

Eagle Mountain City Council Minutes 2006

Dates of City Council Meetings:

- January 10, 2006
- January 24, 2006
- February 7, 2006
- February 21, 2006
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 - April 4, 2006
 - April 18, 2006
 - May 2, 2006
 - May 16, 2006
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MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 10, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, David Lifferth, Heather Jackson, and Linn Strouse. Councilmember Vincent Liddiard was excused.

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; Mark Binks, Sergeant; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

OTHERS PRESENT: Donna Burnham, resident; Caleb Warnock, The Daily Herald; Ron Stewart, Gilbert & Stewart.

DISCUSSION/REVIEW ITEMS

PRESENTATION – FY05 Audit – Gilbert & Stewart / Chris Hillman

REVIEW – Rules of Order for City Council Meetings

REVIEW – Business License Amendments – Adam Lenhard

MAYOR’S ITEMS

The Mayor brought items to the attention of the City Council.

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 Brian B. Olsen called the meeting to order. Scout Troop #1016 presented the color guard including the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard (participated telephonically), David Lifferth, Heather Jackson 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; Adam Ferre, Utility Supervisor; Jason Randall, Assistant Sergeant; Mark Binks, Sergeant; Fire Chief Rand Andrus.

OTHERS PRESENT: Matt Weir, Jon Barclay, Mary Lynn Christensen, Susan Malone, John Malone, Lisa Rasband, Cameron Clements, Donna Burnham, Melissa Deweese, Greg Deweese, residents; Bud Jorgensen, Land Design Group LLC; Doug Legge, Terasen Utility Service; Darren Jones, The Crossroads Journal; Michael Peterson, Bryon Buchmiller, Chase Larson, Matt McInelly, Jared Pemberton, August Larson, Chad Larson, James McInelly, Brandon Morgan, Troop 1016; Cary Brackett, The Ranches Homeowners Association.

Councilmember Liddiard connected to the meeting telephonically at 7:09 p.m.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – November 15, 2005

MINUTES of City Council Meeting – December 6, 2005

City Recorder Gina Peterson presented the City Council changes made to the minutes they received in their packets.

The City Council addressed concerns and discussed the amendments.

Councilmember Blackburn **moved** to approve the minutes of November 15, 2005 as amended. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, David Lifferth, and Linn Strouse. Heather Jackson abstained because she was not a member of the City Council at the meeting. Motion **passed**.

Councilmember Lifferth **moved** to approve the minutes of December 6, 2005 as amended. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, David Lifferth, and Linn Strouse. Heather Jackson abstained because she was not a member of the City Council at the meeting. Motion **passed**.

PUBLIC COMMENTS

Darren Jones stated he would like to make a formal request for compilation of information, under the State's Freedom of Information Act, for all of the contracts, agreements and covenants made with John Walden, his companies and the officers of his companies. He stated he is the newly appointed reporter for The Crossroads Journal to cover Eagle Mountain City Council meetings.

Mayor Olsen referred Mr. Jones to Eagle Mountain City Attorney, Jerry Kinghorn.

Mr. Jones stated he has requested this information from Mr. Hillman who stated the information has been compiled. He filed a GRAMA (Government Records Access Management Act) Request with the Recorder's Office who told him the information was not compiled and that is why he is requesting this information from the City Council.

City Administrator Chris Hillman clarified that Mr. Jones has requested this information previously. He recommended he file a GRAMA request with the City Recorder's Office. The amount of information and dealings with John Walden and his subsidiaries would involve a lot of time to compile and make copies. He suggested Mr. Jones be more specific in order to save costs that would be incurred and charged to him under GRAMA.

Mr. Jones explained he is a new resident and would have a hard time being more specific because he was not in the City to know all of the previous dealings with John Walden. He then amended his request and requested the information as a reporter under the Freedom of Information Act with the State of Utah.

Mr. Hillman stated Ms. Peterson would prepare a cost estimate he can submit to The Crossroads Journal.

Mayor Olsen stated the Council has heard Mr. Jones' request and asked him to contact Mr. Hillman to answer his request.

Mr. Jones stated his understanding the Freedom of Information Act allows reporter's to get information without being charged.

Mayor Olsen responded the City has a professional staff that will obey all laws with regards to the Freedom of Information Act.

Councilmember Strouse asked for clarification of Mr. Jones' request.

Mr. Jones explained in his capacity as a reporter he is also covering the developers in Eagle Mountain City. He is looking for background to inform residents.

Mary Lynn Christensen stated she heard there was a discussion of renaming City Hall. She is not in favor of renaming it after former Mayor Kelvin Bailey.

Mayor Olsen read a public comment submitted by former Mayor Kelvin Bailey. He stated he was humbled and surprised to hear that former Mayor David Lifferth proposed naming the Eagle Mountain City Hall after him; however, he requested the City Hall remain the Eagle Mountain City Hall to carry the name of the City.

MAYOR'S REPORT

ANNOUNCEMENTS / UPCOMING EVENTS

Mayor Olsen stated the signing ceremony for the sale of the Eagle Mountain Telecom will be on January 31, 2006 at 10:30 a.m. in the City Council Chambers.

He said the City's audit for fiscal year 2005 was completed and submitted to the State on time. He thanked the finance department for their efforts in this matter.

He stated the second annual Inaugural Ball was held on January 7, 2006 and was successful. The announcement and donation from the Mayoral Citizenship Literacy Fund will be at the next City Council meeting. The donation from the Mayor's Literacy Fund will be approximately \$8000. He thanked the sponsors, fund committee, and those who participated. Tiffany Ulmer was recognized that evening as Volunteer of the Year 2005. Donna Burnham and Michelle DeKorver were also honored for their service as library volunteers.

Mayor Olsen stated Camp Floyd is featuring a Johnston's Army artifact exhibit through January 31, 2006. The exhibit is by Dwain Bylund, of Eagle Mountain City and consists of a collection found on private property including coins, rings, bullets, and more.

January 18, 2005 Councilmember Strouse, Lifferth, and Jackson will be attending "Local Officials Day at the Legislature." He stated if other councilmembers would like to attend they should contact the Mayor's Office.

The State of the City Address will be at the January 24, 2006 City Council meeting. He invited everyone to attend.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Mayor Olsen asked the public to read the information sent in the utility bills. He stated the February Newsletter will include information about dog licensing at City Hall.

APPOINTMENTS – Economic Development Board

Mayor Olsen recommended the appointment of Adam Lenhard. He stated Mr. Lenhard is the Planning Director for Eagle Mountain City. He introduced Mr. Lenhard and highlighted his qualifications

Councilmember Jackson **moved** to appoint Adam Lenhard to the Economic Development Board for a four year term ending December 2010. Councilmember Liddiard **seconded** the motion. Those voting in favor of the motion: David Blackburn, Vincent Liddiard, David Lifferth, Heather Jackson, and Linn Strouse. Motion **passed** with a unanimous vote.

APPOINTMENTS – Planning Commission

Mayor Olsen recommended the appointment of John Malone and Matt Weir. He introduced Mr. Malone and Mr. Weir, who are currently serving on the Planning Commission and highlighted his qualifications.

Councilmember Blackburn **moved** to appoint John Malone to the Planning Commission for a four year term ending December 2010. Councilmember Strouse **seconded** the motion. Those voting in favor of the motion: David Blackburn, Vincent Liddiard, David Lifferth, Heather Jackson, and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Strouse **moved** to appoint Matt Weir to the Planning Commission. Councilmember Blackburn **seconded** the motion. Those voting in favor of the motion: David Blackburn, Vincent Liddiard, David Lifferth, Heather Jackson, and Linn Strouse. Motion **passed** with a unanimous vote.

City Recorder Gina Peterson administered the Oath of Office to Adam Lenhard, John Malone, and Matt Weir.

RECOGNITION - Mike Peterson, Eagle Scout Project – Eagle Park Commons

Mayor Olsen presented certificates to Scout Troop #1016 for dedicated service in building the Eagle Park Commons.

RECOGNITION - Significant Donors for Eagle Park Commons

Mayor Olsen presented a plaque to be posted in the Eagle Park Commons recognizing donors.

Councilmember Blackburn stated this is the first City Council meeting of the year and welcomed Mayor Olsen, Councilmember Jackson and Councilmember Lifferth.

SCHEDULED ITEMS

PUBLIC HEARING – Business License Ordinance Amendments (Title 6)

Planning Director Adam Lenhard stated the Planning Department has revised the Business License Ordinance to simplify doing business in Eagle Mountain City and streamline the application and approval process. He recommended the item be tabled to allow time for incorporation of the City Council's comments.

Mr. Lenhard summarized the proposed changes to the Business License Ordinance are which are:

- Changing the classification of business licenses from “Class A” and “Class B” to “Home Business” and “Commercial Business”. Definitions are given for these new classifications and are in the proposed amendments of the Ordinance.
- Adding specific types of Model Homes to be classified as businesses.
- Adding the requirement that all businesses must follow state statute by registering with the Utah Department of Commerce, if applicable to their business.
- Taking licensing authority from the City Council's discretion and giving it to the License Official's discretion on the application.
- Clarifying the background-check procedure.
- Changing the questions on business license applications.
- Changing new fees to be: Commercial Business License--\$75, Home Business License--\$10.
- Authorizing the License Official to approve or deny all applications; designating the City Council as the appeal body.
- Removing the requirement for public hearings.

Mayor Olsen opened the public hearing at 8:02 p.m. There were no comments so the public hearing was closed.

PUBLIC HEARING – Development Code Amendments with regard to the Residential Zone, Home Businesses, Conditional Uses, and Building Permits.

Mr. Lenhard stated on December 13, 2005 the Planning Commission recommended that the City Council approve the proposed amendments to the Development Code Title 1, Chapter 5 – Residential Zone; Title 1, Chapter 13 – Home Businesses; Title 1, Chapter 19 – Conditional Uses; and Title 2, Chapter 12 – Building Permits with modifications. Staff recommended the item be tabled to the next meeting to allow time for incorporation of the City Council’s comments.

Previously the City Council requested Residential Zone Tier II lot frontages be reduced from 55 feet back down to 50 feet along a public or private street. Other “housekeeping” amendments have been proposed by Staff, several of which are related to the City’s Business License Ordinance.

The Planning Commission and City Staff recommended the following items for approval:

Title 1- Chapter 5- Residential Zone

- Changing Home Businesses from Conditional to Permitted Uses, subject to requirements of Chapter 13
- The minimum distance between multi-family housing structures be thirty (30) feet. Single-family homes at Tier III densities shall have minimum side yard setbacks equal to those in Tier II.

Title 1 Chapter 13- Home Businesses

- Clarifying the approval process.
- Deleting the appeal section.

Title 1- Chapter 19- Conditional Uses

- Removed Home Businesses as Conditional Uses

Title 2 Chapter 12- Building Permits

- Clarifying the timing for issuing permits.

The Planning Commission and City Staff recommend the following items for denial:

Title 1- Chapter 5- Residential Zone

- Tier II lot frontages proposed to be reduced from 55 to 50 feet along a public or private street.

Mayor Olsen opened the public hearing at 8:06 p.m.

Tiffany Ulmer requested an exemption on the number of visits to home businesses for daycares, preschools and dance classes which may have more patrons than other home businesses.

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

MOTION – Consideration and acceptance of the Fiscal Year 2005 Audit Report and findings.

Mr. Hillman explained, per state statute, Eagle Mountain City annually hires independent auditors to audit and complete its financial statements. Since its inception Eagle Mountain City has used the accounting firm of Gilbert & Stewart in Provo to prepare and complete the annual audit. The firm completed the audit last month and the City filed the audit with the Utah State Auditor's office in Salt Lake City. This year's audit shows the City's financial situation is improving—especially in the General Fund, the fund managing the City's basic services. However, the enterprise funds continue to show losses, notably the Electric and Sewer utilities. Fortunately, a combined increase in net assets of \$44,456 was shown for all utilities.

Mr. Hillman explained the Gas enterprise fund continues to show a negative amount in unrestricted net assets. In Fiscal Year 2004, the unrestricted net assets were negative \$211,890. In FY 05, that improved to negative \$128,302. Fortunately, total net assets, restricted and unrestricted, increased more than \$90,000 to exceed \$2.3 million in the gas utility. Favorable wholesale gas rates in relation to current retail rates could alleviate a majority of the \$128,000 deficit. However, wholesale rate variability and inherent uncertainty should not be counted on to fix the problem. Either a fund transfer or an increase in rates should occur to bring this utility into compliance.

Mr. Hillman explained losses in the Electric and Sewer enterprise funds continue to diminish total net assets. Fortunately, losses in both are less than total depreciation. Restructuring the Gas & Electric debt will help alleviate some losses in FY 06. (However, debt service rises continually for the next five years and is reliant upon growth to fund.) Hopefully, increases in revenue from growth will exceed variable costs associated with that growth to help alleviate the continued loss of net assets, namely depreciation. If not, a rate increase or fund transfer to pay for depreciation losses will be needed. The restructuring of the Water & Sewer bonds this fiscal year may also help relieve some losses in the Sewer.

Mr. Hillman stated at the end of FY 02, the General Fund's unreserved fund balance was \$38,000. That violated State statute. Statute requires a minimum of 5% of General Fund revenues for the unreserved fund balance. This fund balance is the City's "rainy day" fund. At the end of FY 03, that balance increased to \$200,000. At the end of FY 04, that fund balance increased to more than \$500,000. For FY 05, that fund balance is now in excess of \$1,060,000. The city is now violating state statute on the other side. We're not allowed to have more than 18% of General Fund revenues held in reserve. The City is violating state statute because it has now saved too much money.

Gilbert & Stewart has performed their services well and have conducted their audit according to generally accepted accounting principles. Staff recommends the City Council accept the audit findings as presented.

Councilmember Liddiard **moved** to approve the Fiscal Year 2005 Audit Report and findings. Councilmember Blackburn **seconded** the motion.

The City Council asked to have a press release on the results of the audit.

Mayor Olsen called for a vote. Those in favor of the motion: David Blackburn, Vincent Liddiard, David Lifferth, Heather Jackson, and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Approval of a Resolution amending the Consolidated Fee Schedule Section 1.8.6(2) to increase natural gas rates.

Public Works Director Mark Sovine stated gas rates dropped in December; however, they came back up in January and the City needs to increase the retail rate in order to offset the increase in wholesale cost. He recommended the natural gas rate be changed from \$10.00 a decatherm to \$10.50 a decatherm. This amendment will be effective for the January billing cycle which started December 20.

Councilmember Blackburn **moved** to approve Resolution 01-2006 amending the Consolidated Fee Schedule Section 1.8.6(2) to increase natural gas rates from \$10.00 to \$10.50. Councilmember Lifferth **seconded** the motion.

Mayor Olsen stated concerns have been expressed that Utah's cities and towns will reap an energy sales and use tax revenue windfall as a result of the increasing fuel prices and the City will receive additional funds. The Legislature has proposed a change in the energy sales and use tax to a flat rate rather than a percentage. He is concerned with this proposal. He feels the rising fuel costs should not result in tax increases. He stated the Mayor and City Council can offer tax relief to residents by decreasing the energy sales and use tax rather than increasing revenue to the City because of rising fuel prices. He explained this would be better than state mandated tax rates. Staff is further researching this item.

Councilmember Lifferth asked if Mayor Olsen was proposing a tax refund the following month or a decrease in the bill.

Mayor Olsen responded as fuel prices are increased the City considers giving tax relief to the residents.

Councilmember Strouse stated she would support this proposal if the increase in fuel prices create increased revenue for the City. She feels it would be in the City's best interest to create tax relief by decreasing utility taxes rather than having a state mandated tax relief.

Mr. Hillman stated an estimated surplus for utility tax was \$8000 or is about three percent revenue increase over what was budgeted. He explained that when a budget is created revenues are underestimated and expenses are overestimated. Therefore a three percent surplus is almost expected because of the way the budget is formulated. The increase in revenue to the City concerning the energy sales and use tax depends on the use of energy. He suggested further evaluation is needed and a good analysis would not be able to be completed until March when the usage of winter months can be evaluated.

Councilmember Lifferth asked if a tax refund could be provided if the City finds an increase in revenue because of the increase in fuel prices.

Mr. Hillman stated this would be best implemented through a utility bill credit.

Mayor Olsen stated this should be further considered.

Mr. Hillman explained because the City owns their utilities this fee is administrated as a utility fee; most cities who do not own their utilities charge a franchise fee.

Councilmember Liddiard said if the City shows unexpected increase in revenue he recommends the money be used in something benefiting the residents that is a one time refund.

Mayor Olsen called for a vote. Those in favor of the motion: David Blackburn, Vincent Liddiard, David Lifferth, Heather Jackson, and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an extension of an Agreement with Family Solutions for IT Technical Support Services.

Assistant to the City Administrator Shawn Warnke explained several years ago the City conducted a formal bid process to provide IT services for the City. It is now time to extend this contract. This item was tabled at the last City Council meeting pending rate comparison of what other cities pay for their IT contract services.

Mr. Warnke stated several calls were made to surrounding cities such as Saratoga Springs and Lehi. Both of these cities pay \$85.00 an hour for their IT services. Alpine was the only city identified, in the several cities contacted, that pays less for their IT services. In asking Alpine's City Administrator about their rate it was learned that the contracting firm that provides their IT services is the son of the City Recorder and resident of Alpine. As such the City Administrator implied that the reduced IT rate was due to the association. Generally, the City will be paying \$30.00 an hour less than what other cities are paying for IT services.

Currently the City is paying \$1650.00 a month for of 30 hours of service. Every hour after that is billed at a rate of \$55.00 per hour. The contract allows for rollover of a maximum of twenty hours per month.

With the contract extension Family Solutions is proposing that the rate remain the same as proposed in the original contract. From the original RFP process Family Solutions provided a good service at a good rate. Family Solutions has allowed the City to roll-over up to 20 hours to the next month if unused. Rolling over hours is an advantage to the City and allows the City to maximize the contracted hours.

Mr. Warnke explained Department Heads were asked if they would suggest renewing the contract with Family Solutions. On a scale of 1 to 10, where 1 is going out to bid and 10 is renewing the contract the Department Heads rated renewing the contact at 6. This would suggest that generally the Department Heads are satisfied enough with the service to recommend renewal. This recommendation was independent of the factor of cost.

On October 20, 2005, several City staff members met with representatives from Family Solutions to discuss the renewing of a contract to provide IT services to the City. At this meeting several service issues were discussed and resolved with Family Solutions.

Councilmember Strouse **moved** to approve an extension of the Agreement with Family Solutions for IT Technical Support Services. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth asked if there was a report of cost comparisons from the research done by Staff from Councilmember Liddiard's request for a benchmark study

Mr. Warnke does not believe the City would find a better rate for a comparable service. Family Solutions has knowledge of the City's server and he recommended the Council accept this agreement.

Councilmember Jackson stated she feels the City has many home businesses and a citizen of the community may be able to provide IT services. She believes all items should be put to bid.

Mr. Hillman stated Family Solutions has told the City if this proposal is put out to bid they will bid at a higher price. The research done by Mr. Warnke on the costs of other companies showed Family Solutions proposal is very reasonable.

There was much discussion about putting IT services out to bid.

Councilmember Strouse stated the City should support local businesses when local businesses can satisfy the City's needs.

Mayor Olsen called for a vote. Those in favor of the motion: David Blackburn, Vincent Liddiard, David Lifferth, Heather Jackson, and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Lifferth **moved** to approve the consent agenda as follows:

A. Partial Pay – Arrow Engineering – Mt. Airey 2005 Completion

Councilmember Jackson **seconded** the motion. Those voting in favor of the motion: David Blackburn, Vincent Liddiard, David Lifferth, Heather Jackson, and Linn Strouse. Motion **passed** with a unanimous vote.

COMMUNICATION ITEMS

There were no comments on the communication items.

COUNCIL COMMENTS

Councilmember Blackburn stated because of construction vehicles accessing construction areas through developed subdivisions he feels the City should require construction only accesses to alleviate wear and tear of city streets. He asked Mr. Kinghorn who is liable for street repairs when a developer who placed a bond has left the City and the bond does not cover the cost of repairs.

Mr. Kinghorn recommended this be further investigated.

Councilmember Blackburn stated the Public Works Department has installed new street lights. He commended them for creating an increase in visibility and safety.

Councilmember Strouse stated the City has an incredible volunteer base, and she would like the City to highlight these things. She stated Eagle Mountain is a wonderful City because of the volunteers. She encouraged residents to read the City Newsletters.

Councilmember Jackson thanked the volunteers, and sponsors of the Inaugural Ball. She stated it was a nice event raising money for the City Library which is a great asset to Eagle Mountain City.

Councilmember Lifferth also commended those involved in the Inaugural Ball. He stated he is following through on his campaign promise to use technology to enhance and empower local government representation. He has upgraded his web site to interact with residents to receive his newsletters, emails, and poll those who would like to share their input.

Councilmember Liddiard welcomed the new members on the City Council. He is excited about the Telecom sale. He encouraged everyone to be involved in community councils, and PTA with the local school board. Eagle Mountain City has received growth which is in part due to the City's turnout in voting for the bond for building new schools. The bond is coming to an end. The north west portion of Utah County will continue to have an increased need for additional schools. He advised Alpine School District is preparing for a new bond to provide better education for the children of our community.

Mayor Olsen informed the City Council 603 home building permits were issued for the year of 2005.

He stated the City Council has received an employee guide which also includes an organizational chart. He has asked Councilmember Lifferth to post the organizational chart on the City's web page. He stated that the financial audit also came with a management letter and that he intended the City Administration to comply with the management letter.

Mayor Olsen asked the City Council for feedback on the new agenda and the use of summaries for agenda items. Councilmembers present nodded their heads in agreement.

Councilmember Strouse stated she is pleased with the structure.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 8:52 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 24, 2006

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

3:41 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse.

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; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

DISCUSSION/REVIEW ITEMS

TOUR – Lot Frontages in Residential Areas

DISPLAY – New Brush Truck donated by LEPC

MAYOR’S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

PRESENTATION – Mountainland Association of Governments – Regional Transportation Updates

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

Mayor Brian B. Olsen called the meeting to order. The Utah County Sheriff’s Department presented the Color Guard including the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth 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; Adam Ferre, Utility Supervisor; Jason Randall, Assistant Sergeant; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S ITEMS

STATE OF THE CITY ADDRESS

Mayor Brian B. Olsen gave the State of the City Address as follows:

“Good Evening,

Honorable city council, to other officials and all special guests, families and friends, I thank you for taking time out of your busy schedules to be here this evening.

To my family - my wife Aytana and our children – thank you for your steadfast love and support.

To my friends, supporters and volunteers – thank you for your hard work. It took all of you to make today possible, and I will never be able to thank you enough.

Congratulations to Councilwoman Heather Jackson and Councilman David Lifferth on their elections. Their additions to the City Council continue a trend of positive changes in our government. Welcome Heather and David.

My fellow citizens, I am honored to give this, my first State of the City address.

My mission as this city's Mayor is simple: To make a difference in peoples lives.

I pledge to our citizens of Eagle Mountain that:

- *Each day, I will work hard to ensure that when our children leave their homes, they will return safely.*
- *I will work hard to help our schools in their vital mission.*
- *I will work hard to make Eagle Mountain a place where getting to work is not harder than the work itself.*
- *I will work hard to preserve Eagle Mountain as a place of peace and tranquility.*
- *I will work hard to create recreation opportunities for our growing youth.*
- *I will work hard to improve the image of our community in the eyes of our neighbors, state and nation, having already implemented 'rules of order' for council meetings and moving*

council agenda deadlines earlier in the week, further empowering the council with additional time to read and prepare for important decisions and actions to be made by them.

- *I will bring professionalism and respect to government by showing that I value principle above popularity; and I will work to create popularity for those political principles which are wise and just.*

I'm pleased to report that Eagle Mountain City is heading in the right direction.

More of our citizens are involved in their government than ever before.

Our conservative fiscal strategy of "reasonably underestimating revenues and over estimating expenses" is paying off.

For example, we show a general fund unreserved balance of more than \$1.06 Million. We also show another \$2 Million in general fund reserves from impact fees and state road funds.

Our Utility funds combined show a net gain of more than \$40,000 and more than \$2.2 Million in impact fee reserves for utility expansion.

On January 20, 2006, Mark Sovine – Public Works Director, Jordan Harris – Public Works Water-Wastewater Supervisor, Stantec Engineer Darrell Dixon, and I approached the Utah State Department of Environmental Quality, Division of Water Quality Board requesting funding for our sewer treatment expansion needs. I am pleased to announce that a unanimous vote of approval was received in the incredible amount of \$6.6 Million! A \$450,000 advance to help pay for engineering costs was also awarded. Council now is empowered to proceed with these monies for expansion needs and can use all of it and/or some of it to advance a water re-use program within the city or they can decide not to use any of it. It is available.

The issue of how to finance our future undergirds all of our plans. While preserving open spaces and building new amenities are worthy goals, we must not mortgage our children's futures to pay for it. The budget will continue to be evaluated and our goals prioritized.

The Real Estate for our area shows an average time for selling a home here in this city to be only 55 days.

The spirit of positive change is being felt across this city.

*Our blueprint for Eagle Mountain will emphasize our city's theme "**Utah's New Frontier**". This statement defines our pioneer spirit of survival. Nay-sayers who have said it can't be done or that it is all a lie, well step aside; as we usher in an unprecedented period of success and teamwork.*

The work of being your Mayor and since entering this important office is all about making a difference in people's lives. This will be a time when actions speak louder than words! A season of positive change and a breath of fresh air!

- *I will support the creation of a Community Development organization within our government that will protect our community character,*

- *I am initiating the expansion and development of our park and trails system. This proposal to our city council includes the expenditures of nearly \$1.6M in parks for a total of 25 acres of recreation areas for our youth, their soccer fields, skate park, and other amenities will spread across the valley.*
- *We will improve and build new roads.*
- *We will maintain our AA Bond rating and strive for a AAA bond rating, saving the citizens more money.*
- *We will expand our local heritage by being involved and assisting in preserving the rich culture and history of this valley.*
- *Tonight, I will ask council to approve the placing of a national monument, a gift from the Pony Express Trail Association, a 993 lb granite marker for the pony express trail within the City of Eagle Mountain.*
- *I will foster better relations with our sister cities.*
- *I will work to improve our economic development for commercial and home-based businesses by supporting an ordinance making amendments to our Business License Regulations,*
- *We will seek, find, and implement modern technology to better serve you our citizens,*
- *I will work to shore up our water supplies and support those initiatives for our future water,*
- *I will present to council in the coming weeks the announcement of a cemetery location for our city, along with the necessary proposals for its maintenance and care. I have citizens ready and willing to serve on the anticipated board that would be created because of this site.*
- *I will work to see that our city implements Codification of our City Ordinances creating an Eagle Mountain City Code which will establish a logical and enforceable system of the City's law. This code will also make the law available to officials and citizens making it both easy to find and understand.*
- *We will implement a battlefield protection plan for emergencies,*
- *We will eliminate the ambulance debt.*
- *We will expand and support our fire department. I'm pleased to announce that just in the last few days our City Fire Department acquired a 1997 Ford Brush Truck. It is the newest addition to our fleet. My proposals to the City Council will include future additions to the Fire Department Fleet. Stay tuned.*
- *City Hall received over 1,000 calls one week in January. Getting thru to someone at City Hall is difficult when such demand is being placed on government. We will work to bring phone answering relief improving our service to the city.*
- *We will be working on having a justice court in place by 2007. The budget proposal for Fiscal Year 2007 will require that we complete a cost feasibility study in relation to our revenues and expenditures as we prepare and plan for this upcoming additional service within our city.*
- *I and the committee supporting the wonderfully successful Mayor's Fund for Citizenship Literacy will present a check to the City Treasurers Office, tonight, during this meeting, in the amount of \$8,000. This donation is the result of the sponsors, citizens who rallied together in support of literacy and especially to my committee who put it all together, and the volunteers. That dedication and faith in this initiative made a difference... Yes, Eagle Mountain certainly Reads!*

Life in "Utah's New Frontier" is good!

I also want to recognize some of the people who work so hard to make life in Eagle Mountain so special.

I'd first like to recognize the mayoral cabinet, also known as the cities department heads for the outstanding job they do;

<i>Kent Partridge-Building Official</i>	<i>Gordon Burt-Treasurer</i>
<i>Jerry Kinghorn-City Attorney</i>	<i>Gina Peterson-City Recorder</i>
<i>Mark Sovine-Public Works</i>	<i>Chief Rand Andrus- Fire/EMS</i>
<i>Sgt. Mark Binks-Police Department</i>	<i>Adam Lenhard-Planning Director</i>
<i>Michele Graves-Librarian</i>	

Imagine a picturesque scene – nine ducks moving calmly across a pond. All you see are the ducks moving smoothly across the water. What you don't see are the eighteen webbed feet underneath the water working feverishly to move them forward. The action of the webbed feet is analogous to our city employees. They are behind the scenes working feverishly to ensure that the city runs smoothly.

84 people earn their living serving our community (51 full-time, 9 part-time, 10 Paramedics, and 14 seasonal/temp personnel).

During this past year, we welcomed 23 of those employees to our staff, including two department heads, Fire Chief Rand Andrus and Planning Director Adam Lenhard.

In addition there are 20 volunteer firefighters, several library volunteers, pony express days volunteers, sports programs... the list goes on and on. Thank you, volunteers, for your service to our community.

Providing the operational leadership for the city is my right hand man, Christopher B. Hillman, City Administrator.

So many of our employees do their jobs day after day without most people noticing.

Positive achievements have been made possible through the efforts of these dedicated city employees.

I have prepared in conjunction with this message, an Executive Report (for the twelve month period ending December 31, 2005) which further reviews last years accomplishments.

Contemplating the events of this area is fascinating to me. Can you imagine this valley over 150 years ago? Johnston's Army was encamped southwest of here with upwards of 7,000 soldiers, the largest army based anywhere in the United States at that time. Soldiers who camped here were generals of the civil war, both for the North and the South. Some of the men living here had survived Gettysburg!

Also seen are the Pony Express riders galloping across our valley. The riders boasted their service could deliver a letter from New York to San Francisco in only ten days.

And in 1896, this great State of Utah received statehood.

100 years following statehood, Eagle Mountain, Utah was born. The Town of Eagle Mountain was incorporated and the first mayor and town council were appointed by the county commission.

Because of our population, Eagle Mountain is classified as a city, home to over 13,500 residents. It is one of the largest geographical cities and the second fastest growing city in the State of Utah. Our city operates with over a \$25 Million budget and the day I took the oath of office, we had \$53.4 Million in bond debt!

I'm pleased to report that the sell of the Telecommunications, tonight, will reduce our city debt by an additional \$4 Million!

This is great news!

As we remember the past and as we look to the future, I will work to make a difference in peoples lives.

I identify with the words of Thomas Jefferson when, in the Declaration of Independence, he wrote, "In the support of this Declaration, we mutually pledge to each other our lives, our fortunes and our sacred honor." It was clear to Jefferson that every man and woman shared in the successes of others. For Jefferson, mutual support was essential.

On many occasions, I have read from John Donne's poem, "No Man Is an Island". It brings hope and joy into my life. Indulge me two verses:

*No man is an island
No man stands alone;
Each man's joy is joy to me,
Each man's grief is my own*

*We need one another,
So I will defend
Each man as my brother,
Each man as my friend.*

I hope that we can but express these remarkable words to one another in our homes, in our places of worship, in our businesses, and in our associations, peace would abide in our souls and the world would indeed be a better place.

May God continue to bless each of you and your families and may God bless this, our city."

RESOLUTION – Consideration and approval of a Resolution Authorizing the Sale and Transfer of the Telecommunications Assets of Eagle Mountain City to Direct Communications Cedar

Valley, Inc.; Certifying The Exemption of a Certain Parcel of Land to the Subdivision Requirements of the City; Authorizing the Mayor, the City Administrator and Treasurer to Execute All Documents Necessary to Affect the Transfer of Personal Property, Real Property, Contract Rights, and for the Call and Redemption of the City Telecommunication Bonds and Related Matters Which are Necessary to the Completion of the Sale of the Telecommunications System, Property and Assets and to Approve a Franchise Agreement with Direct Communications Cedar Valley, Inc.

City Attorney Jerry Kinghorn explained this resolution will authorize the mayor to execute the documents necessary to close the sale of the regulated system assets of the telecommunications system to Direct Communications, Cedar Valley and the non-regulated system assets to a related entity, Direct Communications Star West. This transaction has been in the process since early 2002. He explained November 5, 2002 the citizens of the City voted in a referendum to approve a contract with Direct Communications to sell the telecommunications system assets. The contract has been concluded and Direct Communications has done the necessary work with the public service Commission of Utah and has received approval from the Public Service Commission of Utah to operate the telecommunications system as an exchange carrier. Last December the Federal Communications Commission has approved the orders necessary for Direct Communications to operate the telecommunications system.

As of 12:00 a.m. January 31, 2006 the telecommunications system assets will be transferred to Direct Communications and the citizens of Eagle Mountain City will begin to receive telephone service from Direct Communications. Mr. Kinghorn recommended the City Council entertain a motion to approve the resolution authorizing the sale of the telecommunications system.

Councilmember Lifferth **moved** to approve Resolution 02-2006 Authorizing the Sale and Transfer of the Telecommunications Assets of Eagle Mountain City to Direct Communications Cedar Valley, Inc.; Certifying The Exemption of a Certain Parcel of Land to the Subdivision Requirements of the City; Authorizing the Mayor, the City Administrator and Treasurer to Execute All Documents Necessary to Affect the Transfer of Personal Property, Real Property, Contract Rights, and for the Call and Redemption of the City Telecommunication Bonds and Related Matters Which are Necessary to the Completion of the Sale of the Telecommunications System, Property and Assets and to Approve a Franchise Agreement with Direct Communications Cedar Valley, Inc. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth stated he is very pleased the sale of the telecommunications system is taking place. He explained there has been a lot of work in getting to this point.

Councilmember Strouse stated she remembers the election when the citizens voted to sell the telecommunications system and that there was a large turn out at that election. She stated Kip Wilson of Direct Communications, former Mayor Kelvin Bailey and former Councilmembers made great efforts to get the City to this point. This process has taken much longer than expected. She stated the future is bright for Eagle Mountain City.

Councilmember Blackburn stated he would appreciate the City including an extra page in the utility bill explaining the options available to the people who are not aware of the services they can select from.

Councilmember Liddiard stated he would also appreciate help for citizens to understand their options and what has taken place. He is pleased with the sale and the decrease in debt resulting from the sale of the telecommunications system.

City Administrator Chris Hillman recognized Telecommunications Director Diane Bradshaw for her efforts in the Telecommunications Department.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Mayor Olsen, City Councilmembers and representatives of Direct Communications signed the official documents for the sale of the telecommunications system.

NON-AGENDA ITEM – Literacy Fund Presentation

Mayor Olsen's Literacy Fund presented a check of \$8000 to the Eagle Mountain Library.

RECOGNITION – Service of Former Councilmembers

Mayor Olsen recognized former Councilmembers Diane Jacob and Mark Madsen for their service to Eagle Mountain City. He stated former Councilmember Janiece Sloan was recognized on January 7, 2006 for her service.

APPOINTMENT - Economic Development Board

Mayor Olsen recommended the appointment of Jorge Gatica to the Economical Development Board. He invited Mr. Gatica who is currently serving on the Economic Development Board to the front of the Council Chambers and highlighted his qualifications.

Councilmember Strouse **moved** to appoint Jorge Gatica to the Economic Development Board for a term ending December 31, 2010. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

APPOINTMENTS - Public Works Board

Mayor Olsen recommended the appointment of Mont Beckstead to the Public Works Board. He invited Mr. Beckstead who is currently serving on the Public Works Board to the front of the Council Chambers and highlighted his qualifications.

Councilmember Lifferth **moved** to appoint Mont Beckstead to the Public Works Board for a four year term ending December 31, 2010. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

PRESENTATION – Municipal Ambulance License – Chief Rand Andrus

Chief Rand Andrus presented Mayor Olsen with the Ambulance License for Eagle Mountain City.

PUBLIC COMMENTS

Tiffany Ulmer commended City Staff for snow removal on City Streets, and emergency access during the last storm. In reviewing the proposed Business License Ordinance she believed the stipulation on the number of visits allowed for a home business had been removed. She expressed appreciation for that, and stated if she was mistaken she believes it should be removed because some home businesses will have more visits because of the nature of the business.

Ms. Ulmer stated she hopes the City Council will encourage large lot sizes in all future developments. She would like the minimum lot frontage to be 70 feet and side yard setbacks to be greater than five feet. Some problems she sees with smaller lot frontages are on street parking, because of one car garages and less parking area on the lot, flooding and fire safety.

She also commented that agendas and minutes are being added to the web site which is helpful to residents.

SCHEDULED ITEMS

PUBLIC HEARING – UDOT Transportation Enhancement Program Application
MOTION – Consideration and approval of submission of the UDOT Transportation Enhancement Program Application and authorizing the Mayor to sign associated documents.

Assistant to the City Administrator Shawn Warnke stated the City has been actively working toward obtaining funds to complete parks and recreation amenities. The City was recently awarded a trails grant through the State Parks and Recreation Department to construct a trail on the historic Pony Express/Overland Stage Route. The grant required a 50% match which SITLA has committed to contribute the \$51,000 match. With the funding of the first phase of this trail, John Knudsen, the State's Trail Coordinator encouraged the City to apply for additional trail grants to provide connectivity to some isolated trail segments.

Mr. Warnke stated this trail would provide connectivity to the Ranches and the City Center. He explained the costs and maintenance associated with this grant.

Mayor Olsen opened the public hearing at 7:58 p.m. There were no comments so the public hearing was closed.

Councilmember Strouse **moved** to approve the submission of the UDOT Transportation Enhancement Program Application authorizing the Mayor to sign associated documents. Councilmember Jackson **seconded** the motion.

Councilmember Strouse stated she is pleased to see the Pony Express trail being enhanced.

Councilmember Blackburn asked what lighting and safety enhancements will be placed along this trail.

Mr. Warnke explained there will be portions of the trail without lighting. He stated the trail itself will increase safety for pedestrians because of the narrowness of Pony Express Parkway.

Councilmember Strouse stated many people in the city enjoy being able to see the stars and would like the City to be reserved in having too much lighting.

Councilmember Liddiard stated he believes it would be wise to plan now for any future lighting the City plans to install to eliminate having to dig up landscaping.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and acceptance of the donation of granite Pony Express Monument near the original “Dug Out” Pony Express Station Site in Eagle Mountain City, Utah.

Mayor Olsen explained the Pony Express Trail Association was incorporated as a Nonprofit Benefit Corporation on April 3, 1990, which was also the 130th anniversary of the start of the original Pony Express. The goals of the association are to mark, map, interpret and protect the Pony Express route and related sites. These monument dedications have been set up to be a win for all that participate. The sponsors receive permanent name recognition and the community receives an attractive monument marking an event of Pony Express History.

He stated Western Trails Enterprises, who is a sponsor of the monument, guarantees the monument if the event sponsorship fees do not cover the expenses. If the sponsorship fees exceed these expenses they are used by the Pony Express Trail Association in the pursuit of their goals. Mayor Olsen explained the location the monument will be placed.

Planning Director Adam Lenhard explained the maps and location of the monument including landscaping.

Councilmember Strouse **moved** to accept the donation of a granite Pony Express Monument near the original “Dug Out” Pony Express Station Site in Eagle Mountain City, Utah. Councilmember Liddiard **seconded** the motion.

Councilmember Strouse stated this is a historic moment for Eagle Mountain City. She stated this event started three years ago and she looks forward to the City’s historical sites being recognized.

Councilmember Liddiard asked the time frame for construction and completion of the monument and Mayor Olsen explained the timeline.

Councilmember Blackburn asked if the trail connecting the Ranches and City Center is on the same side of the road as this monument.

Mr. Lenhard stated the trail is not planned on the same side of the road as the monument because the regional park in the SITLA property is on the other side of the road. Discussion ensued on the placement of the Pony Express Trail and the monument.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and Approval of an Ordinance Making Amendments to Business License Regulations in Title 6

Planning Director Adam Lenhard stated the Business License Ordinance has been revised by the Planning Department to simplify doing business in Eagle Mountain City and streamline the application and approval process. A City Council public hearing was held on January 10, 2006 and comments from the City Council have been incorporated into the ordinance.

The City Council will need to amend the consolidated fee schedule by resolution to reflect changes in the ordinance, if adopted.

Mr. Lenhard stated the proposed changes to the Business License Ordinance are:

- Changing all business licenses from “Class A” and “Class B” to “Home Business” and “Commercial Business”. Specific definitions are provided in the Business License Ordinance for these classifications.
- Adding requirement for Model Homes/trailers with sales offices to obtain a Commercial Business License.
- Adding requirement for proof of registration with the Utah Department of Commerce, if applicable to their business.
- Home Businesses are limited to 12 clients per hour, 24 per day (no change).
- Clarifying background check procedure.
- New fees: Commercial Business License--\$75, Home Business License--\$10.
- All businesses are subject to Fire Code regulations.
- Daycares and preschools are subject to same standards as other businesses.
- Authorizing the License Official to approve or deny all applications; Designates City Council as the appeal body.
- Removing requirements for public hearings.

Councilmember Strouse **moved** to approve Ordinance 01-2006 making amendments to Business License Regulations in Title 6. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse complimented the Council, Staff and citizens who participated in the Business License amendments. She feels these amendments are positive.

Councilmember Lifferth asked if there is still a requirement regulating the number of visitors a home business can have. He is pleased with the reduction in cost of obtaining a license.

Mr. Lenhard stated the number of clients a home business may have will be addressed with the Development Code Amendments.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and approval of a Resolution Amending the Consolidated Fee Schedule with regard to Business License Fees.

City Recorder Gina Peterson explained the Consolidated Fee Schedule will need to be amended, by resolution, to update fees as listed in the proposed changes to the business license ordinance.

Councilmember Jackson **moved** to approve Resolution 03-2006 amending the Consolidated Fee Schedule with regard to Business License Fees. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked if a change has been made to the number of clients allowed for a home business.

Mr. Lenhard stated no changes have been made and he will detail that information when the Development Code amendments are discussed.

Councilmember Lifferth stated he feels it is important that the Business License Ordinance is reviewed often to encourage business in Eagle Mountain City.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Development Code Amendments with regard to the Residential Zone, Home Businesses, Conditional Uses, and Building Permits.

Mr. Lenhard stated on December 13, 2005 the Planning Commission recommended that the City Council approve the proposed amendments to the Development Code Title 1, Chapter 5 – Residential Zone; Title 1, Chapter 13 – Home Businesses; Title 1, Chapter 19 – Conditional Uses; and Title 2, Chapter 12 – Building Permits. A public hearing was held on January 10, 2006 and comments from the City Council have been incorporated into the ordinance.

Mr. Lenhard explained the proposed changes. He stated it is proposed to not change the requirement that home businesses have a limited number of clients per day.

Councilmember Liddiard **moved** to approve Ordinance 02–2006 amending the Eagle Mountain City Development Code with regard to the Residential Zone, Home Businesses, Conditional Uses, and Building Permits. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard stated minimum frontage requirements of 55 feet offers a variety of home types which he believes is good for the City. He feels the City should look at minimum side yard setbacks also.

Councilmember Strouse stated during the tour taken during work session items were discussed pertaining to minimum lot frontages; however, the Development Code allows cul-de-sac lots to have a minimum lot frontage of 40 feet. She stated she feels this should also be discussed.

Councilmember Lifferth stated he would like the City Council to look into the stipulation limiting the number of clients a home business may have at a future time.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an education affiliation agreement with IHC Health Services to provide training to the Fire Department.

Chief Andrus explained the State Medical Bureau requires each member of Eagle Mountain Fire that is medically certified as a Paramedic, Emergency Medical Technician Intermediate, or a basic EMT to maintain a certain amount of practical training. This agreement will allow the department members the opportunity to maintain current or future certifications.

Mr. Kinghorn stated this does not present liability to the City.

Councilmember Liddiard **moved** to approve an education affiliation agreement with IHC Health Services to provide training to the Fire Department. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth asked if this is a new agreement.

Chief Andrus explained some training has been done in the past; however, IHC has asked that this agreement be put in writing.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an amendment to the Utah Associated Municipal Power Systems (UAMPS) agreement to allow Eagle Mountain City to have voting participation.

Public Works Director Mark Sovine stated Eagle Mountain City has been a non equity member of UAMPS since 1997. Because Eagle Mountain City is a non equity member of UAMPS, it does not have a vote on the board. This agreement will allow Eagle Mountain City to have a vote on the board concerning the projects that the City is part of. This change in the agreement was made to allow all the members a vote concerning the IPP Unit 3 study project.

Mr. Kinghorn explained this agreement will allow Eagle Mountain City to designate a director to vote the City's entitlement share.

Councilmember Blackburn **moved** to approve an amendment to the Utah Associated Municipal Power Systems (UAMPS) agreement to allow Eagle Mountain City to have voting participation. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth 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 in order to allow the City Council time to review the agreement.

MOTION – Consideration and approval of a Memorandum of Understanding with Terasen Utility Services.

This item was removed from the agenda at the request of the applicant.

Councilmember Lifferth stated he is in favor of a memorandum of understanding with Terasen Utility Services.

CONSENT AGENDA

Councilmember Lifferth **moved** to approve the consent agenda as follows:

- A. Final Bond Release
 - 1. Kiowa – Plat C

Councilmember Jackson **seconded** the motion. Those voting in favor of the motion: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Jackson stated she has tried to get a library card multiple times during the Library's regular business hours. On Saturday January 14, 2006 she called to verify the Library was open and the voicemail said they were open. When she arrived at the library it was closed with a sign posted on the door saying they closed early in observance of Martin Luther King Jr. Day, and they would also be closed on Monday in observance of the holiday. She believed this to be excessive and believed it should be announced on their voicemail. On Saturday January 21, 2006 she went to the library at 12:30 p.m. The Library was closed and there was no notice on the door. She attempted to contact the Librarian at her home and left a message. She received an email today saying it was just found out the Library was not open on Saturday. She expressed her disappointment in the situation.

Councilmember Jackson stated citizens in the Eagle Point subdivision have expressed concern with speeding in that area. She also addressed concerns with the placement of stop signs in the subdivision. She asked for an increase of traffic enforcement in the subdivision.

She stated she ran her campaign on customer service and working with the citizens as customers. She stated to accommodate the citizens better the City should consider working a staggered work week allowing the City Offices to be open five days a week with extended hours.

Councilmember Strouse stated January 16, 2006 was Martin Luther King Jr. Day and she suggested that everybody have a moment of silence. She discussed Martin Luther King Jr.'s trials and accomplishments. She stated she is looking forward to the reading of the Declaration of Independence on July 4, 2006 by Doug Cannon.

Councilmember Blackburn congratulated the City and staff involved in getting approval with the State Water Quality Board for funding of the wastewater treatment plant. He hopes the rush and momentum is continued. He asked what the schedule for this process is. Mayor Olsen explained the process.

Councilmember Blackburn asked when the Stantec Engineering Contract would be reviewed by the Council. Mr. Sovine responded that the Stantec Engineering Contract should be presented at the next City Council meeting.

Councilmember Blackburn stated Councilmember Sloan asked in her parting comments that mayoral duties be placed on the agenda. He feels this should be discussed by the Council.

Councilmember Liddiard stated side yard setbacks are an amenity and increased side yard setbacks create aesthetics and increase safety. He feels it is important to preserve adequate side yard setbacks.

He stated the SilverLake Amphitheater is a great sledding hill and many community members are enjoying this. He discussed the Dan Jones survey and how to get the services the residents want and not sacrifice the natural amenities in the area.

Councilmember Lifferth stated he was pleased to be a part of the signing ceremony with Direct Communications. He expressed appreciation for receiving the minutes earlier enabling the Council more time to review them. He stated Councilmembers Jackson, Strouse and he attended the Utah League of Cities and Towns Conference and met with State Officials to discuss important issues pertaining to Eagle Mountain City. He would like the City Council to review the stipulation in the Development Code limiting the number of clients a home business may have. He expressed his support for the Terasen MOU and encouraged the Council to support an agreement with Terasen.

MAYORS ITEMS

Mayor Olsen stated the Council will receive the minutes one week prior to the City Council meeting they are on the agenda for approval and for this reason they will be on the consent agenda. However, items on the consent agenda can be removed from the consent agenda if the Council would like to discuss them. This process has been established to expedite the process and empower the City Council.

Mayor Olsen stated the City is working on the process of codification of Eagle Mountain City ordinances. This code will assist in searching laws. He stated he is currently working on writing the mayors duties. He is also writing duties for Councilmembers and department heads.

He appreciates Councilmember Liddiard's comments on maintaining the quiet of Eagle Mountain and continuing Community Development.

Mayor Olsen thanked the Councilmembers who attended the League of Cities and Towns.

Councilmember Liddiard asked to have a budget retreat packet in advance of the Budget Retreat.

Mayor Olsen explained there is a budget committee currently working on that and it will be presented to Council two weeks prior to the budget retreat.

Mr. Hillman stated this budget will be prepared in guidance with the Government Finance Officers Association Distinguished Budget Presentation Awards Program. The City will be seeking this award with the upcoming budget.

ADJOURNMENT

Councilmember Jackson moved to adjourn the meeting at 9:17 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 7, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse.

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; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Gordon Burt, Finance Director; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Potential Litigation

Councilmember Blackburn **moved** to adjourn to a closed executive session for the purpose of discussing potential litigation - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

The meeting adjourned at 4:03 p.m.

CLOSED-DOOR SESSION – Potential Litigation

A closed-door session was held at 4:30 p.m. for the purpose of discussing potential litigation - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Brian B. Olsen; Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, Linn Strouse; staff members Chris Hillman, Jerry Kinghorn, and Gina Peterson.

The meeting adjourned at 4:47 p.m.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Eagle Mountain City Construction Standards and Specifications – Chris Trusty

MAYOR’S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order. Scout troop #1084 presented the color guard including the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth 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; Adam Ferre, Utility Supervisor; Jason Randall, Assistant Sergeant; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S ITEMS

RECOGNITION – Eagle Scout Benjamin Wallace

Mayor Olsen congratulated Benjamin Wallace for receiving his Eagle Scout. He stated that Benjamin gathered school supplies for children in Guatemala.

PUBLIC COMMENTS

Stephen Stone of Provo, Utah stated he was in town on business when he ran his vehicle into a median on the intersection of Pony Express Parkway and Ball Street. He notified the City of the damage to his vehicle approximately a year ago asking the City to pay for the expenses. He would like to resolve the liabilities with the City as he believes the median was a faulty design. He stated the City repaved the area and installed stop signs shortly after his accident. He doesn't care if the City is responsible or the contractor, he would just like his car fixed.

Mayor Olsen asked Mr. Stone who the last staff member was he spoke with.

Mr. Stone stated he last spoke with Judy Hicks, an insurance adjustor.

City Administrator Chris Hillman explained this case was referred to the City's liability insurance carrier, Utah Local Government Trust (The Trust). The adjusters office and The Trust denied this claim.

Mr. Stone stated he does not want to hire an attorney and take this to court. He believes his wife, who was in the car at the time of the accident, and he could have been killed in the accident and his wife was injured. He said the car was totaled; it will cost more to fix the car than it is worth. Mr. Stone stated he wants the car repaired. The damage to the car was caused by the dangerous hazardous conditions created by this intersection. He asked that someone be assigned to work with him.

Councilmember Blackburn stated he was on the Public Works Board at the time of this accident. He informed Mr. Stone there were discrepancies found in this road that were repaired. He asked Mr. Stone what his speed was at the time of the accident.

Mr. Stone said he did not know; he was dodging things and not paying attention to his speed. The accident was on October 6, 2004.

Mr. Hillman said he would work with Mr. Stone on this issue.

Mayor Olsen told Mr. Stone his concerns have been heard by the Council and Mayor.

SCHEDULED ITEMS

PUBLIC HEARING – SilverLake Master Development Plan Amendment

MOTION – Consideration and approval of an amendment to the Land Use Element of the SilverLake Master Development Plan.

Planning Director Adam Lenhard stated the current SilverLake Master Development Plan is vested with up to 2,101 dwelling units over a total of approximately 483.7 acres. Of the 2,101 units, 1388 are single-family and 713 are multi-family.

Mr. Lenhard explained the revised map proposes no change in the overall number of dwelling units. The number of proposed single-family units is 1263 and the number of proposed multi-family units is 838. The location of the multi-family units will be modified. The map has also been redrawn to allow more flexibility in future subdivision layouts while still adequately separating multi-family and single-family uses. The proposed changes are consistent with the City's General Plan Map.

Mr. Lenhard reviewed staff's recommended conditions of approval.

Councilmember Blackburn asked if the regional park in the SilverLake development will be completed according to schedule. Mr. Lenhard answered there is not a specified date of completion for the regional park.

Councilmember Blackburn asked if a construction access has been established. Mr. Lenhard indicated that item would be appropriate to address with the preliminary plat which has not yet been submitted.

Councilmember Lifferth asked if a traffic study has been completed to determine if the roads will support this density transfer. Mr. Lenhard said an updated traffic study has not been provided. Staff has not seen a need to require an additional traffic study because the number of units has not been proposed to increase.

Councilmember Liddiard asked how the road alignment would be affected by the change in acreage and what the effects would be. Mr. Lenhard stated the road alignment is the same, but during the platting process some alterations may need to be made.

Councilmember Liddiard asked what the reason for transferring dwelling types is. Mr. Lenhard said the next phase is currently slated to be multi-family and the developer has had success with single-family homes.

Councilmember Strouse asked if any of the parcels include portions of Tickville Wash. Mr. Lenhard explained there is a requirement that the lots have to be 50 feet away from the edge of the Wash.

Mayor Olsen opened the public hearing at 7:34 p.m.

Nathan Shipp of Development Associates and SL6 stated the proposed changes will not alter the road design. The proposed multi-family parcel is smaller than where it is currently located. Mr. Shipp stated the reason they are proposing this amendment is because the Master Development Plan bubble map was never surveyed and there were discrepancies in the property Development Associates intended to deed to the City. This amendment will correct that problem.

Mayor Olsen closed the public hearing at 7:38 p.m.

Councilmember Strouse **moved** to approve an amendment to the Land Use Element of the SilverLake Master Development Plan. Councilmember Lifferth **seconded** the motion.

Councilmember Strouse stated it has been a pleasure to work with Development Associates.

Councilmember Jackson **moved** to amend the motion and approve an amendment to the Land Use Element of the SilverLake Master Development Plan subject to the following conditions:

1. ORIGINAL MASTER DEVELOPMENT AGREEMENT CONDITIONS. That all conditions of the "First Amendment to Eagle Mountain City Master Development Agreement and Annexation Agreement" dated May 6, 2003 remain unchanged with this amendment unless otherwise explicitly specified in these conditions of approval or on the revised Master Plan Map.
2. SCHOOL SITE. That the 12-acre school site identified on the revised Map is deeded to the City with the recordation of the first Final Plat in Phase 2 (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).
3. REGIONAL PARK AND WATER RIGHTS. That the 15 acre Regional Park parcel currently designated as R9 OS4 is deeded to the City, and that water rights for the park are deeded over as per the original Master Development Agreement (no less than 31.65 acre feet).
4. REVISED MAP. That the revised map replaces the Map contained in Exhibit A of the Master Development Agreement. That date on the map is updated.
5. TICKVILLE WASH. That the approximate acreages are called out for the Tickville Wash parcels. That the 4.7 acre parcel designated as R9 OS3 on the original Map is deeded to the City as per the original Master Development Agreement (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).

Councilmember Liddiard **seconded** the motion.

Councilmember Strouse accepted the amended motion; she stated she believed as it was an amended plat the conditions of approval would be implied. Councilmember Lifferth also accepted the amended motion.

Councilmember Liddiard wondered how the proposed amendments will affect those who currently own property in the SilverLake Development.

Councilmember Jackson stated a multi-family unit is being moved away from single family units. She stated this is a benefit and will increase property values.

Councilmember Liddiard agreed with Councilmember Jackson. He questioned the increase in multi-family dwellings.

Councilmember Blackburn stated he believes the Council should discuss adding construction access as a condition of approval.

Councilmember Liddiard stated this development has a single access street for approximately 2000 homes. He believes traffic will continue to increase as the area grows. He encouraged construction vehicles to use alternate access. He also stated the roads are often covered in dirt and proper street sweeping is not happening.

Mr. Shipp responded to Councilmember Liddiard's concerns dealing with dirt on the roads. He explained the increase in snow has created a challenge. The City has told Development Associates they are unwilling to plow those streets based on the number of residents currently occupying the subdivision. The street sweepers are not effective at removing dirt with the amount of snow. Mr. Shipp told the Council he will keep the streets clean of dirt if the City will remove the snow.

Mr. Shipp stated the proposed design will move the multi-family away from single-family dwellings. A construction access is not being addressed in this amendment. However, another access will be included in phase two, as well as third access for construction vehicles.

Councilmember Liddiard stated this development has been positive for Eagle Mountain City. Because of this development the City has received another access into the City with the extension of Pony Express Parkway as well as the amphitheater.

Councilmember Blackburn **moved** to amend the amended motion and approve an amendment to the Land Use Element of the SilverLake Master Development Plan subject to the following conditions:

1. ORIGINAL MASTER DEVELOPMENT AGREEMENT CONDITIONS. That all conditions of the "First Amendment to Eagle Mountain City Master Development Agreement and Annexation Agreement" dated May 6, 2003 remain unchanged with this amendment unless otherwise explicitly specified in these conditions of approval or on the revised Master Plan Map.
2. SCHOOL SITE. That the 12-acre school site identified on the revised Map is deeded to the City with the recordation of the first Final Plat in Phase 2 (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).
3. REGIONAL PARK AND WATER RIGHTS. That the 15 acre Regional Park parcel currently designated as R9 OS4 is deeded to the City, and that water rights for the park are deeded over as per the original Master Development Agreement (no less than 31.65 acre feet).
4. REVISED MAP. That the revised map replaces the Map contained in Exhibit A of the Master Development Agreement. That date on the map is updated.
5. TICKVILLE WASH. That the approximate acreages are called out for the Tickville Wash parcels. That the 4.7 acre parcel designated as R9 OS3 on the original Map is deeded to the City as per the original Master Development Agreement (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).

6. CONSTRUCTION ACCESS. That a provision be placed in the Master Development Agreement requiring SilverLake to propose and get a construction access approved by the City Council with each plat submitted.

Councilmember Liddiard **seconded** the motion.

Councilmember Strouse accepted the amendment to the amended motion. Councilmember Lifferth stated he is supportive of approving this item.

Councilmember Blackburn asked if there is a time frame for completion of the school site included in the Master Development Plan.

Councilmember Liddiard stated he could address that issue during Council Comments at the end of the meeting.

Mayor Olsen called for a vote on the final motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

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 Special Assessment Refunding Bonds, Series 2006 (Special Improvement District No. 2000-1) In The Aggregate Principal Amount Of Not To Exceed \$8,840,000 (The “Series 2006 Bonds”); Awarding And Confirming The Sale Of Said Series 2006 Bonds; Authorizing The Execution By The Issuer Of A General Indenture Of Trust, And Other Documents Required In Connection Therewith; 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.

Laura Lewis of Lewis Young Robertson and Burningham explained this Resolution and documents approved with the resolution are necessary to complete the refunding of the 2000-1 SID Bonds. This is the final step in the process of preparing for the closing of the refunded bonds which will take place on February 9, 2006.

Councilmember Blackburn **moved** to adopt Resolution 04-2006 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 Special Assessment Refunding Bonds, Series 2006 (Special Improvement District No. 2000-1) in the aggregate principal amount of not to exceed \$8,840,000 (The “Series 2006 Bonds”); awarding and confirming the sale of said Series 2006 Bonds; authorizing the execution by the issuer of a General Indenture Of Trust, and other documents required in connection therewith; 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.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

The Mayor and City Council thanked Ms. Lewis and Mr. Kinghorn, his firm and City Staff for their efforts.

PUBLIC HEARING – The Ranches Master Development Plan Amendment
MOTION – Consideration and approval of an amendment to the Land Use Element of the Ranches Master Development Plan.

City Planner Peter Spencer indicated that Elkhorn Development has submitted an application to amend a portion of The Ranches Master Development Plan in the Mt. Airey subdivision. The subject property is approximately 0.92 acres in size (40,867 sq. ft.). The applicant is requesting to be able to develop their parcel into four separate lots, instead of the two they are allowed under the current Master Development Plan. They claim that only placing two lots on the subject property would result in an unattractive layout with double frontages, or that the larger lots would be more difficult to maintain. The proposed amendment is consistent with the City's General Plan Map.

Mr. Spencer explained the original Ranches Master Development Plan allowed for 95 lots in Mt. Airey. The Ranches added one lot to Mt. Airey in their Amendment to the Master Development Plan on February 1, 2005 which brought the total number of lots to 96. Plat A consists of 62 residential lots, Plat B consists of 19, Plat C consists of 9, Plat D consists of 3, and Plat E consists of 1 lot. As currently approved, the Master Plan only allows two (2) more units to be built in this subdivision.

Approval of this application would enable the Applicant to develop up to four separate lots on their property subject to the Preliminary Plat and Final Plat processes. The proposed amendment is consistent with the City's General Plan Map.

Mr. Spencer reviewed the findings of fact upon which approval should be based.

Councilmember Liddiard asked if staff was concerned with the road alignment of Clubhouse Lane running along Lot 2.

Mr. Spencer responded staff was not concerned with the road alignment. Discussion ensued on lot sizes.

Mayor Olsen opened the public hearing at 8:20 p.m. There were no comments so the public hearing was closed.

Councilmember Lifferth **moved** to approve an amendment to the Land Use Element of the Ranches Master Development Plan based upon the following findings of fact:

1. **COMPATIBILITY.** The four lots would all be developed as single-family lots subject to the same requirements as the other Mt. Airey subdivisions.
2. **COMPLIANCE WITH GENERAL PLAN MAP.** This proposal is in compliance with the City's General Plan Map.
3. **TRAFFIC AND TRANSPORTATION.** Adding two more lots to the subject parcel will not result in noticeable traffic congestion or safety problems. The existing roads in Mt Airey have adequate capacity for the proposed lots.
4. **DESIGN AND DENSITY.** Each of the four lots on the subject property would be in excess of 10,000 sq. ft., which is consistent with the other lots in the subdivision.

Councilmember Jackson **seconded** the motion.

Councilmember Liddiard stated his concern with the configuration of Clubhouse Lane. As people are leaving the Clubhouse their vehicles will be directly facing Lot 2. He asked Councilmember Lifferth to amend his motion restricting Lot 2 from putting their driveway in line with the road.

Mr. Spencer stated the item on the agenda is just for the Master Development Plan Amendment; no lots have been approved or platted. This concern would be better addressed with the Preliminary Plat.

Mr. Kinghorn stated this item is a rezone of the parcel. He stated it would be inappropriate to add the amendment Mr. Liddiard requested.

Councilmember Blackburn asked if the residents of Mt. Airey have been notified of the potential rezone and if feedback was received.

Mr. Spencer said they have been notified and all feedback received was positive.

Councilmember Liddiard called for a question on the motion.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth 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.

Mr. Lenhard stated the Eagle’s Gate subdivision is located south of Anthem on the Green and north of the Rock Creek condos. Showdown B is located the northeast corner of Eagle’s Gate. The final plat was approved July 19, 2005 and is being developed by Eagle’s Gate Development, L.C. This agreement details the terms of development, including bonding requirements.

Councilmember Liddiard **moved** to approve the Development Agreement with Eagle’s Gate Development, LC for Showdown at Eagle’s Gate – Plat B. Councilmember Lifferth **seconded** the motion.

Councilmember Strouse asked if there is another park in the Showdown plats.

Mr. Lenhard stated there are two parks in the Eagle’s Gate subdivisions. Showdown is contributing to one of those parks and paying a fee-in-lieu for the other Development Code requirements.

Councilmember Strouse asked staff to provide her with a copy of the Parks Master Plan.

Councilmember Blackburn asked when the second access will be completed for this subdivision.

Councilmember Liddiard stated he believes Councilmember Blackburn is trying to establish construction access for this subdivision.

Councilmember Blackburn **moved** to amend the motion approving a Development Agreement with Eagle’s Gate Development, L.C. for Showdown at Eagle’s Gate - Plat B to include an asphalt overlay from Nairn Road to Pony Express Parkway, including Scott’s Craig Drive and St. Andrews Drive. Councilmember Liddiard **seconded** the motion.

Councilmember Liddiard accepted the amendment.

Councilmember Lifferth stated he would normally oppose any additional requirements above the City's standard; however, this will address a safety hazard and therefore he is in favor of the amendment.

Councilmember Jackson asked for clarification of when it is appropriate to discuss construction access.

Mr. Kinghorn stated in order to put a requirement in the Development Agreement for construction access, which is not in the Development Code, the City Council would need to send the Development Agreement back to the developer. If the developer does not agree with the requirement the City cannot impose it upon them.

Amy Twitty of the Sage Group asked for clarification of the amended condition.

Councilmember Blackburn explained the City Council is requesting a black top overlay extending Nairn Road to Pony Express Parkway including Scott's Craig Drive and St. Andrews Drive.

Ms. Twitty stated all improvements are anticipated to be completed by April 1, 2006. She agreed to all proposed conditions.

Mayor Olsen called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, 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.

Mr. Lenhard stated the Lone Tree C project is located at the western end of the Ranches Master Development Plan area, northeast of Lone Tree A & B. The final plat was approved September 20, 2005 and is being developed by KHM Lone Tree, L.C. This agreement details the terms of development, including bonding requirements.

Councilmember Jackson **moved** to approve a Development Agreement with KHM Lone Tree, LC for Lone Tree – Plat C. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked what the lot frontages are on the cul-de-sac lots. She also asked what improved open space is considered to be as referenced in the bond letter.

Councilmember Jackson stated the plat has been approved, including lot frontages, so she feels the issue is a moot point.

Councilmember Strouse stated her vote is not dependent on the information; she would just like to know.

Mr. Lenhard stated the lot frontages are within the Development Code and improved open space includes sod and irrigation.

Mayor Olsen called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Homeland Holdings, Inc. for Autumn Ridge – Phase I.

Mr. Lenhard stated the Autumn Ridge project is located in the town center southwest of the Eagle Park subdivision. The final plat has been approved and is now being developed by Homeland Holdings, Inc. This agreement details the terms of development, including bonding requirements.

Councilmember Liddiard asked for details of the open space.

Mr. Lenhard stated all of these items were approved under the final plat, including a park plan. He explained the approved landscape plan. Discussion ensued on landscaping.

Public Works Director Mark Sovine asked if there is a deceleration lane along Eagle Mountain Boulevard and Mr. Lenhard responded there is not.

Councilmember Liddiard asked if a construction access has been defined for this plat. Mr. Lenhard stated it has not. He stated when the Council reviews a Development Agreement they should keep in mind that the plat has already been approved and additional comments related to the subdivision platting process are not appropriate.

Mr. Kinghorn explained until construction standards are adopted that include construction access provisions there is not a requirement the City Council can impose unless the developer agrees to it. If the City Council wants to impose a condition requiring construction access they should propose the developer come back with a plan to be included in the Development Agreement. However, if the developer does not feel a construction access is necessary the City Council can not require it until it is written into law.

Councilmember Liddiard asked if there is sufficient utility capacity for this subdivision.

Mr. Kinghorn stated there is a special condition attached to the agreement stating utility capacity is not guaranteed, specifically sewer capacity.

Councilmember Jackson **moved** to approve a Development Agreement with Homeland Holdings, Inc. for Autumn Ridge – Phase I. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated it is nice to see an approved subdivision in the City Center moving forward. She stated the western access from Eagle Mountain Boulevard would be the best access for this subdivision.

Councilmember Liddiard stated that all construction access should use the access off of Eagle Mountain Boulevard.

Councilmember Blackburn asked for clarification of what modifications can be made with a Development Agreement.

Mr. Kinghorn stated the original theory of subdivisions along Eagle Mountain Boulevard was that when the subdivision next to Eagle Mountain Boulevard was improved Eagle Mountain Boulevard would be widened enough to provide for a deceleration lane into the subdivision. Eagle Mountain Boulevard has more space along the side of the road area in some areas for the adjacent developer to make improvements rather than the City widening it when it was built. It is not in the improvement letter and it is not in the bonding letter for Autumn Ridge Phase I, which may be because it was not required in the

final plat. When a final plat is approved and all of the requirements of the final plat are met the developer is vested with the right to develop under that approval. He suggested if the City Council has questions they table this proposal and verify what conditions were included in the final plat approval. If the conditions were not required with the final plat approval they cannot be required at this time.

Councilmember Blackburn stated because of the speed on Eagle Mountain Boulevard he feels a acceleration/deceleration lane would be appropriate.

Brian Brady a representative of Homeland Corporation, the developers of Autumn Ridge Phase I, stated they will direct construction traffic to enter through the round about located on the plat. He stated they are not willing to install a deceleration lane because the plat has already been approved as it is.

Mr. Kinghorn explained that when this plat was approved the speed limit was much lower on Eagle Mountain Boulevard than it is now. The traffic studies were done based on a much lower speed. If the City wants to make it safe they can reduce the speed limit or ask the applicant to cooperate with reengineering the intersection. He advised the City Council when subdivisions are approved they are vested and the City needs to be aware that retroactively redesigning things that have been approved may be treading into an area they do not want to go.

Councilmember Blackburn asked for clarification on the purpose of the Development Agreement.

Mr. Kinghorn explained Eagle Mountain City Ordinance requires the developer sign a Development Agreement, which provides the City the opportunity to update improvement costs, and applies special conditions.

Councilmember Blackburn asked if the Development Agreement would be an appropriate time to request acceleration/deceleration lanes.

Mr. Kinghorn stated this is an engineering issue. The developer is vested with this plat; however, they are not vested with the costs from when the final plat was approved. The developer will have to comply with current costs, and landscaping standards. The City cannot impose retroactive items or items that are not in the Development Code. The City can ask the developer to consider items that were not in the Development Code at the time of original approval.

Mayor Olsen asked if addressed an acceleration/deceleration lane should be addressed in a separate ordinance if the City Council feels strongly about it.

Mr. Kinghorn stated with out a traffic study giving an objective reason for requiring an acceleration/deceleration lane at the current speed limit he would not recommend the Council require such a condition.

Councilmember Strouse stated she believes it may be easier and cheaper to lower the speed limit.

Councilmember Blackburn asked if the City Council could require purple pipe in this subdivision as a new utility hook up.

Mr. Kinghorn responded the City has not enacted a construction standard requiring purple pipe. The City could ask the developer to install purple pipe or make arrangements to do it themselves.

Councilmember Blackburn stated he feels the City should require purple pipe and an acceleration/deceleration lane should be an appropriate requirement.

Councilmember Lifferth stated it would be helpful if this subdivision required purple pipe to access the Pony Express Park; however, he does not feel it should be required to be installed by the developer.

Councilmember Jackson called for a question on the motion.

Mayor Olsen called for a vote. Those voting aye: Heather Jackson, David Lifferth, and Linn Strouse. Those voting nay: David Blackburn and Vincent Liddiard. Motion **passed** with a majority 3:2 vote.

MOTION - Consideration and approval of the Site Plan for the Freemont Springs Church.

Mr. Spencer said the LDS Church is proposing the development of a new chapel on a 3.10 acre site located in the Freemont Springs subdivision in The Ranches. The building will be a “Heritage” style and will be approximately 16,708 square feet in size.

This parcel of land is zoned Town Core Residential. Places of worship are conditional uses in this zone, and therefore require a Conditional Use Permit review and approval. The City Council has delegated the approval authority for Conditional Use Permits to the Planning Commission. The primary reason for the conditional use review by the Planning Commission is to ensure that the impacts of the proposed institutional use of the church are mitigated for the surrounding residents. Mr. Spencer presented the landscape plan.

Councilmember Strouse asked for clarification on the requirement for third party review and the Fire Chief review which was noted in the presentation by Mr. Spencer.

Mr. Spencer explained the Fire Chief requires that structures with a sprinkler system and fire alarm system receive a separate and objective review. The third party will submit their review to the Fire Chief. The Fire Chief has final approval of the sprinkler system and fire alarm system.

Councilmember Liddiard **moved** to approve the Site Plan for the Freemont Springs Church subject to the following conditions:

1. FIRE APPROVAL. That the sprinkler & alarm systems receive a third party review and are approved by the Fire Chief.
2. LIGHTING. That streetlights are adequately shielded away from surrounding residences.

Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an Agreement with SL6, LLC known as the SilverLake Reimbursement Agreement.

Mr. Kinghorn stated in accordance with their development agreement, the developers of SilverLake, SL6, LLC participated in the financing of the construction of the Pony Express Well. Their participation allows them to receive reimbursement for the portion of the capacity which they paid for. These reimbursements will be paid out to them from impact fees collected from the SilverLake subdivision on a yearly basis. Mr. Kinghorn stated the SilverLake developers are prepared to execute this agreement which they feel is fair to both the City and themselves.

Councilmember Lifferth **moved** to approve an agreement with SL6, LLC known as the SilverLake Reimbursement Agreement. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth stated this is the model of how he would like the City to interact with developers. He feels this agreement creates a win-win situation.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a Memorandum of Understanding with Terasen Utility Services.

Mr. Kinghorn explained Terasen is interested in obtaining information regarding City utilities. Terasen has requested that the City participate in the investigation of participation in the utilities. At the direction of the City Council the staff was asked to cooperate in providing all the information to Terasen to enable Terasen to make a proposal. Staff has fully cooperated and provided everything requested by Terasen. The MOU (memorandum of understanding) is a draft agreement provided by Terasen which has been edited to recognize the City has not committed to Terasen and is awaiting a proposal from Terasen. Mr. Kinghorn stated he suggested amendments that Terasen would not accept. However he is comfortable enough to recommend the City enter into the MOU with Terasen, which will allow them to develop information and make a proposal to the City.

Councilmember Lifferth **moved** to approve a Memorandum of Understanding with Terasen Utility Services. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth stated this is not an agreement to sell any utilities. This agreement allows the City to exchange information to get an appraisal of the evaluation of the utilities. He stated the value of the utilities is not known and this is a preliminary step.

Councilmember Liddiard asked if there is a risk of finding negative information. He was concerned with costs incurred by the City to provide them with the requested information.

Mr. Kinghorn explained the original instruction from Council was to provide Terasen with public information. Terasen has requested some confidentiality with respect to any proposal they may present to the City. There were no cost considerations placed in the authorizations to draft the agreement. He believes the costs have been insignificant and it would take longer to tabulate the costs than to provide the information.

Mr. Liddiard asked Mr. Kinghorn to inform the City Council what amendments to the Agreement he had suggested that Terasen did not agree to.

Mr. Kinghorn stated he proposed the following statement be deleted: “The City intends to pursue investigating the option of partnering with a private sector company to manage all or parts of the utilities.” He is not sure if the City intends to pursue partnering with a private sector company to manage utilities. He believes the authorization of this agreement was for information sharing. He suggested the statement “the City has requested that Terasen participate in the investigation.” He believes Terasen came to the City for this. The statement sounds as though the City asked Terasen to do work for the City. This concerned Mr. Kinghorn because if claims of bad faith arose he doesn’t want Terasen to come back to the City for reimbursement for expenses.

He also requested the following sentence be deleted: "Terasen and the City agreed that the purpose of Memorandum of Understanding are to set out the basic terms of a potential business relationship relating to the construction, operation, and financing of the related services and matters for utilities." He does not believe this memorandum sets out the terms of a business relationship so he felt it was inappropriate to describe that as a purpose of the memorandum.

Mr. Kinghorn stated the General Matters paragraph states the parties agree this MOU is not binding on the parties except for the following paragraphs: the term, the exclusivity, the early termination, dispute resolution, the no joint venture and the confidentiality provisions. He felt the agreement would be cleaner with the items removed; however, he does not believe the City should not accept the MOU for these reasons.

Councilmember Blackburn stated he was under the impression that Terasen was interested in acquisition of the utilities which was not addressed in the MOU.

Doug Legge of Terasen stated the overall philosophy of the MOU is to set out the business terms to go forward and ensure the City understands Terasen's intentions. He stated this agreement does not bind the City to any future agreements, but that the City and Terasen agree to work together to allow Terasen to create an infrastructure agreement to place before the City Council. The MOU will allow Terasen and the City to gain an understanding of what Terasen is doing and what they hope to provide. This agreement does not bind the City to anything more than the process which the City and Terasen will work together to find out if an infrastructure agreement will work for both parties.

Councilmember Lifferth stated this MOU does not bind the City in any way. This will allow the City to learn if it will make sense for the City to do something other than what they are currently doing. The City has the opportunity to reduce debt, and allow utilities to be owned or managed by an outside party.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Strouse **moved** to approve the consent agenda as follows:

- A. Final Bond Release
 - 1. Pioneer Addition – Phase II
 - 2. Pioneer Addition – Phase III
 - 3. Pioneer Addition – Phase IV
 - 4. Pioneer Addition – Phase V-A
- B. Minutes
 - 1. January 10, 2006

Councilmember Jackson **seconded** the motion. Those voting in favor of the motion: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Liddiard discussed the following items:

- PDF plats that come in the City Council agenda packets are not clear. He requester better quality maps in future agendas.
- He would like efforts made to plow snow in the SilverLake area.
- He also asked the City to encourage builders to put dumpsters on building lots rather than on public roads.
- He believes construction access and purple pipe is needed in the construction standards.
- He stated revisions need to made to Resolution 09-00, establishing protocol for the potential sale of a City owned utility.
- Alpine School District is currently investigating opportunities for a bond. He explained plans for new schools in the area.

Councilmember Jackson stated the speed limit should be addressed on Sweetwater Road. She asked to have public notifications and the general response of the public added to agenda summaries in the future. She stated the City needs to address the time frame on building permits and do what is needed to decrease the time it takes to issue building permits.

Mayor Olsen stated it is an honor to serve the citizens of Eagle Mountain City with the City Council. He stated that Mr. Hillman and he will be going to Washington D.C. to meet with Federal Representatives. He stated they are aware of Eagle Mountain and their issues. Federal Representatives will be visiting Eagle Mountain City this summer. Mayor Olsen stated he will be available via cell phone or email during this trip. If the City Council needed to convene they could meet and elect a Mayor Pro Tem at that time.

He has discussed future plans with Alpine School District, including bonds and placements of future schools. He recommended the Council be cautious in supporting the school districts requests for bonds until a location of a high school is determined.

Councilmember Lifferth stated he is in favor of voting for a Mayor Pro Tem to serve in the event the Mayor is unavailable rather than voting one when needed.

Mr. Kinghorn stated if the City Council needed to meet when the Mayor was away they could conduct the meeting telephonically.

ADJOURNMENT

Councilmember Liddiard moved to adjourn the meeting at 10:09 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 21, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, and David Lifferth. Councilmember Linn Strouse was 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; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order. Councilmember Blackburn led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson (participated telephonically until arriving at 7:16 p.m.), Vincent Liddiard, and David Lifferth. Councilmember Linn Strouse was excused.

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; Jason Randall, Assistant Sergeant; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

PUBLIC COMMENTS

Mr. Riggs of Eagle Valley Elementary read a letter from Principal Connelly recognizing Alisha Wade, Ilene Washburn and Ciara Petersen as “Teachers of the Month” at the elementary school.

Kent Price of the Cedar Pass Ranch Homeowners Association addressed the City Council concerning street lights in the Cedar Pass Ranch subdivision. The Utah Public Utilities Commission has changed the rate disallowing flat rate street lighting for any other entity other than municipalities. Currently Cedar Pass Ranch is on a monthly per light basis; however, with this change they will have to have a meter on each light which will be more costly for the Homeowners Association. If Eagle Mountain City will agree to be a contractual partner Utah Power & Light will agree to continue billing on a per light basis and the Homeowners Association will reimburse the City for expenses incurred by this agreement. This proposal would save the residents of Cedar Pass Ranch a considerable amount of money.

Mayor Olsen responded this item will need to be put on the agenda to receive action by the City Council. He suggested Mr. Price work with Public Works Director Mark Sovine.

Greg McDougal developer of the Valley View subdivisions stated the delays on the approval of the Valley View subdivision plats are creating a hardship for many people, including the developers. He explained this has been in the process since 2004. Lot reservations have been taken from 22 people who were told they will get lots this year. He wanted the City Council to be aware time is an issue on this item. He asked the City Council to help get this item through the process.

SCHEDULED ITEMS

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Spring Valley, L.C. for the Spring Valley Multi-Family Subdivision.

Planning Director Adam Lenhard explained the Spring Valley development is a multi-family subdivision located along SR 73 in the northeast corner of The Ranches. Spring Valley was approved by the City Council on December 6, 2005 and is being developed by The Sage Group. It contains 80 lots over 9.95 acres. This agreement details the terms of development, including bonding requirements.

City Attorney Jerry Kinghorn said in the Development Agreement there is a reference to a letter of credit than needs to be stricken from paragraph 2.5. With that amendment he recommended approval.

Councilmember Blackburn **moved** to approve the Development Agreement with Spring Valley, L.C. for the Spring Valley Multi-Family Subdivision subject to removing a reference to a letter of credit in paragraph 2.5. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, and David Lifferth. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Musketeer, LLC for Valley View South - Plat A.

This item was tabled for the City to obtain a final copy of CC&R’s that comply with conditions of the Master Development Agreement.

ORDINANCE – Consideration and adoption of a resolution amending the Construction Standards and Specifications for Eagle Mountain City.

City Engineer Chris Trusty highlighted the revisions to the Construction Standards and Specifications. The goals in adopting these standards are to:

- Adopt the APWA Construction Standards and Specifications as modified to conform with the needs of Eagle Mountain City.
- Require secondary irrigation pipe to be installed as the city moves toward the ability to provide reclaimed irrigation water.
- Eliminate redundancies between the Development Code and the Construction Standards
- Establish minimum building criterion designed to reduce city expenditures in maintaining accepted city infrastructure.

Mr. Trusty explained last year the city spent just over \$1 million for the overlay of Eagle Mountain Boulevard; Ranches Parkway will require the same rotomill and overlay for the next fiscal year which is expected to cost \$800,000. The increased construction cost is only a fraction of the burden taxpayers would bear if the city does not enforce more rigid construction standards.

Councilmember Lifferth **moved** to table the ordinance amending the Construction Standards and Specifications for Eagle Mountain City to allow the City Council and residents additional time to review this ordinance in detail, including being posted on the City's web site, and be put on the agenda for a vote at the next City Council meeting. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth stated he needs additional review time before voting to approve or deny this item.

Councilmember Blackburn **moved** to amend the motion to table the ordinance amending the Construction Standards and Specifications for Eagle Mountain City to include a time limit of approval on approved plans and to allow the City Council and residents additional time to review this ordinance in detail, including being posted on the City's web site, and be put on the agenda for a vote at the next City Council meeting. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth accepted the amended motion.

Councilmember Blackburn explained his amendment is to give the City the right to require updated conditions on plats approved, but not started within a specific amount of time.

Councilmember Jackson asked if it is appropriate to amend a motion to table. She agrees with Councilmember Blackburn's comments but does not believe an amendment to a tabled motion is the right way to include those comments. She also believes that condition would need to be included in the Development Code rather than the Construction Standards and Specifications.

Councilmember Blackburn stated he proposed this amendment to address the topic which has not been discussed. He apologized if an amended motion is the wrong format, but he feels the item needs to be included in the Construction Standards and Specifications.

Mr. Kinghorn clarified a motion to table an item stays any further action on the matter until there is a vote on the motion. Once the motion to table is voted on a motion can be made directing the City Engineer to include specific information in the Construction Standards and Specifications.

Councilmember Liddiard stated if a construction access is not possible the developer should place a bond for street repairs. He addressed additional concerns throughout the document.

Mayor Olsen called for a vote on the amended motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, and David Lifferth. Motion **passed** with a unanimous vote.

MOTION – Consideration of bid and award of contract for the Nolan Park Restrooms.

Mr. Trusty explained bids have been received for a masonry restroom at Nolan Park, one of the primary locations for the Pony Express Days. Funds for this improvement are to be obtained from the future facilities portion of the Parks and Trails Impact fee for the North Service Area. Staff recommends the bid award go to the low bidder. Completion of the restroom is planned for May 31, 2006. Mr. Trusty explained the City is obligated to notify all bidders of their award status within ten days of the bid. He recommended the City Council ask the bidders for an exception of the 10 day notification and extend the time frame. Staff could also ask bidders to provide the City with a notice of values. He noted the City Council also has the option to reject all bids.

Mr. Trusty stated this design has an additional 576 square feet of storage for park equipment. There are also GFCI outlets to provide power for Pony Express Days events.

He explained the engineer's estimate for this project was \$103,000; however, the lowest bid received by the city was \$132,590. The other two bids were \$157,649 and \$180,000. After the engineer's estimate was calculated, there were some additions to the electrical portion of the bid which may account for the some of the additional costs. While this bid is 30% higher than the engineer's estimate, delaying construction would ultimately result in increased costs.

This facility is included in the Capital Facilities Plan, and would be paid for with collected impact fees. The city currently has \$135,000 from fiscal year 2005 that has been collected for this portion of the Capital Facility Plan. Utah County has pledged a grant in the amount of \$6,000 for the facility as well.

Councilmember Blackburn commented on the expense of the restroom and that for the same cost of this facility many residents have bought or would expect a basement, garage, kitchen and bath, not just a bathroom facility. He suggested community involvement as an option to reduce total cost, by asking residents to "buy a brick". He also recommended allowing City staff to assist with possible construction and incorporating donated services from local builders. Councilmember Blackburn offered to buy several bricks.

Councilmember Jackson **moved** to reject all submitted bids for the Nolan Park Restrooms and ask for a re-bid with a schedule of value included in submitted bids. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson stated that while she believes restrooms in Nolan Park would be beneficial, she is uncomfortable approving a bid much higher than the estimate when the City Council does not have a

schedule of values on the bid. She stated there is a strong need for parks in the City Center and that should be addressed prior to approving a restroom facility for Nolan Park.

Councilmember Lifferth **moved** to amend the motion to extend the time to notify bidders of award status and allow the City Engineer to contact the low bidder to request a schedule of value. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson accepted the motion. She believes the City Council needs to review why the amount of money is being spent on that particular project.

Councilmember Lifferth would like to salvage the work that has been done. He believes for safety and health concerns restroom facilities are needed at Nolan Park.

Councilmember Liddiard stated he would like to see an engineers drawing for this project. He stated the intent was to have a workable facility by May 31, 2006. Negotiations may slow things and end in no results. He does not believe construction costs will get cheaper.

Councilmember Jackson **moved** to amend the amended motion to extend the time to notify bidders of award status and allow the City Engineer to contact the low bidder to request a schedule of values and include plans and specifications for this project. Councilmember Liddiard **seconded** the motion.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, and David Lifferth. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an agreement with Midway West Amusements for the 2006 Pony Express Days carnival.

This item was removed from the agenda to obtain an accurate contract from Midway West Amusements.

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the consent agenda as follows:

- A. Final Bond Release
 - 1. Kiowa – Plat B
- B. Minutes
 - 1. January 24, 2006
 - 2. February 7, 2006

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, and David Lifferth. Motion **passed** with a unanimous vote.

COUNCIL COMMENTS

Councilmember Liddiard congratulated City Administrator Chris Hillman on the birth of his daughter.

He discussed concerns with the City celebration. He enjoyed inflatable free rides, the dutch oven cook off and other unique events that are not costly to attend.

Councilmember Lifferth expressed concern for Councilmember Blackburn's wife as she has been ill.

Councilmember Jackson thanked the Sheriff's Department for placing for the speed trailer in Eagle Point subdivision. She is pleased building permits are being issued faster. She commented on Presidents Day and what the Presidents of the United States have accomplished.

Councilmember Blackburn explained his wife has been in the hospital due to kidney and pregnancy complications.

Councilmember Blackburn stated he is pleased with the City's progress. However, he would like to see the City move forward quicker with the new wastewater treatment plant. He asked for regular updates, engineer specifications, and further details on the new wastewater treatment plant.

Mayor Olsen stated Mr. Hillman and he visited Washington D.C. lobbying for funds to benefit Eagle Mountain City and improve transportation for residents. Mr. Sovine, Mr. Kinghorn and he met with Central Utah Water District to try to secure water rights for the City. Mayor Olsen also visited with Lieutenant Governor Herbert concerning transportation issues in Eagle Mountain City.

Mayor Olsen announced the following items:

- He met Alpine School District to discussing future sites for schools in the area.
- February 23 he will email the Council announcing award of the CDBG grant for which the City made application.
- Sunday February 19, 2006 he performed a wedding.
- The budget draft will be presented to the Council at the beginning of April. The budget retreat will follow.
- Councilmember Jackson and he attended a workshop for newly elected officials by the Utah League of Cities and Towns.
- It is the fifth year anniversary of the City using the Springbrook accounting system.
- He is implementing quarterly budget adjustments rather than bi-annually.

He stated the City is in need of an additional building inspector. This will help hasten the time for building permit approval. He has authorized this additional staff member and asked Council to support this in the upcoming budget.

ADJOURNMENT

Councilmember Liddiard moved to adjourn the meeting at 8:03 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 7, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

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; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

The work session recessed at 6:00 p.m., reconvened at 6:30 and then adjourned at 8:06 p.m.

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

Mayor Brian B. Olsen called the meeting to order at 8:12 p.m. Scout Troop 856 presented the color guard including the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth 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; Jason Randall, Assistant Sergeant; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYORS ITEMS

Mayor Olsen complimented Councilmember Strouse for her efforts with the Youth City Council.

He stated the City has completed the Jr. Jazz basketball season which ended with an event at the Delta Center.

PUBLIC COMMENTS

Mayor Olsen welcomed public comment and explained there is a time limit of three minutes for public comment. He asked if a group has come to address an issue they select a representative. He asked individuals making public comment to engage the Mayor.

Councilmember Strouse stated an individual could comment that they are representing the view of others in the audience, and one person can acknowledge the actual number of citizens present with the same concerns.

Scot Hazard stated he has reviewed the proposed changes of the Construction Standards and has concerns with the document. He asked the item be tabled so he could have further discussion with the Mayor and staff.

Mark Madsen stated Valley View was discussed when he was on the City Council and the intent of that subdivision is not to have street lights or curb and gutter unless necessary for storm drain.

Charlotte Ducos expressed concerns with the Valley View Development Agreement. She stated there were agreements with the developer, in past meetings, that are not noted in the Development Agreement. She believes the agreement has not had proper review. She was at the meetings when the City Council determined that curb and gutter would not be installed except in extreme cases when necessary and asked that be included.

Janiece Sloan stated she was surprised the Valley View subdivisions contained curb and gutter. She stated the plat has previously been presented without curb and gutter. She requested the City Council include a stipulation that there be no curb and gutter if they approve the plats tonight. The rural look of the adjacent subdivisions should be maintained. Ms. Sloan explained Article 5 of the CC&R's specifies the Homeowners Association will maintain the park. She asked the Council to remove that if they approve the plat. She believes it is in the best interest of the City to assume responsibility of maintaining parks and city property. She referenced a letter from City Administrator Chris Hillman stating the City should maintain City property.

Doug Legge of Terasen stated they are working on issues related to the privatization of the utilities. Representatives of Terasen will be working with staff to better understand the City's utility system.

Mayor Olsen commented that a letter concerning the wastewater treatment plant was sent out to the residents. He read a portion of the letter. He believes it is important the residents receive factual information regarding the wastewater treatment plant.

SCHEDULED ITEMS

ORDINANCE – Consideration and adoption of an ordinance amending the Construction Standards and Specifications for Eagle Mountain City.

City Engineer Chris Trusty explained the revision to the Construction Standards and Specifications has been reviewed at two previous City Council meetings. The City Council has provided feedback and amendments have been made during the process. The main goals in adopting these standards are to:

- Adopt the APWA Construction Standards and Specifications as modified to conform with the needs of Eagle Mountain City.
- Require secondary irrigation pipe to be installed as the city moves toward the ability to provide reclaimed irrigation water.
- Eliminate redundancies between the Development Code and the Construction Standards
- Establish minimum building criterion designed to reduce city expenditures in maintaining accepted city infrastructure.

As a background, last year the city spent just over \$1 million for the overlay of Eagle Mountain Boulevard. Ranches Parkway will require the same rotomill and overlay for the next fiscal year which is expected to cost \$800,000. The increased construction cost is only a fraction of the burden taxpayers would bear if the city does not enforce a more rigid construction standard.

Councilmember Jackson **moved** to table the ordinance amending the Construction Standards and Specifications for Eagle Mountain City for further review. Councilmember Lifferth **seconded** the motion.

Councilmember Strouse explained Eagle Mountain City is one of the most unique places in the state. It is the cutting edge, blazing the trail kind of thing. The City Council needs a little more time to consider the special needs as a City.

Councilmember Lifferth stated he supports staff and Council in reviewing the City's documents regularly. He stated changing the Construction Standards is a big job that requires a lot of time to do it correctly. He said this is the first time in the history of Eagle Mountain the City has gone to such an extent of notifying and involving the residents in the decision making process. He supports tabling this item for further review.

Councilmember Liddiard stated he feels tabling this item underscores the value of having a full time City Engineer. He believes there has been a great deal of work that has gone into the Construction Standards. The Construction Standards need to be open for review like other documents in the City.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Those voting nay: Vincent Liddiard. Motion **passed** with a 4:1 vote.

MOTION – Consideration of bid and award of contract for the Nolan Park Restrooms.

Mr. Trusty explained Bids have been received for a masonry restroom at Nolan Park which is one of the primary locations for the Pony Express Days celebration. Funds for this improvement are to be obtained

from the future facilities portion of the Parks and Trails Impact Fee for the North Service Area. At the February 21, 2006 City Council meeting the City Council directed staff to get further information and investigate if additional cost savings could take place. The low bid for the restroom facility came from Chad Broderick Construction in the amount of \$132,400.

Councilmember Lifferth **moved** to accept a bid and award of contract to Chad Broderick Construction for the Nolan Park Restroom in the amount of \$132,400. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth stated he is concerned with the price of this restroom, however, he recognizes the need for the restroom facility for safety and convenience. He believes if this process is delayed the price will increase.

Councilmember Liddiard **moved** to amend the motion to accept a bid and award of contract for the Nolan Park Restroom in the amount of \$132,400 to include that the site location be reviewed by staff and possibly placed along Sparrowhawk Way and that the feasibility of adding additional toilets to the facility is studied.

Councilmember Lifferth accepted Councilmember Liddiard's amendment if it does not delay the project.

Councilmember Strouse stated she is concerned with the amendment because the City Engineer Chris Trusty has already said it will cost more money to move the restrooms to a different location. However she accepted the amendment for the sake of discussion.

Councilmember Liddiard stated he understood there would not be an exceptionally different cost in changing the site of the restroom and he would like to move the restroom facility away from residential units.

City Attorney Jerry Kinghorn stated with the amendment this item will have to come back to the City Council for a change order because the prices would change. However, the work can move forward.

Councilmember Blackburn stated he is opposed to this specific proposal. He believes there is a need for a restroom in the Nolan Park; however, he does not believe the residents in this area are aware of the proposal for a restroom facility in Nolan Park. He would like to solicit input from residents regarding the placement of the facility.

Councilmember Jackson is concerned this item is unreasonable as port-a-potty's will still be required for Pony Express Days. She commented the SITLA Park will be in progress soon and Pony Express Days may be moved to that park.

Councilmember Liddiard stated he does not believe these restrooms will ever accommodate Pony Express Days; however, they will be beneficial for sports. His main objective in pushing this item along is to avoid having the restrooms under construction during Pony Express Days.

Councilmember Blackburn discussed the option of using port-a-potty's indefinitely. He suggested a two door unisex restroom, which would reduce the size and therefore reduce the costs.

Councilmember Strouse asked to hear from Mr. Trusty concerning Mr. Blackburn's comments.

Mr. Trusty stated the item would need to be redesigned and re-bid to proceed with a different proposal.

Mayor Olsen called for a vote. Those voting aye: Vincent Liddiard, David Lifferth and Linn Strouse. Those voting nay: David Blackburn and Heather Jackson. Motion **passed** with a majority vote of 3:2.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Musketeer, LLC for Valley View South - Plat A.

Planning Director Adam Lenhard stated Valley View Ranch South is located north of SR 73 between North Ranch and Meadow Ranch. Plat A was approved by the City Council on September 6, 2005 and is being developed by The Musketeer Group. This agreement details the terms of development, including bonding requirements. The Master Development Agreement, approved by the City Council on July 13, 2004, also requires that staff review the CC&R's. Staff recommended approval of the Development Agreement as presented.

Councilmember Lifferth **moved** to approve a Development Agreement with Musketeer, LLC for Valley View South – Plat A subject to the following conditions:

1. That curb and gutter be removed from the plans and documentations and that there be no curb and gutter in the plat.
2. That all references to sidewalks be removed from plans and documents, both verbiage and visual, and there be no sidewalks.
3. Specific language be added to the plans that there are no street lights in Plat A, and the money bonded for street lights be used for an entry monument.
4. Any language stating the HOA will maintain the park be stricken and the City maintain the park according to City standards.

Councilmember Jackson **seconded** the motion.

Councilmember Lifferth believes the City needs to maintain the original intent of what attracted people to this area. He would like to maintain the original intent of the negotiations for Valley View.

Councilmember Blackburn stated he believes curb and gutter are necessary for safety because of the traffic. He commented that everyone has ideas for their areas of residence; however, to impose personal desires and wishes on a developer can create a monarchy.

Councilmember Strouse does not believe the Council's wishes have been imposed upon the developer. She stated the City Council is considering the residents who have spent two years coming to Council meetings and respectfully proposing well thought out ideas. She feels the City Council should honor the respect of those residents.

Councilmember Blackburn stated he has no intentions of disrespecting any individuals involved in this process. He agreed this has been a civilized discussion. However, he feels the City Council needs to realize the developer has gone to many measures to appease the concerns of residents and the City Council. The developer did not have to agree to these things because of their right as property owners to develop their property.

Mr. Kinghorn stated the Development Agreement has no reference to curb and gutter. The references to curb and gutter are in the bond letter which reflects the construction drawings. He clarified the motion

is to approve the development agreement but deleting the requirement of curb and gutter as a required improvement with instructions to staff to add a special condition that curb and gutter not be allowed and that drainage swales be designed into the roads instead of curb and gutter.

Mr. Kinghorn stated the plat does not say anything about curb and gutter. The plat has been approved. The issue at this time is amending the Construction Standards, deleting curb and gutter and requiring another type of drainage control.

Councilmember Lifferth stated this subdivision should have the same type of drainage as the adjacent North Ranch and Meadow Ranch subdivisions.

Mayor Olsen asked Mr. Kinghorn if the motion is specific enough to address the concerns from an engineering standpoint. Mr. Kinghorn responded that it was; however, he is concerned with the condition that the City maintains the park and how that would affect the budget.

Councilmember Jackson asked when approving the Development Agreement if the City Council can request changes to the CC&R's. Mr. Kinghorn responded the only thing the City Council can address in the CC&R's are the items subjects that they are allowed to address in the Master Development Agreement, such as maintenance of parks and the animal rights provision.

Mr. Lenhard asked Mr. Kinghorn if the City is determining the developer is not in compliance with their Master Development Agreement. Mr. Kinghorn stated this motion would be in conflict of the Master Development Agreement with concern to park maintenance. The Development Agreement cannot change the Master Development Agreement unless the developer agrees to the changes.

Councilmember Lifferth **moved** to amend the motion to approve a Development Agreement with Musketeer, LLC for Valley View South – Plat A subject to the following conditions:

1. That curb and gutter be removed from the plans, bond letter, and documents and it be specific that no curb and gutter be included in the plat.
2. That all references to sidewalks be removed from plans and documents including the bond letter, both verbiage and visual, and there be no sidewalks.
3. Specific language be added to the plans that there are no street lights in plat A, and the money bonded for street lights be used for an entry monument.

Councilmember Jackson **seconded** the motion.

Mr. Kinghorn explained when the City Council approved the final plat the construction drawings, including curb and gutter, were approved. He explained the City Council does not see the construction drawings when approving a final plat. The final plat is a separate item than the construction drawings, but they are submitted together and the construction drawings are approved by staff when the final plat is approved. He stated the developer wants to build curb and gutter to control drainage. The Development Code says the City may not require the developer to build curb and gutter; it does not say the City can prohibit a developer from building curb and gutter. He stated the question now is can the City Council retroactively impose a requirement on the developer that was not there when the construction drawings were submitted. He recommended the City Council table the item.

Councilmember Lifferth stated he does not want to delay the developer any further.

Councilmember Blackburn asked the Mayor if the developer could speak because the format of the meeting has been changed since Valley View began the process and the developer is requesting to speak.

Mayor Olsen agreed to consider allowing the developer to speak.

Councilmember Liddiard feels the City is close to preventing the developer from exercising their right to develop their property. He would like to make sure the City is as accommodating to the developer as possible while preserving the nature of the area and the people who have invested their lives there. He stated he has recently been through an area where they are retrofitting the neighborhood to install curb and gutter to address drainage issues and upscale the neighborhood. He thinks the City needs to make progress, remove the curb and gutter issue and vote on the item because of the developer's desires to move forward on the project.

Councilmember Strouse stated she lives in Meadow Ranch and they are not asking for curb and gutter.

In response to Councilmember Blackburn's request to allow the developer to speak Mayor Olsen stated it would be highly irregular to allow the developer to speak because of the Policy Session Rules of Order. The Council needs to decide if they are ready to proceed with the information they received in Work Session. He suggested the Council table the item if there are concerns.

Councilmember Liddiard **moved** to amend the amended motion on the floor to table the Development Agreement with Musketeer, LLC for Valley View South - Plat A.

Councilmember Strouse stated she spoke with Brian Haskell the developer in Valley View Plat B who stated he did not care if the development had curb and gutter or not.

Mr. Kinghorn stated Brian Haskell is not a developer of either Valley View Plats A or B. Musketeer LLC is the developer for Valley View Plats A and B. He stated the City Council needs to vote on the motion and if approved present this new development agreement to the developer because both sides need to agree to it. If he does not agree with the changes the City and the developer will need to negotiate the terms.

Mayor Olsen stated he appreciates the Council proceeding with this development agreement. The City Council should move in a direction where they can consider this item longer if necessary. He is prepared that is the City Council passes an ordinance they are ordering the Mayor to execute a law and if that is the case they will face the consequences.

Councilmember Lifferth did not accept Councilmember Liddiard's motion to table the item.

Councilmember Blackburn stated in the past when the City Council has tried to make changes to previous plats when the development agreement is on the agenda they have been told they cannot do that. With this proposal the construction drawings have been approved. He asked how the City has the legal right to remove sidewalks, and curb and gutter if the developer already has that approval.

Mr. Kinghorn stated the City would be offering the developer a modified development agreement. If the developer rejects the modified development agreement it will be brought back before the City Council.

Mayor Olsen asked the City Council if they are prepared to vote on this.

Councilmember Jackson **moved** to amend the amended motion to approve a Development Agreement with Musketeer, LLC for Valley View South – Plat A subject to the following conditions:

1. That curb and gutter be removed from the plans, bond letter, and documents and it be specific that no curb and gutter be included in the plat and that drainage swales are put in place of curb and gutter.
2. That all references to sidewalks be removed from plans and documents including the bond letter, both verbiage and visual, and there be no sidewalks.
3. Specific language be added to the plans that there are no street lights in plat A, and the money bonded for street lights be used for an entry monument.

Councilmember Lifferth stated drainage would need to be accommodated in some way other than curb and gutter.

City Recorder Gina Peterson stated the only thing in the development agreement concerning curb and gutter is the bond letter.

Mr. Kinghorn stated the plat will have to be redesigned if the developer agrees to the changes. He is not sure what the outcome will be if the developer does not agree to the proposed changes.

Mayor Olsen asked if the City Council is prepared to move forward with the motion that the mayor executes the agreement under the laws of the City.

Councilmember Strouse stated Councilmember Lifferth made a statement that the curb and gutter be removed to be consistent with North Ranch and Meadow Ranch.

Mayor Olsen called for a vote. Those voting aye: David Lifferth and Linn Strouse. Those voting nay: David Blackburn, Heather Jackson and Vincent Liddiard. Motion **failed** with a 2:3 vote.

Councilmember Jackson **moved** to table the Development Agreement with Musketeer, LLC for Valley View South - Plat A. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Musketeer, LLC for Valley View South - Plat B.

Mr. Lenhard stated Valley View Ranch South is located north of SR 73 between North Ranch and Meadow Ranch. Plat B was approved by the City Council on September 6, 2005 and is being developed by The Musketeer Group. This agreement details the terms of development, including bonding requirements. The Master Development Agreement, approved by the City Council on July 13, 2004, also requires that staff review the CC&R's.

Councilmember Liddiard **moved** to approve a Development Agreement with Musketeer, LLC for Valley View South – Plat B. Councilmember Blackburn **seconded** the motion.

Councilmember Blackburn stated there are individuals who have not been before the Council since the Mayor enacted rules of order; he stated that could lead to frustration and feels leniency to the rules of order should be granted.

Mayor Olsen called Councilmember Blackburn out of order. He stated the City Council needs to follow the law. It is illegal for someone to make comments in the policy session unless noticed as a public hearing or in the public comment portion of the meeting. He will not allow that. He stated all other municipalities in the United States follow municipality laws. He is not going to cater to disruption.

Councilmember Jackson stated this item is dealing with the same items as Valley View Plat A therefore she will vote against approving this item.

Councilmember Lifferth **moved** to amend the motion on the floor to table the Development Agreement with Musketeer, LLC for Valley View South – Plat B.

Councilmember Liddiard would like to meet the citizens request to not have curb and gutter, but he wants to do it in a way that the City is not putting themselves in a public battle. He would like a forward motion and he would like the curb and gutter removed. He requested this item be back before the Council as soon as possible. He accepted Councilmember Lifferth's motion to table the item. He also requested it be part of the motion that the developer visit with the City in the next couple of days to resolve this issue in a positive accord.

Councilmember Blackburn **seconded** the amended motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

AMENDED MASTER DEVELOPMENT PLAN AGREEMENT – Consideration and approval of an Amended Master Development Plan Agreement with The Ranches.

ORDINANCE – Consideration and adoption of an ordinance rezoning land in The Ranches Master Plan area and amending the Zoning Map of Eagle Mountain City

Mr. Lenhard stated Elkhorn Development has submitted an application to amend a portion of The Ranches Master Development Plan in the Mt. Airey subdivision. The subject property is approximately 0.92 acres in size (40,867 sq. ft.). The applicant is requesting to develop their parcel into four separate lots, instead of the two they are allowed under the current Master Development Plan. They claim that only placing two lots on the subject property would result in an unattractive layout with double frontages, or that the larger lots would be more difficult to maintain. The proposed amendment is consistent with the City's General Plan Map.

Councilmember Liddiard **moved** to approve an Amended Master Development Plan Agreement with The Ranches. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard explained this amendment enables the City to have an appropriate and contiguous area.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to adopt Ordinance 03-2006 rezoning land in The Ranches Master Plan area and amending the Zoning Map of Eagle Mountain City. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Jacobs Well – Plat B.

City Planner Peter Spencer stated the Jacob's Well subdivision is located just south of Liberty Farm along Golden Eagle Road. On August 5, 2003 the City Council reviewed and approved a previous layout for Jacob's Well B, but it was never recorded.

Mr. Spencer explained the Sage Group recently submitted an application for a revised Final Plat Layout for Plat B. Staff prefers this layout due to the increased lot frontages and elimination of the flag lots found in the previous plat. Because of the extent of these revisions, the plat is required to receive final plat approval from the City Council.

Mr. Spencer explained City Staff recommended xeriscaping in the vest pocket park rather than sod. The Planning Commission agreed with that recommendation. The Ranches Homeowner's Association has submitted a letter to the City that they would request sod in the vest pocket park; however, City staff still recommends xeriscape. Mr. Spencer then outlined proposed conditions of approval for the Final Plat for Jacobs Well – Plat B.

Councilmember Jackson **moved** to approve the Final Plat for Jacobs Well – Plat B subject to the following conditions as listed by staff:

1. **SID PAYMENTS.** That the City Engineer determines the amount of SID payment due, and the payment is made prior to recordation.
2. **ENGINEER'S COMMENTS.** That the City's Engineer's redline comments on the construction plans are addressed and approved.
3. **BENCH DRAINS.** That a note is added to construction drawings indicating that all bench drains are a developer improvement. That the bench drain is bonded for.
4. **LANDSCAPE PLAN.** That the vest pocket is appropriately xeriscaped.
5. **NEIGHBORHOOD PARK FEE.** That the Applicant pays the required amount for the Neighborhood Park as a fee-in-lieu calculated by the City Engineer prior to recordation.

Councilmember Liddiard **seconded** the motion.

Councilmember Strouse believes sod would be the best landscape option in the vest pocket park to create continuity.

Councilmember Strouse **moved** to amend the motion to approve the Final Plat for Jacobs Well – Plat B changing condition #4, LANDSCAPE PLAN to say that the vest pocket is sod.

Councilmember Jackson did not accept the amended motion. She feels it is the best option to move forward with xeriscaping because it is more cost effective and is the direction the City is encouraging.

Councilmember Blackburn asked to what extent the City can enforce xeriscape when the homeowners association requests sod, which is in their Design Guidelines.

Mr. Kinghorn stated the City owns the property and is not bound by The Ranches Design Guidelines.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Sage Valley – Plat B.

Mr. Lenhard stated Sage Valley is located along SR 73, just west of Cedar Pass Ranch. Sage Valley Plat A, consists of 21 lots on 40.11 acres. It received Final Plat Approval on January 6, 2000. The Planning Department has received a Final Plat application for Sage Valley Plat B, which will complete this development in its entirety.

Sage Valley was originally approved with a density ceiling of up to 67 dwelling units. Plat A contains 21 recorded dwelling units. The amendment approved in March, 2005 increased the density up to 98 dwelling units. The plans submitted by the Applicant are in compliance with the Master Development Plan approval. Mr. Lenhard stated all of the conditions of approval for the Master Development Agreement will remain in force. Staff has discussed changing street names, where necessary, to ensure they are not similar to currently existing street names in the City.

Councilmember Liddiard **moved** to approve the Final Plat for Sage Valley – Plat B subject to the following conditions:

1. PLAT. Change State Code reference to 10-9a-607 in the Owner's Dedication. That county book and page information is added. That the City Engineer verifies the plat boundary description. That an electronic copy of plat is submitted so addresses can be calculated.
2. SECONDARY ACCESS. That an emergency-access gate is installed to the satisfaction of the Fire Chief. That detail is provided for this road on the construction plans.
3. DEVELOPMENT AGREEMENT. That all conditions of approval enumerated in the Development Agreement remain in force.
4. WEST CANYON WASH. That West Canyon Wash shall be stabilized to the satisfaction of the City Engineer against further erosion and bank caving. That the recommended scour analysis be conducted and approved by city staff prior to the City's acceptance of the subdivision.
5. FENCING. That rear fencing is provided by the developer along the S.R. 73. as per the Development Code.

Councilmember Lifferth **seconded** the motion.

Councilmember Jackson acknowledged City Staff and those working with the developer to get an access to SR 73 with a gate. She feels this is a better option than the previously proposed requirement of fire safety sprinklers.

Councilmember Blackburn **moved** to amend the motion to approve the Final Plat for Sage Valley – Plat B subject to the following conditions (addition of #6):

1. PLAT. Change State Code reference to 10-9a-607 in the Owner's Dedication. That county book and page information is added. That the City Engineer verifies the plat boundary description. That an electronic copy of plat is submitted so addresses can be calculated.
2. SECONDARY ACCESS. That an emergency-access gate is installed to the satisfaction of the Fire Chief. That detail is provided for this road on the construction plans.
3. DEVELOPMENT AGREEMENT. That all conditions of approval enumerated in the Development Agreement remain in force.

4. WEST CANYON WASH. That West Canyon Wash shall be stabilized to the satisfaction of the City Engineer against further erosion and bank caving. That the recommended scour analysis be conducted and approved by city staff prior to the City's acceptance of the subdivision.
5. FENCING. That rear fencing is provided by the developer along the SR 73 as per the Development Code.
6. STREET NAMES. That street names be changed, where necessary, to ensure they are not similar to currently existing street names.

Councilmember Liddiard and Councilmember Lifferth accepted the amended motion.

Councilmember Lifferth stated he has been in contact with some of the people in this neighborhood and they are supportive of this plat.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Point Lookout – Plat B.

Mr. Spencer explained Point Lookout is a proposed subdivision located on the southern end of The Ranches, between Hidden Canyon and Castle Rock. This subdivision has been divided into two separate plats. Point Lookout Plat A, composed of 24 lots, received Final Plat approval from the City Council on May 17, 2005. This plat has yet to be recorded. Recently, new owners have acquired both plats and have submitted a Final Plat application for Point Lookout Plat B, which consists of 25 lots on 12.42 acres.

Mr. Spencer stated City Staff recommends approval of this plat and outlined the proposed conditions of approval.

Councilmember Blackburn **moved** to approve the Final Plat for Point Lookout – Plat B subject to the following conditions:

1. PARK FEE-IN-LIEU. That the required neighborhood park fee-in-lieu is paid and applied towards hard surface trail improvements in the utility corridor (the Cedar Valley Regional Trail).
2. SID. That the City Engineer verifies if the plat encompasses all of the land incorporated for the SID.
3. LANDSCAPE PLAN. That a licensed landscape architect's stamp is added to the plat.
4. SIGNAGE. That a street sign is added on the road to demarcate where Lochdoon Lane ends and West Point Lookout Road begins and vice versa.
5. PLAT & CONSTRUCTION DRAWINGS. That the acreage table is updated to show proper open space acreage. That all other redlines are addressed.
6. STREET NAMES. That street names be changed, where necessary, to ensure they are not similar to currently existing street names.

Councilmember Jackson **seconded** the motion.

Councilmember Strouse commented Point Lookout Road and Lochdoon Lane are separated into two different street names when it is a contiguous loop. She asked staff to keep that in mind when addressing the street names.

Councilmember Jackson asked if only one street name was used would the addresses on the opposite sides end up being the same. Staff responded that is a possibility.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Anthem on the Green – Phase 3A.

Mr. Spencer explained Anthem on the Green 3A is located south of Mt. Airey and north of the future Heatherwood development. Anthem on the Green Phases 1 & 2 received Final Plat approval on August 3, 2004. The Planning Department has also received a Final Plat application for the next phase in the development.

Councilmember Liddiard **moved** to approve the Final Plat for Anthem on the Green – Phase 3A subject to the following conditions:

1. PLAT. That all redline comments are addressed.
2. LANDSCAPE PLAN. That the spacing of the street trees conforms to City Code.
3. CONSTRUCTION ACCESS. That a direct construction access from SR 73 be identified.
4. STREET NAMES. That street names be changed, where necessary, to ensure they are not similar to currently existing street names.

Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard stated this is a nice development. He added the construction access condition to the motion to keep construction vehicles out of existing neighborhoods.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a change to the Utility Trenching Contract with Tasco to reflect cost increases.

The current contract with Tasco has been in effect since May 2004. However, during the past two years material and construction pricing has increased almost 100%. This not only affects the City's contract with Tasco, it also affects pricing for meters and labor. In order to continue to operate, these price increases must be passed along at cost.

Public Works Director Mark Sovine indicated that since the trenching contract has been in place for nearly two years the City will prepare to go out to bid to keep costs competitive.

Changes to the contract are outlined as follows:

- Remove telecom references from the contract.
- Adjust electrical connection pricing to a base fee of \$523.25 per connection. The Tasco contract's current fees are:
 - \$258.02 for the first 45 ft and \$ 8.60 per ft after 45 ft. for (20) line
 - \$287.74 for the first 45 ft and \$9.59 per ft after 45ft. for (40) line.
- Adjust connection pricing for natural gas to \$447.35 per connection. Current fees are:
 - \$275.08 for the first 45 ft and \$9.17 per ft after 45 feet.

These fees will also need to be updated in the consolidated fee schedule during the next agenda item. The increases in the consolidated fee schedule will be to the connection costs which include the Tasco fees and reflect all of the actual costs.

Councilmember Blackburn **moved** to approve the amendment to the Utility Trenching Contract with Tasco to reflect cost increases and requested that a flyer be sent to all developers and builders in the City that the cost increase would affect. Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard asked staff to provide him with copies of costs received and funds billed for the last 180 days for Tasco services.

Councilmember Lifferth requested that the City monitor and bring updates to the City Council on a more regular basis for cost increases so that such a large jump is not seen again.

Mayor Olsen called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and approval of a Resolution Amending the Consolidated Fee Schedule with regard to Utility Connections.

Mr. Sovine indicated the Consolidated Fee Schedule needed to be amended, by resolution, to update fees associated with utility connections in the agreement that was just amended for utility trenching with Tasco.

He outlined the proposed fee changes as follows:

OLD:

- 1.8.6 Natural Gas Rate and Fees:
 - 1. Service Deposit \$40.00
 - 2. Usage Rate \$16.00 Base Rate plus \$10.50 per decatherm
 - 3. Single Family Residential Connection Fee \$895.00
 for the first 45 feet measured from the property line and
 \$9.60/foot for each additional foot thereafter
 - 4. Commercial, Industrial, or Multi Family Connection Fee
 Estimated Cost of Connection plus 15% Administration Fee
- 1.8.7 Electric Power Rate and Fees:
 - 1. Service Deposit \$40.00
 - 2. Usage Rate \$10.00 Base Rate plus \$0.0911/KWH
 - 3. Single Family Residential Connection Fee:
 For services up to and including 150 amps.....
 \$660.00 for the first 45 feet measured from the property line
 \$9.00/foot for each additional foot thereafter
 For services greater than 150 amps.....
 \$700.00 for the first 45 feet measured from the property line
 \$10.00/foot for each additional foot thereafter
 (Impact Fee Additional Where Applicable)
 - 4. Commercial, Industrial or Multi Family Connection Fee
 Estimated Cost of Connection plus 15% Administration Fee
 (Impact Fee Additional Where Applicable)

PROPOSED:

- 1.8.6 Natural Gas Rate and Fees:
 - 1. Service Deposit \$40.00

- 2. Usage Rate\$16.00 Base Rate plus \$10.50 per decatherm
- 3. Single Family Residential Connection Fee (2lb / 4 oz meter sets).....\$1,015.62
- 4. Commercial, Industrial, or Multi Family Connection Fee
..... Estimated Cost of Connection plus 15% Administration Fee
- 1.8.7 Electric Power Rate and Fees:
 - 1. Service Deposit\$40.00
 - 2. Usage Rate\$10.00 Base Rate plus \$0.0911/KWH
 - 3. Single Family Residential Connection Fee up to 200 amps.....\$860.09
For services greater than 200 amps
..... Estimated Cost of Connection plus 15% Administration Fee
(Impact Fee Additional Where Applicable)
 - 4. Commercial, Industrial or Multi Family Connection Fee
..... Estimated Cost of Connection plus 15% Administration Fee
(Impact Fee Additional Where Applicable)
 - 5. Single Phase Temporary Power\$92.75
 - 6. Three Phase Temporary Power
..... Estimated Cost of Connection plus 15% Administration Fee

Councilmember Jackson **moved** to adopt Resolution 05-2006 amending the consolidated fee schedule with regard to Utility Connections. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an Engineering Services Contract with Stantec Consulting for Wastewater Treatment Plant Expansion, and related services for the South Service Area.

Mr. Kinghorn reviewed that Stantec Consulting/Beard International were selected as the Engineering Consultants for the engineering design work required for the expansion of the South Service Area Treatment Plant. The Contract includes payment to Beard International in the amount of \$20,000.00 for resolution of claims against the City by Beard International for services rendered prior to the engineering selection process.

Execution of the Contract will permit Stantec to go forward to design the expanded facilities for the Wastewater Treatment Plant, including review of the selected options and meeting all of the standards and requirements of the Utah Division of Water Quality. If the City Council approves the Agreement, the Agreement will be forwarded to the Utah Division of Water Quality to demonstrate that the City procurement standards were followed and that the Contract covers all of the services required by the Division of Water Quality to complete the project, including preliminary evaluation, conceptual and final design, and construction management services.

Councilmember Strouse **moved** to table the Engineering Services Contract with Stantec Consulting for Wastewater Treatment Plant Expansion, and related services for the South Service Area. Councilmember Jackson **seconded** the motion.

Councilmember Strouse stated the City should pay Beard International for the work they did for the City.

Councilmember Lifferth stated it was his understanding from staff that delaying the agreement further could slow down the timeline proposed by Stantec and the State for the process. Mr. Kinghorn agreed

and stated the public hearing and other aspects of the timeline have been based around approval of the agreement. Certain items in the process would have to be redone.

Mayor Olsen called for a vote on the motion. Those voting aye: Linn Strouse. Those voting nay: David Blackburn, Heather Jackson, Vincent Liddiard, and David Lifferth. Motion **failed** with a 1:4 vote.

Councilmember Liddiard **moved** to approve the Engineering Services Contract with Stantec Consulting for Wastewater Treatment Plant Expansion, and related services for the South Service Area with the following condition:

- Item Number “105 Services Performed by Beard in Exhibit A - Scope and Fee Summary” be stricken from the agreement.

Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard believes the work that was done by Beard International is not worth the \$20,000 they are charging the City. He feels the brochure they created was for marketing purposes.

Councilmember Blackburn **moved** to amend the motion to approve the Engineering Services Contract with Stantec Consulting for Wastewater Treatment Plant Expansion, and related services for the South Service Area with the following stipulations:

- Item Number “105 Services Performed by Beard in Exhibit A - Scope and Fee Summary” be stricken from the agreement because it was improper billing and payment for professional services not properly or formally reviewed or requested by the Council, and without a comparable outside service/advisory fee determination.
- Confirmation that all engineering by Stantec will be planned and formatted to work with Eagle Mountain City’s future plans of effluent water use and future PSI application. (Compatibility of the system without significant re-engineering for future water re-use.)
- That the Council be added as a required party for regular status and building updates.

Councilmember Liddiard accepted the amendment.

Mr. Kinghorn stated Stantec Engineering and Beard International are not partners and reiterated that the payment to Beard International will resolve any of claims against the City by Beard for services rendered prior to the engineering selection process.

Councilmember Lifferth commented the work Beard International did was clear and they should be paid for it.

Mayor Olsen called for a vote on the motion. Those voting aye: David Blackburn, and Vincent Liddiard. Those voting nay: Heather Jackson, David Lifferth and Linn Strouse. Motion **failed** with a 2:3 vote.

Councilmember Strouse commented it is a revelation to her that Beard International and Stantec Engineering are not working together.

Mr. Kinghorn reported that Stantec is the only entity involved in the engineering contract even though the proposal came from Stantec and Beard. The City asked Stantec if there was a joint venture with Beard for the work or if Stantec was going to be the lead entity in contracting with the City. The City

was told everything Beard was going to do was done and all of the engineering services were going to be performed by Stantec.

Councilmember Lifferth **moved** to approve the Engineering Services Contract with Stantec Consulting for Wastewater Treatment Plant Expansion, and related services for the South Service Area as presented. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard explained initially the City thought the only wastewater treatment plant option that the State would approve is an aerated lagoon. That was given to Epic Engineering to work with. The City then became aware the State would consider several alternatives. He commented that Beard International made a dressed up brochure at their own risk and is charging the City \$20,000 for it. Councilmember Liddiard does not feel Beard's work warrants payment in that amount.

Councilmember Lifferth stated he is not convinced of the reality of the situation at that time. He encouraged the City Council to approve the contract as presented, as stated he believes it is clear the work Beard International did and they deserve to be paid for it. He stated the reality of the issue is that it would come to a 3:2 vote.

Mayor Olsen called for a vote on the motion. Those voting aye: Heather Jackson, David Lifferth, and Linn Strouse. Those voting nay: David Blackburn and Vincent Liddiard. Motion **passed** with a 3:2 vote.

ORDINANCE – Consideration and adoption of an ordinance delegating authority to the Mayor of Eagle Mountain to adopt operating procedures for Eagle Mountain City employees, to augment and supplement the personnel procedures of Eagle Mountain City.

Mr. Kinghorn stated several departments in the City, for example, Public Works need to create standards for personnel safety, vehicle and equipment operations, etc. which are subject to change and need flexible enforcement. The standards are often more detailed than the City personnel policies. The standards approved by the Mayor will have the force of City Personnel Rules if the ordinance is adopted.

Councilmember Jackson **moved** to adopt Ordinance 04-2006: An Ordinance Delegating Authority to the Mayor of Eagle Mountain to Adopt Operating Procedures for Eagle Mountain City employees, to Augment and Supplement the Personnel Procedures of Eagle Mountain City. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth stated he supports this ordinance and he does not believe it is the City Council's role to micromanage all of the details of the City. It is, however, the City Council's role to set ordinances and the Mayor is responsible to enact them.

Mr. Kinghorn stated this ordinance will allow the Mayor to create administrative rules for employees to follow that are separate from the legislative policies of the City which are established by ordinance.

Councilmember Blackburn asked for the procedure of how employees will be notified of changes.

Mayor Olsen responded that he legally has to provide each employee with a Policies and Procedures Manual. Each employee will sign their name to receiving the manual.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an Agreement with Sprint for Mobile Phone Services.

Mr. Hillman stated this agreement is to provide mobile phone service to various city employees during the scope of their work. The City recently switched cell phone service to Sprint for an annual cost savings of \$7,000. This represents a 30% decrease in cell phone service fees. The City has made the following modifications to the agreement and recommends approval of the City draft:

1. That the term of the agreement is by the fiscal year and is renewed on an annual basis for a one year period.
2. That there be no termination or reactivation fees.
3. That the City Council authorizes staff to solicit bids if Sprint does not accept the terms of this agreement.

Councilmember Liddiard **moved** to approve an Agreement with Sprint for Mobile Phone Services subject to the conditions outlined by Mr. Hillman. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an agreement with Midway West Amusements for the 2006 Pony Express Days carnival.

Mr. Hillman stated this agreement will approve the continued use of Midway West as the contractor for the rides and concessions area of the amusement rides for Pony Express Days at Nolan Park. The contract has been reviewed and approved as to form by legal counsel.

Councilmember Liddiard **moved** to approve the agreement with Midway West Amusements for the 2006 Pony Express Days carnival subject to the following conditions:

1. That staff determines and approves a location.
2. That any vehicles not being used for the carnival be moved off the park grounds.

Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard stated he did not feel it is appropriate to have recreational vehicles or vehicles used to run errands parked on the park grounds.

Councilmember Lifferth commented that during Work Session Councilmember Strouse brought up concerns of employees of Midway West Amusements.

Councilmember Strouse said the Sheriff's Department has agreed to have their booth in a convenient location for the public and she is comfortable with that solution.

Councilmember Lifferth stated any changes to Pony Express Days in the future should be made the year prior to the event.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration For Adoption Of A Resolution Authorizing The Issuance And Sale Of Not More Than \$9,600,000 Aggregate Principal Amount Of Water And Sewer Revenue And Refunding Bonds, Series 2006, 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.

Mr. Hillman explained that in order to proceed with the planned restructuring of the City's Water & Sewer Revenue bonds, the Council needs to begin the process by adopting a parameters resolution. This resolution announces the intent of the Council to restructure its bonds and the broad parameters it will establish to guide the restructuring. This action does not bind the Council into any formal future restructuring action.

Councilmember Blackburn **moved** to adopt Resolution 06-2006 authorizing the issuance and sale of not more than \$9,600,000 aggregate principal amount of water and sewer revenue and refunding bonds, series 2006, 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. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth expressed concern with the City taking on additional debt with this resolution.

Councilmember Blackburn clarified if the City refinances the bonds it will reduce debt.

Mr. Hillman explained the City would not be increasing the debt at this point; however, there is an option to increase the debt for City improvements.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the consent agenda as follows:

A. Final Bond Release (entering Warranty Period)

1) Lone Tree – Plat B

Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Blackburn asked for leniency for individuals who are not used to the rules of order for the City Council meetings. He asked the Mayor to send an official letter to individuals participating in the City Council meetings explaining the rules of order.

Councilmember Blackburn stated he is concerned with two items approved at this meeting - the price of the restroom facilities and paying Beard International for past services. He would like a Pony Express relay race accruing the amount of miles on the Pony Express Route as part of the Pony Express Days celebration. He asked that the Pony Express Monument be on a future agenda to be placed on the same side of the road as the Pony Express Trail.

Councilmember Liddiard thanked Building Official Kent Partridge for the letter he sent to builders and developers concerning street sweeping and dumpster locations. He asked staff to provide him with a copy of costs received and funds billed out for the last 180 days for Tasco trenching and utility services. Mr. Liddiard commented on the following items:

- With the windfall of funds this fiscal year he would like to see the City meet the growing public safety requirements including a possible expansion of the North Fire Station.
- He recognized the abilities and talents of the City Engineer. He stated he is grateful for the professionalism and services he provides for the City.
- He looks forward to the building department receiving more staff to meet the demands of the customers.
- He would like to see the City shift from the use of surety bonds and cash escrow to strictly cash escrow bonds

Councilmember Lifferth expressed appreciation to the staff, developers and residents for cooperating to provide the best product and maintain the neighborhood standards.

Councilmember Strouse is pleased with the restroom and storage area for Nolan Park.

Mayor Olsen stated the next City Council meeting would be Wednesday March 22, 2006. The regularly scheduled meeting on Tuesday March 21, 2006 was reschedule because a quorum was not able to attend.

ADJOURNMENT

Councilmember Strouse **moved** to adjourn the meeting at 10:40 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 22, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gordon Burt, Acting City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Assistant to the City Administrator; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order. Sergeant Mark Binks led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gordon Burt, Acting 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; Jason Randall, Assistant Sergeant; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYORS ITEMS

Mayor Olsen welcomed Youth City Recorder Bryant Monson who was attending the meeting. He stated the Youth City Council will be working with the City Council and staff to improve the quality of life for the youth in the City.

Mayor Olsen highlighted the rules of order for the City Council meeting and outlined the process of public comment.

He stated as Mayor he relies heavily on individuals in key positions to accomplish the City's goals, especially the City Administrator. The Mayor and City Administrator must have a unique relationship. Under the direction of Mayor Kelvin Bailey's leadership Chris Hillman has made important contributions including the sale of the City owned Telecommunications and the City has kept up with explosive growth. Under the current form of government in Eagle Mountain City it is the Mayor's prerogative to have a City Administrator of his choosing. As Mayor Bailey did shortly after his election Mayor Olsen is moving forward with a City Administrator of his choice. Effective as of 3:00 p.m. March 22, 2006 Chris Hillman is no longer the City Administrator for Eagle Mountain City. He stated the City is fortunate to have good employees who serve the residents and they will continue to do so. The City has experienced a dramatic financial turn around in the last four years. The City Treasurer Gordon Burt has brought expertise and tireless effort to the City's financial challenges. He stated Mr. Burt deserves the most credit for the transformation of the City's finances. The greatest stewardship in government is the people's money. Mr. Burt will be serving as the Acting City Administrator. He appreciates the majority of the City Council members who have supported him in this action. Mayor Olsen and the City Council will embark on a search for a City Administrator to fill the needs of his administration.

PUBLIC COMMENTS

Ken Berg of Sowby and Berg consultants, the design engineer for the Valley View South subdivision, stated his professional opinion that the design approved with curb and gutter for the Valley View South subdivisions adequately and safely handles the storm water flows and protects the roads.

Ken Olsen developer in the Valley View subdivisions stated he hopes everyone can get along in the spirit of cooperation this evening. He believes they have done positive things. He also appreciates the residents input and involvement during this process. He apologized for his behavior at last City Council meeting. He stated it is Mr. Berg's professional opinion that curb and gutter is needed to safely handle the storm drain and protect the road. Mr. Olsen explained his concern with the 7% grade; steep roads have a greater velocity which he feels is a legitimate safety concern because of the open pipes in drainage swales. He met with Steve Sowby prior to the Planning Commission preliminary approval. At that time he did not want curb and gutter in these subdivisions. Mr. Sowby convinced Mr. Olsen curb and gutter was necessary in these subdivisions. He stated the Valley View South Plats A and B Development Agreements were tabled at the City Council meeting two weeks ago. He begged the City Council to keep these items on the agenda tonight. He thanked the City Council for their time and consideration and apologized for any misunderstandings with the residents concerning curb and gutter.

Gary McDougal stated he thinks property rights are important and feels fortunate to live in a country where they are protected. Neighbors do not have the right to tell someone what they can do on their property. He stated they are trying to build a quality development. He believes better flood control will save the City in the long run and cost the developer more money up front. Curb and gutter will not hurt property values in adjacent neighborhoods. He believes preserving the rural atmosphere is good but

flood control is very important. They are going to be in the City for the long term and building in this subdivision for approximately five years.

Charlotte Ducos sent an email to the City Council because her comments were longer than three minutes. In summarizing her main concerns she stated the residents want to see Valley View South Plats A and B Development Agreements passed tonight. She believes these items are to a point they can be passed, but she would like to see them comply with the Master Development Agreement. She stated it is her understanding that the Master Development Agreement supercedes all other documents. The Master Development Agreement clearly states no curb and gutter is allowed; however, those documents do allow for engineering concerns to be addressed. She stated the residents are aware that in steep areas curb and gutter would be required; however, it does not need to be included throughout the entire subdivision. She explained North Ranch does not have curb and gutter and there has not been road failure in that subdivision because the drainage swales are adequately deep. When building her home she was told how big the culvert needed to be and was required to have inspection before moving into the home to ensure proper drainage. In the areas that have drainage swales and have had road failure there has been discussion that the engineering was not done properly. Ranches Parkway has had an overlay and has curb and gutter and it failed; her point is that road failure can happen in any case. She asked the City Council to uphold the Master Development Agreement that was signed and dated October 19, 2004, which states no curb and gutter is allowed, just a drainage swale; however, it does allow for engineer's concerns.

Brian Haskell stated he was here for all negotiations and discussions leading up to the Master Development Agreement for Valley View, and he signed the Master Development Agreement for Valley View. He believes the intent of the agreement was that drainage swales were allowed because the developer agreed to reduce the density in the project.

John Wallace addressed his concerns with the Valley View subdivision. He thanked those who have stood their ground through this issue which, he stated, exceeds far past curb and gutter. The history of this project has been too long and frustrating for all involved. He stated each of the Councilmembers has been elected by the people and they represent the people in many civic matters. The staff members in this room are in their appointed positions due to the elected officials. The City Councilmembers have stewardship to protect the rights of current residents while working with new development. He believes the biggest mistake of the Valley View subdivision was not having the proper zoning in place when the project was submitted which has created a situation full of holes. The citizens hold the City Staff and Elected Officials responsible for that. This error has cost the citizens, City, and the developers a great deal of time and money. The mistakes made since then can be addressed and prevented in the future. He feels there should be some accountability for things that have occurred, such as inconsistencies of prior approved agreements and recent agreements. He believes concessions the citizens had given on this development have been forgotten and the staff has minimized the citizens concerns in hopes they will go away. He stated many residents in North and Meadow Ranch moved to the City with considerable investment in their homes to have a rural atmosphere. He believes Eagle Mountain City has failed in the past to uphold its fiduciary relationship to the citizens and developers. He hopes the future brings a brighter day to all.

Julie Wallace made the following comments which she submitted to be included in full in the record:

“Mayor and Council,

I appreciate the opportunity to address you concerning Valley View.

First, I would like, with permission, to have all residents in attendance from North and Meadow Ranch stand up.

I also have here a list of 24 names of individuals who were unable to attend, who wished to express their desire to be here tonight. These people were not coerced into giving their names. Of their own free accord, these people have contacted either Charlotte or I and asked that they be represented.

This is the type of support that we had at meetings in 2004 when this process began. You cannot expect this many people to continually attend countless meetings over what has become almost a two year span. Many felt that once the Master Development Agreement was in place, that things would be taken care of.

Those of us who have continued to come to the meetings have been sources of updates and information for the others and have continued to be a voice for a group that can not be expected to put their lives on hold for this extensive period of time

Many of the individuals here tonight will need to leave after public comment time. Please do not take this as a sign of apathy, but there are many other things going on tonight. There are youth activities, a grade school program for the students of Pony Express Elem., and a mandatory registration meeting for the incoming sophomores at the high school, not to mention any personal schedules and families waiting at home.

Today you received an e-mail from Charlotte Ducos with a brief history of the process with the Valley View project, to help you understand how it has come to point that it is today.

I would like to mention a few dates and facts in regard to the curb and gutter issue.

On July 26, 2004, a map, including curb and gutter, went before the Planning Commission. There were a number of issues addressed, including but not limited to curb and gutter, animal rights, water issues, transportation concerns, CC&R's , street lights and a rural feel.

On Aug. 3, 2004, it appeared in a public hearing before the City council for the first time, and in additional city council meetings many specific issues were hammered out.

On September 21, 2004, the Valley View Zone, the annexation of this land, and the Master Development agreement as approved by the City Council. The map that is part of this development agreement shows a cross section drawing of the roads, with not curb and gutter, and verbiage that support that fact.

The master Development agreement was signed by the city and the developer on Oct. 19, 2004. It is a legally binding document.

During the spring a summer of 2005, the developer brought to the planning commission and city council many plat maps for phases A & B. Finally on September 6, 2005, the plat maps for phases A & B were approved by the City Council. These plat maps had no reference to curb and gutter in either language or cross sections.

This brings us to the last council meeting where the development agreement for plats A & B were to be adopted. In the documents, curb and gutter were indicated As you know, it issue was tabled that night It took a resident, Charlotte Ducos, looking at her copy of the Master Development agreement the next day to find the drawing and verbiage about the curb and gutter on that map.

I am sincerely sorry for any misinterpretation or miscommunication that has taken place of the in regards to curb and gutter. However, I would ask that the council uphold what has already been legally adopted in the Master Development Agreement and not allow curb and gutter in the Valley View development.”

James Anderson suggested the City look into installing UTOPIA Community Metro net which would help him with his home business which would require fiber optic lines in the City.

Public Works Director Mark Sovine stated there are fiber optic lines in the Kern River Utility Corridor.

Howard Friest owns Oncore Builders who has purchased lots in the Valley View subdivision. He requested this subdivision be approved with curb and gutter, as this was his impression when he purchased the lots. He believes not having the curb and gutter would hurt the value of the lots.

Jim Smith of North Ranch agreed with the other residents who have commented on Valley View. When they purchased their lots they were under the impression that curb and gutter would not be allowed in that area. He asked the City Council to make their decision based on the Master Development Agreement as approved.

Shauna Johnson of North Ranch stated as she was driving in her subdivision today she had to stop and wait as four horses passed; this emphasizes how rural this community is. She stated she purchased her home for the rural feel and curb and gutter removes that rural feel. She stated the Council is to represent the people of the City. She stated her home appraised for a higher value than what they are planning to build in Valley View and she believes that drainage swales are part of that.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the minutes of March 7, 2006 from the consent agenda. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve the consent agenda as follows:

- A. Minutes
 - 1) February 21, 2006
- B. Final Bond Release (entering Warranty Period)
 - 1) Colonial Park – Phase 1
 - 2) Showdown at Eagle’s Gate – Plat A
- C. Warranty Bond Release
 - 1) Freemont Springs – Plat 1A
 - 2) Freemont Springs – Plat 1B

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to table the minutes of March 7, 2006 for further review. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

SCHEDULED ITEMS

MOTION – Consideration and approval of the Final Plat for Highlands (formerly Anthem) on the Green – Phase 3B.

City Planner Peter Spencer explained Highlands on the Green (formerly Anthem) 3B is a one-lot subdivision located between Mt. Airey Plat C and Anthem on the Green Phase 2. The applicant has both the land area and vested density to provide for one additional lot to the Anthem on the Green subdivision. Previously, Anthem on the Green Phases 1 & 2 received Final Plat approval on August 3, 2004. Anthem on the Green Phase 3A received Final Plat Approval on March 7, 2006. The Developer has voluntarily proposed a change in the name from Anthem to Highlands, due to a conflict with a different development group of the same name. The official name of this subdivision from this point forward will be Highlands on the Green 3B. Mr. Spencer recommended approval of this item.

Councilmember Jackson **moved** to approve the Final Plat for Highlands (formerly Anthem) on the Green – Phase 3B subject to the following conditions:

1. LANDSCAPE PLAN. That the spacing of the street trees conforms to City Code (canopies must overlap at maturity, typically 35 ft. apart).
2. BOOK AND PAGE. That county book and page are shown for adjacent parcels on the plat.

Councilmember Blackburn **seconded** the motion.

Councilmember Blackburn asked that a flyer be sent to all of the residents in the area of the subdivisions currently known as the Anthem explaining the name change to Highlands is due to another development group using the same name.

Councilmember Lifferth **moved** to amend the motion approving the Final Plat for Highlands (formerly Anthem) on the Green – Phase 3B to include the stipulations that a flyer be sent to all residents in the subdivisions currently known as Anthem explaining the name change to Highlands is due to another development group using the same name. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson accepted the amended motion and asked to have that information included in the utility billing newsletter rather than expending the funds of mailing a flyer to the residents in those subdivisions.

Councilmember Lifferth stated this subdivision name change is not due to financial concerns.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Mr. Spencer explained there is a development company in Arizona using the name Anthem who sent a letter to the developer of the Anthem asking them to cease and desist using that name. The developer of the Anthem subdivision is complying with that request changing all subdivisions currently carrying the name of Anthem to Highlands.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Eagle Mountain Links, LLC for Highlands on the Green – Phase 3B.

Planning Director Adam Lenhard explained Highlands (formerly Anthem) on the Green 3B is a one lot subdivision located between Mt. Airey Plat C and Anthem on the Green Phase 2. A Development Agreement is the formal acceptance by both the City and Developer of all rights and obligations associated with and related to the development of a previously approved subdivision. The Agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the Development Agreement. The Development Agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project.

Councilmember Lifferth **moved** to approve a Development Agreement with Eagle Mountain Links, LLC for Highlands on the Green – Phase 3B. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked for stipulations from Planning Commission on this item. Mr. Lenhard explained that a development agreement is not reviewed by the Planning Commission; the City Council is the only review body for this item.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Eagle Mountain Links, LLC for Highlands on the Green – Phase 3A.

Mr. Lenhard explained Highlands (formerly Anthem) on the Green 3A is located south of Mt. Airey and north of the future Heatherwood development. It contains 49 lots over 11.96 acres and received final plat approval on March 7, 2006. Mr. Lenhard recommended approval of the Development Agreement as submitted.

Councilmember Liddiard **moved** to approve a Development Agreement with Eagle Mountain Links, LLC for Highlands on the Green – Phase 3A. Councilmember Strouse **seconded** the motion.

Councilmember Liddiard feels the construction access is a positive part of this Development Agreement.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Westview Heights.

Mr. Spencer explained Westview Heights is located along the south side of SR 73, between Cedar Pass Ranch and Meadow Ranch. This development, consisting of 49 lots on 42.75 acres of residentially zoned land, and has an average lot size of 30,492 sq. ft. This development is outside of any current homeowners association and is not intending on forming one of its own.

As required, this development proposes two separate accesses. The first access is proposed to tie into the existing west entrance to Cedar Pass Ranch. The second access, to be improved with the

construction of this development, will align with Sunset Drive in Meadow Ranch to the north. Both intersections are planned and approved by UDOT to have a traffic signal.

Mr. Spencer explained the Development Code allows the City Council to waive rural-type infrastructure improvements such as curb and gutter and streetlights. Staff has explained to the Applicant that the Council has preferred not to have subdivisions with curb and gutter and numerous streetlights. Staff recommends that streetlights are placed minimally at the subdivision entryways and at every street intersection throughout the subdivision (total of 6 lights over the project area) to increase visibility and vehicle safety. The Applicant has stated that it is their preference to build the subdivision with curb and gutter.

Mr. Spencer highlighted the proposed conditions of approval.

Councilmember Lifferth **moved** to table the Final Plat for Westview Heights to give Councilmembers more time to discuss this proposal with residents in the proposed area. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth is pleased with lot sizes in this subdivision; however, he is concerned there is not a homeowners association in an area surrounded by subdivisions with homeowners associations. He also feels the fencing will detract from the rural feel of the area. He recommended the modified curb for Westview Heights as proposed in the Valley View subdivision.

Councilmember Liddiard agreed white vinyl fencing would detract from the rural feel of the area; however, he feels the property owners should decide if they want a homeowners association and it should not be mandated by the City. Discussion ensued on the enforcement of City standards.

Councilmember Strouse stated 75% of the people in her subdivision do not support forcing people to have a homeowners association. She explained that Meadow Ranch is three votes short of dissolving the homeowners association. She believes good neighbors have good neighbors. She doesn't agree that a homeowners association guarantees a nice looking subdivision.

Councilmember Jackson doesn't think Councilmember Lifferth wants a homeowners association; however, he would like the standards to be equal to the surrounding neighborhoods and provided in CC&R's. She believes this is being addressed because the subdivision is proposed in a community where homeowners associations exist.

Councilmember Strouse stated this development is proposed next to the existing Sage Valley subdivision which does not have a homeowners association and in her opinion is a very nice area.

Councilmember Lifferth stated he is not for or against homeowners associations. He stated there are expectations from residents who have lots adjacent to the proposed subdivision that there is not enforcement on the maintenance of the neighborhood.

Councilmember Blackburn explained the Development Code has the basis for enforcement of general community standards. He believes it is not the position of the City Council to require CC&R's. He feels the concern is to have a proper community rather than CC&R's. He stated the phasing of lots is appropriate and he does not believe the City should require or request a homeowners association. He thinks the standard with curb and gutter will be driven by cost.

Mayor Olsen called for a vote. Those voting aye: Heather Jackson and David Lifferth. Those voting nay: David Blackburn, Vincent Liddiard and Linn Strouse. Motion **failed** due to the lack of a majority vote 2:3.

Councilmember Liddiard **moved** to approve the Final Plat for Westview Heights subject to the following conditions:

1. **PRIVACY FENCING.** That the rear yard fencing along SR 73 is bonded for as a developer improvement and contiguous with the rural area; specifically not white vinyl fencing.
2. **ROLLBACK TAXES.** That any rollback taxes on the property must be paid by the Developer prior to recordation of the plat.
3. **DEVELOPMENT AGREEMENT.** That the City Council approves a Development Agreement detailing the required Tier I Bonus Density amenities to be provided by the developer.
4. **ENTRYWAY AND PUBLIC SPACE.** The entryway and public space is maintained by the City.

Councilmember Strouse **seconded** the motion.

Councilmember Blackburn **moved** to amend the motion to include additional bonding to cover the existing west entrance to Cedar Pass Ranch if any damage occurs prior to a construction access being completed. Councilmember Liddiard **seconded** the motion and accepted the amendment.

Councilmember Lifferth stated a number of residents wanted to attend this City Council meeting to make public comment on this item but were not able due to scheduling conflicts. He asked the City Council for additional time for these residents.

Councilmember Strouse stated a public notice was sent to all residents within 1000 feet of this subdivision in November. She was surprised by this subdivision when she received the notice, but stated they have a legal right to develop this property. She asked if there are CC&R's for this property.

Councilmember Liddiard asked the City to actively enforce the CC&R's for this area.

Councilmember Strouse clarified that CC&R's are a separate document from the homeowners association. A homeowners association is not required to enforce CC&R's.

Councilmember Jackson stated CC&R's are recorded with the plat. City Recorder Gina Peterson explained the City does not enforce CC&R's and no longer records them.

Councilmember Strouse asked if there are CC&R's on the property known as Westview Heights. Mr. Spencer responded the developer says there will be CC&R's in conjunction with the development agreement. Councilmember Strouse stated residents can enforce the CC&R's.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and Linn Strouse. Those voting nay: David Lifferth. Motion **passed** with a 4:1 vote.

NON-AGENDA ITEM – Employee Introduction

Deputy Peter Quittner has recently been assigned to Eagle Mountain City by the Utah County Sheriff's. He introduced himself to the Council.

Mayor Olsen welcomed Deputy Quittner to Eagle Mountain City and thanked him for his service.

AMENDED MASTER DEVELOPMENT PLAN AGREEMENT – Consideration and approval of an Amended Master Development Plan Agreement with SL6, LLC for the SilverLake Development.

ORDINANCE – Consideration and adoption of an ordinance rezoning land in the SilverLake Master Plan area and amending the Zoning Map of Eagle Mountain City

Mr. Lenhard indicated that on February 7, 2006 the City Council reviewed an application to amend the SilverLake Master Development Plan. SilverLake consists of 2,101 units over 483.7 acres. The required public hearings were held and amendments to the Land Use Element were approved. This action item will approve the amendments to the actual agreement as well as complete the rezoning process.

Councilmember Blackburn **moved** to approve an Amended Master Development Plan Agreement with SL6, LLC for the SilverLake Development. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve Ordinance #05-2006 rezoning land in the SilverLake Master Plan area and amending the Zoning Map of Eagle Mountain City. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard feels it is positive that this development is allocating property for an additional school site, and this community has provided many benefits for the City.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

LOT AGREEMENT – Consideration and approval of a Lot Agreement with the LDS Church for the Freemont Springs LDS Church.

Mr. Lenhard stated the City Council approved the Site Plan for the Freemont Springs LDS Church on February 7, 2006. The lot was recorded previously as Freemont Springs Plat D, and the LDS Church is in the process of deeding the required water rights to the City. A Lot Agreement is required between the City and the Applicant to ensure the requirements of the Site Plan are met. There are no public improvements required for this project, so no bond is needed. Mr. Lenhard recommended approval of this item as drafted.

Councilmember Blackburn **moved** to approve a Lot Agreement with the LDS Church for the Freemont Springs LDS Church subject to adding red curb along Porters Crossing Parkway to avoid parking on that street. Councilmember Lifferth **seconded** the motion.

Fire Chief Rand Andrus stated signage will also be needed to prevent parking because of weather conditions the curb may not always be visible.

Councilmember Blackburn **moved** to amend the motion to include signage prohibiting parking on Porter's Crossing Parkway. Councilmember Lifferth **seconded** the motion.

Mr. Lenhard asked Councilmember Blackburn for clarification on the motion if it was intended the City pay for the red curb and signage. Councilmember Blackburn stated those items would be a condition of approval and be paid for by the LDS church. Mr. Lenhard responded this item is a lot agreement; the site plan which would include signage has already been approved. Councilmember Blackburn clarified the motion that red curb and signage be paid for by the City.

Mayor Olsen recommended the Lot Agreement be approved without the conditions being discussed and the City Council approve an ordinance requiring those improvements at a future meeting.

Councilmember Blackburn **moved** to amend the amended motion that red curbing and signage prohibiting parking in front of the church on Porter's Crossing Parkway be paid for by the City. Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an agreement with UDOT for Traffic Signal Installation at Ranches Parkway and SR-73.

Public Works Director Mark Sovine stated this Agreement between UDOT and Eagle Mountain City details the terms for installation of a traffic signal and street lighting at Ranches Parkway and SR-73.

Mayor Olsen suggested the City Council pass this item and the Mayor and Public Works Director will have further discussions concerning a left turn light.

Councilmember Blackburn **moved** to approve an agreement with UDOT for Traffic Signal Installation at Ranches Parkway and SR 73 and that the City Council authorize installation of an eastbound acceleration lane including curb and gutter. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn stated he is pleased to see the first stop light going in this location. He believes it is very beneficial to the City.

Councilmember Jackson believes the City Council should not move forward with this proposal if it does not include a left turn signal. She stated the reason of installing the light is so people can turn left on Ranches Parkway.

Mayor Olsen stated that Mr. Sovine and he will watch for that to be included if approved.

Councilmember Liddiard is also interested in a left hand turn signal. He asked if a south bound semaphore would be installed.

Mr. Sovine responded the four way light would consist of four posts and a minimum of three masts. If the entryway of Talon Cove is under construction or near proceeding they would install the fourth mast.

Councilmember Liddiard stated this area has been re-stripped many times and there is no clear right and left turn designations. He stated the information in the packet received by the City Council was not an accurate representation of what really exists. He requested a new packet and the City approach UDOT requesting re-stripping for a left hand turn and right hand turn, and an acceleration lane.

Councilmember Strouse talked to the developer of Talon Cove on a related issue who stated the road issue will be resolved very soon. She suggested the City Council wait on approving this agreement until it is known when the road into the Talon Cove development will be completed.

Mr. Sovine stated UDOT has a tight schedule and delays by the City will cause additional delays by UDOT.

Mayor Olsen stated UDOT is very aware of public safety and takes all the steps to address those issues. He believes UDOT will avoid all public safety liabilities.

Councilmember Strouse asked if this traffic light is already scheduled before approval from the City Council.

Mr. Sovine explained there is a time line for the project; however, it must be approved by the City Council prior to UDOT proceeding.

Councilmember Strouse expressed concern in voting on this item tonight when in approximately a week the City may know if a four way light or a three way light is needed. Mr. Sovine responded that is not a concern and if they do a four way they will require a developer to install the mast.

Councilmember Liddiard's understanding is that all roads accessing this intersection will be controlled by a light. Therefore all four roads will have a light installed. If the road to Talon Cove is not built when the stop lights are installed the developer will install the light when they complete the road.

Mr. Sovine stated UDOT will make sure that is a four way light either at the expense of UDOT or the developer of Talon Cove.

Councilmember Liddiard would like the light to be completed prior to Pony Express Days. Mayor Olsen believes UDOT will address any public safety concerns immediately.

Councilmember Lifferth asked when the speed on SR 73 in the area of the intersection will be reduced, as discussed in Work Session. Mr. Sovine stated a speed study was done approximately a year ago, at that time it was recommended to keep the speed at 65 miles per hour. UDOT has never installed a traffic signal with a speed above 60 miles per hour. UDOT Safety Engineer Doug Basset has stated UDOT does not want to set a standard of a higher speed limit in the area of a signal light.

Councilmember Strouse would like the speed limit to be 55 miles per hour as it is in Saratoga Springs when approaching the traffic signal. She asked if the Mayor has the authority to set the speed limit. Mayor Olsen responded he does not have that authority on State roads.

Councilmember Strouse asked that the developer of Talon Cove be contacted concerning this matter. Mr. Sovine stated he has been contacted and they will continue to work with him.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a Master Street Lighting Agreement with UDOT.

Mr. Sovine explained this Agreement details terms of installation and maintenance of street lighting facilities atop traffic poles at the intersection of Ranches Parkway and SR-73.

Councilmember Blackburn asked if maintenance of the street lights will be the ambient lighting or the signal lights. Mr. Sovine responded the maintenance will be for the ambient street lighting only.

Councilmember Strouse asked if this is the same street lighting that is currently in the City which avoids light pollution. Mr. Sovine responded the lighting will probably be the same lighting as seen at the Redwood Road/SR 73 intersection and they will be shining down. He is not sure if they are night sky compliant.

Councilmember Lifferth asked to have the City Council notified when the type of light is known.

Councilmember Blackburn asked to have the signal lights shielded to increase vision when traveling into the sun. Mr. Sovine stated he will follow up on that request.

Councilmember Jackson **moved** to approve a Master Street Lighting Agreement with UDOT. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard feels Councilmember Blackburn's comment concerning shielding the signal lights is a valid concern.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Potential Litigation

Councilmember Lifferth **moved** to adjourn to a closed executive session for the purpose of discussing potential litigation - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

The meeting adjourned at 8:37 p.m.

CLOSED-DOOR SESSION – Potential Litigation

A closed-door session was held at 8:37 p.m. for the purpose of discussing potential litigation - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Brain Olsen; Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse; staff members Gordon Burt, Jerry Kinghorn, Adam Lenhard, and Gina Peterson.

The meeting adjourned at 9:25 p.m.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Musketeer, LLC for Valley View South - Plat A.

Mr. Lenhard explained the Valley View Master Development Plan was approved on July 13, 2004. Valley View South Plat A was approved by the City Council on September 6, 2005. The Developer has provided the subdivision CC&Rs and they have been reviewed by Staff and found to be in compliance

with the approved Master Development Agreement. A Development Agreement is the formal acceptance by both City and Developer of all rights and obligations associated with and related to the development of a previously approved subdivision. The Agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the Development Agreement. The Development Agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project.

Councilmember Blackburn **moved** to approve the Development Agreement with Musketeer, LLC for Valley View South – Plat A to include low profile curb. Councilmember Jackson **seconded** the motion.

Councilmember Jackson **moved** to amend the motion to stipulate that before the signing of the Development Agreement the City obtains a written statement from the Engineer of Valley View and the City Engineer stating the reasons curb and gutter are recommended. Councilmember Blackburn **seconded** the motion and accepted the amendment.

City Attorney Jerry Kinghorn recommended the City Council honor the Master Development Agreement that was signed with the property owners of the proposed Valley View subdivision and that the City Council approve the motion as made. He stated it is legitimate to request the Valley View Engineer put his comments in writing to be included in the record. He recommended the City Council proceed in that manner.

Councilmember Strouse asked how having the engineers written comments as a part of the record will benefit the situation.

Mr. Kinghorn stated his understanding that the engineer for the Valley View subdivision has stated curb and gutter is necessary to control drainage in the Valley View subdivisions and the City Engineer has agreed. The engineers' opinions are a probable outcome with situations that occur with flooding. He stated his understanding that the recommendation of the engineer is that low profile curb and gutter be allowed, as proposed, to prevent potential flooding problems and to control drainage. The Master Development Agreement waves the requirement of curb and gutter, but does not prohibit curb and gutter. Representation was sent to the City that the developer intended to use drainage swales; however, the City Council decided not to put that in the text of the Zoning Ordinance or the Master Development Agreement. They believed the cost of installing curb and gutter would be an incentive to use drainage swales. The Developer has chosen to install curb and gutter. There has been evidence presented in work session that curb and gutter is necessary to control surface drainage. There have been threats of litigation on both sides of the situation. Mr. Kinghorn would rather be on the side of enforcing what is in the Zoning Ordinance and the Master Development Agreement allowing low profile curb and gutter.

Councilmember Lifferth feels uncomfortable making this decision without City Engineer Chris Trusty present. He commented Meadow Ranch Phases 4 and 5 have curb and gutter and asked if the drainage from these phases flows into the drainage swales in the lower phases of Meadow Ranch. Mr. Lenhard responded he is not familiar with the engineering aspect in the Meadow Ranch subdivision and would not be comfortable to answer that question.

Mr. Kinghorn commented the amended motion would require the engineer of the Valley View subdivision to submit his comments from work session in writing to the City Recorder prior to the Mayor signing the Development Agreement.

Councilmember Lifferth declared his vote on the Valley View Development Agreements is based on the information that Meadow Ranch Phases 4 and 5 will have curb and gutter; if that is not the case he believes that would concern him that his decision was based on incomplete information.

Councilmember Strouse asked for verification that Meadow Ranch Phases 4 and 5 have curb and gutter. Mr. Kinghorn stated curb and gutter in Meadow Ranch is not relevant to his analysis of the rights of the developer and the rights of the residents.

Councilmember Blackburn stated this Development Agreement has not been an easy decision for the City Council, and it has been considered on multiple levels. He explained the City Council thought the developer would choose drainage swales over curb and gutter. He feels curb and gutter will be beneficial to the City in the long term. His motion is based on the curb being low profile, and traffic in this subdivision will be of greater volume than is currently in North and Meadow Ranch. The developer has chosen to offer a more costly option. The City could not require the developer to install curb and gutter and they cannot require them to not have curb and gutter.

Councilmember Strouse referenced the map attached to the Master Development Agreement and asked Mr. Kinghorn to explain its relevancy. Mr. Kinghorn explained the cross sections on the maps were not incorporated as requirements into the Master Development Agreement or the Zoning Ordinance. The theory was the developers should have flexibility to put what was the most attractive and most economically advantageous to their development.

Councilmember Strouse recalled the curb and gutter was to be used where engineering proved it was needed. She questioned Mr. Kinghorn that there is nothing in writing that supports that stipulation.

Mr. Kinghorn stated the representations that were made concerning curb and gutter were ambiguous and gives the City no place to stand for the requirement.

Councilmember Blackburn hoped his actions in regards to sound fiscal management would lend credence to his comments and opinions. He explained this is a pricey addition to the development and in the long run he hopes the City will see a product of higher quality.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmembers Strouse, Jackson and Lifferth stated their vote was difficult and is based on the advice of the City Attorney.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Musketeer, LLC for Valley View South - Plat B.

Mr. Lenhard explained the Valley View Master Development Plan was approved on July 13, 2004. Valley View South Plat B was approved by the City Council on September 6, 2005. The Developer has provided the subdivision CC&Rs and they have been reviewed by Staff and found to be in compliance with the approved Master Development Agreement.

Councilmember Jackson **moved** to approve the Development Agreement with Musketeer, LLC for Valley View South – Plat B to include low profile curb and that before the signing of the Development

Agreement the City obtains a written statement from the Engineer of Valley View and the City Engineer stating the reasons curb and gutter are recommended. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Jackson acknowledged the decisions made this evening were not made lightly and were made according to the recommendation of legal counsel.

Councilmember Jackson stated her campaign was run on getting phones answered at the City Offices. She called on the main line last week and her phone call was not answered. She would like the City to get the phones answered. She was transferred to the receptionist's voice mail. She expressed frustration that the City is supposed to be here for the residents and City employees are not answering phone calls.

Councilmember Jackson would like the Development Code clarified concerning the type of privacy fence required in some subdivisions to be consistent with the environment.

Councilmember Strouse stated she made the decisions concerning the Valley View Development Agreement with a heavy heart. She has been here for the long ordeal and seen the residents attending every meeting with their hard work and research putting their heart and soul into these issues. She would like the ambiguity taken out of the Development Code. This ambiguity has caused an unnecessary ordeal. She would like a time line for the codification of ordinances. She stated tapes from past meetings have missing information; she requested to have tapes and DVD's kept permanently. She asked if the microphones are picking up every person who speaks. She stated if the Recorders are expected to keep accurate minutes and recordings the City needs to be careful that paraphrasing is correct. She would like business done in a timely orderly manner without concern.

Mayor Olsen stated he has heard Councilmember Strouse's concerns and asked for time to address her concerns and respond to her in a public meeting.

Councilmember Blackburn encouraged Public Works to get with Saratoga Springs and work to repair the Pony Express Parkway as it extends into Saratoga Springs. He would like to see a construction and staff summit for City Staff, developers and builders to exchange information.

He stated Chris Hillman has been a great resource to the City and was an asset in the turn around and correcting of the City's direction. He was surprised and saddened to see his release by Mayor Olsen. He recognized Mayor Olsen's prerogative to modify staff; however, he does not believe this action was reflective of the City's direction concerning staff.

Councilmember Liddiard commented he was asked to concur with the release of Mr. Hillman and he chose not to.

Councilmember Lifferth stated he was not inclined to change his vote on Valley View; he was content with the agreement Mayor Olsen negotiated with the developers. It was with a great deal of personal angst that his decision was changed. He will verify the information provided concerning Valley View was accurate.

He noted the passing of his neighbor Lisa Palmer, who battled cancer. He stated she was an example to all and will be sorely missed.

Councilmember Lifferth stated his personal web site passed the 10,000 page view mark. He has a large contingency of people he communicates with and notifies of important City events. He stated this is an example of how modern technology can be used to keep the City informed. He noted his son Andrew was selected to be on the Utah State Olympic Development Team, being in the top 24 soccer players in his age group state wide. He announced at the Republican caucus meeting he was voted in as precinct chair and he appreciated the turnout in his precinct. He recognized all the individuals involved in this process to bring sound public policy to the grass roots level of government.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:56 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 4, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Councilmember Blackburn was excused.

MAYOR’S BUSINESS

The Mayor brought items to the attention of the City Council.

DISCUSSION

Revision of Utility Sales Resolution – Deadline for Comments – Jerry Kinghorn.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order. Rand Andrus led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Councilmember Blackburn was excused.

MAYOR’S ITEMS

Pony Express Days will be held from June 1st through June 3rd. Discussion ensued on the Nolan Park restrooms, which will not be completed in time for Pony Express Days.

The Miss Eagle Pageant will be held at the end of April at Pony Express Elementary School.

Yesterday there was a meeting with Stantec Engineering on the planned wastewater treatment plant.

The City's lobbyist in Washington, D.C., met with the Mayor yesterday.

Negotiations are continuing with the Central Utah Water Project.

Mayor Olsen asked Chief Andrus to report on an alternative telephone plan for emergency communications. Chief Andrus and Sgt. Binks recently met with Direct Communications. A system was set up in which an alarm will sound at Direct Communications if Quest's main trunk line fails. If the trunk line fails, the city will be cut off from calls from outside the city. Direct Communications will notify Public Safety immediately and Eagle Mountain 911 calls will be taken at the city's Public Safety offices.

150 building permits were issued in March.

Two new volunteer fire fighters have joined the Fire Department.

Public Safety has hired a new secretary.

City employees Leonard and DeAnna Whitney celebrated their 25th wedding anniversary yesterday.

PUBLIC COMMENTS

Tiffany Ulmer, 1320 Harrier Street, read a statement regarding agenda item 12, SilverLake Village. She was concerned about the 38-foot lot frontages. She felt that such small frontages would create problems with flooding, water hook-ups, City liability, water meter reading, public safety access and parking. She suggested that, if approved, home sales include a clause that residents can only sue the developer, not the City, for problems with these issues. She also stated that an island park is planned for the development, a design which Sundance Homes has been prohibited from building; therefore, it should not be allowed in this project.

Dan Blair of SilverLake asked that utility meters in SilverLake be checked. Mayor Olsen asked Mr. Blair to talk to Mark Sovine after the meeting.

APPOINTMENT – Library Board

Mayor Olsen recommended that Steven Barlow be appointed to the Library Board. Councilmember Jackson **moved** to appoint Steven Barlow to the Library Board. Councilmember Strouse **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

DISCUSSION — Utah County Commissioner Larry Ellertson

Utah County Commissioner Larry Ellertson introduced himself to the Council. He asked the Council if they had any questions or issues involving the County Commission.

Mayor Olsen asked Commissioner Ellertson if the local corridor preservation funding was approved by the County Commission. Commissioner Ellertson responded that it was.

Councilmember Strouse asked, for the benefit of the audience, what County Commissioners do. Commissioner Ellertson responded that County governments are created by State statutes; therefore,

State statutes govern what actions they have power to take. The Commission deals with issues in the unincorporated areas such as: human services, corrections, taxes, the Health Department (which includes mosquito abatement, environmental issues, food service licensing, septic tanks, etc.) and coordinating transportation with UDOT. He discussed current and planned transportation projects.

Councilmember Liddiard asked about economic development and emergency planning. Commissioner Ellertson responded that the Commission has approved a contract with the Economic Development Corporation of Utah. The County has an Emergency Manager and an emergency plan. He was concerned about a lack of general awareness of the emergency plan and how it should be implemented.

Commissioner Ellertson reported that there are plans to expand the County jail in Spanish Fork. Utah Lake environmental and development issues are being dealt with through the creation of a Utah Lake Commission.

Mayor Olsen thanked Commissioner Ellertson for coming to the meeting.

PRESENTATION

Mayor Olsen made a report on the Alpine School District. He cited statistics on growth of the student population and said that the 2001 bond paid for construction of eight elementary schools and two middle schools, as well as remodeling of four high schools, six junior high schools and 22 elementary schools. The district proposes a new bond election this year.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING

ORDINANCE – Consideration and Adoption of Fiscal Year 2005-2006 Budget Amendments.

City Treasurer Gordon Burt explained that any increases to City revenues or expenditures require a public hearing. Most of the current increases are due to conservative budgeting, i.e., revenues are underestimated and expenditures are overestimated to ensure that the City has adequate funds to meet all of its expenses. Growth in the city has resulted in increased connection costs for utilities, an increase in the resale amount for electricity and gas and costs for general supplies. It has also resulted in increased sales tax revenues.

Mayor Olsen opened the public hearing. Hearing no comments, he closed the hearing.

Councilmember Liddiard **moved** to adopt ordinance 06-2006, amending the fiscal year 2006 budget. Councilmember Jackson **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION– Consideration and Adoption of a Resolution Regarding the Residential Anti-Displacement and Relocation Assistance Plan and Certification.

City Attorney Jerry Kinghorn stated that the City is in the process of preparing its final application for receipt of \$126,096 for the Community Development Block Grant (CDBG). This program is funded and operated under the Housing & Community Act of 1974. As with many federally-funded programs, the City must comply with specific requirements. One such requirement is adoption of a Residential

Anti-Displacement and Relocation Assistance Plan and Certification. The adoption of this policy will allow the City to be eligible for CDBG funding.

Councilmember Lifferth **moved** to adopt a resolution approving the Residential Anti-Displacement and Relocation Assistance Plan. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth stated that the Residential Anti-Displacement and Relocation Assistance Plan supports personal property rights. Councilmember Jackson and Mayor Olsen made similar comments.

Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING – Community Development Block Grant Proposal – FY 2006
MOTION – Consideration and Approval of the Final Application for CDBG Funding to Install
Streetlights in Several City Center Neighborhoods.

Management Analyst Shawn Warnke reported that the Community Development Block Grant program, commonly referred to as CDBG, 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. The program is administered through the Mountainland Association of Governments, which oversees the distribution of these funds for Utah, Wasatch, and Summit counties. Eagle Mountain City competed against entities within these jurisdictions for \$1.5 million dollars. This year the City submitted an application to install streetlights for neighborhoods in the City Center. Eagle Mountain City has been awarded \$126,096 pending completion of the final application. The City is required to fund approximately \$37,000 in improvements. This item requests the City Council to authorize completion of the paperwork and authorize the Mayor to sign the documents finalizing the grant.

Mayor Olsen opened the public hearing.

Tiffany Ulmer, 1320 Harrier Street, asked the Council to provide a map of the proposed locations of the lights so that residents can inform Public Works of the locations of school bus stops. She also asked that the poles not be climbable, as children will try to do that, and asked that the design of the lights be change to something more attractive.

Mayor Olsen closed the public hearing.

Councilmember Liddiard **moved** to approve the proposal for the Community Development Block Grant. Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard was pleased that the City has been awarded a CDBG and that the street lights will be located where they are needed.

Mayor Olsen stated that the lights shown in the application would not be the ones installed. City staff confirmed that the lights installed would comply with City standards.

Councilmember Lifferth concurred with Ms. Ulmer's comments, recommending that the street lights be functional, throw light where it is needed, not where it is unwanted, and that the locations be optimized for the benefit of the residents.

Councilmember Jackson stated that Mr. Warnke did a great job on the application and that maps are available showing the proposed locations of the lights.

Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC HEARING – UDOT Transportation Enhancement Program Application
MOTION – Consideration and Approval of Submission of the UDOT Transportation Enhancement Program Application.

On January 24, 2006, the City Council unanimously voted to authorize the Mayor to sign the Intent to Fund, Pursue Reasonable Progress and Maintain and other associated documents connected with the UDOT Transportation Enhancement Program application. On March 13, 2006, the City received notice that the Utah Enhancement Advisory Committee intends to recommend partial funding in the amount of \$400,000 of the City's application for constructing the Sweetwater/Pony Express Regional Trail. The City will need to contribute the remaining portion of the construction costs for the trail, estimated by the UDOT engineer to be \$225,000. For this reason this item has been placed back on the agenda for City Council action.

The trail will be 3.5 miles of 10-foot-wide trail from Ash Point to Eagle Park. SITLA has committed to provide \$50,000 to the project.

Mayor Olsen opened the public hearing. Hearing no comments, he closed the hearing.

Councilmember Jackson **moved** to approve the submission of the UDOT Transportation Enhancement Program application and authorization for the Mayor to sign the associated documents. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson commented that the trail system is a huge enhancement to the City and the addition to the Pony Express Trail will increase safety for residents, especially in light of the bicycle accident which occurred in Saratoga Springs last week.

Councilmember Liddiard stated that the time line for initiating construction of this project is very long. He recommended that the City do anything possible to speed up the process. He suggested that the City could use SITLA's plans for their trail system as a springboard for planning this project.

Councilmember Strouse asked if there was a requirement for when the City would have to pay its portion of the funds. Mr. Warnke responded that full funding may be required until as late as spring, 2008. \$15,000 to \$20,000 will have to be budgeted in this next fiscal year.

Councilmember Strouse suggested that bicycle races or other events could be held to help fund the trail.

Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and Approval of a Development Agreement with Sundance Homes, L.C., for SilverLake Village.

A Development Agreement is the formal acceptance by both the City and developer of all rights and obligations associated with the development of a previously approved subdivision. The agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement. They are not up for negotiation in the Development Agreement. The Development Agreement is reviewed to assure that all prior agreed-upon standards, approvals, costs, conditions, special requirements and notices to the public are defined in writing and in the map of the project.

Mr. Lenhard stated that the final plat for this project was approved on August 24, 2004. At that time, the developer was vested with lot frontages, building pads, setbacks and street widths. Comments during tonight's work session and public comments during policy session expressed concern over those approvals. However, these items were approved according to the Development Code in force at the time. The item being considered at this meeting is the Development Agreement only, which is the formal acceptance of those approvals. He noted that the developer is no longer Sundance Homes, but Frontgate, which purchased Sundance Homes.

Councilmember Strouse **moved** to approve the Development Agreement for SilverLake Village. Councilmember Jackson **seconded** the motion.

Councilmember Strouse indicated that she would like to stipulate in the motion some of the concerns raised in this evening's meetings, such as the Fire Chief's concerns about snow plowing and that the HOA be informed that it would be responsible for road repairs and overlays. She wanted to approve the Development Agreement subject to close monitoring and that issues that can be addressed be addressed. She asked Mr. Kinghorn for his advice. He responded that all such concerns are disclosed to buyers in writing, as required by State statute. The City can't preempt State requirements and impose new requirements. He recommended that the City have staff check on road safety after heavy snows.

Mayor Olsen asked Councilmember Strouse if she would like to continue with her original motion or amend it. Councilmember Strouse said it did not appear to be possible for her to amend it.

Councilmember Jackson asked how the City would enforce safety violations on a private street. Mr. Kinghorn responded that the City could only contact the HOA and tell them to clear the snow for emergency access. The City would not be able to force the issue.

Councilmember Lifferth stated that, while he was supportive of allowing market forces to govern subdivision development, he was extremely concerned about fire safety.

Councilmember Strouse asked if she could stipulate in her motion that there be a monitoring and reporting requirement. Mr. Kinghorn responded that nothing in the code allows that; however, fire trucks have been known to push cars out of the way or drive into people's yards to respond to emergencies. A City ordinance regulating construction of planned unit developments is being considered.

Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and Approval of a Development Agreement with Scenic Development, Inc., for Westview Heights.

Westview Heights is located along the south side of SR-73 between Cedar Pass Ranch and Meadow Ranch. This development, consisting of 49 lots on 42.75 acres of residentially zoned land, has an average lot size of 30,492 sq. ft. This development is outside of any current homeowner's association and does not intend to form an HOA of its own. A Development Agreement is the formal acceptance by both City and developer of all rights and obligations associated with the development of a previously approved subdivision. The agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the Development Agreement. The Development Agreement is reviewed to assure that all prior agreed-upon standards, approvals, costs, conditions, special requirements and notices to the public are defined in writing and in the map of the project. This Development Agreement includes a voluntary commitment by the developer to install a six-foot-high wood privacy fence along SR 73 rather than a vinyl fence. The developer is no longer Scenic Development, but D.R. Horton.

Councilmember Liddiard **moved** to approve the Westview Heights Development Agreement, including the staff recommendation of a six-foot high privacy fence. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth stated that he appreciated a developer which would accept and incorporate feedback from the City Council.

Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and Approval of the Final Plat for Mt. Airey – Plat F.

Mt. Airey Plat F consists of four additional lots in the Mt. Airey subdivision. The original Ranches Master Development Plan allowed for 95 lots in Mt. Airey. The Ranches Master Development Plan was amended last January to allow for these four lots. The proposed Mt. Airey Plat F will complete this subdivision.

Councilmember Lifferth **moved** to approve the final plat for Mt. Airy Plat F. Councilmember Strouse pointed out that four conditions were recommended for the approval. Councilmember Lifferth amended the motion to make the approval subject to staff recommendations. Councilmember Liddiard **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Mayor Olsen asked Mr. Spencer to explain the park situation in Mt. Airey. Mr. Spencer responded that staff is working to provide a park in Mt. Airey. Staff met with residents to get their input. Proposals include a tot lot, picnic area and walking trail. Staff will approach The Ranches HOA to see if it would be willing to contribute to the cost of the park.

CONSENT AGENDA

Councilmember Strouse **moved** to approve the Consent Agenda as follows:

- A. Minutes
 - March 7, 2006
 - March 22, 2006

- B. Change Order – Mt. Airey 2005 Completion (CO No. 1)
- C. Partial Pay – Mt. Airey 2005 Completion (PP No. 3)

Councilmember Lifferth **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Jackson was pleased about the City's hiring of an additional building inspector so the work can be done in a timely manner. She asked about the progress of the new website. The response was that a bid was awarded and a design has been proposed.

Councilmember Lifferth had no comment.

Councilmember Liddiard was pleased to see Scouts attending the meeting and working on merit badges. He was also pleased that the Council receives monthly reports from the Sheriff's Office. He was excited about the CDBG grant. The lights will improve public safety. He said the city is entering the "Eagle Mountain monsoon season" and asked residents to keep debris out of the roads and make sure that the drainage system is kept clean. He said that as retention basins begin holding standing water, it will encourage mosquitoes and hoped that the City will do something proactive for mosquito control. He suggested that everyone be awake tonight at 1:02:03, when the time and date will be 1:02:03 04/05/06, which has not happened in 1,000 years and won't happen for another 1,000 years.

Councilmember Strouse had a meeting with Mark Trotter from Camp Floyd and Susan Whittaker from the Hutchings Museum. They discussed the unique history of the area, such as mining and the Pony Express Trail. They have created, with the Mayor's approval, a committee to promote history and tourism in the area. Anyone interested in helping with the committee is welcome. She said she recently talked to a 93-year-old woman who has been in the area for decades and would have preferred that a city had not been built here.

Mayor Olsen commented that the Council is using the meeting time well. He also said that he appreciated the Council's patience in getting used to his way of chairing the meetings. He was very pleased with the Youth Council program and Councilmember Strouse's involvement with that. He will encourage the Youth Council to be more active in expressing their concerns and opinions. His draft of the proposed budget will be available to the Council in the next few days and asked for their input.

COMMUNICATION ITEMS

These items are for information purposes only and do not require action or discussion by the City Council.

FINANCIAL REPORT – March 2006.

MEMO – Local Corridor Preservation Funding (2005-2006).

MEMO – Stantec Agreement.

LETTER – Response from Chief Andrus to Fred Peebles.

LETTER – Senator Robert Bennett from Mayor Olsen re: CDBG.

MAG RESOLUTION – Adding Town of Fairfield as a member.

MAG PRESS RELEASE – March 24, 2006.

CDBG – History of State and MAG Region CDBG Program Allocations (2003–2007).

ADJOURNMENT

Councilmember Liddiard moved to adjourn the meeting.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 18, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers Heather Jackson, David Lifferth (participated telephonically) and Linn Strouse. Councilmembers David Blackburn and Vincent Liddiard were excused.

CITY STAFF PRESENT: Gordon Burt, Acting City Administrator; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Kent Partridge, Building Official; Mark Binks, Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order. Lt Col Robert Dunton led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived at 7:08 p.m.) Heather Jackson, Vincent Liddiard, David Lifferth (participated telephonically) and Linn Strouse.

CITY STAFF PRESENT: Gordon Burt, Acting 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; Mark Binks, Sergeant.

Councilmember Jackson declared a conflict of interest on the agenda item dealing with Special Event Signage for the Utah Valley Parade of Homes. She noted she is the applicant for that item.

Mayor Olsen excused Chief Andrus who is attending classes to get his wild land fire certification.

PUBLIC COMMENTS

Mayor Olsen read a letter from Conner Bringham who attended the previous City Council meeting. He expressed concern that a person suggested that Eagle Mountain City is not reading the water meters correctly. He asked that Eagle Mountain make efforts to read the meters correctly to prevent over payment by residents.

Cary Brackett of the Ranches Master Homeowners Association stated there is a potential hazard on Ranches Parkway where the sidewalk ends halfway down; approximately 400 feet short of reaching Crossroads Plaza. The area is south of Pony Express Parkway, through the power line corridor. He expressed concern for children walking to the businesses in Crossroads Plaza. Mr. Brackett proposed suggested the City complete the sidewalk connecting to the existing asphalt trail, or the Homeowners Association could work with the City to extend the asphalt trail. Another option would be for the Homeowners Association to proceed at contracting out this project with the City's approval.

Kyle Burdett of Rockwell Village stated he feels there has been a deterioration of landscaping on Ranches Parkway and Pony Express Parkway since the City took over the maintenance. He cited concerns with mowing, edging, weeds, litter control and general maintenance. He said the City chose to take over the maintenance in The Ranches despite the requests of The Ranches Homeowners Association that they continue the maintenance. Weeds are already present and large portions of sod have been lost along Ranches Parkway and Pony Express. He asked the City to dedicate the necessary resources to return those areas to their previous state. He stated he is aware the City has been presented with an offer from the Homeowners Association to take over maintenance in those areas.

Planning Director Adam Lenhard thanked the Mayor, Council, and City Staff for the opportunity to work with them. He has received and accepted an offer with another company, and effective May 1, 2006 he will no longer be employed by Eagle Mountain City. He stated working with Eagle Mountain City has been a wonderful experience.

MAYOR'S ITEMS

Mayor Olsen congratulated Councilmember Blackburn on the recent birth of his daughter.

He presented the City Council with a draft of the 2006 fiscal year budget. He asked the City Council to review the draft budget and respond with recommendations and comments. He has included a letter explaining the revised budget that he believes is easier to read than previous budgets. Mayor Olsen feels the public will be pleased with the proposed budget. He recognized the budget committee and those who have been involved in the process.

Mayor Olsen announced he has hired Royce Van Tassel as a temporary, part-time Community Relations Director who will work with the media and train the City Council. He asked the City Council to support this position in the upcoming budget.

Mayor Olsen read the following comments:

“Last Tuesday Mark Sovine announced his retirement as public works director. As I said at the time, Mark has been instrumental in helping the city meet the infrastructure needs inherent in our explosive growth. The public works staff has grown dramatically, and Mark has provided the leadership and guidance we’ve needed during these demanding times.

I am sad to see Mark go, but the business of the City continues, and so must we. I began an immediate search for his replacement, and have reviewed the resumes of all the candidates submitted thus far.

Following careful deliberation and consultation, I have asked Michael S. Wren to serve as both the City’s Public Works Director and my Chief of Staff, and he has agreed.

Those with a long memory will recall that Mike was instrumental in establishing this City’s infrastructure during its infancy. He was the City’s first engineer, and between 1996 and 2004, he managed the design, engineering and construction of nearly all the City’s infrastructure. Because his work with the City extends back to 1996, he will infuse the staff with a historical perspective no other individual can offer.

Most recently Mike has been a Civil Department Principal with Wright Engineers, a national engineering consulting firm with offices in Las Vegas, NV; Irvine, CA; Sacramento, CA; and Phoenix, AZ.

I chose Mike, though, not just for his expertise. He has a long track record of accomplishing lofty goals, goals no one can achieve alone. He has proven time and again that his team will work together in pursuit of lofty goals. He understands the roles and needs of all his team members, and he makes sure each has the tools necessary to flourish. I simply could not pass up the opportunity to bring his leadership, industry expertise and familiarity with Eagle Mountain onto our team.

With Mike becoming my Chief of Staff, I want to offer my hearty thanks to Gordon Burt, who has served as both City Treasurer and Chief of Staff. Gordon is a great asset to the City. I rely heavily on his expertise and advice in safeguarding my sacred trust as steward of the City’s precious taxpayer dollars. Under his sure and continuing leadership, Eagle Mountain will earn a AAA bond rating.

Finally, I am sorry to announce that effective May 1, Adam Lenhard, our planning director, has accepted a position with Epic Engineering. Adam’s energy and zeal will be missed.”

Mayor Olsen read a letter written by Fire Chief Rand Andrus thanking members of the Public Utilities Department for the quick professional manner in which they responded to a fire on gas and power lines in the Mt. Airey subdivision. He complimented many individuals for their efforts.

- Mayor Olsen recognized Building Official Kent Partridge who recently celebrated his wedding anniversary.
- Mayor Olsen recently learned that the City’s wells were not insured and indicated this has been changed.
- The City Recorder’s Office has moved to the Justice Court area of the City Building, providing more room and better service to the citizens of the community. This will also allow the City to use a section of building that was not currently being used. The Justice Court will be coming in the later part of 2007, which may determine if this move is temporary.

Mayor Olsen stated pictures of the Mayor's Cabinet are hanging in the hallway to recognize the department heads.

He will be requesting the City Council create a Cemetery Board to gather factual information on creating a cemetery in the city

RECOGNITION – Healthy Utah Grant.

Mayor Olsen recognized Jeff and Penny Thompson for obtaining a grant with Healthy Utah in the amount of \$500.00 and for their commitment to the health and wellness of the City staff. Governor Huntsman's wife presented an award to Eagle Mountain City recognizing these efforts.

Mayor Olsen recognized Energy Division Manager Adam Ferre who has worked to get the City a Certificate of Registration for the trade classification of Line Maintainer with the United States Department of Labor, Office of Apprenticeships Training, Employer and Labor Services. Mr. Ferre stated he has been working on this since 1999.

PROCLAMATION – National Volunteer Week – April 23-29, 2006.

Mayor Olsen read a proclamation recognizing volunteers and proclaiming the week of April 23 – 29, 2006 as National Volunteer Week in Eagle Mountain, Utah.

He recognized Julie Nelson who volunteers in the City as a R.A.D. kids instructor. The past two years she has taught over 300 children the R.A.D. kids program at the Eagle Valley Elementary.

APPOINTMENTS - Library Board

Mayor Olsen recommended the appointment of Brenda Park to the Library Board. He briefly highlighted Ms. Park's accomplishments.

Councilmember Strouse **moved** to reappoint Brenda Park to the Library Board. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Strouse stated she appreciates Brenda Park and the many volunteers in the City. She believes the City is growing and prospering because of the many volunteers.

APPOINTMENTS Public Works Board

Mayor Olsen introduced Michael Sena and recommended he be appointed the Public Works Board.

Councilmember Strouse **moved** to appoint Michael Sena to the Public Works Board. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse. Motion **passed** with a unanimous vote.

City Recorder Gina Peterson administered the Oath of Office to Mr. Sena. Ms. Park was not present.

Mayor Olsen stated the current Public Works Board Chairman Mont Beckstead has moved from the City creating a vacancy on the board which will be filled by Mr. Sena.

DISCUSSION – Lt. Col Robert Dunton, Utah National Guard (Camp Williams).

Lt. Col Robert Dunton, Base Supervisor of Camp Williams discussed issues that Camp Williams is working on that will impact Eagle Mountain City. He is excited to be a part of the community and work with Eagle Mountain City. The biggest concern affecting this area is wildfire. Camp Williams has approximately 28 individuals who are red card certified in fighting wild land fires. Camp Williams works extensively with the Interagency Fire Center, the State Trust Lands, and Utah and Salt Lake Counties to develop a fire plan to protect the communities in close proximity to Camp Williams. Camp Williams will work with the Fire Chief on wild land fire issues.

Lt. Col Dunton stated that 4/5 of the Utah National Guard is or will be deployed into Iraq or Afghanistan. He explained artillery is a key component to the Utah National Guard and addressed the noise issues. Camp Williams has three artillery battalions. Lt Col Dunton stated Camp Williams is aware that people are concerned with the noise levels. Camp Williams is addressing this; however, it is necessary for the battalions to fire their guns at all hours for training purposes. Lt Col Dunton said 15 years ago Camp Williams was isolated from residential areas. He stated Camp Williams is trying to be good neighbors and they are doing all they can to mitigate the effects on a residential community.

He stated Camp Williams has an annual meeting, which date is unknown, that they would like to invite the Mayor and City Council to attend. He noted Camp Williams is involved in the development of the Legacy Highway.

Lt Col Dunton stated as a National Guard Camp Williams does Initiative Readiness Training. Camp Williams would like to meet with City Officials this summer and have the City submit an Initiative Readiness Training packet for the Utah National Guard to do things to improve the community. He noted there are many soldiers at Camp Williams that live in Eagle Mountain City.

Mayor Olsen thanked Lt Col Dunton and stated Eagle Mountain also wants to be good neighbors and looks forward to working with Camp Williams.

Councilmember Liddiard thanked Lt Col Dunton for coming and asked for his contact information to discuss further issues. He stated he enjoys the “sounds of freedom” emanating from Camp Williams.

Councilmember Jackson acknowledged her husband has been a full-time employee at Camp Williams for the past six years. She supports Camp Williams and she enjoys the helicopters flying over her home.

Councilmember Blackburn declared any effort of Camp Williams in the expansion of Redwood Road would be appreciated, including pre-grading. Eagle Mountain City is currently working with Utah Department of Transportation (UDOT) on that. Lt Col Dunton agreed Camp Williams is also concerned with North and South transportation along Redwood Road. Camp Williams has also been working with UDOT to make travel safer in that area.

Councilmember Strouse cited she lives in close proximity and enjoys the sounds from Camp Williams. She is also concerned with fire safety and expressed appreciation to Lt Col Dunton for coming to this

meeting to re-establish relationships with the City. Lt Col Dunton commented Camp Williams would like to attend a City Council meeting semi-annually; however, if the City has any concerns they may contact Camp Williams directly. He reported Camp Williams is going to be the facility training the soldiers for a long time.

Councilmember Strouse stated she has attended Governors Day at Camp Williams and asked if that is open to community members. Lt Col Dunton responded Governors Day will be part of the Open House the City will be invited to and all community members are welcome to attend.

DISCUSSION – Budget Update.

City Treasurer Gordon Burt explained in a prior Council Meeting, it was reported that the City had exceeded the amount allowed under State Law in the Unreserved Fund Balance in the General Fund. State Law allows 18% of the next year's budgeted revenues, less any transfers in to the General Fund, to be carried over in the Unreserved Fund Balance. In the prior presentation, a figure of about \$200,000 was mentioned as the dollar amount the City was over. After further review and discussion with our City's auditor, the overage is less than the \$200,000 indicated. The amount in the City's Unreserved Fund Balance has not changed. The only thing that has changed is the overage amount the City may have to transfer to a Capital Projects Fund. The City Treasurer is confirming the exact number with the State Auditor's Office and with the City auditor.

Michael Wren joined the meeting telephonically. Mayor Olsen noted that he announced Mr. Wren has accepted the position of Public Works Director and Chief of Staff. Mr. Wren is scheduled to begin work on May 1, 2006.

Mr. Wren said he is happy to have been selected and is pleased to have the opportunity to serve the community again.

Councilmember Strouse stated she has known Mr. Wren since she ran for office the first time. She is very pleased to work with Mr. Wren and stated he is a man of great integrity.

SCHEDULED ITEMS

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with The Sage Group, LLC for Jacobs Well – Plat B.

Mr. Lenhard explained Jacob's Well B is located along Golden Eagle Road, south of Liberty Farms and west of O'Fallon's Bluff. The subdivision received Final Plat approval on March 7, 2006. A Development Agreement is the formal acceptance by both City and Developer of all rights and obligations associated with and related to the development of a previously approved subdivision. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the Development Agreement. The Development Agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project.

Councilmember Jackson **moved** to approve the Development Agreement with The Sage Group, LLC for Jacobs Well – Plat B subject to the following conditions:

- 1) SID PAYMENTS. That the City Engineer determines the amount of SID payments due, and that the payment is made prior to recordation.
- 2) ENGINEER'S COMMENTS. That the City's Engineer's redline comments on the construction plans are addressed and approved.
- 3) BENCH DRAINS. That a note is added to construction drawings indicating that all bench drains are a developer improvement, and that the bench drain is bonded for.
- 4) LANDSCAPE PLAN. That the vest pocket is appropriately xeriscaped.
- 5) NEIGHBORHOOD PARK FEE. That the Applicant pays the required amount for the Neighborhood Park as a fee-in-lieu calculated by the City Engineer prior to recordation.

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Buckeye Properties, LLC for Eagle Point – Plat I.

Mr. Lenhard stated Eagle Point I is located along the north side of the intersection of Eagle Mountain Boulevard and Lake Mountain Road. Specifically, this development straddles both sides of Lake Mountain Road. The Eagle Point I subdivision received Final Plat approval on September 17, 2002.

Councilmember Liddiard **moved** to approve the Development Agreement with Buckeye Properties, LLC for Eagle Point – Plat I as drafted. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard noted this Development Agreement specifically states utility capacity is not guaranteed. He feels future utility capacity should be paid for by developers and future residents and not existing residents.

Councilmember Blackburn asked when the landscaping will be completed. Mr. Lenhard responded the Development Agreement and Bond Letter require that all landscape improvements in Eagle Point Plat I and the park in Eagle Point Plat J be completed prior to the issuance of 87 building permits between two plats combined. The landscaping was approved as native vegetation (grass seed mix) and consists of a trail and trees with a drip irrigation system.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Buckeye Properties, LLC for Eagle Point – Plat J.

Mr. Lenhard stated Eagle Point J is located east of Eagle Point I, along the north side of the intersection of Eagle Mountain Boulevard and Lake Mountain Road. Specifically, this development straddles both sides of Lake Mountain Road. The Eagle Point J subdivision received Final Plat approval on September 17, 2002.

Councilmember Blackburn asked if this plat is subject to the current Development Code. Mayor Olsen responded they received final plat approval with the previous Development Code and will be subject to its regulations.

Councilmember Jackson **moved** to approve the Development Agreement with Buckeye Properties, LLC for Eagle Point – Plat J. Councilmember Strouse **seconded** the motion.

Councilmember Liddiard noted this Development Agreement specifically states utility capacity is not guaranteed. He feels future utility capacity should be paid for by developers and future residents and not existing residents.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Buckeye Properties, LLC for Sage Valley – Plat B.

Mr. Lenhard explained Sage Valley B is located along the south side of SR 73, immediately west of Cedar Pass Ranch. The Sage Valley B subdivision received Final Plat approval on March 7, 2006.

Councilmember Liddiard **moved** to approve the Development Agreement with Buckeye Properties, LLC for Sage Valley – Plat B as drafted. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Jacobs Well – Plat C.

City Planner Peter Spencer explained Jacob's Well Plat C is located south of Liberty Farms and west of O'Fallon's Bluff. This development is just south and west to the adjacent Jacob's Well B. The entire Jacob's Well subdivision received Preliminary Plat approval on May 4, 1999 by the Planning Commission and Town Council. Since that time, this subdivision has been divided into three separate Final Plats. Jacob's Well Plat A received Final Plat approval on August 5, 2003. Jacob's Well Plat B received Final Plat approval on August 5, 2003 and was recently revised and re-approved on March 7, 2006. The Sage Group recently submitted an application for the Plat C Final Plat. The previously approved Preliminary Plat contained some odd flag-lots, but the Final Plat submittal has eliminated them. This revision does not constitute a significant enough change in the plat to require that this subdivision obtain a new Preliminary Plat approval from the Planning Commission. On March 28, 2006, the Planning Commission reviewed this application and joined with City Staff in recommending the City Council approve this revised layout subject to conditions.

Councilmember Blackburn asked if sod and trees would be required as a homeowner improvement in the park strip. Mr. Spencer replied yes.

Councilmember Jackson **moved** to approve the Final Plat for Jacobs Well – Plat C subject to the following conditions:

1. REDLINE COMMENTS. That all redline comments are addressed and that a note be added to the plat requiring 22 foot driveways.
2. PLAT. That all redline comments are addressed.
3. SID PAYMENTS. That the City Engineer determines the amount of SID payments due, and that the payment is made prior to recordation.
4. BENCH DRAINS. That all required bench drains are a developer improvement and bonded for.

5. CURVE ELEVATIONS. That vertical curve elevations are shown at 25' intervals. That K-Values are verified by the City Engineer.
6. ASPHALT CUTS. That a note is added to the plans that all asphalt is to be saw cut.
7. LANDSCAPE PLAN. That a complete table is included that shows all the park and landscaping requirements to be added. That all street trees not along collector roads or along open space are called out as a homeowner improvement. That the sod shown on the hillside of the original park location is removed (for existing native vegetation to remain) and value of that sod placed in the approved neighborhood park location adjacent to Liberty Farms. That all other landscape plan redline comments are addressed.

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated this is a good plat with larger lots and amenities.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and Written Approval to allow for Special Event Signage to be placed in City-owned right-of-way for the Utah Valley Parade of Homes.

Heather Jackson of the Parade of Homes Committee presented the sign she is requesting to place in the City right-of-way during the Parade of Homes. The Parade of Homes will showcase a home in the Eagle's Gate subdivision on Turnberry Road. Ms. Jackson requested the ability to put signs in right of way areas to direct traffic to the area and the home to minimize public safety. The Ranches Homeowners Association has approved these signs. She explained the five locations the Parade of Homes Committee is requesting to post signs. The Parade of Homes will begin on May 6 – May 21, 2006. Ms. Jackson requested the signs be allowed to be posted May 5 – May 22, 2006.

Councilmember Blackburn stated there is road failure in the area of marker number five and recommended the City do road repair prior to this event. He asked if the builders in this area have been notified of this event. He would like to have this area cleaned up to showcase the City. Ms. Jackson stated the builders in that area have not been notified. This home is called the Cougar House and is built by a conglomeration of the builders of the Home Builders Association. She believes most of the developers in that area are aware of the home showcased during the Parade of Homes. Councilmember Blackburn asked that staff sweep the streets and make efforts to keep the area looking its best.

Councilmember Blackburn **moved** to approve a temporary permit allowing Special Event Signage to be placed in City-owned right-of-way for the Utah Valley Parade of Homes. Councilmember Liddiard **seconded** the motion.

Councilmember Blackburn stated this is a great opportunity for the City and he would like to see more homes in Eagle Mountain City in the Parade of Homes next year.

Councilmember Liddiard stated there is an area between signs four and five where curb and gutter has been replaced and there is a section where there is no road. He asked to have that area cleaned up during the Parade of Homes. He asked if the park in that area is owned by the City or The Ranches Homeowners Association. It was announced that the park belongs to The Ranches Homeowners Association.

Councilmember Blackburn asked that the Code Enforcement Officer make an extra effort to ensure no additional unapproved signs are placed in that area.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, David Lifferth and Linn Strouse. Councilmember Heather Jackson abstained. Motion **passed** with a majority vote.

RESOLUTION – Consideration and adoption of a Resolution Approving and Entering into an Amended and Restated Agreement Creating the Utah Local Governments Trust

City Attorney Jerry Kinghorn explained 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.

Councilmember Liddiard **moved** to adopt Resolution 08-2006 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, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a retention schedule for meeting tape recordings.

Mr. Kinghorn stated a conflict exists between the statutes defining the retention of meeting tape recordings. He explained this will most likely be resolved in the next couple months. He recommended the City Council table this item until clarification is provided on the retention of meeting tapes.

Mayor Olsen said he will pull the item from the agenda until clarification is provided on the laws regarding tape retention.

City Recorder Gina Peterson stated the Recorder's Office will not recycle or destroy any previous meeting tapes until this item is resolved.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Blackburn apologized for his late arrival and stated he was not planning on attending this evening. He read the following comments:

“Long awaited, Karren “Allyse” Blackburn was born last Thursday and weighed in at a petite and feisty 6 pounds and 18 inches. Both mommy and baby are doing fine, and we sincerely appreciate thoughts and support received by everyone. The flowers are almost as beautiful as Jodie and the baby.

I am enjoying the change of the seasons into a gorgeous Spring, and hope that everyone had a great Easter.

As Eagle Mountain starts its annual city cleanup, I would ask that Eagle Mountain initiates an SR-73 cleanup within our city borders, and please place me on the list as the first volunteer. I suppose that UDOT would be willing to provide trash bags, and the Public Works department

can arrange the date for more participants and aid. We as a city might ask Saratoga Springs to participate on the same day, and take additional precautions and enforcement on un-tarped vehicles traveling through our area.

There are several EM public and private organizations that use various city sidewalks as driveways and access points for service, landscape maintenance, and other actions. As the sidewalks are constructed of asphalt or concrete, this un-planned vehicle use is causing walkway failure in several locations. I would kindly ask the Mayor to instruct staff and all other organizations (Ranches) to not drive on the sidewalks for any reason. Please make/take/require the needed steps or precautions like traffic cones and transportable signage to allow vehicles to be parked in roadways while needed city or landscaping work is being completed.

Also speaking of the PW department, I am surprised at Mark Sovine's recently announced retirement as I didn't think he was that old. I thank him for his significant contributions of the past and still future Eagle Mountain service, and wish him the best."

Councilmember Blackburn thanked Adam Lenhard and Mark Sovine for their service and stated he hopes the tradition of presenting plaques for these individuals continues. He would like to see the Construction Standards on the next agenda.

Councilmember Strouse expressed appreciation to Adam Lenhard and Mark Sovine and wished them well in their future. She stated there are several areas in the City where large vehicles or semi-trucks are parked on the streets obstructing views and creating traffic concerns. She asked if there is an ordinance addressing these issues, and if not she would like an ordinance to address these concerns. She stated she has addressed concerns of speed limit signs in Mt. View subdivision. She would like the Council to require a licensed driver to operate any motorized vehicle on City streets. She believes the use of motorized vehicles by young children is a safety concern that needs to be addressed.

Councilmember Jackson stated at the Planning Commission meeting she attended last week the Evans (property owners along Pony Express Parkway as it extends into Utah County and Saratoga Springs) expressed concern of the condition of the road. They requested the City close Pony Express Parkway at SilverLake preventing the road being used to exit the City.

Councilmember Jackson spoke with a City developer who asked if the City has checked into getting equipment to do traffic studies.

Councilmember Jackson thanked Mr. Spencer for helping her with the presentation on signage for the Parade of Homes. She is sorry to see Mr. Lenhard go; however, she is happy to see him move on and grow within his career. She is also sorry to see Mr. Sovine go, but looks forward to working with him in the next few months. She is grateful to see Mr. Wren back in the City and knows he will get the job done and it will be done right. She hopes he and his wife will move back into the City.

Councilmember Liddiard wished Mark Sovine and Adam Lenhard well in their future endeavors. He congratulated Councilmember Blackburn on the birth of his daughter. He would be pleased to participate in a cleanup project along SR 73. He expressed concern that public space, particularly areas of native vegetation in the City Center, is being used to store trash. He suggested the City place large trash dumpsters in efforts for a City Spring Clean-up. He is pleased to see the gas station progressing and feels it will be a great asset to the City. He requested the Construction Standards be placed on the

next agenda and thanked City Engineer Chris Trusty for his efforts on the Construction Standards. He believes digital recording will be a benefit to the City because cassette tapes lose their quality as they get older.

Councilmember Lifferth thanked Mr. Sovine and Mr. Lenhard for their service to the community. He proposed a retirement party for Mr. Sovine. He stated a Republican Party Convention is coming in the near future. He expressed appreciation to the members of the community who have been involved in local politics. Utah County Commissioner White told Councilmember Lifferth he is going to propose a minor tax increase to fund transportation needs in the northwest portion of the County. He congratulated Councilmember Blackburn on the birth of his baby and sent well wishes to Mrs. Blackburn.

City Engineer Chris Trusty stated the Construction Standards have been on the agenda for the Council to review for the past several months. He explained he has met with builders and developers within the City to hear their comments, questions and concerns. He has heard their concerns, and he will recommend what he feels is in the best interest of the City and may not include all of the recommendations of the developers.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:52 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 2, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

Work Session recessed from 6:17 to 7:00 p.m. and adjourned at 8:27 p.m.

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

Mayor Brian B. Olsen called the meeting to order 8:27 p.m. Mayor Olsen led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Mark Binks, Sergeant.

PUBLIC COMMENTS

Aaron Evans, who lives in an unincorporated area of Utah County east of the SilverLake development, expressed concern with additional phases of SilverLake being approved. He stated the condition of Pony Express Parkway, as it extends into the County, is poor. He attended a Planning Commission meeting when the public hearing was held for the first plats in SilverLake. At that time he was assured a traffic study had been completed and the roads were adequate for the traffic that would be generated. Mr. Evans explained Eagle Mountain has a sewer right-of-way past SilverLake that extends through land owned and farmed by the LDS Church. He believes the City should improve that right-of-way and use that road rather than using Pony Express to enter and exit the City. He expressed concern of speeding on that road.

Loreen Cole submitted a public comment which the Mayor read. Her public comment announced the National Night Out Against Crime on August 1, 2006. More information will be announced in the future.

Jayna Jones stated Councilmembers and Staff have spoke in support of the disposal of the public open space behind their home. She noted motorcycles and ATV's often drive on the trail behind their home creating a safety hazard because of the weeds and lack of maintenance in the open space. She explained her husband, Channing Jones was promised walking paths and green space behind his property before purchasing his home. She feels this property should be deemed insignificant because it meets the criteria established in the ordinance establishing the disposal of open space. She feels the Planning Department's recommendation that the property is significant is irrelevant. Deeming the property as insignificant would streamline the process for the Jones'. She asked the City Council to deem the property insignificant to the City for legitimate legal reasons and to show support for community improvement. Ms. Jones presented pictures of the property they would like dedeed to them.

Tiffany Ulmer spoke in regards to the open space behind the Jones' property. She feels the land should be deemed as insignificant. Ms. Ulmer presented pictures of the open space behind the Jones' property demonstrating the insignificance of the open space.

Debbie McInelly of the Eagle Park subdivision has approached the City several times to inquire of the plans for the open space surrounding the Eagle Park subdivision. The City has told them they have no plans at this time but would like to install a trail in the future. She has started a petition to allow residents to purchase the open space surrounding the Eagle Park subdivision. She suggested the City sell the open space and use the funds collected to improve the trail surrounding the Eagle Park subdivision. Ms. McInelly expressed concern with ATV's using the trail surrounding the subdivision.

Ben Hardy of the Eagle Park agreed with the comments made concerning the disposal of the open space surrounding the subdivision. He stated the residents he has spoken to along the west side of the subdivision are willing to purchase the open space behind their homes to landscape and maintain it.

Wendi Christensen stated she and her husband have lived in the Eagle Park subdivision for approximately five and a half years and they would also like to purchase the open space behind their home.

Bruce Tobler of the Overland Trails subdivision said residents would like to see horse trails improved and an arena installed in the area of Overland Trails. He asked the City for assistance in applying for grants to complete this project. He asked if there was land designated as an equestrian arena at any time.

Nate Shipp of Development Associates thanked the Mayor and Council for their efforts in Eagle Mountain City. He stated the CC&Rs are being upgraded in SilverLake Phases 6 and 7. He looks forward to adding a product that will have a positive impact on the City and noted SilverLake will not be adding anymore entry level homes. He explained there was a road study completed addressing the traffic generated by the SilverLake subdivision and the surrounding subdivisions. That traffic study has been updated recently; Pony Express Parkway is adequate, at build out, to handle the traffic generated, but he is aware there is a need for a better road. He explained there was a proposal to build a wider road and when the surveyor was measuring for the road Mr. Evans had the surveyor arrested. This inhibited further study of a wider road. He understands Mr. Evans proposal which would move that road away from his property; however, his proposal would not align with any future roads. Mr. Shipp stated he would agree with a better road; however, the current road meets the traffic study. Mr. Shipp stated he would support Saratoga Springs taking responsibility for their annexation and Utah County taking responsibility for their roads.

MAYOR'S ITEMS

PROCLAMATION – Building Safety Week – May 7 - 13, 2006.

Mayor Olsen read a proclamation establishing May 7 – 13, 2006 as Building Safety Week in Eagle Mountain City.

Mayor Olsen announced Councilmember Linn Strouse was recognized as Women of the Year 2006 at the Miss Eagle Mountain Pageant. He acknowledged her efforts in the City and said she is the longest serving elected official in Eagle Mountain City. Councilmember Strouse lost her husband this year to a terminal illness and she continues to serve diligently.

Mayor Olsen introduced Miss Eagle Mountain 2006 Celeste Lojik, First Attendant McKelle Despain; Second Attendant, Jacque Wilkinson; and Miss Teen Eagle Mountain 2006 Amanda Lifferth. He recognized them for their efforts and stated he looks forward to working with them.

Mayor Olsen announced the following events:

- Today Councilmember Liddiard is celebrating his birthday.
- City Recorder Gina Peterson was elected to the Board for the Utah Municipal Clerks Association.
- Councilmember Lifferth was appointed to the Business Advisory Board.
- A utility drop box has been installed at City Hall.
- Mayor Olsen attended the ribbon cutting ceremony at Utah Valley Regional Medical Center. He attended this to represent the City.
- Eagle Mountain City will be working to 3000 acre feet of water to be transferred to the City.

City Attorney Jerry Kinghorn explained the Central Utah Water Conservancy District committed to work with Eagle Mountain City to bring an additional 3000 acre feet of water to the area. Eagle Mountain will immediately begin working through the process of obtaining this water.

Mayor Olsen introduced Michael S. Wren, the new Public Works Director/Chief of Staff. He also announced Ifo Pili will be working with the City as a Management Intern.

The Pony Express Monument foundation will be placed in June. Councilmember Strouse has done a great deal of work in recognizing historical sites.

Mayor Olsen stated a letter has been received from Bill Brandy of Patterson Construction thanking the City Council for hiring a new Building Inspector.

Councilmember Liddiard announced Pony Express Days will be June 1 – June 3, 2006.

Mayor Olsen expressed appreciation to the City Council and thanked them for their efforts.

SCHEDULED ITEMS

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of proposed amendments to the Development Code related to fencing and subdivision improvement guarantees.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of proposed amendments to the City’s Development Code related to Street Right-of-way Classifications / Cross Section Standards.

City Planner Peter Spencer noted staff has proposed several amendments to the City’s Development Code related to fencing and guarantees of subdivision improvements. Amendments to the City’s Development Code require public hearings and action by both the Planning Commission and City Council. The Planning Commission recommended approval of the proposed amendments.

Mr. Spencer stated staff has proposed the text in Title 2, Chapter 6 be amended as follows:

6.7 Guarantees.

Completion of the improvements identified in a development agreement shall be guaranteed by one of the methods listed below. A separate guarantee shall be required for each phase of the development identified in the Development Agreement.

6.7.1 Bond. The developer may place an amount equal to one hundred and ten (110) percent of the estimated cost of the required improvements in escrow or improvement bond, with that amount and the accumulated interest (for a cash escrow bond) being released only after the City has inspected and accepted the required improvements. A Development Agreement may provide for the phased release of portions of the funds of the bond as work proceeds, but at least ten (10) percent of the total shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed as provided in the Development Agreement, the City shall use as much as necessary of the escrow account or improvement bond

to complete those improvements, then return any remaining balance to the developer or bonding agency.

6.7.1.1 Parks, Trails, and Open Space Improvements. All required parks, trails, and open space improvements require a separate cash bond for each phase of the development identified in the Development Agreement.

6.7.2 City Attorney's Approval. Each escrow agreement, improvement bond or other security shall be in a form approved by the City Attorney.

6.8 Warranty of Improvements.

Each required improvement shall be warranted by the developer for both materials and workmanship for two (2) years after their acceptance. Such a warranty provision shall be included in all Development Agreements. Enforcement of the warranty shall be assured by one of the following:

6.8.1 Ten (10) Percent Retention- Escrow. Retention of ten (10) percent of an escrow account established to comply with this Title;

6.8.2 Ten (10) Percent Retention- New Account. Establishment of a new escrow account, in which an amount no less than ten (10) percent of the cost of the required improvements is deposited, and which shall be released, with accumulated interest, upon expiration of the warranty. Other construction, warranty and maintenance issues include:

7.9 Privacy Fencing.

Residential developments designed with rear lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing of consistent height (no less than six (6) feet), material and color, and of durable quality along the rear lot lines of all lots with a rear lot line abutting an arterial or collector road. Developer applicants are required to install Privacy Fencing. The City Council shall be authorized to require a specific material for the fencing.

Councilmember Strouse expressed concern with requiring privacy fencing that does not allow wind to flow through it. She does not believe these kinds of fences stand up to high winds as well as open design fences. Mr. Spencer cited privacy fencing is typically a solid fence, and this proposal allows the City Council to specify the materials used.

Mayor Olsen opened the public hearing at 8:35 p.m. for the proposed amendments to the Development Code related to fencing and subdivision improvement guarantees. There were no comments so the public hearing was closed.

Mr. Kinghorn stated changes to the Development Code need to be approved by ordinance. If the City Council chooses to adopt these changes they will adopt them with the ordinance amending the development code.

Mr. Spencer stated the City has received an application from Trophy Homes Development to amend the City's Development Code as it pertains to right-of-way standards classifications.

The Applicant has proposed that the text in Title 1, Chapter 16 be amended to add the following section:

16.9 Community Entrance Signs.

Community Entrance Signs located in the median and shoulder of the City's right-of-way along streets classified as arterials or collectors shall only be allowed under specific agreement with the City. Community Entrance Signs shall be constructed and installed at the expense of the original applicant in accordance with the specifications illustrated by Schematic 16.4- Community Entrance Signage. The exact location of each sign and the sign copy shall be subject to review and approval by the Eagle Mountain Planning Commission and City Council.

16.9.1 Approval Process. Community Entrance Signage shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of fact. At their discretion, the Planning Commission may recommend and the City Council may approve Community Entrance Signs along streets classified as arterials and collector roads. The placement of the sign shall not create a traffic hazard. Since these signs are within the City's right-of-way the Applicant must enter into an agreement to lease the City's property. The City Council shall approve the agreement which will detail the terms and conditions of the property lease. The lease fee shall be equal to the fee established in the City's current Consolidated Fee Schedule for Off-Premise Ladder Signs.

Councilmember Blackburn addressed concerns with collector right-of-way widths of a reduced size which may not allow for future expansion of roads. Mr. Spencer responded the current requirements are excessive and the proposal will allow for future expansion. Mr. Wren stated the planter strip allows for left and right turn pockets.

Mayor Olsen opened the public hearing at 8:43 p.m. for the proposed amendments to the City's Development Code related to Street Right-of-way Classifications / Cross Section Standards.

Tiffany Ulmer stated she does not agree with decreasing the width of the collector right-of-way.

John Malone urged the City Council to be cautious on decreasing the width of the collector right-of-ways. His opinion is reducing the size of those right-of-ways will have a significant impact on the overall image of the City. He cited arterial and collector roads provide an image of Eagle Mountain being open and community friendly. He is also not in favor of having privacy fencing along right-of-ways. Having privacy fencing along right-of-ways creates a hazard for pedestrians in the unlikely event a vehicle leaves the roadway. He cautioned the City Council not to bend to the pressure of developers and builders and to hold them to higher standards.

Bill Pepperone of Trophy Homes suggested the proposed amendments are not minimum standards in comparison to other communities along the Wasatch Front. He believes the proposal is palatable to the development community and offers the City the space they need. He disagreed this is an issue to bend to the pressure of developers, and commented the current requirements are excessive.

***Mayor Olsen closed the public hearing at 8:51 p.m. ***

Councilmember Jackson **moved** to approve ordinance 07-2006 amending the following proposed amendments to the Eagle Mountain City Development Code as follows:

1. TITLE 2, CHAPTER 6. That Section 6.7.1.1 is added to the text as drafted. That Section 6.8.2 is deleted as drafted.
2. TITLE 2, CHAPTER 7. That Section 7.9 is amended as drafted.

3. Title 2, Chapter 7. That the text is amended as drafted. That the language for the method of appraisal is approved by the City Attorney.
4. Title 2, Table 7.2. That table 7.2 Right-of-way Classifications is amended as presented by Staff. That there is the option to build a 50' Local Street right-of-way with high-back curb instead of the 51' right-of-way with a modified curb at the election of the applicant.

Councilmember Liddiard **seconded** the motion including amending the proposal to keep the local width of streets at 55 feet.

Councilmember Jackson did not accept the proposed amendment.

Councilmember Lifferth **seconded** the motion as presented by Councilmember Jackson.

Councilmember Jackson stated Eagle Mountain City needs to have standards that are consistent with other City's in Utah and the State Code.

Councilmember Strouse asked if the City has been violating State standards by having increased right-of-way widths. Mr. Kinghorn responded the standards that are proposed were recently adopted by the State.

Councilmember Strouse stated the open feeling and wider streets are good for the City. She believes it is good to see what is being done in other communities, but Eagle Mountain is unique and does things on the cutting edge. Eagle Mountain City has unique and creative ideas and she is hesitant to change the current standards.

Mr. Kinghorn stated there is a legal issue involved in the proposal. He cited Mr. Pepperone's concerns came from discussions with the City Engineer on the street classification table that did not have gradations to evaluate capacities needed for different developments. The amount of land needed outside of the travel portion of the road, buffer areas and trail ways is an overstated amount of land. The proposal allows wide right-of-ways. The Supreme Court of Utah has deemed additional right-of-ways for aesthetics or future growth as unconstitutional takings. Mr. Kinghorn believes City Engineer Chris Trusty has tried to maintain the open feel of the community and avoid getting the City in trouble. Councilmember Strouse asked if the City may be in trouble for previously approving plats according to current standards. Mr. Kinghorn responded there have not been very many approvals on the current table.

Councilmember Lifferth stated he applauds efforts to update and review current City standards. He stated he has been critical of the details of the founding of Eagle Mountain; however, he appreciated the open feel of the City. He is supportive of the proposed amendments.

Councilmember Liddiard expressed concern that the streets would be shrinking by four feet; however, he appreciates having definitive standards.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Mayor Olsen recessed the meeting at 9:05 p.m. The meeting reconvened at 9:16 p.m.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of proposed amendments to the Sign Ordinance related to “Community Entrance Signage”.

Mr. Spencer explained The City has received an application from The Ranches Homeowners Association to amend the City’s Sign Ordinance, which is part of the Development Code (Title 1, Chapter 16) to allow placement of a Ranches “welcome” sign in the City right-of-way median. One of the purposes of the sign is to let people know they are entering a covenanted community.

The Applicant has proposed that the text in Title 1, Chapter 16 be amended to add the following section:

16.9 Community Entrance Signs.

Community Entrance Signs located in the median and shoulder of the City’s right-of-way along streets classified as arterials or collectors shall only be allowed under specific agreement with the City. Community Entrance Signs shall be constructed and installed at the expense of the original applicant in accordance with the specifications illustrated by Schematic 16.4- Community Entrance Signage. The exact location of each sign and the sign copy shall be subject to review and approval by the Eagle Mountain Planning Commission and City Council.

16.9.1 Approval Process. Community Entrance Signage shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of fact. At their discretion, the Planning Commission may recommend and the City Council may approve Community Entrance Signs along streets classified as arterials and collector roads. The placement of the sign shall not create a traffic hazard. Since these signs are within the City’s right-of-way the Applicant must enter into an agreement to lease the City’s property. The City Council shall approve the agreement which will detail the terms and conditions of the property lease. The lease fee shall be equal to the fee established in the City’s current Consolidated Fee Schedule for Off-Premise Ladder Signs.

Mayor Olsen opened the public hearing at 9:20 p.m.

Ms. Ulmer stated she appreciated the proposal allowing the City Council to approve or deny each application on a case by case basis. She expressed concern with the proposed sign blocking vision for traffic, and recommended a fee for staff time of maintenance of the area.

Cary Brackett asked to have his comments from the work session to be included in the minutes. Mr. Brackett read the following statement:

“Honorable Mayor and Council Members,

My name is Cary Brackett and I represent The Ranches Homeowner’s Association (HOA). The Ranches HOA is bringing before you a proposal for 3 entrance signs; one at the main entrance on Ranches Parkway & SR73, one on Pony Express near the Silver Lake development and one on Pony Express by Unity Pass. The reasons for these signs are fourfold; first, and most importantly, to inform people that The Ranches is a “Master Planned Community”; second, to better define The Ranches borders; third, to welcome visitors; and fourth, to help establish the Ranches as part of Eagle Mountain City. I would like to thank Councilwomen Strauss and councilman Blackburn for originally bringing this idea to the HOA.

Although the amended sign ordinance and the signs themselves are the only items up for approval this evening, I would also like the council to consider amending the sign lease fee for this signage. The HOA board has asked that the City consider providing an exemption to The Ranches on sign lease fees or at least a much reduced fee for the following reasons:

- 1. The Ranches & Eagle Mountain City continues to work together on many projects that benefit all residents, and neither should profit from the other.*
- 2. The Ranches is a non-profit organization within Eagle Mountain and not an outside entity that would profit from these signs.*
- 3. A precedent has been set with The Ranches Logo on the main entrance that the HOA has not been required to pay a lease on.*
- 4. As per previous agreements, these signs will state The Ranches at Eagle Mountain, which will also promote the City of Eagle Mountain.*
- 5. Lease fees imposed on the HOA come from the residents of Eagle Mountain.*
- 6. The fact that the City has the authority to exempt itself from such fees and restrictions clearly demonstrates that the city has the power to exempt The Ranches as being part of the city.*

Speaking on behalf of The Ranches Board of Trustees, we respectfully ask that this body approve the proposed sign ordinance amendment to grant the HOA approval for these signs, and allow the Homeowners Association an exemption for lease fees.

Thank you!"

Bobby Colson agreed with the comments of Mr. Brackett. He said there needs to be signs making people aware of the homeowners association and defining borders.

Mayor Olsen read comments from Commissioner Malone explaining his opinion that these signs would present the wrong image for the City and would move back from efforts to unify the City. He asked the City Council to grant additional wording on the Ranches entrance monument rather than granting allowance for more signs.

The public hearing was closed at 9:23 p.m.

Councilmember Lifferth **moved** to approve an ordinance amending the Sign Ordinance related to "Community Entrance Signage". Councilmember Strouse **seconded** the motion.

Councilmember Lifferth expressed concern with the motion. He believes there is a need for this sign because homeowners associations are not always disclosed to individuals buying property contained in an association; however, he is concerned there is already too many signs in the City. He also questioned the precedent being set for individuals wanting to post signs of neighborhood affairs. He believes \$300 a year is an excessive fee and proposed a \$100 a year fee.

Councilmember Strouse asked to have the following wording in the proposed ordinance changed: "Community Entrance Signs located in the median and shoulder of the City's right-of-way..." to "shoulder or median". She discussed concerns with emergency services finding locations because of duplicate street names. She feels this proposal allows more location benefits to emergency services. She suggested the street directory for emergency services add the subdivision locations to help when

trying to locate subdivisions. Councilmember Strouse commented many Meadow Ranch residents were unaware they were located within a homeowners association and were upset to find out later.

Councilmember Strouse **moved** to amend the motion to have the following wording in the ordinance changed: “Community Entrance Signs located in the median and shoulder of the City’s right-of-way...” to “shoulder or median” to eliminate confusion. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth accepted the amendment.

Councilmember Liddiard asked Councilmember Lifferth his thoughts to adding notice of a homeowners association to an entrance monument. Councilmember Lifferth expressed concern that a sign of that nature would not offer proper disclosure.

Councilmember Jackson **moved** to amend the amended motion to include the standards are guidelines and not specifics of the type of sign required and remove schematic 16.9. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth expressed concern that many different styles of signs will detract from the consistency and add to confusion. He asked for additional discussion prior to accepting or denying the proposed amendment.

Councilmember Blackburn feels more notification of the homeowners association is a positive aspect; however, he did not expect the notification to be on a separate sign, and suggested adding the wording “a homeowners association community” on the bottom of The Ranches entrance monument.

Councilmember Jackson feels a separate sign would further separate the City Center and The Ranches. She understands the purpose of the sign is to disclose a homeowners association; however, she is concerned people in the City Center will feel more distant from The Ranches. She agrees with attaching a disclosure of a homeowners association to an already existing sign. She feels entrance monuments to each subdivision are important.

Councilmember Lifferth accepted the amendment to the amended motion.

Councilmember Strouse felt more discussion is needed on this item and recommended tabling it.

Mayor Olsen called for a vote. Those voting aye: David Blackburn and David Lifferth. Those voting nay: Heather Jackson, Vincent Liddiard and Linn Strouse. Motion **failed** for lack of a majority 2:3.

Councilmember Liddiard would like to make a motion to table the proposed amendments to the Sign Ordinance related to “Community Entrance Signage”. Councilmember Jackson agreed.

Mr. Kinghorn explained tabling the item is not necessary because the failure of an approving motion effectively denies the request.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of a proposed ordinance amending the City’s General Plan Map in the Overland Trails subdivision.

Mr. Spencer explained Overland Trails is located in the Town Center. The Planning Department has received an application to amend the General Plan and rezone a portion of the Eagle Mountain Properties Master Plan consisting of approximately 3.9 acres adjacent to the Overland Trails subdivision. The City's current General Plan Map depicts the subject property as "Mixed-Use Commercial" and will need to be amended to show the subject property as "Rural Residential". The rezone will be addressed in a separate agenda item. Approval of this application would enable the Applicant to develop the subject property as single-family detached lots similar to those already developed in Overland Trails Phase 1. The Planning Commission recommended approval on April 11, 2006.

Mr. Spencer noted this request constitutes a change in the "1998 Amendment" Master Plan Land Use Map only; all other conditions and requirements stated in the "Town of Eagle Mountain, Utah, Monte Vista Ranch and Eagle Mountain Properties Amended and Restated Master Development Agreement" dated December 22, 1997 remain unchanged with this amendment.

Mayor Olsen opened the public hearing 9:44 p.m. There were no comments so the public hearing was closed.

Councilmember Jackson **moved** to approve Ordinance 08-2006 amending the City's General Plan Map in the Overland Trails subdivision subject to the following conditions:

1. GENERAL PLAN MAP. That the new General Plan map designates the subject property as "Rural Residential".
2. COMPATIBILITY. That the subject property would be developed as single-family lots subject to the same requirements as others in Overland Trails Phase 1. That the new lots platted through the subdivision process would be consistent in size with the other lots in Phase 1 of Overland Trails.

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated during the Planning Commission meeting discussing this item residents cited this area was hoped to be an equestrian arena. The zoning for this area was always commercial and she feels it makes sense to rezone the property to residential.

Councilmember Liddiard noted commercial areas abutting residential zoning in that area will need buffering.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of a proposed ordinance amending the Eagle Mountain Properties' Master Plan Map in the Overland Trails subdivision.

Mr. Spencer explained Overland Trails is located in the Town Center. Eagle Mountain Properties (Monte Vista Ranch LLC) recently submitted a separate application to amend their Master Development Plan. In that application they submitted the "1998 Amendment" Map as their official "current" map. This Map is considered to be the official Zoning Map for their Master Development Plan.

The Applicant has submitted a revised Master Plan Land Use Map which designates the subject property as “Residential”, which would allow the Applicant to submit an application to subdivide it into residential lots. The Planning Commission recommended approval on April 11, 2006.

***Mayor Olsen opened the public hearing at 9:47 p.m. There were no comments so the public hearing was closed. ***

Councilmember Liddiard **moved** to approve Ordinance 09-2006 amending the Eagle Mountain Properties’ Master Plan Map in the Overland Trails subdivision subject to the following conditions:

1. ORIGINAL MASTER DEVELOPMENT AGREEMENT CONDITIONS. That all conditions of the “Town of Eagle Mountain, Utah, Monte Vista Ranch and Eagle Mountain Properties Amended and Restated Master Development Agreement” dated December 22, 1997 remain unchanged with this amendment unless otherwise explicitly specified in these conditions of approval or on the revised Master Plan Map.
2. REVISED MAP. That the revised Master Plan Land Use map becomes the official Map of the Eagle Mountain Properties Master Plan. That the date on the map is updated. That the subject property is depicted with the “Residential” land use.
3. GENERAL PLAN. That the General Plan amendment associated with this application receives final approval by the City Council prior to their approval of the proposed Master Plan Land Use Map amendment.
4. COMPATIBILITY. That the subject property would be developed as single-family lots subject to the same requirements as others in Overland Trails Phase 1. That the new lots platted through the subdivision process would be consistent in size with the other lots in Phase 1 of Overland Trails.
5. TRAFFIC AND TRANSPORTATION. That the addition of three more lots to the subject parcel will not result in noticeable traffic congestion or safety problems. The existing roads in Overland Trails have adequate capacity for the proposed lots.

Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an agreement with Buddy Lee Attractions, Inc for the 2006 Pony Express Days Joe Diffie Concert.

Mr. Kinghorn explained the Joe Diffie contract has been reviewed and approved as to form by legal counsel and recommended approval.

Councilmember Liddiard **moved** to approve the agreement with Buddy Lee Attractions, Inc for the 2006 Pony Express Days Joe Diffie Concert. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard questioned the clause requiring 20% of the venue to be in attendance. He asked how many attendees that would be. Mayor Olsen responded 1200 attendees would need to be present.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance enacting new street classifications in Eagle Mountain City.

Mr. Warnke explained this is an amendment to the Street Classifications Ordinance. The proposed amendment will change the ordinance to allow a classification for Type 6 and Type 7 roads. Type 6 Roads will limit a vehicle's axle width on certain roads. Type 7 Roads will designate roads that are not classified for motorized vehicles.

Mr. Kinghorn noted the Type 7 road will be open to Utah Power & Light's crews to maintain the power lines and for farm access, but will be closed to public motorized traffic.

Councilmember Strouse **moved** to adopt ordinance 10-2006 enacting a new street classification in Eagle Mountain City. Councilmember Blackburn **seconded** the motion.

Councilmember Blackburn asked to have proper markings and reflective barriers for road closures. Mr. Warnke responded that will be part of the construction process.

Councilmember Jackson asked staff to notify the builders and their subcontractors that will be affected by the roads classified as Type 6.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Determination of “Significance” on an application to dispose of City-owned property in the Eagle Park subdivision.

Mr. Spencer explained in August 2005 Mr. Channing Jones, a resident of the Eagle Park subdivision, submitted an application for disposal of public property. Disposal of public property consists of two separate action items that must be followed according to specific criteria established in the Ordinance. On August 23rd the Planning Commission classified the subject property as “Significant” and recommended that it be disposed of subject to conditions. The City Council reviewed this application on September 6, 2005 and tabled it.

Mr. Spencer stated this area is part of the recorded open space in the Eagle Park Phase 2 Plat. This open space may some day be suitable for a pedestrian trail, and the City should ensure that there is enough land for one along the adjacent roads. Staff recommends that this particular piece of land could be disposed of without affecting the ability to retrofit the remaining area for a trail at some point in the future.

Councilmember Jackson **moved** to classify the City-owned property as insignificant and have staff determine any SID assessments required, water rights issues and the equitable purchase price, and upon deeding this property this piece be included as one property parcel with their current parcel. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson explained her reasoning for requiring one parcel for this property and the existing lot. If taxes are not paid on this property over a five year period of time the property would go to tax sale and could be purchased by anyone willing to pay the back taxes. However, if it is one parcel the taxes will be assessed along with their home.

Mr. Kinghorn explained a condition to the motion is that the property be consolidated with the existing lot so there is one tax parcel.

Councilmember Lifferth noted he feels this proposal is a win-win situation for the community. He explained this was not intended to be prolonged, but he wanted to follow the legal channels.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn noted there is 'dead space' in the City Center design of subdivisions with open space surrounding the subdivision. He felt it may be helpful to have staff create the needed requirements for residents wanting to extend their property.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Mount Airey Group, LLC for Mt. Airey – Plat F.

Mr. Spencer stated the Mt Airey F subdivision received Final Plat approval on April 4, 2006. A Development Agreement is the formal acceptance by both the City and Developer of all rights and obligations associated with and related to the development of a previously approved subdivision. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation at this time.

Councilmember Blackburn **moved** to approve the Development Agreement with Mount Airey Group, LLC for Mt. Airey – Plat F. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Point Lookout Group, LLC for Point Lookout – Plat B.

Mr. Spencer stated the Point Lookout B subdivision received Final Plat approval on March 7, 2006. The Development Agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project.

Councilmember Liddiard **moved** to approve the Development Agreement with Point Lookout Group, LLC for Point Lookout – Plat B. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Point Lookout – Plat A.

Mr. Spencer explained Point Lookout A is located southwest of Diamond Springs and Castle Rock. The plat previously received Final Plat Approval on May 17, 2005. Since that time, a new owner has

acquired both Plats A & B and is now re-submitting Plat A with a slightly different design. Essentially the only difference is that the vest pockets along Sandpiper Road have been removed.

Councilmember Jackson **moved** to approve the Final Plat for Point Lookout – Plat A subject to the following conditions and findings of fact:

Findings of Fact:

- The Hidden Canyon development was not built to its vested density and instead built as a lower-density, single-family detached subdivision.
- Additionally, the ‘Community Center’ that was once planned for in the Hidden Canyon area is no longer a possibility.
- As such, the connecting Sandpiper Road will not be required to carry as much vehicular traffic, thus its classification as a collector road is no longer valid. Instead, it is viewed as a local street that will only be used for local traffic.
- Because the actual use of Sandpiper Road will not designate it as a collector road, direct driveway access onto this road, for some specific lots, does not pose a significant traffic concern and is allowed.

Conditions of approval:

1. PARK FEE-IN-LIEU. That the required neighborhood park fee-in-lieu is calculated by the City Engineer and applied towards hard surface trail improvements in the utility corridor (the Cedar Valley Regional Trail).
2. SID. That the City Engineer verifies that the plat encompasses all of the land incorporated for the SID, and that the full amount is paid prior to recordation.
3. PLAT. That the tabulation table is updated to show correct data. That all lot lines outside of the plat are removed. That Notes 2-5 are removed. That all other redline comments are addressed.
4. STREET ACCESS. That lots 16 & 17 contain a note that states they are restricted to a circular (U-shaped) driveway only.
5. BENCH DRAINS. That bench drains are provided in the rear yard PUE for lots 22-24. That these bench drains are a bonded developer improvement.
6. CONSTRUCTION DRAWINGS. That the construction drawings are updated to reflect the removal of the vest pockets.
7. LANDSCAPE PLAN. That a licensed landscape architect should stamp the plan. That a landscape cost estimate is submitted. The Landscape Plan shall contain an entryway monument. That street trees along Sandpiper Road are a developer improvement and are bonded for. That the correct street names are added to the plan.

Councilmember Lifferth **seconded** the motion

Councilmember Jackson stated she is pleased with the large lots in the proposal. The applicant at the Planning Commission meeting preferred a different layout on lots 16 and 17 other than the circular drives; however, he was very willing to comply with the Planning Commissions recommendation.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for SilverLake – Plat 6.

Mr. Spencer explained SilverLake Plat 6 is located adjacent to SilverLake Villages, just south of the proposed Plat 7. The SilverLake Master Development Plan was amended on February 7, 2006. Within the newly amended plan, the large 'bubble' within which Plat 6 is located allows for a total of 279 units over 80 acres. Plat 6 is proposing a total of 41 lots over a total of 11.10 acres for a density of 3.69 units per acre, which the zoning allows. On April 11, 2006 the Planning Commission approved the Preliminary Plat and recommended approval of the Final Plat to the City Council.

Councilmember Lifferth **moved** to approve the Final Plat for SilverLake – Plat 6 subject to the following conditions:

1. STREET NAMES. That all the proposed streets are given names that are dissimilar from all existing street names. *Country Way must be changed (there is already a Country Drive in North Ranch).*
2. ADDRESSES. That the City Engineer generates addresses.
3. PLAT. That Utah County Book & Page information is added. That the City Engineer verifies that the boundary description closes.
4. LANDSCAPE PLAN. That any landscaping drawings / items that do not pertain to Plat 6 or 7 are removed.
5. NEIGHBORHOOD PARK. That the Neighborhood Park requirements are met and the funds are earmarked for the Regional Park located just to the east of the plat.

Councilmember Liddiard **seconded** the motion.

The Council discussed items unrelated to the plat approval including the condition of Pony Express Parkway as it extends out of the City.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for SilverLake – Plat 7.

Mr. Spencer explained SilverLake Plat 7 is located northeast of SilverLake Villages. The SilverLake Master Development Plan was amended on February 7, 2006. Within the newly amended plan, the large 'bubble' within which Plat 7 is located allows for a total of 279 units over 80 acres. Plat 7 is proposing a total of 86 lots over a total of 18.79 acres for a density of 4.57 units per acre, which the zoning allows. On April 11, 2006 the Planning Commission approved the Preliminary Plat and recommended approval of the Final Plat to the City Council.

Councilmember Lifferth **moved** to approve the Final Plat for SilverLake – Plat 7 subject to the following conditions:

1. STREET NAMES. That all the proposed streets are given names that are dissimilar from all existing street names. *Change SilverLake Blvd. It is too similar to SilverLake Pkwy.*
2. ADDRESSES. That the applicant submits an electronic copy of the plat for the City Engineer to generate addresses.
3. LANDSCAPE PLAN. That any landscaping drawings / items that do NOT pertain to Plat 6 or Plat 7 is removed.
4. NEIGHBORHOOD PARK. That the Neighborhood Park requirements are met.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and adoption of the Eagle Mountain City FY 2007 Preliminary Budget.

City Treasurer Gordon Burt explained the State Code requires that the City Council review and adopt a tentative budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing for the final budget.

Councilmember Blackburn **moved** to approve the Eagle Mountain City FY 2007 Preliminary Budget and set the public hearing for June 20, 2006 at 7:00 p.m. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn agreed with the form of the budget; however, he requested in the future the Council be included in the budget process much earlier.

Councilmember Liddiard asked for a electronic copy of the budget and three ring binder for the paper copy. He appreciates the explanations included in the budget.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the consent agenda as follows:

A. Minutes

- 1) April 18, 2006

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Liddiard stated he has seen Deputies patrolling the eastern area of Pony Express Parkway. He congratulated City Recorder Gina Peterson for being elected to the Utah Municipal Clerks Board and David Lifferth for being appointed to the Business Advisory Board. He also congratulated Councilmember Blackburn and family on the birth of a baby girl.

Councilmember Liddiard stated there are open space areas of the Eagle Park subdivision that need to be addressed. He cited public open space has become an area for debris and activities not conducive to the neighborhood.

He is excited and looks forward to Pony Express Days. He has enjoyed living in three different areas of the City and seeing the different perspectives. Councilmember Liddiard appreciates the willingness of citizens to bring issues to the Council that is unique to their area of the City. He looks forward to further discussions on the budget and addressing the needs of the City.

Councilmember Lifferth was pleased to see Councilmember Strouse recognized as the 2006 Woman of the Year at the Miss Eagle Mountain Pageant and stated she reminds him of Margaret Thatcher, former Prime Minister of England. He recognized his daughter for being crowned Miss Teen Eagle Mountain

2006. He thanked Councilmember Blackburn for sharing photos of his new daughter. He is pleased the City has began the process to obtain water from the Central Utah Water Conservancy District and recognized the individuals involved in this process.

Councilmember Jackson has had discussions with residents concerning entry monuments in the City. She would like to see entry monuments added to the City Center as an Eagle Scout project or volunteer project.

She has seen antelope in the City Center and noted individuals need to be cautious of their speeds and watch for wild life.

Councilmember Strouse stated she encountered antelope crossing State Road 73. She has seen deer carcasses along SR 73 between North Ranch and Meadow Ranch. She asked if the City can post signs for wildlife crossing.

She discussed enforcement of public open space in the City. She asked Mr. Kinghorn if having a vehicle parked in public open space for eight years creates a legal issue for the City. Mr. Kinghorn responded this can be dealt with through the City's Code Enforcement Officer. She also asked to have Deputies monitor the Eagle Park subdivision in regards to motorcycle and ATV's on public open space.

Councilmember Strouse asked if the City can be notified of pending legislation that affects the City. She noted the Development Code amendment that was tabled tonight does need further discussion and the City Council needs to be aware of how the amendments they make to it affect the City.

Councilmember Blackburn congratulated Councilmember Strouse on receiving the Woman of the Year recognition and wished Councilmember Liddiard a happy birthday. He has met with staff concerning the budget and was pleased with the details and openness to opinions; he is in the process of addressing his questions and concerns. He would like the Construction Standards on the next City Council Agenda. He asked for regular updates and progress information pertaining to the wastewater treatment plant expansion, and that an agenda line item is included on each agenda for the update. He is appreciative of the water rights awarding, and asked that these water rights be divided among all developers and builders in the City and put to immediate use. He requested feedback to Council requests at the next City Council meeting.

Mayor Olsen expressed appreciation to the City Council. He stated the Budget Retreat will be May 16, 2006 at 8:00 a.m.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 10:49 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 16, 2006

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

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

Mayor Brian B. Olsen called the meeting to order 5:45 p.m.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order at 7:12 p.m. Peter Spencer led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

PUBLIC COMMENTS

The following comments are transcribed verbatim at the request of the City Council

Mayor Olsen: “Council, that brings us to our public comment time. During our public comment we ask that, uh, we ask that we keep our public comments to three minutes. If there is

folks that like to talk on the same subject we ask that you, if there, if it's something the Councils already heard please give us new information or that, but we're more than welcome to hear your comments. In addition to that, let me see, please address the mayor when you make your comments. Usually public comments is the time, well it is the time for voicing concerns or ideas things like that. It isn't the time for the Council to give feedback or answer questions.

So, we're going to begin with, I have, did we have more forms that need to be turned in? I have a few here. Once I have the forms in we'll, uh, we'll go with the list I have. Does anyone have any forms they need to turn in they haven't? Thank you. Uh, there's some forms back there on the wall. Alright, okay, thank you Linn.

I'm going to let, Linn you have a comment? We're gonna allow Council..."

Councilmember Strouse: "Yeah, wait a couple, wait a couple for mine."

Mayor Olsen: "Okay. Okay, let's begin with Nick Spor."

Nick Spor: "My name is Nick Spor. I live at 1476 North White Pine Road, here in Eagle Mountain. I just wanted to voice my concerns about the Mayor and the position he's been put in, or position he's put himself into. I – I am in favor of the Mayor even, even without the Masters Degree that people of been had a concern with he's still the highest educated, and in my opinion he's still the best candidate for the job. That's all I have to say. Thank you."

Mayor Olsen: "Thanks. Uh, Charlotte Ducos?"

Charlotte Ducos: "Thank you for the opportunity to address the Council. Charlotte Ducos 9328 North Deerfield Circle. Um, I'm here to make clear my opinion regarding the Mayor in recent events. First I make it very clear that I do not accept lying in any form, it is wrong and inexcusable. What Mayor Olsen did in misrepresenting his resume was wrong, and is a big deal. Many of those who have been misquoted as saying it was no big deal also believe this; however, a big deal is not equivalent to a show stopper. When my child carried a toy out of the store without paying for it that was wrong. To teach my three year old how it was wrong to steal I did not remove my child from the family and strip him of responsibilities at home. I marched him inside where he was made to return the item and apologize for taking it. Along the same vein if my child were to cheat on a test or paper, which thankfully they have not yet, I would remove, I would not remove him from school or teach him how wrong he was by ostracizing him. I would require him to return to his teacher, confess the misdeed and do whatever is required to make it right. In the case of the Mayor we are all in agreement, including the Mayor, what he did was wrong. He's taken the time to hold numerous meetings with press, media and more specifically with many residents, including my neighborhood, at several neighborhood meetings. He has taken the time to explain where he went wrong, take full responsibility and has pledged to do what it takes to regain the trust of the people. Obviously it would've been better if he'd corrected the wrong without being confronted, but that was not the case and I'm convinced that Mayor Olsen is committed to righting this wrong. The easy thing for him to do would

be for him to leave office and get lost in society hoping everyone forgets. It is far more difficult to live with the mistake day after day and to continue working, even harder than before to regain the trust of his people. I for one would have voted Mayor Olsen with or without the MPA and still feel that he was the most qualified for the job. He has my trust to re-earn, but it will be his work in office that will earn that trust, not slinking away defeated. Asking the Mayor to resign is baseless. Our political system has only one way to send such a message to a Mayor; it comes in four years when a new Mayor is elected. That is when the voice of change can speak or remain silent.

One final item, I want like to make public my frustration that all of this started with a anonymous email. I feel that integrity applies in all situations, and if an individual has something to say that is for the good of the people there should be no reason why a name cannot be attached to it. If an individual or individuals who released this information truly had public interest in mind Mayor Olsen could have been contacted and confronted directly. Those who say they are tired of bad press for Eagle Mountain need to understand that this has been taken care of, had this been taken care of personally between the Mayor and individual or individuals who had this information it could have been taken care of with out all the bad press. I believe we are here because of a political or personal agenda of an individual, group of individuals who do not necessarily have the best interest..."

Mike Wren "Three minutes."

Charlotte Ducos: "...of all Eagle Mountain residents at heart. The fact that they were correct about the Mayor and his lies falls squarely on the Mayors shoulders, but it does not change the motive. I want to take the time to thank the Mayor and the Council for all they do and I would also like to make an appeal that the politics of destruction come to an end in Eagle Mountain. It is not good for the City, it is not good for the residents and it is not good for those who perpetrate it. I would hope that we can hold our Mayor appropriately responsible and then move forward with City business at a positive manner for the good of all who live here. Thank you."

Mayor Olsen: "Thank you. Mike, when, uh, we reach 30, three minutes will you give like a 30 second (warning) to the, or to the public comment so they can, uh; Councilmember Strouse did you say you wanted to read a public comment?"

Councilmember Strouse: "Yeah I got an email here from a lady by the name of Trina Miller, Eagle Mountain, it doesn't say the address.

'I want my voice to be heard although I am unable to physically be at the Town meeting. Please listen to this with an open mind. Remember that none of us exist without imperfections and or mistakes. A mistake should not be the thing that defines our existence. I received an informing paper rubber banded around my door knob yesterday letting me know that someone was very persistent in wanting to be heard. It gave a quote of a newspaper article. I read it then did some research; I thought about it, and didn't sleep that night. Here is my opinion I will not say its okay to embellish anything. We all learn this in time. It is how we respond when confronted with our shortcomings that matter. One action, that in my opinion has been corrected, will not complete my opinion of the Mayor. I continue to support Mayor Olsen because of the vast

number of important things he has done for the City. I am not and will not be embarrassed to announce that I live in Eagle Mountain. I love my City. I will continue to support all the thing going on in this City that help us live this great life we've made for ourselves. Mayor Olsen has helped our City along to be the great community it is. Here this one thing – this issue does not define our City. We are proud and strong family oriented community full of great citizens. I am proud to be from Eagle Mountain. I support Mayor Olsen. Trina Miller, Eagle Mountain'.

Mayor Olsen: “Thank you. Dee Scott?”

Dee Scott: “Okay, I’m Dee Scott and I live at 2167 Weeping Willow Way. And I just have to say we were a little disappointed in Brian, but understand this is just a mistake. We admire Brian Olsen. He is not running from the issue, but standing up and taking responsibility for his mistakes. He has paid enough for this mistake. He is embarrassed; he has been sad, and we feel Brian Olsen has learned his lesson. So what more can we ask of him? We have a mayor who is capable and will not make the same mistake again. Let’s get past the partisan politics, give our forgiveness and get on with living in Eagle Mountain. Mayor Olsen has my husband’s and my trust and confidence. Thank you.”

Mayor Olsen: “Joe McCaul?”

Joe McCaul: “Joe McCaul, I live at 3565 Braxton in The Ranches. Um, I’ve never done this before, so can I ask questions, or is it just comments only?”

Mayor Olsen: “Yeah, it is, it is just comments.”

Joe McCaul: “Just comments only?”

Mayor Olsen: “Yeah.”

Joe McCaul: “Okay. I think my concern goes beyond just falsifying your credentials, or embellishing on that. I would voice my concern goes to the level of the Mayor’s relationship with John Walden, and I have a very, very, good, I’ve heard a comment and the person has asked to be anonymous, but that at this time they do not want me to say who it was, but basically the statement they made was that John Walden not knowing that, this person was from Eagle Mountain made the statement that he was influential in the firing of certain key people within the City. And so I would question the loyalty of the Mayor to the City or to John Walden. I also understand John Walden and his ownership of the utilities and how he could benefit by the selling of those utilities. I would also question the association with some of the Councilmembers and John Walden. I think this is some of the things that should be explained and expressed because if John Walden is the one that’s pulling strings with the City, that’s wrong. Thank you.”

Mayor Olsen: “Thank you. I’ve got on this McKay Bodily. Alright, come on up. Do we have more forms? Okay, go ahead sir.”

McKay Bodily: “My name is McKay Bodily I am a citizen of Eagle Mountain. I have to disagree with a lot of the comments that have been made previously to this. As a citizen of Eagle Mountain, I do not believe, I do not want to participate in a City that is wrapped up in typical politics that we see today. I want people to lead us that are honest, that demonstrate that in their character. Not only do I believe that this, uh, statement of credentials was, um, false and misleading, which it was to those who voted, but it was also initially tried to, ya know, be covered up, and I think that, that demonstrates something to me that is a flaw I don’t want in my leader. I don’t want I don’t support that. Policy decisions mistakes that we make with good intentions for the City I understand and I can forgive. I don’t forgive intentional deception. That’s what I have to say.”

Mayor Olsen: “Thank you. Stan Lyman?”

Stan Lyman: “Uh, Mayor Olsen, Councilmen, Councilwomen and Citizens of Eagle Mountain I come before you today to offer my point of view. My Name is Stan Lyman. I live in the Mountain View subdivision, 4084 North White Pine Road. I’ve been a resident of Eagle Mountain for nearly eight years. I was a volunteer for Mayor Olsen’s campaign. I am a close friend to both Mayor Olsen and Brigham Morgan, his opposing candidate in the last election. I designed Mayor Olsen’s website and newspaper advertisement that was printed in the Crossroads Journal. Mayor Olsen misrepresented his credentials to me and the citizens of Eagle Mountain by reporting that he had a Masters Degree in Public Administration when in reality he earned a certificate from a State sponsored course in public administration. This exaggeration of truth is wrong. Mayor Olsen contacted me before the Deseret News article had gone to print and apologized to me. I was deeply hurt and disappointed; however, within the day my emotions had turned from disappointment to compassion and understanding. From scriptures we learn that ‘he who is without sin, let him cast the first stone.’ I have no stone to cast at Mayor Olsen for I have too many weaknesses of my own to worry about. As a friend I have seen the torment and anguish that Mayor Olsen and his family have gone through the past few days. I know and have witnessed that he has experienced extreme remorse for his actions. Mayor Olsen’s family has had to endure tremendous humiliation, embarrassment and harassment. My prayers are with the Olsen family that they may find peace and strength through this ordeal. Bottom line, I believe Mayor Olsen to be a good man who made a terrible mistake. I find him very admirable that Mayor Olsen is taking accountability for his actions. After reading the Deseret News article he went to the radio stations through out the Wasatch Front to clarify that he alone bore responsibility for his actions, and that was not an misunderstanding on the part of his volunteers. He arranged cottage meetings of various parts of the community to apologize to the citizens of Eagle Mountain in person, and to accept responsibility for his actions. He is doing everything in his power to try to correct the wrong that he has done. He didn’t have to go to such extremes to set it right, which was but he did. I would like to see other politicians accept responsibility for their actions in the same manner as Mayor Olsen has. Eagle Mountain doesn’t need another witch hunt. It needs compassion, understanding and kindness. All of us could be a little kinder. Politics can bring out the worst in a person and a community, but it also can bring out the best. I have faith in Mayor Olsen and his abilities to effectively manage the City. He’s a tremendous asset to the City of

Eagle Mountain and its people. As Mayor he has greatly influenced the City for good, and has performed admirably. I will continue to support Mayor Olsen and would ask the citizens and the Council of Eagle Mountain to do the same. Thank you.”

Mayor Olsen: “Thanks. Trina Miller? Is that the letter that Linn read?”

Councilmember Strouse: “Yeah.”

Mayor Olsen: “Oh, okay. That was read, okay, thank you. Tiffany Ulmer?”

Tiffany Ulmer: “Hello Mr. Mayor. I’m here actually to talk about a real item on the agenda. Tonight I wanted to talk about the Construction Standards. If you read through there there’s one part that I would like you to reconsider. It talks about the residential versus commercial times that you can actually do building. In a residential area it’s 7:00 a.m. you can start construction until 10:00 p.m. which is our, our current noise ordinance. For commercial areas it is 6:00 a.m. to 10:00 p.m. The reason I’d like you to reconsider on that is commercial areas are next to residential areas. If you have a commercial lot right next to your home, 6:00 a.m. is way early in the morning, and I don’t think that five feet or ten feet of distance is a far enough away to stop that sound. So maybe reconsider and make ‘em both 7:00 a.m. so you don’t have confusion and you don’t have 6:00 a.m. kids awake. Thanks.”

Mayor Olsen: “Thank you. Just writing that down. Wendi Baggaley?”

Wendi Baggaley: “Wendi Baggaley, 1467 Hawk Way. Mayor since the time I, I found out about this, was just a couple weeks ago, I was shocked. I appreciate that you spoke to me personally and, and shared with me your concern and that you felt really, really sorry about this. In the time, in the week or so that, about two weeks since I last heard about it some thought have come to mind. In just, bitterness and hatred and negativity, and an inability to appreciate political differences causes a cancer in our society, and in our City particularly, deception does the same thing. And in my mind what you did do was very, very serious. I appreciate the fact that you have taken steps both in a personal life, and also on, in your public life to apologize, to try to make amends and to restore that trust, and I appreciate that. I do feel like the bar has been raised for you. For those of us who supported you, I still support you, I still feel like though that you need to show me over the next three and a half years that you will be worthy of a re-vote, or that you will be worthy of my vote again in, in three and a half years. One reason why I supported a full-time mayor was that I felt like it would bring stability to our City. When we looked back at, at last June when Mayor Bailey stepped down it felt like in the power vacuum there were so many political questions and things that it was almost like a fire cracker went off. I feel like if you were to step down and resign then a similar situation would happen to the detriment of our City. I regardless of what anyone else says I feel you like you definitely need too stay on and you definitely please do not resign. I would suggest, however, that you look into pursuing a Masters of Public Administration Degree. I know there are many, many evening courses, executive courses that are available...”

Mike Wren: "Two and a half minutes."

Wendi Baggaley: "...that can be handled in one to two minutes, or sorry, one to two years that would be beneficial for our City, beneficial to you, and I think would also restore some of the, some of the trust we have in you and your ability to handle this job. I think you are, you've done some great things already and I'd like to see you continue to do that. Thank you very much."

Mayor Olsen: "Thank you. Mary Lynn Christensen."

Mary Lynn Christensen: "Mary Lynn Christensen, I live over in The Landing. The question I had is a while back I noticed that they said that you was gonna put lights in certain areas in the City Center. Is that correct? Did I understand that right?"

Mayor Olsen: "Yeah and your asking me if there's gonna be lights put in The Landing?"

Mary Lynn Christensen: "Yeah."

Mayor Olsen: "Streetlights, yes."

Mary Lynn Christensen: "The other, the main question is will there be lights in the pathway that leads to the schools?"

Mayor Olsen: "I'll have to double check on that to be sure."

Mary Lynn Christensen: "And then if there will be lights I would ask that you make sure that they do not shine into the backyards that are along that pathway."

Mayor Olsen: "Okay, tell me, tell us one more time which, where, not to shine where?"

Mary Lynn Christensen: "Into the backyards of the people that are adjacent to the pathway."

Mayor Olsen: "Okay."

Mary Lynn Christensen: "I'm one of them, and I get enough light from the telephone lights that just right there above there door. It shines right into my house. I keep asking them to rearrange it."

Mayor Olsen: "Okay. Have you been getting a response?"

Mary Lynn Christensen: "A little hear and there. The first time they responded they said 'Oh well, we need to replace the other light.'"

Mike Wren: "Two and a half minutes."

Mary Lynn Christensen: “But it does shine right into my house so that’s why I would like not to have the lights shining into the yards of those adjacent to it. Besides it would make it so the stars aren’t as visible.”

Mayor Olsen: “What we will do is I’ll follow up with you and make sure that you have that.”

Mary Lynn Christensen: “Okay.”

Mayor Olsen: “Okay, Thank you. Lori Jolley?”

Lori Jolley: “Good Evening Mayor, City Councilmembers. I – a lot of what I wanted to say has already been said this evening, and what I would like to address is the concern that I have with a lot of things that have been commented on in the newspapers and on television stating that the employees of Eagle Mountain City are either afraid of Mayor Olsen or do not support Mayor Olsen and that is not true, and I would just like to state out loud that I support Mayor Olsen and he has given a lot of us the confidence that we all need as employees to continue to do the work we do, know that we’re supported and appreciated for what we do, and I am just really glad that you are here and hope that you continue on with the work you are doing. And I think that the rest of the City will see that as time goes on, and see everything that you have already been working on. So thank you.”

Mayor Olsen: “Thank you. Kristin Cable?”

Kristin Cable: “I’m Kristin Cable. I live at 1791 East Cedar Street. As a citizen of Eagle Mountain I’m outraged at the things that have recently come to light concerning you, our Mayor. Honor and integrity are of the utmost importance to me and I am extremely disappointed to find out that we have a liar for a mayor. If a man has no honor he has nothing. The only way in mind for Mayor Olsen to restore his dignity and honor is to step down. He has no right to a position he got through deceit. I understand from articles in the paper that the Mayor has no intention for resigning. I think this is a serious mistake. I believe he’s lost credibility not only with the voters of Eagle Mountain, but also with business owners, loan officers, and etc. We are very concerned about the bond rating and future financial status of our City. We believe he has seriously undermined the ability of Eagle Mountain to procure future low interest loans by the termination of some of his staff and the evidence of his dishonesty. The firing of the City Manager appears to be a chief effort on the Mayor’s part to eliminate anyone who is more qualified than he is. It’s very hard to imagine other legislators taking Eagle Mountain and our concerns seriously when we are represented by someone who has admitted their dishonesty. We feel if he stays in office he will not only further damage, he will only further damage our city in reputation first, but more importantly in lost opportunities with those who may no longer be interested in doing business with Eagle Mountain City. Mayor Olsen in the interest of your personal honor and in the interest of the City you claim to serve step down, and as a side note I also feel it’s ludicrous and self serving to purchase a \$5000 desk when the City of Eagle Mountain is in sever debt. If Mayor Olsen honestly had the good of the City at the heart he would realize he could sit behind a folding table, if necessary to do his

paperwork. This leads me to seriously question his financial competence as well as his lack of integrity. Thank you.”

Mayor Olsen: “Thank you. Please. Is there any other further public comment? Gina, do we have any more forms?”

Gina Peterson: “No.”

Mayor Olsen: “That will end our public comment portion for tonight.”

Councilmember Blackburn: “Mayor?”

Mayor Olsen: “Councilman.”

Councilmember Blackburn: “If I could ask a favor I think that some of the Council Comments tonight are going to be addressing this type of a topic and while people are here I think they should hear how we stand or sit on the position. Would you mind allowing Council Comments to go early rather than the last of the meeting?”

Mayor Olsen: “Is there any other Councilmembers that’d like to redo the order of the agenda?”

Councilmember Liddiard: “Sure.”

Mayor Olsen: “So I have two, anybody else want to do, reorder the agenda for.”

Councilmember Linn Strouse: “Uh, I’ll just make a note that all the minutes will be available for public reading, so I – I don’t see any reason to change it.”

Mayor Olsen: “Alright. Council it is your meeting so based on the comments I’ve received we will continue with the agenda as it’s outlined.”

MAYOR’S ITEMS

Mayor Olsen: “This brings us to the Mayor’s Items and I’d like to begin, first of all thanking everyone for the opportunity to voice your public comments and concerns.

I am sorry. I’ve let my family, my friends, my colleagues, and all of you down.

And there’s nothing that can justify what I did. I do, however, owe each of you an explanation. While serving as a State Trooper, I was selected to attend a series of management courses or a Certified Public Manager’s Course. Now these courses were designed to qualify civil servants to assume leadership positions in state, local and federal government.

When I became a candidate for public office, I frequently cited my Certified Public Manager’s credential when discussing my academic credentials. Unfortunately, very few people are familiar with a Certified Public Manager’s Certificate, or CPM. To help

them understand, I began comparing the academic substance of a CPM to a Master's. The more I made the comparison, the more I liked the way it sounded. Eventually, sheer repetition and my own vanity convinced me that my CPM was actually an MPA.

Since this announcement, I have met with each member of the council; I've met with residents around the City, and with many others. Some have been very angry, saying I could never regain their trust. Others, disappointed, but willing to let me regain their trust, and I am grateful to all who have granted me an opportunity to explain.

The past couple of weeks have been the darkest times of my life. No elected official likes to be the source of embarrassment, let alone be the cause of the embarrassment. And no father wants to explain to his children that he lied, let alone have his children watch him explain it on TV.

Some have called on me to resign. No Eagle Mountain mayor has completed a full elected term, and the frequent changes in administration have exacerbated the anger and the hard feelings all too apparent in our City's politics.

Grave though my error has been, the consequences to the City of another mayor prematurely leaving office are worse. Resigning would be the easy way out. Furthermore, the fact remains that I am qualified to do this job, and I have only just begun to accomplish the agenda that I was voted to do. I will not resign.

Eagle Mountain cannot achieve its full potential unless the citizens and the Council trust their Mayor. And here it's important to remember the difference between forgiveness and trust. Forgiveness is a gift we are given.

My family, my friends, and my colleagues, and all of you are the ones who are deciding whether to forgive me. My actions can make it easier for you to forgive me, but regardless of your decision, I will move forward. Which is to say, forgiveness is a gift that is given.

Trust, however, isn't just given; I must earn your trust.

To regain the trust of this Council, my colleagues, and the citizens, my conduct must and will be beyond reproach. We will certainly disagree on some issues, and some will continue to question what rationale drives my decisions.

I believe that at some time we've all broken someone's trust, and we've all earned trust. The trust I have broken has been very public in nature and so likewise must be my redemption. My hope is that we can all seek the best in each other, and live to justify each others hopes."

End of verbatim transcription.

Mayor Olsen announced Peter Spencer is the new Planning Director with the City. Fire Chief Rand Andrus was appointed to the State Emergency Medical Services Operations Sub-Committee as a

paramedic. This will allow Eagle Mountain to have a voice in future emergency medical services needs and decisions through out the state.

He thanked the City Council, Budget Committee and Department Heads for spending the day reviewing the 2007 budget line by line. He stated the proposed budget is over \$25,000,000. He received input and the budget will be further reviewed and presented to the City Council for a vote in June.

He noted water development issues will be discussed at a future time in light of the recent water transfer into the City. The City will need to establish policies for dealing with this water.

INTRODUCTION – New K-9 Officer

Sergeant Jason Randall introduced Deputy Collin Gordon and K-9 Jargo, who has recently been assigned to Eagle Mountain City; Deputy Jay Leslie has been reassigned by the County.

Deputy Gordon stated he is pleased to be working in Eagle Mountain and to serve the community. He highlighted his qualifications and experience. He has been working with Jargo for a year and a half. Jargo has special training in explosive detection, and is working to complete his tracking training.

Councilmember Liddiard asked where the dog is from. Deputy Gordon explained the County obtained the dog from Provo, but he originally came from a kennel in Dallas, TX.

Councilmember Strouse asked Deputy Gordon what he most looks forward to in working with Eagle Mountain City. He responded he is excited to be working in a city again and the opportunities that provides.

Mayor Olsen stated the City is pleased to be working with them.

Councilmember Jackson asked what type of dog Jargo is. Deputy Gordon stated Jargo is a German Shepherd. Councilmember Jackson stated she has a family member who has worked as a K-9 officer.

RECOGNITION – Elementary School Teachers

A representative of Eagle Valley Elementary stated he was representing Principal Conely who could not attend because of a previous obligation. He recognized the following staff members of the elementary and highlighted their accomplishments: Joel Huebner, Abby Camberlango, Beth Elmer and Holli Blue.

BOARD APPOINTMENTS - TSSD – 1 vacancy

BOARD APPOINTMENTS - North Pointe Solid Waste District – 1 vacancy

Mayor Olsen recommended the appointment of Mike Wren, Chief of Staff/Public Works Director, to serve on the Timpanogos Special Service District Board and the North Pointe Solid Waste District. These vacancies are due to the upcoming retirement of Public Works Director Mark Sovine.

Councilmember Strouse **moved** to appoint Mike Wren to the following boards: Timpanogos Special Service District and the North Pointe Solid Waste District. Councilmember Jackson **seconded** the motion.

Councilmember Strouse noted that Mr. Wren has been involved with the City since the beginning and she is pleased to have him working with the City again.

Councilmember Blackburn expressed concern that appointing Mr. Wren to these boards will be too much for him with his regular duties as Chief of Staff and Public Works Director. He asked to have a more clear definition of Mr. Wren's responsibilities. Mayor Olsen responded Mr. Wren is the chief operating officer for the Public Works Department and these boards affect the City in regards to utilities; appointing him as board members to these boards will give him voting rights.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Mayor Olsen announced two youth in the City, Luke Johnson and Amanda Lifferth, are serving in statewide political parties. He recognized them for being involved in government. Councilmember Strouse added Shaelynn Taylor has also participated in governmental conventions and has helped Councilmember Strouse in similar capacities.

Councilmember Jackson asked that the Council be allowed to ask questions during the policy session because much of the work session time was taken by the budget retreat. Mayor Olsen said that would be allowed under the circumstances.

SCHEDULED ITEMS

ORDINANCE – Consideration and adoption of an ordinance amending the Construction Standards and Specifications for Eagle Mountain City.

City Engineer Chris Trusty explained the revision to the Construction Standards and Specifications has been reviewed at previous City Council meetings. The City Council has provided feedback and amendments have been made during the process. The main goals in adopting these standards are to:

- Adopt the APWA Construction Standards and Specifications as modified to conform with the needs of Eagle Mountain City.
- Require secondary irrigation pipe to be installed as the city moves toward the ability to provide reclaimed irrigation water.
- Eliminate redundancies between the Development Code and the Construction Standards
- Establish minimum building criterion designed to reduce city expenditures in maintaining accepted city infrastructure.

Mr. Trusty explained that last year the city spent just over \$1 million for the overlay of Eagle Mountain Boulevard. Ranches Parkway will require the same rotomill and overlay for the next fiscal year which is expected to cost \$800,000. He stated the increased construction cost is only a fraction of the burden taxpayers would bear if the city does not enforce more rigid construction standards. The construction standards have had a great deal of review by City Staff and interested developers. These reviews have produced modifications to the standards which will now provide the best standards to benefit the City and the developers. Mr. Trusty discussed concerns that were presented to him by the developers.

Councilmember Jackson stated she spoke with Mr. Trusty concerning clerical errors which he stated will be corrected.

Councilmember Strouse noted standards, such as these, occasionally need to change due to technology. She said the placement of meters is being changed because of the meter reading machine. Mr. Trusty stated the placement of meters is also being changed to prevent them from being placed in driveways.

Councilmember Liddiard asked Mr. Trusty to explain the requirement for a cash escrow bond rather than a surety bond. Mr. Trusty stated the change is due to recommendations from the City Attorney.

Mr. Trusty explained the City's Development Code defines construction hours for commercial and residential areas, and the Construction Standards copy the current standard in the City's Development Code.

Councilmember Blackburn asked if an additional fee can be included in the Construction Standards to offset the cost of the wear on City streets for the construction of subdivisions. Mr. Trusty responded the proposed standards address this concern by imposing a fee if a construction access is not included in a subdivision and the access to the proposed subdivision is through other developments.

Councilmember Blackburn asked how long an approval for a subdivision lasts. Mr. Trusty stated the proposal is that approvals on subdivisions are good for three years. He explained any changes to a plat would need to be presented to the City from preliminary plat.

Councilmember Jackson **moved** to approve Ordinance 11-2006 amending the Construction Standards and Specifications for Eagle Mountain City including clerical corrections and a final proof reading of the document subject to changing the commercial constructions times to 7:00 a.m. – 10:00 p.m. Councilmember Strouse **seconded** the motion.

Councilmember Jackson recognized Mr. Trusty for completing the process of amending the Construction Standards and for the time and effort spent with the developers. She received a letter from a local developer complimenting the City on working with the developers in establishing these standards.

Councilmember Liddiard noted Mr. Trusty has spent a great deal of time on this and he has done an excellent job. He thanked Mr. Trusty for his efforts.

Mr. Kinghorn stated changing the commercial construction times will need to be done in a separate ordinance on a future agenda. Mayor Olsen stated he will entertain an amended motion to reflect Mr. Kinghorn's comments.

Councilmember Jackson **moved** to amend the motion to remove the changing of construction times. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson asked to have an ordinance on the upcoming agenda changing the commercial construction hours to 7:00 a.m. – 10:00 p.m.

Councilmember Blackburn suggested only allowing commercial construction until 9:00 p.m.

Councilmember Lifferth stated he delayed the Construction Standards from being approved many months ago; however, he believes the document is more refined and better serves the City because of this. He expressed appreciation to Mr. Trusty for the time he spent working on this.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and certification of the Pony Express Town Center Annexation Petition (Amsource Annexation).

City Attorney Jerry Kinghorn explained the City Recorder is certifying the annexation is complete and the City Council will by motion accept the certification of the annexation petition.

City Recorder Gina Peterson noted on August 24, 2005 a petition was submitted to annex approximately 145 acres off Pony Express Parkway, north of the SilverLake subdivision. Annexation of this property will close the gap between Saratoga Springs and Eagle Mountain in this area. The original petition was deemed invalid, because of needed corrections. A revised petition was accepted by the Records Office and verified by the City Engineer on April 27, 2006. The first action for the City Council to take will be certification of the petition. This will begin the 30-day protest period after which the annexation can take place at a future City Council meeting. Protests on this annexation can only be made by governmental entities.

Councilmember Lifferth asked to have the name of the annexation changed to eliminate confusion because of other areas of the City referred to as the Town Center. Mr. Spencer did not believe the applicants of the annexation would be opposed to changing the project name.

Councilmember Strouse agreed it is confusing to have the annexation include town center in its name.

Mr. Kinghorn suggested using the petitioners name as the annexation name and have this annexation be known as the Amsource Annexation.

Councilmember Jackson recalled from a Planning Commission Meeting the petitioners mentioning they intend to call their development the Pony Express Town Center. She believes it was strongly suggested they remove Town Center from their future development names.

Councilmember Liddiard **moved** to certify the Amsource Annexation Petition. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked if this property includes the section of road that Aaron Evans complained about the condition of in the past City Council Meeting. Mr. Spencer responded it does not.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an agreement and addendum with FirstWest Benefits Solutions to become the City's benefit consultant.

City Attorney Jerry Kinghorn said for the past several years the City has experienced cost increases associated with its insurances/employee benefits. This agreement will employ the services of an insurance broker to manage Eagle Mountain City's employee health and welfare benefits programs. The broker will market the City to various insurance carriers/providers to help provide a cost savings for employee benefit services.

Councilmember Liddiard **moved** to approve an agreement and addendum with FirstWest Benefits Solutions to become the City's benefits consultant. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard feels this will be of value to the staff; however, he is concerned this will not allow us to receive benefits with the current carrier, Utah Local Government Trust, for a three year period.

Councilmember Lifferth commented with the increasing costs in benefits it is good to look for ways to cut costs.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and adoption of a resolution amending the utility abatement policy for active duty military personnel.

Mayor Olsen explained that on January 20, 2004, in an effort to recognize the contribution of active duty military personnel, the City Council adopted a resolution giving partial relief of utility bills to active duty military personnel as recommended by Lt. Col. Robert Dunton of Camp Williams. This resolution will simplify the policy and further assist military families.

Mr. Kinghorn explained this resolution would be more specific on defining deployed personal than the current resolution. He recognized Councilmember Jackson has assisted with this resolution.

Councilmember Blackburn **moved** to adopt Resolution 09-2006 amending the utility abatement policy for active duty military personnel and to change the wording in section 3 of the proposed resolution which states: "...until active duty is completed and sixty days following return" to state "...until active duty is completed and two billing cycles following return" to simplify the resolution. Councilmember Liddiard **seconded** the motion.

Councilmember Strouse noted she supports military personnel and is in favor of assisting them in any way. She asked why financial need would be a parameter in the proposed resolution.

Councilmember Jackson explained the stipulations that the soldiers are deployed and are working on a job different from their regular everyday job.

Councilmember Lifferth asked to have a check box on the utility bills where residents can donate to assist families of deployed soldiers with their utility bills. He asked to have Mayor Olsen look into the issue further.

Councilmember Strouse noted this resolution specifically identifies soldiers deployed to fight the global war on terrorism. She asked how the resolution would cover soldiers deployed if the country was to be involved in another war.

Councilmember Jackson explained if another war was to take place the resolution could be amended.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance adopting the Utah State Fire Code Appendices by Reference.

Chief Rand Andrus explained the State of Utah regulates Fire Code; however, each city is responsible to establish specific standards that are not adopted by the State with specific exceptions to fit the special circumstances present in the city. This ordinance will adopt the use of most of the appendices to clarify and support the rest of the International Fire Code. The ordinance will also incorporate and adopt by reference the International Fire Code Appendices as they may be amended and updated from time to time as the State approves Fire Code changes.

Councilmember Liddiard **moved** to adopt Ordinance 12-2006 adopting the Utah State Fire Code Appendices by Reference. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance requiring Public Safety access for private or closed access gated communities.

Chief Andrus explained this ordinance will require that all streets and roads which are privately owned and not open to access by the public shall be accessible by public safety, fire and medical personnel for various public safety needs. He recommended the City Council pass this ordinance as a preventative measure.

Councilmember Strouse stated the development that includes a gated community is called a PUD (Planned Unit Development) and is the only one currently in the City.

Mr. Kinghorn stated the subdivision Councilmember Strouse is referring to is similar to a PUD; however, there are no actual PUD's in the City. This ordinance will apply to situations where there is a locked gate access.

Councilmember Jackson **moved** to adopt Ordinance 13-2006 requiring Public Safety access for private or closed access gated communities. Councilmember Strouse **seconded** the motion.

Councilmember Jackson stated this ordinance came up for discussion because of the Sage Valley Plat B subdivision showing that a second access to SR 73 is needed, but will be kept as a closed and locked gate and for emergency access only. She expressed appreciation to Chief Andrus for his proactive thinking to establish an ordinance to address this issue in the future.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and adoption of a resolution appointing Michael Wren to the Utah Associated Municipal Power Systems (“UAMPS”) Board.

Mr. Kinghorn explained with the announced retirement of Mark Sovine, Public Works Director, it is necessary that the City appoint another delegate to serve on the UAMPS Board. Mayor Olsen has recommended that Mike Wren be appointed with Adam Ferre serving as an alternate.

Councilmember Jackson **moved** to adopt Resolution 10-2006 appointing Michael Wren to the Utah Associated Municipal Power Systems (“UAMPS”) Board. Councilmember Strouse **seconded** the motion.

Councilmember Jackson stated she appreciated that an alternate is being assigned to serve on this board in the event Mr. Wren is unavailable; however, she feels it is important that Mr. Wren, as the Public Works Director, is a member of the board.

Councilmember Blackburn asked to have alternates on the other boards Mr. Wren has been appointed to.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the consent agenda as follows:

A. Minutes

1) May 2, 2006

Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

The following comments are transcribed verbatim at the request of the City Council

Councilmember Blackburn: “Sure. First off it’s been a very long day. We’ve been here for almost twelve hours now, and, the information we’ve reviewed on the budget, I hope, along with the rest of the Council, will be very beneficial for all of us. We’ve found some funds that keep popping up in everybody’s department and everybody goes I don’t know what they are, I don’t know what they are, so we’ve been able to take them away, and, and improve our bottom line. There are still some significant, uh, expenditures that we are questioning for the benefit of our budget and for the residents, and I just want everybody to know, nothing, there is no sacred cow in the City, other than Public Safety, but even Public Safety is being scrutinized to say do we need to expend over a million dollars in police force or over a

million dollars in fire as, as it impacts the bottom line of everyone else's budgets and the other services that are provided by the City, but it is a fun process. I hope next year that we will have more time, not specifically on a Council day, but I believe our, our budget retreats in the past have started at about 7:30 rather than 9:00 because of the time that they tend to take so a word of advice for future planning in that regard.

I'm looking forward to our Pony Express Days coming up. I am excited to see all the signs, I got a cousin coming from Texas who does music reviews for western artists and he's interested in coming. Ya know it's fun to see what what, interests we're getting and what sort of notoriety we can get for our positive events.

We regretfully have obviously had some negative press for Eagle Mountain lately. Until that story broke I was under the impression that Mayor Olsen did have an MPA. Having run for Council with him in the elections of 2003, his appointments to the positions, including this Council and his running for mayor Brian did tell me, and others, that he had an MPA. That lie was perpetuated until the story broke. Mayor Brian B. Olsen is the first time full time paid Eagle Mountain Mayor, and with that position much was expected of Brian but definitely not this. I feel that our energy has had to deal with damage control and mayoral perception rather than building our future. In the corporate world the consequences of Mayor Olsen's actions would likely led to termination or serious reprimands and job warnings. The position of mayor is one of community trust and that trust has been broken, or unneedfully tainted. Politics in general seems to have an element or connotations of taint and Mayor Olsen has added more credence and fertilizer to that opinion. While our community is forgiving and will forgive him, full and complete trust must be regained with over, above and beyond the call of action mayoral duties. Decisions or actions the Mayor might not have, excuse me, that may, might now have additional concern or scrutiny for intent and honesty. Knowing Brian I expect him to make things right and do what is needed. As a Councilmember I have spoken to Brian and I have given him counsel as a friend. I have told him to tell the truth and work hard to regain his reputation. But also as Councilmember I must look and provide counsel and protection to the residents. I hope that this is not the case, but financially speaking we do not yet know what negative impacts Mayor Olsen's action might occur with our future bonding issues. As Eagle Mountain bond rates were improved based on staff education and experience Mayor Olsen's hand or impact in some recent staff changes and his own reputation are potentially damaging. Again, I hope that is not the case. Prior to this MPA news breaking I had planned to request and ask for a general accounting and review of our new full time Mayor. I wanted to review Mayor Olsen's Q-1 calendar, a time card accounting of his duties, travel time, meetings outside the City limits, itemized expenditure lists and any funds or travel reimbursements for Council and public review. While not expecting to find anything additionally

damaging I believe that this information should also be reviewed. I now formally request this information. It's not nice to have to deal with this kind of stuff. I know I would not like it. I am a resident here and it pisses me off when I have to go to work and explain what happened in my City again and I know I'm not the only one. When I am elected and I work with fine people, this is not what should happen."

Mayor Olsen: "Councilmember Strouse?"

Councilmember Strouse: "While I respect your right to your opinion I would appreciate that vulgar statements be restrained from vulgarity, thank you. I think we've had, as a new, brand new City we've had all kinds of challenges. We have a very interesting history. When I moved into this City my neighbors were telling me horror stories and I thought my heavens, what've I gotten myself into. The numerous, even back then, in 2000, numerous issues and letters, and people wanting to detach from the City, and, you know, there's legitimate concerns in every area on every level. One of the things I've realized is we are an extremely unique City. How many people can ever have the opportunity to ever be involved in starting a city from scratch. This is an incredible opportunity, and we've done marvelous things. We have wonderful, wonderful volunteers, and I've worked with numerous volunteers at Pony Express, and Youth Sports, and, Lake Mountain Arts Guild, and at one time Arts Council, the Youth Council, the Library, Fire Department Volunteers, I could go on and on and on. We have just a rich blend of wonderful, wonderful people here. One of the things that struck me about our community is because we are so new and because sky is the limit we have much different dynamics. Most cities things are set in stone and most people feel like even if they got involved there's not a lot they could really do to contribute to the future. Here the future is wide open, and when that happens you have a lot more power grabs. You have people with vested financial, and very much financial in the beginning and emotional interests in this community. When you bust your back on numerous volunteer projects people get very emotionally tied to this community, and, and that's very appropriate, but recognize a couple things. We have an automatically established communication system. We're like Salt Lake City was in the early days of its founding. People came here in groups of families, church groups, groups of friends. Hey, we hear about Eagle Mountain; what is it that draws people out here, that brings us a hundred permits per month despite our repeated and very well publicized fiascos or minor incidents, that more often than not get blown way out of proportion, over and over and over again. Despite all that, we're having people coming in in the droves wanting to live here and wanting to be a part of this vision and dream for the future. There is something, I don't want to use the term magical, but if you talk to most people, at least the people I've talked to – numerous people, why did you come out here, why Eagle Mountain, ya know there's, you could have went anywhere across the United States, you could have went to Saratoga Springs, they have a place you can swim and water sky, why Eagle

Mountain. Because we're a very special place, and that people that come out here as a professor once mentioned to me, you have to be an independent spirit to come to Eagle Mountain. So we're not the average joe here, we're very independent, we're very visionary, we're very invested, and it's all ours, it's our community. This is a wonderful place to live, everybody from the beginning of the time of the founding of the City, everybody has contributed in so many positive ways. Every Council, every Mayor, all the volunteers, ya know despite the mistakes that have been made along the way, we're all human, ya know, mistakes have been made, despite that, we've created something wonderful here. I think we're on a roll, let's keep it going. Thank you."

Mayor Olsen: "Councilmember Jackson?"

Councilmember Jackson: "I really liked what Linn had to say there about being invested in our community. I think one of the biggest investments that Eagle Mountain citizens make is their political involvement. It's been seen in our record breaking numbers of precinct attendance for the Republican Party Caucus Meetings, it's been seen for our voting in the primary elections. We show up, we showed up here tonight, we showed up last Saturday at the Republican Convention, State Convention. What a contingent we had, it was amazing. We're passionate, we're passionate about what goes on in our community. We talk about it all the time. I do understand where Councilman Blackburn is coming from. I have fielded the same questions that he has. People know that I live out here, people that I work with a vast array of people know that, and yes and I too have had to defend Eagle Mountain. With that being said, I appreciate that the Mayor has been willing to stand up and say yes I have done this and I am willing to ask for your forgiveness, and to move forward. I think it takes a bigger person to stand up and do that than the person that would quietly resign and walk away and we would never hear from him again. I appreciate the fact that he has done that and support him in doing that. I wish we would continue to move forward in the direction we've been moving in. I think we're going in the right places, and speaking of going in the right places, yesterday I met a bus in Eagle Mountain that's trying to go in the right place. We have people that are trying to relocate from Ohio. I got a phone call from a realtor that knew that I was a Councilperson in the City of Eagle Mountain and knew that I have lived out here for eight years and that I would know better than he would how to tell people about Eagle Mountain. I got the opportunity to come out here, and we, they traveled through many cities, and in, in the State of Utah; we were the only city that had a mayor walk out and meet the people that were here and City Councilperson that took the time to take them on a tour of our City so that we could promote our City and have more citizens move here and increase to our numbers and increase to our strength. I appreciate the opportunity that I have been given by being elected to sit here. Now, I am done with that part. I did have an actual item that I needed to bring up of business, and that is that I also received a phone call this last week from a concerned

citizen in my neighborhood regarding the new Eagle Point Condos. I know I did bring this up to you, Mr. Mayor, but we have a construction entrance issue, believe it or not, and we've just talked about those, and that is that the Eagle Point Condos has put up a sign on Eagle Mountain Boulevard saying please use a construction entrance through Summer and Fall Street in the subdivision, the current subdivision of Eagle Point. We've just gone through discussing please don't destroy the current roads we have let's add a fee, let's do something. Well, we need to do something about this and I know that I've personally spoken with Mr. Wayne Patterson. I don't know how in touch he is with the people that are currently working out here, so I would request that we as a City follow up with that, because I would hate to see a child hit by a construction vehicle running through a very heavily populated area. Thank you."

Mike Wren: "I'll follow up on that, thank you."

Mayor Olsen: "Thanks. Councilman Liddiard, Lifferth. It's cause the two L's together."

Councilmember Lifferth: "No comment."

Mayor Olsen: "Councilman Liddiard."

Councilmember Liddiard: "Pony Express Days will be here shortly. Hope everyone finds time to participate in the many activities during the first weekend in June. In order to help some of the young families save some money I'm encouraging you to buy these carnival tickets in advance at less than half the cost here at the City Offices, and at Eagle Valley Elementary. Here's your little public service announcement.

Additionally I'll invite all interested Eagle Mountain residents to participate in and learn more about the Mountain View Corridor. If you're interested there is a lot of changing going on with transportation, transportation funding in the State of Utah. Public meeting with regards to funding and related issues will be help Friday May 19 at 7:00 p.m. at the Saratoga Shores Elementary School, 1415 South Parkside.

Recently in Eagle Mountain there has been, we have been in the news for something that does not reflect well on our community. I was as surprised as everyone else when Brian's article was printed in the paper. Until that article I fully believed he had a master's degree. I do not intend to drag this out or make the matter worse; however, as someone who has actually worked hard to earn a master's degree I was very hurt by Brian's lies. While I believe that we should have compassion for Brian Olsen and not heap extra burdens on him it is important to remember who the victim is. In this case, his family, the Council and the city at large. Nearly 14,000 residents are represented by the mayor within and without our city borders. Of greatest concern to me is that this was not a single event but a pattern of deception. I do forgive Brian and feel pity for him and sorrow

for his family. Brian must bear the consequences for his actions. I've been a friend of Brian's and admired his passion for life and his accomplishments. I am sorrowed that I can no longer trust him. I don't think it's appropriate to have this as an example for our citizens or the City staff. Were he any other employee in the City he would have been fired. Will there ever be accountability in this office? How will future candidates for this office be expected to behave? We'd accepted someone who represented himself as a police officer, and someone with integrity who is used to holding the public trust in the highest regard. In the light of previous mayoral experiences we also accepted someone who we thought would restore the title of mayor to good standing. Unfortunately, this has not been the case. Again, I think it's important to have compassion and understanding for ourselves in someone else's shoes, and at the same time I fear this will have lasting impact on our City. I intend to do my part as a Councilmember and not dwell on past mistakes, but move forward. How should we move forward? It seems prudent that we recruit a credentialed and experienced City Administrator to aid in providing service and accountability to our citizens, to the Mayor and to the Council. I am not suggesting the removal of Mr. Wren, but rather suggest that he should have the greatest support as the Public Works Director as it's clearly a demanding job where he is uniquely qualified and where attention to detail and foresight are required. Last year I voted against the provision for funding a full time mayor. While that initiative passed into law for our City it was also intended by those who supported it that the salary was a flexible thing and intended to be a yearly check on the mayor and the service of that office. I suggest that the salary be reduced to reflect the true educational background of our current mayor. Should he be successful in completing a master's..." [audience applause]

Councilmember Strouse: "Out of order."

Councilmember Liddiard: "Should he be successful in completing a master's degree program I would support reinstating the previous salary. I take no pleasure in Brian's pains and I do not wish him to suffer. He does not suffer the consequences of his actions alone and we will all experience the pains of his deceit, while he must bear the responsibility for the burden. I also realize that my comments are my own and without a majority of participation from the Council my comments will merely remain words on a page. I do not offer this as an attack upon Brian, but a possible path to begin to regain public trust. I pray for the benefit of our citizens and the future of our City at this time."

Councilmember Strouse: "Mr. Mayor?"

Mayor Olsen: "Councilwoman Strouse."

Councilmember Strouse: "I-I would like to add some more to my statements. Okay, one of the things I would like to point out, in reference to our former mayor, Kelvin

more than earned back his trust, Mayor Bailey. He did a wonderful job, in his time remaining in office, which I believe was two and a half years after that one error of his whole life. So, I do not, like, appreciate the statement that indicates that somehow, that there was, that was a black mark, or that his whole career was a black mark when in fact it was a wonderful series of accomplishments...”

Councilmember Liddiard: “I did not intend any harm of his character.”

Councilmember Strouse: “Okay, and I’d also like to point out that the President of the United States office does not require a degree. One of the things I’ve learned is with this whole incident is we need to have more dialogue as families, as communities as to what-what this means. I-I mean the statements I’m hearing here make me wonder, so we have a very good characterized wise person that only has a high school diploma and we’re, the statements I just heard means we just consider them a lesser person. How sad that would be? They-they might of be the next tremendous leader of our time and we’re suggesting that they be not allowed to run for office or participate in a representative form of government? Wisdom and character and goodness is what counts. The Unabomber had many degrees, he was a genius. Ted Bundy had many degrees, so I am getting a little fed up with the emphasis purely on academic credentials and not on the goodness and pure intentions and wisdom that our country desperately needs and we certainly benefit from in this community. Thank you.”

Mayor Olsen: “Thank you Council. I was reminded of a date that everyone can remember, it’s June 29th at 7:00 p.m. there’ll be a Town Hall Meeting. It will be the Utah Department of Transportation have arranged it and for to talk about the Mountain View Corridor and some of the toll options the State of Utah is looking at. So I’d invite everybody to come. That will be in the June utility letter and there’ll be other announcements, but mark your calendar June 29th and they’ll be here to answer questions that night. I believe that brings us to the end of our meeting. Do I have a motion to adjourn?”

End of verbatim transcription.

ADJOURNMENT

Councilmember Jackson **moved** to adjourn the meeting at 9:00 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 6, 2006

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

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

Mayor Brian B. Olsen called the meeting to order at 4:02 p.m.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (arrived at 4:46 p.m.), David Lifferth and Linn Strouse (arrived at 4:24 p.m.).

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Kent Partridge, Building Official; Peter Spencer, Planning Director; Gordon Burt, Treasurer; Kent Partridge, Building Official; Royce Van Tassell, Community Relations Director; Chief Rand Andrus, Fire Chief.

DISCUSSION

PRESENTATION – Terasen.

DISCUSSION – Pioneer Addition Park.

DISCUSSION – Fire Department Budget.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order at 7:05 p.m. Jerry Kinghorn led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

MAYORS ITEMS

Mayor Olsen stated the recent Pony Express Days Celebrations was the biggest celebration in the City to date. He recognized Angie Ferre, for organizing the event and thanked the volunteers and the Sheriff's Department for their efforts.

Mayor Olsen gave an update on the following information:

- There will be a Town Hall meeting 7:00 p.m. June 29, 2006 at the City Offices to discuss the proposed Mountain View Corridor with the Utah Department of Transportation.
- The National Republican Congressional Committee awarded Councilmember David Lifferth the 2005 Businessman of the Year from the Business Advisory Council.
- A utility drop box has been installed at the north entrance of City Hall.
- The Building Department has purchased a truck which was needed to accommodate the hiring of an additional building inspector.
- Community Relations Director Royce Van Tassell was critically injured in a recent mountain biking accident. Mayor Olsen stated he is glad Mr. Van Tassell is doing so well and pleased to have him back to work.
- Mike Sergeant who blue stakes for the City has recently spent time in the hospital for an unknown illness; however, he is back to work and doctors are still evaluating his symptoms.
- There have been multiple accidents involving children in the City recently. He reminded everyone to be cautious and watch for children playing.
- City Administration is working with residents along 16000 West to establish a permanent route. More information pertaining to that road will be coming in the near future.
- The Mayor and Council are taking an aggressive action to repair the roads from winter damage and prevent future damage.

PUBLIC COMMENTS

Darren Jones read the following statement:

"I come before this body at this time as a citizen of the community, to give voice to my grave concerns over the state of this city. I do this at this particular time so that my comments will not be misconstrued as a part of a "lynch mob mentality" or as a knee jerk reaction to the grossly erroneous assertions of Mayor Olsen. That perhaps what I have to say may not be misunderstood as joining any concocted band wagon, by the Mayor, this council, the city department heads and members of the audience here tonight. Rest assured everything I present here has been done only after careful thought and soul searching.

The predicament that these lies of Brian have caused, which have been told and documented as far back as 2003, has placed this city and its interests on an incredibly fragile precipice. Your fraudulent assertions of having a Master's in Public Administration has not only set you back, but has cast a dimming light on Eagle Mountain as a serious player in the state's political halls.

Any influence we may have had once now has vanished. Once again, Eagle Mountain is the laughingstock of Utah due to their mayor and, for all intents and purposes, will remain a pariah in the statewide press as long as you stay in office.

How can any of us imagine that when the Mayor makes any statement or assert anything from this point forward in the public forum, (not to mention in the offices of the essential agencies, of our state's legislators, and our federal representatives) that there will not always be that nagging underlying question in their minds, "Is he telling me the truth this time?"

How can it be imagined when the time shortly comes to revisit our credit rating status, that this will not be a determining factor in which we may retain that rating we currently have let alone improving it? Especially since 3 out of the 4 individuals who were instrumental in that improved rating, have either been fired, "retired" or not pursued enough to remain with the city. Not only does the rating status remain uncertain in light of these lies, so are the potential increases in the amount of property taxes we'll need to pay as a result of losing that optimal rating.

For lying throughout the 2005 campaign so that you can gain this trusted public office, betraying the inherit trust, unnecessarily, to be elected. Common decency dictates, no matter how you slice it, the resignation of the post gained from such fraudulence and for the travesty perpetrated upon the citizens of the city and the attempt to defray these false statements once reported. Apparently, this sense of duty you purportedly have to this office does not include this common decency.

Alone this would be sufficient for a changing of the good old boys network. Couple this with the fact of the recent hiring of Michael Wren. Let us remind those with the short attention spans that Mr. Wren has a history with the city. If his name sounds familiar, it is because the Town Center's developer John Walden from the town's inception employed Mr. Wren in the setting up of the city's initial infrastructure. Acting in essence as the city's first city planner it was with John Walden that Mr. Wren participated in installing our illustrious utilities of gas, water, and electricity. He was instrumental in the installation of the inadequate even for it's time sewer system, and thank goodness, the now sold telephone system as well. For those who were inhabitants in this time period remember the times when picking up the phone, or turning on the gas switch or flushing the toilet forgive the pun was a crapshoot on whether it would work or not. This situation and it's residual affects were imposed upon us by the initial actions, decisions and may I dare say incompetence of Monte Vista, or Eagle Mountain Properties, whatever the name was that John Walden and Michael Wren were operating under. And now he is in charge of the city's public works?

Do you realize honorable council members that Brian effectively did an end round run around the checks and balances that have been set up for our municipality when he named Mr. Wren as Chief of Staff of the city employees? Needing council approval to hire another person for the City Manager position, which was apparently undesirable to the Mayor, he names Mr. Wren, after appointing him as the director of the public works, the Chief of the city's employees giving him the duties normally fulfilled by the City Manager. Thus circumventing the council approval system; acting in the mayoral capacity to hire department heads, he short-circuited our municipal processes to the checking of power within our city government. Am I the only one that this doesn't quite sit right with?

May I also remind you this is the same Michael Wren that was left to look after the interests of

John Walden when he left the city to wither on the vine several years back. And now this trusted "former employee" and perhaps still trusted confidant of the city's reportedly most powerful developer is in charge of the day-to-day goings on of the city. Am I the only one here that sees a conflict of interest? Do we not derive the conclusion here and see this circumventing action as pandering to the city's only business and the most influential individual in that business? (Who reportedly has stated to outside interests he has the power to hire and fire those in the city.) Can we not connect the dots here and see that, when you follow the campaign money, that this appointment of Mr. Wren although qualified for the position may have been an answer to the investment that the development interests made in the Mayor?

Do the right thing Mayor; resign your post so that the city may move forward and on to better government. We citizens of the city have a right to competent representation unhindered by fraudulence, and unencumbered to the money thrown around by those who are making thousands, even millions on the backs of it's residents.

May we all place the interest of Eagle Mountain in front of our own myopic and selfish desires to cling on the status that was gained through fraudulent means? May we place first in our laundry list of priorities what's best for all of Eagle Mountain and not specific interest groups? May we have the courage to place aright that which has been wronged?"

Mayor Olsen informed Mr. Jones the three minute time allotment had passed and that his statements are not based on facts. He stated Mr. Jones has put his spin on things. He invited Mr. Jones to visit with him at another time so he can give him the relevant facts.

Mayor Olsen asked Mr. Jones if he is currently selling his home. Mr. Jones responded he is and it is because of recent events in the City.

Councilmember Strouse told Mr. Jones his time is up.

Councilmember Lifferth stated he is grateful people have the opportunity to share their opinions; however, he feels it is the Mayor's responsibility to set the record straight and correct inaccuracies stated at the podium.

Mayor Olsen stated it would take a great deal of time to address each item. He said if anyone has concerns brought up by Mr. Jones they are welcome to talk to the Mayor or Councilmembers to get the truth. He recommended people look for reality. He stated Mr. Jones comments were frivolous, misrepresented and wrong and it will be taken from there based on the past character of Mr. Jones.

Councilmember Blackburn addressed Mayor Olsen stating a resident is entitled to state their feelings without being slandered.

Sarah Giorgis stated she and many other citizens of the community are still bothered by the Mayor's recent lies. She explained she is not saying the Mayor should step down; however, she believes more repercussions need to happen. Ms. Giorgis expressed her opinion that being a Mayor of a new and upcoming City is a privilege and Mayor Olsen was elected to this position under false pretences. She asked Mayor Olsen to discipline himself and remove a privilege; she encouraged the City Council to promote this also. The citizens she has spoken with have not seen any repercussions. Ms. Giorgis read the following quote from Mayor Olsen's State of the City 2006:

“I will bring professionalism and respect to government by showing that I value principle above popularity ... I will protect the community character.”

Loreen Cole addressed the public stating that if Mayor Olsen should step down because he lied than two other members of the City Council should step down because they have also lied. She cited people should pay attention to what is happening in their city instead of just paying attention to what the press is printing. She said Mayor Olsen did lie and embarrass members of the community; however, embarrassment is something that an individual owns. She noted there are other members of the governing body who have lied and hurt families in this city. She believes the City needs to get over it and get on with the business of running the City.

SCHEDULED ITEMS

MOTION – CDBG Contract – Consideration and authorization for the Mayor to sign the CDBG contract for the installation of streetlights within several City Center neighborhoods.

Management Analyst Shawn Warnke stated the Community Development Block Grant program (commonly referred to as CDBG) 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.

He explained this year the City submitted an application to install streetlights within several City Center neighborhoods (Eagle Park Phases 1 & 2 and Eagle Point Plat A, B, & C). The total funds estimated to construct the streetlights including construction contingency was \$217,800. Of this total amount CDBG will contribute \$126,096 and the City has reserved upwards of \$91,704 for completion of the project. Due to the recent inflation of construction costs the City is budgeting \$3,000 per light for purchase and installation. Additionally, \$20,000 of the \$91,704 is earmarked for construction contingencies. These are conservative numbers and it is anticipated that the City will contribute less than the \$91,704 towards this project.

Councilmember Jackson **moved** to authorize the Mayor to sign the CDBG contract for the installation of streetlights within several City Center neighborhoods. Councilmember Strouse **seconded** the motion.

Councilmember Jackson announced there will most likely be funding in the current year to include street lights in The Landing. She requested a follow up on that.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Point Lookout Group, LLC for Point Lookout – Plat A.

Planning Director Peter Spencer explained the Point Lookout development is located in the Ranches Master Development Plan, south of Hidden Canyon and Castle Rock subdivisions. A Development Agreement is the formal acceptance by both the City and Developer of all rights and obligations associated with and related to the development of a previously approved subdivision. The Agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items

are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the Development Agreement. The Development Agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions, special requirements and notices to the public are defined in writing and in the map of the project.

Councilmember Strouse **moved** to approve the Development Agreement with Point Lookout Group, LLC for Point Lookout – Plat A subject to the following conditions:

1. The Developer shall install the required monument sign in the City owned open space detention pond, within Hidden Canyon, at a location designated by City staff.
2. The Developer shall be required to pay the neighborhood park fee in lieu of improvements, as calculated by the City Engineer, and the fee shall be applied towards the hard surface trail improvements for the Cedar Valley Regional Trail.
3. The City Engineer will verify that Exhibit 1 encompasses all of the land incorporated in the Special Improvement District developable acreage for the parcel and that the assessments are paid prior to the transfer of title.

Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard expressed concern that Lot 6 is very narrow and long for the size of the lot and may be a disservice to the future owners of the lot.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Overland Trails – Plat 1C.

Mr. Spencer explained Overland Trails Plat 1C is located in the Town Center at the corner of Russell Road and Ira Hodges Parkway in the Overland Trails subdivision. The newly amended Eagle Mountain Properties Master Development Plan allows for residential use in this location. This project is proposing a three-lot subdivision over 3.9 acres for a .77 density. This density falls under the Base Density Residential Development Standards. The Planning Commission recommended approval of this Final Plat on May 9, 2006.

Councilmember Liddiard **moved** to approve the Final Plat for Overland Trails – Plat 1C. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked for clarification of what red lined comments means as presented in staff's recommended conditions. Mr. Spencer stated the redline comments can be included in the conditions of approval; however, they are typically minor and include items such as tabulations updates and wording errors on the plat.

Councilmember Jackson **moved** to amend the motion to include the following conditions:

1. PLAT. That all redline comments are addressed. That the City Engineer verifies that the plat closes. That the tabulation table is added to the plat.
2. BOOK AND PAGE. That county book and page are shown for adjacent parcels on the plat.
3. LANDSCAPE PLAN. That a note is added that explains all the street trees are a homeowner/homebuilder improvement.
4. FIRE CODE. That one fire hydrant is added on Russell Road. That a note is added that indicates that building beyond 400' may require a private hydrant installed.

Councilmembers Liddiard and Blackburn accepted the amended motion.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

SITE PLAN – Consideration and approval of the Site Plan for Simpson Springs LDS Church.

Mr. Spencer stated the LDS Church is proposing the development of a new chapel on a 6.07 acre site located in the Simpson Springs Subdivision. The site will also include a storage building and pavilion with a large grass area on the south side. The proposed church is located at the intersection of Simpson Springs Road and Half Mile Road, and is comprised of lots 4 & 5 of the platted Simpson Springs Subdivision. The site is zoned Residential which allows places of worship as a Conditional Use.

Mr. Spencer explained the applicant is proposing three accesses; one onto Simpson Springs Road and the other two onto the larger Half Mile Road. The locations of these entrances do allow for the necessary separation from existing intersections and street islands.

Although not required, the applicant is proposing sidewalks that run adjacent along their street frontage. To allow for pedestrian connectivity, City Staff has recommended that there are ADA crossings constructed at the applicant's expense. Two connecting ADA ramps will be installed where Prospector Road intersects with Half Mile Road. The other corresponding ramps will be located next to the access onto Simpson Springs Road.

Mr. Spencer noted the proposed site plan complies with the City's buffering requirements. The applicant has agreed to increase the berming and provide headlight-screening shrubs on the north and east sides of the property to eliminate any lighting/parking issues with the surrounding neighborhoods. City Staff encourages increasing the height of the berm as much as possible.

Councilmember Lifferth asked what style of building the church will be. Mr. Spencer responded it will be the legacy style.

Councilmember Blackburn asked if a stop sign is going to be installed on the intersection of Half Mile Road and Simpson Springs Road to handle an increase in traffic due to the LDS Church. Mr. Spencer responded that has not been discussed.

Councilmember Blackburn suggested a parking restriction along Simpson Springs Road because of adjacent residential areas and landscape islands on that road. He asked where the storm drain connects to. He expressed concern of over burdening storm drains on Half Mile Road. Mr. Spencer responded it connects to an existing storm drain that runs down Simpson Springs Road. The City Engineer has addressed this issue.

Councilmember Strouse asked if the Fire Chief addresses issues with on street parking when he reviews a plat. Chief Rand Andrus responded he reviews the plat from property line to property line for fire safety aspects and does not include traffic flow.

Councilmember Strouse asked who reviews traffic flows. Mr. Spencer stated all staff members work together to get the best plan; however, the City Engineer is specifically responsible for traffic

evaluations. He suggested adding Councilmember Blackburn's recommendation of a stop sign at the intersection of Half Mile Road and Simpson Springs Road to the conditions of approval.

Councilmember Blackburn **moved** to approve the Site Plan for Simpson Springs LDS Church subject to the following conditions:

1. FIRE APPROVAL. That the project meets the requirements of the Fire Chief's approval.
2. CONSTRUCTION PLANS. That all redline comments are addressed.
3. LIGHTING. That streetlights are adequately shielded away from surrounding residences.
4. TRAFFIC. That the City Engineer considers adding a stop sign at the intersection of Half Mile Road and Simpson Springs Road.

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an amendment to the Kern River Transportation Service Agreement.

City Attorney Jerry Kinghorn explained this is an amendment to the transportation service agreement with Kern River Pipeline. Wasatch Energy has previously handled all of the City's gas purchasing and transmission services. This contract separates the Kern River portion of the transmission and Kern River will bill the City direct at a cost reduction of approximately \$0.05 per decatherm. He recommended the City Council approve the amendment.

Councilmember Liddiard **moved** to approve the amendment to the Kern River Transportation Service Agreement. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth asked how much money this will save the City in a calendar year. Mr. Kinghorn responded that will depend on how much gas the City purchases and could be calculated in the next couple weeks. Councilmember Lifferth asked to have that calculation.

Councilmember Blackburn suggested the City retain the difference in rates as a buffer to reduce possible fee increases in the future. City Treasurer Gordon Burt responded the savings will go into the fund balance and Council can decide what to do with it.

Mr. Kinghorn explained if the savings will allow for a rate reduction, that will be brought to the City Council.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Determination of whether to dispose or not to dispose of City-owned property located behind Channing Jones' property in Eagle Park subdivision.

Mr. Spencer explained in August 2005 Mr. Channing Jones, a resident of the Eagle Park subdivision, submitted an application for disposal of public property to the Planning Department. The request has gone through the process for disposal including a recommendation of disposal from the Planning Commission with the designation of "significant".

On September 6, 2005 the City Council tabled the item to allow Staff to prepare general guidelines that could be used to guide future applications for additional disposals of public property. A Staff presentation to the City Council took place on December 2005 and concluded that the overall guideline for the City would be to retain possession of the open space and create a long-term maintenance plan. However, Staff did recommend that in specific situations, the City can and should dispose of city-owned land.

On May 2, 2006, the City Council determined the land to be “insignificant” and requested the following:

- a) if/when the property is deeded to the applicant, the additional land is combined with the original property to create only one parcel, and
- b) staff determines a list of potential costs for a possible disposal to take place.

Mr. Spencer stated the item is now before the City Council to decide whether or not to dispose of the land. If the City council decides to dispose of this land they will need to determine a price the applicant must pay to purchase the land which must be based on findings of facts of why this property is unique.

Mr. Spencer explained costs associated with applications are borne by the requesting party. He cited the following are the costs associated with the processing of this application:

- Deed preparation/recordation-approximately \$30.00
- Equitable purchase price for the property (determined by the City Council)
- Land Survey- approximately \$800.00
- Staff time spent processing application- approximately \$100.00

Mr. Spencer stated after discussing the costs with City Staff and the City Attorney, the following scenario is recommended:

That the Mayor be authorized by the City Council to execute a quit claim deed conveying the parcel identified on the map exhibit to the applicant and delivering the deed to escrow when the following requirements are met:

1. The applicant has commissioned and paid for a survey of parcel outlined on the map exhibit.
2. The survey commissioned by the applicant and the legal description of the parcel surveyed have been approved by the City Engineer as in compliance with the parcel defined in the map exhibit for disposal.
3. The applicant has arranged for an escrow at a title company acceptable to the City for the purpose of closing the transaction with the City and assuring that the parcel conveyed by the City to the applicant will be consolidated with the parcel now owned by the applicant to result in a single parcel for tax identification purposes. The applicant must pay all costs of the escrow. The City will not provide title insurance for the parcel consistent with the approval requirements imposed by the City Council.
4. The applicant must demonstrate to the satisfaction of the City Engineer that the consolidated lot will not be improved or landscaped to require more than the statistical average range of water use for similar lots in the subdivision.

Mr. Kinghorn stated a comparable property was reduced to square footage value which equaled \$0.09 per square foot. He recommended the cost be set at \$0.09 per square foot and when the survey is completed the total square footage be used in determining the final price.

Councilmember Jackson **moved** to dispose of City-owned property located behind Channing Jones' property in Eagle Park subdivision subject to the following criteria:

1. PAYMENTS. That the costs described are paid by the applicant.
2. PROCESS. That the process outlined be followed to ensure proper disposal.
3. PARCEL. That the additional parcel disposed of is absorbed into the existing parcel to only have one total tax ID number. Add fees, in regards to Title Insurance or deed preparation, be borne by the applicant, and that this be approved by the City Attorney prior to recordation.
4. COST. That the price of the property be approximately \$0.09 per square foot.

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson thanked Mr. Jones for his patience in this process. She believes this is a good solution for both parties.

Councilmember Liddiard expressed appreciation for Mr. Kinghorn's efforts in determining a fair price for the property.

Councilmember Lifferth stated the City will benefit from disposing of this property and he agrees with the cost. He would like to see the least amount of fees possible charged to the applicant.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Lifferth **moved** to remove the minutes of May 16, 2006 from the Consent Agenda for further discussion. Councilmember Jackson **seconded** the motion. Those voting aye: Heather Jackson, David Lifferth and Linn Strouse. Those voting nay: David Blackburn and Vincent Liddiard. Motion **passed** with a majority vote 3:2.

Councilmember Lifferth **moved** to approve the consent agenda as follows:

- A. Final Bond Release
 - 1) Highlands on the Green – Phase 2
- B. Revised Bond Letter
 - 1) Lone Tree – Plat
 - 2) Jacob's Well Plat A
 - 3) O'Fallon's Bluff Plat A

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MINUTES – May 16, 2006

This portion of the meeting was transcribed verbatim

Mayor Olsen: “That brings us to item, the one we just created which is the May 16, 2006 minutes. I’ll ask for a motion on the item.”

Councilmember Blackburn: “It’s a discussion item at this point?”

Mayor Olsen: “Yeah, it’s like a, well actually it’s an item I need somebody to put it as a motion so it can open up for whatever needs to be discussed.”

Councilmember Lifferth: “Mr. Mayor I’d like to open the minutes to discussion.”

Mayor Olsen: “Did you want to approve those minutes or do you not approve of those?”

Councilmember Lifferth: “I’d like to, in reality I’d like to approve the minutes after we’ve had a chance to verify the, what’s said what was intended to be said.”

Mayor Olsen: “Okay, do I have a second?”

Councilmember Jackson: “Sure.”

Mayor Olsen: “Okay, I have a motion, and now it is your opportunity to now discuss what it is, why you pulled it off and all that.”

Councilmember Lifferth: “Okay, very good. First of all I’d like to thank Gina Peterson and the Recorder’s Department, Recorder’s group for preparing the verbatim minutes in such a timely fashion. Angela, thank you; very well done. My only question came in reading through Councilman Liddiard’s statements, and I just want to make sure that he’s stating here what he, I verified it on the recording, I verify what he’s saying here’s what he intended to say here.”

Mayor Olsen: “Which item are you referring to?”

Councilmember Lifferth: “Were on page 21 of 23, and this is line 38 – 41.”

Mayor Olsen: “Just give everybody a second to get there. Page 21 of 23, line which?”

Councilmember Lifferth: “Starting with line 38.”

Mayor Olsen: “Okay.”

Councilmember Lifferth: “Okay, in this one Mr. Liddiard states *‘I was as surprised as everyone else when Brian’s article was printed in the paper. Until that article I fully believed he had a master’s degree.’* My reading into that indicates that Councilman Liddiard was made aware of Brian not having a master’s degree at the time the article was printed in the paper. Mr. Liddiard is that what you intended to state in those two sentences?”

Councilmember Liddiard: “I don’t think it needs any clarification, so I’ll leave it at that.”

Councilmember Lifferth: “Very good then I would like to make a motion that we approve the minutes.”

Councilmember Strouse: “I actually have a comment.”

Councilmember Lifferth: “Okay.”

Mayor Olsen: “Councilmember Linn Strouse.”

Councilmember Strouse: “When it says this was Brian’s article when in fact it was somebody else’s perspective or interpretation of what they believe to be truth when in fact it may not have been. It can hardly be called Brian’s article. If it was Brian’s article he would’ve written it. So, that was just the way I’m looking at it. It’s misleading.”

Mayor Olsen: “Any other discussion from Council.”

Councilmember Blackburn: “Yes, Mr. Mayor.”

Mayor Olsen: “Councilman Blackburn.”

Councilmember Blackburn: “I was under the impression that if we had questions about minutes, in the past we just sent an email that it be approved before this. So, are we going to go through this in the future, or go by email questions?”

Mayor Olsen: “I appreciate that. I think just for clarification, Gina and Jerry, whenever a Councilmember wants to question a consent agenda item they have that opportunity to pull it off the consent agenda which the Council did decide to do tonight.”

Mr. Kinghorn: “I think the only justification of doing that is this is kind of a special set of minutes. This is a verbatim transcript type thing and I would just suggest that you remain with your practice of commenting on the minutes by email and approving them on the consent agenda unless there some exceptional reason for treating them otherwise like as presented with this. So I would say this is kind of an exceptional case and I wouldn’t recommend that you do this in the future with your normal minutes.”

Mayor Olsen: “Councilman Lifferth.”

Councilmember Lifferth: “Yeah, I do just have a clarifying question on that. Typically in the past we’ve gone through minutes we’ve made changes that we thought were actually someone said but it was not written, reflected in the documentation we had. So I would send in a sentence that this is how my recollection of what I said or what the recording said I said, but the document was not reflective of that. This situation is just verifying with a fellow Councilmember if what they said was really what they meant to say. That was unusual situation, it has never happened before so I’m asking for some clarification on that.”

Mayor Olsen: "We have a motion on the table to approve these."

Councilmember Liddiard: "Can I make one additional comment though?"

Mayor Olsen: "Councilman Liddiard."

Councilmember Liddiard: "It's interesting that Mr. Lifferth lacked the initiative to make any comment at this time. My comments were simply meant to be extemporaneous, off the cuff remarks, and I think to take two extra weeks to read into anything here is inappropriate because we can come back and argue amongst ourselves all kinds of things. So that's why I declined to make any further elucidations to what was there outside of the context of that meeting."

Councilmember Jackson: "Call the question."

Mayor Olsen: "Thank you. All those in favor of the minutes passing?"

All Councilmembers: "Yes."

Mayor Olsen: "Any opposed? Alright, the motion passes, thank you."

End of verbatim transcription

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Blackburn stated the City had a great Pony Express Days; however, he was disappointed the restrooms were not finished at Nolan Park for the event.

He expressed concern that the budget was not completed in a timely manner for City Council review. He asked for an update on the wastewater treatment plant and the discrepancies in reported capacity.

Mr. Kinghorn explained Stantec is preparing a facility plan which will be presented to the City Council for a public hearing and final decision. The State asked Stantec to do the following, review the feasibility studies to confirm the amounts, select the top three options, and bring them to City Council for final vote. Stantec questioned what the Water Quality Board meant when they said the City should abandon the current wastewater treatment plant. The Water Quality staff instructed the City they may use the current wastewater treatment plant to be used when the new plant begins to run out of capacity. The public hearing will most likely be held on July 18, 2006. The City will receive a report from Darrel Dickson on the City's options. Mr. Kinghorn stated the City is behind their proposed timeline. The State recommended the City try modifications in the clarifiers, which did not meet expectations; however, the State feels there is additional capacity. The City has not received numbers concerning additional capacity, but should receive further information in the next couple months.

Councilmember Strouse stated she is grateful for volunteers. She feels the volunteerism in Eagle Mountain is what sets the City apart and makes it special. The Youth Council sponsored a silent auction and dunk tank during the Pony Express Days to raise money for a skate park. She thanked Loreen Cole for organizing the candidate's participation in the dunk tank. Councilmember Strouse felt it was a wonderful Pony Express Days and she enjoyed the Joe Diffie concert. She complimented Angie Ferre and stated she hopes the City can have a part time events coordinator to assist with next years events.

Councilmember Strouse stated Doug Cannon is planning a special reading of the Declaration of Independence on July 4, 2006 in the City Center. She asked that to be included in the newsletter.

Councilmember Jackson noted there has been no change to the access of the Eagle Point Condos, and asked for an update on the status of that.

She stated during the Planning Commission meeting there was a discussion of adding entrance monuments in all areas of the City. She challenged all members of the City Council to participate in the Youth Council's dunk tank during Pony Express Days. She enjoyed the opportunity to participate and was disappointed that more Councilmembers did not participate.

Councilmember Lifferth stated he would like to personally defend himself from allegations made by a person attending the last City Council meeting. He has spoken with the individual who claims Councilmember Lifferth is a felon or has committed a felony. He has confronted the individual who at first denied the allegations and then stated they were passing on a rumor they had heard. He gave the individual the opportunity to admit he was inaccurate; however, they chose not to admit there inaccuracy or defend their allegations. He stated he is not a felon and has not committed a felony. This individual has submitted a records request with the City Recorder's Office requesting records pertaining to when Councilmember Lifferth was serving as mayor. He asked that if anyone hears a rumor to verify its content with the subject of the rumor.

Councilmember Liddiard stated he was impressed to see Ms. Ferre working so hard during Pony Express Days and with the great job she did. He threw approximately 50 pounds of candy during the parade, and he had a good time during the celebration. He expressed appreciation to the Sheriff's Department who was very professional during the celebration and created a safe fun environment for all participants.

Mayor Olsen noted there will be a Special City Council Meeting on Saturday June 11, 2006 from 10:00 a.m. to 12:00 p.m. to discuss the Fire Department and Public Safety budgets. He noted this is a public meeting.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:28 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 10, 2006

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

10:00 A.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor Brian B. Olsen called the meeting to order at 10:06 a.m.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (participated telephonically during portions of the meeting), Heather Jackson, Vincent Liddiard and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Shawn Warnke, Management Analyst; Angela Cox, Deputy Recorder; Royce Van Tassell, Community Relations Director; Chief Rand Andrus, Fire Chief; Lieutenant Jerry Monson; Sergeant Mark Binks; Assistant Sergeant Jason Randall.

DISCUSSION ITEMS – Fiscal Year 2007 Budget Overview

Itemized Budget Discussion – FIRE AND AMBULANCE BUDGET (10:06 – 11:53 am)

Chief of Staff Mike Wren highlighted the proposed budget for Fire and Ambulance.

Councilmembers discussed the proposed budget and asked clarifying questions.

Councilmember Blackburn connected to the meeting telephonically at 11:03 - 11:20 am.

Mayor Olsen called for a recess at 11:20 - 11:31 am.

Councilmember Blackburn reconnected at 11:50 - 12:09 pm.

Itemized Budget Discussion – PUBLIC SAFETY BUDGET (11:53 – 12:18 pm)

Lieutenant Jerry Monson highlighted the proposed public safety budget.

Councilmembers discussed the proposed budget and asked clarifying questions.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 12:18 pm.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 20, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:02 pm.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived at 5:02 pm), Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Ifo Pili, Management Intern; Kent Partridge, Building Official; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

Mayor Olsen recessed the Work Session at 6:34 pm and reconvened at 7:04 pm.

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

Mayor Brian B. Olsen called the meeting to order at 7:48 pm. Adam Ferre led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Ifo Pili, Management Intern; Kent Partridge, Building Official; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

PUBLIC COMMENTS

Thirteen year old Levi Monson petitioned the City Council to enact a sports program for children over 12 years old. He stated he participated in the youth sports program until recently because the current sports program does not include teams for older children. He feels expanding the sports program would be very beneficial to the community.

Kara Lee Monson, Mayor of the Youth City Council, noted the Youth City Council was formed in 2001; since that time the Youth City Council has focused efforts to raise funds for a skate park and has raise \$1000 for that cause. The Youth Council is asking the City Council support them in getting a skate park in the City. Mayor Monson asked the City Council for an update on the status on the skate park.

Mayor Olsen indicated an unsigned letter was sent to the City Council to be read in public comment; however, he feels it would be inappropriate and unfair to read an anonymous letter.

Cathy Allred presented the City with a book which includes all 52 issues of the 2005 Pony Express edition of the Daily Herald. This was presented as a gift from the Daily Herald to show appreciation to the City.

Mayor Olsen expressed appreciation to Ms. Allred and the Daily Herald for the book presented.

MAYOR'S ITEMS

Mayor Olsen made the following announcements:

He recognized the Youth City Council for raising \$1000 for a skate park and applauded their efforts.

The City has been working on an I-15 transportation mitigation initiative which is close to being finalized.

The Redwood Road expansion and the East West connector for the Lehi 10th South received more funding from the State Legislature than any other projects.

On July 18 the City Council Work Session will begin at 3:00 pm. At that meeting the Utah League of Cities and Towns will be presenting an elected officials training and MAG (Mountainland Associates of Governments) will update the City Council along with Fairfield and Cedar Fort on the North Utah County Transportation Plan.

On June 29, 2006 there will be Town Hall Meeting at 7:00 pm to discuss the possibility of toll roads.

On July 4, 2006 there will be a reading of the Declaration of Independence at Nolan Park at 1:00 pm, which will include a flag ceremony.

Mayor Olsen and the City Council thanked the numerous volunteers that participated in the Pony Express Days.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – ORDINANCE – Adopting the Fiscal Year 2006- 2007 Budget and the amendments to the Fiscal Year 2005-2006 budget.

Mayor Olsen explained the process of adopting the budget. He recognized the City Council for their efforts and input in the process.

Mayor Olsen explained the City Council will hold a public hearing to adopt the Fiscal Year 2006-2007 Budget along with amendments to the Fiscal Year 2005-2006 budget. The Budget Committee consisted of Mayor Olsen, City Treasurer Gordon Burt, Management Analyst Shawn Warnke; and Chief of Staff Mike Wren. Management Intern Ifo Pili also assisted with the process.

Mr. Warnke noted the City Council has reviewed several different versions of the budget. The last version of the budget was discussed at the Budget Retreat. He explained the changes to the budget and the approximate budgeted figures as follows:

Proposed Additions

General Fund

\$2,000 Building Department Training
\$10,000 Building Department Software
1 FTE Material Inspector
90,000 Lee & Smith
\$10,000 Public Safety Phone Switch
.4 FTE Crossing Guard
.43 FTE Recreation Coordinator
.34 FTE Special Events Coordinator
1 FTE Blue Stake Locator
1 FTE Community Relations Coordinator
Lab Material Testing
\$77,470 Police Personnel (.5 FTE Detective and .5 FTE Increase Animal Control)
3% Merit Increase
1 FTE Water Operator
\$5,000 Online Bill Pay
\$52,000 Addition Appropriations for Pony Express Days

Water Fund

Water Operator
\$15,000 Boom Truck
\$7,500 Springbrook Upgrades
\$6,000 On Call Pay Increase

Sewer Fund

\$7,200 Timpanogos Special Service District Dump Fees
\$15,000 Boom Truck
\$7,500 Springbrook Upgrades
\$6,000 On Call Pay Increase

Electric Fund

\$15,000 Boom Truck
\$7,500 Springbrook Upgrades
\$6,000 On Call Pay Increase

Gas Fund

\$15,000 Boom Truck

\$7,500 Springbrook Upgrades
\$6,000 On Call Pay Increase
\$50,000 Looping of Gas Systems

Internal Service Fund

\$27,000 Vehicle Costs- Blue Stakes (Truck, Maintenance, Gas)
\$20,000 Vehicle Costs Water Operator (Car, Maintenance, Gas)
\$27,000 Vehicle Costs Material Testing (Truck, Maintenance, Gas)

Proposed Deletions

General Fund

\$530,000 Fire Station

Amended insurance premiums for Health Care

City Treasurer Gordon Burt then reviewed the proposed budget amendments. He recommended amending the budget by specific divisions rather than line item. He explained this budget amendment is anticipated to cover expenditures through June 30, 2006. He said the purpose of these amendments is to be in budgetary compliance as required by State Statute.

Mayor Olsen opened the public hearing at 8:15 pm

Michelle LeBaron, a former volunteer firefighter for Eagle Mountain City, read comments encouraging the City to hire more volunteer EMT (Emergency Medical Technician) and firefighters. She noted that volunteer EMT and firefighters are an indispensable part of emergency response service. She stated some emergencies require more assistance than the firefighters on duty can provide and without adequate volunteer firefighters Eagle Mountain will not be able to cover all of the emergencies in Eagle Mountain. She stated her belief the citizens are the City's greatest resource and that should be utilized. She stated there are many qualified individuals within the City who would be willing to work as volunteers for the Fire Department under the right circumstances. She requested the City hire more qualified volunteer firefighters who are in the City during the day.

Doug Detelj asked if the additional expense of a new wastewater treatment plant, above and beyond the grant, is included in the budget and if it is not included he asked if the City is going to raise rates to cover the cost.

Mayor Olsen invited Mr. Detelj to meet with Mr. Wren and himself to discuss his concerns.

Mayor Olsen closed the public hearing at 8:25 pm

Councilmember Strouse **moved** to adopt Ordinance 13-2006 the Fiscal Year 2006 - 2007 Budget and the amendments to the Fiscal Year 2005-2006 Budget. Councilmember Jackson **seconded** the motion.

Councilmember Strouse commented a great amount of work has gone into the budget. She stated her understanding that a compromise was agreed to hire two full time paramedics until a study is completed and the Council approve hiring additional paramedics.

Councilmember Lifferth indicated he hopes all issues can be addressed earlier in the budget process in the future.

Councilmember Blackburn asked if the budget verbiage could be amended at a later time.

Mayor Olsen called for a vote. Those voting aye: Heather Jackson, David Lifferth and Linn Strouse. Those voting nay: David Blackburn and Vincent Liddiard. Motion **passed** with a majority vote, 3:2.

MOTION – Consideration and approval of the Final Plat for Pioneer Addition – Phase 5B.

City Planner Peter Spencer explained Pioneer Addition 5B is located in the Town Center, east of Phase 5A and west of Phase 6. This plat previously received Final Plat Approval for a specific layout on October 5, 2004. A new owner has acquired this property and is now re-submitting Phase 5B with a slightly different design. The open space area located behind the lots has been reduced by extending the rear lot lines.

Mr. Spencer highlighted the revised Pioneer Addition Phase 5B as follows:

The total acreage is 16.59

The amount of acreage in lots is 11.07

The amount of acreage in streets is 3.24

The amount of acreage in open space is 2.28

There are a total of 58 lots

Mr. Spencer noted lot frontages in this subdivision are 50 – 60 feet. This plat is honoring the Preliminary Plat Approval which vested it with smaller lot frontages than what the current Development Code allows. The setbacks shall be as follows:

Front Yard	24'
Rear Yard	20'
Side Yards	10' total (minimum 5' on one side)
Corner Lots	24' on the front and corner side

Mr. Spencer noted the City has recently entered into an agreement wherein the previously planned, but currently unimproved Pioneer Addition Park will be fully improved. These improvements will be funded by Legends Land & Ranch, LLC and will fulfill the park improvement requirements for all phases of Pioneer Addition.

Councilmember Jackson **moved** to approve the revised Pioneer Addition Phase 5B Final Plat subject to the following conditions:

SID. That the City Engineer verifies if the plat encompasses land incorporated for the SID, and that the full amount is paid at the building permit stage.

PLAT. That minor redline comments are addressed.

LANDSCAPE PLAN. That the park improvements and landscaping are installed per the overall Pioneer Addition Park Improvement Agreement dated April 3, 2006.

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated she is pleased to see some of the lot lines extended to create larger lots.

Councilmember Blackburn stated with the original approval of this development the City Council approved CC&R's. He asked if the CC&R's will still be in effect with transfer of ownership. City Attorney Jerry Kinghorn responded the new owner will sign the CC&R's prior to recordation. He commented the City does not participate or enforce CC&R's.

Councilmember Lifferth announced that is pleased the City is learning and he appreciates the cooperation from the developer.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Legends Land and Ranch, LLC for Pioneer Addition – Phase 5B.

Mr. Spencer explained a Development Agreement is the formal acceptance by both City and Developer of all rights and obligations associated with and related to the development of a previously approved subdivision. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the Development Agreement. The Development Agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project.

Councilmember Liddiard **moved** to approve the Development Agreement with Legends Land and Ranch, LLC for Pioneer Addition – Phase 5B. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Final Plat for Pioneer Addition – Phase 6.

Mr. Spencer noted Pioneer Addition 6 is located in the Town Center, east of Phase 5 and west of the future Phase 7. This plat previously received Final Plat Approval for a specific layout on June 17, 2004. Since that time, a new owner has acquired this property and, is re-submitting Phase 6 with a slightly different design. The difference is the open space area located behind the lots has been reduced by extending the rear lot lines.

Mr. Spencer summarized the revised Pioneer Addition Phase 6 as follows:

- The total acreage is 19.45
 - The amount of acreage in lots is 17.47
 - The amount of acreage in streets is 4.64
 - The amount of acreage in open space is 2
- There are a total of 85 lots

Mr. Spencer stated the lot frontages in this subdivision are approximately 40 feet. This plat honors the preliminary plat approval which vested it with smaller lot frontages than what the current Development Code allows. The setbacks shall be as follows:

Front Yard	24'
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Rear Yard	20'
Side Yards	10' total (minimum 5' on one side)
Corner Lots	24' on the front and corner side

The City has recently entered into an agreement wherein the previously planned, but currently unimproved Pioneer Addition Park will be fully improved. These improvements will be funded by Legend Land & Ranch, LLC and will fulfill the required park improvement requirements for all phases of Pioneer Addition.

Councilmember Lifferth **moved** to approve the Final Plat for Pioneer Addition – Phase 6 subject to the following conditions:

SID. That the City Engineer verifies if the plat encompasses land incorporated for the SID, and that the full amount is paid at transfer of title.

PLAT. That minor redline comments are addressed.

LANDSCAPE PLAN. That the park improvements and landscaping are installed per the overall Pioneer Addition Park Improvement Agreement dated April 3, 2006.

WATER. That the City Engineer verifies the water requirement.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Legends Land and Ranch, LLC for Pioneer Addition – Phase 6.

Mr. Spencer indicated the Development Agreement for Pioneer Addition Phase 6 is the standard development agreement and is similar to Pioneer Addition Phase 5B.

Councilmember Liddiard **moved** to approve the Development Agreement with Legends Land and Ranch, LLC for Pioneer Addition – Phase 6. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and adoption of Amendments to the Eagle Mountain City Policies and Procedures Manual- Regarding Compensation to On Call Employees

Mr. Warnke explained this policy change will amend the City’s On Call Policy in the Public Works Department to be more competitive with surrounding cities. The effective date of this policy should coincide with the start of the new fiscal year (July 1, 2006). He presented a comparison with other cities on call policy; Eagle Mountain was extremely lower in pay.

Mr. Warnke cited one employee from each of the Public Works Divisions is on call for after-hours emergencies for a week at a time, Monday through Sunday. They are required to have a cellular phone with them at all times and must remain within a 45-minute response time to Eagle Mountain for that week.

He explained the on-call employees are currently being compensated \$50 for being on call (regardless of work). In the event the employee is called out for an emergency, he or she receives the \$50 or two hours

overtime at 1.5 rate per hour (the greater of the two). Any additional call-outs after the first call out will be compensated at the overtime rate.

The current estimated overtime budget is \$30,100 shared between the Water, Sewer, Gas and Electric Funds. The 2005/2006 budget is estimated to spend \$10,600, on the on call program.

The proposed policy anticipates a \$165.00 a week average for on call employees. This equates to an approximate total of \$35,000 per year for on call. The City's 2006/2007 Budget is proposing an overtime increase based on the proposed amendment to the On Call Policy.

Councilmember Liddiard **moved** to adopt an amendment to the Eagle Mountain City Policies and Procedures Manual- Regarding Compensation to On Call Employees. Councilmember Strouse **seconded** the motion.

Councilmember Liddiard expressed appreciation to Mr. Warnke for his attention to this matter and recognized the employees in the Public Works Department for their hard work.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and adoption of an agreement for the online bill pay module from Springbrook.

Mr. Burt explained the finance department, utility billing division and a significant amount of residents have requested the implementation of an online bill pay system.

He highlighted the following benefits of maintaining an online bill pay system:

- Convenient method for residents to review and pay their bills
- Reduces the need for additional billing personnel
- Increases immediate revenue (cash flow)
- Reduces the likelihood of delinquent accounts
- Saves hours of time and resources allocated to data-entry work

Mr. Burt noted on February 27, 2006, the city posted an RFP for online bill pay services. Out of all the respondents, the two main providers were *Xpress Bill Pay* and *Springbrook*. Xpress Bill Pay initially offered, by far, the lowest price for installation; however, after some negotiation, Springbrook came in with a more comparable price. Although Springbrook's price was still slightly higher than Xpress Bill Pay, the consensus of both those in the finance department and utility billing remained in favor of implementing the Springbrook module.

The primary reason staff preferred Springbrook is that the products and services Springbrook provide are considered to be "sole source" and that there is a desired comfort level in knowing that the Springbrook online bill pay module was originally designed to be compatible and communicate with the City's financial software. This compatibility is essential and gives Springbrook the exclusive capabilities to provide real-time bill pay. This means that the resident can view changes; make payments and service requests that are updated daily as opposed to monthly with other systems.

Mr. Burt explained two other components are needed in order for an online bill pay system to function properly, a merchant account and a gateway.

A merchant account is a bank account set up to accept credit card and debit payments. Because the city currently uses Zions Bank for its finances, Zions Bank is able to offer the lowest merchant account rates. A gateway is used to secure and protect the sensitive information that will need to be entered in online.

Mr. Burt stated the merchant account and the gateway both have set-up and transaction fees associated with them. The merchant account charges are 1.89% on gross receipts and \$.10 per transaction. Springbrook has a partnership type contract with Verisign and must come as a packaged deal.

The total annual costs (including start-up) associated with online bill pay systems are estimated as follows (the calculations assume that 33% of the 3,748 utilities payees will use online bill pay):

Bill Pay System	Set Up	Annual Maintenance	Transaction fee
Springbrook	\$4,875.00	\$500.00	\$0.00
Verisign	\$249.00	\$719.40	\$284.21

Mr. Burt noted the 2006-2007 Budget is allocating \$75,000 in banking fees (merchant account fees) in order to receive direct credit card payments. The online bill pay system costs will not necessarily be in addition to that cost but rather, absorbed into it. The additional cost to accepting credit cards through online bill pay will be \$.10 per every transaction fee over 1000 monthly transactions paid to the gateway.

Councilmember Blackburn **moved** to approve agreement for the online bill pay module from Springbrook. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth stated he supports the motion and adopting technology.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and adoption of a Resolution Amending the Consolidated Fee Schedule with regard to Inspection Fees; and Trash Collection Rates.

Mr. Wren explained the Consolidated Fee Schedule will need to be amended, by resolution, to update the following fees:

Inspection fees (from 3 to 4.5%) – in 2005, Eagle Mountain City commissioned a report to compare the city’s fee structure for community development with that of surrounding communities. The result of this study indicated that it was reasonable for the city to assess a 1.5% fee for each of the services provided by the city; specifically, project administration, inspection, and materials testing. At the time the City adjusted the rates from a tiered system to a flat rate, but only assessed 3% of the estimated cost of construction. Because all of these services are provided by the City, it is recommended the City Council amend the fee to be assessed to 4.5%.

Trash Collection Fees – Allied Waste Services has raised their trash pick up rates due to the consumer price index and fuel cost increases. Allied will raise their fees to Eagle Mountain City by 2% due to

the CPI and will add a fuel surcharge that adjusts based on current fuel rates. The City is anticipating a fuel surcharge based on \$2.90 per gallon of gasoline. Trash pick up fees to the residents will increase from \$9.90 for the first can to \$10.15 and from \$5.25 for the second can to \$5.85.

Councilmember Lifferth **moved** to adopt Resolution 11-2006 amending the Consolidated Fee Schedule with regard to inspection fees; and trash collection rates. Councilmember Jackson **seconded** the motion.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance amending the noise regulations in Eagle Mountain City with regard to construction noise.

City Attorney Jerry Kinghorn explained the proposed ordinance is due to the City Council's recommendation to amend the Noise Control Ordinance modifying the hours of prohibited construction work in a commercial zone to be the same the prohibited construction hours in a residential zone. The current standard prohibits construction work in a commercial zone between the hours of 10:00 pm – 6:00 am on weekdays and 10:00 pm – 9:00 am on Saturday and Sunday. It is proposed the prohibited hours be amended to 9:00 pm – 7:00 am on weekdays and 9:00 pm – 9:00 am on Saturdays and Sundays.

Councilmember Jackson **moved** to adopt Ordinance 15-2006 amending the noise regulations in Eagle Mountain City with regard to construction noise. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated she is pleased to see this recommendation processed so quickly.

Councilmember Liddiard recommended the portion of the ordinance referring to phonographs be left out of the ordinance. Also he would like the allowed times to be included in the City newsletter.

Councilmember Blackburn asked who is responsible to enforce this ordinance. Mr. Kinghorn explained would be enforced on a complaint basis.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the recommendation from the special purpose street naming committee concerning the re-naming of certain streets identified in the committee recommendation and authorize the Mayor and staff to take all necessary actions to implement the recommended street name changes.

Mr. Wren cited the City has several conflicting street names, which can create a confusing and potentially fatal situation for emergency response. With the implementation of the new zip code for the City, it seemed an opportune time to make recommendations to remove conflicting street names.

The proposed street names were suggested by a committee comprised of Mike Wren, Public Works Director/Chief of Staff; Peter Spencer, City Planner; and Christopher Trusty, City Engineer. New names were intended to fit with the surrounding street names as much as possible, without creating further conflicts.

Councilmember Lifferth **moved** to 1) approve the special purpose street naming committee to review street names to take all necessary actions to implement the recommended street name changes 2) and to include Councilmember Strouse in the process as a liaison. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth feels this is very important to ensure the safety of residents.

Councilmember Jackson requested that notices of street name changes be included in the utility newsletter to ensure all residents are informed.

Councilmember Strouse asked if these notices can be sent using utility billing addresses rather than information obtained from Utah County to make certain all residents are informed. Councilmember Jackson stated Utah County addresses would also need to be used to get property owners who do not have utilities in their name.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the June 10, 2006 City Council minutes from the consent agenda to be voted on in a separate motion and July 6, 2006 City Council minutes to the next City Council meeting. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Strouse commented the City Council receives the minutes earlier than they previously did so sufficient review time is allowed prior to the City Council meeting.

Councilmember Liddiard **moved** to approve the consent agenda as follows:

- Change Order – Tasco – Main Line Feeder
- Final Payment – Tasco – Main Line Feeder
- Retention Release – Counterpoint Construction
- Warranty Release
 - Freemont Springs Plat C – Sundance Homes
 - Freemont Springs Plat D – Sundance Homes
- Revised Bond Letter
 - Highlands on the Green – Phase 3A
 - Highlands on the Green – Phase 3B

Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve the minutes of June 10, 2006. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and Linn Strouse. Councilmember Lifferth abstained because he was not present at the meeting. Motion **passed**.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Jackson indicated there has been no resolution on the construction entrance in Eagle Point to access the Eagle Point Condos. She would like follow up on the issue.

She would like the final inspection report issued by the Building Department to contain a notation that the structure is approved for occupancy, which is currently not included.

Councilmember Jackson cited she would like the City Council to discuss having the City Offices open on Fridays. The City currently works four days a week ten hours a day. She believes the employees can still work a 4/10 schedule and stagger the scheduled work days to keep the City Offices open five days a week. Many residents also work the hours the City Offices are currently opened which makes it difficult for them to visit City Hall. She previously discussed her concerns with the City's office hours and asked to have the item placed on an upcoming agenda.

Mayor Olsen asked to have that included on the agenda on August 15, 2006.

Councilmember Strouse asked to have the reading of the Declaration of Independence on July 4, 2006 announced in the utility bill. Mayor Olsen stated that may not be included in the utility bill because it may have already been sent out.

Councilmember Strouse commented the community is enhanced by the many volunteers.

Councilmember Blackburn wished a good and safe 4th of July to all. He believes Independence Day is the foundation of the country and should be celebrated. He explained the budget was approved, which is a very complex document. He voted against that approval, although he agrees with many items in the budget he did not agree with some of the modifications.

Councilmember Liddiard commented traffic warning signals are in place where the future stop light will be on SR-73 the future. He wished the best to everybody on Independence Day. He had the opportunity to meet with Gary Herbert, Lieutenant Governor at which time he asked for assistance with traffic concerns in North Utah County. Lieutenant Governor asked councilmember Liddiard what was up with the mayor and wished Councilmember Liddiard well in city politics.

Councilmember Lifferth thanked Councilmember Strouse for her efforts with the Youth City Council. He thanked County Commissioner Jerry Grover for the paving of the road, east of SilverLake, between Eagle Mountain and Saratoga Springs. He commented the Republican Party Primary Election will be Tuesday, June 27, 2006. He stated the Council has reduced the budget from \$25,000,000 to \$22,000,000 which he stated is a major accomplishment. He noted the transportation open house will be held Thursday, June 29, 2006.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 9:04 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 18, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:18 pm.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Ifo Pili, Management Intern; Kent Partridge, Building Official; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

CITY COUNCIL TRAINING

Sydney Fennesbeck – Utah League of Cities and Towns.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

Councilmember Liddiard was excused at 4:58 pm.

Mayor Olsen recessed the Work Session at 6:02 pm and reconvened at 6:46 pm.

DISCUSSION

DISCUSSION – Ranches HOA Agreement – 99 year lease

DISCUSSION – Ranches HOA Maintenance Agreement

DISCUSSION – Scenic Mountain Boundary Adjustment with Saratoga Springs

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

Mayor Brian B. Olsen called the meeting to order at 7:10 pm. Chief Rand Andrus led the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (participated telephonically for a portion of the meeting), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Ifo Pili, Management Intern; Kent Partridge, Building Official; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Personnel

Councilmember Lifferth **moved** to adjourn to a closed executive session for the purpose of discussing personnel - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

The meeting adjourned at 7:12 p.m.

CLOSED-DOOR SESSION – Personnel

A closed-door session was held at 7:12 p.m. for the purpose of discussing personnel - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Brian B. Olsen; Councilmembers David Blackburn, Heather Jackson, David Lifferth, Linn Strouse; staff members Jerry Kinghorn, and Gina Peterson. Planning Director Peter Spencer also attended for a short time.

The meeting adjourned at 7:30 p.m.

MAYOR'S ITEMS

Mayor Olsen expressed appreciation to the Utah League of Cities and Towns for conducting an elected officials' training during Work Session.

Chief Rand Andrus read a statement indicating fireworks are not allowed on County or State property due to extremely dry conditions. The Mayor has agreed that anyone who starts a fire with fireworks will be prosecuted to the full extent of the law, including the reimbursement for the costs incurred from fighting the fire. He recommended any open burning fireworks or shooting should be limited to areas that are free from brush, weeds or other fuels that may assist in starting a fire. Chief Andrus commented that fireworks are not being banned within Eagle Mountain at this time.

Councilmember Strouse asked if that information was going to be released to the newspapers. Mayor Olsen said that could be sent to the newspapers.

Mayor Olsen reminded the public to be careful while celebrating Pioneer Day and asked everyone to obey the laws during that time.

Mayor Olsen highlighted the following:

- Saturday July 15, 2006, the Citizen Corps held a public safety meeting at City Hall. He thanked Loree Cole and the other volunteers who worked on this.
- Planning Commissioner Michael Hansen is moving from the city. He invited anyone interested in serving on the Planning Commission to file an application with the City.
- Speed limits have been reduced in some neighborhoods, particularly on blind corners.
- Included in the City Council's Agenda information are the following communication items:
 - Chief Andrus was appointed to the Utah County Fire Board of Appeals.
 - The Fire Department was awarded a Fire Department Assistance Grant.
 - An update on a county-wide library program
 - A code enforcement update
 - A memo regarding storm drain fee evaluation

INTRODUCTION – Vernal Shepherd, Utah County Sheriff's Office

Sergeant Binks presented Deputy Vernal Shepherd, who is currently serving in Eagle Mountain. He highlighted his qualifications and accomplishments. Deputy Shepherd introduced himself and stated that he is pleased to be working in Eagle Mountain City.

Mayor Olsen welcomed Deputy Shepherd to the community and stated that he looks forward to working with him.

PUBLIC COMMENTS

Tiffany Ulmer read the following statement:

"I'd like to preface by saying that my comments are conditional to if the development code sign changes are approved. If we are allowing signs, then I'd like the following noted.

The current locations are in the medians. I still think these should be on the sides of the roads; especially the sign going to the City Center on Sweetwater. The location is where the two antelope herds and the one deer herd cross, especially in the winter, and visibility at night is highly needed. I recommend putting them on the sides, a safe distance from the road.

A comment on the wording on the signs, I appreciate how the HOA (Homeowner's Association) has redone the wording as can be seen in the welcome to the Ranches, a home owners association. As shown on the application. I'd approve of these changes (if they are located on the sides of the road). However, on the leaving the Ranches illustrations, I have a small concern. People living in Silver Lake also live in Eagle Mountain. People who live in the City Center also live in Eagle Mountain. People who live in the Meadow Ranch/North Ranch, etc all live in Eagle Mountain. While I like that they are offering directions, it doesn't include directions to more of Eagle Mountain, and can cause some small confusion.

Maybe the HOA can include with their current directions "More Beautiful Eagle Mountain (arrow sign) this way also." I'd like to keep the directional arrows, but at the same time include the rest of Eagle Mountain.

As long as the applicant is agreeing to a lease similar to the ladder sign lease agreement, I'd recommend approving this item with the conditions of moving (the signs) to sides of the road and wording changes on exit signs.

If this can't be done at this time, then I'd recommend tabling this item and see if the HOA can continue to improve the product.

Thank You."

Councilmember Liddiard joined the meeting telephonically at 7:43 pm.

Debbie McInelly referenced Ordinance 12.13.1, noting "the height of chain link fencing shall not exceed four feet." She asked to have that amended to allow for six feet chain link fences. She stated her opinion that wood fencing becomes unsightly if not properly maintained. Chain link fencing requires no maintenance. She believes having a four foot fence in the middle of six foot fences looks bad. She would like to install black vinyl coated chain link fence, pictures of which she presented to the City Council.

Michelle LeBaron expressed concern, confusion and outrage as to why the City would dismiss Jack Homen, who she believes to be one of the most dedicated, competent, reliable and experienced firefighters. She worked as a volunteer firefighter with Mr. Homen for two years. She has heard the reasons Mr. Homen was dismissed by the City were unfounded.

Ms. LeBaron stated that she requested that the City Council hire more volunteer firefighters from within the city. She stated that if paramedic shifts are covered at the fire station there will only be three people on each call. Many calls require more firefighters/paramedics. She noted that there are many times Eagle Mountain has to call other cities to assist because three people are not enough coverage to ensure the safety of our city.

Mayor Olsen asked Chief Andrus how many firefighters are on duty at any given time. Chief Andrus responded that four firefighters are on duty during the day and paid call also responds during the day and evening.

Inaudible comments were called out from the audience.

Mayor Olsen read comments submitted by Bobby Colson, The Ranches HOA Vice President, addressing the open space in the Ranches which is maintained by the City. He stated that open space maintained by the City looks horrible right now. Mr. Colson hopes the City will correct the current condition or give it the Ranches HOA to correct. He would like the City to make the communities look the way they were intended to look.

Mr. Colson hopes the Mayor and City Council see the value of the proposed community center. He feels it will help the property values of the homes in the city and add a gathering point for all

neighborhoods in Eagle Mountain. Mr. Colson expressed appreciation to the Mayor and City Council. He asked that the City approve the community center because it will be beneficial to the community.

Mayor Olsen noted one of the city's wells had to be shut down. Because of that the watering medians are turned off in order to keep the fire hydrants properly charged. Some of the medians are turning brown. Chief of Staff/Public Works Director Mike Wren announced that he instructed the water to be turned on at the Silver Lake amphitheater this morning. However, watering in all areas has not been restored until the City can get a good bacteria test, which is expected to come tomorrow.

Jennifer Edwards stated that she is excited to see the proposal for The Ranches Community Center moving forward. She believes this will be very beneficial to the entire city and surrounding communities.

Thomas Rees of Rush Valley stated that he is representing homeowners along Cochise Way. When they purchased homes along this street their builder, Sundance Homes, told them the open space across the street would be turned into a park. The Ranches Homeowners Association has told them Sundance Homes paid the City to improve that park. He asked what needs to be done to get that area improved. Mayor Olsen instructed Mr. Rees to discuss the issue with Mr. Wren.

Ms. McInelly stated she is speaking for many residents in the Eagle Park subdivision. She noted that on May 2, 2006, she understood that all open space in Eagle Park subdivision was declared insignificant and available for purchase by the homeowners. She spoke with Planning Director Peter Spencer, who explained it was only the property behind Channing Jones' home that was declared insignificant. She noted that a petition was submitted which Mayor Olsen responded to, informing the petitioners that their request was being turned over to Mr. Spencer. Mr. Spencer had told Ms. McInelly he had not received a copy of the petition. She brought letters from homeowners living in the Eagle Park subdivision. She stated that she has lived there nearly six years and has not seen any improvement to the open space surrounding the subdivision. She noted the unmaintained open space is becoming a dumping ground and the weeds are getting tall. The City has told her she cannot improve the open space behind her home. She stated that there was supposed to be a trail surrounding the subdivision, which has not been improved. The residents would like the opportunity to purchase the open space behind their homes. She believes it is reasonable to require the property owners to landscape/improve the open space before the two-year mark if allowed to purchase the property.

Mayor Olsen thanked Ms. McInelly for representing a group and bringing these concerns to the City Council. He stated her concerns have been heard and the City will continue to work with her on this issue. Mayor Olsen explained the Council has approved extra hours for the Code Enforcement Officer to address some of these concerns. He invited the residents to continue to approach the Council to get legislation to address parks and open space and get them developed. He noted that the improvement of these areas is an issue of money and fiscal cycles. He announced that there are laws in place and a process must be followed.

Ms. McInelly stated as citizens they understand the issue of money and water rights. They are willing to assist with that if they are able to purchase the open space.

Mayor Olsen noted that Mr. Jones' property was the only property on the agenda on May 2, 2006, and no other areas were considered at that time. Ms. McInelly stated she has been asking the City for the

last five years to purchase the property behind her home. Mayor Olsen stated that Ms. McNelly will need to work with the Planning Department.

Alicia Hill of the Eagle Park subdivision stated that when they purchased their lot six years ago they paid a premium to purchase a lot along the exterior of the subdivision because of the trail that was promised. She noted that tumbleweeds are currently a big problem because of the unmaintained open space. She expressed that she does not understand why the property behind her home would be any different than the property behind Mr. Jones'.

Ben Hardy of the Eagle Park subdivision expressed frustration about the process of disposing of the open space behind his home. He asked why the residents must keep coming back to talk to City officials about this issue. He commented that precedent was set when the property behind Mr. Jones' was disposed of. He asked the City Council to move forward with the process of disposing of the open space in Eagle Park. He explained that the property could be improved at a cost to the residents rather than the City. Mayor Olsen explained that the current ordinance requires the homeowner to apply to purchase the open space along their property.

Mr. Hardy stated he has been told in the past the City will not consider zigzagging property lines, so the residents of Eagle Park have been trying to work together in this process.

Julie Arcia of the Eagle Park subdivision asked if the public comment forms could be considered as applications to purchase the open space. City Attorney Jerry Kinghorn stated that the State Legislature has said municipalities cannot give away public property until they follow procedures. He noted that Mr. Jones has not finished the process of purchasing open space from the City. When he does purchase the property, it will have square corners and still leave a large band of land around his property. Once the public comment forms are reviewed the City will contact the citizens and inform them of what else is needed.

Mayor Olsen recommended that the residents of Eagle Park have a group leader for the City to contact who will then inform the rest of the citizens.

Councilmember Blackburn stated that residents can remove weeds from public open space, and if they see anyone dumping trash, to inform the City.

Wanda Hillard of Eagle Park stated that she has been asking the City to clean up the open space. She stated that children are playing in the abandoned tires and trash behind her home and she is concerned for their safety.

Councilmember Strouse said Ms. Ulmer took her on a tour of Eagle Park. She was surprised by all the trash and tumbleweeds in the open space. She noticed the weeds are very high and may be a fire hazard. She noted that the Code Enforcement Officer is working on those issues. Councilmember Strouse noted the City has been asked to lease a fifteen acre parcel to The Ranches Homeowners Association for a dollar for a community center. She asked why the City can't lease the property to the residents rather than sell it.

Mayor Olsen stated the public comments have been heard and will be addressed.

Mr. Spencer welcomed a representative of the Eagle Park subdivision to speak with him about the application process.

Christine Holt stated she has sent emails to the City that all of the phone numbers on the web site are incorrect. She asked to have that corrected. Mayor Olsen stated that that is being worked on.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the consent agenda as follows:

MINUTES

- A. June 6, 2006 – Regular City Council Meeting (as amended)

DEVELOPMENT AGREEMENTS

- A. O' Fallon's Bluff – Plat B
- B. O' Fallon's Bluff – Plat C
- C. O' Fallon's Bluff – Plat D
- D. O' Fallon's Bluff – Plat E
- E. Overland Trails - 1C

FINAL BOND RELEASES

- A. Silver Lake 1A – Development Associates
- B. Silver Lake 1B – Development Associates
- C. Silver Lake 1C – Development Associates
- D. Silver Lake 2A – Development Associates
- E. Silver Lake 2B – Development Associates
- F. Silver Lake 3 – Salisbury
- G. Silver Lake 4B – Salisbury
- H. Showdown at Eagle's Gate – Plat C – Sage Group

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – Amsource Annexation

ORDINANCE – Consideration and adoption of an ordinance annexing an area of approximately 156 acres commonly known as the Amsource Annexation.

City Recorder Gina Peterson stated that on August 24, 2005, a petition was submitted to annex approximately 156 acres off Pony Express Parkway, north of the Silver Lake subdivision. Annexation of this property will close the gap between Saratoga Springs and Eagle Mountain City in this area. The original petition was deemed invalid, needing corrections. A revised petition was accepted by the Recorder's Office and verified by the City Engineer on April 27, 2006, and certified by the City on May 16, 2006. The 30-day protest period has run and no protests to the annexation were received. After the public hearing, the City Council may annex the property.

Ms. Peterson noted that the property will initially be zoned for agricultural use. After the annexation the developers may submit applications for a zone change and development plan.

Mayor Olsen opened the public hearing at 8:17 pm. There were no public comments, so the public hearing was closed.

Councilmember Blackburn **moved** to adopt Ordinance 17-2006, annexing an area of approximately 156 acres commonly known as the Amsource Annexation. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING

ORDINANCE – Consideration and approval of proposed amendments to the Sign Ordinance related to “Community Entrance Signage.”

Mr. Spencer commented that in April, 2006, the Planning Department received an application from The Ranches HOA to amend the City’s sign ordinance, which is part of the Development Code (Title 1, Chapter 16). This item was heard by the City Council on May 2, 2006. Much discussion by the City Council ensued and ultimately the motion to approve this amendment failed due to lack of majority, 3:2. After the above motion failed, another motion was proposed to table this item to allow for more discussion. However, because the previous motion to approve failed, any further proposals were not possible. The applicant has requested that this item again be brought before the City Council for approval. This proposal has minor modifications from the one heard on May 2, but is essentially the same.

In response to the City Council’s comments at the May 2, 2006, meeting and the subsequent Work Session discussion, the applicant has modified his proposed amendment language. The following is a list of modifications from the last meeting:

- This text allows for a community entrance sign to be located only “in the median or shoulder of the City’s right-of-way.” The previous language was written with the word “*and*.”
- The text requires the signs to be constructed, installed, and maintained at the expense of the original applicant. The previous language was silent on the issue of continued maintenance.
- There is no longer a schematic to go along with this language. This allows for flexibility for both the applicant and the City Council as to what design is approved. The text above no longer has language that refers to a specific schematic.

Mayor Olsen opened the public hearing at 8:29 pm. There were no comments, so the public hearing was closed.

Councilmember Jackson **moved** to approve the proposed amendments to the sign ordinance related to “community entrance signage.” Councilmember Blackburn **seconded** the motion.

Councilmember Jackson expressed appreciation to the Ranches HOA for bringing this back to the City Council. She noted that at a previous City Council meeting the City Council attempted to table this item for further discussion and was unable to do that and therefore voted it down. The Ranches HOA had to work hard to bring this back on an agenda. She commented that signage can be a very interesting

situation as the City Council does not want to overcrowd the city with signs, but does want to give important information to the community.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and Written Approval to allow for a Community Entrance Sign to be placed in City-owned right-of-way.

Mr. Spencer stated that the Planning Department has received a follow-up application from The Ranches petitioning the City Council and Mayor to allow for the placement of three community entrance signs within the City-owned right of way.

If this authorization is approved, the City Attorney will draft a formal agreement between Eagle Mountain City and The Ranches to allow for the leasing of city land to The Ranches HOA for the purpose of installing community entrance signs. These signs will notify the public that they are entering The Ranches.

Mr. Spencer explained applicable Development Code sections as follows:

16.9 Community Entrance Signs.

Community Entrance Signs located in the median or shoulder of the City's right-of-way (ROW) along streets classified as arterials or collectors shall only be allowed under specific agreement with the City. Community Entrance Signs shall be constructed, installed, and maintained at the expense of the original applicant in accordance with the specifications outlined in the submitted application and as determined by the City Council. The exact location of each sign and the sign copy shall be subject to review and approval by the Eagle Mountain Planning Commission and City Council.

16.9.1 Approval Process. Community Entrance Signage shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of fact. At their discretion, the Planning Commission may recommend and the City Council may approve Community Entrance Signs along streets classified as arterials and collector roads. The placement of the sign shall not create a traffic hazard. Since these signs are within the City's right-of-way the Applicant must enter into an agreement to lease the City's property. The City Council shall approve the agreement which will detail the terms and conditions of the property lease as well as the design of the signage. The lease fee shall be equal to the fee established in the City's current Consolidated Fee Schedule for Off-Premise Ladder Signs.

The applicant has presented two designs for the City Council to consider. They are willing to build either sign, depending on which sign the City Council prefers.

Mr. Spencer pointed out that the proposed signage has a front and back side. The wording on the front side describes their community as a "Home Owners Association." The wording on the back side has directional arrows that are to assist the public by giving directions to pertinent locations.

The applicant is petitioning the City to enter into an agreement allowing for three (3) community entrance signs to be located in the following locations:

- The northern entrance to The Ranches—This proposed location is within the median on Ranches Parkway, just south of the entrance to the Business Campus.
- The eastern entrance to the Ranches—This proposed location is within the median on Pony Express Parkway, just north of the Pony Express Elementary School.
- The southern entrance to The Ranches—This proposed location is within the median along Pony Express Pkwy/North Sweetwater Rd. just north of the turn onto Lake Mountain Road.

Councilmember Lifferth noted that this is a basic outline and the final sign verbiage will be determined at the time of the sign lease.

Councilmember Jackson **moved** to approve community entrance signs to be placed in City-owned rights-of-way: if at all possible to be removed from the median and placed on the sides of the road, with the stipulation of using wood fencing material rather than stone.

Councilmember Blackburn asked if the sign is placed along the side of the road will there be two signs for every one sign proposed.

Councilmember Strouse **seconded** the motion.

Councilmember Jackson stated the City is trying to go away from having signs in the medians for easier maintenance and to address safety concerns and subdivisions should continue to do that. She understands this would mean two signs will be placed for each one and that is why she would propose the trade off of allowing wood fencing materials rather than stone.

Councilmember Liddiard asked for clarification on the proposal and the motion. He expressed concern about having two signs with the same purpose on the north end. He believes it would be better to add additional wording to the already existing Ranches Rockwall Monument. He is also concerned that the City is not addressing the legislative need of the sign ordinance that was recently passed, including where the City would like those signs located. He feels it should be in the sign ordinance not to allow the placing of signs in the median and redundant signs.

Councilmember Lifferth **moved** to amend the motion that the signs only be allowed on the sides of the road, not in the median, because of safety concerns and to require the use of stone. Councilmember Jackson accepted the motion. Councilmember Strouse **seconded** the motion.

Councilmember Jackson explained that her motion addressed signs in this application. She requested that the signs not be in the median and asked to have them placed on the sides of the road. She believes it was clearly specified in her motion.

Councilmember Strouse asked what difference in space will be taken up by stone rather than wood. Councilmember Jackson stated that there will be approximately a one-foot difference; however, the sign size will remain the same.

Councilmember Jackson commented that her initial motion allowed wood posts because she supposed the HOA would install two signs, one along each side of the road. However, she agrees and prefers the stone.

Councilmember Lifferth noted that Cary Brackett of the Ranches HOA gave the thumbs up on requiring stone.

Councilmember Blackburn appreciates signs indicating the area of an HOA. However, he is concerned about having too many signs in the city. He believes one sign would be a better option than multiple signs.

Councilmember Jackson called the motion to question.

Councilmember Strouse asked if the sign locations would be reviewed to ensure that there is a clear vision triangle. Mr. Spencer responded that City Engineer Chris Trusty did not see concerns with the sign locations in the medians. Mr. Spencer does not think that there will be any concerns with sign locations on the side of the road. However, that will have to be reviewed.

Councilmember Lifferth expressed concern about signs in the median that may block views. Discussion ensued.

Mayor Olsen called for a vote. Those voting aye: Heather Jackson, David Lifferth and Linn Strouse. Those voting nay: David Blackburn and Vincent Liddiard. Motion **passed** with a majority vote, 3:2.

7:00 P.M. PUBLIC HEARING

ORDINANCE – Consideration and approval of the proposed amendments to Title 1 of the City’s Development Code pertaining to minimum distance between multi-family structures.

Mr. Spencer explained that while processing the multi-family Heatherwood project last fall, City staff and the applicant encountered difficulty attempting to service the project with the required utilities because the unique “cluster” design did not allow for sufficient room between buildings to set up the required infrastructure and service the buildings with dry utilities.

Mr. Spencer noted that to remedy this the City staff amended the code to read as it does today, requiring thirty (30) feet minimum distance between multi-family structures. The Trailhead Townhomes project is the first multi-family project that has been processed under the new amendment. As this project has moved forward, City staff realized the blanket statement requiring at least thirty (30) feet distance may be too restrictive. Staff feels that the Development Code should be amended to still allow for the approval of various and well designed multi-family housing products.

The applicant and City staff propose that language be added to the code that allows the City Council (at the recommendation of the Planning Commission) to allow for an exception from the above standard when: (1) appropriate for the proposal, (2) consistent with providing safe and convenient utility services to the public, and (3) does not create a hazard.

Mr. Spencer, the applicant and City staff proposed that the text in Title 1, Chapter 5, be amended as follows:

5.14.3 Site Plan Approval. The diverse types of potential housing products require that all developments in this category (with the exception of Single-Family Detached Dwellings) shall be subject to a Site Plan Review and approval. The review and approval shall include, but not be limited to, setbacks of primary and accessory structures, building height, and dwelling size. The

minimum distance between multi-family housing structures in Tier III shall be thirty (30) feet. Single-family homes at Tier III densities shall have minimum sideyard setbacks equal to those in Tier II. **The Council, subject to the prior recommendation of the Planning Commission, may approve an exception to the required minimum distance between multi-family housing structures in Tier III that differ from the above standard upon a finding that such an exception is: (1) appropriate for the proper development of the project, (2) consistent with providing safe and convenient utility services to the public, and (3) that such reduction will not result in the establishment of a hazardous condition.**

Councilmember Strouse asked if the word “exception” in 5.14.3 was changed to “different standard.” City Attorney Jerry Kinghorn responded that the word “exception” can be removed. However, additional changes will need to be made to make the section understandable.

Mayor Olsen noted that a Councilmember can make a condition to the motion to change the wording.

Mayor Olsen opened the public hearing at 8:55 pm. There were no comments, so the public hearing was closed.

Councilmember Jackson **moved** to approve Ordinance 18-2006, Proposed Amendments to Title 1 of the City’s Development Code, pertaining to minimum distance between multi-family structures, including changing the word “exception.” Councilmember Strouse **seconded** the motion.

Councilmember Jackson explained the reason for changing the word “exception.” She noted that Senate Bill 60 passed this year, which dealt with the Land Use Management and Development Act and eliminated special exceptions. The City Council felt the word “exception” needed to be removed to eliminate confusion.

Councilmember Lifferth stated that standards should be based on realistic needs of infrastructure and safety.

Councilmember Blackburn agreed with Councilmember Lifferth and believes a minimum of 15 feet between homes would be a viable standard.

Councilmember Strouse stated that this project was approved a long time ago and the applicant was vested with condominiums. This proposal reduces the density and unless there is a proven safety issue the applicant should be able to move forward as proposed.

Councilmember Jackson commented that the current proposal requiring 30 feet between condominiums is appropriate for fire truck access. She believes a blanket of 15 feet spacing between all buildings in Tier III is not appropriate. The standard needs to have flexibility to deal with different product types and meet all public safety requirements.

Councilmember Blackburn asked Councilmember Jackson if she was proposing to stay with the current standard of a 30 foot minimum between buildings in Tier III. Councilmember Jackson responded that is what the current proposal is for. However, it allows for flexibility in certain circumstances.

Councilmember Blackburn agreed. However, he does not believe the City Council should decide what is appropriate for a development. Councilmember Jackson noted that all three criteria must be met for an exemption to be made.

Councilmember Lifferth noted that there was a developer in the past that chose to use the minimum standard, which created a time delay. Councilmember Jackson did not believe that would be an issue because the criteria have to be met and the City Council has the decision.

Councilmember Liddiard disconnected from the meeting at 9:04 pm.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval for the final plat & site plan for the Trailhead Townhomes development.

DEVELOPMENT AGREEMENT – Consideration and approval of a development agreement with Trailhead One, LLC for the Trailhead Townhomes.

Mr. Spencer stated that the Planning Department has received applications for a site plan and final plat for the Trailhead Townhomes in the town center, located on a 5.189 acre parcel immediately north of City Hall. The proposal before the City Council is for a total of 65 townhomes. On August 3, 1999, the City Council approved a site plan which vested this site for an 84-unit condominium project. However, the applicant has expressed interest in developing his land with a lesser density and a different product. This application represents a new submittal that should be reviewed independently of the project that was approved previously.

This application had a public hearing and was reviewed by the Planning Commission on June 20, 2006. The Planning Commission recommended approval of both the final plat and site plan. Also for approval is the development agreement for the project.

Mr. Spencer noted the land use designation is residential, which allows for this type of development. The applicant is proposing a townhome project that consists of 65 units over 5.189 acres, for a density of 12.5 units per acre. This density brings this project into the Tier III Residential Development Standards.

Tier III projects are required to dedicate to the city at least 10 percent of the total acreage as Improved Open Space. This project is providing 1.2 acres of open space, which satisfies this requirement. In addition, all Tier III projects also are required to provide a clubhouse and pool. The plat shows these amenities located near the main entrance of the project.

Mr. Spencer explained that the applicant is proposing that these townhomes be accessed through private streets. Private streets are not prohibited by the Development Code, but their design must be approved by the City Engineer. Title 2, Section 7.7.9, Street Design, states:

"The design of public and private streets shall be subject to the City's ordinances, standards and policies regarding construction and width, unless a deviation from such standards is an integral part of an increase in the quality of the development."

The applicant is proposing 20 additional spaces for visitor parking in the center of the project, and has proposed that each unit will be serviced by individual garbage cans.

The applicant has proposed two main open space areas to serve this development. Based on the standards above, the following amenities should be divided among the parks (fee-in-lieu for fractional improvements):

- .65 acre of fully improved park area
- 4.3 stalls in bicycle racks
- 15.16 trees
- 2.6 picnic tables

Mr. Spencer commented that the applicant is proposing to provide a 6-foot tall, tan vinyl privacy and open fence in appropriate areas.

Councilmember Jackson **moved** to approve the final plat and site plan for the Trailhead Townhomes subject to the following conditions:

1. **SID PAYMENT.** That the assessable SID acreage for this parcel is calculated by the City and paid by the applicant at transfer of title.
2. **PRIVATE STREETS.** That the streets are built to City standards. That easements are provided for utility and emergency vehicle access.
3. **LANDSCAPING, FENCING, AND PARKS.** That all conditions are met.
4. **DRY UTILITIES.** That the dry utilities are reviewed and approved by City staff.
5. **FIRE PROTECTION.** That all of the Fire Chief's redline comments are addressed.
6. **CONSTRUCTION DRAWINGS.** That the construction drawing redlines are corrected (timing of irrigation sleeve installation, first-floor elevations provided, storm drain clarification, finished grade elevations provided every 50 feet, etc.)
7. **BUILDING SEPARATION.** That the building separation is granted an exception by the City Council as shown in the construction drawings as 15 feet.
- 8.

Councilmember Blackburn **seconded** the motion.

Councilmember Jackson expressed appreciation to the developers for their patience with the process and for working with the City.

Councilmember Lifferth thanked the developer for presenting a better product for the community than what was originally approved.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Jackson **moved** to approve the development agreement with Trailhead One, LLC, for the Trailhead Townhomes. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Mayor Olsen thanked the developer of Trailhead Townhomes for their willingness to work with the City on this project. He also thanked the Council for their involvement.

7:00 P.M. PUBLIC HEARING

ORDINANCE – Consideration and adoption of an ordinance amending the recorded plat of Cedar Trails Village – Phase 1 and Pioneer Addition – Phase 3 and approving the amended plats of Cedar Trails Village – Phase 1 and Pioneer Addition Phase 3 subdivisions.

Mr. Spencer stated the Planning Department has received two separate applications to amend two recorded plats; Cedar Trails Village Phase 1 and Pioneer Addition Phase 3. The applicant is proposing to amend these plats by pulling out a geographic area that is currently within both of these plats; with a plan to later create a completely separate, third plat—entitled Walden Park. A public hearing was held at the Planning Commission meeting.

Mr. Spencer noted that the process for subdividing this future third plat is separate from the motion before the Council tonight and will require the applicant to come back before the City Council for final plat approval at a later date. With a future application, the applicant is planning to increase the number of units and to eliminate the trail corridor between the plats.

Mr. Spencer explained the Cedar Trails Village Phase 1 received final plat approval on August 3, 1999. Pioneer Addition Phase 3 received final plat approval on February 1, 2005. Since that time, both plats have been recorded with the County. Situated adjacent to each other, both plats consist of an area composed of long, thin lots; this plat amendment focuses on these portions of the plats only.

Mr. Spencer stated that the area affected by this application, Cedar Trails Village Phase 1, has a total of 16 lots. Pioneer Addition Phase 3 has a total of 12 lots. The area in question for these plat amendments, therefore, has a total of 28 recorded and existing lots.

He explained that the applicant is proposing to eliminate the thin, separate building lots and instead build an attached townhome product where all the surrounding land is shared as a common area. Portions of the proposed townhomes utilize both the alleys and local streets. A portion of the proposed townhomes would front a local street, Cedar Trails Way. A portion of the proposed townhomes would also front onto a common area (i.e. Alley # 3 & Silver Spur Way). Mr. Spencer noted that the applicant also proposes to increase the number of units from 28 to 36.

He noted that the applicant proposes to eliminate the trail corridor. The existing open space parcels are currently owned and maintained by the City. The applicant has expressed willingness to help maintain pedestrian connectivity between these two major parks by using larger sidewalks/trails that would allow pedestrians to move from the existing trail corridor on the south side around the development to the existing park to the north. City staff considers this a fair trade for the elimination of trail corridor between the plats.

A major component of this plat amendment is the eventual functionality of Alley # 4. This alley has already been built and contains both curb and gutter and a small storm drain that ties into the existing City storm drain system. Current Development Code requires that:

“Homes constructed on lots adjoining alleyways shall have access to the home garage from the alley only and the garage door of the home shall be oriented toward the alley. Lots adjoining alleys shall not be permitted driveway access from the street in front of or adjoining the lot, and all garage

doors on lots adjoining alleys shall be oriented toward the alley unless a waiver is granted by the Planning Commission.”

Mr. Spencer stated that if the existing Alley # 4 remains, as the applicant proposes, then the proposed townhomes must have their driveway access from the alley. However, the applicant proposes the opposite: the ten units that could have driveway access from Alley # 4 are proposed to have driveway access from Cedar Trails Way. As the above reference from the Development Code reads, the Planning Commission can grant a waiver.

City staff and the Planning Commission recommend that, if the City Council allows the proposed units to have access from Cedar Trails Way, then a condition of approval be established which requires the applicant to retrofit the remaining, unused Alley # 4 to become a pedestrian trail which leads pedestrians out both ways to the enlarged sidewalk/trail that runs down both sides of the future development. Otherwise, there will be a one-way alley that serves no purpose, but will be a drain on the City due to maintenance, etc. Mr. Spencer noted that the applicant has been agreeable to this solution.

Mayor Olsen opened the public hearing at 9:18 pm.

D.J. Conger of the Cedar Trails subdivision asked that there be trail connectivity with future subdivisions.

Mayor Olsen closed the public hearing at 9:19 pm.

Councilmember Lifferth **moved** to adopt Ordinance 19-2006 amending the recorded plat of Cedar Trails Village – Phase 1 and Pioneer Addition – Phase 3 and approving the amended plats of Cedar Trails Village – Phase 1 and Pioneer Addition Phase 3 subdivisions subject to the following conditions:

1. TOWNHOME FRONTAGE. That the fronts of the townhomes be staggered.
2. ALLEY #4. That the applicant bears the cost and responsibility of modifying the alley to become a pedestrian corridor and that a landscape and irrigation plan be approved by City staff.
3. OPEN SPACE CONNECTIVITY. That the applicant widens the sidewalks on both the east & west sides of the development, from Alley #4 to the beginning of the park to the north, to facilitate pedestrian traffic. That these modifications also include a landscape plan that shows xeriscaping & vegetation and are approved by City staff.
4. PLAT REDLINES. That redlines on the plat are addressed & verified.
5. UTILITIES. That City staff verifies the ability to service this development properly with utilities.
6. DATE OF ORDINANCE. That the effective date of the ordinance is changed to be the date of approval of the future Walden Park final plat.

Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn expressed concern about future subdivisions having the same names as existing subdivisions.

MOTION – Consideration and approval of the final plat for Pioneer Addition 7A.

DEVELOPMENT AGREEMENT – Consideration and approval of a development agreement with Legends Land & Ranch, LLC, for Pioneer Addition 7A.

Mr. Spencer explained that the proposed Pioneer Addition Phase 7 project is located on the northern edge of Eagle Mountain Properties, just west of the power line corridor. The entire Pioneer Addition subdivision received preliminary plat approval on March 25, 2003. Since that preliminary approval, Pioneer Addition Phases 1-6 have received final approval (including 5A & 5B). While the proposed Phase 7 is the final phase of Pioneer Addition, this phase deviates substantially from the originally approved preliminary plat and therefore was required to receive preliminary approval once again, which occurred on May 30, 2006.

He noted that the Eagle Mountain Properties Master Development Agreement ensures that, at any time in the future, any land included in the overall Master Development Plan may be reviewed under either the current City code OR the Eagle Mountain Interim Development Code dated September 30, 1997. The applicant has submitted a written request to have his preliminary plat reviewed under the 1997 Interim Code. With the exception of the newly amended construction standards, International Building Code, etc, this project has been entirely reviewed under the 1997 Interim Code—NOT the current development code. This is the first time a plat will be processed under the 1997 Interim Code rather than the code current at the time.

Mr. Spencer offered a short explanation of the 1997 Interim Code as follows:

- This code contained both *absolute* standards and *relative* standards under which each proposed development was reviewed. The *absolute* standards functioned as our current standards do; every proposal was required to conform to each standard completely. However, the *relative* standards were, in effect, voluntary. For each *relative* standard the proposal complied with, and to the extent that it complied, the project earned points. These points were totaled and, depending on the overall grand total of the project, the City staff recommended approval or denial.
- A *performance standards checklist* was used to determine how well a proposed project complied with the absolute and relative standards. A copy of this checklist is attached.
- This code regulated and strongly encouraged many different aspects of architectural design. Since that time, the City has specifically repealed those ordinances which gave the city authority to regulate such aspects of development. Because the City no longer has these ordinances in place, it would be inappropriate to attempt to require such aspects.
- Of note to mention is the fact that the 1997 code does NOT have a standard for minimum lot frontages.

Therefore, before the City Council tonight is the first of two final plats for Phase 7 of Pioneer Addition. With the new approval of the Pioneer Addition Phase 7 preliminary plat on May 30, 2006, the applicant was vested with the density and road configuration presented tonight. This final plat (Phase 7A) reflects the requirements of the 1997 Interim Code, not the current code of today. As such, the setbacks as well as the lot frontages do not reflect today's code. All other aspects of this final plat's design conform both to the 1997 code as well as today's code.

Mr. Spencer summarized Pioneer Addition Phase 7A final plat in the following table:

Total Acreage	24.45 Acres
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Total Open Space Acreage	2.70 Acres
Total Number of Lots	127
Average Lot Size	.12 acres (5,227 sq. ft.)

He explained that the 1997 Code required that neighborhood parks be provided at a rate of 2.5 acres of park space for each 400 proposed dwelling units. Because the entire Phase 7 contains 187 dwelling units, the developer would be required to provide 1.169 acres of improved open space for the entire phase. The applicant proposes approximately 1.48 acres of improved open space; which meets the open space requirement. Most of this improved open space is located at the entranceway park, which includes a tot lot, picnic table, and benches, and along the western edge of the plat where an 8-foot asphalt trail and resting benches will be installed.

Mr. Spencer stated that Pioneer Addition 7A is the first of two plats for the overall Pioneer Addition Phase 7. The majority of the improved open space requirement for both plats will be provided within this first plat. The Fire Chief has required ten fire hydrants to service this first plat. Other minor fire concerns will be resolved with the plat redlines.

As per the park agreement entered into by the City and the developer on April 3, 2006, the City will maintain the open space along Bobby Wren Blvd., as well as the trail corridor on the western edge of the project (P.O.S. 'A'). All other open space dedicated to the City will be maintained by the HOA.

The setbacks for Pioneer Addition Phase 7A will be as indicated in the following table:

Front Yard	15'
Rear Yard	20'
Side Yards	12' total (minimum 5' on one side)
Corner Lots	10' street side and front yard

Mr. Spencer noted that the street trees along Summit Way will be a developer responsibility. They have requested that the planting of these trees be postponed until after the homes are built, avoiding tree damage from construction vehicles and equipment.

Councilmember Jackson **moved** to approve the final plat of Pioneer Addition 7A subject to the following conditions:

1. **PLAT.** That redline comments are addressed. (book & page added, lot addresses added, Planning Commission approval block removed, correct Utah State Code referenced, correct title added, open space maintenance notation added, etc.).
2. **LANDSCAPE PLAN.** That all parcels are indicated as either City maintained or HOA maintained.
3. **FIRE CODE.** That the Fire Chief's comments are addressed (correct number and placement of fire hydrants, etc.)

4. **CONSTRUCTION DRAWINGS.** That the City Engineer verify that all redline comments are addressed (storm drain lines upsized, manhole covers upsized, etc.)

Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth explained his concern that the 1997 development code had many problems. He understands there is a clause in the Eagle Mountain Properties Master Development Agreement allowing them the option to have a subdivision reviewed under the current development code or the 1997 interim Code.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Jackson **moved** to approve the development agreement with Legends Land & Ranch, LLC, for Pioneer Addition 7A. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and ratification of a settlement agreement with Hubble Homes for Pioneer Addition – Phase I.

Mr. Kinghorn explained that this agreement represents a settlement of the claims of the city against Hubble Homes on the improvement bond claim for the completion of the public facilities for the Pioneer I subdivision, which were not completed by Hubble as required by the development agreement. The claim amount has been reduced in the settlement by the amount of the warranty required on the remaining improvements. The City will secure a warranty from the contractors completing the work, making the additional warranty amount normally required from the developer excessive.

The funds to pay for the settlement are in the trust account of legal counsel for Hubble and will be released to the City when the Council approves the settlement agreement. The settlement is not effective until the City receives all the required funds.

Councilmember Lifferth **moved** to ratify a settlement agreement with Hubble Homes for Pioneer Addition – Phase I. Councilmember Strouse **seconded** the motion.

Councilmember Blackburn stated that it is nice to see closure on this issue. He asked to see an action plan on completing the improvements once funds are received.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an agreement with Staker Paving and Construction Company for asphalt repair on Eagle Mountain Blvd.

Chief of Staff Michael S. Wren noted that an accident occurred on Eagle Mountain Blvd. some time ago which left damage to the asphalt. Since the driver of the vehicle was found to be at fault, his insurance company has paid to repair the asphalt in this area. This agreement will authorize Staker Paving and Construction to complete those repairs.

Councilmember Lifferth **moved** to approve an agreement with Staker Paving and Construction Company for asphalt repair on Eagle Mountain Blvd. Councilmember Blackburn **seconded** the motion.

Councilmember Blackburn expressed frustration with the delay in accepting the bid, which cost the city. He hopes this will not happen again. Mr. Wren assured Mr. Blackburn there will not be any more delays in accepting bids.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of an agreement with Staker Paving and Construction Company for asphalt repair on Valley Drive in Cedar Pass Ranch.

Mr. Wren explained that, as part of routine street maintenance, the City received bids for repair and upkeep to Valley Drive in Cedar Pass Ranch. This is a worn street that was originally constructed prior to Eagle Mountain City incorporating. Repair will include repaving of Valley Drive. He explained that this is a temporary repair which will require further maintenance in the future.

Councilmember Jackson **moved** to approve an agreement with Staker Paving and Construction Company for asphalt repair on Valley Drive in Cedar Pass Ranch. Councilmember Lifferth **seconded** the motion.

Councilmember Jackson stated that she understands the City has to do a temporary repair because of budget constraints. However, she hopes the City will work diligently to repair roads properly in the future.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

The Council Comments portion of the meeting has been transcribed verbatim

Heather Jackson: “I have been talking the most tonight, so I guess I’ll go first. I really don’t have a whole lot to say right now. I just wanted to say I appreciated that we passed the 4th of July Independence Day, which is a very important holiday for us to remember: our founding fathers and the way that our great country was put together. I’d also like to state that, you know, we do have the 24th coming up here on Monday and, as we do have a very dry area, we do need to be very, very careful about any fireworks that we do. Please be very cautious and be very careful with your children so that we don’t have any injuries occur, either. Also, I just would like to state that I feel that we’ve got a good staff on board now. We’re working diligently to accomplish goals in a quick fashion, to move forward. I know we’re striving to get some help in the Planning Department. Poor Peter has been buried for a while. So I appreciate we’re moving forward to get some help, and I am looking forward to us not having these kinds of issues that we had on the agenda tonight where things have taken too long and it

has cost our City more money than it should have in the initial stages. So I am glad to see that we have people that will be on top of following through with these types of situations so that we don't have those concerns in the future."

Mayor Olsen: "Thank you. Who's going next?"

Councilmember Lifferth: "I'll go."

Mayor Olsen: "Councilmember Lifferth."

Councilmember Lifferth: "I always like to see positive press for Eagle Mountain and this past week we had some positive press in an unusual location. That's probably never happened before, but Eagle Mountain was highlighted in Sports Illustrated with Ifo Pili and it's great to have him a part of the team here, if you will. It was just fun seeing Eagle Mountain mentioned in a sports magazine like that. I like to see that. Also, last time we talked about a change to our Kern River contract, and I would still like to see the calculation of our annual savings because of the way we're changing our... Could you make a note and follow up on that?"

Also, we will celebrate Pioneer Day this next week and, since all of us here in Eagle Mountain are pioneers in our own way, it's fun to share that relationship with our pioneer forefathers who may have come across the plains or by plane, train or automobile. But we all get to participate in making Eagle Mountain what we want it to be, and I appreciate the spirit of cooperation we've had here this evening and I hope that will continue. Thank you."

Mayor Olsen: "Which of you would like to go first, Councilmember Blackburn?"

Councilmember Blackburn: "My mike was on first."

Mayor Olsen: "Alright."

Councilmember Blackburn: "Okay. A couple different issues; some have already been mentioned. I do hope that everybody had a great 4th of July and that we have an enjoyable 24th. Again as we have stated tonight by our Fire Department, due to dry conditions, please be careful with fireworks. Second, I do a lot of bike riding around the roads, not necessarily all in this city, but I have a much slower and closer view of the garbage lining our roads. Prior to Pony Express Days I asked to have some sort of a street-side clean-up, volunteers to wear an orange vest and pull around a big trash bag, but we have not had any official program created, nor orange vests provided. Please, let's work to do something there."

"Next item, this is a brand new building but it is seeing a lot of very harsh heavy use, as the traffic of our residents and staff are concentrated in this building. I am concerned for the repairs and ongoing maintenance needs that I don't think are being addressed, from gaskets underneath doors that squeak to nail holes in the wall to cracks to everything. We need to really make an effort to maintain this City structure."

"Next item, we as a Council have made many comments and I am finding that too many of my Council comments, as well as my colleagues', are not receiving adequate follow-up and I do ask that the Mayor's pen not just write down our comments but actually find some way to respond to us on a regular basis."

Mayor Olsen: "If you would like to specifically address what issues those are, I'll entertain them."

Councilmember Blackburn: "Well, we've made comments, for example, cleaning garbage on the roads."

Mayor Olsen: "I don't think that's..."

Councilmember Blackburn: "I'm just saying..."

Mayor Olsen: "If you want to volunteer, Councilman, you can go put on and you can initiate that. That is what your legislative job is."

Councilmember Blackburn: "Okay, I will look to do so, but I am just saying as we make Council comments we have ..."

Mayor Olsen: "Please make yours appropriate and not a political jab at me."

Councilmember Blackburn: "Will do. Next, I've taken the liberty to review some financial reports showing that Eagle Mountain has essentially been reimbursing our Mayor about \$350 a month in mileage expenses, and I know that the office of mayor does involve travel, and his duty in travel should not be a financial burden to him and his family, but at the rate of about \$0.45 a mile, his regular attendance at all regular mayoral meetings can become very costly. The City has three options to deal with travel costs. First and cheapest is a travel stipend. The City would actually pay an employee 'X' amount of dollars per month to use their personal vehicle and the stipend is recorded as income. Option number two is for Eagle Mountain to actually buy a vehicle, we cover the costs, the insurance, and the employees are allowed to use that vehicle for the role of their job. Third and most costly is actually mileage reimbursement, where we pay a fixed rate of about 45 cents a mile for personal vehicle use and miles driven during work activities. This is not considered income nor salary and there's really no limit as to how many can be driven. I was very shocked to find this out, as that whenever Mayor Olsen travels within or without the city, we the city are actually being billed for his attendance. In the course of his activities, meeting with developers, cottage meetings, etc., almost every trip can add up to seven dollars or more being charged back to the City. Trips to meet with other local mayors, commissioners, officials or whatnot can generate charges of at least \$16 to \$45 for each occasion, depending on the distance. I was a little shocked and surprised to see that errands like picking up a tuxedo was a charge with, dealing with press issues recently was a charge to the city. I was informed that Mayor Olsen was also instructed to the travel policies and actually used his own vehicle to drive to a conference in St. George and asked for reimbursement of about \$260, rather than using the offered City vehicle and gas at no cost to himself."

Mayor: "That's untrue."

Councilmember Blackburn: "I believe that Mayor Olsen's participation in the normal duties and expected duties of his mayor's job should not come at a cost to us as residents, nor be seen as possibly contributing to his personal financial advantage, and outside the realm of control of the approved mayoral salary. Otherwise, his mayoral service is inherently more expensive and casts a shadow over the benefit of his attendance as mayor. During the course of the budget, we talked about, as a council, an \$8,000 value in travel reimbursement in the Mayor's Office. During that time we asked as a council that other travel options be considered. That was without our prior knowledge that the mayor had

already been paid about \$2100 year-to-date. Since we have established records of paying monthly stipends to our employees or we are capable of buying a vehicle and keeping overall transportation costs lower, hopefully Mayor Olsen will proactively resolve the need for transportation and avoid a question of travel reimbursement. This would not likely resolve all transportation issues entirely, but definitely be more financially responsible and prudent. I again advise and counsel the Mayor that he remodel his budget to pay a stipend or salary or use his apportioned transportation funds to actually buy a vehicle for the City. Otherwise, if the mileage reimbursement continues at this rate and amount, Mayor Olsen's transportation actions could be seen to be personal manipulation of the City budget and giving himself a raise literally based on the amount of miles that he drives. If the budget continues in its current path, we are forecasting for \$8000 times four years, we are looking for a potential of \$17,000 to \$32,000 as a traveling funds payout to the mayoral department. Definitely, that covers the cost of a vehicle. Thank you."

Mayor: "I think I'll avoid at this time to clarify, unless the City Attorney would like to jump in on that or anything. I'm disappointed that that wasn't brought to my attention or the facts were not entirely correct and I'd be willing to sit down with you and give you the information, go over the actual costs, and what the events were, and anything like that. I think the City Treasurer is here and we can verify those numbers, but . . ."

?: "Well, is the process of making Council comments one that there's rebuttals as well or is it make your comment, thank you very much, and move on?"

Mayor: "I think I have a right to correct this information, any type of that. I think I have that right, instead of just letting you lip off. I think it's terrible. And I'm disappointed. Especially when you were the one who decided not to give a stipend to the Mayor for reimbursement. However, there is legal things to reimburse. Jerry, is there anything illegal happening in the City, or the Mayor manipulating the City's money, seriously."

Mr. Kinghorn: "Mayor, I don't think so. What I think we ought to do with this is have something in writing prepared by the Finance Department. My understanding is that they're following the City's standard reimbursement policy for all employees and the Mayor is treated as an employee, just like every other employee that is entitled to reimbursement for the use of their personal vehicle, so . . ."

Councilmember Blackburn: "I'm not stating in any way, shape or form that there's been an illegal activity, only that the costs could definitely be controlled in another manner."

Mr. Kinghorn: "Well, I think if you're suggesting so alternative, then that's something that normally would be handled during the budget discussion, recommending that the Mayor be furnished a kind of suitable car or something like that. But as far as I know, the only arrangement that was made for this, and I guess Gordon knows more about this than I do, is that when this was first set up as a full-time Mayor position, the Mayor was going to be entitled to the same fringe benefits and the same reimbursement of expenses as all of the City employees. It was to be treated as a City employee, just like all City employees and, to the best of my knowledge, that's the way Mr. Hillam and Mr. Burt set it up. I haven't audited any records. You're not suggested that there's any impropriety, you're just suggesting there may be a more cost-effective way to wheel the Mayor around from place to place, and I suppose that's something that somebody could evaluate, the Mayor could evaluate, and make some proposal, and could actually look at it for budget amending if it's appropriate. I'm not sure these costs

are out of line compared with other cities. I guess you'd have to look around and see what other cities do in terms of reimbursing for these kinds of things. That's all I have to say about it."

Mayor: "Since this is a discussion item, does any city require the Mayor to pay not only his Social Security, but also the City's portion, as well? I mean, if we really want to have a discussion, let's discuss it. We can put it on the agenda and I'd be more than happy to readdress it."

Mr. Kinghorn: "Yeah, well I don't know enough details to even have a discussion about the retirement benefits and 401k or the Social Security. The City doesn't participate in Social Security, so . . ."

Councilmember Blackburn: "I merely brought up financial data that I've had the opportunity to review and presented it to say that I have information that I don't think that has been . . . that anybody on the Council has known about, as to how much money is going out in the way of mileage reimbursement. So I think there's better ways to address it."

Mayor: "And that's why I want to respectfully correct you and say that every financial report is presented to each Council member at every Council meeting at the beginning of each month with the financial report of expenditures that go out. Nothing is hidden, nothing is manipulated, nothing is . . . this is an open government and will continue to be so, and if this is a concern, if you would like to offer the Mayor a stipend for gas reimbursement, I'm open to all things, but I can only function under what ordinances you have voted to pass upon me, so that I can enforce and regulate the City. I would also like to suggest that this Mayor does not charge to drive to and from my home, nor do I charge to go from here to somewhere in the town. Any time I travel outside of the town or on City business, those are followed explicitly by the law and by the rules. And so I do see some type of offense when there's language that would insinuate that it's either inappropriate, I mean you can construe it any way you want, but I do think it was inappropriate. But if it's an issue of finances, that's something I would like to address. And I have to agree, it is costly to do business for the City."

Councilmember Blackburn: "Well, this city covers such a wide range of distance that for you to be able to travel and meet with any of the residents, there is mileage involved. We all understand that. But when it could be realistically addressed in another way, where we might have an asset for the city, the vehicle, for example . . ."

Mayor: "Any time that the vehicles are available, I will take a City vehicle and have done that. The problem arises that the City only has enough fleet for the City employees at the time to use those vehicles, so if there's none available and I have to travel to meet with the Lieutenant Governor in the next few weeks, then I will put in an official request that says, "I traveled here for official business," write it down . . ."

Councilmember Blackburn: "I understand. I understand. I'm just saying that when we see travel expense reports to go pick up a tuxedo that's charged to the City or that when we see travel expenses to meet with the press, or that your odometer somehow reads very interesting mileage, it just raises questions. So . . ."

Mayor: "Just because the tuxedo came up, I was required by the City to attend the Miss Eagle Mountain Pageant, I was required to pick this tuxedo up, and because I was required to be there as part of my official duties, nobody could go pick it up and there was no car available, so I went and got it."

Councilmember Blackburn: "I'm just saying, you know, there's travel reimbursements that I think the costs could be more controlled."

Mayor: "Again, I'm open to suggestions if you'd like to offer a stipend. I'm just glad I don't spend or do as much expenditures as we've had in the past, or with other management that we've experienced. This is a lot less, it is cheaper, the way we're doing it with the Mayor, and seriously, when we look at the numbers, it's a whole different situation than I think is being insinuated. Let's make it an open book, especially if it's going to be announced to the public. Let's really dive into it. Let's take a look at it, Council. If it's, again, there's some issues there, but if are a concern to your colleague or any of you, or to the citizens, let's address it. I'm more than happy to do that, because there are certainly some concerns, as I've suggested, there's some problems."

Councilmember Strouse: "I think the suggestion to discuss it as an agenda item is probably a good one, and so, it's getting late, so can I talk?"

Mayor: "Yes, you can."

Councilmember Strouse: "Thank you. Couple things: I'm just going to reiterate real quick because I want to make sure that the Eagle Park people heard me earlier, is that if we have come before us 15 acres of city land that an applicant is asking us to lease to them for one dollar, correct? We ought to be able to do this for the residents. And so this is something I'm going to be looking into. I think they've been terribly patient, amazingly so, considering like I said, I took the tour and was very disappointed to see what a mess the City-owned property was. Now, a lot of changes have happened, so I know this is a new administration, it's a new administration, it's a new year, changes in personnel, and we're changing a lot of things, so, you know, I would like to know that with part of those changes, should we look at the Code Enforcement Officer, the duties. I just like, I think it's really good, I'm happy to see that my request for a report is in here now. That's excellent. But can we be more proactive? Maybe he is and I don't know it. But maybe we need to talk about the Fire Department, the code enforcement officer, I know not everybody has a lot of free time, but if somebody would drive around and not wait for residents to get really upset, but you know, proactively see what we could do for the problem areas. And I mentioned, somebody mentioned earlier in one of those subdivisions, pointing out what's HOA-maintained and what's City-maintained and I really like that. We talked about that before in the street name book, so I'm really looking forward to when Chris Trusty has that finished, because that's a very helpful book."

"I wanted to bring up, I know Brian was on, the Mayor was on the Council back then. And I believe it was you that caught the error when we were working on the development code, and we all had discussed and agreed upon the six-foot, six feet for the vinyl fence. And then at the time we went to vote on it, do you remember that? You picked up the fact that it was, said four feet and it was supposed to have been corrected. So I was totally shocked when Mrs. McNelly, I got it, right?, brought this up that it states four feet. How could that have happened, and is there some way that we can go back and . . ."

Mayor: "We would have to check the record."

Councilmember Strouse: ". . . prevent this from happening again?"

Mayor: "I don't know if that was the actual motion, or we'd have to double check, and then again . . ."

Councilmember Strouse: “If my memory serves me right, we were all shocked that that somebody had changed our six-foot discussion into four feet, and we were told it would be changed when it got put into the development code.”

Mayor: “We’ll have to review those minutes.”

Councilmember Strouse: “Yeah, and maybe there’s a change in process we can do to make sure this doesn’t, we don’t have these kind of surprises that disappoint residents and create problems for us. In another process that would be helpful, and like I said, we’re new at all this, so I understand there’s bumps in the process, but can we actually have like a written process? We talked about it one night, that when we give suggestions on things that we’d like to see addressed and changed, that I believe it was mentioned that we were going to actually have a file of all those things. You were going to take notes and then I think the Recorder’s Office had something to do with it.”

Mayor: “Well, they take notes of the comments . . .”

Councilmember Strouse: “Right, and then we were actually going to have, keep a file of these changes that we’re asking to be made. Like I said, the Code Enforcement Officer report, and that’s a good one, and that wasn’t a biggie . . .”

Mayor: “That is on the communication items.”

Councilmember Strouse: “Right. And the 15-mile-an-hour speed limit change for Meadow View subdivision, which I’m really happy to see that finally happen, but I was just surprised that that took so long. Maybe some of these things, and I know that this is probably being new, but maybe we could get sort of like an update on certain things. I realize we don’t have time to get updated on everything, but if something’s going to take a lot longer, maybe we can sort of get an update on where things are at.”

Mayor: “That is the difficult time, part. You know, I go back to the Council. We have to review the ordinance, why it was changed, before I actually take an action, just so that I’m in compliance so I don’t violate one of the ordinances or the laws, and so there is time on them with . . .”

Councilmember Strouse: “Sure.”

Mayor: “Councilmember Jackson asked for a sign to be removed. We had to make sure we were in compliance before we did it. The order was sent out from the Mayor’s Office, it for some reason went through the chain, did not get completed, and then I drove by one day and I was like, “Whoa! It’s still up.” We immediately took care of it, and so there are times that, and we do have a list internally if staff does not follow directions of the Mayor’s Office, we do, we do handle like any other business would and handle that internally.”

Councilmember Strouse: “OK.”

Mayor: “So I, there is a process. Some things take longer than others, but it’s kind of like I told the folks at Eagle Park, I wish we could just snap our fingers and have everything cleaned up and stuff, and I do believe if we keep our attention on it, we’ll get it done.”

Councilmember Strouse: “Well, and I think we’re coming up with, the citizens coming up with some creative solutions, too, is helpful. Let’s see, I guess that’s it for tonight.”

Mayor: “Thanks.”

Councilmember Jackson: “Mr. Mayor.”

Mayor: “Councilmember Jackson.”

Councilmember Jackson: “I’m sorry. I recalled one other comment that I wanted to make, and it dealt with people that are here. So if you don’t mind indulging me one more moment. It was a comment that I really wanted to make during your public comment, but because we can’t have that dialog time, I wanted to bring it up now. I really appreciate the fact that those of you that are still here from Eagle Park, that are having your issue, are here throughout the whole meeting, because the meeting where we discussed Channing Jones’ issue with his particular property, we went into some very great detail, discussing precedents, discussing a lot of different issues involved in his specific issue, and how it related to all of the rest of the subdivision. Had you all stayed for the entire meeting, you would have heard all of that discussion, and not been confused about the fact that we were discussing his specific piece of property and not really all of yours. So just a suggestion to you: when you are here to make a public comment, it’s very great, wonderful, very helpful that you’re here and you make that comment. But when you choose to leave prior to the rest of the meeting finishing, you don’t know the outcome and you don’t know specifically what was discussed on your particular issue. So it is very beneficial to you to stay for the entire meeting and to hear all of the discussion involved in those specific items, so that you really do know where things are going. I understand that you can’t always spend the time to do that, and that you can’t be here at every meeting, but when you are involved and following through and seeing when issues affect you, and you represent yourself to those and find out all of what was going on, it’s very helpful. And if you can’t stay for the whole meeting, call the Recorder’s Office and ask them if you can get a copy of the minutes or the specific discussion on that area, so that you can have an understanding of what specifically occurred. That’s what they’re there for. They’re there to keep track of that and help you all to understand what happened at the meeting, as well.”

Mayor: “Any, anything else?”

Councilmember Strouse: “Let me just clarify something. Did you say copy of the minutes?”

Councilmember Jackson: “Yes, because when they’re approved, they’re available.”

Councilmember Strouse: “Because sometimes we have delays on them, so perhaps a tape might be in order, and not everybody, just one person and then share it with each other.”

Councilmember Jackson: “Exactly.”

Councilmember Strouse: “So we don’t overwhelm our Recorder.”

Councilmember Jackson: “Yes, one representative, figure it out.”

Mayor: “OK, I’ll entertain a motion to adjourn.”

Councilmember Jackson: “I move that we adjourn.”

Mayor: “Thank you. Motion accepted. Adjourned.”

ADJOURNMENT

Councilmember Jackson **moved** to adjourn the meeting at 10:00 pm.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 1, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:10 pm.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Shawn Warnke, Management Analyst; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Mark Binks, Sergeant; and Jason Randall, Assistant Sergeant.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

Mayor Olsen recessed the Work Session at 6:04 p.m. and reconvened at 7:00 p.m.

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

Mayor Brian B. Olsen called the meeting to order at 7:00 pm. Loreen Cole led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Shawn Warnke, Management Analyst; Peter Spencer, Planning Director; Mike Hadley, City Planner; Gordon Burt, Treasurer; Kent Partridge, Building Official; Mark Binks, Sergeant; and Jason Randall, Assistant Sergeant.

PUBLIC COMMENTS

Loreen Cole of Peregrine Road thanked Jeff Weber for trimming trees in the blind spot at Pony Express & Tinamous. The national Night Out Against Crime will be tonight, so she encouraged residents to turn their porch lights on. Loreen turned in the paperwork for the city to have a Citizens' Corps Council.

She asked for the Council's help in establishing a board for the CCC. The city is divided into three areas for the program. CCC will encompass the CERT program, Neighborhood Watch, first aid, CPR, and earthquake preparedness. There will be a teen CERT program, as well as many other community programs.

Jon Barclay voiced support for the proposed Ranches recreation center. He said that this type of partnering agreement between the City and the HOA is a win-win situation. He acknowledged concerns from residents; however, he hoped those can be resolved. He advised making completion of Porter's Crossing to Pony Express Parkway a priority.

Todd Moir addressed having a maintenance agreement with The Ranches HOA. There's no second chance to make a first impression. He was concerned about weeds, dead grass and flowers, haphazard mowing, etc. Since Ranches Parkway is the gateway to the city and Pony Express is the main corridor in the city, he asked that, at a minimum, their maintenance be taken very seriously. He recommended that the Council approve an agreement for the HOA to maintain these areas.

Marc Mach of Majors Street spoke about the issue of barking dogs. He likes dogs, but doesn't want to hear them. He's talked to the Sheriff and the Code Enforcement Officer, but the dogs are still there and barking. The neighbor in question lives on Russell with about a dozen dogs. He asked that the City look over the complaint records and see how often the issue has been brought up. He wouldn't have invested the money in his house if he had known that it would be next to barking dogs. He also offered to volunteer time to work on city generators as a mechanic.

Matt Lawson has lived in The Ranches for six years and has seen a tremendous increase in the amount of traffic. Many people go through the stop sign in his area. The speed limit is 25 mph. He had four proposals: (1) limit speed to 15 mph around parks and schools; (2) enforce traffic laws at appropriate times, around 4:00 to 8:00 pm; (3) install speed bumps, even though there are concerns with snow removal; (4) finish the sidewalk on Ranches Parkway between Village Pizza and Rose Street. He was concerned about overall landscaping in The Ranches and seconded Mr. Moir's comments.

Brigham Morgan has heard rumors of illegal financial dealings for some time. He requested an apology from Councilmember Lifferth for a phone call that Mr. Morgan described as threatening. He made a GRAMA request, and the information from that request confirmed rumors, specifically that funds had been spent inappropriately, a contract had been entered into inappropriately, and an attempt was made to cover up and legitimize the contract. He was further disturbed to find negative information regarding himself on Mr. Lifferth's web site. He objected to a lack of action on Mayor Olsen's part after he was made aware of the financial problems. The questionable financial actions to which Mr. Morgan referred caused him to publicly request a third-party audit of Mayor Olsen's and former Mayor Lifferth's financial transactions. He brought some of the information, and will provide information as requested. He plans to provide copies to the Utah County Attorney for additional investigation. He had to leave after his comments, due to commitments to his daughters.

Joe McCaul, of 3565 Braxton Drive, thanked Councilmember Blackburn for his concern and interest for people in offering to change the agenda of a previous Council meeting to meet the needs of those attending. He wanted to echo comments about having an independent audit, researching expense accounts, etc. He echoed concerns about a maintenance agreement between the City and The Ranches HOA. He wanted to know if the City had done any feasibility research on the recreation center issue. If so, he would like to see the research. He expressed concern about the potential partnership between the City and the HOA. His understanding is that The Ranches HOA owners would use the facilities for free,

but the proposed document refers a discounted rate. It also states that the city will be able to use the play fields for city recreation programs, which was not his understanding. He would like clarification on those issues.

Mark James supported the previous few comments. A third-party audit would be helpful, due to the controversy and rumors that have occurred. Regarding the community center in The Ranches, he has two concerns. One is the process by which the plan is being approved and the financial planning, which seems poorly conceived. Even though finances will be based on future HOA assessments, that vote will only be taken by a small number of delegates, then requiring all citizens living in The Ranches HOA area to become party to the \$5,000,000 loan. The majority do not understand and do not have a voice. His second concern was safety. The facility would only have two full-time staff members. The indoor pool would not have lifeguards. The outdoor facilities will not be supervised. The safety of citizens may be at issue here. The facilities also seem to be limited in terms of first aid.

Tiffany Ulmer, Harrier Street, echoed Loreen Cole on the tree trimming by Pony Express Parkway. She said that it looks good.

Charles Hatton, 7482 Dogwood Road, Lone Tree subdivision, said that there's a lot of reverberation in the Council chamber. Sound walls would make it easier to hear. It would also be nice if there were a clock timing the three minutes and a chair for those making public comments, preferably where the audience could see the speakers' faces. At a recent HOA meeting, weeds that children could hide in were brought up. The boulders in and around the parkway are a safety issue for children running and playing. Screenings with weeds grown for aesthetic purposes create a similar safety concern for children.

Joel Clark, 2515 Overland Drive, said that Mitchell Brothers is the contractor working on the development just north of him. His neighbor, Mary Lynn Lloyd, had previously emailed the City regarding Mitchell's construction material, which has been left on their properties. Mayor Olsen referred him to the City Building Inspector.

Ila Burnett of 2325 Cedar Drive has never been to a City Council meeting. She wanted to know if the rules on dialogue regarding the items that have been brought up could be posted. She would also like to know when people can rebut public comments. Also, rather than a joint venture with The Ranches, she would prefer that the City enter into a triple net lease.

[Inaudible comments from an audience member]

MAYOR'S ITEMS

Mayor Olsen discussed the rules for speaking in City Council meetings. The meetings are primarily for the Council to learn about and vote on issues. Residents are encouraged to contact Council members outside of the meeting about specific concerns.

Mayor Olsen announced that residents of Eagle Mountain City could see a reduction in gas rates by 15% for the winter. Being concerned about unstable markets, he placed an order for gas at \$8.00 per decatherm, which he will ask the Council to approve on August 15. The lower prices will be in effect from November through March.

He thanked UDOT representatives for presenting information on the SR-68 expansion during the work session that preceded this meeting.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the Walden Park site plan and final plat from the Consent Agenda and consider it at the end of the agenda as a regular scheduled item. Councilmember Jackson **seconded** the motion. Councilmembers voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

Councilmember Liddiard **moved** to approve the consent agenda as follows:

MINUTES – June 20, 2006 – Regular City Council Meeting (as amended)

FINAL PLAT APPROVAL

A. Sunrise at Kiowa – Plat A

B. Sunrise at Kiowa – Plat B

Councilmember Blackburn **seconded** the motion. Council members voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

SCHEDULED ITEMS

MOTION – Consideration and Approval of an Option/lease agreement for Use of City Land with The Ranches Homeowners Association for a Community Recreation Center and Related Play Fields

The option and lease agreement are proposed for use with The Ranches Homeowners Association for the construction of a community recreation center and related play fields. The recreation center will be open to the general public of Eagle Mountain at a specified use rate. The Ranches HOA homeowners would use the facilities at a discounted rate, reflecting the value of the Ranches HOA assessments used to improve the property. The City will have the use of the play fields for recreational programming. The City Attorney and staff have scheduled a meeting on August 3, 2006, to review the documents and terms with The Ranches HOA representatives.

This item was removed from the agenda at the request of the applicant.

MOTION – Consideration and Approval of a Maintenance Agreement with The Ranches Homeowners Association

Certain property located within The Ranches subdivision has been dedicated to and is owned by the City. This property includes, among other things, parks, trails, parking strips, medians, and front entrance areas located within the boundaries of The Ranches master planned community. The City and The Ranches HOA would like to delegate and assign maintenance and insurance responsibility for the property to the HOA in order to maintain the property in a standard which is timely and aesthetically acceptable to both parties. This agreement details the provision of those wishes. Councilmember Liddiard **moved** to table the item to complete items from the Work Session. Councilmember Blackburn **seconded**.

Councilmember Liddiard said there had been discussion about several items that needed tweaking, mainly concerning the City forgiving about \$90,000 in past-due water bills. He stated that it would be in the best interests of the HOA and the city to get the needed information and finalize the items in question. He would like to see this issue ironed out and moved forward quickly. Councilmember Strouse commented that Mr. Kinghorn had concerns, as well.

Mayor Olsen called for a vote on the motion. Council members voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

MOTION – Consideration and Approval of an Agreement with SITLA for the Pony Express Trail

The City has been actively working towards obtaining funds to complete parks and recreation amenities. The City was awarded a trails grant through the State Parks and Recreation Department to construct a trail on the historic Pony Express/Overland Stage Route. The grant required a 50% match equaling \$51,000, which SITLA has committed to contribute. It is standard practice for SITLA to formalize the project with an agreement prior to releasing funds.

Councilmember Jackson **moved** to approve the agreement with SITLA for the Pony Express Trail. Councilmember Liddiard **seconded** the motion.

Councilmember Liddiard wanted to see construction plans and the timeline. Councilmember Strouse asked if Joe Nardone of the Pony Express Trail Association has been kept apprised of the issues. Mayor Olsen said that he follow up on that. Mr. Warnke reviewed the design of the trail. The funding will only complete one portion of the trail. A UDOT grant for \$400,000 will finish the trail from Ash Point all the way to the Eagle Park subdivision. He hoped to make this year's construction season, or at least get a portion of the work done this year, with asphalt coming in the spring if the project is not completed this year. Councilmember Blackburn said that he was aware that the city has a prestigious monument coming in. He asked that the Council reconsider and have the monument on the side of the trail rather than on the opposite side of the road.

Council members voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

RESOLUTION – Consideration and Adoption of a Resolution Stating the Intent of the City Council of Eagle Mountain City to Adjust Its Common Boundaries with the City of Saratoga Springs, Authorizing a Public Hearing thereon and Providing for Notice of Said Hearing

Capital Security Mortgage owns approximately 30 acres in Saratoga Springs near The Ranches Golf Course driving range. In May, 2006, they made an informal inquiry to the City on how to adjust a common boundary between the two cities. They have since made a formal request to both cities to adjust the boundary and locate in Eagle Mountain City. Utah Code Ann. § 10-2-419 establishes a procedure for adjustment of the common boundaries between adjacent municipalities. The first step in the process is for each municipality to adopt a "resolution of intent" which will begin the sixty-day notice/protest period before the boundary adjustment can take place. Saratoga Springs adopted this resolution on July 25, 2006.

This item has been removed at the request of the applicant so that utility issues may be addressed prior to action being taken.

RESOLUTION – Consideration and Adoption of an Resolution creating a Cemetery Board

It is in the public interest to investigate the acquisition of land for the operation of a cemetery in Eagle Mountain City. Establishment of a Cemetery Advisory Board will allow research on relevant issues such as land, location, recommended design and maintenance guidelines and a recommendation for action to the City Council.

Mr. Kinghorn explained that the resolution would create a seven-member citizen board, including one member from the Planning Commission, which would review potential sites, costs and management options for a municipal cemetery.

Councilmember Lifferth **moved** for approval of Resolution 12-2006. Councilmember Strouse **seconded**. Councilmembers voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

Councilmember Strouse stated that she wanted to be sure of who will handle the guidelines. Mayor Olsen indicated that it will be led much like the Planning Commission.

RESOLUTION – Consideration and Adoption of a Resolution Declaring the City Generators Located at the Wastewater Treatment Plant as Surplus Property

Eagle Mountain City ordinance O-22-2005 details the process for disposal of surplus property. The City owns nonfunctional generators located near the wastewater treatment plant and would like to dispose of these generators. After the property is declared surplus, the process of selling the generators includes determining the highest and best economic return to the city by (1) advertised competitive bid, (2) evaluation by a qualified and disinterested appraiser, (3) other professional publication and valuation service or (4) an informal market survey by the City Administrator or a designee. Any monetary proceeds from the sale will be credited to the General Fund.

Councilmember Jackson **moved** to adopt Resolution 13-2006. Councilmember Lifferth **seconded**.

Councilmember Jackson stated that he was glad to see the Council moving forward and doing something with the generators. Councilmember Blackburn proposed an amendment that if the Public Works Department comes back to the Council with findings that the generators are not saleable, they be used as some type of scrap metal artwork to demonstrate how to effectively and efficiently spend money in the future. Councilmember Liddiard commented along the same vein, preferring that they be made into a large paperweight. He was frustrated that the City will continue to pay for these for a long time to come. Councilmember Jackson said that all the Council is doing right now is to allow research to establish a value, etc. Once that occurs, the Public Works Department will come back with that information.

Councilmember Strouse asked if the Council could do an after-action report to find out how this happened so that it never happens again. Councilmember Lifferth said that we need to remember who were on the City Council at the time and that their actions are still being paid for. Councilmember Strouse responded that the Council doesn't want to falsely accuse anyone, so some careful research should be done.

The motion was restated, declaring the City generators located at the wastewater treatment plant as surplus property, that the Public Works Department will come back to the Council with research

findings, and that if the generators are not saleable, they should be used as scrap metal artwork to demonstrate how to effectively and efficiently spend money in the future.

Council members voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

MOTION – Consideration and Approval of Amendment Number One to the Memorandum of Understanding with Terasen (Corix) Utility Services (US), Inc., extending the analysis time.

In February, 2006, the City Council approved a Memorandum of Understanding with Terasen (now known as Corix). The agreement needs an extension of time, which also serves as a reaffirmation by the Council that the original agreement terms remain in effect. Further, deeper studies are needed, which will be conducted during the extension.

Councilmember Strouse **moved** to approve Amendment 1. Councilmember Jackson **seconded**.

Councilmember Liddiard was concerned about the financial encumbrance to the City, i.e., the burden on staff and the time it will take to provide information. He wanted to know what financial burden the City will incur from this extension of time. He said that he would like the department heads to do most of the interface so that Corix can get accurate information.

Mayor Olsen stated that there has been concern that the extension not impact current obligations and operations of the City. He is very serious about coming before this Council in the next few weeks and providing actual terms. Mike Wren stated that they have tried to be sensitive about that. There hasn't been any substantial use of time. The conference room has been used and time used has been minimized.

Councilmember Jackson called the question.

Mayor Olsen called for a vote on the motion. Councilmembers voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

MOTION – Consideration and Approval of the Walden Park Site Plan & Final Plat

The Planning Department has received applications for a site plan and final plat for the Walden Park development in the City Center, located on a 4.015-acre parcel between the existing Cedar Trails Village and Pioneer Addition Phase 3 plats. The proposal before the City Council is for a total of 36 townhomes.

This application had a public hearing and was reviewed by the Planning Commission on June 13, 2006. The Planning Commission recommended approval of the development as proposed.

Cedar Trails Village Phase 1 received final plat approval on August 3, 1999. Pioneer Addition Phase 3 received final plat approval on February 1, 2005. Since that time, both plats have been recorded with the County. These original recorded plats consist of an area composed of long, thin lots. On July 18, 2006, the City Council approved an ordinance that would amend these two recorded plats by vacating the specific area in question to allow for this Walden Park development to replace the previously platted—but awkward—lot design. The applicant proposes to eliminate the thin, separate building lots and build an attached townhome product in which all the surrounding land is shared as a common area. Portions of the proposed townhomes utilize both the alleys and local streets. A portion of the proposed

townhomes would front a local street (Cedar Trails Way). Some of the proposed townhomes would also front onto a common area (Alley #3 and Silver Spur Way). The applicant proposes a total of 36 townhomes.

The City's Development Code was amended to allow the City Council to grant a minimum building separation distance that is less than the thirty-foot minimum. This proposal petitions the City Council to designate a new minimum standard of 15 feet. The Mayor and City staff believe that this project meets the requirements allowing for this new standard. The applicable portion of the code follows:

5.14.3 Site Plan Approval. The diverse types of potential housing products require that all developments in this category (with the exception of Single-Family Detached Dwellings) shall be subject to a Site Plan Review and approval. The review and approval shall include, but not be limited to, setbacks of primary and accessory structures, building height, and dwelling size. The minimum distance between multi-family housing structures in Tier III shall be thirty (30) feet. Single-family homes at Tier III densities shall have minimum sideyard setbacks equal to those in Tier II. The Council, subject to the prior recommendation of the Planning Commission, may approve an exception to the required minimum distance between multi-family housing structures in Tier III that differ from the above standard upon a finding that such an exception is: (1) appropriate for the proper development of the project, (2) consistent with providing safe and convenient utility services to the public, and (3) that such reduction will not result in the establishment of a hazardous condition.

A major component to this final plat is the eventual functionality of Alley #4. This alley has already been built and contains both curb and gutter and a small storm drain that ties into the City's existing storm drain system.

The Mayor and City staff have proposed, and the applicant has agreed, to modify this alley to become a trail corridor that will allow for connectivity from the trail corridor from the south to the widened sidewalks on either side of the development. In order to accomplish this, the applicant has agreed to fund the cost of modifying the existing alleyway by removing all but an eight-foot strip of asphalt and curb & gutter along the south side of the alley—essentially turning the alley into an asphalt trail. Appropriate xeriscaping and irrigation will replace the asphalt.

This modification will allow residents to walk up the trail corridor south of the proposed project, turn to the left or right and follow the modified eight-foot asphalt trail. The trail will connect directly with a trail that runs north along both sides of the proposed development to access the southern end of Pioneer Park. Without this creative solution, the trail corridor from the south would dead-end at an alley which serves no purpose but as a drain on the City due to maintenance, etc.

The Planning Commission held a public hearing and recommended approval of this development to the City Council on June 13, 2006. Following this final plat and site plan approval the development agreement will be brought before the City Council.

Councilmember Jackson **moved** that the City Council approve the site plan and final plat of Walden Park as described in the staff report, subject to the following conditions:

1. TOWNHOME FRONTAGE. That the front walls of all townhomes be staggered.
2. ALLEY #4. That the applicant bear the cost and responsibility of modifying the alley to become a pedestrian corridor as described in this staff report. That a landscape and irrigation plan be

approved by City staff. That a more detailed landscaping plan showing specific xeriscaping design and irrigation be provided. That landscaping plan showing the entire width of Alley #4 be shown and included in the bond amount.

3. OPEN SPACE CONNECTIVITY. That the applicant alter the sidewalks on either the east or west sides of the development (or both), from Alley #4 to the beginning of the park to the north to facilitate pedestrian traffic. That these modifications also include a landscape plan that shows xeriscaping and vegetation and are approved by City staff.
4. PLAT REDLINES. That redlines on the plat are addressed and approved by City staff.
5. FIRE PROTECTION. That Alley #3 be modified to satisfy the Fire Code as determined by the Fire Chief.
6. DRY UTILITIES. That City staff verify the ability to service this development properly with utilities.
7. BUILDING SEPARATION. That the building separation minimum standard be designated by the City Council to be no less than 15 feet.

Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn clarified that the fronts of all townhomes will be staggered, not just a few.

Council members voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth, Linn Strouse. The motion **passed** unanimously.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Strouse remembered the freedom that was hard-won by our forefathers. In 1996 there were about 300 people in Eagle Mountain. Now there are over 14,000. The Council has spoken before about the forms of government. Eagle Mountain's government has been in the traditional form. Being small, that served the purpose. Now the City needs to take a good look at changing the form of government. Because it's a long process, she would like to get started. She expressed her concern about the City's website. Mr. Wren was invited to explain where the City is in getting the website online. He stated that in the last week and a half, three proposals were received. There was some concern about proactive work with the vendor selected. Since it was discovered that there was no contract, the City chose another provider. Jared Pedroza of Strudelhosen, the current vendor, is making arrangements to work with department heads. Mr. Wren expects that in the next three weeks there will be an attractive website online. Ms. Strouse expressed confidence in Mr. Pedroza. Mr. Kinghorn said that he would like to see the website before it goes online.

Councilmember Blackburn would like an update on the status of the "wonderfully-priced" Nolan Park restrooms. He's also had several comments and emails from residents about speeding. Since this is an ongoing problem, he wondered if the City should look into buying some portable speed bumps. He would like to see more about construction code enforcement, specifically having to do with hours of construction. He would like more proactive or visible employee involvement with the repair issues in some areas of The Ranches' landscaping. He stated that sewer service prices and impacts to residents are serious enough that there should be a regular sewer update on each and every City Council agenda until the issue is resolved.

Councilmember Liddiard asked that if the proponent for the boundary adjustment returns to speak to the Council, he would like to know from staff whether or not the UDOT corridor preservation agreement is affected by that. Also, a recreation center for the City would be great under private ownership, but he had some financial concerns, particularly if the guarantee of the loan is upon the backs and the home values of the people living in the area.

Councilmember Lifferth would like a recreation center in Eagle Mountain, but under the right conditions. The City should assume no debt for that. The people who are responsible for the debt need to be fully supportive of that responsibility. He would like a thorough, accurate polling of The Ranches' residents to see if they are willing to put up their homes as collateral for the loan and whether they support the current HOA board. If everyone involved supports the recreation center, then he will support it. He is concerned, along with Joel Clark, about excavation at Westview Heights. There are some steps that need to be taken about that. He said that a poll on his website about the HOA land lease produced mixed results. He'll talk about that in detail when the issue comes up on the agenda again. He has already taken time in the past to address Brigham Morgan's claim that he committed a felony. He said that he hasn't done anything wrong and isn't fearful of a third-party audit, and that someone with a solid reputation has to defend himself. He stated that he'll have to disappoint people who wish, one more time, that he was dishonest.

Councilmember Jackson was grateful to see hours of operation of the City departments as a discussion item. She was concerned about the lack of progress when bids came in for the website. She expressed appreciation that the contract went to a resident of the city, supporting our own and growing an economic area of the city. She asked that Mr. Pedroza take ten minutes during the next meeting to make a quick presentation showing what the website will offer.

Councilmember Blackburn mentioned that the north door of the building was locked. Mayor Olsen said it was a security issue, and will report back on that. Councilmember Blackburn said that is the side of the building where the main parking lot is located. He was sure that the public would like to know why they are prevented from using that door.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 9:05 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 15, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:05 pm.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson (arrived at 4:40 p.m.), David Lifferth and Linn Strouse

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Adam Ferre, Public Utilities Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Ifo Pili, Management Intern; Rand Andrus, Fire Chief; Mark Binks, Sergeant; and Greg Quittner, Deputy Sheriff.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

PRESENTATIONS

Transportation Update – Mountainland Association of Governments

Wastewater Treatment – Mike Wren

New City Website – Strüdelhosen Design

City Hall Hours of Operation – Kent Partridge

Storm Drain System – Adam Ferre

Mayor Olsen recessed the Work Session at 6:10 pm and reconvened at 7:05 pm.

Councilmember Vincent Liddiard joined the meeting telephonically at 7:17 pm.

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

Mayor Olsen called the meeting to order at 8:58 pm. Mike Wren led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (by telephone), David Lifferth and Linn Strouse

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Mike Hadley, City Planner; Mark Binks, Sergeant; and Rand Andrus, Fire Chief.

MAYOR'S ITEMS

Councilmember Blackburn questioned the legality of expenditures being moved between departments. He believes such action would require a budget amendment. Mr. Burt said the State Auditor told him it was acceptable, but Mr. Kinghorn said that may not comply with City ordinances. Mayor Olsen requested that Mr. Burt review the issue and report to the Council. Mr. Burt explained how our budget format differs from that of the State Auditor's.

PUBLIC COMMENTS

Charles Hatton, 7482 Dogwood Road, Lone Tree subdivision, stated the following:

- He is concerned for the protection of the petroglyphs in Eagle Mountain City.
- Local businesses should have priority for City contracts.
- Landscaping boulders, roadside boulders and roadside electrical units in the street medians should be reconsidered, as they may be dangerous.
- He requested water runoff reports, as some runoff is flowing into basements instead of the sewer system.
- Parks should be located off main roads for the safety of children playing at them.
- He feels the futures market is too risky for buying fuel.
- He doesn't like the color of the fence being considered for the Westview Heights Subdivision.

Tiffany Ulmer informed the Mayor and Council the Sweetwater Road four-way stop has a construction entrance and a new road pointing nearly at the intersection. She believes a six-way intersection is not good for the city.

CONSENT AGENDA

Councilmember Jackson **moved** to remove the Westview Heights Amended Development Agreement from the consent agenda for further consideration. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** unanimous vote.

Councilmember Blackburn **moved** to remove the SilverLake 6 Development Agreement from the consent agenda for further discussion on landscaping. Councilmember Strouse **seconded** the motion.

Mr. Kinghorn pointed out that the landscaping items are not on the agenda for consideration at this time. Councilmember Strouse expressed concern about the landscaping not being able to be approved by the City Council.

Councilmember Jackson asked if landscaping was approved with the Final Plat or the Development Agreement. Mr. Kinghorn was unsure when the landscaping was approved.

Mayor Olsen asked if the motion regarding the SilverLake 6 Development could be retracted. Mr. Kinghorn explained because it was seconded it had to be voted on. Mr. Kinghorn reminded the Council that landscaping never comes before them for approval and is delegated to the Planning Department. Mr. Kinghorn and Mr. Trusty stated that if a landscape plan complies with the City's standards, the Planning staff will approve it.

Mayor Olsen called for a vote. Those voting aye: None. Those voting nay: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **failed** for lack of an aye vote.

Councilmember Jackson **moved** to approve the Consent Agenda as follows:

FINAL PLAT APPROVAL

- A. Lone Tree – Plat D
- B. Lone Tree – Plat E
- C. Lone Tree – Plat G

DEVELOPMENT AGREEMENTS

- A. SilverLake 6
- B. SilverLake 7
- C. Sunrise at Kiowa – Plat A
- D. Sunrise at Kiowa – Plat B

FINAL BOND RELEASE

- A. Eagle's Gate – Plat A

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

SCHEDULED ITEMS

9:00 P.M. PUBLIC HEARING – Carl Allred Rezone

ORDINANCE – Consideration and adoption of an ordinance ratifying the residential zoning of 21.36 acres in the Meadow Ranch Phase 1

City Attorney Jerry Kinghorn explained this ordinance will clarify the existing zoning of a parcel of land in the Meadow Ranch development. The parcel in question is a 21.36 acre parcel situated adjacent to the north side of SR-73 and was included within a plat that was recorded in May 1998. As evidenced by a note of a "future ROW" leading into the parcel from the east, the intent of this vacant parcel has been for development in the future. The action following this application is to clarify that this parcel is residentially zoned and can be developed in the future.

Mr. Kinghorn proposed residential zoning be confirmed for Carl Allred's Meadow Ranch property and platted into lots no smaller than one acre each. This confirmation of zoning was requested because the property had been proposed as the location of a church. That plan has since been abandoned. Carl Allred explained transportation flow.

Mayor Olsen opened the public hearing at 9:15 pm. Hearing no comments, he closed the public hearing.

Councilmember Strouse **moved** to adopt Ordinance 20-2006 ratifying the residential zoning of 21.36 acres in the Meadow Ranch Phase 1. Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and Approval of a Public Hearing Notice for the Wastewater Treatment Plant Funding

Mr. Kinghorn explained the City Council is required to approve the notice that will announce the public hearing on the wastewater treatment plant funding. At the hearing the proposed facilities plan for expansion of the wastewater treatment plant for the South Service Area will be discussed and public comments will be heard on the Facilities Plan, the proposed impact fees and estimated monthly service charges. The notice will run in a local paper for 30 days prior to the hearing.

Mr. Kinghorn apologized to Councilmember Liddiard because he didn't receive the amended notice. There will a public hearing on this issue on September 19, 2006.

Councilmember Lifferth **moved** to approve a Public Hearing Notice for the Wastewater Treatment Plant Funding as amended. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Adoption of a Resolution Amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates

The City Council reviewed the proposed amendments to the Consolidated Fee Schedule as follows:

- Building Inspection Fees – Building permit fees have not changed since July 2001. Many of the proposed changes will help the integration of building inspection fees into the Springbrook software system. A fast-track building permit fee will also be added.
- Library Fees – The Library Board proposes a non-resident fee library patron fee of \$35.00 per family. The interlibrary loan fee will also be increased from \$1 to \$2 per item.
- Planning Fees – It is proposed to adopt a fee to recreate a business license and for a Hobby Breeder license.
- Construction Inspection Fees – In May the City Council approved an increase to the consolidated fee schedule regarding an increase in construction inspection fees. The inspection fees were raised from 3% to 4.5%, but last year at this time they were based on a scaled calculation (\$16,250 for the first \$750k in construction costs, plus 1% of the construction costs thereafter). On a recent subdivision, that means the fees went from \$26,982.77 last fall, up to \$54,983.31 then up again in May to \$82,047.47. The most recent fee is equivalent to two dedicated, full time inspectors, all day every day, for nearly five months. Considering the amount of subdivisions the City has, the city would need an

inspection staff of 16 to justify that kind of inspection fee. After further study, the Mayor and staff recommend the following construction fee: 3.2% for the first \$750,000 in construction costs, and 1% of construction costs thereafter. In the example used above, the construction inspection fee would amount to \$34,732.77.

- Permanent Gas Rates - On July 18th, the Mayor successfully purchased a block of natural gas for the winter months (November through March). The gas was purchased for \$8 per decatherm. This allows the city to lower the natural gas rates to the residents, from \$10.50 to \$9 per decatherm. Immediately following the purchase, world events caused a sharp spike in winter gas. If we were to purchase a block of winter gas today, the city would be paying nearly \$10 per decatherm and would need to raise the residents' rates to over \$11. The Mayor and staff recommend reducing the winter gas rates for residents to \$9 per decatherm, for the months of November through March only. Beginning April 1st, the rate to the residents would return back to the \$10.50 per decatherm. This effort is intended to benefit the residents during the months of high gas usage by reducing their gas bill by about 15%. It is likely that rates will need to be adjusted the following year to reflect market conditions.

Councilmember Jackson **moved** to adopt Resolution 14-2006 amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates as proposed. Motion **died** for lack of a second.

Councilmember Blackburn **moved** to adopt Resolution 14-2006 amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates including establishing a fee of \$20 for Hobby Breeder License. Motion **died** for lack of a second.

Councilmember Lifferth **moved** to adopt Resolution 14-2006 amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates including establishing a fee of \$75 for Hobby Breeder License. Motion **died** for lack of a second.

Councilmember Strouse **moved** to adopt Resolution 14-2006 amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates as proposed. Motion **died** for lack of a second.

Councilmember Jackson **moved** to adopt Resolution 14-2006 amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates including establishing a fee of \$125 for Hobby Breeder License. Councilmember Strouse **seconded** the motion.

Mayor Olsen asked for any opposing views or comments from the Council.

Councilmember Strouse stated she opposes the motion due to extensive staff time required by such applications, inspections and resident complaints about hobby breeders. Councilmember Jackson pointed out no resident has paid the current fee, so it's not working as a deterrent to hobby breeding. She feels \$150 would be fair and still provide some deterrent from applying for such license.

Councilmember Lifferth believes a hobby breeder should be treated like any other business. Councilmember Liddiard agreed with Councilmember Lifferth.

Councilmember Blackburn stated hobby breeders should not be singled out for a higher fee.

Councilmember Jackson said the fee should reflect staff time involved in approval of these licenses.

Mayor Olsen called for a vote. Those voting aye: Heather Jackson and Linn Strouse. Those voting nay: David Blackburn, Vincent Liddiard, and David Lifferth. Motion **failed** due to lack of a majority vote; 2:3.

Councilmember Jackson **moved** to adopt Resolution 14-2006 amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates and to remove fees for a hobby breeder license to be discussed at a later date. Councilmember Strouse **seconded** the motion. Those voting aye: Heather Jackson and Linn Strouse. Those voting nay: David Blackburn, Vincent Liddiard and David Lifferth. Motion **failed** due to lack of a majority, 3:2.

Councilmember Lifferth **moved** to adopt Resolution 14-2006 amending the Consolidated Fee Schedule with regard to Building Inspection Fees, Library Fees, Planning and Business License Fees, Construction Inspection Fees, and Permanent Gas Rates including establishing a fee of \$75 for Hobby Breeder License. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked what the objection was to getting information on local hobby breeders before making a decision on the fee. Councilmember Lifferth responded his opinion that hobby breeders should be treated like any other business. Councilmember Strouse asked if hobby breeding is a business or a conditional use. Mr. Kinghorn explained the animal ordinance, as it relates to hobby breeders licenses, requires inspections of conditions in which animals are bred, in compliance with the Utah County animal control Ordinance. Councilmember Strouse stated if hobby breeders are treated as businesses restrictions should be removed from the animal rescue on Lake Mountain Road. Councilmember Lifferth said he didn't mean hobby breeding is a business, but they should be treated as other businesses, such as preschools. Councilmember Strouse asked if he would amend his motion to remove restrictions from the animal rescue. Councilmember Lifferth didn't want to do that at this time, but was open to discussing the issue in a future meeting.

Councilmember Jackson requested information on enforcement of the hobby breeder licenses from the City Attorney. Mr. Kinghorn read the Utah County Animal Control Ordinance and referred to Mr. Spencer's information that hobby breeder licenses require verifications and inspections not required by other business licenses.

Councilmember Jackson asked if day care centers pay other fees such as inspection fees in addition to the regular business license fee. Mr. Kinghorn replied that the City requires a background check and an inspection by the Fire Marshal. Councilmember Jackson agreed that there are some additional requirements.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Councilmember Liddiard requested monthly updates on how the fees collected compare to the City's costs.

RESOLUTION – Consideration and Adoption of a Resolution Implementing Authority to Conduct Electronic Meetings and Providing Procedures for Participation in Electronic Meetings of the City Council

Mr. Kinghorn explained this resolution will establish procedures and definitions whereby electronic or telephonic meetings of the City may be held. The City Council has held telephonic meetings in the past; however with recent changes to the Open and Public Meetings Act, minor updates need to be made.

Councilmember Liddiard **moved** to adopt Resolution 15-2006 Implementing Authority to Conduct Electronic Meetings and Providing Procedures for Participation in Electronic Meetings of the City Council. Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and Approval of a Storm Water Program

City Engineer Chris Trusty stated the City has been discussing the necessity of creating a storm water fee to offset expenses relating to maintenance and system improvement. A memo evaluating the creation of a storm water fee was provided several weeks ago to the City Council for review. Mr. Trusty requested approval of a study of the storm drain system fee.

Councilmember Jackson **moved** to approve the Storm Water Program as presented. Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Approval of the Westview Heights Amended Development Agreement

Mr. Kinghorn explained that when the Westview Heights Development Agreement was approved a split rail wood fence was required. The developers would like to install a vinyl fence, which is more expensive but requires less maintenance. The Development Agreement would need to be amended to approve this amenity.

Councilmember Jackson **moved** to approve the Westview Heights Amended Development Agreement with the addition of the special condition that the beige vinyl fence be used along the length of S.R. 73. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth asked if the Council should allow the developer to choose the fence color, stipulating it be consistent throughout the development. Councilmember Jackson explained the fence should blend with the landscape. Mr. Kinghorn noted that developer doesn't care what color is used, and has asked that the City Council decide.

Mayor Olsen called for a vote: Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Councilmember Liddiard abstained because he was not able to view the fence samples. The motion **passed** with a majority vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Jackson reported she has met with developers about parkway strips. She suggested meeting with developers who maintain parkway strips to compare maintenance programs. She recommended the City contract out for weed and pest control in the parkway strips and retain the mowing. She stated parks are not being kept up properly, and encouraged the City to “think outside the box.” She expressed concern that she didn’t receive her agenda packet until Friday evening. Councilmember Jackson stated packets should be delivered to members of the City Council by Thursday evening.

Councilmember Liddiard expressed disappointment that the Nolan Park restroom project isn’t completed. Appreciated the financial details on the meeting CD, but had specific questions on line items including \$21,000 in fees as well as items paid from the Pony Express Days budget in what appears to be the wrong fiscal year. He asked to see cell phone records for employee cell phones that would explain the \$4,927 paid to Sprint for cell phone services. Mayor Olsen asked Mr. Burt to follow up on Councilmember Liddiard’s concerns.

Councilmember Strouse would like the Code Enforcement Officer’s hours to be increased to address current problems. She stated she also got her packet on Friday night, but understands the strain on the Recorder’s Office with training new staff.

Councilmember Blackburn thanked Chief of Staff Michael Wren for the update on the Wastewater Treatment Plant. He asked for regular updates that include graphs.

Councilmember Blackburn requested the Policies and Procedures Manual be brought before the Council to be updated. He also noted that the UDOT’s mile marker 34 on S.R. 73 has a sign that indicates Eagle Mountain City maintains trash clean-up for that stretch of road. UDOT informed him that the City is responsible for about four miles of S.R. 73. He requested the City call UDOT to get orange bags and do some clean-up.

Councilmember Jackson announced the Jericho Road concert at the SilverLake Amphitheater on August 26 at 7:00 pm. The concert will benefit the Leukemia and Lymphoma Society.

Mayor Olsen stated he waived the amphitheater fee to help co-sponsor the event. Councilmember Lifferth said that the fee waiver was appropriate, but the City should be careful not to set a precedent.

Mayor Olsen announced that the discussion of personnel policies and procedures is scheduled for October 3.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 10:15 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 5, 2006

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:10 pm.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gordon Burt, Treasurer; Shawn Warnke, Management Analyst; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Chris Trusty, City Engineer; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

MAYOR’S BUSINESS

The Mayor brought items to the attention of the City Council.

PRESENTATION

News Video – “Trading Spaces” Television Show Tapes in Eagle Mountain.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Olsen adjourned the meeting at 6:07 p.m.

7:00 PM – POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Brian B. Olsen called the meeting to order at 7:12 p.m. Nate Shipp led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gordon Burt, Treasurer; Shawn Warnke, Management Analyst; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Chris Trusty, City Engineer; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

MAYOR'S ITEMS

Mayor Olsen presented Kevin Roche as the first member of the newly-created Cemetery Board and introduced Linda Peterson, the City's new Public Information Coordinator.

Chief Andrus swore in three newly-hired firefighter/paramedics: Bryan Miner, Clark Clifford and Chad Gottfredson.

City Treasurer Gordon Burt announced personnel changes in the Finance Department.

PUBLIC COMMENTS

Ms. Janiece Sloan, 2275 Coyote Street, requested that the Mayor and Council consider changing the city's form of government from traditional Mayor/Council, in which executive and legislative functions are not separated, to the optional Mayor/Council form to better serve the City. She said that this form tends to begin delegating functions to a City Manager. That position is eventually formalized by ordinance. Eagle Mountain has avoided this effect by making the Mayor's position full time and adding a full-time City Administrator. This process will require a special election. She suggested that the Council consider a resolution at the next meeting to research this option in depth, as there will be many questions that will need to be answered.

Ms. Debbie McInelly, 4443 Osprey Way, said that she has been trying to buy public open space for three years. Staff told residents that there was no application procedure for land disposal. She stated that Mr. Spencer told her that everyone in the subdivision had to purchase land to avoid zigzag fencing. She and her neighbors signed a petition indicating their interest in purchasing land, then they were told that every household had to submit an individual letter, so they did that. The City Council told them that every household in the area in question had to be part of the group requesting the land purchase and needed to select a representative. They did that, selecting Ms. McInelley. Seven weeks ago, she went to the Planning Department. Mr. Spencer asked for pictures of where the fencing would go. The residents are in that process now. She was very frustrated that their application is a group application, although they have submitted individual letters. She was also frustrated that the Jones application was allowed. She did not think that this group of residents should be subject to the moratorium on acceptance of land disposal applications. She stated that she has tried four times to meet with the Mayor. She expressed appreciation of the cleanup of City land in the area.

Ms. Loreen Cole, 3451 Peregrine Road, questioned whether enough public safety, with an adequate budget, is included in the Evans Ranch plan. She requested a guaranteed completion date for the Porter's Crossing Road bridge. Before any construction begins, she wanted the construction traffic near Pony Express Parkway addressed. She also wanted to know what happens to water rights when a developer defaults. Mayor Olsen asked her to defer that question until after the meeting.

Ms. Amy Plott, 4134 Sioux Street, said that she has attended Planning Commission meetings and has been treated disrespectfully by the Chair, as were others including Councilmember Liffereth, and would like that to be addressed. She stated that she was not notified of the meetings involving Evans Ranch. She asked that open space to be considered when new subdivisions are planned.

Mr. Dietmar Scherf, 7352 Lewis Street, commented on the rezoning of Evans Ranch from agricultural to residential. His concern was with incompatible densities in adjoining areas. He did not want to see Eagle Mountain become a metropolitan area like Los Vegas. He also complained of rudeness he experienced from the Chair of the Planning Commission.

Ms. Wanda K. Hiller, 4413 Osprey Way, expressed frustration because she has been asking for a land disposal application for nearly two years and was told that there was not one. She appreciated the City's cleanup of the mess behind her house.

Ms. Mary Christensen, 4113 Pinion Circle, stated that she asked in June about lighting along the pathway to Eagle Valley Elementary School. She said that the Mayor promised her that he would give her an answer and has not, which is very frustrating. Second, there is a wire between her house and the berm that may be a hazard. Third, while the City considers renaming streets, it should consider streets which go from east to west with no intersection to delineate where the change occurs, as well as those which have two directions in one street name.

CONSENT AGENDA

The July 18 and August 15, 2006, minutes and the City Parks project bid awards were removed from the Consent Agenda.

Councilmember Liddiard **moved** to approve the Consent Agenda as follows:

FINAL PLAT APPROVAL – Pioneer Addition – Plat 7B

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

SCHEDULED ITEMS

PUBLIC HEARING – Evans Ranch Master Development Plan REVIEW – Consideration of the Master Development Plan for Evans Ranch at SilverLake

The master development plan for Evans Ranch at SilverLake, consisting of one 120-acre parcel situated immediately between The Ranches to the west and SilverLake to the east, was presented by Planning Director Peter Spencer.

The purpose of the master development application and approval process is designed to ensure that large tracts of land proposed for development undergo detailed and coordinated land use planning. The City Attorney has suggested that this item be handled in two separate meetings. First, the proposal is presented to the City Council and a public hearing serves to provide feedback and comments from the public. At a later date, the proposal will be brought before the City Council for action.

Mayor Olsen opened the public hearing at 8:05 pm.

Mr. Dietmar Scherf, 7352 Lewis Street, stated that he lives along the edge of the proposed master plan area and is concerned about loss of the view, increased traffic congestion, and excessive speed on Porter's Crossing. He believed that the high-density rezone is incompatible with other the zoning in the area. He requested buffering between the high-density area and lower-density areas.

Ms. Michelle Larsen of Clark Street was concerned about the higher density zoning, which will diminish the quality of life and beauty of the city.

Ms. Noelle Pace of Lewis Street said that the soccer games at Nolan Park are packed with people and there are not enough parks for children to play in, especially not older children. There are no sports playing fields except for Nolan Park. She and her husband have to go to Lehi to play softball. She is also concerned about traffic.

Ms. Christine Hull of Eagle Point stated that there is no need for additional housing in Eagle Point until the concerns of current residents are resolved.

Mr. Bob Magonigal of Clark Street said that he has lived in Eagle Mountain for seven days and is concerned that rezoning in Evans Ranch will diminish the quality of life in Eagle Mountain. He paid what he did for his property in part because of the beautiful view. He would rather see playing fields than additional homes. He would like to see recreational amenities in the City that he now has to drive out of town for.

Ms. Debbie McInelly, 4443 Osprey Way, stated that this area is very beautiful. Building additional homes without adequate recreational facilities in the city is short-sighted. Teens without things to do become involved in crime and immoral activity.

Mayor Olsen closed the public hearing at 8:28 pm.

Councilmember Jackson **moved** to approve the master development plan for Evans Ranch at SilverLake. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC HEARING – SilverLake Master Development Plan Amendment
ORDINANCE – Consideration and adoption of an ordinance amending the SilverLake Master Development Plan

An amendment to the SilverLake Master Development Plan was presented by Planning Director Peter Spencer. The current SilverLake Master Development Plan is vested with up to 2,101 dwelling units over a total of approximately 483.7 acres. Although the application before the City Council will not change the overall number of units within SilverLake, it does propose to slightly change both the acreage and number of units in each of the remaining single-family and multi-family bubbles. The proposed changes are consistent with the City's General Plan Map.

Mayor Olsen opened the public hearing at 8:29 pm.

Ms. Amy Plott, 4134 Sioux Street, requested that more parks be added to compensate for higher-density areas. She would like promised parks to be built, rather than being overlooked.

Ms. Tiffany Ulmer, 1320 Harrier Street, asked if Eagle Mountain would wind up with adjacent low-density and high-density areas like there are in Saratoga Springs.

Mr. Dietmar Scherf, 7352 Lewis Street, was concerned about crime potential from a higher population. He stated that one of his windows has already been shot. He said that the one school planned for the area in question will not be adequate for the number of students to be enrolled.

Mr. Laurence Meth of Eagle Park stated that Eagle Mountain's slogan is "Utah's New Frontier." He said the city's frontier is becoming house after house. He and his wife do not see parks being included in the development plan. Parks need to be adequate to serve children moving in.

Mr. Bob Magonigal of Clark Street asked if the regional park next to the school is for city use only or for school use, as well. He would like another park located between the two subdivisions in the proposed master plan.

Mayor Olsen closed the hearing at 8:40 pm.

Councilmember Jackson **moved** to approve an ordinance amending the SilverLake Master Development Plan. Councilmember Lifferth **seconded** the motion.

Councilmember Jackson clarified to the citizens that the developer is already approved to have high-density housing in the subdivision. Development Associates is requesting a reduction in density per acre. She appreciated the developer's effort to better the community.

Councilmember Lifferth stated that Development Associates does more than they are required to do, such as building the SilverLake Amphitheater. He said that previous poor zoning in the city will not be repeated.

Mayor Olsen called for a vote on the motion.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

PUBLIC HEARING – FY 2007 Budget Amendments

RESOLUTION – Consideration and adoption of a resolution amending the fiscal year 2007 budget

The budget amendments were presented by City Treasurer Gordon Burt.

Mayor Olsen opened the public hearing at 8:50 pm. Hearing no comments, he closed the hearing.

Councilmember Lifferth **moved** to approve the amendments to the fiscal year 2007 budget. Councilmember Jackson **seconded** the motion.

Councilmember Jackson expressed appreciation for the City's conservative spending, which lets the Council know that requests from department heads are really necessary.

Councilmember Blackburn objected to the 2003-2004 effective date of the ordinance. Mr. Kinghorn explained that the preamble makes it clear that the ordinance is for this fiscal year.

Councilmember Liffereth amended the motion to reflect the current budget year.

Councilmember Blackburn objected to the transfer of funds between departments. Mr. Burt explained that the applicable State statute defines four departments for budgeting purposes. As long as funds are not transferred from one of these departments to another, it is not considered an interdepartmental transfer according to law.

Councilmember Blackburn stated that this procedure negates all the work done during the budget session, because department heads can transfer funds without City Council approval. Mr. Kinghorn replied that the purpose of the budget sessions was to help the Council arrive at aggregate totals and not individual amounts. Mr. Kinghorn stated that the Council may define more departments by ordinance, but at this point has not done so, so the requested budget amendments are legal.

Mayor Olsen stated that the transfer from Council travel and training funds to the City Receptionist station is in response to residents' requests for the telephones to be answered by a person rather than going to the phone tree. The Utility Clerk position is in response to requests for more effective processing of increased numbers of utility accounts.

Mayor Olsen called for a roll call vote. Those voting yes: David Blackburn, abstain; Heather Jackson, yes; Vincent Liddiard, no; David Liffereth, yes; Linn Strouse, abstain.

The motion **failed** by a vote of 2:1 with two abstentions.

Mayor Olsen asked the citizens to hold the Council accountable for cutting City services.

ORDINANCE – Consideration and Adoption of an Ordinance Enacting a Temporary Regulation Prohibiting the Acceptance of Land Disposal Applications

The proposed ordinance was presented by Planning Director Peter Spencer. He asked Mr. Kinghorn if he had any comments. Mr. Kinghorn explained the specific and temporary nature of the ordinance.

Councilmember Strouse asked if the fee could be included in the consolidated fee schedule and be estimated based on the applications which have already been received and if current applications would be grandfathered in. Mr. Kinghorn said that the one or two applications that have already come in will be processed.

Councilmember Jackson asked for clarification of whether there was one application that has been entirely submitted. Mr. Kinghorn said that one application has been submitted and petitions have been submitted, although petitions are not applications.

Councilmember Blackburn asked how or if the City is contacting those who believe their petitions are applications to let them know that the petitions are not applications. Perhaps those people could be

grandfathered in. Mayor Olsen responded that it was decided in Cabinet meeting to contact the If that doesn't work, then the City may have to take additional steps.

Councilmember Jackson pointed out that a petition is never considered a formal application. Mr. Spencer followed up that comment by saying that the ordinance is specific on what is required for an application.

Councilmember Lifferth asked for an approximate amount for the fee. Mr. Spencer said that the fee has to reflect the staff time used. It would probably be less than \$1,000.

Mayor Olsen replied that the new ordinance would prevent zigzag boundaries if one neighbor in a group was unable to follow through with the application.

Councilmember Jackson **moved** to approve the motion. Councilmember Blackburn **seconded**.

Councilmember Lifferth proposed amending the motion to say a maximum of six months, and as expeditiously as possible. Councilmember Jackson accepted the amendment to the motion. Councilmember Blackburn accepted the amendment to his seconding of the motion.

Councilmember Liddiard was concerned that no action has been taken for those who believe they've nearly completed their applications. He would like a ten-day grace period before the ordinance takes effect and a shorter period than six months to develop a procedure. He said that citizens should have rights of due process and timely turnaround.

Councilmember Liddiard **moved** for those amendments. Councilmember Jackson did not accept the amendment to the motion.

Councilmember Jackson asked for fairness for the citizens currently applying. She suggested keeping track of those who have been trying to purchase open space. Perhaps they could be given a discount because they've been working on the process. She asked Mr. Spencer to keep a list of these people and be prepared to provide an equitable solution in their fees.

Mr. Spencer said that four to six months won't materially change the worth of the land acquisition to the citizens. If the ordinance isn't passed, there will be an excess of applications that will have to be processed, and will be processed to the detriment of other needs.

Councilmember Strouse requested an amendment to the motion that would give leaders of groups notification of the progress of their applications.

Councilmember Jackson's comments are reported verbatim at her request:

"All you're saying is, it sounds like what you're saying, Linn, is that if we add the fact that everybody needs to be notified that are currently requesting the information, that they be notified throughout the process of doing this, that you're more inclined to then vote for it to be set aside. Is that what you're saying? I will be happy to amend my motion to allow notification, a notification process to be put in place throughout this prospective time frame. Specifically, please keep Ms. McNelly informed. Did I say it right?"

Mr. Kinghorn stated that the **motion** is for adoption of Ordinance 22-2006 to place a moratorium on land disposal applications, to take effect when enacted, with the amendment that citizens petitioning be notified during the process.

Councilmember Lifferth **moved** to approve the motion. Councilmember Jackson **seconded**.

Councilmembers voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse.

Councilmember Liddiard abstained.

The motion **passed**.

RESOLUTION – Consideration and adoption of a resolution acknowledging and accepting assignment of banked water entitlement

Mr. Kinghorn presented the resolution.

Councilmember Lifferth **moved** to approve a resolution acknowledging and accepting the banked water entitlement. Councilmember Jackson **seconded**

Councilmember Strouse asked if this action set a questionable precedent. Mr. Kinghorn said that this has been done before, but has not previously been documented in this way. Councilmember Strouse asked about the potential for litigation. Mr. Kinghorn replied that there is always that potential, but this instance does not increase the City's risk.

Councilmember Blackburn asked if a Council member may notarize documents that come before the Council. Councilmember Jackson asked Mr. Kinghorn if there is ever any problem with her notarizing any document. Mr. Kinghorn replied that there is not.

Councilmembers voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** unanimously.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Jackson reported that a bus stop issue brought to her attention has been handled. She asked the status of the PUD ordinance. Mr. Kinghorn referred the question to Mr. Spencer. Councilmember Jackson asked about the status of the parks meeting that she requested at the last Council meeting. She mentioned that the Jericho Road concert was a wonderful event, handled well, with good public safety protection. She said that last week there were meter issues which the staff was incredible in solving. She was outraged that the Council couldn't pass an amendment to give the Building Official the help that he needs.

Councilmember Liddiard asked the status of the North Fire Station expansion.

Councilmember Strouse stated that budget questions need to be answered when there is time for extended discussion. She wanted a change in the form of government to be placed on the agenda. Her

opinion is that the City needs to move on this issue because it will take a long time. She requested more hours for the Code Enforcement Officer and asked if the fire hazard in Eagle Park had been resolved. She repeated her question from last Council meeting regarding what process will be in place to ensure that Council requests are being acted on. She said that, regarding the speeding issue on Porter's Crossing Road, the City should use the same creative solution that was used in a previous speeding situation.

Councilmember Blackburn said he drove by the Nolan Park restrooms and found them still not finished. He would like a time frame for completion. He spoke to a hard-working parks staffer, Chase Baker, whose team replaced sixty sprinkler heads in one park strip and has done so twice before. Councilmember Blackburn would like staff to check on sprinklers more often.

Councilmember Lifferth requested that Mr. Kinghorn's findings on Brigham Morgan's allegations against him to be made public, since the allegations were public. He said that any Council member who votes against the budget amendments loses the right to complain about lack of City services.

COMMUNICATION ITEMS

Upcoming agenda items
August 2006 financial report
Fire Department grant letter
Fire Department staffing letter
Lake Mountain transportation study letter
Page v. UAMPS litigation letter
Mayor's Office Mid-year Executive Summary
July building permits report
Press releases/news articles

ADJOURNMENT

Councilmember Lifferth **moved** to adjourn the meeting at 9:45 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 19, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:20 p.m.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, Finance Director; Chris Trusty, City Engineer; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Rand Andrus, Fire Chief; and Jason Randall, Sergeant.

PRESENTATION

Doug Legge presented an update from Corix.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

Mayor Olsen closed the Work Session at 7:06 p.m.

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

Mayor Olsen called the meeting to order.

Chief Rand Andrus led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, Finance

Director; Chris Trusty, City Engineer; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Rand Andrus, Fire Chief; and Jason Randall, Sergeant.

MAYOR'S BUSINESS

Mayor Olsen asked Councilmembers to declare any conflicts of interest regarding items on the agenda.

Mayor Olsen recommended appointing David Anderson and Richard Glad to serve on the Cemetery Advisory Board. He then introduced David Anderson. He also introduced Richard Glad who was not able to attend.

Councilmember Liddiard **moved** to appoint David Anderson and Richard Glad to the Cemetery Advisory Board. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

City Recorder Gina Peterson administered the oath of office to Mr. Anderson.

Mayor Olsen read a letter he wrote in response to requests for special City Council meetings on Friday, September 22, 2006. He stated the meetings scheduled to amend the Mayor's wage were not noticed in adequate time and the amendments were not available for public view long enough to make budget amendments. He stated any actions in those meetings would be illegal according to sections 10-6-112-114 and 10-6-126-7 of the State Code.

Mayor Olsen presented news stories regarding petroglyphs in Eagle Mountain City.

PUBLIC COMMENTS

Stan Lyman an eight-year resident of Eagle Mountain stated he appreciates the work and passion of the City Council. He suggested these officials communicate with each other respectfully. He referenced the Constitution to explain varying opinions and contrasting thoughts can achieve great compromises. He believes the Council should work together to achieve what is best for the City and lay aside personal agendas. Mr. Lyman commends leaders who sacrifice their own personal agendas for what is good for the City and who are unified. He noted Eagle Mountain's reputation is often determined by the manner in which the City's leaders represent themselves. He said the negative energy displayed in recent Council meetings could be turned around to positively lift the City to a new direction.

Adam Ferre stated he has been an employee of Eagle Mountain City since 1997 and a resident since 1999. He expressed disappointment the budget amendments were not passed at the last City Council meeting. He noted he supervises the gas and electric utilities, and the employees of those departments set over 200 meters per month. His employees respond quickly when a request is made. Mr. Ferre expects answers from the City Council when requesting new positions and does not feel it is fair to be told it's not a priority at this time. Employee morale is the lowest he has seen it in eight years because employees are underpaid and overworked. He noted several employees of the city are looking for other employment. He feels his department has become a training ground for individuals to learn skills and then leave for better-paying, less demanding jobs. Mr. Ferre expressed concerns with stability, as there has been discussions of selling the City owned utility systems. He said many employees work here for more than the pay and the hiring of Mike Wren has been a very positive thing. He asked for the resources necessary to do his job so that his department can give the citizens the best quality service.

City Employees Lori Jolley, Johna Rose, and Chad Bryce concurred in writing with Mr. Ferre's comments.

CONSENT AGENDA

MINUTES

A. July 18, 2006 – Regular City Council Meeting

DEVELOPMENT AGREEMENTS

A development agreement is the formal acceptance by both City and developer of all rights and obligations associated with and related to the development of a previously approved subdivision. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the development agreement. The development agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project. The City will approve development agreements on the consent agenda if a final plat has already been approved. The agreements for approval are as follows:

A. Heatherwood

Councilmember Jackson **moved** to have a separate motion for the minutes on the Consent Agenda. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

Councilmember Jackson **moved** to approve the July 18, 2006 minutes as amended. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Liffereth and Linn Strouse. Councilmember Liddiard abstained because he was not in attendance at that meeting. The motion **passed** with a majority vote.

Councilmember Liddiard **moved** to approve the Development Agreement for Heatherwood. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

SCHEDULED ITEMS

AGREEMENT – Consideration and Approval of an Agreement with UAMPS for Government Public Affairs Project Participation

Public Works Director Mike Wren explained the city is paying approximately \$11,000 annually to UAMPS to be part of their municipal lobbying group. Other municipalities are benefiting from the lobbying efforts, but are not absorbing a proportional share of the costs. This agreement requires any municipality that benefits from the UAMPS lobbying efforts, to officially join the effort, or they will no longer benefit. If all the municipalities join, the cost will be spread over more entities, thus our costs will decrease. The city benefits from this lobbying effort and we recommend continuing with UAMPS, particularly in this lobbying agreement.

Councilmember Strouse **moved** to approve the agreement with UAMPS for Government Affairs Project Participation. Councilmember Liffereth **seconded** the motion.

Councilmember Lifferth stated he is pleased the cities who do not wish to participate will be required to pay.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Adoption of a Resolution Declaring Sewer Pump Station Screens as Surplus Property

Mr. Wren explained that in December of 2005, the city purchased a \$79,740 screened pump for the wastewater treatment plant headworks. The pump has never been installed, and is not the correct type of hardware for our plant and cannot be used. It was manufactured as a pump intended for a sewer lift station. In discussions with Stantec Engineers, staff has requested they incorporate this pump in the future design of the new wastewater plant, but they are insistent the pump cannot, and should not, be used. Mr. Wren recommended the pump be declared as surplus and staff be instructed to seek buyers and dispose of the pump for the best price.

Councilmember Jackson **moved** to adopt Resolution R-17-2006 declaring sewer pump station screens as surplus property. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson stated the Council asked several questions during Work Session regarding whether the equipment could be used elsewhere, and Mr. Wren assured them that he would do whatever possible to mitigate the City's costs. She explained the sewer pump station screens were purchased for an aerated lagoon wastewater treatment plant, which the State had recommended the City build. Since that time the City decided to build an oxidation ditch wastewater treatment plant and the screens are no longer of use.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and Approval of an Amended Agreement with SITLA for Trails

City Attorney Jerry Kinghorn stated the agreement with SITLA for trails was previously approved by the City Council; however, to meet certain grade requirements it is necessary for the trail alignment to leave the established right of way the City received from SITLA. It was also discovered SITLA had not provided certain easements through some roads entering the SITLA property through Sweetwater North Road. He explained this agreement will amend the original agreement by providing additional easements for the City.

Councilmember Jackson **moved** to approve an amended agreement with SITLA for trails with a correction to the City's address. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson appreciated this item being brought before the Council in a timely manner so the project can continue moving forward.

Councilmember Liddiard commended SITLA for helping to fund and improve this historic area, even though they have no homes built there.

Councilmember Lifferth recognized SITLA for being a good corporate citizen, and identifying the problem and bringing it to the City's attention.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

ORDINANCE – Consideration and Adoption of an Ordinance Amending the Youth City Council Requirements to Change the Age Limit from 9th to 12th Grade to 7th to 12th Grade

Mayor Olsen explained the Eagle Mountain Youth City Council has been in operation since 2002. Councilmember Strouse has recommended the age limit be extended from its current age limit of 9th to 12th grade to the proposed 7th to 12th grade.

Councilmember Strouse **moved** to adopt Ordinance O-23-2006 amending the Youth City Council Requirements to change the age limit from 9th to 12th Grade to 7th to 12th Grade. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse stated the Youth City Council has been a wonderful project beginning in 2002. She explained the program was originally designed to help at risk youth with the belief that by involving these youth in the community they will become better citizens. She noted the program also gives youth the opportunity to understand the roles of government at the different levels and how they interact with one another. Councilmember Strouse explained the Youth City Council gives youth the opportunity to participate in the community. They have many wonderful activities including dances, fund raising, visits to the Legislature and other activities. She stated she brought this proposal to the Mayor in May and highly encouraged the Council to approve the ordinance. She noted she resigned from the Youth Council, effective Sept 1.

Councilmember Liffereth told the Mayor his challenge is to find someone as energetic and committed as Councilmember Strouse to work with the Youth Council.

Councilmember Jackson agreed with Councilmember Liffereth's comments.

Councilmember Strouse said Wendy Lojik is one of the advisors of the Youth Council and has a couple of assistants, but there is at least one position available.

Mayor Olsen invited those interested in working with the Youth Council to call him.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

Mayor Olsen stated a pornography audit was done on all City computers. He asked all members of the City Council to give their City computers to Mike Wren tonight so they can participate in the audit.

Councilmember Jackson stated her City computer is at her home; however, she will go home and get it after the meeting and bring it back to the City Offices.

Councilmember Liffereth stated his computer is his own, but the hard drive belongs to the city, which he will turn in tonight.

CITY COUNCIL BUSINESS

COUNCIL COMMENTS

Councilmember Liddiard stated he likes the new traffic light on SR 73. He explained he visited with an employee from UDOT last Saturday who was working on the light. He noted UDOT continues to work on tweaking it, especially so that left-hand turns are facilitated. He advised the public to feel free to contact UDOT with comments, concerns or praise.

Councilmember Lifferth stated he wore a patriotic tie in honor of Constitution Day that was last Sunday. He appreciates that wonderful document which provides us with so many of the freedoms we enjoy. He feels it is important we appreciate that document.

Councilmember Liffereth stated he has received a legal statement from Mr. Kinghorn regarding charges of illegal activity against him by Brigham Morgan, which he will post on his web site.

He feels the petroglyphs are a great asset to the City; however, he expressed concern with vandalism to the petroglyphs in the city, as has happened to other historical items. He asked if they could be moved to City Hall. Councilmember Liffereth requested an update on the paving in Cedar Pass Ranch, which was recently approved by the City Council, and doesn't appear to have made any progress. He stated he is pleased to see the progress on the gas station in the Ranches and looks forward to seeing that come forth. He would like the Mayor to more fully explain the rejection of the requests for special City Council meetings.

Councilmember Jackson said she is glad to see the new traffic light along SR 73 and Ranches Parkways; however, it needs attention. She would like the City to continue working with UDOT to correct the problems. She noted a traffic light is supposed to contribute to public safety, not hinder it.

Councilmember Blackburn referred to the problems with the traffic light. He feels in the long term, it will be a benefit to the city, although right now it appears to be a burden.

He stated the Council is not failing to support the employees. He apologized the actions of the City Council may come across that way. He stated the way the budget was presented and some of the other items in the budget did not sit well with him. He noted staff issues were on the agendas of both special City Council meetings scheduled for Friday. He stated the City Council is aware of staff's needs and they are working to remedy that problem. He explained the Council's concerns were with budgetary details and control of the budget. He asked the staff in attendance to share that information with their departments.

Councilmember Blackburn asked the Parks Department to start the winterization of the sprinklers. He said the Mayor's letter needs clarification because the sections cited only apply to a tentative budget and since this is a budget amendment it would apply to sections of the State Code on budget continuing authority of the governing body. He stated his understanding that both City Council special meetings are still legal and asked for further legal clarification.

Councilmember Strouse said the petroglyphs are a special area of the city. She has worked on the history of the Pony Express Trail with the Pony Express Trail Association, with the Hutchings Museum, and with Mark Trotter at the Stagecoach Inn discussing these petroglyphs. She is scared of the publicity about the petroglyphs leading to possible vandalism, and would like to see a protection plan for

the area from the Sheriff's Dept. She explained UDOT only allows a limited number of signs along the Pony Express Trail, and Tooele has the sign allowed for the Pony Express Trail. She would like to talk with UDOT about moving the sign to Eagle Mountain. She announced that if anyone would like to donate money to the Pony Express monument Mayor Olsen has the contact information.

Mayor Olsen stated the landowner has the right to do as he likes with the petroglyphs, but he chose to cooperate with the City and protect the site. The final subdivision plat will include a protection proposal. The Council can enact an ordinance to give the Mayor power to enforce protective laws.

Councilmember Strouse thanked Charles Hatton for pointing out, in the August 15 meeting, the petroglyphs were in the area of a planned subdivision. She stated this is one of many examples of wonderful citizen input into the city. She would like to know if the Antiquities Act covers these petroglyphs. Mr. Kinghorn responded the Antiquities Act only applies to Federal land and not to private properties.

Mayor Olsen asked Mr. Kinghorn to give the Council some legal advice regarding the special sessions and the letter Mayor Olsen gave the City Council. Mr. Kinghorn said that sections 126 and 127 deal with budget amendments. He stated section 10-6-127 says the procedures used for budget amendments are the same procedures as adopting the regular budget. He said in the notice for the meeting Councilmembers Jackson and Liffereth called there was an error citing the materials would be available Thursday September 21, which does not comply with the 10 day notice requirement. The statute needs work to clarify notice requirements, but compliance must be exact. The notice procedures are in Utah Code Sections 10-6-113 – 114.

Councilmember Liffereth commented that was a typographical error and there was substantial compliance with the law so the notice should stand. Mr. Kinghorn commented with noticing that can't be done.

Mayor Olsen asked Mr. Kinghorn to summarize his letter to the Council. Mr. Kinghorn stated there is a question about the notices for both Special City Council Meetings and if the meetings are held he recommends the City contact the State Auditors Office prior to signing anything into law. He stated he is not the final authority on the budget procedures act. He commented there are potential problems with amending the budget with the notices provided.

Councilmember Blackburn stated he agrees; however, section 10-6-127 says the procedures need to be followed in 10-6-113 and 114, which include a 7 day notice. Mr. Kinghorn and Councilmember Blackburn discussed whether this proposed budget amendment would be classified as a tentative budget or budget amendment.

Councilmember Blackburn asked when the earliest legal meeting could be held according to when the paperwork was turned in. Mr. Kinghorn stated he would have to review the notices.

Mayor Olsen said it's good citizens get to see what the Council is asking for and what they want done with City government. He recommended they take a very close look at what has taken place.

Councilmember Jackson mentioned Mr. Burt handed out a revised summary of expenses and revenues for July and August. She appreciated that he did and noted there was a communication item on the last agenda that stated half of the yearly budget had been spent. She appreciated that report from Mr. Burt, which corrected the previous error.

Councilmember Lifferth said he couldn't open two of the documents on the CD, so he wasn't able to read those documents.

ADJOURNMENT

Councilmember Strouse **moved** to adjourn the meeting at 8:15 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL SPECIAL MEETING

September 22, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Minutes reported verbatim.

Mayor Brian B. Olsen called the special meeting to order at 6:05 pm. Mayor Olsen led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, and Linn Strouse. Councilmembers Heather Jackson and David Lifferth were not present.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Gordon Burt, Treasurer; Peter Quittner, Deputy; Monsen.

PUBLIC HEARING

Councilmember Liddiard: I'm going to present a little information as it pertains to the budget items, and let Councilmember Blackburn talk about that a little bit later. By way of introduction to that, those agenda items, you may have received one of these. It talks about, uh, I'll read it just in case some of you may have not received it. (Reading.) "Administration of the adopted budget includes monitoring and amending the budget document from time to time. The budget process is a continuous effort to ensure that revenues are collected as projected and expenses do not exceed appropriated funds. The City Council must approve any amendments which alter the total expenses of a fund or increase the total number of full-time equivalents or employees." This is similar to something that was presented to the City Council earlier. That budget amendment did not pass. In regards to those budget amendments and where we are trying to go, I'm trying to constrain my comments only to budget issues, the concern was not on what the amendment covered, but on what it didn't. The amendment proposed for this evening, however, will not be enacted, due to some technical notification difficulties. So the amendment that we are proposing will be considered a week from tomorrow at 1:00. That would be Sept 30 at 1:00 pm. It will shortly follow the 12:30 pm ordinance special session that was also called, so there are two special sessions a week from tomorrow, one at 12:30, one at 1:00. At that time, we'll actually be able to take action to vote upon the proposed budget amendment. Today, we'll have an opportunity to explain a little bit about it and to hear your concerns or comments, as it pertains to that budget. Included in that budget was a desire to change references from Chief of Staff, as it was proposed and approved last May. Chief of Staff references would then be changed to City Administrator. This would mean that, in order to have someone to function in that position, he would have to actually be appointed with the advice and consent of the City Council, and that the funds that are currently allocated for a Chief of Staff would then be allocated to a City Administrator. It is also desired, through this budget amendment, that we recategorize things in divisions, offices and departments so that each of those be independently recognized as budgeted departments under State Code, and then be treated as such. This would then mean that items or monies between each of those divisions within the budget could not be transferred by

the Mayor from one fund to another fund without the express consent of the City Council. This is something that has been a concern to us, that funds that were divided in the budget would be treated as separate funds, not necessarily as grouped funds, something of significance to us. We also wanted to make some changes so that it would allow the Recorder's Office to proceed with some codification of the ordinances that we have already enacted. Also, that we would approve a grant request so that there could be additional apparatus and equipment purchased for the Fire Department, and that the Code Enforcement Officer would be granted more time, or hours, so that he would be able to do more work. Also in that was to be able to add a person to work in the Building and Plans Departments so there would be a plans reviewer. Specifically, this is so that those people who are bringing building plans to the City would be able to have a faster turnaround in the building plans, that the City could be more responsive to those people wanting to do business or to live here. We felt like that's important, and due to the rather rapid growth in the number of homes here, that allowing that to take place would be important. Those are some of the significant things that we had proposed in the budget. There are a couple of other things and, at this point, let me close with this. The failure of the amendment to the budget was not due to what it covered, but what it did not. New ideas were presented to the Council and an opportunity to absorb and to discuss this information was required. This may have become an effectual reminder that the government is a shared power, not a monarchy. However, the impetus in this decision was based on providing City staff and our citizens the best possible government. As a legislative body, the City Council is supposed to set policy and create laws for the executive branch of our City government to administer. Our executive branch is led by the Mayor's Office, and has been encroaching on the legislative powers by limiting the city access to verifiable information, staff access to Council members, and the difficulty of establishing the validity of issues and information brought to the Council has hampered our ability to enact laws while trusting their efficacy and necessity. Mr. Blackburn.

Councilmember Blackburn: Thank you. First off, thank you all very much for coming here tonight. As Councilmember Liddiard said, we are very much in support of the additional staff coming to the City, and it's very likely that we will see more staff coming to the City. One of our primary concerns was the recent definition given to us in the way of how a budget can be abused within the City. We're operating with over a \$20 million budget in our city, and as the Council has, in my past, reviewed and compartmentalized funds within the City in the budget, our expectations are that, if we approve money for a particular department, that it's used within that department. In the course of the last few meetings, our legal counsel and the Mayor have informed us that our understanding in the past has been incorrect, which essentially says that the time and efforts we put to give oversight and review to the budget is almost nullified. That the City currently operates under four general accounting concepts or categories, which are Public Works, Public Safety, Community Development and General Administration. Within our city itself, we have a budget that discusses and reviews approximately twenty different departments, broken down by various areas within the city and the services they provide. The interpretation that we, as Council, have understood, was that, if it was a department on our budget that we reviewed, that is where those funds would be used. The information, again, given by our City Attorney and by the Mayor is that those funds can be changed, essentially at will of the Mayor, and so our major concern here tonight, or prior to finding out that this meeting would not be able to enact an ordinance, is to firm up that budget, so that City Council and you, the public, see those numbers and information, that that is where those funds will be spent.

Councilmember Liddiard: If I could continue with a couple of things, and I think it's kind of interesting that we have probably more people here today than have been to the last three months of our general session meetings. In order to give clear understanding of the intents or policy of the Council, a modified version of the original budget amendment is being presented for consideration. Chief among the

changes is the stated purpose and organization of the budget, in order to ensure an equal body of authority rather than individual authority. There's also a matter of financial compensation to the Mayor that's changing. The argument for increasing the Mayor's compensation last year was strongly supported, based on the idea that it was malleable and subject to the approval of the Council. This change is indicative of the view of the performance and due compensation of that office at this time. A much, much smaller amount was originally proposed, but the \$50,000 total compensation, which was reduced from \$70,000, including benefits, was deemed that would be the entire ball of wax. \$50,000 was deemed an appropriate reduction, without being overly mean or strong a censure. It's not our endeavor to change the things in a overly mean-spirited way, but rather to be able to ensure that things are enacted in an appropriate manner in the city. Again, none of that will happen this evening, but it's something that at least you are aware of as an initiative among some of the council members you see before you today. Linn?

Councilmember Strouse: When we had our regular budget meeting, which we have every year, it was based on much information and a lot of dialog. Many unanswered questions still hung in the air and there were promises that there would be closed executive sessions, that my questions were only appropriate for closed executive sessions. Those never materialized. There was time pressure to get the budget passed, especially since there was such a delay in getting started. There was a change and rather than having budget hearings, where the Council, the Mayor and the department heads all spent a whole day or so going over the budget and talking about the different needs, it was a totally different format, which may be fine, but that's something that the Council needs to know. And so we were kind of down to the wire and when I was told that we would violate State law if the budget wasn't passed in June, obviously there was no way I wanted to hold up funding for the majority of things that our city badly needed. And so I did vote for the regular budget, with a lot of questions still unanswered. There's been, continued to be, a gap in communication, questions unanswered. Council meeting before last, there was a paper in my packet that said we'd spent half the budget in the first two months of the fiscal year. That obviously is a grave concern and I don't feel personally that my questions got answered. I was told it was due to a well breakdown, and when I asked about the warranty on the well, because it's barely been a year, and I asked about the cost breakdowns. This is our duty and our right, as representatives of the people, to have answers to these questions. The response I got from the Chief of Staff, because, as most of you probably know, we don't have a City Administrator, and the Mayor was that there was litigation involved and we could not discuss those issues or answer my questions. And my response was, "That's all the more reason why the Council needs to know if this City is in litigation. The Council has a right and a duty to its citizens to know what litigation is going on against the City or that the City has against somebody else. And I said that's all the more reason why we need a closed executive session to discuss it. I never did get the answer, like a lot of answers to the budget questions, and it's simply, we must have answers to our questions. We must have adequate information to make wise decisions. Our decisions are only as good as the information that we are given. It's difficult for me to have to continue in this manner. It's sad that on Friday night, when you guys all should be out on a date and spending special time with each other, it's difficult for me to know that we felt compelled to proceed with this meeting, because it had to be in a timely manner. These budget amendments needed to be addressed, you know, there is certainly needs. I should not have to hear that our Building Supervisor hasn't been able to take a vacation since I don't know how long. I shouldn't have to hear that in Council comments, with somebody saying they're outraged. That's information that the Council should have had right in the very beginning. That's information that the Council should have during its regular, you know, the big bang budget session that we have every year. Just like you plan your household budgets, we have to help plan the City budget. The Council responsibilities are such that we are supposed to have a balance of these powers and work together, and I really believe that everybody has the best interests of the city at heart. Everybody has different perceptions on how that should take place. But the most important thing

we have to remember is our rights and duties under the U.S. Constitution, under the State Constitution, and the City ordinances that we passed and will pass and we need to recognize and respect the balance of powers that needs to be exercised regularly. So that's my goal, is to get a better working relationship with everyone on the Council for the best interests of the city, and to fulfill our duty to the citizens to pass laws and vote on issues that are of extreme importance to your future. Thank you.

Mayor Olsen: The presentation will now move into the public hearing section of this, and I'll entertain a motion from the Council to open the public hearing.

Councilmember Liddiard: I **move** that we open the public hearing [at 7:22 p.m.].

Mayor Olsen: Is there a second?

Councilmember Blackburn: I'll **second**.

Mayor Olsen: Any discussion on that? OK, all in favor of opening the public hearing, please say 'yes.'

Councilmembers voting yes: Councilmembers David Blackburn, Vincent Liddiard, and Linn Strouse.
The motion **passed**.

Mayor Olsen: Hearing none opposed, we'll open the public hearing. This public hearing is now officially open. For those of you that weren't here before, this little light meter will help you through this process. When you have a green light, that's your time to speak. When it hits yellow, it gives you a ten-second heads-up, and then when it's red, we ask you to please stop so another person can have an opportunity. We do ask, the governing body asks that you please, if somebody's already said it, please don't repeat it again, because we've already heard it, and then it will help on time. But if you'd like to say, "Ditto," or "I agree with what was said," that's fine, too, but just it'll help us on time.

????: Is there, do we have public comment forms?

Mayor Olsen: Do we have public comment forms? Has anyone had an opportunity to fill out public comment forms? Those that would like to make public comment, we would like you to fill out a form and then hand it to the City Recorder. Jerry, go ahead.

Mr. Kinghorn: Mayor, I think this is different than the public document at the beginning of most of our meetings. I think it's just asking the people to step to the microphone to give their comments.

Mayor Olsen: All right. Who would like to go first? Anyone? Come on up. And when you're ready I'll start this little light thing and you can go.

Ben Hardy. I have actually spoken to each of you last night. I had a chance to, there's a lot of things at this point, I have no intention of leveling opinion or any type of decision of mine based on whatever accusations have been made, because I feel I need more information on both sides to make that. However, based on conversations I've had with Council members, and with you, Mayor, I do feel there are some things to talk about. One of the most important, I think, is the fact that it's very obvious there is a big communication rift between the administration and the Council members. And that's something that I've heard collaborated by pretty much everyone. Any not just at this point, administration to Council, but Council themselves. The ability to communicate one with another and, instead of having that, that type of debate, the constructive debate and the ability to talk one to another, there's walls going

up. And there's personal agendas being leveled. And that is no way good for the city. It accomplishes nothing. And that is the issue of mine that I feel is most pressing, that I hope can be solved. And it's something that needs to happen on both sides. The administration needs to open up its ability to communicate. It should not take Council members, scheduling weeks in advance, to talk to the Mayor. And that is my personal opinion. With regards to specifically Council members, some of whom are not here, and the land issue we have with Eagle Park and different areas, I've had several explanations given to me, as to why that was put on a six-month hold, and I understand logically the explanation of, "We don't have the manpower." That the city is completely covered up with new construction, and I understand that there is a lot of new construction, and there's some significant concerns and that is a legitimate explanation. However, having said that, we're the constituents that voted you into office, not the people moving in, and we believe we should also have some say in what happens, and we feel like we should be represented, not put on hold or set out to pasture for six months while things are figured out. And we feel we should have that right. And on the alternate level with regards to the most recent newsworthy item, with regards to the ongoing investigation into pornographic material, and Mayor in particular, the item, your statement that you sent out, your specific statement . . .

Mayor Olsen: I don't mean to . . .

Ben Hardy: Yes, I'm done, I'm done with it, the specific statement you sent out, I don't care whose names were on it, it's as close to slander as you can get, because something that could have and should have been handled privately, to single people out and make a statement in a press release, to me was mismanagement. And that's all I have to say.

Mayor Olsen: Please, everybody that comments, please do not exceed your three minutes. It is out of order. So, sir, are you ready?

Yes, I'm ready.

Mayor Olsen: All right, go ahead.

I've been in the town prior to it being established . . .

Ms. Peterson: Can I get a name, please?

Bill Chipman. Uh, I'm sort of proud now to have three Council members willing to stand up for their rights and the rights of the people. I've seen too much baloney, too much maneuvering of the of the budgets and the money, too much money going to Walden, and us the people paying for it, and it's about time somebody did something about it. I'm tired of certain Council members turning around and blaming other people. I think you should stand up for what you're doing, stand for your rights. And I think that's an important thing. And I'm proud of you guys. Thank you.

[Applause from audience]

Mayor Olsen: Please, folks, although we appreciate your, um, that is out of order and it won't be tolerated. Please, if you can refrain from your comments, maybe talk to the person afterwards, pat him on the back, but this is a government meeting. Please refrain from that. It would help us keep order. Thanks. Who's next? All right, sir, come on up. Tell me when you're ready and I'll give you the . . .

I'm ready.

Mayor Olsen: Go ahead.

Joe McCaul. As far as that being inappropriate, I was here at a Council meeting when you praised yourself on the fuel issue, and everybody clapped and you didn't tell everybody that that was inappropriate. So, apparently, it's appropriate to praise, but it's inappropriate to go against. Okay? First of all, thank you, Council men and women. Fantastic. We've got your back. It's great to have you guys standing up for the city and take it back. As far as the budget, my question is, as far as that \$8,000 travel expense, if that is tied to the grouping of funds and how things are being separated, and also, as far as that \$8,000 travel expense, was proper procedure followed when that expense account was created within the budget? That would be a question I would have. In addition to that, as far as using a budget in, and keeping it within certain departments, the company I work for, we work with the government nationwide and I deal with the government on a daily basis, and every single one of them appropriate the funds for each department and you cannot separate it between the two. It's standard procedure. In addition to that, I've been to this Council meeting several times, calling for an independent audit of the budget. Has that happened? It's been called for numerous times, Mayor Olsen. Step up and do it. If you have nothing to hide, step up and do it. In addition to that, the division within the city that's being created does not help it. Let's bring it back together, and the actions of the Council men and women tonight is doing that. The other thing I want to say: I have every reason in this world to back your actions, Mayor Olsen. I don't think you know this, but through extension I'm related to you, and so I would have every reason in this world to be on your side, but you know what, you're making mistakes and it's time to either fix those mistakes or step down. Thank you.

[Applause from audience]

Mayor Olsen: Who would like to go next? Just tell me when to start this.

Finnoula Kofoed, resident of Ruby Valley. Can you hear me now? With all due respect, Mayor Olsen, I respect your position. I have never supported the full-time, paid mayor's position. I think it gets in the way of the functioning of the city. I don't support it now. I would like to see a change in that to where we would have a qualified City Administrator or management position. It upsets me to think that there is the actions that are taking place right now with the Council members. They don't only impact you guys, but they also impact the employees and gives the city bad name. And I'm tired, I've been here for eight years and we continually have our names in the paper. We look like a bunch of crazies out here and it's embarrassing. And so I would hope that we would have the opportunity to reconsider, look at what's going on in our city, and reevaluate where we are. I think this is a perfect example of why a full-time, paid mayor's position, it doesn't work. You see it in other cities and it doesn't work here, either. That's all I have to say.

Mayor Olsen: All right. Thank you. Let's see, who's our next, who'd like to be next? Just tell me when you're ready.

Kurry Lewis, Eagle Mountain City employee. The problem is, while you guys, like you trying to speak up for us, you don't know the whole story. These guys are trying to push the people around, too. The thing is, they had control when Hillman was here. Everybody would roll over, die, do whatever they say, I mean, it was, everybody scratch each other's backs. We have a person that says no to them, they get irritated, things start going. So the fact is, I mean, the Mayor is doing an awesome job. Yes, he has problems, just like anybody else. You start in a position, you learn, you grow. The thing is, the best thing he ever did was bring Mike Wren in. I mean, he's awesome. These guys are trying to put him into

a different position, you know, I mean, he's perfect where he is. The things are, things are going the right way right now.

Audience member: Do you live here?

Kurry Lewis: Yes, I do.

Mayor Olsen: No, no, let's not engage with each other. Just address me.

Kurry Lewis: I'm just saying, I live here, I work here. I love this community. That's why I moved out here. The fact is, things are starting to get better and it's going to take time. Everything's been messed up 'til now, and it's actually starting going uphill. He's getting the bum rap for most of it. The last commission and stuff, they messed up a lot of stuff. You guys don't get to see it. As an employee, I get to see a little bit more, and that's as far as it's going to go. I'm just saying it's already on the up and up right now. Thank you.

[Applause from audience]

Mayor Olsen: Please, please, we've got to really try hard, folks, and it's fair for everybody. OK, tell me when you're ready.

Michelle LeBaron, I live in the City Center. The problem with what that gentleman just said, and I will refer, I handed out some copies of *The Proper Role Of Government*, by Ezra Taft Benson, and if any of you have that and want to turn to page 3, the very top paragraph, starting towards the end of the paragraph, it says: "It is obvious that a government is nothing more or less than a relatively small group of citizens who have been hired, in a sense, by the rest of us to perform certain functions and discharge certain responsibilities which have been authorized. It stands to reason that a government itself has no innate power or privilege to do anything. It's only source of authority and power is from the people who have created it. This is made clear in the Preamble to the Constitution of the United States, which reads, 'We, the People, do ordain and establish this Constitution for the United States of America.'" So I think what my issue is, is that I would expect our city government to represent "we, the people" out here. And I don't feel like that's happening. I feel like you're making all kinds of decisions without using the greatest resource you have, which is the citizens of this city.

Mayor Olsen: Thank you. All right. Come on up. Just tell me when you're ready.

My name is Leonard Whitney. I live here in Eagle Mountain. I have for some seven years. I've been around here 70 years. Pretty quick in the next couple of months I'll be 70 years old. And I thought the American way of doing things was through election. The majority of the people in this community, everyone in this community who was a registered voter had a chance to vote. The majority voted for Mayor Olsen. It is my understanding that his wage or salary was set and agreed upon by the Council. He didn't come up with this on his own, and say arbitrarily, "This is what I'm going to get." This was all decided. And as far as a full-time mayor is concerned, that was decided, and that's what we elected for. That's what the election was for and we voted for it. The majority rules in the United States of America, regardless. And that's the way it should be, and I don't want to repeat myself, because we were told not to, but I think it's high time that all of you, you Council men and women, and the two that aren't here, you can pass this on to them. It's high time you got together for the good of all of us and stop your personal innuendos and accusations. It's sending out letters like this, did everyone have an opportunity to see this before the public did? Before the public was stirred up against the Mayor. The

Mayor also made statement a moment ago, and he asked us not to clap. I'm from the old school of New England, where my mom and dad taught me to respect what is asked of us. And we grew up respecting this country and the great land we have and the freedom we enjoy. The Mayor has asked us not to clap. Is that so hard to understand? Show some respect, gentlemen and ladies, show some respect. That's what we're lacking today in this country, and I see it in people's driving habits and I see it in all the things we do. Let's get together as a community. The Mayor was elected by the majority of people and his salary was set by the majority of the people, and I don't think it's fair to pull the legs out from underneath him at this time or anybody he's set forth to work with him to satisfy any personal innuendos or personal axes you're trying to grind. Thank you.

Mayor: OK. Please, come on up. When you're ready, we'll just hit this light.

I'm Ila Short. I just say ditto to that comment.

Mayor Olsen: OK. Thank you. Anyone else? Sir, come on up. Just tell me when you're ready.

McKay Bodily, Eagle Mountain. The only thing I have to say to that gentleman's comments is, you were elected under false precepts.

[Applause from audience]

Mayor Olsen: Please, please, please, be fair to everybody. When you're ready.

Chris Strouse. I just want to let you guys know that this is directed at the office of Mayor, not Brian Olsen. In New England, does the City Council need GRAMA requests to get information about City business? That's what's going on in this city. Talk about a communication problem. Yeah, the problem is the City Council can't get needed information to represent the people of the city. I'm a resident of the city, and I voted for the current person in the office of Mayor. I'd like to see things improve, and the way it's going to improve is by the City Council being allowed to do their job by being provided the appropriate and accurate in information, and by the transparency of government in this city. And also honest government. It's tough what these guys are doing here, and it's probably going to be ugly but, unfortunately it's necessary when people who are elected to represent people are impeded. Thank you.

Mayor Olsen: OK, who would like to go next? All right, sir. Like I've been telling everybody else: when you're ready.

Go ahead. Chris Kofoed. For the record, Mayor, just to address what the City employee had to say back there, making statements and turning toward my wife, saying she doesn't know anything and, or at least that's the inference I got. I don't know how long he's worked for the city, but my wife worked for the city for five years. I think she knows, and had he worked here longer than that, he would have known that she worked here for five years under various administrations. And she knows what the actions of the Council and other types of problems that go beyond the bureaucracy, what kind of an impact they can have on the people who work here on a daily basis. She made a very small comment, Mayor. I don't think she deserved to be attacked by a city employee like that. Maybe I misunderstood what was going on here, but the city employee also threw out things that he cannot support and prove, for example, to wit, Mike Wren's the best thing that's happened here. I don't know, but can he make that statement? Can you back that up?

Mayor Olsen: We're not going to engage in an argument. You can make your statement.

Chris Kofoed: No, I'm making a statement. It was a rhetorical question.

Mayor Olsen: Go ahead.

Chris Kofoed: OK.

Mayor Olsen: I'm just letting you go . . .

Chris Kofoed: I just don't appreciate, you know, "Let's all be nice, let's all be nice. By the way, you don't know what you're talking about." And I just want to make that statement. Thank you.

Mayor Olsen: All right, sir. Got this reset.

Neil Jeppson, I live in The Ranches. To be sure, there's two different sides of this, and I don't think there's a wrong and a right. I think one person could argue and make it look very clear that they're right and another person could argue just the exact opposite way and they would be right. I think this is what it comes down to. I think we need to stop worrying about personal attacks. Just drop that. If somebody, for example, makes a decision that we don't agree with, for example, Councilman, what is it, Liddard? OK, if he made a bad decision, you would need to tell us about it, and you would need to be very up front with it. And you would need to say, "I made a bad decision." Or, "This is why I made the decision." And, just everybody come clean. Like, Mayor, you sent a letter out. Our family reads them every time they send out. The month before that big scandal, and let's be honest, that's what that's about. That's what we're all wondering about. You sent a letter out that was, you wanted a public official not to be honest and not be very forthcoming with everything, Well, I agree with you and I think that's how, I think you agree, too, and I think that everybody here agrees, so do it. Just come clean. Shoot. Call one of these things and just explain the whole ordeal to the whole city. Because I'm sure that you, that the Mayor feels like he is totally right, and I bet if you were to tell us, we might agree with you. Just come clean. There's no reason to attack each other and no reason to argue with each other. Six people can work together. Make it happen.

Mayor Olsen: Let me see. I've reset this. Is there anyone else who would like to make public comment? We have a lady coming up there. Come on up. Just tell me when you're ready.

Go ahead, thank you. My name is Kristine Hull, I'm also a citizen of Eagle Mountain. I have actually brought this up before but, obviously, there is a communication issue. I would now like to bring to attention of the City Council and to the Mayor: I have previously requested that information on the city's web site be corrected. I am happy to report that the city's web site has been in the process of changing. I understand that it is still under construction. However, I would like to point out that I specifically called the office of the Mayor and specifically asked if emails that I addressed to the City Council department on the website would reach these individuals, and I was told yes. I have now reason to believe that that is not the case, because none of them received an email that I sent. In fact, I sent two and they didn't get either one. I'm also really dismayed that the response that I got was not from any of these people, who said that they didn't receive my email, but from the City Recorder. I think that is a huge violation of my privacy. If I send an email to the City Council, I expect it to go to the City Council members and not to your office or the office of the City Recorder. I'd like to point out that I have reviewed a number of cities' web sites, and all of them enable the users to contact separate and individual members of the council individually, either via phone and most of them, additionally, the

email. That is not the case on our web site. You can only collectively, theoretically, send an email to them and, apparently, it is not going to them. I will follow up with the other two Council members who are not here. I think is unacceptable that the city does not allow that and I encourage you to make those changes. I would also like to point out that the city's phone directory and the phone system is problematic. Again, when I called I was looped repeatedly through the directory system and no one picked up and no one was able to, obviously, answer my questions. I didn't get voice mail. I was looped repeatedly. When I finally did get through to someone, she made that change. Subsequently, I then had a problem that I was only able to get to through the receptionist, her voice mail. So there are definitely problems with the phone system, there are definitely problems with the email system, and there are definitely problems with the internet site. I don't know how the citizens of this city are supposed to communicate with anyone when there apparently is no way to do that unless we personally come in and find you. Thank you.

Mayor Olsen: Thanks. All right. Let me reset this. Is there anyone else who'd like to make comment? I'll just hit this when you're ready to go.

OK, I'm ready. My name is Lance Freeman, I'm a city employee. I actually, I'm the Parks Technician, if you guys want to know who I am. I have a really good relationship with the city employees. I mean, we work our butts off. Personally, I know the Mayor. He's actually given me a ticket a long time ago. So, you know, I kind of had a hesitation when I actually met him again. But I mean, citizens attacking employees, you know, Council attacking the Mayor. I mean, you guys are fighting over a sandbox. I mean, we hear complaints all the time. You know, I get yelled at constantly. The citizens say something is wrong, we go and fix it. Yeah, I mean, yeah, you guys, all of you make mistakes, everybody does. It's the way life is. But I mean, work together. I mean, it's really not that hard. I mean, honestly, I enjoy going to work every day. I enjoy making this city as beautiful as I can, doing everything I can. I mean, I work twelve hours a day, most days. I mean, the city is my life. I've been here for about six months, but I've actually come here for about six years because my brother lives here. But I mean, we can make this city the best place. Because if we don't stop fighting amongst ourselves, who wants to live here? I mean, honestly. I mean, people won't vote you in, people won't say, "We want you guys to represent us" when you guys are still fighting. I mean, yes, people have said this before, and we hear it all the time, but, I mean, start working together. I mean, that's all I can say. I mean, the city is actually, we are moving in the right direction, because I've heard some things before, and I've known some things before about the city before I moved here, that, yeah, there's been a lot of problems with other mayors and everything, and he's doing the right job. You guys are doing your right job, too, but you need to help each other. I mean, it's kind of like a marriage. Help each other out. Strengths and weaknesses. Work together on everything. And, you know, if they ask for something, we should help them. If he asks for something, you should help him, with the way we do in our job. I mean, personally, if the city keeps going this way and if people want to call and complain on me, go ahead. Jeff Weber, he's my boss. I personally don't care if I get fired over this, because personally I would rather get fired that work for a city, work for people, that don't get along, because I'm sick and tired of the complaints, and people saying, "Why isn't the city working?" I mean, it should work. There's no problem in us working together. Thanks.

[Inaudible]

Mayor Olsen: Well, let's let all the other folks go, and . . . Probably to be fair, probably not. Are you ready?

Lisa Rasband. I just moved to the City Center. I was renting in The Ranches. We decided to make it permanent. First of all, I want to say that, on behalf of probably most of the citizens, we appreciate the work that the city employees do. We know that there's a great number of people that are in this project together in running Eagle Mountain and we appreciate all those efforts and the honest and hard work that's given on behalf of everyone. I am personally grateful for the Council who decided to come and call this meeting. I appreciate that people are doing everything they can to the best of their ability to be able to pull together what's right. I think that's imperative. Also, I don't believe that Eagle Mountain should be a city run by a totalitarian government. I don't believe that there should be one person appointed who should act as judge, jury and executioner. I believe that there needs to be the balance of power. That's why there is a City Council. I appreciate the members who take upon themselves that they will get all of the facts together, that they will present an argument in a rational and factual manner and put it out here for the citizens. It's been difficult for us in the past to get the information we'd like from the City. I've talked to several people who have had GRAMA requests that have gone unfulfilled. I've personally tried to get information from the previously-awful web site to the not-so-awful web site which is currently up now and I hope that that will continue to improve. I also hope that people will continue to move forward, because I would rather have a free-running city, an appropriately-run city, and a city that is not the laughing stock or always awarded cow pies or buffalo chips in the daily paper for doing asinine things in local and county government. I would rather have some contention that is the means to a positive end than a poorly-run city to run into the ground. I believe that Eagle Mountain has the potential to be a great city. My husband and I have bet a mortgage amount on it. We're hoping this will be a great place to raise our children. We want to move forward in a positive direction. We need to appoint the Council to be able to do their job. We need to support the vote which we made and give them all the information. We need a transparent government, and I hope that's facilitated by the Mayor's Office. Thank you.

Mayor Olsen: Thanks. OK, anyone else? We've got a couple there.

I'm Teresa Edwards. I'm from The Ranches. Mayor Olsen, I campaigned hard for you. I went out and I took all my kids out, handed them flyers, told them what you stood for. You stood on my doorstep and told me what you believed in and what you stood for. I think that you've kind of gone away from that. You seem like a different person. I would like you to think back and remember the promises that you gave me and the other people who helped fight for you to become the mayor, and remember those things that you were standing for and the things you wanted, the vision you had for us. And I would like everybody to let go of their pride and just work together. You shouldn't feel like you should have to have lawyers working against each other, attorneys. It's just sad that we are embarrassed again and again. This is a beautiful place to live. I've lived several places, and this is, I love Eagle Mountain, I want to live here for the rest of my life, but I want it to be a place where people are able to let go of their pride and work together and not have something like this bring us into the news again. Thank you.

Mayor Olsen: Thanks. OK, I think there was a gentleman that, there you go. Just tell me when you're ready.

Go. My name is Jay Horrocks. I'm from the Eagle Park subdivision and the one thing I've noticed as a six-year resident of this town is that there is an outside perception issue. Every time that something comes out, that usually as City Council and Mayor as a full group, there is a little bickering session going on, it hits the newspapers and completely gets blown statewide. So when I travel out of town or even out of state, in some cases, a someone sees that I'm from Eagle Mountain, the first words out of their mouth is, "Well, what's going on with this crazy thing or this drama or this latest charade going on? We get something in the news earlier this week about petroglyphs, something positive, and then

two days later this latest controversy spreads all over the media. Hence, why we have media here today. If it hadn't been for this sort of drama, we wouldn't have the perception we have outside of this city, and I'd like to see that change. Thank you.

Mayor Olsen: Let me see, anyone? It looks like you're after him. All right, sir, tell me when you're ready.

I'm Clint Chidester, and I've been sitting back there debating whether I should get up and say anything, because I don't know any of you any further than where you're sitting right now. I think we've all kind of been beating around one specific point and I'm gonna put it into words. It's my understanding, as I understand it, that at least a significant portion of your campaigning was based upon a lie on your education. And so I think the point that we're all kind of beating around now is, "Why should I trust you now?" If we have history of someone being dishonest in their qualifications, I don't know you personally, I'm just asking. I, as a resident, expect something other than, "I'm a good guy, or you should just trust me," smile, whatever. I need to have some answers as to why I should continue to support you as a mayor or why I shouldn't. And from where I'm standing, I haven't heard anything. You know, it's just, you know, we'll just push it off and push it off and sooner or later the smoke will clear. We all have short-term memory. Everyone will forget about it and we'll move on, just like with the previous mayor. I think it's important that when issues are brought up that people step up to the plate. I mean, I believe there was some issues when Mr. Liddiard was acting as the Mayor Pro Tem. I personally have had some issues with Ms. Strouse when I was involved with the Sports Board. And so it's not any one, particular individual, but I feel like as Council members and mayors, you want to stand back and be aloof, and not own your actions, not own your decisions, and I find that to be very frustrating as a resident. If you are acting in the best interests of the city, and you can come to me with a valid argument, I may not agree with it, but I at least have to acknowledge that there has been legitimate thought given to it. If you cannot and will not stand up and own what you say or what you decide, I'm at a loss as to how to interpret it.

Mayor Olsen: Let me see, you are, OK, we'll [inaudible]

OK, the first thing I'd like to say, is the majority has no . . .

Ms. Peterson: Could I get your name?

Oh, excuse me. Jonathan Davidson. Majority has no unique moral authority, and, which it, meaning that if we have a majority of people who vote into office a mayor and the mayor, it turns out that, that he lied about something, we, then the majority still agrees that it's OK to have this mayor in office, that does not say that it is OK to have lied. There is no moral authority there. We are giving the Mayor a second chance, so to speak, at voicing our opinions that, yes, let's keep this mayor in office and let's have him do what's right. Let's have him help us. So, the second thing that I want to say is that I've heard a lot of assumptions made and me, personally. I don't know a whole lot of what you guys are doing. I don't even know what his job is specifically for. And that is hard to admit, because it is a government by the people and for the people. And I don't know who here has voted for the people in office, but I would make the assumption that later I will research and find out, did the majority even vote? So, that's something for us in the audience to think about. Get more involved, and stop making assumptions, just because the majority voted a mayor into office does not mean that we don't have checks and balances, does not mean that we, you know, let him loose on, without a leash or a long leash, because if you give a man in high power enough rope, then he'll hang himself. And so, it's proven, you

put a king in place, that king eventually, the more power we give him, the more corrupt he'll get. And so keep the checks and balances. That's all I have to say.

Mayor Olsen: OK, there was some, I saw you kept getting, OK, go ahead whenever you're ready.

Kenneth Hixon, Meadow Ranch, Eagle Mountain. Vincent, Brian, Linn, David, in absentia: David, Heather, how did we get to this point? I know there's a lot of bridges that have been harmed, burned, destroyed. My encouragement and hope is that, whatever's happened in the past, that you meet somehow, legally in closed session or whatever, so that you can deal with it together, as individuals, without public attention and put an end to it and get on with business. I do have a hope and an opinion that it would be a tremendously great precedence to, during the term of a sitting, elected official to take action against their pre-approved salary because of disagreement, regardless of any improprieties, power struggle, ego, whatever, because you're dealing with a person's livelihood. It doesn't mean to excuse the behavior, but I think it would be a very bad precedent to set, to deal with somebody that you have a disagreement with, for whatever reason, in that form. So I would hope that that item does not take place during the current term.

Mayor Olsen: OK, I've reset this. Is there anyone else that would like to . . . OK, got a couple coming up. We'll make sure that other gentleman goes next, so when you're ready.

Adam Ferre, 2133 Shadow Drive. I'm a resident, come up here as a resident and an and employee. I respect each and every one of you. Anybody that puts forth service to the city, or to any other organization in this world, it takes a lot of guts. A lot of people don't volunteer time. I see each and every one of you come to these meetings, go to different city functions, and in my heart, it would be a shame to see organizations break up, see the city break up. I have saw, I've been a city employee for, since '99, I've saw mismanagement of money way before now, if that is the accusation. If it takes proper training, whatever it takes. You know, if we need to sit down in closed session, have training sessions, to make sure, because in the past, you know, I don't know if there's been proper training done, whatever it takes, I think it would be great thing on your part. Staff, they want to get on with their job. They want to do their jobs with the best ability they can. My job is to keep the lights and gas on in this City, and I want to keep the lights and gas on, and I want to get on with the business. If it takes you guys sitting down, beating heads, and at the end . . . I love my brothers, I gave them a few black eyes, they've cut my eye open, but at the end of the day we all got along and went home together and stuck up for each other. Let's do it, let's do it as a team, as a city, and let's give these taxpayers, like me, the city that we come here for, and let's give them our dream, why you guys are on Council. Let me get on with my job. Let me enjoy the city I live in, and let's do it. If it takes, I'm available, if there's questions, twenty-four-seven. Twenty-four hours a day, seven days a week. Let's hack through it. We can do it. I know we can. That's all I have to say.

Mayor Olsen: All right, sir. Come on up. When you're ready.

My name is Blaine Hadfield, I've been a resident here in Town Center. I haven't been particularly involved in the local politics, to be quite honest with you. I don't know exactly what all the disputes are about. I have read what's written in here, but that's essentially the extent of my knowledge. Having come here, though, this being my first city council meeting that I've attended, I would like to say that my household voted for you, Mayor Olsen. For what it's worth, we voted for you, and I hope Mr. Liddiard doesn't mind me saying this, we voted for you on the explicit recommendation of Mr. Liddiard. He held you in great regard. I'm quite sure that esteem was reciprocated by you, as well. And so, being here to my first City Council meeting, I must say that I'm shocked that there's been such a regress in the

esteem among those that should working closely together and should have close relationships one with another. So, for what it's worth, if I just may say, as I guess a bit of testimony, that Mr. Liddiard held you in great regard, and because of his esteem I voted for you, and having a full time mayor position, it's really my interest to see this city work as a well-oiled machine, because that's what I expected. It was that that I thought would justify the position of a full time mayor more than anything else, so, that's my comment. Thank you.

Mayor Olsen: OK, is there anyone else? Come on up. When you're ready.

Brigham Morgan. I'd like to start by saying something I've wanted to say for a long, long time. Thank you. Thank you for having the courage to stand up and take control of the City that belongs to the residents. Thank you for having the courage to stand up and put in place measures that will check the balances that have been so recently tipped in the wrong scale. To address the budget hearing, I heartily endorse the opinion of creating departments specifically codified that prevent such maneuvers and machinations that have recently occurred in the budget, of moving monies from one area to the other without approval of the Council. I heartily abhor the idea of paying \$400,000 for a park that a developer is contractually obligated to build. I heartily endorse the idea of the balance of power. I made it an issue of my campaign. I was assured that there was no intention for a power grab. I was assured that there was an intention for open, clear and see-through government. And all I have seen since has been power mongering and grabbing and shielding and protecting and hiding. I would also like to point out, I have serious reservations about an \$8,000 mileage reimbursement account, that could cost the city either \$3500 on a per diem or a car expense account or, at most, \$4000 to \$5000 with other venues. However, the \$8000 option was taken because that allowed the mayor to get \$8000 without having to go to an additional budget hearing. Mileage reimbursement is not subject to budget hearings. I am also disheartened to see many discrepancies in the existing mileage reimbursements of the current mayor. Therefore, I call again for an independent, third-party audit of all financials of this city. And just to clarify, an independent, third-party audit is not the mayor, is not the City attorney, it is someone who is not affiliated at all with this City but whose job is solely to be objective and not to just do a job. So, Council, thank you. I heartily endorse your budget proposals, the modifications that you are suggesting. I appreciate and I, again, thank you.

[Applause]

Mayor Olsen: OK, when you're ready.

Robert DeKorver, a resident of Eagle Point, Plat B. I stand up here as a resident, although I was a former employee of the city from '99 until 2005, in which I served as the Fire Chief. It's been interesting over the number of years that I've attended Council meetings to watch how Council meetings work. I never attended a Council meeting prior to being the Fire Chief out here. I learned an awful lot. I learned a lot about our government. I learned an awful lot about our city's government, about the state government, the federal government. And one of the biggest things learned is that our government was set up on a checks and balance system. Mayor, we voted for you as a majority to take the spot of mayor. Likewise, we voted for each of you as Council members to take your spots as Council members. I've been disheartened over the last year to watch as that checks and balance system has seemed to have fallen away from our own city government. What Councilmember Strouse mentioned at the forefront, that she had questions: I attended a lot of Council meetings at the very beginning, when the budget was being talked about. I attended the special Council budget hearings considering public safety, especially since I had an interest in public safety. And I found that there were questions being asked by Councilman Blackburn, by Councilmember Strouse, by Councilman Liddiard, Councilman Jackson,

Councilman Liffereth, and several times they were cut off and told not appropriate, not the right place. Is that really the way checks and balances work? I venture to say no. Because the five years previous to that, the Council was allowed to know what was going on. The Council could ask the questions and receive the answers so they could make an informative decision on the budget, as it stood before them, before July 1st. I think that what I've listened to tonight really, we need to step back and take a look at how the government of Eagle Mountain is supposed to run, so that you guys can set the example for the rest of us, as residents, who may eventually, one day, want to be in your seat and help to continue to move this City forward. Thank you.

Mayor Olsen: OK, who has not had an opportunity, that would like to? All right. I'll just start it when you're ready.

Donna Burnham, and I live in Eagle Park subdivision. I want to talk about just a few of the issues on the budget. Specifically, first of all, I want to say that I do support the city employees and I understand why you chose not to pass that budget at the time, but I would hope that you would look at some of those positions seriously, and it sounds like you are, and that you would consider some of those positions because I do think that they're needed to help our city employees. So that's the first thing. The second thing I want to talk about trust. I think that a lot of this boils down to a lack of trust. I feel that limiting the budget transfers between departments is a good way for the City Council to show, to have a little more control, because there is a lack of trust right now, and that trust needs to be built. And I've talked to the mayor about this before, about how trust can't be regained in one day. It takes time, and so, until we get to a point where we have that trust built, I think that we do need to limit those budget transfers to the departments that they were approved in. Maybe not the whole thirty-whatever, there's a lot, I know. Maybe a smaller amount, but still that , , I would also like to say that in terms of the laptop issue, I think that's a trust issue, as well. I don't think that Councilman Liddiard and Councilman Blackburn have been using their laptops for pornography. I do believe they do not trust that the information on their laptops would be safe in the hands of the Mayor, and that's because of a relationship issue that they have now. So I would just like that issue to be clear, that I really don't think this is an issue of pornography, I think it's an issue of trust. Also, City Council needs access to city employees. They need to be able to have their questions answered in a timely fashion. Mr. Mayor, it's really hard to get hold of you. You're a very busy man. And so I would like to see the Council to be able to get access again to city employees and be able to get the information that they need so that they can make the decisions that they have to make, which are important to me and important to all the residents of this city. I challenge you, all of you, to work together to build the trust again amongst you, to build your friendships again, and to be able to work together and not against one another. All of you I call my friends, and I know that you can work together.

Mayor Olsen: OK, anyone else that has a desire to speak to the Council? OK. Sir.

[Inaudible]

Mayor Olsen: Well, if I let you have a chance, then everyone else is gonna want to talk.

[Inaudible]

Mayor Olsen: OK, OK, well, there we go. That'll work

[Inaudible]

Yeah, OK. Chris Kofoed, again. I got up before as a little bit of a jilted husband, but I do want to just make a couple of comments about this. I do also thank the Council for what they're doing, and I do want to emphasize that a \$20,000,000 budget is not a sandbox issue. This is a very serious issue for this town, OK? I also want people to understand that it is nice for everybody to get along, but it's also the duty of our elected officials to stand up and to take a stand when they are, when they see something that is out of kilter. Even a cursory study of American government shows that our system is built very much on an adversarial system. Look at the Constitutional Convention. It was an adversarial system, but they were wise enough and they were capable of compromising. Not everybody was happy but they compromised, and our system has never been a friendly system. It's always been very much an adversarial system when it needs to be to get business done. It's nice to think everybody can get along, but that reminds me more of Stalinism than it does anything else. One thing I do want to encourage the Council to do: my understanding is, is that one of the issues that has led us here tonight is that the fact that the only person, and I could be wrong. If I am wrong, please correct me, but the only person that can approve an agenda item is the Mayor. Somehow our Council needs to work in some type of an override system. That's true checks and balances. If a president makes a veto, Congress can override that veto. When there's enough of them that realize that, no, we want this on the agenda, there's gotta be an override. One person should not be able to say conclusively what's on the agenda and what's not on the agenda. There's no way, then, that our representatives can put something on there that they feel is very important, if you can do that. Now maybe I'm misunderstanding the situation. But that is not democratic, that is wrong. They need to, I encourage the Council to pass some type of a procedural, of a procedure where they can, I would assume that five people, three of you could override that to, I don't know, however you want to set it up, but there's got to be an override procedure to get things on the agenda to get work done. And, sorry, but sometimes government is adversarial, and that's the way it's always been. Thanks.

Mayor Olsen: OK, anyone else that . . . Come on up.

I'm Melinda Hunsaker from the City Center. I haven't lived here for very long, but I've listened to a lot of the comments and there are a lot of comments that I agree with and a lot of comments that I'm not sure about, because I don't have information for it. But, the one thing that I did want to say is that we're all adults and that's what we need to start acting like. Whether we are as Council members or whether we are city members, we are all adults. We need to start taking the responsibility as the adult. And I don't know a person in here that doesn't have a job, whether we've elected that job or whether we have been hired for that job. But, regardless, it's a job and, as adults, we need to do that job. Thank you.

Mayor Olsen: Anyone else?

I've been trying to stay sitting down. My name is Bea Tweedy, from The Ranches. I had written a letter to all Council members after the initial story of the lie had come out, and simply asked what was the next procedure. An ordinance, a city ordinance, to find out whether there was guilt or innocence and what does the city do instead of kind of floundering, saying, do we have special meetings, do we have this? And I would also ask the Council to, in conjunction with Mr. Kofoed's comment, consider making an ordinance or developing an ordinance into the city, if it's not already there, on proper procedure, in case this does happen to our City again. Thank you.

Mayor Olsen: Anyone else? Come on up.

My name's Jennifer Webb. You'll forgive me, I'm ill and I'm feeling terrible, and I had no intention of speaking tonight, but I would like to thank the three City Council members who are sitting here who are

questioning things and are looking out for our interests. And I would like to express to Mayor that we are aware that you are all here to represent us, we would like to be sure that our City Council members, who we also elected, have access to you, have access to the agenda, have access to information on the budget. Regardless of what laws are in place or what technicalities may exist, hopefully there is a feeling that will come about, where they can come and they can get the agenda items that they need to be there. I would really, I don't understand why you would have a Council and not use it to give, to get advice from. These are difficult matters to handle. Everybody has a difficult time. Nobody can know everything. I'd encourage you to use your Council. They're there for a reason and we voted them in. We know that they can represent us and I appreciate all of you being here, and I do appreciate you being here. This can't be fun. Thank you.

Mayor Olsen: Any further comments? I'll just start it when you start.

OK, I won't be long. I didn't want to talk tonight, but I just felt like I needed to say that I'm just here, as I listen to all these comments, it just sounds like there's a choice to be made tonight, and I think it's you that needs to take the lead. And as I hear everybody, it sounds like there are many changes that can take place that will help the Council members, that will help all of us, but it sounds like it's you that needs to take the lead in that, and make those changes that can help us all to feel like we can trust you, that we know what's going on, that's in the best interest of our city, and we would hope, and I would hope, that we can see those changes from here on out.

Ms. Peterson: Can I get your name?

Andria McCaul.

Mayor Olsen: Is there anyone else, before the Council closes their public hearing? The gentleman coming up there.

Don Richardson, from Anthem. I think what's being said here is we just really want honesty and transparency in our city government. And we want it to run smoothly. I get questions every day about our city, and sometimes it's very embarrassing. We have a wonderful place here, a beautiful city, and we've moved here because we believe in that City. We believe in the growth, the potential, a great place for our children to be raised. City government can ruin that. Our children and our future is in your hands. Thank you to the Council for calling the meeting and making sure that there are checks and balances, for this is what we were founded on. All voices must be heard. We appreciate your hearing our voices today. We're just asking for honesty, transparency in the government. There's nothing to hide if we do it right.

Mayor Olsen: Anyone else? OK, Council, if there's no one else that would like to make public comment, then I'll entertain a motion to close the public hearing. Who'd like to make that motion?

Councilmember Liddiard: I actually have some other comments to make as part of the discussion corresponding to the public hearing. I'm not going to be able to address all the comments of the 120 people in the last hour and a half of comments, but, essentially, I want to hit on a couple of things that were mentioned. In part, because we had called another special session to take place on Monday evening at 7:00 p.m., with the express purpose of the following: That the Mayor shall add items to the general session agenda when requested by at least two Council members, and to consider and enact an ordinance to be able to provide the Council to retain and seek legal counsel specifically for Council members, separate from the Mayor's legal counsel. There's some other things appertaining to that. If

you want information, I suggest you get that from the City Recorder, who has a copy of the agenda for Monday's meeting at 7:00 p.m. And also, in regards to the budget, communication for the budget is extremely important. I feel that that communication's been directly hampered by the Mayor. After our last budget amendment failed due to lack of a majority vote, city staff was held in a meeting and essentially pitted against the council. Employees were asked to pick sides. Mike Wren's job is not at stake here. He is the Public Works Director and we're not attempting to change his role as Public Works Director. A training session was held and the mayor did not participate in most of that. We had met earlier, in fact we met an hour earlier, for our work session, and quite frankly, the meeting covered forms of government and a variety of things, but not how actual council meetings are held. Those were, I guess, a few highlights of things to consider. I greatly appreciate each of you taking the time, on a Friday evening, to come and spend some time with us. I think the things that I have heard give me an opportunity to reflect and think about where we're at with that budget amendment, and if you wanted to send me an email, vliddiard@gmail.com, and I'd be glad to hear from you. I don't get any email, haven't gotten any email, from our city web site for ages. So, vliddiard@gmail.com, and I'd love to hear from you but, I would really appreciate it, and I've made notes and will contemplate these things and work through them as it pertains to budget, so I appreciate you coming today, and if you want to come back, or have other thoughts, on September 30 at 1:00 we will be able to meet and entertain and actually vote to create an amendment to the budget by ordinance, which is a significant thing, and hope to push forward on that. I think, personally, hearing your words about roles of government, how budget and fiduciary rules are significant, is a good thing, so I appreciate each of you coming.

Mayor Olsen: Is there a motion from the Council to close the public hearing?

Councilmember Blackburn: I move that we close the public hearing.

Mayor Olsen: Thank you. Is there a second?

Councilmember Strouse: I'll second that.

Mayor Olsen: OK. Any discussion? I guess we'll call a vote. All those in favor of closing the budget hearing, the public hearing, please say yes.

Councilmembers Blackburn, Liddiard and Strouse: yes

Mayor Olsen: Any opposed? OK, hearing none. [Hearing closed at 8:26 p.m.] OK, that moves us into, I'll entertain a motion for the ordinance that's before the Council tonight, which is consideration and adoption of the fiscal year 2007 budget amendments. Is there a motion?

Councilmember Liddiard: Mr. Mayor, I **move** that that be tabled until September the 30th, at 1:00 p.m., so that we can comply with all the notification rules of the budget amendment.

Mayor Olsen: Thank you. Is there a second?

Councilmember Blackburn: I'll **second** that.

Mayor Olsen: Thank you. Is there any discussion?

Councilmember Blackburn: Does everyone understand why this is being, excuse me, for public's information, this is being delayed because of notification time frames, and so these items that we thought we'd be able to pass tonight will be on the meeting as noted.

???: Mr. Blackburn, would you allow Mr. Kinghorn to talk about that?

Councilmember Blackburn: Sure.

???? Mr. Kinghorn, would you respond to the notification rules?

Mr. Kinghorn: Sure. We have, under the fiscal procedures act for cities, there are a series of statutes that apply to this, and the one that is really troublesome in terms of notice for tonight is the provision in section 10-6-112 that provides that the budget that is proposed to be changed needs to be on display for public inspection for a period of ten days prior to the adoption of the budget. It's fine to go ahead with the public hearing tonight, because that only requires a seven-day notice, but to adopt the budget, it requires a ten-day, ten days of being on display at the City Recorder's office, and that won't be accomplished until the 30th, until Tuesday. Well, I understood the meeting was called for the 30th.

Councilmember Liddiard: Yes, the meeting is called for the 30th, because ten days would be Tuesday.

Mr. Kinghorn: I understood that it was gonna be for next, for the 30th.

Councilmember Liddiard: For the 30th, yeah.

Councilmember Blackburn: Jerry, we talked about this in our last meeting. What is the definition of tentative budget vs. amended budget, because we have already approved a budget and this is not a tentative budget, it's an actual amendment, which would actually, I think, again go under the section 114.

Mr. Kinghorn: Yes, section 114 refers to the tentative budget. Let's see, section 113 applies, talks about the tentative budget and 112. The problem with this statute is that the Legislature has not, has incorporated by reference the budget procedures for adopting an original budget in their provisions for amending the budget. So, when you go back and you take that incorporation by reference, which is in 10-6-127, you wind up in 113, 114 and back up to 112 for the definition of the tentative budget.

Councilmember Blackburn: Well, right. That's why I'm asking. 127 does not mention section 112, and so you . . .

Mr. Kinghorn: Right. It refers you to 113 and 114, and those are the sections that refer you back up to the tentative budget section, which is in 112. This thing is convoluted, and if I were to write the statute, I would probably write it in a simple, one-two-three step fashion, but I didn't write it, so we need to follow what we have.

???: Are you volunteering?

Mr. Kinghorn: No, I've been drafted into doing some legislation last year and this year on some water issues, and I frankly don't like to work with the Legislature very much. It's too stressful. More stressful than this.

Mayor Olsen: All right. Any other discussion amongst the Council regarding the motion? OK, hearing no further discussion, all those in favor of tabling this until September 30th, please say yes.

Councilmembers voting yes: David Blackburn, Vincent Liddiard, Linn Strouse. The motion **passed**.

Mayor Olsen: Any opposed? Hearing none, I'm sorry, the motion passes. Any other items? I'll entertain a motion to adjourn.

Councilmember Blackburn: Actually, I would like to make a comment. I've really been impressed by the people who were here tonight, all of you. Whether for or against the action that's here, it's nice to see involvement. I'm sorry that it's come to this point where it's Hatfields/McCoys, us/them, whatever, because we are a community and that's how we should act. I know that what has been said is going to be taken to heart by everybody. Speaking to each of you, I hope that the perception that's come across is we like working with each other. It's just the actions have come to this point or led us to this point have caused a need for legal paperwork, legal words, to get us to work more conducive with each other. But I'm very thankful that each of you are here to support your opinion, and that's what we always, hopefully, try to do as a Council and Mayor, as well. Thank you.

Mayor Olsen: If the Council doesn't mind, I'd like to suggest that I'd like to take this back, absorb what was said tonight. There was a packet of information given to me. I'd like to look at that, as well, and as I said at the beginning of the meeting, I would like to respond, but I would like to reserve that for the regular meeting on October 3rd, when I have my, by procedure, that I can respond, and so I would ask that you give me the time to take this in and move on from there. Is there anything else from the Council that needs to be brought up at this time?

Councilmember Strouse: I just would like to reiterate, for those that came late, how much I appreciate people coming out. Again, it's a Friday, it's supposed to be date night, and it saddens me that this had to take place. Somebody brought up the issue of, do we need to change procedure if there's not a procedure, it requires two City Council members to put something on the agenda? There are State statutes that are confusing and a little conflicting, so I would very much like to see us lobby the State government so they would make things clearer for the average citizen. We shouldn't have to have doctorate degrees to understand the government that we live under. And so, as Councilman Liddiard pointed out, we will be addressing and creating those ordinances for our own city, so that we can have, facilitate the balance of powers, not have to come to a meeting, not have to require a special meeting, which takes extra time for us, extra time for you, and so that we can facilitate doing our duty and working for the people that elected us, the people's business. That's why we're here. Thank you again. Oh, I did want to comment about the web site. I still am having problems. It's disappointing to me that my emails are going to the City Recorder, so I also would like people to just send emails directly to me, lrs@emcity.net. I'm frankly dismayed and very disappointed that back in the fall, the issues with the web site were brought up and it's been a continual problem. Many residents have voiced concerns and made phone calls, not being able to get minutes of our meetings on our City web site. So, I'm hoping beyond hope the new city web site that's being worked on, that these things will be addressed and in a more timely manner. So, I'm looking forward to getting my emails and not finding out that there were sixty that I didn't know about until I discovered I wasn't getting my City web site emails on the old web site. So, some of this comes from growth, some of this comes from change, but we can all do better, and that's what we all are trying to do, to better serve the community and the citizens that put us here in office. Thank you.

Mayor Olsen: Anything else?

Councilmember Liddiard: No, I've got some mints and I'll talk to you if you want and give you a mint. I'll stick around for a little while, but I'm prepared to make a motion to adjourn if the other Council members are completed. [Inaudible] Move to adjourn.

ADJOURNMENT

Mayor Olsen: OK, thank you. This meeting is now adjourned. [8:36 p.m.]

MINUTES
EAGLE MOUNTAIN CITY COUNCIL SPECIAL MEETING

September 25, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Minutes reported verbatim.

Mayor Brian B. Olsen called the special meeting to order at 6:10 pm. Councilmember David Lifferth led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived at 7:13 p.m.), Heather Jackson, David Lifferth, Vincent Liddiard, and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Peter Quittner, Deputy; Jerry Monsen, Lieutenant; Mark Binks, Sergeant.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Potential Litigation

Councilmember Lifferth **moved** to adjourn to a closed executive session for the purpose of discussing potential litigation, pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, and David Lifferth. Those voting nay: Vincent Liddiard and Linn Strouse. The motion **passed** with a majority vote of 3:2.

The meeting adjourned at 7:14 p.m.

CLOSED-DOOR SESSION – Potential Litigation

A closed-door session was held at 7:14 p.m. for the purpose of discussing potential litigation, pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Brian B. Olsen; Councilmembers David Blackburn, Heather Jackson, David Lifferth, Vincent Liddiard, Linn Strouse; staff members Jerry Kinghorn, Gina Peterson, Sergeant Mark Binks, Lt. Jerry Monsen.

The closed-door session adjourned at 7:24 p.m.

Mayor Olsen reconvened the special session at 7:24 p.m.

ORDINANCE – Consideration and adoption of an ordinance regarding Policy Session Meeting of the City Council.

Mayor Olsen: Why don't I turn the time to the two Council members who called this special meeting, Councilmember Blackburn and Councilmember Strouse?

Councilmember Blackburn: Mr. Mayor, Councilmember Strouse and I requested this item to be on the agenda. We felt it would be a beneficial action to facilitate the process and items coming to the agenda that we felt would be of importance to, ideally, the Council and to the residents, as well as the Mayor at any point in time. And so to clarify and allow for items to be brought to the agenda on a regular basis, we are making a motion, or as part of this ordinance, that the Mayor shall add items to the general agenda when requested by at least two Council members. The requested items shall appear on the agenda for the next scheduled City Council meeting. In addition, we are asking that the order of general session events be the following: That there be a call of order, Pledge of Allegiance, information items, public comments, Council comment, consent agenda, any items as selected by at least two Council members, any items as selected by the Mayor, and then adjournment. We feel that, also, declarations of conflict of interest may be made at any time, as appropriate, that they do not need to appear as an agenda item, that questions to staff and applicants on the agenda item being considered are permissible by Council, as well as response from those questions, if they so desire, and that items for the budget shall be submitted no later than close of business on the Wednesday prior to this general session. That's actually a slight typo, that's items for the agenda shall be submitted no later than close of business.

Mayor Olsen: Is there a second?

?: I'll second that.

Mayor Olsen: Thank you. Any comment? Councilmember?

Councilmember Blackburn: Yes. I actually found out today that the city of Cedar Hills actually passed this same ordinance earlier this year. Their council was also having some slight confusion in scheduling or being able to have items placed on the schedule, so we're not the first city to have this in the county.

Councilmember Strouse: And I would . . .

Mayor Olsen: Hold on. Is there an opposing view? Since we have the motion, is there any opposing views from the Council, so we just keep it back and forth, fair. Anybody else?

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Councilmember Jackson.

Councilmember Jackson: I have an opposing view in the fact that it seems to me that we are taking away some checks and balances that we've had set up in our system. Currently, the Mayor, according to Code 10-3-1213, talks about the fact that the Mayor is currently the chairperson of the Council, therefore he sets the agenda. And, while I believe that it's important for us all to have impact in input on the agenda, if we as Council members are the ones that are constantly setting the agenda, then what power does our Mayor have? And with that also being said, again referring back to the same as the Council, the Mayor being the chairperson of our Council, we seem to have removed the Mayor's items from the agenda, and we're allowing comment from all Council members, and not coming from our Mayor, who is a part of the Council and an elected person in our city. And I think it is appropriate and important that we hear from all members of our elected officials. And to censor the Mayor would be inappropriate. So I am wondering if the sub item here of information items, is that what you're intending to be Mayor's items or are you just intending that the Mayor shouldn't speak at all during the meeting?

Councilmember Blackburn: Very good point. Mr. Mayor, can I address that?

Mayor Olsen: Yes. Councilmember Blackburn.

Councilmember Blackburn: We intended that the Mayor's comments would be also included as part of the Council comments, seeing as how in this form of government, he's actually seen as City Council, per se. Could I ask you to repeat that Code number that you referred?

Councilmember Jackson: 10-3-1213.

Councilmember Blackburn: Thank you.

Mayor Olsen: Let's see. Now the current motion doesn't have that in there. Would we need to amend that motion, then, or . . . Councilmember Strouse did say she wanted to talk, but just so that we recognize the current motion on the table doesn't include . . .

Councilmember Strouse: It looks like Vince is going next, so he can go ahead.

Mayor Olsen: OK. Councilmember Lifferth, or Liddiard. I get you guys confused with the Ls.

Councilmember Liddiard: I think she brings up an important point. It's not intended to remove the Mayor at all from being the chairperson. The State Code 1-3502 indicates that a special session can be held and agenda items to be conducted by the Mayor, essentially, when two Council members request a special session so that they can have something considered. This is, in my perspective, an opportunity to have a more efficient government, so that we don't have to have continual special sessions, but rather during a regular general session items of interest to the Council can be discussed. The Mayor would still have the authority to put agenda items on the agenda that he wants, and still he would be conducting the meeting, but as Councilmember Jackson points out, if there's a unclear wording, that the Mayor would not have an opportunity to discuss, I would be fine with the information items being changed to information/Mayor's or Mayor's items, or that it would be included that Council comment and Mayor comments be at that point. I don't think there's a desire here to, as Councilmember Jackson pointed out, to censor the Mayor. I don't think that that would be appropriate, nor is that, in my view, intended by this. So, if you want to propose an amendment, I would be interested in what you would like to propose.

Mayor Olsen: Is there any other discussion before someone decides to do that? Councilmember Jackson.

Councilmember Jackson: Thank you. I really think we need to have quite a bit of discussion. A few things, too. As I have been a person over the last year that has come from being a citizen to an elected member of the Council, I've sat in the chairs there where the audience is sitting for at least six months' worth of meetings, and during those six months, we followed a format that is more similar to the format that is here on the agenda to be voted on and the motion has been made. Where the Council comments have been moved to directly after public comment, we have a adopted a current agenda where we have those Council comments at the end of our meetings. And sitting in the audience over the last, like I say, those six months while I was running for office, I found very often that Council comments would wind up taking about the first 45 minutes of the meeting, and that the people that had come to discuss business would have to wait for a very long time before they had an opportunity to discuss those things. It did seem to me that Council members would come with statements, typed statements, of things they wanted to say that took an exorbitant amount of time. I understand that we all have things that we need to say, we all have agendas or items that need to be taken care of, moved forward, but it seems to me that it is a

waste of time if we are allowing that amount of time for that type of comment. And I would, if it seems necessary to you all to have the Council comment behind the public comment, then I would like us to limit that to three minutes apiece, just like we limit the public to three minutes apiece. Because otherwise we are allowing the meeting to go on incessantly and allowing our public to, frankly, sit there feeling like they're not getting out of the meeting what they necessarily need to get out of the meeting. I frankly found that sitting there listening many times I would get lost in what was being said, and it would lose the point that was trying to be made. So that's just another thought I wanted to throw out there as part of discussion and hear some more feedback.

Mayor Olsen: Is there any opposing views? Councilmember Strouse.

Councilmember Strouse: I would like to add what would be I think something that would add to the meeting would be to have the Council comments where we have them on this list, right in the beginning and at the end, and have a time limit on it, and if anything goes over the three minutes, then it can be put in public record for the public to see. I totally agree that there, you know, we need to have more efficiency of time and respect the citizens' time. The citizens need representation. I was looking at web sites in some other cities and one of them just really impressed me. It was just so nice and so organized, and it actually had a little section that said, "What do residents want to see on the agenda?" Well, I've spent the last nine months trying to get certain things on the agenda, to try to represent my constituents. I cannot continue another month, let alone another nine months, with the kind of road blocks. The residents have a right to be represented, and unfortunately, we do have, according to State statute, the ability to hold special meetings and time things are, you know, the Mayor refuses to put something on the agenda, we can have a special meeting, but that takes a lot of time, it takes money, it takes energy, and I don't want to spend time, personally this Council position has become a full-time job the last year. And I don't think that's, I don't think that's fair to me, I don't think it's fair to the residents. The citizens deserve to be represented. And so I would like to, I've given this a lot of thought, I've been on the phone or been deliberating with this since 8:30 this morning, and I really believe that, in order for this city to move forward and to be, properly represent its citizens, that we do need to, ad lib isn't quite the word, but make our government more efficient rather than . . . I don't want to continue having special meetings. Let's see, web site . . .

Mayor Olsen: Can I have a turn?

Councilmember Strouse: Sure.

Mayor Olsen: Councilmember Strouse, you stated twice that the Mayor has prohibited you or denied you to get things on the agenda. Would you please list those items for us?

Councilmember Strouse: I'm still in the middle of gathering all my information that will substantiate those claims.

Mayor Olsen: OK. I guess what I was going to say was, from the month of December, 2005, December 5, when I took office, 'til today, you stated twice in your comments that I have denied you from putting things on the agenda and I'd like to know what those items are.

Councilmember Strouse: One in particular is, for example, change in the form of government. I have had a lot of residents that have asked me about this. My duty, even things that I don't necessarily like or agree with, if a large number of residents want these things on the agenda, it's my job to bring it to the Mayor and Council and see that it does get on the agenda so we can have a discussion.

Mayor Olsen: Thank you. Anything else?

Councilmember Strouse: I have more, but not now.

Mayor Olsen: OK. I would like to refute the information that Councilmember Strouse has stated. For the record, she has stated twice that I have refused, on several items, to place on the agenda and she's only listed one.

Councilmember Strouse: So far.

Mayor Olsen: Well, all I'm trying to bring to the Council's attention is that, from December 5, 2005, to this date, you stated twice, just now, that I've refused you several items on the agenda. I've asked what those items are, and you've said one item: changing the form of government, and so I just want to make sure that I understand what those items are so that it's just clear for the record.

Councilmember Liddiard: Can I propose an amendment to the ordinance, Mr. Blackburn, Mr. Mayor?

Mayor Olsen: To this motion?

Councilmember Liddiard: Yes.

Mayor Olsen: Yes, sir, go ahead, unless Councilmember Strouse would like the time. I don't want to take, you know, but go ahead.

Councilmember Liddiard: My apologies, Ms. Strouse.

Councilmember Strouse: No, you go right ahead.

Mayor Olsen: Go ahead. Councilmember Liddiard.

Councilmember Liddiard: In deference to Councilmember Jackson's comments, if we could, if Mr. Blackburn, you would be willing to accept an amendment to change 'Council comment' so it would read 'Mayor and Council comment, Council limited to three minutes' and also, to add 'Council and Mayor comment' as another bulletin item to appear right before adjournment, with no time limitation signified there, I think it would just read 'Council and Mayor comment.'

Councilmember Blackburn: I'd accept that motion, or amendment.

Mayor Olsen: Any discussion on the motion that's now on the table before us?

Councilmember Liddiard: I'd like to call the question.

Mayor Olsen: OK.

Councilmember Lifferth: I still have an opposing viewpoint. Some disagreement.

Mayor Olsen: Help me out, Jerry. I want to make sure that if the question is called . . . I want to be careful, I want to give everybody an opportunity, but at the same time, if the question's called . . .

Mr. Kinghorn: Did Mr. Lifferth have a chance to . . . ?

Mayor Olsen: On the new motion? No.

Mr. Lifferth: I have not spoken on the new motion.

Mr. Kinghorn: I would suggest that he be given a chance to do that before the question is called.

Mayor Olsen: Just recognizing that there is a new motion and there has not been debate, I will give Councilmember Lifferth an opportunity to respond.

Councilmember Lifferth: OK, I do have a number of items that I would like to discuss, specifically about the proposed amendment tonight. But first of all, I would like to express my disappointment at the scheduling of the meeting for a Monday evening. We on the Council have a great deal of power to do, in effect many things in the City: the ability to call special sessions and I just would like to express my great discomfort at the choice of the time and place for this meeting, for the time to be on a Monday evening. I would like to read two quotes here before I get into my discussion of the actual amendments. The first one comes from the LDS First Presidency letter, 11 February 1999. It states that "Monday nights are reserved throughout the church for Family Home Evenings. We encourage members to set aside this time to strengthen family ties and teach the gospel in their homes. Church buildings and facilities should be closed on Monday evenings. No ward or stake activities should be planned and other interruptions to Family Home Evenings should be avoided." And then the "Proclamation to the World on the Family," dated September 23rd, 1995, is very important tonight because it addresses what we are doing here in government. The quote is, "We call upon responsible citizens and officers of government everywhere to promote those measures designed to maintain and strengthen the family as a fundamental unit of society." I have no problem with special sessions, I have no problem with us on the Council using the authority granted to us by our elected positions, to call special sessions, but we need to be extremely cautious with how we use the time of both ourselves and our residents, and let's not abuse this power that has been given to us. It costs a lot of money when we hold these things after hours and I just want to make sure that we are doing our jobs in the most prudent, responsible manner as possible.

As we can tell, there's quite a bit of concern in our community about some of the agenda items that we have placed before us tonight and in previous meetings and in future meetings. And I would like to encourage the Council to take a longer-range view of what we are doing. I know there's a lot of frustration right now with our Mayor. I know there's a lot of anger and hatred being expressed towards our Mayor, but Brian will only be Mayor for a finite amount of time. Prior to Brian being the Mayor and after Brian is the Mayor, we've had standard ways of doing things, and we need to make sure if we are doing something right now just to punish Mayor Olsen or retaliate against Mayor Olsen that we recognize what we are doing and we may be punishing and binding the hands of future Mayors. As has been brought up tonight, the discussion of the balance of power, and there are reasons why we have done what we've done for ten years and there are reasons it has worked for us for almost ten years. My concern is, and it's the quote I gave to the paper earlier this evening, is that if we grant executive powers to the Council without granting corresponding checks and balances we run the risk of creating a monopoly of power at the Council level. And so, before we go and make any drastic changes to our procedures on the Council, we need to make sure that we have discussed the consequences of the long term. I remember recently we had a situation where information was brought to the Council toward the end of a discussion and there was what I consider a rush to pass an ordinance to approve a development, even though residents had come before us and expressed their concerns. I had raised concerns about this development, and yet there were members on the Council that were very quick to rush and approve this

development. And since that day, we have had week after week after week of headache brought to both our law enforcement officials, our code enforcement officials, our city engineers, because we did not listen to the residents and we were quick to do what the Council had planned. And so that is just one example of not taking the time to understand what consequences are and, quickly, in a matter of 48 to 72 hours, rushing an agenda item here to the Council to be voted on without giving proper time to consult legal opinion with the Attorney General, with the League of Cities and Towns, and my concern is that if we rush something through without getting proper discussion, that maybe next year when three Council members are no longer in office, we will have to undo that damage that's done tonight.

I'd also like to express concern about, as a Council member, I would enjoy the opportunity to speak freely and more open at different times in the Council meeting. I know we've rules that govern that, but I do express concerns about what I consider abuses of Council comments, where allegations of wrongdoing and illegal activities have been presented by Council members, with or without any supporting documentation, only to have those allegations to be later proven false. And my concern is, if we have Council members that abuse their opportunity to speak, and misuse that to level baseless allegations, that we are all on the Council harmed, and the community at large is harmed, by irresponsible uses of that opportunity to speak.

There has been a lot of discussion in the paper as of late, about the rift between the Mayor and the Council and I still don't think that anyone has accurately portrayed that actual situation that is occurring now, but I would like to report that, in my history of Eagle Mountain, I have never initiated a phone call to the press to draw any negative press to our city. By the same token, I've never called the press to draw attention to Eagle Mountain in a positive way. I have responded when questions have been asked of me by the press as to my position on issues, and I just think it's very inappropriate for any member of the Council especially, but any member of the community, to intentionally tarnish the image of our city. We do have problems, every community has problems, but I would appreciate it if everyone would use their First Amendment rights in a very responsible manner.

Councilmember Blackburn: Councilmember Lifferth, can I just ask how that relates to the topic at hand?

Councilmember Lifferth: Yes, you can. Because there's been a discussion in the press about the meeting tonight. I gave a quote earlier to the press. They were here to cover this. There's a lot of excitement in the press because of the conflict that we currently have on our Council, and I would just like to advise everyone possible to help our community, build up our community, and not attempt to tarnish the image of our community for political interests.

Councilmember Strouse: I would just . . .

Mayor Olsen: Hold on. Is that the end of your statement?

Councilmember Lifferth: It was my complete statement, yes.

Mayor Olsen: Is there an opposing view?

Councilmember Strouse: Yes.

Mayor Olsen: Councilmember Strouse.

Councilmember Strouse: OK. First of all, I've not called the newspaper about anything. I did not even, you know, the fact that we had so much attention last time was because there was somebody, according to the newspaper lady, that did call the press and she said it was the Mayor. So, answering your

question, the Mayor used the term 'emergency session' when we started this meeting. So, none of us wants to have things on a Monday night. None of us wants to have things on other nights that are inconvenient for people. We'd like to get all this stuff done in regular sessions. This is an emergency session, and if you read Doctrine and Covenants 134, as long as you're bringing this up, there's quite a bit of information in there on the proper role of government. In a case like that, if I were the person in the audience, I would take it as an opportunity to have that information shared with my family so they could learn information and the procedures consistent with the teachings in that area. Now as far as, you're talking about retaliation and punishment and you use the words 'anger' and 'hatred,' the only place I have seen that is on your website against three of these Council people, to my extreme disappointment. So, I would agree with you that there's no place for that, that we need to keep things more edified and take the high road. I'm a second term Council person. That doesn't mean that I know everything, it doesn't mean that I automatically have political capital, but it does mean that I do have a little bit of experience and that I've learned a lot along the way in working with numerous staff, numerous Council people, at least two or three mayors; and as one of the gentlemen last Friday aptly pointed out, our form of government does tend to be an adversarial one. I certainly think we should keep things as peaceful as possible, but to say that we all just gotta get along and we can't have any disagreements is a bit much. And I was thinking about Neville Chamberlain today, who said, "Just give (them?) the Rhineland." Sometimes you need to take a stand, and you need to say, "Wait a minute--we need to rethink this. Is this a hill we want to die on? Or how important is this? How important is our freedom? How important is our form of government?" These things are very important. There has always been rifts on the Council, there's always been rifts with somebody or the Mayor. I mean, that's part of the ball game in politics. And I certainly, at least can speak for myself, that I strive very hard to avoid those rifts, and that's why I've been extremely patient these last nine months or so. But my patience is wearing thin, because I have a duty, a fiduciary duty, to my constituents and the citizens in this community. And I will do my duty.

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Since there was just a statement and then the opposing view, I'd like to make a statement. Councilmember Strouse, in your statement in taking the high road and keeping things peaceable, you accused the Mayor of contacting the press.

Councilmember Strouse: I said that's what I heard.

Mayor Olsen: OK. Let's make sure that that is a rumor that you are stating to the Council.

Councilmember Strouse: Cathy Allred told me personally that it was the, Mayor Olsen called, was the one that asked to talk to her and so she talked to you on the telephone. And that's when you mentioned the two Councilmen that refused to turn over their computers to be checked for pornography. So, that is what I heard from Cathy Allred.

Mayor Olsen: And I will address that on October 3rd that she's bringing up, because it is a half-truth that was spoken. At the same time, I think that if we're gonna talk about that, Council, I, you know, you mentioned talking about the press, Linn says that the Mayor calls the press, if we need to, we can call in Channel 5 and find out the two Councilmembers and the Councilwoman that called, because the reporter told me to my face and to others that were in the room, that it was two Councilmen and one Councilwoman that called Channel 5, so if we're gonna make these accusations, let's make sure that we stand behind what we say . . .

Councilmember Strouse: May I shed light on that statement?

Mayor Olsen: . . . that doesn't sound peaceable.

Councilmember Strouse: May I shed light?

Mayor Olsen: Go ahead.

Councilmember Strouse: The reporter called my home, left a message on the answering machine, I returned the call because she called me, and nobody was there . . .

Mayor Olsen: So it could be a misunderstanding, just as the press was camped out here at City Hall, waiting to see if the Council members turned in their laptops, and they wanted to speak to the Mayor, who was not here, and did speak to them by the phone. Anyway, just so that there might be some miscommunication there. Is there any discussion . . .

Councilmember Jackson: Mr. Mayor, I do have other discussion.

Mayor Olsen: Go ahead.

Councilmember Jackson: Thank you. My discussion really lies in the fact that we're here tonight to make a decision, a decision that has been set that is representative of the public that we have here. I have a problem with that in the fact that on our meeting agenda, we're not allowing the public to speak to the decision we are making tonight. We have plenty of people here that have prepared, you know, spent much time also studying and trying to make some decisions on their own, and then trying to advise their Council people, as well, and they've shown up to speak. I know at least one of them actually prepared a statement, which she had copied and I know it was placed on every one of our spots. It frustrates me . . . Linn, I appreciate you want to talk, but I really would like you to not interrupt.

Mayor Olsen: Make sure you address me, because we're all debating.

Councilmember Strouse: I wasn't trying to interrupt. I was just letting you know that I'm willing, if you want to make a motion to let them talk, I'm fine with that.

Mayor Olsen: We've got to continue on this motion or we're gonna be way off, so . . . And Councilmember Jackson, I don't have that on the agenda.

Councilmember Jackson: I understand that, and that's part of my problem here, is I'm finding that we're sitting here, we're debating this and discussing this, and all of us have our own valid points, while we have citizenry that is also sitting here that has valid points that I think we should be hearing, and you know, now we're stuck in a little situation where we have a motion on the table that we have to either choose to approve or deny without even having heard comments from the audience that has shown up to talk. I'm sure that you all didn't come just to sit and listen. It just seems silly to me that you would spend that amount of time, you know, just to sit and listen, you know, on a night when you might be spending time with your families. I'm really not sure how to go about that, since we currently have a motion on the table that we either need to approve or deny, and really can't move forward when I would really prefer to hear comment from the public before I make a decision on that.

Councilmember Strouse: Was there some reason why you didn't bring it up before?

Councilmember Jackson: I wasn't given a opportunity. The meeting started and it was turned directly over to you all, so, you know, immediately a motion was made. When was my opportunity to do that?

Councilmember Liddiard: Mr. Mayor.

Mayor Olsen: Councilmember Liddiard.

Councilmember Liddiard: I'll be succinct. There was a question as to whether or not anybody had contacted any outside help and it's my understanding that, in fact, I participated in asking some questions about this very thing from sources that would be able to support us in giving us some guidance towards this very thing. And since it had been brought up in this discussion about laptops, I have given a copy of this form, where I had taken my laptop as soon as I had an opportunity to a company and let them scan for viruses, adware, spyware and all of the other pornography and things and I have the results of that that I left with our City Recorder, and would like to also then call the question at this point.

Mayor Olsen: All right. Just for the record, that is something completely off from the subject, which could come up at another time, but thank you for bringing it to the Council's attention. We have a call for the questions. Is there any more debate that has not been heard by the Council members.

Councilmember Jackson: I just have . . .

Mayor Olsen: Councilmember Jackson.

Councilmember Jackson: Sorry. I do have a question. I realize we have a motion on the floor here. My question is, is there any way we can table the motion in order, then, to hear from the public and then bring it back up in discussion? I don't know. I'm just asking.

Mayor Olsen: I don't think so. Jerry, can you help this Council out? I don't think we can table it.

Councilmember Strouse: May I make a comment?

Mr. Kinghorn: Well, the question's been called and everyone's had a chance to speak. You need to . . .

Mayor Olsen: Call the question.

Mr. Kinghorn: . . . call the question.

Mayor Olsen: All right. I apologize. Is it . . .

Councilmember Strouse: Yeah, I was just going to say that I think today I've talked with just about everybody in this room, so . . .

Mayor Olsen: Except me.

Councilmember Jackson: And not me.

Mayor Olsen: We have a call for the question. All those in favor of the motion as it is currently on the table, please say yes.

Councilmembers Blackburn, Liddiard, and Strouse.

Councilmember Lifferth: No.

Councilmember Jackson: And I'd like to abstain because I would like to have heard from the public prior to making any decision.

Mayor Olsen: Thank you. The motion passes. Is there any other items of business for the Council at this time? Councilmember Blackburn.

Councilmember Blackburn: Yes, we also had on the agenda item number 4. From time to time, excuse me, let me read it as it is on the agenda:

Consideration and enactment by ordinance or resolution to provide the ability for the Council to seek and retain legal counsel separate from the Mayor to advise and protect the Council and its interests.

From time to time, I'm not saying it's going to be enacted at any specific date, but, from time to time I think it's possible and advisable for the Council to retain its own legal services separate from that of the services already provided by our current legal counsel agreements or contracts. In order for the Council to be able to have this ability, both to fund and seek legal advice and assistance, we need to have this type of ordinance or resolution on the record, because it then allows the Council to use some of their funds or appropriate funds accordingly.

Mayor Olsen: Thank you. That was the presentation. Is there a motion?

Councilmember Liddiard: I move that we approve . . . now, as a point of clarification, Mr. Kinghorn, would this be an ordinance or would it be a resolution?

Mr. Kinghorn: I think it's just a matter of amending the budget to set up the funds you need. I talked to Dave Church today about how other communities have done this, and he said they just set up a budget item for legal counsel for the city council. They don't have any separate documentation behind it, but it would probably be a resolution, because it's not something that has any effect on third parties. It's simply an internal administrative mechanism.

Councilmember Liddiard: I move that we enact a resolution to provide the ability for the Council to seek and retain legal counsel separate from the Mayor to advise and protect the Council and its interests.

Mayor Olsen: There's the motion. Is there a second?

Councilmember Strouse: I'll second that.

Mayor Olsen: Councilmember Liddiard, you have the floor.

Councilmember Liddiard: Actually, I participated in a conversation and part of that led to my participation and discussion about this. I had talked with Mr. Blackburn in regards to this, where it

seemed advisable, in things that may be a conflict between Mayor and Council, so that the City Councilman that is advising both parties does not feel, I guess, between a rock and a hard place, to allow him to fully function in his advice. As Mr. Blackburn said, it's not necessarily a requirement that this be enacted, but allows the potential for Council members to seek outside legal counsel should they feel it warranted.

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Councilmember Jackson.

Councilmember Jackson: How are we to vote on a resolution that has not been placed before us? We don't have anything in writing that's the specific resolution. It seems to me that in every other Council meeting we have ever had, when we are voting to approve, whether it be an ordinance or a resolution, it is a typed-up document that is before us. There is not one here.

Councilmember Strouse: May I speak?

Mayor Olsen: Councilmember Strouse.

Councilmember Strouse: I talked to the attorney that's, many conversations with the attorney at the League of Cities and Towns. I've been spending much of my week talking to people at the Attorney General's Office for legal advice. Also, another attorney that was referred to me, and one of the things that they said is, before they could continue and actually talk any more about the situation, we would need to make a resolution simply that, if we choose to retain legal counsel, that we can. So if we decide to actually pick out an attorney and actually set it up as to when this is gonna start and all that, then we would need the resolution. That's my understanding. Now it's just a simple, are we gonna do it or not? And that's as simple as it is.

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Councilmember Jackson.

Councilmember Jackson: With that being said, what is being said is that it feels as though the Council needs separate representation from the Mayor. I would like to know, if the Council has two opposing opinions, then how do we handle that? How does an attorney represent the Council if they are not completely representing all of the Council?

Mayor Olsen: Let me state that it's always been my understanding that the City Attorney, Mr. Kinghorn, does not represent the Mayor exclusively or the Council exclusively. He is the City Attorney. He represents the citizens of the city and their interests, not the interests of the Mayor or each of you individually or collectively. Jerry, you can correct me if I'm wrong, but my understanding is, you are the City Attorney representing all the interests of Eagle Mountain. So, if that is correct, then my question would be, for the motion, if the Council does entertain to have a attorney whenever they need it, should the Mayor also have his attorney, as well, to represent his interests? That would seem like overkill for three attorneys in the city. Councilmember Liddiard.

Councilmember Liddiard: Mr. Mayor, I had a brief conversation, well, actually, it wasn't brief. I talked with our Attorney and a concern that I had is, I had asked him specific questions which were difficult for him to answer. I put him, I guess, in a difficult position in the questions I was asking him, and he felt

that he could not give me legal advice because of the questions I had asked. So, part of my interest in seeing this take place is not in anything other than the ability to have questions answered and that the City Attorney would still represent the Council and the Mayor, but if there be an issue where he is not able to answer questions, that there be the possibility of seeking outside help.

Mayor Olsen: Could that also apply to the Mayor's Office? Because it's two different governmental entities, so to speak, other than we are combined together as a governing body.

Councilmember Liddiard: I believe that in that situation, he would be your legal counsel.

Mayor Olsen: So you would propose that we make the City Attorney become the Mayor's attorney, and the Council would have their own.

Councilmember Liddiard: No.

Mayor Olsen: So, if the Council, in their motion, does a, if they choose the option of retaining an attorney separate from the City Attorney, then where's the check and balance for the Mayor to have his own attorney?

Councilmember Liddiard: You would still have our City Council's attorney. The attorney appointed for you.

Mayor Olsen: OK, I just want to make sure, because that insinuates that the City Attorney would then work for my interests. I just want to make sure I understand.

Councilmember Liddiard: I believe that it's entering into a legal foray for which I am not fully prepared, however, I guess that would be most likely the case, is that if the Council retains its own legal advice, and it is adversarial in nature to the Mayor's, then Mr. Kinghorn would serve as the Mayor's attorney in that case. But again, I'm not a legal authority on the matter.

Mayor Olsen: And I, too, am not, and that's why I just pose the question. If the Council chooses to obtain its own attorney . . .

Councilmember Liddiard: Then it would be fair that the Mayor have his own attorney, as well, and should not be declined from having such representation.

Mayor Olsen: OK, thanks.

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Council . . . now let's see, did we have . . .

Councilmember Strouse: I was hoping that we could hear from the attorney in this, since Vince said he didn't, he was into an area he wasn't prepared for. Because my understanding was, what Vincent first said, Councilmember Liddiard first said, was that Jerry Kinghorn is our City Attorney, for the Council and the Mayor, but in rare exceptions where there could be kind of a conflict of interest or things where, as Vincent explained, could be problematic, there would be rare exceptions where the Council would have a right to retain your own representation, so Jerry Kinghorn . . .

Mayor Olsen: You're correct, and let me make sure. I think that Councilmember Liddiard and I agreed that if the Council did do that, in the rare cases or case that the Mayor might be in an adversarial situation, I . . .

Councilmember Strouse: Can take one at a time, though?

Mayor Olsen: Can I finish? I haven't interrupted. That's what I'm . . .

Councilmember Strouse: I thought you did. I was wait, I asked Jerry Kinghorn to answer.

Mayor Olsen: No, I just, I'm chair. I just want to make sure before, it's our debate. The point being, if this Council, if this Council chooses to retain their own attorney, in an adversarial situation as you've suggested, is there not the opportunity, then, in the future, for a future mayor to be placed in an adversarial situation with the Council, and then the Mayor doesn't have his rare exception to have his own attorney? Because that attorney is representing the entire city, and not one, specific entity or body, and then, in fairness to Linn, do you want to make a comment, or . . .

Councilmember Strouse: I'm requesting a comment on the first question I had, which was . . .

Mr. Kinghorn: What was the first question?

Councilmember Strouse: The first question was, restating what Vincent said, you are the city's attorney, the Mayor's and the Council's, and what we're asking is the rare exception when there may be a conflict or something, that, like you stated the other night, that you were a little uncomfortable in answering because it wasn't your area of expertise in that particular area of the law, so would, you know, we could have an attorney in those rare occasions. So, what is your thoughts on that?

Mr. Kinghorn: It's not common for a City Council to have separate legal counsel, but it has happened. And it's happened, it's happening, I believe, right now in Bluffdale, for example. It happens on and off when the Mayor and the City Council have differences of opinion about the executive power and the administration of city government, because sitting up there as a Mayor and Council, you're a combined legislative/executive power, but the Mayor is vested with the responsibility of the administration of the city. So you can see how there's some differences of opinion and conflicts can occur. I have been in situations before where a representative of the city and the Mayor didn't like the advice that I was giving. He went out and got separate legal counsel and that eventually, you know, worked itself out. So there have been situations where either the Council or the Mayor feel that they're not getting objective advice, or feel that the City Attorney's taking sides, and they want to get another view from another lawyer. It's perfectly fine, it's perfectly appropriate to do that. You need to be comfortable about the law that governs these situations, and if you need to go get a second opinion, or if the Council needs to seek legal advice from someone else, they could do that. And the same way with the Mayor. If he feels that, for some reason, he's not getting the advice he needs from the City Attorney, he can go seek legal counsel elsewhere. It's very unusual but it does happen.

Mayor Olsen: And that's my point. If this Council chooses to pass this resolution, then they're choosing to retain, in those rare circumstances, an attorney for the Council, but I don't see anything included for the Mayor in those rare circumstances where the Mayor may need to do that, as well. That would create an equal balance of power. Otherwise, I think we're spending a lot of money on several attorneys for the City. Councilmember Lifferth, you have a comment.

Councilmember Lifferth: I'd like to make a couple of comments on this. First of all, we've got an agenda item before us that definitely, I think, impacts our budget. We have not had any budget amendments to address this, we've not had any public hearing to see if, to get feedback from our constituents as to if they think it's an appropriate use of funds. And even going to, you know, a stronger detail on that, we have two current Councilmembers who have not authorized a single penny to be spent on City business so far to date in this fiscal year. They did not approve the budget the rest of the Council approved, and then in our December, excuse me, our September 5 meeting, where we had seven budget amendment items that were brought before us, with things I considered to be essential city services, full time head count increases, changes, matching grants, and then we had three members of the Council that would not approve budgets to be spent on that, and yet they're coming before us tonight asking the city to spend money on the Council. I think that's extremely selfish and I think that the fiscal irresponsibility of that is going to be historic in nature in Eagle Mountain, that we cannot approve a budget to address what the City has to do, and now because of this rift and the animosity that exists on the Council, they want to hire a city attorney without estimating any cost, specifying that we go out to bid on this. I just, I personally have sought legal advice in the past for things that have happened here in the city before I was here on the Council, and I paid for it myself. And I think if we authorize this without any budget to be available, I could tolerate that, because it would be financially responsible not to spend the residents' money on something like this. But if this is going to require and allow budget money, tax money, to be spent, we've clearly gone through this process in an inaccurate way.

Mayor Olsen: Is there an opposing view?

Councilmember Strouse: Oh, I would like to say that some of the major reasons for not passing the last amendments to the budget was because of the difficulties that we've had trying to get proper information, getting, in some cases, absurd explanations for financial questions, and because we were not able to pass these things because we've been burned in the past, I'm not going to take people's word for it. We have to have writing, we have to have documentation, we have to have supporting evidence, and because that didn't happen, neither could we pass those things with good conscience. We also feel compelled to occasionally get legal opinion. And those are some of the reasons why we need to do this. I guess that's all for now.

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Councilmember Jackson.

Councilmember Jackson: With the comment regarding documentation, this is my one piece of paper talking about what we're dealing with tonight. Where's my documentation?

Councilmember Blackburn: Yes, Mr. Mayor.

Mayor Olsen: Councilmember Blackburn.

Councilmember Blackburn: Yes. In reviewing the ordinance tonight, I do see, and I was going to bring this up, as well, as soon as we were into discussion, that I do see that the Council requesting separate counsel would be a budget item, and so this would likely be something that would need to come under a separate meeting, as we have proper notifications, we're talking about the budget. As we have been dealing with the budget and working with the budget, I think one item to point out to the entire Council is that we have been informed that we can only have, were previously informed, that we could only have one item per special meeting. As soon as that was found to not be, and so we've scheduled multiple

meetings to cover one topic per meeting. In the course of the last week, we've actually found that that law has been changed and we can have more than one item per special meeting. So, I do want to point . . .

Mayor Olsen: That's my understanding also.

Councilmember Blackburn: Right. So I want to point out to Council that, you know, Jerry does a great job, he's got a lot going through his mind at any time. He's got to couch what he says in absolutes and sometimes we get the wrong information. And that's regrettable both for him and for us, but that's one item wherein we can see that separate counsel, the ability to talk to counsel whether they're on retainer, I'm not saying we're gonna have two lawyers sitting over there, but the ability to have separate counsel, the ability to pay them for services and opinions, in some cases I would hope that these, that our separate legal counsel would actually be free through our association with Utah League of Cities and Towns, but if we're talking about having accurate information, or being able to voice an opinion, get the, get some legal support or ideas and concepts behind it, I think we need to have that information available.

Mayor Olsen: Councilmember, I would support that, as long as we make sure that, if the Council retains its own attorney for those rare circumstances, that that balance of power that's been spoken of is also protected in the Mayor's Office, so that in those rare circumstances where the Mayor is in a situation, that the Mayor could retain his own or her own attorney. Under the circumstances, if this motion were to go through, then I would propose that it be shown that the City Attorney works for the interests of the Mayor, then, because that doesn't equal out, and I'm not in favor of that, either. But if we're going, if this is the process we go, I would like to keep that balance, in that the Council should provide an attorney, the option for an attorney, for the Mayor's Office.

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Councilmember Jackson.

Councilmember Jackson: This, you know, sitting here and rereading, rethinking, and literally what this says on this piece of paper, it says, "Consider and enact, by ordinance or resolution, to provide the ability for the Council to seek and retain legal counsel separate from the Mayor, to advise and protect the Council and its interests." So in that case, I suppose, it's implying that, then, Jerry represents the Mayor, even though that's kind of what I thought the conversation was, where you were asking Mr. Liddiard the legal foray that was going on, yet never seemed to have been cleared up. So, is our attorney indeed the city's attorney, the mayor's attorney, the city council's attorney. I mean, what is his title and then . . .

Mayor Olsen: I'll allow him to speak. I would like to comment that my personal opinion of our City Attorney, there have been times when, of course, we as a Council and a Mayor, you know, there's, I have opinions and we all share different opinions, there have been times when I wish the City Attorney would favor me in cases where it's adversarial, but I've never had that. I haven't even seen it on the opposite end, from the Council. So that's why I get concerned as a Mayor if the Council says, "Well, we want to retain an attorney for us, when we already have a City Attorney representing all the interests of the City, including the Mayor and Council, then shouldn't there be a balance? Mr. Kinghorn, you can go ahead and state what your job role is. I think it's understood, but I think, for the record, it's important for the Council to know, who do you represent?"

Mr. Kinghorn: The city is a corporation, and I represent the corporation. Now, the corporation has to be guided by some individual and the mayor is the Chief Executive Officer of the corporation, and so I take my directions on day-to-day matters from the Mayor. When it comes to legislative matters, drafting ordinances and that sort of thing, I take my instructions from the actions of the City Council at City Council meetings.

Mayor Olsen: May I ask you a question that I think is on the mind, at least it's on my mind, based on the conversation, have we ever placed you in a position that you needed to be adversarial either towards me or to the Council? And if we have, maybe that would be the rationale for asking the Council to have their own attorney or even the Mayor, if that was to happen, or do you keep balanced?

Mr. Kinghorn: Well, I think what Mr. Liddiard said is correct. There are times when I'm asked questions about, and this isn't the exact, this isn't the example. This isn't even close to an example, this is just an extreme example, but it's like being the mechanic that keeps the bus going and having someone come up and ask you, "How can I put a bomb in the bus? You know, how can I stop the bus from going the direction it's going?" Mr. Liddiard's questions to me weren't that kind of questions, but they're questions about, the Mayor has, he has a way he wants the administration of the city to go. He's given instructions to the department heads about, you know, the way we are to behave, the way we are to perform our services, the way we're to do things. He's given some instructions, we got into this over the budget. He have some instructions to the City Treasurer and they did some consulting. I think they thought they were right. Now, their interpretation, I'm not the only one that interprets the rules around here. The City Recorder interprets the rules. The City Treasurer interprets the rules. And so sometimes they ask me and sometimes they're comfortable with the interpretation they have just from the books and they don't ask me, but the point I'm trying to make is that, in the Mayor's administration, he's called upon to answer questions from day to day, or to take actions from day to day, and he calls up and says, "Look, I want to do this, I think this is the right thing to do. Does the law allow me to do it?" And I say, "Well, the law gives you this much room. As long as you work within those two boundaries, you can do what you're proposing to do. Personnel matters comes to mind. So, yeah, there are times when a Council member might call up and say, ask me a question that, that in my judgment gets close to undermining some instructions I've been given by the Mayor, then I'd say, "You know what, I can't really help you strategize about that or give you any information about that, because I think it undermines the instructions I've been given as far as the direction the Mayor wants to take the City.

Mayor Olsen: That could go both ways, couldn't it? I mean, a mayor could come in and try to put you in a position that would be adversarial towards the Council, as well.

Mr. Kinghorn: Well, we've had those situations where a mayor says, "I want to do that." And I have to say, "No, you can't. That's no legal. That's not proper. You can't do that." And I've had that with every single mayor of Eagle Mountain so far. It's not a big thing.

Councilmember Blackburn: I missed that. Can you say that again? [Laughter]

Mayor Olsen: Including this one? I mean, that's a big statement.

Mr. Kinghorn: On a couple of real minor things, I think, yeah. I think you've said, "How about this?" I'd say, "No, I think you'd better do it this way." But that's just a judgment call.

Mayor Olsen: I appreciate you bringing that up, because I think it's relevant for the discussion. If this Council does choose to retain legal counsel for their, to protect the Council and its interests, then I

would also suggest that the Council should seriously maintain a balance of power. So if I'm ever in a position, or a future mayor's in a position, they would be able to retain the same. Otherwise, I think we should just keep it with the City Attorney. I'm confident that adversarial relationship doesn't exist with our City Attorney. Councilmember Strouse:

Councilmember Strouse: Jerry, you already mentioned that there has been several occasions in other cities that you're aware of where the Council does, on occasion, retain its own attorney. So are you aware of other cities where that happens with the Mayor retaining their own attorney?

Mr. Kinghorn: It happened in Holladay a few years ago. It's pretty rare, but it happens once in a while. Like I say, it's very rare. Usually, when these situations come up, the lawyers wind up sitting down and working it out, because none of us wants to spend a whole bunch of money litigating some issue that we can resolve.

Mayor Olsen: With the taxpayers' money, going with three attorneys.

Councilmember Lifferth: Mr. Mayor.

Mayor Olsen: Councilmember Lifferth.

Councilmember Lifferth: In reviewing this one more time, going through the implications of what's being proposed here tonight, and potential budget implications, this by no means is abiding by the guidelines of the State of Utah in allocating budget money and allowing something to occur. I think this needs to be declared illegal and sent back to the drawing board for it to come back as a budget item, to allow this item to occur.

Mayor Olsen: Now, when you say illegal, are you referring to, there's no resolution in front of us?

Councilmember Lifferth: Budget amendments have to go through a certain number of notifications, we have to have a public hearing. If we were to approve this tonight, we'd be violating a number of known State statutes governing city budgets.

Mayor Olsen: My only concern, Council, is if it passes, what exactly does the Mayor sign on paper, that would be my question. Once this legislative body chooses to, to do this, what am I signing to make it enforced?

Councilmember Strouse: I would like to hear Jerry Kinghorn's response to Councilmember Lifferth.

Mr. Kinghorn: If you had a specific amount of dollars that you were going to move from something to something, you know, create a new budget item, and you were trying to do that tonight, he'd be dead-on right, because it wasn't part of a tentative budget that was before the, in the City Recorder's office ten days before adoption and there wasn't a seven-day public notice. I assumed when I saw this that this was kind of a sense of the Council that you were, you wanted to consider this, you wanted to get approved as a sense of the Council and wanted to go in the direction of establishing a budget item, not necessarily establishing one tonight. I didn't prepare a resolution for you. I didn't know exactly what you had in mind. I didn't think you had a specific amount of money in mind or anything of that kind, or certainly it didn't comply with the rules Mr. Lifferth mentions on amending a budget, but I had assumed that this was just going to be a motion of the Council to go in the direction of amending the budget and

have this very discussion we're having now, about whether it's something that deserves further consideration and budget amendment or not, or further vote on a budget amendment.

Councilmember Strouse: So is this problematic? The request that we vote to approve, or vote on a resolution to approve seeking to retain an attorney upon occasion. So is this problematic?

Mr. Kinghorn: Well, I'm not sure what it means. That's what I'm struggling with here. I think that if you were to . . .

Councilmember Strouse: It's sort of permission.

Mr. Kinghorn: Yeah, what I was thinking, if I were trying to structure this for you, what I would probably do is say that you ought to work with the budget to find the dollars to set into a line item to create a line item for outside counsel and put that through the tentative budget and budget amendment process. I'm not sure what this means tonight. I understand what you're saying. When I talked to Dave Church, I said, you know, is there some specific ordinance or resolution we ought to be passing, and he says, no, it's just a budget item, as far as he's concerned. It's just been handling as a budget item in the past, where the Council would set up a budget item to go retain outside counsel if they wanted to, and then, you know, I didn't get into the fine details about who selects the lawyer and how do they vote on what their position is going to be, because you have five people, technically six with the Mayor on the Council. The question becomes, does he get to sit in on those negotiations? Well, probably not, because he's the party that's adversary to the rest of the Council, but certainly all the rest of the Council members, you know, should have recourse to that attorney. I think it puts the attorney in a very tough spot, because he doesn't have any entity with a specific person who's the last word in giving him guidance on what he ought to do. So, if the five of you, say, went to see this attorney and sat there and had a big discussion about some subject and you didn't come to a consensus, he'd have a; what you may just be looking for information. You know, you may just be looking for information, and he could probably give you information that you could all agree is, "Yeah, this makes sense. This is the right information."

Councilmember Strouse: So a resolution that would just establish that the majority of the Council feels we need to go in this direction, is that adequate?

Mr. Kinghorn: I think you need to do it as a budget item, Ms. Strouse. I don't think . . .

Councilmember Strouse: OK, that answers my question. So how do we do that?

Mr. Kinghorn: I think having this discussion and voting to establish a budget for that puts you in the direction of going through the formal process that Mr. Lifferth's talking about.

Councilmember Lifferth: Mr. Kinghorn, may I ask a follow-up question to that? Is there anything now keeping anyone on the Council seeking legal counsel?

Mr. Kinghorn: No.

Councilmember Lifferth: If I wanted to go out and hire some high-priced attorney to get whatever I wanted . . .

Mayor Olsen: Order, please, we've got two council members discussing over here and we need to listen, please. Go ahead.

Councilmember Lifferth: So there's nothing currently prohibiting me from seeking and retaining counsel, as long as I do it on my dime.

Mr. Kinghorn: No there's nothing like that.

Councilmember Lifferth: The only concern here is that, if there is money that could potentially be used to retain an attorney. That's what retaining means, you've got someone on your dime.

Mr. Kinghorn: That has happened in Eagle Mountain before, that they have, members of the Council have gone out on their own dime and retained lawyers who've called me up and said, "What are you talking about." "Well, this is what I'm talking about." We wind up getting the right information.

Councilmember Lifferth: And we can do that right now. There's nothing prohibiting us from doing that, if we so desire.

Mr. Kinghorn: No.

Councilmember Lifferth: OK, so the only reason we would pass something like this, Mr. Mayor, is if we're wanting to spend the taxpayer's dollars on an additional attorney. I think it's an illegal ordinance or resolution that's being proposed tonight, and needs to be declared that way, and we need to go home.

Mayor Olsen: There is a motion on the table . . .

Councilmember Blackburn: Mr. Mayor, instead of calling it illegal, should we call it, maybe, inappropriate at this time? Rather than illegal, because it's not law yet, so it can't be . . .

Councilmember Lifferth: The attempt tonight is to spend money that has not been budgeted for. The word 'retain' means we are keeping someone working for us and money is implied. This is an illegal act and this will go down in history in Eagle Mountain.

Councilmember Strouse: Is this an illegal act, Jerry?

Mr. Kinghorn: I don't think you're appropriating any money tonight. I don't think you're changing the budget tonight, so I disagree with Mr. Lifferth, in that it's an illegal act, because you're not amending the budget. But I don't know what you're doing. I don't know what the legal effect of this is, because you already have the ability to go through the process and amend the budget to create a budget item for yourselves for legal counsel. I hate to disagree with anybody on the Council, but I don't . . .

Councilmember Strouse: But it's not an attempt to wantonly disregard the taxpayers' money. The intent, as I stated earlier, is to make sure that we can better do our job of representing our constituents, and more efficiently and, therefore, actually be saving the taxpayers money.

Councilmember Jackson: Mr. Mayor.

Mayor Olsen: Councilmember Jackson.

Councilmember Jackson: I'm still just stuck on language, here, and so, you know, I apologize for being stuck on language, but, the way this looks, it looks to me that it's saying that, you know, the Council has the ability to retain legal counsel separate from the Mayor, which implies that the Mayor has counsel. My confusion is, what is that counsel? And we've still, you know, I mean, Mr. Kinghorn has said that he represents the City. And so I guess I'm just still kind of confused, which is, again, why I said in the first place, if we're going to have an ordinance or a resolution, I think we should have it in its entirety with all of its wording, and not a sentence as to what it is we're enacting.

Councilmember Strouse: Well, since Jerry Kinghorn already explained that to us and, you know, I don't think anybody here is pursuing this at this time, because he already explained it needed to be restated in a different manner, as a budget item.

Mayor Olsen: So we do have a motion . . .

Councilmember Lifferth: Based on Jerry Kinghorn's statement and Linn Strouse's statement, I move to adjourn the meeting. There's nothing to do.

Mayor Olsen: Well, we have a motion . . .

[Several speaking at once]

Councilmember Blackburn: Our attorney has told us it's not an illegal motion. We need to consider the motion, and then we can move to adjourn.

Mayor Olsen: Let's make sure we all understand that, if the, you as a Council have the opportunity to pass the motion, and what I understand is there's consequences that will follow with that motion if enacted. What those consequences are may be . . .

Mr. Kinghorn: You know what, I think the way to resolve this is for the proponents of this to sit down and kind of write out a few sentences of how you would go about selecting legal counsel and how you would go about having some way to consult privately with that counsel and take a vote among yourselves, not as Council members but in terms of, you know, if you get in there and you've got a disagreement about what to instruct counsel to do, or what you want him to research, for example, or something of that kind, that you have some mechanism in that resolution for resolving it. Majority rules is probably what you would wind up saying. But I think it would be wise to have something kind of written out, and I would be happy to help you try to find the right words for that. I think that that's not an inappropriate thing to do. Obviously, you're struggling here with some policy that you're trying to develop and three of you are in favor of it. So, if you'll accept that recommendation, I would recommend that you withdraw the motion. I would work with whoever wants to propose something in writing like that and we bring back a formal resolution that can be placed on the agenda under the terms of this new ordinance that you just passed, allowing you to place matters on the agenda. Anyway, that's my suggestion.

Councilmember Blackburn: Mr. Mayor.

Mayor Olsen: Councilmember Blackburn.

Councilmember Blackburn: As having made the original motion for, I'm sorry, I don't remember if I read it or if I just. . . Who made the motion? Was it Vincent? OK

Councilmember Liddiard: But go ahead. I will follow in suit and you simply beat me to it. Based on the recommendation of our City Attorney, I think it would be fine to withdraw the motion and to allow Mr. Blackburn and Ms. Strouse to complete a dialog with the City Attorney as they see fit.

Mayor Olsen: All right. So I recognize that the motion has been withdrawn. That then concludes the items on our agenda this evening. Our next meeting is scheduled for September 30th, I believe, at . . . Gina what time was that? The September 30th meeting?

Ms. Peterson: The 30th. One at 12:30 and one at 1:00.

Mayor Olsen: So there's two meetings, 12:30 and 1:00.

Ms. Peterson: Right.

Mayor Olsen: Do I have a motion to adjourn?

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 8:35 pm.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL SPECIAL MEETING

September 30, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

1:00 P.M. SPECIAL SESSION – CITY COUNCIL CHAMBERS

Mayor Brian B. Olsen called the special meeting to order at 2:31 p.m.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, David Lifferth, Vincent Liddiard, and Linn Strouse. Councilmember Heather Jackson was not present.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; and Peter Quittner, Deputy.

Minutes reported verbatim.

PUBLIC HEARING – FY2007 Budget Amendments

ORDINANCE – Consideration and adoption of an ordinance amending the budget for Fiscal Year 2007.

Mayor Olsen: We're going to open this September 30th Special City Council meeting for 1:00 p.m., that was scheduled for 1:00 p.m., at this time. Our earlier meeting went over, but we do call this meeting into order. We are going to forgo the formality because this is a continuation from the former meeting. The Pledge of Allegiance has already been offered. Let me see, am I on the right schedule here? OK, I'm going to give the time to Councilmembers Blackburn and Liddiard for, do either of you want to do a presentation on this or do you want to go right into a public hearing?

Councilmember Blackburn: That's a good question. Seeing as how we've brought this item before the Council and the public several times, I think everybody knows and has seen what we're looking to do here. I believe also legal clarification since we've submitted and requested this meeting would be that the final item would be probably be to table the action, anyway. Is that correct, Jerry?

Mr. Kinghorn: Yes, this ordinance has the same problem the other ordinance has. This is basically something that was acted on by the full Council in the past, or the interpretations and overlapping issues of the budget are all wrapped up in the budget, and so it's a one-action ordinance item the way it's been brought to you.

Councilmember Liddiard: By show of hands, does anybody here really want to make comment that can't be here on Tuesday [inaudible – too fast] some kind of comment because this is already on the agenda for Tuesday? Anyone?

Mayor Olsen: We probably, Councilman Liddiard, we probably ought to, for the formality's sake, open the public hearing or at least entertain a motion, because it's a special meeting. Open it, if nobody does,

then we'll close it, then we can, just because it's here and it's been published, just to say that we did it. Is there a motion to open a public hearing?

Councilmember Blackburn **moved** to open the public hearing at 2:36 p.m. Councilmember Strouse **seconded** the motion. Council members voting yes: David Blackburn, Vincent Liddiard, David Lifferth, Linn Strouse. The motion **passed**.

Councilmember Liddiard: I would like to introduce this topic.

Mayor Olsen: Go ahead. Oh, wait. Yeah, go ahead.

Councilmember Liddiard: The way this is mentioned, so that you can phrase your comments, is the following: *"The following are brief explanations and rationales for the amendment of the differences, if any, for the overall 2006-2007 Eagle Mountain budget. Number one, custodian. (If I'm reading this too fast, I apologize. I have a cold. I will slow down, ever so slightly.) Custodian: The City has discussed over the past six months bringing custodial services in-house through hiring one full-time equivalent person. This person would be responsible for the maintenance and cleaning of City Hall, Public Works and Public Safety buildings. This additional employee will cost \$42,000 annually, \$30,000 to be transferred from the custodial contracts and \$12,000 from general funds as an addition to the budget."* What you don't see on this was on a previous budget was for an accountant's position at \$40,000. I didn't include it on this specifically because I was at odds with the fact that it would be a custodian making more than the accountant and the position description and duties or qualifications of the accountant were never fully described to us, as to why the position was warranted and the qualifications and duties. I would have rather paid an accountant more money and get some better capabilities for our city than only \$40,000 and not meet current and future needs.

Plans Examiner: The Building Department is proposing hiring a plans examiner. This position would assist with the review of plans and act as a building official when Kent Partridge is unavailable. This expense is being budgeted \$76,000 and it is estimated that this amount would be covered by new permit fees. The growing economy, growing costs of homes, and the relative affordability of cost of homes in our city has caused us to grow quite a bit. We have available land, we have available plat, we have people that are willing to build homes and we are a bargain in Utah. We're a bargain anywhere in the West. We have a lot of growth that's taking place. It sure would be nice to be able to meet that growth demand.

Codification of ordinances: This would allow the completion of some codification of City ordinances. This would assist the Recorder's Office in being able to have a better reference to ordinances with the City, and that would be done through the codification company. It's budget-neutral because there's monies left over from this effort out of the last year's budget and were fully expensed.

Changes in the compensation of elected officials: I'm going to skip that one. Five, changes in all references from Chief of Staff to City Administrator: Previously, we've had a City Administrator, we desire to entertain a change to have a City Administrator, rather than a Chief of Staff. You know, there was a rumor that we were trying to get rid of Mike Wren, that this was pointed out in that direction, and then it's just the chopping block is going to fall and we're going to get rid of everybody else, as well. This by no means is intended to threaten Mr. Wren or his position.

Number six, Fire Department equipment: The Fire Department has been given a grant for \$37,465, of which \$11,585 has been required as a match. There's been some confusion about this because this particular item has been mentioned as being able to receive a refund from last year's grant that could be attributed to this. So the confusion is, if we're getting a refund from last year's grant, that means that last year we paid for all of it and the grant actually never came into fruition, and so we want to apply it to a new grant purchase to be able to do some things there. What it boils down to is that if we buy this, it's good for you, it's good for me, it's good for everybody in the city because the equipment will help to further the capabilities of our Fire Department. There's a little bit of confusion as to how all that really worked with the funds from last year being applied for this year, but essentially it would be budget-neutral, as it was explained to us.

Electric Department Lineman: The electric department is in need of a qualified lineman. Apparently, more than one. This would be at least one person that would help us to be able to do things more than just electric meter setting, but be able to meet some of the demands and the requirements of the electric department.

Number eight: Set all funds as delineated in the General Fund as referenced in the Council review as approved from the June 20, 2006, budget of 2006 and 2007 as different budgetary departments. This would allow each of the funds that were set up, either as offices or as divisions, to be able to be considered as budgetary funds and independently auditable by the State Auditor. This would help, at least, as from a perspective of being able to understand which funds are delineated for which purposes and seeing that they are accountable as such.

Number nine: Set the budget as policy direction for the Mayor and staff. This is budget-neutral because it is a policy line, rather than a fiduciary line, meaning that the budget itself, as it was introduced, and with its introductions and as it was passed, would be the policy direction from the Council to the Mayor and staff to be enacted as these are the priorities, these are the fundings laid out and the capabilities and intents where we felt the city needed them.

Number ten, changing a mileage reimbursement for the Mayor from \$80,000 to \$40,000. Excuse me. Thank you, Mr. Lifferth. I have a cold and I made a decimal error, a gross decimal error. Change of mileage reimbursement from \$8,000, eight followed by three zeros, to \$4,000, four followed by three zeros. And to set the manner in which mileage reimbursement for everybody in the city, the way it's formed and the way that's submitted, the way it's brought back and how it's paid, but in these specific things so that those are approved by the Council.

And number eleven, Code Enforcement Officer: This would approve additional hours to increase the workload, increase the hours for that position that we currently have as a part-time position in the city. That's it, so your comments in the very public hearing should be appertaining to the things that were just mentioned.

Mayor Olsen: Thank you. Is there any public comment, or this public hearing is now open. Looks like we have, make sure this is on. And it's the same instructions for everybody: state your name and address.

Ms. Peterson: Len, could you turn on, yeah.

Len Whitney: Leonard R. Whitney, Jr. I live at 2139 East Weeping Willow Way, the house with the American flag flying 24/7. I'm here today to defend, talk about budget amendment number eleven. I am the Code Enforcement Officer for the City of Eagle Mountain. I've been here for over a year now and I feel I've done a very good job in my position, and the problem is that I cover 48 square miles of Eagle Mountain. It is quite difficult to do it on the time I have. Presently, I only have fifteen hours allotted to this position. And to show you how busy a position it is, it'd be fifteen times two, as I recall, is thirty. It was when I went to school. Well, so far for this pay period closing today, I've accumulated sixty-two hours of covering the city and the code, helping to keep the city well. I wanted to give you a quick example of what I am doing, and I do care about this city. I had a situation where I had a very difficult time getting this particular person to clean up their property, and I won't mention names. But I thought, "Well, how am I gonna do this? I've left violation after violation, I've talked and talked." So I thought, well, "I'll call this person up and say, 'Let's come up with a solution to take care of this problem.'" And so my solution was that I had connections to get an eight-foot by fifteen-foot trailer, along with this particular fellow's pickup. And I did acquire the trailer and he did pick up, and also I came to the City and got two permits for the dump and he cleaned this up. And it's all cleaned up now and it looks wonderful and the neighbors are happy and the area where I live looks much, much better. And I go out of my way to work with people. I have a person that is trying to run an auto shop over on the corner of Partridge and Blossom. He's been trying to run an auto shop and he has for the last several months and I approached him on Friday and told him it has to cease. He doesn't have permission to have a shop, and we're coming up with a solution for him to acquire a place that he can do this business outside of the city or build something inside. Anyway, I see my time is about up. Now you see what my wife has to put up with. Long-winded.

Mr. Liddiard: Mr. Mayor, could we allow him more time? I would really like to hear the rest of what he has to say.

Mayor Olsen: The Council members can allow more time if, OK, I'm getting a heads-up, so . . .

Mr. Blackburn: I'll second that.

Mayor Olsen: Go ahead. Just let that thing keep going.

Mr. Whitney: Thank you. So I've had many opportunities to work with many of the people and I'm proud to say I am a very diplomatic person. I haven't hurt anybody. I know what to say and how to say it so that I don't offend anyone. We've come up with an idea now, a little thank you card that we've put together and it has the logo of Eagle Mountain City on it. And when people do adhere to requests of cleaning up their property, I think it's fitting to go around and give them a thank you card, signed by me and the City Council, for the effort that they made to make this a better city to live in. And the reason, I don't just want forty hours for the sake of forty hours. The benefits I'm not really too concerned about. DuPont gives me nice benefits and DeAnna works for the City and she gets nice benefits. So if it cost the City money to give me benefits, well, forget the benefits. But I need forty hours to do this job the way this job deserves to be done and the way the city deserves to have me do this job so I can keep up with it. And as I mentioned to Councilman Blackburn, I've raised ten children, and that's no one's fault here. The thing is, it's like raising children. You go to your child and say, "Clean up your bedroom or else" and so they clean up their bedroom and you go back in a few days and it's right back where it was. Well, that's what I run into here. I go show them what they have to do or tell them what they have to do in a diplomatic way, and I go back through and I have to do it again. So I'm very hopeful that you Council people here, men and women, will consider giving me the forty hours I need to do the kind of

job that this city deserves to have done. And again, I'm grateful for all of you. I'm grateful for this position. I do handle it well and the city is looking better. Thank you very much.

Mayor Olsen: Council, just for FYI, the time that we went over was, and that's all I was timing, I was figuring out how to turn that auto-beep off, but it was 1:48, so just. Anyone else that would like to make a comment for public hearing? Tiffany Ulmer is coming up. What I'll do is just start it when you start.

Ms. Ulmer: Tiffany Ulmer, 1320 Harrier Street. A couple of comments first. I hope we can get Ms. Strouse's mike fixed. As we noticed, it might not just be her mike. It might just be her electrifying personality. And if we could find a mike that would work for her, because it hisses every Council. All right, looking at the agenda items that you have listed, one through eleven, oh, I had another quick comment. I just would like to comment about the maturity of the audience. Our audience has really grown over the years, where we aren't holding signs and picket signs and pitchforks and they've done a very good job. And the Council's also calmed down today, too. OK, agenda items one through eleven. Number five, it says the City Administrator and, you know, you're changing the Chief of Staff to City Administrator. Yes, I know it won't change and you won't get rid of Mr. Wren. It puts him in charge of the Public Works, but I know on the pay scale that Public Works administrators make, that he will probably leave at that. And so I think we need to revisit this one. If he is the gentleman we want to keep, maybe we need to combine Public Works and have him be in charge of something else and pick up the City Administrator where he maybe picks up something someone else is doing part time. So I'd recommend removing that one and let's reconsider that one.

On number eight, I have some confusion with the setting the general funds between departments. I thought that was already what the law required and we need to make sure our budget is according to State terms, because I've heard confusion on that, and I need clarification on that. On number ten, on the mileage reimbursement, for the most part I'm pretty much fine with that. He deserves a good slap there and so go ahead and slap that on him. But my only thing is the delay on payment. I would recommend that you make sure, as Council, you maybe put that you need to approve it within thirty days or a Council or two Councils or something like that, because otherwise it'll be years later when we finally get around to approving it, just knowing how the City works. Last other comments is related to number four, which was discussed about the compensation. I think the Mayor has heard a lot and now it is his time. I don't think it is appropriate to decrease a mayor's salary without his consent. If he said, "You know what, I'm suddenly a millionaire because I won the lottery and I don't want to be paid any more," then he could bring that to you. But now it's his turn to come up with a nice compromise. Set up maybe, "Hey, I'll take a small, this type of decrease" or set something like that. It's time for him to bring a plan to you, because I think if we cut it down to the thirty grand, it allows only the rich or the retired, or maybe even just the . . . It limits the amount of people who could run for mayor in the future. And also any changes, unless the Mayor actually approves it, I think you need to set them up for next election. If you want to drop it down to thirty grand a year, I'm fine with that if you'd like to, if that's what you feel, but to do that for the following election year. Thanks.

Mayor Olsen: Thank you. Anyone else? All right, Council, it looks like there's no more comments to be made. I'll entertain a motion close the public hearing. [multiple voices] Let's see, Councilman Blackburn got the words out first.

Councilmember Blackburn: I said “Mr. Mayor” first. [laughter from audience] Jerry, just a point of clarification: we cannot adopt or enact anything that is seen as a budget amendment actually dealing with numbers, correct?

Mr. Kinghorn: Yeah, or anything that is embedded in the budget or interprets the budget. It would be an amendment to the budget, it would be something new or in addition to, it would be a change in the budget.

Councilmember Blackburn: OK, so I was looking at this and wondering: items number five, eight, and nine are not changing numbers.

Mr. Kinghorn: But they are interpretations or policy direction in the budget. They’re amendments to the budget. They’re changes in the budget document that you want by virtue of the ordinance.

Councilmember Blackburn: All right. Thanks.

Mayor Olsen: OK, let’s entertain a motion to close the public hearing.

Councilmember Strouse: Mayor, I had two or three comments on these items.

Mayor Olsen: Should we close the public hearing, then entertain a motion, and then that way Councilman Strouse can, has the opportunity to speak, because this is the public hearing. So let’s entertain a motion to close the public hearing.

Councilmember Lifferth **moved** to close the public hearing at 2:48 p.m. Councilmember Liddiard **seconded**. Council members voting yes: David Blackburn, Vincent Liddiard, David Lifferth, Linn Strouse. The motion **passed**.

Councilmember Strouse **moved** to discuss the ordinance. Councilmember Blackburn **seconded**.

Mayor Olsen: Councilwoman Strouse.

Councilmember Strouse: OK, my two cents for worth I wanted to add. During the regular budget which we approved in the end of June, that is the time, you know, we worked right up to that to prepare for the following year. That’s the biggie. That’s when you’re really supposed to, every department head and everybody is supposed to really, you know, this is their chance to say, you know, “We need this.” OK, we did not get anything from the Building Department. So, again, when the Council does not get information, but I have to hear that our Building Department supervisor, Kent Partridge, has not taken a vacation since forever and I don’t hear about that until someone in Council comments, rails me for it, I have a problem. We have a problem with communication. That should have been brought up in the regular budget session. It should have been brought up prior to talking about amending the budget. I, you know, we’re on fire here with building permits. That’s something that should have been discussed then and I’m not against it, but we need the information so that we can make good decisions.

The Fire Department issue: During the regular budget we were told there was \$11,000 left over from last year’s grant money to put toward the \$36,000 or around that needed for this equipment, which is a wonderful thing for our Fire Department to have. The way EMS grants work, you almost always get those approved, I mean that is just a given. I asked during that budget time to set aside money so that

that would be in the budget. So we get a request for a budget amendment which, because of lack of information, the answers to questions, we had to vote those down for the time being. Then a couple of days ago, maybe three, I got an email from the Fire Chief, well actually, the Fire Chief emailed the Mayor and the Mayor emailed the Council, wanting us to vote on setting, approving this money for this equipment because there was a deadline of September 30th, fiscal year or the salesman, you know, was willing to give us a special and we'd save money. That's great, and I sent an email which Mr. Kinghorn responded and said, well I sent an email saying I'm having a problem here because I don't think we should be voting. It's highly inappropriate to be doing the public's business behind closed doors. This is probably the fourth time, possibly, in the last several months that something like this has happened and Jerry concurred that it is not appropriate. That needs to be brought to discussion with the public, which is the proper forum. We shouldn't be doing our city's business by email. And then I was very shocked to get another email from the Mayor that stated, "Sorry, Chief, we don't have any money in the Public Safety budget." I was quite astounded. Here we're talking about approving something and if we had voted on that during the budget amendment session, what would have happened, Jerry, if we'd voted on that and we had no money in the budget? I'm failing to understand why somebody, first of all, it would have been nice during the regular budget to have put it in there, put that money aside, awaiting the grant.

Mr. Kinghorn: You know, I'm not familiar enough with the details of that to know what happened. I suspect that what the problem was they needed to enlarge the budget by the amount of the grant.

Councilmember Strouse: I asked for it. Yeah. Okay, on to car mileage. There is ways that we can also help save the taxpayers money. I understand there is a car that is rarely ever used, only has maybe twenty, 25,000 miles on it – correct me if I'm wrong – in the parking lot, and if that car is used, instead of the Mayor's own car, then we can use the City's gas card, which I believe it's excise tax that the City does not have to pay, so it's saving the taxpayers money if we actually use a City car for the Mayor. On the change in the formatting of our budget: That is only confirming the way we have always done it. Former Mayor Bailey, the people before, the finance people. This is almost the end of my second term in office. We simply want to continue operating with the format that we've always used. That there was a discussion over, when we were questioning about the transfer of money for a \$3,000 desk, when that was questioned, the response was, "Well, we do our budget in quarters, so the Council doesn't even need to approve that or even know about it." Which was quite a shock to me. That's never the way we've been operating. So that's my points for today. Thank you.

Mayor Olsen: Where were we at, everybody?

Councilmember Blackburn: I think we were on discussion of the item at hand, Council comments.

Mayor Olsen: There were some things said that I think we need to address right now. City Recorder, Gina, Ms. Peterson, how many budget retreats did the City have that were on public record?

Ms. Peterson: We have had an all-day budget retreat. I'd have to look up the date.

Mayor Olsen: All right, correct me if I'm wrong, Council, how many did we have, three?

Councilmember Strouse: We had one fairly long one and two brief ones.

Mayor Olsen: And was Councilwoman Strouse in attendance for all those meetings?

Ms. Peterson: I'd have to check the record. I know she was in attendance at the all-day budget retreat.

Mayor Olsen: I'm assuming that there was a point there, I'm only assuming, but there was a time there when the Council interviewed all the department heads, and it may have been that we did not have you present at the time that Mr. Partridge was interviewed. I would concede that the plans examiner was never discussed, information about it. We never assumed that we, our city would grow so fast. I think we only estimated 400-some permits to go through this year and we're already over 600, hence that. But I think just out of fairness to me, to say that the information, I don't want to put words into anybody's mouths, but I want to make sure, there is the potential that you may not have been, at that point, for the information.

Councilmember Strouse: So somebody actually said that Kent Partridge has never been able to take a vacation?

Mayor Olsen: That's what I'm saying. The information may have never been provided or was released from him to you during that interview session, but what I'm trying to say is that you may have not been there, is what I'm trying say. We'd have to verify with the record. But your statement alluded to that, me and some, something about me not giving the information to you, or something.

Councilmember Strouse: I didn't say you. You inferred that. I didn't say you.

Mayor Olsen: And if that's the case, I mean, we can go back in the record, but I want to make sure that this is clear.

Councilmember Liddiard: I think the frustration came out of not the actual budget meetings, but actually at the budget amendment meeting when this first amendment was first proposed. I'm not talking about the actual budgetary process.

Mayor Olsen: Explaining why the position was needed and that was not done at the time that this was first introduced, a couple of regular Council meetings back, is that what you're saying?

Councilmember Liddiard: I'm just talking about the timing of the event, not what transpired there, but the timing of the event. We are not talking about June or May meetings. We're talking about two weeks ago when the comment was made, "I can't take . . ." whatever. I think a lot of it came from Ms. Jackson about he's not taking a vacation because of the workload. That was two weeks ago.

Mayor Olsen: OK, all right, maybe we'll just ignore that, I guess. I don't know, I'm confused here. The Fire Department email. You're all sitting here. Did I send that email to you? No, I did not. Second thing is, did I request you to vote?

Councilmember Lifferth: No.

Mayor Olsen: Thank you. There's also an allusion to voting in the past. Is there anyone here on this Council, and I'm, I think it's important, we've got to stop this. Have we ever done this in my term, we've voted over the internet?

Councilmember Lifferth: Mr. Mayor, we did authorize a purchase of a vehicle that I think had already been budgeted for, there was money there, but it came up before the Planning Department. I'd have to go back to my notes, but I do remember an email where we all said, "OK, and we'll authorize this."

Mayor Olsen: I want a legal opinion. It's the word "voting" that's got me red-flagging all over the place.

Mr. Kinghorn: Well you can't, yeah, you can't vote by email. I know there are emergencies that come up where the Council has to be notified of things, and that's what I said in my email. I don't have any problem with being notified. But when you start discussing and stating positions and literally voting, "Well, I'm going to, this is what I'm going to do." I haven't seen any of those kinds of discussions for a long time. I think, Mayor, you and I talked about the fact that was highly improper and shouldn't happen.

Mayor Olsen: But even coming into office, I've been really, in fact . . .

Mr. Kinghorn: But I haven't seen any, I haven't seen any voting and I don't know about this vehicle thing. I just wasn't involved.

Mayor Olsen: Well, I also allude to the Council that part of our, maybe our communication issues is that we have stopped doing what's been done in the past in former administrations where the Council's actually been chatting about issues and I've been, you know, all of us have been very alert to that, even Councilman Strouse is bringing it up, and I would, I would suggest that we've been, that that has also restricted us from communications. But I want to make sure that we're, "voting" is maybe just the wrong word, because I don't want us, I want to make sure that nobody's thinking we're voting, because if we are, then . . .

Mr. Kinghorn: I think what she was talking about was the Fire Chief's request that you vote on it today so that you could come in under this mythical salesman's deadline. This is a pet peeve of mine, by the way. We could talk about this more, but I think that's what your reference was to, wasn't it, voting today?

Councilmember Strouse: Yes, well, and part of the email referenced some kind of a process where we all agree to it today and then we validate this by an official vote at a later date, and that just didn't strike me as proper at all.

Mayor Olsen: I wonder, I wonder if that's the perception. I don't think that was the Chief's intention. I think he was pleading with the Council to pass that so that he could save the City some money, but under the circumstances, my response was, is that, under the circumstances, that's pretty much impossible.

Mr. Kinghorn: I think the point is well taken that notice of important matters can come to the Council on an emergency basis when there's not time to bring it to the Council, but certainly no voting.

Mayor Olsen: Nor did this Mayor require a vote. That's all I want to clear up.

Councilmember Strouse: And I didn't, I didn't say you did. But I'd be happy to send those emails to you for your evaluation and possibly a suggestion of, when we do have these, which should be rare,

emergency situations, how exactly do you recommend that we proceed so that we're following the proper letter of the law and, whenever possible, involving the public, as they well should be, in our decisions?

Councilmember Liddiard: May I make just kind of a, it almost comes as an editorial comment. I'm not so interested in the methodologies or the wherevers and how-tos and why-fors as the substance of the, this is an opportunity for us to request additional information or discuss the things that are at hand. I think Linn's comments were a lot more of, were seeking information here rather than accusatory, but rather a discussion-led item of, "This is the valid points of interest that I have. These are the areas of which I would like additional detail." These are the things that we are seeking for, in order to make sure that we're meeting those requirements of the city. One of the things that has been talked about in public comment is the electric department lineman. "Boy, we really need people. We need lots and lots of people." You know what, that would really be nice for us to hear as a Council, things like, "You know what? This is one step out of fourteen steps. We need 40,000 more people." OK, when do those people come online? Two years? Five years? What is the long term plan here? We're two months into a budget, why are we talking about it now and where does this put us? Is this the finger in the dike? Is it a new dike? Is it, you know, where are we at in this process? If we're talking about a lineman at this point, is this an emergency need and in two more months we got another emergency need? We'd kind of like a little bit more of the whole picture, rather than just an initial shot of, "We need this."

We want to meet the needs of the staff because they meet the needs of our citizens. Our citizens don't care if we're City Councilmen or Mayors or not, they care that the lights work, that the water's there, that when the gas comes on that they've got heat. That's what they care about. They don't care about most of the other things that we might be involved in personally, day to day. They want to make sure that when they drive their car, that the light is going to work, that there aren't potholes, that they're not getting a free wash when they ride their bike up and down the street. These are the things that they're interested in. "If my heart stops beating, is someone going to come there and pound on my chest? If my house starts on fire, is someone going to come help me?" They want to make sure that, as a Council, we get the right information and we can provide those resources so that they can have their needs met, and most of the rest of the time, they want to be left alone so they can go out and get their work done and have their time with the family and not have come to special session meetings, not have to come to general session meetings, and not have to worry about things in general, because when I go home, I'll turn the lights on, and if I stick my finger in the socket, hopefully, somebody will show up and beat on my chest. Those are the things that really plague them. And most of the rest of the time, if you're expecting someone to put their hand over their heart as you walk by, we're all going to be sadly disappointed, because it's just not going to happen.

And I think that is where a lot of this takes place. The codification of ordinances, that helps us, it helps the citizens, because the Recorder's Office then has a better resource. How is that resource really going to help? That's what we want to know. Is it the right resource? Is it the codification of only ordinances or are we going to get resolutions in there? Are they going to be stored in the basement next to the drain or are they going to be stored in a place where it's going to be useful to them? We've talked about everything from GIS for the Planning Department to a variety of other things. Many of the budget things came through a budget analyst. You came into a year having to move forward and to make some things happen. Early involvement and being able to have all aspects of this, I think, are very useful for us. Mr. Whitney's explanation of things and the dialog that we had here had probably been the most useful conversation I have had on the particular Code Enforcement Officer, I would dare say, ever. The next part of what I would like out of that is what kind of fees did the City collect last year, this year? Is

it a seasonal thing, where most of his work is going to be during the summer? Is it a year-round thing? Are we preparing to give him what he needs for now only to see that he's bored out of his mind in the winter? Where does he focus most of his efforts? These are some of the things we'd love to hear about.

And when these things come to us, it would really be nice to have, these are the qualifications of the person that will fulfill this need. These are the duties which they will take care of. This is the salary banding. This is a full time, this is a part time. This is a full time, temporary position. That kind of information becomes very useful for us in making sure that we're meeting some of the needs and requirements that are out there. And much of this why we're here and why we're talking about that is an effort to seek some of that, to be able to have some information, and when it was first presented to us, we got information that said, you know, the budget just is kind of there. And except for things like the Fire Department and three others, once it's there it's this hodgepodge of funds that can be willy-nilled out there. And that was never really quite clear in my mind. The budget that I had, had this detailed introduction. I was thrilled because our budget now has actual verbs in it. It actually has grammatical sentences, where when we first started on the Council, we had this spreadsheet and "good luck." So, more of that would seem to me as, this is policy, this is direction, this is where we want to go, and then we kind of had the wind right out of our sails, because then we were told, "Yeah, but once you give the A-OK, it's whatever." And regardless of whether we're voting yes or no, the Council still needs to understand that our involvement of that doesn't necessarily end with the yes or no vote. We're still here to participate in that, we still represent the citizens.

Mayor Olsen: And I appreciate those comments. In fact, that makes me aware of some of the issues of why we're at where we're at today. It may be, because of our exponential growth that we're experiencing, it may be necessary that we as a Council have, almost into the year, another budget retreat, because all the numbers that we all voted on previously have literally changed, in the sense of what revenues come in and what our expenditures are increasing because of those, that increase in growth. So they're basically neutral, but what we're not keeping up with is, is the services, and that is what I think went unanswered, then, is what you're saying. Also, I would, you asked a question about, you know, is this a band-aid, is this, this is where I think that some of our miscommunication has happened. I would suggest that we would get together as a Council, in an open public meeting, of course, to review the budget again because I would say this is a band-aid. These positions right here that we're discussing, the ones that have been presented before, as well, I do see that as a finger in the dike. With the anticipation come January there would be a request for additional positions, but what I can see is happening is, is that the Council is unaware because it hasn't been provided to see that our budget is changing before our eyes. Not that we're spending money that we shouldn't, but that the budget that was voted on, because we only, we only, just as an example, we only budgeted what, 400-some permits. We're already, Kent Partridge, he told me the other day we're almost processing near to 800 now, and we're not, we've got a couple more months to go; no, three months to go. It'll be the biggest year of growth. The other issue is, is that I would need to come to the Council and say, "Well, if we continue that for another year, which is half our fiscal year, then you know, do we hire the positions?" So what I'm trying to say, in a nutshell then, is that your questions are valid, they have been unanswered, those, and now I can see what you're saying. At the same time, I think staff and I, when we presented this, to us it was like a no-brainer. We just need these. But the Council, I can see, is saying, "Well, wait a second. We don't know, well, Mr. Mayor, why are you asking for a plans examiner?" That's what I'm understanding. Now, if I'm off, please correct me, but am I hearing you? Is that what you were telling?

Councilmember Liddiard: That's what I'm saying. I think surprises are nice when they come with a little pretty bow on it and you get something out of it. The rest of them are just opportunities for your

liver to spell “enzymes.” So it’s kind of a rather difficult thing to be up here and see that, uhhhhh [cry of anguish], you know, and that kind of “bring the reader along” in the story you’re telling would be really nice.

Mayor Olsen: Because otherwise, you were just expected to say, “Here it is. You just have to vote.”

Councilmember Liddiard: Exactly. And being placed in a point of ultimatum right when you’re being told that whatever you’re going to do really doesn’t matter, because after you approve more monies, then the Mayor position can do what you want with more money. That wasn’t the intent. If we’re going to approve more money, we want to make sure that the money that’s approved for a custodian goes to the custodian, that money approved for a plans examiner goes to the plans examiner.

Mayor Olsen: And I think that perception, it was never the Mayor’s intent to take money and spend it somewhere else, but that’s, yes.

Councilmember Liddiard: But there’s some of the frustration. It’s kind of interesting as we’ve talked about this and you’re giving us a little bit more, having a forecast rather than some surprises would be tremendously useful. I’ve had some conversations and emails back and forth with one of the developers in our city, and said, you know, it’s kind of interesting. We have an opportunity, the Council [inaud.] to redo some of the developer fees, because it was brought to the Council, that, “Hey, this is an important thing. We should reduce fees,” and then immediately afterward, we get, “and we need to hire another person.” And you almost kind of go in your mind, “Wait a minute. We got more work, but we’re reducing fees. Why don’t we leave the fees where they are so we can have more help? If the workload continues to increase, what needs to happen? What if we hire an additional person and then, due to seasonal things or market things or whatever, what if that workload goes away? Then what do we do? Where are we at with these different things? Well, if we have more work, there’s obviously more money, so we can pay for another person. That’s good. That’s where it should come from. Is that really, you know, how all that is going to work? What happens when monies go down? Hopefully, you know, that doesn’t happen because it’s good for the city, blah blah blah, everything else. But try and forecast and have a little bit better picture of where we’re going to go, things that are going to be associated with that, are going to be tremendously useful for us in being able to make sure that, “Hey, we need a plans examiner but we also need a vehicle for that person.” That’s going to be another thing that comes up. We didn’t talk about that. Is that person expected to operate their own vehicle or no, that’s only a plans person so they don’t go anywhere.

Mayor Olsen: OK, so what you’re bringing up is something that’s already happened to us, where we approved the position and then, all of a sudden, we need a car.

Councilmember Liddiard: Or, or I even hear comments from, “You know what, geez, we’ve got people giving their heart and soul every day for two dollars less an hour than they can get anywhere else.” Well, why don’t we pay someone five dollars more an hour and get a million dollars’ worth of work out of that? We’re not opposed to paying people more money if we’re getting a good service out of it. We don’t necessarily want to be the training ground so we can have everybody make their mistakes on our dime and then go and do a good job somewhere else. If we could provide them the adequate training, help them to get the resources they need, provide them the tools necessary to do the job, and then invest in that person so that they make contributions back to the organization, that’s what we want. If it’s a five-cent to a five-dollar difference and our systems are going to get that much, and I dare say, even more out of it, we would like to help make sure that happens. So bringing us along as a Council and

making sure that, that we have that level of information or at least being able to say, “You know what, let’s go the extra mile on this one. Let’s make sure that this electric department lineman is going to be able to receive the certification and the training necessary so they’ll do more than set meters. Let’s make sure that they understand power looping. Let’s make sure that they understand how to set a transformer. Let’s take the next step in making sure that people who are going to respond in an emergency have the tools and the ability to change a fuse when someone like Mr. Ferre is out of town. Who’s going to save the day?”

Mayor Olsen: I appreciate that. That discussion has helped understand some things. Councilman Strouse.

Councilmember Strouse: Yes, one of the many questions that never got answered during the regular budget time or during the budget amendments was, during the regular budget time, there was information we were given at the hearing that was all day long. The numbers there did not match the numbers given to us as the budget that we were working on. In the budget amendment hearing, one of the things that really irked me was to have in my packet information, budgetary information that stated, “We have spent half the budget in the first two months of the fiscal year.” Well, that’s a pretty, either a scary or a ridiculous statement, as so, as a Council person, it’s my job to ask the questions, and when I don’t get the answers, or ridiculous answers, then I have a problem with it. I need to do my job. I need to have correct information. When I asked what that meant, and I have the tapes from the work session, I was told, I was told that it was because the high cost of a well breakdown. I wanted to see the warranty on that well. I wanted to see the monies associated with the breakdown of that well that cost so much money and destroyed some peoples’ sod that were very angry about it. The response I got in this Council chamber was, “Well, we can’t talk about that because it’s a liability issue. We are involved in litigation.” And I said, “That’s all the more reason why the Council needs to talk about it.” If the City is in litigation, it’s our responsibility to be part of that conversation. That closed executive session never happened that I requested. I’ve never got an explanation. I did find out on my own exactly what that original fiscal statement meant, but this is just one of several examples of why we need to communicate better and, when questions are asked, that actual time is taken to get the correct answers and also, before something’s put in our packets, let’s make sure that somebody knows what it means. And if I ask to see the warranty on the well or if I ask to see the cost breakdowns, I expect that I should get it, and none of it has ever showed up.

Mayor Olsen: Who did you ask for those from? We need to follow up, you know. Who’d you ask? All that kind of stuff so that we know.

Councilmember Strouse: OK, Mr. Wren is the one that answered and said it was a well problem that caused all that extra cost in the budget. That was his explanation. Then I asked him for the warranty and the cost breakdowns, and I asked you, Mr. Mayor, why this wasn’t in a closed executive session item, because you’re the one who said it was a litigation issue, and that you couldn’t talk about it, and I said we need to talk about it. Am I wrong on that, Jerry? Is it not the Council’s responsibility to, when there’s a litigation issue, isn’t the Council involved?

Mr. Kinghorn: Yeah, I think on this particular one, it’s unfortunate that a little more explanation wasn’t given that day, but this is a potential litigation issue. There’s no litigation going on. There wouldn’t be without you knowing about it first.

Mayor Olsen: That’s correct.

Councilmember Strouse: There's not?

Mr. Kinghorn: No, there's not. There's not any litigation. It's a potential litigation issue and what, what's going on, in my understanding, is there's an investigation about exactly who did what with respect to setting the pump in this well, you know. Is it, and why was it designed to go where it was, and what happened with respect to casing the well to a particular depth. There's a number of details that are, they're trying to pull together, so that at some point, we can sit down in a closed session and have detailed information for you about what happened and what direction it points, in terms of recourse, and whether or not we're cut off from recourse by a statute of limitations, for example. It's probably not so much a warranty issue as it is a statute of limitations issue, and when we can raise a claim, because the well has been in service for some period of time. But normally we would always, before, I shouldn't say normally, but always before commencing litigation, we would have a discussion with the Council so you'd know what it's about and why, and what our basis was, and we'd get approval from the Council to commence litigation, to make sure that we were, you know, on good grounds. But this, as far as I know, this is still in the process of some, gathering some detailed information about exactly what happened and then looking at where recourse might be available. It's not very good to come to you in a closed session and say, "Gee, we've got this problem and we don't have any answers for you. So, there's kind of a fine line there between when we present the information and when we just say, "We don't have the information yet and we'll let you know later."

Councilmember Strouse: But since that was given as an answer to me as to explain, then why couldn't we have had a closed executive session just to say what you said, and that way, fine. We can move forward.

Mr. Kinghorn: It's probably not even something we need a closed session about as this point, because I don't know enough to spell it out. Hopefully we can find some, hopefully we can get some recourse, but at this point it doesn't look like it's ever going to be litigation, in my judgment.

Mayor Olsen: It's important to realize, also, the piece of information that you're lacking that I have been hesitant to share is that the Mayor is finishing up my investigation, Jerry, with a perceived conflict of interest with a member of the Council with this issue. That is the problem, but now that I've let the cat out of the bag, I think that once we're done, because that is my authorization to do, I need to do that before I can go to closed executive session with the Council. And that is something, how do you share something like that? "Oh, well one of us may benefit, or something like that from this." I'm trying to finish up with that investigation. So I realize the frustration you've had, but I need to verify the request that I've had, before we move into a potential litigation thing because of the perceived conflict of interest with a member of the Council with that issue.

Mr. Kinghorn: I guess you and I can sit down and talk about it.

Mayor Olsen: We . . . No. Yes.

Councilmember Strouse: Jerry?

Mr. Kinghorn: Because these things progress, you know. They don't always, we don't always all know the same thing at the same time.

Mayor Olsen: No, and we shouldn't ever expect anybody to ever know. One of the things, Councilman Strouse, that I think, maybe I'm confused, but there's an allusion to the half the budget being spent and I remember that being, that was, it was written by our City Treasurer in an agenda summary, but that had nothing to do with the well. The half budget was a line item for computer expenses and the hardware went down and had we not spent the money, it was almost \$30,000, which was half the computer line item, had we not done that, we would have lost, the City's never had a backup system.

Councilmember Strouse: I have the tapes that say Mr. Wren used that as an explanation.

Mayor Olsen: We need to be courteous. Let me finish and I'll let you say it and I understand what you're saying because I remember this. I was sitting right here. I remember you looking at an agenda summary and saying, "Well, it says right here we've spent half the budget." And it does say that. It did say that.

Councilmember Strouse: What does it mean?

Mayor Olsen: I am handling that internally with the City Treasurer, why that error occurred and I, we can make it a Council issue if you'd like, but the issue is, is that he was referring to, he's not here to defend himself, so I apologize, but he, he made a mistake. He wrote on there that we spent half the budget when in reality, we'd spent half the line item for computer expenditures because we had to purchase a hardware system, a backup, in order for. We would have lost all the utility billing. We would have lost all records. We wouldn't have known anything anybody had done and we, as a Council, did not ever know that, that we never had, or maybe one of you did, I don't know. I'm assuming we didn't, but coming into office and the staff says, "Well, Mayor, we don't have a backup system and this thing's ready to fail."

Councilman Liddiard: You can use my laptop.

Councilmember Strouse: Thanks.

Mayor Olsen: So this hardware system was purchased and, in the budget, that was what Mr. Burt was referring to, the City Treasurer, is that we had spent half of that. You are right, if we had spent half the entire budget for the year, that would be a very serious thing, but I think there was confusion, at least from what I heard, and that's why I'm restating it, that agenda summary, it was incorrect. I did read that and it did say what you're saying. The half budget had been spent. What Mr. Burt was referring to was the computer, but that half budget had nothing to do with the well. I think we're talking two different issues. The well is a whole separate thing that had to be done, as well.

Councilmember Strouse: No. No, I think we're missing the point here. The point is, as a Council person, we have to ask when things don't make sense or if improper information or misinformation, it's our job to question. So I questioned, you know, I questioned and the answer I got was that it was because of the well that we'd spent half the money.

Mr. Kinghorn: [inaudible, away from microphone]

Councilmember Strouse: And my second issue was, if I ask for the warranty on the well and cost breakdowns, as a Council person, in order to do my job, I have a right to have information and an

answer and so if we have to go in closed executive session, so be it. We should get the answer. Now you mentioned about an investigation, yet another investigation going on.

Mayor Olsen: This is only with the Mayor. It has nothing to do with the Council and I would appreciate you realizing that that is my right.

Councilmember Strouse: I'm not saying it's not your right. I'm just . . .

Mayor Olsen: No, but you're leaving . . .

Councilmember Strouse: No, no, no, I'm trying to get a clarification from our attorney please, please.

Mayor Olsen: I am the chair of this meeting. And I want one second. No, you . . . This has got to stop. Listen, the problem is, everybody was at that meeting and you all remember Linn Strouse sitting there going, "It says right here, nah nah nah." And I hate to be embarrassing to you, but the fact is, . . .

Councilmember Strouse: You're mocking me.

Mayor Olsen: I what?

Councilmember Strouse: You're mocking me?

Mayor Olsen: Let me explain something, Ms. Strouse. My perception is that you did not understand what was happening. You have looked at an agenda summary from two weeks ago and you assumed that we had spent half the budget.

Councilmember Strouse: No, I did not.

Mayor Olsen: OK, can I finish, please? You are being rude.

Councilmember Strouse: All right.

Mayor Olsen: Now listen, this is the problem. When we have meetings, someone speaks, and when I'm finished, you speak. That is how the system is going to work. If you don't like it, run for Mayor. And if you don't like it, set a procedure, because I'm tired of the whining. Right, that two weeks' meeting, you sat here and you were saying we'd spent half the budget. Two council members took the time to sit here and say, "Linn, you're not understanding." Because you were going off saying we'd spent half the budget, ah la la la. And now you're saying that has something to do with the well. These are two separate issues. And if you want information as to a warranty, then I will whack this gavel and we will stop the meeting and I will go get your information. But don't sit here and insinuate that we are not providing you with information. That is unfair. Now if you, still to this day, want to continue to have this banter, this fodder with you and I with this issue of you're not getting your information, I want to know right now what you need and we will stop this meeting, we will get your information. I hope you're not laughing at me, Ms. Strouse. This is not funny.

Councilmember Strouse: No, I'm not. I'm being very patient.

Mayor Olsen: I hope you, oh really? Do you want a turn? Go ahead. I find no humor in this whatsoever.

Councilmember Strouse: I don't think it's funny at all.

Mayor Olsen: Well, good. What information do you want, Ms. Strouse? I would like to know. I'm tired of the accusations. They are false. What information do you lack that the Mayor has withheld from you?

Councilmember Strouse: I have tapes that substantiate what I'm saying.

Mayor Olsen: I want to hear them.

Councilmember Strouse: OK, you just interrupted me and you're treating me very rudely, so I suggest we both use better manners.

Mayor Olsen: OK, I'll shut up. Go ahead.

Councilmember Strouse: OK, my whole point is, when information comes before the Council and it doesn't make sense, obviously if we'd spent half the budget in the first two months of the year, that's a very serious problem. So I want to know, make sense of this information that's before me, so I asked and got the answer from Mr. Wren, and when I found out that the information had to do with the well, then I wanted to know about warranties, if it covered it, and cost breakdowns. So then I don't get my answer to my question [short gap when tape switched sides] then litigation, so we can't talk about it, OK? That, to me, as far as my knowledge is, a time when we should go into closed executive session and talk about it. So I would just like a clarification on what constitutes a time when the Council has no right to information and when we do have a right to information. I would like Jerry to . . .

Mayor Olsen: Well, Jerry can talk when he's ready and when I allow him to, but I have a right to respond. You have alluded to . . .

Councilmember Strouse: I'm done.

Mayor Olsen: Didn't you just want to turn it over to the chair to give him an opportunity to speak?

Councilmember Strouse: I'm going to . . .

Mayor Olsen: OK, because I'm ready to, I'm ready to talk.

Councilmember Strouse: OK, and you just alluded to another investigation. I'd like to know at what point does the Council have a legal right to know about investigations going on? That's, I'd like to have a better understanding. In order to represent the people, we have to have knowledge, so, what can we say and what can we not say? What can we know and what can we not know? Do I have no right to ask at work session, "What does this mean?" And because I ask what it means, does it mean I'm, duh, don't understand. It means I want to hear what other people explain it, so that I can be sure I'm getting the correct information.

Mayor Olsen: And is that, Jerry, go ahead. She wants an answer. Is there an investigation?

Mr. Kinghorn: Well, there are a lot of, there are a lot of questions. The only, the only investigation about the well that I understand is the investigation about the well, that there's a question about who performed what work, what their warranty was on the particular work they performed, who's responsible for whatever happened with the well, and whether the City has any recourse, and we're, as I understand it, they're trying to pull that information together so that I can look at it and we can come back to the Council and say, "Here's what we found." So, and I think it's, sometimes it's misleading if we come in and say, "Well, we've got a little bit of information, you know. We think we've got a, from what we can tell, we've got a hold of something here, feels like a snake and then it turns out to be the tail of an elephant. I mean, I'm not trying to make fun of this, but at some point when we think that the City has to undertake some, some legal recourse or when we're the subject of litigation, when we understand that, when we say, "OK, we can see what's involved in this," we need to come to the City Council and, and give you a heads-up and say, "Here's what's going on with this." You always have, you always have the right to information. You always have the right to information about the warranties that the various vendors provided on the well equipment, for example, or information about the engineering contract for the design of the well. That information is just information that you're entitled to at any time. It's, it's, and I think if you wanted to have a report on a specific matter, you know, we could talk to the Mayor and say, "Let's get that report." Under these new agenda rules, you could put that report or that discussion on the agenda and we could discuss it in a closed session, kind of bring you up to date on an interim status, you know, when we don't have something finished we could give you, give you kind of a report on what step we're in or what stage we're in in the investigation. It's kind of a, kind of a judgment call about at what point do we think you would be interested in hearing what we have pulled together with respect to a particular event like that pump failure.

Councilmember Strouse: When the well was barely a year old, is my understanding . . .

Mr. Kinghorn: Well, the well was older than that, is the problem. The well, a lot of the well work was finished. For example, the drilling and placement of the casing was finished a long time before the actual pump and motor were placed in the well, and that was finished a long time before the actual line was constructed that tied the well in with the rest of the system, so, you know, it took a long time to get that thing finished, for whatever, whatever reason. During that period, our recourse against people was running, our statute of limitations was running on specific aspects of the work. I don't want to make this more complicated than it is and I don't have any real, documented results in front of me, so I'm, I'm speculating a little bit based on what I've been told verbally.

Councilmember Strouse: That's OK. My issue is at what point is the Council allowed to be involved and be privy to information that helps us understand what's put before us and to help us represent our constituents? Is there not a nondisclosure agreement that the Council can sign when they're in closed executive session if we're worried about somebody on the Council being involved in the litigation?

Mr. Kinghorn: Well, I think the question of whether there's a conflict is a different question than the question of whether we're worried about disclosures because it might jeopardize our position in litigation.

Councilmember Strouse: OK, that's helpful information. Thank you.

Mayor Olsen: Anything else?

Councilmember Strouse: Nope.

Mayor Olsen: Councilman Strouse, I apologize to you if I'm coming across, you said I was mocking you. I wasn't. I want to make it very clear right now that this Mayor will not tolerate your accusations towards me or any member of this governing body against me again without evidence. I want to make it clear that this councilwoman has never asked me for this information. She's alluding to the Mayor, that the Mayor has refused to give this information. This information was requested from her to Mike Wren. She made that clear, and I plan to disclose Tuesday night some of the issues and the problems we're having with regards to this potential litigation. I think we'll reveal some light. Is there any more comment from the Council regarding this? But this Mayor will not tolerate it any more. The accusations need to stop. If you can't back it up . . . Go ahead, interrupt me.

Councilmember Strouse: I thought you were done. What accusations?

Mayor Olsen: Well, I did, too, before.

Councilmember Strouse: OK, I apologize. I thought you were done. What accusations?

Mayor Olsen: Do you want a list now?

Councilmember Strouse: Yeah, I asked questions, but I'm not aware that I made any accusations. Jerry, did I legally make accusations when I asked a question?

Mr. Kinghorn: Well, I don't . . .

Councilmember Strouse: Did I violate something? I'm trying to . . .

Mr. Kinghorn: Asking questions is different than accusing somebody of wrongdoing.

Councilmember Strouse: That's what I thought. Thank you.

Mayor Olsen: Well, am I misunderstanding Councilman Strouse when she says that she has been not given information from the Mayor regarding these matters? Is that not an accusation? Mr. Kinghorn.

Mr. Kinghorn: Mr. Mayor, I'm sorry. I need, I'm supposed to be at a wedding at 4:00. I'm not going to make it. I need to go call my wife, if you don't mind, and just let her know that I'm not going to make it to this event.

Mayor Olsen: That's fine. Is there any further discussion by the Council with regards to these matters?

Councilmember Blackburn: Are these requested comments pertaining to the item on the agenda or the way the conversation's gone?

Mayor Olsen: Do you need time to talk?

Councilmember Blackburn: Well, seeing as how we're here at 3:30 in the afternoon on a special session that we know is going to be tabled. I do like some of the comments and the openness that has been given. I think we're starting to scratch truth in what needs to happen in the way of open information and

feedback for everybody, but seeing as how this item is going to essentially be tabled, I would like to call the question. I personally left a funeral service today, that I can't quite plan those myself, either, but obviously we're taking up more time than I think, excuse me, I think this is important to spend the time on, and maybe we need to call a special session so we can freely and openly talk amongst each other and clear the air, deal with the good and the bad, but I think we need to call the question and enjoy Saturday.

Councilmember Liddiard: Mr. Mayor.

Mayor Olsen: Yes.

Councilmember Liddiard: The motion was to discuss it. I don't believe there was a motion to table or to do anything. That's what I understand, so I will move that we adjourn.

Ms. Peterson: There was no vote on the discussion motion.

Councilmember Liddiard: There was no vote on the discussion motion. Aye.

Mayor Olsen: Meeting adjourned.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 3:37 pm.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL SPECIAL MEETING

September 30, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

12:30 P.M. SPECIAL SESSION – CITY COUNCIL CHAMBERS

Mayor Brian B. Olsen called the special meeting to order at 12:30 p.m. Councilmember David Lifferth led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived at 12:43 p.m.), David Lifferth, Vincent Liddiard, and Linn Strouse. Councilmember Heather Jackson was not present.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; and Peter Quittner, Deputy.

Mayor Olsen: Ladies and gentlemen, we'll officially call this emergency special meeting for September 30th at 12:30 p.m. to order. Present we have a quorum. We have Councilman Liddiard, Councilman Lifferth, Councilwoman Strouse and myself, the Mayor, Mayor Olsen, for the purpose, we're here under Utah Code 10-3-502, a meeting that was called by Councilman Blackburn and Councilman Liddiard. Let's see, Councilman Liddiard, do you want to do a presentation to the council prior to opening the public hearing?

Councilmember Liddiard: I'm told Mr. Blackburn is on his way, so I'll wait just a few moments for him to arrive.

Mayor Olsen: OK. Well, we need to get going because it's past 12:30. Do you want to do a presentation or not, or we'll open the public hearing.

Councilmember Liddiard: I'll do a presentation, but I move that we make a brief adjournment just for a, not adjournment, but a brief recess so Mr. Blackburn can participate. I talked to him just a few minutes ago. He was just a few minutes away. He had to participate in a funeral this morning, so I'm going to wait for a moment as part of my comments just to allow him to get here.

Councilmember Strouse: Are we going to say the Pledge of Allegiance?

Mayor Olsen: Absolutely. We could do that and then, why don't we all stand together and say the Pledge of Allegiance together?

Pledge of Allegiance was led by Mayor Olsen.

Mayor Olsen: Thank you. Did he say to you, he hasn't talked to me. Did he say when he was going to be here?

Councilmember Liddiard: About ten minutes ago he said he was on his way and was in traffic. He was just outside of Eagle Mountain at the time, headed in this direction.

Mayor Olsen: [inaudible]

Councilmember Liddiard: Well, I move that we take a brief recess for about ten minutes.

Councilmember Lifferth: Second.

Mayor: All those in favor to take a recess for ten minutes?

Council members voting yes: Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** unanimously.

Mayor Olsen: All right. The motion passes. We'll recess for ten minutes while we wait for the other member to come.

The Council meeting recessed for ten minutes.

Mayor Olsen: Well, ladies and gentlemen, we're about ready to readjourn together as a quorum, as a Council. If I can have your attention. We adjourned, for those of you that came in a little bit late, we adjourned for a moment to give some time for Councilman Blackburn to arrive, and there was a motion out there and we went for ten minutes, so I'm just waiting for the ten minutes to end up, so just we stay by our procedure. But we'll get started here really quickly. [Short pause.] Now you're all quiet.

OK, where did Councilman Blackburn go? Oh, there he is. OK. Welcome back. All right, ladies and gentlemen, let's bring our meeting back together. Council, there is a letter I received last night from Councilwoman Jackson, and she's asked that I read this before we begin.

PUBLIC HEARING – Elected Officials' Compensation

ORDINANCE – Consideration and adoption of an ordinance enacting a new compensation plan for elected officials in Eagle Mountain City.

“Mayor Olsen:

The City Council is scheduled to meet in another emergency meeting tomorrow, and I want to explain to you, my colleagues on the Council and the residents of Eagle Mountain, why I won't be attending.

I was quite dismayed that Councilmen Liddiard and Blackburn chose to schedule this meeting on the same weekend as the LDS General Conference. Like many city residents, I will spend most of the weekend listening, watching and attending General Conference. While I have sworn to fulfill my duties as a member of the City Council, those duties cannot supplant my family obligations. As with many city residents, I have family traveling to visit this weekend; however, my family is traveling not just from out of state, but from out of country. These plans have been in place for many weeks, and I cannot in good conscience leave them to their own devices just because two Council members want to score political points.”

(I'm just reading a letter, OK?)

“As I and Councilman Lifferth noted in a letter to residents this week, several of tomorrow's agenda items amount to little more than an attempt to reverse the results of last fall's mayoral election. While I, too, have been concerned with a number of Mayor Olsen's actions in office, I believe in a full-time Mayor.

Reducing the Mayor's salary by \$20,000 is not only mean-spirited, but also anti-democratic. In electing Mayor Olsen, Eagle Mountain voted for a full-time Mayor. However, it is entirely unrealistic to assert that Mayor Olsen or another resident will work full time at this job to take home just \$30,000. Their real agenda must be to reverse the people's will, and force a part-time Mayor.

As a means of preserving a full-time Mayor for our City, I am exercising my legal rights under Title 10, Chapter 3, Section 508 of the Utah State Municipal Code. This section allows even one Council member to prevent the Council from reconsidering, in a special meeting, a previous action taken by the Council, in this case the adoption of the city's budget. My absence at tomorrow's “special” meeting means the Council will not have five members in attendance, and thus will not be able to reconsider any budget items, including the Mayor's salary.

Some of my opponents will probably assert that I am preventing the Fire Department from obtaining the equipment described in one of tomorrow's budget items. Nothing could be further from the truth. While I voted for that budget item when it was first presented on September 5, Councilman Liddiard voted against it, and Councilmembers Blackburn and Strouse abstained from the vote. I am a fervent supporter of our first responders. I cannot, however, support political ploys designed to pit our city's emergency services against our city's need for a full-time Mayor. These sleazy tactics are inappropriate, and I will not tolerate them.

Finally, I expect more than a couple of residents will offer their comments during the public comment portion of tomorrow's meeting. While I regret that I won't be able to hear those comments first-hand, I will be listening to them on the official tape of the meeting our City Recorder will make. In fact, let me make this letter my official request to the City Recorder for a copy of the tape(s). I greatly appreciate the time and effort so many of our residents put into participating in governing our city. My views are always informed by the insightful and passionate opinions I hear from residents throughout the City.

May we all enjoy a beautiful weekend, and put an end to the bitter disagreements that too often divide us.

Sincerely,
Heather Jackson
City Council”

Mayor Olsen: I'll submit this, Jerry and Gina, for the record. She's exercising Utah Code 10-3-508, which I think we need to identify at this time, and then ask the Council how they would like to proceed.

Councilmember Liddiard: Anything you want to say?

Mr. Kinghorn: Do you want me to read the statute to you so you know what it says, or does everybody know what it says?

Mayor Olsen: I think so. I think that, where she's referred to it, I'd like to hear it. I think we'd all like to hear it.

Mr. Kinghorn: The statute, the statute says, "Any action taken by the governing body shall not be reconsidered or rescinded at any special meeting unless the number of members of the governing body present at the special meeting is equal to or greater than the number of members present at the meeting where the action was approved." So what I'm talking about here is an action taken by the Council. You have two things on the schedule. One of them is a public hearing and then the other one is the adoption of the ordinance. Certainly the adoption of the ordinance would be an action that would be barred by this statute. The public hearing, in and of itself, would not be an action that was barred.

Mayor Olsen: So we can go ahead and proceed with the public hearing on the action for this meeting, and what would be your advice to the Council:

Mr. Kinghorn: Well, I think under the statute, any action would be barred, because all the members, there are not the same number present as there were when the original ordinance was adopted.

Mayor Olsen: Council members, do you want to open the public hearing? How do you want to proceed?

Councilmember Liddiard: I'll begin. I would like to say a couple things in regards to Ms. Jackson's letter. If she truly wants to represent or have comments made, she should show up. The rest of us have made an effort to be here, and to have her be able to represent her comments to say we should get along and call us sleazy I think is rather in poor taste. I think that, you know, the muckrake can go both ways. We've chosen, in our behalf, to try and be a little more professional and courteous than her comments have tended to be, so I will take an exception to the half-truths and some of the comments that she made, believing them that they were made out of spite and direct to try and manipulate us, and I will counter that the very accusations that she makes is similar to the pot calling the kettle black.

The following items, in August, were placed on the agenda for, or asked to be placed on the agenda for consideration and were never placed on the agenda. They included

- any and all fund transfers between departments from January to the end of the fiscal year 05-06 and any changes in the current fiscal year 06-07, with the reason and purpose of those transfers.
- Second, to present to the Council a bond repayment schedule for the South Area service area,
- and advance notice of the proposed changes to the employee manual, policies and procedures manual, to occur as a formal information item.
- And fourth, that the budget be open to review and amendment. Specific areas for action, or at least for discussion, would be under the legislative and administrative sections,
- and five, the acceptance of email as an official request for City Council actions.

Recently, the Mayor acted to send letters to the press indicating that two members of the Council did not turn in their laptops for content scans. This is not the kind of press we want to invite. The Council acted to restore our meetings as Council meetings, and instead of the Mayor's meeting, even though the format of the meetings was passed into law by the Council, the Mayor has chosen to ignore this and wait as long as possible, in this case a thirty-day legal technicality, before following the newly-enacted agenda. Authority does not equate with leadership. The Mayor has failed to provide an example of

integrity and has worked, in fact, to divide the Council and to divide the staff against the Council by holding meetings with staff blaming the Council for not passing budget items, when we feel we have not been given adequate and trustworthy information with regards to the budget or it's implementation. The Mayor has not gained our trust, has failed to provide proper communication, has failed to allow true and open discussion in meetings, and the Mayor's presence at the City offices has been demonstrably lacking, according to members of this community who have made comment here. He has erected barriers between himself and our citizens and desires to fill the administrative role, but has not been doing so. As a Council, we advise the Mayor to change his ways. The salary for the Mayor was argued for by Mr. Olsen as a Council member, and that the salary was a good and changeable thing, in order to be responsive to the citizens, and that this was more appropriate than having someone else, who would be put into that position as a appointed person rather than elected. Numerous, phone calls, conversations and the recent special session underscore the public outcry for change. The Mayor currently receives a total compensation of \$70,000 per year and an additional \$8,000 in mileage reimbursement. It is proposed that an ordinance setting the elected officials' total compensation, modified as follows: that Council members' not change (it's currently at \$325 per month) and that the total Mayor compensation be reduced to \$50,000. This would take place in this meeting as a change to an ordinance, which we have been told is not possible, due to the failure of all Council members to participate in this as a special session. Due to that, I would like that we have an opportunity for the public to make public comment in a public hearing role, and then to adjourn that agenda item and then begin our next meeting that was to follow right after this as a contiguous meeting.

Mayor Olsen: Based on those comments, I would like to state publicly that I disagree with everything he just said and on October the third, I will provide evidence to support what he said is false. Are we ready? I'll have a motion to open the public hearing, would the public, Council like to make a motion to open the public hearing?

Councilmember Strouse: I wanted to make one more comment, if you wouldn't mind, Mayor.

Mayor Olsen: Well, you haven't made one yet, but go ahead.

Councilmember Strouse: That's what I'm asking. OK, just for clarification, one of those items that Councilman Liddiard mentioned was the South Service sewer bond repayment, so that's one of those little word riddles, almost, with too many 's'es, so I want to make sure you guys understood that. It's the City Center South Sewer District repayment bond schedule, which is a very critical issue for this area, and I just wanted to make sure you guys understood that was on the next agenda, at the meeting following this one. And I also had some responses to the letter by Councilwoman Jackson, but since it's regarding one of the issues in the meeting following this, I will address it at that point. Thank you all for coming. It, again, saddens me that we have to have meetings on Monday nights and on this particular day. If we'd get, gotten the proper information, again, if we'd gotten the proper information, we could have had all this taken care of at the emergency meeting that we scheduled on a Friday night, so here we are again, trying to get the business of the citizens done as expeditiously as possible, but dealing with the road blocks, here we are today. Thank you.

Mayor Olsen: Is there a motion to open the public hearing, according to the agenda?

Councilmember Lifferth: So moved.

Mayor Olsen: Thank you. Is there a second?

Councilmember Liddiard: Second.

Mayor Olsen: All those in favor of opening the public hearing, please say yes.

Councilmembers voting yes: Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** unanimously.

Mayor Olsen: Any opposed? Well, I didn't hear anybody oppose, so the motion passes. We'll officially open the public hearing on the items, let me see, this item. Ladies and gentlemen, the item for the public hearing is in regards to consideration of an ordinance enacting a new compensation plan for elected officials of Eagle Mountain. I'll ask you to please keep your comments in regards to the topic. Anything else is unacceptable. So . . .

Councilmember Liddiard: Is there anything you wanted to respond to as far as my comments right now. You told me just a moment ago that everything I said was wrong, so I'm curious if you would tell me what those things were.

Mayor Olsen: Well, I told the public on Friday that I would respond on October the third, and there were statements, I'd love to jump into it, and I can right now if you want to take that time, except the agenda doesn't call for that.

Councilmember Liddiard: Yeah, we'll wait for Tuesday.

Mayor Olsen: Look forward to it. Who would like to go first? Mr. Stan Lyman. Come on up and state your address and name.

Mr. Lyman: At last Saturday's special Council meeting, [inaudible] it was said by some in attendance that conflict is great for government. I agree that conflict is good for government if there are ideas offered for improvement and resolution. During the debate of our nation's Constitution, there were many heated and conflicting arguments that were debated. The difference between the debates of the Constitutional Convention and some of the debates that occur in our City Council meetings, is that arguments that were presented at the Constitutional Convention were centered on issues, such as states' rights, slavery and federal jurisdiction. You'd be hard pressed to find in the annals of history an account of a state delegate approaching chairman George Washington, vehemently thrashing him, saying, "You are the worst general in the history of the world. You ran away from almost every fight." Arguments such as these divert attention from the real issues that need to be discussed. The state delegates debated their issues using tools of logic and reason, not rumor and wrath. I would certainly encourage citizens and government representatives to focus on the issues of the community. I believe that we can healthily debate issues with logic and reason, without tearing each other down. Let us discuss item number four proposed on the budget amendment, concerning changing compensation of elected officials. I am requesting that this item be removed from the proposed amendment. This is my reason and logic: If the Council passes this item, then it would set a terrible precedent. It would be a violation of the checks and balances put into place because it would allow the Council to dangle the sword of Damocles over the head of the Mayor. It would imply that a Mayor must agree with the Council, because if he or she does not, then the Council has the power to revoke their salary. This would open a Pandora's box, giving opportunity for mischief. Any time the Council is angry at the Mayor, they could call a special session

to further reduce the Mayor's salary. This would not be a good way to mend and establish open lines of communication between the Mayor and the Council. Better communication between the Council and the Mayor is something that all Eagle Mountain residents are hoping and praying for. Therefore, I am requesting that this item be removed from the amendment before it is voted into law. I would also like to ask that, when possible, that citizens be given the Council meeting agenda a week before Council meeting. This would allow citizens time to ponder and reflect. I definitely would benefit from this, because arguments could then be focused on essentials and stripped away from any inflammatory or derogatory tacks of any one individual. I appreciate your service. Thank you.

Mayor Olsen: Just so the audience knows, there's a three-minute time limit on comments, and you were just under the three minutes. I was timing it. We do have a little light here meter for those of you that would like to speak. I didn't start it on time for you, Mr. Lyman. I apologize, but I was watching, so, who would like to go next?

Leonard Whitney: My name is Leonard R. Whitney, Jr. I live at 2139 East Weeping Willow Way here in Eagle Mountain. Been here going on seven years. What I want to discuss with the Council I can't because it's on the October 3rd agenda, so I'll stay with what was asked to stay with. But you know, ladies and gentlemen, I worked for the DuPont Company for 30 years and when I was hired from DuPont, with DuPont, back in the '60s, early '60s, there was a set salary for that particular position as a pharmaceutical representative. Before I left DuPont and retired in January 1994, I was then making upwards of \$80,000, with bonuses \$100,000 a year, but never at any time in my career with DuPont did they come to me, my superiors, and say, "Lenny, we're grateful for what you're doing, but we're cutting your salary. We're going to take half of what you, we promised we'd give you, away, because we don't like the way you part your hair or we don't like the way you do this or you do that. At never any time did they do that. I gave it my utmost for the whole time I was there at DuPont and I retired with honor. And I think all of you, in fact I receive a retirement monthly from the DuPont Company, one of the lucky people that's still on a program where you get money instead of being taken away from you like Delta has done to its employees. But what I say here to the Council and all of you, I don't know any of you that personally, but what I'm asking all of you is to let reason prevail, put yourself in each other's shoes, and treat each other like you would like to be treated and put your personal vendettas and whatever your reasons are aside and we the citizens of this country, of this Eagle Mountain City and the 48 square miles that I cover as Code Enforcement Officer. We deserve to have cohesiveness within this Council. We deserve this because it's only through cohesiveness can you give us, each and every one of you, give us what we deserve in leadership and I feel with all my heart that it's time to put all these differences aside, stick with what you previously said, and at the end of the four-year term, that it's time to elect a new Mayor, then you can do all that you can do to try to change the particular, the person we have as Mayor today. But in the midstream, to take away his salary you have given him in the beginning and to hurt his family and not having cohesiveness as a group, it's hurting this city. Please get together as adults and act like adults and think like adults and the city will be much better off. I appreciate your time and your effort. I know a lot's going into this, every, you're not getting much, you Council people, for what you do, I realize that. But you've chosen to do it, you campaigned to do it, and now you can do it. And for the good of all of us, please do it. May God bless this community. May God bless this community. Thank you for your time.

Mayor Olsen: Twenty seconds, Mr. Whitney, and, let me see if I can get it on there. OK, who would like to go next? Come on up and state your name and address for us.

Tiffany Ulmer: Tiffany Ulmer, 1320 Harrier Street. I'd like to address the Council about a few issues that are also related to this, then I'll get into the main thing. The special sessions have caused an extreme workload on the Recorder's Office and I hope when you're looking at these adjustments to the budget, you remember that they have to listen to all these minutes and they were already behind before. How much more behind are they going to be, to address that and give them maybe some temporary assistance. I also was curious about the cost it's going to cost us. I understand that the Recorder's Office is on salary, but what about our lawyer, who is paid by the hour? How much more is that going to cost our city by having him show up to many more special sessions? Another thing I've seen that's been a huge problem with, even today, Heather Jackson said, "I hope this letter is a official request to get x items done." I find that's where our confusion is coming. Maybe you guys need to find a form that you, each City Council person filled out and that's your official agenda request item to put things on the agenda. I have heard at least three of you ask for items to be put on the agenda during Council meetings, but without an official form all it is is just words, in my opinion, because sometimes it's real requests, sometimes it's just a, "Oh, I'd like to talk about it some time." All right, now to the actual item about the Mayor and Mayor's pay schedule. One problem I have with this is, I see it as a way of the Council to decide if they don't like him, they can yank the salary. If you like him, you can increase the salary. And I've been thinking about that, because I myself have been upset with the Mayor and he's received emails informing him of that, occasionally and I just wish there was a way that you guys can sit there and talk about it. I was thinking, in the business world, a five percent increase is normal for giving a Mayor if they're doing great. Well, what if they're not doing great? Maybe a five percent decrease. Let's try to get reasonable numbers versus all of a sudden a huge chop in the budget. Understanding that benefits, those aren't really percentage-based, and so let's go on base salary, because no matter if someone's working only \$10,000 a year and you give him full benefits, it's still going to be, I don't know how to describe that. Benefits always cost about the same amount. You can decrease them a little, but not by percentages, because you have to have health insurance. It's x amount of dollars, usually. So I start sitting back there thinking and I was wondering, can we then make a budget amendment where you guys make a salary range for the Mayor and any elected, future Mayors they start in the middle and depending how Council feels they are doing, they can increase it up to five percent or decrease it up to five percent. That way, you can show your dislike and dismay with the Mayor or your approval of the Mayor, how they're doing things. But remember, these guys were elected and that, by just yanking large chunks of salary, that's not a way to represent the people, even though we're angry at him. I'll quit now and email you the rest.

Mayor Olsen: OK, there we go. State your name and address.

Angela Cox: Angela Cox, 1438 Hawk Way. Mayor Brian B. Olsen and members of the City Council, I have been an employee for Eagle Mountain City for over four years and have lived in the City for two years. I have never seen employee morale lower than it is now. The City Council's feuds are wearing on the employees and could potentially have an impact on employee performance. We have lost more employees in the past six months than in the previous three and a half years I have been with the City. Many more are looking for other employment, knowing there is higher paying, less stressful jobs out there. Losing employees is not good for the city, not only because of the costs to hire and train new employees but because of the effects it has on the bond rating. Reducing the Mayor's salary to \$50,000 (approximately \$30,000 with full benefits) will not help the city grow and achieve the goals it has set forth to accomplish. This is a beautiful valley and with proper management will continue to grow and thrive. I do not know Mayor Olsen's plans if this amendment were to pass; however, many, including myself, fear this will mean the premature loss of yet another Mayor and once again staff will have to endure having the chair jerked out from under them while another person comes in to "clean house" and

change policies and procedures. In four years I have worked for four different mayors and each one changed the way things were going. Right now more than ever our city needs stability. The City Council may not agree with some of the actions of the Mayor, but their vote on important topics such as these should be for what is in the best interest of the city. I ask that all the City Council persons to carefully consider the effects of their actions at this time and the effects each vote has on the city. Every communication, verbal or written, the City Council has affects the citizens' impression of our city and the employee morale. When citizens receive contradicting information from the City Council, they lose confidence in the government in power. As this charade continues, I become more concerned for the current state and future of our city. At this time I request all of the elected officials to carefully consider their actions and votes and serve for the highest good of the city and leave all their other emotions and feelings out of politics. Thank you for your willingness to serve and to donate your time and I know that this is an emotional topic for each of you and I appreciate that you are so invested. Every one of you, I feel, is and is trying to achieve the best for the city and I appreciate that. Thank you.

Mayor Olsen: Thank you. OK, sir, come on up. State your name and address for us.

Darren Jones: I'm Darren Jones, 4538 Heritage Drive here in the City Center. I want to take exception to Councilwoman Jackson's letter. To consider or reconsider any type of actions done by an elected body is the epitome of democracy. To be able to do that is something we need to be doing, and always be having those checks and balances. Unfortunately, it is the actions of an oligarchal official, who doesn't have public trust and has become adversarial to any other view but his, has brought us here today. Now, I feel that the decrease of the Mayoral pay will bring us bank in line with the other communities of Utah that of our size and of our magnitude. Now, we have had likening to be able to take this out because of the, the Council can't do that to a Mayor. It's the epitome of checks and balances to be able to have the Council people be able to put in check the Mayoral duties. That is what they're called to do, and to be able to take that checks and balances out of that, whether it be pay, duties or responsibilities, would be circumventing the democracy process. Lastly, we have been seeing and hearing about business and about someone decreasing pay. In a situation where there is a Board of Directors and a Chairman of the Board, the Board of Directors, when they are unsatisfied or not happy with the Chairman of the Board, they fire him. We don't have that option in this current form of government. Therefore, the only way we can put the checks and balances in is to be able to affect the pay, be able to affect the duties or the responsibilities that are undertaken by the Mayor. I full and wholeheartedly agree and support the decrease of pay of the Mayor to the \$30,000 or effectively the \$20,000 less than was previously done by previous Council and Council bodies. Thank you very much.

Mayor Olsen: Thank you. OK, I've got two of you. Your hand came up at the same time as Mr. Jones', so why don't you come up and I'll let you go and then, ma'am, you can come on up. Let me reset this for you. Just state your name and address.

Kevin Hyatt: My name is Kevin Hyatt, 1844 East Hidden Hills Road in the North Ranch. I just want to address the councilors here and the citizens a little bit, the people who came up. First of all, thanks for all the work and effort you do. I know it's a hotbed political area here. Other thing, I think the worst thing that any one of you could do is to cast bad publicity on this city. The worst thing probably that could be done is to give the Daily Herald more fodder for their articles. We don't need that. They're probably here right now, recording this. We do not need any more of that. That hurts the city probably worse than anything else. I don't know who decided the Mayor should be paid a salary, but I think the

voters voted that he was supposed to get that. And I don't know who brought that up, but until next election I think that's the way it should be. As far as accusations, if you don't have any proof, don't shoot your mouth off. If you have evidence, by all means, bring it forward and do it in a dignified manner, but don't shoot your mouth off with something that you have nothing, no evidence to prove. You only cast a bad light on the city. Mr. Mayor, I hope that you are being cooperative with the people and striving to make sure that no contention and that a good environment is provided here. That is your leadership responsibility. That you're opening your accounts to them, according to the will of the people. You work for the people. You work for these councilors. Be cooperative to them. Same with you councilors. Do not cast bad publicity on the city. We do not need any more of that. We'll wait for the election for that. The people decide what we want and the mayor has been elected, so let it stand. Let him do his job and you do your job. If you've got something to say to him, if you've got evidence to prove against him, bring it forward, but don't sit and point your finger when you don't have anything to prove. Thank you.

Mayor Olsen: Thank you. Ma'am. I'll just have you repeat what everybody else has: your name and address, and I'll just start it when you start talking.

Janelle Fuhman: My name is Janelle Fuhman and I live at 4094 East Clark Street over in Freemont Springs. And first I would like (I'm very nervous) I would like to thank Mr. Lifferth for emailing me back yesterday and giving me the courage to come and voice my frustrations and letting me know how to do that. Mayor Olsen, when everything came out about your decisions and your choices I wasn't happy, but I trusted the people that you worked with and they decided they could work with you, therefore, nothing else should be said. At the time that everything came out, nothing was done. The citizens voted for a \$70,000 employment package for our Mayor. Nothing to my knowledge, and I've been known to be wrong many times, but to my knowledge nothing was said about any kind of a scale, any kind of options to reduce, so in my opinion reducing his pay, reducing his family's means of support, right now is wrong. That is not what the citizens voted on. That is not the outcome. Things can be changed when the Mayor's term is up. Things can be changed at that time, when the citizens have the opportunity to vote and to decide. We also voted each one of you, maybe not personally, but somehow the city decided that the five Council members should sit here today. I understand that with six people nothing is going to be ever even, nothing is ever going to be completely unanimous. But you're here, and you are here because we wanted you to be here. And you need to keep in mind that you represent the citizens and it's not a personal thing that you're sitting up there today. It is a very broad, maybe that's not the right word, but you represent all of us, and you need to take into account that most of Eagle Mountain is sick and tired. Thank you.

Mayor Olsen: Thank you. All right. Just state your name and address.

Chris Strouse: Hi, my name is Chris Strouse. My address is 1855 East Boulder Street. I'd just like to comment and enlighten the previous speaker. As far as the Mayor's compensation, this was not something that was ever put on a referendum before the voters, so the Eagle Mountain residents did not vote on this particular subject. This was something that was brought to, you know, fruition by the City Council. It's my understanding that when the Mayor was a City Councilman, he also participated in creating this legislation, as well as voting for it. Thank you.

Mayor Olsen: Thank you. OK, please come on up. Same thing: name, address.

Wendi Baggaley: My name is Wendi Baggaley. I live at 1467 Hawk Way in Eagle Park. Very first of all, City Council members and Mayor, thank you for your time and your service to this city and your passion, because I can definitely sense that in each one of you. I wish to express concern over the proposal to lower the Mayor's salary. I find this proposal to be punitive at the moment and completely opposite of the principle embraced by multiple cultures around the world, of "do unto others as you would have others do unto you." My thought is, are you planning on reducing your salaries by the same percentage? If you feel strongly about this policy change, thought, I suggest that you make this part of your regular budget discussions in the spring, not now when the effect on our Mayor's family would be the most severe and uncompassionate.

To change to a little bit of a different topic, a friend once advised me, "Never get too involved in the details of city politics that you lose the big picture." And I want to address just briefly what I feel that "big picture" is. Of course we all want a productive, safe, and happy, happy city and peaceful city in which to live and to raise our families and we have differences in how we feel this should happen and how it can be achieved. May I suggest, though, what are we teaching, particularly these last couple of months, the examples we are teaching our children and our youth in these neighborhoods of our beautiful city. Benjamin Franklin, upon inquiry at the end of the Constitutional Convention, replied, "You have a republic, if you can keep it." I know all of you are very familiar with that phrase. The founders of our country were not too optimistic concerning the nature of man. They had the recent bloodbath of the French Revolution and the rebellions in our own country to give evidence of man's tendencies to hatred and bitterness. But they did believe that, with the proper checks and balances of government, a structure of government, but an equally strong reliance in civic virtue of the American people, we would be able to govern ourselves in peace and prosperity despite our many differences. That phrase, "to govern ourselves," has haunted me and come back to me and prompted me to make these comments now. I'd like to ask, can we truly govern ourselves? Are we equal to this hope of our founders? Or do we have to rely on lawyers to protect our backsides or relegate our powers of self-government to unelected city administrators? Are we teaching by our examples that we can get along with each other and progress and go forward, despite, actually with, our differences and make that actually make our positions and our city stronger?

It's often been said, "You can't legislate morality." Our civil laws are full of "thou shalt nots" but I don't think I have ever seen a city code that says you have to be nice to each other. I'm humbled to know that, really, it is, "But for the grace of God, go I." I don't know if I would do differently in your position. I would hope so, but I believe there's a reason why our national motto is "In God we trust." And I hope and pray that each of you look inside to your moral compass and look to that, that civic virtue inside, to be able to govern yourselves and govern, help govern our city, both internally and socially. Thank you for your efforts. Please continue to work. Thank you.

Mayor Olsen: Thanks. OK, there is still time available for those that have not had an opportunity. There's somebody jumping up, oh yes, OK. Please state your name and address.

Loreen Cole: Loreen Cole, 3451 Peregrine Road. I, too, kind of have to lean toward Heather Jackson. I was very offended that this meeting was called on Conference weekend and make note to supposed good church members, but, Mayor and City Council members, I was not going to speak today, but I've changed my mind because of the flagrant stupidity and selfishness of certain Council members. In the beginning I, too, questioned the dollar amount that the Mayor was going to be paid. I, too, made comments on the amount of items in the package, but the amount was agreed upon almost a year ago.

Members of this Council have been attacking the Mayor with vicious innuendo and have tried and tried again to find dirt to throw at him without always succeeding. The citizens of this city voted him in and there he should remain until his complete term is over without this constant harassment. Let me ask each and every one of you, if you were to walk into work on Monday and find that the company you work for had just changed their policy so that you now had to pay 50% of your health insurance, place 29% of your pay into your 401k and take a 20% pay hike, or pay cut, on top of that, how would you feel? These numbers may be extreme, but in essence that's what you are trying to do to the Mayor.

Mr. Liddiard, I lost respect for you a long time ago because of your selfishness and, Mr. Blackburn, you are following very close behind with these attacks on the Mayor and the other Council members. For the second time I ask you to grow up. You both talk about the image of this city but you yourselves are perfect examples of the bad behavior tarnishing Eagle Mountain. You can't seem to get your way so you decide to attack the wallet. How extremely childish. You need to start worrying about the business of running the city, not this "get even mud slinging." By the way, the firing of Mr. Hillman was probably the best thing to have happened to this city because he's arrogant, insulting and has left this city in debt, with his back room, hand-shaking dealings. I myself come from a small town very much like Eagle Mountain and over the thirty-odd years I lived there I watched it grow and go through all of the growing pains. One thing they did different, though, was they didn't "cut off their limb" because it hurt a little. I served on a commission for that city for over eight years and never, in my life, have seen such immature, egotistical and sanctimonious behaviors amongst the people who are supposed to be the adults on this Council.

This city needs unity, not division. We are a young city on the verge of setting examples to other new cities. Your work not only affects those now but many generations to come and it is time to put the personal issues aside. Since Mayor Olsen has taken office I have seen great accomplishment for this city. Where are your accomplishments? You need to begin working with the Mayor or you yourself need to step down.

Mayor Olsen: Thank you. Anyone who has not had an opportunity? Please, come on up. Just have you state your name and address for us.

Michele LeBaron: My name is Michele LeBaron and I live at 1062 Waddell Street in Overland Trails. I thank you for the opportunity for all of us to be able to voice our opinions and share with you the things that are on our minds. I think that the bottom line that keeps coming back for me is the way that the Mayor earned the mayor position. I believe it was through lying and deceiving and I think that's a big part of the issue here today, is that we want to be able to somehow have a way to hold the city officials accountable for their actions or for their lack of actions or for their lying. There's a big lack of trust, a big lack of working together, but in the end I think we just want to have a way, as citizens, to hold you all accountable for the choices you make and I think that's a frustrating thing. We feel our hands are tied. We're given three minutes to talk and hope that you kind of do what we suggest that you do. I, again, I just wanted to state that I think the honorable thing to do for the Mayor is step down because I think a precedent needs to be set in our city that lying and deceiving is not the way we're going to earn an elected position and that it's not going to be tolerated and accepted here in Eagle Mountain City government. Having said that, I also do not agree that cutting the Mayor's salary is the right thing to do, either. I don't believe in that principle at all, but I would encourage each of you to look within yourselves and start rehearsing, you know, integrity, virtue, responsibility to the citizens. We basically hired you to act in our behalf and I would hope that you would do that in an unselfish way and truly not for your own, personal political gain and power, but really, truly to act as our representatives and to hear

us, because in the end, and I've said this before, I truly believe that citizens of the city are our greatest resources and if you, as officials, would please turn to the citizens and hear what they have to say and use them in solving problems then, you know, we can't go wrong. There's nothing our city can't do if you will turn to you resource, which is the citizens. Thank you.

Mayor Olsen: Thank you. Come on up. We'll just have you state your name and address when you begin.

Michelle DeKorver: Michelle DeKorver, 3660 North Canary Way. First of all, I also agree that, as the Mayor refuses to step down and as the Council members have no option or ability to remove him from his place, I am not against reducing his salary. However, I would like to present another option. The Mayor was hired. We believed that he would be acting as City Administrator, that we would be saving money by getting rid of several positions, and from what I understand, he has more help than any prior Mayor has ever had, so my advice would be to leave him at his salary now, but force him to his own job by removing those people he has hired to help him do his job for him. Thank you.

Mayor Olsen: Thank you. Anyone else? All right, Council, it looks like everyone's had an opportunity for public hearing. I do have one . . . OK, come on up. So we're not going to not let you have an opportunity. Go ahead.

Kristine Hull: Thank you. My name is Kristine Hull and I live on Sunrise Drive in Eagle Point subdivision. I would like to second and third the two Michelles' comments. I absolutely agree that if the Mayor has chosen not to step down that we need to look at alternate means of showing our disapproval and ensuring that he is accountable to the citizens, perhaps looking at legislation statewide. I realize that this is a state issue, not just here in Eagle Mountain, but perhaps you can look at alternate means for holding him accountable for that. I also do not condone reduction of his salary, because I think there are alternate means of doing that. I do think that it's not a good precedent to set and I do have personal experience with this for a company that I worked for. A coworker also didn't meet the initial expectations of the people in charge, and they did reduce her salary, and it was an extremely painful circumstance not only for her but for the other coworkers. We were also concerned that, "What if our jobs are going to be at stake now? What if our salaries are going to be at stake?" And what it did was cause a ripple effect of trustworthiness within the company. So please keep that in mind. Thank you for your time.

Mayor Olsen: Thank you. Anybody else? I do have one public comment that was emailed to myself and the entire Council and to the City Recorder and so I'll just go ahead and read the comments into the record. This is from Charlotte Ducos and Charlotte has spoken here many times and I don't know her address. Meadow Ranch? OK. If the Council's OK with that, I'll go ahead and just read it.

Councilmember Lifferth: Mr. Mayor, can I just ask when that was emailed?

Mayor Olsen: The date on it is September 29, 2006, 9:15 p.m. It has my address and everybody else's on here, Council and Gina Peterson.

Councilmember Liddiard: I didn't get a copy, but I don't have a problem with you reading it.

Mayor Olsen: OK. It says:

Mayor and City Council,

I appreciate the opportunity to have my comments read and entered into the public record in my absence. I did not in any way want my absence to signal the lack of opinion regarding the issues at hand.

I wanted to make clear my opinion that no action should be taken to reduce the Mayor's salary. The citizens of Eagle Mountain voted less than a year ago to have a full time Mayor and compensation was set for that position. This was a well-thought-out and well-debated issue and the decision by voters was made deliberately. While there are many who are frustrated with this Mayor, we need to keep perspective that changes made to mayoral salary and powers are long term changes that will affect not just this Mayor, but Mayors to come as well. We need to act with prudence to be sure we are not undermining the office of Mayor both now and in the future as a knee-jerk reaction towards one man. The decrease in salary that has been proposed will make it virtually impossible and unthinkable that qualified candidates for Mayor would leave their full-time jobs to run for office. In effect, lowering the salary to the degree that has been suggested is only the first step back towards a part-time Mayor—a direct contradiction to the wishes of the majority in the last election. I urge the Council to set aside their differences with the current Mayor and to take action that is calculated for the best good of the City and its residents both now and in the future. In the context of this meeting, the most prudent action would be to leave the Mayor's salary intact.

Because I could not attend I want to keep my comments brief, but I do want to take the time to voice my concern on one more issue. I have put in many hours of my own in preparation for these and other meetings held by this Council in recent days. My whole aim has been to work towards solutions that get beyond the current conflicts and attempt to influence policy that, in my opinion, is for the best good of the City and its residents rather than policy that is reactionary to current frustrations and conflicts between the Council and the Mayor. There is important business to be done in our City. The fighting and offense taking that dominate our current politics—and unfortunately I feel, some of the proposed policy as well—are hurtful to City staff and residents and need to be stopped. I am aware, in detail of many of the frustrations and have spoken with most of the members of the Council directly. Each of you has very valid concerns and complaints. The truth of the matter is, that based on my research and my best analysis, every single one of you are right, and every single one of you are wrong. I plead with you as my elected representatives to get beyond the blame and the frustration and get back to the work of the people. I ask the Mayor to be more forthcoming with essential information on a daily basis. This information should include proper documentation and explanation of all pertinent issues. Please respond to Council requests for answers, even if you know they will not agree with your position. I urge the Council to set aside past differences with the Mayor and seek instead to move forward on current issues. I would ask that respectful dialogue return to these chambers. There are admittedly many ways to do the business of the people—as long as it is done with respect for all. It is possible to disagree without being disagreeable. I believe that all involved have some work to do in this area—Mayor, Council, and residents.

OK, we'll, Gina do you have a copy of this? Anyone else? OK, Council . . .

Councilmember Strouse: I actually have a comment regarding people that have called and stated they could not be here today. And so, just to let you know . . .

Mayor Olsen: Hold on, order, order, order. This is a public hearing and I need to make sure that, what's that?

[inaudible]

Councilmember Liddiard: Can I ask a question then? This public hearing covers both the 12:30 and the 1:00 meetings or is this one public hearing only to talk about compensation?

Mr. Kinghorn: As far as I know, we're just on the 12:30 meeting notice.

Councilmember Liddiard: I just wanted to make sure.

Councilmember Strouse: So when 1:00 comes, there'll be time for people to speak again? OK, thank you.

Mayor Olsen: So, I'll entertain a motion to close the public hearing.

Councilmember Liddiard **moved** to close the public hearing at 1:34 p.m. Councilmember Blackburn **seconded** the motion. Council members voting yes: David Blackburn, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** unanimously.

Mayor Olsen: Now Council, in light of the attention that I was given from Councilman Jackson on Utah Code 10-3-508, how would you like to proceed?

Councilmember Liddiard: At this point, I would just like to have an opportunity to talk about what's taken place, so without having a formal motion, I simply will move that the Council have an opportunity to discuss this as it's been presented, and then, and then I guess I would move, as part of being able to allow the discussion to take place, a move to table the ordinance as it was presented.

Mayor Olsen: OK, we have a motion to table the ordinance. Do we have a second?

Councilmember Blackburn: I'll second that.

Mayor Olsen: OK. Councilman Liddiard, go ahead.

Councilmember Liddiard: I'm glad that we had people that showed up today. It's nice to have some comments and I think there were some important comments made here. In particular, I think, there were a lot of things that were said in regards to unity and I agree with that. I think it's interesting that sometimes the cries for unity are made in very divisive comments, so people are saying, "We should have unity and I'm really mad at you and you stink and I hate you, but we should have unity." So I'm a little, trying to grapple with that one, but clearly we are here out of the frustration that each of us bear in having difficulties to cooperate. How to fix that? I think some important comments were made as to how do we do that? How do we go about that process of gaining trust, of being workable? Having professional comments. There were comments made that, you know, as far as we are to be here, we should do things that will enact a better appearance of our city, not a worse appearance of our city and I agree with that. I'm a little bit curious about topics that have been talked about in regards to this about doing things to gain political power. I'm not sure exactly how to go about gaining political power, other than the fact that I'm supposed to vote yes and no on ordinances and consider things and act as appropriate and as citizens ask. There is not an opportunity there to gain more power or do those things. I don't have a desire to gain more power. I'm not sure how you do that unless more people move in and then you have more citizens or something, so I find that somewhat perplexing. There has been some

comments made in regards to accountability, to trust, Golden Rule. Clarifications have already been made that voters didn't vote on the salary. It was a Council action that took place. Voters did, however, vote for our current Mayor. And many of these comments seem to be directed towards a Council position or a mayoral position and there were some things that were said in regards to precedents and precedent setting, which I believe is wise advice and I think shows a certain knowledge and an understanding of government. We have more citizens here than we have at some of our regular general session meetings, so I'm impressed at that and I appreciate the comments that have been made in regards to setting the compensation for elected officials. About two or so years ago, Council members were making less as a stipend than they are now and our Mayor at that time was making \$400 a month. Council members were making \$200 a month. The agenda under Mayor Bailey was to have Council members' salaries raised to \$400 a month and the Mayor's salary raised to \$800 a month. I made the motion that Council members' salaries be at \$300 and that the Mayor's salary would be raised to \$1000. That was modified to \$325 for City Council members and \$1000 for the Mayor because of his activities and his actions and he was very engaged in what took place in the city. Because of Mayor Bailey's great contributions and his involvement, it was desired that we allow someone to participate more fully without the same economic hardships that he faced because of his participation and that is where the \$70,000 discussion took place. It was born out of a desire to allow a Mayor to act and not have some of the same challenges. And in the same conversation that took place among the Council was, "And yet how do we not create a tyrant? How do we not create a position or a potential where that would be then abused by someone who would then be having so much abilities freed up to be able to take involvement and so that conversation also turned to the salary being a changeable thing. I'm not sure that everybody understood, me included, how that would play out in future days, but it was, as the Constitution was, an experiment at the time. Some comments were made here about precedents. Well, what precedent do we send then, what precedents will we be setting now, and how does that take place? An annual budget was proffered up at that discussion, as well and that this would be a way for that position to be responsive to the desires of the, of the citizenry. Anyway, that seems possibly like rambling but hopefully it demonstrates at least that I've been listening to your comments being made and, and a concern out of being able to do things that would be right, things that aren't going to upset the apple cart and allow the government to be able to move forward in a good, professional manner. I think I'll restrain some of my comments the close of the next public hearing that takes place and some of these spill over into that. But actually, I would interested, there are some comments that were made about, "Let's seek an alternate method." I would be interested in seeing what you have in mind. What would you propose? I would be very interested. Mr. Lyman has come here several times and has made comments that I have always appreciated. He's made comments that I thought were well thought out. They were not fraught with emotion. They were rather fraught with, in his case, detailed study. He gave good, he gave it very clearly and I appreciated those people who come prepared with comments like that.

Mayor Olsen: Other discussion? Councilwoman Strouse.

Councilmember Strouse: OK. One of the most interesting emails I've gotten recently is from a resident who said I would much rather live in a city who faced its problems open and honestly and worked to fix them than like most cities where they make great efforts to cover things up and sweep them under the rug. Quite often we talk about promoting our city's image and I always cringe when I hear that word, because it should be about who we are about and what we want and where we're going and how we're trying to achieve that. It shouldn't be about the slick, fast sales pitch, you know, to get the big bucks in here. I mean, we truly are a wonderful community and, and I think it's a great thing that we have opportunities to put those things out to the public that are great accomplishments and reflect the wisdom and goodness of our citizens, but on the other hand, as that citizen wrote to me in an email, I think that

was great wisdom. We have to be honest and open and fix those problems and that's all for now. I'll save the rest of my comments for the next meeting.

Mayor Olsen: Anyone else?

Councilmember Blackburn: Yes, Mr. Mayor.

Mayor Olsen: Councilman Blackburn.

Councilmember Blackburn: It sounds like we need to turn off the mikes. Thank you. OK. In the process of considering presenting this proposal before the Council and before the city, it was designed to ask for some action, to get some action. The way things have been proceeding are not what any of us desire. Not of us, I mean, we all know that when a salary is changed for anybody it doesn't just impact that one person. It impacts the whole family. We know that previous Mayors have done a very full-time role with a lot less. It's likely that Mayor in the future will do a similar role with a lot more or less or at the same. The citizens did not vote for the pay package. They voted for the person, the way the person represented themselves at that point in time. I think if we all look at our own employment situation, if certain actions, maybe similar to what we've experienced here in Eagle Mountain, occurred in the, in the professional world, you would feel some impact. Your pay, your bonuses might be docked. You might be put on probation. There would be some censorship of sorts. This is one way where we, as the Council, in our previous discussions, mentioned that we had the ability to censor the Mayor. The Mayor was involved with those discussions. In the process of discussing a full-time Mayor, we even discussed the roles of the Mayor and those conversations, as to defining the position, defining the role, defining the duties, were all kindly deferred until Mayor Olsen was elected so he could be participating in those types of conversations. You might recall Councilmember Janiece Sloan has come to the table and said, "Where are those discussions?" Because they didn't occur when she was a Council member. They haven't occurred since Mayor Olsen has been there. So we're looking at things as a process. Now, ideally, there would be no change. Ideally, there would be no cause for change. We are an elected body to represent you and as things have not occurred in the smoothest of manners and methods, we are acting in a way that hopefully would get some change. Everything that's been said by all the residents and by all the Council is being heard on a regular basis. None of us like the press that's, the bad stories. We all want it to be happy stories because that's the ideal situation. That's where, that's our ideal, our goal and our situation. Regrettably, bad press sells. We can look at the news and we can see the bad press and we go, "What about the good stuff that happened?" because there's definitely a lot more good that's being reported. So I apologize, but the message, the comments that are made the by residents, both at this mike and in person are being heard and we know, collectively, whether here or not, we've got to get our act together. Call it straighten up and fly right, call it crack your heads together, you know, kiss and make up, but we've got to be working the right way. That's all for now.

Councilmember Lifferth: Mayor Olsen, I have a few comments I'd like, just like to throw into the discussion.

Mayor Olsen: Councilman Lifferth, go ahead.

Councilmember Lifferth: I don't know how many people are aware of this, but Mayor Olsen's wife is in the final month of her pregnancy and she is under bed rest for the duration of the pregnancy and, you know I, my wife has had difficult pregnancies before and it was an extremely difficult thing and I can only say that reducing the Mayor's salary and reducing the ability to provide for his family right now

would be very detrimental to his family. I know when I was Mayor, I took a pay cut to come in and work for the \$70,000 that was specified. My wife would only let me do that for a brief amount of time. That's why I was able to do it for a mere five months and I could not have done it for much longer without impacting my financial situation and I think that we need, if we're going to have issues with, with the Mayor, which everyone has, has concerns. I've had my concerns, I've had my discussions with Mayor Olsen, I think we hold out some kind of a carrot and say, you know, "Mayor Olsen, if you will do x, y and z, we'll bump that up from seventy to seventy five. We'll give him some incentive instead of only using a stick. Provide a carrot to provide an alternative. You know, as I think about my own financial situation and the people of Eagle Mountain, I've heard it often said that the people of Eagle Mountain live very close to the poverty level. How many of us could withstand a \$20,000 pay cut and not have to make serious changes, possibly even leaving the city and going and finding someplace where, I don't live in a trailer park. I don't know. It would just be such a huge challenge. I think, we look around the room and compare Jerry's pay rate here with the rest of us. We have normal salaries. Sorry for bringing that up, Jerry. It's kind of humor, a bit of humor there. But everyone else here, I know it would be tough for me to withstand a \$20,000 pay cut, and I'm doing pretty well, but that would be tough and we'd have to make some changes in our lives. It would be hard for me to go home to my wife and tell her why, you know, I can't, I'm not bringing home what I used to make. Another concern I have is if we do reduce the Mayor's salary roughly to a take-home of \$30,000 a year, what sort of caliber of person would ever want to do this job in the future? How many people would want to leave another career and to do that? We need professional, educated and experienced people to manage a city as complicated as Eagle Mountain and telling someone, "Drop what you're doing now and we'll give you a \$30,000 take-home, you know, I've seen Mayor Bailey do it and previous mayors did that, but you know, we look at the financial hardship that was to endure. It is true the Mayor's salary is the only control the Council has over his behavior and I think that we should use that with the utmost caution and sincere desire for what is best for the city. If we do feel the need to censure the mayor, let's do that in a reasonable manner and say, "OK, at this time we're not happy with you. We'll dock you \$1,000 or we'll withhold your Christmas bonus or your Christmas turkey or whatever. There are ways that we can start with this instead of such a drastic measure which is, you know, over 25% of someone's pay you're about to remove from them. The mayor is accountable to the voters and not statutorily accountable to the Council, even though we're the ones who control his pay by statute and we can, if three members here vote to do this, we can do this and put Mayor Olsen in that financial situation. It's a very difficult situation we're trying to work through on the Council. I, I'm listening. I get a lot of emails. I was not at the Friday night session. I've got a digital recording of that. I listened to that. I understand there's a lot of frustration out there. Just to let you know, I work with the Mayor. He's not a perfect man. He's a good man and I appreciate what he's done for the city. A lot of good things are happening in the city and, like someone else said, if we're going to change things drastically at this point, you know, it's going to be hard to predict what will happen in the future, so when we do make major changes like this, we need to do so very cautiously and understand the long-term ramifications. If we desire to punish one man, you know, sometimes if we, we've been accused of "cutting off our nose to spite our face," so let's just be very cautious, let's do what's best for the city and I'll conclude my remarks with that. Thank you.

Mayor Olsen: Well, Council, I, as a member of the governing body, and although I have no vote, I would like to make some comments, since this is a motion to table. I think that if elected, I personally am looking at this as a Mayor and Council for future government entities and I think that if the Council took someone and removed their salary during office, then who really does have control? Are we now using the Mayor, you know, "Mayor, if you don't do what I say, if you don't terminate someone or if you don't do this, I'm going to yank your pay. That's what I'm hearing. I think that's a dangerous

power to hold by the legislative body. I also understand the frustration of folks that, what occurred in February with my comparing a CPM to a Master's. I've done everything that I can think of to amend that situation and I've worked hard. I'm continuing to work hard. My greatest success probably, and I've shared this as of late, will probably be the pushing of politics and I don't take all the credit for it because our City Attorney and our staff you as residents gave me the power to help convince and push the politics with the Central Utah Water Board. We just secured the next 25, 30 years of our water supply. That was voted by resolution by the Central Utah Water Board the other day. Two of the members were absent and I traveled to Sanpete County to talk to them and they were saying, "Well, why should we help your city?" You know, "Why should we do this?" and of course, you have to talk about the benefits of the city using water and how we we'll help pay back their bonds through our use of water, but I think, you know, our number one issue, and it wasn't brought up in the campaign but it certainly was the number one issue, and that's water for this dry valley. The 10,000 acre feet will supply anywhere from 14,000 to 15,000 homes. I think that's a huge success, not just on my part, but the city's, you as residents. They came out here. They did a tour. Jerry has been working with them through all the legal issues. This has been a work in progress since I came in office. And then to have this happen, wow, thanks for the carrot. I want to remind everyone, including this Council body, that Councilmen Liddiard and Blackburn voted no for the Mayor compensation a year ago and have voted no on every budget item we've ever presented. I want to also correct, you know, the Kelvin Bailey salary was \$1000 a month and that was over two years ago, if I'm not mistaken. It was two years ago when that was changed. The balance of power between the Council and Mayor has never changed until now. Monday night they took away the Mayor's authority to control the agenda. That's the only vote I get and now I don't even have that. If a Mayor, you know, the other thing that the misinformation is yes, the half-truth is on the \$70,000 pay, that was decided before I was even running for office. We didn't know if a high school graduate or somebody who didn't even have a high school degree would be offered that. But now we're all saying, "Oh, well we're going to base this salary on education. I don't remember that being the total issue of the day. Currently, the salary is \$49,000, just a little above that if we round it, we'll just say \$50,000 for the Mayor. Right now, on a \$70,000 budget line item, the next \$20,000 is for insurance. If the Mayor wants to take that, the Mayor has to pay for it or it comes out of that \$70,000. Currently all city employees receive 100% medical coverage. They don't have to pay for that. That doesn't come out of their budget line item. We also have a part-time employee that receives 100% medical benefits that was approved by this Council. Yet the Mayor does not receive that. If this were to pass, a \$20,000 decrease in salary and compensation, or however that is figured, and to me it's still unclear, but it would totally affect the salary from \$49,000 to \$29,000 and we're hearing the rounding-up figure of \$30,000. That would place a Mayor on, if this were my choice, because I campaigned to work on this hands-on, full-time. I wasn't going anywhere. I wanted to do this. That would put me on food stamps, that would put me on welfare assistance. There was a reference to an email that a resident says, correct me if I'm wrong, is that we're sweeping things away. You know, when things like that are brought up, I would like to see the email. I would like to know who the resident is. I would like to see what information or fact they have before we throw it out there as fact. To me it's hearsay. Again, my comments from last Friday's emergency meeting, you know, there were a lot of things said by the public. There has been many things. I've sat back for a long time and I've held my tongue, because as a chair I believe I need to be a strong chair, a chair that doesn't allow us to fight, you know. The audience comes up, you know, and they, I've seen it. I've sat in that audience and seen what's happened with previous Councils. Audience member stands up there and they just start yelling and then what happens is the Council or the Mayor themselves start arguing back. That was one major thing I was going to change when I came into office. We're going to dress it up, we're going to be professional and we're going to follow procedures. This Council has never set up procedures, so this Council has no right to complain until they set those procedures up. That is the chair's responsibility and we have followed

that. People get up, they make comments, and I have tried to stay out of the conflict by being a referee. I have been called upon, I know Councilman Liddiard likes it when the Mayor talks about issues like this. He's done that in the past and I appreciate that. I like to be involved, even though I don't have a vote up here and I think the more I've gone through all the different things that I've heard over time, you know, I've sat back and every little thing it, to me personally it appears petty. All the little issues, the desk, the \$8,000 travel reimbursement, all these things. To this day I'll never even use that much money and I can prove that on Tuesday night, how much I've used and how much, if we keep going by the end of the year, where we'll be and where I've been with that money and what we've done with the travel reimbursements. The rumors about a desk and all this but, like I said, I think, as I've gone through each issue and seen what's happened, I can see where the miscommunication has happened. It saddens me greatly that I didn't see it before, but I've been in office what, nine or ten months, and we've seen great successes in this city from having a Mayor that's elected by the people. Let me tell you, the people have been heard over the course of these last several months. This Council has been hearing it and I do believe we're all doing what we believe to be the best and once the facts are out there, one of the things that I've learned for myself is that when I hear something I should verify it. Instead of me hearing it from somebody and then I hear the half-truth like, say, on the desk. It's true. The Mayor did buy a desk, but the Mayor didn't spend \$7000 or \$6000 or \$5000, depending on who you talk to. It was a lot less than that and the Mayor never had a desk. He had a table that was open, so if we have a future female Mayor, if she were to sit at that desk in a dress, she wouldn't be able to. There was nothing for the mayor to lock his stuff in to clean off the desk. There was nowhere, really, for the Mayor to have, you know, a moment to sit down with public officials. We've had, we've had senators come out here and state senators and other mayors come and visit our town, business people, developers. They have, you know, when we talk about development, there is so much development. These men and women have invested millions of dollars into this community and, yes, I'm sure they're going to make their money back, but we all make this balance and I apologize, I'm starting to just talk, talk, talk. But I do want to, to stress to you that I'm going to try harder to communicate with the Council. I realize that there's frustrations that when you call me, I don't answer the phone. Well, I'm not like the former Mayor that would just pick up the phone and [aside] no offense. When I'm in a meeting with someone, unless it's the Sheriff's Department or the Fire Chief or my wife, I will not answer the phone until I'm done with the meeting, because those people have made that time with me. But to expect me to pick up the phone whenever a person rings is ridiculous and it's offensive and I do try to call back. You know, the funny thing is, I'll be on the phone and I'll get five phone calls when I'm on the phone, so then when I hang up I've got five messages, so then I dial and deh, deh deh and you go through all that and then you hear the messages and then I start going back and calling people back, but by the time I get back, I've offended somebody. "Well, when I called, you were supposed to call me right back." Well, I was in a meeting. Anyway, I do plan on providing, as one resident suggested, evidence on Tuesday night of all these different things that have come up. I will try my very best, Council, not to take the time that night, but the residents came in Friday and they were demanding answers. They said, "Lay it out to us, Mayor. Tell us what is going on. We're hearing this. What is the truth about GRAMA requests and all this stuff?" I'm going to show you. I'll show you the correspondence. I'll show you the evidence and I will proffer to you as evidence that this Mayor has sat back to avoid the spirit of contention, when I've sat back and thought, "This is the most pettiest thing I've ever heard." But this Mayor also accepts responsibility for not communicating enough, but I think that can be spread around, as well. This city is a wonderful city and when Jerry and I met with Central Utah Water Board the other day, that's what we told them. Mothers were out walking their babies. Construction equipment was building and it gave him an eye, this picturesque opportunity to share with people what was going on and, lo and behold, it's you residents that were able to give us the empowerment to convince that Board that we needed water for the next twenty, thirty years. Anyway, I apologize if I went on too long, but I do look forward to

Tuesday night. I do look forward to addressing these concerns and miscommunications and if that's all they are, good. But if they are lies, the I do think we should hold people accountable.

Councilmember Strouse: Mayor, I have a comment, if you wouldn't mind.

Mayor Olsen: Councilwoman Strouse.

Councilmember Strouse: First of all, you know, [electronic feedback] somebody needs to turn their mike on. First of all, we all feel very, very sad that Brian's wife is again going through difficult pregnancies. [Feedback] Somebody needs to turn their mike on. She's a wonderful lady and I have a lot of respect for her, but one of the things I want to point out is, we all, when we serve in public office [feedback]. Throughout history when people have served in public office, it most often entails sacrifice, from the early forefathers to people like, well just about anyone who served in public office here in Eagle Mountain. It was hard for everybody right from the beginning. Everybody that's served this city deserves pats on the back and appreciation, because it's astounding to think we started with 250, about 250 people to around 15,000 today and there's been tremendous accomplishments. It's taken each person building on the successes and the wisdom of the past, and sometimes the wisdom of the past is born and comes out from making mistakes, but there is wisdom and everybody deserves credit with where we're at today. This is not something that happened just in the last nine months. I'm sorry. It's just not right for it to be presented that way. I wanted to give you an example of Mayor Bailey and all the hard work that was done with the CUP. We're talking about the water. "I have been involved with various developers" this is Kelvin Bailey speaking "in an attempt to purchase the water from the old Geneva Steel plant and bring it to Eagle Mountain, but at the end of the day the CUP purchased the water rights. At that point, as Mayor, I suggested we approach the Board to find out what their intentions were for the water." This was within the last year and a half. "To find out what their intentions were and if it be possible to have water brought out or transferred to the Eagle Mountain area. I knew from our early conversations with developers and that state that there would be some major hurdles to overcome: physically pumping the needed water, not only to our area, but to Saratoga Springs, West Lehi, transferring water rights to our area based on the moratorium placed by the State on all water transfers. How to pay for the costs and what those actual associated costs would be and if it would be economically feasible at the end of the day. I asked Mark Sovine to set up a meeting with a few of the CUP board members to discuss some possible solutions to these major hurdles, knowing that there was a lot more that would have to be dealt with in the future and to avoid a moratorium on the growth in Eagle Mountain. We met May 2005 at Thanksgiving Point to discuss these concerns, at which time I proposed a daring and bold plan to transfer some of the initial water rights to the city wells as an interim solution until the actual, physical lines could be built to physically bring the water. We knew this would be a major problem, since the State had a moratorium on the transfer of water, but we knew that if any organization could persuade the State to make an exception, it would be the CUP, based on their credibility to follow through with their plans and their past relationships with the State. I also explained the basis of how to justify it with the State. The State is concerned with there being sufficient water to provide for the amount of water rights that are already in our valley. Hence the reason for the moratorium. My thought to justify this transfer of water was to say to the State that if they allowed the CUP to transfer the water rights on a temporary basis and until the physical water could be transferred through a pipeline, that it would not endanger anyone currently with water rights or using rights in the valley at this time. The temporary impact would be nominal and for a short time only. It was a known fact that little of the overall water in the valley was being used on a regular basis and so, in a sense, this temporary transfer and use of new water rights would not have a negative impact on any other users. By the time growth could pose a potential problem, the physical transfer of water would be in place. Also

during my administration, we began participation in a study with the State on the water resources and aquifers in the valley since 2003. Assuming the new administration is still participating in this study,” and that is another question. I’d like to know if we are. Are we, Jerry?

Mr. Kinghorn: [inaudible]

Councilmember Strouse: OK, excellent. “The findings may provide sufficient information in the future to allow for the permanent transfer of water rights again. The Board members liked the idea of a short-term suggestion and felt it was a very good chance that they could get the State to see the reasoning behind the solution, so I met with Jerry Kinghorn, Chris Hillman and Mark Sovine and met with the Board members over the next few months to discuss this proposal.” Now, there’s a lot more to this letter, but my whole point is, a lot of people have done a lot of work for a long time and many, many people deserve credit for this. Thank you.

Councilmember Liddiard: I think it’s interesting, some of the comments that have been made on some of the Council things. Part of it has to do, I think, with some of the comments and some of the perception and the perception being reality. Even among the community, when people come to talk, they sometimes come to address something they perceive is an issue, whether or not it is and that perception then becomes reality. It becomes reality for us because we need to go with it and even the perception, or even the absence of further information, has become somewhat of an issue even among Council members, where perception seems to bear a lot of sway, when more information or other information isn’t available or simply not at hand. But I think it’s something that has created a lot of opportunities for thought and speculation. Let’s call the question.

Mayor Olsen: All those in favor of the motion to table, please say yes.

Council members voting yes: David Blackburn, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** unanimously.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 2:10 pm.

**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

October 3, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:10 pm.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson (arrived at 4:30 p.m.), Vincent Liddiard (arrived at 4:55 p.m.), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, Engineer; Jeff Weber, Assistant Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

Mayor Olsen excused himself temporarily from the meeting at 5:00 p.m. Councilmember Lifferth chaired the meeting in his absence.

ADJOURNMENT

Councilmember Lifferth adjourned the Work Session at 6:42 p.m.

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

Mayor Brian B. Olsen called the meeting to order at 7:10 pm. Chris Trusty led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse (arrived 7:25 p.m.).

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

CONFLICTS OF INTEREST

Mayor Olsen asked if any Council member had a conflict of interest to disclose. There were no responses.

MAYOR'S ITEMS

Mayor Olsen played an audio clip of the Doug Wright radio show regarding a *Chicago Tribune* article claiming that most residents of Eagle Mountain are polygamous. In response to the article, Mr. Wright had Mayor Olsen as a guest on the show. Mayor Olsen thanked the various news outlets which responded to the story.

BOARD APPOINTMENT – Cemetery Board

Mayor Olsen introduced Mr. Ronald Wood and recommended that Mr. Wood be appointed to the Cemetery Board.

Councilmember Jackson **moved** to approve the appointment of Mr. Ronald Wood to the Cemetery Board. Councilmember Blackburn **seconded** the motion. Councilmember Jackson said that she has worked with Mr. Wood and commended him for everything he has done for the city. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

City Recorder Gina Peterson administered the oath of office to Mr. Wood.

Mayor Olsen asked City Engineer Chris Trusty to report on the construction of the Nolan Park restrooms. Mr. Trusty said that he was unable to reach the contractor today, but visited the site and said the roof needs metal sheathing on the roof. Plumbing and electricity need to be installed, as well as rock fascia. The project is expected to take another three to four weeks.

The update on the wastewater treatment plant was postponed. Councilmember Blackburn asked for regular reports to the Council on the progress of the plant.

MAYOR'S COMMENTS

Mayor Olsen responded to recent public comments during a recent emergency special City Council meeting. He stated that, as Mayor, he was only interested in the facts. He will embrace anything that is proactive and constructive in building the city. He showed a flyer that was distributed on the special meeting on September 22, which also contained many questions.

1. He has been accused of refusing to allow City Council members to place items on the agenda. He stated that he provided a letter to the City Council dated September 5, 2006, which stated “ that I will consider any legitimate, properly submitted request by a Council member to have items placed on City Council meeting agendas. I will attempt to accommodate any such request in a reasonable manner.”
2. Another assertion was that he illegally transferred money between City departments without City Council approval. He explained that the city does not have an ordinance defining what a department is for budgetary purposes. The understanding of the City Attorney is that the City accounting system is established on the guidelines used by the State and City auditor. The City uses five departments: general government, community development, public safety, planning and zoning and public works. He

transferred \$5,000 from account number 10-11-41100-2321 to 10-11-41310-2411, both of which are in the same budget department. The funds were transferred to provide a work station for the new City Receptionist, a position created in response to many requests for a live person to answer the phone at the City offices. Council travel and training money was transferred to a line item appropriate for a furniture purchase. This transfer was within the Mayor's authority. It would be a problem if the Mayor tried to move money from one department to another, which would require Council approval.

3. The Mayor has been accused of denying City Council members access to City financial records or other information. He said that he denied a Council member's request to take original records out of the office, copy them and return them, but he has offered access to the records at any reasonable time. He said this Council member made several more phone calls requesting records, but never made a written request. City staff has been gathering records, however, the request was unclear. It was handled by way of a routing sheet which went through several departments. The request took about three weeks to fill because of understaffing and a heavy workload. The City Recorder has been asked to get records requests in writing and the Mayor has invited Council members to view records in the City offices.

4. The Mayor was accused of terminating employees for disagreeing with him. He stated that personnel decisions are his responsibility and he stands by those decisions.

5. Claims were made that the Mayor has spent more than half of the fiscal year budget. He showed the general ledger of the City and read a portion of the last page, stating that 7.73% of the budget has been expended and 92.27% remains.

6. Complaints have been made that he spent an absurd amount of money for a desk and asked why his office door was replaced. He responded that the desk cost \$1,810.00 and showed the receipt. He explained that he traded the glass-paneled door on his office for a solid door from another City office so he could close his door and get some work done.

7. Complaints have been made that he gave himself an \$8000 raise through an \$8000 line item for mileage. He stated that the line item is not for the Mayor only, but is for general administration use. The City does not always have a car available for City management personnel. The City Attorney has told the Mayor that he is entitled to mileage reimbursement for City business. The Mayor has been reimbursed \$3,100.00 from January 1 to the present date. He said former City Administer Chris Hillman received a car allowance of \$500.00 per month, as did the former Public Works Director.

8. Regarding the accusation that he has denied staff permission to talk to Council members. In a letter to the Council dated May 30, he wrote, "While members of the City Council are encouraged by me, and are free to request specific information from department heads and particularly the City Recorder, with respect to records of the City Council actions and other formal authorizations allowing the Mayor to act, members of the City Council should refrain from directing members of the staff to take particular administrative or executive actions. The City Council is a legislative body of the City responsible for the legislative activities, including the approval of contracts, budgets and other policy-level matters. The City Council has no role in the day to day executive or administrative functions of the City. In the interest of clear accountability and avoiding confusion among the staff, members of the City Council should direct questions and requests concerning administrative or executive actions to be taken by the City staff directly to the Mayor and discuss the matters with the Mayor that are of concern."

Another complaint was that the computer audit targeted certain City Council members. Mayor Olsen said it was a general audit of all City computers, including the Council's computers.

9. Mayor Olsen was also accused of setting up Council members Liddiard and Blackburn by calling an illegal audit of City computers. He said City policy allows him to conduct audits. He said it would be irresponsible of him not to conduct audits.

10. He said has been accused of not doing anything. He held up his personal calendar and said it showed that his time has been used for City business since he came into office on December 5, 2005. He stated that it is his private record, not available for inspection, as it private information.

He stated that his interest is in good city government. He said the Council is a good Council and the city is a wonderful city.

PUBLIC COMMENTS

Mr. Joe McCaul, 3565 Braxton Drive, requested enough time to speak for himself and his wife, who had to be absent this evening. He said that the Mayor is unable to regain the Council's trust because of micromanagement, breaking communication lines, and poor leadership. He expected the Mayor to work tirelessly to regain trust after the controversy about his credentials, but he did not see this happen. He objected to the public request for laptops to be turned in for the pornography audit. He said the laptops should have been requested privately. He referred to documents received from Councilmembers Blackburn, Liddiard and Strouse as professionally expressed. The letter he received from Councilmembers Lifferth and Jackson struck him as unprofessional and negative. He questioned why this letter was printed on City letterhead and who paid for the paper, ink and postage. He mentioned that Councilmember Strouse attempted to keep her comments brief and to the point at the special meeting, out of respect for the residents. He requested that Mayor Olsen improve his leadership skills.

Mr. Grant Stock, 2111 Lodge Pole Drive, said he represented a large number of people regarding Walden Park. These residents want the park installed because:

- Children are playing in the street and nearly being hit by cars.
- It would be a central point for neighbors to meet.
- It would be useful to organizations like the Boy Scouts for activities.
- It would appeal to prospective homebuyers.
- It was promised when current residents bought their homes.

Fire Chief Rand Andrus announced that next week, October 8-14, is Fire Prevention Week.

Ms. Tiffany Ulmer, 1320 Harrier Street, presented a slide presentation on City parks. She said Pioneer Park is fine because it is fully funded by developers, but Walden Park's name will be confused with Walden Park subdivision. She pointed out that as currently designed, Walden Park has inadequate parking, the skate park is too close to the tot lot and is not visible to police officers. She wanted the skate park to be in a high-traffic area, away from homes and easily visible to officers. She also stated that parks being built in newer areas irritate older residents who have gone without parks for a long time. Eagle Point park needs a roof, Overland Trails park needs everything, Eagle Park needs some extras.

Mr. Darren Jones, 4538 Heritage Drive, requested that copies of the information the Mayor presented this evening be available for residents to inspect. He also questioned the propriety of Mark Madsen, who holds no city office or position, doing City business or errands for the Mayor when he works for one of the largest property developers in the city.

Ms. Thelma Davies, 4216 White Pine Road, was frustrated with finding flyers on her door from adults who should be able to get along. She wants city leaders to have the best interests of the city at heart. She objects to Eagle Mountain being in the papers for stupid things.

Mr. Robert Jones, 3299 Appaloosa Court, was concerned about construction in the Horseshoe Station area. He said there are over fifty children on his street alone. He asked that upcoming street construction start at the Ranches Parkway end of the neighborhood. He informed the Council his street needs repair due to water seeping under the pavement. He thanked all of the governing body for their efforts in behalf of the city.

Ms. Cheryl Carr, 2812 Cedar Drive, spoke about the Horseshoe Station development. She met with Scot Hazard and requested the lots bordering the horse trail have animal rights. Her concern was that people who live in an agricultural area but do not have animal rights do not understand the sounds and smells associated with animals. She also expressed agreement with the first public comment.

Ms. Susan Vanderhoef, 1757 E. South Independence Way, sent a written statement which was read by City Recorder Gina Peterson. It expressed her appreciation to the City Council for ensuring that a long-promised park in her subdivision will be built. She stated that the neighborhood has many preschoolers who need a safe place to play. Junior high school students need recreation to stop the school vandalism which has occurred twice in the past two months.

Ms. JoDene Gardner, 2162 Lodge Pole Drive, commented on Walden Park. She said the skateboarders in her neighborhood are good kids and requested that the skate park be included in Walden Park. However, some kids in the neighborhood have entered an unlocked, vacant house. They need the park for somewhere to go.

Mr. Shane Gardner, 2162 Lodge Pole Drive, said he works in law enforcement and felt the city's contract with the Sheriff's Office needed to provide more law enforcement. With children wandering in all subdivisions, someone is going to get killed if speeding is not reduced.

CONSENT AGENDA

Mayor Olsen announced that the minutes from August 15 and September 5, 2006, would be removed from the Consent Agenda for further review.

Councilmember Liddiard **moved** to remove the notice of award for Pioneer Park and Walden Park from the Consent Agenda and add it to the Policy Session Agenda for discussion. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Councilmember Liddiard **moved** to approve the Consent Agenda as follows:

DEVELOPMENT AGREEMENTS

Walden Park Subdivision

Pioneer Addition 7B

FINAL PLAT – Hidden Valley North – Plat A

NOTICE OF AWARD – Pony Express Trail

FINAL BOND RELEASES – Kiowa Valley – Plat A

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

SCHEDULED ITEMS

BID AWARD – Pioneer Park and Walden Park improvements (moved from Consent Agenda).

Bid results were presented by City Engineer Chris Trusty. The bid was awarded to J. Lyne Roberts & Sons, Inc. Hubble Homes provided over \$282,000 for Pioneer Park and \$400,000 was budgeted by the City for Walden Park. The bid for Pioneer Park included a tot lot, a concrete pad for a skate park, and a large pavilion. Eagle Mountain Properties will contribute a soccer field. In order to save money, the City plans to buy park equipment separately and have Parks Department personnel install it. The cost savings would pay for basketball and volleyball courts to be added.

Mr. Trusty stated the Walden Park side of the bid was over \$100,000 above the amount budgeted. Currently available funds from park impact fees could be used to make up the difference.

Councilmember Liddiard **moved** to approve Pioneer Park with native grass hydroseeding replaced by turf hydroseeding, that Walden Park be tabled pending additional discussion, and that the sports courts be included in the bid.

Mr. Trusty pointed out the bid was for both parks, but the contractor might be willing to separate the projects.

Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked Mr. Trusty if the skate park would be too noisy to be next to the tot lot. Mr. Trusty said the tot lot will probably be at least as noisy as the skate park.

Councilmember Jackson asked if the skate park would be visible from the street. Mr. Trusty said it would be partially visible and partially obstructed by a berm.

Councilmember Jackson asked if having only partial visibility would impede law enforcement. She suggested the youth police themselves through peer pressure, with the understanding that if the skate park is vandalized, the Council will shut it down.

Councilmember Blackburn said the space allowed in the plan is inadequate for a skate park. He thought the current drainage ditch area would be better, because it has room for the skate park, the drainage area has to remain open (which the skate park would allow), and the skate park would minimize weeds. Mr. Trusty said the drainage ditch would have to be redesigned. At present, water is always in the ditch due to a construction error which did not provide an outlet.

After discussion about whether to approve the bid as is or split it, Mr. Trusty recommended approving the bid for the amount contributed by Hubble Homes and trying to do as much as possible with that amount.

Councilmember Liddiard accepted the **amendment** to his motion and Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth recommended approving the bid as awarded, because the parks have been promised to residents and are overdue. Councilmember Jackson asked that concerns about Walden Park be discussed during this meeting so they could be addressed and both parks approved.

Those voting aye: David Blackburn, Vincent Liddiard and Linn Strouse. Those voting no: Heather Jackson and David Lifferth, The motion **passed** with a 3:2 vote.

Councilmember Jackson's explanation of her "no" vote is reported verbatim at her request.

"I want parks. That is not the reason why I am not approving, or voting to not approve, this. Because I absolutely want this park. It's a no-brainer for me to say, 'Yes, let's move forward and have this park.' I completely agree with putting it in. My issue is that I don't see the need for us to delay the other portion of the park at the same time. It seems that, let's go forward with it. Let's work out what our issues are. Let's talk about them. Let's get them on the table and let's deal with it and move forward, rather than worrying about if the bid's going to come back a little bit higher now that we've separated it out, compared to what our price is that we know we have right now, and dealing with changing what shrubbery or what trees we're talking about, to be more vegetation that's appropriate for our area. There are certainly some issues that we could certainly be discussing, rather than just making a swift decision of, you know, let's deal with this one at a later date and see what the cost to us is going to be, because I fear that the cost will go up greatly and then it will cause us not to be able to move forward as appropriately as we could."

End of verbatim transcription.

Councilmember Liddiard volunteered to work with the contractor and Ms. Ulmer to work out the details and bring the issue back to the Council quickly.

MOTION – Consideration and approval of funding for an Eagle Project painting street curbs.

Trevor Munson presented his proposed Eagle Scout project to paint addresses on curbs in the City Center to assist in emergency response. Councilmember Liddiard asked if the project has been approved by the Boy Scout Board of Review. Trevor's scoutmaster said approval is very likely: the Board is waiting for Council approval. Councilmember Liddiard asked Chief Andrus what kind of paint should be used. Chief Andrus stated it would need to be reflective. Trevor would like to start right away, but will wait until spring if the weather turns bad. Trevor was asked if he had tried to acquire funding other than through the City. He had not. Chief Andrus pointed out the Great Salt Lake Boy Scout Council has requested that boys plan, get funding, do the work and be accountable afterwards. Councilmember Strouse suggested staff, volunteers and the Youth Council could help get donations.

Councilmember Jackson **moved** to approve Trevor Munson's Eagle project and discuss funding at a later date. Councilmember Blackburn **seconded** the motion, emphasizing Trevor should work on acquiring funding from sources other than the City. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Mayor Olsen directed Trevor to consult with Public Works Director Mike Wren.

RESOLUTION – Consideration and adoption of a resolution establishing a Senior Advisory Council.

This item was moved forward from its original place on the agenda.

Mayor Olsen introduced Ms. Carroll Johnson. She and the Mayor discussed the need for a senior citizen group. She has spoken with senior organizations in Utah County regarding funding. There is funding available and some invite seniors to donate voluntarily. Some organizations donate to craft classes. Ms. Johnson presented many ideas for senior activities. She also said Mountainland Aging Services told her they will help build a senior center and help with transportation.

Mayor Olsen stated the Senior Advisory Council would have five members, two with two-year terms and three with four-year terms.

Councilmember Strouse applauded seniors who volunteer, because they have so much to offer. Councilmember Jackson said they need things to do that which them to contribute to the community.

Councilmember Jackson **moved** to approve Resolution R-18-2006 establishing a Senior Advisory Council. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and approval of personal reimbursement requests for Councilmembers Blackburn's and Liddiard's computer audits.

Mayor Olsen explained the City has a contract with a computer company; therefore, he needs Council approval to approve the requests.

Councilmember Liddiard **moved** to approve the reimbursement requests for Councilmembers Blackburn and Liddiard, while stating he had a conflict of interest. Councilmember Blackburn also declared a conflict of interest. Both conflicts were due to personal gain they would receive from the reimbursements. Mr. Kinghorn said their votes were permissible because they had declared their conflicts of interest. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth referred to Utah Code Annotated, section 10-3-826, regarding official misconduct. He recently asked Mr. Kinghorn and another attorney if Councilmembers Blackburn and Liddiard violated this section by failing to comply with the audit. Both attorneys said they might be in violation. Councilmember Liddiard stated he complied as soon as possible. He found the company with the City contract was out of business, so he went elsewhere, as he had issues with complying otherwise. Mr. Kinghorn stated the computer company has changed its name and place of business.

Councilmember Jackson reported the computer technicians said her computer was clean, but suggested it be upgraded because, in their words, "the computer dated from Brigham Young."

Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Vincent Liddiard abstained. The motion **passed** with a unanimous vote.

7:00 P.M. – PUBLIC HEARING – Budget Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending the FY 2007 budget.

The amendments to the budget were presented by Mayor Olsen.

Councilmember Blackburn asked if the request is for one Planning employee now and one later. Mayor Olsen said the chart suggests future hires so Council members are aware that current requests will need to be supplemented during the next several months. Councilmember Strouse said additional requests could be discussed during the next budget retreat. Mayor Olsen agreed, unless the city continues to grow exponentially.

Councilmember Strouse asked about the Fire Department grant. She questioned why there was no line item for this grant, since the line item was requested at the last budget hearing.

Councilmember Jackson explained then-Management Analyst Shawn Warnke didn't want to put a line item into the budget unless the City actually had the money.

Chief Andrus explained the State will reimburse the City for the equipment purchased under the grant.

Councilmember Liddiard asked about the new Plans Examiner position. Mr. Partridge said he would like to hire someone qualified to do both plans examination and building inspection.

Mr. Adam Ferre, Energy Division Manager, said the requested hire in his division is minimal compared to the need. He wants an apprentice to train through the Department of Labor's apprenticeship program. He stated Eagle Mountain City's electrical demands compare to Heber City's. They have ten employees; Eagle Mountain has two full-time employees. Councilmember Liddiard asked what salary Mr. Ferre will need to fill the position. Mr. Ferre answered it depends on the value of the benefits. Electrical workers risk their lives every day, and he would rather have a serious employee who values his life. He said \$46,000 plus benefits would be reasonable for a qualified employee.

Councilmember Liddiard asked City Treasurer Gordon Burt about the Accounting Clerk position. Mr. Burt stated it is an entry-level, reception position which would receive payments, resolve problems, and prepare reports. The position requires a high school equivalent education and strong customer service skills. Councilmember Liddiard asked what precipitated the need for this position. Mr. Burt replied the position was already filled, but the employee was transferred and the empty position moved out of the Utility Department. The department requires full staffing in order to provide acceptable service to residents of the city. Although the receptionist position was moved out of Utilities, most of the incoming calls are utility-related. On busy days, even full staffing is not enough to answer all the calls. Customer service has suffered from understaffing.

Councilmember Jackson asked about the SID Clerk position. Mr. Burt said the position was filled from within City employment. Councilmember Jackson emphasized the importance of the SID Clerk's position. Mr. Burt pointed out the position is severely backlogged. Councilmember Strouse asked if Ms. Jolley, the employee promoted into the position, is qualified. Mr. Burt replied she has a lot of experience and has trained with Mr. Kinghorn.

Mayor Olsen opened the public hearing at 9:50 p.m.

Mr. Darren Jones, 4538 Heritage Drive, was concerned about the amendment because the money earmarked for Walden Park could have been used for the needs to be met under the amendment, since the developer was required to provide funding the entire park.

Mayor Olsen closed the public hearing at 9:52 p.m.

Councilmember Jackson **moved** to approve Ordinance O-25-2006 amending the FY 2007 budget, with the condition that the Lineman's salary be \$46,000 plus benefits. Councilmember Lifferth **seconded** the motion.

Councilmember Jackson said she hoped the Council could move forward to help the overwhelmed City staff.

Councilmember Blackburn was disappointed that questions as to how the budget can be used were not answered.

Councilmember Liddiard echoed Councilmember Blackburn's comments.

Mr. Kinghorn suggested that a presentation by the City's auditor could answer those questions. Mr. Kinghorn said budget amendments have been done informally in previous years, then formalized at the end of the year.

Councilmember Blackburn stated he would like "more teeth" in the Code Enforcement Officer's position in the form of fines.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING –General Plan Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending the General Plan with regard to Eagle Mountain City's Future Land Use and Transportation Map.

Amendments to the General Plan were presented by Planning Director Peter Spencer. These included the following:

- Add a north/south mid-valley parkway between Cedar Fort and Eagle Mountain City.
- Create a specific right of way for major arterials and collector roads.
- Eliminate the connection of Porter's Crossing from Pony Express Pkwy through to S.R. 73.
- Simplify the 'bypass road' on SITLA property.
- Reduce the ROW of airport road south of SITLA's commercial core.
- Create an additional east/west transportation corridor west of the Jake Garn Airport.
- Change the land-use designation of 3 parcels located in the northeast corner of the city.

Mayor Olsen opened the public hearing at 10:06 p.m.

Ms. Tiffany Ulmer, 1320 Harrier Street, stated that SITLA needs to be approached to eliminate the five-way intersection and create two four-way intersections.

Mayor Olsen closed the public hearing at 10:08 p.m.

Councilmember Blackburn **moved** to approve Ordinance O-26-2006 amending the General Plan as follows, with a recommendation to address the intersections that were mentioned.

- Add a north/south mid-valley parkway between Cedar Fort and Eagle Mountain City.
- Create a specific right of way for major arterials and collector roads.
- Eliminate the connection of Porter's Crossing from Pony Express Pkwy through to S.R. 73.

- Simplify the 'bypass road' on SITLA property.
- Reduce the ROW of airport road south of SITLA's commercial core.
- Create an additional east/west transportation corridor west of the Jake Garn Airport.
- Change the land-use designation of 3 parcels located in the northeast corner of the city.

Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING –Development Code Amendments.

ORDINANCE – Consideration and adoption of an ordinance amending the Development Code.

Amendments to the Development Code were presented by Planning Director Peter Spencer. Changes sponsored by staff included the following:

- Increase the impact fee for bonus density.
- Add roadway designations.
- Change the minimum distance between intersections and driveways.
- Reduce the minimum cul-de-sac radius to 50 feet.

Mayor Olsen opened the public hearing at 10:11 p.m.

Mr. Chris Strouse, Boulder Street, asked for a definition of automobile stopping distance and reaction distance and questioned why thirty feet is an adequate stopping distance in areas with children.

Ms. Tiffany Ulmer, 1320 Harrier Street, asked the Council to consider whether fifty-foot cul-de-sacs would have on-street parking. She did not think there would be enough room for both driveways and on-street parking.

Mr. Monte Kingston, Ames Construction, stated that the sixty-foot radius requirement was a fairly recent change. Fifty feet is a correction that aligns with common development standards and allows building in difficult areas.

Chief Andrus said the Fire Code refers to the circumference of cul-de-sacs. The City's measurement by radius caused some confusion, but he has determined the smaller radius will be large enough for fire trucks to turn around in.

Mayor Olsen closed the public hearing at 10:20 p.m.

Councilmember Strouse **moved** to approve Ordinance O-27-2006 amending the Development Code in relation to the size of cul-de-sacs.

Councilmember Blackburn requested an amendment stating 50-foot cul-de-sacs will not have planter islands. Councilmember Strouse **accepted** the amendment.

Councilmember Jackson asked if Councilmember Strouse meant to leave out the other recommended amendments.

Councilmember Strouse **amended** the motion to :

- Increase the impact fee for bonus density.
- Add roadway designations.

- Change the minimum distance between intersections and driveways.
- Reduce the minimum cul-de-sac radius to 50 feet.

Councilmember Jackson **seconded** the motion.

Councilmember Liddiard asked for an amendment stating that the minimum distance between driveways and intersections be 50 feet whenever possible. Councilmember Strouse **accepted** the amendment.

Councilmember Blackburn asked when bonus density impact fees were last raised and when they might need to be raised to \$2,500. Mr. Spencer said he wasn't sure, but City Engineer Chris Trusty told him a 30% percent increase was an appropriate amount.

Councilmember Strouse asked Mr. Kinghorn's opinion. Mr. Kinghorn responded the numbers reflected actual costs and he would prefer using the Engineering Department's recommendation. Mr. Spencer suggested the City approve the \$2,000 fee with a recommendation that costs be monitored. Mr. Kinghorn said the City Engineer should monitor the costs.

Councilmember Strouse clarified to the residents that the City discourages cul-de-sacs except in cases of difficult terrain, because the City prefers connectivity.

Councilmember Jackson said a 50-foot minimum distance between driveways and intersections provides safer visibility than the proposed 30-foot minimum. Mayor Olsen asked the Sheriff's Deputies present at the meeting what they preferred as to driveway distance from intersections. Sgt. Randall said they would be willing to go along with the Fire Chief's recommendation. Sgt. Binks said 50 feet is preferable for visibility in turning. Mr. Spencer reminded everyone the shorter distance is only to allow for smaller lots which have already been approved but do not comply with Eagle Mountain's building code.

Ms. Peterson asked for a restatement of the motion. Councilmember Liddiard asked Councilmember Strouse to amend the motion amending the Development Code as follows:

- Amend Title 1, Chapter 6, to change fees for bonus density entitlements from \$1500 to \$2000.
- Amend Title 2, Chapter 7 to allow new street classifications: parkway and minor collector.
- Amend Title 2, Chapter 7 to reduce the minimum distance between driveways and intersections to thirty feet from fifty feet, only when the site plan reviewer allows the exception.
- Amend Title 2, Chapter 7 to reduce the minimum radius of cul-de-sacs to fifty feet as long as there is no obstruction in the cul-de-sac, to include planter areas.

Councilmember Strouse **accepted** the amendments to the motion. Councilmember Blackburn **seconded** the motion. Councilmember Blackburn called the question

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING –Ranches Master Development Plan Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending the Ranches Master Development Plan for the Northmoor/Southmoor rezone.

The amendment to The Ranches MDP was presented by Mr. Spencer. It adds three parcels to The Ranches MDP and changes density to 3.2 units per acre over 57 acres and 10 units per acre over 14

acres. The 14 acres would be required to be developed as multi-family housing or as a planned unit development.

Mayor Olsen opened the public hearing at 10:38 p.m.

Ms. Tiffany Ulmer, 1320 Harrier Street, asked the Council to be sure to specify that the higher-density parcel be developed under the new City ordinance.

Mayor Olsen closed the public hearing at 10:40 p.m.

Councilmember Jackson **moved** to approve Ordinance O-28-2006 amending The Ranches Master Development Plan, with the conditions recommended by the Planning Department. Councilmember Lifferth **seconded** the motion. Councilmember Jackson said the new planned unit development ordinance will address Ms. Ulmer's concerns.

Councilmember Blackburn asked if side setbacks would be addressed in the planned unit development ordinance. Planning staff said they would. Councilmember Liddiard asked staff to work with the developer to identify an appropriate construction entrance.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING –Ranches Master Development Plan Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending The Ranches Master Development Plan for the Horseshoe Station rezone.

Amendments to the Ranches MDP were presented by Mr. Spencer. Horseshoe Station is adjacent to Cedar Pass Ranch. Pods with three-acre minimum lot sizes are in place to buffer Cedar Pass Ranch from the higher-density Ranches area. The current proposal combines four previous pods into one, creating more flexibility without increasing density. Mr. Hazard, the applicant, explained the plan in more detail and answered questions from Council members.

Mayor Olsen opened the public hearing at 11:04 pm.

Ms. Carol Tidwell, 3208 Cedar Pass Road, asked how many lots there would be and how the view of the lake would be obstructed. After asking for her address, Mr. Spencer replied that there would be about six houses between her house and the lake.

Mayor Olsen closed the public hearing at 11:07 p.m.

Councilmember Jackson **moved** to approve Ordinance O-29-2006 amending The Ranches Master Development Plan for the Horseshoe Station rezone. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated she appreciated all parties working together to improve the zoning.

Councilmember Lifferth echoed her statement. He appreciated Mr. Hazard's listening to the residents and the residents' willingness to talk and negotiate. He asked that they be sure to maintain the equestrian trail and allow animal rights.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING –CBDG Proposals.

DISCUSSION – Consideration and review of CDBG proposals for FY 2007.

The Community Development Block Grant proposals were presented by Management Analyst Ifo Pili. According to CDBG requirements, the public hearing solicits opinions for projects to be funded by the grant. Grants target public projects to benefit low to moderate income areas. Eligible activities include fire stations, public facilities, loan programs, etc. The CDBG program is locally administered by the Mountainland Association of Governments. The current priority choice for a grant project is installation of fire hydrants on Lake Mountain Road.

Mayor Olsen opened the public hearing at 11:21 p.m. Hearing no comments, he closed the hearing.

This was a discussion item and required no action by the City Council.

ORDINANCE – Consideration and adoption of an ordinance regulating the use of explosives within Eagle Mountain City.

Chief Andrus explained the City's current blasting ordinance is based on the 1997 Fire Code. This ordinance brings the City into compliance with the current Fire Code.

Councilmember Liddiard asked if the code on which the ordinance is based specifically covers transportation issues or if they need to be written into the ordinance. Chief Andrus said the code is very specific, both on transportation and on storage.

Councilmember Liddiard **moved** to approve Ordinance O-30-2006 regulating the use of firearms within the City. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the City Council Meeting schedule for 2007, and directing such notice to be published in the paper.

The proposed 2007 City Council meetings schedule was presented by City Recorder Gina Peterson.

Councilmember Liddiard asked why meetings were scheduled on the 2nd and 4th Tuesdays in January. Ms. Peterson explained it is because the first Tuesday is very close to January 1.

Councilmember Liddiard **moved** to adopt the 2007 City Council meeting schedule. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

CITY COUNCIL BUSINESS

COUNCIL COMMENTS

Councilmember Jackson

Councilmember Jackson wanted to go home because it was 11:30 p.m. and she was exhausted.

Councilmember Lifferth

Councilmember Lifferth complimented the residents for their feedback at recent Council meetings. He commended the Council for conducting a friendlier meeting tonight than recent meetings have been.

Councilmember Blackburn

Councilmember Blackburn echoed Councilmember Lifferth's comments.

Councilmember Liddiard

No comment.

Councilmember Strouse

No comment.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 11:35 p.m.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 17, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:06 p.m.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson (arrived 4:10 p.m.), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Olsen adjourned the Work Session at 6:45 p.m.

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

Mayor Brian B. Olsen called the meeting to order at 7:45 p.m. Cub Scout Troop 1038 provided a color guard and led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (by telephone), David Lifferth, Linn Strouse.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council adjourned to a Closed Executive Session at 7:55 p.m. for the purpose of discussing security, pursuant to Section 52-4-5(1)(a) of the Utah Code, Annotated.

The closed Executive Session Adjourned at 8:05 p.m. and Mayor Olsen reconvened the Policy Session.

MAYOR'S ITEMS

BOARD APPOINTMENT – Cemetery Advisory Board

Mayor Olsen recommended that Planning Commissioner Chris Kemp be appointed to the Cemetery Advisory Board as the Planning Commission Liaison.

Councilmember Blackburn **moved** to appoint Mr. Chris Kemp to the Cemetery Advisory Board. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

The Utah Commission on Volunteers awarded a grant of \$2000 to the Eagle Mountain Citizen Corps Council. Loreen Cole of the Citizen Corps Council applied for the grant in behalf of the City. Chief Andrus announced that the grant will be used for CPR and CERT classes for city residents, the RAD Kids program and the Neighborhood Watch program. He thanked Ms. Cole for writing the grant. Ms. Cole said she has been very interested in community safety and described the sequence of events that led to the award of the grant.

Chief Andrus reminded the audience the Public Safety Open House would be held the following evening at the City Center Public Safety Building.

Mayor Olsen reminded residents to vote for the Alpine School District bond in next month's election.

City Recorder Gina Peterson provided information on the upcoming General Election. The three polling locations will be the same as those used in the last municipal election: Pony Express Elementary School, Prairie Gate Office Building and City Hall. Voter information has been mailed to residents and is available at Utah County Online.

PUBLIC COMMENTS

Mr. A.J. [inaudible] spoke on behalf of Boy Scout Troop 856. While riding portions of the Pony Express Trail, the troop saw a lot of garbage along the trail. The troop asked for permission to clean up a three-mile section of the trail. He described when and how they would go about the cleanup. They have already consulted with Assistant Public Works Director Jeff Weber.

Mr. Darren Jones requested that the Mayor allow residents to see the evidence he presented when he spoke at the last meeting regarding accusations made against him. He also questioned the \$400,000 of public money budgeted for a park he believes John Walden is obligated to provide.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the Consent Agenda as follows:

MINUTES

September 22, 2006 – Special City Council Meeting (Verbatim)

September 25, 2006 – Special City Council Meeting (Verbatim)

FINAL PLAT APPROVAL – Valley View North – Plat A

SITE PLAN – Lone Tree LDS Church

FINAL BOND RELEASES

Lone Tree – Plat A

Lone Tree – Plat C

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

SCHEDULED ITEMS

REPLACEMENT BOND LETTER – Ruby Valley – Sage Communities.

City Engineer Chris Trusty explained that, as the City began to call the Ruby Valley bond for noncompliance with the bonding requirements, Sage Communities hired a contractor to complete the improvements. They requested a replacement bond while the improvements are completed.

Councilmember Lifferth asked why the City chose an eight-month completion deadline. Mr. Trusty replied that eight months was determined to be a reasonable time for completion.

City Attorney Jerry Kinghorn stated that the current bond is held by a company in receivership. The new bond will be held by a financially stable bonding company.

Councilmember Blackburn **moved** to approve the replacement bond letter for the Ruby Valley subdivision. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING – Street Name Changes.

ORDINANCE – Consideration and Adoption of an Ordinance Amending Subdivision Plats for Street Name Changes.

Street name duplications have contributed to confusion in times of emergency and staff feels it is in the best interest of the community to make changes as necessary. The decision on which street name to change was based primarily on the number of existing residents who would be affected, and to a lesser extent the age of the street, giving preference to older streets. The streets whose names are being changed have no residents. A public hearing must be held to amend street names on subdivision plats. The following street name changes are proposed:

- *Falcon Way* in Highlands on the Green (formerly known as Anthem on the Green), Phase 2, changed to *Spy Glass Drive* (conflicts with Falcon Way in Eagle Park).
- *Harvest Road* in the Eagle Point public access plat changed to *Bountiful Lane* (conflicts with Harvest Lane in Meadow Ranch).
- *Ball Street* in Eagle Park, Phase 1, changed to *Bobby Wren Boulevard*.

****Mayor Olsen opened the public hearing at 8:04 p.m. Hearing no comments, he closed the hearing.****

Councilmember Strouse **moved** to approve Ordinance O-31-2006 amending subdivision plats for street name changes. Councilmember Lifferth **seconded** the motion.

Councilmember Strouse said the street name change committee met last summer and created a list of criteria required for addressing street name changes. The committee determined that residents needed to be included.

Councilmember Jackson asked if Bobby Wren Boulevard would extend across Sweetwater Drive.

Someone inaudible to the minutes tape said that it would.

Mayor Olsen asked how Spy Glass Drive got its name. Councilmember Strouse said it was the original name. A prospective resident asked that the name be changed back to the original.

Councilmember Blackburn questioned whether Sweetwater Drive would be the east/west dividing line of the city.

Mr. Wren explained that the coordinate system is already established. The center coordinate is southwest of any current part of the city.

Councilmember Strouse asked Mr. Kinghorn if the street name changes would have to be done by Ordinance to amend the plats. Mr. Kinghorn replied that they would.

Councilmember Jackson asked if all the property owners on the plat would have to sign the amendment. Mr. Kinghorn responded that the 30-day public comment process would allow for property owner protests.

Councilmember Liddiard mentioned that Highlands on the Green has not been changed from Anthems on the Green in County records.

Mr. Kinghorn replied that it is in the process of being changed.

Councilmember Jackson asked if the City will include other name changes in the same request to save on costs. Mr. Kinghorn replied that the City would do that.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

7:00 P.M. PUBLIC HEARING – Impact Fee Analysis.

ORDINANCE – Consideration and Approval of an Amendment to the Impact Fee Economic Analysis and Impact Fee Ordinance.

The current Capital Facilities Plan recognizes the need for the expansion of the current wastewater treatment facility in the South Service Area. The new treatment facility will use an oxidation ditch treatment method. The City will borrow \$6.6 million at 1% over twenty years to pay for the additional treatment facility. The loan payments will come to approximately \$364,000 per year. This will require an approximately \$100 annual increase in the impact fee per home, while the current \$45 monthly user fee will remain the same. Increased revenues from additional homes being served by the system may allow the City to reduce the user fee late in 2008.

Councilmember Blackburn asked Mr. Trusty to send his slide presentation to Council members by email.

Councilmember Liddiard asked about the portion of the impact fee that refers to collection lines. Mr. Trusty responded that three 24" lines feed into one 24" line, which is more capacity than is currently being used. When necessary, those revenues can be used to expand the line to meet additional demands. The fee may need to be changed to a different budget line.

Mayor Olsen opened the public hearing at 8:23 p.m.

Ms. Tiffany Ulmer, 1320 Harrier Street, wondered how the City's fees compare to those of the Timpanogos Special Service District. She asked that the \$45 fee paid by City Center residents be reduced as promised.

Mr. Chris Strouse echoed Ms. Ulmer's comment. He said some of the impact fee money would be better in residents' pockets than in government pockets.

Mayor Olsen closed the public hearing at 8:25 p.m.

Councilmember Strouse asked where the STAG grant fits into these calculations.

Mr. Trusty said SITLA donated \$500,000 for a reuse line. That amount and the \$500,000 STAG grant reduced the total amount the City needed to borrow to \$6.6 million.

Mr. Wren said the total cost of the improvements is greater than \$6.6 million, but the \$6.6 million is what needs to be paid back through impact fees.

Councilmember Jackson **moved** to adopt the Capital Facilities Plan update for the South Service Area wastewater treatment 2007 upgrade project.

Mr. Kinghorn requested that the motion specifically adopt Ordinance O-32-2006.

Councilmember Jackson **moved** that the Council adopt the recommended impact fee economic analysis and Ordinance O-32-2006. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard asked how many additional homes can be added to the proposed plant.

Mr. Trusty replied there are 1100 existing residential units in the South Service Area. Over 2300 homes can be added. Total capacity for the entire system will be approximately 3900 homes, which is a very conservative estimate allowing for growing families' usage of more water and less efficiency as the system ages.

Councilmember Lifferth asked how the City plans to fund the next stage of the treatment plant expansion. Mr. Trusty replied that future costs can be estimated more accurately in about two years.

Councilmember Lifferth recommended the City Council study reducing resident fees by at least \$5.00 per month in next year's budget.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard (by telephone), David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

UPDATE – Ongoing Sewer/Water Updates at Each Council Meeting.

Mayor Olsen asked Mr. Wren if the reality of the current plant is that it is going to be unused when the new plant comes online.

Mr. Wren said the current plant is still usable. Its current capacity is approximately 1600 homes, while the current use is 1100 homes. The need for a new plant is due to the clarifiers likely to be degrading by the time usage has increased by 300 homes. Construction of the new plant is designed to prevent problems in the near future, possibly as soon as next summer. Building the clarifier section of the plant before the rest will, in effect, solve problems before they begin. He stated that the State requires the current plant to be cleaned and bypassed when the new plant comes online. Later, the older plant can be recertified and put back into use in tandem with the new plant.

Mayor Olsen asked if the current plant will need service while out of use to keep it usable for the future. Mr. Wren responded that it should be cleaned and filled with water while it is not in use, although Corix may have another solution they will choose to employ. Due to the expense of the current plant, it would be wrong not to use it when it is allowed back online.

Mayor Olsen asked for regular updates on the status of the sewer plants. He also asked if it is realistic to plan on using the current plant in the future. Mr. Wren said the preference would be to expand the oxidation ditches, but it is worth the maintenance costs to keep the current plant usable.

Mayor Olsen commended Mr. Wren for working to find a way to continue to use the expensive equipment the residents have already paid for.

Councilmember Strouse asked when the Beard Company became disassociated with the project. Mr. Kinghorn said Beard and Stantec began this project as a joint venture, but after one phone call between the City and Beard, the City never heard from them again.

Councilmember Blackburn asked for updates on this subject at every Council meeting.

Councilmember Liddiard asked what the balance is on the current wastewater treatment bond. City Treasurer Gordon Burt replied that the remainder owed is approximately \$7.9 million.

Councilmember Liddiard asked how both the new and current loans will be paid. Mr. Wren replied that developers are paying a buy-in fee to help offset those costs. He then commented on water usage in general. In winter the city uses 22 million gallons per month. Summer use is over 100 million gallons per month. He has asked the Parks Department for a six-year plan to convert public green space, such as roadway medians, to xeriscaping.

Mayor Olsen predicted objections from developers and homeowners' associations. Mr. Wren responded that after a preliminary plan is drafted, those objections can be addressed.

Councilmember Jackson asked how many gallons could be saved by Mr. Wren's proposed xeriscaping plan. Mr. Wren estimated that it could be as much as 50 million gallons per month.

Councilmember Strouse brought up new water conservation methods used in Middle Eastern desert areas.

Mayor Olsen mentioned the City's water is some of the highest quality of any local water. For example, the arsenic content of the City's water is lower than that of other cities in the area.

7:00 P.M. PUBLIC HEARING – South Service Area Wastewater Treatment Plant Facilities Expansion.

Mr. Kinghorn presented the loan requirements of the State Water Quality Board. Security for the loan will be provided through the sale of non-voted revenue bonds to the Water Quality Board. The bonds will be issued for a total of \$6,665,000, which will be repaid to the Water Quality Board over a period of twenty years at 1% interest. Payments will be made from the net revenues of the wastewater plant. The Water Quality Board requires a 30-day period for public comment prior to the purchase of any non-voted revenue bonds.

Mr. Darrell Dixon of Stantec explained details of the plant's operation to the Council. The plant will be based on a .6 million gallon per day oxidation ditch system, combined with a biological sludge reduction system and a water reuse system. The State has given partial approval for the proposed solids treatment system.

Councilmember Lifferth asked what the State's response has been to the proposal. Mr. Dixon replied that the State is halfway through a 90-day evaluation period, looking at similar systems already operating in other areas.

Mayor Olsen opened the public hearing at 9:28 p.m. Hearing no comments, he closed the hearing.

MOTION – Determination of Whether to Dispose or Not to dispose of City-owned Property Located Behind Melinda Nilsson's Property in Eagle Point Subdivision.

The Planning Department received a formal application requesting that the City dispose of open space behind Melinda Nilsson's home in Eagle Point. This area is part of the recorded open space in Eagle Point, Plat B, which may be suitable for a future pedestrian trail. However, City staff has determined the remaining land would be enough for the trail. On September 5, 2006, the Council imposed a six-month suspension of disposal applications. Because Ms. Nilsson's application was submitted prior to that date, her application is being processed under the current Ordinance. The request has gone through the disposal process, including a recommendation from the Planning Commission designating the land "significant." Ms. Nilsson requested that the issue be settled as soon as possible and that her application be evaluated on the same basis as the Channing Jones application.

Councilmember Blackburn congratulated Ms. Nilsson for acting in a timely manner in submitting this application.

Councilmember Jackson **moved** to deem the land insignificant, with the proviso that the two parcels be combined into one to avoid a future tax sale. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked if this application involved a water rights issue comparable to the Jones application. Ms. Nilsson said she plans to add a large cement driveway extension and patio to the yard, which should obviate the water issue.

Mr. Kinghorn suggested the water rights decision be left to Mr. Trusty's expertise.

Councilmember Liddiard mentioned this property abuts land which may have public use in the future.

Councilmember Blackburn commended the Planning Commission's work in evaluating the application.

Councilmember Liddiard echoed Mr. Blackburn's comments.

Ms. Peterson asked that the motion be clarified. **MOTION:** That the public property located behind the Melinda Nilsson property be deemed insignificant and go forward with same procedures as disposal of the Channing Jones property with the following conditions:

1. **SID PAYMENTS:** The land is subject to the SID as developable property and these assessments are to be paid as required by the bond covenants.
2. **PROCESSING FEE:** The applicant pays costs in the amount of \$100.00 as the fee for the processing of the application as required by the Consolidated Fee Schedule. All costs incurred by the City for preparing deeds and recordation should be borne by the applicant.
3. **OTHER PAPERWORK:** All other paperwork and fees (land survey, deed preparation and recording, other miscellaneous fees, etc.) are borne by the applicant.
4. **EASEMENTS:** All easements required by the City Engineer are provided.
5. **LAND COST:** The price to be paid for the land is \$589.86 dollars (.09 per square foot).
6. **WATER RIGHTS:** The applicant dedicates the appropriate amount of water rights to the City as calculated by the City Engineer.
7. **LAND COST MONIES:** Whatever money is collected for the sale (above and beyond administrative costs) of the land is designated to go into an account specified for the funding of park improvements.
8. **ONE PARCEL:** The deeds are prepared in a manner to ensure the two parcels are joined into one parcel to avoid any issue of a tax sale in the future.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Discussion on the Walden Park Proposal/Bid and Consideration and Authorization to Direct City staff to Bid for Other Park Projects.

Mr. Trusty met last week with Councilmember Liddiard and Tiffany Ulmer, along with members of staff, to discuss concerns about the design of Walden Park. He projected the park's plan on the wall for discussion. The area indicated as a tot lot was actually a Game Time playground for eight-to-fourteen-year-olds. The park design included a pavilion, a skate park, a basketball standard, hydroseeded grass and concrete trails. The contractor's bid was \$522,267.98. The City can save nearly \$12,000 by installing some of the equipment in-house, which still exceeds the \$400,000 budget by \$110,000.

Concerns with the design of Walden Park expressed at last week's meeting included no parking, whether the choice of trees is appropriate, how much native grass vs. hydroseeding should be planted, whether the skate park is in the best location, lack of trails, and the fact that the land is not yet deeded to the City. In addition to those issues, concerns were expressed that other parks have not yet been completed and Eagle Mountain Properties has not completed its park requirements. In addressing these concerns, City staff looked at the needs of existing parks. In the South Service Area, the Pony Express soccer field needs reseeding, Eagle Point needs a pavilion roof, Eagle Park needs trail improvement and curbing, Overland Trails needs a trail and curbing, and Mountain View 3 needs trail completion. In the North Service Area, the Rush Valley park needs drainage improvement and Rush Valley 4 needs open space improvement. These projects would cost about \$108,000.

Mr. Trusty showed a list of parks included in the Capital Facilities Plan, including the Pioneer Addition community park, Pony Express park and Patterson regional park. To date, the City has a balance in collected impact fees of about \$239,000. He reviewed the park improvements required of John Walden. There was concern that he was required to install regional parks as part of his master development agreement with the City. Staff research indicates that Walden Park is not required of him, therefore his donation of this land applies to the open space required in his master development agreement.

Councilmember Strouse asked if drainage swales were common in the City Center. Mr. Trusty said detention ponds such as the area she is referring to are very common.

Mr. Trusty referred to various alternative placements for the concrete pad in Walden Park. It could go into the detention basin area if a dry well sump were installed, which probably ought to be installed in any case because the area currently has no drainage. The water retained in the area could be a hazard.

He recommended the previously-listed, existing park completion projects be bid out, the Walden Park project be awarded to the low bidder, the skate park possibly being removed or relocated and asking for the change order cost for installation of a gravel parking area; but that the notice to proceed will follow deeding of the land to the City and approval of the completion schedule of the soccer field. He also recommended that staff reevaluate the Capital Facilities Plan to ensure future park needs will be met.

Mr. Kinghorn discussed the ongoing question of what developers are required to provide. The requirements have been confusing for eight years. The 1998 map approved by the Council in 1999 specified which regional parks were required. Walden Park was not one of those parks. There has been a dispute with Eagle Mountain Properties for several years over the meaning of the motion passed at that 1999 meeting, because the transcript of the meeting differs from the minutes. Mr. Kinghorn believes Mr. Walden's provision of this park and its amenities benefits both his developments and the City.

Councilmember Lifferth asked Mr. Trusty if it is fair to say misinformation has been circulated about this park. Mr. Trusty agreed, but said it was probably unintentional.

Councilmember Lifferth asked if this misinformation has slowed the approval of Walden Park and Mr. Trusty replied that it has.

Mayor Olsen stated some residents believe this issue has been delayed for years.

Councilmember Liddiard asked whether sod would make the park usable sooner than hydroseeding, and if volunteer help with installation would make the sod affordable. Mr. Trusty said at this point in the season, Howard Ault would probably sell sod to the City at a reduced price. He added that he asked the

contractor for a change order to add the sports courts, which the contractor priced at about \$15,000. The contractor asked for a change order if Walden Park is split out of the bid, compensating him for additional costs in the amount of about \$16,000.

Councilmember Jackson **moved** to approve the park configuration recommended in Mr. Trusty's presentation, removing the skate park and making sure impact fees and the \$400,000 are being used appropriately.

Councilmember Lifferth asked if the motion included awarding the bid. Councilmember Jackson said it did. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn said it was unfortunate that this level of detail was not provided in the presentation made at the last Council meeting. He asked that future presentations provide adequate detail.

Councilmember Strouse mentioned that the Youth City Council should have been involved in this process and asked for a copy of Mr. Trusty's presentation.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Adoption of a Resolution Amending the Provisions of the Cemetery Advisory Board.

Mayor Olsen proposed that the Cemetery Board would have better team dynamics if its composition were changed from seven members to five members.

Councilmember Lifferth **moved** to approve Resolution R-19-2006 changing Cemetery Advisory Board membership from seven members to five.

Councilmember Strouse asked whether Cemetery Board members should be city residents, city property owners, and/or consultants. Since this question remained unanswered during the meeting, Councilmember Blackburn **seconded** the motion with the proviso that the residence issue be addressed.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

CITY COUNCIL BUSINESS

COUNCIL COMMENTS

Councilmember Jackson appreciated this week's communication items and the fact that she got a preliminary packet before she left town last Thursday. She commented on the memo regarding the City office's operational schedule, saying she preferred the staggered schedule, which could be considered in the next budget year. She commended Ifo Pili for all three of his well-written memos. The costs of the Justice Court might be managed by cooperating with a local entity like Saratoga Springs. She also asked whether the Scout troop's proposal to clean up part of the Pony Express Trail was going to be approved.

Mayor Olsen said the remaining details had been taken care of.

Councilmember Blackburn also praised Mr. Pili's excellent memos, noting he would prefer receiving them shortly after they are written, rather than months later. He suggested a special Council meeting to address Corix's proposed acquisition of the City's utility systems, during which all the likely outcomes and best choices could be determined.

Mayor Olsen brought up the memo Mr. Kinghorn wrote regarding what steps the City should take to prepare for the decision about the utility sale to Corix. In the memo, Mr. Kinghorn stated the City needs to focus attention on the transaction candidate, identify the resources the City will commit to the process of reviewing the agreement, appoint a due diligence committee, set time lines and appropriate funds. Mayor Olsen planned to work with Mr. Wren and Mr. Kinghorn in contacting Mr. Doug Legge of Corix to go over the due diligence letter. After those steps, he could ask the Council to hold a special meeting to consider the proposal.

Councilmember Lifferth brought up the importance of voting for the Alpine School District bond and leeway, indicating that failure of the bond would negatively impact Eagle Mountain school children. He referred to the State Auditor's report which found further investigation of financial activities was not required.

Councilmember Liddiard asked Mr. Burt about the Engineering Services account and asked Mr. Burt to email him about the account. He also urged residents to vote for the school bond. He has enjoyed fueling his car right here in Eagle Mountain now that the city's first gas station has been built. He had a question about the change in revenue due to changes in natural gas rates.

Mr. Wren replied revenues have been good, even with some rate problems. The City could potentially reduce winter rates by another dollar per decatherm and still make the needed revenues.

Councilmember Strouse said the special meeting regarding possible sale of City utilities should not take place until the City has more detailed information available. She also asked what actions are planned to protect the petroglyphs located in Eagle Mountain. She expressed concern about the city elementary school which has been delayed.

Mr. Kinghorn replied that Mr. Trusty is working on settling the problems involved with that agreement.

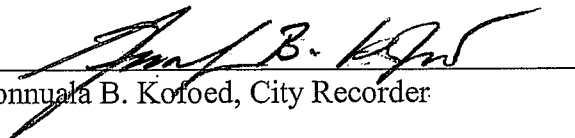
Mr. Wren said the problems are close to being solved.

Mayor Olsen mentioned that, in the last Cabinet meeting, Building Official Kent Partridge reported that if the City accepted no more permit applications for the rest of the calendar year, over 800 building permits would be issued for this year.

ADJOURNMENT

Councilmember Jackson **moved** to adjourn the meeting at 10:50 p.m.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 20, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

6:00 P.M. EMERGENCY SPECIAL SESSION – CITY COUNCIL CHAMBERS

Mike Wren called the special meeting to order at 6:00 p.m.

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, David Lifferth, Vincent Liddiard, and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Mike Wren, Chief of Staff.

CLOSED-DOOR SESSION – Pending Criminal Investigation

A closed-door session was held at 6:00 p.m. for the purpose of discussing a pending criminal investigation, pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Councilmembers David Blackburn, Heather Jackson, David Lifferth, Vincent Liddiard, Linn Strouse; staff members Jerry Kinghorn, Gina Peterson, Mike Wren.

ADJOURNMENT

MINUTES
EAGLE MOUNTAIN CITY SPECIAL COUNCIL MEETING

October 24, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Minutes are reported verbatim.

Mayor Pro Tem Linn Strouse called the meeting to order at 7:10 p.m.

CONDUCTING: Mayor Pro Tem Linn Strouse

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson and David Lifferth.

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Chris Trusty, City Engineer; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

Mayor Strouse: OK, I guess it's time to start the meeting. Good evening. We're happy to see at least more numbers than we expected for such a short-notice meeting. We're all looking forward to getting the process started, to receive the applications for the position of Mayor of Eagle Mountain. So, I'll only have to do this for thirty days, hopefully. Are we ready to proceed, Gina?

Ms. Peterson: Yes.

Mayor Strouse: OK, I'd like to start with Councilman Lifferth to say the Pledge of Allegiance.

Councilmember Lifferth led the Pledge of Allegiance.

Mayor Pro Tem Strouse: OK, we have a motion on the table for consideration and approval of notice of vacancy in the office of Mayor, setting a deadline for submitting the statements of interest and setting meeting date and time for appointment to fill the vacancy in the office of Mayor. Do I hear a motion?

Councilmember Jackson: Mayor.

Mayor Strouse: Yes, Councilman Jackson.

Councilmember Jackson: I'm just curious what the time frame is on the notice. If we, I just wanted to know before I go forward with any motion. I just, because that wasn't part of the little . . .

Mayor Strouse: That's a good question, yes.

Ms. Peterson: I'm prepared to outline some things, if you would like.

Mayor Pro Tem Strouse: Sure.

Ms. Peterson: There's about a four-day lead time on the notice, which is required to be published fourteen days in advance of the actual meeting, so that's up to the Council. As you know, State Code encourages that the appointment be made within thirty days. I sent you guys a memo that Jerry Kinghorn had drafted from May, 2005, when we did our last appointment, just outlining why the appointment should be made within thirty days. If you have any questions, I'm happy to answer those, but it's just going to be up to you as far as when you want to make the appointment, if you want to do it at our regularly-scheduled November 21st meeting, if you want to hold a special meeting, but like I said, there's a four-day lead time for the newspaper. So if we're wanting to get it in this week, we need to know tonight so I can get the notice in tomorrow.

Mayor Strouse: And so we can have it on the agenda for November 21st, right?

Ms. Peterson: If that's what the Council wants to do.

Mayor Strouse: And that's the thirty days?

Ms. Peterson: That's a couple days beyond the thirty days, so, I mean it's at the Council's discretion if they want to do it sooner or later.

Councilmember Jackson: My other question would be, in the motion that's here before us, and it seems like you had also sent a memo or something talking about the date that we would be closing the application time, and I don't see that included on the agenda here. So I just . . .

Ms. Peterson: No, and that's in the draft notice that I sent you, we just sort of looked at a calendar and had like a two-week time frame where you could, we could take those letters of interest and then, I think it closed November 9th.

Councilmember Jackson: That seems like what I recall, as well.

Ms. Peterson: And then we would have a week to have you review them, and then if you wanted to go with the 21st, that's when we would do it. But there isn't, in the notice as it is actually published in the paper, it will be stipulated when the deadline is. We've had it go a week before. I don't know prior to that how long it's been done.

Councilmember Jackson: Thank you.

Ms. Peterson: And the other thing I wanted to make sure you know is the only qualifications, as required by State Code, are that the individual be a registered voter and a resident of the city for 365 days prior to the appointment.

Councilmember Jackson: Great.

Mayor Strouse: No age limit?

Ms. Peterson: Well, you have to be eighteen to be a registered voter.

Mayor Strouse: OK. I didn't know if you need to specify that.

Councilmember Lifferth: As a continuation of this discussion item, we're asking for somebody to come in and fill some shoes here, in the middle of a process, or the current term held by Mayor Olsen. I think we should also state that, or at least bring out for discussion, do we want this to be a full-time job, or would we be open to a part-time candidate? We have several different options in front of us, and I think if we're asking for a viable candidate to come forward only for one year, our choices might be a little on the slimmer pickings if we're looking for a full-time Mayor for only a one-year job. So do we want to look at making this a job that might be reviewed for being a part-time job, part-time Mayor?

Mayor Strouse: I've already heard of five people interested in applying for this full-time position.

Ms. Peterson: Mayor, may I bring up something along those lines that you and I talked about yesterday?

Mayor Strouse: Yes.

Ms. Peterson: The Council passed an ordinance last June increasing the Mayor's salary to around \$70,000. It didn't stipulate the number of hours that need to be worked, so if you do select a part-time candidate, just realize that that figure is there, regardless of the number of hours that they work. You can amend the ordinance, but that's what's in place now.

Mayor Strouse: Go ahead, Councilwoman Jackson.

Councilmember Jackson: With what you were stating about, seeing that we already have five people interested in the position with it being full time, it seems like we should stick with what we've got going on there, in my opinion. I realize we don't have a motion on the table to actually make an opinion known, but as we're questioning some of these things, it seems that some questions are, you know, better left for after we see what candidates are out there, to some extent. But I think everybody should know that it's a full-time job, there's a salary there, and that's what we've been dealing with, and that's where our expectations are at this point.

Mayor Strouse: And if Jerry were here, I'd be asking him what the intent was when the ordinance was passed. He's not here, so we can't have that discussion.

Ms. Peterson: I think it's really clear from the minutes of that meeting, and I think it was June, 2005, so I just want to correct that, that you intended it to be full time. It was just an issue of how you put that into words in the ordinance.

Mayor Strouse: Certainly and, you know, we may have to revisit that at some time. I intend to talk more with Jerry Kinghorn about this, to see if there's an urgency in having more definite terms in that ordinance, so that there's no wiggle room for interpretation.

Councilmember Lifferth: My comments were not intended to say that I would expect only a part-time Mayor. I'm just saying, if somebody does say, "I think I'm a qualified candidate, but I'm looking at a part-time option," we need to be open to that possibility.

Mayor Strouse: Well, it was a good suggestion, and I was quite surprised that I've heard from so many people already, especially under the circumstances. So, to me that was a good sign, in that at least three of them were people that, you know, I've heard to be very good citizens in the community. So I think we can expect to see a lot more applications. I certainly hope so.

Councilmember Lifferth: So if we were to open the process tonight, we'd have a time line of approximately two weeks, which would be a closing deadline date of what day in November?

Ms. Peterson: If we were to publish this weekend, and you ran it for two weeks or two business weeks, the deadline would be November 9th. You don't have to run it for two weeks. The notice just has to be published two weeks prior to the meeting.

Mayor Strouse: And I also, especially under the circumstances, we obviously are in the spotlight of the press, and indirectly they're going to be helping us get the word out. So I'm sure everybody's gonna know about this, and of course, Councilmember Lifferth has a web site that I'm sure it'll be on, and other venues that we can make sure that everybody knows and we get, hopefully, a broad base of candidates. Was there a, we didn't have a motion on the table yet. Would somebody like to make a motion to start this process?

Councilmember Lifferth: Do I call you "Mayor Pro Tem" or "Mayor Strouse"?

Mayor Strouse: Mayor Strouse.

Councilmember Lifferth: Mayor Strouse, I make a **motion** that we open and set a deadline for accepting statements of interest for filling the vacancy of the office of Mayor of Eagle Mountain and use the information, based on our conversation here, that that be posted and the closing date be November 9th.

Mayor Strouse: Do I hear a second?

Councilmember Jackson: I'd like to, we didn't propose a scheduled time for the appointment meeting and I think we should add that. I would propose that we do November 14th for that meeting, and I realize that would be a special meeting.

Councilmember Lifferth: I'd accept that, if that's an amendment to the motion.

Councilmember Jackson: I would love that to be an amendment to your motion. I would be glad to **second** it, as well.

Mayor Strouse: So, how soon would that meeting be, then, after the closing of the bid?

Councilmember Jackson: Five days, I believe.

Ms. Peterson: Yeah.

Mayor Strouse: So if we did it on the 21st, that would be how many days?

Ms. Peterson: That would be seven days up, so twelve days.

Mayor Strouse: What's, I'm just curious, what's the difference?

Ms. Peterson: It's a whole week, so Councilmember Jackson's proposing that you do it on the 14th, one week ahead of your 21st meeting. So we'd schedule a special meeting for the 14th.

Mayor Strouse: To deal with just . . .

Councilmember Jackson: To deal just with this. I think that gives us the ability to focus on this and deal with what we need to, and then we have the ability to do our normal meeting business, things that we have already scheduled for the 21st, without clogging up that meeting with dealing with this. Because I think we need to focus on this and have this be our only focus and take time to make the correct decision.

Mayor Strouse: I totally, totally agree with that, because I think this is something we do need to take a lot of time at and to have the opportunity to really ask a lot of hard questions. Do I hear, shall we do a roll call vote, or just, which would you prefer?

Councilmember Jackson: Roll call's fine.

Mayor Strouse: OK.

David Blackburn, yes; Heather Jackson, yes; David Lifferth, yes. The motion **passed** unanimously.

Councilmember Lifferth: Any other items of business that we need to discuss today?

Councilmember Jackson: Mayor.

Mayor Strouse: Yes.

Councilmember Jackson: May I ask that we close the meeting for an Executive Session to discuss some personnel issues? May I **move** that we do that?

Mayor Strouse: Sure.

Councilmember Jackson: Is there a second?

Councilmember Lifferth: I'll **second** that.

Mayor Strouse: [inaudible]

Councilmember Jackson: Do we need to vote on that, as well?

Ms. Peterson: Yeah.

Mayor Strouse: OK, do I hear a vote?

Councilmembers voting yes: David Blackburn, Heather Jackson and David Lifferth. The motion **passed** unanimously.

The Council adjourned to a Closed Executive Session.

Following the Closed Executive Session, Mayor Strouse reconvened the Policy Session.

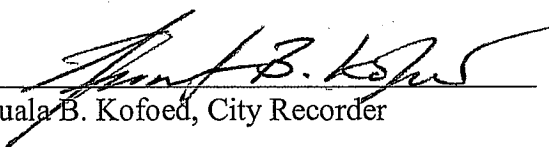
Councilmember Jackson: Move to adjourn.

Mayor Pro Tem Strouse: OK, that doesn't need a second, so it's over, unless there's any discussion.

ADJOURNMENT

Councilmember Jackson moved to adjourn the meeting.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL SPECIAL MEETING

November 2, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

In the absence of Mayor Pro Tem Linn Strouse, City Recorder Gina Peterson called the special meeting to order at 7:16 p.m. Sergeant Mark Binks led the Pledge of Allegiance.

CONDUCTING: Councilmember David Blackburn (elected Chair of the meeting)

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, and David Liffereth.

CITY STAFF PRESENT: Gina Peterson, City Recorder; Mark Binks, Sergeant; and Peter Quittner, Deputy.

Councilmember Liddiard **moved** that Mr. Blackburn be appointed chairman for the remainder of the meeting. Councilmember Jackson **seconded**. Councilmembers voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth. The motion **passed** unanimously.

Minutes reported verbatim.

Councilmember Blackburn: We've called this special meeting because of what's going on with the city. We know, as a Council, that there's a lot that is happening. We want it to be a very smooth transition in light of Mayor Olsen's resignation, and in the process of getting a new mayor – we're still accepting applications, by the way – the Council has appointed Linn Strouse to be the Mayor Pro Tem. We did it with the intentions and understanding that it would be a very smooth and, ideally, undisrupted process; kind of a "don't rock the boat" mentality. Council's been getting a little bit of feedback. Good efforts and intentions, I think, are intended in all areas, but we as a Council wanted to get some feedback from staff how things could be improved, the things that they're experiencing, and get feedback directly from them. So what we'll do is, I understand that we've got several individuals among the staff that have been asked to be spokespeople, representatives of the staff, so that we don't have everyone coming up to the mike. And so I would like to open the meeting with a request that they come up and give their presentations.

Peter Spencer: My name is Peter Spencer and I currently am the Planning Director for Eagle Mountain City. And on behalf of the staff, of course, a lot of things have happened in the last few days and the last few months. I would like to say that I represent all of the staff, but I probably couldn't. I think I can say that I represent the vast majority of staff in some of the sentiments that I may say and some of the questions that I may ask. First of all, I want to acknowledge each one of you and your honorable position which you hold. We recognize that each one of you have been elected by the citizens of Eagle Mountain and we respect that. We are grateful for the things that you do and the time you put in, such as tonight, in calling this special meeting, leaving your homes and coming here to listen to us and some of our concerns and hopefully resolve some of the issues that we've been having in the city.

First of all, let me just say, on behalf of staff, we love Eagle Mountain. We love working here. This city really is amazing. To think about how fast it's growing and the things that are going on right now. There's a lot, a lot, of wonderful things going on and we're proud to be here. And I think, I think you're going to be hearing tonight emotional people who are very interested on what goes on in the city. If you had a staff here that didn't love the city as much as they do, this many wouldn't be here tonight, perhaps. We wouldn't be here tonight voicing our opinions, voicing our thoughts, our feelings, our hopes and our expectations. I think the reason that you have such vocal city staff is because we care so much about how this city progresses. And we appreciate your consideration in working with us. Now we don't want to make a mountain out of a molehill. The city's doing fine. We understand that we've got great city staff, we've got great leadership, but we do want to say a few things tonight, and so today work went fine, everything's good, but there are some things we want to express to the City Council.

First of all, let me just say that there are three of us tonight that are representatives of staff. We'll each take a turn. Hopefully, it's not gonna take too long, but we would invite all staff to come forward to express their views if they're not spoken by one of us. So just be aware, after we're done, there might be some people that have additional questions or concerns, and by all means, please stand up and voice those.

I want to start off by asking some questions, and it's unfortunate that Mayor Strouse is not present. Most of these questions are directed to her. But I'll just go ahead down the list and ask those questions and, for what's applicable to the City Council, we would expect and hope for a direct and concise, honest answer. These questions that I'll be asking, pretty much, are just questions that we've had in the past and as of the last couple days that, so far, we haven't really felt that we've received a clear answer, and as far as we're concerned, we feel like we deserve it. So let me just go down. The first question on the list is, we've received some different emails and some different information, who on the City Council currently is in support of eliminating the Chief of Staff position and replacing it with a City Administration position? This is your decision, but we're curious. We want to know who is in support of what? I would invite each one of you . . . Let's do this, maybe, if I can be so bold.

Councilmember Liddiard: In the decorum of things, it might be best that you to make all of the comments you want to make, and hear from everyone here, and then allow us to make some comments.

Peter Spencer: If that's what you'd like to do. That's fine. I was hoping we could get some dialog, but if that's how you prefer to do it, then you have a list of the questions there, so . . .

Councilmember Lifferth: I'll defer to the chairman of the meeting, Mr. Blackburn.

Councilmember Blackburn: Thanks. I think, let's go through that. Why don't you ask your questions and we'll make notes, along the same lines as what you . . .

Peter Spencer: Great. That's fine. The first question is, yes, who is in support of eliminating the Chief of Staff position and replacing it with the City Administrator position? Number two, who on the City Council is currently in support of making the Mayor position taken from full time to part time? Who on the City Council was contacted and who voiced support to demote Mike Wren from both Chief of Staff/Public Works Director to his paid administrative leave, currently? Who was contacted and who voiced support? Who on the City Council, if any, was in support of having that decision done yesterday, at this point in time, at this difficult point in time? Who was in support of that? Who was

knowledgeable and who was in support of that? Was the decision to make the change yesterday completely Mayor Strouse's decision? Was Mike Wren ever informed of this possible decision, or was this a surprise to him? And why not, why were there other options not, first of all, were there other options delivered to him, perhaps negotiating a different type of position for him, a promotion of some type, or changing of responsibilities, rather than saying, from what we understand, "take the Public Works Director position or take a hike"? That's how the staff have heard it today.

You know, we as staff are always expected to have proper justification and information, detailed information, brought before the City Council at all times. As staff, we would expect the same from City Council and from whoever is the Mayor at the time. What is the justification for this decision? In what ways, if any, was Mike not meeting the expectations of his current position of Chief of Staff and Public Works Director? Was there ever any consideration to involve City staff in the possible decision-making changes from full-time Mayor/part-time Mayor, Chief of Staff/City Administrator? Were there any talks about involving staff? As far as I know, staff was not involved. And a big question, I think, is why couldn't, why could not have this decision, perhaps it was the best decision, why could not have this been postponed? This decision could have happened a month from now, four months from now, six months. If it's necessary, it's necessary. You're the decision makers, you make those tough decisions, and we support you, but why was this decision made now, when the city is going through such turmoil and such lack of leadership? Mayor Strouse has indicated that there's a lot of reasons why this decision was made, many of which, for some reason or another, she cannot explain, due to some personnel confidentiality reasons, and I understand that, you know, I support that, but when can we expect the full reasons for this decision? And then finally, other than perhaps, hopefully, hiring new staff which we direly need, will any other staff changes be made during this temporary pro tem mayor time period? You know, staff, we were told one thing and, holy cow, something else happened.

And then, I guess, finally, what is Mike Wren's current position? Is he still the Chief of Staff today or has that position been officially eliminated, as of today or yesterday? There may be some other questions, and I invite other City staff to please come forward. I'm sure that wasn't an exhaustive, I mean, it was a long list, but I'm sure there's other questions and I'd invite staff to come forward. We appreciate those answers and, perhaps later on in the meeting, when you choose to address those answers, I mean, obviously, we don't want to put you on the spot. This is the first time you've seen them. We want to give you time to digest it and come up with how you feel, but it would be nice to maybe go down the list and just, because I mean, I think it is important for staff and for citizens to know where each one of you stand on these issues. And rather than maybe going into a long explanation about who knows what, just give us the facts. And then later on, give us all the details that you feel we need to know. Finally, I'll just mention the other two presentations we have tonight from staff. Another one is, we're going to be talking about how much the staff support, respect and love Mike Wren as a supervisor, as a Chief of Staff and as a Public Works Director. Then you're going to hear tonight about how much we support him, how much he has done while he's been here and how disappointed we are in the decision that was made. And finally, we'll also discuss how as staff, in order to do our jobs, in order for us to have faith and support the leadership of the city, we expect change in the Mayor Pro Tem position.

Councilmember Blackburn: Would others on the Council like to answer the questions for Peter Spencer right now?

Councilmember Lifferth: Point of order, I guess. It may be more appropriate if we were to get this in an email and we could respond in writing. This could be a very time-consuming thing to go through.

Councilmember Blackburn: I agree, but at the same time, the reason we're here is because these questions and employee concerns need to be addressed today.

Councilmember Jackson: I'm prepared to answer. I'm prepared to answer now or after we hear the discussion. It matters not to me, but I think we need to answer. That's why we called the meeting. We called the meeting to have a discussion, to have a discussion, and a discussion, to me, means we will go back and forth and we talk about this. Now, I understand, because we're in a large meeting, that we do have to follow the typical rules that we deal with, and so we need to take the time, let everybody make their presentation, and then respond. So, I'd be willing to say, let's respond, each of us, now, and then we'll get the next person up. I know we may be here a long time, you guys, and we apologize for that, but, you know, it's what we need to do.

Councilmember Liddiard: I'd rather get everything. Let's hear all, everything. Let's get all of the questions and then I'd be thrilled to chat and go over all these things, but I'd kind of like to hear the rest of what everybody else has to say.

Councilmember Blackburn: We have the advantage, in this case, of the questions that you've given to us just before your presentation, so let's let Adam and Ifo, I guess, make their presentation, then we'll go through and give answers.

Peter Spencer: We purposely tried to write the questions to be more or less yes or no answers, and so, hopefully, it doesn't take too long. I mean, that's why we wrote it like that, so it's not a long explanation going on about who knows what, but just yes or no questions.

Councilmember Blackburn: We thank you for that.

Peter Spencer: Thank you.

Adam Ferre: Council members, my name's Adam Ferre. I'm the Energy Division Manager for Eagle Mountain City.

Gina Peterson: Adam, can you lean into the microphone there?

Councilmember Jackson: Adam, you could hold it up to your mouth if it's easier. We try to have Ifo do that when it's his turn, because he's so tall.

Adam Ferre: I'm here representing staff on, from what we understand. I want you guys and Council members to be, know clear we love this city. We are here for the long haul. We are here as a team, as qualified professionals and we can do our jobs competently. We are able to do our jobs. We are hindered in the situation that we're in today. The city's working great. We're putting out a hundred building permits a month. We are setting records. This has happened for a reason. It just didn't happen overnight. It's because of staff, City Council members and everything else that come together and work together. And a big part of this was, is Mike Wren. He come in, he gave staff the opportunity to do their jobs, to not hold back, to be able to move forward, and let us do our jobs. Not to bring up the past or anything, but he let us as paid professionals do our jobs, and in my opinion the work has shown. Building permits are being made, families are moving out here, houses are going up as we speak. I think this has been done because of staff, I think it's been done because of Mr. Wren. He's come in here and let us do that. I feel, and staff feels that we need questions answered.

When the going gets tough, the tough get going, we were told today by Mayor Strouse. The tough is here. Somebody's missing. We as staff with Mike Wren, he was able to answer the hard questions that nobody would answer. Yea, it's OK to be gruff, occasionally. If I do something wrong, I want to be told, "You need to do it this way." I don't think people should feel offended by being told, you know, how things should function. And that was one thing. He was always here for a vision. We're here for a vision. We're here because we want to proceed, move forward and make things happen. This is a great place, and I want everybody to know this. This is one of the best places to live, the best places to work. I have a vested interest. I've worked for the city since 1999 and these employees have done the same. They've been out here and worked hard to build this place. Yeah, we have growing pains, that's normal, you know. And it's normal to have bumps in the road. But you know what, let's look at what we have achieved in the last year. It's phenomenal.

I do have a question to the staff. We are concerned. If Mr. Wren is not wanted no longer or if he has the opportunity to come back and work for Eagle Mountain City. If he wants to come back and work for Eagle Mountain City, where will his position be held? We need somebody that will be willing to ask the tough questions. He was willing to do it. We need somebody that's willing to let us do our jobs and deal with the Council, so we don't have to be here on a Thursday night away from our families and you away from your families and, you know, it's not that hard. We just need to put away our personal agendas and just, let's look at the vision why we're here. You guys, I commend you and staff commend you for volunteering your time. I mean, it's tough, but that's what we like. We like the challenge. This is a great, a great challenge. I just want you guys to know, because of Mike, staff is here, they respect him, they love him, because he lets us do our job. There's no hindrances.

If we need it, I've never had one supervisor ask, when I go and ask, "Is this a want list, is this a need list, and is it a viable product that taxpayers should be paying for? Or if it's a want list, you know what, let's put that away." He has, I've never had anybody ask that, concerned about how we spend the taxpayers' dollars, as far as a supervisor. That's what we need. We need somebody that is here for the taxpayers, and here for the developers, here for us as staff.

Now, what position this puts us in as staff is, you know, the information that Mike and all the department heads have talked to Mike, "Let's move forward, let's get it on the agendas," has come to a stop. Now we're back to square one. Who's gonna take these? Where's the information at? We need to get the ball rolling and keep it rolling. We need to be able to sign plats. We need to be able to answer the questions for developers and residents and staff members. We are here for one person, one people, for the residents. That's who we're here for. We work for the residents. I don't work for anybody else except the residents and that's why I'm here. We need to give them what they deserve as taxpayers. We need to give them a stable city and a stable place to live and not be one bit embarrassed about where they live. Our vision, Mike's vision and staff's vision is, let's move forward, let's keep going, let's build homes, let's do what we need to do. We love this place. It's a great place to work. We want to know what we can resolve tonight to get an answer. I appreciate your time. Thank you.

[Applause]

Councilmember Blackburn: Ladies and gentlemen, I know there's a lot of feeling about what's being said, but let's do try to keep it professional, please.

Ifo Pili: I'll just disconnect the mike, if that's OK. Can you hear me? Honorable members of the City Council, I echo the words of Peter and Adam. I'm grateful for the time that you've taken to hear us out, to listen to the staff. It shows your commitment to not only the staff but to the entire city of Eagle Mountain. If I can first have, before I go on with what I was asked to say by the staff, if I could have the staff just stand up, all employees of Eagle Mountain City, would you stand up? Thank you. I first want to applaud the employees here. They've really put their necks out on the limb. They've risked their job security. They all have families to support. They believe it is this important for them to all show up tonight to sign this document, this letter that was drafted recommending change and expressing their sentiments.

I was asked by the staff to make a recommendation to the City Council that we would, an official recommendation, that would make a change in the Mayor Pro Tem. Before I go into the reasons why a little further, I do want to say that I, too, believe that Eagle Mountain is something special. Whether you believe in the Almighty or not there is something divine and there's something special about this place. And for that reason I believe that you are on the City Council for a reason. I believe the staff and the people here that have made it their life's endeavor to serve this community are here for a reason.

I appreciate Mayor Strouse. I appreciate her willingness to serve. She hasn't been paid, she is not getting paid for what she's done. Neither have any of you. However, from a standpoint of necessity and for the common interests of the community, we believe this change is necessary. Whether there are reasons for relieving Mike of his duties, whether there are reasons for some of the changes that have taken place, we believe that this is necessary. And it's evident by how much support we have by our staff here. These are the people in the trenches. These are the people that shovel our sewers, jackhammer our potholes. These are the people that deliver services to us.

I'm a resident of Eagle Mountain. My wish is that every one of the residents here in Eagle Mountain can rub shoulders with these fine servants. And if it's a request that comes from them, I urge you to consider that request, to take it seriously. While we all love Mike and we all recognize the things he has done for the city, we also believe that it's necessary for him to be here. We've all been sold on the vision that he has of this city. We believe that there's pure intentions in what he tries to accomplish. Personally, I'm sold. That's why I've taken this job here in Eagle Mountain. Because I'm sold on the vision and I'm sold on something special here. Again, I urge you to consider that. I also, I'd like to present this letter that was drafted by staff. This represents the majority of staff, all who are present today. There was an overwhelming response to sign this document. If I can hand it to you.

Councilmember Lifferth: Could you read what it says?

Councilmember Blackburn: "Dear Honorable City Council: We, as concerned employees of this city, feel it is necessary to present our sentiments regarding recent changes to the responsibilities held by Mike Wren. In the midst of political turmoil and opposition, we have held Mike Wren to be the most stabilizing force within our staff. While we have managed press forward with resolve in spite of constant change in leadership, it has become increasingly difficult to not only maintain morale, but overall confidence in our current leadership. We feel that the decision to relieve Mike Wren of his responsibilities as Chief of Staff is not only detrimental to the city and current residents, but to the daily functions of the city. City staff is concerned that no legitimate reasons have been given for the abrupt changes in Mr. Wren's duties, and there appears to be ulterior motives in such changes. Such disturbances affect the perception of the city, not only current and potential residents, but builders, developers and other government entities. We as a staff stand together hoping our concerns are heard

and addressed by the current City Council. Signed, the following. The pages are all the same, but they're signed by employees.

Ifo Pili: This change that we're recommending may increase the political turbulence that we have been facing, but we believe that political expediency shouldn't prevail over what's necessary for the common interest of the community. And we believe this is in the common interest of the community, that we will be able to get things done if there is change. We also together, as a management analyst, I know when we make our recommendations we like to make it precise and specific. We've also come together as a staff to make a consensus, I mean to make a recommendation, that we would ask Heather Jackson to step in that change as Mayor Pro Tem. We feel that, again, this change is necessary, and that we will be better off as a city because of it. Thank you.

Councilmember Blackburn: Thank you. Were there any other employees who feel that their sentiments weren't voiced and would like to come up and make their own questions or comments and statements to the Council?

Angela Cox: I definitely echo the concerns that were brought up today, however, I just wanted to say there's been issues in the City staff with trust and . . .

Councilmember Blackburn: Would you state your name? I mean, this is a Recorder-type deal.

[Laughter]

Angela Cox: Yeah, I should know that. I'm Angela Cox, City employee. I see Mike to be a very transparent person. He says it like it is. City staff has trusted him. Everyone has voiced the amount of trust they had for him, and I think that is something that is very important right now for City staff, is to have somebody they can trust and that they feel is there standing for them. And not only for City staff, but the city needs to see the trust in the city offices. These walls need to be transparent for the citizens to see, and so that's just something I wanted to add. Thank you.

Councilmember Blackburn: Are there any other employees? Hearing or seeing none I will open the podium and comments for residents.

Loreen Cole: Lori Cole. I'm up here all the time. You guys know it. I had real reservations when they rehired Mike because of previous, but I have seen such a change under his hand. Getting rid of him is the biggest mistake the City's done. I think that her not being able to come up with any reasons behind it is inexcusable. Keeping the citizens and the staff in the dark is not the right way to go, and I tend to lean toward the rest of the staff's agreement with dismissing her and appointing Heather Jackson as our new Mayor Pro Tem.

Councilmember Blackburn: If I could just clarify, Mr. Wren has not been terminated. He's been put on a leave of absence. Regrettably, that's being interpreted as being fired. So, if I can just let everybody know, it's kind of a standard procedure when things are in question that people are put on leave of absence. So he is not terminated. He is still an employee. So please understand that.

Councilmember Liddiard: Mr. Blackburn, can I add one other piece of clarification?

Councilmember Blackburn: Go ahead.

Councilmember Liddiard: Because there is not a full council represented today, and this action took place earlier, it's deemed, well, let's cut it to the chase: we can't make any decision tonight, because there's not a full Council here. So, that may come as a surprise to some of you. Some of you may have realized that, or not. But, simply we can't take any action on this item because it's considered a reconsideration, and without the full Council here, we can't take a vote.

Darren Jones: I am a resident here in the City Center. My name is Darren Jones, over here on Heritage. I am very concerned, greatly concerned about the atmosphere that is in our governing body. There has been seven counts of felonious actions been brought against our former mayor, Brian Olsen. He wasn't alone in what he was doing in terms of his daily duties. There is an open investigation, and we need to keep that in mind and take that into consideration. When these type of situations are arising with City government, if it's a situation to clear names or what have you, what we need to do is to be sure, for the residents of Eagle Mountain, because they deserve it, to be sure that any type of situation that is erroneous or even criminal would be rooted out, taken care of and seen as if it's not going to be happening again. So what we need to do as a Council, and my recommendation, is to keep Mayor Pro Tem Strouse in for the duration until November 14th, until another mayor is appointed for the duration of the next year. Thank you.

Peter Spencer: To clarify what you said, Councilmember Liddiard, because there's not a full quorum, there can't be a change done to Mike Wren's status or there can't be a new decision on a new Mayor Pro Tem?

Councilmember Blackburn: That's correct.

Peter Spencer: Both?

Councilmember Blackburn: That's correct. The standing actions of the Mayor Pro Tem, is the mayor of the city. Her signature, at this point, is law in the city for ordinances that come before her at this point in time, so her actions as chief of the city stand. Are there any more comments or question from public or employees?

Kurry Lewis: We had a meeting earlier for the employees. All I was going to say is, I told Heather Jackson . . . Kurry Lewis. If we could, if it's a pro tem or something, it's a short-term thing, if they could not have as much power, where it has to go through the Council or something, instead of having to have a big to-do like this. I mean, it would solve a lot of problems if everybody got together and actually did it instead of just one person, you're gone, and then, you know, paid administrative leave or whatever you guys want to call, but put something into the records or something to where they can't do or have so much power coming in for such a short time. Thank you.

Councilmember Blackburn: Thank you. Last chance. Going once, going twice. OK, we as a Council, then, will go ahead and respond to the questions that have been put before us. Go ahead, Mr. Liddiard.

Councilmember Liddiard: I'll go first. Couple of interesting things here. We get the grand total of \$325 a month in compensation. Thought I'd toss that out. Power of Mayor Pro Tem is the most politically powerful position in the City. That's why, under State statute, it's limited in its livelihood of existence to a period of thirty days. But, the powers vested into the Mayor Pro Tem are somewhat guaranteed by

the State Constitution and there isn't a lot that this body can do to manipulate and do that, aside from having meetings like this one.

I'm going to run through some questions here and make some comments, but kind of start with what Peter provided here on some of these things. I'll kind of start with kind of the whole City Administrator kind of thing. We kind of ended up in this really weird position of Chief of Staff. Under the rules who can be hired and fired, the City Council holds the ability to hire and fire the City Treasurer, the City Recorder and the City Administrator. One of the reasons why I voted against the budget that was proposed was that it was included as a Chief of Staff rather than a City Administrator. A City Administrator is hired and fired by the City Council. We would have avoided this issue if Mike had been hired as a City Administrator. We wouldn't be here right now. We'd be watching my son's football game. Anyway, so that's why I think that is an important thing to address, as far as a City Administrator versus a City Chief of Staff. I think we need to have a City Administrator because that lessens the political turmoil for that position. Now, I'm not saying that's Mike Wren or not Mike Wren. I'm just saying we really ought to have a City Administrator, as opposed to a Chief of Staff.

And there was a question on who was contacted, etc. And I'll try to breeze through these real quick, since they're supposed to be yes or no questions. I had no idea that this was happening and did not support the whole issue of putting someone on paid administrative leave. I think the general intention of, and what's been brought up here, is that a Mayor Pro Tem is supposed to just kind of stay the course, duck and cover, use whatever similes you want to put in there, but simply, to kind of keep the things afloat until there's an interim Mayor appointed. And that kind of answers a lot of the other questions that are in there. I knew there was some strife between Ms. Strouse and Mr. Wren, but I found out from talking to Mr. Blackburn after the fact.

There are other questions here that are questions I can't answer, but I think they're good questions. It really kind of sucks that we're here. It seems that a roll of toilet paper and the Mayor have about the same life expectancy here, so it becomes, you know, the fact that we're even here. We had called a special session earlier and there were some comments made to us of "how dare we?" And now, here we are again, doing the same thing. What kind of precedent do you set if you change the Mayor's salary? Well, what kind of precedent do you set if you jerk around the Mayor Pro Tem?

The fact that we're even here is sad. The fact that we're here and it's going to be such a public thing is even worse. I think it's necessary to be here, and I'm here to support the City staff and residents because I think it's the right thing to do, but jiminy, it just breaks my heart that we are going through this again. You know, it's just such a hard thing to kind of have to feel like we're wading through all this kind of stuff. At one point or another, I've disagreed with everybody here on the Council, but in their heart of hearts, everybody wants to do what's right. They want to do what's in the best interests of the city. And really, you know, hey what, we may not always get along great, but the idea of being able to sit and counsel together. You have an opportunity to talk, you have an opportunity to exchange ideas, and whether you agree with them or not, that things can move forward.

Obviously, we have a system that is supposed to be in place to allow things to move forward. I believe in that system, I believe in the process of democracy. I believe in the Constitution that provides us some basic abilities of being able to have representation. And the difficulties we have are usually from people who feel they're not being represented adequately, which will be played out on a very large scale this coming Tuesday. Everyone will have an opportunity to, as the ads say, you know, leave your mark, leave your fingerprint. And that's an important part of this process.

I think it's important that, as Council members, we are in tune and hear what is going on at the Council level from the City staff, from the residents. It can be somewhat of an arduous process to have you come to a Council meeting to provide that. There are some staff members that I know very well and talk to them and hear from them and am made better aware. The communication of all this is really key. Unfortunately, I don't think there are a lot of really easy answers and I regret that we're even here in this kind of situation, because it certainly was not anticipated by me and it was regrettable that we're here doing this and having to deal with the repercussions of it all. I struggle with what to say other than, "I'm sorry. Here we go again." Hopefully, we can kind of all hold our breath for maybe a couple more weeks. I don't have any sage advice to soothe things, to make things better or anything. I have grown to respect Mr. Wren and what he has done. It is obvious that he has brought some important, significant things to the city, and I hope that he continues to participate. It's obvious the kinds of impact that he's had here.

I will also say when we came here to elect a Mayor Pro Tem to fill the vacancy, I voted against the person that was proposed. I will continue to say, "Hey, if we've got to go out and get a Mayor Pro Tem, I am going to be true and say it's going to be Mr. Blackburn. He's got some fantastic experience as a Council member, some longevity, some breadth, some experience and some understanding of the Public Works area and I think the ability to take a much more broad-scoped view of things, and to be able to move more even-handedly through decisions and listening to different, various perspectives and moving forward in a more cohesive manner. If there were a vote today, that would be my vote. We're not going to have that opportunity. But there you go.

If I can help, if I can do something, if I can answer questions, there is a question here about the Mayor being full-time or part time. I guess that will play out in the days to come. Irregardless of whether the Mayor is full time or part time, the key to success for the Mayor position here is one of coordination, one of communication. I've been under the Mayor Pro Tem thing here. I was Mayor Pro Tem and went very much through the hot seat. I don't need to do that one again. You know, it can be a difficult thing. My heart goes out to Ms. Strouse. It's not a fun thing. I have disagreed with her very strongly on many things, and I don't envy the position that she's in now. I have some empathy towards her in that regard. It's not fun for you, it's not fun for me, and it sure doesn't seem to be fun for her. That's not a solution, but my heart breaks, my heart breaks for you, for the other Council members, for Linn, for Mike, for the residents who are going to go to work tomorrow and go this, "Oh, I know, I know, I know." My prayers are with you, each of you. And I hope that the next thirteen days can pass by smoothly, can pass by quickly and that somebody still, after going through and hearing all this, still is interested in being that knight in shining armor, and putting on the greaves and grabbing the sword and, you know, doing what needs to be done to be able to lead a charge, to be an example, be an example of forthrightness, of integrity and of leadership and of communication.

Councilmember Blackburn: Mr. Lifferth, do you want to go next?

Councilmember Lifferth: I would like to echo many of the sentiments that Councilmember Liddiard has shared with you this evening. And I would like to take this opportunity to apologize for any role that I've had in conflict on the Council. I do know that everyone here has the same desire that I do, that we have, that we have the best city that we can, that we do what's best for the city, and I apologize.

OK, now I'll quickly go through the list of questions that Peter Spencer provided to us. You know, I don't have my mind made up on the Chief of Staff vs. City Administration position. I actually think that

needs to be left up to the Mayor and allow them to be the executive and do what they think is best for the city. I think that's the kind of thing that a mayoral candidate should run for before they go into office so people know what they're planning to do and that people vote for that platform if that's what they would like to do.

Number two, I have been supportive of a full-time Mayor in the past. I served as a full-time Mayor. I made that sacrifice to do that for the city. I was not contacted nor have I voiced support to demote Mike Wren as Chief of Staff or Public Works Director. I was not in support of that decision that was made yesterday. I was not aware of that decision that was made yesterday until I got a phone call from Mike Wren last night with that information. It took me by surprise. I don't know whose decision it was, and so I can't say if it was completely Mayor Pro Tem Strouse's or not.

Number [inaudible]. I appreciate listening to the staff. I appreciate their courage. You know, just the reason that we had a couple of staff members that came forward, that were whistleblowers, that were aware of something that was inappropriate and I applaud their courage. I don't know what Mike was informed of, so I can't answer that question. I think it is appropriate that the Council justifies all of their votes, both to the staff and to the residents, and that not explaining a vote is irresponsible.

Question number ten is, in what ways was Mike not meeting expectations? And, you know, I'm not here every day. I'm here frequently in the offices and it's been my observation that Mike has been a stand-up guy, that he is, as someone said, a very transparent, very honest, and, I did not know him at all, I'd met him before, but I did not have any relationship with him before he was hired as the Chief of Staff. So I basically got to know him in the time that I've served on the Council and he has earned my respect.

I can't answer this question because I don't know if any alternatives were considered. I don't know if any staff was involved, so I can't answer these questions. I do think that a decision like this is serious enough that it should have been left up to whoever is the Mayor, whoever is selected to be the Mayor for the remaining thirteen or fourteen months. And I don't think there's any reason why it needed to happen now. I'm not aware, maybe there's something that is the case. I have not been made aware of anything that would justify that. I don't know if a full explanation will ever be made. Apparently, there are some employment issues and I have not been apprised so I cannot comment. And I don't know if there are any other staff changes that will be made.

I do want to say that I have appreciated Councilmember and Mayor Pro Tem Strouse's service to the community over the years. She has been involved in doing many good things for the city. She's earned my respect and I appreciate her willingness to serve in this capacity, but at this time I do think it would be best if we had someone else that could step into that position and ride out the next two weeks and make sure the business of the city is conducted as it is supposed to. Thank you.

Councilmember Jackson: I guess that means I'm next. OK, I'll start at the top of the list. I was not in support of eliminating the Chief of Staff and replacing it with the City Administrator. At this point, I feel that what was done was done in a way to save the city money. It, to me, gives a way for us to, instead of having a heavy position in Public Works, a heavy position as chief administrator, we've combined that into having less money required to pay an individual that is doing a stellar job. I think that allows us the opportunity to grow and expand. We have money that we could spend on improving your salaries as City employees. You guys work yourselves. You're constantly working. You're doing

what we need to get this city to continue to move forward. I have nothing but utmost respect for each and every one of you.

When I ran my campaign, I ran in support of a full-time Mayor. I still think we need a full-time Mayor. We just need to find the right one. As Vincent says, that knight in shining armor. I sure hope he shows up. Or her. But we need somebody with broad shoulders and somebody strong and ready to carry the weight and the load of this city, because it's a big one.

As far as who was contacted and voiced any support on the situation with Mike Wren, I was not contacted in any way. No phone calls, no messages, no voice mails, no emails, no nothing. And I have to make some further comment because we did have a meeting here earlier with City staff, and during that meeting I was witness to Mayor Strouse making a comment to City staff saying that the majority of the Council was in support of the decision she made to put Mike Wren on administrative leave. You've heard from two, you're hearing from a third. Three is the majority of the Council. And so I have to say that she incorrectly stated that in that meeting with the staff. And I want you to know that it pains me to say that. But I will be nothing but honest with all of you as employees of the City and residents of the city and as people that need to know the truth always. So, you've heard at least three of us didn't know of it. And based on conversations I've had with Mr. Blackburn, I won't put words in his mouth, I'm sure he will answer it, but I would tend to agree he wasn't aware, as well.

OK, as far as Mike Wren being informed, I don't believe so. I have an email from Mike Wren he sent to as many of the Council members as he could, based on memorizing email addresses, and I'd like to quote a little bit of that right here: "David" (I believe this is David Blackburn he's referring to) "in the letter about the request that you provide a response to Linn's comments" was that you, or was that you, Mr. Lifferth? OK, I apologize, Mr. Lifferth, then, so this section says, "Further, David, you request that I provide a response to Linn's comments. She asked me to sign a letter that stated I have been disruptive to the staff and uncooperative with the City business. I understand that today she told the staff that I have been insubordinate. Since there are no details, I find it difficult to respond. Yesterday morning I asked her, privately in her office, if she could tell me why she's been so rude toward me and she had no answer. I would prefer to have some concrete complaint to which I could respond, but I have no specific complaint. For that reason, my response must be very general. On her first morning in the office, her first words to me were hostile and angry. It got better in the next few days, but only in public. Privately, she still spoke to me in hostility. She would not include me in meetings that she arranged with staff and visitors. Staff often felt confused as to how to respond, knowing that her direction and questions were often incongruent with normal office procedures. After a week of that kind of rude treatment, I asked her privately why she was being so harsh to me. She had no response, except to place me on leave for being disruptive to the staff. It is my opinion and the opinion of the vast majority of the staff that she is the disruptive one. There are dozens of upset City employees who have confirmed that fact."

Seeing you all here tonight, I have to agree that Mr. Wren is correct in that statement. Back to the list of questions, let's see. I still have not had any conversations from Mayor Strouse other than the brief interface we had in our meeting earlier today. So I don't know of any justifications. I don't know of any way that Mr. Wren was not meeting expectations. In my opinion in front of what I've seen, and clearly I'm not in the office every day. But I do talk to staff probably every other day. Various members of the staff that I have spoken with. It's certainly not one specific employee ever, but several members of staff, and you all speak very highly of Mike and always have.

Why couldn't this have been postponed? No idea. It seems to me that, I agree, it should have been taken care of by a Mayor that's been appointed. It was our understanding that Mayor Pro Tem is, you know, just somebody to steady the ship and keep us on a straight course and not to rock the boat. And we're rocking the boat. It's my understanding that staff was told that no changes would be made to staff, except maybe to increase staff. As far as any staff changes, you know, we're not in power here. The Mayor is. You've heard us say that. As far as the Council goes, we don't have the power right now. The Mayor does have power to hire, to fire and to move forward. If it were up to me, absolutely no changes would be made until we appoint a Mayor.

Let's see here. I don't know what can be done to get an answer to the questions. I don't know if you will ever have a good explanation as to why this was done. I wish you would. I would love to hear it myself. I appreciate the comments being made about walls being transparent and it being necessary for Mike to be with the City, as I agree with those, as well. Communication should always be crystal clear. And then, couple comments that were just interesting from our meeting earlier that I appreciated and wanted to quote a couple of City employees. Comments that were made were, "You've cut the head off the chicken. The bottom still runs around but it doesn't know what's going on." As the analogy made of having Mike put on administrative leave, because he's your head. And he's the guy that's telling you what to do, what's right, what's appropriate, and what things need to happen first, in what order to get things done and to keep us moving.

You guys have accomplished more in this year than ever in the history of this city. Something must be doing that. And the other thing that was said, and Kurry Lewis was the one that actually made that comment. I have to give him credit, because I thought it was impressive. The other thing that was said was, you know, that the ball is moving in the right direction but it keeps getting stuck in the gutter. We know that, we've been through nine mayors in ten years in Eagle Mountain. I don't know why. I only hope that we get that knight in shining armor to keep us moving the way we need to be moving. I would hope it's somebody that's willing to get in there and do the job, and then even run for reelection, because we need some consistency. And I know that the City of Eagle Mountain has some incredible people that could do this job, that the staff would respond to and that would keep us moving the way we need to.

I apologize for my tears. This has been a really, really hard thing for me. I know what you guys are going through. I've heard from all of you, and I can't do anything to change it right now. And I gotta tell you, that hurts me a lot, because I didn't sign up to not get things done. I signed up to do a job here, and to work for the residents of this city, and to work for you and to keep us moving, keep us growing, get the things done we need, get us the roads we want, get us the businesses we so desire out here and we deserve. So when I have to say right now that I can't get it done for you, it hurts me. Thank you.

Councilmember Blackburn: We're here this evening as a predicament of changing city leadership. Mayor Olsen did a lot of good while he was here. He stepped aside and some other things are going on. The Council, as a body, met just a few days ago, and with the intent of furthering good. We looked at all of us here and said, "Who has the time, the energy to be able to be here," in what we felt was a pretty easy thing to do. We've got professionals on staff, and we expected the ball to be rolling quite easily, quite quickly. And we didn't expect there to be too much rocking of the boat. I do want to pay a thanks to everybody who has served on the Council as Mayor, as Mayor Pro Tem, to all of our staff. We know it's, there's oftentimes not a whole lot of thanks that comes around. So I do want to thank Linn for her ability to sacrifice and give of her time, her effort, her energy, her focus and her drive. Honestly, I think you'll all admit that she's got that in spades, OK?

In the process of the news and what the city is still going through, Linn to her benefit and to ours has been looking for other potential problems. And from what we have gotten as some preliminary feedback, there are some other issues that are going to come up. The Council, as a full Council, will be working on that. But, obviously, in a city this size, it's pretty hard not to rock the boat. I am very appreciative that you're all here tonight for Mike Wren, just for one person. And I would think that we have the caliber of staff here that you would be here for anyone, not just Mike Wren. In the process of things, and on a different track, the position of Chief of Staff or City Administrator, or several other positions within the city, can be determined by the Mayor at any time, so keep that, file it away. Things can, could change at any point in time, but our expectation as a Council, my personal expectation would be that there would be no change during this time of transition, and Mayor Linn Strouse serving as Mayor Pro Tem.

In regards to the questions, who on the City Council is in support of eliminating Chief of Staff and replacing it with a city administration position? We have had a City Administrator. We have had a Chief of Staff. They both have some great qualities. Question is which position would help communicate between the City and the legislative part of the City. That decision for me has not yet been made up. I did not have any part of what's transpired here. I'm still looking at the pros and cons of things. It's a very difficult call, but I have not made up that decision yet. In regards to the full-time or part-time Mayor position, we are a very unique city in the sense that we are a city, we're a power company, we're a water company, we've got a pretty big load for anybody to bear. And I know the position of a Mayor is a very difficult one.

We have professionals that are running each particular department. I'm not an accountant, I'm not a power company executive. I'm not any other sort of executive, and regardless of the Mayor being part time or full time, they still need to rely on the professionals running each of those particular departments. We've had part-time Mayors. We've had full-time Mayors. The timing, the ability for them to keep at it, both sides have had some failures. I am not certain on either one. As my colleagues have mentioned, we need somebody who's going to be here, somebody who'll give their all and be committed to the city, regardless of being full time or part time.

In regards to the present situation with Mr. Mike Wren, I was not noticed prior to it occurring. I was not in support of that prior to it being done yesterday. I am still not in support. Who knew the decision was happening? None of us. Do we regret our decision? We're here tonight. There's business on the table. It will be addressed. Was Mike ever informed of the possible decision? I don't think so. Staff expecting to have proper justification from the City Council. Staff will get justification in the business that pertains to them. That's all I can say. I mean, be honest: there's information that Council goes through that does pertain to you and we will freely and openly share that with you. The stuff that doesn't entitle, that anybody is not entitled to, whether residents or employees, there is, there is a line there. But we should always be able to justify, as a public official, what's been going on.

In what ways was Mike not meeting expectations? I do not know. Was an alternative staffing arrangement ever considered? It's being considered, in the sense that the question that the Council's brought before, the Mayor before of a question of Chief of Staff or city administration. Pertaining to Mike immediately at this point, no. Number thirteen, that's a very lucky question, unlucky in this case, excuse me. Why couldn't this decision have been postponed? It should have been postponed. It shouldn't have happened at this point. You know, we asked Linn, the expectation of Linn, the expectation of any one of us serving as City Council/Pro Tem, would be not to rock the boat, and I think

we can all see the waves. Full explanation will be forthcoming, I suppose and hope, when Ms. Strouse is available.

In all of this I hope, want and expect all of us to be professional, staff, Council. That's our job, so let's do it. As it's been mentioned, because we don't have a full quorum here, we cannot act, other than what we're doing here. We're taking your opinion and we're letting it be known. I think Councilmember Strouse and Mayor Pro Tem Strouse has also gotten that message. We're waiting for information. As we have that information, it'll be made public to you, in the due, proper course of time. Mr. Wren has been put on administrative leave at this point for a period of two weeks. That was done at Mayor Strouse's discretion. I think we're going to be reviewing that, giving some counsel or receiving some feedback from her and see if that's appropriate, but we're working through that.

As part of the City business that the Council's been looking forward to is addressing and dealing with the employee Personnel Policies and Procedures Manual. One thing that I have heard, what we're seeing here tonight, Ifo, you made a comment saying employees are risking their job security to be here tonight. I would hope that is the farthest thing from your minds for being here. Employees should always be welcome to state anything. Talk to your managers, talk to your directors, talk to the Council. That's what we're here for. If you guys don't tell us, we don't know. That's one of the reasons why we're here. We did not know what was going on. So thank you for telling us.

As to the position of Mayor Pro Tem for the course of the next two weeks, Linn is still the Mayor until we have a meeting and she says, or we say all together, that someone else is the Mayor Pro Tem. Until that point in time, the call is still out. We do want a current resident of Eagle Mountain, having lived here for 365 days consecutively, eighteen years and older, male or female doesn't matter. The City is accepting applications. We've got a great staff. We've got a great Council. Pays about \$70,000. Applications are being taken until the 9th. Is there anything else that anyone wants to bring up right now?

Councilmember Jackson: Mr. Blackburn.

Councilmember Blackburn: Yes.

Councilmember Jackson: Just a couple other little comments. When we had our meeting about appointing a Mayor Pro Tem, like Mr. Liddiard said, I was one of the two that voted no. I find it interesting that through this whole turmoil that we have been experiencing as a city, that some of the things that were being talked about about Mayor Olsen were lack of communication issues. It saddens me that one of the people that talked about that the most was Mayor Strouse and she chose not to communicate with the Council. I would have thought she would have learned from the experience with Mayor Olsen how to properly communicate with the Council. So I just want that said on the record, because it's inappropriate that the Mayor not communicate with the Council.

So I hope any of you that are out there that are looking to put your name in the hat, you better be prepared to talk to the Council. That means you pick up the phone and you call. You tell us what's going on. That means that you, you know, you talk about what the needs of the city are. You listen the employees and you talk about the budgeting items. The budgeting items that were talked about, I'm assuming that's what Adam was discussing: the want list, the need list and what's a viable option. That's a good way to approach the budget and we need to be doing that in the future. So anybody that's

interested in being the Mayor, I hope you know what you're getting yourself into, but we need you. We really, really need you. Thank you.

Councilmember Lifferth: I just have a thought. I don't know what the procedure would be for this, but in light of the fact that we have seem to have four Council members that are concerned enough about this to be at the meeting, I would suspect that if Councilmember Strouse had been here tonight, that we may have made a change. Is there any possibility that we, as a Council, could take some sort of recommendation as the Council to Mayor Strouse that she does step aside for the benefit of the city, and that someone else, so that the four of us would call on her to do for the benefit of the city. Is there any interest in making some kind of a non-binding motion?

Councilmember Blackburn: Honestly, other than her being here, I don't know, other than request of friends and co-Council, that that would hold much in the way of weight or teeth.

Councilmember Lifferth: That's all it would be, just a request from fellow Council members.

Councilmember Blackburn: I think our presence and the comments made here tonight are a pretty meeting, or statement, and I think we can probably address that with her personally after the meeting. In the course of business, the City is still operating. We expect it to operate. The things that need to happen will happen and are happening. So again, to staff, please take it back to your coworkers that are not here: business as usual, please. We apologize for the disruption, for the comments. We're all trying to be as transparent as possible.

Councilmember Liddiard: Before you sum up, I'll even let you do the adjourn motion stuff, even though I like to be the guy.

Councilmember Blackburn: Go ahead.

Councilmember Liddiard: Since we are following the reverse order back through, I'll add this little comment. If you like having a guy look the Mayor in the eye and say, "Hang it in your, ear, you're dead wrong, you know, don't be stupid." There's a name for that person, that Chief of Staff person. There's a moniker for it. It's called City Administrator. Because the hire and fire takes place from the City Council. And that's part of the reason why I've made the comments I've had, in regards to a city administrative person, because sometimes they need to do that. They say, "Hey, Mayor, you know, I really appreciate all the great things you're doing, but don't do that. That's not good." Anyway, I was going to say something else, too. Can't remember what it was now. Must not have been important.

Councilmember Jackson: Mr. Blackburn.

Councilmember Blackburn: Yes.

Councilmember Jackson: Mr. Liddiard has intrigued me, so I'm going to throw a question out there. If Mike Wren were to put in for City Administrator, would that be something you would be interested in?

Councilmember Liddiard: Let's not prevaricate about the bush.

Councilmember Jackson: I never like to beat around the bush.

Councilmember Liddiard: I'm not going to answer that question, only for this reason. I'd like to put out, and let's go through a process that's open, that says, "Look, let's get everybody to say, 'Hey, let's open a position as City Administrator.' Let's encourage Mr. Wren to apply for it and see what applications come back." I think in the due process it would be unfair to say, "Yeah, others need not apply." I think it would be appropriate to consider all comers in that regard. Would I encourage him to apply for the job? Of course I would.

And, you know, I'll kind of go back to what I said before. Linn, bless her heart, what a tough position for her to be in, and yet, you know what, I would not have said, "Hey, that's a great idea." In fact, last night I talked with Linn, and I said, "Look, you know, why don't you call Mike back? Let's at least, my opinion is, any way that we can get Mr. Wren back in the City is better than not having him here. And I suggested, "Look, at least call him back and say, 'Hey, you're still the Public Works administrator.'" Get him back here and have you do that. I suggested that she do something, an olive branch getting him back in some regard. I also asked her a little bit before 1:00 today to make sure that she contacted each one of you Council members. I called her on her cell phone and talked with her for a little bit.

In the end, gee, I really wish all this had never, ever happened. We're obviously still dealing with the aftershocks, tremors, repercussions of the vacancy created in the office of the Mayor. None of this has been good. And then some people have personally really suffered and Mr. Wren's one of them, and that's regrettable, because he was doing a good job, and I'd like to see him back here doing that. So, how to fix that, I don't know. Mr. Blackburn was talking about what's left to us and he was kind of rolling that sum up of, you know, don't give up, don't lose faith. And I think that's true. Where does that leave us? I think in the Council of friendship, we'll have opportunities to visit one with another and kind of see what can be done to move forward in maybe a little less public poke in an eye. So, does that answer your question?

Councilmember Jackson: I think as best as you can, so that's all right.

Councilmember Liddiard: Ask a silly, you know, ask a politician, get a political answer, you know.

Councilmember Jackson: Yeah.

Councilmember Liddiard: You know, sometimes I've heard that asking a voter how they feel about politicians is like asking a fire hydrant how they feel about dogs.

Councilmember Jackson: Good point. My one last comment that I just wanted to make was that I really appreciate your support as staff. It flatters me greatly that you would request that I be Mayor Pro Tem. And know that, if asked to do that, I would step forward and do it.

Councilmember Blackburn: That was item number one on the agenda. Item number two, we've, we're not able to address or deal with at this point in time, so . . .

Councilmember Liddiard: Move to adjourn!

Peter Spencer: I hate it when people do that. I'm sorry.

Councilmember Blackburn: He's out of order, but we'll allow it.

Peter Spencer: Thank you very much. I just wanted to say one more thing, on behalf of staff . . .

Gina Peterson: Peter, is that microphone on?

Peter Spencer: Is it not on? Sorry. Myself, personally, this has been, I feel, the best City Council meeting I've ever been to.

Councilmember Liddiard: You should stick around.

Peter Spencer: I just wanted to express our gratitude to the City Council for listening, taking the time to listen, to come early, to come this meeting and to listen to us. I think it says a lot. And I think, as staff through this whole experience, to be honest with you, I feel that we are more unified today than we were yesterday, I think we're more unified today than we were two weeks ago, four months ago, and I just wanted to say that. And another quick thing, you know, Mayor Strouse, she's in a tough position. And I wanted to say a few things on her behalf. I think, as far as staff's concerned, this has been kind of escalating over the past months, and unfortunately, a decision that she might have made on a whim or, you know, whatever may be, that she felt was best, in my mind was kind of the straw that broke the camel's back. And so I wouldn't want, in any way, to paint her as a bad person. I mean, she stood here today in that meeting with us and she spoke very strongly about her passion and her love of Eagle Mountain and her support for us as staff and I felt it. And so I think she has done a wonderful job and she will still do a wonderful job. I just think it's unfortunate that, basically, that straw that broke the camel's back brought us all here today, and even though we haven't necessarily accomplished the two things we were hoping to accomplish, I feel that we have accomplished a lot and I just wanted to share that with you. I think I can say it on behalf of staff. So, thanks again.

Councilmember Blackburn: Thank you.

Councilmember Liddiard: Move to adjourn.

Councilmember Blackburn: Done.

Councilmember Liddiard: My wife sent me a text message. My son won his football game.

Councilmember Blackburn: Thanks for coming.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:37 pm.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 8, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

ELECTED OFFICIALS PRESENT: Councilmembers Heather Jackson and David Lifferth

CITY STAFF PRESENT: Gina Peterson, City Recorder; Mark Binks, Sergeant; Jason Randall, Sergeant

The meeting was cancelled at 7:15 due to lack of a quorum.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 14, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Pro Tem Strouse called the meeting to order at 7:00 pm. Chief Rand Andrus led the Pledge of Allegiance.

CONDUCTING: Mayor Pro Tem Linn Strouse

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth.

CITY STAFF PRESENT: Rand Andrus, Fire Chief; Mark Binks, Sergeant; Gordon Burt, Treasurer; Mike Hadley, City Planner; Melanie Lahman, Deputy City Recorder; Kent Partridge, Building Official; Gina Peterson, City Recorder; Jason Randall, Sergeant; Peter Spencer, Planning Director; Chris Trusty, City Engineer.

Mayor Strouse: OK, 7:00, the meeting will now come to order. I would like Chief Andrus to start us with the Pledge of Allegiance.

Mayor Strouse: OK, the number one item on our agenda, which we've all been waiting for, is the interview question and answer session with the applicants for the position of interim mayor for the City of Eagle Mountain. The main purpose of this meeting tonight is for Eagle Mountain to get the best possible man or woman to serve as Eagle Mountain's next mayor. How fortunate we are to have so many citizens willing to serve our dynamic, complex and young city. And how fortunate we are to have the gift of freedom and liberty, the freedom that requires eternal vigilance for us to keep. And how grateful we are for those forefathers that started this great nation by inspiration and by sacrifice so that we could have a free and open government, and how grateful we are for the soldiers then and the soldiers throughout history, and the soldiers that continue to keep us free. I hope that each and every one of you say a prayer of gratitude for those thanks. OK, I'm going to turn it over to Gina, who is going to explain the process.

Councilmember Blackburn: Mayor Strouse.

Mayor Strouse: Yes.

Councilmember Blackburn: Before we go that far, because I'm a candidate I actually need to recuse myself from this board and I'll sit in the audience.

Mayor Strouse: OK.

Councilmember Liddiard: Mr. Blackburn, don't get comfortable down there. [inaudible] up here in the next meeting.

Mayor Strouse: I want to thank you all for coming out tonight. It also says a lot about our community. We have one of the highest voter turnouts in the state, and I think we can all be very proud of that, the example it sets for our children and other communities. So, I will turn it over to Gina to begin this process.

Ms. Peterson: Thank you, Mayor. Mayor and City Council, you have before you tonight fifteen letters of interest for the position of interim mayor. Just to clarify, this position will, the appointment will only be for approximately one year until the next mayor is elected. We'll have an election in November for a two-year mayoral seat, and so just to clarify, it's not a three-year appointment.

Mayor Strouse: Now, can everybody hear out there? OK, good.

Ms. Peterson: Mayor Brian B. Olsen resigned October 20, 2006, at 3:05 p.m. Per State Code, the Council has thirty days to make an appointment. That thirty days would be up November 20, which is Monday. The special meeting was called tonight to interview the candidates, and we've scheduled interviews starting at 7:20 with each of the fifteen candidates. You each have a list of how those interviews are scheduled. I've talked briefly with the mayor today about the process, and she would like each of the Council members to have the opportunity to ask each candidate a question and . . .

Mayor Strouse: Possibly more, if there's time.

Ms. Peterson: Right. There's been a lot of scenarios discussed, including how the actual appointment should be made, and you have a couple of options before you. You each have that interview sheet right here. Once all of your interview questions have been answered, there's a time for public comment to comment on the applicants. Once everything's done, you have the option to go through each person and make a motion on each person, or you can use this as a ballot and choose the top three, or you can open the floor for motions and suggest an applicant to be appointed and then see how the motion floats. Were there any other questions, Mayor? Now let me, I just wanted to mention one other thing, for the public, mainly. Like I said, the interviews are scheduled every ten minutes and the City Council has been given the applications or letters of interest and resumes. From the time we've received them, they've been emailed out to the City Council. A full packet of all of the applicants were delivered to the City Council Thursday evening, so the City Council have had the opportunity to study and contact each of the applicants, so in case anybody thinks ten minutes might not be enough, there's been some extensive phone calling, or the opportunity has been there for you to do that. That's not the only interview time that's taken place. So I will turn the time back over to you, Mayor, unless you have any other questions.

Mayor Strouse: My question is, can we start ten minutes early, since we're ready?

Ms. Peterson: Do you want to talk at all about how, other than the questions each Council member will ask, how you want the process to go?

Mayor Strouse: As far as, we can start at one end and just go down to the other end.

Ms. Peterson: And I will call each applicant at the end of the ten-minute time, or if you're done, if that happens sooner, if you're done with your questioning. Is there anything else that I'm forgetting, Jerry?

Councilmember Jackson: Mayor, just a question regarding when you were saying, you know, we could use this as our ballot, are you basically saying that we would tear it off and submit it? I just want to clarify because I didn't understand specifically where you were going there with that.

Ms. Peterson: If you would like, we can make a ballot for you, or you could use that sheet as a ballot and pick your top three and pick from there. Jerry and I just talked a little bit about that. In case, I mean, you have the potential here, with four Council members, have a tie vote, so we're trying to alleviate some of that.

Mr. Kinghorn: Mayor, the proposal on the ballot was to use one of these, and we'll have, we can have more copies made, we can have four or five of these made, and that you simply pass this down and simply sign beside the name of the person that you wish to vote for, and if you decide to vote for two, initially, or possibly if you want to just do a ballot and see if you, a majority of the three of you voting for one candidate, then that would be the candidate that would be, that would be offered by motion to be appointed. But we could go through several paper ballots. You could set it up so that you go through and actually sign your name by the one or ones you select, if you decide that you want to reduce it down to two, for example. You could through the paper ballot and each of you would sign twice, once alongside the name of each candidate that you wish to select, and then simply use one packet, pass it down and then Gina would read the results of that ballot off as you went through those.

Councilmember Liddiard: Can we each just use our own little ballot and write down some names, then sign it and hand it to the mayor pro tem? Yeah, it would be better if we collected them on one, all of the votes for each round, on one ballot, but you could do it the other way. We just have to make sure we keep track of, you know, the selection process for the minutes.

Mayor Strouse: Now I wasn't familiar with this, so are you suggesting that each time a candidate finishes speaking, that we do this, or are you talking about the end?

Mr. Kinghorn: No, I would suggest that after all of the interviews and all the public comments, when you actually begin the selection process, that a paper ballot may help you refine it down, rather than going through a series of motions. The other way to do it would be to go through a series of verbal motions, entertain a verbal motion on each one of them, but then you'd have to go through the whole list. If someone didn't, you didn't get a motion on it, you'd go to the next one and it would be a considerably longer process.

Ms. Peterson: In the past, in the past three appointments, since I've been here, you've just thrown a motion out there and it's passed or failed, and with the number of applicants, I think this was the suggestion that Jerry just had tonight, and that may be . . .

Mayor Strouse: something, yeah. We'll certainly think about it.

Mr. Kinghorn: You could just review it as you go along.

Ms. Peterson: I don't know if you want to discuss how you want to do that, because we can definitely prepare a ballot for you to use. However you want to do it.

Mr. Kinghorn: You don't need to decide that until you've been through the interview process, and then you can get a sense of Council, how they want to do it.

Mayor Strouse: OK.

Councilmember Liddiard: If we end up doing the ballots, I'd prefer to do individual ballots.

Councilmember Jackson: It does seem that if we're doing ballots, then we have the opportunity to make it more of a secret ballot and then you can tell us the answer, compared to, we start the ballot at one end and the guy at the other end says, "Oh, well so-and-so voted for this one and so-and-so voted for this one, so I'm going to vote for that one." [inaudible] you're getting that?

Mayor Strouse: Yeah, and I have a little bit of an aversion to the secret ballot here, since we're supposed to be an open meeting, and so . . .

Councilmember Jackson: I understand that, too.

INTERVIEWS – Question and Answer Interview Session with Applicants for the position of Interim Mayor for Eagle Mountain City.

Mayor Strouse: OK, so the question was, can we start now or do we have wait? OK, this is like the Olympics. The first one up is the one that's probably going to be the most uncomfortable [inaudible]. Alan Paul. How do you do?

Mr. Paul: Good, thank you.

Mayor Strouse: Would you like to tell us a little bit about yourself, just for the audience's sake, and then get ready for the flurry of questions.

Mr. Paul: Absolutely, thank you. I also have some closing remarks that, if I can save time for that, I'd like to deal with that, OK?

Mayor Strouse: Sure. Yeah, Gina's keeping track of all this.

Mr. Paul: OK, good. I'm Alan Paul. First of all, I want to be mayor because I got kicked out of Riverdance for using my hands. Sorry. I own, with my wife, Southwest Ballet Academy in Eagle Mountain and currently manage marketing for Seth Porter, he's the number one new business State Farm agent, and so that's what I do there. I have one semester left to finish my bachelor's degree at the University of Utah, and yet I'm still able to remain an avid BYU fan, and I have a lot of experience in management, leadership, sales negotiating, teaching and new business. The one thing that I wanted to kind of discuss is that, I mean, the Council finds itself in a very difficult situation. Whoever you choose as the mayor, you're going to get both the blame and also the credit for what they do, as the people don't really have a say, and so I understand your situation. I hope that nobody has already decided who they're going to vote for. I hope that everyone has an open mind and they're able to choose that person who would serve Eagle Mountain best. I, some of the challenges that I want to bring up I thought were well stated by Councilmember Lifferth in his website, votefordave.com. He says, "I know I would not want to be the mayor and run the risk of upsetting three Council members and have them reduce my pay by \$20,000 a year. I would not want to have Council members come to my house after 10:30 p.m. in a controversial way, or confrontational way. I would not want to have my hands bound by ordinance to keep me from doing the best job that I could do. I would not want to have Council members and residents make up all sorts of things that have no basis in fact, in an effort to ruin my reputation. I

would not want to put my career on hold and let some of the wing nuts in our city get the opportunity to ruin me financially.” I could not, or I could go on, but this is sufficient. He later states, I quote again, “I have talked to a couple of honest, decent and perfectly qualified people that said they would never get involved in community service in Eagle Mountain, because of the, what they read in the papers. I hope we get someone to ignore the behavior of the Council and the ten years of painful history in Eagle Mountain, and be willing to sacrifice their career, family and reputation to serve as mayor.” So a Council member and former mayor of this city, who would know as well as anyone what this position entails, paints a pretty bleak picture. But let whoever is chosen be as excited and motivated as I am to take the lemons that are thrown at them and turn them into lemonade. The biggest thing that I think that I would like to see happen is that unification happens. I think the city has been divided too long. I think there’s been too much backbiting, backstabbing. I think there’s been too many hurt feelings, and it’s time for unification to take place. It’s time, we don’t have to agree, we don’t have to get along together, but we do have to work together, so let’s be professionals. Let’s get done what needs to be done to serve our city the best. Any questions?

Councilmember Liddiard: I enjoyed talking to you. I spent quite a bit of time talking to you. Maybe it’s because you’ve got two first names and I’ve got two last names, I don’t know. Actually, seriously, I enjoyed visiting with you. I appreciated your business philosophy, the struggles you’ve gone through to be able to begin and operate your own business here in Eagle Mountain and some of the insights that you had into what it was like for you to live here and what your perspectives were. I valued your opinions and the time that you took to think about and to come here and the fact you’ve seen a dichotomy of universities here and broadened your horizons in some of those thoughts. If there was one main issue here in the city, what would it be, and what would you recommend we do about it?

Mr. Paul: The main thing is the unification. It’s to regain the trust and respect of our people here, the residents of our city, to regain the respect of our surrounding cities, the neighbors that we have. Too many times we have to hang our heads in shame, or I’ve heard of people hanging their heads in shame when they talk about, “I’m from Eagle Mountain,” and of the mess and the things that have gone on here. But it shouldn’t be that way. We have a beautiful city with beautiful people. There’s strong people here, people that are young and willing to work. They have young families and they work hard, and we need somebody in here that can represent that, someone who can stand up for what’s right and put down the, you know, the backbiting, to put down the things that aren’t right, that separate the city and divide it. We can grow, but how many businesses want to come here when they see the mess that has been created? How many people are really anxious to come in here and move here after hearing everything that they’ve heard? It affects our home values, it affects our businesses, and I feel that we can change that. Thank you.

Mayor Strouse: Gina, how are we doing on time?

Ms. Peterson: You’ve got five minutes.

Mayor Strouse: OK. What do you see as the second most critical issue facing our city?

Mr. Paul: Oh, boy. The second most critical issue, I would say, is in defining job descriptions, so that everyone knows exactly what their job is, where their place is at, and then to be able to get a system to work together. We have great systems as it is set up, and I think that we can even improve those systems, so that everyone knows what their job is, so that everyone can perform that to their very best, to give them accountability to what they do, and I believe in people. I believe that the people here in Eagle

Mountain and our city staff, I've met quite a few of them, I believe that they are very capable and I know that we do have a great city, and so let that shine forth. That's what I would mainly want to do.

Councilmember Jackson: I'm hearing a lot of different ideas coming out, but I'm not hearing any strategies about how to go about accomplishing. I know that Councilmember Liddiard asked specifically what the big problem was, which you said was unity, and cited a lot of things as to why we're not unified, but I didn't really hear you cite any reasons or ways to accomplish the unification to occur. So what are your ideas on that?

Mr. Paul: Very fair question. To come together and work together, the biggest thing is if there's differences, we need to have those differences out, we need to make sure that our differences are set aside so that things can be run professionally, so the biggest thing is that when there are problems that arise and there are differences, to make sure that those are resolved quickly, to make sure that everyone keeps in mind who they serve, what their purpose is, who put them there, and why they need to do what they need to do. So we need somebody to come in here, whether it's me or somebody else, I want the best person in here. I put my name in for consideration because I want to, I know what I can do, and I know there's people that can do a great job. I know several of the applicants. It gives me a lot of reassurance to know that we still have so many people concerned with what happens here, good people. But yeah, absolutely, we've got to, we've got to be able to share our ideas, we've got to be able to come to one another and feel free to express our opinions and be able to listen to one another, take those opinions into consideration, and make the right decision for the city.

Mayor Strouse: Do you have any questions, Councilman?

Councilmember Lifferth: One of the most important tasks that we, as elected officials, have is to set and live by a budget. Can you describe the experiences that you have had in budgeting on the scale that we're talking about?

Mr. Paul: I don't have experience in budgeting on the scale that you're talking about. I do run a business. It's not a multimillion dollar business. We're very small. But I take it very seriously. There's times when things get very tight, and so we have to make sure that we're doing things in the right ways. There's times when we have to balance things. What are we going to put off? What are we going to take? I've struggled just like many of the people here. And with our personal budget, it's the same. And yet I've been able to set things up so that we can grow, so that we can come out stronger and continue to grow and make opportunities for the future. Is that the ten minutes? A minute and a half? Are there any more questions, or should I go on with my conclusion? The biggest feeling is, I have lived in Eagle Mountain, served in and invested in Eagle Mountain. I love Eagle Mountain. It is my home. If ever there was a time to set aside personal agendas, hurt feelings and stand up for what is right, it is now. Our community needs someone they can trust and respect. We need to heal. We need to regain confidence and trust of our residents and the respect of our neighbors. We should not ever have to hang our heads in shame of our city, as I said some have said they've done. But we should be able to hang our heads, or hold our heads high and be proud. Who here can say that their eyes water their pillows by night, and who can say of this vineyard of Eagle Mountain, "What could I have done more?" Who, when big and important issues arise, will go and consult with Him who knows all? Who will reestablish the Economic Development Board, and who will seek the reestablishment of the Arts Council? I will give all that is required, and to all those who have turned over their names, good names, for consideration tonight, I would encourage us all that do not get chosen, that let's not disappear back

into the community, but let's offer ourselves to who is chosen, so that we can join boards and councils and become, help the city to grow and become what it needs to be. Thank you.

Ms. Peterson: Mayor, the next candidate is Jayna Jones.

Ms. Jones: I have a few comments that I'd like start with before questions. Originally, I threw my hat into the ring out of a sense of duty to the community. I figured if Eagle Mountain needed a mayor, I could do it, and I do believe that. But, since I turned in the papers and thus committed myself to this process, my attitude has changed and I really want this job and I know that I will do it well. A common question in a job interview is, "Why do you think you're the best candidate?" Honestly speaking, I don't know that I am the best. But I can tell you why I am a good candidate. I am honest, I am well respected by those who know me, I'm a quick learner and I'm a good listener. I believe that one of my, probably my greatest qualification as a leader is my willingness to listen. I respect those who work in the trenches, those at the bottom of the totem pole, so to speak, and I value their opinions. I know that there are a lot of Council members, staff members, and plain old citizens of the community that have great ideas about the vision of Eagle Mountain and I'm willing to listen to those ideas and make things happen. I believe that honest, open-minded communication most often leads to consensus or compromise and that, in turn, leads to action. And with that open communication, ordinary people working together can have extraordinary results, and that's why I want to be a part of this. Questions?

Mayor Strouse: Do you want to start, Heather?

Councilmember Jackson: What do you view as the mayor's biggest responsibility?

Ms. Jones: The mayor's biggest responsibility, I believe, is to listen to those who report to him and to make sure that things are working properly underneath. I don't think the mayor necessarily needs to dig in with a shovel, although I'm not opposed to doing that. But the mayor is there to receive the reports of those underneath him, him or her.

Mayor Strouse: Councilmember Liddiard.

Councilmember Liddiard: Nice to see you again.

Ms. Jones: Thank you.

Councilmember Liddiard: Thanks for taking the time to come here and thanks for talking with me earlier. In your opening comments, you mentioned consensus, compromise and action. Can you describe an incidence where you participated and that led to a successful event?

Ms. Jones: Wow. As the mother of five children, there's a lot of compromising that has to be done at our home. In addition to that, it is both my and my husband's second marriages and so, coming from, well, joining two different households, there was a lot of compromise that had to be made, and I think that things have been going quite smoothly. We have a very good home right now.

Councilmember Liddiard: Thank you.

Mayor Strouse: Now, you've been in Eagle Mountain quite a while, I believe, no, are you a newer citizen?

Ms. Jones: Just over a year.

Mayor Strouse: Oh, over a year. OK. So what do you see, as being a newer citizen, as the challenges and . . .

Ms. Jones: I think the biggest challenge that Eagle Mountain faces right now is transportation. As one who commuted for almost a year to and from Eagle Mountain, I was very frustrated with one way in and one way out and those being narrow roads most of the way. Lehi Main is a disaster, Redwood Road is a disaster during commute time. I think that as the mayor, I would work very diligently with the surrounding communities and with UDOT to provide better transportation, easier access to the city for the citizens. It's only going to get worse.

Mayor Strouse: Councilmember Lifferth.

Councilmember Lifferth: If you are selected tonight, you'll get appointed by this Council, and this Council has the ability to decrease your salary if they so choose. However, if you are appointed, who do you think that you will represent: the residents, the Council, different factions on the Council, or someone else, and why?

Ms. Jones: I'm not here to represent the Council. The Council does a fine job of representing themselves. I, as the mayor, would represent the citizens. As I said in my opening comments, I threw my hat in the ring because I felt a sense of duty to the residents, to the community. I want good things to happen. When I moved here, I didn't want to. I was begging my husband to sell his house so we could get out of here, and I have changed my mind. I love it here. I think the second most pressing problem for the city is having good activities for the youth, and I want to create more youth activities in the city, so that the kids don't have to get in trouble finding action. We need to provide it for them.

Mayor Strouse: Councilmember Jackson, did you have any more questions? Actually, I'll follow up with one really quick. What do you have in mind for children's activities or youth activities?

Ms. Jones: Sports, arts. There's not much to do around here in the way of arts. I like the idea of doing a summer concert program for families to gather. I was very sad to see the skate park taken out of the park. I would like to have a skate park.

Councilmember Jackson: We currently have a sports program for the youth. So, are you saying we need more, we need different?

Ms. Jones: No, I think we have a great sports program. As the years progress, and the ages of our children get older, and as we get more schools out here, we will continue to have growth and we need to be prepared for that and be able to provide for that.

Mayor Strouse: Councilmember Liddiard, any questions? What suggestions would you have as far as doing anything different as far as organization with the city or . . .

Ms. Jones: I don't know that I know enough right now to give a straightforward answer on that. I want to talk to a lot of people before I make any organizational changes and find out what the staff needs are.

I know that they speak very highly of Mike Wren, but I don't know enough about that to make a decision, if that's kind of the idea that you're . . .

Mayor Strouse: No, that's not what I was asking.

Ms. Jones: Not exactly.

Mayor Strouse: Well there's, some people are very, oh I could say there's different models, authoritarian models, and then there's more, there's the Japanese model that's totally different.

Ms. Jones: Wow. I'm not up on the Japanese model.

Mayor Strouse: Different models of management. Just trying to give you some questions.

Ms. Jones: At the onset, I would leave things as they are, and talk to a lot of people and find out what the needs are.

Mayor Strouse: OK, very good. Councilmember Lifferth.

Councilmember Lifferth: [inaudible]

Ms. Jones: No, thank you. I'm open to a question.

Councilmember Lifferth: You just went through a process here in Eagle Mountain where we disposed of public-owned property and turned it over and made it private property. What was your experience like? What would you recommend that we do as a Council and the mayor to improve that process for the next applicant?

Ms. Jones: Wow. I know that when Channing applied for that land disposal, there was not anything in place as far as how to do it. He wrote up his own petition, and basically said, "This is what I want to do. What do you guys think about it?" There was no application, no formal petition process, other than him writing it up. I think that, I think the process went fairly well. It took a long time, in fact, it's still not done all the way. We're getting closer, though. I don't know how to answer that. Thank you.

Mayor Strouse: Thank you very much.

Ms. Peterson: Mayor, the next applicant is Ifo Pili.

Mr. Pili: Can I disconnect this? I'm too tall to lean over. Honorable members of the City Council, my name is Ifo Pili. I'm the city's, I'm currently the city's Management Analyst. I have a bachelor's degree in Political Science, with an emphasis in International Development. In one month, I will receive my master's in Public Administration from the Romney Institute of Public Management at Brigham Young University. I have been with the city for seven months now, and I have mentioned my qualifications and my educational background, but I feel that, the thing I feel that qualifies me most, and that I'm privileged to present and offer to, is my experience here with the city. Within these past seven months, I've been able to work alongside, cleaning out the bar screen in the wastewater sewer treatment plant. I've walked alongside the City Engineer on the Pony Express Trail, making plans to improve the city's historical landmark. I've trimmed trees alongside the road, in the city park, I've sat in meetings

and spent hours with our City Treasurer in preparing this past fiscal budget. I understand the ins and outs of this city. I know what the city needs, but most importantly, I know what the city can become. That's why I'm here. That's why I've applied. I'm not here to seek power, but to empower the residents of the city, to empower the staff, to empower all of you who have dedicated your lives to be public servants. I have no political agenda, no allegiances, but I come as a, I offer my qualifications and my experience and my understanding of what it means to be a mayor before you, and as I said in my statement of interest, I'm very content with my position as Management Analyst. I am confident in the positive outcomes that I can contribute in that position, but I feel a sense of obligation with the experience that I have and with my love for the city. I do believe this is a city on a hill that cannot be hid, and I know this will, this city will, in spite of whatever political turbulence we'll face, the city will overcome and it will go where it needs to go, and we as residents of this great city will be where we need to be. Thank you.

Mayor Strouse: We'll start with Councilmember Jackson. Questions?

Councilmember Jackson: Do I need to start every time?

Mayor Strouse: No, if somebody else wants to start . . .

Councilmember Jackson: It seems like we've started here twice, so that's why I was asking the question. I don't have a problem with starting. Ifo, what do you see as the proper role of the mayor? What do you see as the big thing that the mayor needs to do to help the city?

Mr. Pili: I don't know if I can necessarily point out one big thing. I do know it's a big responsibility. I know, the question was asked about who you represent. I believe you represent everyone, including your family and your beliefs. But you represent the City Council, as well as the residents, as well as staff, and you're there, no matter what form of government is chosen, by the voice of the people. You're there to help things along, to let people do their jobs. You're there to, whether or not you're an administrator or whether or not you're a part-time mayor, your job is to ensure positive continuity and stability in the city, allowing a platform or a forum for people to voice their opinion, to deliberate, and yet come to an agreement for the city to move forward.

Mayor Strouse: Councilmember Liddiard.

Councilmember Liddiard: Ifo, I'm going to drop on a previous conversation that you and I had, as well as your educational background. I would like for you to describe how foregoing an economic opportunity can provide better revenues in the future through tax incremental financing , and how that can be applied to certain areas in our community where it hasn't been applied previously.

Mr. Pili: Sure. I know currently we actually have an EDA set up. EDAs are usually set up, let me back up. Tax increment financing can only be issued when you have an EDA or an RDA set up. We currently have an EDA set up. I don't know why it was set up, but, an RDA, we have an RDA set up. I don't know why it was set up. RDAs are usually for blight areas and for redevelopment. With a city so new, our first attack would be to switch it over to an EDA, an economic development area, so we can apply this tax increment financing. The whole concept behind tax increment financing is the projected value of that property in which the project will, will produce. For example, if we have a Macey's come in and we offer tax increment financing, we are projecting that in the surrounding area, the property values are going to increase, and with that increase, that's how we can pledge back to the bond that we

issue, or the type of public finance that we go after. I think it's very important to not only set up EDAs and enterprise zones and CDAs, community development agencies that can also be set up, but as a whole to set up an economic incentive package. I believe we're in direct competition with our surrounding cities, whether we like it or not. While we're waiting for the rooftops to increase, Wal-Marts are being built, Smiths' are being built, and they're in our surrounding cities and the tax, the tax revenue that we could have received is going to other cities and I believe that economic development is a big package and it should be taken very seriously, and as we come together and we form an incentive package, I think we're teetering on the threshold of something great in regards to economic development.

Councilmember Liddiard: Which new region of our town would you select for something like tax incremental financing, and which kind of business would you want to attract to that location?

Mr. Pili: You know, I think, I know the State Legislature, it's been thrown back and forth. I know people have different stands on whether or not tax increment financing should be allowed. I know some cities have abused that tool. I think, first of all, we'd have to get a database of our commercial land. I think it all qualifies for a need to be established as an EDA, just because we're such a new city. I think EDAs would probably be most sufficient in the, or fit nicely into the category here in the City Center, just because there's less development there, and I think there was, we'd be able to sell that better on this side of the city.

Mayor Strouse: How important and what place do audits play in the city, the running of a city?

Mr. Pili: I think it's very important, in fact I know it's very important. I think as a mayor and as an administrator, we're taught as administrators that fiscal responsibility is key and most important, that complete transparency is necessary, open communication. I think an audit is just an avenue in which that transparency can be perpetuated.

Mayor Strouse: Councilmember Lifferth.

Councilmember Lifferth: Ifo, my son told me that I should select you because you're the only applicant that wears a Super Bowl ring. That was his priority.

Mr. Pili: Well, I hope that's not a criteria, because we actually lost the Super Bowl.

Councilmember Lifferth: Last year the City Council and mayor selected a sewer treatment option to meet the capacity demand of the City Center. This was a lengthy and time-consuming process, where ultimately an oxidation-ditch-type option was selected by the Council. If you had been on the Council or been the mayor at that time, which technology would you have selected and why?

Mr. Pili: I came in toward the time that, in fact like I said, seven months, where the wastewater treatment plant was chosen, the one we're trying to construct at this time, the one by Stantec. I don't know the other options that were there before I came in. All I know is how much it's going to cost, where we're going to get the money to fund it, and how much capacity it's going to give us once it's built. So as far as the other options that we've had on the table before, I'm not familiar with, with what choices we had.

Mayor Strouse: How do see the complexity of the city, especially . . .

Ms. Peterson: Mayor, that's ten minutes.

Mayor Strouse: Sorry.

Ms. Peterson: If you want to keep going, I just wanted to let you know.

Mayor Strouse: No, thank you. Thank you, Ifo.

Ms. Peterson: David Blackburn.

Councilmember Blackburn: I feel much shorter than the person who was just here, and not quite as broad. My name is David Blackburn. Most of you on the Council know me, I think, and I almost want to turn this around and say, "If the public has any questions." I have been a resident of Eagle Mountain for the last seven years, moved in in 2000. I believe among the Council I was the first to own my second home in Eagle Mountain. I've seen several of you move into your second homes, that I know of, in the last little while. I put my name in the hat to run for mayor of Eagle Mountain with a lot of concern, a lot of care for what's going on in the city. I've seen a lot transpire. I've had the opportunity to work with, under or side by side with several of the mayors through our city and I think one of the important things that needs to happen right now is a continuation, that the staff isn't subjected to a lot of turmoil, that the city business that has been started is able to continue without a lot of interruption, without significant delay. There is a great pride with what operates in the city. I know recently there's been more publicized of the negative rather than the positive that we as a Council and we as a city have done. I think the, that some of the conflicts that have been perceived are due more to a process of lessened communication than what previous administrations and Council have been familiar with, and what staff has been familiar with. I would like to see, as a change, if I was the mayor, that we have more open and regular communication. I'd like to see empowerment. I've had staff feedback saying that they have actually almost been threatened with their jobs if they were to come and approach us as a Council, and that to me is quite a shock. Just the fact that we are seen as being, I don't want to say unapproachable, but if that's the direction that's been given. As a Council, you are, we are, I am, responsible for enacting the laws of the city. The mayor is responsible for carrying out those actions and for making sure that the day-to-day business of the city gets done, gets accomplished. The department heads, I think, need to be empowered and directed by the mayor, hopefully me but it might be someone else, to freely and openly state their mind on any option, any idea, any concept, any business that comes before the city. I would expect that that individual, that professional in that department, whether it be Planning, Fire, any department that we have, Public Works, brings to bear the full scope and scale of their expertise, gives us the options, gives the mayor the options, and then that option, the best option, the worst option, the department head's plan or concept and desire, my plan, concept and desire is passed to you as a Council, and then we are able to make the decision quickly and succinctly with everybody being informed. I'm not expecting that we will not have disagreements among Council and a mayor, because a healthy relationship involves a give and take process, and we need to have that type of open rapport, and give and take, so that we have everybody actually and fully represented.

Mayor Strouse: I will start. With the complexity of our city and having so many more development codes and two sewer systems, and this is so unusual, how do you see that as affecting the decisions you're going to make or affecting our goals, short-term and long-term?

Councilmember Blackburn: We are one city, but we have, we have some dividers simply because of the way the city's established. Various SIDs, various impact fees, the capacity and the future buildout areas of various parts and components of our city. We're obviously dealing with the sewer district, which affects primarily one portion of the city, but financially affects all of us, so we're all connected. We need to realize that the plans that we put in place, as a mayor or as a Council, affect everyone, and we need to have it clearly defined. I've had some conversations with Ifo as to various analyses and reports that need to be completed so that we see and have plans, both short-term, but those short-term work with the long-term objective so that it fits into whatever plans we need as a city.

Councilmember Liddiard: I'll go next. You're a singular candidate, in that you have demonstrated the ability to garner a broad enough base of support to become elected. I don't know if you feel the way I do, but we've enjoyed disagreements over the last three years, and some agreements, as well, and truly it could be said, "It's been the best of times, it's been the worst of times." So, based on that and the wealth of experience, and certainly being up to date with current city issues, there have been some successes. There are some things that you've been happy about. There are things that you're going to look back in a positive light and have been pleased to have been a participant in. I was wondering if you could select one of those experiences and maybe tell us a little bit about how it was able to be orchestrated, how it was able to come about, or what the end goal of it was, or what has come of that and focus on, if you would, some of the positive aspects of your experience and the things that maybe you still hold out hope for in the remaining time that you have under your current position.

Councilmember Blackburn: Boy, that's a loaded question with three and a half years under our belts.

Councilmember Liddiard: There has been a positive experience.

Councilmember Blackburn: Yes, there have been positive. I think at this point in time, the, I would say the crowning jewel at this point would be simply the building we're standing in. This gave us the opportunity to move out of a rented type of temporary structure and facility, which I had the ability to sit behind that rostrum, to a building which is actually, "Hey, look at us. We are a city. We are here. We are a city. We have a focal center. We have a library that's not measured in how tall the bookshelves are and how many books they can stack on it in a ten-by-ten-type of room, but we have a library. We have a Public Works Board. We have future plans within this building that we, even as, or you, even as a Council, and we as a city, might not be in the same building in the future. That's a stepping stone that this building is. The plans that I would like to see for the future are such that I hope when they are done, that my name is, "Oh, yeah, he used to be here" or "He is still a resident." That my name isn't directly attached to it because it shouldn't. It's the city. So, it's any progress, any improvement, any advancement. Just the little comments of, "How come we don't, but now we do, xeriscape" that wasn't the procedure that we were following as I was elected. "How come we have various rules of this quality, this quantity, this height, this depth, this density, this setback?" Any and all of that is something that, as you plant a tree, you can't see that the shade, you can only imagine the shade that it will represent in the future, not what you're doing right now. And that's what I hope will be, of any of my actions, that whatever I do now, the results will be the shade we see in the future.

Councilmember Liddiard: Could I ask a follow-up question?

Councilmember Jackson: We're down to like the last minute and a half.

Councilmember Liddiard: I apologize.

Councilmember Jackson: You spoke about empowering department heads and communicating, and we've seen the lack of communication over the last while from the mayor's seat, so one is, how do you intend to communicate differently? And then, I had heard the same term of empowerment used by Mayor Olsen in discussing with his department heads. How do you intend to use that, I assume differently, than how he did?

Councilmember Blackburn: Honestly, I look at it as a process of communication, and I think that the communication, as defined by a previous individual, was more of a one-way street. There were very few answers, there was not the ability to ask questions, or give and take in the sense of back and forth communication. I look to be very different in that sense. I want staff to be fully communicating and open with everyone on the Council, as well as myself, and then I would then pass that on to the Council and take feedback from the Council. I'd also look to make sure that we all have individual and open assignments, as a Council member, to various boards, and that anyone and everyone can attend and find that information. I see that my time's up. Sorry. Thank you very much.

Mayor Strouse: Thank you.

Ms. Peterson: Richard Steinkopf.

Mr. Steinkopf: Good evening. I'm Rich Steinkopf. I'd like to introduce myself to those of you who don't know me. I am 69 years old, have been retired for five years, and am financially secure. I'm proud of it. I worked hard. I have lived in Eagle Mountain for six years. I have five children, one son and four daughters, who have made me feel like a successful father. They're all happily married and contributing citizens in their communities. I learned the value of hard work early in my life. As a youth, I picked berries for one and a half cents a pound. I picked prunes for 25 cents a box. I poked wires on a hay baler for \$20 a week, and those days were twelve hours in the field, plus travel time to the hay field. While in partnership with my father in a gas station, I had supervisory responsibility and was involved in daily decisions in running the business, and I was still under twenty years of age. For the many years I was selling lumber, I was working with people in various departments such as credit, delivery and purchasing. I also had assistants to write my orders. I assisted contractors and individuals in the process of estimating the cost of lumber and building products in their home construction. As a construction project manager, I was responsible for the construction of homes, acquiring and scheduling subcontractors, and working with the planning and building departments of various cities.

While serving as a member of the Orem City Planning Commission, the commission was involved with the planning and approval of many of the large businesses on University Parkway. For example, the R. C. Willey store, Lowe's building supply store, Circuit City and those buildings in there. And Granite Furniture, which has since been torn down for auto dealerships. During some of this time, I was chairman and conducted meetings that were sometimes very tense and stressful, because moving of families and destruction of homes was involved in getting those stores into that area. All the years I've worked dealing with the public have taught me the importance of being able to listen to other people's viewpoints on a subject and then make a decision. This skill will be very important in communicating with the City Council, the Eagle Mountain City staff and employees and the contractors and developers that I will be coming in contact with. I feel I can be a calming and unifying voice. Through the years of selling and public service, I've had the occasion to work with mayors, other city council members, attorneys, law enforcement, building departments and people of all vocations. I feel that my many years of experience of dealing with the public qualify me to be mayor of Eagle Mountain. I feel that my ethics

of hard work, coupled with honesty and integrity, have been the basis for my financial success in business and the joy and happiness I have in my personal life.

As I look at the entrance to Eagle Mountain, the sign, the welcome sign, you see the logo of the eagle, and you see this eagle with its wings extended. It symbolizes to me the desire to climb and soar. Now is the time for Eagle Mountain City to spread its wings and soar like an eagle, as it becomes the most desirable place to live, a city and community respected and loved by its citizens and the envy of other communities for our quality of life and community involvement. I want to be part of this effort as we band together to lead Eagle Mountain City to this new vision and phase of growth. I know this is a major decision for the City Council tonight. If I am your choice to be mayor, I will not disappoint you or the city or the residents of Eagle Mountain. Thank you. Question time.

Mayor Strouse: Did you want to start, Councilmember Lifferth?

Councilmember Lifferth: Sure. Richard, what do you think, what do you believe is the proper relationship between elected officials and businesses that conduct business within that city?

Mr. Steinkopf: Fairness. Honesty. Both sides. I really feel there should be communication. I mean, when people come to, when businesses come to you, or we go to businesses, my viewpoint is I want to sell Eagle Mountain City. I'm a salesman. I can sell. We all can sell. So when you meet with businesses and business owners that are desiring to come, you want to show them that you're honest, you mean well, you want them here. But we want quality, and we have to want them to uphold what we desire them to do for ordinances and for personal.

Councilmember Jackson: In what ways would you like to see Eagle Mountain grow, similar to the experience you had in Orem, and how would you go about doing that?

Mr. Steinkopf: I'd like to see more quality. We are still in a growing stage, but I remember when I was on the Planning Commission, all we seemed to approve were starter homes, and many times I heard, "Well, Eagle Mountain will not support second-buyer homes." Well, we see what's happened in some areas, and we can improve on that. We can improve on the quality. We can encourage our builders to improve on the way they go about things, but we have to show them that we are a quality city. We have to show them that we mean what we say, by the quality that we exhibit to them. As far as encouraging growth, I am definitely in favor of economical development. I don't know how our economical development board is working at the moment, but I'm sure that there is areas out there that we can approach people on and encourage them to come out and look at us, and a lot of that depends on the mayor and the way the City Council approach them and how we represent ourselves.

Mayor Strouse: Richard, what do you see as one of our greatest challenges as a city, and where do you see us in five years?

Mr. Steinkopf: Right now, I figure our greatest challenge is communication. I think one of my, as the mayor would be to mend some fences: communication with the City Council, communication with the staff, communication with the employees, to make them feel proud of what they're doing. I want people to say, I want people who come to say, "Wow. Do you work for Eagle Mountain City? How come you're so lucky? How can I get a job out there?" One of my five-year goals. Gonna happen in a year.

Councilmember Liddiard: That's kind of, actually, my question. You have a unique perspective in that you're roughly seven times more experienced than the existence of our city. It gives you kind of a unique perspective and some accomplishments, and yet you have, should you be selected as mayor, a mere thirteen months to which, in fact, I talked with all but one of the applicants, but one of them defined this as a giant ship. It's not really easy to turn around. In thirteen months, what will define your term? What would be the defining, how would it be . . .

Mr. Steinkopf: I would think the defining term, once again, would probably be, I really feel if we show and exhibit pride and quality, a lot of things will fall into place. People will start coming to us and we won't have to go get them.

Councilmember Liddiard: What will be your legacy in thirteen months?

Mr. Steinkopf: My legacy after thirteen months will be, "He did a good job. He worked hard." You don't have to worry about me not working hard. You'll be surprised at how hard I work. I've had many people say that I have a strong, people that I've worked for and haven't seen for ten years, say, "You know, the one thing we miss about you, is the passion that you had when you worked for us." And I will have a passion to make Eagle Mountain grow and a passion for quality.

Mayor Strouse: How is our time, Gina?

Ms. Peterson: You're over time. It's up to you if you want to continue.

Mayor Strouse: No, you just go ahead when time's up. Thank you.

Mr. Steinkopf: Thank you.

Ms. Peterson: Jim Peterson.

[inaudible]

Mr. Peterson: Jim Peterson, a resident here since '98. I think everybody's starting out with some kind of a summary of how we got here. My first participation in city planning was in high school in Virginia. I graduated from high school in Virginia just on a farm outside of Williamsburg, and I was able to get involved with the reconstruction of Williamsburg as a high school student. And it impressed me and so I knew then what I wanted to do in the future. This was not the Williamsburg 200 years ago, this was just thirty or forty years ago. [Laughter] And that was really a fun experience, and so I had a chance to go to the University of Oregon, that they had an accredited program. And I'm going to, I've got in front of me the submittal that I made with my resume, and so I'd like for you to just refer to that, and I can answer questions on specifics that's in there.

Mayor Strouse: OK, Jim. Your background seems to be very strong in the city planning, so tell us how all of your experience applies to your ability to perform as mayor, and what your vision is for the future now and in five years.

Mr. Peterson: I thought it was going to be a different background question. As soon as I graduated from college, I was the long-term planning director in Douglas County, Oregon, and was able to set up citizen committees throughout the county and let them establish a plan for the future. Planning is sometimes

misunderstood, sometimes controversial. I look at planning as the process of guiding change and always have, and so you look at a city or a county and you find out what changes are potentially coming down the pike, and you plan and you set up organizations and teamwork to handle those problems as they come. In my letter to the Council, I mentioned what I felt would be your biggest problem in the future and I stated it this way: “. . . that the community’s heartbeat eventually becomes the schools, especially if they’re K-12 schools in a campus situation, where you’ve got a high school, a junior high and a grade school. That really becomes the heartbeat of a community. How a community responds to itself is usually through those schools.” And we’re going to be looking at 800 to 1,000 students, teenagers, in just five or six years here in the town center. It’ll be double that in The Ranches. And so, if we don’t look at the community as having a real heartbeat and prepare for those students coming up, I think we will have lost a tremendous opportunity to have a community that develops character, that has a sense of place, that has a charm about it. It will evolve around how we raise and have benefits, educationally, in that development for those high school students. That’s a lot of kids. And so that’s what I had in my notes to you.

Mayor Strouse: Who would like to go next?

Councilmember Jackson: I’ll go next. And Jim, I’m going to ask the hard question. I’m just going to give it to you straight out, because I know the residents would be sad if it didn’t get asked, so I’m going to ask.

Mr. Peterson: Yes.

Councilmember Jackson: What benefit could you give this city that can outweigh the possible bad press of a convicted felon running the city of Eagle Mountain?

Mr. Peterson: Well, it takes time to get things turned around. It’s very interesting that I’ve paid that price in full, and my wife paid the price and my family paid the price, and there’s always someone, there has always been someone since then, and there will always be others in the future that want me to pay the price some more. Keep paying the price. And so, the press would like to play that game for a while, but I really think that, as the teamwork is established to run this town, that’ll be forgotten. There are some serious problems, like I’ve mentioned, in education and economic development and other things where teams have to be established to identify those problems and work together to get them done. And I just, I just really have a feeling that, I’ve always been open about the head-butting I had with the IRS. If it lasts for a week or two, but I’m anxious to, as I mentioned, I started out in planning in Williamsburg, Virginia, at a very young age, and have been educated and have thirty years of experience in communities and county governments, and when I was brought on here to work at Eagle Mountain, it was really one of the first times I had seen planning working the way it was supposed to, the way I had been taught, and you look forward to having that kind of a situation, so I fell in love with Eagle Mountain, and I’ve lived here ever since and had hoped I could become involved again in what I saw as the future. So I’ve, in the meantime, I’ve worked in other locations but have always kept coming back to Eagle Mountain. I would say that my heart is here because I was so involved in some of the original designs and concepts that were going on. So I look forward to pinpointing the problems, pinpointing the excitement that can be had in establishing teams to handle those. That’s usually how things work out. Intelligent debate among team members to solve a problem is how I’ve seen things succeed in the past.

Mayor Strouse: Do we have more questions?

Councilmember Lifferth: Jim, I think many of us have been very impressed with some of the things that you've done in your career. We've seen them around the state, and you bring a lot of things to the table. As a couple of old-timers to Eagle Mountain, as we approach our ten-year anniversary in existence, what are some of the things you would have done differently over the past ten years?

Mr. Peterson: Well, the plan for school development would have been high on the list. I don't, let's see, the economic development that I've been involved with in the past, particularly as executive director of a council of governments, was not on the agenda, I felt, strong enough, to go out and research ways of raising money, funding and granting. When I was originally involved we did work on the airport and I was in Washington, D.C., able to get a guaranteed development loan for the airport. Working with that team, we accomplished that. But there are so many other things that can be done in working with economic development that I just felt was not on the agenda. And not on the agenda was the school system. That came too late and to ignore that part of our community, our kids and how they're developed and how they go to school, and how they're bused, has been tremendously lacking. So I go back to those two things: schools and economic development.

Mayor Strouse: Vincent.

Councilmember Liddiard: We have the blessing of a lot of real estate in our city, and we grow at a prodigious rate. How will you ensure the continued growth or the sustainability if that wanes for our city. What recommendations do you have?

Mr. Peterson: To establish a workable plan that becomes a process, one that you can walk along with as time goes on, and as change happens, then you have to fit the change into what's going on with the plan. You have to prepare for change, not prepare for static growth, you have to prepare for change.

Mayor Strouse: OK, thank you very much.

Ms. Peterson: Mayor, the next applicant is Wolfgang Franz.

David Blackburn: I'm not Wolfgang Franz. We've got a lot of people standing out here. Could we ask everybody to kind of scoot in and make seats available so the people who are standing can come sit down?

Mr. Franz: Good evening.

Mayor Strouse: Good evening.

Mr. Franz: It is a good evening, because I am very pleased so far with what I've heard. I've been here since June of '99 and I've had my own, personal run-ins with the city, as far as land issues goes. I feel like I have been misled, maybe lied to, as far as that goes, as far as the city goes. Not on purpose, but because when we first moved here, I don't think, it felt like nobody knew what they were doing from City Planning on down. My vision is that, as mayor, I will be able to not be a good compromiser, OK? Because compromise always to me means that both sides are losing, but someone that can create agreement. If we come to agreement as a council, as a city, then we have the opportunity to lead this city in a way that we can make the city grow. As I look at it, we are going to have problems, we've had problems forever on S.R. 73, we're going to have them more so in the future. Where I live, I don't have city utilities, I don't have city lights, gas, water, any of that, so I'm not really, personally affected by any

of those particular issues. I'm not an expert in transportation, I'm not an expert in sewage systems, I'm not an expert in education, but I believe that I can help the city to come together, to grow, and to not just have a Unity Pass, but to have a unity Council. Thank you.

Mayor Strouse: Who would like to start with questions?

Councilmember Liddiard: I'll start. You mentioned in your opening comments, and thank you for coming, "come to an agreement." Beyond coming to an agreement, we also need leadership. Do you have experience managing others? Can you tell us successes there, or philosophies, or demonstrate an example where you've been able to bring people to an agreement and yet provide leadership so that there was a positive outcome, and describe that situation for us?

Mr. Franz: I knew you were going to ask that.

Mayor Strouse: He did?

Mr. Franz: Yes, I did. The situations that, like I said, I don't have any experience with what you might call big city budgets, OK? I own a small business, I own a tax business, I own a small mortgage company. We have, in our particular business, a considerable amount of turnover in the employees just due to the nature of the business. One of the things that is really important is to find out what the strengths of the people are that come in, what they can do, what they can't do, and what they're able to learn, because most of us, and I'm sure all of you would agree that, when you first started, you probably knew very little about the city itself, but you had the opportunity and the time to learn that. The same would be here. I have had people come in my business saying one thing, you know, you read the resume and they sound wonderful. They just, all these things that they can do that the minute that they start work, you find out that they can't do half the things that their resume says that they can do. And then it's my job to see to it that the things that the job calls for, that they will learn, that they will learn it quickly, so we don't end up turning over again. Because turnover just creates friction. Turnover creates bad feelings and turnover also creates a non-continuity not just in my business, but the same would be true for the city. And so, in that respect, even though it's on a small scale, OK, the people that I've had the opportunity to work with, that is the things that I believe I have learned that will help me help the city.

Councilmember Jackson: On your resume, and like you just spoke, you own two businesses currently. So will those businesses run fine on their own without you there, or is it your intention . . .

Mr. Franz: Yes. I was going to mention earlier, what is it, about three years ago, when we had the same problem and the Council had, what, three people to choose from, two people, to select the mayor, I was very much interested in applying then, but the time constraints of the business, I felt, was just not there. Today, that's not the issue. So, by the way, that's why I'm thinking it's great, because look at all the people that have moved in. You're going to have a tough choice tonight.

Councilmember Lifferth: I'm going to take a cue from Councilmember Jackson and ask you the tough question. Behind every cast there's a very interesting story. Tell us your story.

Mr. Franz: Digging a ditch in your back yard, not paying attention to what you're doing, or having your eyes on, instead of both ends of the log, just on one end of the log.

Mayor Strouse: What do you see as our greatest challenge facing Eagle Mountain, now and in five years?

Mr. Franz: What I know, and I don't claim to know everything there is, OK? The biggest challenge that I see that the city is going to have is going to be with the transportation, with the roads. In my work, I'm lucky, I can pick my hours. I don't have to go out when there's bumper to bumper traffic, but right now, if I miss it and come home, it's miserable coming up Redwood Road and coming up S.R. 73. It's just absolutely miserable. Unless something is done fairly quickly, it's going to be a nightmare.

Mayor Strouse: How much time? OK. So how do you see your role as mayor. What, specifically, will you do to help improve the situation with transportation?

Mr. Franz: I picture my role, OK, to find out exactly what it is that needs to be done, that can be done, as quickly as possible to alleviate that problem. I pride myself on not necessarily knowing everything there is to know about it, but being able to find out where the answers to those questions are.

Mayor Strouse: Any more questions?

Mr. Franz: Thank you.

Mayor Strouse: Thank you very much.

Ms. Peterson: Mayor, David Hadlock.

Mr. Hadlock: My name is Dave Hadlock. Tell you a little bit about how I got into this: As I was reading in the paper that there was an opening and that there were ten applicants, I decided that at this point in my life this is something that fits for me. As I sought advice and counsel from friends as to whether or not I should do this, I received oftentimes the advice to run, to do it, and to do it as an outsider. Do it as someone from the community who has no background with the politics and history of the governing of the Council and of the governing of the town as it is. As I thought about this, there's a couple of problems with this advice. To run as an outsider is a bad idea because sooner or later you become an insider. And all outsiders become insiders. Besides that, implicit in that idea is the idea that the way this town has been run has been bad, and I find, I personally believe that for the most part, there's honorable, good, noble men and women running this town. A few hiccups along the way, but most of it is public perception. As mayor one of my desires would be to change the way the rest of the world and the rest of the town perceives what's going on in the town, rather than necessarily what is actually going on in the town. A little background: I've lived here five and a half years approximately, I've served on the board and as a founding family member of the Ranches Charter Academy. I've invested in the community. I've done many hours of service related to that. As a board member, some of my responsibilities were fiscal, as the treasurer. I was also the vice president of the board. I have a fairly strong financial background. I have a master's in business administration from the University of Utah, as well as a finance degree from Brigham Young University. I guess I'll go ahead and open it up to you for questions.

Councilmember Liddiard: I enjoyed talking to you. You know, as I talked to different people, it's obvious that there's a lot to learn from everyone here. For your age, you represent quite a bit of

education, of experience, of broad horizons, travel, of being exposed to a broad variety of ideas, and yet there seems to be a very bright future in front of you. Why on earth would you want this job?

Mr. Hadlock: Well, you know, as I told some of my friends about this they were like, “Are you sure you want to do this, Dave?” And I do. I want to do this. Why do I want to do it? I feel that I do offer some unique abilities. And it’s not just my financial background, those kind of abilities. I think I have to ability to communicate fairly well, I believe I have the communicate to bring people together, maybe to form bonds where there weren’t previously bonds. I’m a pretty easy-going person, and I think I can bring a lightness to the position. Not that it needs to be a trivial lightness, but something that people can relate to.

Councilmember Liddiard: So the next thirteen months are going to chew you up. What is your survival tactic and what will you do to accomplish these things?

Mr. Hadlock: My survival tactic. There’s time with my family, time with my wife, time watching football games. I have the ability to, in a sense, compartmentalize my life a little bit. I can get away from it. I have a ton of interests, and just by doing those kind of things, I love to read, I love to study, I can survive, I guess.

Mayor Strouse: So do you have a different perspective on what our greatest challenges are facing the city and/or the community?

Mr. Hadlock: Oh, well I think pretty obviously one of the major, major problems is growth and managing growth. That would probably, and all the aspects that come along with that: roads, sewer systems, water. How do you provide that? How do you do it without incurring such large debts and such large bonds that you’re starting to sap people’s, everyone’s tax dollars? So I think that’s probably the biggest concern. And then just setting a vision and just setting a new tone and a new environment to the way the town is managed. It’s really about perceptions and how people perceive things going on and what kind of tone are we sending forth? As a citizen, part of my concern has been the way information has been brought to me. A lot of times, I think we read things in the paper or we read things that have been placed on our doorstep and there’s such an adversarial tone to all of it, that if it were placed there in a more straightforward, factual manner, I think we would respond to it differently then, and that would be one of the things I think I would try to bring to the table.

Mayor Strouse: Any other questions?

Councilmember Lifferth: Yes, I guess I have a two-part question dealing with finance. You’re one of the founding members of the Ranches Academy. What has your involvement there with the finances of starting up a charter school with the budgetary comparisons of running a city and corporation the size of Eagle Mountain?

Mr. Hadlock: Well, I, first of all, I’m no longer on the board. That was a two-year term. I, along with another board member were primarily responsible for setting up the budget and then making sure that the budget was adhered to. I didn’t have a whole lot to do with the actual financial obligations of the actual construction of the school, as they were originally developed, but just the year-to-year budgeting of the school. One other board member and I were responsible for that. And I think we, especially she, has done an unbelievable job with that. As a charter school, they were the first charter school to receive

a loan to actually own their own school. It was only because of the fiscal responsibility that was shown by the board members in general.

Councilmember Jackson: In reading through your resume here, you have many things you're doing currently.

Mr. Hadlock: I do.

Councilmember Jackson: So, with doing all those things, how do you intend to do the job as mayor? Are you intending to put them aside, or what? Explain.

Mr. Hadlock: Yeah, currently I'm self-employed. I actually run, in a sense, two different businesses. I export used clothing to Japan. I also am a tour guide to Mexico, Belize, Guatemala, and I work for a travel agency. Were I to be chosen to be mayor, I would cease to do most of those, in fact, all of them, except I do have a few contractual obligations to take groups down to Mexico in 2007 and I would adhere to my contracts on those, but it would just be a few weeks.

Councilmember Jackson: A few weeks in a row, or a week here and a week there?

Mr. Hadlock: A week here, a week there. So I have several trips that I've contracted to take down there, and if I can't get out of the contracts then I would go ahead and take those, although I am going to try and see if I can get out of some of those.

Councilmember Jackson: And several meaning two? Meaning ten?

Mr. Hadlock: I have one in February, one in March, one in April, and those are the ones I'm contracted to take.

Councilmember Jackson: Great, thank you.

Mr. Hadlock: Any other questions?

Councilmember Jackson: My other question, then, is what are your feeling regarding growth in the city?

Mr. Hadlock: My feelings regarding growth, and I don't have a good background for how it's going, at least from an administrative level, how it's occurred and how it's been managed in the city to date, but my feelings about growth is the need to grow responsibly. As with any business, in order to grow quickly you have to leverage yourself and you have to deal with debt to grow quickly. I think that's true of growing a town, as well. And so I think that we need to find a natural growth rate that's maintainable, that's not going to put too much of a financial debt and burden upon the current residents in the town, but still allows to grow, to pay off obligations that we have and to attract business.

Mayor Strouse: What's our time? Good. So how do you propose to do that, manage the growth?

Mr. Hadlock: How do I propose to manage the growth? Again, not having the facts of how this town is currently administering it and managing it, really, I don't know that I have a whole lot of concerns with the growth as it currently is growing. From the outside looking in, it appears that we're managing our debt fine and that we're growing at a manageable rate, but again, that would be something I'd have to

look over, I'd need to look over projected growth rates. I'd need to look over the obligation those growth rates would require the city as far as roads and maintenance and sewage and all those kind of aspects, and then try to get a feel for what we can and cannot maintain as far as a growth rate.

Mayor Strouse: Anyone else? Would you like to make any comments?

Mr. Hadlock: No. I thank you for your time and that's good.

Mayor Strouse: Thank you very much.

Ms. Peterson: Mayor, next is Brian Morris.

Mr. Morris: Hello. I'm grateful to be here tonight. It's been wonderful to actually listen to each candidate and to hear what's important to them. I feel truly that each of us are here for the same reason. We're here because we feel that we can provide success for this city, the same as it's continued to be in these past years. One person stood and mentioned there's so much negativity about the city currently and I tend to be a person that focuses more on the positive. I've appreciated being able to see all the positive happen in this city over these past years. Myself, I have my wife and we have four kids together. We actually have been out in Eagle Mountain for just over eight years. We have loved every minute of it. We came out, just as everyone else did, to start our family and to continue to grow and progress. We feel like we've made the right decision in being here. It's been a wonderful opportunity for me to be able to see the progress of this city, but specifically with how you, as a Council, have done that. It's obvious there's been challenges and there's been things that need to be overcome, but there's so much progress continuing to happen, and that's the thing that I've been excited about. And seeing these negative comments be made over these past months, especially, that there truly are positives to come out of it. As to my background, personally, just over eight years ago, moved to Utah from California with my wife, and we took a job with Patterson Construction and continued with Patterson Construction, working my way up in the company, and continued to learn about business and the way businesses are run. My duties there continued to increase and I became co-manager of that office and their business within two years, and in doing so, received many responsibilities which I've had experience which could actually, potentially help this city with each of the aspects that have been talked about tonight. Specifically with management, being a manager over many employees with that company. We continued to grow as a company and we founded Patterson Real Estate Group. I've been a real estate agent for over seven years and have continued that business. I left Patterson Construction about six months ago and continued to do real estate on my own, and have run a successful business and have been very happy with that. Many of the things I learned in my experience and work application, specifically with finances, being able to learn how to understand how finances in a business work, and to understand profit and loss, and how basic it is in all principles of finance. And to understand how money is to be applied, especially when it's not yours. It's a wonderful opportunity to see that we can make a difference when right decisions are made and that they're not made for ourselves, but they're made for another person, who matters more. In managing others, I had the great opportunity to be able to schedule and I feel that schedules are very important in time management and being able to accomplish goals, and with having goals, and being able to schedule those and accomplish those, I became very well adapted to being able to train others. Often looked to as the one that people can go to to learn and to receive help. And so, the wonderful thing that I bring here today is my experience. I do not have as much educational background, in the sense of college degrees, as many of the candidates here tonight. I chose to forgo that to get married and continue to work and to establish a family and so

I've worked very hard in my life to learn as I work. And that application in my life has brought me to much success, and so I'm here for you today.

Mayor Strouse: Brian, what do you see as our greatest success so far as a city and our greatest challenge?

Mr. Morris: The greatest success that I've seen is that we're here today. There's been so many opportunities that this city has really had to do worse, but the leadership and the decisions have been made to continue to help it progress to where we are today, and my opinion is we are very successful. I look at the progress of this city, even from eight years ago when we moved in as a young couple to see what we've come from. There was nothing out here and really not many people knew about the city of Eagle Mountain. And today there's over half the state, when you mention Eagle Mountain, they know who we are. And whether that be in a good way or a bad way, Eagle Mountain is known, but the biggest success, in my opinion, is truly the growth that has happened, but also the management of that growth. This is a difficult situation to undertake, in that management of the growth that happens here and accommodating all these people that come, that is one of the great successes that I have seen, specifically in my tenure here in Eagle Mountain. One of the greatest things that I feel can be improved is some of the management of that growth, and when I say management, I mean helping that growth to be successful for a purpose. Not just having houses to be built, not just having people moved in, but allowing a greater purpose there and allowing these people to be here for a reason, with the exception of just, they're the cheapest house prices out there. This is a wonderful city and it has much to provide, and so that's a great challenge that I do see. One of the greatest challenges I also see is communication, as has been mentioned before. Communication not only with the City Council, between the mayor and them, but also between the citizens and the Council. There's many issues that we've seen in the past where I truly feel could have been avoided with that simple aspect of communication, just simply others sitting and talking with others and trying to understand, and so those are probably the two greatest challenges I see also.

Councilmember Liddiard: You mentioned that many of your co-applicants for this position have more education or more experience or more diverse experience, and you talked about things that attract people here, and there's a quality of life, there's an ambience, there's whatever you want to define that attracts people here. With the growth or the management of growth, can you name some specific things that we can do to preserve the attributes that originally attracted people to move here?

Mr. Morris: You bet. Yeah, that's some of the things, just like you mentioned, that originally moved people, or got people to move here. Those aspects, I believe, of a small-town environment, really were something that was a positive for many people. My wife and I, I grew up in a smaller town in Arizona. She grew up in a big city, in San Diego, and it was something that was interesting to us, to, it was a desire to be a part of something, and that is the thing that we felt, as a young couple moving here to Eagle Mountain, was to be a part of something. It was established and, actually, the vision was given very effectively that this town was to be something and to be something great. And there was a plan set in place to do that. Over time, we've seen that some of those things have been done away with, whether it be exact houses being built, or whether it be exact ordinances being kept, but that's one of the things that I think is something we can do to preserve that vision and the aspects of the reason why people have come out here. It's to continue to portray that vision of Eagle Mountain and what it can be. And ways to accomplish that are the ability to be able to communicate that, not only to the residents who currently live here, but also to the entire state, even the nation. We've gotten too much bad publicity as of late, as we know, and there's so many positives to be out there about this wonderful city, and so as we can

continue to get those things out there that are good and the actual purposes of this city, to continue to grow and to be a success and to be truly one of the great cities of this state. I believe we can accomplish that in continuing to bring people here for that same aspect of why they came originally.

Councilmember Lifferth: As another old-timer to the city, what kind of things would you have done differently over the past eight years, from a mayoral standpoint? If you were mayor, what would you have done differently?

Mr. Morris: You bet. One of the things that I've thought of quite often, actually, is in the setting up of this city, which may have happened, I have no clue, you know, in the very beginnings of this city, a lot happened that many people weren't aware of, but that was just growing pains. People continued to do their job and to work hard, just as you are as Council members, but one thing that I see that, if I was in that position, I would have tried to do is to set up a plan to try to not only help the city to grow, but also to help it to try to grow with economic development in the sense, specifically, with businesses. There's great ways that businesses, as well as residential and homeowners, can work together to make a city successful and grow to a success. And that's one of the things that I feel I would have done, is to try to make a plan for that for the future, whether those things could have happened at that moment or whether they were going to happen in the future, but to try to progress in those things a little bit quicker.

Mayor Strouse: Thank you very much.

Ms. Peterson: John Gee.

Mr. Gee: First of all, I have to say I'm very grateful we don't have to arm-wrestle for this position. I think I'd be in big trouble. I'd like to also give a little bit of background. I think I, so far, listening to a lot of the applicants, I think I offer, or have quite a different or unique experiences and background. I graduated with a BFA from BYU in Industrial Design, kind of from the, more the arts-type side, but I also took classes in business management, as well. Along with that experience, I currently work as a team lead, doing 3D animation and with that, I also do freelance work. I do accident reconstruction animations for a local company who defends companies like Chrysler, Hyundai, and so every once in a while I get a chance to communicate with some of these attorneys for these companies. And I also, through my current work, have had the opportunity to fly over to India and train people there, and I think that that was a great experience for me in being able to deal with other people and be able to manage people over there, as well. I also have a rental property, so that's a unique experience, as well. So I have not only the art-type background, but also a little bit of the business background. I might not have as much experience as, with the business background as some of the others, but I feel that I do bring a lot to the table with the different aspects of the job that I currently do. For example, with the management that I do, it's very, it's a very tight kind of management that you have to, I don't know if it's speculative or whatever type of management where you have one person who says something looks good because it's from the artsy-type background, and you have to be willing to let other people look at your work, as well, and that kind of management. One of the things that, the message that I also wanted to bring tonight, listening to a lot of the applicants, you kind of get the impression, "Why are so many people coming out for the job this time and putting their name in the hat, or putting their hats in the ring?" I truly believe that this is a great outlook on what Eagle Mountain represents. I think it really shows how much the people care for Eagle Mountain. Even though there's a lot of things going on right now that, as has been mentioned by many people, you go to work and you hear people say, "Oh, Eagle Mountain again." But I really think that this is showing how much people care here. I guess I'll open it up to questions now.

Councilmember Jackson: In your area of expertise here, the work that you do is animation, modeling, rigging, etc., it seems like it's a field that's growing really, really quickly and there's always new technology coming out and things like that. In applying for the job of mayor, if you were selected you'd be taking a year off from your career and it appears to me that you're very young in your career, so how do you think that that's going to play out for your future?

Mr. Gee: Well, I've actually, and I've mentioned to Councilmember Liddiard, that I have a really nice job right now, and I've talked to them and they think that it's a great thing that I'm, the desire that I have to be mayor, and they've given me the go-ahead to pursue this, and they, they think it's a great thing that I'm doing, to try do a civic duty, and so they're completely open to it.

Councilmember Jackson: Sorry, but open to it in that they're going to welcome you back in a year, or . .

Mr. Gee: Exactly.

Councilmember Jackson: OK, just wanted that clarified.

Mayor Strouse: I find it fascinating that you were able to go over to India and work with the different people, and the training. Was there any particular language barriers or cultural paradigms that were a challenge that would help us see what special skills you bring to the table?

Mr. Gee: Well, first of all, pretty much everyone, well, and that's kind of a misnomer, as well, but most people do speak English. There is a language barrier because it is slightly difficult to understand, at times. But you do have to have patience and be able to overcome that. As a cultural differences, that did play a big part. Again, the background that we had with the art-type stuff is very subjective and you have what we might think looks good, they might not think, and it might be completely different. And so you have to be able to communicate those ideas and overcome those different cultures that we have.

Councilmember Liddiard: If selected, you will deal with the transition from your current occupation, where you manage a few, to manage quite a few and a technical shift from 3D to [sounds like SKAY-ta] to engineering of, you know, megawatts, decatherms, and a variety of other things. How do you propose to accomplish such a disparity between those aspects?

Mr. Gee: Well, I believe that the unique experiences that I've had in such a subjective matter, or subject matter, with my philosophy in different types of management, I believe in not micromanaging and that I believe the city has paid professionals and heads of departments who know what they're doing. It's good people like Ifo, who has really great, unique ideas, and I believe that in consulting with them, that that's the best way to manage and to be able to come up with different, unique ideas to, like's been mentioned, we have challenges of growth, which I also think is a big success for the city, but in dealing with these heads of departments, I really believe that, in not micromanaging and allowing them to do what they do best, we can reach the potential that, that Eagle Mountain has. And I really believe that my background in that very subjective material that we have to look at, I really believe that I bring that to the table, being able to do that.

Mayor Strouse: I've enjoyed working with Ifo, also, on improving our city website, which he has a lot of enthusiasm for and brings lots of great ideas to the table, along with some of the other employees, our

website, economic development, which is, you know, a real strong suit there for Ifo. What do you see as a major goal we should have concerning economic development?

Mr. Gee: Well, along the lines of what Ifo had mentioned, I believe that we do need to bring, come up with more unique ideas on how to bring more commercial ventures here. Like he said, they have Wal-Mart and other businesses coming nearby, and like he said, we compete with them, and I believe that, not just big stores like that, but I believe that there's other unique ways that we might be able to bring different commercial ventures out here. And again, that's something I believe we can brainstorm with those who are department heads and be able to come up with those different ideas.

[Approximately the last six minutes of the tape were silent.]

Next tape:

. . . staff, who have been very helpful, and the citizens of this city, distinguished candidates, I am Shawn Clark, and in two days I have my 37th birthday, and I have come to the realization that I am losing the battle of hair on my head and roundness of my belly. Many members have raised their hands. But I'm sharp of mind and quick of wit and I am grateful for this opportunity to stand before you today, and I have brought verifiable credentials, should you choose to look at them. What are your questions?

Councilmember Jackson: I have one quick comment. As you are a tall man . . .

Mr. Clark: Bring the microphone up.

Councilmember Jackson: . . . take the microphone out and hold it close to your mouth so that we're sure that everyone in the audience can hear you. It is a problem that we have often.

Mr. Clark: Mr. Rogers brings the microphone waaaay up. There we go. Further questions?

Councilmember Jackson: I don't mind starting. My questions, as I see some of your credentials are dealing with time in the Army Reserve, my first question is, as an Army Reservist, are you Mday or are you, you know, an active duty Reservist, or what?

Mr. Clark: Gratefully, with a smile on my face, I have completed 22 months of active service, so my mobilization clock is packed. I'm not required to go and play soldier any more unless I so volunteer.

Councilmember Jackson: OK, and still, my question is still, are you a weekend warrior type?

Mr. Clark: Yes.

Councilmember Jackson: My husband is an active duty soldier, so I know the terminology being Mday or Reservist, or . . .

Mr. Clark: So one weekend a month I would participate.

Councilmember Jackson: Great. And do you still have a two-week training?

Mr. Clark: It depends. As an officer, I'm allowed to allocate different time to, when it better suits my schedule.

Councilmember Jackson: OK.

Mayor Strouse: So what do you see as the, maybe the three or four strong suits that our community, our city has, that we can utilize as we move towards our future?

Mr. Clark: As we move towards our future, well, I've got three very opinionated, mouthy children at home, one who's six months old. I'm working for their benefit, in all honesty. Independent of how long a person has lived here, I hope it doesn't reflect on how dedicated a person can be. Old-timers and new-timers, I've only been here a year and a half, I believe that my sentiments and feelings are the same. I want a safe place for my children to grow. I need that. I need ballet for my children, my daughters. If I don't pay for ballet, I'm gonna go crazy. I need healthy schools. I need roads to travel on that are well-paved. I need community events that I can pick and choose which my family participates in. I need those for my family. And I made a conscious effort to move here because of that.

Mayor Strouse: Do we have another question?

Councilmember Lifferth: I'll ask a question. Looking through your resume, with a distinguished career in the military, you obviously work in a very politically-charged environment.

Mr. Clark: Absolutely.

Councilmember Lifferth: And many people can tell that we have a lot of egos and elbows on the Council. What can you do to work with people with different viewpoints and agendas to get us all working for the good of the city?

Mr. Clark: In my line of work in the military, I build airplanes in the sky. If you understand that analogy: hurry up, get the airplane up, and while we're there we'll get the wings on. Through my education, through my training in the military, Six Sigma, they've made us go through every stinking course, Briggs-Meyer testing, understanding personalities. Being able to communicate effectively with the people you need to, it is of vital importance. In my line of work, lives depend on how well I can communicate. And in all honesty, maybe not at gunpoint, but here at home, my children depend on how well I can communicate, how well you can communicate, and if we're not doing it, then no matter how great of minds you have, we're not going to get anything done. All you have to do is turn on C-SPAN to see that happen.

Councilmember Lifferth: So communication is primary.

Mr. Clark: Effective, well-trained communication.

Mayor Strouse: What is your perspective on the open space issue?

Mr. Clark: Open space issues here in Eagle Mountain pose as opportunities, in my mind. You have asked questions of what is the legacy that I would leave in thirteen months? If I did it right, they would be seeds of opportunity. Not grandiose monuments to my great name, but they would be seeds of

opportunity for further economic growth through development, picking and choosing, as we should, what comes into our community.

Mayor Strouse: Do we have another one?

Councilmember Liddiard: Can you describe some volunteer or service-related activities you've provided to your community and what you have learned from that?

Mr. Clark: One very special one to me, I was invited by the LDS Church a few years ago to participate in their temple dedications in various parts of the world. In the LDS Church, we have a tendency to make the people that are a general authority or prophet into stars or public figures that we hold in great amazement. I had a opportunity to work with these gentlemen on a day-to-day basis, personally, and I understand that they put their pants on the same way that I do. It taught me a great lesson. It doesn't matter what the title is on my little plaque in front of my desk, or what rank I have achieved, if I'm not able to communicate, work effectively, participate wholeheartedly, then I'm not of worth for that situation. It taught me a lot.

Let me fill in some dead space. That's my green light. I've given birth to an elephant. At \$19.2 million, it was a budget that I was, the General turned to me, fired my boss, and said to me, "Young Second Lieutenant Clark, who has this much experience with budget, go forth and conquer and come back in one week and give me some answers." I gave birth to an elephant. That was monumentally difficult, stressful (which is where most of this came from), and great lessons were learned. Details matter. Minute details matter. Especially in public office. When you hold a stewardship for the public, minute details matter. Conducting yourself with complete transparency, but understanding when privacy is needed. I'm running out of time.

Councilmember Liddiard: I was going to ask you a question in regards to a reference you made in that you're working towards a master's degree?

Mr. Clark: In my spare time. While being a parent, while working for the military, I've felt confident with my education so far. But my master's is on my terms. And as I pick away at it, when time allows, larger or smaller chunks get taken away and bit by bit it will happen. And I'm comfortable with that.

Councilmember Jackson: Do you currently have a job, and what is that?

Mr. Clark: I'm a dad right now. I'm done. They've given me three months off. How nice of them. I am financially responsible and secure and graciously taking that time.

Mayor Strouse: So I guess the last is, what would you do differently as far as what you've learned about city issues, as far as, well, let me give you an example: the challenges we have with the complexity of having several development codes and having two sewer systems, for starters. How do you see that?

Mr. Clark: Would you like me to answer that?

Mayor Strouse: Briefly.

Mr. Clark: Does anybody else have a problem with me answering that? To be fair. OK. Complexity is no, I mean, it faces every one of us with every job we have. Again, the details. If you're aware of the

details. Making those decisions. There's a formula for making decisions. Needs vs. wants, what's best for ourself now and in the future, leveraging the future to pay off the past. It does beg further study, but that's, that's a general answer.

Mayor Strouse: That's very good. Thank you very much.

Mr. Clark: Thank you for your time. Thank you.

Ms. Peterson: Don Richardson.

Mr. Richardson: That's one of my things, is I have to usually bring the microphone down, but that's OK. My name is Don Richardson. I grew up in Saratoga, California. Our family moved here, my parents and eleven children, in 1979. Made Utah our home. I've since completed a degree from Ricks College, now BYU Idaho, in General Business, with another degree later on at BYU Provo, I guess you could say that, fair game, in Business Management, with an emphasis in Finance and minors in Accounting and Economics. I'm currently a commercial banker. We work with a lot of developments, which we do a lot here in the city. I'm the guy that gets to fund them, which is a lot of fun. We look at their budgets, we look at the codes that the cities, the bonds that are required, we work with title companies, we work with a various amount of different groups that are involved in making a piece of ground a place that can be inhabited by families. Eagle Mountain is certainly a place where that is happening currently, and at an accelerated pace. In the future, if you put your trust in me as a mayor, I can see where my management skills, as well as my background in finance, my people skills of listening and finding out what is actually happening. A lot of companies will say, "We're struggling," and they'll hire a management group to come in and work with them. This management group will actually go to the employees and say, "What are you doing?" and that's where the listening comes in. They come up and formulate a product that they give to the company. The company's not struggling any more. I believe that Eagle Mountain's, one of their challenges right now, is to have a vision. I believe that we need to have a vision for a year, I believe we need a vision for five years and then the future. When we have a vision, we're able to not have the tiny little things mess us up that we trip over, but we look at the long term. The ability to look at the long term and make proper decisions. The ability to make financial decisions that will add upon each other, because there is a long-term vision. And I believe that can be done by the mayor, the city administrator, as well as you. And it's a cooperative effort. And I think that's very, very, very much possible. I live here in Eagle Mountain in the Anthem area that is now Highlands, with my three daughters and my beautiful wife, and they're ages 7, 5, and 2, and they're just a lot of fun. As I opened up my little folder today that I borrowed from my wife, I found this, "I love you Mom, Dad, Anna, Sarah and Deborah," and what a great comfort that is. But this is why we're here. In Orem, we didn't really have a place for the kids to play. Here in Eagle Mountain they have a variety of kids to play with. I'm here that there will always be kids for them to play with, and I'm here to make Eagle Mountain what it should be, also. I'm here to be able to make Eagle Mountain soar like it should. There's a lot of negative press out there right now. There's a 90-year-old man that comes into the bank and asks me, or tells me what the latest news is on Eagle Mountain, and it's fun for him, and we chat about it. He asked me one day, he says, "Why did you move there?" and it's because of you. It's because of you. It's the people here. What's the greatest accomplishment of this city? It's the people. I'm open to questions.

Mayor Strouse: You just answered my first question: What is our greatest resource? Thank you.

Councilmember Liddiard: We talked a little bit about some of your previous management experiences and some of the things that you'd worked on and we talked a little bit about a couple of other things related to your current profession, and my question's kind of a broad one, so you can take it how you will, but it has to do with bond rating and growth and sustainment. We're currently in a growth phase. We're enjoying a growth phase when other areas of the country are not. So, we're somewhat insulated, somehow, from some of these market forces, and yet we rely on growth, but we need to be able to succeed at times where we only have sustainment. So my questions are, do you have any advice in those areas, and in specific, how can we improve a bond rating?

Mr. Richardson: Let me go with the bond rating real quick. What we do here and the news that comes out about Eagle Mountain will affect your bond rating. If we have negative coming out about Eagle Mountain, that affects our bond rating. If we don't fiscally manage the city properly, that affects your bond rating. And so, to answer that question, what we need to do, again we go back to that vision, where do we want to be in the next five to ten years? In the next year? What are we doing to obtain that? What are we doing with our financial resources to be able to save up for a sewer system? What are we doing to prepare that with grants? Any type of thing that we are looking for to do, we need to be preparing. Now this is an outward sign that comes to the people that are out there. The outward signs are, there's positive growth, there's a city that is actually planning a sewer system that will work and that will work in the future. It's not money that's just wasted that can't be worked on. That there's a gas line that's prepared to sustain that growth. That there's electricity that we can tap into that will sustain that growth. The bond rating will depend on how well we manage our resources here. Are there any, did I answer that for you?

Councilmember Lifferth: Well, Don, I feel like our roles have been reversed. This time I'm sitting on the podium and you're out there. Understanding what you do for a living right now, what do you think is the proper relationship between elected officials and businesses that are conducted, that affect the city?

Mr. Richardson: Ask that one more time, or rephrase it for me.

Councilmember Lifferth: OK. What do you believe is the proper relationship or role between elected officials and businesses that are conducted within the city?

Mr. Richardson: You have to be very careful. If you're a businessman and you're the city, you have to make sure that your roles are ethical and properly placed. You need to make sure that everything is above the board and honest. If you're working with a contractor that's providing city services, those things need to be worked out properly so it's a win-win situation, as well as that the ethics involved in working with the city are kept and maintained and, again, this is in honesty, gifts, anything to that effect.

Mayor Strouse: So, with your background, can you give us a perspective on how important it is to do audits in the city, and why we do audits?

Mr. Richardson: Audits are a great thing for measurement. One, it looks and says, "Where are we today, as opposed to yesterday? How are we achieving our goals?" Audits also help us with the ability to say, "OK, is everything in checks and balances? Are we spending our money properly? Are there anything that's going on at that time that needs to be checked out? Are monies being, what's the word I'm looking for, are the monies actually being spent the way that they were allocated?"

Mayor Strouse: Very good.

Councilmember Jackson: OK, Don, being that you work in finance and you currently work at Central Bank, and it also says that you work with Aspen Home Loans, so you are a commercial loan officer and you do mortgage broker at the same time?

Mr. Richardson: We put those together so that we didn't use as much space, but I was a commercial broker before that, and then I got into commercial banking, so I'm not currently with Aspen Home Loans.

Councilmember Jackson: Great, OK, that confused me a lot. The next question, then, is that, you know, when you are in a loan officer experience, especially with commercial banking, it's a very, very competitive area, and to be able to manage a family on that type of budget, it's really important to be there, so are you intending to take, you know, if you're appointed, are you intending to be appointed for a year and then run for re-election, or do you have a way of getting back in and not losing the ground that you've really lost?

Mr. Richardson: It's a good question, and that's been asked before. Like any position or job or anything else, it ends in a year in this case and we'll see how it goes. How well have we been able to accomplish what we've got? The next, in the next year it will be an election. Will the people like me? Will you like me? Have I accomplished the things I've wanted to accomplish? And if it's been a great experience for us, then we'll probably continue on. If it hasn't been, then there may be another person that's ready to step up that will fulfill those shoes a little better, and I would say that's a little honesty there, but it's also reality, and just to point out there, I think that it will be a very good year.

Mayor Strouse: Thank you very much.

Mr. Richardson: You bet.

Ms. Peterson: Michael Edwards.

Mr. Edwards: Good evening. I appreciate your time here. A brief introduction about myself is, I'm Michael Edwards. I moved to Eagle Mountain probably about three years ago, after I graduated from BYU. Prior to that, I grew up with my father. He was a military man, so I moved across the country and lived in Europe for a couple of years. I grew up a lot of number of years in Florida, small towns, big towns. I will be honest: I have no experience in large economics of how a city is run. I am not going to be able to sit there and say I know the ins and outs of bonds. I do have the experience and knowledge how to interact and deal with people who have those expertise and make the decisions. I am now employed with the State and I work there. I know my resume is kind of short because I didn't want to put a lot of tidbits of, "I worked and managed this store and spent this many years in college." Eagle Mountain, my wife and I have chose to be our home. Since the beginning I've come here and we've talked about it and I want to be involved, and I plan to be involved. This is our home. It's the home of my children. So my outlook for Eagle Mountain is for that benefit, is for all of us. This is a beginning town, it's growing rapidly and, in my opinion, it needs strong leadership and I believe we have a lot of that strong leadership.

Councilmember Liddiard: Your application was marked in one special way, in that it, contrary to most politicians, was marked with brevity. Could you tell us a little bit more about, possibly, your current

role in the State of Utah, what you do, whether that is managerial in nature, financial in nature, what aspects you have that uniquely qualifies you to be the next, greatest mayor Eagle Mountain has ever had.

Mr. Edwards: I don't think I'll be the next, greatest mayor, being it's a year, however, I've gone about five years working for the Department of Corrections. I interact with individuals, both on an individual level and as a team player. I deal with incidents daily, ranging from the, what we would consider irrelevant, to intense situations. I'm able to sit back, evaluate a situation, and I'm also able to listen and rely on the expertise of those that I work with.

Mayor Strouse: Do you have any special ideas on open space and what challenges we have there?

Mr. Edwards: On the open space, I kind of look at it two-fold: One, we're a small town. We need to try to capture and keep some of that so we have that for part of our legacy. People moved here for a small town. We need to separate that and put forth our parks that you guys have been working on. We also need a plan for the future, and we all have mentioned growth. That's foremost on people's minds. But I've also thought about our children. We have a huge population of children and they have nothing to do. We have small programs here, small programs there, but there is nothing to do. School's out. They're running around. In my opinion, we need to establish programs for them and this great vast resource we have of property, we need to decide both for economical growth and sustain what we have and what we want and to plan to help prevent further issues and problems down the road. We need to provide resources for our families and our children.

Councilmember Lifferth: Excuse me. Michael, you ran for mayor in the last election and you're seeking appointment tonight. One of the things that we definitely need in Eagle Mountain is continuity. As mayor, if you are appointed to this, do you intend to run for mayor and serve out a full term in office to give Eagle Mountain the continuity that we need?

Mr. Edwards: At this state of mind, yes. After a year here, I might be chewed up and spit out, so this is, like I said, this is my home. I plan to stay and I want to see it and in my plans, yes, if it's something that I perceive it to be and I can benefit the community, I plan to.

Councilmember Lifferth: Thank you.

Councilmember Jackson: Michael, to be honest, I know you ran for mayor last year, but I don't recall seeing you at a lot of different Meet the Candidates nights, so my question kind of has a two part to it: If you didn't put a lot of time into showing up at a lot of those various functions, what makes us think that you can show up to being the mayor now, and secondly, and then the second question is that, in the election, you received two votes from the populace, I verified with our City Recorder today, and so why should we, as a council, overturn a decision that was made by the residents?

Mr. Edwards: Not to debate you, and not that 27 is bigger than two, but I was also, I ran on my own. I had no backing, no funding, no whatsoever. One of the biggest attributes I bring to this is I have no political debt. I can run, I can be here, and I can work for the people. I don't owe anybody. I'm not in debt to them, saying, "OK, I'm gonna do this and get elected." I went to all the meetings I knew about. I was not able to go to the primaries, so that kicked me out of a lot of the "get to know me."

Councilmember Lifferth: I would like to follow up with that and just ask Gina to verify those two different totals. Was it 27 or was it two? I need to know.

Ms. Peterson: From our canvass, we had two, but I can . . .

Mr. Edwards: From the information I received after the vote is what I'm going off of, after they were all tallied. But that was my, if I may, that was my first step in the water, you know. I had, it was my first attempt.

Councilmember Jackson: Do you mind me asking one more?

Mayor Strouse: Go ahead.

Councilmember Jackson: So a follow-up to that, with your interest in the city and getting your feet wet, I know that we have had at least one candidate that ran for office this last year that has made it to almost every City Council meeting, because that candidate is very interested in making sure that she is still involved in the city. And I, have you attended any meetings since?

Mr. Edwards: I have been to about two. I have not voiced and stood up. I work and which, would eliminate that if I got this position, I work and the Council meeting is on the nights that I work.

Councilmember Jackson: OK, thank you.

Mayor Strouse: President Abraham Lincoln lost, I believe, about five races before he ran for president. He lost quite a few. So, anyway, don't give up. Everybody should have a chance, so what do you see as the biggest challenge facing our city?

Mr. Edwards: I thought about that question and I listened to that. We all talk about the economics, you know. That's the biggest part. So put that aside. I see two additional. The children, and I talked about this when I ran the first time. There is no activities out there. There is not much for them to rely, fall back on. If we don't take care of that and help them, we're going to have further issues in our city with crime, inactiveness. What are they going to do? How is that, and we need to come up with ideas and programs that will help them reach out. They're leaving. They're going to be moving out. We need to protect them and provide for them. And another issue is image of our city. It's been given a lot of negative press, a lot of negative looks at. And within that I will hear a lot of division between The Ranches and the Town Center. I don't live in either one. I'm up on the hill by the power lines. So I'm kind of in the middle of it. Pardon my dry mouth. But I, I think we need to come across a way to unite The Ranches and the Town Center. I hear people that I work with and people I communicate with and they are disgusted. And I'm disappointed in that, because we have a great town here and we have so much potential and that's one of our biggest dilemmas we need to do, take care of.

Mayor Strouse: OK, thank you very much.

Ms. Peterson: Isaac Ha'o.

Mayor Strouse: She pronounced that perfectly.

Mr. Ha'o: Yeah. Good evening, fellow citizens and Council members. My name is Isaac Ha'o. Like every person here tonight, I am personally interested in the future of Eagle Mountain. For the last several years, I've watched and listened as our city has faced and overcome obstacles great and small. I

continue to support and sustain our leaders, elected leaders. They should know how grateful I am for their sacrifices. It is no secret that Eagle Mountain has made a name for itself along the Wasatch Front. However, it has not to be the most desirable reputation. I can recount an experience shared with me by another resident who said, and I quote, "While at the temple the other day, an attendant asked my wife and I where we live, where we came from. After telling him our home was in Eagle Mountain, Eagle Mountain City, the attendant replied, 'Oh yeah. Oh yeah, you're the people. Problems with the mayor.' In that tone of voice." My hope is that, as of tonight, the image of Eagle Mountain City will begin to change direction, halting that, what negative perception there may be of us. For whatever candidate you hire, his or her first priority should be to focus on the execution of the duties. An interim mayor who can focus himself or herself fully on their management duties will provide a greater service to the city over and above any candidate whose focus is politics and the city. Right now, this city could best benefit from a cooling period and the ideal interim mayor will act in a manner appropriate to achieve that effect, at least until the citizens can once again come to the polls and vote for a leader, a new leader. A good candidate will have some experience in management, enough to know when his direct involvement is required and when it is not. City employees are not, are not ignorant. They know their duties and should be allowed to perform them, as their work is vital and beneficial to us all. A good candidate will have some knowledge of people, enough to know when it is time to listen and when it is time to be heard. City Council members aren't ignorant, either. They know their authorities and responsibilities well. A good candidate will have a high degree of personal integrity, enough to understand that what rules that are in place are there to facilitate fairness and equity for all. All citizens, from private individuals to the mayor, are equally important to the health and success of Eagle Mountain.

At this time, I'd like to share my background and give some reason I believe I would be a good candidate for this position. My wife Kimberly, my youngest of seven children and I have lived here for six-plus years. We, like so many others, came here looking for new opportunities on new frontiers. Thus far, there hasn't been a dull moment on the home front. When I turned eighteen years old, I was drafted into the United States Army. I served from 1965 to 1984 in active and reserve duties. My duties included work in the Corps of Engineers and later I was commissioned a medical administrative officer. My experience was a great one and I will never forget the discipline and teamwork skills I gained from service. I graduated with a degree in Industrial Arts Technology from Brigham Young University, December, 1990. Later I completed a master's degree in Social Work from the University of Utah, which I now use in my chosen profession as a counselor and a mediator. My profession has taught me some important skills, such as active listening and consequence findings. In mediation, the goal is to move the focus from ego to find the real cause of the problem. If chosen, my focus would be squarely upon finding the root of any problem by using pooled talent and experience. There are so many people here and around who have a great number of talents. Even more important is that they are willing to stand up and be counted simply for the asking. As interim mayor, I would do my best to tap these valuable resources in the execution of my duties. I believe that a good leader listens actively and intently, also he is slow to make judgments. You can expect that I will listen first and speak only when I have something substantive to add. I hope that if I were chosen, every person would feel comfortable approaching me. In conclusion, I think that people who run for mayor should do so for the right reasons. They should have a genuine respect and concern for the community they serve. They should feel that they have something to offer to the community and are able to make a valuable contribution. The key to being a good mayor is to be honest, well-prepared and knowledgeable about the city and its various issues. Running a city the size of Eagle Mountain involves compromise and the ability to bring together individuals toward a common goal. A good interim mayor will be able to manage expenditures and revenue so that the city's citizens can get the greatest benefit from the public funds entrusted to his care.

I promise, I promise that if I am chosen, I will not lose sight of my duties. I will respect every opinion and listen before speaking. I will let the lawmakers make the laws and I will conduct myself as is appropriate. Thank you. I yield the remainder of my time for questions.

Mayor Strouse: What do you see as the greatest challenges right now, major challenge right now and where do you see us in five years?

Mr. Ha'o: Excuse me. (Trying to pour from the water pitcher.)

Councilmember Liddiard: We don't have a sword in the stone. It's the first person to pour water out of that thing that gets the job.

Mr. Ha'o: OK. Thank you. Would you tell me that question again, please?

Mayor Strouse: What do you see as our greatest challenge right now, if you had to pick one issue facing our community, and where do you see us in five years?

Mr. Ha'o: You have many challenges. I have a belief system taught by my grandmother. You need to be open to all people to all people to express themselves as such, whatever that may be. Because we are so different, individually and collectively, as people, we need to be given that opportunity to speak up and to say what is important to that individual or other individuals. This city needs to know that communicating is the most important thing in anything that goes on in life, as well as [?] has mentioned. You communicate at home, so you clearly have your children do the kinds of things they need to do. They need to know that they can be listened to, spoken to and cared for. This city, in my opinion, have been told that they're not good enough because of other things that have happened in the past by other mayors and I won't restrict it just to mayors. Our goal in this town, this great city, and I've said it before, in this great city, it is our opportunity to let each other be who we are. Of course, we have parameters, but if we choose to speak softly, kindly and caringly, most of the problems that are created will go away because now you have these individuals knowing they're cared, they are cared for, they are understood. So I think that's the most problematic that going on in our city. The great, we just have to change a little bit of things here and there. Thank you.

Mayor Strouse: Thank you, Isaac.

Ms. Peterson: John Malone.

Mayor Strouse: Hello.

Mr. Malone: Good evening ladies and gentlemen and members of Eagle Mountain. My name is John Malone and I've made application to fill the vacancy of mayor of our city. I'm doing this soberly, because I understand the great task that is at hand. I'm attracted to this city because of what it has to offer. I'm excited for what we've been able to do in the past and I look forward to a great future and building a legacy here in this valley that we can look back on as something that was made out of nothing and has come out to be something really beautiful. I understand we've got a few problems here and there, but you know, that's just life and I realize we can get through it and I would like to contribute as a mayor to get through this hurdle and to bring our city back onto the map as the place to live. I offer my services to you, and rather than give a long, lengthy speech, I've kind of stayed away from the evening

tonight so that I wouldn't be influenced by anybody else's comments, so I'll let you fire away and see what we come out with tonight.

Councilmember Liddiard: You have had an opportunity to participate in the city a little bit. Can you tell us a little bit about your management philosophy and things you do in management, and possibly what your role has been with the city in the past?

Mr. Malone: When I first moved here, one of the first things we did was start volunteering for some of the city services, and that was planting trees and, of course, the Pony Express Days. I volunteered there for two years. I put in a full day's, well actually two and a half days of solid work on those events, and that was just the start. I had a small managerial part there, because I was under the direction of other people who were running the show, but I had a team of people that I worked with to make sure that the, from my point of view, the facilities were working well. I know that it takes a lot to run a city and no one individual can do it all, and I believe that teamwork is the key to all of this, and when it comes to even the Planning Commission that I've been on, when it comes to the Pony Express Days, or even the service projects I've been on, no one individual can do it all. Now you may have one or two people that are in charge of it, that run the show, but even they can't do it all and don't have the knowledge to do it all. I feel, from a city's point of view, from a city management point of view, that even the City Council can't possibly know it all. And that's why we have excellent people to run and take care of those needs that we have and to fill the voids to make sure it gets done right. It's a team effort.

Councilmember Liddiard: Thank you.

Councilmember Jackson: John, I've had the opportunity to see you in action on the Planning Commission and I appreciate that service you give to our city. That's not an easy job to sit there. A question that I have, and this is mainly based on knowing your resume, you've shown that you're willing to work the minimum of twenty-five hours a week . . .

Mr. Malone: That's a commitment of twenty five. That doesn't mean that's the only thing.

Councilmember Jackson: I understood that minimum, and my question really is that it appears that most all of the other candidates are willing to work the job as a full-time job, and in my understanding of what you put forward, like I say, you're going to keep working the job that you're working, I understand facilitating different hours, and so your plan, my best guess is, that you would do this for a year and are not looking for re-election?

Mr. Malone: That is correct. I see this as a temporary opportunity to fill a void and to settle the city and bring some consistency and continuity from one elected mayor to the next elected mayor and, yes, I would keep my full-time job the way I have now, because I don't see that one year's time, if I took a leave of absence, in my technology, two months away from the job and I'm out-trained. You just have to stay on top of things. You can't get behind. I wouldn't be the first person or the last person to work two full-time jobs simultaneously. Because it is temporary, I have the mindset that there's light at the end of the tunnel next year, that I can get through this and be consistent and be productive at the same time. The schedules that I have, my work, the city's schedule, mesh on opposite ends and they collide on a day and a half. So there will be a little bit of an issue there, but I don't perceive it to be a problem.

Councilmember Jackson: And one kind of follow-up to that is, you're talking about consistency, and while you've sat on the Planning Commission for so long, I'm seeing you as a very consistent person there on the Planning Commission . . .

Mr. Malone: In the two years I've been on the Commission, I've missed two days, maybe three days out of that. I believe in commitment. It's important to me. I treat it with an honor. It is an awesome responsibility when you look at what's happening here. It is a voluntary position and I considered it a community service and I'm glad to do it, and actually I hope other people get an opportunity to do it, too. It's an eye-opener to see what's happening.

Councilmember Jackson: Thanks.

Mayor Strouse: I understand that you're involved in understanding the principles of the Constitution and you've been involved, I believe, in youth leadership. Can you tell us something about that and how your understanding . . .

Mr. Malone: I believe that everyone needs to have character, and sometimes that character's out of place, sometimes it's in place, but I believe everybody has to stand for something. And when it comes to the youth leadership, I believe that we need to train and teach and give opportunities for our young people to experience the leadership that they're going to need when they get to be adults. It's quite complex in the life we live and there's so many things bombarding us from left and right, up and down, even in your sleep. There's always something bothering you and our young people need an opportunity to prepare themselves for the future that they're about to embark on, because some day they're going to be right here and I think that giving them an opportunity to have positions of responsibility now, let them make the mistakes, coax them along, tell them where they went wrong, help them do it again and get it right, maybe not get it right, but at least get the experience so that, when they are adults, they can be responsible adults. I believe in living a life of principles, that as I listen to other people talk, I allow them to speak their mind. I don't like to argue with people. I like kind of keeping peace, but I like to collect what other people have to say, because you never know, what they have may be important and it might help me, because it may be something I don't know. It kind of gets back to that team effort deal. Not everyone, not even me, can know everything there is to know about being a mayor and I believe that I would rely on everybody else that I come in contact with to figure out what to do, what to do next. I believe in the principles of finding out what is true and acting upon it, regardless of whether or not it's popular.

Mayor Strouse: Thank you.

Councilmember Lifferth: First of all, I'd like to thank you for your service to the community. I should have mentioned the same thing to Richard: Thank you for serving the city on the Planning Commission. It's my observation that's probably the closest experience to being on the City Council, and I think both of you did very well while you were there. Real quick follow-up to a previous question by Councilmember Jackson. If you're only working as a part-time mayor, what salary would you accept as mayor?

Mr. Malone: I'm really not here for the salary. I really don't care what the salary is. I consider it another opportunity for community service. I already have a full-time job. I intend to keep that job. I intend to work my hardest at being a mayor, whether it's going to be the twenty-five hours or forty hours, or whatever it takes, I'm not concerned about the salary.

Councilmember Lifferth: So you would do this as a voluntary position, or would you accept . . .

Mr. Malone: If that's what it takes I, yes I would. And in fact, when I was a sixteen, no I was actually fourteen years old, when I was applying for a job, it's kind of a funny story. I went to a gas station. I wanted to get a job there and the guy was hemming and hawing and said, "You know, I wanted somebody with more experience." And I finally said, "Hey, I can do it. I know your equipment. Tell you what. I'll work for free for the first night." The guy hired me. I just, I just have a philosophy that if there's a job to be done, I can do it, I feel I'm strong enough to do it, if that's what it takes, so be it. I'm not concerned about the pay.

Mayor Strouse: How do you see where we were? I know you've been here a long time. Where we were regarding open space issues in the past and where we're at now?

Mr. Malone: That's one of the things that attracted me to the city, is the wide open spaces and, of course, the clean air and the, you know, the star light that you get to see. We're kind of in a, I think we're kind of at a standstill in our open space. There is a considerable issue that we have right now, because we've started a pattern and we're in the process of changing it right now. We're dealing with open space today differently than what we did four years ago and we have a difficulty trying to mesh the old with the new and trying to get our developers to be consistent so that we can make one neighborhood match another neighborhood. We've got all this open space that is, in some cases, an eyesore because it's underutilized or not utilized as well, utilized for trash, I guess you could say. It's just there and it's actually, you know, people are kind of getting upset with it. Eventually, we're going to need to do something with that. I agree that we need to keep it, though. It's important to have that, because that's one of what I call the natural resource that we need to maintain, because when it's gone, it's gone. And so I think our Planning Department has got their eyes on that. They are in the process of putting all of our open space on a map and trying to come up with a long-range plan to deal with this open space because it is a resource and right now it's costing us money because it's, it's just, it's a liability.

Mayor Strouse: Our time's up. Thank you very much, John.

Mr. Malone: Thank you very much for your time, and let me reflect back to you my appreciation for you, what you do for our city. Thanks.

Councilmember Jackson: Mayor, can we take about a five-minute break? We've been sitting here three hours.

Mayor Strouse opened the public hearing at 9:58 p.m.

Mayor Strouse: Yes, actually, I was going to do public comments and then suggest we take a break right after that. I've got one public comment, two public comments. OK. And for those who still feel motivated to fill out some of the forms, they should be out there on the tables. OK, Deslie Hardy, would you like to come up?

Ms. Hardy: Mine wasn't so much a comment. When I wrote it, I wrote it before this all started. I just wanted to say that I, too, am concerned. We just moved in and all of this is news to us and I was just offering myself as a volunteer to do whatever I could to help. That was one thing. The other thing is,

I'm really pleased with the candidates that we've listened to tonight. I think that many of them have wonderful backgrounds and things to offer. It makes me very hopeful for the future.

Mayor Strouse: Thank you so much. And I just want to say that we do have, one of the things we were working on with our web site was to put a place there for a volunteer board, so that citizens that are interested in actually being on this board or committee will actually help recruit volunteers for other areas in the city where we need help. We've had a wonderful volunteer base for so many years, a lot of them, I suspect, are very burned out. People, I can see many of them right in this room, that were involved in various activities from Pony Express Days to youth sports and so there's lots of places to put you and we really appreciate your willingness to volunteer for our community. OK, our next one is Casey Jones. And by the way, for anyone else that wants to fill out a form, they should be on the tables. Oh, they're at the door? Oh, OK.

Councilmember Jackson: Mayor, if they wish to make public comment, anybody that's here, they do need to fill out a form. Is that correct?

Mayor Strouse: Yes.

Mr. Jones: Madame Mayor, Council members, it's a privilege for me to be here tonight, especially after listening to the talks that I've heard. I appreciate the prayer and the Allegiance to the Flag tonight. I think it was a great start to this meeting. I better get this closer. My arms are too long. I think the first qualification for a mayor is honesty. Truthfulness to everyone that he comes in contact with. You tell one lie, it escalates. It goes to another one. You have to tell another one to cover up for that one. If you're caught in a lie, to me, that's the end of it. There's no, it's black and white, there's no room for, there's room for compromise, but at the end, everybody has to come to the same decision. I don't think that we need the "good old boys." That happens so many times, that, "I'll do this for you. I've worked for you for so long, now you owe me this." We don't need that in city government. We need people in city government who have no ties with anyone who's working with the city or has a business inside the city or has anything, or that even works for the city. I personally don't think we need those people in the city government. We do not need politicians. Our founding fathers that created the Constitution did so on a religious basis, not a simple church, not a direct church, but on a religious background. The Declaration of Independence was, as I understand, the spirit of the Constitution, and the Constitution is what we should live by. I think that all government, including the city, should be governed by the Constitution of the United States. Nothing else. That's why I was so pleased with the prayer tonight and the Allegiance to the Flag. We don't, my time's up? I appreciate you and my family does. Thank you very much.

Mayor Strouse: Thank you very much. Michele LeBaron.

Ms. LeBaron: Well, first of all, I'd like to ditto everything he said. That was very fabulous and inspiring to me. I think you have a very tough choice tonight. There were some fabulous candidates and what a great resource we have within our city. And I think it would be a great loss if, as a Council and whoever becomes the new mayor, doesn't somehow use all of these men and women in some kind of capacity, whether through an advisory way or on a council of some sort, a committee maybe. There's a lot of really great ideas and really great vision, I think, to offer for our city. Again, I just want to add to what the other gentleman said about hiring somebody who is not currently affiliated with the city. Not that they're not great men and have great things to offer, but for the sheer fact that I think we need somebody with an unbiased towards what's going on with the current issues of the city right now. I

think that would be in the best interest of our city and I just would like to say thank you for all of you for applying. I think that shows a really great resource within our city and thank you for all you do. Thank you.

Mayor Strouse: Thank you very much. Boyd Curtis.

Mr. Curtis: Thank you for this opportunity. I am a, I don't know how long it's been, since 1999 or 2000, eight/nine years, resident and I just wanted to say that I too appreciate living out here, I appreciate the people, I appreciate the open space, I appreciate a lot of things that we have and I think we have a great city. The residents especially, I really feel great kinship. In fact, my ancestors lived here in Cedar Fort years ago, decades. Anyway, I would just say that it is a, I guess we're placing this in your hands and I guess we don't have a lot of control over that, but I would say that, you know, we are looking for honesty, we are looking for someone we can trust and we want, you know, in fact I was even quoted in the paper once. I would just like to see a positive light for Eagle Mountain if it's in the paper. If we are in the news, I'd like to see positive news. In fact, I've even thought about starting a paper that would be the positive paper only. But anyway, on another light, I have seen some things, some developments with the park over in The Landing Eagle Mountain area that's going on and I have seen in the news that they've sent out in the utility billings that they are going to continue those developments. I applaud those efforts. My thought is, I believe that each subdivision should have access to a park without having to cross a major road, that a child should be able to go somewhere and be able to play to cut down on crime, future crime of the city. I don't see it as a big issue right now, but in the future of this city I do think we need to have good things for our children to be able to do and good open spaces that's utilized and I have seen those developments happening and I hope that they will continue and that some sort of monetary budget will be formed and continue to be formed and that they will go forward and not be stopped. That's just my comments and hopefully that my children will be able to walk to a park without crossing a major road and be able to play and be able to enjoy the great city that we do live in currently. Thank you.

Mayor Strouse: Thank you very much. Christine Hull.

Ms. Hull: I'd just like to voice my opinion that it speaks to his character that John Malone is willing to do this for free, however, I'd like to state my opinion that he's worth it. Thank you.

Mayor Strouse: Darren Jones.

Mr. Jones: My name is Darren Jones. I live over here on Heritage. I guess that's the modus operandi that we need to do. To say Eagle Mountain has had its share of mishaps and rough patches would be an understatement. Evidence of such, of this figurative carnage, is left by the nine mayors the city's had in the decade of its existence. This blight of the record is a symptom of the atmosphere that has been promoted and pervaded, that has pervaded our governing body since Mr. Walden founded the city. This influence and mentorship has exerted their damaging orchestration upon the unwitting residents for far too long. Such an influence allowed this atmosphere to exist, that our former Mayor Olsen thought it possible to perpetrate, without detection, the actions he allegedly did. As many of the appointees, or hopeful appointees, stated, the voice of Eagle Mountain residents need to be heard. We deserve a responsive city government focused on the needs and interests of its residents, not to be trampled underfoot by the outside interests and the wealthy who happen to have land to develop here. Personal, outside interests and agendas need to be placed aside and the business of its residents placed on the front burner. And many of the appointees, or hopeful appointees, voiced that, as well. Now, we don't need to

remain in fantasy with our knights in shining armor, rather we need citizens, we need someone grounded in sound management principles that is their own person with experience in handling complex issues deftly and is responsible and accountable to his actions, words and deeds. Eagle Mountain residents' voices need to be heard. I think with the fifteen that were heard tonight that you do have a hard decision upon this and that the caliber of these applicants are as, as far as we know, as far as we've seen, and as far as we've felt them with their talks and with their, with their information, I do believe we'll be amply provided for in that manner. Thank you.

Mayor Strouse: Thank you. OK, I think now we're going to take a five-minute, badly-needed break before we move on to our next agenda item.

Mayor Strouse closed the public hearing at 10:10 p.m., recessed the meeting at 10:10 p.m. and reconvened at 10:27 p.m.

Mayor Strouse: OK, it looks like we're at the point where we can [inaudible] OK, we're here to, the next item on the agenda is consideration and selection of a candidate to serve the partial, unexpired term created by the resignation of Brian B. Olsen. Now, we should talk a little bit about, do we want to do motion by motion, or do we want to do the top three, top five, and then go from there?

Councilmember Jackson: I think we need to just narrow it down to start with and top three is great. I'm agreeable to top five, too.

Mayor Strouse: OK.

Councilmember Liddiard: Start with the top five.

Mayor Strouse: We're going to have to have more ballots, yes? OK. I'm going to have, go ahead, Jerry.

Mr. Kinghorn: I would suggest that each of you mark, just sign your name by five, your top five choices, and hand those to Gina and have her . . . nice form. Looks like she's got a new form for you.

Councilmember Liddiard: Select five.

Mr. Kinghorn: And when you have those, hand them to the mayor, and then if the mayor wants to read those and see if there's three votes for five, the same five. Or mayor, if you want us to compile them and read them off, we'd be happy to do that, Gina and I.

Councilmember Liddiard: Where's a drum roll when you need one?

Mayor Strouse: Well, go ahead.

Mayor Strouse: As the suspense continues. You can hear a pin drop. While we're waiting, I want to make mention of how wonderful the staff is we have in this city. Everybody contributes so much to be part of the team. It's a real team effort. Many times we have stayed way, way late at night and many of them had to get up the next day for work, so brevity at Council meetings is something we seek after, but don't always achieve.

Councilmember Liddiard: Hey, Chief, I understand in the near future a fire truck's going to make a drive around the town. Would you tell us what the heck that's about?

Chief Andrus: You're absolutely right. On December 16th, Saturday . . .

Mayor Strouse: Are you ready?

Mr. Kinghorn: Yes, Mayor, the way this breaks down, we have three top candidates who have received an equal number of votes. One has received more than the others. One has received four and the others have received three, so you have three, you've narrowed it down to three candidates is what's happened, because you've come down with some that have one and some that have two, but if you do that you're going to wind up with one, two, three, four, five, six and I think your intent is to narrow it down, so I'd recommend that you take these top three. And those top three would be, for the next round of voting, would be David Blackburn, Don Richardson and John Malone.

Mayor Strouse: OK, congratulations. We have three.

Mr. Kinghorn: We could pass this around so you could see.

Councilmember Liddiard: That's what I was going to ask.

Mr. Kinghorn: Do you want to do this next round on another ballot or how do you wish to proceed?

Councilmember Liddiard: By motion.

Mayor Strouse: Yes, do I hear a motion?

Councilmember Jackson: I'm prepared to make a motion. Mayor, I move that we approve John Malone as our interim mayor.

Mayor Strouse: Do I have a second?

Councilmember Lifferth: Mrs. Mayor, I make a motion that we approve Don Richardson as our interim mayor.

Councilmember Liddiard: I'll second that.

Mayor Strouse: OK, we'll call a vote.

Councilmember Lifferth: Do we need to restate the motion?

Ms. Peterson: No.

Councilmember Lifferth: Yes.

Mayor Strouse: Yes.

Councilmember Liddiard: I need to make one little, brief comment before I do this, and this was a little concern that Don brought up to me at the break, is that his intentions are to complete working in his current profession in addition to capacities of mayor if he's selected, and in that regard, I would say yes.

Mayor Strouse (after some silence): Tough decision.

Councilmember Jackson: At this point my vote really doesn't matter. We can see the results. But in that sense, yes.

Mayor Strouse: Well, it looks like we have a winner. Actually, we have quite a few winners here tonight.

Councilmember Liddiard: May I make kind of a brief comment? I'll defer to Councilmember Jackson to let her make her comment first and kind of go that, unless . . .

Councilmember Jackson: That's great. The comment that I really wanted to make was simply this: we have seen such wonderful people come out and apply for this position, and we need you. We need you to be here. We need you to know what's going on. We need you to be involved. We don't want you to just go run scared now that you didn't make it in and not show up again. You guys have a wonderful example sitting right here in the audience of somebody that has lost an election and shows up at almost every meeting, and I know that she doesn't like the spotlight and all of that, but Donna Burnham is an incredible woman who did not take the loser's road and just go and put her head in the sand, and I hope that you will all follow the example that she has set forward for you.

Councilmember Liddiard: I'll echo that comment. Way to go, Donna. I have, I'm not sure that I want to use the term agonized, but I have spent so many hours talking to different people, specifically talking to the candidates and really find myself humbled and in awe of the association of the fantastic people that I got to visit with. I think at times, I was maybe painfully honest, maybe brutally honest, when I said during Mr. Blackburn's comments, "It's been the best of times, it's been the worst of times." It's true. I have lost sleep over the city, I have ignored my family because of the city and sacrificed a variety of other things, and my pains have been when I have been called by my regular employer to be somewhere other than here for Council meetings. I'm grateful to have been able to participate by phone and, but I think the positive attitudes, the outpouring of hope and the, just the sheer caliber of people that showed up and applied, I was very worried that we wouldn't get anybody. And yet, we have stellar people, not just in our community, but people who are noted in the county and the state for their accomplishments, their drives, their desires and have marked success in their past to be able to be where they're at, and I encourage and hope that they would continue to participate in community things, even to the extent of an ad hoc committee or special projects, however that may be, but my heartfelt, sincere thanks for those who have had the patience and yet waded through the trepidation and angst to be able to go through this process. It's not an easy thing to stand up and be counted in such a public process and to go through that meat grinder and so my compliments and thanks to each of you.

Councilmember Lifferth: I'd also like to thank everyone that's participated tonight, both by being here and by having the courage to put your name into the hat. I would like to echo the same sentiments. I was worried that we would not get anyone that was willing to do this because of the high profile meat grinder that it can be. I appreciate each of you, I appreciate your statements tonight, your love of the community and your desire to serve. I just want to thank each of you from the bottom of my heart for trying to make Eagle Mountain the best place that we can make it. Thank you.

Councilmember Jackson (to Mr. Blackburn as he returned to his Council seat): I was going to say, "Welcome back." We're glad we don't have to replace you.

Councilmember Liddiard: Man, it's sure good to see you.

Councilmember Blackburn: Yeah, yeah. I think that it would be appropriate for everybody here to stand up and applaud the people who came and applied tonight.

[Applause]

Councilmember Blackburn: I've also done some interviewing, soul searching. We've got a great group of people hoping to be mayor. We've got a great person with, I think, their heart in the right place to be a mayor. We've made mention before of anybody who tosses their hat into this tumultuous ring, that you are marked. Your names are on file. We all have your addresses, we all have your emails, we know where you live. You have a clear background check. You're going to be called to action. You enlisted and you will be used. Thank you.

Mayor Strouse: I would echo the other sentiments that what a fine reflection on our community, all these different people coming forward, willing to sacrifice. I don't say sacrifice lightly. It really is in time, in energy and from family, but it's for a greater good and it's a noble cause, starting this city from scratch and it's just, I could go into, you know, how grateful I am to be part of this community and what a special place this is. And I also want to comment on Dave Blackburn, Councilman Blackburn. I'm really pleased to see you still on the Council. As much as you certainly were a wonderful candidate, we're pleased to still have you with us. We look forward to working together and working out things for the benefit of the city in this next year. And then, watch out. Three Council positions open, one mayor position opens. It's going to be fireworks.

Councilmember Liddiard: I'm sorry to take a second bite at the apple, but having talked with my friend Blackburn here, I will dispense with the pseudonyms, but he, through an arduous process, was willing to throw himself in front of a train here, and is a man of marked talents, and a tremendous individual, so I'm deeply grateful for him and his services.

Ms. Peterson: Mayor, so the record will show by unanimous vote that Don Richardson will be the newly appointed mayor, we are prepared to administer the oath of office this evening at the end of the evening, if that's OK with Mr. Richardson.

Councilmember Blackburn: Can I cast a vote, or is it too late?

[Laughter]

Mayor Strouse: We actually have a next order of business that some of, I know a lot of the staff and especially the Chief, is anxiously awaiting, and that's a budget motion in regards to our budget. OK, we are going to have the Chief give a short presentation. This is the 2007 budget amendments.

Chief Andrus: Members of the Council, as you received your packets with the background on this budget, I will go through the PowerPoint with you, if you don't mind, because Peter let me down, not having his machine, so I had to do it with the white copies. I apologize to the residents for not having it

up on the wall, but we've got several needs here as the Fire Department. I'm actually asking for four different items. Three are based on one type of amendment. It's all one amendment, but the other one is kind of a reach. We've never done this before and I needed to run this one by the Council and see if you were in favor of doing so. At Station Two, we have the floor drain that basically goes to nowhere. We actually have a hole in front of the station. This was found because the pipe backed up. It's not hooked to any system, so the first recommendation is to try and get some money to get that hooked into something, be it a sump or a recommendation or ideas that I got from Public Works that this, in one of our staff meetings was that we put in like a tank that they could pull out the hazardous materials and still have like a sump that would drain off. But right now we have a dead-end pipe that basically lays out in the open in front of Station Two up in The Ranches, which is kind of frustrating. So I'm asking for the cost of the tank and the rock, and the plan was that it would be installed by Public Works, would be approximately \$1500 for the equipment needed and supplies. Moving on to the next page, . . .

Councilmember Blackburn: Chief Andrus, I'm sorry, in the repair of that floor drain, do the station plans show anything that that should have been connected to that we, as a Council or city, should be able to go back to the builder?

Chief Andrus: I don't have that detailed of plans that I'm aware. When I brought it to the, into staff, it was, pretty much everyone was kind of surprised. It almost appeared like it had been potentially cut when they put through the gas line, but that's unknown whether that, in fact, was the case or not, Councilman Blackburn, but the issue is, I really feel we need to get that remedied. It's really comparable to an open sewer, if you will. I mean literally, it's everything that washes off the truck literally lands out in that hole, if you will, in front of the station and the kids walk by there coming home from school and I don't think that's a very good thought or example to the city, so I am asking for the \$1500 for that. The other, the next item that I'm asking for is to help repair the parking of the north building of the Public Safety Building. When we sold Telecom, we also sold most of our parking at the Public Safety Building. In fact, we're pretty much tied to parking in the red zones, which really isn't a very good example and it leaves the customers to park in the mud bog. We did, the city has brought in some gravel, but what we'd like to do is fill that in and then put the gravel back down, bring in some clay and put the gravel back down to where we could actually use that. Jerry was working on the agreement with Mr. Walden for leasing that property, continuing to lease it like a dollar a year, that we were doing when the buildings were there. I understand where the big hole is is basically where the previous Council chambers were located and when they removed that, the plan was to turn that into a parking area, but we've never really had any finance or any money in the budget line or that I was aware of to make this repair to where we can actually have a functional parking lot. We'd also like to make a ramp or a stairway up to the entrance from that way. The deputies could actually come in the back door rather than having to tromp through the front door after patrol and some of the high-speed foot chases they were on and things get tracked in where this would give them a lot shorter route into their offices and their, to do their phone calls and other police business. I would ask that we, for this one we felt that, there again, the recommendation was from Public Works, whatever it takes to do it, so I'm asking for the \$1500 for the fill and gravel and then the \$800 for the stairs.

Mayor Strouse: Is this repair of the heating system the one that was messed up by the bird invasion?

Chief Andrus: Yeah, and we actually have a, unfortunately, the trailers, we didn't realize it, but we have a bad motor on one of them, but we were, we've done everything we can to be the Humane Society of the Fire Department. We've had nests in our heaters that were outside the Public Safety building and thus, if anyone understands carburetion, you have to have air to heat it, and basically the birds have

blocked off the vents to where the air comes in. So that was part of the fix but the other part was having the gentleman come out and do that check and then also found we had a bad motor, so I've also asked for \$300 for that, the repairs for the heaters of the public safety building, as well.

Mayor Strouse: Yeah, we can't put screens over those.

Chief Andrus: It actually had screens. Those are pretty, they actually have little, I was there when he actually pulled them off and they're pretty sneaky little birds because it only has like a crack and they got in there and was able to build their nests, so it was actually, it actually was fairly well covered. In fact, you couldn't see the nests from the outside, other than a few sticks sticking out. They were actually compacted all the way up into the vent pipe.

Mayor Strouse: I made a suggestion that we build at least one or two small houses, because they like to be higher up.

Chief Andrus: These actually weren't swallows. I thought they were swallows. I thought it would be filled with mud, but when he finally pulled it out and when he finally got the heater going, it smelled like a brush fire. These were actually like a robin and other birds. I don't go into the Audubon Society, but they didn't look like swallow nests. And so those are the three things that I'm asking for for the Fire Department's budget to do some building and grounds repair as maintenance, and that total, I believe, is \$4100. The other thing that I'm asking for . . .

Councilmember Lifferth: Mrs. Mayor, can I ask a math question on this?

Mayor Strouse: You bet.

Councilmember Lifferth: I see a total of \$4100. I don't see how we get to that with the two budget items that we have.

Chief Andrus: \$1500 for the temporary tank and sump, \$300 for the heating system, \$1500 for the public safety parking and \$800 for stairs.

Councilmember Lifferth: OK, I may have had these in the wrong order.

Chief Andrus: I apologize. These are hot off the press. I'm surprised your hands aren't burning from coming off the printer.

[Tape was silent for 14 minutes.]

They've asked for the city, basically, it appears to be almost like a loan, because it's a \$15,000 loan to put in high-speed interconnect and then the way the LEPC works is they don't really have a budget, but they live on grants, so they need the cities, basically, to front them money and then repay them with the grants. Other cities have participated in this: Provo, Orem, Saratoga Springs. Eagle Mountain, in the past, has not really participated in this. I've had LEPC ask me at one of the recent meetings if I would take this to the mayor and see if they'd sign off on it, and little did they know I had to make more than just a presentation to the mayor. I had to present it to the whole Council for this, but it's one of those where we reap the benefits from the LEPC and I would like to also recommend that we do this and it will be 100% repaid from a grant from the LEPC.

?: In what time frame?

Chief Andrus: That I don't know for sure. It's, it should be in this year's grant, so it should be a fairly quick turnaround was what I was told.

Councilmember Blackburn: \$15,000 seems pretty steep. What all is involved with this specific high-speed interconnect?

Chief Andrus: I apologize. Most of the paperwork I got from them was like a paper kind of explaining. I think I added it into your packets. I apologize if I didn't. It's basically talking about the high-speed connect, interconnect grant and they would like, basically, to have us front the money and then, once we've approved fronting the money, they purchase the items to get this installed so it's started throughout more of the county, and then they would replace that \$15,000 with a grant. And, like I said, we've never done this before. I was a little taken back with the amount they were asking for for the first time. You like to kind of crawl before you have to run a marathon, but that's what they presented and asked me to present to you. So I apologize for, but I believe I, I thought I threw this in, had this put into your packet. I may not have.

Councilmember Blackburn: Is this interconnect grant something that Cedar Fort or . . .

Chief Andrus: It's basically based on the LEPC and their, which is the whole Utah County. So the grant may, it may not be specific to just Cedar Fort, but we may benefit from it, as well, as we have with other things that the LEPC has purchased for us and we haven't really had to step up to the plate.

Councilmember Blackburn: So if it's a full grant, that obviously alleviates some of the concern, but just the cost of spending \$15,000 is kind of steep for something when we know how much we can get for fifteen.

Chief Andrus: I don't disagree. That's why I presented it to you and, if your answer is no, then I go back to the LEPC and say, "Try another city. We didn't want to play," but I'm doing what they asked me to do, so I present that to you ask you to . . .

Mayor Strouse: For clarity, so everybody will understand, what does LEPC stand for?

Chief Andrus: The Local Emergency Planning Committee.

Mayor Strouse: OK, so in this, so this is all related to the having a, like a base camp for emergencies?

Chief Andrus: LEPC, obviously, is where we get a lot of our hazmat response equipment, our terrorist equipment. A lot of that stuff comes through the LEPC grant. We also, obviously, got a brush truck from them that didn't cost us a penny, so I felt like, with they were nice enough to give us a brush truck, I'll run this by you and see. And, please understand, it isn't a quid pro quo. This is one of them where we received that free and clear. They just asked if we'd just run this through our budget, just like the other cities that participated.

Mayor Strouse: So this is like the paramedics grant that we, that we got, where they, it's almost a 100% guarantee that you get it.

Chief Andrus: Yeah, yeah, yeah. If they hadn't told me that, I don't think I would be here, but they did promise that it would be 100% return or otherwise I wouldn't have come begging for this one. I've got others that we needed to get on the amendment, but they weren't available to get in time, but this . . .

Councilmember Jackson: Chief, I'm not a good firefighter, so help me out here. What is this fiber optic high-speed connection? I mean, what's the purpose of it? What is it specifically supposed to do? I mean, I understand generally what a high-speed fiber optic thing is, but I guess what I'm trying to figure out is, how does that benefit our Fire Department?

Chief Andrus: Part of that is, is in the new communication process, we're in the middle of further communications for the Fire Department and Public Safety. As a whole, they're looking at changing because they've got some real problems with the cell phones. When the Olympics came through, everybody thought that 800 megahertz was going to be the fix-all, and now they're looking at they're going to have to reband, to probably put us in the 700 up to 800 band, due to the problems with the cell phones and all that, so some of the high-speed interconnect, I believe, will help us across the board in some of that transition. But don't get it confused that it's totally tied to the rebanding.

Councilmember Jackson: So is this to give us a backup method to communicate, basically, or what? It's our primary?

Chief Andrus: No, it's to maintain our primary. Sorry, I about ate that. But, yeah, it's to maintain the primary. And we'll be rebanding all of our radios that are 800s at this time. That includes the handhelds as well as the mobiles that we put in the units. They will be rebanded to the 700 range is my understanding. This, supposedly, was supposed to be a freebie. We know that Nextel and some others got involved with it, but as they've started doing their, as it's been coming closer to the time to actually stand up to the plate and do the freebie, they're starting to back off now. They basically originally told us on that rebanding, that if your equipment was old they'd just give you a brand new one. It sounded like it was too good to be true and, apparently, it is. So I think this is going to help us with the primary, not the secondary or backup.

Councilmember Jackson: OK, so what you're saying that we've got to redo what our current system is and that we have to go through Sprint or Nextel or whoever, and they're going to charge us, so LEPC is saying, "We'll give you a grant for that, but you guys have to put the \$15,000 up front and we'll pay you back." Is that what you're saying?

Chief Andrus: Is that what it sounded like?

Councilmember Jackson: Because that's what it sounded like.

Chief Andrus: It kind of is. It's kind of related. They're cousins, but they're not really brothers and sisters like that. I think the high-speed is one of those where we're going to benefit in the primary, but the primary is literally the Nextel conversion. Motorola has actually had the contract or was basically the one that bought in on the 800 and we literally pay a monthly fee to that right now, so they're also talking about upgrading Dispatch for Utah County or making a change with Dispatch and I really foresee where we would reap the benefits more with the high-speed connection with the change of the Dispatch than we would actually with the radios itself.

Mayor Strouse: So is this critical to our emergency preparedness plan where, during a disaster, we have this for our base camp, for a better word?

Chief Andrus: Mayor, I believe this is actually part of the foundation for our emergency plan, because if we don't have our foundation of our primary abilities to speak with Dispatch and use our radios, our secondary or some of the backups that I've talked to you about and other Council members, maybe including Public Works, in future amendments to where we could upgrade to where they'd be able to have us report or do a triage of the city if we have a big shaker or a disaster. I think this is more of the foundation, rather than the secondary on this one for us, because it is a primary for the radios and Dispatch.

Councilmember Jackson: Mayor.

Mayor Strouse: Yes.

Councilmember Jackson: One last question and that is, we're up fronting the \$15,000, so where is that coming from, you know, is that coming from, currently, our increased amount of building permits, since we just have money, I assume we have more money than what we, you know, anticipated, so I don't know if that's a Gordon question, as to, "Gordon, where are you finding the money? Do we want to hand in the money tree?"

Councilmember Blackburn: While Gordon's answering that question, I'd like to have that for the \$4100, as well, for the budget amendment.

Chief Andrus: I'd like to make a proposal for some of those to come out of the fees that we've been rather doing due diligence on our return on some of our ambulance billing and feel that some of that could come out of the profits that are above what we expected.

Councilmember Lifferth: I like that answer. Wait a sec. Jerry, what?

Mr. Kinghorn: [inaudible]

Councilmember Liddiard: It's an unexpected revenue, not a profit.

Chief Andrus: Thank you. That's the part I'm still learning. Thank you, Jerry. Back to school I go.

Councilmember Liddiard: We don't make a profit. We do have unexpected revenues.

Chief Andrus: You're right, we don't. It is an unexpected revenue. Thank you so much.

Mayor Strouse: Thank you, Chief.

Mr. Burt: When we're budgeting for things like this, where we get a refund back on things like that, we have, I guess, available cash, if you will, that we can go ahead and put in. We have put in a line item for the revenue and a line item for the expense, which would end up netting to zero, basically, because of that. So, yeah, where the funds come from? General revenues. We have had an increase building permits, as we all know, as well as in all fees associated with that. I believe we're not only going to

meet, but will exceed a lot of the other revenues that we have in sales taxes and other things that we've received, so the money is there for that purpose if we need to.

Councilmember Jackson: Thanks.

Mayor Strouse: Thank you. Now, I could have Kent come up and tell why he needs somebody else in the Building Department, but I think we all know why and we should actually be asking for two people instead of one. So, unless there's something you want to say, I think all of us are well aware of the need that's in your department and the revenue that you're bringing in as you're working around the clock.

Councilmember Jackson: Mayor?

Mayor Strouse: Yes.

Councilmember Jackson: In here, we have it saying, it talks about grounds and maintenance budget because we're going to have to increase our office space to deal with this person. Do we have an idea on a figure on that? Because there's no figure put in here.

Mayor Strouse: Oh. Well, maybe we'd better have you come up here, Kent.

Councilmember Liddiard: It says a minor increase. Can't we just do hot-bunking instead or something?

Councilmember Jackson: Are we just talking another stapler and a tape, you know, dispenser?

Mr. Partridge: Yeah, Mayor and Council, what that is is we're only just going to do a little bit of work in a, in the Planning and Building workroom and make that an office for a Plans Examiner, and so it's a minor amount. It's, I think we can do it for under \$300, so that has nothing to do with the basement that we eventually will probably need to remodel and make into office space. That's something that I think we're going to need to do soon, so the Council will need to look at that and see what we need to do with the big storage area right now that's in the basement and make some offices down there, but at this point that's not what we're asking. And this position is just to make a full-time position for one of our office staff that left us, that was only part-time. We need this to be a full-time individual, so that's what we're asking. Thank you.

Mayor Strouse: Thank you. OK, I think we're, are we ready to move into the public hearing?

Ms. Peterson: Did you want me to go over the other two items, Mayor?

Mayor Strouse: Oh, yes, yes, thank you.

Ms. Peterson: I will start with the departmental line items. It was suggested, Council has talked about this at previous meetings, that they be adopted as departmental budget definitions and if you're familiar with your budget in the General Fund, there's twenty different departments, line item departments listed: Legislative, Recorder's, Attorney. You guys are familiar with that. So that would adopt them as departments and no transfers between those departments would be able to take place without a budget amendment. And then also, in the Enterprise Funds, there's five different departments: Water, Sewer, Electric, Natural Gas, and Solid Waste. Any questions on that one? Is that sort of what you were looking for? OK.

Councilmember Lifferth: Yes. [laughter]

Ms. Peterson: David. Councilmember Blackburn. And then all references of Chief of Staff will be changed to City Administrator in the budget document, and that was at the request of some of the Council members. That was just planned to be some word changes, but on page 37, under your Personnel Summary, that would change the words Chief of Staff on the band eight salary to City Administrator, so you would effectively have money in the budget for a City Administrator. Does that make sense? So, other than that, it's minor. Any questions?

Mayor Strouse: No, I think we're ready to proceed. Thank you.

Ms. Peterson: And then just, yeah, you were going to open the public hearing.

Mayor Strouse opened the public hearing at 11:05 p.m.

Mayor Strouse: Yes, we are now open for a public hearing. Is there anybody in the audience that has any questions or comments or concerns? Go right ahead.

Councilmember Blackburn: I was just actually going to invite you to see if you really know what's going on right here.

Mr. Richardson: I just want to make sure that . . .

Councilmember Liddiard: I'm sorry, could you state your name for the Recorder?

[Laughter]

Mr. Richardson: Don Richardson. I wanted to make sure that, Councilmember Liddiard mentioned that I was pursuing, also, my career full time, as well as working for the city. I wanted to make sure each of you were OK with that. If we needed to revote, I want to make sure that we started out on a right, and I don't, Mayor, that's up to you. It's most important to me that I am honest in every dealing I do, and so if that is a problem, if there needs to be a new vote, please, let me know, OK? And Mayor, I put that in your hands, and Council, if that can be a discussion, if that is an issue. If that's not an issue, that's fine. If it is, let's please discuss it and start out on a proper footing.

Mayor Strouse: I think you got it hands down the first time.

Councilmember Blackburn: My only question to you in that regard is, what type of a time commitment are you looking to give to the city or to your current place of employment?

Mr. Richardson: My feeling right now is, I've talked to my employer, and he is going to give me some time off to be able to assess the status of the city and where we're at, and what we need to be done to make things run smoothly. My first line of order is to get a city administrator in and make sure he's up to, he or she is up to speed and to make sure that things are covered and the city's running smoothly and then go back into full time and, and then run as a part-time mayor. And we'll do this in a transition mode, so that the city is running properly before that actually happens.

Councilmember Blackburn: With the various meetings that, excuse me, with the various meetings that we know staff is already accustomed to, is your schedule flexible enough that you could be to various Cabinet meetings or MAG, COG . . .?

Mr. Richardson: I need to look that over and see where we're at with that, yes. And my employer is aware of what's going on. I chatted with him before I came up to make sure he was all right with this and as we talked, he first thought that I would be pursuing a part-time with him and a full time here, and I says, "Well, I've got to do it the other way." But my concern is with the city and to make sure it's running properly and that it's running smoothly, and so that's my commitment to you.

Mayor Strouse: Well, to answer one of the questions, it's, historically there's been many times where the City Administrator sometimes will actually attend those MAG meetings or COG meetings, and that's your call.

Councilmember Lifferth: I have a question presented by the staff. Since you will not be full time, what salary will you accept for your part-time mayor . . .?

Mr. Richardson: I think that's something we could negotiate. I was just thinking half, and save the city some money. We're saying, what?, seventy, then it would be thirty five.

Mayor Strouse: And that's including benefits when you say – I just want to clarify that the \$70,000 included benefits, that's not \$70,000 plus benefits.

Mr. Richardson: That's right, it's fifty plus \$20,000 in benefits.

Councilmember Liddiard: I know you're going to be busy, but one of the things I'd like you to do is make a study of that and bring a formal proposal back to the Council, rather than an off-the-cuff, extemporaneous answer, there.

Mr. Richardson: Now say that again?

Councilmember Liddiard: I don't want you to guess and commit to a figure right now. I'd rather have you go back, make a study of what you think is going to be appropriate, and bring it back to the Council.

Mr. Richardson: I would say that's wise. Thank you. And I won't go ahead and make a, Councilmember Lifferth, comment on that until it is actually studied out and see where we're at.

Mayor Strouse: We apologize for putting you on the spot.

Mr. Richardson: I apologize for answering so quickly.

Councilmember Jackson: The reason why I had to sit and struggle with my vote was because I felt that I asked you that question, regarding how you were going to handle your work experience that you're currently in, and you did not answer that question in this fashion of, that you were going to do the job as a part-time mayor and that frustrated me, and I'll be very honest. That's why I sat here and wavered over, "Do I say yes or do I say no?" because I felt that that was not represented correctly. So I just want you to know. It was still, you know, I'm fine with my vote, but since you asked the question, I'm letting you know.

Mr. Richardson: I appreciate that and, Councilmember Jackson, if you want to revote, I would love to.

Councilmember Jackson: I don't need to.

Mr. Richardson: I want to make sure that I'm here under proper pretenses and that you feel good about it. If you would vote for me with the experience that I have and things, I would love to do that. But I would also love to serve the city, but my integrity's big enough that I will not serve if that is the case. OK?

Mayor Strouse: OK, it is 11:10 and we have a lot more to go, so . . .

Mr. Richardson: We're OK, then?

Mayor Strouse: Yes. Budget hearing. Is there any more? Tiffany.

Ms. Ulmer: Tiffany Ulmer, Harrier Street. I just wanted to make mention, I don't know about your public administrator. I don't know if the salary needs to be increased, because you guys were going to survey that, and if you're amending the budget and stuff, you might want to look into that.

Mayor Strouse closed the public hearing at 11:12 p.m.

Mayor Strouse: Thank you. Is there anybody else? Comments? Going, going, gone. OK. We are now at the point where we are going to be voting on the 2007 budget amendments, consideration and adoption of an ordinance amending the budget for fiscal year 2007. Is there a motion on the floor? Actually, I'd like to make the motion. I'd like to consider and adopt an ordinance amending the budget for fiscal year 2007 as presented. Do I have a second?

Mr. Kinghorn: Mayor, as the presiding officer, you should entertain motions from others, unless you want to vacate the chair and allow someone else to temporarily assume the position of presiding officer, so I'll recommend that you just entertain a motion from one of the other members of the Council, unless you want to vacate the chair.

Mayor Strouse: Oh, now I wasn't aware that I couldn't do this. I thought we'd done this before many times.

Mr. Kinghorn: No, the presiding officer shouldn't, shouldn't make a motion unless they vacate the chair, so I don't know if there's another Council member that's willing to make the motion.

Councilmember Liddiard: In this interest of time, I would like to recommend that we . . .

Councilmember Blackburn: Second.

Councilmember Liddiard: There we go.

[Laughter]

Councilmember Jackson: Call the question.

Council members voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, Linn Strouse. The motion **passed** unanimously.

Councilmember Liddiard: Can I make a motion?

Mayor Strouse: Actually, we need to adjourn to a closed executive session for personnel issues.

Councilmember Liddiard: We do?

Mayor Strouse: Yes, we do.

Councilmember Liddiard: Really. It's been such a nice night.

Councilmember Jackson: Can we do the oath of office for our person and then do that? Because he should be involved.

Mr. Kinghorn: I would recommend, if you do that, he's going to be in charge, he'll be the presiding officer and I think that he doesn't know anything – with all deference to Mr. Richardson – I don't think he understands what this is about, but I would recommend that you convene in closed executive session to discuss this personnel matter and invite him in as the appointed mayor.

Mayor Strouse: OK, so he can come in?

Mr. Kinghorn: Yes.

Councilmember Jackson: So be it.

Councilmember Liddiard: I move that we adjourn to an executive session to consider . . .

Councilmember Blackburn: Second.

Councilmember Lifferth: Let's do it.

Mayor Strouse: I think we need to vote. Yes?

Councilmember Liddiard **moved** to adjourn to a closed executive session to discuss personnel issues. Councilmember Blackburn **seconded**. Council members voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, Linn Strouse. The motion **passed** unanimously.

Mayor Strouse: OK, hopefully it won't be more than twenty minutes, but don't time us.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Personnel 11:15 pm.

Mayor Strouse reconvened the meeting at 11:55 p.m.

Mayor Richardson was sworn in by City Recorder Gina Peterson.

ADJOURNMENT

Councilmember Blackburn moved to adjourn at 11:57 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 21, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Don D. Richardson called the meeting to order at 4:10 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Christ Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

PRESENTATION

Economic Development – Ifo Pili, Management Analyst, and Michael Flynn, The Economic Development Corporation of Utah.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:08 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:12 p.m. David Lifferth led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Christ Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

INFORMATION ITEMS

Mayor Richardson announced the following upcoming event:

- Tree Lighting/Deck the Halls Ceremony, December 1, 2006, 6:00 p.m. at City Hall.

He also announced that the City is looking for historical information, including pictures, for the ten-year anniversary of the City. He asked that any information be submitted to the City Recorder's Office.

PUBLIC COMMENTS

Mr. Darren Jones, 4538 Heritage Drive, commented he was glad to see all the chairs in the Council area filled. He suggested all policies, procedures and personnel actions be closely monitored.

CITY COUNCIL/MAYOR ITEMS

Councilmember Lifferth stated that whistleblowers are important to the community and should not suffer any negative impact to their employment because of their actions.

Councilmember Blackburn welcomed Mayor Richardson and suggested that a letter of thanks be written to each of the mayoral candidates. He said he will be requesting a meeting with the Mayor to go over some concerns and requested semi-annual budget and fee reviews.

Councilmember Strouse mentioned Veterans' Day and asked the public to give some thought and appreciation to veterans.

Councilmember Liddiard welcomed Mayor Richardson. He mentioned National Diabetes Month and wished everyone a pleasant holiday and safe traveling.

Councilmember Jackson welcomed Mayor Richardson and thanked him for spending time with each of the Council members. She echoed Councilmember Liddiard's comment about the holiday.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the August 15, September 5 and September 19, 2006, minutes from the Consent Agenda. Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Councilmember Jackson **moved** to approve the Consent Agenda as follows:

MINUTES

October 20, 2006 – Special City Council Meeting
November 8, 2006 – Special City Council Meeting

DEVELOPMENT AGREEMENTS

Lone Tree – Plat D
Lone Tree – Plat G

FINAL PLAT – Valley View North – Plat B

Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

SCHEDULED ITEMS

ORDINANCE – Consideration and Adoption of an Ordinance Establishing Burn Permits.

The Fire Department has received many calls requesting burn permits. Currently, the City uses the County's burn regulations. The Utah County Fire Marshal allows open burning during the month of April and the City's previous Ordinance only acknowledged those approved dates. The proposed Ordinance does not define burn dates but does require that each burn be approved by the Fire Department. Dispatch must be notified and the burn index must permit burning. The Fire Department will inspect requested burn areas. The fee will remain the same as in the current fee schedule. According to State statute, some burning does not require a permit, as described in the Ordinance. However, those doing burning must still contact the Fire Department and the burn index must still be acceptable prior to burning. The fire must also be extinguished by sunset.

Councilmember Jackson **moved** to approve Ordinance O-34-2006 establishing burn permits. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Councilmember Liddiard pointed out that the Ordinance will not regulate recreational fires in contained areas or cooking fires in approved containers. Burning of weeds in agricultural areas will not require a permit as long as specified due care is exercised.

MOTION – Consideration and Approval of an Amendment to the IHC Affiliation Agreement.

Intermountain Health Care allows the City's medical personnel to train in the emergency room at American Fork Hospital. This amendment clarifies immunization requirements which need to be updated.

Councilmember Liddiard **moved** to approve the amendment to the IHC Affiliation Agreement, updating immunization requirements. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth asked if the agreement is with IHC itself or with another part of the company. The response was that the agreement is with American Fork Hospital.

Councilmember Jackson called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Approval of a Resolution Amending the Consolidated Fee Schedule with Regard to Temporary Power and Electric and Gas Connection Fees, the TSSD Connection Fee, Construction Water Fees and Hydrant Rentals, Map Fees and Ambulance Fees.

The Consolidated Fee Schedule is proposed to be amended to update fees with regard to gas and electric connection, temporary power, TSSD connection fee, construction water fees and hydrant rentals, map fees from the Planning Department and ambulance fees.

Chief Andrus requested that the City use the State's fee structure rather than having to request every change from the Council. Mr. Spencer explained that the new map fees are for black and white maps, not color maps. Prices would be slightly higher for black and white maps which include aerials. Prices go up faster as maps get larger because larger paper is much more expensive than letter-size paper. Color maps would be somewhat higher to allow for higher ink costs.

Councilmember Jackson questioned the uneven price rise for maps with aerials. Mr. Spencer explained that aerials do not raise costs as much as paper does.

Councilmember Lifferth asked how many map books are sold per month. Mr. Spencer estimated 15 to 20 per month.

Councilmember Blackburn asked if letter-size maps should cost something. Mr. Spencer said the small fee would not be worth the time to collect it.

Councilmember Lifferth asked if map prices included staff time. Mr. Spencer answered that they did. Mr. Kinghorn suggested putting a limit on the number of free maps.

Mr. Ferre explained that his department's fee change requests have been carefully studied to make sure the new fees cover the City's increased costs.

Councilmember Liddiard **moved** to adopt Resolution R-20-2006 amending the Consolidated Fee Schedule with regard to gas and electric connection, temporary power, TSSD connection, construction water fees and hydrant rentals, map fees and ambulance fees. Councilmember Jackson **seconded** the motion.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

ORDINANCE – Consideration and Approval of an Ordinance Adopting the Eagle Mountain City Revised Construction Standards and Specifications.

With the change to the temporary meter costs in the Consolidated Fee Schedule, Section 14.070 of the Construction Standards requires updating. Since temporary power will no longer be metered, reference to metering in the Construction Standards will be removed and replaced by a new requirement for contractors as follows: "All temporary services will have a City approved electric meter cover jumper and ring supplied by the contractor."

Councilmember Liddiard **moved** to adopt Ordinance O-35-2006 adopting the revised Construction Standards and Specifications. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

ORDINANCE – Consideration and Approval of an Ordinance Adopting Amendment Number One to the First Supplemental Assessment Ordinance for Special Assessment District 2000-1, Amending and Restating the Assessment List of the First Supplemental Assessment Ordinance and Reaffirming All Other Provisions of the First Supplemental Assessment Ordinance

ORDINANCE – Consideration and Approval of an Ordinance Adopting Amendment Number Two to the Second Supplemental Assessment Ordinance for Special Assessment District 98-1, Amending and Restating the Assessment List of the Second Supplemental Assessment Ordinance and Reaffirming All Other Provisions of the Second Supplemental Assessment Ordinance.

The assessment lists for Special Improvement Districts 2000-1 and 98-1 require updating. The amended lists restate the correct assessment on each parcel of land. The amended lists reflect only those parcels of land with outstanding assessments. As assessments on parcels are paid to the City, each parcel is removed from the assessment list.

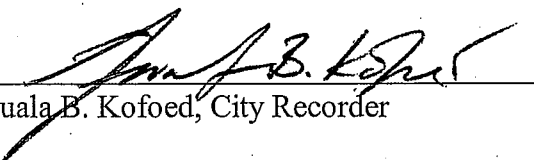
Councilmember Jackson **moved** to approve Ordinances O-36-2006 adopting Amendment Number One to the First Supplemental Assessment Ordinance for Special Assessment District 2000-1, amending and restating the assessment list of the First Supplemental Assessment Ordinance and reaffirming all other provisions of the First Supplemental Assessment Ordinance; and Ordinance O-37-2006 adopting Amendment Number Two to the Second Supplemental Assessment Ordinance for Special Assessment District 98-1, amending and restating the assessment list of the Second Supplemental Assessment Ordinance and reaffirming all other provisions of the Second Supplemental Assessment Ordinance.

Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 7:44 p.m.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 5, 2006

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Don D. Richardson called the meeting to order at 5:10 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monsen, Lieutenant.

MAYOR'S BUSINESS

The Mayor brought items to the attention of the City Council.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the meeting at 6:28 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:09 p.m. Chief Rand Andrus led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy City Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

- Santa Claus riding on a BRT (big red truck) starting in Cedar Pass Ranch, December 16, 8:00 a.m.
- Winter coat collection for children in foster care. Donations accepted at the front lobby of City Hall through December 20.
- J. Marc Bailey concert to benefit foster children, December 18 at Thanksgiving Point.

PUBLIC COMMENTS

There were no public comments.

MAYOR AND COUNCIL ITEMS

Councilmember Liddiard stated that about 500 people die every year from carbon monoxide poisoning. Symptoms include headache, dizziness, weakness, nausea, vomiting, chest pain and confusion. Precautions include never heating a home with an oven and never running an engine indoors.

Councilmember Lifferth mentioned that the City had started working on a policy regarding City employees lighting pilot lights for residents and asked that it continue to move forward. Mayor Richardson stated that staff was still working on it.

Mayor Richardson read a letter from Chief Andrus thanking Jon Stockton, an Eagle Mountain Boy Scout whose Eagle Project was construction of eight back boards for ambulance crews to use in transporting injured people.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the Consent Agenda as follows:

MINUTES – August 15, 2006 – Regular City Council Meeting

REVISED BOND LETTER – Willow Springs – Phase 4

FINAL BOND RELEASES

Valley View South – Plat A

Valley View South – Plat B

Spring Valley

O'Fallon's Bluff – Plat A

Jacob's Well – Plat A

Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

SCHEDULED ITEMS

ORDINANCE – Consideration and Adoption of an Ordinance Establishing Procedures for the Assignment and Banking of Water Rights with Eagle Mountain City.

City Attorney Jerry Kinghorn explained to the Council that this Ordinance documents the transaction requirements, circumstances, and precautions under which the City will accept transfers of water rights for use by a landowner or developer in a future project. Since 1998, the City has allowed water to be transferred to it and water banking records have been maintained. Adopting the Ordinance will formalize the requirements for water banking, provide for cost reimbursement to the City and sanctions

for failure to reimburse the City for fees incurred, and provide a basis for protecting the City when banked water allocations are taken as collateral with land for development loans.

Councilmember Strouse **moved** to approve Ordinance O-38-2006 establishing procedures for the assignment and banking of water rights with Eagle Mountain City. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth requested that the City Attorney and the Finance Department make sure the fees charged in connection with this ordinance fully cover the City's costs of participating in water banking. Mr. Kinghorn said he would ensure the process captures all those costs.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and Certification of the Hindley Annexation Petition.

On November 20, 2006, a petition was submitted to annex approximately 305 acres west of North Ranch and north of S.R. 73. The property is within the annexation policy declaration for Eagle Mountain City and is contiguous to the boundaries of the city. The petition has been submitted to the Utah County Surveyor's Office for review and compliance with Utah Code. The first action for the City Council to take will be certification of the petition. This will begin the 30-day protest period, after which the annexation can take place at a future City Council meeting. Protests on the annexation can only be made by governmental entities.

Councilmember Jackson **moved** that the Council approve certification of the Hindley Annexation petition. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and Approval of the Amended City Council Meeting Schedule for 2007, Directing Such Notice to be Published in the Newspaper.

Utah Code Annotated 52-4-6(1) requires an annual notice of City Council meetings to be published and posted. The tentative schedule for 2007 will follow previous years' with meetings *generally* held on the first and third Tuesday of each month. The notice approved in October indicated that Work Sessions will start at 4:00 p.m. The amended schedule for 2007 will have Work Sessions starting at 4:00 p.m. or 5:00 p.m., depending on need and the length of each agenda. The original notice has not yet been published, so the \$100 noticing fee will not be duplicated.

Councilmember Liddiard **moved** to approve the amended City Council meeting schedule for 2007. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth stated the later start will be a better use of time. He asked how much advance notice would be available regarding a later start time. Ms. Peterson said the decision would be made during Cabinet meeting one week before Council meeting. Councilmember Lifferth requested that notification be posted on the City's web site.

Councilmember Jackson said a resident suggested to her that the normal start time remain 4:00 p.m., with the 5:00 start reserved for meetings which will be unusually short.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Liddiard

Councilmember Liddiard appreciated the new format of Chief Andrus' statistical report. He also mentioned that Santa's ride through town on the fire truck was Chief Andrus' idea.

Councilmember Jackson

Councilmember Jackson said that it has been an interesting, exciting year with a lot of ups and downs, and the city is moving forward. She wished everyone happy holidays. She thanked Angie Ferre for putting together the tree lighting ceremony, which was very well-attended and enjoyable.

Councilmember Lifferth

Councilmember Lifferth asked if Alan Paul's email was correct when it said Mayor Richardson and family would be dancing in the Nutcracker at Willow Creek Middle School. Mayor Richardson said it was true, but only on the condition that no tights would be involved.

Mayor Richardson

Mayor Richardson said it is an honor to serve the citizens and work with this Council. He looked forward to a great year. He said this is a great time of year to review, reflect and prepare for the future. He appreciated the employees, citizens and Council of Eagle Mountain.

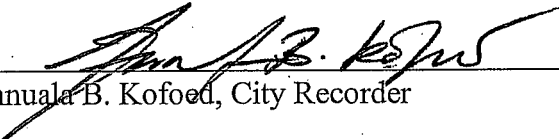
Councilmember Strouse

Councilmember Strouse mentioned Eagle Mountain's ten-year anniversary. She thanked all the people involved with Eagle Mountain over the past ten years and said the level of volunteerism in the city is incredible.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 7:28 p.m. and to go into a Closed Session for the purpose of discussing sale of property and personnel issues. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008


Fionnuala B. Kofoed, City Recorder