

**ELK RIDGE  
CITY COUNCIL MEETING  
June 12, 2012**

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5 TIME & PLACE  
6 OF MEETING

This Regularly Scheduled Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, June 12, 2012, at 7:00 PM**; this was preceded by two Public Hearings on the following: **The First Public Hearing, held at 6:00 PM**, was to consider the proposed Adoption of the 2012 Tax Rate; and **the Second Public Hearing, scheduled for 6:15 PM**, was on the proposed adoption of the Approved Budget for the 2012/2013 Fiscal Year. The **City Council Work Session was scheduled to begin at 6:30 PM**. The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

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12 Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle,  
13 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 7, 2012.

15 **6:00 PM –**

**PUBLIC HEARING – SUGGESTED TAX RATE FOR 2012 TAX YEAR**

Public Hearing/To consider the proposed adoption of the suggested Certified Tax Rate for 2012

17  
18 ROLL

*Mayor: Hal Shelley; City Council: Erin Clawson, Weston Youd, Brian Burke, Paul Squires & Nelson Abbott; Planning Commission: Clint Ashmead; LEI Engineering: Cory Pierce; Public: Cody Burdick, Chris Salisbury, Neil Dykstra & Rebecca Devenport ; and the City Recorder: Janice H. Davis*

21 Mayor Shelley opened the Public Hearing on the 2012 Tax Rate at 6:00 PM.

22  
23 Since the City is not proposing to exceed the suggested Tax Rate, the rate will be set at .002715; which  
24 will generate \$244,414 in Property Tax for the City in the 2012/2013 Budget Year.

25 *Comments:*

26 *Nelson Abbott:* He stated that he felt the City should have a "Truth in Taxation" Hearing next year.  
27 There were no further comments regarding the proposed tax rate.

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30 NON-AGENDA ITEM

The Council went forward to discuss future agendas: the Mayor would like to have City Council reports on the various assigned areas on every agenda during the Work Session. This would assist the Mayor in keeping up to date from the Council.

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33 Mayor Shelley closed the Public Hearing on the 2012 Tax rate at 6:15 PM.

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36 **6:15 PM -**

**PUBLIC HEARING/APPROVED BUDGET FOR THE 2012/2013 FISCAL YEAR**

Public Hearing/Proposed adoption of the Approved Budget for the 2012/2013 Fiscal Year, for the operation of Elk Ridge City.

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39 ROLL

*Mayor: Hal Shelley; City Council: Erin Clawson, Weston Youd, Brian Burke, Paul Squires & Nelson Abbott; Planning Commission: Clint Ashmead; LEI Engineering: Cory Pierce; Public: Cody Burdick, Chris Salisbury, Neil Dykstra & Rebecca Devenport ; and the City Recorder: Janice H. Davis*

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42 The Mayor opened the Public Hearing of the 2012/2013 Fiscal Year Budget at 6:15 PM.

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45 The City Recorder reviewed a few of the changes to the 2012/2013 Tentative Budget adopted in May,  
46 2012:

47 *(From the Memo to Council from Recorder, dated 6-12-2012)*

48 **General Fund:**

- 49  
50 - *Fire Dept:* The accounting fort this Dept. will be back in the General Fund; as it does not qualify as a  
51 Special Revenue Fund (as per State Auditor). No grants have been budgeted for the year.  
52 - *Administrative Fees into the General Fund* from the Water & Sewer Funds increased in 2011/2012 to  
53 accommodate the back overtime claim against the City by Corbett Stephens; but went back down in  
54 the new fiscal year.  
55 - *Curb & Gutter Assessments:* These will be coming into the General Fund rather than the Storm Drain  
56 Fund (it is considered part of the road edge...the boxes and sumps are still in Storm Drain).  
57 - *Salaries & Wages:* At this point, the only new position is the one in Public Works...the employee that  
58 will replace Wayne Frandsen when he retires in September, 2012...wages for that position is  
59 included in the budget. If a Director position is decide on by the Council, then the Budget would have  
60 to be amended to allow for the added wage/salary.  
61 - *Employee Benefits:* The Retirement Systems will be charging \$7,466.34 for the back overtime for Mr.  
62 Stephens; this should be paid before the end of June, 2012. (A waiver must be signed by Mr.  
63 Stephens releasing the City from any further claims for that time period...there was a brief update  
64 from the Mayor).  
65 - *Public Works Building:* 50,000 is being budgeted for the facade and equipment to go into the building.  
66 - *Recycling:* There is currently no budget set up for this that is separate from the garbage service.  
67 - *Roads:* Question: Backup snowplow drivers: will wages go from \$12/hr to \$13/hr?  
68 1. Chip seal: Park Drive (anywhere else?)  
69 2. There was discussion on the possible purchase of a 3<sup>rd</sup> snowplow; will that be happening?  
70

- *Parks:* As per recommendation by the Mayor: one of the pick-ups needs to be replaced; this would be accomplished financially by a 4-way split with Water, Sewer, Parks & Roads.
- 1. *Salaries & Wages:* Currently the part-time position (summer help) is at 40 hours / week at \$10.50 per hour. At this rate, the wages for the current year would equal over 11,000 (until June 30). In the next fiscal year, the budget for this position (July – September) will be about 5,460. This is more than usual since the position is usually part-time. The Mayor planned on discussing this with the Council later in the regular session.

Storm Drain Fund:

There are currently no projects budgeted. The fee will have to be reviewed and increased to allow for any future infrastructure. The current deficit = 10,031 in this Fund.

Water Fund:

No cost estimate for water line project between the two tanks (suggested by the Council); another option discussed was an extension of the water and sewer lines up South Loafer Canyon Road.

The Loafer Well is saving the City with lower pumping costs. This will be a good summer to test out the ability of the Loafer Well to supply the City with water since it appears that it will be very hot and dry.

00:11:46

Comments:

Nelson Abbott: (Recycling) This program will go into effect as of July 1, 2012; the cans will be delivered before that date. (The City Recorder questioned whether the City would be doing more advertising to inform the citizens.) Council Member Abbott replied that the Newsletter had contained information and that there will be a flier with each recycle can going to every home. This information will explain how to “opt out” of the program if the citizens desire. Allied will come back and pick up the cans for those wishing to opt out. (The Mayor recommended having that information available at the City Office as well.) The flier will also list the items that can be recycled and what cannot.

Kendall Bell (handling the information from Allied) will get the information to Council Member Abbott and she will forward it on to the Staff and City Council. He did not feel any further fliers or information would be necessary.

Allied will bring in a large dumpster to hold all the cans; then smaller trucks will deliver the cans to the homes. They will need a “staging area” for the large dumpster. It was decided to use the west area by the new Public Works Building for that purpose.

\*Council Member Abbott will let Allied know about the staging area.

Mayor: Another expense will be insulation for the Public Works Building...this year or next?

00:21:44

City Recorder: The Fire Chief has declared “No Fireworks” at all this year due to hot-dry weather.

\*Signs will be posted and a reminder can go out in the next Newsletter as well.

(Council Member Clawson said that if anyone hears or sees fireworks; to call Chief Wait and he said he would have the violators address the issue.)

There were no further questions or comments.

00:24:13

Mayor Shelley closed the Public Hearing at 6:30 PM.

6:30 PM -

**CITY COUNCIL WORK SESSION AGENDA ITEMS:**

ROLL

*Mayor:* Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Brian Burke, Paul Squires & Nelson Abbott; *Planning Commission:* Clint Ashmead; *LEI Engineering:* Cory Pierce; *Public:* Cody Burdick, Chris Salisbury, Neil Dykstra & Rebecca Devenport ; and the *City Recorder:* Janice H. Davis

CITY COUNCIL  
DEPARTMENTS –  
REPORTS

Mayor Shelley: The Mayor commented that he still has so much to learn in his position as Mayor; he would like to keep up better with the various issues within the assigned departments. He would like to place these Council Reports on the Work Session Agendas for the Council Meetings. If there is nothing to report, then the Meeting will simply move forward.

He turned the time over the Council Members:

1. Roads Dept. – Weston Youd:

- The Escalante Drive Project seemed to be going well. He had not heard any reports that it was not.

(The Mayor reported that everything had been hauled off. The next phase would be installing the sump and inlet boxes. Mr. Stephens was asked to over-see that and move forward with Mr. Hiatt. The City was going to use the gravel from the grading /sifting by Robert Nelson; it is Mr. Nelson’s opinion that the gravel from that project would be too muddy for our needs.)

Weston Youd: He pointed out that using the gravel in the sump was one of the reasons to do the grading project. Is Mr. Roberts willing to trade the gravel?

Mayor Shelley: Mr. Stephens should be asked about that. Another option would be to purchase the gravel from the Salem pit; but the cost would be about \$2,500. Mr. Nelson said he does not have the ability to wash the rock at this point; typically sumps will take a “washed rock”.

Nelson Abbott: One of the reasons the lot east of the Fire Station was paved was to be able to wash rock for chip & seal. Could the gravel be washed in that area?

(Council Member Youd thought that would be too much of a mess with clay and mud. The Mayor asked him to check with Mr. Stephens on the other options.)

(Weston Youd: cont.)

- He worked with Spanish Fork City and Corbett Stephens to arrange to get some of the base milled from the road construction between Salem & Spanish Fork; it would be used on Loafer Canyon Road.

Six loads were arranged. One of the Council Members in Spanish Fork owns a cabin in Loafer Canyon and he helped with the arrangements...in exchange for Elk Ridge assisting with Loafer Canyon Road. If the City needed more, he might be able to arrange to get more.

*(Discussion of grading above Canyon View Drive)*

- Forest Service: (Gates) They do not buy them; they build them for their own purposes. They did provide details on the types they build to be able to send out for bids. He suggested the "single-arm" gate. These would be use to close off Salem Hills Drive (dirt road); as well as any other area deemed necessary.

*(Council Member Abbott recommended Scott Young as a possible person to build the gates.)*

The Fire Dept. would have keys to the gates for emergency access; keys could also be provided for Payson and Salem Fire Depts.

*(Council Member Clawson suggested that Mr. Stephens may know someone.)*

*\*Council Member Youd will gather bids and come back to the Council.*

He did not foresee much road work this year; but recognized the need for a long term rotation plan.

00:34:35

## 2. Public Safety & Parks – Erin Clawson:

- Public Safety:

No fireworks this month. We can all be a help to the Fire Dept.

- Parks: The Public Works employees have been working on the Park:

A. Retaining walls

B. Ramps (2) to the smaller playground area

C. More wood chips are coming for the playground area

The crew (those needing "community service" hours) from the Sheriff's Dept. will be back to help with weeding and spreading the bark.

D. The conduit has been run for lighting

They are doing a great job; she encouraged the Council to go out and see what has been done.

*(Council Member Squires discussed various forms of weed killers.)*

She would like to purchase about \$200 worth of flowers before the City Celebration for the front of the City Hall.

- City Celebration:

She announced that the Chairperson was unable to continue with her responsibilities about a week prior to the Meeting. Council Member Clawson has taken over these duties; but she will still not be present at the Celebration due to previous obligations for her job.

She has gone through the various areas and there were still things that needed to be worked out. The main part that she needs assistance with is the dinner and activities on Friday night. Since Council Members Burke and Abbott had volunteered for the Carnival, she was hoping that Council Member Youd could help with this. Most everything has been arranged; she just needs someone to head it up and make sure things happen properly that night. *(He agreed.)*

00:40:35

*(Discussion of a mechanical bull that had been ordered by Mrs. Anderson):* An injury waiver would have to be provided. The Recorder contacted the Insurance (ULGT) and found out that the City can get coverage for the inflatables; but typically, the companies will provide their own coverage if they run their own equipment. An application was sent over from the Trust (ULGT) for the coverage, if we need it.

Council Member Youd asked if the bull could be cancelled. *(Council Member Clawson responded that yes we could cancel it.)*

Nelson Abbott: The way around having to apply for the event type coverage would be to require that the company bringing in the inflatables provide a certificate of insurance to the City...and having the equipment manned by their own employees.

*\*(It needs to be determined if they are manning their own equipment.)*

Council Member Clawson asked that Council Member Abbott be over the insurance and look at the application. *(He agreed.)*

*After discussion, it was decided to cancel the inflatable bull for Friday evening.*

*Races - Online registration:*

One of the things the City is already committed to is regarding the 5K and Mile Run; they have arranged for an online service called "Runner's Card" which allows runners to easily sign up for their event. This service has a charge associated with it; it is \$325 to use them...unless you get at least 150 runners signed up...because they are charged a percentage of the race fee.

- The prizes changed this year to towels rather than t-shirts.

- She has received some complaints about the race:

- The temperature at 7:00 Am tend to be chillier and people do not want water thrown on them while they are running.

It is felt that the City would likely not have 150 runners sign up; so the City will probably have to pay the \$325.

- The fliers for the Run: The were fairly expensive and they came with terms:

- The logo design was \$1,000 (gifted to the City by the designer, contingent upon the City using her in future years)
- The poster design was \$185
- Printing had a reimbursement of \$140
- Total Race is costing \$625 (She suggested that this is extreme for Elk Ridge)

00:48:59

The total budget may come in just over \$5,000 (on the high end); and that included the donations. Council Member Burke felt that the City would be fortunate if donations totaled \$2,000 this year. Council Member Clawson pointed out that the City is not trying to make a great deal of money with the Celebration...breaking even would be great.  
*Discussion of the snacks ordered from the Hospital for the Friday dinner...they can be sold Friday night and Saturday.*

00:52:22

- The information packets went out to residents the previous Saturday.  
3. *Sewer – Nelson Abbott:* Nothing to report  
- *Recycling – Council Member Abbott* will get the information to the City Staff to be reviewed before it goes out to the residents and to have it on hand to be able to answer any questions.  
*SESD:* There was a Board Meeting that day and there is still discussion about a merger with Payson City.  
Council Member Clawson reported that SESD wants a bigger banner for the City Celebration this year. She wondered who the contact person would be for that. (*Council Member Abbott said he would check on that.*)  
4. *Water – Paul Squires:* Council Member Squires was assigned to find out if SUVMWA is still interested in selling water rights to Elk Ridge; they are not sure of the cost. He called them back and the committee has not met nor ever been formed. The contact he spoke to said to count on the original price that the City had with them (\$3,500/acre ft.). He asked to get that in writing.  
5. *Planning Commission – Brian Burke:*  
There is not much going on currently. They were not planning to meet that week. Since he has not served on the Commission in the past, he feel at a disadvantage in serving with the Commission.  
*Suggestion: To continue the discussion on the Work Session items under Item #8 in the Regular Session; to allow Mr. Salisbury to address the Council under the next Work Session item (#4). (The Council agreed.*

00:57:17

ELK RIDGE MEADOWS PUD, PHASE 2 – FEE-IN-LIEU OF PARK IMPACT FEES

(*Chris Salisbury was present to discuss the possible use of these fees paid to the City*)  
Brief History: As per an agreement between the City and Phase 2 regarding the open space (including a park), at a certain point the City agreed to take possession of the open space...after certain terms were met. Mr. Salisbury is now building on the lots in Phase 2 and desires for the conveyance of the open space to move forward. He is suggesting utilizing the fees that were paid in lieu of Park Impact Fees for Phase 2 for the refurbishing of the park area. The fees were meant to pay the City up to \$114,000 for this original work on the park...one permit at a time.  
Mayor Shelley said that Mr. Salisbury has spent a “good deal of time in trying to pull things together and make things work...down there (Phase 2) and for the City”.  
*Chris Salisbury: (He provided a spreadsheet for the Council which showed a breakdown of the monies: City Funds, Neighborhood Repairs, Park Repairs as well as proposed balances of City Funds.)*  
Total collected: \$59,850.00  
Now that the “Dave Milheim Agreement” is over with and both parties (Salisbury and the City) know what there is to deal with physically and with the fees-in lieu of Park Impact Fees; he has gone forward to summarize the areas to present to the Council.  
The previous week he met with the Mayor, Council Member Clawson and Corbett Stephens to go over some of the issues; and he wants to present these ideas to the Council.

Breakdown:

*City Funds:*

- City / Milheim Agreement (2,853.65 X 72 lots): Reimbursement will be kept by the City = \$205,462.80
- Fee-in-lieu (Paid with each building permit) = 104,025 (59,850 collected)

*Neighborhood Repairs:*

- \$159,375.05 (Estimate)

*Park Repairs:*

- Grass seeding of southern park (Mr. Frandsen felt that some of the grass in the park might come back with enough watering)
- Repair sprinkler system
- Tree replacement (The types will come from the approved list)
- Subtotal: 29,400

They have a new landscaper they are using to be able to take advantage of a “volume discount”. He has come up from St. George to do all of Salisbury’s landscaping. He was asked to look at the park in Phase 2 and did so with Wayne Frandsen. Some things have already been fixed by Salisbury  
*Proposal for Salisbury to pay for Park Repairs instead of “PI” (Pressurized Irrigation System)*

Manhole covers are on top of these other costs; after the overlay, the manholes will have to be dug out, collared and set.

*City Recorder:* She reminded the Council of the machine the City purchased for collar work to be done; perhaps this would save the City some money.

*Mr. Salisbury: (Cont.)* Plan on the overlay: It is a long-term plan; after the lots are built out. It appears that there were only about 27 lots left to build on in Phase 2.

The “surety money” from the durability bond is no longer available; but the reimbursement money is (only about \$105,000 had come in thus far).

2 Mr. Salisbury proposes that Salisbury Homes takes on the park repairs.

3 *Discussion of PI System:*

4 One of the original conditions with the development was the installation of the PI System. The main line is  
5 installed around the “inside” of the community; then there are stub lines under the street. This was  
6 discovered by Salisbury Homes after they purchase the lots in Phase 2. It was not anything they had  
7 budgeted for.

8 They understand that Elk Ridge still plans on using the PI System; but that could be months or even years  
9 out. He would rather take those resources (about \$50,000) and use them in a different way: put this  
10 money toward the park repairs...this would benefit the citizens now.

11 *Comments:*

12 *Nelson Abbott:* He wanted to know if there are any areas where the PI boxes are already in. (No.)

13 The main trunk lines are the only part of the system already installed. Does the code require the boxes as  
14 well?

15 *Weston Youd:* He was concerned about the expectation of CUP Water and the eventual requirement to  
16 assess future and current residents the money to connect to the mains. Were the original residents told  
17 they are ready to connect? Do other residents have a similar expectation? These home owners would  
18 have to be identified and not assessed at that time, if that money is used for something else.

19 *Mr. Salisbury:* Since they did not know the system was in the ground, it was not a “line item” for them as  
20 they built. He said that Corbett Stephens tell them they have to install a PI box with every permit.  
21 Currently there is a bond for landscaping (including the box) for every lot built on in Phase 2. He thinks  
22 there were 5 or 6 homes that were built before they took over and he is not sure what promises were  
23 made to them. Salisbury’s buyers had no commitment.

25 His suggestion was simply to free up that money and instead of installing the boxes; use the money for  
26 park repairs. If that suggestion were approved by the Council; Mr. Salisbury would get going with his  
27 landscaper.

28 *Weston Youd:* Though he felt Mr. Salisbury’s option was a viable one; he wanted to make sure that the  
29 Council understands that this would not be without cost to the City...the cost of installing those inlet boxes  
30 would have to be accounted for in some way.

31 *Paul Squires:* He mentioned the 5 million dollars that would be available with CUP water, when it  
32 becomes available.

33 *The Council discussed the necessity of the boxes and whether or not it would be wise to wait for*  
34 *installation. Council Member Clawson felt it would be best to use the money now to repair the park.*

35 *Council Member Abbott brought up the fact that other places in the City would also need to have*  
36 *assistance, once CUP Water is available.*

37 The City Recorder looked up the original annexation agreement due to a question being raised as to what  
38 the requirement for a PI System: The agreement states that, “The developer shall install a dry secondary  
39 system to service the development within the area of the property.” The agreement also states that the  
40 installation could be done in phases. The Council agreed that the statement is vague and could be  
41 interpreted to just include the mains; or it could mean that boxes are to be included, as well.

42 *(The intent was that each residence be serviced; and there is a current requirement of bonding for*  
43 *“landscaping”, which includes the PI box.)* This was the agreement referred to by Mr. Salisbury that was in  
44 place prior Salisbury purchasing the lots in Phase 2.

45 \*Phase 1 needs to be checked out to see what is going on regarding secondary connections.

46 *No further discussion.*

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49 **ELK RIDGE**  
50 **CITY COUNCIL MEETING**  
51 **June 12, 2012**

52  
53 TIME & PLACE  
54 OF MEETING

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57 **Hearing, held at 6:00 PM,** was to consider the proposed Adoption of the 2012 Tax Rate; and **the Second**  
58 **Public Hearing, scheduled for 6:15 PM,** was on the proposed adoption of the Approved Budget for the  
59 2012/2013 Fiscal Year. The **City Council Work Session was scheduled to begin at 6:30 PM.** The  
60 meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

61 Notice of the time, place and Agenda of these Meetings were provided to the Payson Chronicle,  
62 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on June 7, 2012.

63 7:26 PM -

**CITY COUNCIL REGULAR SESSION AGENDA ITEMS:**

64  
65 ROLL

66 *Mayor:* Hal Shelley; *City Council:* Erin Clawson, Weston Youd, Brian Burke, Paul Squires & Nelson  
67 *Abbott; Planning Commission:* Clint Ashmead; *LEI Engineering:* Cory Pierce; *Public:* Cody Burdick,  
68 Chris Salisbury, Neil Dykstra & Rebecca Devenport ; and the *City Recorder:* Janice H. Davis  
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70

1:21:13

OPENING REMARKS & PLEDGE OF ALLEGIANCE

An invocation was offered by Jan Davis and Weston Youd led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME FRAME

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO APPROVE THE AGENDA TIME FRAME AND TO ADJUST THE START TIME TO 7:26 PM**  
**VOTE: YES (5) NO (0)**

PUBLIC FORUM

1. *Rebecca Devenport – Status of drainage issue on S. Mahogany:*  
*Mayor Shelley:* He responded: Council Member Abbott had been asked to do some research on the issues. When he and Council Member Abbott visited the area; it appeared that a great deal of grading and landscaping had been done. It seemed like the grading that had been done would allow for the drainage to flow around to the side...he was not sure of the intent of the grading. Mrs. Devenport was asked to fill in the details.  
*Mrs. Devenport:* She responded that the grading that was done was there before they moved in. They were told they needed to maintain the ravine; so they worked around what was already in place.  
*Mayor:* A 24" culvert was discussed between Mr. Stephens and Mr. Devenport; connecting into the drain box in the previous Fairway Estates Development (*now null & void*). After looking at the issues; should the original idea of installing a culvert be considered?

1:25:37

*Nelson Abbott:*  
- He discovered that the lot in question is in the HR-1 Zone  
- He researched the HR-1 Code under "removal of natural vegetation: "Areas with slopes of 20% or greater that are not part of an approved building envelope...ravines, drainages and wild life corridors shall remain in a natural state". He realizes that the Devenport lot is not in a "natural state" because Mr. Yergensen (developer) did the initial grading.  
(*Mrs. Devenport interjected that she understood it was not in the HR-1 Zone when the development started.*) Council Member Abbott said that it was in the HR-1 Zone from the beginning of the development...the code accompanying the zone was "quite loose" compared to what is in place. Council Member Abbott referred to the previous zone designation (*CE-1 Zone*) and stated it was much less restrictive.  
He referred to the building envelope for her lot:  
- Where the natural drainage channel was, Mr. Yergensen filled that in...and, in a sense, "relocating" the ravine (10 to 12 ft of fill).

1:28:04

*Discussion of ownership of the lot south of Devenports: Mr. Cody Burdick (in the audience) stated he owns another lot in that area.*  
- Council Member Abbott commented that Mr. Burdick's property seems to have been a "dumping ground" for a while...  
- If the City were to install a culvert; it is questionable if that would be within the code...since that would be outside the building envelope. Nothing over 20% slope should be disturbed.  
- If the water will flow the way it is now, why disturb the ground even more for a culvert? It appears that the water does flow well.  
*Code Burdick:* He is concerned about the natural ravine location is fairly restrictive. (*Council Member Abbott pointed out that he would not be able to go outside the building envelope anyway.*) Mr. Burdick wonders how the envelope was set; since it is not 30' from the real of the property.  
*Nelson Abbott:* He said it comes down to the grade and the code for the HR-1 Zone.  
*Mayor Shelley:* He felt that there needed to be a conclusion as to how best to proceed.  
*Nelson Abbott:* His biggest concern was that the drainage issues being discussed are on private property. If there is an issue on private property, it would be the owner's obligation to address it. He did not feel that it is "right, fair or prudent" for the Council, as representatives of the City, to address drainage issues on private property; not to use funds from taxes for that purpose. The citizens on Escalante Drive are being assessed for curb & gutter to handle their own drainage.  
*Recommendation:*  
If the owners want to install a drainage pipe on their property; he does not have a problem with that; as long as it is allowed by the code. The question would be which code they would be subject to.  
*\*The Mayor suggested having the City Planner research this and Council Member Abbott suggested getting the City Attorney's advice. (All of the information had already been emailed to David Church.)*  
The desire is to make sure any solution is legal.  
*\*The Mayor is to meet with the Planner and contact the residents (they would like to be present). The Mayor is to arrange the meeting.*  
*Paul Squires:* He said he has access to an original recommendation letter for the whole area.  
*\*The Mayor asked him to get a copy of that letter (the residents wanted a copy as well).*

1:39:59

ELK RIDGE MEADOWS, PHASE 2 / FEE-IN-LIEU OF PARK IOMPACT FEES – USE

Mayor Shelley called for any further discussion before any action.  
*City Recorder:* The money that the City is getting from the agreement wherein the City waived the surety bond for Phase 2 is to be considered a "donation" from the developer; those monies will not be restricted and may be spent more freely. The original understanding was that the City would utilize the surety bond money to help refurbish that park; however, the City is not legally required to spend that money in that manner. Part of that money is to be used to repair the road in that area.

(City Recorder – cont.) The “fee-in-lieu of Park Impact Fee was figured from the estimated cost (\$114,000) of bringing that park back; so, it would be logical to use that money that has been paid to the City for that purpose.

Erin Clawson: It is going to be the City park and Phase 2 has met the 50% requirement to take over open space. Mr. Salisbury is ready to go. Council Member Clawson does not want a run-down park. She is in favor of using the fee-in-lieu of park impact fees for the park.

**WESTON YOUND MOVED, SECONDED BY ERIN CLAWSON, TO ACCEPT THE PROPOSAL, AS PRESENTED BY CHRIS SALISBURY, TO UTILIZE THE FEE-IN-LIEU OF PARK IMPACT FEES; AS LISTED IN THE SPREAD SHEET PROVIDED TO THE COUNCIL...FOR NEIGHBORHOOD REPAIRS AND PARK REPAIRS IN ELK RIDGE MEADOWS PUD, PHASE 2...NOTING THAT THE PRESSURIZED IRRIGATION SYSTEM, AS IT CURRENTLY EXISTS, MEETS THE TERMS OF THE DEVELOPMENT AGREEMENT**

**VOTE: YES (5) NO (0)**

17 HASKELL  
18 COMMERCIAL  
19 DEVELOPMENT

*Staff Report (LEI Engineering – Cory Pierce, P.E.)*

“This application is for a Preliminary and Final subdivision requested by Lee Haskell. The purpose of the subdivision is to create a lot to facilitate an assisted living facility. Mr. Haskell received a conditional use permit for the proposed facility in December of 2010. Subdivision improvements include asphalt widening, sidewalk, curb and gutter and along the west side of Star Lane, as well as any other improvements outlined in Elk Ridge City Code. Specific requirements for the C-1 zone are located in Section 10-10 of the Elk Ridge City Code. As per Section 10-12-37-D4 of the City Code, the preliminary and final subdivision plats can be reviewed together. The TRC reviewed the preliminary and final documents based on current Elk Ridge City Code, as well as the Development and Construction Standards.

*Recommendation:*

**TRC Recommendation:**

The Technical Review Committee (TRC) has reviewed the application and proposed plans for compliance with the Land Development requirements, and other land use policies of the City, and recommends approval of the Haskell Preliminary and Final Subdivision with the following conditions:

- 1. That the required water rights to facilitate the proposed use be deeded and transferred to the City prior to recordation of the final plat.

**Planning Commission Recommendation:**

On May 10, 2012, the Planning Commission held a public hearing and discussed the application; however, there were not enough Planning Commission members to have a quorum and the necessary vote. The Planning Commission reviewed the application again on May 24, 2012 and recommended approval with the following condition:

- 1. That the required water rights to facilitate the proposed use be deeded and transferred to the City prior to recordation of the final plat.”
- 2. Added to the recommendation conditions: Bonding for the Development (infrastructure required to extend curb & gutter to sump located at the corner of Star Lane and Goosenest Drive; as well as any required improvements for that portion of Olympic Lane.

City Recorder: The Final Checklist for development includes providing a cost breakdown of the development improvements to be covered by bonding. Those estimates are submitted to the engineer for approval and their review will add on 20% for “Durability Retainer” and 6% for engineering inspections...the bond is then 120% of the cost estimate. The developer has options to actually secure the bonding (letter of credit, performance bond, escrow account, etc.) This must all be done prior to recording.

*Comments / Questions:*

Nelson Abbott: (Sewer Impact Fee) This facility is different than what was initially anticipated when the sewer agreement with Payson City was created; how will this development impact what Elk Ridge pays Payson? Is Payson aware of the proposed development? Is \$4,550 sufficient? He wanted to be sure the City’s fees are covered.

*(Mr. Pierce responded that this figure is based off of Elk Ridge’s impact fee.)*

\*It should be discovered if Payson’s fees would be covered for this type of facility.

\*Mr. Pierce said he would look into this with Greg Magleby on this. Do they have a separate fee schedule for commercial enterprises?

Lee Haskell: Mr. Haskell asked about Park Impact Fees; he did not see them included on the list of impact fees. He also wanted to know the cost of water rights.

*\*It was decided that the Planning Commission should address: was there a reason park impact fees were not included for this development in particular and what about future commercial developments?*

Mr. Pierce briefly discussed water rights and the required usage for commercial enterprises.

City Recorder (re: price of water rights) It depends: SUVMWA rights are going for \$4,500/acre foot; but there are also developers that have transferred rights that they may be willing to sell. The current market value is unknown at this time. The cost may be a bit higher than market value; but the advantage is that there would be no waiting period for the transfer process at the State.

With in the motion or in a separate one, there should also be reference to water right allocation of 2.7 acre feet of water right from the Elk Ridge Water System for this Subdivision.

2  
3 **WESTON YOUD MOVED, SECONDED BY PAUL SQUIRES, TO GRANT PRELIMINARY AND FINAL**  
4 **PLAT APPROVAL TO THE HASKELL COMMERCIAL ASSISTED LIVING DEVELOPMENT;**  
5 **CONTINGENT UPON THE FOLLOWING:**

- 6 1. **COST ESTIMATES FOR THE REQUIRED IMPROVEMENTS ARE TO BE PROVIDED AND**
- 7 **BONDING SECURED FOR THE DEVELOPMENT PRIOR TO RECORDING THE PLAT**
- 8 2. **THE REQUIRED WATER RIGHTS ARE TO BE PROVIDED TO THE CITY PRIOR TO**
- 9 **RECORDING THE PLAT**

10 **THE CITY COUNCIL ALSO APPROVES THE ALLOCATION OF 2/7 ACRE FEET OF WATER RIGHT**  
11 **BE ASSIGNED TO THE HASKELL COMMERCIAL ASSISTED LIVING DEVELOPMENT**  
12 **VOTE: YES (5) NO (0)**

13 1:59:15

14 2012 TAX RATE &  
15 2012-2013 BUDGET

1. 2012 Tax Rate:

16 **NELSON ABBOTT MOVED, SECONDED BY BRIAN BURKE, TO APPROVE THE SUGGESTED,**  
17 **CALCULATED TAX RATE FOR THE 2012 TAX YEAR AT .002715**  
18 **VOTE: PAUL SQUIRES-AYE, ERIN CLAWSON-AYE, WESTON YOUD-AYE, NELSON ABBOTT-AYE**  
19 **& BRIAN BURKE-AYE (5) NAY (0) Passed 5-0**

20 2. 2012-2013 Fiscal Year Budget:

21 (This item was postponed until later in the Meeting to allow for discussion of items that would affect the  
22 budget.)

23 2:00:04

24 CITY COUNCIL  
25 ASSIGNMENTS

1. Brian Burke: (HR Code)

“Personal Time-Off” – Section 8015

26 City Recorder: The City Staff have expressed their desire to have some input and/or a chance to review  
27 the various sections of the code that are being amended, prior to adoption.

28 Nelson Abbott: If nothing is being taken away from the employees, then he felt the Council could move  
29 forward with the amendments.

30 Brian Burke: He feels there should be agreement amongst the Council Members and then let the Staff  
31 review what is being proposed.

32 Sections 1 – 6:

- 33 - 1-B: Typographical change (Change word “there” to “the”
- 34 - 2-B: “Accrual” – Add the following under “Length of Service”: “Up to a Maximum of 12 ‘sick’ days,
- 35 converted to ‘Personal Time Off’...and, ‘10 days vacation converted to PTO’
- 36 (Note: “Vacation and Sick Time” was already changed to PTO by a previous Council)
- 37 - 4: Regarding the policy of carrying over unused PTO days at the end of the year...
- 38 - Line 1: Employees may carry over 5 unused PTO days into the next year and accumulate a
- 39 maximum of 17 days of PTO leave)
- 40 - 5: Change: Change the words “traded for cash” to “paid”
- 41 - 6 (2<sup>nd</sup> line): Change the word “should” to “will”
- 42 (4<sup>th</sup> line): Remove word “Mayor” and add ‘Your immediate supervisor’

43 *Discussion of employees reporting to “Mayor” each day of their absence: That has changed with the*  
44 *positions of Director for Public Works and Office Manager...the employees report to them directly.*

45 The suggestion was to change “Mayor” to “Supervisor” (which would be applicable to either)

46 Question: The proposed amendment refers to “sick days” and those have been changed to “PTO”. The  
47 next line referred to “any sickness or illness beyond the 1<sup>st</sup> three days”; would this still be applicable?

48 *Discussion:*

- 49 - Any Paid Time Off requires review and approval by the Supervisor or the Mayor
- 50 - If it is thought that the time off is being abused, then a doctor’s note *may* be required (This would be
- 51 at the Mayor’s discretion)
- 52 - Any extended time off must be scheduled ahead and approved; according to the needs of the office
- 53 - It is simpler to track all PTO days than part sick and part vacation
- 54 - 5 days could be paid for at the end of the year

55 (Wayne Frandsen feels he had a certain amount of time off prior to retiring; that time needs to be checked  
56 to make sure there is proper understanding of the paid time off.)

57 2:23:32

58 Weston Youd: He cited an example of an employee calling in to report illness (extended for several days);  
59 the Supervisor could respond that it would be fine and the position could be covered; but a doctor’s note  
60 could be required...the question would be; is that employee still going to plan on being sick for those  
61 planned days?

62 Another response could be that the employee may not have enough paid time off to cover the request; it  
63 could be approved based on a doctor’s note.

64 *The Council felt that is “pretty standard”.*

65 Question: What if the illness is simply a “condition” that is chronic and flares up at times...this would not  
66 require a visit to the doctor.

67 *Council Member Burke mentioned that ADA also covers certain chronic illnesses. Reasonable*  
68 *accommodations must be made for certain ailments. He also asked about injury; that would require time*  
69 *off. (Workman’s Comp does cover on-job injury; but there are penalties involved.)*

70 Office Policy can cover individual needs of the different departments.

1 2:30:18

2 - 7-C (2<sup>nd</sup> Sentence shall read): "Seniority will be used to resolve requests for PTO time off except for a  
3 verifiable emergency situation; in which case emergency requests or use of PTO may be given extra  
4 consideration."

5 Weston Youd: Management should be given the opportunity to "manage" their departments..."the duties  
6 of the department continues on regardless of who is here doing it...the duties of the dept. happen". He  
7 feels the Dept. Managers should prioritize tasks so that the department's functions occur.

8 - Section 13 (1<sup>st</sup> line): Change "Mayor" to "Supervisor". The intent is to push responsibilities down to a  
9 lower supervisory level to alleviate some of the duties of the Mayor.

10 - Section 8020 (Funeral Leave): Suggested to add step parents and grandparents to list. (Current  
11 leave = 3 days) Leave the discretion to the supervisor to approve the relationship.

12 - Section 6: Delete the term, "vacation leave" and replace with "PTO"  
13 Delete the last sentence which states: accrued sick leave days may not be used for funeral leave".

14 - Holidays: Question on ½ day for New Year's Eve (Eliminate this). This will be considered a full work  
15 day. If things are done and people want to go and it is okay with the supervisor; then okay.

16 - Section 2-C (Shall read): "part time employees: When a holiday falls on a normal scheduled day of  
17 work and the entire office is closed, the part time employee may be paid for the normal number of days  
18 and hours that they would otherwise have to work. Management reserves the right to allow part-time and  
19 temporary employees to work any other day during a pay period."

20 The question came up regarding part-time employees getting benefits...should they receive any?

21 Question: How many employees work less than 20 hours per week? (*Annebel, Linda & Marissa*)

22 2:37:50

23 *Explanation*: Current policy: If the employee is scheduled on a day that a holiday falls on; then they would  
24 get paid for the normal number of hours they would have worked...IF they also work the scheduled day  
25 before and after the holiday. (They are not getting overtime or "holiday pay"...it is just straight time.)

26 In the past, certain employees would come in and work, if they did not want to take the day off and lose  
27 that pay...it was decided that it was not a good idea to have an employee here working alone.

28 Suggestion: Don't pay the employee; but allow them to come in on another day. The thought was that  
29 anyone under 20 hours per week would not be eligible for holiday pay.

29 2:40:00

30 *Discussion of benefits for part-time employees*:

31 It was mentioned that typically part-time employees receive no benefits; however at the City Office, some  
32 benefits have been offered...holiday pay is one of the benefits. The question came up as to the types of  
33 benefits that are offered or actually paid to the part-time employees.

34 City Recorder: She explained that it was under Mayor Jacobson's administration that employees (full-time  
35 or part-time) started receiving benefits. Previously there had been no benefits even for full-time  
36 employees. Mayor Jacobson was a retired vice president of US Steel and was determined to get  
37 employees benefits; this included an offering of either a 401K or a 457 plan for part-time employees. This  
38 was instigated at the same rate that the non-contributory plan called for (full-time employees had no  
39 choice; they had to go onto this pension plan). That rate has fluctuated over the years; it is set by the Utah  
40 Retirement Systems (URS). Mayor Jacobson was trying to make up for the lack of comparable wages  
41 paid to Elk Ridge's employees; compared to other cities and towns.

42 - There is also an option for pro-rated health insurance for part-time employees (20 hours per week  
43 would qualify for ½ the premium being paid by the City (this was not the original intent; but began toward  
44 the end of Mayor Fritz's Administration). It was instigated due to a situation that came up with a part-time  
45 employee at the time whose husband lost his employment and insurance...the Mayor took it to the  
46 Council and the pro-rated option was approved...nothing under 20 hours per week was included.

47 There has only been that one employee who took advantage of this offer. This option is in the code  
48 (*The current Council did not agree with the pro-rated insurance option being offered to part-time  
49 employees.*)

50 The employees have been notified that these benefits will be under review with the review of the HR Code  
51 and they have been prepared that some or all of these benefits could be questioned and denied in the  
52 future. The question has been brought up about "grandfathering"; when the code changes, are the current  
53 employees "grandfathered"?

54 Weston Youd: 401k's are renegotiated every year. "Now the days off does not seem so bad for holidays."

55 Nelson Abbott: The Council can simply declare that the City is not going to "match" any contribution.

56 Brian Burke: The rules governing retirement are very clear; and the current policy may be in violation of  
57 those regulations.

58 \**He said he would look into this and the health insurance for part-time employees and b=bring clarification  
59 back to the Council.*

60 - The section on "Temporary Employees": They are not entitled to "holiday pay".

61 Paul Squires: (Regarding Section...item 1) He read from the code wherein it states that "exempt  
62 employees" are not eligible for overtime pay.

63 He has reviewed the Fair Labor Standards Act and it is applicable to municipalities and businesses: (He  
64 read a statement about "blue-collar workers") The statement read said that the exemptions applied only to  
65 "white-collar" workers who meet the salary and duty tests. "The exemptions do not apply to manual  
66 laborers or other blue-collar workers who perform work involving repetitive operations with their hands,  
67 physical skill and energy. Fair Labor Standards Act covers non-management employees in production,  
68 maintenance, construction and similar occupations such as carpenters, electricians, mechanics,  
69 plumbers, iron workers, craftsmen, operating engineers, longshoremen." The statement went on to  
70 explain that those in construction are entitled to minimum wage and overtime and are not exempt; no  
matter how highly they may be paid.

Council Member Squires wanted to apply what he just read to Mr. Stephens. Where does he stand currently?

*(Council Member Youd replied that he is “hourly”; that he has a “non-manager” status.)*

Council Member Squires wanted a copy of his current agreement with the City.

*(Mayor Shelley will provide a copy to Council Member Squires.)*

2. Erin Clawson: (City Celebration – “Citizen of the Year”) Council Member Clawson pointed out that the selection needed to be decided that night.

*After discussion, it was decided that Connie Reece should be selected due to her long-time service to the City as a great citizen and for heading up the Parade for a number of years.*

*\*The City Recorder offered to arrange for the plaque for her.*

3. Mayor Shelley: (Rental Property) June 1, 2012 was the date for the family to be out of the house. A reminder note was sent back at the end of April or the 1<sup>st</sup> of May; they responded with the assurance that they could be out by June 1. Mr. Anderson came to the Mayor at the beginning of June to request an extension because the place they were going to purchase would not be available until the end of June, 2012. The Mayor told him he would take this request to the Council; but that there could be no assurances.

*After discussion, it was decided unanimously that if the family were to be in the house until the end of June, that rent would be due for the month.*

*\*Mayor Shelley is to contact Mr. Anderson to inform him that the rent is due for June; but that an eviction process would begin on July 1, 2012.*

Council Member Clawson said that (for the record), she was “upset to be put in that position”. She felt that the Council was “more than generous” and she felt that was being taken advantage of.

3:02:18

4. Mayor Shelley: (City Council Retreat)

The Mayor expressed his desire to be a successful Council in all the many projects and duties that lay ahead. He feels that long-term planning is the key. He would like to see either a five or six year plan in place for Capital Projects. There are projects like: Storm Drain, City Center, Roads etc.

A Council Retreat would be for the purpose of getting away to discuss these responsibilities without interruption...it would be an open meeting. He would like all members to come prepared with suggestions for their respective departments and areas of concern.

Suggestion: Perhaps August 11, 2012. The Council will consider this and get back with the Mayor. Perhaps spouses could be invited to a cabin; with the understanding that the purpose would be “Council oriented.”

Weston Youd: He is acquainted with this type of process and he would like to see the Council Members come prepared with certain “initiatives” for their departments. He would like to see well thought-out projects and the way to accomplish the project...complete with cost projections.

There can then be quality evaluations, based on the goals set and plans made.

The Members are committed to stay until the 5-year plan is completed. If everyone comes prepared, then they could adjourn early and go and enjoy other activities.

It would be good if they could find someplace fairly close and not too expensive. (Not August 5; that is Council Member Youd’s anniversary.) The Council was encouraged to check their calendars.

3:13:10

PUBLIC WORKS

Mayor Shelley: The Mayor emailed the Council with a summary of duties involved with the position of Public Works; not all the Council received the email.

Even though there have been frustrations involved with some of the issues associated with Corbett Stephens and the position of Public Works Director; he still feels that the position ought to be offered back to him with the understanding that there are certain terms and conditions that go with the job description.

Mr. Stephens has stated that he does not want to be salaried / exempt. The Mayor was not sure if there could be an option of offering the position and still allow him to be non-exempt.

Even though the Mayor felt there was little choice given him in temporarily taking over the functions of the Director, he does not have the experience and knowledge to continue to direct the day-to-day operations of the Department. He is not getting anything else accomplished. He has seen good things happen...hard work has taken place; but he (the Mayor) cannot continue in this capacity...it must be a temporary arrangement. The question is what the offer should include and how to make it attractive, since he has a standing contract as the building inspector with no wage reduction.

Nelson Abbott: He felt that the position could be offered to Mr. Stephens with:

- A raise for the recent Wastewater Certification (Care needs to be taken in what the raise will be because it will apply to the other employees as well.) This will show recognition for his accomplishments. The need to determine how much those certifications are worth to the City. Example: SESD gives raises to their employees based on the certifications they attain.

Weston Youd: If a Public Works Director were hired for \$65,000, he would expect that those certifications would be included in that package. Why pay extra if they are expected to be present to be hired? Compared to other municipalities, Mr. Stephens’ current wage is within the range of other cities for the same position. Some cities would pay more; but those are bigger cities with more responsibilities.

Mayor Shelley: Rex Davis had already been told that he could expect an increase in wages for those certifications. Mr. Stephens asked how much the certification was worth. That worth needs to be established.

Another option would be to continue the contract with Payson for their services and certification.

Questions:

1. Does the Council want to approach Mr. Stephens for the position of Public Works Director? Will he be willing to accept?
2. If he and the Council were to negotiate this; then the Council would have input and he could as well. The Mayor can offer him the position; but cannot approve a dollar amount.
3. Either this option; or advertise for a Public Works Director through SOS or bypass SOS.

Weston Youd: He agreed with the options presented by the Mayor; however, with a slightly different approach.

- It has been established that the City needs a Public Works Director.
- Is there an acceptable and current job description? That description needs to be in place.

*(Erin Clawson: What Corbett Stephens brings that cannot be put on paper are:*

*- Connections with people that save the City a great deal of money)*

*(Council Member Youd continued)*

-The job description needs to be solidified and a “pay grade” attached to that.

- Then go to Mr. Stephens with this offer and give him “right of first refusal”

- Mr. Stephens can weigh the terms of the offer and either accept or reject the offer

- If he accepts; the City moves forward

- If he rejects the offer; the City advertises for the position (same job description)

Council Member Youd agreed with this approach; however, he feels the City needs a City Manager.

Mr. Stephens (or a new Director) would report to the City Manager.

*Question:* Why couldn't a Public Works Director, who is willing to manage, do the job? Is the City too small to necessitate a City Administrator?

3:23:15

Mayor Shelley: He contacted Dave Tuckett (Payson City Manager & Elk Ridge resident) to get his opinion about his position and whether he felt Elk Ridge was ready for a City Manager.

Though he was very “tactful” and not trying to make decisions for the City, he offered the following:

- He felt that perhaps Elk Ridge was premature for this type of position and was not sure if our City would ever be big enough.
- It would definitely cost the City more

He identified certain problems:

- A City Manager also needs an engineering background, an accounting background, as well as other qualifications in order to pull away from those jobs/projects that are currently being contracted out.
- Elk Ridge would have to change its form of government

Weston Youd: He pointed out that David Church had told them that a City Manager would be a good idea. *(City Recorder: A good Public Works Director can manage the Dept.; leaving the Mayor free to be the “Administrator”.)*

Council Member Youd agreed; but asked if “Corbett is the right person for that?”

The Mayor added that if the job description were properly “couched” and he understands every aspect of it...not just the physical labors of it; but the management aspects of the job...and will he accept training?

Brian Burke: He saw 2 problems:

1. Mr. Stephens is not comfortable with management responsibilities; he has expressed that and shown that. “It is not just Rex; I don't think he wants to supervise people. He wants to get out and get the job done; but he doesn't want to take responsibility for others...because it is a pain in the neck.”
2. Mr. Stephens wants to be non-exempt. He feels the Council would be making a big mistake to have a position like Public Works Director anything but exempt. That is why these types of jobs are exempt; so they don't have to argue and nit-pick over hours.

Weston Youd: “I cannot support a Public Works Director that is not exempt.” *(Council Member Burke agreed; but mentioned that Mr. Stephens will not accept that status.)*

Mayor Shelley: The offer can be made and it is an option to refuse it; then the City will have to find someone else.

3:26:08

Weston Youd: That position is in place to manage a department and should be exempt; the department then should “get the stuff done”. A “Director” directs others to do the work...he explains and directs; that needs to be explained to whomever ends up being the Director. It is part of managing the Dept. to make sure there are people certified in the necessary fields. He needs to make sure those needs are met through funding and training personnel.

*(City Recorder: Mr. Stephens is so good at what he does...in so many areas.)*

Council Member Youd went on to say that it is the Council's responsibility to ensure that the City has a Public Works Dept. that is functioning correctly; right now, do we have that?

*(Mayor: “No, I don't think we do.”)* We need someone that can direct the necessary changes to make the department run efficiently. When the Director approaches the Council with needs, it should never be that “I” need this or that; it should be that the “Department” would benefit from whatever the request would be and why.

Brian Burke: The Council needs to look at where we want the City to be 20 years in the future. The value of the Mayor to the City is in assisting the City to progress.

The duty of the Council is to ask “What steps need to be taken now so that goals are reached?” He said that the Mayor is currently so “bogged down with trying to manage the day-to-day” duties and projects that he does not have time to fulfill his own administrative purpose and focus on the “big picture”. “You don’t take a CEO and put him over a department and have him manage it; because then he is no longer the CEO.” The City needs someone to manage the department; “I don’t think it is Corbett”. Perhaps the City can utilize his skills on a temporary basis while his contract is still in force; but in the long term, “I don’t think that is in the best interest of the City...for you (Mayor) to manage the department”.

*(The Mayor agreed.)*

Nelson Abbott: He agreed with Council Member Youd:

- A good job description is needed
- Give Mr. Stephens first right-of-refusal
- If he is unwilling to accept all of the terms; then he would remain as the Building Inspector (With other duties, as assigned...as stated in his contract)
- Hire a Public Works Director that will direct and manage our Public Works employees

3:31:22

*(Council Member Burke felt that would be extra cost of perhaps 60k to 70k.)*

Council Member Abbott disagreed and felt that the starting range would be more like 45k or 50k.

Mayor Shelley: He felt that the starting range could start lower with the ability to rise; but the reality is...“Corbett was brought in under exceptional circumstances”. The Council decides where the starting point is. This person would have to be backed by the Council as well as have the skills to be able to perform the job asked of him/he.

Weston Youd: He expressed that he felt Mr. Stephens could excel at the position; as long as he would be willing to develop those points that he needs to; and then recognizes that “I am no longer an *individual*; I represent a department...and I make sure that the department satisfies those needs...instead of, ‘I see a problem...I have to fix it.’”

*(Council Member Burke felt that is a “mind-set” and it would be difficult to change someone to think that way.)*

Erin Clawson: “I don’t think you can’t change that...because Corbett can drive through the city and see a hundred things we could be doing to improve and all of us would only see maybe one or two of them.”

Weston Youd: He also needs to know when the department should not be doing something...because there are 1,000 things out there. *(Council Member Clawson: “He has been learning to say that”.)*

Part of being a good director is knowing how to prioritize the things that needs to be done

City Recorder: Mr. Stephens has been paid to be the Building Inspector as well as the Public Works Director. Is it necessary to bring a person in to manage 2 employees at \$60,000 to \$70,000?

The point is; there is a possibility that Mr. Stephens will not accept the offer of added responsibility when he can earn the same amount just doing inspections and plan checks.

Mrs. Davis knows what Mr. Stephens is capable of; she has worked with him for a number of years. If he turns down the position; then the City would be hiring for just part of what Mr. Stephens would be expected to do.

Erin Clawson: “So, why are we not willing to pay him any more?...is what I am wondering. We are willing to pay a whole other salary to manage someone who can do all of that...potentially.

*(Council Member Burke interjected, “But, he can’t do the management part. Council Member Youd agreed.)*

Council Member Clawson gave a bit of what she felt would be Mr. Stephens’ perspective: he was the building inspector, being paid a certain amount; then when Mayor Lutes came in, he was made ‘all these other things’...making the same amount. More certifications are being asked of him; with management skills; but no where to go financially. “But you are willing to bring on a whole other person, financially, and pay out double...so why can’t you just bump that up based on certain things?”

Brian Burke: “If he doesn’t want to manage and if he wants to be ‘hourly’...giving him more money is not going to solve anything.”

3:36:02

Erin Clawson: But you are not going to take money away from him...so, you are going to end up paying two people...”

Weston Youd: “No. Corbett’s contract will be up in a year...then he will be a building inspector that we will re-negotiate the contract; which I think should be at a piece...”

*(Mrs. Davis and Council Member Clawson felt at that point, Mr. Stephens would leave the City.)*

Council Member Youd went on to say that for the City to move forward, that may be the decision that the Council has to go with. *(Council Members Clawson and Squires did not agree.)*

Erin Clawson: She feels that if Mr. Stephens has the potential to excel in this position; then why doesn’t he have potential to grow financially?” *(Council Member Burke repeated that he does not want to.)*

Brian Burke: He said that he would not have a problem paying him \$70,000 or \$75,000 if he would be the Public Works Director...

*(Council Member Clawson interrupted and asked where the incentive to change was if he could not be able to make more money? She pointed out that she had taken on more responsibility at her job, but not for the same amount of money.)*

Council Member Burke continued...that he would be willing to pay him more money if he were “willing to step up to the plate”; but he doubted he would. He suggested offering Mr. Stephens \$75,000...with \$10,000 more, he would have full responsibility for directing all projects within the City; and he would be “exempt”...Council Member Burke felt he would not want to give up his over-time, as per his current

contract. Then the City would be paying overtime on \$75,000 rather than \$65,000...instead of \$45/hour, it would be \$55 or \$60/hour. He still maintained that paying extra money is the answer. He has to want to do the job...(Council Member Clawson interjected: "Then tie the money to the job".)

Paul Squires: He still felt that an "exempt" status would not prevent overtime.

Weston Youd: He disagreed with Council Member Squires...there is a difference between "manager" and "managerial"...he suggested that Council Member Squires re-read the statement. Overtime may be allowed; but the law does not require that overtime be paid. The City defines this position as an "exempt" position; because it is a director of a department.

Paul Squires: He felt that if it were explained to Mr. Stephens that overtime could be earned, if approved in advance...and it could be quarterly.

*There was discussion regarding overtime worked recently by Mr. Stephens...that it was pre-approved by the Mayor. Council Member Burke disagreed that it was all pre-approved.*

*Council Member Youd suggested that the department would be managed and directed and that there would not be any overtime.*

*Council Member Squires said that generally "comp time" is encouraged; but overtime can be allowed. Overtime could be allowed on an emergency basis.*

Weston Youd: He advised to "Solve the problem at hand...we need a Public Works Director; but we do not know what a Public Works Director is going to do for the City." He recommended taking steps:

1. Define an accurate job description (Do not write the description around Mr. Stephens; just write it for the position, itself.)

- The Mayor had drafts of descriptions from him (Mayor) and Council Member Squires
  - He asked that they Council review those and get back to him (Mayor)
  - One draft has been presented to Mr. Stephens; but he did not agree with it
- Council Member Youd advised that the Mayor (Council) stop doing that...get a good Job description and present it...Mr. Stephens either accept the description and his willingness to do the job...or he does not.

*(Council Member Clawson agreed with those proposals; she did not agree with no increase in pay for more responsibilities.)*

Council Member Youd felt that building inspections are separate and should not be included in the job description. If it is desired to have both positions filled by one person, then it should be so written.

*Discussion regarding both positions filled by one person: Until January of 2010 (when Kent Haskell left the City, these positions have always been separate. Council Member Clawson said that when Mr. Stephens took over both positions, nothing changed; except working more.*

3:44:17

Weston Youd: If the City is not large enough to hire a full-time inspector, the position is contracted out.

*(Council Member Abbott did not think an inspector could be found for less money than the City is paying Mr. Stephens.)*

City Recorder: When Mr. Haskell left the City, he was earning about \$42,000; the City was also paying Mr. Stephens about \$60,000+...that is over \$100,000 for the two positions. Since then, the Dept. has grown by one employee...that is one more to manage. Even a part-time inspector would cost more than what the City is currently paying Mr. Stephens to fill both positions.

*(Council Member Clawson said that Mr. Stephens resents being taken advantage of by the City. Council Member Youd added that the current Council just paid for that service with a check for past overtime retirement for that time period. Council Member Youd asked how many inspections were done during that same time period.)*

The Recorder reviewed the history of how Mr. Stephens' salary was justified when he was first hired...he was generating all but about \$13,000 of his salary through inspections + some development inspections. As Council Member Youd alluded to, there was a time when that revenue was not being generated and he still made the same salary. He is again generating revenue for the City through building permits.

3:48:59

Brian Burke: He recommended getting back to the point that the City needs a Public Works Director; the question: "No matter what we pay him, is he the guy? Is he willing to step up to the plate and do the job? I question that."

Erin Clawson: She felt that because he is already a City employee that the chance should be given..."if he doesn't cut it, then that's it..."

Brian Burke: He doubted that Mr. Stephens would accept the exempt status...even at a higher salary.

*(Discussion about overtime)*

Weston Youd: He concluded that, "Overtime is easy; the Mayor can make the directive that 'your Dept. will not have overtime'...if your Dept. has overtime, then you are mismanaging it and you will be corrected for it...that is how you take the overtime...he can call himself non-exempt all he wants." *(Council Member Clawson agreed)* The overtime is balanced out and managed through the Mayor or Director. The Dept. should run more and more efficiently so that emergencies happen less and less.

*(Council Member Squires made the point that comp time should be used as much as possible...but it still entitles an employee for overtime. Council Member Abbott added that the overtime should be assigned to the qualified employee that is paid the least; not the highest paid one.*

*(There was much talking over at this point.)*

Council Member Youd stressed that managing a Dept. so that performance increases as emergencies decrease is possible and should be the goal. *(Council Member Burke doubted that would happen, in reality.)* If the increase in efficiency is not occurring, then the Mayor should insist that the Dept. be re-evaluated and the Director "fix it".

Responding to emergencies is replaced with predicting them and avoiding them, if possible. If issues repeat themselves, then the Council would ask the Mayor about the Dept. and the associated performance. (Council member Squires added that Performance Reviews should address these issues.)

The Director finds the root cause and makes the necessary adjustments. (Council Member Squires agreed with this policy; but the word “exempt” needs to have further explanation that overtime is possible.)

The Mayor can control that with an easy statement: “You will control overtime and if it is extensive...and he (Mayor) determines what “excessive” is...then he has to reduce it...he has to manage his Dept, to where that overtime is at an acceptable level.” If the overtime is not at an acceptable level then the Mayor reviews the performance of the Director and issues him a directive to decrease the overtime, or there will be steps to correct the situation. If the Director cannot manage his own Dept.; then someone else is found that can.

(Council Member Squires pointed out that the City’s infrastructure is aging and will generate emergencies.)

Nelson Abbott: He recommended regular and planned replacement of aging lines...he cited the line on north Canyon View that was pointed out by Kent Haskell and was scheduled for replacement...then Mr. Haskell was forced to leave his position and nothing has been done since. That planning is necessary and needs to be a priority.

(The Mayor added that is one of the reasons why the Planning Retreat for the Council is important and should take place as soon as possible.)

Weston Youd: He went back to the question asked by Council Member Burke...when the job is properly defined; will it be the type of job that Mr. Stephens wants? The job will not be what he had before when he worked all the overtime. He sees that there will not be overtime involved in the Director’s position as much as the other employees in the Dept.

(Council Member Clawson: Mr. Stephens is the only one currently certified in water and sewer and that could take time to change. Council member Abbott reminded the Council that the State can be called to over-see a project at no cost to the City until there is another employee certified.)

“What do we want as a City?” When that is determined, put a price on it; then offer it to Mr. Stephens because he is familiar with the needs of the City. (Council Member Burke: “But will he manage it?”)

Erin Clawson: “That is a chance we will have to take. He will either accept it and try and succeed; or he is going to accept it, try and fail. You are going to get that with anybody you hire.”

(Council Member Youd: “If he refuses to manage...it’s in the job description...then that is ‘just cause’...”)

Brian Burke: He wanted to know if that would mean “termination”...and how since he has a contract. It was discussed that if Mr. Stephens accepted the job description, his current contract would no longer be valid. The Mayor added that if the term of the job description was not met, the job would be offered to someone else. The decision of whether he will accept the terms cannot be made for him.

City Recorder: She asked what the pay range would be if the job of just Public Works Director were put out and posted; if Mr. Stephens refused the offer; would it be \$45,000 to \$55,000 or higher? So if the offer would be \$45,000 or \$55,000 for another person, why not offer Mr. Stephens part of that; say \$30,000 more...the City would still be paying less than we would with two people.

(Erin Clawson: “Or even ½ that...”)

(Nelson Abbott: Santaquin is paying their Director...about \$45,000.)

Further discussion about generating revenue and the fact that Mr. Stephens has also saved the City money with certain upgrades to the system and doing work in-house. His contract calls for raises and he received no real raise when his duties changed and he took on more responsibility.

Weston Youd: He mentioned that he did receive much more than his set wage; he just received two years of overtime + addition to his retirement.

(Council Member Burke questioned how his benefits package got to be 50%...it is typically about 30%.)

- Offer \$75,000 to be the Director and the Building Inspector

- If not, then the City has a building Inspector for another year +

- Advertise for a Director at \$55,000/year...the offer could include another \$20,000 if that person became certified for building inspections in that year.

Nelson Abbott: He asserted that the City could hire a Public Works Director for less than \$55,000/yr; based on what other cities pay.

Mayor: “But we can’t hire someone for \$45,000 if they are not the person we want, either.”

Nelson Abbott: Since Mr. Stephens is hourly; if he is done for the day and has no more inspections; and if he was unwilling to assist with “other duties, as assigned”; then he could go home...the City would not have to pay him for 40 hours /week. That would be another option to consider.

City Recorder: She wanted to know how much she should budget for this position; and she reminded the Council that the budget had not yet been voted on.

(More discussion about two positions vs. one position and possible management training for Mr. Stephens, if he accepted the job offer.)

The Recorder made the point that the fund balance for the General Fund stood at about \$69,000; she suggested putting in about \$50,000 more to start with (the budget can be amended later); which would cover any raise offered Mr. Stephens or possibly a new person in the position.

Benefits would also increase for that position. Currently, the budget plus fund balance will cover these options.

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4:14:34

**WESTON YOUD MOVED, SECONDED BY PAUL SQUIRES, TO ADOPT THE BUDGET FOR THE 2012-2013 FISCAL YEAR, FOR THE OPERATION OF ELK RIDGE CITY; WITH THE ADDITION OF \$50,000 + BENEFITS FOR THE POTNTIAL HIRING OF A PUBLIC WORKS DIRECTOR**  
**VOTE (POLLED): PAUL SQUIRES-AYE, ERIN CLAWSON-AYE, WESTON YOUD-AYE, BRIAN BURKE-AYE (4) NAY (1) NELSON ABBOTT Passed 4-1**

*Council Member Abbott explained his vote: he stated that he "had a bad feeling about it...nothing personal"...his "moral compass" would not allow him to go there.*

**WESTON YOUD MOVED, SECONDED BY ERIN CLAWSON, TO POSTPONE THE REST OF THE AGENDA ITEMS (ITEMS 10 & 11) UNTIL THE NEXT CITY COUNCIL MEETING**  
**VOTE: YES (5) NO (0)**

ADJOURNMENT

At 10:21 PM, the Mayor adjourned the Meeting.

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City Recorder