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**ELK RIDGE
CITY COUNCIL MEETING
May 8, 2012**

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TIME & PLACE
OF MEETING

This regularly scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, May 8, 2012, at 7:00 PM**; this meeting was preceded by **a City Council Closed Session at 5:30 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, as well as an Amended Agenda, were provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on May 4, 2012.

5:30 PM –

CITY COUNCIL CLOSED SESSION:

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires

Discussion of Personnel Competence

Mayor Hal Shelley closed the work session at 7:05 PM.

**ELK RIDGE
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ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Nelson Abbott, Brian Burke & Paul Squires; *Pubic:* Shelby Lane, Jessica Larsen, Stephanie Pozernick, Cheyn Gunnerson, Seth Mason, Jack & ShaMayne Mason; *and the city Recorder:* Janice H. Davis

OPENING REMARKS
PLEDGE OF
ALLEGIANCE

An invocation was offered by Cheyn Gunnerson; and Nelson Abbott led those present in the Pledge of Allegiance, for those who wished to participate.

AGENDA TIME
FRAME

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:10 PM.
VOTE: YES (5) NO (0)**

PUBLIC FORUM

The Mayor invited anyone present to bring before the Council any items they would like to discuss that was not already on the Agenda.

1. Cheyn Gunnerson:

- He mentioned drainage issues on the connecting dirt portion of Salem Hills Drive
- There is a great deal of negative activity going in the same area of Salem Hills Drive: possible drugs, cars ripping up the dirt road, kids up there at night, etc. He would like for the situation to be addressed. Would it be possible for the police to patrol the area later at night?

Mayor Shelley: He appreciates it when problems are brought to the Council's attention; it is the only way to know what is going on so they can be handled. (He mentioned an example of some trash that had been reported and how it was taken care of.)

He has spoken to Chief Waite about blocking that dirt road off; the problem is that emergency vehicles need to have access in case of fire. The Chief does not want the road blocked off.

- Council Member Youd mentioned forest service gates. The Mayor added that there could be locks and the Fire Dept. could have keys.

- Signs could be put up restricting traffic however; most people do not pay much attention to signs.

Erin Clawson: Deputy Butters has encouraged citizens to call dispatch when anything at all appears suspicious. The City could ask for extra patrol.

*The Mayor will speak to Deputy Butters.

Council Member Abbott has called Deputy Butters and alerted him to the drug issues.

Paul Squires: He reported problems with someone shooting his dog with air-soft guns and sling-shots. Two sheriffs and he picked up a bag-full of bb's (pellets) and marbles from his yard. The issue continues and the sheriff said they can install a "game camera" to survey the area. Perhaps the City could get one installed for the area are Salem Hills Drive.

*The Mayor said he would follow up on that; and he said that people can call him at home.

2
3 The Mayor cautioned people that they should not go out to address issues alone; but to call the police or
4 to call him.

5 The Mayor and Mr. Stephens were discussing the drainage problems and have some options to try that
6 should mitigate much, if not all of the problem. Grading the road again should take care of the drainage.
7 Erin Clawson: She and Deputy Butters are willing to start up a “neighborhood watch” program; a citizen
8 volunteer would be needed to head up the program.

10 ROAD CROSS
11 SECTIONS

12 As per Council direction, the Planner provided the cross sections for 28’ width and 30’ width. The Mayor
13 explained that he is trying to get as accurate a picture as possible of the location of the legal
14 boundaries...without spending too much more money. It has already cost \$1,000 to have LEI situate
15 markers to facilitate drawing straight lines on the street.

16 The current issues: a couple of citizens are of the mind-set that unless the road is straight, they will not
17 agree to the curb & gutter project.

18 It looks like it will be the 30’ width; with 2’ on either side for curb & gutter; that needs to be verified. There
19 is a concern about the cost in moving utilities if the road is too wide. (*Council Member Youd offered to go
20 out with the Mayor on Friday of that week, to contact residents and deliver contracts.*)

21 If everything is in order, June 4th is still the beginning date.

- 22 - Sump will go in first
- 23 - June 4: Construction will begin

24 Stephanie Pozernick (*resident on Escalante*): She had questions regarding width and financing.

25 **WESTON YOUD MOVED, SECONDED BY NELSON ABBOTT, TO AMEND THE ELK RIDGE
26 CONSTRUCTION STANDARDS BY ADOPTING THE ROAD CROSS SECTIONS AT 28 FEET OF
27 ASPHALT AND 30 FEET OF ASPHALT; AS PRESENTED BY THE CITY PLANNER (LEI
28 ENGINEERING); NOTING THAT THESE CROSS SECTIONS ARE TO BE APPLIED TO EXISTING
29 ROADWAYS AND NOT FOR NEW CONSTRUCTION**
30 **VOTE: YES (5) NO (0)**

32 BEE KEEPING

33 Postponed, giving Mr. Hazen a chance to arrive.

34 HR CODE

35 DISCUSSION

36 Brain Burke:

37 1. *Comp Time*: There was a question regarding “comp time” paid in different pay periods. He asked David
38 Church (City Attorney) about differences that government entities may have. Mr. Church stated there is an
39 exception; he was not sure how much can be accumulated (either 320 hours or 480 hours)...he is to send
40 Council Member Burke that information.

41 (*Council Members Abbott and Squires felt it is 240 hours.*) He will amend the wording in the HR Code
42 accordingly.

43 *Section 4 (B)*: To read: “Compensatory time (for non-exempt employees) would normally be paid during
44 the pay period in which overtime would occur.”

45 *Following sentences to read*: “Compensatory time may be accumulated and paid in a later pay period
46 subject to the approval of the Mayor and the written agreement of the employee. However, it is the
47 responsibility of the Mayor to ensure that excessive compensatory time off is not accrued and that it is
48 taken at a time that will not cause a burden to the City.” *Add in*: “No more compensatory time may be
49 accrued per calendar year than is allowed by law.”

50 *Those changes will be made.*

51 *Two new sub-sections*:

52 “d) Compensatory time must be taken at 1 and ½ times hours worked.”

53 “e) It is the responsibility of the Supervisor, with the required review of the Mayor, to manage and make
54 every effort to off-set overtime hours with compensatory time off. This is necessary in order to maintain or
55 stay within the hourly wages planned for as controlling the financial budget for payroll.”

56 *And existing*:

57 “f) Where possible, the employee’s wishes will be met on how overtime is paid, but the Mayor has final
58 authority on the payment of overtime.”

59 There was a discussion about defining who and what constitutes a “Department Head”. The code would
60 need to be specific. Typically, the term “Dept. Head” has referred to the Council Members. There are
61 Supervisors or Directors over the office staff or public works.

62 Council Member Abbott suggested taking out the parenthetic qualifications and simply have,
63 “employees exempt from the from the wage and hour law...”

64 Suggestion: to get away from position definitions in the code.

65 City Recorder: With “at will” employment, it might be wise to have the supervisors sign an agreement that
66 they accept the “exempt” status accompanying their position’s job description. (*The Council agreed.*)

67 **The Mayor asked that Ms. Davis work with Council Member Burke to create that type of document.*

68 2. *On-call Pay (Section 7080 of HR Code)*: This was changed, as per suggestion from the Council, from
69 the rate being “\$30/day” to “\$60/week”. David Church said that “on-call” pay is “all over the board”, but he
70 agreed that \$60/week sounded about right for a city the size of Elk Ridge. The rest of the code remained
71 as presented to the Council.

Council Member Burke called attention to the last sentence in the section: “The employee voluntarily
remaining on call within 30 minutes of the City offices, without the express approval of the Mayor, does
not necessarily obligate the City to pay on call pay.”

(Council Member Burke – cont.) Example: If an employee decides to work overtime without the Mayor's approval and decides to "just stick around", the City would not be required to pay for "on-call". It is the Mayor's decision to decide "on-call" pay; not the employee's. Council Member Clawson questioned winter on-call vs. summer on-call... typically in the winter it is for snow plowing; but in the summer, it might be more for water issues.

Mayor Shelley: He agreed that is usually the case; but there could be storm drain issues, sewer issues, etc. Currently the only City employee certified for culinary water is Corbett Stephens. There is an effort to change that.

The on-call status would be assigned as part of regular scheduling. This would not have to be approved week-by-week; it would simply be "part of the policy we work under".

(Council Member Abbott added that he felt the Public Works Director could put together a schedule assigning on-call throughout the Dept.)

City Recorder: She contacted Sterling Codifiers to see how best to adopt the HR Code amendments; and he advised doing it all at once, by reference...after each section's changes are approved by the Council.

The Mayor called for a motion on just the sections discussed.

Discussion:

Council Member Burke mentioned that the Mayor/Council may wish to grant overtime to exempt employees in extreme situations. That should be decided. If overtime is granted to exempt employees, the week that it is paid defines that job as "non-exempt" (for that time period).

Council Members Clawson and Youd did not recall wanting to grant overtime to exempt employees. They felt that "exempt is exempt"...consistently.

The Mayor proposed bringing this back to another meeting for approval; with corrections, if desired.

City Recorder: Her position is not as prone to overtime as in public works; her overtime hours are seasonal...usually at budget times.

Suggestion: to leave the code the way it is...with exempt not qualifying for overtime. The specific job descriptions could contain any variance from the HR Code regarding overtime for an exempt position.

Brian Burke: Even in extreme cases, time off should be used to manage overtime if possible.

Nelson Abbott: He stated, "If we are at a point where we can't give a guy time off because he's got too much to do; then we need another employee." He feels that if an employee is classified as exempt, then he/she "should be exempt 24/7...365 days/year..." (No exceptions). He felt the line should be drawn.

The conclusion was to leave the wording the way it was presented.

WESTON YOUD MOVED, SECONDED BY NELSON ABBOTT, TO APPROVE THE PROPOSED AMENDMENTS TO THE HR CODE; SECTION 7030, ENTITLED "OVERTIME"...INCLUDING SUBSECTIONS 1 THROUGH 7; AS CORRECTED VOTE (POLL): PAUL SQUIRES-AYE, ERIN CLAWSON-AYE, WESTON YOUD-AYE, NELSON ABBOTT-AYE & BRIAN BURKE-AYE (5) NAY (0)

Passed 5-0

00:39:00
BEE KEEPING

Tom Hazen: (Mr. Hazen desires to keep bees on his property. There is no current code regarding bee keeping within the City, though there are others who do have bees in the City. He would like to have the code changed to specifically allow bee keeping.)

He summarized some of the issues/requirements for bee keeping; clarifying that these are not wasps or "killer bees"; but are honey bees. (He provided handouts to the Council.)

He listed the benefits of honey bees to a culture:

- Pollinate other plants, fields, orchards, gardens, etc.
- Beautify neighborhoods
- Increase value of area
- Helps control "pest bees" (wasps)...they actually drive them away

There are current problems with domesticated honey bees and in trying to keep them healthy. There are more and more people interested in raising honey bees. He hopes the interest will grow.

Discussion:

It was decided that if he is following State regulations, and the City code does not disallow bee keeping; that he should simply go forward; that the State rules are sufficient. Perhaps the Planning Commission and the Council will look at the code and amend it in some way regarding bee keeping; but for now, there is no need to pre-empt the State laws. If Mr. Hazen wants to apply for a code amendment, he can do so through the Planning Commission...there would be a cost to do that.

Council Member Abbott suggested setting up a booth at the up-coming City Celebration or the State Fair to educate people on bee-keeping.

00:59:17
BUDGET DISCUSSION -
SCHEDULE PUBLIC
HEARING

Tentative 2012/2013 Budget:

The Mayor asked the City Recorder to assist in the discussion.

(Budget Worksheets were provided to the City Council Members – Basic explanation of formatting.)

Many of the suggested budget figures were already entered into the budget worksheet based on calculations from past and current year figures. There are still questions are some major issues:

- Salaries & wages (Public Works, COLA – about 2.7% and/or performance bonuses)
- Road work to be done (Escalante - will it carry over? Chip Seal? Park Drive? Elk Ridge Meadows 2)

Chip Seal on Loafer Canyon Road? (How much contributed by Loafer Recreation Assoc.?)

(Road Work – Cont.)

- Overlays? The “Dugway” at the east end of Park Drive needs to be looked at due to on-going erosion.
- City Center Project (Facade on Public Works Building & Remodel of Fire Station?)
- Will the City extend water & sewer lines on South Loafer Canyon Road? (\$80,000 has been set aside in both Water & Sewer for this proposed project for 2011/20112) Council Member Abbott would rather see that money go into a water line between the two tanks (Fairway & Hillside).
- The City needs a new snow plow; loan payments on the newer truck will end in 2012/2013. That \$20,000/year could go toward a new truck. Sanders are also needed. (Mayor Shelley felt a 3rd snowplow would help with winter months.)
- Purchase of equipment (Various departments) – need list & costs for budge notes
- The backhoe is wearing out; when will that be addressed?
- Mayor: One of the Public Works pick-ups needs to be replaced. (A review of Government Surplus lists would be beneficial.)
- Will the City hire a code enforcement officer and set up Administrative Court?

The current General Fund Balance will change with the addition of certain expenses.

1:40:54

Mayor Shelley: Suggestion: He would like to suggest a \$1.00/hour raise for both the newer employees (Mary Preece & Rex Davis). Council Member Burke would like to see raises tied to performance and certifications. The Mayor further explained that, typically, other employees receive a slight raise after the initial probation time has been completed; whereas Ms. Preece and Mr. Davis did not. He added that the certifications would work for Mr. Davis; but not for Ms. Preece.

City Recorder: Ms. Preece’s accomplishments since being hired were reviewed with the Council.

Brian Burke: (Discussion of job descriptions and comparables to other cities) He expressed that many times the description for the same position changes, according to the policies of a particular municipality...for example, in a small city, an employee might end up doing more than someone in the same position in a larger one.

Mayor Shelley: (Water certification – Rex Davis) Mr. Stephens should have been the one training Mr. Davis and assisting in getting him certified; however, “he has neither the patience nor the inclination at this point to even...in fact, he is pretty negative towards Rex becoming certified...and I am pretty frustrated by that...and I am adamant that we are going to do what it takes to get him certified; so that we have ‘redundancy’.” Mr. Davis has tried to understand the material; but without the years of experience that Mr. Stephens has...it is different. There is a contact through Rural Water Association that will assist with training and passing the test. It is not for lack of effort; it just has not been done. The Mayor stated further that, though there are some major conflicts, Mr. Davis is working hard. “Both he and Wayne are working awfully hard shovel work”.

Paul Squires: (He spoke to Mr. Stephens about the HR Manual, as asked) Mr. Stephens told Council Member Squires that he had obtained Rex’s last two tests...so he could see where he needs to study.

Mayor Shelley: He may have the information; but has backed away from doing that.

(There was more to discuss on this topic; but the Mayor felt it would be best at another time.)

The Mayor would like to proceed with Rural Water and have them come out to assist. For now, he still proposed raises for Ms. Preece and Mr. Davis.

1:47:40

The Council Members were asked to have lists and costs to the City Recorder before the next Council Meeting, which will be a Public Hearing for the Tentative Budget.

Council Member Youd wanted to clarify the necessary budget estimates he would be responsible for:

- Weston Youd - Roads...repairs, overlays, & installation (costs)
- Paul Squires – Water – Cost estimate on Water line between tanks (lower to upper)
- Erin Clawson – Park Projects & Public Safety (Fire Dept.)
 - (23,000 in impact fees need to be spent in 2012/2013 fiscal year)
 - (FYI) Tricia Dent, the current Athletic Director, will finish off T-Ball for the City; but will be resigning after. There was not a very good response for sign-ups and she questioned even offering sports through the City (except for young children).
 - Suggestions from Council Member Youd regarding City Center fields: City swimming pool or rodeo arena (revenue for the City)
 - Trails development is another option
 - Deputy Butters said he knew of no increases for Police Protection next year
- Brian Burke – Code Enforcement (Officer needed: will the position be a paid one?)
 - Council Member Burke spoke with Dave Johnson / Salem City; they are not interested.
 - Mayor Shelley: Something must be done to remedy the lack of enforcement. He has handled some calls himself; but the violations must be dealt with in some way. Do we need to partner with another city?
 - Council Member Burke also spoke to Woodland Hills; they are experiencing the same problems Elk Ridge is.
 - *Mayor Shelley will talk to Woodland Hills’ Mayor. He would prefer having an officer from outside the City.
 - Council Member Abbott wanted to know the approach the City will take toward violations: “go after the fight or wait for the fight to come to us”?

The Mayor commented that there are already calls coming in; but when the City only responds to complaints, then other violations...perhaps in the same vicinity...go unaddressed.

2
3 **WESTON YOUD MOVED, SECONDED BY PAUL SQUIRES, TO SCHEDULE A PUBLIC HEARING ON**
4 **MAY 22, 2012, AT 6:00 OM; TO CONSIDER THE TENTATIVE BUDGET FOR THE 2012 / 2013 FISCAL**
5 **YEAR**
6 **VOTE: YES (5) NO (0)**

7
8 CITY CELEBRATION

(Question: Will sign-up packets go out to residents? If so, when?)
Comment: Mrs. Anderson has been difficult to get hold of; is there better contact information?
Erin Clawson: Natalie Anderson (Chair of Committee) is having a problem getting volunteers to help with any part of the Celebration. Currently she only has about 4 or 5 volunteers and she needs about 20. (Mayor Shelley said he found someone to head up the "Car Show".) The Carnival is the big area that needs someone.
Council Member Clawson pointed out that it is the City's Celebration and if the citizens do not volunteer, then she feels it is the Council's duty to "step up" and help out; then evaluate what is necessary for the Celebration and what isn't.
Mayor: The only way the Celebration will grow is to have a great event and build from there; building motivation.
*Council Member Clawson will go by and talk to Mrs. Anderson and get updated information. She attempted to reach her before the meeting, but was unable to. Council Member Clawson can also be contacted regarding any questions that come up.

22 2:03:40

23 NON-AGENDA ITEM -
24 SESD REPORT

Nelson Abbott: Board Meeting for SESD
1. May 21, 2012:
All the Council Members are invited to the SESD Office at 6:00 PM for an orientation tour.
2. Alarm System:
Council Member Abbott asked if Mayor Shelley could contact the Mayor of Woodland Hills regarding the alarm system that SESD installed for them. They purchased one more than they needed and may be willing to sell it to Elk Ridge; and if they are willing, Dan Ellsworth (SESD) said they could install it for us.
3. Code Enforcement: Is Ray Brown still acting as the Officer for the City? There have been reports that he has been seen out driving around. (No, he is no longer the Code Enforcement Officer for the City.)
4. Erin Clawson: She asked if the Council wants to do another Safety Fair next year.
Comments: It was a great turn-out. Perhaps next year there could be a dinner or something to attract citizens in. It was felt that it was very positive and worthwhile.
*Place on a future agenda for evaluation.
5. City Recorder: (FYI) Lee Haskell Assisted Living Development:
This is on the Planning Commission agenda for Preliminary & Final Approval; there is an issue with water rights. He has none left. Is there a possibility of negotiating with SUVMWA for water rights as in the past? If so, at what price?
There are not many options for transferred rights and to go through the transfer process at the State can take up to a year or more. Conveyance of water rights is on the Final Checklist; so Final approval would have to be contingent upon that conveyance to the City. Both Gary Winterton and J. Spencer have transferred rights; they may be willing to sell them...depending on how many acre feet Mr. Haskell will need.
The City Planner was going to contact Tony Fuller regarding the amount of water needed; a site plan will be required to calculate what is needed; and that must go back before the Planning Commission.
*Paul Squires is to contact SUVMWA to find out if water rights are still available and at what cost.
6. Loafer Canyon Water Pressure: Council Member Squires mentioned that the residents in Loafer Canyon are very pleased with the pressure changes after the adjustment in the line.

54 EXPENDITURES

General:
Mayor Shelley: (Mary Preece – Retirement)
(He asked the City Recorder to explain)
Recorder: Mary Preece worked for Utah County in the past as a full time employee. At that time, she was on a pension plan with the State Retirement Systems. Even though her position is part time by the City's definition (20 hours per week) she actually qualifies for a continuation of her pension plan under the State Retirement System (cut-off at 20 hours per week). To do this, a "buy-back" to her start date would be necessary (about \$1,000); but she is willing to pay for that. It would be worth it to her to increase her monthly distribution when she retires.
This would affect Janine Nilsson as well; but she does not want to buy-back her pension to her start date over 4 years ago). She said she is fine with things as they are.

66 A. Check Registers & Payroll for April, 2012:
67 No comments.

68 **ERIN CLAWSON MOVED, SECONDED BY WESTON YOUD, TO ACCEPT THE CHECK REGISTERS**
69 **AND PAYROLL REGISTERS FOR APRIL, 2012**
70 **VOTE (POLL): PAUL SQUIRES-AYE, ERIN CLAWSON-AYE, WESTON YOUD-AYE. NELSON**
71 **ABBOTT-AYE & BRIAN BURKE-AYE (5) NAY (0) Passed 5-0**

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CITY COUNCIL
MINUTES

City Council Minutes of 4-10-2012:
**NELSON ABBOTT MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE CITY COUNCIL
MINUTES OF APRIL 10, 2012**
VOTE: YES (5) NO (0)

CLOSED SESSION

**WESTON YOUNG MOVED, SECONDED BY ERIN CLAWSON, TO MOVE TO A CITY COUNCIL
CLOSED SESSION AFTER ADJOURNMENT**
VOTE: YES (5) NO (0)

ADJOURNMENT

The Mayor adjourned the City Council Meeting at 9:30 p.m.

City Recorder

9:30 PM -

CITY COUNCIL CLOSED SESSION

ROLL

Mayor: Hal Shelley; *City Council:* Erin Clawson, Weston Young, Nelson Abbott, Brian Burke
& Paul Squires

Discussion of Personnel Competence