the City
30 asking him to continue his campaign, he decided to "remain in the race". He understands he would be
31 considered the "underdog" as a write-in candidate and removing his signs does not help in this perception.
32 "If citizens of this City would like to see progress and kindness continue from the City to its citizens, please
33 write my name on your ballot and tell your friends and family to do the same."

34 He feels the City should do all it can to assist the residents; and if resources are available to lend a hand to
35 someone, he feels the Mayor should have some limited authority to allow such assistance. "Currently, this
36 does not seem to be the case." He said he is not a man who likes drama or contention; the City Staff has
37 appreciated this aspect of his character.

38 His experience in construction has allowed him to work well with the Public Works Director and the City crew.
39 He has discussed with Mr. Stephens plans to expand this Dept. and how to make it more efficient.
40 Recently, he and the City Council promoted the City Recorder to the position of Office Manager and placed the
41 Office staff under her direction.

42 He has "no regrets" in how he has discharged his duties as Mayor during this interim period of time. He
43 realizes he has made some mistakes, but feels that has been done with a desire to help citizens. If he were to
44 be re-elected, he would not change this part of his philosophy; he will always be kind and generous and try to
45 give the citizens the benefit of the doubt. "Perhaps some of the laws and rules need to be changed." He leaves
46 that to the voters.

47 *Mayor Christensen invited any of the public to come forward with questions for the Candidates.*

48 00:57:45 **Questions:**

49 - Neil Dykstra: (To Mayor) When he submitted his name for appointment, he said he was not interested in
50 running for Mayor for a regular term of office; what changed his mind?

51 *Mayor:* Initially there were conflicts with being a member of his Ward Bishopric; but those turned out to not be
52 a problem. Since there were many requests for his to run, his Bishop encouraged him to do so if he desired to
53 do so. After the Primary, he decided to declare as a write-in. He wants to help others; but he does not have
54 "thick skin" and there are a lot of things that bombard a Mayor...many falsehoods included.

55 - Debbie May: (To both...as Hall Shelley was absent) She knows that Mr. Shelley is retired; how will the duties
56 fit into the schedule of the other two?

57 *Erin Clawson:* She has a family and a full-time job; she is also finishing school...she has been doing all of
58 those things while serving over the past two years. She feels she should set an example to her children of
59 service and views this as a teaching opportunity to her family. She feels she is a great manager of her time
60 and obligations; she is very organized. Though Mr. Shelley is retired, she feels she and the Mayor would
61 simply have to organize things differently.

62 *Mayor:* He agreed. Sometimes being retired isn't always the answer...the staff works well and does not need
63 to be micro-managed. He would meet early with Public Works and then come back when and where needed.
64 A full-time Mayor is not necessary. He feels both he and Council Member Clawson are capable of managing
65 their time.

66 1:04:11 - Greg Pozernick: He reiterated his question regarding drainage and what priority it would be.

67 *Mayor:* Drainage is a big issue. Years ago Hal Shuler felt strongly that curb and gutter would lead to greater
68 problems...it would never end. Where does it stop? There are people that have paid for curb & gutter and
69 there are two areas currently that need curb & gutter: Oak Lane /Canyon View and on Escalante & Alpine.
70 Where will the funding come from for these projects? These are questions to be dealt with by the Council. He
71 feels that corner lots should get some consideration for at least one side of the lot; but it is a mess that will
72 need to be figured out. It will not get easier and some hard decisions will need to be made...with some people

being offended. The City needs to address this and somehow find the funding.

1:06:12

Erin Clawson: Storm Drain is a high priority. There are efforts and provisions for cleaning out sumps that will help with some of the issues. She does not like to hear of residents with flooding problems. We have a unique environment living on a hillside. E started out with no curb & gutter and run-off tended to simply dissipate; but now the current issues must be dealt with; there needs to be good planning for the future so good solutions can be arrived at that are affordable for this Community.

1:07:55

- Deborah Squires: Regarding codes and ordinances: She knows the Council helps to set the codes; but she understands that it is Mayor's responsibility to enforce them...if there those citizens in non-compliance with one code or another regardless of attempts that have been made to come to other solutions as neighbors...how would this be handled?

Mayor: One of the first things he had to address after his appointment was a list of property owners with weed violations. As he started driving around to check out those on the list, he noticed many other violators not listed. It became obvious that the list was "complaint based". That is one of the issues that prompted the idea of a Code Enforcement Committee. When the Council asked for volunteers for this Committee, most came from one area of the City and he felt the Committee needs to be made up of volunteers from all parts of the City. He and Council Member Clawson have worked on this. In his mind, enforcement is either "all or nothing".

There are many tough issues to face and someone has to be the "bad guy"...he has learned that it is usually the Mayor. He hopes the Committee can work with a Code Enforcement Officer that does not live in the City.

Erin Clawson: She and the Mayor have been working together on this. She has worked with Ray Brown and the Council on code enforcement. She does feel that the Council needs to review the codes and ordinances and have as much involvement from the Community as possible. The Council can only make good decisions with good involvement from the citizens.

1:12:46

- Alvin Harward: (Directed to the Mayor) The Mayor had brought up a point in his opening statement that he had done some things wrong through ignorance, yet he went on to say he would not change...Mr. Harward asked that the Mayor explain that further.

Mayor: Example: A family approached the Council in several Meetings about an issue with flooding on their property. He met with Corbett Stephens to try to figure out how to best assist in this problem.

This has been a problem passed from one lot to another. He and Mr. Stephens came up with a plan to divert the water up at the Gunderson's property and help the situation below resulting from this run-off. What was not considered was that Jason Gunderson's property is located outside the City boundaries...it is within the County...so the City should not have worked on County property; but the idea was to assist with a problem within the City. He was glad to lend his "bobcat" for some of the work. This is the kind of thing he refers to when he desires to assist people. As far as "not changing": He would better educate himself on some of the rules, but he would still maintain that attitude of helpfulness and give every citizen the benefit of the doubt.

(*Mr. Harward asked if he consulted with the Council before the work was done.*)

There were discussions with the Council but no actual approvals. If this was wrong, he apologized and may do it differently now.

Sean Roylance: He wanted to clarify that he Council supported the Mayor in that decision.

Alvin Harward: He added that the Mayor may not approve any work or purchase that exceeds \$500 without the Council's approval. He thought the workers were on that particular project for more than a week; which would have amounted to more than \$500. It should have been approved by the Council. He agrees that it is great to help the citizens; but the approval process should be followed.

Mayor: He realized that and he did not consider the use of the time for the workers; there was no purchase involved.

- Nelson Abbott: There have been bad relations with Loafer Recreation Association for ears; what could be done to smooth over the "rough edges" and create better relations?

Erin Clawson: She knows some people that own property within the Association area. There are signs that prohibit walkers, bikers, site-seers...it is private property. She is aware for the negative feelings that exist. She feels the best way to come to better relations is better communications and being willing to talk. She feels the City is currently trying to extend a hand of friendship: there is an Eagle Project currently under way that will plant nice trees on the well site (with the Association's approval). Another show of consideration for them was how the City went about replacing the pump on the Loafer Well...it was to go above ground, but it was placed under ground due to a previous agreement to help keep the noise down.

Mayor: He agreed with Council Member Clawson. He appreciates Corbett Stephens because of the work he has done in helping with this attitude, including assisting with Jayman Davis's Eagle Project the previous Saturday in beautifying the well site. He is not acquainted with all of the details with Loafer Recreation Association; but they are not the only ones in town that feel less than a part of the City: Gooseneast area, Elk Ridge PUD, Valley View Circle. We need to do a better job in making everyone feel a part of Elk Ridge.

- Kent Burton: He questioned why the City could not charge a fee for each family to have a key to the Park restrooms. The bathrooms are locked and it seems ridiculous.

Mayor: The keys are passed out when the Park and/or Pavilion are rented and the Public Works cleans the restrooms. With the small staff, there are complaints about the restrooms. Vandalism is also an issue.

(*Comment from the audience*) Keys come with the rental and there is a charge for the rental.)

Erin Clawson: She would appreciate suggestions; but she does know that the restrooms are locked due to vandalism. There are keys available during the sports activities.

(*Close of the Meet the Candidates portion of the Meeting*)

1:25:49

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7:41 PM –

REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

ROLL

Mayor: Ed Christensen; *City Council:* Julie Haskell, Erin Clawson, James Mayfield, Weston Youd & Sean Royslance; *Planning Commission:* Kelly Liddiard (Chair), Dayna Hughes, Debbie Cloward, Nelson Abbott & Randy Jones; *Building Official/Public Works:* Corbett Stephens & Rex Davis; *Candidates:* Brian Burke, Lucretia Thayne, Jamie Towse, Paul Squires & Nelson Abbott; *Public:* Greg & Stephanie Pozernick, David Jean II, Ray Brown, Alvin & Cecilia Harward, Desiree Shallenberger, David Clark, RJ Lundberg, Pam Lundberg, Tony Lundberg, Margaret & David Tipton, Kylee Adamson, Nephi Deeben, Kristin Royslance, Shelly Neria, Rebecca Devenport, Careene Eliot, Linda Christensen, Jennie Wilcox, Robin Sharp, Charles Wixom, Dane Kimber, Robin Clawson, Dennis A. Dunn, AJ Christensen, Margo Brockbank, June Christensen, Stewart Jolley, Robert Goodwin, Darin Magoffin, Deborah Squires, Neil Dykstra, Ron & Sharon Dahlstrom, & Alan Hughes;;
and the City Recorder, Janice Davis

OPENING REMARKS
PLEDGE OF
ALLEGIANCE

An invocation was offered by Sean Royslance; who also led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

WESTON YOUD MOVED, SECONDED BY JAMES MAYFIELD, TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:41 PM
VOTE: YES (5) NO (0)

PUBLIC FORUM

1. *UVU Presentation:* A representative from UVU was present to present Mayor Christensen with a signed basketball to the Mayor for the City's participation in the Corn Maze project. She said it has been terrific working with the City, particularly Council Member Clawson and the Mayor as well as all of the other support. The project was a success and there will be scholarship money available for students in this area. They look forward to repeating it next year.

2. *Jamie Towse:*

- There was to be grading on Salem Hills Drive (the dirt portion); there has been concern in finishing this. (To be discussed later in the Meeting).

- She would like to see emails from the City resumed. (*Council Member Royslance said he would look into it.*)

1:32:33

EAGLE PROJECT –
DANIEL ALLRED /
RATEIFY POLLED VOTE

Eagle Project/Stop Lines: A Scout named Daniel Allred was informed that he had to be cleared through the City Council as well as the Eagle Board. This came as a surprise to him and to his mother. They thought they were ready to proceed. The Mayor approved a polled vote. The Project is to paint the rest of the "stop lines" at the remaining intersections in the City. Four of the Council Members responded with "aye" votes (Council Members: Youd, Royslance, Mayfield and Clawson). Scout Allred will also paint a couple of crosswalks that have faded.

ERIN CLAWSON MOVED, SECONDED BY JAMES MAYFIELD, TO RATIFY THE POLLED VOTE TAKEN TO APPROVE THE EAGLE PROJECT FOR DANIEL ALLRED; TO PAINT THE REMAINING STOP LINES AT THE INTERSECTIONS IN THE CITY; INCLUDING THE APPROVAL OF UP TO \$100 FROM THE CITY TO GO TOWARD THE PROJECT

VOTE: YES (5)

NO (0)

1:34:53

ORDINANCE –
WATER USAGE /
DISCONNECT

(*Memo from Recorder to Council, dated 10-25-2011*) Included in the Council packets was an email from David Church regarding the City Code vs. the State Code concerning disconnected service for a residence where the occupant has moved out and left a balance. Quote from Mr. Church: "The City Code never overrides the state code even when it is more restrictive. Your current City Code needs to be changed. The legislature, about 10 years ago, took away the city's power to hold new owner's responsible for city water and sewer bills. The only people we can hold responsible are the ones that signed up and used the service."

The City's current Code says that the water meter shall be removed and no service will be provided to that residence until the delinquent balance has been paid.

The proposed ordinances does not remove any of the wording; it simply adds to it at the end...it clarifies that the new owner would not be held liable for the past due account.

JULIE HASKELL MOVED, SECONDED BY ERIN CLAWSON, TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE MUNICIPAL CODE REGARDING THE REGULATION OF THE USE OF THE MUNICIPAL WATER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATION THEREOF. THE MOTION ALSO ALLOWS FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

VOTE (POLLED): JULIE HASKELL-AYE, ERIN CLAWSON-AYE, SEAN ROYLANCE-AYE, WESTON YOUD-AYE & JAMES MAYFIELD-AYE (Passed 5-0)

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1:37:09

USE OF PARK IMPACT FEES

(Memo from Recorder to Council) "Trails: The Council discussed using Park Impact Fees for Trails; specifically designated to go in front of the new Public Works building; but it was not voted on with a specific amount. The Council must designate the use of impact fees by motion."

Mayor Christensen: There was a bit of confusion on this; since the widening of the road was approved; but approval is needed on the use of Park Impact Fees. He believes the cost was \$7,200 (Noel Hiatt) + \$2,800 - \$3,000 (asphalt)...so, about \$ 11,000 or \$12,000 to widen this strip of road for a walking/biking trail. He asked that the Council approve up to \$11,000 or \$12,000.

Weston Youd: He added that the Planning Commission should also be directed to update the General Plan to include this portion of trail.

City Recorder: If part of that \$7,200 was for grading the retention basin, then it should be broken out of the amount taken from Impact Fees.

James Mayfield: He suggested postponing action on this until the next meeting so the Council could get the final costs.

Erin Clawson: She asked about striping the roads in general. There have been comments about having a middle stripe.

Weston Youd: This would not be the right time of year to do that; perhaps in the spring.

Ray Brown: He agreed that winter is not the time of year to stripe.

1:42:06

ROAD GRADING – DETAILS

Weston Youd: (National Guard) The Guard is not returning any phone calls regarding a time frame when they could come out and do the grading of Salem Hills dirt road and the road to the tank.

Mayor Christensen: HE recommended using Noel Hiatt, based on his bid to do the same grading. (Bid: \$2,600)

WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE NOEL HIATT'S BID OF \$2,600 TO GRADE:

- THE CONNECTING DIRT ROAD BETWEEN EAST AND WEST SALEM HILLS DRIVES
- THE DIRT ROAD LEADING TO THE UPPER WATER TANK

VOTE (POLLED): JULIE HASKELL-AYE, ERIN CLAWSON-AYE, SEAN ROYLANCE-AYE, WESTON YOUD-AYE & JAMES MAYFIELD-AYE

(Passed 5-0)

Mayor Christensen said Noel Hiatt offered to come and maintain the roads so they do not get so bad. That would need to be budgeted for every year.

1:44:10

RESCHEDULE NOVEMBER, 2011 CITY COUNCIL MEETING

Due to the General Municipal Elections to be held on the 2nd Tuesday of November, the Meeting will have to be rescheduled. There must be at least 7 days between the Elections and canvassing the returns; so 11/15 was mentioned.

WESTON YOUD MOVED, SECONDED BY SEAN ROYLANCE, TO RESCHEDULE THE NOVEMBER COUNCIL MEETING TO NOVEMBER 15, 2011

VOTE: YES (5)

NO (0)

1:45:38

STORM DRAIN – POZERNICKS

Greg Pozernick: They live on the corner of Alpine and Escalante Drives. They have experiences periodic flooding at their residence. They feel they have done all they can to redirect the water and the problem remains. He is not sure why curb & gutter exists around him but their lot does not have it. They get most of the water (run-off) from Astor Lane & Alpine Drive. Even though there is a small sump, it appears to be inadequate to be of good use; the water flows over the top of it. (He appreciated the City cleaning that sump out.)

They are requesting assistance with the problem, and with installation of curb & gutter. They feel that since they live on a corner lot, that the City should assist with at least one side.

Mayor: The Mayor explained that it is in the plans to tear out S. Escalante and replace it; with the idea that the residents will be given an opportunity to vote on curb & gutter (Mr. Pozernick is included in this plan). The Mayor felt that the City could consider paying for ½ of Mr. Pozernick's corner frontage...but then "the next guy is going to want it; and the next guy". Two of the main issues with storm drain are: Canyon View and Escalante.

James Mayfield: He suggested getting the letters out that will educate people and then see how many would be in favor of the curb & gutter.

(The letters did not go out because the necessary sump became an issue...where to put it...how to fund it, etc.)

Mayor: The money has been approved to fund the sump; not the letters need to go out. The question is if one or a few are not in favor. He asked the Recorder if it had to be unanimous.

Recorder: An SID is another option; then there does not have to be 100% in favor. Currently, the City wants to see if the residents will simply do what they did in the Columbus Lane area...pay for their own curb & gutter at a better rate, since the City can get the supplies at better prices. Previously, if there was one or two not in favor; the Mayor went to speak to them personally and explain the situation to them...if all around them had curb & gutter installed, the run-off would end up in their yard.

*James Mayfield: He felt the next step was to get the letters out to the residents. Council Member Mayfield has already written the letter. Nothing will be done until the spring of 2012.

(Brief explanation to the scouts present.)

1:52:42

Mr. Pozernick: He reiterated his request to have the City pay for the south side of his property.

James Mayfield: It is Mr. Pozernick's property that needs the curbing. It would be tough to go to people that have paid for curb & gutter and ask them to help pay for lots without it out of taxes.

Ray Brown: The same type of problem existed on Columbus Lane when Magellan Lane was extended; more run-off was created. Everyone on Columbus and Magellan were polled and all but one agreed to have curb & gutter installed. Since it is City property (right-of-way) and technically the City could put in a “burm” that would keep the water from flooding...not as nice looking, but functional.

(Mr. Pozernick pointed out that one cannot put in a burm in front of a driveway.)

Two sumps were installed in the Columbus area and one of the property owners with a corner lot paid for both sides of his frontage. The same thing was done on Oak Ridge Drive. It all works.

Mr. Pozernick: “I will pay for one side; but I won’t pay for the other...you will get a “no” vote on the west side.” *(The Mayor said he did not see a problem; but it is not his money.)*

Comment: Someone pointed out that Clarks on Astor Lane have to deal with the flooding.

Mayor: It was his understanding that Mr. Pozernick was looking for the City to assist him financially; so he asked if there were a motion to do so from the Council.

Sean Roylance: He expressed a concern that the City gets a better price on materials when it is ordered altogether; perhaps it should be done when all of Escalante is done.

Weston Youd: Where would these funds be drawn from? *(Council Member Mayfield asked if the City could legally assist with ½.)* Council Member Youd continued that one would have to get in line”. This would set a precedence to assist how many others? He has paid for curb & gutter about 4 years ago and it is just now being installed; he asked if he would then get reimbursed for ½. He understands the problem, but will more problems be created? There will be these types of questions and requests.

Mayor: He feels these other requests would simply be ignored.

James Mayfield: He suggested that perhaps corner lots be given an exception.

Mayor: The Mayor added...if it is causing flooding somewhere.

(Comment: It could just be explained why they received the assistance.)

Weston Youd: “but where does that end?” *(The Mayor added that it doesn’t end.)* He was simply echoing the concerns of those other citizens that had to pay full price.

James Mayfield: He asked how many feet there are on Pozernicks. *(Mr. Pozernick though that one side might be 140’.)*

Erin Clawson: She said this was difficult; she is on a corner lot and she has ½ of the curb & gutter *(paid for by the developer)* and ½ with none. The understanding was that they would be responsible for the other ½. She would like to help; but she also understands Council Member Youd’s point...there is a whole community; where is the line drawn? Could this be considered on an individual basis...just corner lots...the position of one’s driveway, etc?

1:59:54

Comment:

Desiree Shallenberger: Though she could see both sides, she felt the City would open itself up to other requests. Over the years other people have been upset with flooding issues due to various circumstances...issues will be opened up.

Erin Clawson: It is so important to consider all these things at the planning level; there are consequences for the future.

Mayor: He felt that if there is a history of the house being flooded, that should be sufficient to qualify for assistance.

Mr. Pozernick: He felt like the City uses their yard as a “collection pond”.

Lucretia Thayne: She felt that the criteria for defining the qualifications for assistance should be consistent in all situations. If the City does help (if the funds are available); the situation should be well-defined.

James Mayfield: There is a history of assessing for the curb & gutter...this is not a new situation. There is an established pattern...there have been these types of arguments for years.

Sean Roylance: He would feel more “comfortable” if there were a determination of how many lots would potentially be eligible for assistance. If the City pays for ½; how many more would there be? What would the cost be? Can the City afford it?

Weston Youd: He agreed that is where the Council needs to start with this request. A better definition of who qualifies is needed. He also feels the letters should go out to residents to see what their feelings are. *(Discussion of various ideas...much talking over one another.)*

Jamie Towse: The points that have been made regarding a better definition of criteria; to be consistent. The engineers could assist in defining these problem areas/lots. They could be prioritized and budget for any assistance...good planning is the answer. This should be a City-wide consideration.

Mayor: He informed those present that LEI Engineering was contracted to do another Storm Drain Study for he City.

Brian Burke: HE would rather see this be a “neighborhood issue” rather than a “city issue”; too many people re involved.

Mayor: He suggested the possibility of taking the entire cost of the road and dividing it equally among the residents.

James Mayfield: The City also “takes a hit” when a road does not last as long due to erosion and the road has to be replaced sooner than it would with curbing.

Mayor Christensen: (To Mr. Pozernick) His recommendation for now is to:

- Get the letters out
- See who is in favor or against
- Possibly getting the cost for the whole project and possibly evenly distribute those costs.

Mr. Pozernick: He is concerned that there will be some not in favor of the project and that it will all slip tow or more years and not be handled. He wanted to know if there is any current law that dictates responsibility of

1 water and where it comes from.

2
3 2:09:40

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4
5 Ray Brown: State law says you are responsible for water that comes off of your property.

6 Mayor: If the water comes off the road, is it the City's water?

7 *(Corbett Stephens was asked for his opinion.)*

8 Corbett Stephens: He felt like the subject had been "beat to death". There are about 40' past the Pozernick's
9 driveway...two yards of concrete @ \$80/yard...the job could be done for under \$200 and perhaps 3 or 4 hours
10 of labor. To get the water past his driveway would be inexpensive.

11 *Discussion of details and what might be done.*

12 Mayor: He asked Mr. Pozernick if he would be willing to pay \$200 if the City fixed the situation and provided
13 the labor.

14 Mr. Pozernick: "Yeah, but I don't want to pay for two sides, though." He said he would pay \$200 to fix that side.
15 *(Comments: Then what? What about the rest of Escalante?)*

16 *The letters will go out that week.

17 Corbett Stephens: If Mr. Pozernick wanted to do the work on his own; is there any reason against that?

18 Weston Youd: He knew of no reason not to.

19 Mayor: (To Mr. Pozernick) He clarified that there would be no approval for any requested assistance at that
20 meeting...that night.

21 2:12:58

22 OTHER CITY COUNCIL
23 BUSINESS

24 *1. City Property Rental Situation:* The Mayor briefly discussed the issues existing with the City's rental property
25 with the home that the City acquired with the purchase of the land. It was rented out to Andersons and they
26 owe back rent due to hardships with the family. The amount is \$6,700 owing. There are some major health
27 issues with Mrs. Anderson and there is a fund raiser currently being organized to assist the family.

28 Recommendation: Consider the money owing and perhaps some of it could be waived or exchanged for
29 artwork (Mr. Anderson is an artist).

30 James Mayfield: There is no rental agreement with the family.

31 *After discussion, it was decided that the rental agreement needs to be addressed and perhaps 1/2 could be
32 waived. The Council liked the idea of taking a look at the artwork available. The City should not be in the rental
33 business anyway. The future ability to pay rent is still not solved. It was requested that the subject discussed
34 stay in the room. The terms should be within the agreement.*

*The agreement comes first.

35 2:23:48

36 *2. City Equipment / Borrowing Policy:* Council Member Mayfield felt that there should be a policy regarding
37 borrowing expensive equipment; there are liability concerns. He proposed doing a bit of research and coming
38 back to the Council. He counseled that the City not borrow equipment; if it is needed, rent it.

*This should be on the agenda in November.

39 2:25:56

40 CITY COUNCIL
41 MINUTES

City Council Minutes of 9-27-2011:

Correction on Page 5; Line 27..."or" to "of"

42 **ERIN CLAWSON MOVED, SECONDED BY SEAN ROYLANCE, TO APPROVE THE CITY COUNCIL
43 MINUTE FROM SEPTEMBER 27, 2011, AS CORRECTED**

44 **VOTE: YES (5)**

NO (0)

46 EXPENDITURES:

General: None

47 *A. City Utility Mapping:*

48 The Mayor brought up the need for a gps survey to create a current utility map indicating locations of valves,
49 lines, hydrants, shut-offs, etc. LEI gave an estimate for the work. Suggestion: Get another bid from Aqua.

*To be on the next Agenda.

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51
52 ADJOURNMENT

The Mayor adjourned the City Council Meeting at 8:42 PM.

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City Recorder