

Eagle Mountain City Council Minutes 2005

Dates of City Council Meetings:

- January 4, 2005
- January 18, 2005
- February 1, 2005
- February 15, 2005
- February 18, 2005
- March 1, 2005
- March 15, 2005
- April 5, 2005
- April 19, 2005
- May 3, 2005
- May 17, 2005
- June 7, 2005
- June 21, 2005
- June 28, 2005
- July 12, 2005
- July 19, 2005
- August 2, 2005
- August 16, 2005
- September 6, 2005
- September 14, 2005
- September 20, 2005
- September 29, 2005
- October 7, 2005
- October 18, 2005
- October 27, 2005
- November 1, 2005
- November 15, 2005
- December 6, 2005

MINUTES
EAGLE MOUNTAIN CITY COUNCIL TELEPHONIC MEETING
January 4, 2005
Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.
Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Consent Agenda
2. Discussion regarding the Fiscal Year 2004 Audit – Gilbert & Stewart
3. Discussion regarding Public Property Lease Agreement for placement of signage
4. Items as outlined on the Policy Session
5. Other Business
6. Adjourn Work Session at 6:30 p.m.

INTERMISSION

POLICY SESSION – 7:00 p.m.

Roll Call:

Mayor Kelvin Bailey called the meeting to order at 7:00 p.m.

Council Members Present: Mayor Kelvin Bailey, Linn Strouse, David Blackburn, and Vincent Liddiard participated in the meeting telephonically; Janice Sloan was excused.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Chris Trusty
City Recorder:	Gina Peterson
Deputy Recorder:	Angela Cox
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver

Others Present: Matt Schultz, Providence Development Hubble Homes; Rick Arnold, Counsel for Hubble Homes; Bobby Colson, John Catmull, Marsha Worlton, Tom Worlton, Lori Johnson, Dory Cannon, Joshua Benuck, residents

Pledge of Allegiance:

Jerry Kinghorn led the Pledge of Allegiance.

Approval of Minutes:

No minutes were on the agenda for approval.

General Discussion/Questions/Announcements:

Mayor Kelvin Bailey introduced Gina Peterson as the new City Recorder. Gina was sworn in on December 28, 2004. Also that day the new City Council member, Janice Sloan, was sworn in.

Appointments:

A. Planning Commission

Mayor Kelvin Bailey recommended the re-appointment of Brian Olsen for a three year term

MOTION: *Linn Strouse moved to approve the re-appointment of Brian Olsen to the Planning Commission for a term ending December 31, 2008. David Blackburn seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

City Council Business:

A. City Council Assignments

Mayor Kelvin Bailey stated that the City Council assignments will remain as they were. Vincent Liddiard is going to be over Public Safety and Neighborhood watch; David Blackburn will be over Public Works; Linn Strouse will be over the Youth Council, and Janice Sloan will be over the Library Board.

B. Approval of 2005 meeting schedule

MOTION: *David Blackburn moved to approve the 2005 City Council meeting. Vincent Liddiard seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

Public Notices:

Gina Peterson stated that three public hearings will be held on the 18th of January for the following items: amendment of the fiscal year 2005 budget, a public hearing for Talon Cove annexation, and the Development Code amendment for animal zoning.

Public Comment:

Miriam Bingham stated that at the last City Council meeting there was discussion of a possible shooting range. He stated that he would like to make a proposal. He has a commercial hunting grounds south of the City near the sinks; however, he would like to shoot closer to his pheasant pens on his property. He also would like to have a skeet range within the City limits. He also questioned the schedule for improvements of Lake Mountain Road. Mark Sovine responded.

Bobby Colson stated his concern with the speed on Pony Express Parkway and stated his concerns with safety on that road. He asked the Council if the speed could be lowered. He stated that it is extremely difficult to cross the road either in a vehicle or as a pedestrian. Discussion ensued on enforcement of the speed limit.

Sergeant Murphy stated that the Utah County Sheriffs Department now has access to a speed trailer that they will be using in the City. Sergeant Murphy continued in introducing Rick Shumway who is a new Deputy in Eagle Mountain City.

Council Comments:

Linn Strouse questioned the speed rumble strips that are going to be installed in Meadow Ranch. Mark Sovine responded.

Staff Presentation of Fiscal Year 2004 Audit:

Gordon Burt stated that the general fund increased the revenue 164% from 2003 to 2004. The expenses went up 167%. The net revenue, before any contribution showed an increase of 155%. The general fund was very good.

Mayor Kelvin Bailey stated that what that means is that we netted a 1.1 million dollar surplus in our general fund. Only about \$300,000 of that is in unreserved funds and the remainder is reserved for specific items.

Mr. Burt continued explaining the audit and highlighting the differences with the previous year's audits. He stated that the City is improving its financial picture, even though the expenses increased.

Mayor Bailey stated that the City will be looking at adding more personnel to the City. This will increase expenses but as the population increases and the revenues increase we need to increase expenses to provide basic services to the City.

Mr. Burt stated that the original debt of the City was \$63,500,000.00 and that has been reduced to \$53,000,000.00. He then explained the Special Improvement Districts.

Mayor Bailey explained that the growth is what pays down the debt that the City owes. That is why the City pushes for managed growth. He also stated the growth is what makes it so the City does not have to raise property taxes.

Consideration and approval of an ordinance enacting a temporary emergency moratorium on kennel licenses:

Jerry Kinghorn stated that this Ordinance is on zoning for kennels. He stated that when the Development Code was revised and created new zoning it was anticipated that the animal regulations would be enacted immediately. Those have been going through redrafting. In order to place zoning in effect for kennels he recommended the adoption of this temporary emergency moratorium.

Mr. Kinghorn stated that this will not affect anyone who has a legally established kennel prior to this ordinance going into affect they will have a legal non-conforming use. This means that no one can establish a new kennel use.

MOTION: *David Blackburn moved to approve an ordinance 01-2005 enacting a temporary emergency moratorium on kennel licenses. Linn Strouse seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

Consideration of the appeal of Tom & Marsha Worlton regarding a kennel permit:

Tom Worlton of North Ranch stated that he is appealing a kennel license that he believes should be grandfathered in. He stated that prior to purchasing their property they contacted the City and received a letter stating that they can have either a kennel license or a hobby breeder's license. When they built the home special regulations were required for the kennel. He stated that they have built the kennel and improvements for the kennel and are into their home approximately \$400,000. The specific purpose of

moving to Eagle Mountain City was to have this kennel. They were inspected by Utah County and received a kennel license. When they went to renew their license with Utah County they were told that Eagle Mountain City is now handling that. They have been working with City staff and have received word that they may have a hobby breeder's license. Mr. Worlton stated that they are dog fanciers, and they show dogs in national competitions. The hobby breeder's license would limit them and not allow them do the things that they have been doing. He feels that they have complied with Eagle Mountain ordinances and all of the City's requests in good faith. He stated that they are frustrated that they are not being able to obtain a kennel license. The dogs are maintained inside except for two periods of day in which they go outside for exercise. He is asking to be grandfathered in because they originally received a kennel license.

Jerry Kinghorn stated that a letter written by the Planning Department prior to the Worlton's moving to Eagle Mountain stated that the County could issue either a hobby breeders license or a kennel license. However, the Planning Department did not look at the Zoning Ordinance and compare the zoning in the North Ranch subdivision. The County inspected the Worlton's property and issued them a kennel license that has expired. Mr. Kinghorn explained to Mr. Worlton as in the letter that was sent to them that they cannot do that. He stated that the Animal Control ordinance has been specifically crafted to meet the description provided on what the Worlton's do on the property. He stated that the City would like to work with the Worlton's to allow them to continue doing what they have been doing. It was the understanding of Shawn Warnke, City Planner, and Mr. Kinghorn that the hobby breeder license would satisfy the needs of the Worlton's. Mr. Kinghorn stated that if they were mistaken please inform them of what would need to be done to meet the Worlton's needs.

Mr. Worlton stated that the hobby breeder's license as he read it would not meet their needs. He was concerned with the limitation on the number of dogs allowed on the premises at a time.

Mayor Kelvin Bailey explained to Mr. Worlton that the City does not want to open the door to allowing kennels on one acre lots; however, they would like to make the hobby breeders license work for them.

Mr. Worlton stated that in good faith they received information from the City stating the kennel was allowed. Mr. Kinghorn stated that the City accepts responsibility for that and would like to find a way to allow Mr. Worlton to get to where he needs to be with out creating other problems.

Linn Strouse questioned what is actually done on the property. Mr. Worlton explained. He stated that they have an indoor kennel were the dogs are kept. Mr. Worlton stated that on average they would have 10 - 12 dogs on their property at one time; however, they may have up to 20 - 25 which their facility would accommodate. If they reached 20 - 25 they would try to limit that number down.

Discussion ensued in allowing a hobby breeders license for smaller dogs and allowing a larger number of dogs. Mr. Worlton suggested offering a Conditional Use. Mr. Kinghorn stated that the Zoning Ordinance could be re-worked to allow hobby breeders, as a Conditional Use, on a one acre lot and provide some standards for the Conditional Use that would restrict it to smaller dogs.

Mr. Worlton stated that in the requirements there is not licensing required for the dogs. The reason this was of interest to him is because of the turn over of dogs. Mr. Kinghorn stated that the hobby breeder's license has been altered and does not require licensing for the dogs. Mr. Worlton stated that they will have medical records for all the dogs.

Mayor Bailey asked Mr. Kinghorn to create a hobby breeders license along with a Condition Use that would meet the needs of the Worlton's.

Consideration and acceptance of a contract for professional services with Lee & Smith law firm:

Chris Hillman explained that this was discussed in a Work Session in December. This is a hiring of services of the law firm of Lee & Smith in Washington D.C.

MOTION: *David Blackburn moved to accept the contract for professional services with Lee & Smith law firm. Vincent Liddiard seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

Public Hearing on an amendment of the Ranches Master Development Plan:

Shawn Warnke explained the proposed amendment of the Ranches Master Development Plan. He stated that essentially the proposed amendments amount to adding density to Spring Valley and Lone Tree. In order to transfer density to these subdivisions density must be reduced in other locations. Additionally, these amendments require the conversion of open space acreage to developable acreage. Since The Ranches are not adding more density to their overall master plan this master development plan amendment will not be subject to the Bonus Density section of the new Code.

He stated that the Master Plan is equivalent to a Rezoning of property. The act of rezoning grants some discretion to the Planning Commission and City Council. Usually, the City's Future Land Use and Transportation Map is useful when rezoning property, however, this map shows this land as apart of The Ranches Master Development Plan and does not provide future land use classifications to consider. Thus, the Planning Commission must rely on other considerations. Additionally, the City Council should wait until after the public hearing has concluded to understand other considerations that the public may have before making a recommendation.

A. Open public hearing

Mayor Bailey opened the public hearing at 8:12 p.m.

B. Receive public comments

No comments were received.

C. Close public hearing

Mayor Bailey recessed the public hearing until February 1, 2005.

Consideration and approval of the purchase of a second ambulance:

Chief Robert DeKorver stated that the call volume has increased approximately 30%. Last year they had 250 calls and this year they had 340. Normally they expect a 10% increase. During the last year Lehi responded to 8 transports that Eagle Mountain was not available for because they were on other calls. Chief DeKorver stated another concern is that the ambulance had mechanical problems that put it out of service for three weeks. They were fortunate enough to borrow an ambulance from Lone Peak on a rental agreement of \$50.00 a day. During that time they had 10 calls. With this they have determined the need to purchase a second ambulance. He stated that they have found two ambulances for sale with Layton Fire Department. Chief DeKorver explained that they are both 1994 Ford F-350 chassis. One with 68,409 miles and the other has 42,902 which is the one they wish to purchase. He stated that the initial price of the ambulance was \$23,000; however, Layton's Fire Chief has agreed to sell the ambulance to Eagle Mountain City for \$22,000. He stated that they have received a grant of \$20,000 towards the purchase of a refurbished ambulance. He explained the cost difference between the different kinds of ambulance. He stated that they have asked the grants committee to change the grant to a used ambulance which would change the grant requirements. By going to a used ambulance grant it would be a 50/50 grant. That will be put up for approval with the state EMS board on January 12th. If the grant is approved the City would only be paying \$11,000, and approximately the cost to equip the ambulance would be \$4,000-\$6,000. He also stated they have another equipment grant for \$4500. He stated that this ambulance will be a paramedic unit. He stated that this ambulance is planned to be kept at the North Fire Station no. 2.

Mayor Kelvin Bailey stated that he is comfortable with the purchase of the ambulance; however, the City may not be able to fund the personnel to man it.

Linn Strouse commented about the wonderful service of our EMS service.

MOTION: *Vincent Liddiard moved to approve the purchase of a second ambulance. David Blackburn seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

Sole source selection for wastewater treatment head works upgrade:

Mark Sovine stated that this is the only head works that they can find that will fit the existing equipment. He stated that this will not exceed the budgeted amount of \$70,000.

MOTION: *David Blackburn moved to approve the purchase the head works upgrade not to exceed \$70,000. Linn Strouse seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

Resolution of appreciation to John Catmull:

This item was discussed after item 3.

Mayor Kelvin Bailey stated that this resolution of appreciation to John Catmull is for the donation of a car to the fire department. This will allow the fire department to practice with their extrication equipment.

MOTION: *Linn Strouse moved to approve a Resolution of appreciation to John Catmull for the donation of his car to the fire department. David Blackburn seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

Consent agenda:

- A. Check register for December 2004
- B. Contract change order
 - 1. 2004 Eagle Mountain Boulevard, Sweetwater Road, and Ranches Parkway Improvements, (CO No. 1) Staker & Parson Companies
 - 2. Eagle Mountain City Administration Building (CO No. 2) Terry Larsen Excavating
- C. Final bond release
 - 1. Nextel Cedar Pass Cell Site, Nextel
- D. Bond reduction
 - 1. Showdown at Eagle's Gate Plat A (PBR No. 4) Tall Maple Development
- E. Partial payment
 - 1. Eagle Mountain City Public Works Building (PP No. 6) Rimrock Construction
 - 2. Utility Administration Building (PP No. 4) Ellsworth Paulsen
 - 3. 2004 Eagle Mountain Boulevard, Sweetwater Road, and Ranches Parkway Improvements, (PP No. 1) Staker & Parson Companies

MOTION: *David Blackburn moved to approve the consent agenda. Linn Strouse seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Motion passed.*

Motion to recess in to a closed executive session for the purpose of discussing personnel issues, potential litigation and/or public safety:

None.

Motion to close the closed executive session and reconvene in to open session:

Not applicable.

Any actions from the closed executive session:

Not applicable.

Other business:

None.

Adjournment:

MOTION: *David Blackburn moved to adjourn the meeting at 8:43 p.m.*

APPROVAL: _____ **DATE:** _____
Mayor Kelvin Bailey

Approved January 18, 2005.
ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 18, 2005

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Consent Agenda
2. Items as outlined on the Policy Session
3. Review and interview of City Council applicants to fill the vacancy of Mark Madsen
4. Other Business
5. Adjourn Work Session at 6:30 p.m.

INTERMISSION

POLICY SESSION – 7:00 p.m.

ROLL CALL: Mayor Kelvin Bailey called the meeting to order at 7:00 p.m.

ELECTED OFFICIALS PRESENT: Mayor Kelvin R. Bailey; Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen (appointed during the meeting), Janiece Sloan, and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Robert DeKorver, Fire Chief; Sergeant Jo Murphy, Utah County Sheriff's Department; Michelle Graves, Library Director.

OTHERS PRESENT: Residents Jen Edwards, Maritza Bailey, Doug Cannon, Jennifer Konold, Joshua Benuck, Eric Olson, Brandon Marm; Jerry Monson, Lt. Sheriff; and Elisabeth Nardi, Daily Herald.

State of the City Address by Mayor Kelvin E. Bailey:

A Color Guard presentation and pledge of allegiance was conducted by the Utah County Sheriff's Department. The National Anthem was performed by Angie Ferre. Mayor Kelvin Bailey then gave his State of the City address.

Approval of Minutes

City Council Meeting – December 7, 2004

Special City Council Meeting – December 23, 2004

City Council Meeting – January 4, 2005

MOTION: *Vincent Liddiard moved to approve the City Council minutes for December 7, 2004, December 23, 2004, and January 4, 2005. David Blackburn seconded the*

motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Janiece Sloan.

Selection and appointment of interim City Council member to fill the vacancy of Mark Madsen:

Richard Bentley introduced himself to the Council. The City Council then questioned him concerning his experience and qualifications for the City Council position.

Mayor Bailey asked the City Councilmembers to rank each of the candidates including Brian B. Olsen, and Darren Beck who were interviewed during the work session portion of the meeting.

Mayor Bailey stated that the ranking sheets show a majority and stated that he would entertain a motion to appoint Brian B. Olsen.

MOTION: *David Blackburn moved to appoint Brian B. Olsen to the City Council to fill the vacancy created by the resignation of Mark Madsen. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

City Recorder Gina Peterson then administered the Oath of Office to Mr. Olsen; after which he took his seat as a member of the City Council.

Selection and Appointment of Mayor Pro Tem

Mayor Kelvin Bailey recommended the appointment of Vincent Liddiard to Mayor Pro Tem.

MOTION: *Linn Strouse moved to appoint Vincent Liddiard to the Mayor Pro Tem. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Appointment to Library Board

Mayor Kelvin Bailey recommended the appointment of Leslie Montgomery to the Library Board.

MOTION: *Vincent Liddiard moved to appoint Leslie Montgomery to the Library Board. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Council Comments

Linn Strouse stated that not only has Mayor Bailey established a track record of excellent leadership in the community, he was recently elected as Chairman of the Council of Governments (COG), which is a group of mayors from cities all across Utah County. This group meets every month to discuss concerns, ideas, and solutions to challenges such as transportation, water and development issues. She stated the community should be very proud that the Mayor was chosen by his peers (other mayors) to chair this very important position in COG. In addition Mayor Bailey is serving on the COG Library Committee.

Mayor Kelvin Bailey stated that the COG Library Committee is currently doing a feasibility study to see if there is a need for a countywide library.

Mr. Liddiard welcomed Janiece Sloan and Brian B. Olsen to the City Council. He then reflected on how the council behaved and worked over the last year. He stated that the City Council's success has not been due to the fact that they come to the table with one voice, but that they leave with one voice. The Council leads discussions being open to all ideas, and then resolves issues with one voice and clear intent. Each council member provides a wealth of experience and the personalities differ greatly. This independence is tempered by the resolve of the Councilmembers to do good, to work for progress, and to strive for unity once action is determined.

He stated he is grateful for a mayor that has had the foresight to mark the course around the most formidable barriers, with team members who continue to pull the oars. Collectively, he feels they have made great progress.

Mr. Liddiard continued, stating that the City Council's work will be to forever pursue the destination that lies beyond the horizon. Their goal is to ensure that the City continues to progress toward a rising sun and not a setting sun. Their success is in the unhindered progress of the journey.

In conclusion, Mr. Liddiard stated it has been an honor and a privilege to know and work with each City Councilmember. He thanked them and stated the past year has been a greatly rewarding challenge. He indicated he looks forward to the events and opportunities of 2005.

Public Hearing – FY 2005 Budget Amendment

City Administrator Chris Hillman briefly explained to the public the process of a budget amendment. He then highlighted some of the major amendments.

Mayor Kelvin Bailey opened the public hearing at 7:48 p.m. There were no comments; subsequently Mayor Bailey recessed the public hearing to the meeting on February 1, 2005.

Public Hearing – General Plan Amendment regarding the proposed Talon Cove Annexation

City Planner Adam Lenhard stated that this General Plan amendment is specifically for the Future Land Use and Transportation Plan Map in the area of the Talon Cove annexation. Mr. Lenhard explained the future land use designation and transportation corridors.

Mayor Kelvin Bailey opened the public hearing at 7:54 p.m.

Mr. Liddiard stated he feels this is a positive proposal for the city.

Mayor Kelvin Bailey closed the public hearing at 7:55 p.m.

Public Hearing – Consideration of an ordinance enacting Chapter 22 of the Development Code of Eagle Mountain City with respect to Animal Regulations, and miscellaneous text changes

Mr. Lenhard stated that as the new Development Code has been in use they have come across a few inconsistencies. The proposed changes will correct these. He then explained the changes that were being proposed. Mr. Lenhard explained the animal regulations chart.

Mayor Kelvin Bailey opened the public hearing at 8:00 p.m.

David Liffereth questioned what a resident would do if they wanted to own an animal that is not on the animal regulations list. Mayor Bailey stated that there is a list of not allowed animals and anything else would be considered an exception and should be presented to the Planning Commission.

Jennifer Konold questioned the setback requirements and how it would be enforced. The Council explained the setbacks and stated it would be enforced on a complaint basis:

Mayor Bailey closed the public hearing at 8:10 p.m.

Consideration and adoption of an Ordinance enacting Chapter 22 of the Development Code of Eagle Mountain City with respect to Animal Regulations, and miscellaneous text changes

MOTION: *Vincent Liddiard moved to accept the recommendations of the Planning Commission and the word change on the setback from residents. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

MOTION: *Linn Strouse moved to adopt Ordinance O-02-2005, accepting the recommendation of the Planning Commission and approving the Animal Regulations chapter and the following proposed changes to the Development Code Titles 1 and 2:*

- 1. Various non-substantive spelling and grammatical changes throughout both Titles*
- 2. Title 1 – 13.6.7 Accessory apartments allowed in detached structures in the AG and Airpark zones, in addition to Residential Base Density and Tier 1; amended Accessory Apartment definition*
- 3. Title 1 - 5.10.5 delete words “country residential” (a term no longer used in this Code)*
- 4. Title 2 - 7.7.2 clarified that the minimum cul-de-sac right of way radius is 60 feet, and that minimum temporary turnaround radius is 60 feet*
- 5. Title 1- 11.9 100% landscaping improvements required in any multifamily project*
- 6. Abandonment definition changed from six months to one year*
- 7. Added specific minimum dimensions for garages (10x20 single, 18x20 double- minimum of 400 square feet) and garage door openings (8 wide by 7 tall single-car, 16 wide by 7 tall double-car)*
- 8. Pet stores allowed as conditional uses in commercial and airpark zones; only legally kept animals may be sold*
- 9. Changed the definition for Multi-family Dwellings to include “Twinhomes” and all other attached housing products; deleted text references to twinhomes*
- 10. Unbuildable Land and Buildable Land definitions adjusted*
- 11. Residential Tier 1 Improved Open Space percentage changed to 4% of project Buildable Land rather than 8% as currently required*
- 12. Tier 3 and Tier 4 driveway lengths are 20 feet to the property line (currently unspecified)*
- 13. Residential Tier 2 Improved Open Space percentage calculated as a percentage of project Buildable Land (percentage remains unchanged at 8%)*

14. *Where commercial development is proposed adjacent to a residential or agricultural use, the rear setback shall be 50 feet (instead of 100')*
 15. *Title 1 Chapter 14 - Added section for zoning of residential group homes.*
 16. *\$1500 per acre of Buildable Land Tier 1 fee paid at recordation of plat (currently unspecified as to when that fee is paid)*
- Janiece Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Consideration and adoption of a Resolution adopting the National Incident Management System

Sheila Curtis explained that the National Incident Management System will provide a standardized communication system for police, fire, EMS and all emergency response teams. This resolution will also provide federal funds in the event of a disaster occurring in Eagle Mountain City.

Linn Strouse stated that Sheila Curtis is a treasure to the City and has been devoted to emergency management for a number of years.

MOTION: *Vincent Liddiard moved to adopt Resolution R-02-2005, adopting the National Incident Management System. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

Consideration and adoption of Resolution amending the construction specifications for landscaping along arterial, major and collector roads

City Engineer Christopher Trusty explained that this will require xeriscaping along arterial, major and collector roads. This is also in line with the recently approved water conservation plan.

MOTION: *David Blackburn moved to adopt Resolution R-03-2005, amending the construction specifications for landscaping along arterial, major and collector roads. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Consideration of Bid Award for Landscaping at the Eagle Mountain City Administration Building

Mr. Trusty explained that because of light fixtures for landscaping, the bids were above the estimated prices. They have asked the lowest bidder to remove that from the bid and the City will install the lights at a later time.

Mr. Liddiard questioned the landscaping plan and asked for a copy.

MOTION: *Vincent Liddiard moved to award the bid for Landscaping at the Eagle Mountain City Administration Building to Star Engineering and Landscaping in the amount of \$84,681.33, with the removal of the landscape light fixtures. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Consideration for approval of general services agreement for Epic Engineering

MOTION: *Linn Strouse moved to approve the general services agreement for Epic Engineering. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Consideration and approval of Utah Power & Light (UP&L) operation and maintenance agreement

City Attorney Jerry Kinghorn stated that this is a renewal for the operations and maintenance agreement the City currently has with Utah Power & Light. UP&L is on call to respond to any emergencies when the City does not have adequate crews or equipment to handle. The agreement provides a means for the City to call on UP&L to make repairs and the City be billed.

MOTION: *David Blackburn moved to approve the Utah Power & Light operation and maintenance agreement as modified by the City Attorney. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Consideration and approval of a Resolution amending the Eagle Mountain Consolidated Fee Schedule for the purpose of clarifying a fee for business license class fees and amending master plan development fees

Mr. Lenhard stated that the business license fees were switched on which class was to pay which fee and this would correct that problem. Mr. Lenhard also explained that there were two fees for a Master Development Plan and the Planning Department felt that the fee for a Master Development Plan to be annexed was not necessary and they are proposing to remove that fee.

MOTION: *Vincent Liddiard moved to approve a resolution amending the Eagle Mountain Consolidated Fee Schedule for the purpose of clarifying a fee for business license class fees and amending master plan development fees. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Consideration and approval of Amendment 1 to the Second Supplemental Assessment Ordinance for Special Assessment District 98-1, amending and restating the assessment list and reaffirming all other provisions of the second supplemental assessment ordinance

MOTION: *David Blackburn moved to approve the Amendment 1 to the Second Supplemental Assessment Ordinance for Special Assessment District 98-1, amending and restating the assessment list and reaffirming all other provisions of the second supplemental assessment ordinance. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Final Plat Approval - Hidden Canyon – Phase I

Mr. Lenhard stated Salisbury Homes is the proposed builder of this project. The houses will be built out of 100% exterior masonry materials and the yards will be fully landscaped. The applicant has also agreed to fully improve Pony Express Parkway along its frontage. The park improvements for this project will be used to finish the Bud Evans Trailway and complete the 8' asphalt trail northwest of the storm drain pond. All lots with backyards facing a road will have privacy fencing installed.

He continued in explaining that the applicant is proposing a detached single-family subdivision on the former site of the Hidden Canyon Condo project. The Ranches Master Development Plan identifies the R2 N4 parcel as Village Core, which allows both residential and commercial land uses. Specifically, the Master Development Plan entitles the Applicant with the following residential and commercial development ceilings: 134 residential dwelling units and three acres of commercial development. Mr. Lenhard stated that the proposed project does not exceed the residential density ceiling. The Final Plat does not show any commercial development or property that would be preserved for such a development in the future.

MOTION: *David Blackburn moved that the City Council approve the Hidden Canyon Final Plat subject to the following conditions:*

1. *That county book and page of all adjacent parcels is labeled on the plat and that e-files of the plat are provided for addressing.*
2. *That the entryway monument is constructed by the developer and has electricity run to the site.*
3. *That the fire hydrants are relocated according to the Fire Chief's recommendations.*
4. *That the Ranches DRC reviews and approves the elevations and landscape plan, etc.*
5. *That the house plans are not repeated according to the Ranches Design Guidelines.*
6. *That all construction plan comments are resolved.*
7. *That a revised engineer's estimate and storm drain calculations are submitted and verified*

Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

Final Plat Approval - Spring Valley – Plat B

Planning Director Shawn Warnke stated that this subdivision is at the entryway to the City; thus, it has the potential to have a great impact on the City's image. Additionally, this subdivision will abut the Mt. Airey subdivision, one of the City's upscale projects.

He continued in explaining that due to the proximity of the project to State Road 73, the homeowners will be subject to noise omitted from volumes and speeds of passing traffic. Accordingly, there should be measures taken to reduce the impacts of the noise such as landscaping buffers. Mature landscaping should be installed to immediately mitigate the noise. Additionally, greater insulation may need to be installed on the exterior walls.

An emphasis should be placed on the rear elevation because this portion of the project will have the greatest visibility. It is recommended that the Elevation Articulation Ratio (EAR) should not be less than the requirements for the front elevations.

Mr. Warnke stated that generally backyards are used to store miscellaneous items. The CC&R's should prevent residents from storing unsightly items. The Ranches HOA will be the enforcement body for these CC&R's.

Discussion ensued on the rear elevation.

MOTION: *Vincent Liddiard moved that the City Council approve the Final Plat for Spring Valley Plat B subject to the following conditions:*

1. **PLAT CORRECTIONS.** *That the owners dedication removes references to street (because the streets are not being dedicated to the public they are private streets). That the building envelopes be shown on the plat as required by 5.4.1.1.20 of the Development Code (need to see the setbacks and driveway lengths). That areas on the plat which are private, common limited, and common areas be shown.*
2. **UTILITY CONNECTIONS.** *That the utility connections onto Mt. Airey Drive be shown along with cut areas.*
3. **NEIGHBORHOOD PARK.** *That this project contributes to the neighborhood park requirements.*
4. **LANDSCAPE PLAN.** *That the landscape plan is stamped by a landscape architect. That there is a tabulation table with the total percentage of landscape areas, domestic turf grasses, drought tolerant plant, and cost estimates.*
5. **LANDSCAPING SCALE.** *The buildings are not to scale on the landscape plan. This needs to be correct so that the plans can accurately demonstrate that the landscape improvements in relationship to the buildings.*
6. **CC&R's.** *That the same CC&R's approved with Plat A are applied to Plat B (including storage of items in rear yards, fencing, improved building elevations, building materials, etc.).*
7. **BENCHMARK.** *Construction drawings should label a benchmark.*
8. **ELEVATIONS.** *That the elevations will be an exhibit to the Development Agreement and they will become the required architectural elevations for this project.*

David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

Development Agreement - Eagle's Gate Subdivision LDS Church

MOTION: *Vincent Liddiard moved to approve the Development Agreement for Eagle's Gate Subdivision LDS Church. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Consent Agenda

Contract change order

1. 2004 Eagle Mountain Boulevard, Sweetwater Road, and Ranches Parkway Improvements, (CO No. 2) Staker & Parson Companies
2. Maintenance Shop (CO No. 2) Rimrock Construction

Final payment

- 1. Maintenance Shop – Final Payment – Rimrock Construction

Bond reduction

- 1. Silver Lake Plat 1A (PBR No. 1) Development Associates

Partial payment

- 1. City Administration Building (PP No. 5) Ellsworth Paulsen
- 2. City Administration Building (PP No. 3) Terry Larsen Excavating

MOTION: *David Blackburn moved to approve the consent agenda. Janiece Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Adjournment

MOTION: *Vincent Liddiard moved to adjourn the meeting at 9:03 p.m.*

APPROVAL: _____ **DATE:** _____
 Mayor Kelvin Bailey

*Approved on March 1, 2005.
 ML*

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 1, 2005

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

AGENDA REVIEW

The City Council reviewed the items on the consent agenda and policy session agenda.

DISCUSSION ITEMS

- Restructuring of the Gas & Electric Bonds – Laura Lewis – Lewis, Young, Robertson & Burningham.
- Sign Ordinance

ADJOURNMENT OF WORK SESSION

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 7:00 p.m.

ELECTED OFFICIALS PRESENT: Mayor Kelvin E. Bailey; Council members David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Robert DeKorver, Fire Chief; Sergeant Jo Murphy, Utah County Sheriff's Department.

OTHERS PRESENT: Sergeant First Class Keith Cartwright, Camp Williams; Matt Evans, Troop 1084; Craig Smith, James McNelly, Matt McNelly, Troop 1016; Joanne Honer, RAD Women; Tiffany Ulmer, RAD Women; and Bob Terragno, Envision Utah.

The Pledge of Allegiance was led by Mayor Kelvin Bailey

APPROVAL OF MINUTES

MINUTES of City Council Meeting – November 16, 2004

MOTION: *Vincent Liddiard moved to approve the minutes of November 16, 2004. David Blackburn seconded the motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Brian B. Olsen and Janiece Sloan abstained. Motion passed*

MAYOR'S REPORT / CITY COUNCIL ITEMS

UPCOMING EVENTS

Vincent Liddiard stated that the Sheriff's Department is doing a Citizens Academy for the residents of Eagle Mountain City.

Sergeant Jo Murphy explained the Citizens Academy and what the classes will consist of. She invited the public to attend the classes which are held on Saturdays starting at 8:00 a.m.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Mayor Kelvin Bailey stated that on February 15, 2005 the City Council will hold a Public Hearing on the Talon Cove annexation and General Plan amendment.

PRESENTATION OF RAD WOMEN GRADUATING CLASS

Deputy Lomax detailed classes and activities needed to be completed in order for women to graduate from RAD women.

Mayor Kelvin Bailey presented the graduation certificates to the RAD Women graduating class.

SCHEDULED ITEMS

CONTINUED PUBLIC HEARING

ORDINANCE – Consideration and adoption of an amendment to the Fiscal Year 2005 Budget.

Chris Hillman stated that this public hearing was continued from the January 18, 2005 City Council meeting. At the end of each fiscal year, the City opens the budget to make some final adjustments. Occasionally, however, it is necessary to open the budget mid-year to make important adjustments in both revenues and expenses. The Mayor and staff are proposing opening the budget at this time given the number of changes needed.

Mayor Kelvin Bailey re-opened the public hearing at 7:21 p.m.

There were no comments; subsequently Mayor Bailey closed the public hearing at 7:21 p.m.

MOTION: *David Blackburn moved to adopt Ordinance O-03-2005 amending the Fiscal Year 2005 Budget. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

CONTINUED PUBLIC HEARING

ORDINANCE – Consideration and adoption of an ordinance amending the Ranches Master Development Plan.

Planning Director Shawn Warnke explained that this public hearing was continued from the January 18, 2005 City Council meeting. On November 18, 2004, The Ranches submitted a Master Development

Plan amendment. The proposed amendments are essentially density reallocation and open space amendments.

The Planning Commission conducted a public hearing on this application on December 14, 2004 and recommended approval based upon conditions.

MOTION: *David Blackburn moved to adopt Ordinance O-04-2005 amending the Ranches Master Development Plan with the following conditions:*

- 1. That the Applicant submits evidence that they are the owners or authorized agent of the property owners.*
- 2. That the Special Improvement District (SID) ordinance be amended to show the correct developable acreage that would now be assessed.*
- 3. That the Applicant still pays the SID payment on the .4 acre parcel that is being transferred from Point Lookout to the Inspiration Point Open Space. The City Attorney has advised that the City needs to collect funds on all the acreage that was calculated for the SID.*
- 4. That there is some evidence that the Alpine School District has found an alternative location for the school.*
- 5. That a traffic impact study for the Lone Tree subdivision is completed at 150 ERU's to identify the necessity and location of an alternate collector road.*
- 6. That five lots in the R1 N32 parcel are added to Spring Valley Subdivision and that the sixth lot is a single family detached lot that carries the same CC&R's that are recorded with Mt. Airey.*
- 7. That The Ranches is in compliance with its Master Development Agreement and dedicates over the following parcels of land:*
 - a. Rush Valley Plat D (Storm Drain Pond)*
 - b. Bud Evans Trailway*
 - c. Glen Smith Trailway*

Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

TALON COVE ANNEXATION

ORDINANCE – Consideration and adoption of an ordinance annexing certain real property for agricultural use; and approval of Amended Articles of Incorporation to enlarge the boundary of Eagle Mountain City to include the property annexed concurrently with the approval of the Amended Articles of Incorporation; and authorizing the Mayor to execute the required statutory notice

ORDINANCE – Consideration and adoption of an ordinance amending the Eagle Mountain City General Plan regarding future land use designations for the Talon Cove property.

Mayor Bailey indicated these items would be tabled to the February 15, 2005 City Council meeting so that a public hearing notice could take place.

Sergeant First Class Keith Cartwright, a representative of Camp Williams, expressed a concern that a buffer zone be created between the Camp Williams property and residential areas.

Mayor Kelvin Bailey stated that a requirement has been put in place to provide buffers in the Development Code.

FINAL PLAT APPROVAL – Lone Tree – Plat B

Mr. Warnke explained that the applicant has changed the phase line of the previously approved final plat for Phase B of the Lone Tree Subdivision. The total acreage of Plat B is 12.33 acres and contains 43 single-family lots plus a 1.5 acre park. The average lot size is 7,790 square feet. The minimum lot size is 6,250 square feet and the maximum is 17,855 square feet.

On September 21, 2004 the Planning Commission reviewed and approved the Final Plat subject to conditions.

Discussion ensued on landscaping with a decision that xeriscaping will be required.

MOTION: *Brian B. Olsen moved that the City Council approve the Final Plat for Lone Tree (R-3 N-4) Plat B subject to the following conditions:*

- 1. STORM DRAINAGE. That an easement is provided for the bench drain that extends from the park north beyond plat boundaries. That storm drainage off the hillsides is addressed (bench drain easements provided behind lots 201-204 and 237-243).*
- 2. CROSS SECTION. That the cross section and plat shows Lone Tree Parkway should be 64 feet with an 8' trail consistent with Plat A. That the dry utilities be updated to reflect this change.*
- 3. PARKING LOT. That the parking area is extended to meet the requirements of the Development Code.*
- 4. ESTIMATES. That engineer's estimates are provided for civil and dry utilities.*
- 5. WATER RIGHTS. That the evidence of water rights sufficient to serve the development be identified.*
- 6. LIFT STATION. That the lift station meets the requirements of the Public Works Director. Public Works Director may stop building permits at his discretion.*
- 7. LOOPING OF UTILITIES. That utility lines are looped from Ficus Way to Pinecone Road.*
- 8. LANDSCAPE PLAN. That the landscape plan is resubmitted and approved with xeriscape.*

Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

FINAL PLAT APPROVAL – Pioneer Addition – Phase II

Mr. Warnke explained that on November 16, 2004, the City Council reviewed the Pioneer Addition, Phase III plat. During this review, and during the Planning Commission's review, there was some discussion regarding the construction of a trail on the west side adjacent to the townhomes. The City Council required that the trail be constructed on the west. The City Council also recommended that a trail on the east side be eliminated. The elimination of this trail required that the Planning Commission conduct a new public hearing and take action. This new Planning Commission public hearing occurred on January 25, 2005. The only change to the plat is redrawing the back property lines of lots 69-74 for Pioneer Addition Phase II and lots 75- 84 for Pioneer Addition Phase III. There have been no changes to the construction drawings.

MOTION: *Linn Strouse moved that the City Council approve the Final Plat for Pioneer Addition - Phase II subject to the following conditions:*

- 1. That all previous conditions of approval are met.*
- 2. That the plat conforms to all of the corrections that result from the plat check process.*
- 3. That the trail improvements are bonded and that an engineer's estimate be submitted.*
- 4. That a sidewalk is constructed along the frontage of the open space on Maple Drive and that a trail is constructed throughout the open space on the west side of the development and that this open space is irrigated with native vegetation.*

Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

FINAL PLAT APPROVAL – Pioneer Addition – Phase III

Mr. Warnke explained that on November 16, 2004, the City Council reviewed the Pioneer Addition, Phase III plat. During this review, and during the Planning Commission's review, there was some discussion regarding the construction of a trail on the west side adjacent to the townhomes. The City Council required that the trail be constructed on the west. The City Council also recommended that a trail on the east side be eliminated. The elimination of this trail required that the Planning Commission conduct a new public hearing and take action. This new Planning Commission public hearing occurred on January 25, 2005. The only change to the plat is redrawing the back property lines of lots 69-74 for Pioneer Addition Phase II and lots 75- 84 for Pioneer Addition Phase III. There have been no changes to the construction drawings.

MOTION: *Vincent Liddiard moved that the City Council approve the Final Plat for Pioneer Addition - Phase III subject to the following conditions:*

- 1. SIDEWALKS. That four foot sidewalks are constructed to the fronts of the attached housing that fronts onto the open space areas, lots 39 – 42, connecting to the trail from park.*
- 2. PREVIOUS CONDITIONS. That all previous conditions of approval are met.*
- 3. PLAT CHECK. That the plat conforms to all of the corrections that result from the plat check process.*
- 4. BONDING. That the trail improvements are bonded and that an engineer's estimate is submitted.*

Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan. Nays: 0. Motion passed.

AGREEMENT – Consideration for approval of a general services agreement with Sunrise Engineering.

MOTION: *Vincent Liddiard moved to approve the general services agreement with Sunrise Engineering. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

CONSENT ITEMS

PARTIAL BOND RELEASE

- A. Silver Lake Village Plat 1B – Development Associates
- B. Pony Express Parkway – Development Associates

WARRANTY BOND RELEASE – Smith Ranch Road – Plat B

MOTION: *David Blackburn moved to approve the consent agenda. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brain B. Olsen, Janiece Sloan. Nays: 0. Motion passed.*

OTHER BUSINESS

Bob Terragno of Envision Utah discussed a Regional Transportation Plan for counties along the Wasatch Front. He also invited the City to be involved in a workshop to plan regional transportation.

ADJOURNMENT

MOTION: Vincent Liddiard moved to adjourn the meeting at 8:54 p.m.

APPROVAL: _____ **DATE:** _____

Mayor Kelvin Bailey

approved on March 1, 2005.

ML

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 15, 2005

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

AGENDA REVIEW

DISCUSSION/REVIEW ITEMS

CHECK REGISTER – January.

DISCUSSION – Bond Defeasance and Update on the Sale of the Telecom System to Direct Communications.

DISCUSSION – Status of SITLA Master Development Plan Compliance.

6:00 P.M. ADJOURNMENT OF WORK SESSION

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 7:00 p.m.

ELECTED OFFICIALS PRESENT: Mayor Kelvin R. Bailey; Council Members David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Robert DeKorver, Fire Chief; Sergeant Jo Murphy, Utah County Sheriff's Department.

OTHERS PRESENT: Rod Allred, RCA Family Trust; Paul (Illegible), Scenic Development; Scott Watson, resident; David Adams, Tuscan Homes; Brian Barnhill, Kathleen Ellis, Neil Wagstaff, Mark Wagstaff, Robert Wagstaff, Cynthia Wagstaff, Lyle Wagstaff, Wagstaff Family Trust; Jonathon Celaya, resident; Mike Hanson, resident; Jerry Monson, Utah County Sheriff's; Gary and Christine Ishmael, residents; Maritza Bailey, resident.

The Pledge of Allegiance was led by Scot Hazard.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – January 18, 2005

MINUTES of City Council Meeting – February 1, 2005

Approval of the minutes were postponed to the March 1, 2005 meeting so further review could take place.

PUBLIC COMMENTS

Scott Watson stated his concern with the vacant lot behind his home where a basement was dug with very little progress. His concern is for the safety of his children. He is also concerned that if he were to put in a fence that it would collapse because the hole is so close to the property line. He asked that this issue be taken care of.

Mayor Kelvin Bailey addressed Mr. Watson's concerns stating that the Building Inspector inspected the property today. Mayor Bailey stated that the fence could be built without any problems, and if it was damaged because of something on the adjoining property the adjoining property owners would be liable. He also stated that the Building Inspector is working with the builder and he has agreed to clean off the sidewalks and knock off some of the dirt so it is not such a steep drop on the lots where basements have been dug.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Vincent Liddiard stated that the Utah County Sheriff's Department is doing a fabulous job with the Citizens Academy. He then invited Sergeant Jo Murphy with the Utah County Sheriff's Department to address the public and give a brief update of the events occurring at the Citizens Academy. Sergeant Murphy stated that at the last Citizens Academy class Captain Whitney spoke about fraud and white collar crime; they also had a presentation on drugs and the types of drugs that are in the community. Sergeant Murphy stated that this week they will be covering the basics of report writing for police reports, domestic violence, and hostage negotiations training, and conflict resolution. She stated that every week includes hands on training and she guaranteed that it will be fun.

Mr. Liddiard recognized Deputy John Mulder. Deputy Mulder wrote approximately 550 tickets last year, more than any other deputy in the Sheriff's Office. Mr. Liddiard then presented a letter of recognition, an outstanding service award to Deputy Mulder.

Linn Strouse stated that recently it was Abraham Lincoln's birthday. She stated that it is very important to remember history; if we don't we are doomed to repeat it, yet in some cases we would be blessed to repeat it. She stated that Abraham Lincoln was a tremendous blessing to our country and the man of his time, although at the time he was reviled and hated by many to the point of assassination. Councilmember Strouse stated that his legacy lives on. She stated that he preserved our freedoms and he was the only American president to serve while there was a war going on in this country. She stated that we currently are involved in a war across the sea, and that she hopes that we all have the soldiers past and present in our hearts and prayers and that we remember what we are fighting for.

UPCOMING EVENTS

Mayor Kelvin Bailey stated that on April 16th the City will be holding an event entitled "linking a new beginning". This is a global effort to unify the city. They will be having cars line up from Eagle Valley Elementary to Unity Pass and from Unity Pass down to Pony Express Elementary. They will also be placing the Unity Pass sign at that time. More information will be coming in the newsletter.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Mayor Bailey stated that Eagle Park Commons received a donation from Zions Bank in the amount of \$500.00. The residents in the Eagle Park have been working to build a park in their neighborhood.

City Recorder Gina Peterson stated that on March 1, 2005 there will be a public hearing held on Impact Fees, and Sage Valley Master Development Plan. On March 15, 2005 there will be a public hearing on a permanent road closure.

Mayor Bailey addressed an article that was published in the Daily Herald on February 6, 2005 about local cities that bought into a power plant operation. Approximately two years ago Eagle Mountain City was approached with a proposal to buy into the power plants operations. Mayor Bailey stated that after investigation the City felt that it was in the best interest not take part in this operation. The cities who took part in this operation are now losing large sums of money. Mayor Bailey stated that he is thankful that this project did not go through.

Mayor Bailey also stated the City's financial records were filed on time, and because of that the interest rate on the letter of credit has been reduced. This is a savings of approximately \$500,000 a year. Because of this the City is looking to see if they can reduce utility rates.

APPOINTMENTS - Economic Development Board

Mayor Bailey recommended the appointment of Gary Ishmael, and Jonathon Celeya to the Economic Development Board. He also recommended Adam Lenhard be appointed to serve as Chair of the Board.

MOTION: *Vincent Liddiard moved to approve the appointments of Gary Ishmael, Jonathon Celeya, and Adam Lenhard to the Economic Development Board. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

APPOINTMENTS - Planning Commission

Mayor Bailey recommended the appointment of Mike Hansen and Matt Weir to the Planning Commission to fill the terms vacated by Rich Steinkopf and Brian B. Olsen.

MOTION: *David Blackburn moved to approve the appointments of Mike Hansen and Matt Weir to the Planning Commission. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Gina Peterson then administered the oath of office to Jonathon Celeya, Gary Ishmael, Adam Lenhard, Mike Hansen and Matt Weir.

CITY ADMINISTRATOR INFORMATION ITEMS

Chris Hillman presented packets to the City Council for the upcoming Budget Retreat. He then stated that the new City Hall is nearing completion. Mr. Hillman stated that the City is holding an art contest to decorate City Hall. The artist must be an Eagle Mountain City resident and the theme should recognize the historical and/or geographical characteristics, or the quality of life in Eagle Mountain. The winners' art will be displayed in the City Hall and the successful artists will receive \$500.00. The City will retain all the rights to the art work.

Mayor Kelvin Bailey stated that the street in front of City Hall had been previously proposed to be named Lincoln Way. He stated that the address is approximately 1600 and he proposed that it be named Pennsylvania Avenue.

SCHEDULED ITEMS

PUBLIC HEARING – Talon Cove Annexation

ORDINANCE – Consideration and adoption of an ordinance annexing certain real property for residential, commercial and agricultural use; and approval of Amended Articles of Incorporation to Enlarge the Boundary of Eagle Mountain City to Include the Property Annexed concurrently with the approval of the Amended Articles of Incorporation; and Authorizing the Mayor to Execute the Required Statutory Notice.

City Planner Adam Lenhard explained that on October 7, 2004, the City received a petition to annex 527.44 acres known as the Talon Cove Annexation. The petition was certified as being complete on December 7, 2004 and a notice beginning the protest period was authorized on December 24, 2004 and mailed to surrounding/affected entities. The protest period for the annexation expired on January 24, 2005. No formal protests have been received by the City and the property is ready to be annexed. The Talon Cove property is located north of State Road 73 in the northeast corner of the city.

Mayor Bailey opened the public hearing at 7:37 p.m. There were no comments; subsequently the public hearing was closed.

MOTION: *Vincent Liddiard moved to approve Ordinance 05-2005 annexing certain real property known as the Talon Cove Annexation; and approving the Amended Articles of Incorporation to Enlarge the Boundary of Eagle Mountain City to include the Property Annexed concurrently with the approval of the Amended Articles of Incorporation and Authorizing the Mayor to Execute the Required Statutory Notice. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

PUBLIC HEARING – Talon Cove Master Development Plan

Consideration of the Land Use Element for the Talon Cove Master Development Plan.

Planning Director Shawn Warnke stated that City ordinance requires a Master Development Plan comprised of three components. The City Council is considering the Land Use Element which is the first component of this plan. The application for the Talon Cove Master Development Plan proposes 421 lots on approximately 160 acres for a density of 2.65 dwelling units per acre. The

applicant has stated that there are three target ranges for housing products: introductory homes, mid-range homes, and high-end priced homes.

Mayor Bailey opened the public hearing at 7:47 p.m. There were no comments; subsequently the public hearing was closed.

Isaac Patterson stated that Mt. Airey Drive and the Ranches Parkway will be built simultaneously, as they are extended through the development.

MOTION: *Brian B. Olsen moved that the City Council approve the Land Use Element of the Talon Cove Master Development Plan subject to the following conditions:*

1. **SOILS REPORT.** *That the soils report completed by Earthtec Engineers dated April 5, 2002 be submitted.*
2. **UDOT PERMITS.** *That the Applicant receives the necessary UDOT permits for the intersections on SR 73. That these intersections contain both acceleration and deceleration lanes.*
3. **CAPITAL FACILITY PLAN.** *That the Capital Facility Plan includes costs for the Mt. Airey Drive Extension and a contingency plan if the water tank in Meadow Ranch is not constructed prior to the commencement of Talon Cove construction. That there is some discussion regarding the entrance monument at Ranches Parkway.*
4. **STORM DRAIN SYSTEM.** *That there is some discussion regarding storm drain improvements, including: open channels across adjacent property owners; the need for easements; and the school district allowing their property to be used as a storm drain detention pond.*
5. **FIRE FLOW.** *That no home is constructed above the 5,130 elevation until issues pertaining to fire flow have been addressed.*
6. **FINANCING INFRASTRUCTURE.** *That a determination of the method of financing infrastructure be completed with the amending of the Capital Facilities Plan.*
7. **COLLECTOR ROAD.** *That Mt. Airey Drive is classified and constructed as a 60 foot Collector Road. The street ROW shall be at least 60' in width and may require limited driveway access west of the Elementary School. Street trees are also required on this street.*
8. **BUFFERING AND TRANSITIONING REQUIREMENTS.** *That the subdivision meets the buffering and transitioning requirements of Title 1 Chapter 11.*
9. **PARK & OPEN SPACE REQUIREMENTS.** *That the Developer provides the land required by the Development Code as improved open space (8% of total project area). That the developer meets the neighborhood and community park requirements (this improved land may be applied to the 8% open space requirements). Improvements that exceed these standards may be applied to receive bonus density.*
10. **WATER RIGHTS.** *That the Developer demonstrates that they have the access to the required water rights as required by Title 2 Section 2.7.2.3 of the Development Code.*
11. **ENTRYWAYS.** *That the Developer identifies the area for the required entryway improvements.*

12. DENSITY CEILINGS. *That density granted through the Master Development Plan is not a guarantee of density; rather it is a density ceiling. Other Development Code standards may reduce the amount of density that can be platted.*

13. TIER II ZONING STANDARDS. *That all the subdivisions meet the Tier II zoning Standards contained in Title 1 Section 5.12 which describes setbacks, lot frontages, etc.*

David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

ORDINANCE – Consideration and adoption of an ordinance Amending Title 1 of the Development Code of Eagle Mountain City – Chapter 15, Sign Regulations and Sign Permits; Chapter 17, Conditional Use as it relates to signage; and Chapter 18, Site Plan Review as it relates to signage.

Mayor Kelvin Bailey stated that the proposed ordinance amends the sign ordinances as it relates to standards for off-premise signage. This has been discussed in depth over the past months. Mayor Bailey continued in stating that all monies collected for sign permits will be set aside for street signage, and monument signs.

MOTION: *Brian B. Olsen moved to approve Ordinance 06-2005 amending Title 1 of the Development Code of Eagle Mountain City – Chapter 15, Sign Regulations and Sign Permits; Chapter 17, Conditional Use as it relates to signage; and Chapter 18, Site Plan Review as it relates to signage. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

DEVELOPMENT AGREEMENT – Consideration for approval of a Development Agreement for Hidden Canyon – Phase I.

Shawn Warnke stated that the Hidden Canyon Subdivision – Phase I, is being developed by Salisbury Development and is located off the Pony Express Parkway south of Rockwell Village and Ruby Valley.

MOTION: *Linn Strouse moved to approve the Development Agreement for Hidden Canyon – Phase I. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

AGREEMENT – Consideration and approval of a Builder Directional Sign Lease Agreement with Tuscany Homes.

Shawn Warnke stated that Tuscany Homes has submitted a request for five new shoulder ladder signs (directional) to be located throughout the city. The proposed signs would be located on Ranches Parkway, Pony Express, and Sweetwater Road.

David Adams with Tuscany Homes stated that they have been working with The Ranches to get their signs in existing ladder signs. The current proposal is to have directional signage to help people get into the City Center. He stated that they will work with Mr. Warnke on the placement of the signs.

MOTION: *Vincent Liddiard moved that the City Council approve the agreement for a Builder Directional Sign Lease with Tuscany Homes subject to the following conditions:*

1. *That Tuscany Homes is allowed to place a sign insert on the existing ladder signs of The Ranches. In the event that The Ranches removes this sign or the sign has reached its capacity then Tuscany may install a new sign in accordance with the ordinance.*
2. *That all signage is constructed in accordance to the dimensions specified in Title 1, Chapter 15 of the City's Development Code.*
3. *That the signage is similar in color (earth tones) to that of the signs in The Ranches area.*
4. *That the sign lease fees are paid in full- \$300 per sign per year.*
5. *That the Planning Department identifies the exact locations with the applicant prior to installation (so that clear vision triangles are observed etc.) and in accordance to the sign ordinance.*
6. *The lease agreement shall specify copy control, maintenance, time frames, and mechanics' liens.*
7. *That a fee of no more than fifty dollars can be charged per month to lease space on the signs.*

David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

MOTION – Consideration and approval of an amendment to Eagle Mountain City's Personnel Policies and Procedures.

At the request of the Mayor and City Council, this portion of the meeting is transcribed word for word/verbatim.

Mayor Kelvin Bailey: Okay, item 19. We got a consideration and approval of an amendment to Eagle Mountain City's Personnel Policies and Procedures. Chris?

Chris Hillman: As discussed in work session. Any questions?

Mayor Bailey: We're just, just simply putting some clarifying language on how the donation of long term sick is dealt with, so just want to make sure it's clarified for all employees so they understand how it works.

Vincent Liddiard: Chris you were going to make this (inaudible) change.

Chris Hillman: Oh thank you, I, yes there was one note. Mayor, I was actually having a problem with pulling up the electronic version here and I am actually having a problem pulling it up again, hold on one sec.

Mayor Bailey: He was going to add in the language.

Chris Hillman: I am going to, and I will tell you exactly the language I was going to add in.

Mayor Bailey: Just, just show where it was going to be at here.

Chris Hillman: At the end of the first sentence that ends by donating accumulated long term sick leave we will add the phrase "as accumulated", or "as shown in the long term sick leave account".

Mayor Bailey: Right.

Chris Hillman: Designating: Right there.

Mayor Bailey: It already says, right there, accumulated long term sick leave.

Chris Hillman: By donating accumulated long term sick leave from... that has been accumulated into the long term sick leave account. We can just re verify it just to make sure.

Mayor Bailey: Okay.

Vincent Liddiard: There was also going to be a language that there was a approval process.

Chris Hillman: And we will add in that a wording specific to that point saying that the approval process will be... well what it actually says with the City Administrator if you go down to...

Vincent Liddiard: Authorized in writing by...

Chris Hillman: ...and the City Administrator at the end of that sentence right there who will then, inform employees about the approval and request donations.

Vincent Liddiard: What I was getting at rather than each donating employee receiving permission since you already added that 90 hour whatever it is, but rather the person wanting to receive goes through that process.

Chris Hillman: Okay.

Linn Strouse: Chris, this was going to the administrator?

Mayor Bailey: No, what he was, what he was—

Chris Hillman: Actually, I am still confused.

Mayor Bailey: No, here is what Vincent was saying and this is what he said earlier, he said the person who was requesting donated leave time from somebody else that he comes to the City Administrator after they used all their sick leave and all their own time that they come to you and request that donated leave sick time be able to be come to them and that you approve whatever illness or sickness or whatever happened to them then you notify all the other employees this employee accepts, is able to receive donated leave time.

Chris Hillman: Yes.

Mayor Bailey: and you notify the others so that then they can voluntarily give that time if they want to.

Chris Hillman: Yes.

Vincent Liddiard: In "Shawn" language it would be this person is designated as a receiver zone.

Mayor Bailey: Yes, yes. This would be a receiver zone.

Chris Hillman: We will put in words that add such that will clarify that.

Mayor Bailey: Okay, alright. So you got that on the minutes. Be sure Angela, if you would, this conversation that is word for word transcribed

Angela Cox: Okay.

Mayor Bailey: That way Chris will not forget what the wording was supposed to be, okay.

Chris Hillman: I don't know why I can't pull it up electronically.

Mayor Bailey: That's fine. Alright, I'd entertain a motion on this. Brian.

Brian B. Olsen: I move to approve an amendment to the Eagle Mountain City's Personnel Policies and Procedures which clarifies the policy on the donation of long term sick leave and that our conversation that was just held is documented—

Mayor Bailey: and added to—

Brian B. Olsen: —and added to what was discussed.

David Blackburn: Second.

Mayor Bailey: I've got a second, okay. Role call vote. Linn?

Linn Strouse: Well I still had a question.

Mayor Bailey: Okay.

Linn Strouse: Is that okay? Unusually grave and unexpected illness or injury is it, is it you as the City Manager can determine if and—

Chris Hillman: It will be handled on a case by case basis.

Linn Strouse: Okay, so we are not excluding pregnancy on this?

Chris Hillman: Anything that is unusually grave or unexpected.

Linn Strouse: Okay.

Chris Hillman: We'll just use, I mean—

Brian B. Olsen: I noticed the verbiage to it—

Chris Hillman: We will just handle it case by case.

Brian B. Olsen: —it just mentions the Federal Tax Law which I think adds in the Family Medical Leave Act that

Mayor Bailey: It does.

Chris Hillman: It, it does.

Brian B. Olsen: It all adds that in.

Chris Hillman: That was.

David Blackburn: It is not a question of is her job in jeopardy it's a question of how employees are using it to...

Brian B. Olsen: Well that's what I mean, but I mean, this conversation I think Linn's concern is not a concern, it is covered.

Chris Hillman: Right, it's covered. Yep, yep.

Mayor Bailey: Okay. Okay Linn?

Linn Strouse: Aye.

Mayor Bailey: David?

David Blackburn: Aye.

Mayor Bailey: Vincent?

Vincent Liddiard: Aye.

Mayor Bailey: Brian?

Brian B. Olsen: Aye.

Mayor Bailey: Janiece?

Janiece: Aye.

Mayor Bailey then moved on to item 20. ***Verbatim transcription ends***

MOTION: *Brian B. Olsen moved to approve an amendment to Eagle Mountain City's Personnel Policies and Procedures with regard to donation of long term sick leave. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Authorize the Mayor to sign a Quit Claim Deed between Eagle Mountain City and State Institutional and Trust Lands Administration (SITLA).

Jerry Kinghorn stated that the Quit Claim Deed will deed property back to SITLA for realignment of the Sweetwater Road/Pony Express Parkway. SITLA will then deed the right-of-way as constructed back to the City.

MOTION: *Vincent Liddiard moved to authorize the Mayor to sign a Quit Claim Deed between Eagle Mountain City and State Institutional and Trust Lands Administration (SITLA). David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

CONSENT ITEMS

BOND REDUCTION

- A. Pioneer Addition Phase II – Eagle Mountain Properties
- B. Pioneer Addition Phase III – Eagle Mountain Properties

PARTIAL PAYMENT

- A. 2004 Street Improvements – Eagle Mountain Boulevard, Sweetwater Road, Ranches Parkway Improvements – Staker Parsons (PP No. 2)

CHANGE ORDER

- A. 2004 Street Improvements – Eagle Mountain Boulevard, Sweetwater Road, Ranches Parkway Improvements – Staker Parsons (CO No. 2)

MOTION: *David Blackburn moved to approve the consent agenda. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

ADJOURNMENT

MOTION: *Linn Strouse moved to adjourn the meeting at 8:14 p.m.*

Gina Peterson, City Recorder

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL
BUDGET RETREAT

February 18, 2005

Thanksgiving Point, Velvet Room, Lehi, Utah 84043

NO PUBLIC COMMENT WAS RECEIVED AND NO OFFICIAL ACTION WAS TAKEN

ELECTED OFFICIALS PRESENT: Mayor Kelvin R. Bailey; Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, and Janiece Sloan. Councilmember Linn Strouse was excused.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gina Peterson, City Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Mark Sovine, Public Works Director; Jeff Weber, Assistant Public Works Director; Robert DeKorver, Fire Chief; Michelle Graves, Library Director; and Kent Partridge, Chief Building Official.

OTHERS PRESENT: None.

The Budget Retreat began at 8:00 a.m..

City Administrator Chris Hillman gave an update on the FY 2005 Budget and preliminary revenue projections and major issues for FY 2006.

The following Departments/Divisions gave a short update on their respective FY 2005 budgets and also briefly reviewed goals and issues for the FY 2006 budget.

- Library Division – Michelle Graves
- Recorder Division – Gina Peterson
- Building Department – Kent Partridge
- Planning Department – Shawn Warnke
- Finance Department – Gordon Burt
- Fire Department – Chief Robert DeKorver
- Public Works Department – Mark Sovine and Jeff Weber
- Administration & Other – Chris Hillman

Mr. Hillman then asked those present to brainstorm ideas for needs of the City and to prioritize what they considered to be the most pressing budget needs of the City.

At the conclusion of the retreat, Mr. Hillman reviewed an overall final prioritization for the various departments as determined by staff and City Council. The results are as follows:

- A. Public Safety
 1. Paramedics on staff to complete licensing requirements
 2. Turnout Gear
 3. Ladder Truck

- B. General Administration

1. Merit Increase for Employees / 401 K Contribution
2. Special Events in the city
3. Codification of Ordinances

C. Finance

1. More staffing
2. Additional Training
3. Online Billing & Payment options **(Items 2 & 3 were weighted equally)**

D. Public Works

1. Fleet Management Program
2. Road Maintenance Program
3. Parks Master Plan / GO Bond

E. Public Utilities

1. Sewer Plant Expansion
2. Training Programs
3. New Equipment

F. Planning / Community & Economic Development / Building

1. GIS Equipment
2. New Building Inspector **(Items 1 & 2 were weighted equally)**
3. New City website

Mr. Hillman indicated these items would assist staff in priorities for drafting the budget for FY 2006.

The meeting adjourned at 3:40 p.m.

Approved on March 15, 2005

**MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING**

March 1, 2005

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

AGENDA REVIEW

DISCUSSION/REVIEW ITEMS

DISCUSSION – Street Name in front of new Administration Building.

DISCUSSION – Parkstrip Maintenance.

DISCUSSION – General Obligation Bond for Parks.

DISCUSSION – Setbacks in SilverLake Development.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 7:00 p.m.

ELECTED OFFICIALS PRESENT: Mayor Kelvin E. Bailey; Council Members David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Robert DeKorver, Fire Chief; Sergeant Jo Murphy, Utah County Sheriff's Department.

OTHERS PRESENT: Todd Panter, Sage Valley; Joy Malit, Overland Trails; Maritza Bailey, resident; Cary Brackett, Ranches HOA; Spencer Carper, resident; Robert Walker, resident; S. Calvo, resident; Craig Erickson, Eagle Mountain Fire Department; Sterling Allan, Pure Energy Systems; Bobby Colson, SilverLake; Eric Jones, Eagle Mountain Properties; Kyle and Marisa Rogers, Sage Valley.

The pledge of allegiance was led by Brian B. Olsen.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – January 18, 2005

MINUTES of City Council Meeting – February 1, 2005

MOTION: *Vincent Liddiard moved to approve the City Council minutes from the January 18, 2005 meeting subject to the review of the tapes from that meeting.*

David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

MOTION: *David Blackburn moved to approve the City Council minutes from the February 1, 2005 meeting as amended. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

PUBLIC COMMENTS

Sterling Allan stated that he is representing himself as a neighbor and he is the Executive Director for Pure Energy Systems. He asked if he would be allowed to install a sixty foot windmill in his back yard. Mayor Bailey stated that would not be allowed and asked Shawn Warnke to follow up with Mr. Allan on the applicable ordinance.

Mr. Allan also questioned the future use of the current City Hall. He continued in explaining his concern with flood control and questioned the methods of drainage. He then questioned recycling opportunities within the city and asked if an independent recycling operation would be allowed in Eagle Mountain City. Mayor Bailey responded that a person could start their own recycling business; however, the City would not be interested in contracting them and they would need to comply with all applicable codes and ordinances.

COUNCIL COMMENTS

Councilmember Vincent Liddiard explained that the last Citizens Academy class will be held on March 5, 2005 from 8:00 am – 5:00 p.m.

Mr. Liddiard then recognized Craig Erickson with the Eagle Mountain Fire Department and presented him with a Certificate of Outstanding Performance. He stated that at the next City Council meeting he will recognize Steve Conger.

Chief Robert DeKorver stated that the second ambulance will be in service tonight.

UPCOMING EVENTS

Councilmember Linn Strouse stated a spay and neuter clinic will be held in Lehi on March 4, 2005.

Chris Hillman stated that 300 dogs and cats are euthanized at the animal shelter in Orem each month.

Mayor Bailey commented that there have been a number of transportation meetings recently. He informed the public that they are trying to stay on top of transportation issues and are still looking for ways to get to I-15 without going through Lehi Main Street.

Mayor Bailey stated that the date has been changed on the event, "Linking of a New Beginning." He stated that this will be incorporated into the Pony Express Days and more information will be announced closer to the event.

SCHEDULED ITEMS

PUBLIC HEARING – Sage Valley Master Development Plan Amendment Consideration of an amendment to the Sage Valley Master Development Plan.

Adam Lenhard, City Planner, explained that the Sage Valley Master Development Plan was originally approved with a density ceiling of up to 67 dwelling units. Plat A has 21 recorded dwelling units. Future plats would be eligible for 46 more dwelling units as currently approved. The applicant wishes to increase the overall density of the project to 100 units and bring the development under the City's new Development Code to develop at Tier 1 Residential Zone standards. Mr. Lenhard addressed the recommended conditions of approval.

Mayor Bailey remarked that this item is not on the agenda for action tonight and will be brought back before the Council at a future City Council meeting. He also indicated that a list of questions had been submitted by the residents of Cedar Pass Ranch which he has answered and is submitting a copy of the questions and answers to the City Recorder. This will be attached to the minutes.

Mayor Bailey opened the public hearing at 7:27 p.m.

Todd Panter from Sage Valley advised that he is representing the Sage Valley Neighborhood. He stated that this is the fifth meeting that he has been to in conjunction with this project and many of the residents are getting tired of the process. He questioned what this proposal would be accomplishing.

Mayor Bailey responded that this proposal is accomplishing a number of things for the existing residents of Sage Valley, including park improvements, and trails. Mr. Panter expressed that he hopes that all of the promises of the developer come to fruition. Discussion ensued on animal rights on half acre lots. Mr. Panter told the City Council that what they do now will set an example for future development.

Marisa Rogers a resident of Sage Valley declared her concern with the lack of horse trails through the proposed amendment. Mayor Bailey stated that Ms. Rogers's concerns are valid and they will be addressed.

Mayor Bailey closed the public hearing at 7:42 p.m.

PUBLIC HEARING – Impact Fee Ordinance

ORDINANCE – Consideration and adoption of an ordinance amending the Capital Facility Plan, the Economic Analysis for Proposed Impact Fees and Consideration of a Proposed Amendment to the Impact Fee Ordinance to increase impact fees for public services provided by the City.

Jerry Kinghorn, City Attorney detailed that this is the required background analysis information for increasing the City's impact fees. The ordinance proposes to increase impact fees for public services provided by the City.

Mayor Bailey opened the public hearing at 7:47 p.m.

Eric Jones, Eagle Mountain Properties, voiced his concerns with the fees in the South Service Area. Mr. Jones stated that he supports the increase in fees for the waste water treatment plant; however, he expressed his concern with the proposed increase in the equity buy in for the Pony Express Well. Mr. Jones reported that properties in Eagle Mountain Properties Master Development Plan have water rights that have been transferred into the valley and almost all of them have the Walden Well as a point of diversion. He doesn't believe that it is a fair to be charged this impact fee if they are not using this well.

Mr. Kinghorn explained that this impact fee will only be charged when the water rights are using the Pony Express Well as a point of diversion and it is designated on the water right.

Mr. Jones then expressed his concern with park and trails impact fees. An impact fee is being proposed for a park in the Smith Ranch area and he believes that the park is too far away from the South area and would not benefit the residents in the South.

Mayor Bailey informed Mr. Jones that these parks are being used for sports and recreational activities and people in all areas of the city use them. Mr. Jones also questioned some items in the Economic Analysis. Discussion ensued on the park equity buy-in as it is being proposed.

Mayor Bailey proposed that the impact fee ordinance be adopted excluding the park equity buy-in until it can be reevaluated.

Mayor Bailey closed the public hearing at 8:08 p.m.

MOTION: *David Blackburn moved to approve Ordinance 07-2005 an ordinance amending the Capital Facility Plan, the Economic Analysis for Proposed Impact Fees and Consideration of a Proposed Amendment to the Impact Fee Ordinance to increase impact fees for public services provided by the City as amended to conform to the Economic Analyses. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Consideration to amend the setback requirements for the SilverLake Development.

Nathan Shipp, the Developer of SilverLake, has requested that the setbacks be amended for some of his plats. Specifically, he is requesting that the side yard setback requirement be reduced. Plats were recorded with the side yard setbacks as 5 feet one side and 10 feet on the other side, or 7.5 feet each side. Corner lots are 15 feet on the street frontage and 5 feet on the interior lot side (this standard will stay the same).

Mr. Kinghorn stated the City Council may suggest a motion to approve a notice to be recorded on the plats clarifying that the development is subject to the same architectural guidelines as is required in The Ranches.

David Blackburn stated that he would appreciate if the developer would expand his lots regardless of what the setback requirements are.

Vincent Liddiard stated he feels that the lots should be larger to accommodate larger homes rather than decreasing setbacks. In addition he discussed the side lots having landscaping installed to the rear corner of the home and fencing in the sideyard to assist in preserving the original grade.

Representing SilverLake Bobby Colson mentioned that the front landscaping can be taken to the rear corner of the home.

Mayor Bailey also stated that the window wells will need to be alternated to mitigate drainage problems. A fence will need to be installed on the lot lines in the side yard.

MOTION: *Vincent Liddiard moved to authorize the Mayor to execute a notice recorded on plats for the SilverLake development that setbacks are subject to the same architectural guidelines as The Ranches subject to the following conditions:*

- 1. That front and sideyard landscaping be completed the the back of the house to ensure proper drainage;*
- 2. That window wells will be offset at least 6 feet from the window wells of the adjacent house, or only installed on one side;*
- 3. That a fence be installed along the side of the home to the back property line.*

Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

MOTION – Authorize the Mayor to sign a Cooperative Agreement with the Utah Department of Transportation (UDOT) for Corridor Preservation along SR-73 from Eagle Mountain Boulevard to Mt. Airey Drive.

UDOT is requesting the City enter into an agreement to establish and preserve a corridor along SR-73 from Eagle Mountain Boulevard to Mt. Airey Drive to facilitate traffic flow, and to be in accordance with Eagle Mountain City's Future Land Use Plan and Transportation Corridors. The agreement also specifies and restricts locations for possible future traffic signal installations along SR-73.

MOTION: *Vincent Liddiard moved to authorize the Mayor to sign a Cooperative Agreement with the Utah Department of Transportation (UDOT) for Corridor Preservation along SR-73 from Eagle Mountain Boulevard to Mt. Airey Drive with the change of adding a stop light at the intersection of Sunset Drive for future planned commercial development. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

CONSENT AGENDA

PARTIAL PAYMENT

- A. Utility Administration Building – Ellsworth Paulsen (PP No. 6)

PARTIAL BOND RELEASE

- A. Showdown at Eagle's Gate – Plat A – Tall Maple Development (PBR No. 5)

FINAL BOND RELEASE

A. Eagle's Gate – Plat D – Centex Homes

MOTION: *David Blackburn moved to approve the consent agenda. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

OTHER BUSINESS

Jerry Kinghorn stated that the Sage Valley Master Development Plan will be on the next City Council agenda as an action item. At that time he will be looking for comments from the City Council on the requirements for this amendment to the Master Plan agreement.

David Blackburn stated that he would like the Public Works Department to prepare a list of all roads that are currently under warranty in the City.

Mayor Bailey stated the City Council needs to determine a name for the road in front of the new City Hall. Some discussion took place regarding the street name.

MOTION: *Linn Strouse moved to name the street in front of the new City Hall Stagecoach Run. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

ADJOURNMENT

MOTION: *David Blackburn moved to adjourn the meeting at 8:27 p.m.*

Gina Peterson, City Recorder

Approved: April 19, 2005

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 15, 2005

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

AGENDA REVIEW

DISCUSSION/REVIEW ITEMS

TOUR – New Administration Building
CHECK REGISTER – February 2005
REVIEW – Park Maintenance RFP's

CITY COUNCIL - NEW BUSINESS

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Pro-Tem Vincent Liddiard called the meeting to order at 7:00 p.m.

ELECTED OFFICIALS PRESENT: Mayor Pro-Tem Vincent Liddiard, Council Members David Blackburn, Brian B. Olsen, Janiece Sloan, and Linn Strouse. Mayor Kelvin Bailey attended the meeting from 8:08 – 9:11 p.m.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Sergeant Jo Murphy, Utah County Sheriff's Department.

OTHERS PRESENT: Mark Benson, Patrick Goggins, Elite Grounds; Cary Brackett, Chad Atkinson, Ranches Home Owners Association; Randy Campbell, Nate Shipp, Development Associates; Jerry Monson, Utah County Sheriff's; Christie Buxton, Wendy Nabhan, Rich Black, Wade Mattinson, North Ranch Home Owners Association; Kyle Burdette, Ranches Home Owners Association Board; Joanne Honer, resident; Stephanie Wanner, resident; PJ Davies, resident; Grace Owen, resident; Todd Panter, Sage Valley; Julie Wallace, North Ranch; John Haux, resident; Julie Haux, resident; David Kast, resident; Jennifer Konold, resident.

The pledge of allegiance was led by Troy Hooper.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – February 15, 2005

MINUTES of City Council Budget Retreat – February 18, 2005

MINUTES of City Council Meeting – March 1, 2005

MOTION: *Janiece Sloan moved to approve the minutes of February 15, 2005, and February 18, 2005. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

PUBLIC COMMENTS

Rich Black, Wade Mattinson, Christie Buxton, Wendy Nabhan, members of the North Ranch Home Owners Association Board stated that they are here tonight to discuss possible funding from the City for cross gutters on Canyon Wash Drive. Mr. Black stated that they have already talked to the Public Works Department and they are okay with them installing these cross gutters; however, they feel the City should fund this project because the street is owned by the City. He continued in explaining where they would like these cross gutters placed. These would slow traffic and protect the children who walk along and cross Canyon Wash Drive. They believe that this is the only way to slow traffic. They asked that the City fund this project. They estimate the total bill to be approximately \$6,300.00 with out a traffic diversion.

Councilman David Blackburn stated that the Public Works Board has suggested using rumble strips instead. The North Ranch Home Owners Association stated that they do not believe this will slow traffic.

The City Council responded that the Sheriff's can patrol that area and write tickets. Sergeant Murphy divulged that last year the Deputies in Eagle Mountain City wrote almost 700 tickets.

The North Ranch Home Owners Association Board stated that they will probably put the cross gutters in regardless, but they feel the City should pay for it.

Julie Wallace a resident of North Ranch stated that she is here today to address the Final Plat of Valley View phases A and B. She expressed her concern and disappointment with the lot frontages. Though the Master Development Agreement does allow for 100' lot frontages it was meant to be the exception rather than the rule. She believes that the narrow lots are not compatible with the area and that it will be very difficult to put a larger home on this lot size and still meet the minimum set backs. Mrs. Wallace believes that this proposal is not advantageous to the developer. She asked the Council to deny or table this proposal as it is.

Christie Buckstan a resident of North Ranch read a letter from Charlotte Ducos.

The letter is as follows: "Mayor, City Council, Developer, and Residents:

Thank you for the opportunity to have my comments read in my absence this evening. My comments are in reference to the Plat approval for Valley View Ranch.

As a resident of North Ranch, I have been very involved in the process of approval for this development for nearly a year now. Tonight, the developer seeks approval of a Plat that is in direct conflict with the most basic ideals we as residents have been fighting for: open space, a rural feel, and a custom home environment.

A terrible mistake was made when a 100 ft. minimum frontage for ½ acre lots was drafted into the Development Agreement. We as residents raised our concerns at that time, to no avail. The developer has taken that minimum and abused it as a standard, platting lots that are much too narrow. From the street, these lots will look more like quarter or third-acre lots than the half-acre lots that have been required. This is poor planning.

The Development Agreement designates Valley View as a custom home community, similar to North and Meadow Ranch. This cannot be achieved as currently platted. With such narrow frontages, once the setbacks are observed, there is not sufficient space left to build a custom style home. Builders will have a hard time finding a variety of house plans to put on lots with so little versatility. Home-buyers will very likely be unhappy with lots so narrow that they can barely set a house on them. Neighbors will be unhappy because the development is not truly compatible or similar to the surrounding area. This development is not a benefit to anyone in our City as it is currently planned.

It has been said that: "Just because you have the right to do a thing, doesn't make it the right thing to do." In our efforts to effect change in this development, we have spoken with various members of the Planning Commission, the Planning Department, the City Council, and the Mayor. I have yet to find an individual who believes that this development, as drawn, is appropriate. Such consensus in opposition to this plan should send a signal to the developer as to the need for change.

I would request that all due effort be made to encourage the developer to re-plat this development. In the works is an ordinance that would require a minimum of 125 ft. for half-acre lots. Though this is a direct result of our efforts in fighting this Plat, it will not apply to Valley View. While this is obviously very frustrating to us, I still believe that it will impact the developers of Valley View. There are several new developments with ½ acre lots preparing to go through the process of approval. The new 125 ft. minimum standard will apply to them. Some of these lots will even sit adjacent to, and be developed at the same time as the Valley View Plats currently under consideration. When home builders and home buyers come through looking for a lot on which to build their custom home—they will see a clear difference between the lots proposed on this plat, and those put forward by other developers, and they will purchase elsewhere. I cannot see any reason why home builders or potential buyers would be interested in such poorly planned lots when other, more attractive lots are available. If the developer is not interested in the benefit of the City and the residents, perhaps this prospect will carry more weight. In the business world, reputation can make or break a company. I believe that putting forward a product that is objectionable to so many, leaves the developer in a position of compromised reputation. I believe it would benefit all involved if this Plat were to be voluntarily pulled and reconsidered by the developer.

I thank you for your time this evening,
Sincerely, Charlotte Ducos"

Grace Owen stated that she is a resident of the Cedar Trails subdivision. She requested that the City help in getting the walking paths completed in their subdivision. She stated that neighborhood parks have been promised and have not been completed. She requested that the

City help in getting the developer to finish these. She remarked that the children do not have a place to play.

Vincent Liddiard stated that a letter has been submitted by Amy Shawgo concerning the Sage Valley proposal and requested that it be included as part of the minutes. These comments are attached.

Jim Smith a resident of North Ranch stated that he agrees with the comments made concerning the Valley View plats.

Vincent Liddiard expressed appreciation to those who come to the Council meeting with organized thoughts. He stated that when the public comes to them with possible solutions it is very helpful.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Vincent Liddiard stated that Mayor Bailey is attending to other business this evening. He read comments from Mayor Bailey concerning the Valley View proposal.

Mayor Bailey's comments are as follows: "I apologize for not being able to be at the meeting tonight, but I would still like to make a recommendation on this particular issue. It is the following:

I recognize that the Valley View project meets the requirements of the agreement made last fall; however, I would like to make emphasis to the developer and remind him that we are inclined to deny approval of this plat due to the fact that it does not meet the spirit in which the approval was given for this project. Frankly, it is poor planning to make lots meet a minimal that was intended to give latitude to the developer to accommodate unexpected alignments and topography. To use that latitude to the extreme was never the intention and now we will be changing the code just to avoid future abuse, which is also contrary to what developers want; however, if they wish to proceed further without widening a majority of the lots to a minimal of 125 feet as was the intent, then the city will be forced to spend greater efforts to micro manage developers with their developments since they appear to be unable to make prudent decisions on their own.

I would recommend that this action item be tabled to allow the developer to reflect upon the spirit of the agreement last fall and see if they would like to come back with a new proposal since we will not be approving the development agreement until the next meeting anyways."

Mr. Liddiard stated that a ham radio operations class will be held at UVSC and will begin on March 19, 2005.

Mr. Liddiard then invited Sergeant Jo Murphy, Chief DeKorver and the graduates of the Citizens Academy that are in attendance tonight to come to the front of the audience. He stated that the Academy was held over a period of six weeks. He then congratulated those who completed the course.

Mr. Liddiard then presented Steve Conger with an Outstanding Service Award for his service with the Eagle Mountain Fire Department. He has worked for the Fire Department for five years.

Lieutenant Jerry Monson introduced Sergeant Shawn Chipman who is over the investigation division and will be assigned to the contract cities supervising the investigations, detectives and high profile cases.

Lieutenant Monson presented Sergeant Murphy with a gift for her hard work in the Citizens Academy.

Mr. Liddiard stated that Mark Sovine, Public Works Director received the Waste Water Operator of the Year from the Rural Water Association of Utah. Mr. Sovine stated that Rural Water is a group of cities through out Utah. He explained that at the last conference Cedar Fort was the runner up of the water taste test and Eureka was the winner, he congratulated them.

Jeff Weber, Sports and Recreation Director stated that 456 registrations for spring soccer were recieved.

A representative from Zion's Bank presented a donation of a check for \$2000 towards the Eagle Mountain City Pony Express Days.

Chris Hillman, City Administrator, stated that Angie Ferre, Executive Assistant has done an exceptional job in raising money for Pony Express Days and this years event will be bigger and better than this City has ever had.

Councilmember Linn Strouse stated that Joe Nardone, head of the Pony Express Trail Association, will be here as part of the festivities of Pony Express Days. Mrs. Strouse stated that she recently heard that the Boy Scouts of America are no longer aloud in the schools. She encouraged everyone to write to their congressman concerning this. She then stated that she is extremely dismayed at the intent and spirit of the Agreement of Valley View. She stated that she will personally do everything she can to ensure that things are the way they were intended to be.

Councilmember David Blackburn congratulated Mark Sovine and his staff on Mr. Sovine being named the waste water operator of the year. He stated that we have a great City Staff.

Brian B. Olsen addressed the comments of the North Ranch Home Owners Association. He stated that he understands their frustration, and he ensured them that action will be taken to help them out. He stated that the City Council and Staff does everything they can to provide safety for the citizens of our community. However, he believes that we as citizens need to obey the laws put in place. Mr. Olsen commented that people need to exercise patience through the process.

Janiece Sloan commented on the Valley View proposal. She stated that she believes that the developers have taken advantage of the good faith of the Council.

ANNOUNCEMENTS

Vincent Liddiard announced that City Recorder Gina Peterson has recently received her CMC (Certified Municipal Clerk) with the International Institute of Municipal Clerks. He stated that she has done an excellent job for the City and commended her in her efforts.

UPCOMING EVENTS

Mrs. Peterson stated that the Library was awarded a five hundred dollar grant to be used for books.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Mrs. Peterson then stated that a public hearing will be held on April 5, 2005 for the proposal of various text amendments to the Eagle Mountain City Zoning Ordinance, Subdivision Ordinance, and minor text and map amendments to the General Plan which may include adoption of a new trails map.

Mayor Pro-Tem Vincent Liddiard announced that the Grand Opening for the new City Hall will be on May 3, 2005.

APPOINTMENTS

Mr. Liddiard explained that Mayor Kelvin Bailey recommends the appointment of John Haux to the Economic Development Board.

MOTION: *David Blackburn moved to appoint John Haux to the Economic Development Board. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

City Recorder Gina Peterson then administered the Oath of Office to John Haux.

INTRODUCTION – Miss Eagle Mountain 2005 and Miss Teen Eagle Mountain 2005

Vincent Liddiard stated that the Miss Eagle Mountain Scholarship Pageant was held on February 26, 2005. He explained that Miss Eagle Mountain Michelle Vanderhoef and First Attendant Tory Risenmay were not able to attend this evening because of prior engagements.

Lindsey Ellers, second attendant to Miss Eagle Mountain introduced herself, along with Karalee Monson, Miss Teen Eagle Mountain, and Amanda Liffereth, Miss Teen Eagle Mountain first attendant.

Chris Hillman stated that this is the first time that Eagle Mountain has had a pageant associated with the Miss America Organization. He explained that Michelle Vanderhoef will be going on to compete in Miss Utah and if she was to win that competition she will be going on to compete in Miss America. Mr. Hillman stated that this is a wonderful opportunity for the young women of our city to participate and represent our city. He then congratulated the contestants. He stated that a \$1000 scholarship was awarded to Miss Eagle Mountain.

OTHER BUSINESS

Vincent Liddiard announced that Other Business will be discussed at this time. He then reopened a discussion from the last City Council meeting concerning setback requirements in the SilverLake

development. Mr. Liddiard stated that he would entertain a motion to reconsider the setback requirements in the SilverLake development.

MOTION: *Brian B. Olsen moved to reconsider the SilverLake setbacks and recommend the item be placed on the City Council agenda for April 5, 2005. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

SCHEDULED ITEMS

Mayor Kelvin Bailey came into the meeting at 8:08 p.m.

PUBLIC HEARING – 14400 West Permanent Road Closure

RESOLUTION – Consideration to approve a request to permanently close a section of 14400 West.

Mayor Kelvin Bailey explained that this is a request to permanently close a portion of a street approximately 180 linear feet immediately south of Bobcat Way along 14400 West and adjacent to lot 211 of Meadow Ranch Phase II.

The road closure will allow for realignment of the street, better traffic flows and will reduce traffic impact from the Valley View subdivision onto the existing Meadow Ranch subdivision. The City will retain ownership of closed section of 14400 West due to the utilities located in this street. The required public notice provisions for a street vacation have been followed.

Planning Director Shawn Warnke stated that this is part of the Master Development Plan of the Valley View development.

Mayor Kelvin Bailey opened the public hearing at 8:11 p.m.

David Cast stated that he is the president of the Meadow Ranch Home Owners Association. He stated that the concerns of the Meadow Ranch Home Owners Association Board are that this road closure will not navigate the traffic out of Meadow Ranch. He stated that they feel that there could be a better solution that will not inconvenience the existing residents of Meadow Ranch. Discussion ensued on the options of the road closure.

The City Council felt that more research was needed before making a decision.

Mayor Bailey closed the public hearing 8:28 p.m.

MOTION: *Vincent Liddiard moved to table the Resolution to close a section of 14400 West. Janiece Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

FINAL PLAT – Consideration to approve the Valley View – Final Plat A.

FINAL PLAT – Consideration to approve the Valley View – Final Plat B.

MOTION: *Brian B. Olsen moved to table the final plats of Valley View Plats A & B. Janiece Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Consideration to approve the Land Use Element for the Sage Valley Master Development Plan Amendment and Discussion of the proposed amended agreement.

Jerry Kinghorn reported that a Master Development Plan consists of three parts, capital facilities plan, financing plan, and land use plan. This item is to consider amending land use element of the existing Sage Valley Master Development Plan to increase the density.

Mayor Kelvin Bailey stated that the City Council has heard the concerns of the residents and land owners in the area of the proposed Sage Valley Master Development Plan and the needs and wants of those residents and landowners have been considered. He stated that he believes that half acre lots are compatible with one acre and five acre lots, and they all have animal rights and are zoned rural residential. Mayor Bailey stated that they have worked with the developer to have some amenities completed in Sage Valley plat A as part of the agreement of plat B, including trails, park and entry monuments. He stated that the proposal meets the requirements of the Development Code.

Shawn Warnke explained the neighborhood park requirements. Discussion ensued on what the City Council is going to require of the developer.

MOTION: *David Blackburn moved to approve the Land Use Element of the Sage Valley Master Development Plan Amendment subject to the following conditions:*

- 1. COMPLETION OF IMPROVEMENTS. That all previous applicable conditions of approval for Plat A are satisfied which may include but is not limited to the storm drain improvements, neighborhood park, and Plat A trails are completed and approved by the Planning, Engineering, and Public Works Departments before any additional lots are recorded.*
- 2. COUNTY HEALTH DEPARTMENT APPROVAL. That a note is added to future plats that states that no building permit will be issued for a lot until the Utah County Health Department approves the septic tank and drain field design.*
- 3. TRAIL EASEMENT VACATION. That the existing trail easement along the rear lots lines of lots 17-21 is vacated (trail moved to the front).*
- 4. MONUMENT SIGN. That a subdivision entryway monument is provided along S.R. 73. and lot number 1.*
- 5. TIER 1 STANDARDS. That all Tier 1 development standards are met, including setbacks, lot size transitioning, bonus density requirements, and lot frontages.*
- 6. STORM WATER. That storm water discharge issues be resolved (such as the release of the storm water into existing storm drain channels from the*

proposed ponds), and that 100 yr. storm water flows can be accommodated.

7. *WEST CANYON WASH. That no part of any home is constructed within 50 feet of the wash. That a geo-tech report is provided for West Canyon Wash and stablized.*
8. *UNBUILDABLE LOTS. That lots 23 and 24 are Unbuildable and are not to be approved for platting or as vested density units (see previous condition).*
9. *PHONES. That adequate telephone capacity is provided for the subdivision (three lines per home).*
10. *TRAFFIC STUDY. That a traffic impact study is provided for the main entrance of Sage Valley showing an adequate level of service with UDOT and increased traffic through Sage Valley Plat A.*
11. *STREET LIGHTS. That streetlights are provided throughout the subdivision to match the existing Plat A.*
12. *PARK REQUIREMENTS. That the Amended Master Development Plan meets the requirements of City Staff.*

Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

Ken Olsen one of the three developers of Valley View commented that they feel that earlier comments made concerning the developers of Valley View are inaccurate and damaging. He stated that the proposed lot widths are in compliance with the Development Agreement.

Mayor Bailey was excused from the meeting at 9:11 p.m.

ORDINANCE – Consideration to adopt an Ordinance Establishing a Comprehensive Solid Waste Management Title and Regulations.

Chris Hillman reported that this ordinance will encourage and provide for the safe and sanitary storage, collection, and disposal of solid waste within Eagle Mountain City and provide for the enforcement of solid waste management regulations for the collection and hauling of solid waste.

MOTION: *David Blackburn moved to approve Ordinance -2005 establishing a comprehensive solid waste management title and regulations. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

AGREEMENT – Consideration to adopt an agreement with BFI to act as the City's waste contractor.

Chris Hillman stated that this agreement will allow for the collection and disposal of waste collected within the City boundaries of the City, and BFI to act as the City's waste contractor.

MOTION: *Janiece Sloan moved to approve an agreement with BFI to act as the City's waste contractor. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

ORDINANCE – Consideration and adoption of an ordinance to regulate and define prohibited hours and alternate day use for outdoor sprinkler irrigation use in Eagle Mountain City.

Vincent Liddiard explained that significant seasonal demands are created on the City water system for fire safety and for delivery of water for sprinkler irrigation and other municipal uses. This ordinance will regulate alternate day use of water and prohibit the use of City water for sprinkler irrigation during certain hours of the day.

Jeff Weber stated that this ordinance will clarify the previously approved ordinance and promote water conservation.

Jennifer Konold stated that she feels that the cost of water is a deterrent to water landscaping everyday and the ordinance is not necessary. She also questioned if this ordinance would apply to residents with a well. Chris Hillman responded that this would only apply to residents hooked up to city water.

Discussion ensued on allowing additional watering to establish new lawns.

MOTION: *Brian B. Olsen moved to adopt Ordinance 09 - 2005 to regulate and define prohibited hours and alternate day use for outdoor sprinkler irrigation use in Eagle Mountain City. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

CONSENT AGENDA

CHANGE ORDER

- A. 2004 Street Improvements – Staker Parson (CO No. 4)

PARTIAL PAYMENT

- A. Utility/Administration Building – Ellsworth Paulsen (PP No. 7)
- B. 2004 Street Improvements – Staker Parson (PP No. 3)

FINAL PAYMENT

- A. Ruby Valley – Plat B – Tricor Excavating

MOTION: *Brian B. Olsen moved to approve the consent agenda. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

ADJOURNMENT

MOTION: *Linn Strouse moved to adjourn the meeting at 9:43 p.m.*

Minutes approved on May 17, 2005.

ML

**MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING**

April 5, 2005

Work Session at 5:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

5:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

AGENDA REVIEW

DISCUSSION/REVIEW ITEMS

CHECK REGISTER – March 2005

**Discussion concerning a custodial maintenance agreement for Eagle Mountain City facilities
– Shawn Warnke**

CITY COUNCIL - NEW BUSINESS

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 7:13 p.m.

The pledge of allegiance was led by Adam Lenhard.

ELECTED OFFICIALS PRESENT: Mayor Kelvin E. Bailey; Council Members David Blackburn, Vincent Liddiard, and Janiece Sloan.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Robert DeKorver, Fire Chief; Sergeant Jo Murphy, Utah County Sheriff's Department.

OTHERS PRESENT: Susan and Michelle Vanderhoef, Miss Eagle Mountain; Cameron Brown, resident; Jeanette Hales, resident; Eileen Thompson, resident; Chris Thompson, resident; Julie Wallace, resident; Cary Brackett, The Ranches Home Owners Association; Brian Haskell, The Sage Group; Charlotte Ducos, North Ranch; Cindy Morris, North Ranch; Mark Ackerman, North Ranch; Bob Foote, resident; Joel Vanlekin, resident; Nate Shipp, SilverLake/Development Associates; Gary McDougal.

PUBLIC COMMENTS

Bob Foot stated that he is a resident in Meadow Ranch subdivision and is here to address the proposed road closure. He stated that for the past 4 and half years the residents have been really involved in the area in between North and Meadow Ranch. He stated that the proposal to close a section of 14400 west is what the residents originally requested. He is in favor of the road closure for the safety of the children in Meadow Ranch.

Mark Ackerman of Meadow Ranch read a letter which is attached to the minutes.

Charlotte Ducos asked why the approvals of Valley View have been tabled. Mayor Bailey responded that the Valley View items were tabled because the developer did not receive approval from Camp Williams on the layout.

Mayor Kelvin Bailey read a public comment submitted by Tiffany Ulmer who could not be present tonight. The comment was as follows:

“Dear Mayor & City Council,

During the past few weeks, the residents have been pleased to see actual trees and landscaping coming to the medians in the city center. It looks great! While the landscaping was being put in, some concerns came up over the safety of evergreens near the crosswalk areas. This concern was brought to you and the city workers attention and you quickly remedied the situation with a nice game of musical trees. I spoke with a few of the crossing guards today, and they say they are really happy that now the crossing area is more visible to passing traffic. I'd like to thank the city workers and those involved who quickly and politely helped find a solution to this problem.

Thank You
Tiffany Ulmer”

MAYOR'S REPORT / CITY COUNCIL ITEMS

UPCOMING EVENTS

Mayor Kelvin Bailey stated that April 16, 2005 at 2:00 p.m. will be the ceremony for Unity Pass. This will consist of many events including a presentation by Mr. Roque's fourth grade class.

PROCLAMATION – Skin Cancer Awareness Month

Mayor Bailey proclaimed May Skin Cancer Awareness Month.

PROCLAMATION – Earthquake Preparedness Month

Mayor Bailey proclaimed April Earthquake Preparedness Month.

INTRODUCTION / PRESENTATION OF PLATFORM – Miss Eagle Mountain 2005 – Michelle Vanderhoef

Miss Eagle Mountain Michelle Vanderhoef introduced herself. She explained her platform which is the importance of physical fitness in children. She then thanked the City Council for their support and the scholarship opportunities that have been presented to her.

Councilman David Blackburn stated that Pony Express Elementary is currently selling chocolate bars and cookie dough to earn money for playground equipment and encouraged everyone to support their efforts.

Susan Vanderhoef explained that there is also an effort to create an after school children's games program at the Eagle Valley Elementary.

SCHEDULED ITEMS

PUBLIC HEARING

ORDINANCE – Consideration to approve amendments to the Eagle Mountain City Development Code, Zoning Ordinance, Subdivision Ordinance, and General Plan Text and Map.

Planning Director Shawn Warnke stated that this ordinance is for various amendments to the General Plan and Development Code. He explained that these standards will clarify what has previously been approved. He continued in explaining the various amendments.

Discussion ensued on setbacks for Tier I. The City Council believed that setbacks on a half acre to three quarter of an acre should be 35' for when the lot frontage is improved with curb and gutter.

David Blackburn requested that the zoning map on the Cities web site be updated regularly or as amended.

City Attorney Jerry Kinghorn explained the forms of improvement guarantees accepted by the City. He continued in clarifying the concerns of accepting a letter of credit as an improvement guarantee.

Mayor Kelvin Bailey opened the public hearing at 7:56 p.m.

Nate Shipp of Development Associates asked for clarification on the change not allowing letter of credits and reiterated the financial burden this may put on developers.

Mayor Bailey closed the public hearing at 7:58 p.m.

MOTION: *Vincent Liddiard moved to approve ordinance 10-2005 amending the Eagle Mountain City Development Code, Zoning Ordinance, Subdivision Ordinance, and General Plan Text and Map subject to the following conditions:*

- 1. That the Tier I setbacks for half acre to three quarter of an acre lots are 35' for when the lot frontage is improved with curb and gutter.*
- 2. That the EMP's Pony Express Park is added to the Regional Parks and Trails Plan.*

3. *That Talon Cove Annexation/Master Development Plan is shown on all maps.*

4. *That improvement bonds be allowed as one of the subdivision securities. David Blackburn seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

ORDINANCE – Consideration and approval of the Amended Sage Valley Master Development Agreement.

This item was tabled.

RESOLUTION – Consideration to approve a request to permanently close a section of 14400 West (2200 East) (Previously Continued Item).

Mayor Kelvin Bailey stated that a public hearing was held on this item on March 15, 2005. This request is to permanently close a portion of a street approximately 180 linear feet immediately south of Bobcat Way along 14400 West and adjacent to lot 211 of Meadow Ranch Phase II.

Mayor Bailey continued in explaining that the road closure will allow for realignment of the street for better traffic flows and will reduce traffic impact from the Valley View subdivision onto the existing Meadow Ranch subdivision. The City will retain ownership of the closed section of 14400 West due to the utilities located in this street.

He questioned how many of the residents would be in favor of the proposed alignment and how many was against the current proposal. Finding that only one person objected the proposal Mayor Bailey stated that he would entertain a motion.

Mayor Bailey explained that Camp Williams is not necessarily against the current proposal. He stated that they met with the developer in November and addressed the concerns to accommodate their vehicles. The developers engineer did not follow through with Camp Williams. Mayor Bailey stated that the plat could not be approved until Camp Williams gives approval.

MOTION: *Janiece Sloan moved to approve Resolution R 05-2005 to permanently close a section of 14400 West. Vincent Liddiard seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

FINAL PLAT – Consideration to approve the Valley View – Final Plat A.

This item was tabled.

FINAL PLAT – Consideration to approve the Valley View – Final Plat B.

This item was tabled.

MOTION – Reconsideration of the conditions to the amendment to the SilverLake Subdivision setbacks approved March 1, 2005.

Mayor Kelvin Bailey stated that according to the amendments to the Development Code approved previously in this meeting that five foot side yard setbacks would require side yard landscaping, and a 2% slope to the front of the home as recommended by City Engineer Chris Trusty.

MOTION: *Vincent Liddiard moved to resend the City Councils motion on the Silver Lake side yard setback made on March 1, 2005 and to approve 5' side yard setbacks with the following conditions.*

- 1. That landscaping, sod, is installed in the side yard and extended to the rear of the homes.*
- 2. That a 2% grade along the side property line to the front of the home is met.*

Janiece Sloan seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.

David Blackburn stated that developers need to be aware of the lot size in comparison with the house size that they would like to place on that lot. He would like developers to increase lot sizes rather than reduce setbacks once the plat has received approval.

AGREEMENT – Consideration and approval of a Model Home Sign Lease Agreement with Jonathan Celaya.

MOTION: *Vincent Liddiard moved to approve a Model Home Sign Lease Agreement with Jonathon Celaya. Janiece Sloan seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Consideration and acceptance of a Custodial Maintenance Bid for Eagle Mountain City Facilities.

City Administrator Chris Hillman stated that the City will be expanding their facilities and to be cost effective he recommended that the City Council accept a custodial maintenance bid. Mr. Hillman stated that he recommends that the City Council accept a bid and staff will move forward with contract negotiations.

MOTION: *Vincent Liddiard moved to accept a Custodial Maintenance Bid for Eagle Mountain Facilities from Anderson Cleaning Specialists. Janiece Sloan seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Consideration and authorization for Mayor and Staff to approve pump proposal and ratify said proposal at next Council meeting for the Pony Express Well Pump.

This item was tabled.

AGREEMENT – Consideration and approval of an agreement with J. Marc Bailey for Pony Express Days Entertainment.

Mayor Kelvin Bailey stated that J. Marc Bailey would be the opening act for the Blackhawk concert.

MOTION: *David Blackburn moved to approve an agreement with J. Marc Bailey for Pony Express Days Entertainment. Janiece Sloan seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

AGREEMENT – Consideration and approval of an agreement with Midway West Amusements for Pony Express Days rides.

MOTION: *Janiece Sloan moved to approve an agreement with Midway West Amusements for Pony Express Days rides. David Blackburn seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

CONSENT AGENDA

- A. MARCH 2005 CHECK REGISTER
- B. PARTIAL PAYMENT
 - i. Street Landscape Improvements – RBI (PP No. 1)
 - ii. Utility Administration Building – Ellsworth Paulson (PP No.)
- C. FINAL PAYMENT
 - i. Pony Express Well – Lang Drilling
 - ii. Eagle Mountain City Wide Trail System, 2004 – Arrow Engineering
- D. FINAL BOND RELEASE
 - i. Parkway Crossroads
- E. PARTIAL BOND RELEASE
 - i. Eagle Top

MOTION: *Vincent Liddiard moved to approve the consent agenda. David Blackburn seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

MOTION -- CLOSED EXECUTIVE SESSION

MOTION: *Vincent Liddiard moved to adjourn to a closed executive session at 8:32 p.m. to discuss potential contract litigation. David Blackburn seconded the motion. Ayes: 3: David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

The closed executive session was adjourned at 8:41 p.m. No action was taken in the closed executive session.

ADJOURNMENT

MOTION: *Janiece Sloan moved to adjourn the meeting at 8:42 p.m.*

Minutes approved on May 17, 2005.

ML

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 19, 2005

Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey opened the meeting at 7:04 p.m.

The pledge of allegiance was led by Mayor Kelvin Bailey.

APPROVAL OF MINUTES

MOTION: *Vincent Liddiard moved to approve the minutes of March 1, 2005. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

PUBLIC COMMENTS

Jody Hooley stated that she had previously been told that a left hand turn lane would be installed off of Pony Express Parkway to Lake Mountain Road. Discussion ensued on the status of the turn lane.

Mayor Kelvin Bailey asked the Public Works Department to put out a Request for Proposal to remove the median and make a left hand turn lane from Pony Express Parkway to Lake Mountain Road.

Mrs. Hooley cited her concern of the grading on Lake Mountain Road. Last time it was graded they cut over to the side which she feels makes it impossible to drive on that side of the road. Mayor Bailey stated that he hasn't had any problems driving on the road. Discussion ensued. Mayor Bailey stated that the City will look into it.

Marcy Taylor stated that she is very pleased to see the landscape improvements in the City Center and complimented the City on their efforts. She stated that she is also concerned that there is not a turning lane on Pony Express Parkway to Lake Mountain Road. She is also concerned because of the number of trucks that are chasing the deer through the Lake Mountains and crossing over onto private land. Mrs. Taylor asked if the City would put a reminder in the newsletter informing the residents that the area contains private property.

Cathy Bateman of Cedar Pass Ranch addressed the proposal of the West View Heights developments. She would like to see that designated as an Agricultural Zone and require five acre lots.

Gary McDougal stated he would like to speak about the Meadow View subdivision. He stated that tonight would have been the fourth night trying to clean up some loose ends on 14400 West for the final plat but they have ran into some more loose ends further delaying the process. He stated that they have spoken to Camp Williams and met with Colonel Olsen yesterday and he is here to speak to some of the issues they have on that road. He then introduced Colonel Olsen.

Colonel Scott Olsen of Camp Williams stated that a few weeks ago Camp Williams held a Fire Wise program. The emphasis of this program is teaching home owners, land owners and land managers appropriate vegetation means and sources for being fire resistant especially if they border Camp Williams or a rural area where there is a threat of fire. He stated that they would be willing to have the program at Pony Express Days if requested. He stated that this would be a benefit to the citizens of Eagle Mountain City.

Colonel Olsen continued in stating that as a representative of Camp Williams he is not endorsing a plan for a land owner or the City. He expressed the concerns of Camp Williams with access on the south side of Camp Williams. He stated that traditionally the access at 14400 West has provided Camp Williams with an entrance to their property for ammunition, explosives, large equipment convoys, and other equipment that will not fit through any other access. He stated that it is crucial that this access is maintained with the capabilities that it currently has. He stated that most of their traffic will be in the afternoon to early evening. Colonel Olsen stated that he appreciates the opportunity to have input into the future of this road. Camp Williams' concern is maintaining access and creating a safe access for the residents of that neighborhood. Camp Williams asked that the City Council consider the safety of the citizens and the quality of life. He stated that they have design concepts that would work for them and the future residents. He explained that the way 14400 West currently is best for them. He reported that the proposal is incompatible with their needs. They are concerned with driveways loading onto this road and the curves.

Mark Orr of Cedar Pass Ranch stated his concern with erosion along the gulch. He explained that they want to build a home on lot 83 and where they want to place the home the gulch is washing away the frontage. He questioned if the City would be willing to apply for a stream alteration permit.

Jerry Kinghorn explained that a stream alteration permit is only required when it is considered a live stream. A live stream has water in it six or more months of the year.

Mark Sovine stated that this has been discussed and that the gulch is within private property at the point of concern. They are discussing assisting the property owner in some stabilization. Mr. Sovine explained that this subdivision and the layout was approved under the County, prior to the Cities incorporation.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Vincent Liddiard stated that the next meeting will be held at the new City Hall and invited the public to attend.

Mayor Kelvin Bailey read a letter submitted by Mary McCumber-Clark. The letter was sent to express appreciation for City employees who assisted correcting a utility problem at her home.

Janiece Sloan stated that she had the opportunity to participate in the unveiling of Unity Pass. She thanked Mr. Roque and the children who participated. She stated that they have a web site, unitypass.org and encouraged the public to look at it.

Mayor Bailey stated that the dedication and open house for the new City Hall will be held on May 17, 2005. He invited all to attend.

Linn Strouse questioned Deputy John Mulder on the speeding and patrol results in North Ranch. Deputy Mulder stated that because of an injury he has not been on duty and does not know; however, he will follow up with Sergeant Jo Murphy and report back to the City Council.

DISCUSSION – Park Maintenance at Ranches Parkway and Pony Express Parkway – Jeff Weber

Assistant Public Works Director Jeff Weber asked the City Council to have an increase in staff adding two temporary maintenance park workers, a riding lawn mower and a walking lawn mower for the maintenance of Ranches Parkway and Pony Express Parkway.

City Administrator Chris Hillman explained where the funding would be coming from. Discussion ensued.

PRESENTATION – Utah County Ham Radio Operators

Derick Wolsleger stated that he is a member of the Utah County Sheriff's Communications Auxiliary Team. He explained that they handle communications for the County and have the ability to connect communication between cities, hospitals and emergency teams. He explained that they handle the casualty list, armature television, work with Red Cross, and serve as the back up to current systems. He explained how SCAT (Sheriff's Communications Auxiliary Team) operates and how they react during an emergency. He then discussed the equipment they need to operate.

SCHEDULED ITEMS

PUBLIC HEARING

ORDINANCE – Consideration and approval of the West View Heights Rezone from Agricultural to Residential Use with a maximum density of 1.6 units per acre.

Shawn Warnke stated that West View Heights is located along the south side of SR 73 in between Cedar Pass Ranch and the Meadow Ranch subdivisions. The applicant is requesting to rezone 43 acres from Agricultural use to Residential use. The land is currently identified in the General Plan as "Rural Residential". This property is not part of any master development plan. A maximum density of 1.6 units per acre is suggested.

Mayor Kelvin Bailey opened the public hearing at 7:50 p.m.

Jody Hooley asked that the City Council always consider compatibility and the impact on the existing residents in that area.

Discussion ensued on the number of lots and density this subdivision would have.

Mayor Bailey closed the public hearing at 7:53 p.m.

MOTION: *Vincent Liddiard moved to approve Ordinance 11-2005 West View Heights Rezone. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

RESOLUTION – Consideration and approval of a Resolution Extending The Suspension Of Wireline to Wireless Number Portability Requirements for the Eagle Mountain Telecommunications System

Mayor Bailey explained that portability permits a telecommunications subscriber to retain an assigned telephone number when changing providers of telecommunications services. The FCC requires portability where feasible, but because of the rural telecommunications system in Eagle Mountain City, it would be an economic hardship to comply with FCC mandate of local number portability. Last year, the City approved suspending the FCC requirement for the City telecom until May of 2005. This resolution will renew the suspension until Direct Communications takes over the telecom system.

MOTION: *David Blackburn moved to approve Resolution 06-2005 Extending the Suspension of Wireline to Wireless Number Portability Requirements for the Eagle Mountain Telecommunications System. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

RESOLUTION – Consideration and approval of a Resolution Updating the Establishment of a Justice Court in Eagle Mountain City.

Jerry Kinghorn stated that State statute requires the City Council to adopt a resolution which commits the City to comply with law and standards for justice courts in order to apply for a justice court.

MOTION: *Brian B. Olsen moved to approve Resolution 07-2005 Updating the Establishment of a Justice Court in Eagle Mountain City. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

RESOLUTION – Consideration and approval of a Resolution amending the Eagle Mountain City Fee Schedule in Relation to Park Deposits.

Mayor Kelvin Bailey stated that this resolution will amend the City's Fee Schedule to enact a fee for reservation and exclusive use of City parks or park pavilions.

MOTION: *David Blackburn moved to approve Resolution 08-2005 amending the Eagle Mountain City Fee Schedule in Relation to Park Deposits. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Consideration and approval of City Sponsorship for a Matching Grant Application for Pony Express Trail Improvements.

Jerry Kinghorn stated that the State Institutional Trust Lands Association (SITLA) is making a grant application for Pony Express Trail Improvements. They would like the City to act as a sponsor, in name, for the grant application but will provide the matching funds if the grant is awarded.

McKay Edward the project manager with SITLA and landscape architect David Wright with Aspen Recourses explained the proposed grant and the requirements. They then presented a proposal for the Pony Express Trail Improvements and the regional park in the area of the Pony Express Trail.

MOTION: *Vincent Liddiard moved to authorize the Mayor to sign the grant application for the Pony Express Trail Movements. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Mayor Bailey questioned Mr. Edwards on when the turning lane off of Pony Express Parkway to Lake Mountain Road would be completed. Mr. Edwards stated that they are anticipating this coming June or July.

AGREEMENT – Consideration and approval of a Model Home Sign Lease Agreement with Carl Allred.

Adam Lenhard stated that the City Council adopted a sign ordinance which includes a map identifying specific locations in which the three types of signs, Model Home, Median, and Directional/Advertising Business signs are allowed. Individuals are allowed to lease property within the City's right-of-way for signage. The signs are located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The intent of these signs is to direct motorists to model homes, subdivisions, and businesses.

Carl Allred has reached an agreement with The Ranches to purchase and manage all of their existing signage. He has submitted a sign application in order to bring all of these signs into compliance with the City's Ordinance.

MOTION: *Brian B. Olsen moved to approve a Model Home Sign Lease Agreement with Carl Allred subject to the sign subs at the entrance of Ranches Parkway must being removed prior to any signs being installed and no later than May 15, 2005. Janice Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

AGREEMENT – Consideration and approval of a Commercial Sign Lease Agreement with Village Pizza (Ken Andersen).

Adam Lenhard stated that the City Council adopted a sign ordinance which includes a map identifying specific locations in which the three types of signs, Model Home, Median, and Directional/Advertising Business signs are allowed.

Village Pizza is requesting consideration of one Directional/Advertising Business at the intersection of Ranches Parkway and State Road 73. The signs will be constructed in accordance with the specifications illustrated in the City's Development Code.

MOTION: *Vincent Liddiard moved to approve a Commercial Sign Lease Agreement with Village Pizza (Ken Anderson). Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

AGREEMENT – Consideration and approval of a Commercial Sign Lease Agreement with Scot Hazard.

Adam Lenhard explained that Scot Hazard is requesting consideration of one Directional/Advertising Business sign near the intersection of Ranches Parkway and State Road 73. The signs will be constructed in accordance with the specifications illustrated in the City's Development Code.

MOTION: *Janice Sloan moved to approve a Commercial Sign Lease Agreement with Scot Hazard. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

SITE PLAN – SilverLake LDS Church.

Adam Lenhard stated that the LDS Church is proposing the development of a new chapel on a 7.18 acre site located in the SilverLake development. The building will be approximately 23,728 square feet in size. The site will also include a softball area with a pavilion.

Mr. Lenhard continued in explaining that the site is zoned Town Core Residential which allows places of worship as a Conditional Use. The City Council has delegated the approval authority for conditional use permits to the Planning Commission. The Conditional Use Permit was reviewed and approved by the Planning Commission at their meeting on April 12, 2005. Mr. Lenhard explained the conditions of approval.

MOTION: *Vincent Liddiard moved to approve SilverLake LDS Church Site Plan subject to the following conditions:*

- 1. SECURITY FOR ACCESS. That some type of security is placed for the removal and landscaping of the access on Pony Express and construction of the future access to the west.*
- 2. ENTRANCES. That the entrances are widened and realigned to allow for better traffic flow. That clear vision triangles are observed.*

3. **SILVER LAKE MONUMENT.** *That the church plans are redrawn to show the correct property line of the Silver Lake monument in the north east corner of the property.*

Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

IMPROVEMENTS AGREEMENT – Consideration and approval of an Improvements Agreement with the LDS Church for Improvements to the SilverLake LDS Church Site Plan.

Shawn Warnke stated that the improvements agreement defines responsibilities of the LDS Church in development of the church site plan. This includes a condition to provide for a temporary access from Pony Express Parkway which shall be removed at the request of the City; and all standard curb, gutter and related roadway improvements restored as directed by the City.

MOTION: *David Blackburn moved to approve an Improvements Agreement with the LDS Church for Improvements to the SilverLake LDS Church Site Plan. Janiece Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Approval of a Temporary Archery Golf Range at the Ranches.

Adam Lenhard explained that the City Council approved an ordinance in 1999 regarding the establishment and operation of an archery range. The last several years The Ranches have hosted a temporary archery range for a National Field Archery Association (NFAA) event. The City's Development Review Committee (DRC) encourages special events occurring in the City; however, recognize that a special event may increase demands for City services, such as policing. The DRC is recommending approval subject to mitigating conditions.

MOTION: *Vincent Liddiard moved to approve a Temporary Archery Golf Range at the Ranches subject to the following conditions:*

1. *That the temporary archery range be permitted for April 23 & 24, May 7 & 8, and May 21 & 22.*
2. *That the Applicant obtains special burn permits for any campfires and complies with all requirements outlined by the Fire Chief.*
3. *That the site be returned to its precondition state following the event.*
4. *That there are sufficient public facilities such as restrooms.*
5. *That if the special event creates an increase in the demands for public safety services that those services shall be provided by the Applicant.*
6. *That the archery range complies with safety standards for Utah County Sheriff's Office and the National Field Archer's Association (NFAA) and that the applicant provides security to monitor the perimeter of the archery range to prohibit non-participants from accessing the range.*
7. *That the City Recorder and City Attorney ensure that all of the insurance forms and the permission of the property owners have been submitted.*
8. *That ATV's are allowed in conjunction with this event and are limited to existing dirt roads.*

David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.

MOTION – Reconsideration of Ordinance O-10-2005 – An Ordinance Amending Title 1 Chapter 1 and Title 2 Chapters 1 and 10 of the Development Code of Eagle Mountain City – adopted April 5, 2005.

Mayor Kelvin Bailey stated that Councilmember Janiece Sloan has requested that Ordinance O-10-2005 be placed on the City Council agenda for reconsideration. The specific request for reconsideration is in regard to the setback provisions in the Tier I regulations of the Development Code. This ordinance was passed subsequent to a public hearing on April 5, 2005.

MOTION: *Janiece Sloan moved to approve Ordinance 10-2005 as amended. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

MOTION – Amend approval of the sole source selection for Global Sampson for Headworks Upgrade (original approval January 4, 2005).

Mark Sovine explained the previous approval of a headworks upgrade. He stated that they can now upgrade that form a 500,000 gallon to a 1,000,000 gallon. He explained that the original unit had a price of \$65,940 for the 500,000 gallon and the upgraded 1,000,000 gallon will be \$79,400 which is still within the budget.

MOTION: *David Blackburn moved to approve the amended sole selection for Global Sampson for Headworks Upgrade. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

OTHER BUSINESS

David Blackburn questioned street standards and specifications. Discussion ensued.

Mayor Kelvin Bailey stated that Chris, Mark, and he met with the CUWD (Central Utah Water Conservancy District). They are working to find ways to bring water into Eagle Mountain City. He explained that Jerry Kinghorn and he have also been working with some private groups.

ADJOURNMENT

MOTION: *Mayor Kelvin Bailey adjourned the meeting at 9:03 p.m.*

Minutes
Eagle Mountain City Council Meeting
May 3, 2005

The meeting was called to order at 8:00 p.m. by Mayor Kelvin E. Bailey in the Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mountain, Utah.

Elected Officials Present: Mayor Kelvin E. Bailey, and Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse.

Staff Members Present: Chris Hillman, City Administrator; Jerry Kinghorn, City Attorney; Mark Sovine, Public Works Director; and Gina Peterson, City Recorder.

Others Present: Mark Madsen and his two children.

Other Business

Mayor Bailey asked the City Council if they would like to ride individually or together in the Pony Express Days Parade.

Consensus from the Council was to ride jointly in a trailer or other type of vehicle.

Adjourn to a Closed Executive Session – Personnel Issues

Councilmember Sloan **moved** to adjourn the regular City Council meeting and convene the executive session of the Eagle Mountain City Council at 8:07 p.m. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

Closed Executive Session – Personnel Issues

A closed door session was held at 8:07 p.m. to discuss personnel issues pursuant to Section 52-4-5(1) of the Utah Code Annotated. Those in attendance were: Mayor Kelvin E. Bailey, and Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse; staff members Chris Hillman, Jerry Kinghorn, and Mark Sovine; others present Mark Madsen and his two children.

The meeting adjourned at 9:28 p.m.

Minutes approved on May 17, 2005.

ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 17, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING: Mayor Kelvin E. Bailey

ELECTED OFFICIALS PRESENT: Mayor Kelvin E. Bailey; Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

DISCUSSION/REVIEW ITEMS

CHECK REGISTER – April 2005

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

ADJOURNMENT

5:00 P.M. OPEN HOUSE – NEW CITY HALL & PUBLIC WORKS BUILDING

6:30 P.M. DEDICATION / RIBBON CUTTING – NEW CITY HALL

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 7:00 p.m. The Color Guard / Pledge of Allegiance was presented by the Public Safety Department. Connie Jensen sang the National Anthem.

CONDUCTING: Mayor Kelvin E. Bailey

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke,

Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director, Diane Bradshaw, Telecom Administrator; and Sgt. Mark Binks, Utah County Sheriff's Office.

MAYOR'S REPORT / CITY COUNCIL ITEMS

Connie Jensen sang God Bless America.

Lt. Monsen from the Utah County Sheriff's office introduced Sgt. Mark Binks who replaced Sgt. Jo Murphy as the newly assigned sergeant over Eagle Mountain.

Sheriff Tracey indicated that Sgt. Murphy was recently honored with the top award for the Sheriff's Department known as the "LeGrande & Beth Baker Award" for 2004. He stated much of that was due to the job she did and accolades she received while serving Eagle Mountain City.

Mayor Bailey indicated the City also has recognition for Sgt. Murphy's service to Eagle Mountain.

The Mayor and City Council welcomed Sgt. Binks.

To help celebrate the new City Hall an art contest was held where residents could participate. City Administrator Chris Hillman presented the paintings from the winners Jenalee Cheever and Joseph Fletcher. They will each receive a \$500 check and their paintings will be displayed in the City Offices.

Mr. Hillman unveiled the design for a bronze plaque dedicating the building. The plaque lists the names of the City Council and the following quote from William Blake: "When thou seest an eagle, thou seest a portion of genius. Lift up thy head".

Richard Ellsworth from Ellsworth Paulsen spoke to the City Council about the new building and congratulated them for the efforts on their project.

Mayor Bailey talked about current construction on roads in the City and delays caused by recent storms. He indicated there have been concerns from residents along Lake Mountain Road about the deterioration of the road due to the recent heavy rains. He indicated the City has fixed the road to allow travel, yet the vast amounts of rainfall have created hurdles on this dirt road. He stated the City does care about residents on Lake Mountain Road and would like to be able to do more to upgrade the road. However, all other residents in the City had to join a special improvement district (SID) and pay assessments for paving, or else paid additional cost from the developer of the land. Mayor Bailey noted the City would be happy to work with the residents on Lake Mountain Road if they can step up and pay for road upgrades.

Mayor Bailey then announced Pony Express Days, the City's annual celebration, would take place June 1-4, 2005. He detailed some of the events to take place.

RECOGNITION – Kevin McCarthy – Paramedic of the Year

Assistant Fire Chief Kevin McCarthy has been awarded the Paramedic of the Year from the Utah Department of Health, Bureau of Emergency Medical Services. Mayor Bailey congratulated Deputy McCarthy and expressed appreciation for his efforts.

RECOGNITION – Colby Foote – Presentation and Recognition of Science Project

Mayor Bailey introduced Colby Foote, a local grade school student that lives in Meadow Ranch. Colby won his school science fair and went on to win the District, Regional and State divisions. He will now be going to Washington, D.C. to complete in a national competition. Colby reviewed his project titled, "The Power of Reflection". His project uses reflection to help save money on heating and cooling. The Mayor and City Council congratulated Colby on his success and wished him luck in D.C.

APPROVAL OF MINUTES

City Council Meeting – March 15, 2005

City Council Meeting – April 5, 2005

City Council Meeting – May 3, 2005

Councilmember Liddiard **moved** to approve the minutes from the March 15, 2005, April 5, 2005, and May 3, 2005 City Council meetings with minor amendments. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC COMMENTS

Ms. Marcie Taylor, Lake Mountain Road, congratulated the City on the new building. She then addressed concerns with Lake Mountain Road. She stated the residents on Lake Mountain Road have never asked for it to be paved; they have only asked that it be maintained in the same condition as when Utah County maintained it. Ms. Taylor stated the last rainstorm was one of the scariest she has experienced because the road washed out. She asked how a fire truck or ambulance would service residents without the road. The residents on Lake Mountain Road feel like they are being discriminated against, they are frustrated and feel as citizens of Eagle Mountain City, it is the City's responsibility to fix the road. As taxpayers, they don't feel they are asking for anything they don't have rights to.

Ms. Jody Hooley, Lake Mountain Road, echoed Ms. Taylor's comments. She indicated she talked with Utah County about how the road used to be maintained. She detailed specific things that need to be done to keep the road in good condition, in particular, the person grading the road must be properly trained. Ms. Hooley stated they have problems with the road every year and this winter there was one week that the postal service would not deliver mail because of the road's condition. She said it is a safety issue with fire or ambulance access. Ms. Hooley stated they have owned the property since 1993 and the road was always drivable prior to the City taking ownership. She feels the City should not have included these residents in the City if they could not maintain an existing road. Ms. Hooley stated that 3 minutes of public comment time is not enough to address the issue. She requested the issue be placed on an upcoming agenda.

City Administrator Chris Hillman indicated the City could use B&C Road Funds to improve Lake Mountain Road. However, because it is a dirt road the City does not receive any credit, and therefore any funding, for the mileage the road represents. The General Fund subsidizes current road maintenance because there are not enough B&C road funds to cover costs of general maintenance for city streets.

Mayor Bailey noted the City has had to cut back on servicing even main roads throughout the city. He reiterated the residents have been asked to join together and find a way to fund paving the road.

Ms. Jennifer Konold expressed displeasure at recent negative press regarding Mayor Bailey. She stated that as a citizen of Eagle Mountain she would like to express appreciation to Mayor Bailey for all of his accomplishments while in office, including reducing the City's debt by \$12 million. She stated he gives leadership with proven results and is very responsive to the citizens of Eagle Mountain. With his resignation, he will be greatly missed. Ms. Konold stated if the Daily Herald continues to write such negative, false articles she would find her news in other, credible papers.

CITY COUNCIL COMMENTS

Councilmember Strouse read the following statement from the City Council:

"The Eagle Mountain City Council wishes to express our city's heartfelt appreciation to Mayor Bailey, who has decided to resign as of June 30, 2005. While we recognize that the mayor still has time to make contributions, we would like to respond to this recent announcement today. He has given his heart and soul along with innumerable hours of hard work for our city. It has been our privilege to serve with him. As a Council, we support him in this difficult decision, knowing that he would have loved to finish his term. We believe that ANY local political office holder would be very satisfied and pleased to complete their public service with their office in such an improved state as ours after a full term, let alone leaving office early.

Mayor Bailey has proven that he is more than a leader. He is a true statesman dedicated to pursuing and preserving Constitutional principles, sacrificing his own welfare for the benefit of the people he serves. He has always been diligent in researching the issues and has been open-minded and willing to change his opinion when the facts supported it. He has been very diplomatic while discussing issues and during numerous negotiations that benefited Eagle Mountain. Most valuable has been his understanding of the economics of development and the proper line between private property rights and over regulation of development. He truly understands the proper role of government and respects the rights and obligations of a free people.

There is a myriad of accomplishments and contributions that we can attribute to Mayor Bailey. A full accounting cannot be made here, but we would like to highlight some points of interest.

Under Mayor Bailey's direction, the financial status of our city has been defined, dramatically improving from a \$481,000 deficit, to a \$730,000 surplus, followed by another surplus of \$1.1 million dollars the subsequent year. The city debt has been reduced by \$12 million by paying down and restructuring bonds. With financials now current, Mayor Bailey also renegotiated the Eagle Mountain letter of credit, saving the city an ongoing amount of over \$400,000 per year. Our utilities are more financially stable, and Eagle Mountain will soon reduce more city debt with the pending sale of telecom and bond restructuring of our gas and electric services.

During Mayor Bailey's administration, our public safety has been greatly improved. We have seen an increase in service and coverage of our firefighters, paramedics and police forces. He has supported increased citizen participation and safety through various programs including CERT, Neighborhood Watch, the Citizens Academy, and the RAD program. Our community is much more prepared for emergencies with the implementation of our Emergency Preparedness Plan.

Mayor Bailey made great efforts to communicate Eagle Mountain's state of affairs with the city residents on a regular basis, and provided thorough explanations of all issues. He implemented the

monthly newsletters, the annual State of the City address and an official city website. Mayor Bailey has always made himself available in person, by phone or by email to answer the questions and concerns of the public, city staff, developers, builders and other public officials. He has also developed and maintained good relations with neighboring cities and organizations through meetings with local leaders and his association with Mountainland Association of Governments, Council of Governments, Camp Williams, UDOT and other organizations. He has also met with our representatives on state and national levels to promote Eagle Mountain's needs and our progress.

The Mayor has been persistent in pursuing our needs to have better transportation corridors to Eagle Mountain. As a result, we have seen improvements on SR 73 and will soon see more. His meetings with Governor Leavitt and others have pushed our transportation needs to the forefront, resulting in two different studies for planning future roads in the Northwest area of Utah County.

Mayor Bailey has been a strong advocate for responsible growth and development through the implementation of a new development code, as well as negotiations with developers. As a product of such negotiations, we also have a new road connecting the Ranches and City Center providing greater unity and convenience in Eagle Mountain.

Under Mayor Bailey's administration, Eagle Mountain has seen the completion of six of its seven permanent public buildings. City improvements and enhancements include new entrance monuments, landscaping throughout the city, improved parks and a new amphitheater. With the help of the Pony Express Trail Association, Mayor Bailey identified historical sites located in Eagle Mountain for future preservation and public enjoyment. He also commissioned and assisted in establishing a history book of Eagle Mountain City.

At this time, Eagle Mountain would like to pay tribute to Mayor Bailey's family for their support and sacrifice while he served the city. We thank his wife and children for sharing him with us. Along with Mayor Bailey, we also acknowledge the hard work of our dedicated city staff, citizen volunteers and prior councils, without whom we would not have been able to see so many accomplishments in our city.

This city will forever owe a debt of gratitude to Mayor Bailey. He has dramatically changed the course of history and brightened the future of Eagle Mountain residents and we have only begun to see the fruits of his efforts. He was the right man at the right time for a young city that faces so many unique and complex issues.

With Eagle Mountain currently on firm ground and headed in the right direction, we can all look forward to our future with confidence. As a council, we are honored to be a part of its ongoing leadership as Eagle Mountain progresses to be a leading community in Utah.

Sincerely,

Eagle Mountain City Councilmembers, Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan"

Mayor Bailey expressed humility and responded that in spite of the coach, a team could not win without everyone on the team participating. The accomplishments that have been made by the City are not a result of just him. The City has a great staff and great City Council that provides leadership. The City

has done a lot, and they have done it because they have worked as a unified team. He stated he is grateful for the opportunity to work with a great staff and the best City Council he has ever worked with. Mayor Bailey stated he has total confidence in the people that will move forward when he is gone.

SCHEDULED ITEMS

SIGN LEASE AGREEMENT – Consideration and approval for a Model Home Sign Lease Agreement with Development Associates.

The City Council adopted a sign ordinance that includes a map identifying specific locations in which the three types of signs (Model Home, Median, and Directional/Advertising Business) are allowed. Individuals are allowed to lease property within the City's right-of-way for signage. The signs are located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The intent of these signs is to direct motorists to model homes, subdivisions, and businesses.

Nate Shipp has submitted an application to the Planning Department for three Model Home Ladder Sign Permits to be located along the north side of Pony Express Parkway across the street from Jon Celaya's approved signs, and for five more along SilverLake Parkway and Pony Express on the east side of the SilverLake entrance. On May 10, 2005 the Planning Commission made a motion to recommend approval to the City Council of signs #4, 5, 6, 7 and 8. Based on the standards of the current Signage Ordinance, the Planning Commission has recommended that signs #1, 2, and 3 not be approved because there is already sufficient sign capacity in the area.

Mr. Lenhard reviewed recommended conditions of approval.

Mayor Bailey indicated the recommendation to deny signs #1, 2, and 3 comes from the Planning Commission. He has requested a sign ordinance amendment be put on a future agenda to clarify that signs cannot be in the same location as an existing sign, on the opposite side of the road, until the existing sign is full. This amendment will ensure the ordinance meets the intent of the 1,000 feet distance for signage.

Councilmember Liddiard **moved** to the Sign Lease Agreement with Development Associates for signs #4,5,6,7,and 8 subject to the following conditions:

1. **SIGN CONSTRUCTION.** That all signage is constructed in accordance to the dimensions specified in Title 1, Chapter 15 of the City's Development Code (Schematic 15.1- Model Home Signage). That the signage is similar in color (Monterrey Grey) to that of the signs in The Ranches area.
2. **LOCATIONS.** That the Planning Department identifies the exact locations with the applicant prior to installation (so that clear vision triangles are observed etc.).
3. **LEASE AGREEMENT.** That a lease agreement specifying copy control, insurance, maintenance, time frames, and mechanics' liens be signed by Development Associates. That the sign lease fees are paid in full- \$300 per sign per year.
4. **SIGN COPY.** That the applicant may not advertise on the sign for leasing spots available. That each builder is limited to one 16" x 64" spot per sign.

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Point Lookout Final Plat A.

Point Lookout is located southwest of Diamond Springs and Castle Rock. The area allows for 49 lots on 22.7 acres for a density of 2.1 dwelling units per acre. The Planning Commission held a public hearing and approved the Point Lookout Plat A Preliminary Plat on May 10, 2005.

Mr. Warnke reviewed the plat and stated it will complete The Ranches development to the hillside. This plat would connect to Hidden Canyon currently being constructed. Mr. Warnke reviewed recommended conditions of approval.

Mayor Bailey questioned how protection would be provided for a certain area of homes in part of the Point Lookout area. Mr. Warnke answered when Plat B is approved and constructed the homes in question would be protected through a bench drain which would be part of the bonded improvements for the subdivision.

Councilmember Liddiard asked if the lot frontages for Lots 22, 23, and 24 meet development code. Mr. Warnke stated the lots are in excess of 60 feet and the development code requires 50 feet. He noted there are also restrictions on Sandpiper Road for driveway access as well as a vest pocket park. The driveways will access the frontage road and Lots 22 and 24 will have circular driveways.

Councilmember Blackburn **moved** to approve the Point Lookout Final Plat A with the following conditions:

1. ENGINEERING ITEMS. That all of the Engineer's conditions are completed.
2. LANDSCAPE PLANS. That a landscape cost estimate is submitted. The landscaping plan should contain street trees along the collector road and entryway monuments. That the Ranches DRC should review the plan. That a licensed landscape architect should stamp the plan.
3. WATER RIGHTS. That water right documentation is submitted and approved by the City Attorney.
4. REIMBURSEMENT AGREEMENT. That a reimbursement agreement may be required by the City for the Sandpiper Road improvements installed by the Hidden Canyon Developers.
5. WATER SERVICE. That water and sewer services are shown to Lot 17.

Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

BUDGET REVIEW – Consideration and adoption of the Eagle Mountain City Tentative Budget for Fiscal Year 2006 and setting the Budget Public Hearing for June 21, 2005.

The City Council has been reviewing preliminary figures for the Fiscal Year 2006 budget for some time. A budget work session was held on February 18, 2005. Mr. Hillman indicated the purpose of this item is to (1) accept the tentative budget, (2) set the public hearing to adopt the final budget for Fiscal Year 2006, and (3) set the public hearing to approve final budget amendments to the Fiscal Year 2005 Budget.

Mr. Hillman indicated tonight's discussion would cover the general fund, utility funds, personnel changes, and overall fiscal health of the City. He then reviewed the process the City Council used to determine needs and priorities for the \$25 million budget. Mr. Hillman acknowledged the difficulty of

picking between the different priorities each department had. Fortunately, this budget addresses most of the top priorities in each department.

The General Fund has grown from \$3.6 million in FY 05 to \$5.1 million in FY 06. Most of this increase is due to the following:

- Significant public safety increases
 - Total net cost increase for police protection is \$235,000. Part of this is due to the COPS grant revenue dwindling (only \$75,000 left from the original \$450,000 granted). The budget also includes an increase of \$110,000 for one additional fulltime deputy sheriff and a part time animal control officer.
 - The City's paramedic license now requires 24/7 staffing with a paramedic and EMT in the station. Previously, volunteers filled many of these nighttime requirements.
- Significant parks maintenance increases and numerous road projects without a funding source
- Consolidation of engineering, inspection, testing, and locating for utilities
- Increase in total full time employees (Parks, Streets, Building, and Finance/Utility Billing)

To accommodate paying for a 40% net increase in costs for Public Safety the following is recommended:

- Current utility tax (franchise fee) is at 3% for electric, gas, water, and telecom. This was originally implemented in 2003 to help pay for public safety
- It is proposed that the utility tax be increased from 3% to 6% for electric, gas, and water (leaving telecom at 3%)
- The increase will generate approximately \$200,000 of additional revenue for FY 06; only 57% of \$355,000 needed to cover public safety increases
- A vast majority of Wasatch Front communities charge the 6% utility tax/franchise fee—Eagle Mountain would then be at market average

Mr. Hillman then detailed improving revenue portfolio balance. In FY 2004, one-time revenues from building, planning & engineering fees equaled 40% of total revenues. In FY 2006, those one-time revenues equal only 25% of total revenues. However, FY 2006 is planning on an increase of almost 25% in revenues (approximately 400 new homes) to \$1.25 million

Mr. Hillman began discussing the Utility Funds. He indicated this is the first year the Gas and Electric Utilities will be able to pay for their debt services without the assistance of bond proceed reserves. In other words, the City is no longer using borrowed money to pay off borrowed money. Mr. Hillman stated that is a MAJOR milestone!

Electric and Gas Capital Projects are planned as follows:

- \$70,000 Eagle's Gate Connection
- \$41,000 for transformers & reel trailer
- \$40,000 for Public Works Building and regulator shelters; another \$175,000 needed for new tap but not funded

There are no significant capital projects funded for either the Water or Sewer Utility Funds, however \$200,000 for the Pony Express Well will carry over from FY 2005. The City also anticipates State and Federal grant funding for sewer treatment plant expansion, but it is not yet funded.

The Sewer Fund has a \$78,000 surplus due to the \$4/mo. increase required by the State to receive the grant. Mr. Hillman suggested the City Council could lower the base water rate for south service area by \$4/mo. to offset the increase.

Mr. Sovine noted that if the City were not receiving a grant for the sewer upgrade, it would be necessary to borrow the required funds and the increase would be much more than the \$4 required for the grant.

Mr. Hillman then addressed the Telecom Utility Funds. The fund is balanced, but revenues are artificially high. Therefore, Telecom will not bring in enough revenue to cover expected costs. To accommodate this, rates will need to be increased as they were in 2005, or the Telecom sale will need to be complete. Mr. Hillman suggested deficit spending until sale proceeds are available to offset losses.

Mayor Bailey stated the City has tried to minimize expenses of Telecom administratively. He gave credit to Telecom Administrator Diane Bradshaw for mitigating costs until the sale is finalized.

Ms. Bradshaw stated she is still optimistic that Telecom will sell prior to the new fiscal year. Once approval is given from the FCC it will be 6 weeks later before the sale goes through.

The Solid Waste Fund and Fleet Fund were then addressed. The newly implemented Solid Waste Fund will realize \$16,000 surplus to cover non-payments and administration costs. The Fleet Fund shows an expected fund balance of \$126,000—a 214% increase over FY 2005 and great start to an on-going fund balance to help pay for future fleet purchases.

Mr. Hillman moved discussion to personnel aspects of the budget. He stated there are several immediate needs for additional personnel to help with increasing workloads. Additional positions are planned as follows:

- Full time Deputy Sheriff
- Part time Animal Control Officer
- Building Inspector
- Utility Clerk/Receptionist
- 2 Seasonal Parks Maintenance Workers
- Increase Part time Assistant to the City Administrator to Full time
- Electric Journey Lineman
- Water System Operator I
- Telecom Tech
- Part time Telecom Data Entry Specialist

Last year employees could receive a 1% merit increase based upon performance, however that did not equal the standard cost of living increase that the Wasatch Front experienced. Therefore, to help catch-up from last year, a 3% merit increase based on performance is proposed, with a 1% bonus. Mr. Hillman talked about the benefits of retaining good employees at the City. He noted the City has a 20-25% growth rate per year, and it has not increased personnel to keep up with the growth rate.

Councilmember Liddiard stated investments have been made in the City, including valuable employees. He wants to make sure the City retains employees and that there is adequate staff to do their jobs.

In conclusion, Mr. Hillman discussed the overall fiscal health of Eagle Mountain City, stating the City is financially sound. With the exception of Telecom, the utilities are in good shape, and the General Fund is recognizing more stable, on-going sources of revenue and relying less upon one-time monies.

Mr. Hillman opened the subject for questions and comments.

Mr. Liddiard jokingly presented the Mr. Hillman with a \$1 million dollar bill to cover any budget deficits.

Mr. Hillman indicated the next step for the City Council is to accept the proposed budget from the Mayor. There will be minor grammatical changes as well as other amendments that may come back for final approval in four weeks.

Councilmember Olsen asked what guarantee the City has that the sewer grant will be awarded. Mr. Sovine answered that the increase in sewer rates is a condition of receiving the grant. Passing the budget does not automatically increase the rates, and if the grant is not received, the rates will not be raised.

Councilmember Olsen asked for an update on the Telecom sale. Ms. Bradshaw gave a brief update.

Councilmember Olsen then asked if performance evaluations for employees are completed prior to the merit increase being received. Mr. Hillman answered yes, and that performance evaluations should be complete by June 15. He noted the City has an exceptional group of employees which is something that wouldn't be found in many cities.

Councilmember Sloan asked why Fund 53, Electric Utility Detail, Line 2121 "Dues, Subscriptions and Memberships" went from \$500 last fiscal year to a proposed \$65,000. Mr. Sovine answered that the City's membership in Utah Association of Municipal Power Systems (UAMPS) was consolidated from a different line item to Line 2121. Mayor Bailey indicated the Council might notice several line items that have been consolidated or moved for proper accounting procedures.

Mr. Hillman noted this budget document is still not complete because all of the actual fund balances from previous years that are not up to date. He stated this budget document should reflect a complete history with things detailed in the audits. Those figures still need to be entered which is a current goal for staff to complete.

Councilmember Liddiard stated he did not see a specific line item for police revenues and asked if it was because the costs are defrayed before they come in. Mr. Hillman indicated the City has a contract price of \$710,000 with the Sheriff's Department. That contract price is lower than the actual costs; justice court fees are credited back the City to equal the lowered cost.

Councilmember Blackburn stated he would like to see a historical tracking of how the City's debt has been decreased and what outstanding debt remains for specific bonds. Mr. Hillman indicated that is part of the audit and something the budget should reflect but staff has not had time to enter. Councilmember Blackburn stated as this budget is finalized he would like to see those figures entered.

Councilmember Strouse commented how remarkable it is that City employees have stepped up and gone the extra mile. She feels it is very commendable. The Mayor and City Council acknowledged the employees.

Councilmember Liddiard **moved** to

1. Accept the tentative budget as presented,
2. Set the public hearing to adopt the final budget for Fiscal Year 2006 for June 21, 2005 at 7:00 p.m.,
3. Set the public hearing to approve final budget amendments to the Fiscal Year 2005 Budget for June 21, 2005 at 7:00 p.m.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

Mr. Sovine discussed the City's power contracts with Utah Municipal Power Agency (UMPA) and indicated the City will be able to extend a new contract at a fixed rate through 2008.

AGREEMENT – Consideration and approval of an agreement with Direct Communications Star West, Inc. for Library Shelving Funding Advance.

Mayor Bailey explained that the budget did not have funds to purchase shelving for the new Library. Direct Communications attended a meeting where this issue was discussed and offered to advance the funds for shelving. The agreement sets forth provisions of the advance.

Councilmember Liddiard **moved** to approve an agreement with Direct Communications Star West, Inc. for a Library shelving funding advance. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval for a development agreement for Anthem on the Green – Phase I

Anthem on the Green is located in the Ranches, south of the Mt. Airey subdivision, and is surrounded by the golf course. The final plat was approved August 3, 2004. Mr. Warnke explained that this is a standard development agreement, complete with water rights, engineers bonding letter, and CC&R's, that will complete the final plat approval process. Mr. Warnke indicated there have been some changes to the side yard setback requirements. The new requirements will be 5' and 8' for a total of 13' with landscaping required for anything less than 7'.

Councilmember Liddiard noted Section 2.6.1 of the Development Agreement requires at least 50% of the lots to have a front yard setback of not less than 25 feet. He requested the agreement be amended to clarify that this is a special condition imposed by the developer and not by the City.

Councilmember Liddiard **moved** to approve the Development Agreement for Anthem on the Green Phase I subject to clarification of Section 2.6.1 that the special condition is a developer requirement and not City initiated. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval for a development agreement for Anthem on the Green – Phase II

Anthem on the Green is located in the Ranches south of the Mt. Airey subdivision and is surrounded by the golf course. The final plat was approved August 3, 2004.

Mayor Bailey stated this agreement is the same as the previous agreement, just for a different phase, and that the same issues apply.

Councilmember Liddiard **moved** to approve the Development Agreement for Anthem on the Green-Phase II subject to clarification of Section 2.6.1 that the special condition is a developer requirement and not City initiated. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

SIGN LEASE AGREEMENT – Consideration and approval for a Model Home Sign Lease Agreement with Fieldstone Development.

The City Council adopted a sign ordinance which includes a map identifying specific locations in which the three types of signs (Model Home, Median, and Directional/Advertising Business) are allowed. Individuals are allowed to lease property within the City's right-of-way for signage. The signs are located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The intent of these signs is to direct motorists to model homes, subdivisions, and businesses.

Fieldstone Homes has submitted an application to the Planning Department for two Model Home Ladder Sign Permits for signs to be located along Eagle Mountain Boulevard. The signs will be constructed in accordance with the specifications illustrated in the City's Development Code.

Councilmember Strouse **moved** to approve the Sign Lease Agreement with Fieldstone Homes with the following conditions:

1. CAPACITY. That the Applicant demonstrates that there is sufficient need for additional sign capacity. That the capacity on the first sign must be filled before another sign may be installed. That both Signs #1 and 2 are approved.
2. SIGN CONSTRUCTION. That all signage is constructed in accordance to the dimensions specified in Title 1, Chapter 15 of the City's new Development Code (Schematic 15.1- Model Home Signage). That the signage is similar in color (Monterrey Grey) to the existing signs.
3. LOCATIONS. That the Planning Department identifies the exact locations with the applicant prior to installation (so that clear vision triangles are observed etc.).
4. LEASE AGREEMENT. That Fieldstone Homes signs a lease agreement specifying copy control, insurance, maintenance, time frames, and mechanics' liens. That the sign lease fees are paid in full- \$300 per sign per year.
5. SIGN COPY. That the applicant may not advertise on the sign for leasing spots available. That each builder is limited to one 16" x 64" spot per sign.

Councilmember Liddiard **seconded** the motion. Mayor Bailey called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

AGREEMENT – Ratification of an agreement for Custodial Services at City Buildings.

The City has entered into an agreement with Anderson Cleaning Specialists to provide custodial services at City buildings.

Councilmember Liddiard **moved** to ratify the agreement with Anderson Cleaning Specialists for custodial services at City buildings. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION – Review and Approval of a Resolution amending the Consolidated Fee Schedule to add a Conditional Use Permit Application Fee for Alternative Animal Management Plans.

The City Council amended the Development Code to allow the issuance of Conditional Use Permits on large lots where people could show they could manage horses, cows and other animals appropriately. The default fee was \$300 which the City Council felt was high. The City Council requested staff recommend a more reasonable fee for those applications. The Planning Department has recommended a fee of \$25.

Councilmember Sloan **moved** to approve Resolution R-09-2005, Amending the Consolidated Fee Schedule to add a Conditional Use Permit Application Fee for Alternative Animal Management Plans. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and ratification of Pony Express Well Equipment Purchase.

A pump and motor have been ordered from Delco Western in the amount of \$96,437.24 for the Pony Express Well. The City Council needs to ratify purchase of this equipment.

Councilmember Liddiard **moved** to ratify purchase of Pony Express Well equipment. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

Mr. Sovine noted that the City has a development agreement with Development Associates Inc. (DAI), developers of the SilverLake subdivision. The development agreement includes a stipulation that DAI will contribute \$720,000 to the Pony Express Well. Total costs of the well are estimated at \$900,000. Mr. Sovine stated Mr. Shipp from DAI has talked about increasing his portion to \$800,000. The well is running more efficiently than anticipated making actual costs per gallon come down. Mr. Sovine stated as this budget is prepared the City may want to look at going into Impact Fees and creating a capital item to cover the \$180,000 contribution from Eagle Mountain City.

Mayor Bailey noted DAI paid for a portion of the well to increase capacity in order to proceed with the SilverLake development.

MOTION – Consideration and approval of a bid to construct the Pony Express Well Pump Station.

The City solicited bids for construction of a pump station for the Pony Express Well. Staff recommends the bid be awarded to Counterpoint Construction in the amount of \$308,620.00.

Councilmember Blackburn **moved** to award the bid to Counterpoint Construction to construct the Pony Express Well pump station in the amount of \$308,620.00. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and authorization for road closures and use of Utah County Sheriff's Department to provide traffic control for the Tour of Utah bicycle race.

Mr. Warnke explained that several weeks ago Three Peak Cycling Events and Promotion approached the City regarding a multi-staged bicycle race called the Tour of Utah. The concluding stage of this race will be held in Eagle Mountain City on Memorial Day, May 30 between the hours of 6:30 a.m. to 9:30 a.m. It is anticipated that there will be several hundred participants and some media coverage of the race. The promoter has requested two items from the City when conducting this race. First, that travel on several roads is restricted during the race from 7 a.m. to 10 a.m. All property owners will have access to their property. It is expected that traffic will be substantially less on this day due to the holiday. Second, the promoter is requesting that the City's police department be used at key locations to assist with traffic control. The City Council may consider an appropriate fee as well as a security deposit for cleanup.

Mr. Warnke outlined the course of the race.

Mayor Bailey stated this event would bring a lot of publicity and new people into Eagle Mountain City.

Councilmember Blackburn commented that this race actually has a purse of \$26,000 for teams of professional bike riders. He said it definitely puts the city on the map.

Councilmember Blackburn **moved** to authorize road closures and use of Utah County Sheriff's Department to provide traffic control for the Tour of Utah bicycle race. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and decision on the renaming of 2200 East in Eagle Mountain City (14400 West – County Road).

The residents of Valley Drive north of SR 73 (City Street name - 2200 East; County Street name - 14400 West) have discussed renaming the street. They have come up with the choices of Mustang Way or Tickville Drive.

Councilmember Sloan talked about the need to rename the road, stating there is more than one Valley Drive in Eagle Mountain, which causes confusion. There is also a major street crossing between the current Valley Drive and residents feel it might assist Public Safety in finding addresses.

Councilmember Sloan **moved** to rename Valley Drive/2200 East (City)/14400 West (County) to Mustang Way. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

Councilmember Sloan indicated the Kelly Hales and Brian Hougaard families have addresses on Valley Drive and the post office will not deliver mail without the correct street name on the mail. She asked if there was a way to ensure mail isn't missed during the transition of the name. Mayor Bailey directed Ms. Peterson to follow up with U.S. Post Office regarding the new street addresses.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the Partial Bond Release – Showdown at Eagle's Gate – Jim Zufelt from the consent agenda, and approve the remaining consent agenda as follows.

A. PARTIAL PAYMENT - 2004 Landscape Improvement Project – RBI (PP No. 2)

B. BOND REDUCTION - Pioneer Addition – Phase 4 - Eagle Mountain Properties

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

PARTIAL BOND RELEASE – Showdown at Eagle's Gate – Jim Zufelt (PBR No. 6)

Councilmember Blackburn asked if the partial bond release would release any financial liability or responsibility for road conditions or failures. Mayor Bailey answered no and clarified that this was only a partial bond release and not the final release.

Councilmember Liddiard **moved** to approve the Partial Bond Release for Showdown at Eagle's Gate. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Liddiard moved to adjourn the meeting at 9:21 p.m. Fireworks commemorating the ribbon cutting and new building then took place.

Gina Peterson, City Recorder

Approved: June 21, 2005

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 7, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING: Mayor Kelvin E. Bailey

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

DISCUSSION/REVIEW ITEMS

PRESENTATION – Utah State Division of Water Quality – Improvements to Wastewater Treatment Plant and Grant Program.

DISCUSSION – Ruby Valley Improvements Defaults.

REVIEW – SITLA Regional Park Design.

REVIEW – Monthly Budget Summary/Check Register – May 2005.

REVIEW – Fire Department Management Audit Report – Shawn Warnke.

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led by Councilmember Vincent Liddiard.

CONDUCTING: Mayor Kelvin E. Bailey

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director, and Deputy Aaron Zimmer, Utah County Sheriff's Department.

OTHERS PRESENT: Robert McNair, Jason Hall, Peggy Henrie, Cathy Allred, Pony Express Newspaper; Cary Brackett, DeLynn Rodeback, Utah Power; John Haux, Edith (Dee) Scott, Sean W. Davis, Nick Spor, Maritza Bailey, David Lifferth, Mary Lifferth, Dan Cotten, Joaquin Homer, Gary Goodwin, Jennifer Edwards, Katie Hansen, Donna Weaver, UMCA Board, Virginia Loader, UMCA Board, Greg Schafer, UMCA Board, Melanie Marsh, Will Davidson, and Jason Peterson.

PUBLIC COMMENTS

Mr. Nick Spor, 4176 North White Pine Road, addressed the City Council stating he is in favor of ATVs in the city. He is an avid ATV rider and feels it could enhance small businesses in the city.

Mr. Shawn Davis, 2009 East Weeping Willow Way, indicated he is a new resident to the area and one of the reasons he moved here was the availability of mountains for ATV use. He would like to see an ATV ordinance passed because it will open new avenues for future business in the city. He feels the people that are in favor could work with those that are not to come to an understanding. Mr. Davis noted with proper education ATVs are could be a safe sport.

Mr. DeLynn Rodeback, representing Utah Power, addressed the City Council concerning the proposed ordinance on tonight's agenda regarding ATV use in Eagle Mountain City. The draft copy of the ordinance he received referred to an ATV Trails System Map. He indicated he has not seen the map, but if it includes utility power line corridors he requested a decision be tabled so Utah Power can have ample time to review it and provide input. Mayor Bailey indicated it would not include power line corridors.

Ms. Peggy Henrie, 3356 East Castle Cary Circle, stated she has many concerns regarding ATV issues. She spoke with Fred Hayes, OHV Program Coordinator for the State of Utah, who informed her that the only entity that can collect registration fees in the State of Utah is actually the State. She indicated Mr. Hayes had strong concerns and wanted her to make the City aware of the following things:

- Another city in Utah wanted to do the same thing in charging OHV registration fees. The issue went to Court and the city lost.
- The proposed ordinance will grant OHV access to public streets. Utah Code 4122 states municipalities can grant access to the City streets; however the ordinance must be verbatim of the State Code and cannot be deviated. The city deviates by only granting access to Eagle Mountain City residents.
- Privatizing public streets by allowing access to only Eagle Mountain residents with their OHVs would be creating a limited access. The Attorney General is the only office that can decide whether or not a city can allow public roads to have limited access.

Ms. Henrie continued, stating she also talked to Julie Provost, Project Coordinator for the Bureau of Land Management (BLM) for the Lake Mountain and 5-Mile Pass area. Ms. Provost was amazed this issue was before the City Council because she still has to complete an inventory of the mountain passes which will include a map establishing existing trails. Any trail created after 1992 is an illegal trail. Ms. Henrie that Ms. Provost is excited to work in the planning stages of an OHV ordinance but she is not very excited to do damage control once all of the roads are open. Ms. Henrie expressed concern that

there are 11,000 residents in the city affected by this ordinance that are largely unaware. She also indicated there was no map distributed with the draft ordinance as indicated in the ordinance; therefore no one knows what areas will be specifically affected. She agreed it would draw people to the City; however it needs to be planned correctly. She feels like more time should be spent on the issue. Otherwise, the City should be prepared to find itself in court due to nonresidents fighting what they feel are unfair citations.

Mr. David Lifferth, 2976 East Cedar Pass Road, publicly announced his candidacy for City Council. He stated he is very patriotic and believes in limited, accountable government. He said he plans to run a very effective campaign. He closed stating he is in favor of the ATV ordinance because it allows law abiding citizens to be law abiding with their possessions.

Ms. Dee Scott, 2167 Weeping Willow, stated she would like to take Ms. Henrie on an ATV ride so she can see how enjoyable it is. She expressed support for the ATV ordinance and wished Mayor Bailey the best as he pursues other paths. She indicated she has spearheaded a drive for the ATV survey and has visited many home. She has obtained signatures from 500 people in support of the issue. Many of the ATV owners that signed the petition indicated they would be willing to pay a registration fee. She also received many comments that the ordinance should institute costly fines or impounding of ATVs if the regulations, including prohibition of speeding in neighborhoods and trick riding, are not followed. Ms. Scott stated she understands the environmental concerns people have with the ordinance as well as enforcement concerns.

Mr. John Haux, 7403 Red Pine Road, expressed opposition to the ATV ordinance as proposed. He relayed concerns with safety and stated people already fail to follow safety ordinances in the State Motor Vehicle Code. He feels this ordinance would cause an incomprehensible burden to the Sheriffs Department. He feels the ordinance will be taken advantage of and noted there is already an abuse of ATVs on the streets. He stated it is just a matter of time before someone is seriously injured or killed and the City could put itself at great liability by passing the ordinance, partially because of the conflict with Utah State Code.

Mr. Jason Peterson, 3318 Kennekuk, stated there is two flag lots in Kennekuk which a builder plans to construct two homes to sell. If the homes don't sell the builder has indicated he will use the homes as rentals. Mr. Peterson feels this is one of the worst things that can happen to property values in the area and it will be detrimental to the neighborhood. He stated there is already one unit being rented in their neighborhood which has been causing some problems. He asked what process the residents could go through to get the issue addressed. Mayor Bailey directed Mr. Peterson to get work with Planning Director Shawn Warnke.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Strouse announced that June 6 was the 61st Anniversary of D-Day. She stated this is a day in history that should never be forgotten. So many American lives, as well as lives from other allied countries, were sacrificed to ensure the legacy of freedom and free speech that is enjoyed today.

Mr. Hillman reported on the success of the 5th annual Pony Express Days celebration which included a fantastic fireworks display. He expressed appreciation to the Utah County Sheriff's Department, the Fire Department, and other members of staff, particularly Angie Ferre for heading up the organization.

Mayor Bailey noted a concert took place during Pony Express Days at the new SilverLake Amphitheater where approximately 4,000 tickets were sold. For future events he feels as many as 6,000 could be seated. He expressed appreciation for the staff and volunteers that worked on Pony Express Days.

RECOGNITION – Utah Municipal Clerks Association – CMC Status to Gina Peterson.

Virginia Loader, 1st Vice President of the Utah Municipal Clerks Association and Taylorsville City Recorder, presented City Recorder Gina Peterson with the Certified Municipal Clerk designation from the International Institute of Municipal Clerks.

RECOGNITION – Utah Humanities Council - Mayor's Award in the Humanities to Michele Graves.

Mayor Bailey recognized Michele Graves for being awarded the Mayor's Award in the Humanities from the Utah Humanities Council. He stated Ms. Graves has taken a small library organization and with the help of the Library Board, turned it into a professional Library which continues to grow by leaps and bounds.

Mayor Bailey announced that the City also received an Arbor Day grant and was able to plant a couple of trees in front of the new City Hall.

Mayor Bailey stated that Councilmember Vincent Liddiard works on a lot of government projects with his job. He congratulated him for recently completing a course entitled for "Suicide Bombing Deterrent and Response" and stated it will help keep the CERT program in the city updated.

Mayor Bailey had Jeff Weber display the completed bronze plaque from the City Hall dedication.

SCHEDULED ITEMS

ORDINANCE – Consideration and approval of an ordinance regulating parking during winter months.

Mr. Warnke reviewed the ordinance stating it would make it unlawful to park on city streets with more than two inches of snowfall to facilitate plowing of snow. It will also make it unlawful for people to plow or dump snow onto the streets. Mr. Warnke stated the ordinance is comparable to ordinances adopted in other cities.

Councilmember Sloan asked why the ordinance designated specific months of October to March 15 instead of just a blanket accumulation amount. Mayor Bailey answered that residents could plan during those times to be aware of the snowfall rather than wondering if it had snowed enough inches. He compared it to regulations with snow chains in mountain regions being required during certain months.

Councilmember Blackburn noted Mapleton City has a similar ordinance yet it is regulated by the hours of 11:00 p.m. to 4:00 a.m. He asked how the stipulation of not parking on the street between 4:00 p.m. to 4:00 a.m. was determined. Mayor Bailey stated the timing had to do with scheduling of employees and snowplows.

Councilmember Blackburn asked if there was a definition for "placing, plowing or dumping snow in the city streets". City Attorney Jerry Kinghorn stated these are words of common usage and no further definition is needed.

Councilmember Liddiard **moved** to approve Ordinance O-12-2005, regulating parking during winter months. Councilmember Sloan **seconded** the motion.

Councilmember Strouse asked if the hours in the ordinance would ever change. Mr. Sovine answered the ordinance could be amended by the City Council in the future.

Councilmember Blackburn asked how the ordinance would be enforced. Mr. Kinghorn answered that as a practical matter these ordinances are not typically enforced unless a vehicle is parked in such a way that it prevents street clearing on more than one occasion. Councilmember Blackburn asked if there was a specified fine. Mr. Kinghorn indicated it would likely start with a warning, and then a ticket would be issued. The infraction would be a misdemeanor and go by the standard bail schedule for fees.

Mayor Bailey called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC NOTICES

Ms. Peterson announced there would be a public hearing for the FY 2006 Budget adoption and FY 2005 Budget Amendments on June 21, 2005 at 7:00 p.m.

ORDINANCE – Consideration and approval of an ordinance regarding general parking restrictions.

Mr. Warnke indicated the proposed ordinance will make it unlawful to park in areas designated as "no parking" or to park vehicles in park strips or on sidewalks. He detailed specific areas where parking has become a problem.

Mayor Bailey indicated the ordinance also clarifies that parking in a median or vest pocket park is prohibited.

Councilmember Liddiard asked about how much curb would have to be painted to accommodate no parking in certain areas.

Councilmember Blackburn asked if people would be notified prior to the red curb being installed and if there would be a period of leniency before tickets are given. Mr. Warnke stated the Sheriff's Department has been asked to notify specific people for red curb areas that are currently planned. Lt. Monsen agreed there would be measures of leniency.

Councilmember Liddiard **moved** to approve Ordinance O-13-2005, regarding general parking restrictions. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

ORDINANCE – Consideration and approval of an ordinance amending road classification guidelines.

This item was tabled to allow time for a classification map that goes with the ordinance to be updated.

Concerns have been expressed with preservation of roads in the City. Frequent use of the certain roads by construction vehicles can cause premature deterioration. This ordinance will add a road classification, called the Type 6 road, which is unsuitable for use by construction supply vehicles. The first road to be classified under this ordinance is the Sweetwater Road extension/Pony Express Parkway through the SITLA property.

Councilmember Liddiard **moved** to table the proposed ordinance. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION – Consideration and approval of a resolution approving an Interlocal Agreement to establish the Utah County Council of Governments (COG).

The Utah County Council of Governments (COG) is a body of Mayors in Utah County which has been meeting for several years. Approval of this resolution will authorize the Mayor to sign an Interlocal Agreement with other Utah County cities so COG can function in an official capacity. Mayor Bailey has been serving as the Chair of this group for the past six months.

Councilmember Blackburn moved to approve Resolution R-10-2005, approving an interlocal agreement to establish COG. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

Mayor Bailey then discussed possibilities that COG has been reviewing to start a county-wide library program, similar to the one in Salt Lake County.

ORDINANCE – Consideration and approval of an ordinance regarding the use of ATVs in Eagle Mountain City.

This ordinance will require the registration of off-highway vehicles (OHVs) and regulate the operation of off-highway vehicles on the streets and roads of Eagle Mountain City.

Mayor Bailey gave a presentation for the proposed ordinance. He stated this is not a new issue to the City. A proposed ordinance was addressed about a year ago and a lot of input was taken. He indicated the City has worked hard with the Bureau of Land Management (BLM) and the Department of Natural Resources to get input. BLM is working toward mapping trails in Lake Mountain, yet this ordinance has no impact with that project because it only addresses use on City streets. Mayor Bailey stated that even though he does not own an ATV he likes them. He stated Dee Scott came to him over a year ago and

asked that the ordinance be addressed at which time he told her if she could get enough residents to support the issue he would represent it for her, as he would for anybody on any issue. He acknowledged there are those that are opposed to the issue; however he has seen a greater amount of support for the issue. Regardless if it is 500 people signing a petition in favor or the 10-12 people that have contacted him in opposition, the Mayor indicated he will listen to all sides.

Mayor Bailey stated the proposed ordinance is frankly not easy to adhere to, and safety is the primary principle addressed.

Mayor Bailey then reviewed the following presentation:

Why do we want to provide the opportunity for the residents of Eagle Mountain to ride their off highway vehicles in the City?

- It will give more control over safety to the City. Currently the City has a law that no ATVs are allowed on public streets. People do not abide by this law now and that will continue to happen. The ordinance will increase safety by enhancing enforceability and requiring that certain minimum restrictions be met.
- This ordinance allows people to exercise their freedom to use their privilege in a safe manner.
- The city is connected to a major future trail system. Eventually there will be more trail systems throughout the valley and there is a need to find ways for people to use these trails.
- There is a great value to recreation. For example, Park City used to be an old mining town. Without skiing and recreation it would not be the great tourist town it is today. Moab is also another recreational town. Eagle Mountain has built the City on a unique concept of trails for bike riding and walking as well as equestrian trails. All which draw people to the community.

What are the major concerns that we have as a city?

- Licensing and registration. Mayor Bailey asked if there was anything in the proposed ordinance that would be in conflict to the State statute. Mr. Kinghorn answered no, adding that, due to a savings clause in the ordinance, if something is found to be in conflict the remaining parts of the ordinance will be valid. The effective date of the ordinance has also been set more than 30 days ahead to enable the staff time to check on the claims that have been made by residents.
 - The ordinance will require all ATVs to be registered, identified, and approved by the City. Permit numbers will be easily identifiable by others.
 - All owners will be required to be registered with the State and with the City and they all must be licensed drivers.
 - Identification will be in the form of a sticker on the vehicle itself with a permit number and a flag on a whip with the same number that is visible from a distance.
 - All new registrants will be required to sign an agreement to abide by the rules and to help enforce the ordinance.
- Noise and speed. Mayor Bailey indicated many people might not register vehicles because they can't conform to certain requirements without spending additional money. Therefore they won't be allowed to drive their ATVs on the city streets, which is no different than the current ordinance.
 - All vehicles are required to be equipped with a noise control device, spark arresters, and they must not be modified from the manufacturers specifications.
 - All vehicles must be equipped with a speedometer and must operate at a speed of up to 20 miles per hour.

- Public land vs. Private land.
 - All vehicles are permitted on trails or streets identified for use within the Eagle Mountain City. They will not be allowed on any major streets such as Pony Express Parkway, Eagle Mountain Blvd, and Ranches Parkway. It was noted there is no map to be included with the ordinance because these areas are already identified by the City as public streets.
 - Private landowners currently do not allow ATVs to be used on their property without express permission.
- Operators requirements
 - Any rider under age 18 must wear approved head gear. All passengers must ride on a seat which is designed and intended for the use of passengers. All riders are subject to Utah State Law and Eagle Mountain City ordinances.
 - Any driver of an ATV must have and hold a current Utah State Drivers license.
 - Any rider under age of 16 must be accompanied by an adult 21 years of age or older.
- Crossing SR-73
 - Currently those who need to cross SR-73 may do so by Utah State Law, but the City is working with UDOT to allow riders to use the portion of the road from Tickville Gulch to the nearest roads located in North Ranch, Meadow Ranch, and Cedar Pass Ranch. This will allow vehicles to cross SS-73 through the culvert crossing under the road making it safer.
- Education and Enforcement
 - Educational needs are dealt with because all drivers must be licensed. This means they should already be responsible and capable of following the laws of the State.
 - In addition, the County will offer ATV courses to all residents who are interested.
 - Enforcement will be carried out by the Utah County Sheriff's Department. Mayor Bailey indicated the Sheriff's Department has expressed some concern with enforcing the ordinance however he feels that is a natural fear. He knows they will go the extra mile as they have in the past.
 - In addition, the City will hire a Code Enforcement Officer to not only assist in enforcing this ordinance, but all of the ordinances of the City.

What are the benefits to the City and the citizens of Eagle Mountain City?

- Controlled recreational opportunities within the City.
- Move already illegal ATVs use out of the subdivision to approved areas. Because there will be more responsible ATV users, they will be able to observe and report people not abiding by the ordinance.
- Enhancement to the quality of life for those involved because this allows participants and non-participants alike to benefit from this recreational opportunity in a safe and controlled manner.
- Future revenues for the City, from tourism and commercial aspects.
- Less hassle for residents to travel to other recreational locations and ability to visit friends and neighbors.

Mayor Bailey requested the City Council and others convene the meeting outside for a physical demonstration of ATVs. The noise from a newer ATV and newer standard diesel truck similar to many that are driven around Eagle Mountain City, were compared against each other while starting the engines and driving at 20 mph. The truck was audibly louder than the ATV. The ATV also drove through the dirt at 20 mph to demonstrate the minimal amount of dust created.

The meeting then reconvened in the City Council Chambers where a video was shown from Channel 5 News regarding using OHV use and trails.

Mayor Bailey commented that if OHV users don't want to lose their privilege they will comply with ordinance. The City wants to enable responsible citizens of the community to have a privilege they deserve and opposing concerns have been mitigated as best as possible.

Mayor Bailey expressed appreciation for being able to present the ordinance. He stated the worst case scenario if the ordinance is passed and problems arise is that the ordinance could be repealed or amended. He reiterated that he has not seen the same effort for those against the ordinance as from those that are in favor of it. If approved, the City will continue to work over the next 30 days prior to the ordinance taking effect to educate the public about the difference between private and public land and the requirements of the ordinance.

Councilmember Strouse stated she is grateful to people like Peggy Henrie that can raise questions. She feels like there have been a lot of improvements in the overall goal of the ordinance from when it was reviewed a year ago. She acknowledged there is a serious problem with law breaking in this community which is unfortunate. Councilmember Strouse stated that while the goal of regulating ATVs has been done with good intentions, she is still concerned about the long term impact and feels this ordinance needs more fine-tuning. She has had feedback from residents that were unaware the issue was being raised again and have requested more enforcement of the current prohibition of ATVs. Councilmember Strouse suggested the City create an ad-hoc advisory committee to study all perspectives of the issue. She also feels taking more time would reduce a lot of tension, misunderstandings and hurt feelings. She talked about how the animal zoning regulations ordinance was tabled several times so it could be worked on after much input, and now the City has an animal zoning ordinance to be proud of. She feels like the ATV ordinance is almost there, but not quite.

Councilmember Sloan clarified this ordinance would not affect law abiding citizens that load ATVs into a trailer to go to trails. It only affects those ATVs that will be driven on streets in the city. She asked if about fines for violations of the ordinance and if the privilege could be revoked. She feels the fines should be a deterrent to breaking the ordinance. Mayor Bailey stated a clause could be added that the privilege is revoked after a certain number of violations.

Councilmember Sloan expressed confusion on how tourism would be increased when the ordinance is specific to Eagle Mountain City residents. Mayor Bailey stated the reason it will increase tourism is because of the environment it will create. People will be inclined to come to Eagle Mountain when they hear about the recreational opportunities and trailheads out of Eagle Mountain City. These people will be the ones that bring their trailers and meet at the trailheads.

Councilmember Sloan asked if a homeowners association could choose to disallow ATVs in certain subdivisions. Mayor Bailey answered that an HOA could not affect use of a public street. Mayor Bailey stated he would like to include HOA representatives; however he is not comfortable they would represent the feelings of the residents in the subdivisions.

Councilmember Sloan stated she has a concern about the City having enough resources for enforcement because there is problem with enforcement of the current illegal activity. She asked if the ordinance would help the current problem and make easier to enforce. Lt. Monsen from the Utah County Sheriff's Department answered that the ordinance would challenge their resources and would be difficult, but he

is not sure what the impact would be because this is a unique request. He has a lot of confidence in the deputies and their proactive methods of enforcement. He knows they would make a good attempt. He stated the flag whips for identification would help make enforcement easier.

Councilmember Liddiard asked for comments from Fire Chief DeKorver because his crew receives many calls regarding ATVs at 5-Mile Pass. Chief DeKorver stated he believes it will stretch the resources of the Fire Department. They run approximately three calls on weekend days during ATV season, mostly due to helmet or alcohol related issues. He feels the ordinance can be fine tuned and stated that the Fire Department will do the best they can to work with the ordinance.

Mayor Bailey noted the environment at 5-Mile Pass is different than what would be regulated by the ordinance because it is an off road trail. He asked if the Fire Department has dealt with ATV accidents on City streets and Chief DeKorver indicated he has only dealt with off road accidents. Chief DeKorver added that he personally owns an ATV and they can be safe but enforcement is the key.

Lt. Mosen stated he has a concern that the ordinance will open the floodgates and create the perception that OHVs can be used in Eagle Mountain where it was outlawed before. Enforcement and education will be a big part in minimizing that perception.

Councilmember Strouse stated it is easy to counterfeit the flags. She also noted that there is already a State law that spark arresters are required yet people currently remove them to get more power on their machine. She stated it concerns her that ATV education is optional. Mayor Bailey stated current ATV education is directed toward youth that are not driving age. This ordinance would mandate drivers hold a current Utah drivers license.

Councilmember Sloan asked for clarification of hours of operation of ATVs under the ordinance. Mayor Bailey stated the ordinance currently lists from sunrise to sunset but it could be specified from 7 a.m. to 9 p.m. He also stated headlights are required by manufacturers.

Councilmember Strouse stated people that live in a larger lot subdivision will not notice noise from ATVs as much as people in smaller ranchettes. However, there will be a question of sheer numbers if a group of people are driving ATVs. She restated that she would like more time to fine tune the ordinance.

Councilmember Olsen asked Lt. Mosen if he could give idea of how many ATV complaints the City receives per month. Deputy Zimmer indicated he receives a few complaints per week on his shift.

Councilmember Blackburn asked if a specific decibel level should be incorporated into the ordinance. Mayor Bailey indicated there is already a decibel level established by the County.

Councilmember Olsen stated he too likes the ordinance yet feels more coordination between other entities such as Utah Power should take place. The advantages of having flags on whips were discussed again with regard to enforcement and accountability.

Councilmember Olsen asked what would happen if the flag or stickers were fraudulently made. Mr. Kinghorn answered it would be falsification of an official record which is a serious offense.

Mr. Kinghorn requested a minimum length of the whips be incorporated in the ordinance. After brief discussion it was determined to use the standard length which is 7 feet.

Ms. Henrie responded to the statement from Mayor Bailey that the people opposed to the issue have not gotten petitions. She stated she was told by the Mayor this was a dead issue and had she known it was not a dead issue she would have had stacks of petitions. She noted the only reason she knew this issue would be reviewed was because a responsible staff member responded to a past request that she be notified in the future. She feels she is a very active citizen that watches information in the utility bill and newspapers and yet this may have gone unnoticed. She stated in her defense, and in defense of the people that are not here and unaware, she had 5 minutes to present opposition, yet the Mayor took 40 minutes in favor of the ordinance and said he represented the side of the community. Ms. Henrie stated she would have worked to make sure the people that needed to know would have known if she had more notice. She compared herself to the little Dutch boy with his finger in the dike because she is the only one voicing opposition. Mayor Bailey thanked Ms. Henrie for her comments.

Ms. Robin Spor indicated that OHV manufacturers give new purchasers \$100 if they take the State education OHV classes. She has also been told that recent State regulations will allow better law enforcement and issuance of a mailed ticket when law enforcement officials see an illegally operated ATV identifiable by a registration number.

Councilmember Olsen stated he is in favor of the ordinance, particularly since the City could co-sponsor a trail system with the Bureau of Land Management. He reiterated that it is a good point to get more involvement from law enforcement and residents. He noted he would rather not pass something that had to be repealed 6 months later.

Mayor Bailey expressed concern that the City Council will not follow through with the issue. He stated any time a bold decision is made that is different and out of the norm, good or bad, there will be a lot of opposition. He stated one year has passed since this issue was reviewed and that is satisfactory time for those that oppose it to bring forward concerns. He doesn't remember telling Ms. Henrie this was a dead issue, and may have said mute issue because at that time it was. He recommended the issue be tabled to the next meeting to allow time for fine tuning and petitions to be gathered. He noted he does not want to have the same amount of debate at the next meeting.

Councilmember Liddiard indicated he has talked with many people that own ATVs. Unfortunately, like many things, a few bad apples spoil it for the bunch. He expressed concern about enforcement. He would like to address issues such as restricting OHV use 500 feet to 1000 feet from any parks, schools, churches, or areas with considerable amounts of small children. Councilmember Liddiard stated the Mayor's observation that this is a privilege is accurate. He would like to see more BLM participation. He suggested the ordinance incorporate a regulation that OHVs cannot tow things on City streets. He also expressed concern with life safety. Councilmember Liddiard stated he is in favor of a trailhead concept as an offloading point.

Councilmember Strouse stated she didn't think the ordinance would be scrapped. She commended Mayor Bailey and staff for addressing the problem.

Councilmember Blackburn stated he would also like the ordinance to state that guns are not permitted on ATVs as they drive through the City. Mr. Kinghorn responded that he does not believe that is something that can be restricted under the Constitution with the right to bear arms.

Mayor Bailey requested the City Council send recommendations to him because there is not enough time to establish a committee prior to the next meeting.

Councilmember Olsen **moved** to table the ordinance regarding ATV use in the city to June 21, 2005. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

ORDINANCE – Consideration and approval of an ordinance amending sign regulations.

In April 2005, the City Council adopted a sign ordinance which includes a map identifying specific locations in which three types of signs (Model Home, Median, and Directional/Advertising Business) are allowed. Individuals are allowed to lease property within the City's right-of-way for signage. The signs are located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The intent of these signs is to direct motorists to model homes, subdivisions, and businesses.

City Planner Adam Lenhard reviewed the ordinance amendment which will allow placement of signs on both sides of the street at the locations identified on the map. It would also required that Model Home Ladder signs must have a minimum of three slots filled at all times, and no individual or group shall be permitted to lease more than eight sign locations from the City at any one time. He noted that Carl Allred currently has at least 15 signs in the city and has been asking for more locations. If the ordinance is passed Mr. Allred would only be able have that number of signs for the duration of his existing lease. After that he could have eight signs.

Councilmember Liddiard stated he would like the ordinance to incorporate a stipulation that signs must be fully occupied before another sign on the opposite side of the street would be allowed.

Mayor Bailey stated Eagle Mountain City has a very strict ordinance with regard to signage. They are very attractive signs that actually advertise Eagle Mountain City even when no other sign is on it. Mayor Bailey felt adding more regulations such as not allowing another sign until one is full might be too much regulation and it would also be creating a monopoly if someone purchased all the available areas for signage.

Mr. Lenhard reviewed another issue stating there has been a lot of discrepancy and artist interpretation regarding the logo at the top of the signs. There are a number of signs in The Ranches that do not have the logo required in the schematic at the top. Mr. Lenhard stated it was his understanding the City Council would be willing to look at an alternative logo at the top of the sign for use in The Ranches.

Mayor Bailey stated the signs are designed to identify Eagle Mountain City. The Ranches are welcome to propose another design; however, he is not sure the City Council is inclined to change the logo.

Mr. Lenhard suggested a future revision to the sign ordinance incorporate exact technical specifications for the sign schematics.

***Note: Councilmember Olsen left the meeting.*

Councilmember Blackburn stated some individuals have already made a business decision for signage and did so under the assumption that just one sign would be allowed on only one side of the street. He suggested they be offered first right for the sign across the street.

***Note: Mayor Bailey left the meeting at 9:35 p.m.*

Mr. Kinghorn responded to some concerns expressed by the Mayor and City Council. He stated the City has never represented to anyone that they had a monopoly on a particular sign location. The City Council always reserves the right to amend the ordinance. This issue arose because an individual determined it was cheaper to install a new sign across the street rather than lease a ladder on the existing sign. If the City Council feels the person that made the business investment should be protected than they need to vote against the ordinance change. He stated the issue is very clear and there is no way to split it.

Councilmember Strouse stated she is still unclear as to why the ordinance amendment is being requested.

Mr. Lenhard stated four maps were adopted with the original ordinance that showed approximate locations for signage. A sign application has now been received because the applicant said it would be cheaper to get a new sign across the street rather than enter a contract for a ladder rung on an existing sign in the same area. When the ordinance was adopted it was not specific with regard to whether or not that could be allowed. If approved, the ordinance amendment will now allow that.

Councilmember Liddiard commented that potentially this amendment could increase signage throughout the city.

Mr. Warnke indicated that the Planning Commission's recommendation on past applications has been that an entire sign must be completely filled before additional signs are allowed to be approved in the same area. It was noted these signs are double sided.

Councilmember Strouse remembered when this was first approved a comment was made that someone did not want to see a "forest" of signs. She asked at what point the City Council says no and if it would open them up to liability.

***Note: Councilmember Olsen returned at 9:50 p.m.*

Mr. Lenhard stated the ordinance is very specific that approval is totally discretionary. The City Council needs to determine if there is adequate capacity for signage or if more signs need to be allowed. The standard of 1,000 feet was what was used for the ordinance. The only exception that was made was in the instance of existing signs.

The City Council made comments which showed consensus that they did not want the amount of signs increased however they were in favor of an individual being limited to eight signs.

Councilmember Blackburn reiterated his comments that existing sign owners should be given additional options regarding sign locations.

In response to a question from Councilmember Strouse, Mr. Lenhard indicated there are at least 25 signs throughout the entire City, and Carl Allred has the majority of those.

Councilmember Sloan **moved** to approve Ordinance O-14-2005, amending sign regulations with the following text added to the end of Section 15.8.1.1:

"Each Model Home Ladder sign must have a minimum of three slots filled at all times, and no individual or group shall be permitted to lease more than eight (8) sign locations from the City at any one time",

and eliminating references allowing signage on both sides of the road. Councilmember Olsen **seconded** the motion. Those voting aye: Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. Those voting nay: David Blackburn. The motion **carried** with a **majority** vote of 4:1.

Mr. Lenhard asked Mr. Kinghorn how the new eight sign maximum regulation would affect Carl Allred who has more than eight signs. Mr. Kinghorn responded that Mr. Allred could not renew more than the number allowed by the ordinance. He would be restricted to eight signs once his current leases expire.

RESOLUTION – Consideration and approval of a resolution amending the Telecom Consolidated Fee Schedule.

This resolution will add a fee for direct income dialing (DID) to the Consolidated Fee Schedule for Telecom. DID is used for entities using a PBX switch with large volume calls, such as the City Offices. It is recommended that the fee be set at \$40 per month.

Councilmember Olsen **moved** to approve Resolution R-11-2005, amending the Telecom Consolidated Fee Schedule pertaining to direct income dialing. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of a contract with Wasatch Energy.

Mr. Sovine indicated this agreement updates purchase arrangements with Wasatch Energy for wholesale natural gas supply to the City. It will lock in a rate for 2 years and make the Wasatch Energy the exclusive supplier to the City for 100% of its natural gas requirements.

Councilmember Blackburn **moved** to approve the contract with Wasatch Energy for supply of natural gas. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and approval to purchase materials for street lighting from Mountain States Lighting.

The City has received a bid from Mountain States Lighting to furnish materials for street lighting on the extension of Pony Express Parkway as part of area covered by SID 2000-1. Mr. Sovine reviewed the RFP for streetlight designs and indicated Mountain States Lighting is the recommended supplier due to price, service, and it being the only bid designed to meet City specifications.

Councilmember Olsen **moved** to purchase materials for streetlights from Mountain States Lighting for double fixture decorative teardrop lights at \$2,950 each as detailed in the proposal. Councilmember Blackburn **seconded** the motion.

Councilmember Blackburn asked if these lights were more durable than currently existing ones. Mr. Sovine answered yes. He also noted the costs would be reflected in the amended budget.

Mayor Pro Tem Liddiard called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Ratification of an agreement with Bond Resources Partners, LP

The City has entered into a professional services agreement with Bond Resources Partners, LP to do technical work to report arbitrage results on the City's revenue bonds and SID bonds.

Finance Director Gordon Burt explained that arbitrage calculations are the difference between what the City pays in interest as to what the City collects in interest on revenue and SID bonds. It is the recommendation of the City's financial advisor Laura Lewis to use Bond Resource Partners.

Mr. Kinghorn noted this is a professional services agreement which is not subject to competitive bidding requirements.

Mr. Burt noted Bond Resource Partners are affiliated the City's bond counsel Ballard, Spahr.

Councilmember Sloan **moved** to ratify the agreement with Bond Resource Partners, LP for arbitrage calculations. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION – Consideration and approval of a resolution approving the Municipal Wastewater Planning Program for Eagle Mountain City.

The State of Utah Water Quality Division requires a self-assessment report on the City's Wastewater system. The report rates the status of wastewater treatment operations in Eagle Mountain City. The resolution indicates the City Council has had opportunity to review the report.

Councilmember Liddiard asked technical questions regarding readings in the report. He asked if this information was used to make any decisions or provides value to applications the City is currently putting in with the State. Mr. Sovine replied none that he is aware of.

Councilmember Olsen **moved** to approve Resolution R-12-2005, approving the Municipal Wastewater Planning Program for Eagle Mountain City. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

CONSENT AGENDA

Mr. Kinghorn requested the final bond release for Colonial Park Phase I be pulled from the consent agenda for further review by staff.

Councilmember Olsen **moved** to approve the consent agenda as follows:

A. CHANGE ORDER

- i. 2004 Landscape Improvement Project – RBI (CO No. 2)
- ii. 2004 Street Improvement Project – Staker Parsons (CO No. 6)
- iii. Utility Administration Building – Terry Larsen (CO No. 3)

B. PARTIAL PAYMENT

- i. 2004 Landscape Improvement Project – RBI (PP No. 3)
- ii. 2004 Street Improvement Project – Staker Parsons (PP No. 4)
- iii. Utility Administration Building – Terry Larsen (PP No. 4)

C. FINAL PAYMENT

- i. Utility Administration Building – Ellsworth Paulsen

D. PARTIAL BOND RELEASE

- i. SilverLake – Plat One-C
- ii. SilverLake – Plat Two-B

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Sloan moved to adjourn the meeting at 10:47 p.m.

Gina Peterson, City Recorder

Approved: June 21, 2005

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 21, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING: Mayor Pro Tem Vincent Liddiard

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council adjourned to a closed executive session for the purpose of interviewing candidates for the position of Fire Chief - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 7:00 p.m. The Pledge of Allegiance was led.

CONDUCTING: Mayor Kelvin E. Bailey

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director, Jenalee Cheever, Recording Secretary; and Sergeant Mark Binks, Deputy Greg Knapp, and Sergeant Jerry Monson, Utah County Sheriff's Department.

OTHERS PRESENT: David Lifferth, Maritza Bailey, Dee Scott, Brandy Loeser, John Haux, Heather Davis, Will Davidson, Todd Moir, Marcus Brown, Heather Jackson, Anna Lynn, Crossroads Journal; Pat Hoffmann, Veronica Detel, Darren Beck, and Cathy Allred, New Utah.

APPROVAL OF MINUTES

City Council Meeting – May 17, 2005

City Council Meeting – June 7, 2005

Linn Strouse **moved** to approve the minutes of the May 17, 2005 and June 7, 2005 City Council meeting with noted changes. Janiece Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC COMMENTS

Mayor Kelvin Bailey stated the ATV Ordinance agenda item would be tabled from tonight's agenda so a committee could be appointed to review the issue. He invited the public to speak on the issue even though no action will be taken on this issue.

Heather Jackson explained that she came to the meeting for two reasons. First, she wanted to formally announce she would be running for City Council. Second, she stated she would like to speak about the budget items. Ms. Jackson explained her understanding that one of the new budget items was an Assistant City Administrator position. Mrs. Jackson stated she does not understand why this position is being created and she is nervous with having two people running the City that aren't accountable to the voters. Ms. Jackson explained that a past City Administrator had run the City into the ground and now the City is finally coming out of its deficit. Now that there is a surplus the City is spending it on another job or a second City Administrator. Ms. Jackson explained that she fully supports having a full time City Mayor because they can be accountable to the people and that he or she can oversee things that are going on.

Tiffany Ulmer stated she does not support the ATV ordinance and that the ordinance would be difficult to enforce. She feels very few people would follow the Law. Mrs. Ulmer stated the ordinance is confusing for those who come into the city to ride ATV's as well as current residents.

John Haux read a letter to the Mayor, Council, Staff and Audience regarding the ATV ordinance. (***The letter is added as an attachment to the minutes.***) The letter expressed the HOA's concerns with the ATV Ordinance. Mr. Haux stated he would like to know the status of the City logo being put onto the ladder signs.

Mayor Bailey stated that issue is currently being reviewed by the Council and no decision has been made.

Ms. Dee Scott explained she was here to present the City Attorney with a roster of approximately 700 signatures of residents in support of the ATV Ordinance. Mrs. Scott explained that some signatures came from those who do not even own an ATV. Mrs. Scott explained that approximately 20 residents were not in favor of the ordinance. She has been researching on the internet favorable and unfavorable uses of ATVs. Mrs. Scott explained that the favorable reports more than doubled the unfavorable reports. She stated it was in her opinion that a committee needs to be formed to look at the ATV Ordinance to try and meet the needs of the majority. Mrs. Scott explained that she has lived in many small towns and in this fast growing city she and her husband feel very strong that Eagle Mountain City could use a full time Mayor.

Mayor Kelvin Bailey asked Mrs. Scott to submit the signatures for the record.

Rob Healey stated he wanted the Mayor and the Council to seriously consider the Ranches Logo on the ladder signs rather than the Eagle Mountain City logo. Mr. Healey explained that he and The Ranches Design Review Committee feel that slowly doing away with The Ranches Logo would begin to eliminate the Ranches name completely. Mr. Healey explained that he has lived in his home for over two years, and there are still missing improvements in his subdivision at Ruby Valley.

Wendy Pendleton also commented on the ladder signs in The Ranches. Mrs. Pendleton explained that she and her husband bought into the whole idea of the "Ranches Community" and putting the Eagle Mountain City Logo on the ladder signs would take away from the Ranches Community feel. Mrs. Pendleton also explained that she is not in support of the ATV Ordinance and she is concerned that the ATVs could hit little children that run out into the street.

Marcus Brown commented on the Mayor's compensation item. Mr. Brown stated that he is in favor of a full time Mayor position and the growing community needs a full time Mayor. He explained that a full time Mayor would need to be available for crisis and immediate needs and attentions of the community.

Mayor Bailey stated that he had received a letter by e-mail from Diane and John Jacob stating that they were not in favor of the ATV Ordinance and that he would like to submit it for the record.

Todd Moir noted he is a member of The Ranches HOA and he was present to read a letter from his neighbor that could not be in attendance. Mr. Moir read the letter to the Council. The letter explained that they were not in favor of the City Logo being put on the ladder signs in The Ranches.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Mr. Hillman explained that this was supposed to be the Mayor's official last meeting. He noted that Mayor Bailey has been the Mayor of Eagle Mountain City for three and a half years and that he has done a phenomenal job. Mr. Hillman explained that he and the staff have thoroughly enjoyed working with Mayor Bailey. Mr. Hillman indicated the City Council and staff wanted to present Mayor Bailey with some final thoughts of appreciation and tokens of remembrance for a job well done with Eagle Mountain City.

Mr. Hillman and Mr. Liddiard then presented Mayor Bailey with an engraved watch as a thank you from the Staff and City Council.

Mr. Hillman explained that Mayor Bailey is heavily involved in the development of Eagle Mountain City and that he has continuously been working with developers and builders into all hours of the night on different problems that arise. Mr. Hillman explained that in regards to this, the Staff and Council wanted to have a lasting reminder of how much Mayor Bailey has impacted the Planning and Development of the City. Mr. Hillman stated that in honor of Mayor Bailey the Planning Conference Room would now officially be named the Kelvin E. Bailey Conference Room.

Mayor Bailey thanked everyone and stated it has truly been a joy for him to serve as Mayor. He stated it has been the greatest challenge he has ever faced and none of it could have happened without the good

people sitting beside him tonight. Mayor Bailey expressed appreciation for the support the City Council has given him.

Councilmember Vincent Liddiard stated he would first off like to thank all of those who helped with Pony Express Days. Mr. Liddiard explained that a lot of people put a lot of time into making it work and they had his deepest thanks. Mr. Liddiard explained that 5 ½ years ago he met Mayor Bailey through the competition of running for Mayor and through that experience he and Mayor Bailey had become very close friends. Mr. Liddiard stated that he is grateful for the opportunity he has had to serve with Mayor Bailey.

Mr. Blackburn explained that the Council is currently reviewing some flag lots in the Kennekuk subdivision. Mr. Blackburn explained that they are working with the citizens to see what they can do in beautifying the area and making it a better place.

Mayor Kelvin Bailey announced that the U.S. Postal Office has assured him that a zip code would be assigned to Eagle Mountain after November. He also noted that a draft copy of a history book about Eagle Mountain City has been given to him. He stated a final copy would be available by the end of this month. Mayor Bailey explained that this would create a way for others to see how the city has grown.

Mayor Bailey asked Mr. Beck and Mr. Connely to come forward.

Mayor Bailey explained that Mr. Beck is the Principal of The Ranches Academy and that Mr. Connely is the Principal of the Eagle Valley Elementary School. Mayor Bailey stated that he has always been in favor of education in the community. Mayor Bailey explained that he had been working closely with these principals and that they had decided to start a new tradition for the City. Once a quarter, starting in September, each principal from the three schools will submit one or two names of teachers who have gone above and beyond the call of duty when teaching children. The names would then be submitted to the Council who would pick a teacher to recognize for the quarter. Mayor Bailey stated that it is important to support and recognize those who teach children in the community.

Mayor Bailey then asked Vincent Liddiard to come to the front. He stated he has always tried to start new traditions for the City during his term of being Mayor and he would like to start the tradition that the "Staff of Power" in Eagle Mountain is the cell phone. He then passed his City cell phone to Councilmember Liddiard who will serve as Mayor Pro Tem until an interim mayor is appointed. Mayor Bailey expressed his thanks to Vincent Liddiard and also thanked him for his friendship.

Mayor Bailey asked his wife Maritza to come to the podium. He explained that his wife is the most wonderful lady in the world, although quiet she is a very strong individual and that without her he would not be where he is today. He stated she is the light of his life and the anchor to his soul. Mayor Bailey expressed gratitude to his wife for everything that she has done for him. He then presented her with a certificate of appreciation and a bouquet of flowers.

Mr. Hillman stated that as some people are aware, the Sewer Treatment Plant is in desperate need of expansion very quickly. Mr. Hillman stated that building permits may have to be put on hold if something is not done soon. Mr. Hillman explained that he has been working very hard to get this situation solved. Mr. Hillman explained that Mayor Bailey and himself recently had the opportunity to go back to Washington D.C. to get some Federal assistance. He just recently received official word from Senator Bennett's office that the City has been earmarked for a \$500,000 appropriation for the

wastewater treatment plant expansion. Even though this is wonderful news it won't come near paying for the actual costs of expanding the treatment plant.

SCHEDULED ITEMS

PUBLIC HEARING

ORDINANCE – Consideration and approval of the Fiscal Year 2005-2006 Budget and Fiscal Year 2004-2005 Budget Amendments.

The City Council adopts an annual budget for the City after much review. A budget work session was held with the City Council on February 18, 2005, and the tentative budget was adopted on May 17, 2005. The purpose of this item is to (1) receive public comments and council comments regarding the proposed budget, (2) adopt the final budget for Fiscal Year 2006, and (3) approve final budget amendments to the Fiscal Year 2005 Budget.

Mr. Hillman explained that the Council would be approving and finalizing the 2006 fiscal year budget and that they would also be making changes to the 2005 budget.

Mr. Hillman briefly explained some of the 2005 fiscal year changes. He stated there would be an increase in the Fire Department salaries, an increase in the Pony Express Days celebration budget, and increases in Parks & Recreation.

Mr. Hillman explained that the big issue has been engineering costs which the City seriously underestimated. This issue is being handled by recognizing additional revenue from the City's property taxes which is over and above what had been budgeted.

Mayor Bailey explained that the transition between out of house and in house Engineering went smoothly but it also came with a cost.

Mr. Hillman then turned discussion to the \$70,000 budget for the Mayoral compensation. He explained that by approving the budget tonight the Council is not approving funding of the Mayoral position, they are simply setting the money aside to allow for the possibility of the Mayoral position.

Mr. Hillman explained that there is a budgeted surplus in the general fund of \$5,673 dollars. It is proposed that \$5,000 dollars of that amount is taken out to purchase a new copy machine. Mr. Hillman explained that this would then leave a surplus of \$673 dollars. Mr. Hillman suggested not spending this money all in one place.

Mr. Hillman explained that a truck costing approximately \$19,000 would need to be purchased for the new Building Inspector position.

Mr Hillman stated there is \$250,000 for landscaping of the Pony Express extension. All of those expenses will be coming in at the next fiscal year.

Mr. Hillman also stated there is \$130,000 allocated for the new city hall. Related expenses will be rolled into the new fiscal year, and any expenses that come after July 1st need to be budgeted for.

Mr. Liddiard questioned the high increase in cell phones and pagers.

Mr. Hillman stated that this was mostly for a consolidation. When the cell phone bill is received it is a very large document and the Finance department has to go through and bill each individual department for the cell phone costs. It will now be rolled into one fund and the different cell phone costs from the different departments will come out of the general fund.

Mr. Blackburn requested that in future budgets a column be added for approved budget for the year 2006 with the adjusted showing next to it so that they can see how much of a variance actually took place.

Mr. Hillman explained to the City Council that the Staff wanted to make this budget as comprehensive as possible however due to some time constraints additional features still need to be added.

Mayor Bailey stated that a public comment was made earlier in regards to the Assistant to the City Administrator position and that he would like Mr. Hillman to speak for a brief moment on this issue.

Mr. Hillman explained that position is not creating an Assistant City Administrator but rather an Assistant to the City Administrator. Mr. Hillman explained that this position is similar to a Management Analyst Position. This position will not necessarily have any administrative functions and it is not creating an additional level of management.

Mr. Liddiard asked if the position could be titled Management Analyst instead of Assistant to the City Administrator.

Mr. Hillman explained that it could be done, however in the professional field the functions might be the same yet the Assistant to the City Administrator position requires more schooling and experience.

Mayor Bailey explained that the position has been created to complete special projects.

Ms. Sloan asked Mr. Hillman what kinds of projects this position would entail. Ms. Sloan stated it was her understanding this position would not be taking some of the Administrators current work.

Mr. Hillman agreed and stated the Assistant would be completing projects that are not being worked on by any of the staff-- projects that there is no time for any other staff members to do.

Mayor Kelvin Bailey opened the public hearing at 8:36 p.m.

David Lifferth announced his intention to run for City Council in the next election. Mr. Lifferth explained that it is a complex job to run this City and that as residents they have no say in what employees receive. Mr. Lifferth explained that the penalties from previous bad management could have been spent on park improvements, speed bumps and other things that need fixing in the City. Mr. Lifferth explained that Mayor Bailey has done a great job at being Mayor and that he should be compensated as well as Mr. Hillman. Mr. Lifferth explained that he agrees with the full time mayor position.

Ronnie Turner Detel explained that she has appreciated Mayor Bailey's efforts in unifying The Ranches and the City Center. Mrs. Detel explained that being Mayor warrants some compensation. Mrs. Detel asked where the money would come from to pay for the full time Mayor. She noted the only other city in Utah County that has a full time Mayor is Provo City. Mrs. Detel asked that if the Mayor position

becoming full time would negate the need for a City Administrator position. Mrs. Detel expressed her concern with this issue and didn't see the need for the Administrator position if the full time Mayor position was created.

Tiffany Ulmer noted that Neighborhood Watch funding used to come from the Emergency Manager budget. Since the Emergency Manager has resigned and the Fire Department will likely pick up those duties, she asked that photo copies for Neighborhood Watch be remembered in that budget.

Mr. Hillman noted that was included.

Mark Lofgren explained his feeling that the building department did not need to purchase a new truck because there are cheaper ways the new inspector can get around. He explained that the volunteering efforts in the City seem to have been stamped out. Mr. Lofgren explained that money and other things are being demanded compared to a few years ago when Pony Express Days used to cost next to nothing because people wanted it that way and they wanted to help out.

Mayor Bailey explained that a small portion of Pony Express days was funded by the budget and the majority was raised from sponsorship money. With regard to purchasing a new truck, he noted that the old trucks are not thrown out, they are turned over to the Park & Maintenance workers and used until they are no longer usable.

Mr. Blackburn stated that he would like to add that if anyone is looking to volunteer they can definitely be put to use.

Mayor Bailey closed the public hearing at 8:50 p.m.

Mr. Liddiard explained that a budget is a spending plan not necessarily a savings plan. He stated that he did not think a full time Mayor goes far enough because under the State constitution, Eagle Mountain City has what is called a default form of government. He explained that under the State Constitution the City was given a form of government when it was formed which is essentially comparative to being the legislative, executive and judicial branches of government. In Federal Government the duties of these branches are given to different bodies such as the Supreme Court for the judicial branch and the President of the United States as the executive branch.

Mr. Olsen objected to the line of comments from Mr. Liddiard because it related to changing the form of government rather than budgetary issues.

Mr. Liddiard stated that may be where the City wants to look at going with the full time Mayor. He noted that would require a vote of the City Council and then the citizens to separate the powers.

Mr. Hillman clarified that a decision on whether the Mayor is full time is not being decided at this meeting.

Ms. Strouse explained that the Mayor's position in Eagle Mountain City requires a lot of full time attention.

Mr. Blackburn stated that in the future he would like the budgets to have line items such as, 'here is what has been approved, what is actual and what has been adjusted.'

Janiece Sloan **moved** to approve the Fiscal Year 2005-2006 Budget as proposed including revisions presented at tonight's meeting, and the Fiscal Year 2004-2005 Budget Amendments. Linn Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration of compensation plan for the Office of Mayor and setting a public hearing for June 28, 2005 at 8:00 p.m. to amend the compensation schedule for the Office of Mayor.

***Note: Mayor Bailey requested this section of the minutes be transcribed verbatim.*

Mayor: The Council and I have talked a lot on this issue and we've discussed a lot so I am going to try to address more towards the audience that's here. I think that a lot of the public needs to have a better understanding of what the office of mayor really is in the City of Eagle Mountain. So for those of you here at the last meeting on the ATV Ordinance I gave a presentation and it took about 30 minutes, don't worry I'm not going to take 30 minutes tonight. This is a little simpler subject for me to hit the highlights and the importance of it without having to take as much time. First off I don't know how many of you have ever noticed, usually in the fall or the spring you watch a flock of geese flying over and they fly in a "V formation" and there is some scientific studies that have been done about geese and how they fly and why they fly that way. Usually you'll just see birds kind of all grouped together and fly in a flock perhaps but geese are kind of unique in the way and ducks in particular are unique in how they fly. Wind tunnel tests have been done that show that a flock of geese can fly 72% further as a flock than they can as a lone goose. And the reason for that was the studies have shown that the lead goose actually creates a wave current in which the lift of the ducks off to the side, kind of like a wake in the boat going out, there's air waves that are created from that front lead goose and the other ones go off that wave current which enables them to fly a longer distance without less hindrance and less resistance to them. But also they change out the lead goose quite frequently in order to make it to where it doesn't just fall off and die. Bad way to go right? So you know being mayor is a lot like that. Now all of yall'd say that this is a bunch of goose up here—a bunch of geese up here behind me right? And I'm the lead goose. And I'm sure somebody out there probably says yeah you are a silly goose. So any case I just wanted to give ya'll some analogy of what really happens in this type of organization is that the lead goose has to carry a lot of weight and it's just virtue of the position. But we also have elections that change that out so that there is a change and a transition there. And that's the good thing and that's what happens with this. Eagle Mountain City is a very unique city but you've got to look at every city. Every city's situation is different. You can look at Saratoga Springs, you can look at Cedar Fort, you can look at Lehi, you can look at Provo and every city has some different things about em. They have some commonalities just like we as human beings have things in common but every one of us is unique and different and our needs and our wants are different as well. And we have to look at the needs and wants and the circumstances surrounding Eagle Mountain specifically and there are things that we can relate to other cities to compare Eagle Mountain to, to a certain extent. One of the things that Councilmember Olsen brought up was that the budget that Eagle Mountain has is a \$25 million dollar budget. That's a lot for a city with only 12,000 people. And obviously it's because Eagle Mountain is unique, it owns its own utilities, it has a bunch of SID's, it has Revenue Bonds, and all these kind of things to make the complexity of our city very different from a lot of other cities. Those of you who are familiar

with South Salt Lake, their budget, city much larger in population than we are, geographically they're not, but in population they are, and yet their budget is a \$25 million dollar budget also. So there is similarities that we can always relate to one city or another is that we can say, "well gee that is common there... and they have different situations and their government is different as well." So we can always do that but the bottom line is folks, we cannot look at Eagle Mountain and say, "well gee they don't do this in Cedar Fort so why should we be doing it?" You can't look at it that way and just base your whole premise on that. We've got to look at Eagle Mountain as it is. And most people don't acknowledge in some cases or are not even aware in most cases that having the ownership of the utility company makes us a very complex organization. When we own gas, electric, water, sewer and even telecom still --thank you Diane, she's been trying to sell it though, believe me I have been working hard with her but all the same we still own all that. And that's a lot of debt for the city to carry for the amount of population we have, and some had mentioned how the utility rates are higher than other cities. And that's still true to a certain degree but if you actually start checking out Questar, we're actually cheaper than Questar today. And I can't promise that tomorrow because the gas rates change so quickly on the wholesale market you never really know, but regardless of that we've become more competitive on the market, we're still higher on power than UP&L but there's other cities that are comparable to us now. So our utility rates even though they still may be a little high in some areas they are low in other areas. Obviously our sewer in the Town Center is higher than it is in the north area so we have things that are similar things that are dissimilar. But it still makes us very complex financially. Chris would you say in your experience in dealing with Sandy City, I'm gonna put you on the spot here, obviously Sandy City's budget is a lot more enormous than ours...

Mr. Hillman: About 90 Million.

Mayor: Right 90 million. So you know almost four times our size in that, but would you say in your experience in dealing with Sandy that the complexity of their financial situation is greater or lesser than Eagle Mountain?

Mr. Hillman: In terms of just pure complexity?

Mayor: Yes.

Mr. Hillman: We are much more complex.

Mayor: You came from working with Sandy for what --4 years was it? And when Chris came here and most of you, I don't know how many are aware but when I took office I had to replace John Newman for three months and play the role of Mayor and CEO and City Administrator for three months and then for six months Public Works Director until we brought Mark Sovine on. If there is anybody that understands this City I do, not to pat myself on the back about it but I do understand this city inside and out. And I know what it takes to make it run and when we brought Chris on --I'd like Chris, I'm gonna put him on the spot again, what was your impression? I mean Chris was a person who does his due diligence. I was impressed with him when we interviewed him. He went out and before he ever came in and interviewed he checked out Eagle Mountain, he looked at our website, he came out here and talked to people on the street, he talked to staff trying to find out something about Eagle Mountain before he

stuck his neck out to far. But even though you did all that Chris after you came on board what did you find?

Mr. Hillman: Well so much that I went to my wife three days later and said "what have I done?" No, it was an extremely complex situation. The complexity ranged just from the practical matters of the massive amount of debt to the complexity of the utilities and if I dare say there was some disorganization at the time which added to the complexity.

Mayor: And in all honesty folks when I started here I was trying to play several different roles and all I really felt like I was doing was poking my finger in the dikes until we could get other additional staff that was qualified to assist in that. And basically that's what I did do but we took some enormous steps initially also in regards to our budget. I came in office in January 2002 and we cut the proposed budget that had been approved the previous year by \$168,000. That \$168,000, even though you've heard mention many times to the public we had a \$480,000 deficit by the June of 2002, if I had not cut the budget by \$168,000 the City would have been bankrupt. We had only in surplus after that deficit \$30,000 left. If we had gone ahead and spent the \$168,000 we would have gone bankrupt as a city. Most people don't realize that but it has taken those steps and being involved in the city and allowing the council to be involved to make decisions to do things like that. If they have a full time mayor they're able to understand better as a council so that they can make better decisions for the city. Just having a professional city administrator is not all it is meant to be. Chris and I work very well together. We have come to really create a team much like a coach and a quarterback I guess, is about the best analogy I can put to it. And we work very well. Chris focuses on the inward things of the city and its organization, the day to day operations. I focus on the outward things; and when I say outwards I don't mean necessarily outside of Eagle Mountain but the political aspects dealing with the council. Most of you don't know how many hours I spend dealing with each of these councilmembers. Hours of time spent each month talking to them and keeping them abreast so that they can be very well aware of what's going on. If I wasn't there and wasn't aware of what was really going internally then that guy right there would loose all those same hours of efficient working time to keep these guys informed. So it's not that I can do his job and it's not that he can do my job but it's a job that requires both, we work back to back in tandem to one another. And we sit here and work and he works on the internal things and focuses and keeps me abreast of what's going on. I take with the council the policies and the direction they want to go, and I help make sure that he implements those on the staff level so that the staff doesn't get out of sync with what the council is wanting and where they're wanting to go. And so the City has so many complexities that without that tandem working together it's not going to happen the way it should. And so it's essential that we have a full time mayor and I speak from experience. I know what it takes to do this job and I do not, I do not want to see my predecessor whoever that be, have to sacrifice what I've done. And I'm not asking any one to --I'm asking for we as residents to support a Mayor. We're looking to hire a full time fire chief right now because of the needs of the city are such that we need one. And we've got to be able to pony up to the table and do what needs to be done. Someone says "well we don't have the budget for that." Well we do. The budgets approved right now that we just approved supports the payment of a full time mayor. It's not an issue of where are we gonna get the money. We've got the money for it; it just needs to be spent. Are there other needs? Sure there's other needs. There's not one of us in here that can't say if I look at my household budget that I don't have other needs that I can't spend money for. There's always going to be needs that we have as a family, as a community and as a city that we can't always

meet but we've got to prioritize what is most important. The money that we lost --the 1.2 million that David had mentioned-- how many years would that fund a mayor? Had we just simply been on top of things? And that's no slam at all on the former council and mayor, but when they couldn't work full time or when that mayor couldn't work full time how can you expect him to do his job? I expect Chief DeKorver to be the fire chief, but yet ask him, even though he is a part time fire chief; ask him how many hours he really spends trying to serve this community. He puts far beyond the minimal 20 hours a week, far beyond that in order to services our needs. Well it's unfair of us to expect him to put all those extra hours in and provide the service that we need as a community to protect ourselves. By the same token we have financial responsibilities that have to be protected. They cannot be protected and they're supposed to be protected in our form of government by the electorate, these guys up here and ladies and myself. And as a CEO you elected me 4 years ago as a mayor and CEO, that carries financial responsibilities to it. I've tried to do it and that's what I've done over the last three and a half years. I don't want to see the next guy not be able to do his job just because we were not willing to give him the support that he needs. None of us want to see somebody fail, and if we don't want to see that then we need to do the part to make sure they don't fail. They can do everything else, but we don't provide the means they'll fail. Just to give you an example of internal things, just this last two weeks or whatever, as I said Chris manages the daily operations and he does a superb job of it, you wouldn't find a better city administrator than Chris. I wouldn't even want to try to do the job without him, or somebody like him, but by the same token by having a mayor that's fully engaged, understanding all the impacts that are going on internally and externally. We have now staff working on a project to help improve our impact fee schedule, which ask any engineer or even ask our building department - Kent how complex is our impact fee schedule for your department to figure out every time someone comes in for a building permit?

Mr. Partridge: Very complex.

Mayor: It's tough. It consumes two spreadsheets or three spreadsheets with twelve different zones and then you got these different subdivisions and each one has got different impact fees depending on how it was done and the complexities of it are just mind boggling. You go to some other city and they'd say "what in the world have you got here? We just have an impact fee that's "X" dollars for wherever you build at." Here you can almost live in the same subdivision but a different plat and you've got different impact fees than the guy on the other side of the street does. Well that makes it very tough but because of that and because of our understanding I came up with an idea for staff to work on. And because they're so involved in doing the things they do day to day sometimes they don't see the perception of how to resolve some of these kind of simple problems. And we came up with a way that they are going to work on that creates a booklet so that any individual walking in can know what the impact fees are and know what the special conditions are in their particular subdivision by just flipping to a page that's really simple to read and easy to understand for anybody. It is these kind of things that are simple that go on, on a regular basis that make our government run better and make it run more smoothly. There was some discussion about forms of government and I'm not going to get into a lot of that now because that's not on the agenda and everything, but I'm recommending to this council that they highly look at this in the future. Sometime over the next six months to look at change, at the form of government that we currently have. We have what they call a traditional form of government in the State of Utah. Now to me traditional has a different meaning than what I actually see in the form of government that we have. It's kind

of a misnomer to me because traditional, I would think okay it's more in line with our Constitution and our founding fathers has and it's really not. We have an executive and a legislative branch that are really joined together. They share powers and that creates a challenge especially when the city starts growing and becomes as complex as this one is. So that separation of powers for our own benefit as the residents needs to be protected by having that. So that's something that will be up for discussion and people will need to be aware of, but I highly recommend that they continue to pursue that avenue. I'll make one concluding statement that I appreciate all of the people who have served in this community regardless of what council or what mayor was in here. I have a great respect for everyone who wants to spend the time or try to spend the time to serve others. I may or may not agree with certain issues or certain decisions but I have found out, you know what folks, even my own family, I only have three kids so I don't have as many to offend, but you know what, there is no way I'm going to raise my kids 'til adulthood that I'm not going to have at least one kid not happy with the decision I made for them or for someone else in the family. There is no way I'm going to or any other mayor is going to serve this community and make every decision, make everybody happy. It's just not going to happen. And just like my kids have to trust me and my wife when we make decisions for them that we're making decisions in their behalf because we have a better understanding of what's going on and their vision is a little more limited. Not that they're not capable of understanding, if you want to take the time. Same thing goes on the community. There is not one of you here that's not capable of understanding the complexities of what this city has if you want to take the time to learn it. But at the same time if you don't have that inside knowledge, for you to make the decision is a lot tougher to make and know that it's the right decision. These guys up here, and these ladies up here and myself, have that inside information along with the staff. And you elected us to be informed enough to make decisions for you. But you need to give us the power and ability to do that. Don't cut our legs out from underneath us and say "go do the job, we'll elect you" and then what's really going to happen is you'll wind up with a ceremonial council and mayor. We'll show up to the meeting, we'll wave hands, shake hands, kiss babies and cut ribbons but what does that do for you as electorate? Nothing. You have no representation with staff when that happens. You need that representation, I need that representation. I'm going to be just a plain Jane citizen again here real soon and I don't want to see us with a government and with a staff and with a council and a mayor that don't have the ability to do the job that I elect them to do. I want a real council and I want a real Mayor that does the job. I want to give them that ability to do it and I think that anybody that serves this community has a genuine desire to do good for this community. Now we're in the past. They may have not made all the right decisions but they were not given good information. And nobody can make a good decision without good information. So I just wanted to make that perfectly clear. I want to thank once more I want to thank this Council, I want to thank Mark Madsen sitting back here, now Senator Madsen, for being on the Council with us. He was a great asset and a great help to us in going through the issues that we've gone through over the last three and half years, couldn't have done it without him, he was such a support, such an insight to things. I love these folks, I love them with all my heart, we don't always agree but we love one another, we respect one another, that's the way it should be on any council, with any council and Mayor, that's the way it supposed to be, that's the way we want it to be. We do a better job with that diversity. We do a better job when we really look out for one another and try to help and give constructive information and criticism. And I want to thank Mark and I want to thank everyone else that I have served with in this City and the Staff. You have got the best staff you could get. I couldn't have built a better organization if I tried. Gee, I think I did try. It has been a big challenge to pick the right kind of people to work

for the City, and we have the cream of the crop folks, we have the cream of the crop, couldn't ask for better and I'm grateful to them because they have been a tremendous support during this three and a half years. And that's all I've got to say, thank you very much.

Okay, I'm going to open this up for a council discussion. Understand again we're not going to be making a motion to approve this tonight. The only thing we're looking to do is entertain a motion to place it on the agenda for next Tuesday for the public hearing at 8pm. So that's all I need Council to be aware of as far as a motion goes. I did have a list, a short list of Mayoral responsibilities versus CEO responsibilities. And I just made a real short one and I'm gonna just read a few of them to you, just so you get some flavor of some of the things. As Mayoral responsibilities- and this is sharing the legislative and the executive powers to a degree- I'm the Chair of the City Council and conduct all meetings; I plan and set City Council agendas; I attend all City functions and ceremonies; keep the Councilmembers informed about all pertinent City issues; respond and meet with all resident inquiries and concerns; oversee all public relations and media; attend MAG meetings, which are Mountainland Association of Governments meetings; attend COG, Council of Government Meetings; maintain relations with local and federal legislative members and state Gubernatorial leaders; maintain relations with UDOT represent to maintain relations with Sheriffs' Department; maintain relations with electric power boards; attend pertinent seminars; maintain relations with local businesses and leaders-potential new business leaders; monitor and appoint all city boards and commissions and volunteers for various city organizations. This is just a few, I'm just touching the tip of the iceberg here on Mayoral responsibilities.

CEO responsibilities- conduct bimonthly staff meetings- I meet with our staff every two weeks we go over details. I meet with Chris everyday nearly in some form or fashion on the phone or here personally with him. Research, review, prepare discussion items for City Council agendas; meet with developers and discuss future and current projects and share what the City Council expectations are. This has helped our City tremendously in stream lining the development process from what it used to be because we're able to iron out a lot of the issues before it even gets to the Planning Commission or Council meetings because you have a Mayor that is very aware of what the Council expects and is able to implement those expectations before they even bring it to those boards and commissions. Work with Public Works director-that's Mark down there; we're involved in the City utilities; we have to monitor gas and electric wholesale prices and make sure that your rates are cheap as we can make them; we have to work and negotiate contracts and agreements the Council approves. There's just a ton of things and I could go through a laundry list of things but sufficeth to say there's no person that's gonna do this job and do it the way that you expect them to on a part time basis. It's just not gonna happen. If you expect it to happen on a part time basis you're not gonna get what you want and we'll go back to complaints because things are not getting done, they're not available. I probably am more available than anybody could be available. Anyone could reach me on the phone-matter fact it's amazing how many people call me on my cell phone because they can't get somebody here at the City offices and they'll attest to that. So ya know just can you imagine calling up your Mayor and asking him a question and not knowing the answer-well let me get back to you. Can you imagine every Council meeting coming and saying, "Well what do you think Chris- what do you think we ought to do cuz I don't have a clue." I mean I'm not asking or expecting anybody to have to do that and that's what will happen if they cannot be integrated into the system and know what's going on and know how to deal with it. We made trips back to Washington twice in behalf of trying to sell the Telecom

system. We met with the FCC and frankly I mean we thought we would have had it sold by now but still those kind of meetings and not doing those kind of meetings will impact this City. We've saved this City hundreds of thousands of dollars by going back to San Francisco and getting our bond letter credit bond holders to reduce their credit interest to us. We've saved this hundreds of thousands of dollars. I mean I can sit here and list just a few items on one hand that have saved this city hundreds of thousands of dollars. That's more than enough to ever pay for my salary or if I was a future Mayor. If a future Mayor is doing the job he's supposed to do and that you elected him to do then that's what will happen. He'll make his wages and then some for what he does for the City. That's the point here. It's not costing the City anything it's saving the City money. And that's what everyone needs to understand is this is not a cost this is a benefit. We've already seen what the costs are- a million plus. How many years could I have paid for a Mayor with just a million 2 that we lost through poor management? So that's why I support this, and I highly recommend to the Council that they support this issue, I highly recommend to the public that if you don't understand it get better information so you can understand it, come and ask questions to the Councilmembers or myself while I'm still around- oh you can even come afterwards- I'll still talk to ya. So do that, make yourself informed and if you want to still come to the next meeting which we welcome you to do so come and make your public comment that meeting. So I'll open it up to Council for any further discussion on your parts.

Brian Olsen **moved** to set a public hearing for June 28, 2005 at 8:00 p.m. to amend the compensation schedule for the Office of Mayor. Linn Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of a Final Plat for Lone Tree – Plat B.

Mr. Lenhard explained that the Lone Tree subdivision is located off Pony Express Parkway and would be the most southern development of The Ranches to date. The Lone Tree B Final Plat was approved by the City Council on February 1, 2005, but was never recorded and that the developer has requested an amendment to the approved plat which will remove the vest pocket along the northeast side of the Lone Tree Parkway collector road. Mr. Lenhard explained that the vest pocket was removed from some of the lots and that those lots would then have to have driveway access directly onto a collector road. The parkway is classified as a collector road that will carry high volumes of traffic and cause potentially dangerous situations for those lots that will pull directly out onto the collector road.

This parcel of land is constrained by slopes and bedrock that make construction difficult. Mr. Lenhard explained that in lieu of the vest pocket, the applicant is proposing that circular driveways serve these homes. He noted the purpose of a "vest pocket" is to limit and consolidate driveway access, thus preserving the free-flowing nature of the collector or arterial traffic corridor.

Mr. Lenhard stated that on June 14, 2005 the Planning Commission made a motion to recommend denial of this item to the City Council because of the City's long range plans for this road

Mr. Lenhard stated that there were six lots in questions and that the developer has redrawn it to increase the lot frontages to 100 feet which now leaves four lots with a 100 foot frontage. Lot 237, on the traffic circle, will not have access onto the traffic circle and will have a restricted driveway access. Mr.

Lenhard explained that circular driveways would have a minimum radii requirement to enable cars to be away from the road when they pull into the lot. Other conditions of approval will also be required.

Brian Haskell stated that there would be an increased cost to construct the vest pocket parks because of the rock and the slope and that the 100-foot frontage would be consistent with Plat A. Mr. Haskell stated that because of the slope and rocky condition that he sees it feasible to ask for a variance to change this.

Mayor Bailey added that he had met with Mr. Haskell in regards to this issue and that he understands the financial issues and that the code allows for the City Council to make an exception.

Mr. Blackburn stated that his concern is with the bedrock in the area.

Mr. Haskell stated they know the general areas where bedrock is located but without extensive geotechnical reports they cannot be certain of exact locations.

Mr. Kinghorn wondered if the City Council action is technically an appeal from a preliminary plat denial by the Planning Commission.

Mr. Lenhard clarified that this was presented to the Planning Commission as an amendment to the final plat. At that time the drawing submitted to staff had 6 lots and not 4 lots. Since the Planning Commission meeting, the developer has changed, being aware of these proposed conditions and they had it redrawn to show 100 foot lot frontages.

After discussion with Mr. Warnke and Mr. Lenhard about the submittals it was determined to grant Preliminary Plat approval and have the plat return after the Planning Commission has reviewed the revised Final Plat.

Mr. Liddiard **moved** to approve the Lone Tree Preliminary Plat with four lots and circular drives showing on the lots so that the property purchasers are aware they have to install circular drives on the lots. Mr. Blackburn **seconded** the motion.

Mr. Blackburn asked if someone would be making sure the lots in Plat A have circular drives as well because one of the driveways in Plat A has a hammerhead driveway.

Mr. Kinghorn answered it would be a liability to the builder if a circular drive is not installed because the homeowner could come back and sue if they got in an accident when backing onto the collector road.

Mayor Bailey explained it would now be difficult to make a homeowner change an existing driveway once occupancy had been.

Mr. Kinghorn stated the City would have no liability, the liability would fall on the builder of the home because he would have been the one that failed to conform.

Mayor Bailey called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an extension to the Tasco Engineering Agreement.

The City Council approved an agreement for engineering services with Tasco Engineering in April 2004. This amendment to the agreement will extend the term of the utility installation agreement with Tasco and update the pricing for work completed.

Mr. Sovine explained he felt this could be absorbed in the fee schedule without having to amend the fee schedule.

Linn Strouse questioned why the amount was being increased above what was stipulated in the original agreement.

Mr. Sovine explained that Tasco had to increase their prices to cover the increasing material costs.

Mr. Kinghorn noted there is a provision in the contract that allows Tasco to come back to the City and renegotiate the price.

Mr. Blackburn **moved** to approve the extension to the Tasco Engineering Agreement. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an agreement with Utah Municipal Power Authority (UMPA).

This agreement will update purchase arrangements with Utah Municipal Power Authority (UMPA) for electric power to the City.

Mr. Sovine explained the City currently has a contract with UMPA that goes through 2006. UMPA has offered to shorten the time period of the first contract by one year and then enter into a new contract for a reduced amount. Mr. Sovine stated that this would essentially be a price decrease overall.

Mr. Liddiard **moved** to approve the agreement with the Utah Municipal Power Authority. Mr. Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration of an ordinance regarding the use of off-highway vehicles in Eagle Mountain City.

The proposed ordinance will require the registration of off-highway vehicles and regulate the operation of off-highway vehicles on the streets and roads of Eagle Mountain City. A draft ordinance was initially reviewed by the City Council on June 7, 2005 and was tabled until June 21, 2005 so revisions and additional study could take place. Since that time it has been decided that further review will take place and this item may be tabled for an additional period of time.

Linn Strouse **moved** to table this item. Janiece Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

CONSENT AGENDA

Vincent Liddiard **moved** to approve the consent agenda as follows:

A. Final Payment – Arrow Engineering – Citywide Trail System.

David Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Personnel

David Blackburn **moved** to adjourn to a closed executive session for the purpose of interviewing candidates for the position of Fire Chief - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Vincent Liddiard **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

The meeting adjourned at 10:25 p.m.

CLOSED-DOOR SESSION – Personnel

A closed-door session was held at 10:30 p.m. for the purpose of interviewing candidates for the position of Fire Chief - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Kelvin Bailey; Councilmembers Vincent Liddiard, David Blackburn, Brian B. Olsen, Janiece Sloan, and Linn Strouse; staff member Chris Hillman.

The meeting adjourned at 11:48 p.m.

Gina Peterson, City Recorder

Approved: August 16, 2005

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

June 28, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

8:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Kelvin Bailey called the meeting to order at 8:02 p.m.

Mayor Bailey led the pledge of allegiance.

CONDUCTING: Mayor Kelvin E. Bailey

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Planning Director; Adam Lenhard, City Planner.

OTHERS PRESENT: Jody Hooley; Marci Taylor; Gaylord and Dee Scott; Charlotte Ducos; Wendi Baggaley.

FINAL PLAT – Consideration and approval of a Final Plat for Lone Tree – Plat B.

City Planner Adam Lenhard stated that the Lone Tree subdivision is located off Pony Express Parkway and would be the most southern development of The Ranches to date. The Lone Tree B Final Plat was approved by the City Council on February 1, 2005, but was never recorded. The developer has requested an amendment to the approved plat which will remove the vest pocket along the northeast side of the Lone Tree Parkway collector road.

The City Council gave preliminary approval for the Lone Tree B Final Plat On June 21, 2005, citing section 7.7.7 of the Development Code and accepting the developer's proposal to increase lot frontage to 100 feet where there is direct driveway access onto Lone Tree Parkway. The Planning Commission has reviewed this new design of four larger lots instead of the six smaller ones, and recommended approval.

Councilmember Vincent Liddiard **moved** to approve the amended Final Plat for Lone Tree Plat B. Councilmember Janiece Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC HEARING

ORDINANCE – Consideration And Approval of an Ordinance of Eagle Mountain City, Utah Repealing Ordinance O-17-2004 and Enacting a New Compensation Plan for the Elected Officials of Eagle Mountain City.

Mayor Kelvin Bailey addressed the public and presented copies of his comments from the City Council meeting held on June 21, 2005. He stated that a petition was submitted to the City on July 2, 2002 with over two hundred signatures of residents requesting to have a full time Mayor and in February 2003 the issue was brought up in changing the form of government and the discussion included compensation for the Mayor.

Mayor Bailey stated that he has submitted his resignation, and he does not plan to run for office this fall. He is not pushing this proposal to increase his salary or for the benefit of a particular person. He explained the uniqueness of Eagle Mountain City. He stated that each citizen needs to look at what Eagle Mountain City needs and not compare Eagle Mountain City with other cities. He explained that a city's budget is similar to a family budget and the needs of each family/city are different. He cited that the city has had a lot of success the past three and half years. He advised that when you do not give people the resources they need to do the job, the job cannot be done right.

He explained that this city needs a full time mayor because of its complexities, growth rates, and other reasons mentioned last week. Mayor Bailey compared the workings of a city to that of a football team; explaining that for a team to be successful it requires the whole team as does a City need a Mayor, City Council, and City Administrator. He stated he is not implying that the City does not need a City Administrator. Mayor Bailey stated that the City will not fall apart without a full time mayor, however; it will not see the same level of success that it has seen. He stated that it is not an issue of micromanagement and asked City Administrator Chris Hillman and City Planner Adam Lenhard if he has micromanaged them. They both responded no.

Mayor Bailey stated that part of his job as mayor has been to make sure the Council's decisions are being implemented. He stated the number of residents in the City that has questions and are politically involved is great. Mayor Bailey said that the mayoral position has been a full time position, however; he has not been compensated. He asked the public to support the proposal of a full time mayor and asked the City Council to recognize that.

Mayor Bailey opened the public hearing at 8:20 p.m.

City Administrator Chris Hillman welcomed the public to the meeting. He proceeded in explaining that participating in the public process is one of the greatest rights we have as United States citizens. He stated that the public's comments are appreciated.

Mr. Hillman continued that the topic is the compensation for the mayoral position, not the compensation of a particular person. He asked that the comments are kept specific to the position and asked the public to refrain from making personal attacks. He outlined protocol for the public hearing.

Mayor Bailey stated that each speaker will have one minute. People may request additional time if needed.

Wendi Baggaley advised that she would like to discuss two subjects, the privilege of public discourse and the mayoral compensation. She stated that we are privileged in America to be able to speak to matters that are important to us. She discussed her thoughts on sharing differences of opinion. She asked the City Council to make a decision out of faith, not fear.

Ms. Baggaley stated that in her experience at the State level of government the mayors who were present and made appearances at the daytime sessions of the Legislative Sessions and at the Monthly Interim Sessions had the most impact and received the most benefits for their city. She stated that Eagle

Mountain City is not being adequately served when a mayor is not available to represent the City at the local, regional, state, and national level.

Tiffany Ulmer stated that she hopes any Councilmembers interested in running for the office of Mayor excuse themselves from this discussion because she feels that it is a conflict of interest. She would like to see written duties for the Mayor, City Administrator, Assistant to the City Administrator, and all Department Heads to see if a full time Mayor is justified. She also questioned if the citizens get to vote on creating a full time mayor. She stated that she doesn't know if the duties of the Mayor justify creating a full time position; however, once seeing written duties she will support a full time mayor if it is needed.

Clinton Chidaster expressed concern that 40% of the City Councilmembers were not elected by the public, rather they were appointed to fill vacancies so their views might not be representative of the residents. He stated that he would like qualified employees of the city making educated decisions on behalf of the City. He believes that a full time Mayor may discourage many qualified potential candidates from running because they would have to quit their current employment for a four-year position. Mr. Chidaster then addressed the funds that would pay for this and asked if the salary base would be distributed equally among all the developments within Eagle Mountain City. He stated that he would like to see this issue tabled and sent to a public vote.

Ronnie Detail stated that last week in the City Council meeting it was stated that Eagle Mountain City is a unique city in that they own their own utilities. She stated that Payson, Lehi, Goshen, Spanish Fork, and Springville, all work in utilities such as, power, secondary water, sewage, and garbage. They also have their own full time police department, full time fire department, large commercial and industrial areas. She doesn't believe that the city needs a full time mayor. Ms. Detail voiced her opinion that the pay amount is absorbent. If the full time mayor is approved she believes the pay should be less. She is afraid that the city will lose potential candidates and that only the retired or the very rich will be able to fill the job.

Doug Detail feels it would be a better use of the limited amount of City funds to solicit businesses to the City to relieve tax burdens, rather than increasing the tax burden with a full time mayor. Mr. Detail stated that last week it was stated that this is a common salary for many mayors in small towns in Utah; however, in Payson, Lehi, Goshen, Springville and Spanish Fork they all have a part time mayor. He stated that these cities have done fine with a part time mayor and so has Eagle Mountain City. Mr. Detail stated that the elected officials have been voted into office to administer on the behalf and best interest of the public. He questioned if the City Council can honestly say that the citizens of this city want a full time mayor salaried at the additional cost of three to four hundred dollars per household per year. He asked the Council to think if it would be fair to allow the people paying the bill to have a vote. He then recommended a proposition on the ballot this fall allowing the people to vote on the issue. He asked if the council can justify the proposed benefits for the mayor including a benefits package that includes health benefits as well as retirement. Mr. Detail doesn't feel it necessary to have a retirement package for a four year job.

Brad Morgan stated that a full time mayor would require a person to cease current employment and would make it unfeasible for many people to run for the office of mayor. He recommended that the issue go to a public vote.

Doug Cannon expressed appreciation for the service of the Mayor and City Council. He explained that he has studied approximately 10-15 hours on the issue at hand. Mr. Cannon then quoted a portion of the

Declaration of Independence. He stated that he trusts the Council's decision and asked them to use prudence when acting on this issue.

Dee Scott stated that she would like to have it a part of the record that she and her husband feel Eagle Mountain City needs a full time mayor because of the City's complexities and growing problems.

Jennifer Webb stated that when she hires work at her house volunteers have been very useful; however, they tend to cost her more in the end. She spoke in support of compensation for the mayor.

Charlotte Ducos stated that she would like to make a distinction on the difference of representation and decision-making. She believes that many people are opposed to a full time mayor because they think staff members can make decisions, which, she stated, they can. She stated the City misses out on representation at the State level and with government associations by not having a full time mayor. She expressed her opinion that the City needs to pay for good quality representation if that is what they want. Ms. Ducos stated that if the City is expecting public officials to have the answers to questions it should be willing to compensate them.

Marcie Fisher stated that she has been a resident of the City for nearly four years. She feels there have been a lot of promises and not a lot of changes. She stated that she would like to see growth within the City. She is for a full time mayor that can promote growth within the City. She stated that there has been a lot of vandalism in the area in which she lives, and requested more police patrol.

Mark Lofgren asked for the fiscal responsibility that many of the City Council ran their campaigns on. He stated that the high debt, high utility rates, and the new City Offices is not the way tax dollars should be spent. He would rather have lower utility rates and lower tax rates rather than paying any mayor more than any other in Utah County. He stated that it is a travesty that the Citizens of Eagle Mountain City are not getting a say in this.

Jody Hooley stated she is concerned the City will lose qualified candidates because they do not want to quit a full time job for a four-year job. She stated the City has good department heads that will keep the mayor informed. She stated that a good mayor would delegate. She addressed the issue of mayoral representation at the State; explaining that the mayor may be able to take time off their full time job to represent the City. Ms. Hooley stated that the City should talk to the other cities with a part time mayor and see how they are handling these issues. She stated she appreciates the work being done on Lake Mountain Road.

Bobby Colson stated that 98% of his livelihood is done in Eagle Mountain City. He explained there are times when only a mayor can resolve an issue. He is in favor of the proposal; however, as a resident he would like this to go to a public referendum as a component of the mayor.

Mark Madsen stated that he has a great deal of respect and affection for each of the members of the City Council. He explained that the City Council is operating as representatives of the people in a republic. He stated that there is no perfect scenario. He feels that public service is a sacrifice. Mr. Madsen said that no staff can fill the accountability that comes through the democratic process.

Mayor Bailey closed the public hearing at 8:56 p.m.

Mayor Bailey reopened the public hearing at 8:56 p.m. for additional public comments.

April Triggs stated she agrees Eagle Mountain City is unique; however, in comparison to other cities she feels the City does not need a full time mayor at this time. She stated she appreciates the service and would like to have a mayor that does it for the service and not the paycheck.

Mr. Chris Strouse cited that his mother has been on the City Council for four years. He stated that he doesn't believe most people are aware of the sacrifice of public service. He believes it is most beneficial to the residents to have a full time mayor.

Mayor Bailey closed public hearing at 8:59 p.m.

Mayor Kelvin Bailey stated he believes that this City Council and he have used prudence in their decisions. He explained that the public hearing is the public process and if every issue that someone thought was important was put to a referendum nothing would get done. The State Statue does not require that mayoral salary go to a referendum. He stated a lot of people change jobs every four years. Regardless, he believes the mayor's job will not be in jeopardy if they do a good job. He remarked he is not working as a part time mayor even though that is officially his status. He explained the current and previous compensation of the mayor. He stated that his goal is for future mayors to be able to do their job. He explained he cannot please everyone; however he tries to please the majority. Mayor Bailey stated he has a petition with over two hundred signatures on it in favor of a full time mayor. He stated that the mayor's proposed salary is an average salary within the City. He believes that being mayor will be a benefit to a person's career rather than a detriment.

Councilmember Liddiard stated that regardless of the outcome tonight he is not running for Mayor. He stated that he enjoys serving on the City Council. Councilmember Liddiard remarked that he is grateful for those who have given their lives for us to be here.

Councilmember Olsen stated he appreciates the comments made. He stated he loves this city and it is his home and he wants to make the right decision on this issue. He stated that the Council is privy to the things that are going on in the City. Councilmember Olsen stated he believes that under the current compensation the only ones who can run for office are the retired or the independently wealthy because of the time required of the mayor. He feels that a mayor should be fairly compensated for their service. Councilmember Olsen believes it is unfair to demand the time required to serve as mayor without compensation. He stated he is in favor of the current proposal. Councilmember Olsen stated that to get lower tax rates the City needs a full time mayor.

Councilmember Janiece Sloan requested that her comments be verbatim.

"I'll just make a few brief comments. I want the public to know and understand that I spent a great deal of time, um, pondering, questioning, and studying this issue. I do not take this responsibility lightly; and it from the moment I got the call that Mayor Bailey would be resigning I knew there needed to be a change. There is something wrong here and it needs to be addressed and in my opinion should have been addressed before now. Um, this really is not about making the mayor's office a full time position; it is what it is. It is a full time position. What we are taking about is compensating for it.

I, uh, very much appreciate everybody who has come, who have put forth their questions and given their comments. I've received phone calls, I've received emails prior to this meeting and I, uh, the issues that and questions that have been brought before me tonight there was not one that I have not heard or considered myself, seriously. Um, I, you know if we don't pay a full time mayor we are gonna be paying somebody. That money's gotta go to somebody to do the job and, um, I just want to say that

while I believe in service I do not believe in slavery. And should we continue to expect from our mayor the things that are required and needed and hold him accountable and not pay them we are supporting slavery. And that's all I have to say."

David Blackburn shared two emails of individuals that could not be present. He requested that it be part of the public comment.

The first email he read was from Darran Zenger:

"I am unable to attend Tuesday's special meeting on the issue on the changing of the Mayor to a full time position.

I want to state that any change in the form of government should always be voted by the citizens. Your task, as a Councilmember, if supporting this, is to sell this to the citizens and explain why this is in our best interest. The upcoming general election is a great opportunity to place the issue upon the ballot and let the people decide. If approved, then this change takes place effective January 2006 when the new Mayor is elected."

The second comment came from Taylor Vehar and was read by Councilmember Blackburn. Mr. Vehar stated that he is hoping to appeal to the common sense of the City Council. He is pleased with the progress the City has made in the past four and a half years and he believes that it is because of fiscal discipline. He asked why throw that discipline aside to finance a full time mayor. He doesn't believe that a full time mayor is necessary. He urged the City Council to continue to be fiscally disciplined and to continue to act in the best interest of the citizens of this community. Mr. Vehar asked the City Council to vote no on the proposal.

Councilmember Blackburn stated that this is a difficult decision and he believes that hindsight will tell if the correct decision was made. He stated that he has made the comment the City is paying a part time salary for a multi-million dollar corporation; however, he is not in favor of government being top heavy in salary. He stated that he is not saying that the position does not warrant financial compensation; however, he feels that it is a question of how and what to do it.

He stated he has the highest regard for City staff. He believes that some of the duties listed as jobs of the mayor were truth; however, he does not believe that all of the duties are fully required. He stated he believes that City staff is filled with competent individuals reducing some of the needs listed. Councilmember Blackburn stated that the mayor, whomever that may be, will not be a professional in all areas. The mayor is expected to get the right staff in place to get the job done. It is his opinion that a full time mayor would need a specified job description, including duties, hours required, and meetings that will be required.

With the hardship in the sewer facilities he is concerned to see the budgeting of the proposed mayor's salary is coming out of that fund. Councilmember Blackburn stated he believes a full time mayor should have any outside activities including a second job approved by the Council to avoid any possible conflicts of interest or hardships.

Councilmember Linn Strouse requested that her comments be verbatim.

"One of my first comments is to respond to a recent news article that referred to Eagle Mountain as a quirky little town. I beg to differ; Eagle Mountain is a wonderful community of wise and caring citizens

that regularly communicate with the representatives and participate in our democratic republic. Many of these fine people have served, or are now defending different areas around the world, uh, so that we can have our freedoms.

Um, I respect and study all viewpoints of everything that's sent to me or communicated to me and I do a lot of communication. The first year I was in office, this is my second term for those who do not know, so I'm the old guy here, okay and I will vouch for the fact that this Town, this City needs a full time mayor. We need a mayor that can be there at the meetings. We need a mayor that can communicate with the people. We need a mayor, that Mayor Bailey created the job description you could almost say. By doing what, not only recognizing, but doing what needed to be done. It wasn't handed off to somebody.

We're quite fortunate we have a wonderful City Administrator, I can't say enough about him, but that may not always be the situation. We only need to look in the past to see; we had a John Newman City Administrator in the City, in the early beginnings of this City that drove the City into the ground on his nearly \$100,000 salary plus umpteen benefits as the part time mayor wondered what was going on and we've had to take years to undo the damage that has been done.

You don't send your kids to public schools or private schools or whatever and have somebody who already has a full time job, expect them to educate their children and do their job after they already have a full time job that requires all their time and energy. Um, every year we have a budget review. We can re-open the budget if there's so every year there'll be a questioned about the mayor's salary.

I also want to correct a statement about this City Building which, um, since I can't, uh, could you make that statement for me cause I want that verified and then I am going to go on."

City Administrator, Chris Hillman responded that this building was paid for with revenue bonds left over in the gas and electric revenue bonds. The money had been originally set aside to purchase a generation unit where the City was going to generate its own power; however, the market conditions improved and through staff and elected officials the City was able to secure a long term, much less expensive electric generation source outside the City. Mr. Hillman continued that the money originally set aside, which was about three million dollars, for the generation units was put to use constructing this building as well as the new public works operation.

Mayor Bailey added that money for the electric revenue bond was approved prior to this administration. He explained that the generators would have been insufficient and expensive. He stated that putting the money into the City Offices was a much better investment. Mayor Bailey explained that the money originally set aside for the power generators could have been used to pay down the debt; however, that would not have changed the annual payment.

Councilmember Strouse continued: "Okay I think that was really important that everybody understands that issue, uh, clearly. And that again is another example of how complex and how quickly misunderstood some of the issues we have to deal with, um, can be misunderstood. Um, some of these issues, particularly the one about the pay for mayor for the actual time that the mayor puts in, um, we have been debating that issue, and discussing that issue, and talking about it, uh, for what three and a half years now and I remember the meeting where, you know, we discussed that as our Mayor was struggling and he is a humble man, good and humble man in spite of his struggles he forged on and did the best he, the best he could which I think is one heck of good job that we can really be proud of, if somebody actually looks at all the records and sees what has happened under that leadership.

And we cannot, I agree, tie the hands of the next mayor to do the same, same job. Um, I know how much time I spent just talking to the mayor. The first year I was in office I went to sixty three meetings, I talked to a lot of citizens on the phone, I discussed a lot of these things with the mayor and and if you add up all the councilmembers, all the citizens, all the emails just the time, uh, emailing and on the phone is a part time job and then you add all the other complexities of the City. We have an incredibly unique city. And I love these people here, I love this community of volunteers, um, that have, uh, helped create just a a wonderful sense of community. There's been nothing quite like this in Salt Lake for Salt Lake City's first inception. We came here in groups of families, in groups of church members, uh, it's amazing the network that goes on in this city. It can be very positive, news travels very fast, or negative, if there's unfounded rumors, and unfortunately there that happens much to often. I'm grateful for those that email, and write, and um, um make phone calls, and be involved uh, so that they can know what's going on with their government.

Um, there's an old expression called penny wise, pound-foolish. Yes, we could hire an assistant administrator, we could get more office staff, they work very hard, I think we expect them to do, you know, and they do go the extra mile. That doesn't change the fact that the people vote for a mayor, not for staff, or an assistant city administrator. Those people come and go and I am afraid if we don't increase Chris', uh, salary he may go to greener pastures and I'd hate to have that happen cause he's been wonderful."

Mayor Bailey remarked that Mr. Hillman liked that comment.

Councilmember Strouse: "I thought he would. Yeah I want to, I want to go back to the-- let me see-- the February 4, 2003 and I am going to quote Jerry Kinghorn our City Attorney. Okay this is Jerry back then 'It seems to me that this is a very unusual unique City. There is no city of its size and I say that that guardedly because size changes so rapidly.' I mean back in 1997 we had two hundred people um, and of course now we have well over eleven thousand um, and Jerry worked for local government for thirty years and this kind of growth increase is just mind boggling. 'This kind of institutional foundation you have to get under you to be stable, keep a direction and work with these two master developers,' and should I add there's actually, uh, two master developers, there's two high breed, uh, development agreements, and let's see four total. Most cities only have one. So our staff, not only our mayor, but our staff has that much more complexity to deal with and try to remember the different development codes for each agreement and to make sure they don't make errors as they're communicating to to there, uh, constituents. Um, we have also, you know, we've mentioned the utilities, um, we've mentioned the numerous phone calls, let's see, the fact that we're a growing dynamic City, um, the needs have definitely are uh have definitely been much greater especially since we had the, you know, the ship was on the shoals and getting it off and moving it forward, uh, took tremendous resolve as well as, uh, work and effort. Um, getting back to what Jerry said back in 2003, 'What Mayor Bailey has brought to this process is kind of unusual. He reminds me a little bit of, uh, Mayor Hooge who, um, was always able to be available to meetings, always able to intercede on the very point with a builder or a developer, a staff member to resolve an issue up front. It's the very point, or, uh, it's not a situation now were we have to say meet with the builder, hear the problem, develop alternatives, take it to the mayor. More often than not the Mayor is there. We can get our direction and understanding and were the consensus of the Council might be on a particular issue. We don't have, we don't have to have the other meeting that I think is expensive for this City. Uh, you know, when you pay me and you pay Corey it takes time to have multiple meetings on particular subject to resolve a problem. It's just expensive for the City and time consuming. Uh, if the mayor is there up front to meet with the builder, meet with the developer, make the decision, give guidance, it saves the City time and money,' and a lot of frustration if I may add. 'To

some degree we were able to do that with Mayor Bateman and some to some degree the other mayors. But mayors that have a full time jobs have a difficulty fitting themselves into the kind of day-to-day schedule that we confront when we are dealing with people all the time. It's not that we have to do this everyday, but it comes up several times a week. The situation presents a real dilemma because I don't think this is a question of a form of government and it's not this is a question, and I added that, it's, um, compensation for a person who's the chief executive officer of an entity that's growing as rapidly as we are growing. And what did we say a thirty five million dollar corporation, twenty five million, yeah well we-- we paid down a lot of that debt thanks to good decisions okay none of these issues are very fun, but they are all extremely troubling because we don't have the kind of institutional foundation under us that a lot of cities do. 'The mayor in this city, and I don't want to make this--' say, say, okay, so he says we have some critical long term issues that face us month by month. And we are in a very truly unique situation.

Bottom line is you know, that was true in 2003 in February it's true today, we are and we are still growing we --we have a wonderful quality of life here and it's not just, uh, and I mentioned penny wise and pound foolish, if we don't spend the money today for somebody who has the time and energy to do the job we'll pay for it later, and I would, I would, I'm frightened to think that we'd ever go back to the days when we had a high paid, um, Administrator that put us into the ground. We need somebody voted in by the people, to represent the people that can be voted out by the people. That's our process of government. Thank you"

Councilmember Vincent Liddiard stated that the public can be confident that the members of the City Council are of the highest caliber and they will vote in the best interest of the City. He believes they have a lot of confidence in the City Staff. He stated that he believes that the form of government needs to be addressed in the near future. Councilmember Liddiard stated he feels that written duties for the mayor are needed.

Mayor Bailey responded to Councilmember Blackburn's comments. Citing that many positions in the City have been filled; however, there is always something to do. He said there is no end to what one can do to benefit the community. He explained that as he offloaded one thing, other things that would benefit the community came up. He believes a lot of people are capable of doing the job, but voters need to vote for someone who is willing to do the job. He does not have an issue with creating a job description. He addressed the funds being allocated from the sewer stating that was the quick and easy fund to allocate from. Mayor Bailey stated that one of the major advantages of having a full time mayor is the mayor could adequately fill the absence of the City Administrator.

Councilmember Olsen stated that the private sector is different from the public sector. He believes it is not necessary to write a job description as State Statute defines the duties of a mayor. He feels that the issue is if they are willing to compensate someone to do this job.

Mr. Hillman stated that State Statute defines what the mayoral position is, and the City cannot change what State Statute is; however, it is very broad.

Councilmember Linn Strouse: "Oh there was one more thing that Jerry had in his notes from, um, 2003 where he mentioned comparisons with sister cities was extremely difficult, and that I realized that was one of the things that was brought up so I think we need to address that too. And he said 'I can tell you comparisons to sister cities in Lehi and Payson and other places some of these places have municipal power systems, but they don't have natural gas systems, telephone systems, and many of them don't have to run this split problem we got going all the time between the sewer system in the City Center and the

one in the, uh, North. This is a very unusual situation-- which requires, again, a lot more staff time, a lot more time for the mayor, um, and my parting comment, I think this will be my last one, is that I've always tried to do what is right for this City; that's, um, undying responsibility to the citizens that I serve. And that's what I intend to do, what's right.

Councilmember Liddiard expressed appreciation to the public for the comments expressed and the manner in which they were expressed.

Councilmember Janiece Sloan: "I, I do want to add a comment, if I may Mayor? Um, Councilman Olsen here, uh, mentioned how with a part time a position, um, the ones that can really only really do the job and do it well are the wealthy or the retired those who have the time to put it in. And I have in front of me some comments from our founding fathers in regards to this that I have decided that I do want to share parts of it. Um, President George Washington um, said when they were talking about compensation at the federal level 'it would be repugnant to the vital principles of our government virtually to exclude from public trust those with talents and virtue and less accompanied by wealth' and, uh, Thomas Jefferson had comments too, and these are both just excerpts: 'it is also expedient that the public councils should not deprived of the good aid and able men who might be deterred from entering them into the insufficiency of their private fortunes to meet the extraordinary expenses they must necessarily occur.' I believe if our founding fathers, um, felt like it was proper to compensate public officials that, um, we can support that as well."

Mayor Bailey commented that the form of government is a Mayor Council form of government. He challenged the Council to look at changing the form of government and put it to a public referendum.

Mayor Bailey called for a motion.

Councilmember Janiece Sloan **moved** to approve Ordinance O-16-2005 an Ordinance of Eagle Mountain City, Utah Repealing Ordinance O-17-2004 and Enacting a New Compensation Plan for the Elected Officials of Eagle Mountain City. Councilmember Linn Strouse **seconded** the motion.

Councilmember Sloan read a portion of the Ordinance: "The Ordinance shall be effective for all compensation paid after July 1, 2005".

Mayor Bailey stated that this will be for a newly appointed mayor, and the mayor pro tem will not receive the compensation when acting in the absence of the mayor.

Councilmember Blackburn stated that regardless of the outcome the City Council is still working for the benefit of the City. He stated that he agrees with the full time pay of a mayor, but he also doesn't agree with it.

Councilmember Liddiard echoed Councilmember Blackburn's comments.

Mayor Bailey called for a vote on the motion. Those voting aye: Linn Strouse, Brian Olsen, and Janiece Sloan. Those voting nay: David Blackburn, and Vincent Liddiard. The motion **passed** with a **majority** vote of 3:2.

ADJOURNMENT

Vincent Liddiard **moved** to adjourn the meeting at 9:54 p.m.

minutes approved 8/16/05

ML

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

July 12, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING: Mayor Pro Tem Vincent Liddiard

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Shawn Warnke, Assistant City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Adam Lenhard, Planning Director; Gordon Burt, Finance Director; Mark Sovine, Public Works Director; and Sergeant Mark Binks, Utah County Sheriff's Department.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Request to amend the City logo on ladders signs in The Ranches.

DISCUSSION – Mayoral Vacancy Appointment Process – UCA 20A-1-510.

DISCUSSION – Optional Forms of Government.

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Pro Tem Vincent Liddiard called the meeting to order at 7:04 p.m.

CONDUCTING: Mayor Pro Tem Vincent Liddiard

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Shawn Warnke, Assistant City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Adam Lenhard, Planning Director; Mark Sovine, Public Works Director; and Sergeant Mark Binks, Utah County Sheriff's Department.

OTHERS PRESENT: Janet Burningham, Crossroads Journal; Joanne Horner; Jenalie Wilkie; Michelle LeBaron; Carl O. Allred; Cathy Allred, Pony Express Newspaper; David Bradley; Fred Peeples; David Liffirth; Amy Twitty, The Sage Group; Cary Brackett, The Ranches; Jonathon Celaya; Doug Woodruff, MIT; Aytana Olsen; Jennifer Edwards; John Amadio, UDOH & Utah County Health Department; Karen Keller, UDOH & Utah County Health Department; Michelle DeKorver.

Councilmember Brian Olsen introduced his wife, Aytana Olsen and recognized her for presenting herself before the United States Federal Court and becoming a United States Citizen today.

Aytana Olsen then led the pledge of allegiance.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Brian Olsen stated that today, as he was present when his wife received her United States citizenship, the Federal Court Judge stated that one of the obligations of officials of government is to be fair and to represent the majority of the people's views. Councilmember Olsen stated that the judge also cited that all of the people coming to the United States from different countries enrich our nation.

Councilmember Linn Strouse detailed the following upcoming events:

- August 4, 2005 - Little Texas/J. Marc Bailey Concert at SilverLake Amphitheater.
- August 3, 2005 - National Neighborhood Watch - Night Out.

Councilmember Strouse stated that the Nation just celebrated its independence. She invited those in attendance to think about that. She then read a portion of the Declaration of Independence in remembrance and recognition of July 4th. She stated that the government officials on the local level keep the Declaration of Independence in mind as they carry out their duties. Councilmember Strouse stated that she feels that the local level of government is a critical starting point. She feels it is crucial that citizens are involved in the political process, know their leaders, and know what they are voting for.

Councilmember Strouse continued in reading another portion of the Declaration of Independence. She stated that many men have given their lives, their fortunes and suffered a great deal for this cause. There was tremendous sacrifice, tremendous thought and work put in to trying to maintain peace. Unfortunately, peace was not maintained and after great deliberation was the Revolutionary War. She then read a portion of Lincoln's Gettysburg Address.

Councilmember Strouse then presented the City with two plaques, one of the Declaration of Independence and another of the Bill of Rights.

Mayor Pro Tem Vincent Liddiard stated that the City's insurance rating has improved to AA insurance rating.

He then addressed recent discussions on a building moratorium related to wastewater in the City. Mayor Pro Tem Liddiard explained that the South Service Area/City Center has its own waste water facilities. The City's Impact Fee Ordinance includes a Future Facilities Fee in the South Service Area of \$1,600 to assist in improvements of the Wastewater Treatment Plant. Mayor Pro Tem Liddiard stated

this fee would allow the City to expand the current Wastewater Treatment Plant and allow for future growth. He stated that there is no moratorium in the City, nor any plans for a moratorium. He stated that Mr. Sovine is currently working with City Attorney Jerry Kinghorn to obtain a grant and look at restructuring the City's debt to allow for improvements and expansion at the Wastewater Treatment Plant.

Mayor Pro Tem Liddiard congratulated Deputy Desmond Lomax for being named as the Utah County employee of the month.

Deputy Lomax then informed the audience of upcoming RAD for Women classes.

SCHEDULED ITEMS

MOTION – Consideration and approval of Notice of Vacancy in the Office of the Mayor, setting a deadline for submitting statements of interest and setting meeting date and time for appointment to fill the vacancy in the Office of the Mayor.

City Attorney Jerry Kinghorn stated that the resignation of Mayor Kelvin E. Bailey was effective June 30, 2005 at 5:00 p.m. He outlined the process for filling the mayoral vacancy according to State statute which includes a 14-day newspaper notice. It is proposed the City Council schedule the appointment for the August 2, 2005 City Council meeting. Mr. Kinghorn then explained the requirements to be appointed to the office of mayor.

Councilmember Strouse **moved** to approve and authorize the publication of the Notice of Vacancy in the Office of the Mayor, setting a deadline for submitting statements of interest and setting meeting date and time for appointment to fill the vacancy in the Office of Mayor. Councilmember Sloan **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

AMENDED AGREEMENT – Consideration and approval of an amended sign lease agreement with Carl Allred.

Planning Director Adam Lenhard explained that the City has approved Directional Off-Premise ladder signs located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The purpose of these signs is to direct people to the model homes of builders within the City.

Mr. Lenhard continued in explaining that on April 19, 2005 Carl Allred entered into a sign lease agreement with the City for 15 Model Home Ladder Sign locations within the Ranches. With this application he is requesting that one of the signs be relocated to better serve the needs of the homebuilders in the City. The sign is currently located on Half Mile Road at the entrance to the Kennekuk subdivision. Mr. Allred has requested that the sign be relocated to the west side of Pony Express Parkway by the southern entrance of the Lone Tree subdivision. He then explained the proposed conditions of approval.

Discussion ensued on the need to have construction of the signs fully complete, particularly the parts which include the City logo.

Applicant Carl Allred explained that The Ranches DRC and the City disagree on the logo for the sign top. Once it is established as to what the top logo shall look like he will order the signs.

City Attorney Jerry Kinghorn stated these signs are located in the City's right-of-way, which is City owned property. He noted The Ranches Design Guidelines do not apply to facilities built to City standards and on City property. Therefore, the signs need to be in compliance with City ordinance. Discussion ensued.

Mr. Allred agreed to finish the sign, including the top or not to move it until he knows what the top shall be.

Councilmember Blackburn **moved** to accept the amended sign lease agreement with Carl Allred including the following conditions:

1. That all previous conditions of approval are applied to this application, including sign construction, colors, and approved logos.
2. That the lease agreement is amended to reflect the change in location.
3. That the sign on Half Mile Road by the entrance to the Kennekuk subdivision is moved to the west side of Pony Express Parkway by the southern entrance of the Lone Tree subdivision.

Councilmember Sloan **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an exception to Section 7.7.2 of the Development Code, cul-de-sac requirements, for O’Fallon’s Bluff and Preliminary Plat.

Mr. Lenhard explained that Section 7.7.2 of the Eagle Mountain City Development Code requires that no cul-de-sac may have a length that exceeds 500 feet measured to the center of the circle, serve more than 15 homes, or generate greater than 150 Average Daily Vehicle Trips, unless a waiver is granted by the City Council after receiving a recommendation by the Planning Commission.

Mr. Lenhard continued in explaining that the applicant is proposing a cul-de-sac with 17 lots at the end of Wyatt Earp Avenue in the proposed O’Fallon’s Bluff subdivision in The Ranches. The Planning Commission held a public hearing for the Preliminary Plat on June 14, 2005 and subsequently approved it on June 28, 2005 subject to the City Council’s waiver of the cul-de-sac requirements. Staff recommends approval of the proposal.

Councilmember Olsen **moved** to approve an exception to Section 7.7.2 of the Development Code, cul-de-sac requirements, for O’Fallon’s Bluff and Preliminary Plat subject to the following conditions:

1. That an exception to Title 2, Section 7.7.2 is allowed which permits the cul-de-sac at the end of Wyatt Earp Ave. to have 17 lots.
2. That this subdivision is subject to the park fee-in-lieu.
3. That Plat B has no direct driveway access onto Golden Eagle Road. That a full vest pocket is constructed.
4. That if this parcel contains any open space shown on the Master Development Plan that this land is dedicated to the City. That direct access is provided to the Lake View Community Open Space (so that the private property does not create a barrier between the end of the subdivision and the Lake View Community Open Space).
5. That the utility easement shown on Plat C be amended to open space. That this corridor is 20’ in width to allow for a utility easement, pedestrian corridor, and fire brush truck access. This corridor should be landscaped with xeriscaping. That the trail on Wyatt Earp Ave. is 8’ wide.
6. That construction accesses be approved.

Councilmember Blackburn **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of the IPP Unit 3 Project Agreement with Utah Associated Municipal Power Systems (UAMPS) and the Intermountain Power Project (IPP) Unit Three Confidentiality Agreement.

Public Works Director Mark Sovine stated this agreement is to participate in the cost of investigation and design engineering for a new unit of the Intermountain Power Project. The project will allow the City to choose whether or not to buy power generation capacity which will eliminate the need to buy the City's share of the power provided by the project from others.

Mayor Pro Tem Liddiard explained this is not a currently existing plant; it is the City buying information to explore if a power plant is feasible. Once a determination is made, money could be borrowed and the plant could be built. The City would have a vested interest and a portion of ownership in being able to control how it buys power.

Mr. Sovine stated that the City is in the power business for the foreseeable future. This proposal will allow the City to have more control on the resources rather than relying on contracts.

Councilmember Olsen stated that participating in the cost of the investigation is very wise to prevent the possibility of future problems.

Mr. Sovine noted that recently the City renegotiated the UAMPS contract when the prices of energy dropped. The savings incurred from that contract renegotiation will pay for this study.

Councilmember Blackburn **moved** to approve the IPP Unit 3 Project Agreement with Utah Associated Municipal Power Systems (UAMPS) and the Intermountain Power Project (IPP) Unit Three Confidentiality Agreement. Councilmember Olsen **seconded** the motion.

Councilmember Blackburn stated this is being studied by the City prior to purchasing power units. He also stated that the power units the City currently has are functional, however; they are not economical to operate.

Mayor Pro Tem Liddiard called for a vote on the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

ORDINANCE – Consideration and approval of an ordinance amending Road Classification Guidelines.

Mr. Sovine stated this proposal is for the preservation of roads in the City. Frequent use of certain roads by construction vehicles can cause premature deterioration. This ordinance will add a road classification, called the Type 6 road, which is unsuitable for use by construction supply vehicles including loaded cement trucks, because of the roads size, design, and structure. The first road to be classified under this ordinance is the Sweetwater Road extension/Pony Express Parkway through the SITLA property. Mr. Sovine noted signage will be posted advising those types of vehicles to stay off the road. Letters will also be sent to the construction companies with the same information.

Councilmember David Blackburn stated he has concern with enforcement of the ordinance and he questioned how it would be policed. He stated Sweetwater Road is conducive for concrete trucks getting from one point to another.

Mr. Kinghorn explained that there is no perfect solution in policing the proposed ordinance. The City will ticket vehicles that are obviously prohibited from using the road. He stated there would be officer discretion used in the enforcement of the ordinance. He clarified that a construction supply vehicle of any weight is prohibited from being on Sweetwater Road.

Councilmember Olsen discussed the Federal guidelines on the definition of a construction supply vehicles.

Mr. Kinghorn explained that there is a limitation in the statute to regulate weights. He recommended the City try the approach of using a generic vehicle type.

Discussion ensued on options to further define the specific vehicles that should not use Type 6 roads.

Sergeant Mark Binks questioned the definition of construction vehicles and whether that would include smaller trucks. He requested a more specific definition.

Mr. Kinghorn stated that he would compile a letter explaining the reasoning for the proposal and clarifying the definition. He explained the design of the Sweetwater Road extension/Pony Express Parkway was never intended to handle construction supply vehicles. Mr. Kinghorn stated he would be in favor of tabling the proposal to work with Sergeant Binks to create a workable situation for the Sheriff's Department.

Councilmember Strouse **moved** to table the ordinance amending road classification guidelines to achieve an ordinance with more clarity and enforceability. Councilmember Sloan **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

CONTRACT – Consideration and award of a contract for Mt. Airey Plat A - Subdivision Improvements.

Mark Sovine explained that the City held a bid opening for subdivision improvements at Mt. Airey Plat A. It is recommended the contract be awarded to the lone bidder, Arrow Construction. The City will use subdivision completion escrow funds in the amount of \$150,000 to finish the improvements and negotiate with the contractor to complete needed improvements, without landscaping, in that amount.

Councilmember Strouse **moved** to award a contract for Mt. Airey Plat A - Subdivision Improvements to Arrow Construction. Councilmember Olsen **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement for Lone Tree – Final Plat B Amended.

Mr. Lenhard stated that the Lone Tree subdivision is located off Pony Express Parkway and is the most southern development of The Ranches to date. Currently there is no subdivision in close proximity to the

proposed Lone Tree subdivision, although the Hidden Canyon subdivision is currently being constructed to the south. The amended final plat was approved by the City Council on June 28, 2005.

Assistant to the City Administrator Shawn Warnke stated there needs to be a condition that the park fee in lieu be paid prior to recordation of the plat.

The City Council discussed mailbox requirements in the CC&R's.

Councilmember Olsen **moved** to approve a Development Agreement for Lone Tree – Final Plat B. Amended subject to the following conditions:

1. That the park fee in lieu is paid prior to the recordation.
2. That black mailboxes may be substituted for brown mailboxes required in the CC&R's contingent upon mailboxes already approved in that area.

Councilmember Strouse **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

RESOLUTION – Consideration and adoption of a resolution endorsing cooperation in the voluntary Rocky Mountain Biomonitoring Arsenic study.

Mark Sovine introduced Karen Keller from the Utah State Department of Health stated and that her department deals with diseases that are environmentally related. The Utah State Department of Health requests that the City endorse this voluntary study of heavy metals as part of an overall Rocky Mountain study. The City has received protocol for the study. The analysis of this project will be done at the state labs.

Ms. Keller explained that the Rocky Mountain Biomonitoring of arsenic in drinking water is a project of the Rocky Mountain Biomonitoring Consortium. The consortium consists of six states which include Colorado, Montana, Utah, Wyoming, New Mexico, and Arizona. These six states have been working together to save resources and to capitalize on the states similarities. She explained that the purpose of the Biomonitoring Grant is to build the biomonitoring capacity and capability of the state laboratories, using a real life epidemiology study that compares biomonitoring to health outcomes. Biomonitoring is biological monitoring, measuring a toxin or chemical or its metabolite in human blood, urine, saliva, or any other tissues. It also measures internal dose exposures that may be accumulated over time and generally it is considered a more accurate measure of human exposure because of these things.

The first study that involves the Utah communities are the arsenic in drinking water. The communities they would like to include in this study were chosen based arsenic concentrations in the public water supply sources. The Cedar Valley was chosen because arsenic levels in the water sources are sufficient to measure, but still safe for drinking.

She explained that arsenic is a naturally occurring element in the earth's crust, but because of its properties as a poison it is often used in products such as wood preservatives and pesticides. In Utah, the average state wide concentration of arsenic is about 4.4 parts per billion. The state wide concentrations have a wide range from 0.1 parts per billion to 110 parts per billion. The most recent information in the Cedar Valley for the public water system shows concentrations of 4.8 parts per billion, which is within the current APA safe drinking water of 50 parts per billion.

Ms. Keller explained that the activities that will be conducted during this study include collecting drinking water samples from each participating household, and urine samples from the adults in the

household. They will then assess the arsenic exposure of all the participants from all the sources they may be exposed to arsenic through a questionnaire. These results will be analyzed to find out if there is a correlation between water arsenic levels and urine arsenic levels. The participants of this study will be informed of their arsenic levels and the arsenic levels of the water collected from their tap.

She explained that they will take 50 samples for Eagle Mountain City. They will have the participants complete a questionnaire to help determine the amount of water they consume in Eagle Mountain City and what other factors may contribute to the results of the test.

Councilmember Strouse **moved** to adopt Resolution R-13-2005 endorsing cooperation in the voluntary Rocky Mountain Biomonitoring Arsenic study. Councilmember Blackburn **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

CONTRACT – Consideration and approval a Performance Contract with Little Texas and J. Marc Bailey.

Mayor Pro Tem Liddiard stated that with the success of the Blackhawk concert during Pony Express Days, interest has been expressed to hold more concerts in the City. This contract will allow the singing group Little Texas, and J. Marc Bailey to perform at the City's SilverLake Amphitheater on August 4, 2005.

Councilmember Sloan questioned what time the fireworks display would be.

Fire Chief Robert DeKorver responded that the fireworks would be let off during the performance by Little Texas. Little Texas requested this because they are filming a music video and would like the fireworks to be included. He stated that he believes the fireworks display will be at approximately 9:00 p.m.

Councilmember Strouse asked if the residents in the area will be put on notice of the firework display.

Chief DeKorver responded that it can be advertised with the concert; however, the area where the fireworks will be lit is not close to many homes.

Councilmember Blackburn **moved** to approve a Performance Contract with Little Texas and J. Marc Bailey. Councilmember Olsen **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember David Blackburn **moved** to approve the consent agenda as follows:

- A. Partial Payment
 - i. Staker Parsons – 2004 Street Improvement Project (PP No. 5)
 - ii. RBI – 2004 Landscape Improvement Project
- B. Change Orders
 - i. Staker Parsons – 2004 Street Improvement Project (CO No. 6)
 - ii. Star Landscaping - Eagle Mountain Utility Admin Building (CO No. 1)
 - iii. RBI – 2004 Landscape Improvement Project (CO No. 4)
- C. Revised Bond Letters

- i. Pioneer Addition Phase IV – Eagle Mountain Properties
- ii. Eagle's Gate Plat C – Centex Homes
- iii. The Woods Phase I – Spectrum Development

Councilmember Janiece Sloan **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Personnel

Councilmember Blackburn **moved** to adjourn to a closed executive session for the purpose of interviewing candidates for the position of Fire Chief - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Olsen **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

The meeting adjourned at 9:15 p.m.

CLOSED-DOOR SESSION – Personnel

A closed-door session was held at 9:17 p.m. for the purpose of interviewing candidates for the position of Fire Chief - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Pro Tem Vincent Liddiard; Councilmembers David Blackburn, Brian B. Olsen, Janiece Sloan, and Linn Strouse; staff members Jerry Kinghorn and Shawn Warnke; applicant Robert DeKorver, Kevin McCarthy, and Rand Andrus.

The meeting adjourned at 1:05 a.m. on July 13, 2005.

Minutes approved on August 16, 2005.

ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING
July 19, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

AGENDA REVIEW

The City Council reviewed the items on the Consent Agenda and Policy Session Agenda.

DISCUSSION/REVIEW ITEMS

PRESENTATION – Format of Monthly Financial Report

Discussion on Kennekuk Park

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Pro Tem Vincent Liddiard called the meeting to order at 7:04 p.m.

Sergeant Mark Binks led the pledge of allegiance.

CONDUCTING: Mayor Pro Tem Vincent Liddiard

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Shawn Warnke, Assistant to the City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Adam Lenhard, Planning Director; Mark Sovine, Public Works Director; Rand Andrus, Fire Chief; and Sergeant Mark Binks, Utah County Sheriff's Department.

OTHERS PRESENT: Residents, Tiffany Ulmer, Jason Peterson, Erin Coroner, Loreen Cole, Charlotte Ducos, Christie Buxton, Julie Wallace, and Brandon Real; Camp Williams, Lieutenant Colonel Rick West.

PUBLIC COMMENTS

Neighborhood Watch Coordinator Tiffany Ulmer informed the public that a R.A.D. for Woman session is starting. Ms. Ulmer announced Eagle Mountain City's first Neighborhood Watch Night Out on August 3, 2005.

Mayor Pro Tem Liddiard stated that Little Texas will be performing at the SilverLake amphitheater on Thursday August 4, 2005.

Jason Peterson stated that developing the Kennekuk Park should be considered by the City Council. He stated that there is a disparity of parks on the north side of Pony Express Parkway. He stated that the proposed location is an eye sore that would be enhanced by becoming a park. Mr. Peterson reported that the Ranches Home Owners Association has agreed to improve and maintain the park.

Erin Coroner asked that a traffic study, environmental studies, and any required air quality studies be conducted prior to voting on the proposed Holiday Oil Convenience Store. She requested that the developer establish an agreement according to their requests concerning lighting and security.

Kip Wilson of Direct Communications participated in the meeting via telephone. Mr. Wilson explained the delay in the finalization of Direct Communications purchasing Eagle Mountain Telecommunications. He stated that residents that are upset with the length of time the purchase has been taking should write a letter to the FCC asking them to expedite the process.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Linn Strouse asked that her comments be verbatim.

“Okay, I’ve had an opportunity to do uh, a great deal of thinking this past week, a lot has transpired, um, in and out of the Council. Um, I cannot go forward with out addressing, addressing, uh, this issue of the new Fire Chief. Um, I don’t think just because you have a right to do something makes it right. Our new Fire Chief, uh, Rand Andrus has demonstrated to be a very qualified and capable candidate for Fire Chief; however, there’s been specific concerns that have been addressed by the Council on previous discussions that have not been properly addressed. In addition there have been offers made that various Councilmembers were not aware of prior to the actual offer extended that present additional concerns to the Council. In spite of the qualifications, there’s legitimate concern that Mr. Andrus will not be living in our City, and does not hold a current paramedic license. These two factors in a larger Fire Department with more fulltime firefighters and paramedics would not be a major concern for a Fire Chief. Uh, but with the size of our department, and our dependency on volunteer fighter fighters makes having a Fire Chief, not only with administrative skills important, but having a paramedic license in place upon being hired critically important. The reason for this is because there is a need to have duplicate, duplication in skills, such as paramedic in the event that one of the part time paramedics or volunteers are unable to serve. Not only is this important to providing quality service, but we have an ambulance certification that requires 24/7 paramedic on duty, which is a great comfort. I’ve used ‘em before. Um, and we have to wonder if we are not putting our ambulance certification in potential jeopardy. Uh, Mr. Andrus is willing to get his paramedic license over the next six months, uh, which is going to add additional cost and lost time on his part while we wait for him to get his license. Um, because it lapsed, um, a long time ago. In relation to the fire depart, chief living in Eagle Mountain, again, this was an important factor because it helps provide additional personnel in a department that’s dependant on part time and volunteers that may or may not always be available when needed. In addition for any major emergency the Fire Chief would take over forty minutes in driving time at least to arrive on the scene. In emergency situations this is not acceptable. We understand his reasons for not choosing to live in Eagle Mountain and respect those but our duty to the citizens of this community is just as important as his is to his family. Um, and, and, uh, the agreement, uh, to have him once a week at the Fire Station is, is just totally unacceptable, in my opinion. We would prefer that all of our Fire Department, or, excuse me, all of are department heads live in Eagle Mountain, but this position is of the greatest need to have Fire Chief living in or very near the City boundaries.

We recognize, um, last week, that the Councilmembers do not have a vote in this position. Um, but we were part of the discussion, uh, we still fill a great need to express our concerns in a public forum. Lastly, we do, we do have a voice and a vote when it comes to the budget. And this is an additional concern that we have. The budget allows for only sixty thousand for this position. It has been brought to our attention that not only does this offer to Mr. Andrus exceed the budget amount, which he may be well deserving of for his fire fighting duties and experience, but it will add additional cost not planned for by paying for his paramedic license and providing a vehicle. Well I think we resolved that one. Um, also, how much lost productivity occurs during the training period over the next six months. Um, we believe there were other candidates that would've been better suited for this department given the current circumstances in which means we must operate and given the budget parameters that we are limited to. And, uh, we attempted to communicate these needs, uh, for more communication, and I was under, uh, had expectations through our City Attorney that that was going to be discussed tonight, but he was given the job before the discussions were ever completed. I just wanted to share these concerns. Um, did you have anything to share on these subjects, Brian?"

Councilmember Olsen shook his head indicating no.

Councilmember David Blackburn stated that they are actively reviewing the proposed Kennekuk park.

Councilmember Janiece Sloan requested that her comments be verbatim.

"Um, I --I also just wanted to stated for the record that I didn't, I do not disagree, or I do not agree with the decision to hire, uh, Mr. Ran, uh, Mr. Andrus. Um, although I recognize that I don't have a vote in, in this matter. Um, I feel somewhat the the need to apologize to Chief DeKorver and Deputy Chief, um, McCarthy, to the firefighters, and the citizens of Eagle Mountain cause I, uh, I feel like that I came to the discussions on that somewhat unprepared for the way that that things would go and um I feel like perhaps I should've been able to do more, um, and did, did try, um, to fix what I felt like were mistakes that I made in the process. Um, sometimes you just don't know what you don't know and so I do feel that I do owe an apology, um, for that. I also want to, um, let Deputy DeKorver, or Chief DeKorver and Deputy Chief McCarthy know that I do recognize the hard work that they have done and, um, that it is their dedication and their passion and their hard work that has gotten our department to where it is and um, I regret that we were not able to reward this, um, hard work, uh, with a promotion that that, um, I feel like either one was very qualified for, um, uh, I believe they would have been a better choice in part because they do reside in our City and we are a Fire Department that runs on part time and volunteer firefighters, um, unlike many bigger departments that have more fulltime staff, um, I am concerned that the amount offered to Mr. Andrus was above the amount that was allotted in the budget. Um, and, uh, uh, other potential impact, impacts on the budget besides that as well as questions that I still have about him not being a paramedic upon hire, um, I did receive an email in response to that concerns, but that email quite frankly raised even more concerns rather than served to answer the questions that I had. I would've liked to have further discussion on the issue, um, uh, although we had had plenty, I, I do admit, although I do think there were some more concerns that I think deserved to be addressed. Um, now in saying that, I as far as Rand's qualifications, uh, he seems to be very well qualified I have no problems with him him personally. I just think that maybe there we would've done better on another choice. In as much as the choice has been made my full support is behind Mr. Andrus, and I, um, would, um, like um, that to be made public as well as encourage the firefighters on our staff to to support him and to move forward as a community, um, that we may continue to build our Fire Department and, um, have have a good feeling there. My comments do not give license to any of our

firefighters to treat Mr. Andrus in any disrespectful way. He um is very qualified. He is going to be the Chief and he deserves the, the respect of the firefighters and that's all I have to say."

Mayor Pro Tem Liddiard congratulated City Councilmembers for spending a lot of time on issues and stated he would address a couple of things that were mentioned. He indicated a lot of time was spent during the process of hiring the fire chief which included lots of phone calls. Of the numerous candidates, it was narrowed down to three with the feeling that all three were excellent candidates. After initial interviews, these candidates were asked to prepare something and the City Council visited with all three again. Mayor Pro Tem Liddiard stated the process was intended to be a straightforward opportunity to hear proposals and make a decision that evening. The process took until 1 a.m. and the result of that meeting was that four of five City Councilmembers came away with a choice. After the meeting was completed the applicants were informed of the decision and the following day an offer was extended to Mr. Andrus by the Human Resource department. Mayor Pro Tem Liddiard indicated there were some concerns about part of the things included in the offer to Mr. Andrus. One issue was the salary; however that was the salary plan presented by Mr. Andrus. Mayor Pro Tem Liddiard stated there is a capability in the budget to address all of those things. Because an offer was extended the City proceeded and modified the offer, and Mr. Andrus was acceptable to the modifications to try and alleviate the deepest concerns of the City Councilmembers. Mayor Pro Tem Liddiard stated that by no means does this diminish the efforts of other applicants who are all exceptional people and who have done a great amount of service. A selection was made and now the City will move forward. He expressed appreciation for the participation of Councilmembers Sloan and Strouse and that the City Councilmembers are willing to support Mr. Andrus and move forward.

ANNOUNCEMENTS/UPCOMING EVENTS

Mayor Pro Tem Liddiard stated that on Thursday August 4, 2005 Little Texas and J. Marc Bailey will be performing at the SilverLake amphitheater, which will include fireworks.

Councilmember David Blackburn stated that the Salt Lake Tribune congratulated Chief Andrus as being the first Fire Chief in Eagle Mountain City. He asked staff to send a correction explaining the service the City has had and the Fire Chiefs that have served.

Councilmember Linn Strouse: "The news article, one of the new articles also said that it was the Council that initiated the, uh, uh, search for a fulltime Fire Chief, where, where it was actually, um, something that was already brought up because we are a dynamic, growing City, uh, that we required a fulltime Fire Chief, and, um, uh, we have an excellent Fire Department, uh, its been blood sweat and tears of those that are already involved in it, and they've done an excellent job, and, and that was why the position was opened up, because we needed fulltime, not because the Council decided we needed fulltime Fire Department. Okay, thank you."

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

City Recorder Gina Peterson stated that a notice was published in the Daily Herald on July 16, 2005 for the mid-term mayoral vacancy. Applications will be accepted until August 1, 2005 and the appointment is set for the regularly scheduled City Council meeting on August 2, 2005.

Mayor Pro Tem Liddiard stated that those interested in running for political office in Eagle Mountain City may file a Declaration of Candidacy through August 15, 2005.

SCHEDULED ITEMS

FINAL PLAT – Consideration and approval of the Final Plat for Showdown at Eagle’s Gate – Plat B.

Planning Director Adam Lenhard stated that the Eagle’s Gate subdivision is located south of Anthem on the Green and north of the Rock Creek condos. He explained the proposed subdivision contains 51 lots and approximately 10.19 acres, and has over a half acre of open space.

Councilmember Sloan **moved** to approve the Final Plat for Showdown at Eagle’s Gate – Plat B subject to the following conditions:

1. FEE-IN-LIEU. That all applicable park fees-in-lieu are paid prior to recordation.
2. DRIVEWAYS. That all driveways are a minimum 22’ long from the property line.
3. LANDSCAPE PLAN. That a revised landscape plan is approved. That fencing types and responsibilities are shown on the plans and included in the bond if necessary.
4. STREET TREES. That the party responsible for the bonding and installation of the street trees shown on the landscape plan is identified.
5. E-FILES. That all e-files are submitted (plat, civils, dry utilities, and landscape).

Councilmember Blackburn **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

SITE PLAN – Consideration and approval of a Site Plan for Holiday Oil Convenience Store, Car Wash and Gas Station.

Assistant to the City Administrator Shawn Warnke stated that Holiday Oil is proposing a convenience store, gas station, and car wash on a 1.90 acre parcel on the southwest corner of the Ranches and Pony Express intersection in the Ranches. The applicant is proposing that 28 stalls be approved for the site which meets the Development Code’s requirements. Additionally, the car wash’s location should allow a queuing distance of four cars.

The sidewalk along Ranches Parkway was constructed on the property owned by Mr. Wagstaff. This also occurred with the sidewalk on the east side of Ranches Parkway. In speaking with Mr. Wagstaff he is willing to provide an easement to the City for the sidewalk. The Planning Department is suggesting that rather than an easement that the property owner considers deeding the land to the City to absolve them of any legal issue regarding the sidewalk.

Mr. Warnke explained the Ranches Parkway has a 206 foot right-of-way (ROW) that has been dedicated to the City, of which 70 feet is a landscaped area behind the curb and gutter. This causes the site to be set back from the street a significant distance. The City’s ordinances allow for wall signs and monument signs.

The Planning Department recommended that the City provides signage easements to the Applicant for signs in the ROW. There should be some flexibility for this easement to be adjusted into the future to accommodate the City’s expansion of facilities. Additionally, there needs to be some separation between the curb and the proposed location of the monument signage.

During the Planning Commission’s review of the Conditional Use Permit the hours of operation for the gas pumps, c-store, and car wash were approved at 5:00 AM to 11:00 PM. There was some discussion regarding the hours at the meeting that involved comments from the residents, applicant, and Planning Commission. Essentially, the Planning Commission allowed the facility to open at 5:00 AM; however,

if there are complaints from the residents regarding the stores operation at this time the Planning Department is to conduct an investigation and place the item back on the Planning Commission's agenda for further consideration.

Mr. Warnke explained the applicant has shown an RV dump on the site for the convenience of the Eagle Mountain residents. Since an RV dump is a direct connection into the sewer system Timpanogos Special Sewer District (TSSD) will require that the RV dump be secured. They will need to get approval from TSSD.

Mr. Warnke explained the applicant has agreed to have a light specialist examine the sight and develop a lighting plan that will eliminate any light going beyond the property. The Planning Commission approved an eight foot split face masonry wall to mitigate the effects of the proposed site.

Mayor Pro Tem Liddiard explained that the traffic study is required after the Site Plan. He also stated that environmental issues are monitored by the Federal Government.

Councilmember Blackburn questioned moving the fuel reservoir further from residential dwelling units.

Mike Wagstaff of Holiday Oil stated that the location of the fuel reservoirs is being addressed. The design of the building will be similar to the pictures presented to the Council with added columns. The colors will match the Parkway Crossroads development across the street.

Loreen Cole a resident of the Cold Springs subdivision asked that the City Council demand a traffic study be completed with this proposal.

Erin Coroner stated her concern of adequate security for the proposed site.

Mr. Warnke addressed the citizens concerns. He explained the following:

- The berm needs to be lowered per city standards to create a clear vision, and increase visibility to ensure the safety of pedestrians.
- The applicant will need to submit an updated traffic impact study specific to this location.
- That the City Council clarifies landscaping improvements in the motion. Staff needs to review the proposed landscape plan. Mr. Warnke put the applicant on notice that if any of the Austrian pines die they will need to replace them.

Councilmember Blackburn explained the city has restricted hours for commercial construction. He also requested that any trees that are removed be relocated for use elsewhere. Mr. Warnke stated the trees were paid using SID funds and would have to be used in that type of area.

Mayor Pro Tem Liddiard stated they would like to help expedite the process for the applicant.

Councilmember Blackburn **moved** to approve a Site Plan for Holiday Oil Convenience Store, Car Wash and Gas Station subject to the following conditions:

1. STORM WATER. That the storm water calculations and storm water detention detail be submitted.
2. SOIL REPORTS & TRAFFIC STUDY. That a soils report be submitted. That a traffic study is submitted and approved by the City.
3. SIDEWALK. That there is an easement for the sidewalk on Ranches Parkway or the property is deeded to the City.

4. SIGNAGE EASEMENTS. That the City provides a signage easements to the Applicant for signs in the ROW. That this easement can be adjusted into the future to accommodate the City's expansion of facilities. That there is some separation between the curb and the monument signage.
5. UTILITY DEMANDS. That utility demands be submitted for water, sewer, gas, and phone.
6. LIGHTING PLAN. That a lighting plan be submitted. Building lighting shall be shielded and directed downward so that the light source is not visible from beyond the property where the structure is located. Lighting shall not project above structures or flagpoles, nor beyond the property line.
7. LANDSCAPING PLAN. That there is a better landscape plan submitted. That native grass or bark is prohibited in the planter bed along Cold Springs. The plan should comply with the Landscape Plan (Section 11.5), Planting Standards (11.7), and Design Application (11.8). That the plan is prepared and stamped by a landscape architect.
8. LANDSCAPING. That trees also be relocated on Ranches Parkway and Peregrine Road, and that the new locations are shown on the plans. That the native vegetation on Pony Express Parkway be replaced with sod.
9. CLEAR VISION. That clear vision is created by reducing/eliminating the berm and relocation of vegetation along Ranches Parkway.
10. BUFFERING. That an 8' masonry wall be built by the developer adjacent to Cold Springs existing privacy fence with no space left between. That the landscaped buffer is 20 feet wide, that deciduous trees are placed every 30 feet and that evergreens are placed in between them. That under-story lighting is provided in the trees.
11. SCREENING. That the mechanical equipment areas are designated on the plan and that these areas receive proper screening treatments. That a better screening detail of the proposed dumpster is submitted.
12. FEES. That a site plan application and fee of \$4959.50 be submitted.
13. EMERGENCY SHUT OFF. That the emergency shut off for the gas pumps is identified.
14. SNOW STACKING. That there is snow stacking capacity of a 4" base over the entire parking lot. This needs to be shown on the plans.
15. APRONS. That turning aprons with 5' radius be added on Ranches and Peregrine Road accesses with tapered curbs to match the modified curb. That a turning apron with 15' radius be constructed on Pony Express Parkway.
16. DEVELOPMENT AGREEMENT. That a development agreement be prepared that identifies issues such as crossing the SID property, signs in the right of way, and sidewalk easement, etc. That cut areas be shown on the plan.
17. GAS TANKS. That the underground gas storage tanks are moved to the northeast corner of the property and that a traffic study specific to a gas station is performed and approved by the City Engineer.
18. LANDSCAPING. That rock mulch be used in the landscape buffer between the site and Cold Springs.
19. LIGHTING. That recessed lights be used in the canopy and that all lighting be directed downward.
20. RV DUMP. That the RV dump be part of the site.

Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Linn Strouse, and Janiece Sloan. The motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View South – Plat A & B.

Mr. Lenhard stated Valley View Ranch South is located north of SR 73 between North Ranch and Meadow Ranch. The City Council approved the Valley View Master Development Plan on August 3, 2004. The Preliminary Plat was approved by the Planning Commission on December 14, 2004, and the Final Plats for Phases A & B were approved by the Planning Commission on February 8, 2005. Mr. Lenhard explained staff's recommended conditions of approval.

Charlotte Ducos stated that on March 15, 2005 the City Council tabled the proposal requesting the developer meet with Camp Williams to address the development of 14400 West. She stated that meeting has not happened. Ms. Ducos stated that approving this plat will put the City's relationship with Camp Williams in jeopardy. She stated the plat has not changed since the last review of City Council.

Christie Buxton a resident of North Ranch expressed concern with narrow lots in the proposed subdivisions.

Julie Wallace echoed the concerns of Ms. Ducos. Ms. Wallace stated her number one concern is maintaining the open rural feel. She cited her concern with the narrow lots. She expressed frustration that the plat has not changed since previous reviews.

Brandon Real of North Ranch stated that he appreciated the Geotechnical Study done in Tickville Gulch. He cited his concern with Tickville Gulch erosion. He is concerned that this is the same plat map that has been previously presented, and with narrow lot frontages. He feels if they could have plat maps more in advance of the meeting it would be beneficial.

Mayor Pro Tem Liddiard addressed the residents concern with lot widths. He explained that 100' lot widths were approved to be the exception.

Lieutenant Colonel Rick West Facility Manager of Camp Williams and the Deputy of Colonel Olsen stated that Camp Williams wants to be a good neighbor and protect the communities surrounding Camp Williams. He explained the revisions they have requested have not taken place. They would like the entrance off 14400 West to have a straight entrance to accommodate the larger vehicles. He stated that it was also agreed that 14400 West would continue to the top of Meadow Ranch where bollards would be placed to block public access. He expressed concern with lots facing 14400 West.

City Attorney Jerry Kinghorn stated that the proposal Lt. Colonel West has suggested was presented before; however, it is not consistent with the approved Master Development Plan. Mr. Kinghorn recommended that the City determine a number of building permits that will be allowed before the proposed road is completed and that 14400 West remain open until the temporary access is completed.

Lt. Colonel West recommended that the proposal be tabled for Camp Williams to have discussion with the developer and the engineer.

Valley View developer Gary McDougal stated that representatives of Camp Williams were present when the Master Development Plan was approved. He stated that he has made many attempts to contact Colonel Olsen and set meetings with no success.

Mr. Kinghorn stated that Utah County does not have a deeded easement in favor of Camp Williams; however, it is the City's obligation to maintain public access for Camp Williams.

Mr. McDougal explained that they are willing to provide access for Camp Williams. He stated that there have been representatives of Camp Williams involved in the planning of the Master Development from the beginning. He stated this plat has received Preliminary Plat approval from Planning Commission and City Council and Final Plat approval from the Planning Commission. Mr. McDougal addressed lot frontages, stating that some half acre lots have been widened to 125' frontage.

Mr. Kinghorn explained that the plat map approved by the Planning Commission is the plat that will need to receive action this evening.

Discussion ensued on timing of the development of 14400 and alternate routes.

Mayor Pro Tem Liddiard asked Mr. McDougal and Colonel West to meet with the City Planner, and Assistant to the City Administrator to come to an agreement on the configuration of 14400 West and any alternate routes that will be established during construction. The developer will need to submit the plat map of Valley View Phase A and B Final Plat.

Councilmember Blackburn **moved** to table the Final Plat for Valley View South - Plats A & B and suggest that all involved parties meet at the Eagle Mountain City Offices at 10:00 a.m. on Thursday July 21, 2005 to dissolve the issues pertaining these plats. Councilmember Strouse **seconded** the motion.

Councilmember Blackburn addressed the concerns of the residents stating that Valley View was approved allowing 100' foot lot frontage on one acre lots; however, it was intended to be used as an exception. The City Council cannot demand them to change the lot frontage because the Development Code at that time allowed 100' lot frontage on one acre lots. The development code has been changed since that time to alleviate future problems.

Mayor Pro Tem Liddiard called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

BID AWARD – Consideration and approval of the Bid for Eagle's Gate 12.47 KV Underground Main Feeder.

Public Works Director Mark Sovine stated this is the contract to install the 750 MCF cable through the Eagle's Gate subdivision, which is needed for future growth.

He explained that there are three bids before the City Council this evening. Mr. Sovine recommended the City Council accept Tasco Engineering's bid for \$70,038.53 with a \$38.53 rebate.

Councilmember Strouse **moved** to accept Tasco Engineering's Bid for Eagle's Gate 12.47 KV Underground Main Feeder and require engineered as built submitted to the City. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

OTHER BUSINESS

Sergeant Mark Binks introduced Sergeant Jason Randall who is the second Sergeant in charge of Eagle Mountain City. He then highlighted Sergeant Randall's qualifications.

City Recorder Gina Peterson asked the City Council if they would be interested in having training from the Utah League of Cities and Towns on City Council procedures. Certain councilmembers expressed an interest in the training.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 9:49 p.m.

Minutes were approved on September 6, 2005.

ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING
July 19, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

AGENDA REVIEW

The City Council reviewed the items on the Consent Agenda and Policy Session Agenda.

DISCUSSION/REVIEW ITEMS

PRESENTATION – Format of Monthly Financial Report

Discussion on Kennekuk Park

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Pro Tem Vincent Liddiard called the meeting to order at 7:04 p.m.

Sergeant Mark Binks led the pledge of allegiance.

CONDUCTING: Mayor Pro Tem Vincent Liddiard

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Shawn Warnke, Assistant to the City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Adam Lenhard, Planning Director; Mark Sovine, Public Works Director; Rand Andrus, Fire Chief; and Sergeant Mark Binks, Utah County Sheriff's Department.

OTHERS PRESENT: Residents, Tiffany Ulmer, Jason Peterson, Erin Coroner, Loreen Cole, Charlotte Ducos, Christie Buxton, Julie Wallace, and Brandon Real; Camp Williams, Lieutenant Colonel Rick West.

PUBLIC COMMENTS

Neighborhood Watch Coordinator Tiffany Ulmer informed the public that a R.A.D. for Woman session is starting. Ms. Ulmer announced Eagle Mountain City's first Neighborhood Watch Night Out on August 3, 2005.

Mayor Pro Tem Liddiard stated that Little Texas will be performing at the SilverLake amphitheater on Thursday August 4, 2005.

Jason Peterson stated that developing the Kennekuk Park should be considered by the City Council. He stated that there is a disparity of parks on the north side of Pony Express Parkway. He stated that the proposed location is an eye sore that would be enhanced by becoming a park. Mr. Peterson reported that the Ranches Home Owners Association has agreed to improve and maintain the park.

Erin Coroner asked that a traffic study, environmental studies, and any required air quality studies be conducted prior to voting on the proposed Holiday Oil Convenience Store. She requested that the developer establish an agreement according to their requests concerning lighting and security.

Kip Wilson of Direct Communications participated in the meeting via telephone. Mr. Wilson explained the delay in the finalization of Direct Communications purchasing Eagle Mountain Telecommunications. He stated that residents that are upset with the length of time the purchase has been taking should write a letter to the FCC asking them to expedite the process.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Linn Strouse asked that her comments be verbatim.

“Okay, I’ve had an opportunity to do uh, a great deal of thinking this past week, a lot has transpired, um, in and out of the Council. Um, I cannot go forward with out addressing, addressing, uh, this issue of the new Fire Chief. Um, I don’t think just because you have a right to do something makes it right. Our new Fire Chief, uh, Rand Andrus has demonstrated to be a very qualified and capable candidate for Fire Chief; however, there’s been specific concerns that have been addressed by the Council on previous discussions that have not been properly addressed. In addition there have been offers made that various Councilmembers were not aware of prior to the actual offer extended that present additional concerns to the Council. In spite of the qualifications, there’s legitimate concern that Mr. Andrus will not be living in our City, and does not hold a current paramedic license. These two factors in a larger Fire Department with more fulltime firefighters and paramedics would not be a major concern for a Fire Chief. Uh, but with the size of our department, and our dependency on volunteer fighter fighters makes having a Fire Chief, not only with administrative skills important, but having a paramedic license in place upon being hired critically important. The reason for this is because there is a need to have duplicate, duplication in skills, such as paramedic in the event that one of the part time paramedics or volunteers are unable to serve. Not only is this important to providing quality service, but we have an ambulance certification that requires 24/7 paramedic on duty, which is a great comfort. I’ve used ‘em before. Um, and we have to wonder if we are not putting our ambulance certification in potential jeopardy. Uh, Mr. Andrus is willing to get his paramedic license over the next six months, uh, which is going to add additional cost and lost time on his part while we wait for him to get his license. Um, because it lapsed, um, a long time ago. In relation to the fire depart, chief living in Eagle Mountain, again, this was an important factor because it helps provide additional personnel in a department that’s dependant on part time and volunteers that may or may not always be available when needed. In addition for any major emergency the Fire Chief would take over forty minutes in driving time at least to arrive on the scene. In emergency situations this is not acceptable. We understand his reasons for not choosing to live in Eagle Mountain and respect those but our duty to the citizens of this community is just as important as his is to his family. Um, and, and, uh, the agreement, uh, to have him once a week at the Fire Station is, is just totally unacceptable, in my opinion. We would prefer that all of our Fire Department, or, excuse me, all of are department heads live in Eagle Mountain, but this position is of the greatest need to have Fire Chief living in or very near the City boundaries.

We recognize, um, last week, that the Councilmembers do not have a vote in this position. Um, but we were part of the discussion, uh, we still fill a great need to express our concerns in a public forum. Lastly, we do, we do have a voice and a vote when it comes to the budget. And this is an additional concern that we have. The budget allows for only sixty thousand for this position. It has been brought to our attention that not only does this offer to Mr. Andrus exceed the budget amount, which he may be well deserving of for his fire fighting duties and experience, but it will add additional cost not planned for by paying for his paramedic license and providing a vehicle. Well I think we resolved that one. Um, also, how much lost productivity occurs during the training period over the next six months. Um, we believe there were other candidates that would've been better suited for this department given the current circumstances in which means we must operate and given the budget parameters that we are limited to. And, uh, we attempted to communicate these needs, uh, for more communication, and I was under, uh, had expectations through our City Attorney that that was going to be discussed tonight, but he was given the job before the discussions were ever completed. I just wanted to share these concerns. Um, did you have anything to share on these subjects, Brian?"

Councilmember Olsen shook his head indicating no.

Councilmember David Blackburn stated that they are actively reviewing the proposed Kennekuk park.

Councilmember Janiece Sloan requested that her comments be verbatim.

"Um, I --I also just wanted to stated for the record that I didn't, I do not disagree, or I do not agree with the decision to hire, uh, Mr. Ran, uh, Mr. Andrus. Um, although I recognize that I don't have a vote in, in this matter. Um, I feel somewhat the the need to apologize to Chief DeKorver and Deputy Chief, um, McCarthy, to the firefighters, and the citizens of Eagle Mountain cause I, uh, I feel like that I came to the discussions on that somewhat unprepared for the way that that things would go and um I feel like perhaps I should've been able to do more, um, and did, did try, um, to fix what I felt like were mistakes that I made in the process. Um, sometimes you just don't know what you don't know and so I do feel that I do owe an apology, um, for that. I also want to, um, let Deputy DeKorver, or Chief DeKorver and Deputy Chief McCarthy know that I do recognize the hard work that they have done and, um, that it is their dedication and their passion and their hard work that has gotten our department to where it is and um, I regret that we were not able to reward this, um, hard work, uh, with a promotion that that, um, I feel like either one was very qualified for, um, uh, I believe they would have been a better choice in part because they do reside in our City and we are a Fire Department that runs on part time and volunteer firefighters, um, unlike many bigger departments that have more fulltime staff, um, I am concerned that the amount offered to Mr. Andrus was above the amount that was allotted in the budget. Um, and, uh, uh, other potential impact, impacts on the budget besides that as well as questions that I still have about him not being a paramedic upon hire, um, I did receive an email in response to that concerns, but that email quite frankly raised even more concerns rather than served to answer the questions that I had. I would've liked to have further discussion on the issue, um, uh, although we had had plenty, I, I do admit, although I do think there were some more concerns that I think deserved to be addressed. Um, now in saying that, I as far as Rand's qualifications, uh, he seems to be very well qualified I have no problems with him him personally. I just think that maybe there we would've done better on another choice. In as much as the choice has been made my full support is behind Mr. Andrus, and I, um, would, um, like um, that to be made public as well as encourage the firefighters on our staff to to support him and to move forward as a community, um, that we may continue to build our Fire Department and, um, have have a good feeling there. My comments do not give license to any of our

firefighters to treat Mr. Andrus in any disrespectful way. He um is very qualified. He is going to be the Chief and he deserves the, the respect of the firefighters and that's all I have to say."

Mayor Pro Tem Liddiard congratulated City Councilmembers for spending a lot of time on issues and stated he would address a couple of things that were mentioned. He indicated a lot of time was spent during the process of hiring the fire chief which included lots of phone calls. Of the numerous candidates, it was narrowed down to three with the feeling that all three were excellent candidates. After initial interviews, these candidates were asked to prepare something and the City Council visited with all three again. Mayor Pro Tem Liddiard stated the process was intended to be a straightforward opportunity to hear proposals and make a decision that evening. The process took until 1 a.m. and the result of that meeting was that four of five City Councilmembers came away with a choice. After the meeting was completed the applicants were informed of the decision and the following day an offer was extended to Mr. Andrus by the Human Resource department. Mayor Pro Tem Liddiard indicated there were some concerns about part of the things included in the offer to Mr. Andrus. One issue was the salary; however that was the salary plan presented by Mr. Andrus. Mayor Pro Tem Liddiard stated there is a capability in the budget to address all of those things. Because an offer was extended the City proceeded and modified the offer, and Mr. Andrus was acceptable to the modifications to try and alleviate the deepest concerns of the City Councilmembers. Mayor Pro Tem Liddiard stated that by no means does this diminish the efforts of other applicants who are all exceptional people and who have done a great amount of service. A selection was made and now the City will move forward. He expressed appreciation for the participation of Councilmembers Sloan and Strouse and that the City Councilmembers are willing to support Mr. Andrus and move forward.

ANNOUNCEMENTS/UPCOMING EVENTS

Mayor Pro Tem Liddiard stated that on Thursday August 4, 2005 Little Texas and J. Marc Bailey will be performing at the SilverLake amphitheater, which will include fireworks.

Councilmember David Blackburn stated that the Salt Lake Tribune congratulated Chief Andrus as being the first Fire Chief in Eagle Mountain City. He asked staff to send a correction explaining the service the City has had and the Fire Chiefs that have served.

Councilmember Linn Strouse: "The news article, one of the new articles also said that it was the Council that initiated the, uh, uh, search for a fulltime Fire Chief, where, where it was actually, um, something that was already brought up because we are a dynamic, growing City, uh, that we required a fulltime Fire Chief, and, um, uh, we have an excellent Fire Department, uh, its been blood sweat and tears of those that are already involved in it, and they've done an excellent job, and, and that was why the position was opened up, because we needed fulltime, not because the Council decided we needed fulltime Fire Department. Okay, thank you."

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

City Recorder Gina Peterson stated that a notice was published in the Daily Herald on July 16, 2005 for the mid-term mayoral vacancy. Applications will be accepted until August 1, 2005 and the appointment is set for the regularly scheduled City Council meeting on August 2, 2005.

Mayor Pro Tem Liddiard stated that those interested in running for political office in Eagle Mountain City may file a Declaration of Candidacy through August 15, 2005.

SCHEDULED ITEMS

FINAL PLAT – Consideration and approval of the Final Plat for Showdown at Eagle’s Gate – Plat B.

Planning Director Adam Lenhard stated that the Eagle’s Gate subdivision is located south of Anthem on the Green and north of the Rock Creek condos. He explained the proposed subdivision contains 51 lots and approximately 10.19 acres, and has over a half acre of open space.

Councilmember Sloan **moved** to approve the Final Plat for Showdown at Eagle’s Gate – Plat B subject to the following conditions:

1. FEE-IN-LIEU. That all applicable park fees-in-lieu are paid prior to recordation.
2. DRIVEWAYS. That all driveways are a minimum 22’ long from the property line.
3. LANDSCAPE PLAN. That a revised landscape plan is approved. That fencing types and responsibilities are shown on the plans and included in the bond if necessary.
4. STREET TREES. That the party responsible for the bonding and installation of the street trees shown on the landscape plan is identified.
5. E-FILES. That all e-files are submitted (plat, civils, dry utilities, and landscape).

Councilmember Blackburn **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

SITE PLAN – Consideration and approval of a Site Plan for Holiday Oil Convenience Store, Car Wash and Gas Station.

Assistant to the City Administrator Shawn Warnke stated that Holiday Oil is proposing a convenience store, gas station, and car wash on a 1.90 acre parcel on the southwest corner of the Ranches and Pony Express intersection in the Ranches. The applicant is proposing that 28 stalls be approved for the site which meets the Development Code’s requirements. Additionally, the car wash’s location should allow a queuing distance of four cars.

The sidewalk along Ranches Parkway was constructed on the property owned by Mr. Wagstaff. This also occurred with the sidewalk on the east side of Ranches Parkway. In speaking with Mr. Wagstaff he is willing to provide an easement to the City for the sidewalk. The Planning Department is suggesting that rather than an easement that the property owner considers deeding the land to the City to absolve them of any legal issue regarding the sidewalk.

Mr. Warnke explained the Ranches Parkway has a 206 foot right-of-way (ROW) that has been dedicated to the City, of which 70 feet is a landscaped area behind the curb and gutter. This causes the site to be set back from the street a significant distance. The City’s ordinances allow for wall signs and monument signs.

The Planning Department recommended that the City provides signage easements to the Applicant for signs in the ROW. There should be some flexibility for this easement to be adjusted into the future to accommodate the City’s expansion of facilities. Additionally, there needs to be some separation between the curb and the proposed location of the monument signage.

During the Planning Commission’s review of the Conditional Use Permit the hours of operation for the gas pumps, c-store, and car wash were approved at 5:00 AM to 11:00 PM. There was some discussion regarding the hours at the meeting that involved comments from the residents, applicant, and Planning Commission. Essentially, the Planning Commission allowed the facility to open at 5:00 AM; however,

if there are complaints from the residents regarding the stores operation at this time the Planning Department is to conduct an investigation and place the item back on the Planning Commission's agenda for further consideration.

Mr. Warnke explained the applicant has shown an RV dump on the site for the convenience of the Eagle Mountain residents. Since an RV dump is a direct connection into the sewer system Timpanogos Special Sewer District (TSSD) will require that the RV dump be secured. They will need to get approval from TSSD.

Mr. Warnke explained the applicant has agreed to have a light specialist examine the sight and develop a lighting plan that will eliminate any light going beyond the property. The Planning Commission approved an eight foot split face masonry wall to mitigate the effects of the proposed site.

Mayor Pro Tem Liddiard explained that the traffic study is required after the Site Plan. He also stated that environmental issues are monitored by the Federal Government.

Councilmember Blackburn questioned moving the fuel reservoir further from residential dwelling units.

Mike Wagstaff of Holiday Oil stated that the location of the fuel reservoirs is being addressed. The design of the building will be similar to the pictures presented to the Council with added columns. The colors will match the Parkway Crossroads development across the street.

Loreen Cole a resident of the Cold Springs subdivision asked that the City Council demand a traffic study be completed with this proposal.

Erin Coroner stated her concern of adequate security for the proposed site.

Mr. Warnke addressed the citizens concerns. He explained the following:

- The berm needs to be lowered per city standards to create a clear vision, and increase visibility to ensure the safety of pedestrians.
- The applicant will need to submit an updated traffic impact study specific to this location.
- That the City Council clarifies landscaping improvements in the motion. Staff needs to review the proposed landscape plan. Mr. Warnke put the applicant on notice that if any of the Austrian pines die they will need to replace them.

Councilmember Blackburn explained the city has restricted hours for commercial construction. He also requested that any trees that are removed be relocated for use elsewhere. Mr. Warnke stated the trees were paid using SID funds and would have to be used in that type of area.

Mayor Pro Tem Liddiard stated they would like to help expedite the process for the applicant.

Councilmember Blackburn **moved** to approve a Site Plan for Holiday Oil Convenience Store, Car Wash and Gas Station subject to the following conditions:

1. STORM WATER. That the storm water calculations and storm water detention detail be submitted.
2. SOIL REPORTS & TRAFFIC STUDY. That a soils report be submitted. That a traffic study is submitted and approved by the City.
3. SIDEWALK. That there is an easement for the sidewalk on Ranches Parkway or the property is deeded to the City.

4. SIGNAGE EASEMENTS. That the City provides a signage easements to the Applicant for signs in the ROW. That this easement can be adjusted into the future to accommodate the City's expansion of facilities. That there is some separation between the curb and the monument signage.
5. UTILITY DEMANDS. That utility demands be submitted for water, sewer, gas, and phone.
6. LIGHTING PLAN. That a lighting plan be submitted. Building lighting shall be shielded and directed downward so that the light source is not visible from beyond the property where the structure is located. Lighting shall not project above structures or flagpoles, nor beyond the property line.
7. LANDSCAPING PLAN. That there is a better landscape plan submitted. That native grass or bark is prohibited in the planter bed along Cold Springs. The plan should comply with the Landscape Plan (Section 11.5), Planting Standards (11.7), and Design Application (11.8). That the plan is prepared and stamped by a landscape architect.
8. LANDSCAPING. That trees also be relocated on Ranches Parkway and Peregrine Road, and that the new locations are shown on the plans. That the native vegetation on Pony Express Parkway be replaced with sod.
9. CLEAR VISION. That clear vision is created by reducing/eliminating the berm and relocation of vegetation along Ranches Parkway.
10. BUFFERING. That an 8' masonry wall be built by the developer adjacent to Cold Springs existing privacy fence with no space left between. That the landscaped buffer is 20 feet wide, that deciduous trees are placed every 30 feet and that evergreens are placed in between them. That under-story lighting is provided in the trees.
11. SCREENING. That the mechanical equipment areas are designated on the plan and that these areas receive proper screening treatments. That a better screening detail of the proposed dumpster is submitted.
12. FEES. That a site plan application and fee of \$4959.50 be submitted.
13. EMERGENCY SHUT OFF. That the emergency shut off for the gas pumps is identified.
14. SNOW STACKING. That there is snow stacking capacity of a 4" base over the entire parking lot. This needs to be shown on the plans.
15. APRONS. That turning aprons with 5' radius be added on Ranches and Peregrine Road accesses with tapered curbs to match the modified curb. That a turning apron with 15' radius be constructed on Pony Express Parkway.
16. DEVELOPMENT AGREEMENT. That a development agreement be prepared that identifies issues such as crossing the SID property, signs in the right of way, and sidewalk easement, etc. That cut areas be shown on the plan.
17. GAS TANKS. That the underground gas storage tanks are moved to the northeast corner of the property and that a traffic study specific to a gas station is performed and approved by the City Engineer.
18. LANDSCAPING. That rock mulch be used in the landscape buffer between the site and Cold Springs.
19. LIGHTING. That recessed lights be used in the canopy and that all lighting be directed downward.
20. RV DUMP. That the RV dump be part of the site.

Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Linn Strouse, and Janiece Sloan. The motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View South – Plat A & B.

Mr. Lenhard stated Valley View Ranch South is located north of SR 73 between North Ranch and Meadow Ranch. The City Council approved the Valley View Master Development Plan on August 3, 2004. The Preliminary Plat was approved by the Planning Commission on December 14, 2004, and the Final Plats for Phases A & B were approved by the Planning Commission on February 8, 2005. Mr. Lenhard explained staff's recommended conditions of approval.

Charlotte Ducos stated that on March 15, 2005 the City Council tabled the proposal requesting the developer meet with Camp Williams to address the development of 14400 West. She stated that meeting has not happened. Ms. Ducos stated that approving this plat will put the City's relationship with Camp Williams in jeopardy. She stated the plat has not changed since the last review of City Council.

Christie Buxton a resident of North Ranch expressed concern with narrow lots in the proposed subdivisions.

Julie Wallace echoed the concerns of Ms. Ducos. Ms. Wallace stated her number one concern is maintaining the open rural feel. She cited her concern with the narrow lots. She expressed frustration that the plat has not changed since previous reviews.

Brandon Real of North Ranch stated that he appreciated the Geotechnical Study done in Tickville Gulch. He cited his concern with Tickville Gulch erosion. He is concerned that this is the same plat map that has been previously presented, and with narrow lot frontages. He feels if they could have plat maps more in advance of the meeting it would be beneficial.

Mayor Pro Tem Liddiard addressed the residents concern with lot widths. He explained that 100' lot widths were approved to be the exception.

Lieutenant Colonel Rick West Facility Manager of Camp Williams and the Deputy of Colonel Olsen stated that Camp Williams wants to be a good neighbor and protect the communities surrounding Camp Williams. He explained the revisions they have requested have not taken place. They would like the entrance off 14400 West to have a straight entrance to accommodate the larger vehicles. He stated that it was also agreed that 14400 West would continue to the top of Meadow Ranch where bollards would be placed to block public access. He expressed concern with lots facing 14400 West.

City Attorney Jerry Kinghorn stated that the proposal Lt. Colonel West has suggested was presented before; however, it is not consistent with the approved Master Development Plan. Mr. Kinghorn recommended that the City determine a number of building permits that will be allowed before the proposed road is completed and that 14400 West remain open until the temporary access is completed.

Lt. Colonel West recommended that the proposal be tabled for Camp Williams to have discussion with the developer and the engineer.

Valley View developer Gary McDougal stated that representatives of Camp Williams were present when the Master Development Plan was approved. He stated that he has made many attempts to contact Colonel Olsen and set meetings with no success.

Mr. Kinghorn stated that Utah County does not have a deeded easement in favor of Camp Williams; however, it is the City's obligation to maintain public access for Camp Williams.

Mr. McDougal explained that they are willing to provide access for Camp Williams. He stated that there have been representatives of Camp Williams involved in the planning of the Master Development from the beginning. He stated this plat has received Preliminary Plat approval from Planning Commission and City Council and Final Plat approval from the Planning Commission. Mr. McDougal addressed lot frontages, stating that some half acre lots have been widened to 125' frontage.

Mr. Kinghorn explained that the plat map approved by the Planning Commission is the plat that will need to receive action this evening.

Discussion ensued on timing of the development of 14400 and alternate routes.

Mayor Pro Tem Liddiard asked Mr. McDougal and Colonel West to meet with the City Planner, and Assistant to the City Administrator to come to an agreement on the configuration of 14400 West and any alternate routes that will be established during construction. The developer will need to submit the plat map of Valley View Phase A and B Final Plat.

Councilmember Blackburn **moved** to table the Final Plat for Valley View South - Plats A & B and suggest that all involved parties meet at the Eagle Mountain City Offices at 10:00 a.m. on Thursday July 21, 2005 to dissolve the issues pertaining these plats. Councilmember Strouse **seconded** the motion.

Councilmember Blackburn addressed the concerns of the residents stating that Valley View was approved allowing 100' foot lot frontage on one acre lots; however, it was intended to be used as an exception. The City Council cannot demand them to change the lot frontage because the Development Code at that time allowed 100' lot frontage on one acre lots. The development code has been changed since that time to alleviate future problems.

Mayor Pro Tem Liddiard called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

BID AWARD – Consideration and approval of the Bid for Eagle's Gate 12.47 KV Underground Main Feeder.

Public Works Director Mark Sovine stated this is the contract to install the 750 MCF cable through the Eagle's Gate subdivision, which is needed for future growth.

He explained that there are three bids before the City Council this evening. Mr. Sovine recommended the City Council accept Tasco Engineering's bid for \$70,038.53 with a \$38.53 rebate.

Councilmember Strouse **moved** to accept Tasco Engineering's Bid for Eagle's Gate 12.47 KV Underground Main Feeder and require engineered as built submitted to the City. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

OTHER BUSINESS

Sergeant Mark Binks introduced Sergeant Jason Randall who is the second Sergeant in charge of Eagle Mountain City. He then highlighted Sergeant Randall's qualifications.

City Recorder Gina Peterson asked the City Council if they would be interested in having training from the Utah League of Cities and Towns on City Council procedures. Certain councilmembers expressed an interest in the training.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 9:49 p.m.

Minutes were approved on September 6, 2005.

ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 2, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING: Mayor Pro Tem Vincent Liddiard.

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Bond Refunding Issues – Laura Lewis, Financial Advisor

DISCUSSION – Valley View – Final Plats A & B

DISCUSSION – Alternative Logos for Ranches Signage

DISCUSSION – Final Payment for Terry Larsen Excavating – Administration Building

REVIEW – Financial Report – July 2005

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda, including a lengthy discussion on purchase of lots in the Kennekuk subdivision for park space.

INTERVIEW OF MAYORAL CANDIDATES

The City Council conducted brief interviews with mayoral candidates interested in filling the interim mayoral vacancy.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Pro Tem Vincent Liddiard called the meeting to order at 7:21 p.m. A color guard presentation including the pledge of allegiance was led by Scout Troop 1048.

CONDUCTING: Mayor Pro Tem Vincent Liddiard.

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Brian B. Olsen, Janiece Sloan, and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Sergeant Mark Binks, Utah County Sheriff's Department; Rand Andrus, Fire Chief.

OTHERS PRESENT: Residents, Jennifer Edwards, Tiffany Ulmer, Kelvin Bailey, Chad Larsen, David Lifferth; Colonel Scott Olsen, Colonel Mike Litgee, Camp Williams.

PUBLIC COMMENTS

Jennifer Edwards expressed concern of traffic speeds in the Mountain View subdivision and the safety of pedestrians. Ms. Edwards asked if anyone is watching the Friends in Need Kennel to make sure they are in compliance with the regulations. She stated that the dogs have been barking excessively.

Tiffany Ulmer reminded the public that tonight is National Neighborhood Night Out; however, because of City Council meeting the Neighborhood Watch will host their night out on Wednesday August 3, 2005. She then highlighted the events of the evening's festivities.

Colonel Scott Olsen of Camp Williams stated he is the Installation Manager of Camp Williams and is also accompanied by Colonel Mike Litgee the Garrison Commander at Camp Williams. He stated he enjoys working with the City Council and employees of Eagle Mountain City. He presented signs that had been shot numerous times by firearms. These signs were posted at the Tickville access, within City limits approximately four months ago. He asked that the City create awareness for the safety of the citizens in the area and the soldiers training in the area.

Mayor Pro Tem Vincent Liddiard asked that the City's Newsletter highlight the Firearms Ordinance as a reminder to residents.

Councilmember Linn Strouse asked Sergeant Binks to increase patrol in that area and asked Neighborhood Watch to create awareness of the Firearms Ordinance.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

City Administrator Chris Hillman stated the City received a \$500,000 grant earmarked for the expansion of the Wastewater Treatment Plant in the South Service Area. The offices of Senator Bennett assisted in instigating the grant. Mayor Kelvin Bailey and Mr. Hillman went to Washington D.C. earlier this year attempting to get a grant for the Waste Water Treatment Plant and the development of the SITLA park, a 60 acre piece of property on the north side of Pony Express Parkway in the South Service Area. The City has also been earmarked a \$200,000 grant for the development of the SITLA park.

Mayor Pro Tem Liddiard asked to have a letter sent from the City Council to Congressman Cannon and Senator Bennett thanking them for their assistance in this matter.

He reminded the citizens that Thursday August 4, 2005 will be the Little Texas and J. Marc Bailey concert at the amphitheater in the SilverLake development.

Councilmember Strouse asked that her comments be verbatim.

"Um, I've got some things I would like to share with the public that have, or are grave concern to me. There's the process of, uh, obtaining our new Fire Chief, uh, from the beginning has been tainted. I think it's very critical that, I want this for the record, I want this to be in the record, that the majority of this Council did not agree to that, uh, the offer of employment; which was supposed to have waited, like I said last week, last meeting, till the following Tuesday. And instead the Mayor Pro Tem gave him the offer in spite of all the questions and the promises, the promises made to the attorney and the fact that, uh, the City Manager was left out of the loop and was not allowed to participate by telephone. I do on my answering machine have a message from, uh, Mayor Pro Tem Liddiard stating that the, that the Chris Hillman would be a part of this conversation, and I think it was real critical in, uh, in order to be fair to everybody including the person that has been offered the job we need to set the record straight we brought up the question the most recent offer to, uh, to the new Fire Chief was, um, instead of the \$65,000 that was, um, agreed to without the majority of Council supporting it. He was offered somewhere around \$59,000 which is top of the mid line of, um, the wages for that position, which um, uh is so in order to not violate a City policy that's already established um, apparently it was agreed between Mayor Pro Tem Liddiard and the new hire that he would be given the, uh, top of the mid line for starter wages and then when he moved to three to six months when he got his paramedic license which really should've been part of the requirement in the first place, uh, then he will, uh, get, uh, increased up to \$65,000 and I have serious concerns with, uh, \$6000 raise for getting a paramedic license and being, uh, violating the intent of the policy. Um, I, I am just very disappointed about this and I just wanted this to be on the record that the Council the majority of the Council does not agree with this decision. Even though we had no vote in it contrary to what was said at the last meeting. Uh, you do not vote in closed executive sessions. Thank you."

Councilmember Olsen concurred with Councilmember Strouse.

Councilmember Sloan stated that she also concurs with Councilmember Strouse.

City Administrator Chris Hillman and Mayor Pro Tem Liddiard recognized Deputy Fire Chief Jack Holmes, Deputy Fire Chief Kevin McCarthy, and Chief Robert DeKorver for their service in the Eagle Mountain Fire Department.

SCHEDULED ITEMS

RESOLUTION – Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of not More Than \$22,000,000 Aggregate Principal Amount of Gas and Electric Revenue Refunding Bonds, Series 2005, of Eagle Mountain City, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters.

Mayor Pro Tem Liddiard explained the proposal.

Mr. Hillman explained this is a way to get out of a variable interest rate and an expensive letter of credit. He continued stating this is a very positive financial step for the City.

Councilmember Blackburn explained that this proposal will build reserve funds the City can use in coming years.

Councilmember Sloan **moved** to adopt of a Resolution 14-2005, Authorizing the Issuance and Sale of not More Than \$22,000,000 Aggregate Principal Amount of Gas and Electric Revenue Refunding Bonds, Series 2005, of Eagle Mountain City, Utah; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from Par at Which the Bonds May be Sold; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters. Linn Strouse **seconded** the motion.

Kelvin Bailey made comments in favor of the motion.

Mayor Pro Tem Liddiard called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance allowing impact fee waivers for commercial use.

Mayor Pro Tem Liddiard stated the City Council finds it is in the public interest to encourage development of commercial businesses within Eagle Mountain City. One incentive for commercial businesses would be the waiver of impact fees under certain circumstances. The proposed ordinance details those provisions. He explained that a similar ordinance was previously approved; however, that ordinance had a sunset clause that has run its time.

Councilmember Blackburn **moved** to approve Ordinance 18-2005 allowing impact fee waivers for commercial use including planning department review fees and site plan review fees. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Antelope Bench.

This item was removed from the agenda at the request of the applicant.

ORDINANCE – Consideration and approval of an ordinance amending the Sign Regulations for Eagle Mountain City.

Planning Director Adam Lenhard stated that the City has approved Directional Off-Premise ladder signs located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The purpose of these signs is to direct people to the model homes of builders within the City. This ordinance amendment will allow alternative logos at the top of ladder signs to be approved by the City Council.

Mr. Lenhard explained The Ranches Home Owners Association expressed concern with maintaining their identity in their respective areas.

Councilmember Blackburn **moved** to approve an ordinance amending the Sign Regulations for Eagle Mountain City. Motion **failed** for lack of a second.

PURCHASE OF LOTS IN KENNEKUK SUBDIVISION – Consideration of the purchase of Lot 41 and Lot 42 in Kennekuk Subdivision for park space.

This item was removed from the agenda at the request of the applicant.

MOTION – Consideration of compensation plan for the Office of Mayor and setting a public hearing for August 16, 2005 at 7:00 p.m. to amend the compensation schedule for the Office of Mayor.

Mayor Pro Tem Liddiard called for a motion to hold a public hearing.

Councilmember Blackburn questioned at what point the job description of the mayor would be established.

City Attorney Jerry Kinghorn stated that the expectations were in the compensation ordinance passed in June. Mr. Kinghorn explained that if the City Council wanted to amend the ordinance it would require a public hearing.

Councilmember Blackburn **moved** to set a public hearing for August 16, 2005 at 7:00 p.m. to amend the compensation schedule for the Office of Mayor including a job description and mayor's duties. Councilmember Sloan **seconded** the motion.

Councilmember Olsen stated he objects to this proposal. He is not in favor of micromanaging whoever serves as mayor as the City Council has the right to amend the salary compensation package at any time.

Councilmember Strouse stated that she agrees with Councilmember Olsen.

Councilmember Blackburn explained this is not an issue of micromanaging a mayor. He feels this will ensure that the funds used to pay for the compensation package are used wisely. He also clarified that any vehicular reimbursement would have to come from the \$70,000 allotted.

Mr. Hillman explained that a public hearing can be held at any time to adjust the mayoral compensation package.

Councilmember Strouse stated that she feels micromanaging the mayor is not appropriate.

Councilmember Blackburn stated that he would like additional discussion on this proposal.

Councilmember Sloan stated that she agrees with the compensation ordinance as it was passed in June.

Mr. Chris Hillman asked Jerry Kinghorn if expense reimbursement is included in the previously approved compensation.

Mr. Kinghorn explained the statute requires the compensation for the elected officials be set by the City Council. It would be the Council's decision to provide a separate reimbursement fund to not exceed a set amount. Currently, what is allowed for expense reimbursements, salary and benefits could not exceed \$70,000.

Mayor Pro Tem Liddiard called for a vote on the motion. Those voting aye: David Blackburn and Vincent Liddiard. Those voting nay: Brian Olsen, Janiece Sloan and Linn Strouse. Motion **failed** for lack of a majority vote, 2:3.

MOTION – Consideration and selection of a candidate to serve the unexpired term created by the resignation of Mayor Kelvin Bailey.

The resignation of Mayor Kelvin E. Bailey was effective June 30, 2005 at 5:00 p.m. A Notice of Vacancy was published in the Daily Herald which set a deadline for submitting statements of interest as well as a meeting date and time to fill the vacancy. The deadline to submit statements of interest was August 1, 2005 at 5:00 p.m. The person appointed to the Office of Mayor will serve the unexpired remaining term of office ending January 2, 2006 at noon. Mayor Pro Tem Liddiard recognized Kelvin Bailey for his service as Mayor.

Mayor Pro Tem Liddiard stated that the City has an excellent Staff that keep things going, that put their heart into the City and do a lot of good for the City. He expressed appreciation for the brief time he has conducted the mayoral duties as Mayor Pro Tem and acknowledged it has taken a great deal of time and thought. He recognized there have been frustrations under his charge, however he worked in the manner which he felt was the most appropriate. His indicated Councilmembers Sloan and Strouse have expressed some displeasure and that they will need to come prepared and do their homework in the future if they want to exercise their opinions in an appropriate way.

Mayor Pro Tem Liddiard then stated they would move forward to select a person to be appointed to the serve the unexpired remaining term of office for Kelvin Bailey. He noted two applicants submitted letters of interest and will be considered in alphabetical order. He stated each applicant will have 12 minutes to introduce themselves and present their qualifications and answer Council's questions.

He then invited Chad Larsen to introduce himself.

Mr. Larsen introduced himself to the City Council and stated that he is looking to serve the community and boost community spirit and volunteerism in Eagle Mountain City. He stated that he would plan on keeping his fulltime job and dedicate 10-25 hours to mayoral duties; he would not accept the full salary. He stated that he understands the original vision of Eagle Mountain City and explained what he believes

that to be. Mr. Larsen explained his schedule has been flexible and he believes he will be able to fulfill the duties of mayor.

Councilmember Olsen stated that he appreciates the applicants' willingness to serve. He stated that he is concerned with the time commitments of Mr. Larsen because as a member of the City Council he would expect the mayor to work forty hours and to be available.

Mr. Larsen stated he doesn't know if this is a fulltime position.

Mayor Pro Tem Liddiard invited David Lifferth to introduce himself to the City Council.

Mr. Lifferth introduced himself and stated that he would like to be considered for the interim mayor. He stated that he feels that if appointed he will serve as a caretaker for the interim. He believes in smaller and limited government, an open and accountable government. He stated that he has a great deal of respect for the City Staff and their accomplishments. Mr. Lifferth stated he plans to serve a 40 hour week if appointed. He noted he is running for City Council and stated that he plans to run an effective campaign for City Councilmember. He explained his style of leadership and management.

Councilmember Olsen commended Mr. Lifferth for his willingness to serve.

City Attorney Jerry Kinghorn recommended that the City Council would entertain a motion to appoint a certain individual.

Mayor Pro Tem Liddiard stated that he would call for a motion in the reverse order of the presentations. He asked for a motion to appoint Dave Lifferth as the interim mayor.

Councilmember Strouse **moved** to appoint Dave Lifferth as the interim mayor. Councilmember Sloan **seconded** the motion.

The City Council expressed their gratitude to Mr. Larsen and Mr. Lifferth for their willingness to serve their community.

Mayor Pro Tem Vincent Liddiard called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

City Recorder Gina Peterson administered the Oath of Office to Mr. Lifferth.

ADJOURNMENT

As his first official action, Mayor David Lifferth moved to adjourn the meeting at 8:53 p.m.

Minutes approved September 6, 2005.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 16, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Winter 2004-2005 Gas Rates

REVIEW – Declaration of Candidacy Filings

DISCUSSION – Mayor's Items

AGENDA REVIEW

OTHER BUSINESS

ADJOURN TO A CLOSED EXECUTIVE SESSION - Personnel

Councilmember Blackburn **moved** to adjourn to a closed executive session for the purpose of discussing personnel issues - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Sloan **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

The meeting adjourned at 6:31 p.m.

CLOSED-DOOR SESSION – Personnel

A closed-door session was held at 6:50 p.m. for the purpose of discussing personnel issues - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor David Lifferth; Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse; staff members Chris Hillman.

The meeting adjourned at 7:05 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:06 p.m. The Pledge of Allegiance was led by Bob Shawgo.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Sergeant Mark Binks, Utah County Sheriff's Department, Rand Andrus, Fire Chief.

OTHERS PRESENT: Residents: Brigham Morgan, John and Shareen Linton; Alicia Hill, Scot Hazard, Cindy Morris, Deedee Partridge, David Kast, Robert DeKorver, Loreen Cole, Charlotte Ducos, Julie Wallace, Robert Shawgo, Todd Panter, Matthew Curtis, Nathan Olsen, Aytana Olsen, Christopher Olsen, Heather Jackson, Donna Burnham; Ken Berg, Sowby & Berg; Janet Burningham, Crossroads Journal; Leland Anderson, Pony Express; Stewart Grow, Elkhorn Development; Doug Woodruff, MIT.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – June 22, 2005

MINUTES of Special City Council Meeting – June 28, 2005

MINUTES of City Council Meeting – July 12, 2005

Councilmember Olsen **moved** to approve the City Council Meeting Minutes of June 22, 2005, July 12, 2005 and the Special City Council Meeting Minutes of June 28, 2005 with noted corrections. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

PUBLIC COMMENTS

Loreen Cole stated that the Night Out Against Crime was successful. She then asked the City Council to require the Holiday Oil car wash use water reclamation.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Linn Strouse recognized the individuals who volunteered in the Night Out Against Crime.

Mayor Lifferth stated he met with Joe Nardone of the Pony Express Trail Association. Next year the Association will lay the foundation for the Pony Express Trail monument.

Councilmember Blackburn asked that his comments be recorded in full.

"I just wanted to clarify some of my comments and viewpoints from our last meeting, held 8/2/2005. As we have individually and collectively agreed to some of these items recently, I was a bit surprised that we didn't take any action in the Policy Session. As such, I wanted my comments and concerns to be listed for the record.

I am not looking to micro-manage the Mayor's position or day to day/hour to hour activities. I merely want to have some basic guidelines or job expectations listed.

If these concerns are already addressed in the 'EM Employee Policies and Procedures', then that is fine. Same goes if our requirements are addressed in the State Statutes and Mayoral Guidelines. We are a unique city, as we have repeatedly stated. As such, we should have some unique requirements of our Mayor and his or her expected duties and actions.

May I point out that Professional CEO's tend to act professionally, but they also have some detailed job guidelines as a basis for salary justification, stockholder information, personal merit and job review. I am only suggesting that we have a few specific requirements for our own CEO situation.

Admittedly, I am addressing these concerns and issues based on someone who might not contribute full efforts or time, unlike what Kelvin Bailey, Dave Lifferth, or what hopefully all future Mayors would do in this position. But, we are also in the position that a full time paid mayor position has not yet been experienced.

I support the approved and Council-majority action of paying a Full Time Mayor, but I am also being cautious of possible future situations. Maybe I am a bit of a pessimist rather than an optimist in some of my thoughts and comments, but we know that we have had other city and business agreements hold us to the letter of the law rather than the intended spirit. I am therefore looking to act in a 'pre' caution and 'letter-of-the-law mode' to try to spell some things out specifically.

My personal experience and professional recommendation to my fellow Council members is that we should have Eagle Mountain City's definition of a Full Time Mayor more clearly stated.

HR departments and sometimes required legal action regularly works with definitions and interpretation of job duties involved in job disputes. If our expectations of a Mayor are not spelled out, what recourse would we have if a future Mayor's personal definition and concept of being Mayor does not agree with what we expect, need or want?

Are we in a position to deny any portion of a 70k pay package with no expectations set by Eagle Mountain?

For example; we assume and expect that a fulltime Mayor will work 40 hours or more, sometimes uncompensated for all time and efforts. What if a future Mayor said '10-15 hours is all I want or need to

do, the rest is up to Council and Staff. I have performed my 'duties' as explained in the State Statutes; please continue to pay me my 70k salary.' Fulltime should be defined.

Eagle Mountain also expects attendance and participation in meetings above and beyond general Mayoral state statute or definitions because of our unique city needs and programs (MAG, COG, DOT, and attendance at other various local, city, and State activities, meetings, etc) This should be spelled out as a general job duty or expectation.

I feel that we should also expect and or require professional conduct and appearance whenever possible in the representation of Eagle Mountain. (This all may be or already addressed in the employee manual) As a last requirement, I feel that Eagle Mountain and its Council should be aware of any outside professional or for-pay business activities conducted by the Mayor.

Mayor Bailey stated that he had never heard of this type of requirement, or if it could be a valid request. Both I and Councilman Liddiard replied that we are continually required to have our current employers 'Outside Business Activity' permission and review.

I am only concerned that as a fulltime Mayoral position, the Council should have notification of other business or duties that may prohibit full participation or possibly cause conflict with Eagle Mountain City and its management or business."

Councilmember Blackburn stated that deeding public open space to private individuals is being addressed.

Councilmember Olsen stated he enjoyed attending the Night Out Against Crime. He requested that Council Comments have a set parameter of 3 minutes like Public Comments. Mayor Lifferth stated that would be considered.

Mayor Lifferth read a letter from the State of Utah, Office of the State Auditor which indicates the City's budget is in compliance with State Fiscal laws.

He then recognized the following individuals for outstanding service in conjunction with the J. Marc Bailey and Little Texas Concert: Tiffany Ulmer, Lynette Perkins, Dennis Hurtmeyer, Amy Hill, Jennifer Webb, Joanne Horner, and Loree Cole.

Mayor Lifferth stated that a member of the community and city staff, Tyson Chandler Baker, recently passed away. He then extended condolences to the family.

Mayor Lifferth introduced Rand Andrus Eagle Mountain City's new Fire Chief and invited him to introduce himself.

Chief Andrus stated that he has worked for Salt Lake County Fire for 28 years. He stated that he is excited to be working for Eagle Mountain City. Mayor Lifferth welcomed Chief Andrus and explained that he has the full support of the Mayor and City Council.

Mayor Lifferth explained he would like the City Council meetings to be as efficient as possible. He will be scheduling an hour on Wednesday to meet with residents of Eagle Mountain City. This will be called

Mayor Hour and Angie Ferre will set appointments from 5:00 – 6:00PM. He will then take phone calls from 6:00 – 7:00PM.

Mayor Lifferth read portions of a letter submitted for public comment in support of the City Council's decision to hire Rand Andrus. The letter was submitted by D.J. Conger.

City Recorder Gina Peterson announced the candidates who have filed to run for public office. Mayor Lifferth then invited candidates to briefly introduce themselves and explain why they are running for office. The City Council candidates were invited to speak.

It was requested that the minutes of each candidate introduction be transcribed verbatim

Donna Burnham: My name is Donna Burnham. I live in Eagle Parks subdivision in City Center. And one reason that I am wanting to run is because I feel like I can make good decisions, that I can look at the issues at hand, evaluate all the information before making a decision not based on gossip or on my emotional feelings at the time, and because I've lived here for almost four years I have a lot of background with the city, and I've followed the politics so I understand some of the basic things that are going on and the issues that face the City.

Loreen Cole: My name is Loreen Cole. And the reason I want to run is because I live in The Ranches portion of Eagle Mountain, and we have a problem over there with a lot of the people feeling that the City officials just kind of leave them in the dark and forget about them when they're making decisions and stuff, and so I told them well I'll become your eyes and ears on this side and represent the City as a whole. We need unity and I think I can bring that.

Matthew Curtis: My name is Matthew Curtis. I live City Center I think it's Eagle Point. I'm still trying to figure out all the subdivisions. I've been in the City for about fourteen, fifteen months. I'm interested in running for City Council because I've been living in a great community and I want to get acquainted with what's going on in the City and feel like I can contribute so...thanks.

Ms. Peterson explained that Jennifer Edwards had prior engagements and was not able to attend.

Alicia Hill: My name is Alicia Hill. I'm also in Eagle Park subdivision in the City Center. And a couple of my big issues-for one thing I hate that we have to say The Ranches and the City Center. I would like it to be more united and be a City of one instead of two separate entities. And the other thing I'd really like to bring the City back to the people a little bit more. I think there's some things that you know people need a vote or more say in than you know, than may have been happening or may in the future so I think those are kind of my biggest platforms. Thank you.

Heather Jackson: I'm Heather Jackson. I live in the Eagle Point subdivision and I've lived here seven years as of August 31st so I'm kind of a pioneer. I think that's part of what made me want to run. I've been out here a long time. I know everybody out here at least a lot of people out here. I work in the Real Estate business so I'm very familiar with developers and realtors and, ya know the process of building a community. And

because of that I feel like I can lend that area of expertise to the City. I just want to see it grow.

Ms. Peterson explained that Fionmuala Kofoed was not able to attend this meeting due to prior obligations.

David Lifferth: My name is David Lifferth. I live in Cedar Pass. We've lived here eight years this month and I think there's a lot of things that I can do to contribute to the City. And one of the main things that I want to do is we made a lot of progress at the City level over the past several years in the way of managing our resources wisely, reducing debt, and I think in general making big process and I just want to keep that ball rolling, I don't want to change directions, I think that we were to change directions we probably be to the detriment to the City. Thank you.

Ms. Peterson explained that Christopher Peck and Michael Edwards were not able to attend tonight's meeting. Those running for Mayor were then invited to speak.

Mark Lofgren: First of all if you don't mind I'm going to turn around because you all know me. You all may not know me. My name is Mark Lofgren. I live over in the Landing. This is my beautiful wife Anjanette. She's my stone. Her maiden name is Stone too so that's kinda cool but anyway...we've lived in the City Center here for seven years as of next month. We've been just about as long as Alicia. We've been very involved with the community all through that whole time as of everybody knows. It's been a long time since I've been able to speak in front of a crowd so I'm a little nervous. One of my main objectives is exactly-what was your name again- Alicia- that's where I get the confusion- exactly what Alicia said is I want to bring back the community back to Eagle Mountain or the Eagle Mountain back to the citizens. We've lost a lot in the last few years. We've lost a lot of what Eagle Mountain was when we first came out here and I would love to get that mentality, that attitude, and that brilliance that was Eagle Mountain back. And there's a lot of work that goes into that and I hope that everybody can join in on that effort no matter who we end up voting for. I think that's the effort that we need to really be pressing for so...thank you.

Brigham Morgan: My name is Brigham Morgan. I live in the Landing. My wife and I have lived in Eagle Mountain for seven years just about I think it's in October we'll be here for seven years. I'm running for Mayor. I've served four years on the City Council, I've served two years on the Planning Commission, I've been involved with Telecom Board of adjustments and many other meetings. I believe I have many qualifications both involved with the City and in my professional management career that I can bring that will bring benefit to the City. The biggest issue that I have is I don't believe Eagle Mountain needs to have a full time paid Mayor. Based on the experience that I've had with discussions I've had with other Mayors I think we can better meet the needs at putting that money to a better use in other programs and departments in the City.

Brian Olsen: Mr. Mayor, Council, Staff-you asked my name, where I live, and why I'm running. My name is Brian B. Olsen-the B. stands for Brent after my dad. I live in the City Center in Eagle Mountain in the Mountain View subdivision, and I have many reasons

to run. But one of them I was fortunate enough that they were able to come and I'd like to recognize them- my wife and my children. My children are the future of Eagle Mountain, and I intend to make it their home and their future, and I will be prepared to share more of my reasons for running, and you can go to my website www.olsenformayor.com. Thank you.

Mayor Lifferth thanked the candidates. He stated that Eagle Mountain City has a history of volunteerism.

City Administrator Chris Hillman stated that the candidates will receive a letter inviting them to a meeting to introduce staff, ask questions and better understand the functions of a municipality. He also noted the League of Women Voters will be hosting a debate after the Primary Election.

APPOINTMENTS – Selection and Appointment of Mayor Pro Tem

Councilmember Strouse **moved** to appoint Councilmember Olsen as Mayor Pro Tem. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Brian Olsen, Janiece Sloan, and Linn Strouse. Those voting nay: Vincent Liddiard. Motion **passed** with a majority vote 4:1.

Councilmember Liddiard stated that he believes Councilmember Olsen will do a great job; however, Councilmember Blackburn has done a great job and has served on the Council for a greater amount of time.

SCHEDULED ITEMS

AGREEMENT – Consideration and Approval of the Kern River Facilities Agreement.

Public Works Director Mark Sovine explained that this is a facilities agreement. The City has outgrown the size of its current natural gas pipeline connection. This agreement will allow Kern River to construct a larger connection providing for existing homes and future growth.

Councilmember Liddiard **moved** to approve the Kern River Facilities Agreement. Councilmember Strouse **seconded** the motion.

Councilmember Blackburn stated that this was not addressed in the budget; however, it is needed for growth.

Mr. Sovine explained that the financing will be discussed at a later time.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and approval of a Resolution Authorizing Participation in the Utah State Firefighters Retirement System

Mayor Lifferth explained that with the recent appointment of a fulltime fire chief in Eagle Mountain City, this resolution will fulfill a procedural requirement to provide fulltime retirement and part time death benefits for public safety individuals employed by the City.

Councilmember Olsen **moved** to approve Resolution 16-2005 authorizing participation in the Utah State Firefighters Retirement System. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Amended Sage Valley Master Development Agreement.

This item was removed from the agenda at the request of the applicant.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Holiday Oil.

Mayor Lifferth stated that the Holiday Oil Convenience Store, Car Wash and Gas Station parcel is located at the southwest corner of The Ranches Parkway and Pony Express Parkway. The site plan was approved by the City Council on July 19, 2005. This agreement will incorporate the conditions of approval for development.

Councilmember Liddiard **moved** to approve a Development Agreement with Holiday Oil. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse stated she is in favor of using water reclamation for the car wash.

Loree Cole stated that she contacted the Federal government and Environmental Protection Agency in the area and was informed that the requirement of water reclamation is coming in the future. She stated that not requiring water reclamation is putting a cost on the ecology of our community.

Councilmember Strouse questioned if a condition could be added to the agreement requiring water reclamation.

City Attorney Jerry Kinghorn explained that when Holiday Oil gets a quote on the impact fees from Timpanogos Special Service they will reconsider recycling. That decision will be driven by cost and is not necessary to put in Development Agreement.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat B.

Planning Director Adam Lenhard stated that O’Fallon’s Bluff Plat B is located in The Ranches along Golden Eagle Road. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat B to the City Council. Mr. Lenhard reviewed staff’s recommended conditions of approval.

Councilmember Blackburn **moved** to approve the Final Plat for O’Fallon’s Bluff – Plat B subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage up to the "Lakeview Community Open Space".
3. DRIVEWAYS. That a note on the plat shows that the driveway length is 22' and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
4. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
5. VEST POCKETS. That the vest pockets are eight feet wide, and that the sidewalk is 6 feet wide (integrated without park strip, Type A curb and gutter). That the travel lane is 14 feet.
6. BLOWOFF. That there is a blowoff valve at the end of Golden Eagle Road.
7. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat C.

Mr. Lenhard stated that O’Fallon’s Bluff Plat C is located in The Ranches and will extend Butterfield Road from its existing location and connect it to the intersection of James Street and Ranches Parkway. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat C to the City Council.

Councilmember Blackburn **moved** to approve the Final Plat for O’Fallon’s Bluff – Plat C subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage up to the "Lakeview Community Open Space".
3. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
4. TRAILS & FIRE ACCESS. That this corridor is 20' in width to allow for a utility easement, pedestrian corridor, and fire brush truck access. This corridor should be xeriscaped.
5. DRIVEWAYS. That a note on the plat shows that the driveway length is 22' and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
6. DROP MANHOLES. That drop manholes are not permitted.
7. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.

Councilmember Sloan **seconded** the motion

Councilmember Liddiard noted that Lot 281 is narrow and setback requirements will not be adjusted.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat D.

Mr. Lenhard stated that O’Fallon’s Bluff Plat D is located in The Ranches at the end of Wyatt Earp Avenue. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat D to the City Council.

In Plats D and E, there are several lots that that adjoin alleys in the rear. Title 2 Section 7.7.8 of the Development Code requires that homes constructed on alleys have their access from the alley. This would require that lots 305 and 306 of Plat D and lots 307 through 311 of Plat E have alleyway access.

The developer would like to have the option of building homes that would have their driveway access from the street instead of the alleyway. If the Planning Commission and City Council feel inclined to allow this, the Code should be amended prior to building permits being issued for these homes. An amended Development Code containing this change will be presented to the Planning Commission and City Council within the next month for review.

Councilmember Blackburn **moved** to approve the Final Plat for O’Fallon’s Bluff – Plat D subject to the following conditions:

1. OPEN SPACE PARCELS. That open space parcel A in Plat D is labeled as “Public Open Space dedicated to Eagle Mountain City” and maintained by the HOA.
2. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
3. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage in the “Lakeview Community Open Space”.
4. DRIVEWAYS. That a note on the plat shows that the driveway length is 22’ and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
5. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
6. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat E.

Mr. Lenhard stated that O’Fallon’s Bluff Plat E is located in The Ranches at the end of O’Fallon’s Way, north of the Eagle Top subdivision. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat E to the City Council. Mr. Lenhard discussed the recommended conditions of approval.

In Plats D and E, there are several lots that that adjoin alleys in the rear. Title 2 Section 7.7.8 of the Development Code requires that homes constructed on alleys have their access from the alley. This would require that lots 305 and 306 of Plat D and lots 307 through 311 of Plat E have alleyway access.

The developer would like to have the option of building homes that would have their driveway access from the street instead of the alleyway. If the Planning Commission and City Council feel inclined to allow this, the Code should be amended prior to building permits being issued for these homes. An amended Development Code containing this change will be presented to the Planning Commission and City Council within the next month for review.

Councilmember Liddiard stated he is in favor of tabling this proposal until an amendment to the Development Code is made in connection to lots with alleyway access.

Doug Wood representing the developer asked if this can be approved as is and address the access of alleyway lots when a Development Code amendment is made.

City Attorney Jerry Kinghorn stated that any changes to the plat would need to come back before the Council for approval.

Councilmember Sloan **moved** to approve the Final Plat for O'Fallon's Bluff – Plat E subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage up to the "Lakeview Community Open Space".
3. DRIVEWAYS. That a note on the plat shows that the driveway length is 22' and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
4. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
5. O'FALLON'S WAY. That there is a cut slope at the end of O'Fallon's Way with a minimum cut slope of 3:1 with erosion control.
6. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.
7. WATER SERVICES. That water services must connect to a minimum 6" main. That the existing unused sewer lateral in Lot 308 be capped.

Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brain Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn requested that the Council receive notification on the driveway preference on the lots that are noted as alleyway access.

INTRODUCTION – Deputy John Luke

Sergeant Mark Binks introduced Deputy John Luke who has been assigned to serve Eagle Mountain City. He then highlighted Deputy Luke's qualifications.

Deputy Luke stated that he is pleased to serve Eagle Mountain City.

FINAL PLAT – Consideration and approval of the Final Plat for Mt. Airey – Plat B.

Mr. Lenhard stated that Mt. Airey Plat B is located north of The Ranches Golf Course Clubhouse. On February 13, 2001, the Planning Commission approved the Preliminary Plat, and on June 26, 2001, they recommended approval of the Final Plat to the City Council. He explained that Mt. Airey Plat B consists of 19 lots with the average lot size being just over 15,000 sq. ft. The total acreage is 8.15 acres. Mr. Lenhard then discussed staff's recommended conditions of approval.

Scot Hazard stated that a note will be put on the plat that Lots 1 and 2 will have driveway access off Clubhouse Drive.

Councilmember Liddiard **moved** to approve the Final Plat for Mt. Airey – Plat B subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. LANDSCAPE PLAN. That street trees are added to the Landscape Plan along Mt. Airey Drive. That all the responsibility to provide fencing and street trees is clarified on the Landscape Plan (show open space and golf course fencing). That if they are public improvements, they are included in the bond.
3. SID PAYMENTS. That the City Engineer determines the amount of SID payments due, and that the payment is made prior to recordation.
4. WATER RIGHTS. That water rights are identified and turned over to the City.
5. STORM DRAIN CALCULATIONS. That the storm drain calculations are resubmitted and approved; that they include inlet and roadway spread capacities.
6. TEMPORARY STORM POND. That the temporary storm water retention pond on Clubhouse Drive be sized for a 100-year storm and that an easement for this pond be provided with the approval of this subdivision.
7. ENGINEER'S ESTIMATES. That the engineer's estimate is updated to include off site storm drainage improvements and easements provided for the storm water pond and line; landscape improvements, and dry utility estimates.
8. PLAT AND CONSTRUCTION PLAN COMMENTS. That all of the comments related to the plat and construction plans are completed as per Staff's instruction.
9. DRIVEWAY ACCESS. That Lots 1 and 2 have driveway access off Clubhouse Drive.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Mt. Airey – Plat C.

Mr. Lenhard stated that Mt. Airey Plat C is located north of Anthem on the Green in The Ranches. On May 22, 2001, the Planning Commission approved the Preliminary Plat and, on August 9, 2005 the Planning Commission recommended approval of the Final Plat to the City Council. Mr. Lenhard explained that this plat consists of 9 lots with an average lot size of over 10,000 sq. ft. The plat has a total acreage of 2.47 acres. He highlighted the recommended conditions of approval.

Councilmember Strouse **moved** to approve the Final Plat for Mt. Airey – Plat C subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. ADDRESSES. That addresses are added to the plat.
3. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due, and that the payment is made prior to recordation.
4. WATER RIGHTS. That water rights are identified and turned over to the City.

Councilmember Sloan **seconded** the motion.

Councilmember Blackburn strongly encouraged the developer to use xeriscape:

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View – Plat A.

This item was removed from the agenda.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View – Plat B.

This item was removed from the agenda.

Mayor Lifferth explained Valley View Plats A and B were removed from the agenda because the Master Development Plan lacked the legal easement for use of 14400 West that Camp Williams has.

MOTION – Consideration and approval of the Disposal of Public Property in Mt. Airey.

The area designated for disposal is a small semi-circle in the Mt. Airey subdivision road. A guard house was originally proposed at the entrance to the subdivision and the right-of-way was enlarged to allow for the construction of such a facility. However, the roadway was not enlarged to accommodate a guard house, and it is no longer considered to be an amenity the developer will provide for this subdivision. Adjacent land owners would like to take this part of the City-owned right-of-way and include it in their lots. The City Council should determine if it agrees with the Planning Commission recommendation that the property is insignificant and may attach a nominal value for reimbursement of costs as a condition of transfer.

Councilmember Liddiard **moved** that the City Council classifies the area of the Mt. Airey Plat A right-of-way described in this application as “Insignificant,” for the purpose of disposing of property owned by the City, based upon the criteria contained in Ordinance O 11-2003. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Vincent Liddiard **moved** that the City Council authorize disposal to the applicants of the area in the Mt. Airey Plat A right-of-way described in the application, subject to the following conditions:

1. SID PAYMENTS. That the land is subject to the SID as developable property and that these assessments are paid as required by the bond covenants.
2. PROCESSING FEE. That the Applicant pays costs in the amount of \$500.00 as the fee for the processing of the application as required by the Consolidated Fee Schedule.
3. EASEMENTS. That all easements required by the City Engineer are provided.
4. LAND COST. That the price to be paid for the land is \$0 dollars

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and approval of an ordinance amending the Sign Regulations for Eagle Mountain City.

Mr. Lenhard explained that the City has approved Directional Off-Premise ladder signs located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The purpose of these signs is to direct people to the model homes of builders within the City. This ordinance amendment will allow alternative logos at the top of ladder signs to be approved by the City Council.

Councilmember Blackburn **moved** to approve an Ordinance 20-2005 amending the Sign Regulations for Eagle Mountain City. Councilmember Liddiard **seconded** the motion.

Councilmember Liddiard explained that entities wanting to change the logo at the top of the ladder signs will need to come before the City Council for approval.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an Alternate Logo for Ladder Signs in the Ranches.

This item was removed from the agenda.

MEMORANDUM OF UNDERSTANDING – Consideration and approval of engagement of Utah Geological Survey for Groundwater Monitoring and Analysis.

Mr. Kinghorn stated that this is a professional services agreement with Utah Geological Survey for a groundwater study. He stated that this is a favorable agreement for the City as the State will be paying for half of the cost.

Councilmember Liddiard **moved** to approve a Memorandum of Understanding with Utah Geological Survey for Groundwater Monitoring and Analysis. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and authorization for the Mayor to Execute Water Right Exchange Documents.

Mr. Kinghorn stated that the City holds a water right which was transferred to the City but which may only be used in Salt Lake County. The parties transferring the water to the City wish to exchange this right but have not completed their proposal. He explained that under the State Constitution the City cannot sell or transfer the water right back to the party who originally transferred it to the City with out exchanging a water right of nominal value.

Councilmember Liddiard **moved** to authorize the Mayor to execute water right exchange documents. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the consent agenda with the removal of stricken items as noted. Councilmember Olsen **seconded** the motion.

A. Partial Payments

- i. Staker Parsons – 2004 Street Improvement Project (PP No. 6)
- ii. RBI – 2004 Landscape Improvements (PP No.3)

B. Change Orders

- i. Staker Parsons – 2004 Street Improvement Project (CO No. 7)

Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse.

Motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Strouse **moved** to adjourn the meeting at 8:54 p.m.

Gina Peterson, City Recorder

Approved: October 18, 2005

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 16, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Winter 2004-2005 Gas Rates

REVIEW – Declaration of Candidacy Filings

DISCUSSION – Mayor's Items

AGENDA REVIEW

OTHER BUSINESS

ADJOURN TO A CLOSED EXECUTIVE SESSION - Personnel

Councilmember Blackburn **moved** to adjourn to a closed executive session for the purpose of discussing personnel issues - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Sloan **seconded** the motion. Those voting aye: Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, and Janiece Sloan. The motion **passed** with a unanimous vote.

The meeting adjourned at 6:31 p.m.

CLOSED-DOOR SESSION – Personnel

A closed-door session was held at 6:50 p.m. for the purpose of discussing personnel issues - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor David Lifferth; Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse; staff members Chris Hillman.

The meeting adjourned at 7:05 p.m.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:06 p.m. The Pledge of Allegiance was led by Bob Shawgo.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Sergeant Mark Binks, Utah County Sheriff's Department, Rand Andrus, Fire Chief.

OTHERS PRESENT: Residents: Brigham Morgan, John and Shareen Linton; Alicia Hill, Scot Hazard, Cindy Morris, Deedee Partridge, David Kast, Robert DeKorver, Loreen Cole, Charlotte Ducos, Julie Wallace, Robert Shawgo, Todd Panter, Matthew Curtis, Nathan Olsen, Aytana Olsen, Christopher Olsen, Heather Jackson, Donna Burnham; Ken Berg, Sowby & Berg; Janet Burningham, Crossroads Journal; Leland Anderson, Pony Express; Stewart Grow, Elkhorn Development; Doug Woodruff, MIT.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – June 22, 2005

MINUTES of Special City Council Meeting – June 28, 2005

MINUTES of City Council Meeting – July 12, 2005

Councilmember Olsen **moved** to approve the City Council Meeting Minutes of June 22, 2005, July 12, 2005 and the Special City Council Meeting Minutes of June 28, 2005 with noted corrections. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

PUBLIC COMMENTS

Loreen Cole stated that the Night Out Against Crime was successful. She then asked the City Council to require the Holiday Oil car wash use water reclamation.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Linn Strouse recognized the individuals who volunteered in the Night Out Against Crime.

Mayor Lifferth stated he met with Joe Nardone of the Pony Express Trail Association. Next year the Association will lay the foundation for the Pony Express Trail monument.

Councilmember Blackburn asked that his comments be recorded in full.

"I just wanted to clarify some of my comments and viewpoints from our last meeting, held 8/2/2005. As we have individually and collectively agreed to some of these items recently, I was a bit surprised that we didn't take any action in the Policy Session. As such, I wanted my comments and concerns to be listed for the record.

I am not looking to micro-manage the Mayor's position or day to day/hour to hour activities. I merely want to have some basic guidelines or job expectations listed.

If these concerns are already addressed in the 'EM Employee Policies and Procedures', then that is fine. Same goes if our requirements are addressed in the State Statutes and Mayoral Guidelines. We are a unique city, as we have repeatedly stated. As such, we should have some unique requirements of our Mayor and his or her expected duties and actions.

May I point out that Professional CEO's tend to act professionally, but they also have some detailed job guidelines as a basis for salary justification, stockholder information, personal merit and job review. I am only suggesting that we have a few specific requirements for our own CEO situation.

Admittedly, I am addressing these concerns and issues based on someone who might not contribute full efforts or time, unlike what Kelvin Bailey, Dave Lifferth, or what hopefully all future Mayors would do in this position. But, we are also in the position that a full time paid mayor position has not yet been experienced.

I support the approved and Council-majority action of paying a Full Time Mayor, but I am also being cautious of possible future situations. Maybe I am a bit of a pessimist rather than an optimist in some of my thoughts and comments, but we know that we have had other city and business agreements hold us to the letter of the law rather than the intended spirit. I am therefore looking to act in a 'pre' caution and 'letter-of-the-law mode' to try to spell some things out specifically.

My personal experience and professional recommendation to my fellow Council members is that we should have Eagle Mountain City's definition of a Full Time Mayor more clearly stated.

HR departments and sometimes required legal action regularly works with definitions and interpretation of job duties involved in job disputes. If our expectations of a Mayor are not spelled out, what recourse would we have if a future Mayor's personal definition and concept of being Mayor does not agree with what we expect, need or want?

Are we in a position to deny any portion of a 70k pay package with no expectations set by Eagle Mountain?

For example; we assume and expect that a fulltime Mayor will work 40 hours or more, sometimes uncompensated for all time and efforts. What if a future Mayor said '10-15 hours is all I want or need to

do, the rest is up to Council and Staff. I have performed my 'duties' as explained in the State Statutes; please continue to pay me my 70k salary.' Fulltime should be defined.

Eagle Mountain also expects attendance and participation in meetings above and beyond general Mayoral state statute or definitions because of our unique city needs and programs (MAG, COG, DOT, and attendance at other various local, city, and State activities, meetings, etc) This should be spelled out as a general job duty or expectation.

I feel that we should also expect and or require professional conduct and appearance whenever possible in the representation of Eagle Mountain. (This all may be or already addressed in the employee manual) As a last requirement, I feel that Eagle Mountain and its Council should be aware of any outside professional or for-pay business activities conducted by the Mayor.

Mayor Bailey stated that he had never heard of this type of requirement, or if it could be a valid request. Both I and Councilman Liddiard replied that we are continually required to have our current employers 'Outside Business Activity' permission and review.

I am only concerned that as a fulltime Mayoral position, the Council should have notification of other business or duties that may prohibit full participation or possibly cause conflict with Eagle Mountain City and its management or business."

Councilmember Blackburn stated that deeding public open space to private individuals is being addressed.

Councilmember Olsen stated he enjoyed attending the Night Out Against Crime. He requested that Council Comments have a set parameter of 3 minutes like Public Comments. Mayor Lifferth stated that would be considered.

Mayor Lifferth read a letter from the State of Utah, Office of the State Auditor which indicates the City's budget is in compliance with State Fiscal laws.

He then recognized the following individuals for outstanding service in conjunction with the J. Marc Bailey and Little Texas Concert: Tiffany Ulmer, Lynette Perkins, Dennis Hurtmeyer, Amy Hill, Jennifer Webb, Joanne Horner, and Loree Cole.

Mayor Lifferth stated that a member of the community and city staff, Tyson Chandler Baker, recently passed away. He then extended condolences to the family.

Mayor Lifferth introduced Rand Andrus Eagle Mountain City's new Fire Chief and invited him to introduce himself.

Chief Andrus stated that he has worked for Salt Lake County Fire for 28 years. He stated that he is excited to be working for Eagle Mountain City. Mayor Lifferth welcomed Chief Andrus and explained that he has the full support of the Mayor and City Council.

Mayor Lifferth explained he would like the City Council meetings to be as efficient as possible. He will be scheduling an hour on Wednesday to meet with residents of Eagle Mountain City. This will be called

Mayor Hour and Angie Ferre will set appointments from 5:00 – 6:00PM. He will then take phone calls from 6:00 – 7:00PM.

Mayor Lifferth read portions of a letter submitted for public comment in support of the City Council's decision to hire Rand Andrus. The letter was submitted by D.J. Conger.

City Recorder Gina Peterson announced the candidates who have filed to run for public office. Mayor Lifferth then invited candidates to briefly introduce themselves and explain why they are running for office. The City Council candidates were invited to speak.

It was requested that the minutes of each candidate introduction be transcribed verbatim

Donna Burnham: My name is Donna Burnham. I live in Eagle Parks subdivision in City Center. And one reason that I am wanting to run is because I feel like I can make good decisions, that I can look at the issues at hand, evaluate all the information before making a decision not based on gossip or on my emotional feelings at the time, and because I've lived here for almost four years I have a lot of background with the city, and I've followed the politics so I understand some of the basic things that are going on and the issues that face the City.

Loreen Cole: My name is Loreen Cole. And the reason I want to run is because I live in The Ranches portion of Eagle Mountain, and we have a problem over there with a lot of the people feeling that the City officials just kind of leave them in the dark and forget about them when they're making decisions and stuff, and so I told them well I'll become your eyes and ears on this side and represent the City as a whole. We need unity and I think I can bring that.

Matthew Curtis: My name is Matthew Curtis. I live City Center I think it's Eagle Point. I'm still trying to figure out all the subdivisions. I've been in the City for about fourteen, fifteen months. I'm interested in running for City Council because I've been living in a great community and I want to get acquainted with what's going on in the City and feel like I can contribute so...thanks.

Ms. Peterson explained that Jennifer Edwards had prior engagements and was not able to attend.

Alicia Hill: My name is Alicia Hill. I'm also in Eagle Park subdivision in the City Center. And a couple of my big issues-for one thing I hate that we have to say The Ranches and the City Center. I would like it to be more united and be a City of one instead of two separate entities. And the other thing I'd really like to bring the City back to the people a little bit more. I think there's some things that you know people need a vote or more say in than you know, than may have been happening or may in the future so I think those are kind of my biggest platforms. Thank you.

Heather Jackson: I'm Heather Jackson. I live in the Eagle Point subdivision and I've lived here seven years as of August 31st so I'm kind of a pioneer. I think that's part of what made me want to run. I've been out here a long time. I know everybody out here at least a lot of people out here. I work in the Real Estate business so I'm very familiar with developers and realtors and, ya know the process of building a community. And

because of that I feel like I can lend that area of expertise to the City. I just want to see it grow.

Ms. Peterson explained that Fionmuala Kofoed was not able to attend this meeting due to prior obligations.

David Lifferth: My name is David Lifferth. I live in Cedar Pass. We've lived here eight years this month and I think there's a lot of things that I can do to contribute to the City. And one of the main things that I want to do is we made a lot of progress at the City level over the past several years in the way of managing our resources wisely, reducing debt, and I think in general making big process and I just want to keep that ball rolling, I don't want to change directions, I think that we were to change directions we probably be to the detriment to the City. Thank you.

Ms. Peterson explained that Christopher Peck and Michael Edwards were not able to attend tonight's meeting. Those running for Mayor were then invited to speak.

Mark Lofgren: First of all if you don't mind I'm going to turn around because you all know me. You all may not know me. My name is Mark Lofgren. I live over in the Landing. This is my beautiful wife Anjanette. She's my stone. Her maiden name is Stone too so that's kinda cool but anyway...we've lived in the City Center here for seven years as of next month. We've been just about as long as Alicia. We've been very involved with the community all through that whole time as of everybody knows. It's been a long time since I've been able to speak in front of a crowd so I'm a little nervous. One of my main objectives is exactly-what was your name again- Alicia- that's where I get the confusion- exactly what Alicia said is I want to bring back the community back to Eagle Mountain or the Eagle Mountain back to the citizens. We've lost a lot in the last few years. We've lost a lot of what Eagle Mountain was when we first came out here and I would love to get that mentality, that attitude, and that brilliance that was Eagle Mountain back. And there's a lot of work that goes into that and I hope that everybody can join in on that effort no matter who we end up voting for. I think that's the effort that we need to really be pressing for so...thank you.

Brigham Morgan: My name is Brigham Morgan. I live in the Landing. My wife and I have lived in Eagle Mountain for seven years just about I think it's in October we'll be here for seven years. I'm running for Mayor. I've served four years on the City Council, I've served two years on the Planning Commission, I've been involved with Telecom Board of adjustments and many other meetings. I believe I have many qualifications both involved with the City and in my professional management career that I can bring that will bring benefit to the City. The biggest issue that I have is I don't believe Eagle Mountain needs to have a full time paid Mayor. Based on the experience that I've had with discussions I've had with other Mayors I think we can better meet the needs at putting that money to a better use in other programs and departments in the City.

Brian Olsen: Mr. Mayor, Council, Staff-you asked my name, where I live, and why I'm running. My name is Brian B. Olsen-the B. stands for Brent after my dad. I live in the City Center in Eagle Mountain in the Mountain View subdivision, and I have many reasons

to run. But one of them I was fortunate enough that they were able to come and I'd like to recognize them- my wife and my children. My children are the future of Eagle Mountain, and I intend to make it their home and their future, and I will be prepared to share more of my reasons for running, and you can go to my website www.olsenformayor.com. Thank you.

Mayor Lifferth thanked the candidates. He stated that Eagle Mountain City has a history of volunteerism.

City Administrator Chris Hillman stated that the candidates will receive a letter inviting them to a meeting to introduce staff, ask questions and better understand the functions of a municipality. He also noted the League of Women Voters will be hosting a debate after the Primary Election.

APPOINTMENTS – Selection and Appointment of Mayor Pro Tem

Councilmember Strouse **moved** to appoint Councilmember Olsen as Mayor Pro Tem. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Brian Olsen, Janiece Sloan, and Linn Strouse. Those voting nay: Vincent Liddiard. Motion **passed** with a majority vote 4:1.

Councilmember Liddiard stated that he believes Councilmember Olsen will do a great job; however, Councilmember Blackburn has done a great job and has served on the Council for a greater amount of time.

SCHEDULED ITEMS

AGREEMENT – Consideration and Approval of the Kern River Facilities Agreement.

Public Works Director Mark Sovine explained that this is a facilities agreement. The City has outgrown the size of its current natural gas pipeline connection. This agreement will allow Kern River to construct a larger connection providing for existing homes and future growth.

Councilmember Liddiard **moved** to approve the Kern River Facilities Agreement. Councilmember Strouse **seconded** the motion.

Councilmember Blackburn stated that this was not addressed in the budget; however, it is needed for growth.

Mr. Sovine explained that the financing will be discussed at a later time.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and approval of a Resolution Authorizing Participation in the Utah State Firefighters Retirement System

Mayor Lifferth explained that with the recent appointment of a fulltime fire chief in Eagle Mountain City, this resolution will fulfill a procedural requirement to provide fulltime retirement and part time death benefits for public safety individuals employed by the City.

Councilmember Olsen **moved** to approve Resolution 16-2005 authorizing participation in the Utah State Firefighters Retirement System. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Amended Sage Valley Master Development Agreement.

This item was removed from the agenda at the request of the applicant.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Holiday Oil.

Mayor Lifferth stated that the Holiday Oil Convenience Store, Car Wash and Gas Station parcel is located at the southwest corner of The Ranches Parkway and Pony Express Parkway. The site plan was approved by the City Council on July 19, 2005. This agreement will incorporate the conditions of approval for development.

Councilmember Liddiard **moved** to approve a Development Agreement with Holiday Oil. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse stated she is in favor of using water reclamation for the car wash.

Loree Cole stated that she contacted the Federal government and Environmental Protection Agency in the area and was informed that the requirement of water reclamation is coming in the future. She stated that not requiring water reclamation is putting a cost on the ecology of our community.

Councilmember Strouse questioned if a condition could be added to the agreement requiring water reclamation.

City Attorney Jerry Kinghorn explained that when Holiday Oil gets a quote on the impact fees from Timpanogos Special Service they will reconsider recycling. That decision will be driven by cost and is not necessary to put in Development Agreement.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat B.

Planning Director Adam Lenhard stated that O’Fallon’s Bluff Plat B is located in The Ranches along Golden Eagle Road. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat B to the City Council. Mr. Lenhard reviewed staff’s recommended conditions of approval.

Councilmember Blackburn **moved** to approve the Final Plat for O’Fallon’s Bluff – Plat B subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage up to the "Lakeview Community Open Space".
3. DRIVEWAYS. That a note on the plat shows that the driveway length is 22' and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
4. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
5. VEST POCKETS. That the vest pockets are eight feet wide, and that the sidewalk is 6 feet wide (integrated without park strip, Type A curb and gutter). That the travel lane is 14 feet.
6. BLOWOFF. That there is a blowoff valve at the end of Golden Eagle Road.
7. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat C.

Mr. Lenhard stated that O’Fallon’s Bluff Plat C is located in The Ranches and will extend Butterfield Road from its existing location and connect it to the intersection of James Street and Ranches Parkway. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat C to the City Council.

Councilmember Blackburn **moved** to approve the Final Plat for O’Fallon’s Bluff – Plat C subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage up to the "Lakeview Community Open Space".
3. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
4. TRAILS & FIRE ACCESS. That this corridor is 20' in width to allow for a utility easement, pedestrian corridor, and fire brush truck access. This corridor should be xeriscaped.
5. DRIVEWAYS. That a note on the plat shows that the driveway length is 22' and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
6. DROP MANHOLES. That drop manholes are not permitted.
7. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.

Councilmember Sloan **seconded** the motion

Councilmember Liddiard noted that Lot 281 is narrow and setback requirements will not be adjusted.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat D.

Mr. Lenhard stated that O’Fallon’s Bluff Plat D is located in The Ranches at the end of Wyatt Earp Avenue. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat D to the City Council.

In Plats D and E, there are several lots that that adjoin alleys in the rear. Title 2 Section 7.7.8 of the Development Code requires that homes constructed on alleys have their access from the alley. This would require that lots 305 and 306 of Plat D and lots 307 through 311 of Plat E have alleyway access.

The developer would like to have the option of building homes that would have their driveway access from the street instead of the alleyway. If the Planning Commission and City Council feel inclined to allow this, the Code should be amended prior to building permits being issued for these homes. An amended Development Code containing this change will be presented to the Planning Commission and City Council within the next month for review.

Councilmember Blackburn **moved** to approve the Final Plat for O’Fallon’s Bluff – Plat D subject to the following conditions:

1. OPEN SPACE PARCELS. That open space parcel A in Plat D is labeled as “Public Open Space dedicated to Eagle Mountain City” and maintained by the HOA.
2. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
3. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage in the “Lakeview Community Open Space”.
4. DRIVEWAYS. That a note on the plat shows that the driveway length is 22’ and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
5. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
6. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for O’Fallon’s Bluff – Plat E.

Mr. Lenhard stated that O’Fallon’s Bluff Plat E is located in The Ranches at the end of O’Fallon’s Way, north of the Eagle Top subdivision. In September of 1999 the O’Fallon’s Bluff subdivision received Preliminary Plat approval. Since that time the applicant changed the subdivision layout to better accommodate the topography of the site. On August 9, 2005 the Planning Commission recommended approval of Plat E to the City Council. Mr. Lenhard discussed the recommended conditions of approval.

In Plats D and E, there are several lots that that adjoin alleys in the rear. Title 2 Section 7.7.8 of the Development Code requires that homes constructed on alleys have their access from the alley. This would require that lots 305 and 306 of Plat D and lots 307 through 311 of Plat E have alleyway access.

The developer would like to have the option of building homes that would have their driveway access from the street instead of the alleyway. If the Planning Commission and City Council feel inclined to allow this, the Code should be amended prior to building permits being issued for these homes. An amended Development Code containing this change will be presented to the Planning Commission and City Council within the next month for review.

Councilmember Liddiard stated he is in favor of tabling this proposal until an amendment to the Development Code is made in connection to lots with alleyway access.

Doug Wood representing the developer asked if this can be approved as is and address the access of alleyway lots when a Development Code amendment is made.

City Attorney Jerry Kinghorn stated that any changes to the plat would need to come back before the Council for approval.

Councilmember Sloan **moved** to approve the Final Plat for O'Fallon's Bluff – Plat E subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due. This subdivision should pay the balance of the SID payments for acreage up to the "Lakeview Community Open Space".
3. DRIVEWAYS. That a note on the plat shows that the driveway length is 22' and that the driveways are actually shown on the plat. That a notice is recorded with each plat that 12% is the maximum allowable driveway slope.
4. WATER RIGHTS. That the larger lot sizes will require more water rights. That water rights are identified and turned over to the City.
5. O'FALLON'S WAY. That there is a cut slope at the end of O'Fallon's Way with a minimum cut slope of 3:1 with erosion control.
6. CC&Rs, ENGINEERING AND BUILDING COMMENTS. That all of the comments referenced in that section of the Staff Report are completed.
7. WATER SERVICES. That water services must connect to a minimum 6" main. That the existing unused sewer lateral in Lot 308 be capped.

Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brain Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn requested that the Council receive notification on the driveway preference on the lots that are noted as alleyway access.

INTRODUCTION – Deputy John Luke

Sergeant Mark Binks introduced Deputy John Luke who has been assigned to serve Eagle Mountain City. He then highlighted Deputy Luke's qualifications.

Deputy Luke stated that he is pleased to serve Eagle Mountain City.

FINAL PLAT – Consideration and approval of the Final Plat for Mt. Airey – Plat B.

Mr. Lenhard stated that Mt. Airey Plat B is located north of The Ranches Golf Course Clubhouse. On February 13, 2001, the Planning Commission approved the Preliminary Plat, and on June 26, 2001, they recommended approval of the Final Plat to the City Council. He explained that Mt. Airey Plat B consists of 19 lots with the average lot size being just over 15,000 sq. ft. The total acreage is 8.15 acres. Mr. Lenhard then discussed staff's recommended conditions of approval.

Scot Hazard stated that a note will be put on the plat that Lots 1 and 2 will have driveway access off Clubhouse Drive.

Councilmember Liddiard **moved** to approve the Final Plat for Mt. Airey – Plat B subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. LANDSCAPE PLAN. That street trees are added to the Landscape Plan along Mt. Airey Drive. That all the responsibility to provide fencing and street trees is clarified on the Landscape Plan (show open space and golf course fencing). That if they are public improvements, they are included in the bond.
3. SID PAYMENTS. That the City Engineer determines the amount of SID payments due, and that the payment is made prior to recordation.
4. WATER RIGHTS. That water rights are identified and turned over to the City.
5. STORM DRAIN CALCULATIONS. That the storm drain calculations are resubmitted and approved; that they include inlet and roadway spread capacities.
6. TEMPORARY STORM POND. That the temporary storm water retention pond on Clubhouse Drive be sized for a 100-year storm and that an easement for this pond be provided with the approval of this subdivision.
7. ENGINEER'S ESTIMATES. That the engineer's estimate is updated to include off site storm drainage improvements and easements provided for the storm water pond and line; landscape improvements, and dry utility estimates.
8. PLAT AND CONSTRUCTION PLAN COMMENTS. That all of the comments related to the plat and construction plans are completed as per Staff's instruction.
9. DRIVEWAY ACCESS. That Lots 1 and 2 have driveway access off Clubhouse Drive.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Mt. Airey – Plat C.

Mr. Lenhard stated that Mt. Airey Plat C is located north of Anthem on the Green in The Ranches. On May 22, 2001, the Planning Commission approved the Preliminary Plat and, on August 9, 2005 the Planning Commission recommended approval of the Final Plat to the City Council. Mr. Lenhard explained that this plat consists of 9 lots with an average lot size of over 10,000 sq. ft. The plat has a total acreage of 2.47 acres. He highlighted the recommended conditions of approval.

Councilmember Strouse **moved** to approve the Final Plat for Mt. Airey – Plat C subject to the following conditions:

1. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid prior to recordation.
2. ADDRESSES. That addresses are added to the plat.
3. SID PAYMENTS. That the City Engineer determines the balance of the SID payments due, and that the payment is made prior to recordation.
4. WATER RIGHTS. That water rights are identified and turned over to the City.

Councilmember Sloan **seconded** the motion.

Councilmember Blackburn strongly encouraged the developer to use xeriscape:

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View – Plat A.

This item was removed from the agenda.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View – Plat B.

This item was removed from the agenda.

Mayor Lifferth explained Valley View Plats A and B were removed from the agenda because the Master Development Plan lacked the legal easement for use of 14400 West that Camp Williams has.

MOTION – Consideration and approval of the Disposal of Public Property in Mt. Airey.

The area designated for disposal is a small semi-circle in the Mt. Airey subdivision road. A guard house was originally proposed at the entrance to the subdivision and the right-of-way was enlarged to allow for the construction of such a facility. However, the roadway was not enlarged to accommodate a guard house, and it is no longer considered to be an amenity the developer will provide for this subdivision. Adjacent land owners would like to take this part of the City-owned right-of-way and include it in their lots. The City Council should determine if it agrees with the Planning Commission recommendation that the property is insignificant and may attach a nominal value for reimbursement of costs as a condition of transfer.

Councilmember Liddiard **moved** that the City Council classifies the area of the Mt. Airey Plat A right-of-way described in this application as "Insignificant," for the purpose of disposing of property owned by the City, based upon the criteria contained in Ordinance O 11-2003. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Vincent Liddiard **moved** that the City Council authorize disposal to the applicants of the area in the Mt. Airey Plat A right-of-way described in the application, subject to the following conditions:

1. SID PAYMENTS. That the land is subject to the SID as developable property and that these assessments are paid as required by the bond covenants.
2. PROCESSING FEE. That the Applicant pays costs in the amount of \$500.00 as the fee for the processing of the application as required by the Consolidated Fee Schedule.
3. EASEMENTS. That all easements required by the City Engineer are provided.
4. LAND COST. That the price to be paid for the land is \$0 dollars

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and approval of an ordinance amending the Sign Regulations for Eagle Mountain City.

Mr. Lenhard explained that the City has approved Directional Off-Premise ladder signs located on the shoulder of the City's right-of-way along streets classified as arterials or collectors. The purpose of these signs is to direct people to the model homes of builders within the City. This ordinance amendment will allow alternative logos at the top of ladder signs to be approved by the City Council.

Councilmember Blackburn **moved** to approve an Ordinance 20-2005 amending the Sign Regulations for Eagle Mountain City. Councilmember Liddiard **seconded** the motion.

Councilmember Liddiard explained that entities wanting to change the logo at the top of the ladder signs will need to come before the City Council for approval.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an Alternate Logo for Ladder Signs in the Ranches.

This item was removed from the agenda.

MEMORANDUM OF UNDERSTANDING – Consideration and approval of engagement of Utah Geological Survey for Groundwater Monitoring and Analysis.

Mr. Kinghorn stated that this is a professional services agreement with Utah Geological Survey for a groundwater study. He stated that this is a favorable agreement for the City as the State will be paying for half of the cost.

Councilmember Liddiard **moved** to approve a Memorandum of Understanding with Utah Geological Survey for Groundwater Monitoring and Analysis. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and authorization for the Mayor to Execute Water Right Exchange Documents.

Mr. Kinghorn stated that the City holds a water right which was transferred to the City but which may only be used in Salt Lake County. The parties transferring the water to the City wish to exchange this right but have not completed their proposal. He explained that under the State Constitution the City cannot sell or transfer the water right back to the party who originally transferred it to the City with out exchanging a water right of nominal value.

Councilmember Liddiard **moved** to authorize the Mayor to execute water right exchange documents. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the consent agenda with the removal of stricken items as noted. Councilmember Olsen **seconded** the motion.

A. Partial Payments

- i. Staker Parsons – 2004 Street Improvement Project (PP No. 6)
- ii. RBI – 2004 Landscape Improvements (PP No.3)

B. Change Orders

- i. Staker Parsons – 2004 Street Improvement Project (CO No. 7)

Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse.

Motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Strouse **moved** to adjourn the meeting at 8:54 p.m.

Gina Peterson, City Recorder

Approved: October 18, 2005

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 6, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 4:17 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Janiece Sloan, and Brian B. Olsen (Vincent Liddiard and Linn Strouse were excused).

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

DISCUSSION/REVIEW ITEMS

REVIEW – Proposed Bi-annual City Survey (Dan Jones)

DISCUSSION – Managing Media Relations – Chris Hillman

REVIEW – Building in Eagle Mountain City: A benchmark study of subdivision inspection and building fees – Matt Michaelis

REVIEW – Financial Report – August 2005

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:10 p.m. The Pledge of Allegiance was led by Mark Lofgren.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard (participated telephonically), Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director.

OTHERS PRESENT: Nick Bell, Jayna Jones, Charlotte Ducos, Julie Wallace, Wanda Hiller, Clint Moser, Daryle Harris, Jared Pemberton, Brigham Morgan, Delainey Kicklighter, Henry Kicklighter, Mark Lofgren, Mary Lynn Christensen, Amy Evans, Barbara Petersen, Carolyn Conley, Stephen Conley, Darren Coles, Andrea Coles, Donna Burnham, Alicia Hill, Chris Ulmer, Tiffany Ulmer, Loreen Cole, Residents; Jerry Monson, John Molder, Utah County Sheriff's; Janet Burningham, The Crossroad Journal; Cary Brackett, The Ranches Home Owner's Association; Michelle Vongphakdy, Pony Express – North County Papers; Amy Twitty, Brian Haskell, Sage Group; Ken Berg, Sowby & Berg.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – July 19, 2005

MINUTES of Special City Council Meeting – August 2, 2005

MINUTES of City Council Meeting – August 16, 2005

Councilmember Olsen requested a section of the August 16, 2005 minutes be redone verbatim for the candidacy introductions and then return for approval.

Councilmember Blackburn **moved** to approve the City Council Minutes of July 19, 2005 and August 2, 2005. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion passed with a unanimous vote.

PUBLIC COMMENTS

Nick Bell of the Eagle Park subdivision stated he received a citation from the Code Enforcement Officer for paintball bunkers he placed on city property. He is concerned because other residents are using the city property for storage, including Councilmember Liddiard. He is the only one who was cited. He feels that Councilmember Liddiard is using his position for his own personal gain. Mr. Bell asked if there is another place that he could set up the paintball bunkers for the neighborhood kids. He stated that no neighbors, with the exception of Councilmember Liddiard have complained about this.

Mayor Lifferth stated he would follow up on the issue and contact Mr. Bell with information pertaining to his concerns.

City Administrator Chris Hillman assured Mr. Bell he would have the Code Enforcement Officer follow-up with his neighbors using the public property for storage.

Councilmember Blackburn asked if the paintballs are in close enough proximity to hit neighboring homes.

Mr. Bell responded that the paintballs have hit neighboring homes, and his kids clean the paint off the homes when that happens.

Brigham Morgan stated he is here on behalf of the Pumpkin Fest, which has been an event in the City for the past six years with the exception of last year. He is looking at finding someone else to sponsor and run the event to eliminate the appearance of political agendas; however, all the interest has been contingent upon the City co-sponsoring the event. He stated he will find someone to run the event and he will back out completely. This is to be a citizen oriented activity. The benefits of the City co-sponsoring the event would be the City's insurance, the event could be used as a fund raising event for disaster relief for the victims of Hurricane Katrina or for the Fire Department. The City would be able to dictate the terms identifying the event as a no politics zone. Mr. Morgan stated that he has been in contact with volunteers who are not politically affiliated that are interested in running this event if the City will co-sponsor it. It will be completely funded by sponsors. There will be no cost to the City. He stated that he is not looking for any political gain with this event. He believes it is a valuable asset to the City and a great opportunity to bring the citizens together for a worthy cause and provide a safe environment for the children.

Mayor Lifferth stated that he would discuss the proposal with the City Council and Staff.

Councilmember Strouse expressed concern that the event would be duplicating efforts of the LDS Church Stake who is having a Harvest Festival.

Mr. Morgan responded that the Stake activity is just for the Stake which includes the City Center area of the city, Fairfield and Cedar Fort where the Pumpkin Festival would be for all the residents of Eagle Mountain City. It will also have a different theme and a different set of events. The intent is that the event will be citywide.

Councilmember Sloan asked if he had a location in mind.

Mr. Morgan responded that in the past the City area has been used with a place for a hay ride, open air games, food, and a place for arts and crafts. If we had it out here the library and parking lot could be utilized for activities. The school is the other option.

Councilmember Strouse questioned when the Stake activity is. She also asked who is sponsoring the event and what money has been put forward.

Mr. Morgan responded that the Stake event is on September 10, 2005 and the Pumpkin Festival will be at the end of October. He also stated there are three builders who have agreed to help sponsor who wish to remain anonymous until there is approval from the city. They don't want to have any affiliation with political candidates. Others have indicated that if the City will co-sponsor the event they will be willing to financially sponsor the event.

Henry Kicklighter stated that he would like to make an appeal for the victims of Hurricane Katrina currently residing at Camp Williams. There are approximately 600 evacuees at Camp Williams and that number should rise to 1000 people. He asked the City Council and residents of Eagle Mountain City to make every effort to help victims wanting to relocate to Utah come to Eagle Mountain. He stated that there are vacant houses and houses owned by the banks that are being donated across the country by banks and people in construction. He challenged them to make efforts to donate a home. The needs of the victims are great and grow greater each day. Mr. Kicklighter also proposed that the City sponsor a party for the victims of the hurricane and introduce them to Eagle Mountain. He stated that residents

can't fail in this mission to help these people. He explained that he has been looking into what FEMA is doing to help these people relocate.

Mr. Hillman stated that the SilverLake amphitheater is approximately five miles away from Camp Williams and would be a convenient location to host an event for the evacuees staying at Camp Williams.

Mr. Kicklighter explained that he works with the evacuees as a member of the National Guard but he is here as a concerned citizen.

Councilmember Blackburn asked if Mr. Kicklighter's proposal is duplicating efforts of the Red Cross.

Mr. Kicklighter stated that the Red Cross is not organized at this point as they have never dealt with anything like this before.

Councilmember Strouse stated it is highly commendable of Mr. Kicklighter and suggested that the City sponsor a petting zoo for the children staying at Camp Williams.

Mr. Kicklighter stated that the needs of the victims are great. The evacuees are still trying to locate their families. He offered to give web addresses to anyone interested in supporting these efforts.

Mayor Lifferth commended Mr. Kicklighter's efforts in taking care of his fellow men. He expressed appreciation for him encouraging others to reach out. He announced that Mr. Kicklighter's daughter is placing Red Cross donation boxes at the City Office and is also organizing a bake sale on Friday, September 9, 2005 at Hollywood Video in Saratoga Springs between the hours of 3:00 p.m. and 8:00 p.m. to benefit the Red Cross.

Mr. Kicklighter gave a phone number for people who want to donate to the victims of Hurricane Katrina.

Mark Lofgren stated that he attended a Red Cross meeting and he explained that the Red Cross will only accept cash. The Red Cross has requested that any other items be given to the LDS church or the Salvation Army. He recommended that people donate time to the evacuees staying at Camp Williams.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Strouse commended Mr. Bell for entertaining the children of Eagle Mountain City. She believes that a paintball field could be worked in with the proposed skate park.

Councilmember Strouse stated that she witnessed a lightning strike west of North Ranch and it shocked her to see flames start within minutes. She was relieved to see a brush truck and she explained that if the wind would have changed the fire may have gone into North Ranch. She emphasized that anyone who has weeds in their alleys or weeds around their home to clean them up. She wanted to find out what everybody, including the City, is doing about tall weeds.

Councilmember Liddiard stated that Mr. Bell is a good guy, and he likes the idea of incorporating the paintball area with a skate park. He also stated that he will move his trailer off City property this week.

Councilmember Olsen requested an update on the codification of the City's ordinances.

City Recorder Gina Peterson stated the ordinance codification process will begin after elections due to time constraints in the Recorder's Office.

Councilmember Sloan thanked the Mayor in advance for the comments he will be making pertaining to Constitution Week.

Councilmember Strouse expressed gratitude for the firefighters and the volunteers who have worked at the Fire Department for years putting their life on the line.

PUBLIC NOTICES

Ms. Peterson stated that September 7, 2005 is the Basic Training meeting for the City Council and Mayoral candidates. She explained that this is not a City Council meeting; it is only for the candidates. Ms. Peterson also stated that campaign signs are not allowed in park strips or public rights of way. If candidates are missing signs they can pick them up at the Recorder's office if they have been removed by the City.

Ms. Peterson then explained that there will be a Special City Council Meeting on September 14, 2005 at 4:00 p.m. regarding the refinancing of bonds.

INTRODUCTIONS – City Council/Mayoral Candidates

Ms. Peterson invited the candidates who did not have the opportunity to speak in a City Council meeting to introduce themselves. None were present at that time.

APPOINTMENT – Loreen Cole – Neighborhood Watch Coordinator

Mayor Lifferth recommended Loreen Cole be appointed as a Neighborhood Watch Coordinator and stated that he would entertain such a motion.

Councilmember Liddiard **moved** to appoint Loreen Cole to a Neighborhood Watch Coordinator. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse.

Councilmember Strouse asked Ms. Cole to explain what the Neighborhood Watch Coordinator position entails.

Ms. Cole explained that the Neighborhood Watch is a liaison for the area. She explained that there are three areas that need someone to head it up. She stated that Tiffany Ulmer will oversee the City Center, she will oversee The Ranches and SilverLake, and Lynette Perkins oversees North Ranch and Meadow Ranch. Neighborhood Watch Coordinators are responsible for setting up and training the Neighborhood Watches in each development. She stated that they also work as a liaison with the Sheriff's Department.

Mayor Lifferth thanked Ms. Cole for her willingness to serve and make Eagle Mountain City a safer place.

Councilmember Strouse asked Sergeant Binks if there is an unmarked patrol car working in Eagle Mountain City with the Sheriff's Department. A resident called her concerned that an unmarked car was pulling her over.

Sergeant Binks explained there is not a Deputy with an unmarked car specifically assigned to Eagle Mountain City; however, Detective Knapp who is assigned to Eagle Mountain City drives an unmarked car along with other representatives in the Sheriff's Office. He explained that anyone being pulled over by an unmarked car should call dispatch to verify if it is an officer or they can drive to a well lit public place.

NON-AGENDA ITEM – Constitution Week Proclamation

Mayor Lifferth read a proclamation proclaiming the week of September 17, 2005 as Constitution Week.

Mayor Lifferth commended Fire Chief Rand Andrus for completing certification and receiving his Paramedic License.

He also stated that the City Web Site has been changed and the address is now www.eaglemountaincity.com and at some point will be changed to www.eaglemountaincity.org. This change will be noticed on utility bills also.

Mayor Lifferth explained federal funds of \$9.25 million dollars are being allocated to widen Redwood Road from Bangerter Highway in Salt Lake County to Saratoga Springs in Utah County. He stated the funds will be made available near October 1, 2005.

Mayor Lifferth stated he has set aside time on Thursday from 5:00 – 8:00 PM for “let me speak to the mayor”. Residents may discuss any issues they have at that time with the Mayor.

Mayor Lifferth read a letter sent by Ken Hixson of Meadow Ranch commending Deputy Mulder for his calm and professional manner in dealing with an issue.

SCHEDULED ITEMS

MOTION – Consideration and approval of the Amended Sage Valley Master Development Agreement.

Planning Director Adam Lenhard explained that this matter is on the agenda for final approval of the Amended Master Development Agreement. The Sage Valley Master Development Plan was originally approved with a density ceiling of up to 67 dwelling units. Right now they're approving the development agreement between the city and the developer to formalize the approval process that's already been completed. There are about 110 acres in Sage Valley and Plats A&B will have a total of 98 units. The minimum lot size is ½ acre. Plat A has 21 recorded dwelling units. Future plats would have been eligible for 46 more dwelling units as previously approved. The applicant wished to increase the overall density of the project to 100 units and bring the development under the City's new Development Code. The Development Agreement limits them to 98. The rezoning to the higher density

was approved at a previous City Council meeting. He explained the developer has agreed to complete Plat A improvements that should have been completed previously.

Councilmember Olsen left the meeting at 7:55 p.m.

Mayor Lifferth explained the developer has agreed to complete a number of improvements in Plat A prior to the issuance of building permits in Plat B.

Councilmember Blackburn asked if the road design of a T-intersection should be carried down five feet instead of leaving cold patch.

Councilmember Blackburn stated he feels Lot 22 should also be classified as unbuildable. Mr. Lenhard stated a determination will be made during the preliminary and final plat process. Councilmember Blackburn asked to have roads continue through intersections rather than having a dead end. He wanted that stipulated for this development.

City Attorney Jerry Kinghorn explained this amendment will need to be made in the construction specifications and cannot be required until the amendment has been made and approved by the City Council; however, the City Council may encourage the developer to act in accordance with this proposal.

Councilmember Strouse stated she is pleased the developer has agreed to complete improvements that should have been completed in plat A and additional improvements.

Councilmember Sloan **moved** to approve the Amended Sage Valley Master Development Agreement with stipulations noted in the Development Agreement. Councilmember Strouse **seconded** the motion.

Mayor Lifferth called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Olsen returned to the meeting at 7:57 p.m.

Councilmember Olsen indicated he was able to hear the discussion on the outside speakers when he stepped out of the meeting. He stated that he has been involved in the process of the Sage Valley Master Development Plan Amendment therefore he feels comfortable voting on this item.

Councilmember Blackburn asked Ms. Peterson to have the amendment to the construction specifications on intersections put on the City Council agenda for September 20, 2005.

Mayor Lifferth stated that Eagle Mountain City had a record number of building permits in August totaling 94, and 7 basement permits. He commended the Building Department for catching up and managing that many building permits in one month.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View – Plat A.

FINAL PLAT – Consideration and approval of the Final Plat for Valley View – Plat B.

Valley View Plats A and B were discussed simultaneously.

Mr. Lenhard explained that the Valley View Ranch South is located north of SR 73 between North Ranch and Meadow Ranch. The City Council approved the Valley View Master Development Plan on August 3, 2004. The Planning Commission approved the Preliminary Plat on December 14, 2004, and the Final Plats for Phases A and B on February 8, 2005. Final revision has been submitted to the City Council for their approval September 6, 2005. This item has been before the City Council several times so parties could come to consensus on the development. Mr. Lenhard explained the staff's recommended conditions of approval.

Mayor Lifferth stated in Work Session the City Council requested City Attorney Jerry Kinghorn write a legal summary of the actions taken place which have created discrepancies between the original Master Development Plan and the current project.

Councilmember Strouse stated she is pleased that this development is a win-win situation for the developers and residents. She asked if the Master Development Plan will need to be amended.

Mr. Kinghorn responded the only change to the Master Development Plan is the removal of the Y intersection island on 14400 West; due to the legal access rights of Camp Williams on that road. The City can comply with the map on the north end of 14400 West allowing limited access the way the Master Development Plan shows or the City Council can implement the traffic engineer's recommendation and have all of the traffic come down Valley View Drive. That will be decided at the submission of the plats. Access to the Camp Williams right of way will be closed to the public. The right of way was never a specific item in the plats; it was assumed that Camp Williams would agree to have traffic go up Valley View Drive. Camp Williams did not agree with that and they are asserting their legal rights to use 14400 West.

Councilmember Blackburn asked if the City can stipulate road construction build out at this stage of the development.

Mr. Kinghorn stated that will need to be shown on the construction plans.

Mayor Lifferth commended the residents as well as the developer for finding an agreeable solution for all involved. He stated that this has been a long and painful process, but there has been a spirit of cooperation. Mayor Lifferth then called for a motion.

Councilmember Blackburn **moved** to approve the Final Plat of Valley View – Plat A subject to the following conditions:

1. COMPLIANCE WITH DEVELOPMENT AGREEMENT AND CODE. That both plats meet all of the requirements for this development set forth in the Valley View Development Agreement and City Development Code.
2. PARK. That the park area for these phases is secured for dedication and improvement in future phases according to the requirements within the Master Development Plan. That the type of security is called out in the Development Agreement and approved by the Council.
3. PLAT CORRECTIONS & NOTES. That the plat corrections and notes be added to the plat. (see section in the background section.)
4. UTILITY LOOPING AND SECONDARY ACCESS. Water must be looped. Secondary Access as required by Fire Chief & Staff.
5. E-FILES. That approved e-files are submitted for the plat, utility layout, and dry utilities.

6. WATER RIGHTS. That water right documentation is provided for both plats and approved by the City Attorney.
7. FEES. That the application fees are paid for the General Plan Amendment (\$400) and Capital Facility Plan Amendment (\$236.05).
8. SIGNAGE. That monument signs for Valley View (similar to the entry monuments for North Ranch and Cedar Pass Ranch) is bonded for and built by the developer at the entrance. In addition to the monument sign, a ladder-sign on the north west corner of the 4-way intersection indicating that Valley View is to the west and Meadow Ranch is to the east. Finally, a dead end sign on the north east corner of the 4-way intersection.
9. DRY UTILITY PLANS. That the dry utility plans are submitted and approved by the City.
10. GEOTECH REPORT. That the geotech report is submitted and approved by the City Engineer, and that all improvements which may be identified in that report are bonded for and completed.
11. STREET NAMES. That the street between lots 21 & 20 is named on the plat.

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn moved to approve the Final Plat of Valley View – Plat B subject to the following conditions:

1. COMPLIANCE WITH DEVELOPMENT AGREEMENT AND CODE. That both plats meet all of the requirements for this development set forth in the Valley View Development Agreement and City Development Code.
2. PARK. That the park area for these phases is secured for dedication and improvement in future phases according to the requirements within the Master Development Plan. That the type of security is called out in the Development Agreement and approved by the Council.
3. PLAT CORRECTIONS & NOTES. That the plat corrections and notes be added to the plat. (see section in the background section.)
4. UTILITY LOOPING AND SECONDARY ACCESS. Water must be looped. Secondary Access as required by Fire Chief & Staff.
5. E-FILES. That approved e-files are submitted for the plat, utility layout, and dry utilities.
6. WATER RIGHTS. That water right documentation is provided for both plats and approved by the City Attorney.
7. FEES. That the application fees are paid for the General Plan Amendment (\$400) and Capital Facility Plan Amendment (\$236.05).
8. SIGNAGE. That monument signs for Valley View (similar to the entry monuments for North Ranch and Cedar Pass Ranch) is bonded for and built by the developer at the entrance. In addition to the monument sign, a ladder-sign on the north west corner of the 4-way intersection indicating that Valley View is to the west and Meadow Ranch is to the east. Finally, a dead end sign on the north east corner of the 4-way intersection.
9. DRY UTILITY PLANS. That the dry utility plans are submitted and approved by the City.
10. GEOTECH REPORT. That the geotech report is submitted and approved by the City Engineer, and that all improvements which may be identified in that report are bonded for and completed.
11. STREET NAMES. That the street between lots 21 & 20 is named on the plat.

Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

Charlotte Ducos thanked the City Council, Mayor, previous Mayor, and the developer for the opportunity the residents had to give input in the final plat approval.

FINAL PLAT – Consideration and approval of the Final Plat for Jacobs Well – Plat B.

City Planner Peter Spencer explained Jacob's Well Plat B is located in Smith Ranch south of the approved Liberty Farms subdivision and west of O'Fallon's Bluff. The plat consists of six lots, no open space, the plat is 2.45 acres, and the average lot size is just over 15,000 sq. ft.

On August 5, 2003 the City Council reviewed and approved Jacob's Well Plat A (4 lots) and B (6 lots) Final Plats, but they have never been recorded. The Sage Group recently submitted a revised layout for Plat B in which the vest pocket was removed and lots fronted onto Golden Eagle Road, a collector road in The Ranches. This is similar to the situation in Lone Tree Plat B where the developer asked to remove the vest pocket because of the bedrock they encountered in the hillsides. It was not cost effective to remove the bedrock in order to construct the vest pocket. The Planning Commission recommended denial of the amendment due to potential traffic safety issues.

The purpose of a "vest pocket" is to limit and consolidate driveway access, thus preserving the free-flowing nature of the collector or arterial traffic corridor. It typically involves a one-way travel lane separated from the main road by a landscaped median. Collector roads are intended to carry medium volumes of traffic at higher speeds. These roads are critical to moving traffic efficiently and creating safe neighborhoods and communities that function well. Staff recommended that the city Council deny this proposal. Mr. Spencer then explained the proposed conditions in the event the plat is approved.

The developer Brian Haskell stated the proposed property consists of a steep slope and a lot of rock. This is the initial reason they considered eliminating the vest pocket park. He explained that it would be a significant cost to excavating the rock and landscape because of the slope. Mr. Haskell stated that Golden Eagle Road is not a major collector, eventually when Porter's Crossing Parkway is connected to Pony Express Parkway less traffic will utilize this road.

Councilmember Strouse stated sometimes when things are done for the sake of safety more problems are created. She indicated she has walked this path to the elementary school and believes vest pocket parks are a safety concern for pedestrians because they will take the shortest route, walking along the collector road rather than around the vest pocket.

Mr. Haskell explained that with the current proposal two flag lots are eliminated. He stated the property is not in excess of 25% slope.

Councilmember Blackburn asked where the homes would be placed on the lots if the City approved the proposal. Mr. Haskell explained the homes would be placed closer to the road. Discussion ensued.

Councilmember Liddiard questioned the significant factors in the Planning Commission's denial of the proposal.

Mr. Lenhard stated that the Planning Commission gave a unanimous vote in denying this proposal. They felt the configuration of Golden Eagle Road and the location of the intersection of Ranches Parkway as well as the termination of another collector road, necessitated limited driveway access on Golden Eagle Road. They felt the potential of having people back out on to a collector road should be eliminated.

Councilmember Liddiard expressed concern that people coming on Ranches Parkway to Golden Eagle Road would think they could go straight. He was also concerned with people backing on to a collector road.

Mayor Lifferth stated he likes the lot layouts in the proposal, but he is concerned with access.

Mr. Lenhard stated that the engineer's main concern is that with circular driveways this proposal is essentially doubling the points of access onto a collector road for each lot.

Councilmember Liddiard agreed with the Mayor's comments. He liked the layout of the lots better but the curved access to the road is a problem.

Councilmember Strouse stated that it scares her that pedestrians avoid going around the vest pocket parks and walk in the road because of the length of time it takes to walk around them.

Councilmember Liddiard proposed Mr. Haskell turn Lot 31 into an open space public park eliminating a driveway directly across from where Ranches Parkway ends.

Mr. Haskell stated that may be considered.

Mr. Lenhard explained Lot 31 is staff's biggest concern because Ranches Parkway intersects with the driveway of Lot 31.

Mayor Lifferth called for a motion.

Mr. Haskell withdrew this plat as it is currently proposed stating the plat will be redrawn and resubmitted.

Councilmember Blackburn stated he likes this proposal and not having a vest pocket park to maintain, however, he is concerned with direct access onto Golden Eagle Road.

MOTION – Consideration and approval of the Disposal of Public Property in Eagle Park.

Mr. Spencer stated that an application has been submitted by a property owner in Eagle Park subdivision requesting that the City dispose of a portion of open space behind his home. This area is part of the recorded open space in the Eagle Park Phase 2 Plat. The applicant would like to extend the lot lines of his neighbors to the south and west to square off his rear yard.

Mr. Spencer explained this application requires two formal actions from the City Council. First, they need to classify the City-owned property that is being proposed for disposal as either significant or insignificant. Second, the City Council needs to make a decision on the disposal of the property.

Mr. Spencer stated on August 23, 2005 the Planning Commission recommended that this property be classified as significant based upon the criteria in Ordinance O-11-2003, and that it be disposed of to the applicant for a minimal charge to cover costs incurred by the City for the processing of the application. In addition, the Planning Commission felt the total price for the land should not exceed \$1000.

Mr. Spencer indicated staff concurs with the recommendation of the Planning Commission.

Councilmember Strouse asked how the water rights would be handled in this situation. She then asked how it would be handled if a neighbor was to disagree with the disposal of property.

Councilmember Blackburn stated that the City Council is currently discussing extending the lots in Eagle Park Subdivision that have open space behind them. He stated that the concern with water rights and utility easements has not yet been addressed. All lots about this corridor could possibly assume 40' leaving the City 20' for utility access.

Councilmember Strouse questioned how the City Council could proceed on the proposal without addressing the absent, but necessary, water rights should these areas be deeded to property owners.

Mr. Kinghorn stated the proposal is to table this item while staff comes up with a recommendation to deal with this as an overall policy which will include details on water rights. Staff will have a draft by late October.

Mayor Lifferth questioned if water rights were established on the open space with the original proposal of the subdivision.

Mr. Kinghorn stated that the City will need to determine if the estimated water use is concurrent with the actual use, keeping the water use under the legal authority represented by the water rights.

Mayor Lifferth stated there are a number of issues that need to be resolved. He proposed that this item be tabled having staff review and create a policy not just for this situation but for any situation including deeding parks back to the Homeowner's Association.

Councilmember Blackburn **moved** to table the proposal of disposal of public property in Eagle Park. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of a monument sign lease agreement with Parkway Crossroads, LLC.

AGREEMENT – Consideration and approval of a monument sign lease agreement with the Ralph Marsh Family Trust and W. Bruce Woodruff and for The Ranches Business Park.

The monument sign lease agreement with Parkway Crossroads, LLC and the monument sign lease agreement with the Ralph Marsh Family Trust and W. Bruce Woodruff and for the Ranches Business Park was discussed simultaneously.

Mr. Spencer explained section 15.7.2 of the City's Development Code contains a requirement that all new commercial developments must install monument signs for their projects. At the time this section was approved, there were two existing commercial developments in the Ranches (Parkway Crossroads and The Ranches Business Campus) that did not have a monument sign. A section was added to the sign ordinance to provide a way for these projects to retrofit their area with a sign.

The Planning Department has received Sign Permit Applications for these projects. The Planning Commission recommended the City Council allow the applicant enter into a lease agreement with the City to install a monument sign in the City's road right-of-way.

Councilmember Blackburn **moved** to approve a monument sign lease agreement with Crossroads Parkway, LLC. Councilmember Liddiard **seconded** the motion.

Councilmember Liddiard questioned who is responsible for the repair of the signs over time. Mr. Kinghorn responded the lessee is responsible for repair and maintenance of the signs.

Mayor Liffeth stated that he likes the design of the signs.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve the monument sign lease agreement with the Ralph Marsh Family Trust and W. Bruce Woodruff and for the Ranches Business Park. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and authorization to dispose of surplus personal property.

Assistant to the City Administrator Shawn Warnke stated the City adopted Ordinance O-09-2004 that outlines the disposal of City owned personal property in 2004. With the move to the new City Offices there is surplus property that the City should dispose.

The Administration Department has created a list of items that may be considered City surplus personal property. All City departments have been notified that these items are available for internal use otherwise the property will be disposed.

Mr. Warnke explained that an ordinance will be coming to a future meeting to allow administrative review and disposal under a certain dollar value.

Councilmember Strouse questioned if Neighborhood Watch, CERT and other City organizations have been notified of the surplus property. Mr. Hillman answered yes, but they will notify them again. The surplus property needs to stay on City property and not be taken to an individual residence.

Councilmember Strouse asked about the status of the City's Disaster Plan. Mr. Hillman indicated the City Council was given an emergency manual about one year ago. Mayor Lifferth suggested that be on the agenda for discussion during work session for next meeting.

Councilmember Olsen **moved** that property contained on the list entitled Eagle Mountain City Disposal of Surplus Property dated September 6, 2005 be deemed as surplus property and be classified as property having a nominal value and that the City Council authorize the City Administrator or his designee to dispose of the property as he deems appropriate including but not limited to sale, donation, or disposal services. Councilmember Liddiard **seconded** the motion.

Councilmember Blackburn asked how the City Council will be notified of the disposal.

Mr. Hillman stated that items put up for auction or for sale he will report any proceeds received to the City Council. He explained that any items that are not of great significance will be given to charity.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an amendment to Eagle Mountain City’s Personnel Policies and Procedures.

Mr. Hillman explained that the proposed amendment clarifies the policy on social security retirement benefits and work hours for public safety employees.

Councilmember Blackburn **moved** to approve the amendment to Eagle Mountain City’s Personnel Policies and Procedures. Councilmember Sloan **seconded** the motion.

Mr. Hillman explained that the part time public safety employees can work up to 39 hours and will not receive any benefits.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Blackburn **moved** to approve the consent agenda as follows:

- A. Partial Payment - Counterpoint Construction – Pony Express Pump House (PP No. 1)
- B. Change Order - Star Landscape – Utility Administration Building Landscaping (CO No. 2)
- C. Final Payments - Star Landscape – Utility Administration Building Landscaping

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

INTRODUCTIONS – City Council/Mayoral Candidates

Mayor Lifferth recognized City Council candidate Fionnuala Kofoed and asked if she would like to introduce herself to the City Council.

It was requested that the minutes of each candidate introduction be transcribed verbatim

Fionnuala Kofoed: My name is Fionnuala Kofoed. I think I know most of you sitting here. For those of you I don’t, I’ve been a resident of Eagle Mountain for seven years, moved in in 1998, first resident in the town center and I have six years experience in city government. Came on as Deputy Recorder first, was in the Records Office for two years and have been in planning for the past four. I’ve always had a desire to be able to serve but because of my employment with the City was unable to do so although I was always, had my own opinions that I sometimes shared when I shouldn’t. Anyway, I believe that I can provide a lot to the city by way of the experience that I have had. I’m not saying that I have

answers to every issue that we have as a city to face, but I can certainly be a second pair, third, fourth, fifth pair of eyes to be able to work with some of the issues that we have and would be committed to do that. Some of the areas that I feel very strongly are about are where do we go with our youth? There's a lot of kids that are growing up and we need to figure out what we're going to do as far as recreation and things of that nature as far as that's concerned. And also the disposal of open space, I know there was an item on the agenda tonight that I unfortunately missed, but I believe that I have a lot to offer and I will certainly put the time and effort into sharing my ideas and concerns with people and I appreciate the opportunity to come in and share that with you. Thank you.

ADJOURNMENT

Councilmember Strouse **moved** to adjourn the meeting at 8:58 p.m.

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

September 14, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. SPECIAL SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 4:07 p.m.

Mark Sovine led the pledge of allegiance.

CONDUCTING: Mayor David Lifferth.

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (participated telephonically), Vincent Liddiard (participated telephonically), Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Mark Sovine, Public Works Director; and Gina Peterson, City Recorder.

OTHERS PRESENT: Laura Lewis, Financial Advisor - Lewis, Young, Robertson & Burningham.

RESOLUTION – Consideration for Adoption of a Resolution of the City Council of Eagle Mountain City, Utah (The "Issuer"), Finalizing the Terms and Conditions of the Issuance and Sale by the Issuer of Its Gas and Electric Revenue and Refunding Bonds, Series 2005 in the Aggregate Principal Amount of Not More Than \$22,000,000 (The "Series 2005 Bonds"); Awarding and Confirming the Sale of Said Series 2005 Bonds; Authorizing the Execution by the Issuer of a General Indenture of Trust, a First Supplemental Indenture of Trust, and Other Documents Required In Connection Therewith; Authorizing and Approving a Preliminary Official Statement and Final Official Statement; Authorizing and Approving a Bond Purchase Contract; and Authorizing the Taking of all Other Actions Necessary to the Consummation of The Transaction Contemplated By This Resolution; Providing a Severability Clause; Repealing Resolutions and Orders In Conflict; Providing an Effective Date; and Related Matters.

City Administrator Chris Hillman indicated the City Council has reviewed bond refunding for the last six months. The City has a 2001 bond issue of \$21,000,000 for the gas and electric bond. When the bonds were originally put out to market they were highly speculative, meaning that in order for them to be marketed and the city to be able to pay the debt service, the bonds were put on a variable interest rate. At the time it allowed the city to accommodate a higher letter of credit rate because the city's finances were not in order. The yield curve is now flattening and it is time when the City would benefit from a fixed rate on the bonds. Recently the variable interest rate has been above 3%. Currently it is at 2.55%. It was noted the variable interest could reach as high as 12%.

Mr. Hillman stated when the bonds were issued, there was a lot more growth anticipated and it was thought there would be a lot more users on the system to help pay for the bonds than what currently exists. The City has had good growth, however it has been nowhere near the degree specified in the

Black & Veach report which outlined 600 to 800 homes being built per year. These bonds were issued with that expectation. Mr. Hillman explained that approximately \$3,000,000 was placed in a capitalized interest account. This is money that was set aside for the City to help make the bond payments for the first couple of years. There is no more money in this fund, therefore the City has to have enough money in revenues to pay for the principal and interest, letter of credit cost, and a 25% coverage factor. Mr. Hillman noted that he was not here during the original bond issue, but he speculates that the intention was that after a few years the City would restructure the bonds. The City hoped it would be at investment grade at this point but that is not the case. Mr. Hillman noted the City did get a AA rating on these bonds through Radian. That is the same rating as the water and sewer bonds.

Mr. Hillman outlined what would happen if the bond was not restructured stating the rate will continue to increase. Currently, with the letter of credit, principal and interest, and marketing fees the City pays more than 4½ %. The City has been able to secure a long-term rate that is not much higher as well as securing a 15% coverage factor instead of 25%. Mr. Hillman credited the City's financial advisor, Laura Lewis for this change. Over the 20 years of the bond, the reduction in the coverage factor will save the City between \$2.5 and \$3 million dollars.

Mr. Hillman stated there are a lot of positives to restructuring the bonds, however there is one drawback. In order to restructure there will be reissuance costs. He compared it to closing costs when a person refinances their home and noted these "closing costs" are high. Much of the cost is a \$700,000 insurance payment for the bonds which has to be paid to Radian. That is only a one-time fee. Currently the City pays \$400,000 annually in insurance costs.

The City has also been able to structure a debt service payment for the next few years that the City can afford. This means the City will not have to raise rates because of the bonds. Any rate increases would be due to the wholesale cost of gas rising.

As an example, Mr. Hillman stated the City has budgeted \$1.1 million in the Gas & Electric debt service for this fiscal year. The debt service coverage under the new amortization schedule is \$770,000 including the 15% coverage factor. From the first year the City will have \$350,000 to \$400,000 sitting in the debt service account. It can be used for future debt service payments in needed as a buffer.

Mr. Hillman feels this process will help set and secure the long-term financial stability of the Gas and Electric Departments.

Mr. Kinghorn stated this is the first substantial bonding transaction this City Council has been through. In these transactions there is a high degree of confidence and trust placed in the professionals working for the City. This includes him, Laura Lewis and bond counsel Blaine Carlton. Mr. Carlton's office has prepared most of the substantive documents to be used at closing. Tonight the City Council will authorize the Mayor to sign a General Indenture, a First Supplemental Indenture and other necessary documents for closing as well as a Bond Purchase Agreement with A.G. Edwards. The City Council needs to agree tonight to sell bonds to A.G. Edwards so they can meet their commitments to resale the bonds under the pricing received when they went to market on the bonds today.

Mr. Kinghorn stated that even though it is highly unusual that all the documents have not been seen by the City Council, as a practical matter it is the only way it can be done because some of the documents won't be completed until immediately before closing. He noted each of the City Council will receive the documents once the closing is complete.

Mr. Kinghorn then reviewed the same type of historical information as Mr. Hillman. He stressed that this is not new money being borrowed. He noted the previous bond funds were used to build the switchyard at Camp Williams that ties the City's electrical system into the UP&L system. They were used to acquire all the land and build 138 kV transmission line and the substation and some other utility buildings, including the current building the City Council uses today.

Councilmember Strouse asked who attends the closing and Mr. Kinghorn responded the Mayor and City Recorder. The City Attorney and Bond Counsel have to issue an opinion that everything has been done right. He noted any of the City Council is welcome to attend the closing.

Laura Lewis, from Lewis, Young, Robertson & Burningham gave a brief background of her qualifications. She reviewed what work had taken place over the last few months to get the City to this point. Ms. Lewis stated she had hopes the City would get in an investment grade rating category. The bonds were rated at a high speculative grade which is a high quality credit in the non investment grade rated transactions. The largest concerns from the rating company were the lack of a large sum of cash balances in the Gas and Electric Reserve Funds, and the lack of long-term gas and electric supply contracts. She fully expects that within two to three years the City will be investment grade quality. She then went to a AA insurer and after much education and negotiation, including work from City staff, they were able to obtain a 2.30 % bond insurance premium.

Councilmember Liddiard connected to the meeting telephonically at 4:40 p.m.

Ms. Lewis then reviewed in detail what took place at bond market today as well as the bonding documents provided to the City Council.

Councilmember Olsen asked what the City's investment grade rating could be in three years. Ms. Lewis stated she believes that the City will be investment grade rated, meaning the City itself would carry a rating of BBB or higher without any bond insurance required. This would be a "stand alone" rating and once in that range it enables the City to get AAA insurance. Councilmember Olsen asked what the City needs to do to work toward that rating goal. Ms. Lewis answered that on the gas and electric side the City needs to keep building up cash reserves. She stated she is hopeful that the water and sewer bonds would obtain an investment grade rating right now. She also noted that continued growth and more rooftops would help the rating, as well as long term contracts for gas supply.

Mr. Sovine asked if the City's water and sewer bonds being AAA rated would have affected this bond rating. Ms. Lewis answered no, that each debt issue is rated on its own. She noted that when someone asks the "rating" of a city, they typically want to know the General Obligation (GO) bond rating.

It was requested that this section of the minutes be transcribed verbatim

Mayor Lifferth: Laura I have an additional question. I know in a conference call we had a week or so ago one of the questions asked by a potential bond purchaser was had to do with the stability of our local government, the stability of the Mayor position.

Laura Lewis: Right.

Mayor Lifferth: Can you describe how that would possibly impact our credit rating and our cost of borrowing money?

Laura Lewis: The more stable that both your staff has been-- and one of the things that we actually disclose in the official statement is the years of service of each of the elected officials as well as the years of service of your appointed staff. What they want to know they feel that with the greater level of consistency the more they can plan on you sort of acting the same as you have in the past. The fear always is if you've got a point where it always occurs with an elected body or at one election if all the incumbents are voted out and new people are voted in who knows whether that same group will continue to act rationally. So that's why that, that matters to them. When they see a lot of turn over it gives them concern that maybe there are some signs of you know maybe there's problems there that no one wants to deal with or, you know, that kind of thing. So the, the greater the consistency --and candidly I've always found that having professional appointed staff like professional City Managers, Finance Directors, that kind of thing really bodes well because we like to point to that being consistent irrespective of you know the, the changing nature of a Council or the Mayor position.

Mayor Lifferth: Okay let me drill into that a little bit further. Currently one of our hot button political issues is that of a full time Mayor. A full time paid Mayor and how we think that would play in would they prefer to have a part time Mayor or a full time compensated Mayor based on the background that you just presented.

Laura Lewis: I don't know that that would matter as much as long as you still had your full time executive staff in place. That's what I think would play the best with them. Whether the Mayor is part time or full time I don't know that that would matter to them greatly.

Linn Strouse: Well, I'm convinced I need to run again.

Mayor Lifferth: Thank you Linn we appreciate you throwing your hat into the ring.

Linn Strouse: I want consistency here.

Mayor Lifferth: One of the things that has been stated in the past is why we've had turn over of Mayors and we've had I am I guess the sixth Mayor of Eagle Mountain- is that this is a very stressful job, a very time consuming job, and if we have a part time Mayor trying to earn a full time living outside of being a full time Mayor he really can't focus and they get burned out, there are health problems, there are family problems, and I would just see a logical conclusion then by having a paid Mayor who is able to do the job, focused on the job then so many other distractions that could keep him from continuing a term would provide the continuity.

Laura Lewis: I would agree it would be very helpful to build the structure of this position because of the challenges that you have are very different than the challenges that a Mayor of Orem might have which, is not a full time position I mean I can list others that, you know, aren't. But because of the high growth the demand from developers and new constituents and, you know, that kind of thing I'm sure there's a lot more time

consumption as opposed to, you know, a Mayor in a city that's already established.
So if that's what it takes--

Vincent Liddiard: We're not turning our utility bond thing into a discussion about the Mayor are we?

Mayor Lifferth: Uh, no... Vincent--

Vincent Liddiard: I'm comfortable to talk about whether we're going to have to reissue the bond but not what are all the implications of a full time Mayor. I thought we were going to focus on the issue of the bond.

Mayor Lifferth: Right. Well. Vince, the reason I brought this up was like I said in a conference call a week ago that was one of the topics that was brought up by a potential purchaser of the bonds--

Laura Lewis: Right.

Mayor Lifferth: --I wanted to drill it in to see exactly what the foundation for that question was.

Laura Lewis: And again what they're looking for is consistency what they start to fear when they see high turn over is that there's a problem. I mean they have you know they're not on the ground to see whether it's a real problem or what you know is the city about to implode and that's why people won't stick around because they don't want to you know get caught when it's imploding or is it a matter of what you've described- if it's a really stressful job when you're trying to do that and maintain a career and a family and whatever other demands you have. So in my opinion anything that aids in the consistency because you've also had, you know, a very high turn over historically and if you look at the number of years the City has been in existence, the number of Finance Directors you've had, the number of City Managers you've had, I mean it's like --it's hard for them to sort of point to "that person's been there a long time". And again, I think that's part of just the nature of the City because it's new and growing like crazy but I think the more that they can see that consistency going forward the more it will help you. Another thing that would be helpful is to adopt a set of like management policies in regard to debt. They like to see that kind of stuff-- I can give you some guidelines of some things they like to see and you know you can write up and say this is you know we've adopted to this and we've adhered to this and if we ever go outside of these directives it was because we had this state of reason- that kind of thing also helps.

Mayor Lifferth: Okay.

Brian Olsen: And I just want to thank Laura for taking that time to go over those points because for me as a Councilmember it's important that we continue and find way to, you know, improve our investment grade--

Laura Lewis: Right.

Brian Olsen: --and that was the purpose for the question so I appreciate it.

Laura Lewis: And with the amount of debt you have outstanding, you know, the higher rating you can get so that we can get the lower interest rates the better off the City will be in the long run without question.

Vincent Liddiard: That was a good question. A good question.

Linn Strouse: I appreciate that too.

End Verbatim Transcription

Councilmember Liddiard stated this bond was funded originally as a revenue anticipation bond in 1997 and then redone in 2000 as a revenue bond and now is the Gas & Electric refunding bond. He asked if it was possible to separate the two out and have one Gas Bond and one Electric Bond.

Ms. Lewis stated there has been some discussion about selling the gas system. She stated at the time of bond closing the question will be asked, "is it your reasonable expectation that the City will continue to own the system or are you looking for buyers?" If the system was going to be sold the bonds would have been deemed tax exempt. It was felt that it was not practical to sell the gas system. If one year from now Questar offers to purchase the system for a reasonable price, the bonds are still not callable for 10 years. The City would then have to 1) go back to the bond insurer and convince them that breaking up enterprise fund would still leave them in the same risk position they had with both utilities; and 2) put the money paid by the purchaser in an escrow account to be used to pay down bonds until the call date. Under current bond set up it would be the same if the gas utility were sold.

Ms. Lewis indicated the resolution the City Council needs to adopt authorizes the Mayor to sign the Bond Purchase Agreement as well as other documents.

Mayor Lifferth stated he is a very fiscally conservative individual and he wishes the City did not have this debt to deal with in the first place. Because the City does have the debt, he feels it is important to manage the debt wisely and favorably for the benefit of the City. The trend is now that interest rates are going up and he is glad the City can lock in a rate that is lower than averages. He is pleased the City is not extending new debt and is saving approximately \$400,000 per year because of the improved credit rating and reduced coverage factor of 15%. He then turned the time to the City Council for discussion.

Councilmember Strouse stated she is happy rates are not being raised to cover cost of principal and interest. She talked about what the City can do to improve its rating and asked if there is a clause to amend the bond if the City's bond rating does improve. Ms. Lewis answered that the existing transaction is set in stone as the current bond is not callable for ten years. Ms. Lewis noted that interest rates are at a historical low, however if the interest rate improves even though the bonds are not callable for ten years, the IRS allows a one-time advance refunding. In this situation the City would borrow money and use it to pay the old bonds and then be responsible for the new bond debt. As far as credit rating, Ms. Lewis stated that anything the City does to help its credit rating would help in future borrowings.

Councilmember Blackburn feels the City is on the right path. He asked about the reduction in debt service coverage from 25% to 15%. Ms. Lewis stated the lowest she has seen it anyone get on an

enterprise fund is 10% and typically 25% is very standard. She would not expect Eagle Mountain City could get to 10% until they show a little more cash reserves and more history in collection of revenues and growth.

Councilmember Blackburn asked what the plan was for the 10% savings on the debt service coverage. Mr. Hillman answered he recommends the savings sit in the debt service account to help offset future debt service payments. It will help the City not be forced to raise the gas and electric rates simply to cover the debt service payments.

Councilmember Strouse mentioned there is a question on the City Survey about a City recreation center. Mr. Hillman stated that at some point in time the City may want to consider a GO bond issue to pay for some sort of recreational development. The purpose of the City Survey question was to gauge the residents' opinion on the issue. Councilmember Strouse worried that it makes it sound like the City has money to do it now and it will create expectations. She would prefer a private enterprise handle a recreation center. Mr. Hillman stated the City could not use the gas and electric reserves to pay for recreational facilities such as a ball diamond.

Councilmember Liddiard thanked Ms. Lewis for her expertise and assistance. He stated he sees this as a positive opportunity to control the City's future.

Councilmember Olsen asked where the costs of issuance would be paid from and Mr. Hillman responded that it would be wrapped up in the bond, sort of like including closing costs onto a home loan.

Councilmember Olsen mentioned that not all of the documents will be reviewed by the City Council and asked what risk, if any, the City Council faces approving them. Mr. Kinghorn stated that most of the documents are boilerplate with some small changes to fit specific pricing. The City Council has been presented with the information that is not boilerplate. He stated if he thought there was a risk being taken that could be prevented by the City Council actually reading the documentation, he would insist it all be available. It is the nature of the bonding process to not have all documentation complete until closing.

Ms. Lewis indicated that forms of certain documents have been available and provided to the City Council since the Notice of Intent was completed.

Councilmember Olsen stated he is excited to hear about the specific savings the bond refunding will provide.

Councilmember Blackburn indicated he had to disconnect from the meeting and asked if he would vote in favor of the resolution. Mr. Kinghorn suggested a motion be entertained to adopt the resolution and then further comments could be added at the end of the meeting.

Councilmember Blackburn **moved** to adopt Resolution 17-2005 Finalizing the Terms and Conditions of the Issuance and Sale by the Issuer of Its Gas and Electric Revenue and Refunding Bonds, Series 2005 in the Aggregate Principal Amount of Not More Than \$22,000,000 (The "Series 2005 Bonds"); Awarding and Confirming the Sale of Said Series 2005 Bonds; Authorizing the Execution by the Issuer of a General Indenture of Trust, a First Supplemental Indenture of Trust, and Other Documents Required In Connection Therewith; Authorizing and Approving a Preliminary Official Statement and Final Official Statement; Authorizing and Approving a Bond Purchase Contract; and Authorizing the Taking

of all Other Actions Necessary to the Consummation of The Transaction Contemplated By This Resolution; Providing a Severability Clause; Repealing Resolutions and Orders In Conflict; Providing an Effective Date; and Related Matters. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse. The motion **passed** with a unanimous vote.

Mayor Lifferth indicated he appreciated the interaction and input from the City Council.

Councilmembers Blackburn and Liddiard disconnected from the meeting at 5:33 p.m.

Councilmember Sloan stated she put a lot of stock into what Mr. Kinghorn has said and expressed appreciation for the questions asked.

ADJOURNMENT

Councilmember Strouse **moved** to adjourn the meeting at 5:34 p.m.

Minutes approved on December 6, 2005.

ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 20, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 4:06 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; DeAnna Whitney, Human Resource Coordinator; Sergeant Mark Binks, Utah County Sheriff's Department; Assistant Sergeant Scott Randall, Utah County Sheriff's Department.

ADJOURN TO A CLOSED EXECUTIVE SESSION - Personnel

Councilmember Olsen **moved** to adjourn to a closed executive session for the purpose of discussing personnel issues - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Sloan **seconded** the motion. Those voting aye: Councilmember Blackburn, Councilmember Liddiard, Councilmember Olsen, Councilmember Sloan and Councilmember Strouse. The motion **passed** with a unanimous vote.

The meeting adjourned at 4:08 p.m.

CLOSED-DOOR SESSION – Personnel

A closed-door session was held at 4:08 p.m. for the purpose of discussing personnel issues - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor David Lifferth; Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan, and Linn Strouse; staff members Chris Hillman, and DeAnna Whitney, Human Resource Coordinator.

The closed door session adjourned at 4:36 p.m.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Wastewater Treatment Facility

DISCUSSION – Contractual Agreements Regarding Engineering Services

DISCUSSION – United Industries Proposal

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:25 p.m. The Pledge of Allegiance was led by Heather Jackson.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Janiece Sloan, Brian B. Olsen and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Sergeant Mark Binks, Assistant Sergeant Scott Randall, Utah County Sheriff's; Fire Chief Rand Andrus.

OTHERS PRESENT: Residents, Heather Jackson, Donna Burnham; Grant Gifford, Sundance Homes.

APPROVAL OF MINUTES

City Recorder Gina Peterson stated that the minutes from September 6, 2005 City Council meeting are completed and are being reviewed. They will be delivered to the City Council at a later date. Also, the minutes from August 16, 2005 will have the requested verbatim section and completed to be on the next City Council agenda.

PUBLIC COMMENTS

Heather Jackson expressed concern with the length of time building permit approvals are taking. She stated she doesn't believe three weeks is an optimum amount of time for the building permit process. Ms. Jackson stated she feels two weeks would be acceptable.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Mayor Lifferth stated when the budget is next opened, he proposes the mayor's salary come from the savings of the refinance of the electric and gas bond.

He noted the benefit concert for the victims of Hurricane Katrina has been cancelled due to the fact that other concerts were already scheduled at that time.

He then read a letter submitted by Mountainland Association of Governments (MAG) concerning a transportation open house for the Mayor, City Council, and Planning Commission on October 19, 2005.

Mayor Lifferth recognized local schools for passing the No Child Left Behind requirements.

He then stated Fire Prevention Week is October 9 – 15. He stated during that week there will be an open house for the newly remodeled Fire Station.

He read a press release from Camp Williams explaining they will be conducting artillery fire exercises in the next couple of weeks. He then warned the residents not to be alarmed if they hear loud explosions during that time.

Finance Director Gordon Burt provided some updated information on the City's issuance of the new Gas and Electric Revenue Bonds. He explained the underwriter was able to sell just over half of the bonds in the market and will underwrite the remaining portion of the bonds. The existing bonds will be refunded around November 1. The new bonds have been financed at a fixed rate, versus a variable rate on the previous bonds. The City will have a one time up front insurance cost payment on the new bonds. Under the previous contract, the City paid an annual insurance (letter-of-credit) fee. Mr. Burt continued in announcing the debt service coverage is also better under the new financing. This will result in significant savings for the City over the life of the bonds. The City's credit rating has also improved to an AA rating.

Management Analyst Shawn Warnke updated the City Council on grants the City is currently pursuing including the US Soccer Foundation Grant, the US Department of Parks and Trails Grant, the Tony Hawkes Foundation Skate Park Grant, and the Community Development Block Grant. He then explained what the City is trying to achieve with each of the grants.

Councilmember Sloan read the story of the day the United States Constitution was signed. She stated that President Bush has proclaimed September 17 as Citizenship Day and September 17 through September 23 as Constitution Week.

Councilmember Olsen stated he is pleased that the City Council and Staff are looking at options for the Wastewater Treatment Plant upgrade. He explained that the City Council is looking at all options available and this is the second largest project the City will enter into in its history. He commended the Council, Staff and citizens of Eagle Mountain for their patience with this process.

Councilmember Liddiard stated that September is also National Preparedness Month. He explained that the US Department of Homeland Security and the American Red Cross encourage Americans to prepare for emergencies. He explained that www.Ready.gov has suggested ways to be prepared for disaster. He also encouraged the Mayor to put that in the utility mailing or on the City website.

Councilmember Olsen stated the transportation open house is on the same evening as the election debate sponsored by the Utah League of Women Voters. He stated that he is planning on attending the debate. Mayor Lifferth also stated that he will be attending the debate and asked the rest of the City Council to attend the transportation meeting.

Councilmember Blackburn asked that information in City newsletters, mailings, etc. is election neutral to eliminate any misperception of inappropriate use of City materials. He also asked that notes to all meetings, such as attendees, issues being discussed, date and agendas be turned into the City Recorder as a city log.

Councilmember Blackburn explained that the City's sewer lagoons were used as dipping tanks on a recent fire on Bureau of Land Management (BLM) property and aided in fire suppression.

He requested the City Council be better notified of meetings pertaining Public Works items.

Councilmember Strouse indicated she would like to see the Declaration of Independence and Bill of Rights plaques that she donated to the City hung in the entryway to City Hall.

She stated that she is very pleased with the Safety Summit. She has been concerned about safety in the city ever since she learned of the second gas line near Pony Express Elementary.

Councilmember Liddiard explained that attaching contacts in your cell phone identified as ICE (in case of emergency) will assist in an emergency where you are not responsive. This will give emergency responders someone to contact.

ANNOUNCEMENTS/UPCOMING EVENTS

City Recorder Gina Peterson stated the Primary Election is October 4, 2005 and the General Election is November 8, 2005. She also explained voting locations and voter registration.

Mayor Lifferth told the City Council that they have received a two month report from Utah County Sheriff's Department pertaining to calls in Eagle Mountain City.

SCHEDULED ITEMS

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Sundance Homes for Kiowa Valley - Plat D.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Sundance Homes for Kiowa Valley - Plat E.

The Development Agreements with Sundance Homes for Kiowa Valley – Plats D and E were discussed simultaneously.

Planning Director Adam Lenhard stated that the Kiowa Valley subdivision is located directly south of Freemont Springs. The Kiowa Valley Final Plats D and E were approved November 16, 2004 and are being developed by Sundance Homes. This agreement details the terms of development, including bonding requirements and CC&R's.

Councilmember Blackburn discussed concerns with the CC&R's requiring brown mailboxes. They also require a minimum square footage on porches which is no longer required by the City. Councilmember Blackburn also stated a concern with the stipulation that the developer may repurchase the lot at the

original price paid by the purchaser. He would also like the CC&R's clarified to allow a resident to xeriscape rather than requiring 50% sod.

Scot Hazard stated that the Design Guidelines and CC&R's are a separate document with specific guidelines for subdivision standards. There is no intent to create a Homeowner's Association within these subdivisions outside of The Ranches HOA.

Councilmember Blackburn asked if they are willing to change the CC&R's to his request.

Mr. Lenhard explained the City does not enforce CC&R's, they review them to ensure they are not in conflict with City standards.

Councilmember Liddiard discussed general issues on allowed animals and the restriction of antennas and satellites.

Councilmember Liddiard **moved** to approve the Development Agreement with Sundance Homes for Kiowa Valley Plat D. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve the Development Agreement with Sundance Homes for Kiowa Valley Plat E. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Elkhorn Development, LLC for Mt. Airey – Plat B.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Elkhorn Development, LLC for Mt. Airey – Plat C.

The Development Agreements with Elkhorn Development, LLC for Mt. Airey Plats – B and C were discussed simultaneously.

Mr. Lenhard explained the Mt. Airey Plat B and C subdivision is located north of The Ranches Golf Course Clubhouse. The final plat was approved on August 16, 2005. This agreement details the terms of development, including bonding requirements and CC&R's. Staff recommended approval.

Councilmember Sloan **moved** to approve the Development Agreement with Elkhorn Development, LLC for Mt. Airey – Plat B. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve the Development Agreement with Elkhorn Development, LLC for Mt. Airey – Plat C. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Lone Tree – Plat C.

Mr. Lenhard stated the proposed Lone Tree Plat C is located at the western end of The Ranches Master Development Plan area, northeast of Lone Tree Plats A & B. An exception to the development code to allow direct driveway access was proposed to the Planning Commission which they denied and recommended vest pocket parks. The Planning Department researched and found what they feel is the ideal and functional vest pocket. The developer has agreed to proceed with vest pocket that the Planning Department proposed.

Councilmember Blackburn questioned the road width on the roundabout. Mr. Lenhard explained that the roundabout was previously approved with Lone Tree Plat B.

Councilmember Liddiard expressed concern on the large number of conditions being recommended by staff for approval and questioned the reason. Mr. Lenhard explained some of the conditions have been resolved and staff felt that the remaining conditions were minor. The developer has agreed to comply with the conditions.

Councilmember Blackburn asked why the landscape plan says some of the trees are the responsibility of the developer and the rest is the responsibility of the HOA. Mr. Lenhard explained that the Development Code only requires trees along a collector or arterial road. The remainder of the trees are always a homeowners improvement in the Ranches.

Councilmember Olsen asked if the park fee-in-lieu had been calculated.

City Engineer Christopher Trusty explained that a park is included in Plat B; however, it doesn't meet the requirements in the Development Code. The total amount of park fee-in-lieu for Plat A, B and C is \$21,338.

Mr. Lenhard explained that the developer felt they were approved for an alternate proposal and they would not need to meet the required standards. Mr. Lenhard stated staff disagreed and required a fee-in-lieu for the amenities not provided in that park. The developer asked that the fee-in-lieu be earmarked for exclusive use in the Lone Tree area. Mr. Lenhard explained that staff is recommending the proposal be a condition of approval.

Councilmember Olsen expressed his feeling that this subdivision would benefit from other parks in the City and the fee-in-lieu should go into the park fund. Discussion ensued on the distance of the Lone Tree subdivision and the property where the SITLA park is proposed.

Mr. Lenhard stated that the applicant asked to have this plat tabled if the City Council does not want to reserve the park fee-in-lieu for the Lone Tree subdivision.

The City Council stated concerns with reserving the park fee-in-lieu for the Lone Tree subdivision.

Mr. Kinghorn stated his opinion this is not a good proposal because an escrow account would have to be established and administered.

Councilmember Blackburn questioned if the requirements on the traffic study have been met.

City Engineer Chris Trusty responded that the traffic study has been completed and approved. Councilmember Blackburn requested that any road that stubs off and is not continued be improved at least five feet through the intersection.

Councilmember Strouse **moved** to table the Final Plat of Lone Tree – Plat C. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard recommended approving the motion with conditions to satisfy the City Council's concerns. Discussion ensued.

Mr. Lenhard explained the applicant asked that this item be removed if the City Council did not agree with the proposed fee-in-lieu being allocated to the Lone Tree subdivision.

Mr. Kinghorn recommended that the Council decline to approve the plat based on the fact that the conditions are unacceptable.

Mayor Lifferth stated he is striking the item from the agenda.

Mr. Lenhard recommended that the Fee-in-lieu be used for a pavilion in Lone Tree. He then explained the park and the developers understanding that their landscape plan could be used instead of meeting the required park requirements.

Mr. Kinghorn stated his objection that the City should not have to put the funds in an escrow account. The City should be able to use the funds as they see fit. He explained the City Council could approve the plat and put the fee-in-lieu for the Lone Tree subdivision in the general park fund and use the money for the Lone Tree subdivision.

Mr. Lenhard explained that the fee-in-lieu is the exact difference in the required improvements and the proposed improvements for the park.

Councilmember Olsen stated his concern with tabling the plat. He stated he would like to approve the plat with conditions. He doesn't want to set a precedence of tabling items.

Councilmember Strouse withdrew her motion to table. Councilmember Blackburn accepted the withdrawal of the motion.

Councilmember Olsen **moved** to approve the Final Plat for the Lone Tree C subdivision, subject to the following conditions:

1. NEIGHBORHOOD PARK. That the Neighborhood Park fee-in-lieu is paid prior to recordation according to the amount calculated by the City Engineer, or the required Development Code improvements are bonded for and installed by the developer.
2. STORM DRAINAGE. That storm drainage off the hillsides is addressed (bench drain easements to be provided behind lots 301-303, and 309-311). That the bench drains are shown on the plans and constructed by the developer. That preliminary storm drain calculations with bench drains are submitted and approved by the Engineer.
3. CONSTRUCTION PLANS. That all of the construction plan redline comments are corrected as per staff recommendations.

4. E-FILES. That e-files are submitted for the plat and constructions drawings. That engineer's estimates are provided for civil and dry utilities.
5. LANDSCAPE PLAN. That the street trees along Lone Tree Parkway are a developer improvement. That the other trees are called out as a homeowner/church responsibility. That the plan shows open space fencing on the rear yards of lots 301-303 and 309-310 but is not bonded for (not a public improvement).
6. DRIVEWAYS: That driveways are a minimum 22' long.
7. PLAT. That the Planning Commission signature block is removed. That the tabulations table on the plat shows the correct acreage in open space (0.00 acres) and in the church site (add line for 3.7230 acres). That County book and page are added for adjacent parcels. That the square footage of lot 305 is corrected.
8. COLLECTOR ROAD ACCESS. That lots 331, 332, and 333 have a vest pocket installed to prevent driveway access onto Lone Tree Parkway. This vest pocket is to have a 25' width as agreed upon by the developer and staff. That lot 318 may only have driveway access onto Bristlecone Road.
9. GEOTECH REPORT. That the geotech report is revised to reflect the Traffic Study's count that Lone Tree Parkway will have 4300 daily trips. Currently, the report states that the road is designed to carry 1000 trips only. That the resubmitted geotech report is verified and approved by the City Engineer.
10. TRAFFIC STUDY: That the traffic study is reviewed and approved by the Engineer.
11. FIRE DEPARTMENT APPROVAL: That the locations of the hydrants are approved by the Fire Chief.

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

SITE PLAN – Consideration and approval of the Site Plan for Spring Valley – Plat C.

FINAL PLAT – Consideration and approval of the Final Plat for the Spring Valley – Plat C

The Site Plan and Final Plat for Spring Valley – Plat C were discussed simultaneously.

Mr. Lenhard explained Spring Valley Plat C is located on Mt. Airey Drive, south of plats A and B. The project is located on the City's eastern boundary. The City's Development Code requires that all multi-family projects be reviewed through the Site Plan process. Site plans are to be reviewed by both the Planning Commission and City Council. The City Council has the final approval authority for this application. Mr. Lenhard explained the recommended conditions.

One of the conditions of approval deals with Elevation Articulation Ratio (EAR) which is a standard defined within the Ranches Design Guidelines. Mr. Lenhard indicated emphasis should be placed on the rear elevation because this portion of the project will have the greatest visibility. It is recommended that the rear EAR should not be less than the requirements for the front elevations, which is greater than required with most subdivisions. Generally, backyards are used to store miscellaneous items. The CC&R's should prevent residents from storing unsightly items. The Ranches HOA will be the enforcement body for these CC&Rs.

It was also noted that the Applicant is currently in the process of obtaining a new builder. Should a new builder be chosen and the building elevations change, the Applicant will be required to re-apply for Site Plan approval.

Councilmember Sloan stated her concern with the condition restricting use of backyards because of the development abutting an upscale neighborhood. She questioned if it would have been a requirement had the subdivision abutted another neighborhood.

Mr. Lenhard explained that this area is required to have higher design guidelines which were established in the Ranches Master Plan.

Councilmember Sloan requested the phrase be reworded.

Councilmember Strouse stated she appreciates the restrictions; however, she is also concerned that the wording *classifies* neighborhoods.

Mr. Lenhard explained that these buildings are twin homes.

Councilmember Blackburn asked why this development is requiring the developer to install all the street trees when other developments only require the developer to install them on collector and arterial roads.

Mr. Lenhard explained that this area is a different zoning tier and to have the density the development must meet certain standards. Also this development has the area as common area rather than private property.

Councilmember Liddiard **moved** to approve the Spring Valley C Site Plan subject to the following conditions:

1. STREET LIGHTS. That street lights are installed along Mt. Airey Drive. That lighting details are submitted for the dry utilities.
2. BACKYARD RESTRICTIONS. That there are strict CC&Rs for the backyards to cooperate with the Elevation Articulation Ratio (EAR) (from the Ranches Design Guidelines) for that area.
3. PRIVATE OWNERSHIP AREAS. The landscaping plan and plat show different areas being privately owned. The entryway monuments cannot be placed in privately owned areas.
4. DRIVEWAY LENGTHS. That the driveway lengths are a minimum 18'.
5. BUILDING ENVELOPES. That the building envelopes be shown on the plat as required by City Code.
6. STREET TREES. That the street trees along Mt. Airey Drive are installed by the developer and bonded for. That the trees in the project are called out as developer/builder improvements and bonded for.
7. K-VALUES. That k-values are shown for the vertical curve on Olympic Club Drive.
8. POINT OF BEGINNING. That it is identified on the plat.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve the Spring Valley C Final Plat subject to the following conditions:

1. STREET LIGHTS. That street lights are installed along Mt. Airey Drive. That lighting details (sheet E 1.4) are submitted for the dry utilities.
2. BACKYARD RESTRICTIONS. That there are strict CC&Rs for the backyards cooperate with the EAR for that area.

3. PRIVATE OWNERSHIP AREAS. The landscaping plan and plat show different areas being privately owned. The entryway monuments can not be placed in privately owned areas.
4. DRIVEWAY LENGTHS. That the driveway lengths are a minimum 18'.
5. BUILDING ENVELOPES. That the building envelopes be shown on the plat as required by 5.4.1.1.20.
6. STREET TREES. That the street trees along Mt. Airey Drive are installed by the developer and bonded for. That the trees in the project are called out as developer/builder improvements and bonded for.
7. K-VALUES. That k-values are shown for the vertical curve on Olympic Club Drive.
8. POINT OF BEGINNING. That it is identified on the plat.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

SITE PLAN – Consideration and approval of the Site Plan for Rock Creek Condos – Phase 2.

This item was removed from the agenda because it was previously approved.

RECORD OF SURVEY – Consideration and approval of the Record of Survey for the Rock Creek Condos – Phase 2.

City Planner Peter Spencer stated the Rock Creek Condominiums are located at the intersection of Ranches Parkway and Pony Express Parkway. A plat is the recording instrument used to define and divide real property into lots. A record of survey is used to define the physical units in a building. Essentially, the record of survey legally defines the space of each unit. Since this is a condominium project State law requires the project use a record of survey to define the sellable property. Mr. Spencer then explained the conditions of approval. He stated the developer has agreed that Rock Creek Road will be extended with its full right of way and sidewalks so the Plum Creek residents will have access in Rock Creek. Mr. Spencer stated that each building consists of twelve units.

Councilmember Blackburn **moved** to approve the Rock Creek Condos Phase 2 Record of Survey subject to the following conditions:

1. BUILDINGS. That the height and design of the new buildings is consistent with Phase 1.
2. FENCING. That open space fencing is shown on the landscape plan along Tickville Wash, installed by the developer, and bonded for. That a privacy fence is added along Tickville Wash where the wash runs by the tot lot located across from Building M. The purpose of this fence is to protect children and other patrons of the tot lot and pavilion from the wash.
3. TOT LOTS AND PAVILIONS. That the tot lot and pavilion shown on the approved Preliminary Plat between Buildings F and I is added to the landscape plan, installed by the developer, and bonded for. That the pavilion shown on the Preliminary Plat across from Building M is added to the landscape plan, installed by the developer, and bonded for.
4. ROCK CREEK ROAD. That the full right-of-way for Rock Creek Road all the way to Plum Creek is completed, including sidewalks and park strips. That construction plans are submitted for review. That the portion of the road through the UP&L corridor is deeded to the City.
5. PLAT. That the Planning Commission signature block is removed. That the Owner's Dedication and Acknowledgement language is amended. That county book and page records be called out on the plat for adjacent parcels.
6. FIRE DEPARTMENT APPROVAL. That the Fire Chief reviews and approves the building layout and hydrant locations.

7. GEOTECH REPORT. That the Daily Traffic Number is clarified and that it analyzes the stability of Tickville Wash. That the geotech report is verified and approved by the City Engineer.
 8. RETAINING WALLS. That the construction details of the retaining walls are submitted and approved by the City Engineer.
 9. EROSION AND SEDIMENTATION. That there is a general note that explains what erosion and sedimentation controls will be made.
 10. STREET SIGNS. That the round-a-bout has two street signs on opposite ends of the circle from each other.
 11. STORM DRAIN CALCS. That they are submitted and reviewed by the City Engineer.
- Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Strouse stated that she would like it clarified that this density was granted with the original Ranches Master Development Plan.

CONSENT AGENDA

Mr. Trusty explained the change order for Terry Larsen Excavating.

Mayor Lifferth stated that the Staff and City Council was not pleased with the work done by Terry Larsen Excavating. Consequently, the City will not reconsider bids from them in the future.

Ms. Peterson noted that items from the consent agenda are not supposed to be discussed; however, the City Council may choose to remove an item from the consent agenda to discuss and approve separately. All discussion on the consent agenda should take place in the Work Session.

Councilmember Liddiard **moved** to approve the consent agenda as follows:

- A. Change Order - Terry Larsen Excavating – Utility Administration Building (CO No. 4)
- B. Final Payment - Terry Larsen Excavating – Utility Administration Building
- C. Partial Payment - Delco Western – Pony Express Well (PP No. 1)
- D. Bond Reduction - The Woods – Spectrum Development
- E. Final Bond Releases - Mt. Airey – Plat D

Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

OTHER BUSINESS

Councilmember Blackburn asked that all City Councilmembers receive a Wastewater Engineering Report.

Mayor Lifferth stated that a new one is available and he will get that to the Council.

Councilmember Blackburn requested that the City Council receive the old copy with the changes highlighted in red so the updates will be seen.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 9:45 p.m.

Minutes approved on November 1, 2005.

ML

EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

September 29, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84043

5:30 P.M. SPECIAL SESSION – CITY COUNCIL CHAMBERS

Mayor Lifferth called the meeting to order at 5:42 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard (via telephone), and Janiece Sloan. Councilmembers Brian B. Olsen and Linn Strouse were excused.

CITY STAFF PRESENT: Chris Hillman, City Administrator; and Angela Cox, Deputy Recorder.

SCHEDULED ITEMS

MOTION – Consideration and appointment of Election Judges for the 2005 Primary and General Municipal Election in Eagle Mountain City.

Deputy Recorder Angela Cox presented the City Council with a list of recommended residents to serve as Election Judges for the 2005 Municipal Primary and General Election.

Councilmember Sloan asked Deputy Recorder Angela Cox to explain the roles of the counting judges in the Municipal Elections. Ms. Cox explained counting judges will arrive at the polls at 5:00 p.m. on the day of the elections and begin counting ballots to help expedite the process.

Councilmember Liddiard **moved** to appoint the following election judges:

Consolidated EM01 (EM01) - Prairie Gate Office Building

Lynette Rose

Maureen Anderton (primary) /Lynette Story (general)

Carol Boyd

Counting Judges:

Diane Jacob

Diane Bradshaw

Media Burton

Consolidated EM02 (EM02 & EM04) - Eagle Mountain City Offices

Sheila Curtis

Lee Kline

Dee Scott

Counting Judges:

Shana Davis

Jenalee Cheever

Valerie Ackely

Consolidated EM03 (EM03 & EM05) - Pony Express Elementary

Kathy Nuttall
Kimberly Brown
Eileen Thompson

Counting Judges:

Jennifer Rawlings
Kristie Ellers
Mindi Barker

ALTERNATES: Charlotte Ducos
Julie Grover
Gayleen Pierce

John C. Boyd
Karleen Bechtel
Maritza Bailey

Councilmember Blackburn **seconded** the motion. Those voting aye: Councilmember Blackburn, Councilmember Liddiard and Councilmember Sloan. Motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 5:52 p.m.

Minutes approved on October 18, 2005.

ML

EAGLE MOUNTAIN SPECIAL CITY COUNCIL TOUR

October 7, 2005

NO PUBLIC COMMENT WAS RECEIVED AND NO OFFICIAL ACTION WAS TAKEN

7:30 A.M. SPECIAL WORK SESSION – CITY COUNCIL TOUR

ELECTED OFFICIALS PRESENT: Mayor David Lifferth, and Councilmembers David Blackburn, Vincent Liddiard, and Janiece Sloan. Councilmembers Brian B. Olsen and Linn Strouse were excused.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gina Peterson, City Recorder, Mark Sovine, Public Works Director; Jordan Harris, Wastewater/Water Supervisor.

OTHERS PRESENT: Shane Jones, Public Works Boardmember; Heather Jackson, and Larry Bowen, Bowen Collins & Associates.

The City Council assembled at the Prairie Gate Office Building and departed for the Timpanogos Special Service District (TSSD) near American Fork.

Timpanogos Special Service District

Once at TSSD, the City Council met Garland Mayne who conducted a tour of the facilities. TSSD is a water reclamation facility that uses an activated sludge plant and oxidation ditch.

Larry Bowen explained the basics of wastewater treatment. Oxygen (ambient air) is pushed through raw sewage in order to develop native bacteria microorganisms (aerobic bacteria).

Areas of TSSD were toured and discussed:

- A clarifier is used for solids/liquid separation
- UV light is used for disinfection after liquid is separated at the clarifier.
- TSSD has been doing their own solids handling since 1992 and has been able to get rid of 100% of solids through a composting project. There are no restrictions on the use of TSSD compost. It was noted that solids handling can be expensive to sell or give away.

Heber Valley Special Service District

The City Council then congregated at the Heber Valley Service District where the Superintendent Scott Wright conducted a tour of the facilities. Heber Valley SSD uses an aerated lagoon with a land application system.

Mr. Wright indicated that 75% of the Heber Valley SSD was built with an EPA grant. It was also noted that rather than using UV to disinfect bacteria, Heber Valley SSD uses Chlorine to treat and disinfect.

Lunch Break – Park City

The City Council then took a lunch break at Ruby Tuesday's in Park City, Utah.

Oakley Water Reclamation Facility (Summit County)

The meeting reconvened at 1:20 at the Oakley Water Reclamation Facility. The Oakley facility uses membrane bio-reactor (MBR) technology. This plant was the first of its kind in Utah and took five years to get approval from the State. During initial planning stages Oakley wanted to find a plant that would allow for reuse. The plant has an extremely small footprint in comparison to other plants that accommodate the same amount of treatment by other means. There is also virtually no offensive smell. It was noted that the biggest failure to this type of plant would be a power failure. Microorganisms need to be treated like babies and if the power were down for more than a few hours they would die.

The director of the plant noted it required little physical people hours to run due to the automated nature of the system. This type of system also results in a Type I discharge and tests on the effluent show they have nothing in it.

The City Council then returned to Eagle Mountain City.

ADJOURNMENT

The meeting adjourned at 4:19 p.m.

Minutes approved on December 6, 2005.

ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 18, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043.

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 4:00 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse (arrived at 4:14 p.m.).

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Jason Randall, Assistant Sergeant.

OTHERS PRESENT: Jim Polilcio, ASWN; John R. Linton, Cary Brackett, John Haux, Bill Tinney, The Ranches HOA; Caleb Warnock, Dailey Herald; Boyd Curtis, Loreen Cole, Donna Burnham Residents.

DISCUSSION/REVIEW ITEMS

UPDATE – Telecom Sale – Kip Wilson, Direct Communications

DISCUSSION – Business License Amendments with regard to Home Businesses – Peter Spencer

DISCUSSION – Community Center in the Ranches – Adam Lenhard

REVIEW – September 2005 Financial Report – Gordon Burt

REVIEW – Interlocal Agreement with North Utah Valley Animal Services Special Service District – Chris Hillman

REPORT – Natural Gas Rates – Mark Sovine

REPORT – Sewer Treatment Plant Tour – Mark Sovine

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:06 p.m. The Pledge of Allegiance was led by Alicia Hill.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

OTHERS PRESENT: Residents, Loreen Cole, Donna Burnham, Jen Edwards, Boyd Curtis, Kelvin Bailey, Matthew Williams, Michael Baggaley, Kyle Gleed, Jason Brockett, Kent Rawlings, Joe Christensen, Wanda Hiller, Marion Bingham, Alicia Hill; Caleb Warnock, Daily Herald; John R. Linton, Cary Brackett, Bill Tinney, John Haux, The Ranches Homeowners Association.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – August 16, 2005 (Verbatim Section)

MINUTES of Special City Council Meeting – September 29, 2005

MINUTES of Special City Council Meeting – October 12, 2005

Councilmember Blackburn **moved** to approve the minutes of the City Council Meeting on August 16, 2005 as amended. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn **moved** to approve the minutes of the City Council Meeting on September 29, 2005. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn **moved** to approve the minutes of the Special City Council Meeting on October 12, 2005. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Brian Olsen and Linn Strouse. Vincent Liddiard and Janiece Sloan abstained. Motion **passed** with a majority vote.

PUBLIC COMMENTS

Boyd Curtis a resident of the Mountain View subdivision said he appreciates the City's landscape improvements of berms and medians in the City Center. He addressed the Council concerning the open space between The Landing and Mountain View subdivision. He stated he has a dream of having a park in that area. He would like to be involved in the planning and building of a park in that area and

requested the topic be discussed by the City Council. Mr. Curtis suggested his ideas of what the park could contain such as a volleyball pit, swings or a pavilion. He stated he is willing to organize a committee and asked the Council if they would be willing to do something in that area.

Mayor Lifferth invited Mr. Curtis to meet with him on Thursday evening during the "Let Me Speak to the Mayor" time to further discuss the issue.

John Haux, President of the Board of Trustees of The Ranches Homeowners Association, read the following letter:

"As you are aware, our client, The Ranches at Eagle Mountain Master HOA, desires to include the name of their community on the signage within the boundaries of the project. However, they have been informed that the city's policy is to disallow the display of private logos on street signs. Our understanding is that the city's policy is aimed at not advertising or otherwise endorsing commercial entities at the city's expense.

The Ranches at Eagle Mountain community is not a commercial entity. The Association is an incorporated non-profit entity, whose sole purpose is to build a sense of community in order to preserve property values. The preservation of property values should interest the City in that it provides a greater tax revenue for the City. However, the logo and name which they desire to use on the signs are those of the community not necessarily that of the Association. The name and logo of the community are merely identifiers not advertisements. The name and logo are not trademarked nor otherwise restricted and are part of the public domain. The purpose of the addition of the logo and name of the community to city signs is meant to assist residents and visitors with direction and location, not to sell a product. In addition, it is the hope of the Association that the signage will build a greater sense of community, which in turn will attract new residents to Eagle Mountain City.

Furthermore, the association's name and logo are presently found on all street signs in the subdivision and on an entrance monument located on city property at the entrance to the subdivision. We feel that regardless of city policy, the precedent has already been established with regard to including subdivision names and logos on city signs and city property within the subdivision.

If the City is not satisfied that the use of The Ranches at Eagle Mountain community logo and name on street signs is not for commercial gain, we ask that the City consider leasing the sign space. The Association would be willing to pay a nominal fee per sign as rent if the City is unwilling to allow the community to otherwise use its name and logo on the signs.

Please convey the Associations position to the City and let us know how they decide this matter at your earliest convenience. If necessary, we will request that this issue be made an agenda item on the City Council's meeting schedule.

Sincerely,

THE RICHARDS LAW OFFICE

John D. Richards"

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Mayor Lifferth informed the public of the following upcoming events.

- A Candidate's Debate on Wednesday October 19, 2005 will be held at City Hall sponsored by Eagle Mountain City and the League of Women Voters.
- The PTA is sponsoring a "Meet the Candidates Night" at Pony Express Elementary on Tuesday October 25, 2005.
- A Special Public Works Board/City Council meeting will be held on Thursday October 27, 2005 to discuss sewer treatment options.
- A NIMS (National Incident Management Systems) training was held today for members of the City Staff. This training was a requirement of a homeland security grant the City is applying for.
- The Mayor attended the Governors Transportation Summit last week and met congressional delegates to discuss the city's transportation needs.
- A transportation workshop will be held on October 19, 2005 in Orem, Utah. He encouraged Councilmembers to attend. The public is also invited to attend.

Councilmember Liddiard stated that the value of the City Council is not coming with one voice, but rather leaving with one. He stated that there is a diversity of thoughts opinions, and perspectives that are natural for any organization when there is more than one person involved. He stated that because of that the opportunities for discussion are important and the outcome is good. He explained that the expression of ideas by email should be the invitation to discuss ideas at a meeting as a Council. He stated that emails tend to be impersonal and the intent of things may be left lacking. He expressed his opinion it is easier to pursue issues in a group format.

Councilmember Liddiard stated that he served as Mayor for one month because he was the Mayor Pro Tem during the transition period. Comments have been made by a couple of Councilmembers regarding the decision to hire Rand Andrus as the Fire Chief. He stated that he hired the new Fire Chief; however, he did not do it blindly. He felt it was the right choice and the City Council had many opportunities to give feedback through the process. The result was that three Councilmembers felt one person was the right person for the job. Councilmember Olsen had brought up a concern with the salary, the original offer was revoked and the salary renegotiated to alleviate those concerns.

Councilmember Liddiard stated there is a lot that goes on with the City Council. He expressed appreciation for Mayor Lifferth. He stated that the mayoral position is an important position of communication. He felt that when he served as mayor he could do better in that area; however, his choice to hire the Fire Chief was right and appropriate. He stated that he regrets that he was not able to bring everyone along with that decision.

Councilmember Blackburn stated that members of the City Council, City Staff and Public Works Board attended a field trip of several sewer facilities operating throughout the State. The City is investigating sewer options which will likely come at some cost to the City. This is a process that has had a lot of time, effort and energy spent on it and will have more in the future. Councilmember Blackburn stated this will not significantly impact the City debt; however, this is something the City must do soon.

Councilmember Strouse stated that she was not able to attend the tour; however, she has done a great deal of research. She indicated the State recently changed what they would approve and more options have been presented making it difficult to reach a reasonable goal in the best interest of the City in the

time frame allowed. She stated that all individuals involved have the best interest of the City in mind and have been doing their due diligence.

Councilmember Strouse commended Mr. Curtis for wanting to improve an area in the City. She stated that she likes to give credit to citizens who are willing to improve their community. She stated that in the past the City has furnished City equipment to pull out cement dumped in open space and provided trees at a lower cost for such projects. She explained that if the residents are willing to do the work to improve open space the City is willing to help out. She stated that Eagle Mountain is a unique city and is open to creativity.

City Administrator Chris Hillman stated the City has recently completed a City Survey and the results are on the City's web site. He explained the City service ratings are up significantly from the previous survey taken two years ago. He gave credit to former mayors, current Mayor, a dedicated Council and City Staff. Overall the residents are very pleased; 85% of residents would recommend the City as a place to live, and 75% of residents would stay in Eagle Mountain if moving to a new home. Mr. Hillman stated the City Staff and Council are doing everything they can to keep the residents happy.

Mayor Lifferth stated that because of the hard work of many people the State has now verbally approved three different sewer treatment options. He continued stating that according to the survey 97% of the people who live in Eagle Mountain think the City is a safe place to live. He stated that he is a grateful to live in a community where the citizens' work together to ensure it is a safe place to live.

Mayor Lifferth explained the NIMS training is part of a four step process in training as a City, to be prepared for a disaster. Today was the second of four steps. An additional training will be held for the Council and key members of the community to ensure they can all work together in the event of a natural disaster. In January there will be an exercise where the City will go through the motions of what to do in the event of a disaster.

ANNOUNCEMENTS/UPCOMING EVENTS

Mayor Lifferth again highlighted the upcoming events. He also stated that Satellite Registration will be held at Saratoga Springs City Hall on October 28 and 31, 2005. General Elections are on November 8, 2005 and those elected will take the Oath of Office on January 2, 2006.

Mayor Lifferth stated that the City Council will be voting on a natural gas increase this evening, which is a result of the increase of the wholesale cost the City pays.

He explained Eagle Mountain City submitted a challenge to the U.S. Census on the number of residents in Eagle Mountain City. Through the work of Shawn Warnke, Management Analyst, the petition was approved and the Federal Government is now recognizing that the city has 600 more residents than was previously recognized by the U.S. Census.

In an effort to give the City Council the proper amount of time to research some items there will be a number of items tabled until the next City Council meeting.

City Recorder Gina Peterson reviewed the Official Canvass of the Primary Elections. She explained that the city has 4,143 registered voters and voter turnout was at 18%. She stated that the candidates moving on to the General Election for mayor is Brigham Smart Morgan and Brian B. Olsen; and for City

Council Donna Burnham, Alicia Hill, Heather Jackson and David Lifferth will move on to the General Election.

RECOGNITION – Library Director Michele Graves – Humanities Award

Mayor Lifferth recognized Michele Graves for receiving the Humanities Award. Suzie White accepted the award in Ms. Graves's behalf.

A representative of Zion's Bank congratulated Ms. Graves for her efforts. Ms. White read the Award Certificate.

RECOGNITION – Teacher of the Month – Melinda Norman, Eagle Valley Elementary

Mayor Lifferth recognized Melinda Norman, Teacher of the Month at Eagle Valley Elementary.

Principal Conley of Eagle Valley Elementary complimented Ms. Norman and thanked the Mayor and City Council for their support.

RECOGNITION – Daphney Reynoso

Mayor Lifferth recognized Daphney Reynoso who found an envelope with a large amount of money in it. Young Daphney turned the money into the Sheriff's.

Sergeant Randall presented Daphney with a gift and recognized her and her family for their honesty.

INTRODUCTIONS – New Employees

Mark Sovine stated the Public Works Department has recently hired two new employees; Mike Sergeant in the Engineering Department and Kurry Lewis in the Electrical Department. Neither employee was able to attend the meeting.

Mayor Lifferth stated Planning Director Adam Lenhard and his wife recently had a baby boy and Deputy Desmond Lomax and his wife had a baby girl.

Sergeant Randall stated that the Sheriff's Office and Fire Department recently hired Bonnie Beakstead as a Public Safety Secretary.

SCHEDULED ITEMS

PUBLIC HEARING – Cedar Corners Rezone

ORDINANCE – Consideration and approval of an ordinance rezoning property known as the Cedar Corners Rezone.

City Planner Peter Spencer explained Cedar Corners is located in the City Center north of Eagle Point Plats G and H. The City's General Plan categorizes the parcel's future land use as Mixed-Use Residential. Application has been made to rezone this property from agricultural to residential. The Applicant will be required to come back to the City for future approval of a Preliminary Plat accompanied by a Development Agreement which specifies improvements to be contributed by the

developer and any bonus density granted by the City. The Planning Commission recommended approval of the rezone on September 13, 2005.

Councilmember Liddiard asked if the Residential Zoning is appropriate as the General Plan categorizes the parcel's future land use as Mixed Use Residential. Mr. Spencer explained that the use of the Residential Zoning is an appropriate use.

Mayor Lifferth opened the public hearing at 7:53 p.m. No comments were received; subsequently the public hearing was closed.

Councilmember Blackburn **moved** to approve Ordinance O-21-2005 rezoning property known as the Cedar Corners Rezone. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC HEARING – Eagle Mountain City Development Code

ORDINANCE – Consideration and adoption of an ordinance amending the Eagle Mountain City Development Code.

Mr. Lenhard stated the 2005 General Session of the Utah State Legislature passed Senate Bill 60 to amend several sections of the Utah Code concerning local land use development and management. This act is known as the Land Use Development and Management Act (LUDMA). This ordinance reflects changes to the Development Code to comply with LUDMA as well as minor housekeeping amendments. Mr. Lenhard stated that Tier II lot frontages are proposed to increase from 50' to 60'. Also it is proposed to allow commercial hunting areas as a conditional use in agricultural zones. Sexually oriented businesses have been proposed to be prohibited in residential, agricultural and commercial zones.

Mayor Lifferth opened the public hearing at 7:57 p.m.

James McMurry, land use planner with Northern Engineering, informed the Council of the impact of the proposed lot frontages. He feels that the requirement will create a hole in the density spectrum and will be difficult for developers to bring certain products into the city. Mr. McMurry stated that there will be a ceiling on single family density of four units per acre. He stated that he is not directly impacted and has no personal feelings either way.

Councilmember Liddiard questioned what is the maximum density was under that tier.

Mr. Lenhard responded the maximum density is 5.2 units per acre. He stated that he has discussed the situation with Mr. McMurry and agreed that it could be difficult.

Councilmember Liddiard explained the City has had issues with developers not being able to fit their product on the lot sizes approved and this is how the City is addressing that.

Bud Jorgenson stated he is being affected by the proposed ordinance. He feels that 50' lot frontage is a workable proposal. Mr. Jorgenson feels that most developers will not even install a park or other amenities with the proposed lot frontages because they will have to give up additional land to accommodate the lot frontages.

Mayor Lifferth closed the public hearing at 8:03 p.m.

Mayor Lifferth tabled this item to the November 1, 2005 City Council meeting.

PUBLIC HEARING – Eagle Mountain City General Plan

ORDINANCE – Consideration and adoption of an ordinance amending the Eagle Mountain City General Plan.

Mr. Lenhard explained that the amendments of the General Plan are to reflect changes of the LUDMA ordinance at the State level. The Future Land Use and Transportation Map were amended to be accurate and reflect the direction the City should go in the future.

Mayor Lifferth opened the public hearing at 8:04 p.m. No comments were received; subsequently the public hearing was closed.

Mayor Lifferth tabled this item to the November 1, 2005 City Council meeting.

PUBLIC HEARING – Impact Fee Economic Analysis

MOTION – Consideration and approval of the Impact Fee Economic Analysis.

City Engineer Chris Trusty explained the Impact Fee Economic Analysis is what the City uses to establish impact fees based on capital facility improvements. In February the City adopted the 2005 Economic Analysis subsequent to that they also enacted the Impact Fee Ordinance. The changes to this Economic Analysis are to reflect certain reimbursement agreements the City has made; specifically to Development Associates for the SilverLake development, SITLA for the donation of land for the Pony Express Regional Park and extension of offsite sewer lines with Ames Construction. Mr. Trusty stated the Economic Analysis is the justification for Impact Fees.

Councilmember Olsen questioned who prepared the Economic Analysis. Mr. Trusty stated that the report was prepared by Epic Engineering and amended by Eagle Mountain City.

Mayor Lifferth opened the public hearing at 8:10 p.m. No comments were received; subsequently the public hearing was closed.

Mayor Lifferth tabled this item to the November 1, 2005 City Council meeting.

PUBLIC HEARING – Impact Fee Amendments

ORDINANCE – Consideration and adoption of an ordinance amending the Impact Fees for Eagle Mountain City.

Mr. Trusty stated that copies of the Proposed Impact Fees Enactment and Ordinance have been available for public inspection at the City Recorder's Office and the Public Library since October 3, 2005. A notice was published in the newspaper indicating the information was available for review. The ordinance proposes to increase impact fees for public services provided by the City and takes into consideration reimbursement agreements for certain developments.

Mayor Lifferth opened the public hearing at 8:11 p.m. No comments were received; subsequently the public hearing was closed.

Mayor Lifferth tabled this item to the November 1, 2005 City Council meeting.

PUBLIC HEARING – CDBG Proposals

DISCUSSION – Consideration and review of CDBG Proposals for FY 2006.

Management Analyst Shawn Warnke stated the Community Development Block Grant (CDBG) program is financed through the Housing and Urban Development agency. The primary purpose of the program is to provide funds to local governments to benefit low to moderate income residents within their jurisdiction. Eagle Mountain City competes against entities within the Mountainland Association of Governments jurisdictions for \$1.5 million dollars. This is the first of two required public hearings designed to receive input from residents on possible projects the City should consider sponsoring.

Mr. Warnke stated that as part of the grant requirements is that the City must submit a Consolidated Plan for projects within the City. The proposed project needs to be contained in the Consolidated Plan. The grant must benefit residents with low to moderate income. The City will need to complete a survey to verify that the project will benefit low to moderate income individuals. Mr. Warnke stated that because it is a competitive project the City needs to represent a critical need. He also explained that some projects will require a matching fund. He then explained those thresholds.

He continued stating all eligible activities that can be accomplished under this program which are identified in the CDBG Application Guide and interested persons can review it at any time. Mr. Warnke read several of the eligible activities listed including, construction of public works and facilities, such as, water and sewer lines, fire stations, acquisition of real property, and provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation for low income homeowners or for persons owning rental housing for lower income persons. Mr. Warnke stated that last year the City applied for funding of street lights; however, that was not funded. He explained that he is proposing the City consider a proposal for street lights in the neighborhoods of the City Center or a fire truck for Fire Station #1 in the City Center.

Mayor Lifferth opened the public hearing at 8:23 p.m. for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2005 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. The Mountainland Region, in which Eagle Mountain City is a member, is expecting to receive approximately \$1.5 million in this new program year. All eligible activities that can be accomplished under this program are identified in the CDBG Application Guide and interested persons can review it at any time. Mayor Lifferth indicated that in the past Eagle Mountain City has not received any monies from CDBG. The city has handed out its capital investment plan as part of the regional "Consolidated Plan". This list shows which projects the city has identified as being needed in the community. The City has included the need for street lights and a fire truck in the Consolidated Plan. It was asked that anyone with questions, comments or suggestions during the hearing please identify themselves by name, before they speak. The City Recorder will include the name in the minutes and staff will specifically respond to questions and suggestions during the hearing.

Mr. Curtis of the Mountain View subdivision questioned if street lights could be put in the medians on Eagle Mountain Boulevard or if they would be only along subdivision streets.

Mr. Warnke explained that the lights will need to be in the project area to directly benefit the residents in an area of low to moderate income.

Mr. Curtis stated having parks promotes health and safety in the community. He asked if this would be a viable proposal.

Mr. Warnke explained that parks and recreation through CDBG is difficult because recreation is not always ranked as high as other critical needs.

Discussion ensued on the uses and benefits to the City of the fire truck.

Councilmember Strouse stated that she feels that the fire truck is a critical need because of the amount of fires experienced over the past year.

Mayor Lifferth then asked if there were any other suggestions. He then closed the public hearing at 8:32 p.m.

The City Council discussed the project proposals and what would best serve the critical need of the low to moderate income individuals in the City Center.

Councilmember Sloan questioned if the City has established where the matching funds would come from for the fire truck. Mr. Hillman explained that the matching funds would be available through the fleet fund or the general fund budget out of the approved fiscal year budget.

Councilmember Blackburn stated it is his opinion that fire apparatus is in extreme need of upgrading.

Councilmember Olsen stated his concern that the fire truck is at such a large cost that it will be less likely to fund. He also felt that there are other grant opportunities that would serve the need of a fire truck. Councilmember Olsen also recognized that the proposal of street lights will take less time of staff and serve a critical need of the area in preventing crime and giving the residents a service they are already paying for.

Councilmember Liddiard recognized that both the fire truck and the street lights are a critical need in the area; however, he feels that the street lights are a more critical need.

Councilmember Blackburn and Councilmember Strouse both stated that they are in favor of the fire truck proposal.

INTERLOCAL AGREEMENT – Consideration and approval of an Interlocal Agreement between Eagle Mountain City and the North Utah Valley Animal Services Special Service District.

Mr. Hillman explained this agreement is an Interlocal agreement to be entered into between the North Utah Valley Animal Services Special Service District and other cities, including Eagle Mountain City. This proposal will provide animal shelter services to the City. Mr. Hillman explained that in the current year fiscal budget the City Council approved sharing a full-time animal control officer with the City of Saratoga Springs. He explained that the shelter has been built by Utah County and the County is leasing to the Special Service District. This interlocal agreement establishes the cost that will be charged to residents picking up an animal and establishing a fee schedule for the City.

Councilmember Liddiard **moved** to approve an Interlocal Agreement between Eagle Mountain City and the North Utah Valley Animal Services Special Service District. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked to see the ordinance that the City will need to adopt to be part of the North Utah Valley Animal Services Special Service District. Mr. Kinghorn explained that the City will not be adopting a new ordinance; however, in the agreement is an amendment to raise the rabies standards.

Councilmember Blackburn questioned if the Special Service District is a division of the Sheriff's Office. Mr. Hillman explained that this is a completely independent Special Service District.

Councilmember Blackburn asked if the City could request indemnification on all future agreements as listed in this agreement.

Mr. Kinghorn answered the City could ask for indemnification on future contracts, but there are no guarantees on what another party would agree to. He also indicated that this agreement is different from many in the City in that the service isn't actually being *performed* in the city.

Mr. Hillman explained that the Special Service District is only providing animal shelter services. The City's animal control services will still be provided by the Utah County Sheriff's Department.

Councilmember Olsen asked if an administrative fee could be charged for the processing of dog licenses at Eagle Mountain City. Mr. Hillman explained that would be a change to the Consolidated Fee Schedule which could come forward at a future meeting.

Mayor Lifferth called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Approval of a Resolution amending the Consolidated Fee Schedule to increase Natural Gas Rates.

Mayor Lifferth explained that recently the City has experienced a wholesale rate increase for Natural Gas; therefore the City is proposing a rate increase from \$7.25 to \$10.00 per decatherm.

Mr. Sovine explained that the nationwide wholesale cost has greatly increased. The cost in the intermountain west is sensationally lower than the national average. The market price for October 2004 to October 2005 has increased 214%. He stated that the average increase per household will be approximately \$28.00 per month.

Councilmember Liddiard **moved** to approve Resolution R-17-2005 amending the Consolidated Fee Schedule to increase Natural Gas Rate to be affective in the December Billing Cycle. Councilmember Strouse **seconded** the motion.

Councilmember Blackburn asked that a letter go out to the residents informing them of the increase and explaining the purpose of the increase. Mr. Sovine stated the letter is prepared and will be sent out to the residents.

Mayor Lifferth called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an Alternate Logo for Ladder Signs in The Ranches.

Mr. Lenhard explained the sign ordinance was recently amended to allow approval of alternate logos at the top of ladders signs at the discretion of the City Council. The Ranches Homeowners Association has submitted an alternate logo to go at the top of ladder signs in the City's right-of-way. The HOA requests the City Council's approval of the alternate logo design.

Councilmember Liddiard asked Mr. Kinghorn if The Ranches logo is of value. Mr. Kinghorn explained that the words "The Ranches" is not a trademark entity and has no commercial value. However, the distinctive logo of The Ranches may be of value. Mr. Kinghorn stated that he has no problem with the City Council approving the alternate logo for ladder signs in the Ranches as long as it is conditioned upon the City receiving a letter from The Ranches L.C. authorizing the use of The Ranches logo and any property interest in the distinctive logo.

Cary Brackett from The Ranches Homeowners Association stated that The Ranches are willing to provide a letter allowing the use of the logo; however, The Ranches Home Owners Association felt that was not necessary because it is their opinion The Ranches does not own the logo.

Discussion ensued on adding the wording "at Eagle Mountain" on The Ranches rock wall entrance monument.

Councilmember Blackburn **moved** to approve the Alternate Logo for Ladder Signs in The Ranches conditioned upon the City receiving a letter from The Ranches L.C. authorizing use of any property interest in The Ranches logo. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance amending the disposition of City-owned Surplus Personal Property.

Mr. Warnke explained Eagle Mountain City has an ordinance which regulates the disposal of City-owned property. Currently any property disposal requires City Council approval. This ordinance will allow administrative review and disposal for property valued under \$2,000.

Mayor Lifferth asked why the property is called out as personal property when it is City owned and how it was decided that the disposal of property valued under \$2,000 would be administrative.

Mr. Warnke explained the classification in the ordinance is to differentiate from real estate. The \$2,000 threshold was established based on what other City's typically allow to be processed administratively. He explained that the property will be evaluated based on the current estimated value.

Councilmember Blackburn **moved** to adopt Ordinance O-22-2005 amending the disposition on City-owned Surplus Personal Property and that a list of disposed property be given to Councilmembers semi-annually. Councilmember Liddiard **seconded** the motion.

Councilmember Olsen stated this is a good ordinance that empowers the City Administrator to handle the day to day operations of the City.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration Of A Resolution Of The City Council Of Eagle Mountain City, Utah, Appointing A Board Of Equalization And Review For The Eagle Mountain City, Utah Special Improvement District No. 2000-1; Setting The Dates For The Board Of Equalization To Hear And Consider Objections And Corrections To A Corrected Assessment List Of The District; Authorizing The City Recorder To Publish And Mail A Notice Of Meeting Of Said Board Of Equalization And Review; And Related Matters

Mr. Kinghorn explained this resolution is the first step in the process to refund the 2000-1 SID bonds. This refunding will further reduce the debt of the City. Following a timeline, the City should complete this process prior to December 31, 2005. The 2000-1 SID encompasses parts of The Ranches area. He explained that the Board of Equalization is necessary because the City is slightly raising the assessment per acre. This will require that a minimum of three members of the City Council meet for one hour on November 10, 11, and 12, 2005 to hear objections of property owners on the assessment of their property. Mr. Kinghorn stated that he will be in attendance along with a representative of Lewis, Young, Robertson, and Burningham.

Mr. Kinghorn recommended adoption of the resolution. He explained the notice requirements of this resolution.

Councilmember Olsen asked if approving this resolution was reducing the debt of the City. Mr. Kinghorn stated that this is the first step in reducing the debt.

Councilmember Liddiard **moved** to adopt Resolution R-18-2005 appointing a Board of Equalization and Review for the Eagle Mountain City, Utah Special Improvement District No. 2000-1; Setting the dates for the Board of Equalization to hear and consider objections and corrections to a corrected assessment list of the district; authorizing the City Recorder to publish and mail a notice of meeting of said Board of Equalization and Review; and related matters. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Olsen **moved** to approve the consent agenda as follows:

- A. Partial Payments
 - i. Arrow Engineering – Mt. Airey Completion (PP No. 1)
 - ii. RBI – Landscape Project (PP No. 6)
- B. Change Order
 - i. RBI – Landscape Project (CO No. 5)

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:31 p.m.

Minutes approved on November 1, 2005.

MINUTES
EAGLE MOUNTAIN CITY
SPECIAL CITY COUNCIL/PUBLIC WORKS BOARD MEETING

October 27, 2005 - 7:00 p.m.

Eagle Mountain City Training Room, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

7:00 P.M. SPECIAL SESSION – CITY TRAINING ROOM

Mont Beakstead, Public Works Board Chairman called the Public Works Board meeting to order at 7:38 p.m.

Mayor Lifferth called the Special City Council Work Session to order at 7:38 p.m.

CONDUCTING: Mayor David Lifferth and Chairman Mont Beakstead

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

PUBLIC WORKS BOARD: Mont Beckstead, Shane Jones, and Bob Stadel (participated telephonically until arriving at 8:22 p.m.)

CITY STAFF PRESENT: Chris Hillman, City Administrator; Shawn Warnke, Management Analyst; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Adam Lenhard, Planning Director.

OTHERS PRESENT: Kelvin Bailey, Tiffany Ulmer, Mark Madsen, Heather Jackson, residents; Larry Bowen, Jeff Beckman, Bowen Collins & Associates; Rob Herbert, Ed Macauley, Utah Division of Water Quality; Korey Walker, Epic Engineering

SCHEDULED ITEMS

PRESENTATION – Feasibility Study for Wastewater Treatment Options.

Larry Bowen of Bowen Collins & Associates stated the City has a big decision to make, and it won't be an easy one. He stated all of the options have negative points, and asked the Council and Board to save questions until the end of his presentation, except for clarification on the meaning of a word or a term.

He explained the general flow of a wastewater treatment plant. He stated the critical elements are what to do with the waste, and the capacity and ability to treat the water coming out. Not having a live drainage, such as a river or stream to drain wastewater into, is a big complication for Eagle Mountain City.

Mr. Bowen stated Eagle Mountain has four main options for wastewater treatment: Aerated Lagoons; Extended Aeration (oxidation ditches); Membrane bio-reactor; or pumping to Timpanogos Special Service District (TSSD) water reclamation facility, and 5 sub-options.

Mr. Bowen presented flow schematics for aerated lagoons. There are three options with aerated lagoons: land apply effluent at 12-inch per year, no winter storage required; land apply effluent at 12-inches per year, 3-month winter storage required; land apply effluent based upon nitrate uptake, 3-month winter storage required. Mr. Bowen explained the decomposition process. He stated with a lagoon system the City would not have to deal with the solids (slough) for some time from 30 to 50 years or more. The disposal of slough is difficult, and expensive to handle and get rid of.

Option 1-A (land apply effluent at 12-inches per year, no winter storage required) water would be land applied after processed. Mr. Bowen explained there are 2 types of reuse water. Type 1 reuse water can have human contact, Type 2, is not safe for human contact and should be restricted to farming operations only. It is estimated the City will have a 7% growth rate with a flow of 1.36 million gallons a day. At that rate the City would need approximately 1400 acres within 18 years, and would need to apply water year round. That would be a challenge based on the recommendation of Ed Macauley with the Utah State Department of Water Quality, that no more than a foot of water should be on a property to prevent contamination of ground water.

Option 1-B (land apply effluent at 12-inches per year, 3-month winter storage required) same as option 1-A except has three months of storage for winter time.

Option 1-C (land apply effluent at based upon nitrate uptake, 3-month winter storage required) proposes working with the Soil Service in changing the phosphorus limiting application of water and apply water based on a nitrate update. Under this scenario it is assumed the water would be applied to an alfalfa field. The City would need 515 acres of land. In this proposal the City would have to work with the State to allow a foot of water during the non-irrigation period which would reduce the volume in storage.

Mr. Bowen explained option 2-A (extended aeration, oxidation ditch discharge to dry wash) flow schematics, and discussed discharge options. He stated if the City can find a viable discharge option this would be a good option and a cost effective option. He stated there are some concerns with this option discharging to the sinks, such as, the City cannot contaminate ground water. He stated many of the wells in the area have shallow ground water with low TDS (total dissolved solids) values, which is a concern. Mr. Bowen has talked to those who monitor ground water; they say the City could possibly get a permit to allow discharge, if wells are monitored and back up, to switch to if TDS is detected, is in place. He explained if discharge water travels to the sinks it will affect private property and put the City at risk of causing damages to private property owners.

Option 2-B (extended aeration, oxidation ditch land apply with 3-months winter storage) would require approximately 400 acres of land. The required acreage is based on the water demand. He stated this would require the added effort on the City of farming the land which is a negative point.

Option 3 (membrane bio-reactor) requires a much smaller amount of acreage. Mr. Bowen explained the flow schematics and maintenance of option 3-A(membrane bio-reactor, discharge to dry wash). He explained this facility is easy to expand and this option is more expensive because of the filters. The reuse water coming out of a membrane system is better than the water coming out of oxidation ditch. He stated if there are plans to put reuse into residential areas he would recommend a membrane system because the water is safer. Option 3-A is similar to option 2-A except the use of membranes.

Option 3-B (membrane bio-reactor, land apply with 3-months winter storage) is similar to 2-B except with the membrane.

Option 4-A (Pump to Timpanogos Special Service District water reclamation facility and pay capacity buy-in costs) would require 2 pump stations. He discussed pumping options and possible problems

Option 4-B (Pump to Timpanogos Special Service District water reclamation facility and capacity buy-in costs are reimbursed by the North Service Area) is a single line; the capacity will only last for approximately 7 years. This option may be the cheapest option for the short term. Discussion ensued on connection fees and Impact Fees.

Mr. Bowen explained the costs were determined from looking at bid information from a variety of treatment plants in Utah and capital costs per gallon. They estimated the numbers high and included a contingency.

Mr. Bowen explained the Economic Evaluation of Alternatives as outlined in the *Wastewater Treatment Evaluation Summary*. (attached as a permanent record to these minutes)

He doesn't feel the City will benefit from having a long term land application system, but all of the most feasible options offer that. He is concerned with TSSD because of the uncertainty of future costs compared to other options. The State is doing a study on Utah Lake that may require additional costs to the TSSD treatment facility, and they are looking at expansion in 2-3 years which may cause impact fees to increase.

***Mayor Lifferth called for a 10 minute recess at 8:50 p.m. ***

Mr. Bowen stated the sludge in a membrane plant is dealt with in the same manner as in a mechanical plant. Discussion ensued on the processing of sludge.

Councilmember Sloan asked for clarification on the processing of sludge concerning information obtained the City Council meeting when they visited the Oakley Wastewater Treatment Facility.

Mr. Bowen discussed collective dewatering. He stated both options work and are close in cost.

Councilmember Liddiard stated the TSSD pump version has a \$2400 impact fee calculated with the impact fees as a capital cost. This is not a cost imposed on the City, but on the residents.

Mr. Bowen stated this money would be collected through impact fees and is not a cost to the City, but a cost to the residents of the City. He stated the TSSD option is similar to purchasing a portion of the treatment plant. Growth does not affect the City as much with the TSSD proposal as with other proposals.

City Attorney Jerry Kinghorn explained TSSD is the only option that the City would make a payment to a third party to acquire capacity.

Councilmember Liddiard stated TSSD is the only option that includes an impact fee for existing residents in the calculations.

Mr. Bowen stated it is calculated because the City is paying for the capital cost and the carrying cost to secure that money. TSSD can only use impact fees to pay for new capacity.

Councilmember Liddiard stated TSSD services the majority of homes for the City and any expansion or financial burdens of TSSD will be spread over a large population including other cities.

Councilmember Liddiard asked questions concerning nitrate uptake.

Mr. Bowen stated Option 2-B is not a long term option because the amount of property required will continue to increase as the City grows.

Councilmember Liddiard questioned option 2-B not being a long term option and what would be required of the City to make it a long term option.

Mr. Bowen explained the City Council must decide if the amount of land required, depending on the amount of growth the City receives, would be viable.

City Attorney Jerry Kinghorn stated the discharge of wastewater to the sinks would not be a viable option. He explained the City would benefit from sending reuse water to churches, parks, and schools. This would benefit the City as it becomes more difficult to transfer water into the City. The cost of transferring the reuse water to be used in other areas in the City is not included in the wastewater treatment plant bids. It is important for the City to have the ability to reuse water for use in city parks, schools, and churches as soon as possible. This may help in solving the problem of the State allowing only a minimum number of water rights to be transferred into the City.

Councilmember Blackburn asked if the City could recapture water rights in areas that have been xeriscaped and are requiring less water.

Mr. Kinghorn stated the City is trying to establish a formula to determine the water rights not used once previously landscaped property is xeriscaped. He is opposed to crediting water back to developers and feels the City is entitled to use those water rights elsewhere. He then explained water rights in open spaces.

Mayor Lifferth recommended Public Works Board consider the following guidelines when making a recommendation to the City Council:

1. The system should be affordable
2. The system should offer reuse water
3. They system have a high salvage value
4. They system should be in operation before the City runs out of capacity.

The City Council discussed pumping to TSSD.

Councilmember Liddiard stated his concern with the amount of property required for some of the proposals.

Councilmember Sloan would like the City to get out of the sewer business, but feels there is value in reuse.

Councilmember Strouse discussed the option of delivering sludge to citizens and developers to be used in gardens.

Councilmember Olsen is most concerned with finding an affordable option, and the amount of land the proposal requires.

Councilmember Blackburn feels the cost to residents should be minimized as much as possible. He would like to see the option chosen be something that could be acquired by TSSD in the future.

Mayor Lifferth would like to see the City get out of the sewer business by eventually selling the system. He feels reuse is an immediate need.

Councilmember Sloan asked if the City Council could send multiple options for the State to consider.

Mr. Macauley stated there is no guarantee the Division of Water Quality Board will approve any of the options; however they would only consider one option at a time.

Mr. Beckstead stated the Public Works Board has been discussing waste water treatment plant options for 4 years. The major issues are reuse, salvageability, and time frame. He stated winter storage will be needed for the City, and he feels option 3-B is the best option for the City based on the major issues.

Mr. Stadel agreed with Mr. Beckstead. He stated the slight additional cost will be worth more in the future.

Mr. Beckstead stated the Public Works Board felt the ability to get additional capacity was a needed benefit to the City.

Shane Jones stated the sewer system is an asset to the City rather than a liability. He feels as the City grows reuse will be a benefit. He supports option 3-B.

Mr. Stadel **moved** to recommend option 3-B (membrane bio-reactor, land apply with 3-months storage) to the City Council as the wastewater treatment plant, and to looking into water reuse options. Mr. Jones **seconded** the motion. Those voting aye: Mont Beckstead, Shane Jones, and Bob Stadel. Motion **passed** with a unanimous vote.

Mayor Lifferth asked the Public Works Board if they had a second recommendation if that option is not in the City's price range.

Mr. Beckstead stated the second option would be 2-B.

Mr. Bowen explained the cost difference of option 2-B and option 3-B. He explained the cost difference is close.

ADJOURNMENT OF PUBLIC WORKS BOARD MEETING

Mr. Stadel **moved** to adjourn the Public Works Board meeting at 10:00 p.m.

Councilmember Blackburn stated he is concerned with the time frame to have the wastewater treatment plant in operation.

Mr. Bowen stated the plant could be in operation in 16 months at the soonest. He stated an oxidation ditch will take a little bit longer because of the infrastructure that would need to be installed.

Councilmember Olsen feels the City Council needs to focus on the criteria the Mayor previously gave to the Public Works Board to consider when making their recommendation. He is also concerned with the time frame of the plant being in operation.

Mr. Macauley stated the City Council will need to have strong justification for the need of a more expensive option, as the Board is very careful with money.

Councilmember Strouse asked on what criteria the proposal would be evaluated.

Mr. Macauley stated the Board will want to know what the need is and why there is such a strong need.

Councilmember Sloan asked if an immediate need or a long term need is more justified.

Mr. Macauley replied they are both justified.

Councilmember Sloan stated the value of reuse offsets the capital costs.

Councilmember Liddiard stated water reuse is important because water is a limited resource. He is concerned with the amount of land required for some options, and the City should not build a plant with the intention to sell it unless they have a buyer.

ADJOURNMENT

Councilmember Liddiard adjourned the City Council Work Session at 10:10 p.m.

Minutes approved on December 6, 2005.

ML

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 1, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 4:09 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Mark Binks, Sergeant; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

OTHERS PRESENT: Donna Burnham, John Jacob, residents; Mike Hansen, Utah Quality Growth Community Project; Nate Shipp, Development Associates.

DISCUSSION/REVIEW ITEMS

Nate Shipp of Development Associates was given an opportunity to address the City Council concerning a possible annexation near the SilverLake development.

REVIEW – October 2005 Financial Report – Gordon Burt

DISCUSSION – Jordan River Water Project for Hidden Valley LLC

PRESENTATION – Utah Quality Growth Community – Mike Hansen

Mayor Lifferth recessed the meeting for ten minutes at 5:20 p.m.

REVIEW – Wastewater Treatment Feasibility Study

AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:19 p.m. Gordon Burt led the Pledge of Allegiance.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse (participated telephonically for a portion of the meeting).

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Jason Randall, Assistant Sergeant; Fire Chief Rand Andrus.

OTHERS PRESENT: Gary Beard, Beard Industries; Amy Twitty, Sage Group; Dilciano Rojas, Maranatha Mexican Grill; James McMurray, Northern Engineering, Inc.; Larry Bowen, Jeff Beckman, Bowen Collins and Associates; Korey Walker, Epic Engineering; Fran Fillerup, Edwards Group; Mont Beckstead, Public Works Board; Beth Wondimu, Ed Macauley, Department of Environmental Quality; Michelle Vongphakdy, North County Papers/Pony Express; Kelvin Bailey, Donna Burnham, Heather Jackson, Kristen Johnson, Kylie Johnson, Alida Benuck, Dayna Olson, Jennifer Flint, Rachel Gibson, Marisa Reeves, Cherish Newman, Mary Gibson, Lindsay Bingham, Marion Bingham, Jennifer Konold, Alicia Hill, residents.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – September 20, 2005

MINUTES of City Council Meeting – October 18, 2005

Councilmember Blackburn **moved** to approve the minutes of City Council Meetings on September 20, 2005, and October 18, 2005 as presented. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

MAYOR'S REPORT / CITY COUNCIL ITEMS

Mayor Lifferth declared tonight as an important night in the history of Eagle Mountain City as the City Council will consider and possibly approve a wastewater treatment plant for the South Service Area.

Mayor Lifferth announced the Utah Taxpayers Association recently recognized Eagle Mountain City for improved financial management.

COUNCIL COMMENTS

Councilmember Olsen stated that he and Public Works Director Mark Sovine recently toured the Tooele City Wastewater Reclamation System. He said the visit was informative and stated that he brought a pamphlet from the plant for the City Council to review.

Councilmember Olsen recognized the careful thought and planning the City Council and staff has put into investigating a wastewater treatment plant. He is confident the City Council will make the right decision.

Councilmember Blackburn complimented all individuals who have been involved in researching a wastewater treatment plant. He stated that the Public Works Board is suggesting a Development Code modification for purple pipe in all future roads and developments and recommended the Council approve the amendment.

ANNOUNCEMENTS/UPCOMING EVENTS

Mayor Lifferth encouraged residents to early vote to avoid long lines on Election Day.

He then announced the following upcoming events:

- November 4, 2005 at 7:00 p.m. is a Town Hall meeting.
- November 5, 2005 is an Open House at The Ranches Academy 10:30 a.m. – 12:00 p.m.
- November 8, 2005 is the General Municipal Elections; polls are open 7:00 a.m. – 8:00 p.m.
- November 18, 2005 at 9:30 a.m. is the State Water Quality Board meeting.
- January 2, 2006 the newly elected Eagle Mountain City Councilmembers and Mayor will receive the oath of office.
- January 7, 2006 is a newly elected official's workshop in Provo, UT.
- February 11, 2006 is another newly elected official's workshop in Salt Lake City, UT.

City Administrator Chris Hillman stated Monday December 1, 2005 would be the first annual lighting ceremony at Eagle Mountain City Hall entitled "Deck the Hall". Further details will be coming in the City newsletter.

City Recorder Gina Peterson announced the polling locations for the General Municipal Elections and said anyone with questions concerning elections should contact the City Recorder's Office.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Ms. Peterson stated there would be a public hearing on the vacation of a portion of Mt. Airey Drive on December 6, 2005.

Councilmember Strouse connected telephonically at 7:41 p.m.

SCHEDULED ITEMS

MOTION – Consideration and approval of a Wastewater Treatment Feasibility Study for the South Service Area.

NOTE: The Wastewater Treatment Evaluation Report prepared by Bowen, Collins & Associates is attached to the minutes

Mayor Lifferth explained there was a great amount of time spent researching wastewater treatment options for the South Service Area (SSA). He explained the City Council would review the

recommendation of the Public Works Board with respect to a preferred alternative for wastewater treatment for the south service area of the city. They will also review the Facility Planning Alternatives Report by Epic Engineering as reviewed and supplemented by Bowen Collins Associates and select one or more preferred alternatives for enlargement of the facilities for wastewater treatment for the south service area. This will then be presented for funding to the State of Utah Water Quality Board.

Public Works Director Mark Sovine stated his concerns with the Public Works Board's proposal of a membrane bio-reactor. He feels the City will outgrow the system too quickly and the possible user rate of \$58.00 per ERU (Equivalent Residential Unit) for the South Service Area. He is also concerned that the City does not know what they will be doing with the wastewater after it is treated. He recognized a decision should be made soon; however, he wants to ensure the City Council is aware of all the impacts their decision may have.

Mr. Sovine stated not knowing what will be done with the wastewater he feels the oxidation ditch is the best option. Mr. Sovine proposed the City Council consider the impact of user rates, further investigate discharge options, and table the item tonight. However, if the City Council feels they need to make a decision tonight he recommended the oxidation ditch. Mr. Sovine was not sure the exact cost on the oxidation ditch until the cost of disposal could be determined.

City Attorney Jerry Kinghorn explained that leveling the user rates over the entire City is an option, particularly if it will benefit the entire city such as reuse that will accommodate watering parks.

Mont Beckstead, Chair of the Public Works Board expressed appreciation to those who have done the research and provided the City with information. He stated that the recommendation of the Public Works Board is a membrane bio-reactor. The biggest problem is getting rid of water; however, there are many farms located near the wastewater treatment plant that the City could give the reuse water to until pipes are in place to transfer the reuse water to other areas in the city. He then explained the benefits of this proposal. He explained that the existing wastewater treatment plant has a three-month storage capacity which would be required with this proposal. He stated the membrane bio-reactor with water reuse (Option 3B in the attached report) could be done for the same cost as an option of a membrane bio-reactor with disposing to dry wash (Option 3A in the attached report). He explained for the cost of \$5,000,000.00 the City would have Type 1 water which is a benefit to the City.

Mayor Lifferth thanked Mr. Beckstead for the time and effort of the Public Works Board.

Kelvin Bailey stated his opinion that the oxidation ditch is the best option for the City.

Mayor Lifferth asked Mr. Sovine what information the City would have in two weeks and in two months that the City does not have now.

Mr. Sovine responded that in two weeks the City would be able to have answers on reuse options. In two months, Mr. Sovine believes the City can have an answer from the state on land application for natural vegetation. He is concerned that the cost of discharge of wastewater may be greater than the City is expecting.

Mayor Lifferth questioned Mr. Sovine concerning the State's cooperation.

Mr. Sovine indicated the State has been cooperative; however, there is nothing in writing saying what the City can and cannot do. He stated his concern of what will be done with the water once the lagoons are full.

Councilmember Strouse disconnected from the meeting at 7:47 p.m.

Councilmember Blackburn stated this decision is not an easy one. He is concerned the City will not keep the growth they need and expressed concern with staying in the utility business. He feels there are good points to transferring waste to the Timpanogos Special Service District (TSSD). This would also alleviate the cost of future treatment or qualifications and classifications of wastewater. He feels reuse is important, but is concerned with costs to the City. He feels the option chosen needs to allow for future reuse, be financially feasible, and not put an undue burden on residents.

Councilmember Liddiard stated land use, wastewater disposal, scalability, water reuse, and timed implementation are essential elements of the decision. The options he is in favor of would be to pump to TSSD or build a membrane filter treatment plant. Councilmember Liddiard highlighted the pros and cons of the options he would consider. He stated the membrane filter technology seems to be the future of wastewater treatment plants, provide excellent water reuse at competitive prices, occupies a smaller amount of land, less solid waste disposal than comparable technologies, and provides easy scalability so that capacity can be increased cost effectively. Councilmember Liddiard stated that currently the City does not have piping installed to transfer the reuse water throughout the City. He reiterated the City has not asked the farmers around the wastewater treatment plant if they want reuse water. He is concerned with the time of completion on either of these proposals due to immediate needs.

Councilmember Liddiard feels that a line to TSSD would be useful even in the future, if the City decides not to use it for pumping to TSSD, it can be used to transfer water to other regions of the City and gives secondary water use capability. Installing a scalping plant at the end of the City's outfall line would allow water reuse to be available for the entire City. TSSD would offer immediate results and the City would retain shares in water treatment capacity.

Councilmember Strouse arrived to the meeting at 7:51 p.m.

Councilmember Olsen stated that the lowest cost alternative is an oxidation ditch. He is concerned with the "landmines" attached with each of the options. He stated the value of reuse water which narrows the decision to two choices: an oxidation ditch, or a membrane system. He reminded the City Council they will need to provide justification to the State Division of Water Quality (DWQ) Board for the system they propose. Councilmember Olsen stated that water reuse is valuable to the city. He is opposed to an increased sewer charge of \$58.00 for the South Service Area. He believes the safest option at this point is an oxidation ditch. He is ready to proceed with an oxidation ditch; however, he is not opposed to Councilmembers taking additional time to gain clarity on the issues. He cautioned Councilmembers that delaying this decision might cost the City additional money as construction costs continue to rise.

Councilmember Liddiard addressed the cost and his concern on the effects the decision will have on homeowners. Pumping to TSSD would greatly increase impact fees.

Councilmember Olsen agreed with Councilmember Liddiard and reiterated that each option has its negative points.

Councilmember Liddiard stated his opinion that the option the City actually builds may not be any of the presented options, but a combination of them to meet the requirements of the State and the immediate need and financial feasibility.

Councilmember Olsen would like to see all concerns of the Council addressed at this meeting and the City Council move one with one voice as the debt to the City may increase because of construction costs increasing.

Korey Walker of Epic Engineering stated that engineering fees would not change within the next couple of months. He then explained as the construction costs continue to escalate the construction numbers may slightly increase, approximately 1 to 1½% by January. He explained that construction costs increase 3 to 4% a year. He explained that the 20% construction contingency in the budget is anticipated to cover inflation. He feels the worst-case scenario is the engineer and City may need to make small adjustments to the plan.

Councilmember Liddiard asked Mr. Walker if costs pumping to TSSD would be less likely to increase due to quicker installation. Mr. Walker responded the costs would be less likely to increase.

Mr. Bowen from the consulting firm of Bowen & Collins stated one of the issues related to the TSSD option is if TSSD finds they are having significant corrosion problems in the concrete line they may not be willing to receive additional wastewater from the City because of the length of time it would be in the system. In addition, the city has no control on what costs may do in the future due to State requirements that may involve further treatment of wastewater.

Councilmember Blackburn stated that if TSSD increased costs that burden would be shared over a large population, not just the residents of Eagle Mountain.

Mr. Bowen agreed with Councilmember Blackburn and stated that he suspects that fees would go up because of chemical usage and the impact fees would need to be raised for future connections.

Councilmember Sloan asked if the City Council could take action on this item at a City Council meeting in December and the State DWQ could take it to their board in January. However, Councilmember Sloan also expressed concern with delaying the decision until January because she will no longer be on the City Council.

Mayor Lifferth stated the City Council could take action in December; however, the State DWQ Board will not be meeting until January. He does not want to waste the efforts of the current Council and burden the newly elected officials in January.

Councilmember Sloan explained she has spent a great deal of time contemplating this decision. She stated reuse is very important and that may be an option in the future with TSSD; however, the City would only get 50% reuse of the water. With the oxidation ditch, and membrane proposals the City would get 98% of the wastewater for reuse. Initially she was very intrigued by pumping to TSSD. She then decided this is not the best option for Eagle Mountain City because of limited reuse. Touring the facilities, she was impressed with the membrane plant. She explained that it was a small efficient plant with only one person operating the entire plant. Councilmember Sloan expressed concern with the cost of a membrane plant. Her next choice is an oxidation ditch. Financially she does not know how the City could justify the membrane system to the State. She is also concerned about increasing user rates

to \$58.00 with the membrane plant and repaying the grant would depend on growth. She is also concerned with impact fee increases in the South Service Area with TSSD proposal and not knowing the user rate. Councilmember Sloan stated that at this point she is in favor of the oxidation ditch.

Councilmember Strouse stated a great deal of time has been spent researching wastewater treatment plant options. She stated the decision should be made on affordability, feasibility, time line, and long-term value. She stated there are still a lot of unanswered questions; however, she feels there is enough information to make a decision. She feels an oxidation ditch is the best option. Councilmember Strouse stated she trusts the staff and citizens. She expressed the value of reuse water.

Mayor Lifferth stated that this is a historical event in the history of Eagle Mountain City. He is concerned that delaying this decision will be a disservice to the City, future Council, and current City Council. He stated that he has done a great deal of research. He recommended an oxidation ditch.

Mr. Sovine stated that prior to this meeting he was supporting an oxidation ditch; however, he is concerned that not all of the questions are answered. He then explained cost comparisons between the oxidation ditch and the membrane plant. His concern is potential increase because of reuse water disposal. He would recommend the oxidation ditch if the disposal of wastewater is resolved. He explained operational costs. He stated the total capital and estimated cost are the same for both the oxidation ditch and pumping to TSSD. Mr. Sovine addressed scalability.

Councilmember Olsen stated he believes it is important to keep the water here in the valley. He feels it is important for the City to go with a proposal with immediate reuse. He believes that the oxidation ditch is the best answer.

Councilmember Liddiard stated the oxidation ditch offers Type 2 water the City can dispose of the way they currently are. He asked is user fees could be used to upgrade the oxidation ditch for Type 1 water. He liked the fact the membrane filter had scalability and could easily increase capacity. He asked if there is a difference in construction time if the sand filter is not added and what the cost would be if the sand filter were added in the future. Councilmember Liddiard stated he believes a good argument to the State in the favor of membrane filter technology would be less land, the solid waste disposal is smaller, and the disposal costs are less.

Mr. Sovine responded he is not certain adding a sand filter would affect time.

Marion Bingham stated his family owns and farms some of the property south of the wastewater treatment plant and he believes they would be interested in reuse water.

Mr. Hillman asked what upfront capital costs would be for the oxidation ditch.

Mr. Bowen told the City Council about the cost of filters for the oxidation ditch. He stated the final product coming out of a membrane is a higher quality, and removes viruses; if someone happened to drink the water the chance of them getting sick would be less. The treatment plant would be totally enclosed, and a facility that lends itself to residential development in a close proximity.

Mayor Lifferth asked Gary Beard of Beard Industries if the City could build an oxidation ditch for less than \$4.5 million and have Type 1 reuse water.

Mr. Beard stated the construction cost the city has been presented is reasonable and valid. He believes that the City could build an oxidation ditch with Type 1 reuse water, which would meet the highest standards of the nation today, for \$4.5 million.

Councilmember Strouse asked about what EPA (Environmental Protection Agency) requirements the City needs to be concerned.

Mr. Beard responded the technology they are looking at would meet EPA requirements.

Mayor Lifferth called for a motion.

Councilmember Sloan **moved** to recommend an extended aeration (oxidation ditch)/activated sludge to treat to Type 1 reuse water and delivery of the reuse water (Option 2B in the attached evaluation report). Councilmember Strouse **seconded** the motion.

Councilmember Olsen questioned the City's liability of discharging wastewater into the sinks.

Mr. Kinghorn stated the City would be flooding land of a number of landowners and taking away whatever use they have of their property. Such action would probably lead to a total taking by the City. He discussed the value of reuse water to the City to be used on City property.

Councilmember Liddiard stated if the City is going to build an oxidation ditch with a filter to treat Type 1 water they need to have a way to deliver it the needed areas.

Mr. Kinghorn explained that after this proposal goes to the state there would be a period of time the City will have to work out the details of the disposal options.

Councilmember Sloan recommended that user rates and impact fees be at an amount that will allow for future growth and expansion.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn stated many of the current Council ran for office campaigning to get the City out of the utility business and reduce user rates. For that reason, this might be the wrong direction. However, because of the value of water he feels the oxidation ditch is the best option.

Councilmember Liddiard thanked the Public Works Board for their efforts and stated he prefers the membrane filter, but is not a viable option at this time.

Mayor Lifferth called for a two-minute recess at 8:53 p.m. The meeting reconvened at 8:57 p.m.

ORDINANCE – Consideration and adoption of an ordinance amending the Eagle Mountain City Development Code.

Planning Director Adam Lenhard explained the 2005 General Session of the Utah State Legislature, Senate Bill 60 was passed to amend several sections of the Utah Code concerning local land use development and management. This act is known as the Land Use Development and Management Act

(LUDMA). This ordinance reflects changes to the Development Code to comply with LUDMA as well as minor housekeeping amendments. A public hearing was held on this issue on October 18, 2005.

Councilmember Liddiard stated he is pleased with the following amendments to the Development Code:

- Allowing commercial hunting areas as a conditional use in the agriculture zone.
- Requirement of all developments to participate in constructing community parks.
- The section and table on the Land Use Authority.
- That the Planning Commission reviews and approves all variance applications, thus eliminating the need for a Board of Adjustment.
- Table 1.3 denoting area, appeal authority, and time window for action.

However, he stated he is concerned with Tier II lot frontages proposed to increase to 60' as it was previously 50' and with side yard setbacks. Specifically, Title 1 Chapter 5 Section 1.3.3, the sentence allowing the City Council to approve side yard interior setbacks that are less than 15' total for specific projects. He believes the sentence should be removed. He explained there is an appeal process and he does not want to promote the idea that the City Council does not think 15' setbacks are important, because he thinks they are very important.

Mr. Lenhard said the aforementioned sentence makes it hard for staff to enforce the ordinance because developers sometimes feel they can bypass staff and go to the Council for an exception. This can undermine Staff and make it difficult for them to do their jobs. He recommended the sentence be removed.

Councilmember Liddiard read the following statement.

"I have had strong concerns about developments wanting a certain size lot to fit the needs a specific builder, and then either change the builder or the product so that the setbacks of the property had to be modified in order to allow for a different product type. This is inappropriate and wrong. Changing the development code to allow for the greatest variation in product types and provide for the health, safety and privacy of our citizens is deeply important to me.

When a homeowner becomes dissatisfied with the layout of the neighborhood, proximity of homes, type and style of homes they will not blame the developers and builders they will blame the city and rightly so.

I have encouraged widening the lot sizes in order to provide as many options as possible while allowing for drainage, variations in product type, privacy and quality of our neighborhoods.

In our last meeting we were approached by at least two builders and developers who expressed concern over widened property lots. Their concerns were that if we increased the lot frontages we would also need to modify our residential density ideas and tiers or there would be an unattainable gap in possible density configurations.

My concern is what effect this will have. My intent is to provide better products for homeowners not to drive away possible amenities that we want neighborhoods to have or to drive away builders and developers to other areas. Nor do I want to promote higher density housing in order that neighborhoods might achieve greater densities for neighborhoods.

Would a 55' minimum frontage be an acceptable compromise that still ensures the results I want? Does a 60' frontage really carry a negative repercussion? I do not want to create bad law and I do not want to encourage or allow for variations. Let us make good and effective law and then stick to it. Modify or append the law as required to maintain a safe, viable and appealing area in which to live."

Mayor Lifferth stated he also believes 55' minimum frontage was a better option. He recommended the City Council include that proposal in their motion. He then asked if there were any other items of concern.

Councilmember Sloan stated she does not feel Councilmember Liddiard's proposal of a 55' minimum frontage will prevent developers from asking for setback modifications on previously approved projects. She stated they might build a larger home rather than have an increased side yard setback.

Councilmember Liddiard responded he does not believe a builder will alter house plans for an additional five feet of frontage. He believes the extra five feet will increase the actual side yard setbacks. He feels this will improve the look, feel and drainage in subdivision and not hinder builders.

Councilmember Sloan stated she is not aware that lot frontages and side yard setbacks create drainage problems. In her subdivision of one acre and larger lots there have been drainage problems.

Mayor Lifferth stated this proposal addresses a different type of drainage problem caused by homes being to close together.

Councilmember Sloan stated that she has not seen any data showing there are drainage problems.

Mayor Lifferth informed Councilmember Sloan he has seen two homes in the community that are close together and when water drains into the side yard it has no place to go. Discussion ensued on drainage issues in the City created by low side yard setbacks.

Councilmember Strouse stated previously the City allowed 40' minimum lot frontages that were believed would not cause drainage problems.

Mr. Lenhard stated the minimum lot frontage was amended at the request of a Councilmember. He explained staff has reviewed the effects of the proposed side yard setback and lot frontage amendments. He stated staff believes that these amendments are a positive move for the City. He explained the amount of impermeable surfaces on a lot makes less yard area so the water can drain. The increased frontage allows variety in housing products. Mr. Lenhard explained the side yard setbacks would alleviate drainage problems.

The City Council discussed the effects of lot frontages and side yard setbacks.

Councilmember Strouse asked staff how they determined the setbacks required for commercial hunting areas.

Mr. Lenhard explained specific criteria would need to be established for each conditional use application. Conditional use applications allow the Planning Commission to set specific conditions tailored to the location of use.

Mr. Warnke explained most of the specific standards came from the Division of Natural Resources, the State agency that regulates commercial hunting areas.

Councilmember Sloan stated she disagrees with the section in Title 1 Chapter 15 prohibiting the occupancy of tents, trailers and recreational vehicles and asked if it would prohibit people from living on their lot while building their home.

Mr. Lenhard answered yes and added the proposal was included at the request of the Building Official. There have been a few situations where people were permitted to occupy their lot while building and it caused more problems than was anticipated.

Mayor Lifferth addressed the safety concerns with allowing people to occupy their lot while building.

Councilmember Sloan stated she would like to see a report from the Building Official concerning this issue prior to approving it. She feels that residents should be allowed to reside on their lot while building for a limited time.

Mayor Lifferth and Councilmember Liddiard expressed concerns with allowing people to reside on their lot while building.

***Councilmember Strouse was excused at 9:25 p.m. ***

Councilmember Sloan asked Mr. Kinghorn how the City would deal with a visitor to a home staying in a trailer or tent on the property.

Mr. Kinghorn explained the intent of the ordinance is not to prohibit transient visitors from staying on an occupied residential lot temporarily. The restriction is intended to be for people living on a lot while building. He stated a provision could be added allowing transient guests to stay for a number of days. The City will enforce the standard upon complaint.

Councilmember Liddiard suggested a provision allowing transient guests to stay on the property in a recreational vehicle for 10 days during a four-month period.

Mr. Kinghorn explained it is hard to define an appropriate time period for transient guests to stay on an occupied residential lot. This amendment is meant to address instances where there is not a permanent residence on the lot.

Mr. Kinghorn recommended some options be written for the City Council to review and decide upon. He asked the City Council to allow time for the staff to further investigate the issue.

Councilmember Liddiard **moved** to adopt ordinance O23-2005 amending the Eagle Mountain City Development Code subject upon the following conditions:

1. That the sentence in Title 1 Chapter 5 Section 1.3.3 allowing the City Council to approve side yard interior set backs that are less than 15' total for specific projects be stricken.
2. That lot frontages in Chapter 5 Section 3.5 are changed 55' along a public street.
3. The section in Title 1 Chapter 15 addressing temporary housing be stricken and staff further research the proposal.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance amending the Eagle Mountain City General Plan.

Mr. Lenhard explained this ordinance reflects minor housekeeping amendments and clarifications to the City's General Plan, General Plan Maps and Transportation Land Use Map. A public hearing was held on this issue on October 18, 2005.

Councilmember Sloan asked if the current City Survey information could be include in the General Plan this amendment.

Mayor Lifferth asked that a reference where information in the City Survey can be found made in the General Plan rather than including data. This would eliminate the need to update the information each time a new survey is completed.

Councilmember Sloan asked to have references to the ATV ordinance removed from the General Plan as specified by Councilmember Strouse in Work Session.

Councilmember Liddiard **moved** to adopt ordinance O24-2005 amending the Eagle Mountain City General Plan subject to the following conditions:

1. A reference to where the city survey can be found is added rather than specific data contained in the city survey.
2. References to motorized trails are stricken.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Impact Fee Economic Analysis.

Mayor Lifferth stated this item would be tabled until the November 15, 2005 City Council meeting.

ORDINANCE – Consideration and adoption of an ordinance amending the Impact Fees for Eagle Mountain City.

Mayor Lifferth stated this item would be tabled until the November 15, 2005 City Council meeting.

FINAL PLAT – Consideration and approval of the Final Plat for Mt. Airey – Plat E.

City Planner Peter Spencer explained Mt. Airey Plat E is a one lot subdivision located along the north side of Mt. Airey Drive adjacent to the proposed Spring Valley town homes. The Planning Commission approved the Preliminary Plat on October 25, 2005 and recommended approval of the Final Plat. A portion of the property is included in the Mt. Airey Drive right-of-way and is in the process of being disposed of by the City to the applicant. Approval of this plat leaves only two lots remaining for future Mt. Airey development. Mr. Spencer explained the recommended conditions of approval.

Councilmember Blackburn **moved** to approve the Final Plat for Mt. Airey – Plat E subject to the following conditions:

1. PARKS. That this subdivision is subject to the park fee-in-lieu.
2. DISPOSAL OF MT. AIREY Right Of Way. That the disposal process and plat amendment are completed.
3. PLAT. That the Planning Commission block be removed from the plat. That the discrepancy between the written boundary description and the geographical boundary description is resolved. That book and page information for adjacent property owners is identified.
4. CONSTRUCTION PLANS. That the existence and actual location of water and sewer laterals are verified and approved by the City Engineer.
5. LANDSCAPE PLAN. That the indicated street trees are installed.
6. SID PAYMENT. That the City Engineer determines the amount of the SID payment due and that the payment is made prior to recordation.
7. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid upon transfer of title.
8. ADDRESS. That the address is added to the plat.
9. CC&R'S. That this plat have the same CC&R's and guidelines as the other plats in the Mt. Airey subdivision.

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Spring Valley.

Mr. Spencer explained Spring Valley is located along SR 73 in the northeast corner of The Ranches. The applicant is proposing an attached multi-family subdivision. The zoning of the parcel allows both high-density residential and commercial land uses. On January 18, 2005, the City Council gave Final Plat approval for Spring Valley B and on September 20, 2005, they gave Final Plat approval for Spring Valley C. Since that time, the developer decided on a new builder and a new product type. Among other things, this new application is different from the original in that it reduces the overall number of units from 97 to 80 and each unit now has a two-car garage instead of a one-car garage. The square footage of each unit has also been increased. The entire project is now one phase instead of three separate phases. On October 25, 2005, the Planning Commission recommended approval of the Site Plan and the Final Plat to the City Council.

Councilmember Liddiard addressed the buffering zone included installed trees and berming along SR 73 to give the homes a noise barrier.

The applicant Amy Twitty explained the berming has decreased due to larger homes. Ms. Twitty explained the landscape plan, including trees to buffer from SR 73.

Mr. Spencer stated each home will have a private backyard enclosed by a privacy fence and along the property line the developer will install a rod iron golf course approved fence. Between the two fences the developer will install trees.

Ms. Twitty stated this proposal has private driveways and two car garages

Councilmember Blackburn asked to have the design on the rear of the town homes along SR 73 enhanced since it is at the gateway of the city.

Mr. Hillman explained the Development Review Committee asked that 2" caliber trees be planted in the SR 73 right-of-way.

Councilmember Liddiard **moved** to approve the Final Plat for Spring Valley subject to the following conditions:

1. Landscaping be included along SR 73.
2. Rear elevations along SR 73 have increased design.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Approval of a Resolution amending the Consolidated Fee Schedule to increase various fees and rates.

This resolution updates information and fees in the following areas: utility shut-off procedures, inspection fees, and administrative fees for handling dog licensing.

Mr. Warnke stated that a study was performed on inspection fees and the fees collected were not covering the cost incurred. He stated staff is recommending a straight 3% of the engineer's bond be the amount required for inspection fees. Inspection fees are paid by the developer prior to recordation to cover the costs of the subdivision inspections.

Gordon Burt reviewed changes to utility fees with regard to utility shut-off procedures and minor clarifications.

Councilmember Liddiard **moved** to approve resolution R19-2005 amending the Consolidated Fee Schedule. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Approval of a Resolution amending the Consolidated Fee Schedule for Telecom.

Telecom Administrator Diane Bradshaw explained this resolution reflects minor housekeeping amendments and updates in various fees to be consistent with other telecom providers.

Councilmember Sloan questioned the service fee charge.

Ms. Bradshaw explained if a customer calls for service and a technician responds determining it is a problem inside the home the technician will inform them that they cannot fix problems inside the home and they will need to contract the work to a private individual. If called out on the same problem again they receive a warning and if called a third time on the same problem they will be charged for a service call.

Ms. Bradshaw explained the Consolidated Fee Schedule is a contract with the City and when the sale with Direct Communications is final, they will establish their own rates.

Councilmember Blackburn **moved** to approve resolution R20-2005 amending the Consolidated Fee Schedule for Telecom. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the consent agenda as follows:

A. Partial Payments

- i. TASC0 Engineering – Main Feeder Extension (PP No. 1)
- ii. Staker Parson – Street Improvements (PP No. 7)

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

OTHER BUSINESS

Councilmember Liddiard stated a complimentary letter was received from a developer recognizing Ms. Peterson for her hard work and customer service skills.

Mr. Sovine discussed gas rates in Eagle Mountain City.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 10:26 p.m.

Gina Peterson, City Recorder

Approved: December 6, 2005

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 15, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 4:00 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Brian B. Olsen, Janiece Sloan and Linn Strouse. Councilmember Vincent Liddiard was excused.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Jeff Weber, Assistant Public Works Director, Fire Chief Rand Andrus; Brandon Boshard, Firefighter.

OTHERS PRESENT: Donna Burnham, Resident; Scott Rogers, Aqua Engineering; Jeni Dunn, Jodi Russell, Sylvia Cuthbert, Girl Scouts; Heather Jackson, Councilmember-Elect; Larry Bowen, Bowen Collins and Associates; Korey Walker, Epic Engineering, P.C.; Caleb Warnock, Daily Herald.

NON AGENDA ITEM

Representatives from Mountainland Association of Government spoke concerning the proposed Mountainland Corridor.

DISCUSSION/REVIEW ITEMS

REPORT – Selection Committee Recommendation – Sewer Treatment Plant RFP's.

AGENDA REVIEW

The City Council reviewed the items on the Consent Agenda and Policy Session Agenda.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

OTHER BUSINESS

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:00 p.m. Keith Conley led the Pledge of Allegiance.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard (participated telephonically), Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Jason Randall, Assistant Sergeant.

OTHERS PRESENT: Loreen Cole, Donna Burnham, Jodie Blackburn, John Boyd, Michelle DeKorver, Robert DeKorver, Lynn Rindlisbacher, Residents; Michelle Vongphakdy, North County Papers; Doug Woodruff, Mortgage Investment; Eric Jones, Monte Vista Ranch, L.C., Eagle Mountain Properties; Mark Gallacher, American Family Insurance; Mike Coffin, Boy Scouts; Fred Duberow, Darren Dixon, Stantec Consulting Engineers; Steve Allred, R.C.A. Family L.C.; Carl Ford, Centarra Development and Prema Homes.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – September 6, 2005

MINUTES of Special City Council Meeting – September 14, 2005

MINUTES of City Council Tour – October 7, 2005

MINUTES of City Council Meeting – November 1, 2005

Mayor Lifferth tabled the minutes to be considered at the December 6, 2005 City Council meeting.

PUBLIC COMMENTS

Mark Gallager with American Family Insurance stated he is new to Eagle Mountain City. He cited he met with the mayor to discuss his involvement in the City.

Vincent Liddiard telephonically connected to the meeting at 7:12 p.m.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Strouse stated that November 11 was Veteran's Day. She stated Veteran's Day is special to her; Councilmember Strouse's husband who was a veteran passed away and was buried the day before Veteran's Day. She reminded the audience that freedom of speech and the other freedoms we enjoy come from the soldier who fights for those freedoms.

Councilmember Blackburn congratulated the newly elected officials. He offered condolences to Councilmember Strouse for the loss of her husband David Strouse.

Councilmember Blackburn read the following statement:

"As of last Wednesday night, November 9, 2005, I was notified and subsequently relieved of my duties as City Council Liaison to the Public Works Board, and any pre-council official participation or involvement (with) the Sewer Treatment Review Board, its affiliated voting rights, and any other official Public Works business outside of regular Council meetings.

I appreciate the trust and appointment by Mayor Bailey to this important position, and the resulting affiliations and progress developed over the past two years working with those of the Public Works Board. Thanks to Mont Beckstead, Shane Jones, Mike Hildreth, Brian Richards, Bob Stadel, Jeff Weber, Chris Trustee, Mark Sovine, Shawn Warnke, Adam Lenhard, and any other individuals or staff I may have missed or forgotten for their ongoing Public Works service to our community.

The Public Works (Board), Planning (Commission), Library (Board), and other volunteers working in our city do not get a lot of publicity. They deserve and need our collective support and thanks. If Eagle Mountain looks good and is operating smoothly, effectively, and efficiently in all areas, it's a direct compliment to these board members, the volunteers, and the other professionals that are our Eagle Mountain staff. My thanks and the Council's thanks to all of them. Board volunteers and active participation by all in the community has been and will continue to be the strength to Eagle Mountains future and progress.

The collective experience and diverse backgrounds that each member of the Public Works (Board) has brought to the table has allowed us to discuss and always attempt to improve the many facets of Eagle Mountain's Public Works. Utility issues and concerns are always noted and reported to the Council. We have always been, or will soon see these Public Works related city improvements and plans including: water conservation and planning, xeriscape city landscaping of future and retrofit improvement, Lighting, ongoing recommendations of "Purple Pipe" installation in all future expansion and development areas for future water reuse, discussion and promotion of a citywide tree planting program, suggested enhancements and upgrades to EM engineering, development, and building codes to improve general impact and product lifespan to public items such as roads, and residential housing, road compaction and sub-strata requirements, and drainage. The topics are obviously wide and varied.

Over the past years and several months, one of our growing and major concerns as a PW Board, Staff, and Council has been data collection and review of our sewer treatment options. Included in this process is the consideration of the serious financial impact upon our residents and the city.

An increase in sewer treatment capacity is needed in order for Eagle Mountain City Center area to grow. Council and City Staff know that something MUST be done and to be done soon. Our responsibilities are:

- 1. Provide sewer treatment for current residents.*
- 2. Provide and plan for additional sewer output from current residents and new additional growth.*
- 3. Properly plan, adopt, construct, and use a viable secondary water re-use system.*
- 4. Complete all aspects in a proper and fiscally responsible manner.*

The obvious and serious questions involved in this decision are these:

- A. Do we want Eagle Mountain to RE-ENLIST in the utility and sewer business?*
- B. What are the real current and future costs involved, and who will pay them?*
- C. Is Eagle Mountain truly ready for current and effective use of treated water?*

This sewer decision and its process bear the largest financial commitment our city has made in many years. The ramifications of our decision and sewer processing will seriously impact and affect future city financials and make a long-term or permanent infrastructure commitment.

To this end, in a special Public Works Board meeting on Thursday, October 27th, and our last Council session of November 1, 2005, both the Board and Council were advised and prompted to make an immediate decision to then apply to the State of Utah Water Quality Division for their last application review and grant funding meeting of 2005. As a Council we are discussing an additional and needed step of this complete process tonight. The State will review our current selection this Friday, November 18, 2005.

We all acknowledge that there are many valid treatment options. There are also many valid views and opinions. The common and desired end-goal is water reuse, and the associated increase of precious and developable water rights. But the current, intermediate, and long-term steps to implement and acquire this goal should be carefully and methodically planned. Unlike taking a correctable wrong-turn driving action, only one sewer action and decision can be made for both now and our future.

Understanding and detailing: all available options, immediate vs. long term capacity and linked benefits, short/intermediate/long-term financials, short/intermediate/long-term city infrastructure impacts, related modification to residential and developmental impact fees, monthly resident and city service charges, planning locations and the building of treated-water transportation infrastructure, costs to provide processed vs. current water, desired end re-use goal vs. actual or current use feasibility, etc., etc., is quite the task.

I publicly apologize to any and all individuals if any portion of my views, concerns, questions, attitude or participation has been seen or interpreted as being detrimental to this process. No one involved in any part of City business should ever be expected to be a "YES" man, be accused of "not being a team player," "not looking out for the benefits and future of our city," or "undermining the progress and forward motion and efforts of our

City" by having and expressing valid concerns, by asking valid questions, or considering alternatives. It disheartens me that I have been seen in this light.

My public service goal has always been to provide for the needs, and act to protect the interests of Eagle Mountain's current and future community. I consider this sewer process to be and have serious questions that we as residents, city, staff, and Council should ask and have answered prior to Eagle Mountain's commitment to any type of multi-million dollar treatment process.

I look forward to bringing my energy and drive to any future council liaison capacity or role, as assigned by the Mayor or others on the Council.

*Thanks and Sincerely,
David F. Blackburn
Eagle Mountain City Council"*

Councilmember Liddiard echoed Councilmember Strouse's comments concerning Veteran's Day. He read the following comments:

"We recently had an opportunity to recognize the efforts of good men and women who have served in the military. They have helped preserve the freedoms we enjoy. I add my veterans day thanks to all those who have served or now serve in the military.

On a different note:

Last Thursday I was able to participate in a meeting with the commissioners for transportation in the State of Utah. They take occasions to meet in various regions of the state. They chose to meet in Utah County last Thursday. I'd like to report on a couple of issues that were presented there and give a little background for the meeting.

I understand that our mayor had a personal conflict so that he could not attend. It was a disappointment however that lacking in attendance was the Lehi Mayor, our Mayor and our Mayor Elect when such a key issue was at stake. The Saratoga Springs Mayor made public comment requesting state help with SR 68 (Redwood Road) and the amount of traffic that it bears. He was told that this issue was known and it had an "ear mark" of 10 million dollars and that they were going to start a two year study. This issue and it's funding were however absent from the region three presentation provided to the commission. I further pressed the issue and also brought up concerns with Lehi Main Street and the general issues regarding the lack of adequate east-west corridors for northern Utah County and emphasized Mayor Parker's concerns over a lack of an adequate north-south corridor for the western portion of Utah County.

As was published in the newspaper the commission stated, "No one has forgotten you and we are mindful that it is difficult and hard for you to get where you want to go. We are aware and trying to alleviate that."

I am hopeful they will work toward an adequate solution, but I am concerned that they want to spend two years studying the Redwood Road traffic issue. Their only project they have in the plans for Eagle Mountain that was presented in this meeting was a traffic light at Ranches Parkway and SR 73 that will be completed by September 2006.

Happy Thanksgiving."

ANNOUNCEMENTS / UPCOMING EVENTS

Mayor Lifferth wished everyone a Happy Thanksgiving and congratulated the newly elected city officials. He announced the following upcoming events:

- Wal-Mart will be building on Redwood Road across from Smith's grocery store in 2007.
- The City received a thank you letter from Senator Hatch's office for thanking them for their assistance in securing grant funds.
- The City received a report from Kevin Call, Executive Vice President of Utah County Association of Realtors, stating the average price of a home sold in Eagle Mountain City has increased from \$136,000 in 2003, \$139,000 in 2004, and \$147,000 in 2005. This represents increasing property values.
- The Utah State Office of Courts notified the City they have received approval for a justice court to begin operating on July 1, 2007.
- Eagle Mountain City will have a new zip code (84005) effective July 1, 2006.
- Utah State Division of Water Quality Board will meet Friday November 18, 2005 at 1:00 p.m. to discuss funding for Eagle Mountain City's sewer system upgrade.
- December 1, 2005 at 6:00 p.m. is the "Deck the Hall" lighting ceremony at Eagle Mountain City Hall.
- January 2, 2005 the newly elected officials will take the Oath of Office.
- Laura Lewis of Lewis Young Robertson & Burningham told the Mayor the City might be able to get a AAA rating for bonds.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Deputy Recorder Angela Cox announced a public hearing will be held December 6, 2005 for the Mt. Airey Right of Way.

RECOGNITION – Teacher of the Month – Mr. Riggs, Eagle Valley Elementary

Mayor Lifferth and Principal Conley of Eagle Valley Elementary recognized Mr. Riggs as teacher of the month for October at Eagle Valley Elementary.

SCHEDULED ITEMS

MOTION – Formally certifying the election results from the 2005 Municipal General Election, including additional votes from Provisional Ballots, and declaring the mayoral candidates and the two council candidates with the highest votes elected to the office of Mayor and City Council.

Ms. Cox explained the total number of ballots that the City received was 3870. There were 33 provisional ballots received and verified by the City Recorder & Utah County Elections Office. Of the 33 ballots, 22 ballots were verified as eligible and were counted by Election Judges prior to this canvass.

Ms. Cox explained the distribution of ballots and voter turnout.

The Official Vote Count was as follows:

Total Registered Voters	4341
Total Ballots Received	3720
Percentage of Turnout	32%

Distribution of Official Ballots:

Ballots Voted	1333
Provisional Ballots	32
Absent-Voter Ballots Voted	44
Spoiled Ballots	2
Spoiled Absent-Voter Ballots	3
Official Ballots (unused)	2353
Absent-Voter Ballots (unused)	103
Total Ballots Distributed	3870

The Vote Count is as follows:

<u>MAYOR</u>	<u>VOTES</u>
Brigham Smart Morgan	587
Brian B. Olsen	806

<u>CITY COUNCIL</u>	<u>VOTES</u>
Donna R. Burnham	635
Alicia Hill	539
Heather Jackson	680
David Evan Lifferth	848

Ms. Cox then recommended the mayoral candidate and the two city council candidates with the highest number of votes be declared elected.

Councilmember Strouse **moved** to certify the election results, and declare four year term Mayoral candidate Brian B. Olsen as mayor-elect, and four year term City Council candidates Heather Jackson, and David Evan Lifferth as councilmembers-elect. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

PUBLIC HEARING – Sunrise at Kiowa Rezone

ORDINANCE – Consideration and approval of an ordinance rezoning property known as the Sunrise at Kiowa Rezone.

City Planner Peter Spencer stated the Sunrise at Kiowa rezone is a 20-acre parcel located directly south of the Kiowa Valley subdivision. This property is adjacent to The Ranches Master Development Plan and is currently zoned Agriculture. The Applicant is requesting the 20 acres be rezoned to Residential in order to accommodate a future residential development. The rezoning will vest the property with 0.8 dwelling units per acre. The approval of "Bonus Density" takes place with either a Master Development Plan or a Preliminary Plat. He explained that part of Section 6.3.2 of the Development Code, Chapter 6- Bonus Density outlines this requirement.

Mr. Spencer said Title 1 Section 16.6 of the Development Code contains criteria the City Council should consider when rezoning property which includes, compliance with the Future Land Use Plan, a compatibility determination; and buffering of incompatible uses. Staff has determined the rezone application meets the criteria for approval outlined in the Development Code.

Mayor Lifferth opened the public hearing at 7:32 p.m. There were no comments so the public hearing was closed.

Councilmember Liddiard asked if this rezone would require a 55' minimum lot frontage. Planning Director Adam Lenhard said it would.

Councilmember Sloan asked if the Planning Commission held a public hearing on this rezone. Mr. Spencer said they did.

Councilmember Olsen **moved** to approve ordinance O-25-2005 rezoning the 20-acre "Sunrise at Kiowa" parcel from the Agriculture Zone to the Residential Zone at Base Density, which may be increased with Bonus Density through the Preliminary Plat process. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

PUBLIC HEARING – Lone Tree Plat E Rezone

ORDINANCE – Consideration and approval of an ordinance rezoning property known as the Lone Tree Plat E Rezone.

Mr. Spencer explained the proposed Lone Tree E project is located at the western end of The Ranches Master Development Plan area, northeast of Lone Tree A, B, & C. This is a 66-acre parcel proposed to be rezoned from the agricultural zone to the residential base density zone.

The Applicant is requesting that their 66 acres be rezoned to Residential in order to accommodate a future residential development. The rezone will vest the property with 0.8 dwelling units per acre. The approval of "Bonus Density" takes place with either a Master Development Plan or a Preliminary Plat.

Section 6.3.2 of the Development Code, Chapter 6- Bonus Density states:

6.3.2 Density for Preliminary Plats. Tier I and Tier II projects less than one hundred sixty (160) acres may be developed through the Preliminary Plat process. Preliminary Plats will be approved with Bonus Density Ceilings in compliance with Tables 6.1 – 6.4, and will be formalized in a Development Agreement. The specific improvements, facilities, and amenities

shall be identified and agreed to during the Preliminary Plat approval process. The Development Agreement will specify the improvements, facilities, and amenities to be funded and/or constructed within the Development Density Areas throughout the development, in exchange for increased density entitlements. Once a Preliminary Plat is approved, additional Bonus Densities are no longer available for the project.

Mr. Spencer explained Title 1 Section 16.6 of the Development Code contains criteria which the Planning Commission and City Council should consider when rezoning property. They include compliance with the Future Land Use Plan, a compatibility determination, and buffering of incompatible uses. Staff has determined the rezone application meets the criteria for approval outlined in the Development Code.

Mayor Lifferth opened the public hearing at 7:38 p.m. There were no comments so the public hearing was closed.

Councilmember Strouse asked if this project and the Sunrise at Kiowa rezone would be part of the Ranches Master Development. Mr. Spencer said they are out of the designated Ranches Master Development; in the future they may choose to amend the Master Development Plan to include these areas.

Councilmember Liddiard asked if this proposal would have to comply with 55' minimum lot frontage. Mr. Spencer responded it would.

Councilmember Blackburn asked when a connector road to SR 73 would be built for access from this property rather than diverting traffic through the Ranches. Mr. Spencer responded the land between this proposal and SR 73 is under an agriculture protection and would not allow a connector to be built at this time.

Councilmember Blackburn **moved** to approve ordinance O-26-2005 rezoning the 66-acre "Lone Tree E" parcel from the Agriculture Zone to the Residential Zone at Base Density, which may be increased with Bonus Density through the Preliminary Plat process. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Eagle's Gate Development, L.C. for Showdown at Eagle's Gate - Plat B.

Mayor Lifferth stated this item was tabled.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with The Sage Group, L.C. for Mt. Airey - Plat E.

City Attorney Jerry Kinghorn explained this is a single lot plat. The Mt. Airey subdivision is located north of The Ranches Golf Course Clubhouse. The final plat has been approved and is being developed by The Sage Group, L.C. This agreement details the terms of development, including bonding requirements and CC&R's. He recommended approval of this development agreement.

Councilmember Sloan asked why the City Council is reviewing CC&R's. She stated it was her understanding the City Council would no longer review CC&R's. It was explained the CC&R's are an attachment to the development agreement and will no longer be included in the Council's packets.

Councilmember Sloan **moved** to approve the Development Agreement with The Sage Group, LC for Mt. Airey – Plat E subject to the following conditions:

1. The recommended park fee-in-lieu is determined by the City Engineer and paid prior to recordation.
2. All driveways are a minimum of 22' from the front property line.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with KHM Lone Tree, L.C. for Lone Tree - Plat C.

Mayor Lifferth stated this item was tabled.

MOTION – Consideration and approval of the Final Plat for Heatherwood.

MOTION – Consideration and approval of the Heatherwood Site Plan.

Mr. Spencer explained Prema Homes and Centarra Development have submitted applications for the Final Plat and Site Plan for the Heatherwood project in The Ranches. The Heatherwood development is located in between Eagle's Gate and Anthem on the Green subdivisions in The Ranches. The applicant is proposing an attached multi-family subdivision with 200 lots on 20.45 acres. Mr. Spencer discussed utilities; he explained that it is the applicant's responsibility to ensure that utilities meet the City's standards. He highlighted the conditions of approval.

Mr. Spencer stated this parcel is zoned Village Core, which allows both high-density residential and commercial land uses. Because the Master Development Plan entitles this pod with up to 10 units per acre, the 20 acres of buildable land assessed in the SID allows for *up to* the proposed total of 200 residential units. The City Council should keep in mind that this vested density is a *density ceiling*, not a guaranteed minimum number of units. The purpose of the Site Plan and Preliminary Plat reviews is to ensure that the required engineering and site design can support the density requested by the Applicant.

There is still concern on how these units will be serviced with utilities. The following describes some of these concerns:

- Gas & power: the gas and power units are located in gang boxes in front of the buildings with remote sets.
- Telephone: telephone lines have a minimum of one foot separation from any other utility.

Adequate grounding is provided by connecting to the universal ground system for each unit and adequately sized pedestal is provided to hold the main cable and the services to the unit. In the event of a collapsed conduit, responsibility of repair is by the developer, homeowner, or Homeowners Association (HOA). The main feeder cable, if under concrete or asphalt will be in an approved duct by telecom. Utility improvement costs beyond the current city contract with Tasco Engineering may be passed on to the developer.

Staff recommends the required neighborhood park amenities provided within the Heatherwood development, include the pool, clubhouse, two full acres of fully landscaped, dedicated park area equivalent of two 450 sq. ft. pavilions, and two tot lots. All other improvements required by Title 2, Table 7.3 *Required Neighborhood Park Improvements* should be included as well.

Two of the three roads leading out of this project are neighborhood roads. The third road leading out of the project will connect to Porter's Crossing, a 90' collector road.

Mayor Lifferth asked the differences in utilities in this plat and other plats approved in the City.

City Engineer Chris Trusty explained the gas and electric meters need to be located in a central location toward the front of the complex of buildings rather than on the specific units. Staff suggests this be built in a breezeway incorporated into the building that would be accessible.

Councilmember Liddiard asked if there will be a construction access to limit the number of construction vehicles going through other subdivisions.

Mr. Trusty stated that has not been determined, but is being addressed.

Councilmember Liddiard stated he would like to see a separate construction access.

Mayor Lifferth asked when this development would be started. Mr. Trusty stated he believes they will begin construction this season.

Councilmember Liddiard asked for details concerning traffic flow and speed limits.

Mr. Trusty anticipated the speed limit would be 25 mph. He explained access and his belief that most of the traffic will go through Anthem on the Green until Porter's Crossing Parkway is complete.

Councilmember Liddiard asked if the proposed trails would be asphalt or concrete. Mr. Spencer responded the trails would be asphalt.

Councilmember Blackburn stated his concern with adequate access for emergency vehicles. Mr. Spencer stated the Fire Chief has been included in the process of this subdivision and he is comfortable with the design.

Carl Allred of Prema Homes and Centarra Development explained the fire trucks would park on the main road and pull the fire hose to the end of the motor court, which meets Fire Code. He stated the units do not have fire safety sprinklers.

Councilmember Blackburn asked if the City should require fire safety sprinklers in the future.

Mr. Trusty stated that the Fire Code supercedes City Codes and addresses all fire safety concerns.

Councilmember Blackburn asked to see the exterior elevations of the buildings. He is also concerned with traffic access through the existing subdivisions.

Mr. Trusty explained this subdivision has been part of the Master Plan for a while.

Councilmember Strouse questioned the previously discussed verbiage, "*in the event of a collapsed conduit responsibility of repairs by the developer, homeowner, or HOA.*"

Mr. Sovine explained the City typically owns the utility to the meter and the customer owns the utility from the meter back. Because of the placement of these meters, the HOA will be responsible from the meter to the individual units.

Mr. Call explained the general design of this proposal. He stated that the first units off the public streets are ramblers and then they are two story units ranging from 1250-1400 square feet. They have two car garages and basements. He stated the exterior is patterned after a craftsman style dwelling consisting of stucco, stone, hardy plank, cement siding and timber. He explained this is a unique project applying a higher density with a more open feeling.

Councilmember Strouse asked where trails would be connected to other trails and road access to Ranches Parkway.

Mayor Lifferth explained trail access and stated that there is not a direct access with Ranches Parkway.

Councilmember Blackburn asked how the address numbering would be done in this project and where garbage collection would be.

Mr. Call stated that the units will either have individual numbers or letters. He stated garbage collection will take place on the main road and each homeowner will bring their garbage can to the street. He also explained this subdivision will have a central mailbox unit. This subdivision will also have its own HOA.

Councilmember Blackburn asked if the HOA will prohibit parking in the motor court (the community driveways behind the units).

Mr. Call stated no parking will be allowed in the motor court and there is a separate parking for visitors, or they may park along public streets.

Councilmember Strouse asked if the trails will be connecting to other subdivisions trails.

Mr. Call explained the adjacent subdivisions only have 4' or 5' trails connected to curb and gutter. The proposed Heatherwood project will have 4' sidewalks with a large park strip, and a 6' trail around the perimeter of the development.

Councilmember Blackburn questioned if the developer would install golf course fencing during construction.

Mr. Call responded the developer would require it around the perimeter of the property.

Councilmember Sloan asked what the recommendation of the Planning Commissions was and how they voted.

Mr. Spencer stated the Planning Commission unanimously recommended approval of the Heatherwood Final Plat and Site Plan.

Councilmember Blackburn asked why the City is allowing so many developments prior to partial funding or construction of Porter's Crossing Parkway.

Mr. Trusty responded that the Porter's Crossing extension is part of the Capital Facilities Plan and the City has been collecting future facilities impact fees within the North Service Area. The City is updating the Capital Facilities Plan to include the north extension so Porter's Crossing can be continued to SR 73. Developers have expressed interest in developing in those areas south of Pony Express Parkway, adjacent to Porter's Crossing which would encourage the completion of Porter's Crossing.

Councilmember Blackburn asked if the City Council could require the developer to rough grade Porter's Crossing Parkway as a construction access.

City Attorney Jerry Kinghorn stated he does not believe the City Council could require that.

Councilmember Blackburn recommended a requirement requiring regular street sweeping to keep the streets clean through the existing subdivision.

Mr. Kinghorn asked if the developer intends to have all improvements with the exception of water, sewer, power, natural gas, and telephone owned by the HOA.

Mr. Call said yes with the exception that public roads would be the City's responsibility.

Mr. Kinghorn said the plat shows all the roads as private and owned by the HOA; that will need to be amended and the City will need to own the storm detention pond also. Each building will need to be designated as a separate lot on the plat.

Mayor Lifferth asked if the developer would consider a dumpster system rather than individual cans.

Mr. Call stated they would consider that proposal.

Councilmember Blackburn stated the Public Works Board has requested cross gutters be laid five feet beyond the intersection.

Public Works Director Mark Sovine stated that will be addressed in the proposed Construction Specifications and can be made a condition of approval for this subdivision.

Councilmember Liddiard asked if the developer would be willing to have a construction access through the northern portion of the parcel and then to SR 73 rather than accessing through Ranches Parkway and Eagle's Gate.

Monte Kingston of Eagle Mountain Links stated they will be breaking ground for Anthem on the Green very soon which is north of Heatherwood and would hinder with that proposal.

Mayor Lifferth asked how long it would take for Heatherwood to reach build out, and Mr. Call responded build out should be in approximately three years.

Mr. Kingston stated that within a year there should be an alternate access for this subdivision.

Councilmember Strouse would like to see measures taken to make trash disposal and the centralized mailbox units aesthetically pleasing.

Mr. Call stated the U.S. Post Office installs the centralized mailboxes and the developer nor the City has a say in the appearance of them.

Councilmember Olsen **moved** to approve the Heatherwood Final Plat subject to the following conditions:

1. SID. The entire property area is assessed and the SID payments are made upon transfer of title.
2. UTILITIES. The Applicant provides utilities that meet City standards.
3. E-FILES. E-files are submitted for the plat, dry utilities, and constructions drawings. Engineer's estimates are provided for civil and dry utilities.
4. GEOTECH REPORT. The geotech report is verified by the City Engineer.
5. PLAT. County book and page are added for adjacent parcels. The language is amended to reflect the changes required by the City Attorney, and each unit receives a separate lot number.
6. CONSTRUCTION DRAWINGS. All comments on the construction drawings are addressed and verified by the City Staff.

Councilmember Blackburn **seconded** the motion.

Resident Mike Coplin asked what safeguards are put in place to ensure the developer is held responsible for parks.

Mr. Trusty stated the developer is required to post a bond prior to recordation.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Brian Olsen, Janiece Sloan, and Linn Strouse. Those voting nay: Vincent Liddiard. Motion **passed** with a 4:1 vote.

Councilmember Olsen **moved** to approve the Heatherwood Site Plan subject to the following conditions:

1. SID. The entire property area is assessed and the SID payments are made upon transfer of title.
2. UTILITIES. The Applicant provides utilities that meet City standards.
3. E-FILES. E-files are submitted for the plat, dry utilities, and constructions drawings. Engineer's estimates are provided for civil and dry utilities.
4. GEOTECH REPORT. The geotech report is verified by the City Engineer.
5. PLAT. County book and page are added for adjacent parcels. The language is amended to reflect the changes required by the City Attorney, and each unit receives a separate lot number.
6. CONSTRUCTION DRAWINGS. All comments on the construction drawings are addressed and verified by the City Staff.

Councilmember Sloan **seconded** the motion.

Councilmember Blackburn stated the Planning Department and City Council need to recognize this project does not have to meet its capacity of 200 units, but that is how it has been designed. He stated he believes that this project will not sell as good as the Anthem because of the nature of it.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Spring Valley Revised Site Plan.

Mr. Spencer explained Spring Valley is located along SR 73 in the northeast corner of The Ranches. The City's Development Code requires that all multi-family projects be reviewed through the Site Plan process. Since original approval of the Spring Valley Site Plan the Applicant made minor changes to the building elevations and floor plans which affected the Site Plan. The Planning Commission reviewed the changes on November 9, 2005 and recommended approval. The City Council has final approval authority for site plans.

The Applicant will be required to meet the Neighborhood Park standard of one acre of improved Neighborhood Park per 100 units. Since there are 80 lots, the requirement would be 0.80 acres of improved Neighborhood Park. All fencing is to be a developer/builder improvement and all units with rear yards adjacent to SR 73 or Mt. Airey Drive must be shielded with a six foot privacy fence. The developer has agreed to provide a significant amount of landscaping in between the units and SR 73.

Councilmember Blackburn stated he would like to see more aesthetically pleasing rear elevations.

Amy Twitty from the Sage Group stated that the rear elevations are not flat, they offset each other along SR 73.

Councilmember Blackburn would like to see more materials on the rear elevation similar to the front elevations.

Mayor Lifferth would like this item tabled until rear elevations are available.

Ms. Twitty asked if rear elevations are typically required with site plan approvals.

Mayor Lifferth said they are not; however, this project is the gateway to the city. He would like to see the rear elevations that face SR 73 to be more aesthetically pleasing.

The City Council agreed with Mayor Lifferth.

Councilmember Olsen **moved** to table the Spring Valley Revised Site Plan.

MOTION – Consideration and approval of a Wastewater Treatment Plant Engineer.

Mr. Sovine explained a committee was formed to recommend a wastewater treatment plant engineer to the City Council. The committee reviewed engineers that responded to RFP (Request for Proposal) for the wastewater treatment plant. The engineering firms the committee reviewed were Stantec Consulting

in conjunction with Beard International and Alder Construction; Bowen Collins and Epic Engineering; Horrocks Engineering; and Aqua Engineering. He explained that after a great amount of research and discussion the committee recommended acceptance of the proposal from Bowen Collins and Epic Engineering with staffing modifications.

Councilmember Blackburn informed the City Council the memo they received lists Ed Macauley from the Department of Environmental Quality as part of the selection committee. He was not part of the selection committee, but attended the selection process as an impartial individual.

Mayor Lifferth stated Councilmember Olsen was not able to participate in the selection process because of time constraints, former Mayor Kelvin Bailey participated in his place.

Councilmember Strouse stated this is the most time consuming project she has worked on with the City.

Mayor Lifferth stated this is a historical event for Eagle Mountain City. He thanked all individuals who have been involved in this process. He stated he was on the selection committee and he requested a different engineer than the one the committee recommended, but he supports the committee's recommendation.

Councilmember Olsen stated he feels it is important to make a choice he is comfortable with and who he believes will be the best for the City. He said he has been objective in this process and he doesn't have grievances with any of the firms. Councilmember Olsen feels he needs to make a choice.

Councilmember Olsen **moved** to approve Stantec Engineering in conjunction with Beard International and Alder Construction as the wastewater treatment plant engineer. Councilmember Strouse **seconded** the motion.

Councilmember Liddiard stated he felt Aqua Engineering had some interesting points. His first preference was for the City to build the membrane bio-reactor system, but the Council did select an oxidation ditch. He preferred the Epic Engineering bid.

Mayor Lifferth stated that last night he voted for a different engineering firm; today he has changed his opinion and would favor Aqua Engineering. He stated former Mayor Bailey sent an email in support of Aqua Engineering.

Councilmember Blackburn stated Aqua Engineering has been involved in four of the last ten state funded projects. He stated he is looking for a firm that would most likely be approved by the State.

Mayor Lifferth stated he has confidence that each of the engineering firms would allow funding from the State and a choice needs to be made between four good engineering firms.

Councilmember Strouse stated former Mayor Bailey said any of the firms would be a good choice and the City Council needs to decide which one is the best option.

Councilmember Olsen stated the Council needs to move forward with this and make their vote known. He stated he made a motion on who he is comfortable with.

Mayor Lifferth called for a vote. Those voting aye: Brian Olsen, Janiece Sloan, and Linn Strouse. Those voting nay: David Blackburn, and Vincent Liddiard. Motion **passed** with a 3:2 vote.

MOTION – Consideration and approval of a Wastewater Treatment Plant Feasibility Study Contract with Beard International.

Mayor Lifferth explained this is a contract with Beard International for research done on the City's feasibility study of wastewater treatment plant options. The agreement will compensate Beard International for the value of services rendered to the City in connection with the wastewater treatment plant feasibility study submitted to the State of Utah Division of Water Quality.

Councilmember Blackburn stated it appears that Mayor Lifferth has engaged an engineering contract in manners and methods contrary to the City's purchasing procedures.

Mayor Lifferth stated that is true and the intent of this contract is to bring this back into the purchasing policy and make it official.

Councilmember Blackburn stated he feels that the process in which Beard International and Stantec was brought to the City should invalidate them from consideration as the wastewater treatment engineer. He feels they are qualified, but the process in which they were brought to the City is inappropriate. He questioned how the fee of \$20,000, which was originally \$40,000, was determined and who was in the negotiations of that price. He asked under what qualifications and parameters of review did the provided work go through, if it was in fact provided. He feels there is not enough explanation. This company was presented to the City Council approximately two months ago and they are asking for \$20,000. An engineering company has been involved in this process for four years and they are charging approximately \$40,000.

Mayor Lifferth stated the proposal that came from Beard International was to do research to help the City get approval from the State. Based on the research performed, negotiations with the state the City now has options they did not have before.

Councilmember Blackburn asked what negotiations Beard International did that the City had not already done or performed.

Mayor Lifferth responded Beard International worked with the State of Utah Division of Water Quality and presented additional numbers, information, and options that they may not have considered over the previous two years with Epic Engineering.

Councilmember Blackburn stated a letter was written on October 7, 2005, by the City Attorney, addressed to Mr. Beard and Beard International saying as a Utah city, Eagle Mountain can only contract by formal vote of the City Council in a regularly scheduled meeting conducted by the requirements of the Utah Open Meetings Act. Eagle Mountain City cannot legally be obligated by verbal agreements by the mayor, member of the city council, employees, or by written documents which are not approved by the City Council. The City has processes in place to avoid improper action, or contracts that might be seen as being detrimental or not in a clear light. He feels the City Council's selection of Stantec as the

wastewater treatment plant engineer is invalid. He noted that was his reason for not voting for them as the engineer.

Councilmember Strouse stated she is not clear why this item is being discussed. She believes the fact they received the contract guarantees payment. She stated she voted for them after hard work. She feels this is a mute point because Stantec received the contract.

Mayor Lifferth told Councilmember Strouse he agrees, now that the contract has been assigned any work expended would be a part of work they need to be paid for in the future.

Councilmember Olsen asked Mr. Kinghorn what the repercussions on the City would be for denying this.

Mr. Kinghorn was unsure if there would be repercussions for denying this project.

Councilmember Strouse asked if there needs to be a separate agreement since they were awarded the contract. She feels this is null and void.

Mr. Kinghorn stated it's not clear if the services the Mayor has described are within the scope of work of the contract that was just awarded to them for the wastewater treatment plant engineer. Mr. Kinghorn recommended tabling this item and contacting Mr. Beard to discuss the scope of work in the contract that was awarded to them.

Councilmember Strouse **moved** to table the approval of a Wastewater Treatment Plant Feasibility Study Contract with Beard International.

Councilmember Blackburn asked Mr. Kinghorn why this contract is on the agenda after the work was performed when the letter he wrote said this type of contract could not happen.

Mr. Kinghorn explained he wrote that letter when the City was in the process of entertaining a proposal from Mr. Beard and the City did an RFP to select an engineer to supplement the Epic Bowen feasibility study. He asked that his proposal be considered his response to that RFP, he was the only responder to the RFP. Mr. Beard has insisted on being paid for that work. Mr. Beard sent his work product to date to the City. Mr. Sovine has reviewed this. Mr. Kinghorn stated it is not clear if the designs are usable or a part of the contract awarded this evening.

Councilmember Liddiard stated he would assume that the work done by Beard Industries would be marketing efforts to do work with the City. He stated that even if Stantec, in conjunction with Beard Industries did not receive the contract he would not be in favor of this contract.

Mayor Lifferth felt that was a valid point and he feels that because Beard Industries was awarded this contract the work is included in the contract.

Councilmember Sloan stated she is in agreement with Councilmember Liddiard. She feels there is no evidence of the amount of work done and the information was not available for her to make a decision.

No contract was agreed upon therefore she does not feel the City should now approve a contract after the fact.

Councilmember Blackburn asked Councilmember Sloan if she would change her vote on the engineering firm for the wastewater treatment plant according to this information.

Councilmember Sloan stated she does not have evidence that Mr. Beard did anything wrong. He was told he would be paid and did not receive a written contract. She doesn't feel there is evidence that he did anything wrong that would prohibit him from receiving the contract to engineer the wastewater treatment plant.

Councilmember Strouse suggested tabling this item to wait for clarifications from Mr. Kinghorn.

Councilmember Liddiard stated he would like the opportunity to vote on this item.

Mr. Kinghorn asked if the City Council would like him to call Mr. Beard and ask him if this work is included in the scope of work they proposed with the engineering contract.

Councilmember Strouse stated she feels it is fair to assume this work is included in the engineering contract.

Councilmember Blackburn expressed his frustration with the process. He explained the City asked for RFP's and engineering firms to help speed the City through the process of obtaining state approval. He stated the company that was accepted, Stantec Engineering in conjunction with Beard International, has not been involved in the past 10 programs that were approved by the State.

Councilmember Strouse stated she does not believe this needs discussion because the Council has voted and the majority has spoken.

Councilmember Liddiard stated he shares in the concerns of Councilmember Blackburn. He is also concerned that a selection committee was formed and their recommendation was ignored.

MOTION – Consideration and approval of the Impact Fee Economic Analysis.

Mr. Trusty stated the basis behind the Impact Fee Economic Analysis was to facilitate reimbursement agreements the City has made with developers for contributions they have provided to the City, specifically the Pony Express Well, Pony Express Parkway extension, the Carleton sewer line, and electrical extension for Spring Valley, and park fees. He stated a summary table and table of contents have been added at the City Council's request.

Councilmember Liddiard asked staff to look at the Capital Facilities Plan and determine if adjustments need to be made on the Economic Analysis concerning public safety. He stated there is a need to expand one of the fire stations, and asked staff to look to the future and have facilities in place for public safety. He feels the City needs to do better at capturing fees through impact fees or an equity buy in.

Councilmember Sloan **moved** to approve the Impact Fee Economic Analysis. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance amending the Impact Fees for Eagle Mountain City.

Mr. Trusty stated this ordinance proposes to increase impact fees for public services provided by the City and takes into consideration reimbursement agreements for certain developments, and imposes fees as justified in the Economic Analysis.

Councilmember Liddiard **moved** to approve ordinance O-27-2005 amending the Impact Fees for Eagle Mountain City. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration And Adoption Of A First Supplemental Assessment Ordinance Amending And Supplementing Assessment Ordinance No. 006-2001 Adopted On April 25, 2001; Confirming And Approving A New Assessment List And Reaffirming The Levying Of An Assessment Against Certain Properties In Eagle Mountain City, Utah Special Improvement District No. 2000-1, Utah County, Utah, For The Purpose Of Paying The Costs Of Acquiring, Constructing And Installing Irrigation, Landscaping, Trails, Wells, Fencing, Utilities, Curb And Gutter, Roads, A Gas Regulator Station, And A Water Storage Tank And Other Related Improvements (Collectively, The “Improvements”); Amending The Assessment Prepayment Provisions; Reaffirming The Establishment Of A Reserve Fund And Stabilization Reserve Fund; Establishing The Effective Date Of This First Supplemental Assessment Ordinance; And Related Matters.

Mr. Kinghorn stated this ordinance is the refunding assessment ordinance for SID 2000-1 which is the culmination of Board of Equalization meetings held on November 10, 11, and 12. Parties were allowed to dispute assessments before the Board of Equalization. Mr. Kinghorn explained the recommendation of the Board of Equalization. He recommended the City Council adopt the ordinance and authorize the publication of the assessment ordinance for 2000-1 SID.

Councilmember Olsen **moved** to adopt ordinance O-28-2005 the First Supplemental Assessment Ordinance Amending And Supplementing Assessment Ordinance No. 006-2001 Adopted On April 25, 2001; Confirming And Approving A New Assessment List And Reaffirming The Levying Of An Assessment Against Certain Properties In Eagle Mountain City, Utah Special Improvement District No. 2000-1, Utah County, Utah, For The Purpose Of Paying The Costs Of Acquiring, Constructing And Installing Irrigation, Landscaping, Trails, Wells, Fencing, Utilities, Curb And Gutter, Roads, A Gas Regulator Station, And A Water Storage Tank And Other Related Improvements (Collectively, The “Improvements”); Amending The Assessment Prepayment Provisions; Reaffirming The Establishment Of A Reserve Fund And Stabilization Reserve Fund; Establishing The Effective Date Of This First Supplemental Assessment Ordinance; And Related Matters. Councilmember Sloan **seconded** the motion.

Councilmember Blackburn asked if the City has addressed the properties that were sold to individual owners with unpaid assessments on them, such as the Willow Springs condos.

Mr. Kinghorn explained the assessments will be paid in full by Summit Development.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Fleet Policies and Procedures Manual.

Management Analyst Shawn Warnke explained this policy establishes procedures to ensure that Eagle Mountain City's fleet units are selected, acquired, utilized and maintained in a manner that provides the best possible support to City operations through economical fleet management.

He recommended the City Council add clarification on the definition of inspections. All vehicles should have daily inspections and heavy vehicles should have daily mechanical inspections.

Councilmember Olsen asked that a definition of life cycle approach be added for public interpretation.

Councilmember Blackburn **moved** to approve the Fleet Policies and Procedures manual with the following amendments:

1. To add detail to the definitions of inspections stating all vehicles should have a daily inspection and heavy vehicles should have daily mechanical inspections.
2. A definition of life cycle approach is added for public clarification.

Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and adoption of a Resolution Authorizing a Request and Petition to the Central Utah Water Conservancy District (CUWCD) for a Wholesale Treated Water Contract to Provide Water to the City and Related Matters.

Mr. Kinghorn stated this resolution will enable the City to petition the Central Utah Water Conservancy District (CUWCD) for an allocation and commitment of water under terms and conditions of a Wholesale Treated Water Contract to be negotiated. He stated this is the first formal step in obtaining approval from the CUWCD to ensure the City has a firm water supply. He explained the ground water available to the City is limited, and the state engineer's office has imposed a moratorium on ground water transfers until a number of studies are completed.

He recommended the resolution be approved and explained the intent to take this resolution and a similar resolution from Saratoga Springs to CUWCD and ask them to consider a joint venture between Eagle Mountain and Saratoga Springs. This will assist in the planning and engineering of the pipeline, pumping facilities, and terminal reservoir that are going to be necessary to deliver water to Saratoga Springs and Eagle Mountain City.

Councilmember Strouse asked how this would be affected if Saratoga Springs was to change their mind and if there is any potential for conflict between the two cities.

Mr. Kinghorn explained references to Saratoga Springs have been removed from the resolution to mitigate potential conflicts with Saratoga Springs. The core of the request with Saratoga Springs is that the cities work together to plan the facilities. He stated the City knows CUWCD wants to serve both cities with one facility. There is potential conflicts with Saratoga Springs over water. Eagle Mountain City has a policy of not entertaining requests to pipe water to Eagle Mountain City unless developers have clearance from Saratoga Springs. The City is making an effort to avoid conflicts with Saratoga Springs, but to move forward with their needs. He stated Eagle Mountain City needs to take the first step.

Councilmember Strouse asked if there would be a possibility of buying out Saratoga Springs in the future.

Mr. Kinghorn explained the facility would be owned and financed by CUWCD. He discussed the need for a significant amount of water in Eagle Mountain City.

Councilmember Olsen **moved** to adopt resolution R-21-2005 Authorizing a Request and Petition to the Central Utah Water Conservancy District (CUWCD) for a Wholesale Treated Water Contract to Provide Water to the City and Related Matters. Councilmember Sloan **seconded** the motion.

Councilmember Blackburn asked what the time frame of the plant beginning operation is.

Mr. Kinghorn stated projections of anywhere between 3-8 years have been stated, but it depends on how CUWCD decides to develop their non-federal water. He explained there has been some tentative discussion between CUWCD and the state engineer about allowing a temporary point of diversion for some of their water rights in this area. He would hesitate to commit the City to serve residents on a temporary change unless there was a contract in place and it was just a matter of building the facility.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and adoption of a Resolution Approving and Entering into an Amended and Restated Agreement Creating the Utah Local Governments Trust.

Mr. Kinghorn stated Eagle Mountain City participates in the Utah Local Governments Trust (ULCT) to provide assistance, advice, counsel, casualty, property and liability insurance, and benefits. This resolution will approve the amended and restated agreement for ULCT.

He explained the amendment changed the number of representative from various local government entities that sit on the board. The second amendment would bring the insurance provision in line with the Workman Compensation laws at the State.

Councilmember Liddiard **moved** to adopt resolution R-22-2005 approving and entering into an amended and restated agreement creating the Utah Local Governments Trust. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Blackburn **moved** to approve the consent agenda as follows:

- A. Partial Payments
 - i. RBI – 2005 Landscape Project (PP No. 7)
 - ii. Counterpoint Construction – Pony Express Well (PP No. 2)
- B. Change Order
 - i. RBI – 2005 Landscape Project (CO No. 6)
 - ii. Counterpoint Construction – Pony Express Well (CO No. 1)
- C. Final Bond Release – beginning of warranty period:
 - i. SilverLake 1C
 - ii. SilverLake 2A
 - iii. SilverLake 2B
 - iv. SilverLake 3
 - v. Anthem on the Green – Phase I
- D. Release from Warranty
 - i. Cold Springs – Phase II

Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Brian Olsen, Janiece Sloan, and Linn Strouse. Vincent Liddiard abstained because he was not able to participate in the Work Session. Motion **passed**.

OTHER BUSINESS

Councilmember Blackburn commented about the decision made concerning the wastewater treatment plant engineer. The Council has spoken and the City will go with that engineer; however, the recommendation of the wastewater treatment plant engineer selection committee was discarded. He stated this recommendation came from people that had years of experience of engineering, capability, education and review.

ADJOURNMENT

Mayor Lifferth **moved** to adjourn the meeting at 9:30 p.m.

Approved: January 10, 2006

Gina Peterson, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 6, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 4:00 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director.

OTHERS PRESENT: Donna Burnham, Resident; Caleb Warnock, Daily Herald.

DISCUSSION/REVIEW ITEMS

REVIEW – Summary of Final Results for the City Survey – Dan Jones

PRESENTATION & DISCUSSION – Terasen

REVIEW – Financial Report – November 2005 – Gordon Burt

REVIEW – Recommendation of Open Space Disposal – Adam Lenhard

DISCUSSION – Natural Gas Rates

AGENDA REVIEW

The City Council reviewed the items on the Consent Agenda and Policy Session Agenda.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

ADJOURNMENT

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor David Lifferth called the meeting to order at 7:05 p.m. John Walden led the Pledge of Allegiance.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Jason Randall, Assistant Sergeant.

OTHERS PRESENT: Robert DeKorver, Donna Burnham, Jodie Blackburn, Residents; Heather Jackson, Councilmember Elect; Amy Twitty, The Sage Group; Michelle Vongphakdy, The Pony Express; John Walden, Eagle Mountain Properties; Lincoln Palmer, National Note of Utah.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – September 6, 2005 (amended)

MINUTES of Special City Council Meeting – September 14, 2005

MINUTES of City Council Tour – October 7, 2005

MINUTES of Joint City Council/Public Works Board Meeting – October 27, 2005

MINUTES of City Council Meeting – November 1, 2005 (amended)

MINUTES of City Council Meeting – November 15, 2005

Councilmember Strouse asked the tapes of November 15, 2005 be reviewed prior to approving those minutes to ensure Councilmember Blackburn's comments were all included.

Councilmember Blackburn **moved** to approve the following minutes:

1. MINUTES of City Council Meeting – September 6, 2005 (amended)
2. MINUTES of Special City Council Meeting – September 14, 2005
3. MINUTES of City Council Tour – October 7, 2005
4. MINUTES of Joint City Council/Public Works Board Meeting – October 27, 2005
5. MINUTES of City Council Meeting – November 1, 2005 (amended)

Councilmember Liddiard **seconded** the motion.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

PUBLIC COMMENTS

Tiffany Ulmer complimented the City on the new format of the Utility Bills. She expressed concerns with the proposed maintenance schedule for open space in the City Center. She would like to see

resident input on this issue. She stated some residents' homes are being flooded because of issues with the open space. She would rather the City allow residents to lease open space and maintain it until the City can improve it.

MAYOR'S REPORT / CITY COUNCIL ITEMS

Councilmember Liddiard wished the staff and citizens a happy holiday. He announced Councilmember Blackburn's Birthday.

Councilmember Blackburn asked City Recorder Gina Peterson to include the agenda in the minutes. He addressed concerns with the Heatherwood subdivision's side yard and front yard setbacks and suggested that be addressed in the Development Code.

Councilmember Blackburn distributed an edited piece of the engineering report for the wastewater alternatives for Eagle Mountain City and stated he reviewed this information after the Council approved an oxidation ditch. He explained the calculations on the edited report, and discussed cost and treatment capacity with the different options. Councilmember Blackburn stated his concern with the current proposal and he feels the process the City is doing for the sewer has not been fully thought out and carefully planned. He would like further investigation of the TSSD (Timpanogos Special Service District) option. He feels the City may create problems if they do not slow the process down. He questioned if the City is hindered by a timeline with the State.

Mayor Lifferth stated the wastewater treatment plant needs to be built as soon as possible.

Councilmember Blackburn agreed with Mayor Lifferth; but he is concerned whether the City Council is making the right choice. He explained a committee was established to make a recommendation of a wastewater treatment plant engineer and the City Council selected the third choice of the committee. One of the companies proposed a membrane technology at a lesser cost than was previously proposed, which was not considered by the City Council. He would like further investigation of other alternatives. He feels there are significant answers missing. He feels that the City is not stepping forward with the right process.

Mayor Lifferth disagreed with Councilmember Blackburn. He stated the City has gone through the process including Councilmember Blackburn. The Public Works Board, wastewater treatment plant engineer selection committee, and the City Council has done their job. He is confident the engineering firm selected will do a good job and the City will get the results they are looking for.

Councilmember Blackburn agreed that he has been involved in the process. However, he is concerned the City does not know what the long term plan is with capacity, or how much reuse water the City will be able to produce.

Mayor Lifferth stated Councilmember Blackburn's comments are notable and have been included in this process.

Councilmember Blackburn asked what the City's long term plan is for 10,000 plus gallons of sewer per day.

Mayor Lifferth explained the plan is to allow the City to add additional capacity to the proposal the City Council chose.

Councilmember Strouse addressed her concern of fire safety and access in the Heatherwood subdivision. She stated staff assured the Council the Fire Chief approved the plat; however, she would like to see that in writing.

Planning Director Adam Lenhard told Councilmember Strouse the Fire Chief signed the plat.

Councilmember Strouse stated tonight is Janiece Sloan's last night serving on the City Council. She stated it has been a joy to serve with her and losing her as a member of the City Council is a great loss. Councilmember Strouse said Councilmember Sloan is an amazing and humble lady and she will be missed as a member of the City Council. She thanked Councilmember Sloan and stated she deserves a round of applause.

Councilmember Olsen stated he has enjoyed working on the Council with Councilmember Sloan and all the members of the City Council. He enjoys seeing Christmas lights at City Hall and he extended appreciation to those who were responsible for lighting the City Hall. The volunteers finished the Jr. Jazz sign ups on Saturday, and he looks forward to seeing an active season with the youth sports program. He thanked the volunteers serving the City and looks forward to expanding upon the City's volunteer programs.

Councilmember Olsen stated his excitement regarding the press release that the FCC approved the sale of Eagle Mountain Telecom to Direct Communications. He recognized Public Works Director Mark Sovine for working on the Pony Express Regional Trail project. He expressed appreciation for the employees working to maintain City Hall.

Councilmember Olsen stated he received a letter on November 9, 2005 from Glen E. Brown, Chair of the UDOT Transportation Commission. He sent a letter to the Transportation Commission listing his concerns and excusing him from a meeting he was unable to attend. The letter thanked him and stated he is looking forward to working with Eagle Mountain City. He read a portion of the letter, and expressed his desire that the City Council and City Staff continue to work with the Transportation Commission.

Councilmember Olsen expressed appreciation to Councilmember Blackburn for his comments regarding the wastewater treatment plant. He stated this process has been time consuming and tough on the Council. He made the motion to approve Stantec as the wastewater treatment plant engineer and there are several conclusions which brought him to this decision which he explained. He stated he would like to further discuss this information with Councilmember Blackburn. He reminded the City Council the TSSD option was the last option that was recommended by the Public Works Board and by Bowen & Collins. He read a portion of the minutes of October 27, 2005 concerning Bowen & Collins opinion of TSSD which follows:

"Mr. Bowen... is concerned with TSSD because of the uncertainty of future costs compared to other options. The State is doing a study on Utah Lake that may require additional costs to the

TSSD treatment facility, and they are looking at expansion in 2-3 years which may cause impact fees to increase.”

He wished the Council, Staff and residents of Eagle Mountain an enjoyable Christmas. He thanked the Council for appointing him to serve on the City Council. He stated he is fortunate to continue serving the community as Mayor.

Councilmember Sloan read the following comments:

“During the discussions of paying a full-time compensation amount for the office of mayor in Eagle Mountain, Councilman Blackburn publicly brought up a suggestion that we have a job description and expectations of the mayor officially defined. He made several statements publicly stating that he was in favor of this. I too am in favor of this and have requested several times for this item to be put on the agenda for discussion and/or action. As yet, I have not seen it on the agenda. Vincent Liddiard, when acting as mayor pro-tem, did not put it on the agenda and neither has Mayor Lifferth. It must be on the agenda to be able to act on it.

I have spent a lot of time researching and pondering this. I have consulted the State Code, our city codes and policies, the codes of many other cities, information provided from our legal counsel as well as other sources. In light of all the requests that I made to have this on the agenda, the time and effort I spent researching this as well as considering the fact that I was one of the ones strongly supportive of the full-time compensation, I am greatly disappointed that we never had this discussion while I was serving. I have no reason to believe that my thoughts and ideas had all of the answers, but I believe they would have been a very valuable part of the discussion with my colleagues. I understand from Mayor Lifferth and Mayor-elect Olsen that this will be addressed next year and I encourage them to do so.

There are other cities that have the powers and duties of the mayor listed in their code. Even though these other cities have an optional form of government and we have the default, “traditional” form of government, I believe that we can benefit from some of the ideas that they have implemented. I believe that a resolution done in similar fashion as some of these other cities’ codes will help define the proper roles, powers, responsibilities and proper relationships of the mayor, council members and city administrator. This would be of benefit to those serving in those capacities as well as the city staff and residents.

Initially, I thought that it was a good idea that the council have a check on the mayor with the authority they have to amend the compensation of any officer at any time, after a public hearing. This authority, granted by the state code, essentially enables council to adjust the salary of the mayor at any time for any reason. Therefore, if the mayor was not performing as they think he should, they could cut his salary. After much thought and study on the matter, I have concluded that it would be wrong for the city council to take any action in adjusting the salary of the mayor at any time during his term of office.

I believe that the mayor should be compensated for his services and paid at stated times, but his compensation should not be increased or decreased during the time for which he is elected. The mayor has the right to know in advance what his compensation would be and the assurance that

he cannot be influenced or intimidated by either promises or threats from the [council].’ This way, council can ‘neither weaken his fortitude by operating on his necessities, nor corrupt his integrity by appealing to his [greed].’ In a memo to council, I believe that Jerry Kinghorn stated it well when he said, ‘The discretion to force the Mayor to perform his duties as established by the city council is vested in the voters.’

Councilmember Sloan thanked the City Council for appointing her to the position on the City Council. She stated she was not elected by the people, but she spent her time on the City Council serving the people of Eagle Mountain City. She stated she has appreciated working with the City Staff. She is looking forward to the upcoming years with the newly elected officials.

Mayor Lifferth agreed the duties of the Mayor should be outlined; however, he felt it would be inappropriate to address that during the election.

He thanked each member of the Council for their time and effort in serving the City. He feels the City is moving in the right direction. He thanked the staff for their efforts. He thanked the residents of the City.

Councilmember Blackburn informed the public the City presented their case asking for funding of the wastewater treatment plant in front of the State Water Board on November 18, 2005. This was discussed considered and tabled by the Board asking for more details and information. The City was asked to attend the next meeting in January 2006.

ANNOUNCEMENTS / UPCOMING EVENTS

Mayor Lifferth stated Thursday December 1, 2005 was the City’s first annual “Deck the Hall” lighting ceremony. He stated there were approximately 500 to 600 residents in attendance. He said it was a great event.

He stated on December 17, 2005 Santa Clause will be riding a fire truck passing out candy to all neighborhoods in Eagle Mountain.

The FCC has approved the sale of the Telecommunications system to Direct Communications. He said this is a historical step for Eagle Mountain City and will help in reducing the City’s debt.

In November 2005 the City issued 103 building permits which is a record number.

He stated last week several media outlets reported concerning a local builder’s website which contained demographic information potentially offensive to some people. He stated Eagle Mountain City is a diverse community for families of all nationalities and cultures. He stated the City will continue to provide multi-national and multi-cultural activities and events.

SCHEDULED ITEMS

PUBLIC HEARING – Mt. Airey Right-of-Way & Plat “A” Amendment

ORDINANCE – Consideration and approval of an ordinance approving the amendment of the Mt. Airey Plat “A” right-of-way.

Planning Director Adam Lenhard stated when Mt. Airey was first designed, a guard house was proposed at the entrance to the subdivision and the right-of-way was enlarged to allow for the construction of such facility. However, the roadway was not enlarged to accommodate a guard house, and it is no longer considered to be an amenity the developer will provide for this subdivision. This application will amend the Mt. Airey Plat A to remove approximately 100 ft. of the excess road width and public right-of-way. The adjacent landowners have requested to take ownership of that part of the City owned right-of-way and include it in their lots. On November 22, 2005, the Planning Commission reviewed this proposal in conjunction with a public hearing and recommended approval to the City Council.

Mayor Lifferth opened the public hearing at 8:00 p.m. There were no comments so the public hearing was closed.

Councilmember Strouse asked why the roadway was not enlarged to provide a guardhouse and how the developer can change an item the Council approved without coming back to the Council for an amendment.

Mr. Lenhard explained the guardhouse was not part of the subdivision approval. The developer stated they were planning on building the guardhouse. The City asked them to enlarge the right of way to accommodate the guardhouse. Since that time, the developer has decided they no longer want to offer the guardhouse and the City cannot require them to build it.

Councilmember Sloan **moved** to approve Ordinance 29-2005 approving the amendment of the Mt. Airey Plat “A” right-of-way. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Spring Valley Revised Site Plan.

Mr. Lenhard stated Spring Valley is located along SR 73 in the northeast corner of The Ranches. The City’s Development Code requires that all multi-family projects be reviewed through the Site Plan process. Since original approval of the Spring Valley Site Plan the Applicant made minor changes to the building elevations and floor plans which affected the Site Plan. The Planning Commission reviewed the changes on November 9, 2005 and recommended approval. The City Council has final approval authority for site plans. This item was tabled from the November 15, 2005 City Council meeting to enable the City Council to view rear elevations in greater detail.

Amy Twitty of the Sage Group displayed the rear elevation of the Spring Valley Revised Site Plan. Discussion ensued on the previous elevations and the currently presented elevations.

Councilmember Liddiard stated he likes this product, but he would like to see more upgrades to the elevations.

Ms. Twitty stated the builder has met the requirements and is satisfied with this proposal.

Mayor Lifferth recommended the City Council approve this proposal.

Councilmember Olsen spoke in favor of the project and stated he is prepared to move forward with this project.

Councilmember Olsen **moved** to approve the Spring Valley Revised Site Plan. Councilmember Sloan **seconded** the motion. Those voting aye: David Lifferth, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an Agreement with Zions Bank for Electronic Check Processing.

Finance Director Gordon Burt explained the agreement will approve a 90-day trial period for the electronic processing of checks in the Utility office.

Councilmember Liddiard asked Mr. Burt to evaluate the process including check deposit times and costs and report back to the Council at the end of the trial period.

Councilmember Sloan recommended residents be informed of the electronic check processing.

Councilmember Strouse **moved** to approve an Agreement with Zions Bank for Electronic Check Processing. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and amendment to extend an Agreement with Family Solutions for computer support services.

This item was tabled at the request of Councilmember Liddiard who asked for a cost evaluation from other vendors.

AGREEMENT – Consideration and approval of an Agreement with the Utah Division of Parks and Recreation for the Trails Grant.

Public Works Director Mark Sovine explained Eagle Mountain City has been approved for grant funding from the Federal Recreational Trails Program to assist with Phase I of the Pony Express Regional Trail. The grant, in the amount of approximately \$52,000, will be matched by the City. SITLA (School Institution Trust Land Administration) agreed to pay the City's portion.

Councilmember Strouse asked if SITLA contacted Joe Nardone with the Pony Express Trail Association to ensure historical preservation.

Mayor Lifferth responded he was in contact with SITLA today and they did not mention any conversations with the Pony Express Trail Association.

Councilmember Strouse stated SITLA agreed to contact Mr. Nardone to discuss preservation of historical sites. She expressed frustration that this has not been done and she has mentioned it at least three times and she was assured it would be taken care of.

Mayor Lifferth volunteered to get SITLA in contact with Mr. Nardone.

Councilmember Liddiard stated the grant requires the City cover all of the funds and the grant will reimburse for the portion awarded by the grant. He asked if that will carry over between fiscal years.

Mr. Sovine anticipated all the work will be done in the next fiscal year.

Mr. Hillman stated the City can handle Councilmember Liddiard's budgetary concerns.

Councilmember Strouse asked how the City knows the criteria the project will have to meet to receive reimbursement.

Mr. Hillman explained the original design SITLA presented meets the criteria for reimbursement. He stated the grant being accepted meets the criteria.

Councilmember Liddiard **moved** to approve an agreement with the Utah Division of Parks and Recreation for the Trails Grant. Councilmember Blackburn **seconded** the motion.

Councilmember Olsen questioned if these trails are for motorized vehicles also.

Mr. Hillman explained the intent is not to allow motorized vehicles.

Councilmember Sloan asked if there are concerns with the agreement because the City only has a verbal agreement with SITLA to pay the matching funds required in with this grant.

Mr. Hillman stated he believes there is a joint agreement with SITLA on the park which includes an agreement for SITLA to pay matching funds.

Councilmember Strouse asked who is monitoring this project to ensure that all of the criteria is met.

Mr. Hillman responded the Federal Government will ensure the grant is spent appropriately. There is also a number of forms the City will need to fill out to report back to them.

Councilmember Sloan asked Jerry Kinghorn, City Attorney, if he has concerns with this agreement because the City is not positive if there is a written agreement with SITLA

Mr. Kinghorn responded if the City accepts the grant they do not accept any money until the City is ready to move forward, and the City will not move forward with the grant until they have received the money from SITLA.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an Agreement with Sprint for Mobile Phone Services.

This item was tabled for review by SL6.

AGREEMENT – Consideration and approval of an Agreement with SL6, LLC known as the SilverLake Reimbursement Agreement.

This item was tabled for further consideration.

MOTION – Consideration and approval of the amended CC&R's for Overland Trails Phase IIIA Subdivision.

Mr. Kinghorn explained typically CC&R's are not enforced or approved by Eagle Mountain City, however when the original plat for Overland Trails III A was approved by the City, the CC&R's included a provision that amendments must be approved by the City Council. Tuscany Homes has purchased the Overland Trails Phase IIIA and would like to make amendments to the CC&Rs. Mr. Kinghorn explained the changes in the CC&R's.

Councilmember Liddiard asked that future amendments brought to the Council be in redline/strikeout format.

Lincoln Palmer of National Note of Utah stated Tuscany Homes drafted these amendments based on the use of the lots. He stated there will need to be changes made to the CC&R's pertaining to numbering.

Councilmember Sloan **moved** to approve the amended CC&R's for the Overland Trails Phase IIIA Subdivision. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and approval of an Ordinance Designating Municipal Offices Requiring Personnel Action with the Advice and Consent of the City Council.

This item was tabled.

MOTION – Consideration and approval of the City Council Meeting schedule for 2006, and directing such notice to be published in the paper.

City Recorder Gina Peterson explained pursuant to UCA 52-4-6(1) an annual notice of the City Council meetings is to be published and posted. The tentative notice for 2006 will follow previous years with meetings generally held on the first and third Tuesday of each month.

Mayor Lifferth stated he would like the City Council meetings to be held on Wednesday, rather than Tuesday, due to personal conflicts.

Discussion ensued on the impacts of changing the meeting day and what day will work best for the City Council.

Mr. Kinghorn stated he has a conflict the first Wednesday and Thursday of each month.

Councilmember Blackburn asked if public use of City Hall is going to be discussed.

Mr. Hillman stated that is being researched and will be discussed at a future time. He also stated The Salt Lake Tribune and Deseret News both posted a positive article highlighting Eagle Mountain City.

Councilmember Liddiard **moved** to approve the City Council Meeting schedule for 2006, and directed such notice to be published in the paper. Councilmember Blackburn **seconded** the motion.

Councilmember Olsen asked if the Work Session has always been published from 4:00 – 6:30 p.m.

Ms. Peterson stated the Work Session time schedule is what has been published in previous years. Discussion ensued.

Ms. Peterson stated she will remove an ending time at the request of the Council.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Sloan **moved** to approve the consent agenda as follows:

A. Change Order

- i. Staker Parsons – 2004 Street Improvements (CO No. 8)
- ii. Delco Western – Pony Express Well Pumphouse (CO No.1)

B. Partial Payments – Staker Parsons – 2004 Street Improvements (PP No. 8)

C. Final Payment – Delco Western – Pony Express Well Pumphouse

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

MAYOR'S BUSINESS

Mayor Lifferth proposed renaming Eagle Mountain City Hall - Eagle Mountain's Mayor Kelvin Bailey City Hall, as his last official act and asked the Council to support him. He then highlighted Mayor Bailey's contributions to the City.

Councilmember Strouse stated it would be a nice gesture and just compensation for his contributions. She stated she feels it is right and proper; the least the City Council can do for him.

Councilmember Liddiard suggested renaming the Kelvin E. Bailey Conference Room if the City Hall was renamed after former Mayor Bailey to lessen confusion.

Councilmember Sloan agreed with the proposal and comments made by Councilmember Strouse.

Councilmember Olsen feels this would be very appropriate and the Council should move forward with this proposal.

Councilmember Blackburn asked what all is involved with the renaming. He acknowledged the contributions of former Mayor Bailey. He stated Mayor Bailey is in the process of moving from the City. He stated it is an interesting action.

Mr. Kinghorn stated this should be on the agenda for an official name for the City Hall. He recommended it be entertained when it is noticed on the agenda properly.

Councilmember Olsen stated he hopes the Council honors all of the City's public servants regardless of political differences.

Mayor Lifferth stated the City Hall will be renamed Eagle Mountain City's Mayor Kelvin Bailey City Hall and will be made official by a motion at the first meeting in January.

Mayor Lifferth stated he has enjoyed serving as interim Mayor and stated he is resigning effective after signing the documents of the City Council meeting. Mayor Pro Tem/Mayor-Elect Brian B. Olsen will serve the remainder of the year.

ADJOURNMENT

Councilmember Sloan **moved** to adjourn the meeting at 9:00 p.m.

Minutes approved on January 10, 2006.
ML