

Eagle Mountain City Council Minutes 2007

Dates of City Council Meetings:

- January 9, 2007
- January 23, 2007
- February 6, 2007
- February 15, 2007
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- March 6, 2007
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**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

January 9, 2007

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 4:16 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived at 4:40 p.m.), Heather Jackson, Vincent Liddiard (arrived at 4:35 p.m.) and David Lifferth. Councilmember Linn Strouse was excused.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Adam Ferre, Energy Division Manager; Jordan Harris, Water Supervisor; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Assistant Sergeant.

PRESENTATION

Utility System – Adam Ferre, Energy Division Manager, and Jordan Harris, Water Supervisor

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 Work Session at 6:34 p.m.

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

Mayor Richardson called the meeting to order at 7:15 p.m. David Lifferth led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

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

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Assistant Sergeant.

PUBLIC COMMENTS

Ms. Wendy Baggaley, 1467 Hawk Way, expressed appreciation for the Mayor and Council and their service to the city. Although she has not always agreed with their decisions, she appreciated the amount of time and sacrifice they have given on the city's behalf. She said that the Legislature opens on January 15. When she was an intern at the Legislature, she saw the results of cities actively participating in the legislative process and she asked that Eagle Mountain do the same. She thanked Mayor Richardson and Councilmember Jackson for attending the Town Hall meeting last week.

Mr. John Malone, 970 Russell Road, expressed support for Tom Maher and Chris Kemp being reappointed to the Planning Commission, of which Mr. Malone is a member. Mr. Maher, as Commission Chair, has kept the meetings focused and kept the Commission members from being distracted from their objectives. Mr. Kemp's experience as a developer helps the Commission with a perspective the others do not have. He stated both have served with integrity and would continue to benefit the city.

Mr. Tom Maher, 9764 Timpview Drive, is the Chair of the Planning Commission. He said the current Commission is the best the city has ever had, both in terms of quality and impartiality. Because of the negative reputation Eagle Mountain has in the state due to previous mistakes, it is vital for the Planning Commission to be known as impartial, going by the Development Code and not by personal interests. He stated that the Chair of the Planning Commission should be consulted regarding whether Mr. Kemp would be reappointed or not and should have input on new appointments. He felt Mr. Kemp should remain on the Planning Commission.

Mr. John Linton, 2865 Round Rock Court, has served on the Planning Commission for about six months. He has found this Commission to be excellent – the members come prepared to the meetings, make decisions based upon established law and all the members have integrity. He strongly recommended that both Mr. Maher and Mr. Kemp be reappointed.

CITY COUNCIL/MAYOR ITEMS

BOARD APPOINTMENT – Planning Commission

Mayor Richardson proposed the appointment of Mr. Tom Maher to the Planning Commission. Councilmember Liddiard **moved** to approve the appointment of Mr. Tom Maher to the Planning Commission. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. The motion **passed** with a unanimous vote.

Councilmember Blackburn asked what the length of Mr. Maher's term would be. City Recorder Gina Peterson said it would be a four-year term.

City Recorder Gina Peterson administered the oath of office to Mr. Maher.

RESOLUTION – Consideration and Adoption of a Resolution in Support of Utah Valley State College Becoming a Four-year University.

Mayor Richardson stated that Mr. Val Hale of Utah Valley State College contacted the City Council requesting a statement in support of Utah Valley State College becoming a four-year university. Several Utah Valley municipalities have provided statements of support.

Councilmember Liddiard **moved** that the Council adopt Resolution R-01-2007 supporting Utah Valley State College in its effort to become a four-year university. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. The motion **passed** with a unanimous vote.

COUNCIL COMMENTS

Councilmember Lifferth

Councilmember Lifferth expressed his appreciation for the maturity and work ethic of the Planning Commission and Mr. Maher's diligence in chairing the Commission. He expressed his confidence in Mr. Kemp and emphasized that Mr. Kemp has never allowed his work as a developer to influence his decisions on the Commission. Mr. Kemp has recused himself on two occasions in which the Planning Commission had to make decisions involving his business.

Councilmember Jackson

Councilmember Jackson said she has taken it upon herself to attend as many Planning Commission meetings as possible. The meetings are run as effectively and harmoniously as any meetings in the city.

Councilmember Blackburn

Councilmember Blackburn also praised the Planning Commission. He stated that at one point, he encouraged Mr. Maher to run for a position on the City Council; however, Mr. Maher preferred to remain on the Planning Commission. He wished everyone a happy New Year. He said that city business is being taken care of as it should be. The Council is receiving information that has not been received previously about areas of city government that are going well and areas needing improvement. More information will be forthcoming as the issues are addressed. He congratulated the Mayor and staff for their work.

Councilmember Liddiard

Councilmember Liddiard appreciated the diligence and decorum of the Planning Commission. Their recommendations have great weight with him as he makes decisions. Their work makes his much easier. He complimented the city's public safety workers on the excellent work they do for the city, including programs like RAD and DARE. He stated that financing and accounting records need to be accurate, costs need to be recovered and costs need be fair to the city and the residents. There will also be a lot of work done in the near future on the city's utilities.

Mayor Richardson

Mayor Richardson thanked the Planning Commission and staff for their work and wished everyone a happy New Year. He reminded residents that there are many volunteer positions available for service on city boards, saying a great community is full of volunteers. He was very impressed with the quality and capabilities of the residents of the community.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the Consent Agenda as follows:

MINUTES

August 1, 2006 – Regular City Council Meeting

September 25, 2006 – Special City Council Meeting (Verbatim)

FINAL PLATS

Stonebridge

Northmoor – Phase 1

Northmoor – Phase 2

Southmoor – Phase 1

Southmoor – Phase 2

REVISED BOND LETTER (amendment to Development Agreement)

Park Place at Trailhead

FINAL BOND RELEASES

Mt. Airey – Plat B

Mt. Airey – Plat C

Mt. Airey – Plat F

CHANGE ORDERS

Nolan Park Restroom – CO #1 – Chad Broderick Construction

Pony Express Trail (Phase 1) – CO #1 – ACE Landscape

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

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – Budget Amendments.

ORDINANCE – Consideration and Adoption of an Ordinance Amending the FY 2007 Budget.

Management Analyst Ifo Pili presented the following proposed budget amendments:

- Web site maintenance, to fund the existing contract.
- Dump passes, to pay for the two free passes that each resident may have during the year, for which funds had not been budgeted.
- Worker's Compensation, to consolidate those expenses into one non-departmental fund.
- Newspaper ads, to fund employment ads for a new building inspector.
- ISCO fusion pump (equipment that scrapes gas pipes), to transfer existing funds to the correct line item.
- Newspaper ads, to fund employment ads for the Fire Department.
- Radio communications contract, travel and training, and equipment amendments for the Fire Department, budgeting line items which are funded by grants.
- Road pavement, to move last year's budgeted funds to this year because the work could not be completed last year.
- Well emergency, to cover unexpected expenses of a failed well.
- Engineering services, to fund a contract for materials testing until the City can hire a materials tester and purchase the necessary equipment.

Councilmember Lifferth asked if there was a warranty for the road work or the well. Mr. Pili said there was not.

Chief Andrus clarified that the Fire Department's proposed amendment was for the medical budget. The line item number given was an error.

Councilmember Blackburn asked if the approximately \$200,000 to \$280,000 approved as an addendum to the FY 2006 budget could be used for these expenses.

City Treasurer Gordon Burt explained that any unspent funds budgeted for a particular year lapse and must be re-budgeted for the following year. This includes FY 2006 contracts that were not invoiced until FY 2007.

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

Ms. Tiffany Ulmer, 1320 Harrier Street, said the web site is starting to look professional and suggested the City utilize it more, providing more information so residents will want to visit it often. She appreciated the dump pass program as a great service to the city. She suggested the City talk with the Fairfield landfill operators to see if using it, once it is operational, would save money. She asked that cleanup dumpsters be provided by BFI to handle spring yard waste. She pointed out that the City Administrator's salary is not listed in the budget amendments. The current salary budget will not be adequate and it ought to be taken care of by the time the hiring process begins.

Mayor Richardson closed the public hearing at 7:56 p.m.

Councilmember Liddiard **moved** that the Council adopt Ordinance O-01-2007 amending the FY 2006-2007 budget as follows: dump passes, workers' compensation, newspaper ads, ISCO fusion pump, training and equipment for the Fire Department, pulverizing and asphalt for the Cedar Pass Ranch area, a well emergency fund and contracted engineering services. He excluded web site maintenance because he would like additional information on the contract before approving funding. There was no second. The motion **failed**.

Councilmember Lifferth **moved** to approve the budget amendment items as presented:

- Web site maintenance, to fund the existing contract.
- Dump passes, to pay for the two free passes that each resident may have during the year, for which funds had not been budgeted.
- Worker's Compensation, to consolidate those expenses into one non-departmental fund.
- Newspaper ads, to fund employment ads for a new building inspector.
- ISCO fusion pump (equipment that scrapes gas pipes), to transfer existing funds to the correct line item.
- Newspaper ads, to fund employment ads for the Fire Department.
- Radio communications contract, travel and training, and equipment amendments for the Fire Department, budgeting line items which are funded by grants.
- Road pavement, to move last year's budgeted funds to this year because the work could not be completed last year.
- Well emergency, to cover unexpected expenses of a failed well.
- Engineering services, to fund a contract for materials testing until the City can hire a materials tester and purchase the necessary equipment.

Councilmember Jackson **seconded** the motion.

Councilmember Lifferth commented that the budget should be reviewed frequently and the Council should be presented with needed changes consistently. He appreciated the information presented at this meeting. He believed, although more information is always useful, the Council should proceed with the amendments as presented.

Councilmember Liddiard said his concern was only with the web site maintenance. He would like to know what the City receives for \$6000. Councilmember Jackson said she understood Councilmember Liddiard's concern, but she thought it was important that the City honor contracts already entered into.

Councilmember Blackburn asked for details of the web site maintenance contract. Councilmember Liddiard asked if the Council had ever ratified the contract. Councilmember Jackson said the original company selected went bankrupt, so the City contracted with the next lowest bidder and a contract was entered into. The budget was not amended at the time.

Ms. Peterson stated the Recorder's Office is looking for an official copy of the contract, because it was never signed by Strüdelhosen or approved by the Council.

Those voting aye: David Blackburn, Heather Jackson and David Lifferth. Those voting no: Vincent Liddiard. The motion **passed** with a 3:1 vote.

AGREEMENT – Consideration and Approval of a Retainer Agreement for Collection of Delinquent Utility Accounts with Johnson, Riddle & Mark, LLC.

City Treasurer Gordon Burt presented the proposed agreement. The City's previous collection agency went bankrupt, so Finance Department staff interviewed three firms to find a new provider. Johnson, Riddle & Mark is preferred because offered the lowest fees and has been in business for several years. A law firm's letterhead on a collection notice tends to give weight to the demand for payment. The firm was also willing to accept additions to the agreement which protected the City's interests more strongly than the original contract did. The agreement is a month to month contract, so the City is not locked into a long-term agreement.

Councilmember Jackson asked how long the firm had been in business. Mr. Brad Chatwin, Client Relations Director, read a statement expressing appreciation for the opportunity to be considered as a collections provider for the City. He complimented the Council for their courtesy and professionalism. His firm plans to reflect those qualities when dealing with residents, fostering a win-win situation with customers and the City. They plan to be fair, firm and service-oriented. Mr. Jesse Riddle, who founded the firm's parent company, Riddle and Associates, has been in collections for nearly fifteen years. Bill Mark and Butch Johnson started this company with him about three years ago.

Councilmember Jackson appreciated knowing the firm has years of experience, which gives the Council some assurance of the firm's stability. Mr. Chatwin pointed out that the partners would be disbarred if they mishandled the business.

Councilmember Jackson **moved** to approve the retainer agreement for collection of utility accounts with Johnson, Riddle & Mark, LLC. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. The motion **passed** with a unanimous vote.

PRESENTATION – Proposed Capital Facilities Plan Update

City Engineer Chris Trusty presented the Capital Facilities Plan update. Mayor Richardson pointed out that this is an informational presentation only. The update will be voted on at a future City Council meeting. The Capital Facilities Plan, which has not been updated in a couple of years, allows the City to identify infrastructure needed to provide services required by a growing population. In October the wastewater portion of the plan was updated. This proposed update covers the water and electrical infrastructure. The water portion of the plan required a three million gallon water tank to be built in 2004. The update will show a more realistic schedule for when facilities can be built.

Valley View subdivision was required to build a 0.6 million gallon water tank as a condition of approval. They are in the process of designing that. A one million gallon tank is currently being designed by some other developers. The three million gallon tank planned for 2004 will be replaced by these two tanks, plus another to be built at a future date. The developers will request reimbursement for those tanks.

The City's well capacity is below its need. Impact fees have already been collected to build another well (Well #4) within the next year. Well #1 will be upgraded. Well #2 will be treated for excess arsenic levels or will become an irrigation system. Other projects were listed in the plan to cover growth in the next five years. It is not clear how the CWP water that will be coming into the city will be managed. It may go into the two million gallon water tank scheduled to be built by 2009. The plan identifies over \$11.6 million which will need to be spent over the next five years to maintain the city's water supply. Current impact fees will cover some of those costs.

The city's electrical infrastructure will need \$3 million in the next year to bring the 138 kV transmission line to City Center. Mr. Trusty invited Adam Ferre, Energy Division Manager, to present information on the electrical system. While he was coming to the microphone, Councilmember Blackburn asked Mr. Trusty if the planned two million gallon tank could be changed to a four million gallon tank. Mr. Trusty said separate tanks would better accommodate varied water pressure zones. Councilmember Blackburn understood that, but asked if larger construction would save money and prevent too many water tanks being located around the city. Mr. Trusty said he would look into that.

Councilmember Jackson asked what the cost difference would be between building and maintaining multiple tanks versus a large tank. Mr. Trusty said he would check.

Mr. Ferre said the city needs the 138 kV transmission line for backup and for a future South Service Area substation. The construction date for two main feeders has been changed from 2009 to 2007 to coincide with the transmission line.

Councilmember Liddiard asked if the actual costs for electrical projects for the next year would total \$7.3 million instead of \$3 million. Mr. Ferre said the transmission line will cost \$2 million and the feeder lines will cost \$1 million. The \$4 million for the substation will have to be spent some time in the next five years. At first, the transmission line will be a loop feed, backing up the present power lines.

Another project may be a power extension to a proposed development between Eagle Mountain Boulevard and State Road 73. The developer may pay for the extension in lieu of impact fees.

In SilverLake, a developer may pay for \$190,000 in electrical facilities rather than paying impact fees. Mr. Ferre will meet with him later in the week.

The Ranches Parkway main feeder, which actually runs along State Road 73, has an undersized power line which needs to be replaced.

Councilmember Lifferth asked about estimated future costs, which are not listed in the written Capital Facilities Plan provided to the Council. Mr. Ferre said the plan is still being drafted and those numbers will be filled in. Councilmember Lifferth requested that an email specifying those numbers be sent to each Council member.

Councilmember Blackburn asked that this Capital Facilities Plan be merged with the sewer plan. Mr. Trusty reminded him the plan is being written in parts which will be combined into a final plan. More information will be presented at the next Council meeting. Councilmember Blackburn also asked for an accurate to conservative cost per ERU (equivalent residential unit).

Councilmember Jackson stated that she appreciated having the information presented in pieces, rather than all at once.

Mr. Trusty said that after the Capital Facilities Plan is adopted, the City's economic analysis and impact fee ordinance will be updated, based on the new plan. Councilmember Jackson asked if the Utah Valley Homebuilders' Association should be notified. Mr. Trusty said they could be informed. Councilmember Jackson told him she could put him in touch with the Association's contacts.

Mr. Kinghorn stated there is still some sorting out to do on some capital facilities, because impact fees cannot be used to cure to system deficiencies. The City has to fund those. Impact fees can only be charged to fund facilities necessary for new growth. Councilmember Blackburn asked that the plan be finished as soon as possible due to fee impacts. Mayor Richardson said the staff is moving quickly in developing the plan.

No action was taken by the Council, as this was a discussion item.

AGREEMENT- Consideration and Authorization of a Contract for Construction of Two Monitoring Wells.

Mr. Kinghorn and Mr. Trusty presented the proposed agreement with Lang Exploratory Drilling. Mr. Kinghorn explained that the agreements found in the Council's agenda were drafts. The bids were not opened until Thursday, too late to include final drafts in the packets. Changes will be made, including a 3% performance bond added to the contract amount. The monitoring wells will be drilled as part of the United States Geological Survey's study of the city's groundwater system, to determine if more water can be reallocated. Although Lang was not the lowest bidder, it was chosen because it can begin the work within thirty days. The Geological Survey wants to be able to monitor the wells through the winter.

Councilmember Lifferth asked why two companies declined to bid. Mr. Trusty said they are too busy to do the work within the required time frame. Councilmember Blackburn asked that the agreement be corrected. Mr. Kinghorn said the dates have been corrected, bid documents incorporated, and the project manager deleted because the City Engineer will supervise the work. The only remaining blank is the contractor's representative.

Councilmember Blackburn asked about the completion time line. Mr. Kinghorn said the completion date is given as March, 2007, because the work is expected to go quickly. Lang is prepared to begin one

of the wells immediately. They only need a signature on the right-of-way agreement with the Corporation of the Presiding Bishop for Well B, which will be located on LDS Church property.

Councilmember Blackburn asked about a reference to a specific section which does not appear in the contract. Mr. Kinghorn said the reference to that section has been deleted. Because these are observation wells, liquidated damages are only included to specify to the company the rig needs to remain on site and work continuously.

Councilmember Blackburn wanted contracts which have a "time is of the essence" clause with a penalty if not completed within a reasonable time. Mr. Kinghorn said those penalties are illegal unless a delay causes expenses to the City.

Councilmember Liddiard mentioned that in the past the City has offered a bonus for prompt completion of agreements. Mr. Kinghorn said he did not recall the City having done that, but it was a good idea.

Councilmember Blackburn asked what is being monitored. Mr. Kinghorn said it would be changes in groundwater levels during winter test pumping of active wells. The monitoring will go on for several years.

Councilmember Lifferth asked if the purpose was to see if water could be transferred to the Cedar Valley without adversely affecting aquifers. Mr. Kinghorn said the City has a number of orders from the State Engineer approving water use in the city if these tests are conducted. The tests are intended to show that the city's wells penetrate solid rock formations, not the alluvial material in the valley.

Councilmember Lifferth asked how deep the wells are. Mr. Kinghorn said one is approximately 800 feet and one is approximately 1200 feet. Councilmember Lifferth asked how long it will take to drill the wells. Mr. Kinghorn said it depends on how soon access to the LDS property is approved.

Councilmember Liddiard **moved** to authorize a contract for two monitoring wells and to award the contract to Lang Exploratory Drilling. Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. The motion **passed** with a unanimous vote.

AGREEMENT— Consideration and Authorization of a Reimbursement Agreement with Centex Homes for Construction of the Tickville Wash Culvert.

Mr. Trusty and Mr. Kinghorn presented the reimbursement agreement. The City asked for a change in Centex's contract for the culvert, with a promise to reimburse the additional costs. The agreement will pay Centex over three years.

Councilmember Liddiard **moved** to approve the reimbursement agreement with Centex Homes for construction of the Tickville Wash culvert. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and Approval of a Power Ring Agreement with Direct Communications Cedar Valley.

Direct Communications Cedar Valley (DCCV) is installing fiber optic service to all homes where it has facilities to support fiber optic service in the city. Because fiber cable does not conduct electricity, in contrast to traditional copper wire, electrical energy must be introduced to the home end of the fiber to activate the electronics required for telephone and related services such as cable and DSL service. To supply power at the power meter but before the actual meter registers the use of power, a "power ring" is plugged in and set on the meter, then the meter is plugged in to the power ring. A small transformer plugs into the power ring and to the fiber termination at the home. This agreement provides for cooperation between the City and DCCV and payment to the City for placing the power ring, providing the very small amount of energy required to energize the fiber optic line and for service calls if necessary.

Councilmember Liddiard **moved** to approve a power ring agreement with Direct Communications Cedar Valley. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. The motion **passed** with a unanimous vote.

CITY COUNCIL/MAYOR'S BUSINESS

COUNCIL COMMENTS

Councilmember Jackson

Councilmember Jackson stated that she discussed the Arts Board and it has been dissolved. She believes that the Council should create the new board before appointing members. Ms. Peterson said the Board ordinance was never repealed after the Council moved to dissolve the Board. Councilmember Jackson also stated that staff should indicate when a bid being presented for approval has already been budgeted for.

Councilmember Liddiard

Councilmember Liddiard said the City Council meeting atmosphere is much improved. He thanked everyone who attended the meeting. He was anxious for the Nolan Park restrooms to become operational since the construction process has been so long. He said the Capital Facilities Plan is designed to accommodate rapid growth and the City needs to be able to sustain that growth. He stated that because this is the end of the 2006 calendar year, the FY 2006 final audit report should be completed as soon as possible. He also wanted a written agreement completed for the City's website. He wished everyone a happy New Year on the city's ten-year anniversary.

Councilmember Blackburn

Councilmember Blackburn was pleased with the current direction of the city. He said there is more "fresh air" and open communication. He has received information in recent weeks and wants more information on the power resource agreement with UAMPS. He requested a current copy of the draft Policies and Procedures Manual, with a redlined paper copy for comparison. He also wanted a listing from each department head of all contracts: verbal, written, outstanding and in arrears. He looked forward to a great year.

Councilmember Lifferth

Councilmember Lifferth reminded Mr. Burt of unreserved fund balances. He advised City employees not to be afraid to bring up new items which are found. The City Council will not shoot the messenger.

Mayor Richardson

Mayor Richardson said he was impressed with the staff, Mr. Kinghorn and the Council. The city's tenth year is a good time to start afresh and prepare for the future. He said he loves Eagle Mountain. He also stated that the agreement with UAMPS is scheduled for a future meeting.

COMMUNICATION ITEMS

Upcoming Agenda Items

Fire Department Statistics – December 2006

Public Safety Department Statistics – December 2006

UAMPS/IPP3 Power Resource Agreement – DRAFT

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 8:56 p.m.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 23, 2007

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 4:22 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived 4:55 p.m.), Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Linda Peterson, Public Communications; Peter Spencer, Planning Director; Mike Hadley, City Planner; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Jordan Harris, Water Supervisor; Rand Andrus, Fire Chief; Mark Binks, Sergeant; and Jason Randall, Assistant Sergeant.

PRESENTATION

UAMPS/IPP3 – Jackie Coombs.

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 Work Session at 6:40 p.m.

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

Mayor Richardson called the meeting to order at 7:17 p.m. Boy Scouts from Troop 1028 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; Ifo Pili, Management Analyst; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Kent Partridge, Building Official; Peter Spencer, Planning Director; Mike Hadley, City Planner; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Mark Binks, Sergeant; and Jason Randall, Assistant Sergeant.

MAYOR'S ITEMS

Chief Andrus swore in David Bradley, a new member of the Eagle Mountain Fire Department.

PUBLIC COMMENTS

CONSENT AGENDA

Councilmember Jackson **moved** to approve the Consent Agenda as follows:

MINUTES

September 22, 2006 – Special City Council Meeting (Verbatim)

November 14, 2006 – Special City Council Meeting (Verbatim)

FINAL BOND RELEASES

Pioneer Addition – Plat 5B

Westview Heights

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

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – Budget Amendments

ORDINANCE – Consideration and adoption of an ordinance amending the FY2007 budget

Management Analyst Ifo Pili presented the findings of the recently-completed salary survey and analysis. Cities need to conduct these analyses periodically to address inequities in City salaries and to keep City salaries competitive with those of other cities. This helps prevent employees from training in the City and then leaving for better-paying jobs elsewhere. Eagle Mountain City suffers from salary disparities among similar positions and loss of employees to better-paying jobs elsewhere. The City has lost 52 full-time, permanent employees since 2000, some of whom now work for nearby city governments. The analysis looked at both how much it would cost to improve the City's salary structure and whether the City has adequate revenues to pay those costs. Mr. Pili provided a presentation which demonstrated the City's revenue stream is better than projected for this fiscal year.

Councilmember Blackburn mentioned the recent change in mayoral salary can be used to offset some of the increased costs of the recommended salary adjustments. He asked for specific figures on salaries and overtime.

Mr. Pili pointed out overtime use may also indicate a need for additional employees.

Councilmember Strouse mentioned the City Council has always wanted to support City employees. She asked if all departments will use the database to provide equitable salaries. Mr. Pili said they can do that.

Councilmember Lifferth asked what percent of property taxes actually comes back to the City. Mr. Pili said it is based on a formula specified by the State. He didn't have the exact figures with him.

Councilmember Lifferth stated several years ago he did not support raises for City staff because the city was in confusion and he did not believe the staff was responsive to the needs of the citizens. He feels the staff is now responsive and doing a good job.

Councilmember Liddiard thanked Mr. Pili for promptly providing requested information. He asked that job titles be included and new positions be indicated on the report.

Mayor Richardson opened the public hearing at 7:50 p.m. Hearing no comments, he closed the hearing.

Councilmember Strouse **moved** to table the item for further study. 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 Jackson stated she hoped the item will be scheduled for the next City Council meeting because the employees have waited long enough for pay increases.

CITY COUNCIL/MAYOR ITEMS

Mayor Richardson stated he failed to announce the information items earlier.

- The Trading Spaces television program recorded in Eagle Mountain airs January 27, 8:00 p.m. and January 28, 10:00 a.m.
- An emergency preparedness meeting was held on January 20.

Councilmember Liddiard suggested residents call State lawmakers regarding transportation while they're stuck in traffic.

7:00 P.M. PUBLIC HEARING – Meadow Ranch Rezone

ORDINANCE – Consideration and adoption of an ordinance amending the Meadow Ranch Master Development Plan and rezoning property

Planning Director Peter Spencer presented the proposed rezone for Meadow Ranch, which would allow minimum half-acre lots. The area would be zoned Rural Residential. One-acre lots would buffer smaller lots from existing development. The Planning Commission recommended approval of the rezone and the preliminary plat for Meadow Ranch Plat 5, which would include half-acre lots. Concern has been expressed by residents about this master plan amendment resulting in smaller lots than those currently in the surrounding development. The Development Code ensures sufficient buffering. Specifically, when any development abuts an existing development with one-acre or larger lot sizes, City ordinances require a row of no less than one-acre lots adjacent to the existing large-lot subdivision. After the row of one-acre lots there must be a street, followed by minimum half-acre lots. It should be noted the issue at hand is the preliminary plat, which does comply with standards. This item is a zoning request, not a plat approval.

Mayor Richardson opened the public hearing at 8:02 p.m.

Mr. Ken Hixson, 9568 Night Hawk Lane, requested more than the standard three minutes' time to speak because he was representing several people. He distributed information packets to the Mayor and

Council. He recognized that the volume of applications which goes through the City application process makes it hard for everyone to catch all the details; however, he has studied this proposal for six weeks. Meadow Ranch is being developed in six phases. Phases 1 through 4 have already been built. When he requested records regarding Meadow Ranch, he found there was no Master Development Agreement. Instead, each plat has been governed by a development agreement. The documentation he has acquired supports a one-acre minimum lot size. He quoted a Planning Department staff report presented to the City Council on August 15, 2006: "Due to the Future Land Use Map designation as well as the surrounding lots, any future development would be required to have no lots less than one (1) acre in size." He questioned why Ames Construction should be allowed a different minimum lot size. The residents object to curbs and street lights and want the requirements to specify "not permitted" rather than "not required." The open space included in the plat is inadequate because some of the open space indicated is actually in Phase 4. Opinions vary and the Council may disagree with him. Equal lots "plus a road," not "or a road," are required in the Development Code and Plat 5. Five lots fail to meet the requirement. A traffic study should be conducted on the plat to consider the additional traffic which will be generated adjacent to Valley View subdivision. Water flow is likely to cause flooding and there is no connection between horse trails and open space. The requirements listed in the Development Code are minimum requirements and should not be negotiated. He spoke for eleven minutes.

Ms. Jennifer Konold, 9467 Sunset Drive, was concerned about current traffic congestion at the intersection of Sunset and Autumn and increased congestion created by new development in the area. She requested a traffic study be done. She has attended a number of City Council and Planning Commission meetings and was frustrated about having to research and provide paragraph references to the Development Code rather than the Planning Department knowing the law. She was concerned about half-acre lots and potential flooding.

Mr. Mark Ackerman, 2274 Hawk Lane, wanted to say citizens have already been through this process with Valley View. Market pressures will only increase and prices of one-acre lots are going to be a burden to developers. He hoped the Council would maintain one-acre lot minimums now and so prevent the issue reoccurring. If the Council chooses to accept half-acre lots, he hoped it would address the concerns already presented by residents. Traffic is a key issue and studies should be conducted early in the process. Half-acre lots are not bad for everyone in Meadow Ranch, but the issue at hand is creating a community which will work.

Mayor Richardson closed the public hearing at 8:21 p.m.

Councilmember Lifferth asked for clarification on whether the Planning Commission knew this issue is a discretionary application. Mr. Spencer replied they did. He explained a new development must be approved if the developer meets all the requirements, while a rezone decision is made at the discretion of the City Council.

Councilmember Lifferth asked Mr. Kinghorn to comment on discretionary issues. Mr. Kinghorn said the property owner does not have a vested right to rezone. Altering the zoning of the area would best be done by adopting a special zoning ordinance, as was done with Valley View.

Councilmember Jackson said she attended the Planning Commission meeting at which this item was reviewed. She confirmed that the Planning Commission was informed this was a discretionary item.

Mr. Hixson came to the podium and repeated that requirements in the Development Code are minimum acceptable standards and must be adhered to. Mr. Spencer agreed with Mr. Hixson that Development

Code requirements are required minimums, but asked everyone to focus on the issue at hand. This item is a zoning request, not a plat approval.

Councilmember Liddiard asked Mr. Spencer and Mr. Kinghorn to clarify whether approving this rezone vests the applicant with the right to have half-acre lots. Mr. Kinghorn said he would like to address this issue by ordinance because it is unclear whether a rezone vests an applicant with rights allowed by the rezone.

Councilmember Strouse asked if he suggested the item be tabled. Mr. Kinghorn said he did not; he was referring to whether the Council wanted to consider a zoning ordinance at a future meeting.

Councilmember Jackson asked if Mr. Kinghorn was requesting stipulations on Phase 5. Mr. Kinghorn agreed he was asking for stipulations on this plat. He reminded the Council they can vote the rezone down or craft a new zoning ordinance.

Councilmember Strouse referred to the point Mr. Hixson brought up, that the people opposed to the Valley View subdivision were very upset when semantics changed the outcome of the issue.

Mr. Kinghorn said the language in regard to Meadow Ranch 5 would have to be very specific in prohibiting curb and gutter, sidewalks and street lights; and in requiring drainage swales similar to those in Phase 4, as well as any other standards which would make Phase 5 consistent with the other Meadow Ranch plats.

Councilmember Blackburn stated the City has made progress toward consistency in the Development Code. Making exceptions now opens up the possibility of more developers asking for exceptions.

Councilmember Liddiard asked if a limit of a maximum number of lots could be required. Mr. Kinghorn said it could and is done by the density of the zone: the number of lots vs. the acreage.

Councilmember Strouse stated Phases 1 and 2 had suffered from severe flooding. She asked whether flood studies should be required at this point. Mr. Kinghorn answered it should be done before the plat is approved.

Councilmember Lifferth **moved** to table the ordinance amending the Meadow Ranch Master Development Plan and rezoning the property for further study. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard encouraged staff to work with the developer to address the plat's design problems.

Councilmember Jackson thanked Mr. Hixson for his research and for his comments. She corrected his reference to a deed of reconveyance, which never conveys title. It only releases a loan against a property.

Those voting aye: David Blackburn, Heather Jackson and David Lifferth. Those voting no: Vincent Liddiard. Linn Strouse abstained. The motion **passed** with a vote of 3:1 with one abstention.

AGREEMENT – Consideration and approval of an amendment to the master contract with Intermountain Consumer Professional Engineers (ICPE)

Energy Division Manager Adam Ferre presented the amendment to the master contract with ICPE. The City engaged Intermountain Consumer Power Engineers in 2000 to perform general engineering services related to the power system from time to time. The engagement letter provides a process to initiate new services based on work orders. Mr. Ferre proposed amending the contract with ICPE to include the 138 kV transmission line extension and subdivision layout services. ICPE successfully prepared the original 138 kV line design and has provided construction and inspection services to the City. The City has found ICPE to be cost effective and professional in every respect and proposes to continue working with ICPE. The subdivision layout services are intended to better coordinate utility planning, design and receipt of "as built" drawings and to make the City more competitive by providing power and gas system subdivision design to builders at cost.

Councilmember Liddiard **moved** to approve amendment of the master contract with Intermountain Consumer Professional Engineers, with the mileage reimbursement rate to be the one used by the federal government. 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.

AGREEMENT – Consideration and approval of modification of the contract with Lang Drilling for monitoring well construction to remove the limitation on hours of operation

City Engineer Chris Trusty presented a proposed modification to the monitoring well agreement with Lang Exploratory Drilling. Lang can place the monitoring well in service faster and get to the second well if they are allowed to drill 24 hours a day. The operation is carried out under lights driven by generators that run during the evening. The City's Engineering staff believes it is in the best interest of the public and the City to allow 24-hour-per-day operation to get the well finished and move the rig from the area road. Operating 24 hours a day requires modification of the contract to remove the hours of operation provision.

Councilmember Liddiard asked whether there would be a cost impact based on whether or not the contract modification is approved. Mr. Trusty said the contract would have to be renegotiated at a higher cost if the modification is not approved.

Councilmember Jackson **moved** to approve modification of the Lang Drilling contract to remove the limitation on hours of operation, with notification to Lone Tree and Hidden Canyon residents. 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.

CITY COUNCIL/MAYOR'S BUSINESS

COUNCIL COMMENTS

Councilmember Jackson

Councilmember Jackson referred to Councilmember Liddiard's suggestion that residents bring up transportation issues with their State legislators. She said a meeting had already been held, poorly attended because of heavy snow, but very informative. She stated the legislators are working diligently, but residents should still tell them their opinions.

Councilmember Liddiard

Councilmember Liddiard said he was disappointed the City financial audit was not finished by the deadline. Mayor Richardson called on City Treasurer Gordon Burt, who expressed regret that the audit is not complete. He estimated a February completion date. Councilmember Liddiard asked if the City has contacted the State. Mr. Burt said the State Auditor told him it was not necessary to contact him if the audit would be late, but he would be happy to contact the Auditor's Office if the Council wished him to. Councilmember Liddiard stated he wants the audit finished quickly so the next one can be done on time.

Councilmember Strouse

Councilmember Strouse asked if a partial audit could be submitted. Mr. Burt responded it has to be a complete submission. Councilmember Strouse expressed appreciation for the peacefulness of the meeting and for input from residents.

Councilmember Blackburn

Councilmember Blackburn said employee compensation is not being taken lightly. The Council must be careful when spending the taxpayers' money.

Councilmember Lifferth

Councilmember Lifferth thanked the residents for their input.

Mayor Richardson

Mayor Richardson thanked everyone who came. He expressed appreciation for the City's employees and for the time the Council is taking to study the salary issue.


COMMUNICATION ITEMS

Upcoming Agenda Items.
Financial Report – December 2006.
PrimeVision Cable Agreement – DRAFT Copy.
Utility Updates.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:50 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 21, 2007



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 6, 2007

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 4:21 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson (arrived 5:20 p.m.), Vincent Liddiard (connected by telephone at 4:33 p.m.), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Angie Ferre, Mayor's Executive Assistant; Peter Spencer, Planning Director; Chris Trusty, Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

PRESENTATIONS

DEMONSTRATION – Autopulse Equipment – Fire Department

DISCUSSION – Schedule for Impact Fee Update – Chris Trusty, City Engineer

PRESENTATION – SITLA Master Development Plan – Fran Fillerup & McKay Edwards

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 7:00 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:37 p.m. Gina Peterson led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (connected by telephone at 8:28 p.m.), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Jeff Weber, Assistant Public Works Director; Adam

Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

INFORMATION ITEMS / UPCOMING EVENTS

- Sgt. Binks and Chief Andrus were excused from the meeting. They were responding to a home explosion in Saratoga Springs caused by a natural gas leak
- Three loud booms citizens heard last week were caused by implosions due to transmission lines being installed by Utah Power and Light. More will be heard on February 19th. A siren will sound just before the implosions.
- The final two candidates for City Administrator will be interviewed on February 15th in the Council chamber.

PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 Harrier Street, asked the Council not to reject the entire budget amendment if there are items that will not be adopted, but rather delete the rejected items so the rest of the amendment can be adopted. Many employees are anxious for this salary increase amendment to pass. She pointed out the city does not have an Arts Council. The name is Community Arts Board, according to Ordinance O-00-12. Technically, the Arts Board still exists because the motion to dissolve the board was never followed by an ordinance. She suggested repealing Ordinance O-00-12 and starting over. One reason was the city has many boards and councils, many of which handle money, so having a treasurer for each board would be appropriate. Each board or council should also have written procedures. The Arts Board shouldn't run special events like Pony Express Days, as it was created to produce plays. A staff member liaison for boards and councils would be helpful, also. On another subject, she suggested Eagle Mountain and Saratoga Springs contact the County about repairing Saratoga Road before the new high school is completed and about having the road plowed.

Ms. Wendi Baggaley, 1467 Hawk Way, commented that when there was controversy over the Arts Board, she felt there were good arguments on both sides. The conflict was due to neither side understanding the other's point of view. She felt government should not support the arts financially except at the local level.

Mr. Ken Hixson, 9568 Night Hawk Lane, spoke on the proposed Meadow Ranch rezone. He said the requested rezone was really a request to amend an existing agreement and asked what benefit the amendment would provide to residents. It is wrong to amend the agreement after people had already bought lots and built homes based on the original agreement putting the minimum lot size at one acre.

CITY COUNCIL/MAYOR ITEMS

BOARD APPOINTMENT – Community Arts Board

Proposed appointments to the Community Arts Board were tabled pending further study of the structure of the board and drafting of a new ordinance.

BOARD APPOINTMENT – Library Board

Mayor Richardson proposed the appointment of Ms. Jennifer Edwards to the Library Board.

Councilmember Strouse **moved** to appoint Ms. Jennifer Edwards to the Library Board. 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.

BOARD APPOINTMENT – Senior Advisory Board

Mayor Richardson proposed the appointment of Ms. Carroll Johnson to the Senior Advisory Board.

Councilmember Strouse **moved** to appoint Ms. Carroll Johnson to the Senior Advisory Board. 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.

City Recorder Gina Peterson administered the oath of office to Ms. Edwards and Ms. Johnson.

RESOLUTION – Consideration and adoption of a resolution appointing Jeff Weber to the North Pointe Solid Waste District Board of Trustees

Councilmember Blackburn **moved** to approve Resolution R-02-2007 appointing Assistant Public Works Director Jeff Weber to the North Pointe Solid Waste District Board of Trustees. 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 appointing Jordan Harris to the Timpanogos Special Service District Board

Councilmember Strouse **moved** to approve Resolution R-03-2007 appointing Water Supervisor Jordan Harris to the Timpanogos Special Service District 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.

RESOLUTION – Consideration and adoption of a resolution appointing Adam Ferre to the Utah Associated Municipal Power Agency Board

Councilmember Lifferth **moved** to approve Resolution R-04-2007 appointing Energy Division Manager Adam Ferre to the Utah Associated Municipal Power Agency 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 COUNCIL COMMENTS

Councilmember Jackson

Councilmember Jackson suggested the Council make their comments at the end of the meeting, due to the large number of residents attending the meeting for the scheduled public hearings. Mayor Richardson agreed to hold Council comments until later.

CONSENT AGENDA

Councilmember Strouse **moved** to approve the following items on the Consent Agenda:

MINUTES

September 30, 2006 – Special City Council Meeting – 12:30 PM (Verbatim)

September 30, 2006 – Special City Council Meeting – 1:00 PM (Verbatim)

November 2, 2006 – Special City Council Meeting (Verbatim)

CHANGE ORDER – Ace Landscape – Pony Express Trail (CO #2)

FINAL PLATS

Skyline Ridge – Phase 1

Skyline Ridge – Phase 2

Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Those voting no: Vincent Liddiard. The motion **passed** with a 4:1 vote.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING –Capital Facilities Plan Update

MOTION – Consideration and adoption of the 2007 Capital Facilities Plan update

City Engineer Chris Trusty presented the update to the Capital Facilities Plan, designed to fund the city's future water and electrical infrastructure. This update suggests what future infrastructure will be required to maintain the anticipated growth of the city. The update identifies \$13 million which will be required over the next five years to expand the water system, primarily by upgrading wells and storage tanks to meet State requirements. Another \$9.5 million will be required to upgrade the electrical system, primarily through building a 138 kV transmission line from the North Service Area to the South Service Area, to be followed by a new substation in the South Service Area. Determining the funding methods for the required projects will be included in the economic analysis, which will be brought before the City Council at a later date.

Mayor Richardson opened the public hearing at the conclusion of Mr. Trusty's presentation. Hearing no comments, he closed the hearing.

Councilmember Lifferth asked whether the City would have to accelerate infrastructure improvements, since city growth has been exceeding projections. Mr. Trusty replied it was very possible; therefore, the Capital Facilities Plan will be reexamined annually.

Councilmember Blackburn asked whether data from Black and Veatch, which has been inaccurate in the past, is reliable for current use. Mr. Trusty responded he has studied the data from the past year and found it to be reasonably accurate.

Councilmember Lifferth **moved** to adopt the updated the Capital Facilities Plan for funding the city's future water and electrical infrastructure. 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.

7:00 P.M. PUBLIC HEARING – Orthodontic Home Business License Appeal

MOTION – Consideration of and decision on an appeal of the denial of a home business license at 9784 North Shiloh Way for Eagle Mountain Orthodontics by Kerry G. Snow, D.M.D.

Planning Director Peter Spencer presented Dr. Kerry Snow's appeal of a business license denial. Eagle Mountain City allows residents to operate businesses out of their homes as long as "the proposed use is secondary to the primary residential use of the property and does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities."

The Planning Department received and reviewed a home business license application from Dr. Kerry G. Snow for Eagle Mountain Orthodontics. Dr. Snow resides at 9784 North Shiloh Way in the Meadow

Ranch subdivision. Upon review of this application, staff determined this business, due to being a health care business, could not be permitted as a home business under the current City code. Massage therapists, chiropractors and psychiatrists are the only health practitioners allowed to operate home businesses. Dr. Snow requested an appeal and the appellate authority, as designated in the Development Code, is the City Council. Staff recommended denying the current appeal, as they are required to do in the current Development Code. However, they also recommended amending the Development Code to allow orthodontics as a home business.

Dr. Snow presented his reasons for appealing the business license denial. He planned to see very few patients: four to five per day, two to three days per week. He would have no employees outside of his family. He pointed out amending the Development Code would take time and he needs to move on with his business plans to provide a stable income for his family.

Mayor Richardson opened the public hearing after Dr. Snow's presentation.

Ms. Helen Fleck, 7633 Powell Street, said Dr. Snow is her daughter's orthodontist and she is very dissatisfied with the new owner of the practice at which Dr. Snow worked until it was sold. She would like the appeal approved because Dr. Snow is a better orthodontist for her family and the convenience of having their orthodontist in Eagle Mountain would make her schedule more manageable. The speed limit is posted in Dr. Snow's neighborhood, so his patients would have clear direction on how to drive responsibly in the area.

Ms. Kathy Nuttall, 9397 Shiloh Way, is a near neighbor of Dr. Snow. She believed that orthodontics is similar to chiropractics and would like to see Dr. Snow's appeal approved.

Mr. Ken Hixson, 9568 Night Hawk Lane, said Eagle Mountain has very little commercial space available. If there were more commercial space, he would not support Dr. Snow's request, but since the City is not presenting Dr. Snow with any other usable options, he urged the City Council to consider approving Dr. Snow's appeal.

Mr. Michael Fallentine, 9775 Shiloh Way, didn't object to Dr. Snow's desire to conduct his business in his home, but was concerned about the precedent it would set. The area is residential, not commercial. Although he agrees that orthodontics is similar to chiropractics and massage therapy, opening the business might lead to other commercial activities in the neighborhood.

Ms. Charone McCann, 9517 Shiloh Way, was very much in favor of Dr. Snow setting up his practice in his home. She stated he and his wife are very fine people and Dr. Snow keeps his commitments. If he says he will run a limited practice, that is what he'll do. There's virtually no traffic on the street now and the little traffic Dr. Snow's practice would add would not be a problem.

Mr. Kevin Graves, 1020 Russell Road, was in favor of approving Dr. Snow's appeal. He believed the Council will do the right thing in regard to Dr. Snow. A massage therapist could potentially have one to two clients or more per hour, which would create more traffic than Dr. Snow expects for his practice.

Ms. Suzanne Snow, 9784 Shiloh Way, Dr. Snow's wife, said her husband is a man of integrity. When he gives his word, he keeps it. He would cooperate with the Council and neighbors to make the practice comfortable for the neighborhood. Their plan is to move the practice to an office as soon as possible.

Ms. Tiffany Ulmer, 1320 Harrier Street, questioned what businesses would follow Dr. Snow's practice. She was also concerned about medical waste, which could spill into the street from trash bags.

Mayor Richardson closed the public hearing.

Councilmember Jackson asked Dr. Snow how medical waste would be disposed of. Dr. Snow answered the State Health Department requires disposal in containers labeled “biohazard” and delivered to a company which disposes of medical waste. He said patients bleed very little during orthodontic treatment, probably less than men do when they shave.

Councilmember Jackson asked Mr. Spencer whether a Development Code amendment could be scheduled for the next Council meeting. Mr. Spencer replied the amendment would have to go to a public hearing before the Planning Commission, so the proposal could return to the City Council within a month. Dr. Snow would be required to have inspections by the Building Official and Fire Chief, which could be done while the amendment is being considered.

Dr. Snow referred to section 13 of the Development Code, which does not appear to require amendment of the Code to allow an appeal to be approved. He believed the current provision is discriminatory and could create liability to the City.

Councilmember Jackson responded that not amending the Code could also be considered discriminatory. If Dr. Snow’s application was approved and a business license application for a disallowed home health care business was received before the Code was amended, the applicant could claim discrimination.

Councilmember Blackburn asked Mr. Kinghorn whether Council approval at this meeting guarantees Dr. Snow permission to go forward, even before the Planning Commission hearing. Mr. Kinghorn recommended the Council move ahead with the amendment process, speeding the process along as much as possible.

Councilmember Strouse asked how long the business would remain in the home. Dr. Snow’s understanding was there would be no office space available in Eagle Mountain for two years.

Councilmember Lifferth asked Dr. Snow if he had all the equipment he needed to set up his practice. Dr. Snow said he had about half of it. Councilmember Lifferth said he’s very pro-business and wants to find a way to accommodate Dr. Snow, but the law requires the Council to follow procedures for amendment.

Councilmember Strouse asked Dr. Snow if he would be using chemicals similar to hairdressing chemicals. Dr. Snow replied his chemicals are fewer than those used in nail care.

Councilmember Liddiard called the question, at which point Councilmember Jackson pointed out there was no motion on the table.

Councilmember Liddiard **moved** to return the application to the Planning Department with instructions to amend the Development Code to allow orthodontics as a home business. 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.

RESOLUTION – Consideration and approval of a resolution authorizing and approving: (1) a power supply resource plan; (2) the Intermountain Unit 3 Project power sales contract with Utah Associated Municipal Power Systems (UAMPS); (3) the second amendment to the UAMPS Agreement for Joint and Cooperative Action; and (4) related matters

The resolution regarding City power contracts was presented by Energy Division Manager Adam Ferre and Ms. Jackie Coombs of UAMPS. At the City Council Work Session on January 23, 2007, Ms. Coombs gave a detailed presentation on IPP3 and UAMPS. Eagle Mountain City is a member of the Utah Associated Municipal Power System (UAMPS). UAMPS is responsible for acquisition and construction of electrical generating, transmission and related facilities in order to secure reliable, economical sources of electric power and energy for its members. This resolution will adopt a new Power Supply Resource Plan and continue the City's participation in the IPP3 project. It will also amend the current UAMPS agreement.

Councilmember Liddiard **moved** to approve Resolution R-05-2007 authorizing a power supply resource plan, power sales contract with UAMPS and second amendment to the UAMPS agreement in the amount of 20 megawatt hours. 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 adoption of an ordinance amending the FY 2007 budget

Management Analyst Ifo Pili presented an analysis conducted to determine the disparity between the wages of Eagle Mountain City employees and comparable cities throughout the state. Survey comparisons indicated a number of disparities. In addition, the immense growth of Eagle Mountain City over the past several years has provided employees with a vast opportunity for learning and personal growth. The on-the-job experiences afforded to many Eagle Mountain employees has given them invaluable knowledge and skill sets. In order to retain these employees, as well as recruit future employees with the proper skill sets, consideration of salary adjustments has become necessary. A public hearing was held on this issue on January 23, 2007.

Councilmember Strouse mentioned it appeared to her that two employees' salaries would be decreased. Councilmember Liddiard said the lower limits of the pay bands for the positions would be reduced; the employees' pay would not be decreased.

Councilmember Strouse said she thought more information was needed. Mayor Richardson asked Mr. Pili to briefly review what was being proposed this evening.

Councilmember Jackson pointed out what was being approved was pay bands or ranges, not individual pay rates, which are the Mayor's responsibility. Councilmember Liddiard agreed, while the information offered by Mr. Pili was very detailed, the Council's responsibility is to provide a law giving a framework in which individual pay rates could be decided.

Councilmember Jackson mentioned part of the proposal involved providing correct job titles for responsibilities being performed by those who do not have the appropriate title and compensation.

Councilmember Strouse said she did not see the necessary equity and accuracy in the figures. Mr. Pili explained the figures were derived from comparisons with 80% of cities in the area.

Councilmember Jackson **moved** to adopt Ordinance O-02-2007 amending employee pay bands, amending the FY 2007 budget to fund adjusted pay bands and reduce funding from enterprise funds, and creating three new positions. Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson and David Lifferth. Those voting no: Vincent Liddiard and Linn Strouse. The motion **passed** with a 3:2 majority vote.

Mayor Richardson indicated the Council brought up valid points, which will be addressed as the ordinance is implemented.

ORDINANCE – Consideration and adoption of an ordinance amending the Meadow Ranch Master Development Plan and rezoning property

The original Meadow Ranch Master Development Plan, approved by the Eagle Mountain Town Council in 1997, required a minimum lot size of one acre. Mr. Peter Spencer, Planning Director, explained Ames Construction's proposal to amend the Meadow Ranch Master Development Plan to allow half-acre lots in Meadow Ranch Phase 5. He noted a Master Plan Amendment (rezone) is a discretionary application, thus the City Council may use discretion when evaluating this proposal. A public hearing was held on this item on January 23, 2007.

Councilmember Liddiard **moved** to adopt an ordinance creating the Meadow Ranch residential zone, subject to the following conditions:

- no curb and gutter drainage structures, sidewalks or street lights
- pedestrian trails may be required
- monument signs as presented by staff
- open space park area is slightly under the required amount, to be balanced by improved amenities
- lot sizes to be transitioned
- trail continuations
- drainage issues to be addressed
- animal rights or lack thereof and proximity to Camp Williams to be noticed to residents
- split rail fence to be installed along open trail areas and a privacy fence along the border with Camp Williams

Councilmember Jackson **seconded** the motion, with a suggestion that funds for proposed monument signs be used for additional park amenities instead.

Councilmember Lifferth brought up this being a change within an existing development, which he was uncomfortable with.

Those voting aye: Heather Jackson and Vincent Liddiard. Those voting no: David Blackburn and David Lifferth. Councilmember Strouse abstained. Mayor Richardson broke the 2:2 tie vote by voting no. The motion **failed** with a vote of 2:3.

AGREEMENT – Consideration and approval of a monitoring well agreement with the LDS Corporation of the Presiding Bishop

The City is involved in a ground monitoring program with the Utah Geological Survey. This monitoring program is part of a requirement from the State Engineer before additional water rights can be diverted to the Cedar Valley. As part of this program, the City has contracted with Lang Exploratory Drilling to construct two monitoring wells. Well B is located on property owned by the LDS Church. This agreement allows the City to construct a well on this property for a price of \$1,000. It also establishes conditions of construction and allows for an owner's option to keep the well.

Councilmember Liddiard **moved** to approve the monitoring well agreement with the LDS Corporation of the Presiding Bishop. 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.

AGREEMENT – Consideration and approval of an agreement with Sawyer Brown, Inc., for entertainment at the Pony Express Days ten-year celebration

This is a contract to approve Sawyer Brown as the main event concert at the ten-year Pony Express Days celebration. Sawyer Brown is a popular act which attracts a large crowd of fans when they appear in concert. Tickets will sell for \$9 per person.

Councilmember Liddiard mentioned provisions in the contract required that no emcee be on stage and security to be entirely under the direction of the band. He asked if there was any room for adjustment of those provisions. Mr. Kinghorn explained the security personnel were those hired by the band and located immediately around the stage to protect the artists from the crowd. The City has supervision over Sheriff's Deputies and anyone hired by the City. Councilmember Liddiard also asked if the City is required to provide and pay for sound and lights. Mayor Richardson said that is a standard requirement for concerts.

Councilmember Lifferth mentioned the stage would be set up for two days to accommodate other entertainment, which will help the City recover costs.

Councilmember Blackburn brought up the contract provision which says the band will be paid rain or shine. He asked if it included the band failing to appear. Mr. Kinghorn stated the band was required to appear to be paid.

Councilmember Lifferth called the question.

Mayor Richardson called for a vote on the motion. Councilmember Liddiard **moved** to approve the agreement with Sawyer Brown, Inc., for entertainment at Pony Express Days. 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.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Liddiard

Councilmember Liddiard thanked the City for the flowers and kind wishes when his wife had their baby boy. He wondered how much progress has been made on the audit. He would like impact fees to be addressed at the next meeting. He would also like the City to take a proactive stance on next year's budget. He would like the City to create an ad hoc advisory group to help with large projects like the recent pay band analysis. He thanked public safety employees for the excellent service they provide to the residents.

Councilmember Jackson

Councilmember Jackson congratulated Councilmember Liddiard on the new baby. She described tonight's meeting as long and hard, with decisions that were not unanimous, but said that is OK. The Council is not designed to agree all the time. Their different perspectives help them make better decisions for the city. Differences should be expressed in a friendly fashion and the Council should work together. She was concerned because the Planning Commission isn't complete; the empty seat needs to be filled. The wage and step process is urgent and should be implemented right away. If not, it would be good to address it in next year's budget. President's Day is coming up; she urged everyone to

remember the presidents who have helped the nation. She was grateful for a Mayor who has helped move the city along the right track.

Councilmember Strouse

Councilmember Strouse wondered about the progress on the computer audit and the City website. A resident told her the Council's email addresses were not available on the website, so she would like a report provided at the next meeting.

Councilmember Blackburn

Councilmember Blackburn thanked everyone for attending tonight's meeting. He advised department heads to inform their employees the adjustment in pay bands does not mean all employees will receive a raise in pay. He hoped there would be feedback on the issue, perhaps in a closed session. He would like to see progress on the Policies and Procedures Manual. He looked forward to the annual budget review, hoping the budget and audit could be completed promptly so the city can move forward. He had an ongoing concern that building permits are being issued without an adequate impact fee structure.

Councilmember Lifferth

Councilmember Lifferth expressed condolences to the families affected by the emergency in Saratoga Springs this evening. He said today is Ronald Reagan's birthday and expressed his appreciation for President Reagan's leadership and standard of smaller, more responsible government. If an Arts Board is implemented again, it needs to be done correctly. He also appreciated the volunteers who are willing to serve on committees and staff for their professionalism and service to the community.

Mayor Richardson

Mayor Richardson appreciated the time and diligence everyone invested in this meeting. He also appreciated living in a country that allows people to work with government. The concerns raised about the salary ordinance will be addressed. He was grateful for those who step up and serve the community.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 10:08 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 15, 2007

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

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

Mayor Don Richardson called the meeting to order at 7:08 p.m. Len Whitney led the pledge of allegiance.

CONDUCTING: Mayor Don Richardson

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; Chief Rand Andrus, Fire Chief.

INTERVIEWS

INTERVIEWS – Question and Answer Interview Session with Applicants for the position of City Administrator for Eagle Mountain City.

Mayor Richardson explained the interview process in which Chief Andrus will toss a coin to determine which candidate will speak first. The City Council will individually interview the final two candidates, John Hendrickson and Brent Bluth for the city administrator position. Each candidate will have the opportunity to introduce himself and participate in a question answer session with the Council for no longer than 45 minutes. Mayor Richardson stated after the interviews are complete the City Council will go into a closed executive session. He said a decision will not be made at the meeting this evening.

John Hendrickson won the coin toss and chose to interview second.

Brent Bluth stated it is a pleasure to be here this evening and thanked the Mayor for the opportunity to interview and become familiar and acquainted with the City Council. He has lived in Elkridge for approximately 10 years. He has an undergraduate degree in international relations from Brigham Young University and master's in public administration. He has spent his 24 year professional career in municipal government and has served in many capacities ranging from basic laborer to city manager, including economic development and community development. Mr. Bluth is married and has four children between the ages of 4 to 25 yrs old.

Mayor Richardson told the City Council the same questions must be asked of each candidate to ensure fairness. Mr. Kinghorn explained this is not law but an issue of fairness.

Councilmember Lifferth stated the City has had many problems, which he believes could be traced back to the city administrators. He asked Mr. Bluth who he believes the city administrator works for and who he is accountable to. Mr. Bluth responded as the city administrator he would be accountable to the

community, the residents, the City Council and the Mayor. He would work under the direction of the Mayor to carry out the actions of the City Council.

Councilmember Lifferth asked how he would respond to Councilmembers who violated City policies passed by the City Council, which they themselves set. Mr. Bluth responded he would not have the authority as the city administrator to punish Councilmembers for violations of policy. However, if there were questions as to what the policies are and his interpretation policies including the repercussions of violating those policies he would answer those kinds of questions.

Councilmember Liddiard joined the meeting at 7:17 p.m.

Councilmember Lifferth referenced Mr. Bluth's employment experience in Bluffdale and asked if he was put in the same situation of having a new mayor elected who were changing things and he felt a different direction was in the best interest of the City would he stand his ground or handle things differently. Mr. Bluth stated he would not do anything illegal, unethical or immoral and he will not do anything that would violate policy.

Councilmember Lifferth stated the Mayor, Council and community will not tolerate anything illegal. He stated the candidate chosen will be his friend if they do a good job, what is best for the community and is honest and ethical; however, if not he will land on them like a load of bricks. Mr. Bluth stated he would expect that.

Councilmember Blackburn expressed appreciation to Mr. Bluth for his interest in the position. He stated Eagle Mountain is an area of high growth. He asked what are the goals for a high growth, bedroom community with a small tax base. Mr. Bluth stated he is familiar with this type of situation. He feels keeping up with the services demanded by the community and services the legislative body wants to provide. He said it is beneficial to broaden the tax base as much as possible. He brings an area of expertise in fostering economic development and ensuring the process is in place to establish economic development and taking advantage of the residential tax base. He believes if the City makes the environment appealing to businesses and a business can locate in the community in a fair time that will help. He stated industrial growth is also important to provide jobs. He believes the average time for a large industrial building to be permitted in a community is about 14 days.

Councilmember Blackburn asked Mr. Bluth how he would describe his management style. Mr. Bluth replied he is open, but firm. He stated he is approachable but he is demanding and expects professionalism of staff and he creates a feeling of safety so they strive to do their best. He expects staff to have accountability for their work. Mr. Bluth said he believes his employees would give his best testimonial.

Councilmember Blackburn asked Mr. Bluth if he was caught between the Council and staff which side would he take. Mr. Bluth stated it would depend on the situation. If the Council had passed resolutions and ordinances for the staff to act on he expects them to be acted on.

Councilmember Blackburn asked what his 100 day action plan would be. Mr. Bluth commented he would first get with the mayor to get a direction, review all of the resolutions and ordinances, become very familiar with the budget, review the general plan and the strategic plan.

Councilmember Blackburn asked Mr. Bluth how long he intends to work for the City. Mr. Bluth replied he will stay with the City as long as they will have him.

Councilmember Blackburn commented Mr. Bluth's resume is strong in grant writing. He asked him where he thought the City needs grants. He stated with the high growth grants in the following areas would be beneficial: infrastructure, recreation and traffic.

Councilmember Blackburn asked Mr. Bluth what he perceives the positives and negatives of Eagle Mountain to be. He stated Eagle Mountain's legislative body has turned a corner and he feels there are only good things to come. He also sees the growth as a positive and that there seems to be a sense of community. Mr. Bluth stated he only knows what he has read in the newspaper; however, every community has things they can improve on. He would hope to create a consensus for the Council and Mayor on major issues.

Councilmember Strouse noted there didn't used to be City Administrators, and asked why are they important now. Mr. Bluth responded city administrators bring a sense of professionalism to cities. Cities are becoming more complex, including budgets and legal issues; city administrators offer a source of expertise to the mayor and council. He stated he has only good to say about his colleagues.

Councilmember Strouse asked Mr. Bluth what his strong points are. He responded taking councils actions and implementing them, and economic development. He also brings a strong finance background dealing with many budgets. He stated he has a conservative approach to budgets.

Councilmember Strouse asked how he sees community involvement as an asset to the City. Mr. Bluth replied community involvement creates a sense of community and educates people about what is happening in the government by participating in the process and having involvement and cooperation.

Councilmember Liddiard apologized for his late arrival. He asked how Mr. Bluth how the commute will affect his job. Mr. Bluth responded he has commuted further for the past few years and he is used to it and he would consider moving to Eagle Mountain if offered the position.

Councilmember Liddiard asked Mr. Bluth if he was hired who will he work for. He stated he would be working for the Mayor.

Councilmember Liddiard asked what his expectations are in regards to a contract with the City. Mr. Bluth said the Mayor could terminate him at will for any reason; he hopes time would prove he is a good match. Therefore he would expect a severance package if he was terminated.

Councilmember Liddiard asked if he had ever been fired. Mr. Bluth stated he was fired by the mayor of Bluffdale; however, the City Council did not authorize that action which makes it void.

Councilmember Liddiard asked Mr. Bluth what form of government he feels works best. He responded the form of government the legislative body is comfortable with.

Councilmember Liddiard asked what he knows about Eagle Mountain. He responded he knows there is a lot of development, the City had early budget problems, and the fast growth may have caused those problems.

Councilmember Liddiard asked him with the recent publicity why he would apply for this job. Mr. Bluth thinks Eagle Mountain has turned a corner, and he wants to help make a positive difference. He loves what he does and gets satisfaction as long as he helps a community move forward.

Councilmember Jackson noted according to his resume he is currently employed by Bluffdale. She asked what his current job status is and what the reason for a change is. Mr. Bluth explained the mayor of Bluffdale has chosen to terminate him and the City Council will not ratify that. He commented he had surgery a couple of weeks ago and has been off work for that.

Councilmember Jackson stated many cities have changed the form of government by ordinance and not a vote by the people, including Bluffdale. She asked how involved he was in that process and if he feels it is appropriate. Mr. Bluth explained when the City Council decided to change the form of government the mayor of Bluffdale sued the City Council and him and called for a temporary restraining order against those ordinances. The judge found the City of Bluffdale had not changed the form of government, but had assigned administrative duties to the City Manager and not the Mayor. He explained the State Codes requirements of changing the form of government, and said he was involved in that process.

Councilmember Jackson stated Eagle Mountain is a complex city and owns its utilities. She asked what expertise he has in managing utilities. Mr. Bluth stated he worked with Provo City Power and is familiar with power and municipal utility industry in Utah. He said he is very familiar with sewer systems their complexities and expansion of those. When he left Payson City they had just completed an expansion of the sewer mechanical plant. He feels water is one of the most critical utilities and he is intimately familiar with water rights and the infrastructure for water. He feels the past city engineers he has worked with would say he is very rigorous on the review process. He commented he has not worked with natural gas.

Councilmember Jackson asked him when he knew he was one of the last candidates for the City if he further investigated the projects the City is working on and how long he thought it would take him to get up to speed on those. Mr. Bluth noted his former City Engineer is a resident of Eagle Mountain and they have discussed many of the things going on in the city. He is not familiar with everything going on and believes the power and sewer is in need of expansion. He does not believe it will take much time to get up to speed on those issues.

Councilmember Jackson noted Mr. Bluth has worked for several cities and asked what his experience is in building a city from the ground up. Mr. Bluth stated he has not had experience in building a city from the ground up; however, the size of the developments he worked with in Bluffdale are large and he was involved in that process.

Councilmember Jackson asked him his feelings about working more than one job at the same time. He stated it is very difficult. If there are demands that cannot be met this would be his priority.

Councilmember Jackson asked when dealing with situations if he is a backdoor person or does he deal with the situation head on. Mr. Bluth stated he thinks he deals with situations head on. He stated if he asked for a report to be on his desk and it was not there he would ask why it wasn't there.

Mayor Richardson asked Mr. Bluth if he had any questions for the City Council. He stated he did not. He thanked the City Council for the opportunity to answer their questions, and told them no matter what

their decision is, himself or Mr. Hendrickson, the City will do well. He said he has the utmost confidence in himself and Mr. Hendrickson and their profession. He noted no one is perfect but they are here for a reason. He acknowledged if the City Council chooses him they will have made a good choice.

Mayor Richardson thanked Mr. Bluth.

Mayor Richardson invited Mr. Hendrickson to introduce himself to the City Council.

Mr. Hendrickson thanked the City Council for the opportunity to speak with them. He thought Mr. Bluth's answers were excellent and he is a good person with good experience. He stated he has 30 years experience in city management. Mr. Hendrickson explained he came straight out of college to be the city manager for Payson, and has managed cities in Utah, California, Idaho, and Wyoming and has had some experience outside of local government. He has experience in utility management, personnel management, economic development, and personnel administration. He worked for the CIA (Central Intelligence Agency) and military intelligence. Mr. Hendrickson noted he has a master's degree from Brigham Young University bachelors in zoology and political science and an associate's degree from Rick's College in Life Sciences. He commented he has a broad educational background. He has been married for nearly 40 years with 7 children and almost 30 grandchildren. He enjoys city management and the interesting, creative way government can enhance people's lives. He stated he is interested in local government because of the people.

Councilmember Lifferth asked if he is selected whom does he work for and whom does he represent. He stated he would represent the Council, Mayor and the entire city. He noted any dealings in and out of the city he would represent the elected officials. In this form of government he would be responsible to the Mayor first, the Council and the people of the community. He said the people of the community want to know the city administrator is honest and forth right with them.

Councilmember Lifferth stated there was a situation where members of the City Council violated a policy. He asked Mr. Hendrickson how he would deal with a situation like that. He acknowledged in the current form of government that issue should go to the mayor and then he would inform the Councilmember and Council in an executive session as has been done in his past experience. In other forms of government it is the administrators responsible to address those issues.

Councilmember Lifferth commented he lived in Payson shortly after Mr. Hendrickson served as the city administrator and there seemed to be controversy and turmoil in Payson. He believed many of those things dated to after Mr. Hendrickson was the City Administrator. He asked him what issues he dealt with. Mr. Hendrickson said he didn't recall a lot of controversy and he thinks it happened shortly after he left. He didn't recall the selling of the hospital being controversial or the economic development. Changing then name of the golf course was a bit of a controversy, but it was worked through. He had to terminate some employees who did not have the best interest of the City; the Mayor and Council were supportive of those actions. He stated people have told him the time he was there more was accomplished than in the years after him.

Councilmember Lifferth asked Mr. Hendrickson if he is currently with Draper City. He responded he is not; the City Council and he came to an agreement that he would no longer be there. He stated those things happen and he would not do anything illegal, unethical or immoral. He has been a member of IMCA for 30 years and that is their code. He noted there was things going on that came in conflict with a couple Councilmembers. He stated the change was not unanimous and was a split situation for the

Council. As the city manager he and the Mayor negotiated the separation and the Council agreed with it.

Councilmember Lifferth stated he was elected on the platform of being a watchdog in local government. He said if Mr. Hendrickson is selected and does a good job and is moral and ethical he will be his friend, if not he will come down on him like a load of bricks. Mr. Hendrickson responded if that is Councilmember Lifferth's standard they will be friends.

Councilmember Blackburn thanked Mr. Hendrickson for his application and interest in serving the community. He asked what his experience is in dealing with high growth bedroom communities with a low tax base. Mr. Hendrickson explained the city he worked for in California was a small community who did not want commercial growth. He noted Utah has a shared sales tax, and in California it is all point of sale tax. He said in his time of management there the surplus was increased from \$800,000 surplus on a 4.5 million dollar budget to a 3.2 million dollar surplus in preparation of building a new fire station and city hall. He feels in good management you can do many things. He has managed fast growing cities such as Evanston Wyoming during the boom; Draper was also fast growing. Payson grew from a population of 8000 – 12,000 in the time he was there and was financially solid. He feels his forte is in working with fast growth.

Councilmember Blackburn asked how he would explain his management style. Mr. Hendrickson responded his management style is stewardship with a return in report. He expects department heads to know what they are doing. He requires a weekly meeting with department heads to evaluate goals and to have consistency with the Mayor and Council. He trusts them to do their work and if they do not do the work then he feels the city needs to find someone who will.

Councilmember Blackburn asked what his 100 day action plan would be. Mr. Hendrickson responded he would first look at the organization, and the decision making process, and the type of service levels and who it is for and how it is delivered. He would look into the financials, which is and should be a big concern. He would establish a good working relationship with the cities around Eagle Mountain and the county and get to know the community and organizations the City is involved with. He noted he would have to do four or five things at once, and that is what makes the job exciting and challenging.

Councilmember Blackburn asked Mr. Hendrickson how long he plans to serve Eagle Mountain City. He replied he expects to be with the City for about four years and then retire; however, life has a way of being candid and he can't be certain he may stay longer.

Councilmember Blackburn asked how he would bring additional funds to the City and what areas would he bring them to. Mr. Hendrickson said he would work to build a commercial, not heavy industrial base. He stated he thinks of revenue as rooftops and wallets, wallets being jobs. He feels there needs to be attention to what kind of commercial and the competition with other cities. He noted there are challenges and there needs to be balance. Mr. Hendrickson feels economic development of light industrial, office type businesses would be beneficial and bring jobs to the City. He would also consider what opportunities there are with the utilities. He stated he is not sure of the condition of the utilities funds.

Councilmember Blackburn questioned Mr. Hendrickson as to what the strengths and areas of improvement in Eagle Mountain are. He responded one of the strengths is the land being cheaper, and the mix of people. There is an opportunity to create traditions and the dynamics can be great. He feels

the weakness is SR 73 being a narrow road, which creates a problem with economic development. The City has control of their utilities and that responsibility can be a strength or a weakness depending on their condition. Mr. Hendrickson noted there isn't a through road to a metropolitan, which can be an issue for economic development.

Councilmember Strouse noted there didn't used to be city administrators, and asked why they are important now. Mr. Hendrickson stated city managers are professionals. Often times mayors and council persons have other jobs and are looking to people who have back ground experience in a particular area. He explained cities are unique and have rules and laws different than in a private business. He feels it is good to have persons with background and knowledge of what works and what doesn't. Mr. Hendrickson said when he first went to work with Payson the Mayor asked him to write down everything he did. He was pleased to report what they paid him came back to the City in a return of 10 to 1 on the dollar.

Councilmember Strouse stated they have discussed Mr. Hendrickson's strong points and asked if he wanted to add to that. He responded his breadth of management experience he has in finance, personnel, utilities and public works is a strong point. He stated there are not many issues that could come up in city government that he has not already been involved in. He feels his strengths are in the number of years he has worked in this business.

Councilmember Strouse asked him what he feels the importance of community involvement is and how he would utilize that. Mr. Hendrickson said he feels it is critical to have community involvement in a number of areas. He echoed Mr. Bluth's comments to the question. He feels community involvement can strengthen a community from a political point and a policy point of view. Involvement helps people know they have a say and makes it so the political body can make decisions with confidence.

Councilmember Liddiard stated he appreciates his colleague's questions and the responses from the candidates. He asked Mr. Hendrickson how his commute would affect his work. He responded his commute will not affect his work and he will be at the City as long as he is needed. He said he works hard and puts in long hours. He commented his wife if used to his hours and in a way he is married to the job. Mr. Hendrickson noted his wife and he might move closer to Eagle Mountain.

Councilmember Liddiard asked him, if hired, who would he work for. Mr. Hendrickson replied in the current form of government he would be responsible to the Mayor first, but in actuality he would have a responsibility to the Mayor and City Council.

Councilmember Liddiard asked Mr. Hendrickson what his expectations are in regards to a contract with the City. He responded he would like to enter into an agreement with the terms of employment spelled out. If there was a termination he would expect a contract to specify if there would be a severance, his obligations, work hours, longevity and where he is allowed to work. He stated that would be a negotiation with whomever the City hires, the Mayor and Council.

Councilmember Liddiard asked him if he has ever been fired. Mr. Hendrickson responded he had. He stated sometimes a city administrator has to take a position. He has never been fired because of work performance, or for anything unethical, illegal or immoral. He stated he has not met many city managers that have not been terminated. He remembered one mayor saying he wanted to hire his own person and fired him. He noted it is part of the job and if someone can't live with that they should not be in this career.

Councilmember Liddiard asked him what form of government works best. He said the one the City Council is comfortable with. He noted there is always debate on whether full or part time mayors work best and both have pros and cons and can work. He feels as long as the roles are spelled out either can work.

Councilmember Liddiard asked Mr. Hendrickson what he knows about Eagle Mountain. He replied the City is young and has had a lot of growing pains, and has had few major developers in the City and those relationships are important. He noted there has been controversy of whether or not to have impact fees, and there is a lot of debt to install utilities. He said there has been political turmoil, which the press may overstate. He spoke with a former City Administrator and he was still interested, which he said means he wasn't scared off. He has had discussions with Mayor Richardson and acting city administrator Ifo Pili and he feels the City Council is starting to work well together. He knows there are issues and decision of what to do with utilities.

Councilmember Liddiard stated he feels this question was already answered; however, he asked him with recent publicity why did he apply for this job. Mr. Hendrickson said he finds enjoyment in working with, and improving communities. He likes a challenge and likes to feel a sense of accomplishment. He feels Eagle Mountain is still in its formative years, which is an enticement. He can't stand complacency.

Councilmember Liddiard commented the citizens are looking for stability. The City is moving forward and he doesn't want the residents to have to worry about what the City Council is doing.

Councilmember Jackson asked Mr. Hendrickson how he would deal with the fact that it is an election year and four seats are up for election. He replied is not a concern and stated he would do his best to acquaint new councilmembers with the operations and processes of the City. He stated change may happen and it is something you work with. However, he would do his best to work with each Councilmember and the Council as a whole.

Councilmember Jackson asked him if he has been through a change in the form of government while in office. He stated he has worked in many different forms of government.

Councilmember Jackson stated Eagle Mountain is a complex city with ownership of most of the utilities. She asked what expertise he has in utilities. Mr. Hendrickson stated he provided an addendum to explain the depth of his expertise, including sewer treatment plant, electrical utilities and he negotiated the first exchange agreement with Bonneville Power. He worked with one gas utility in Evanston Wyoming.

Councilmember Lifferth stated he did not get an addendum. Mr. Hendrickson said he would provide that.

Mayor Richardson stated the Council will go into a closed executive session and the Council may ask a few questions and make comments after that.

ADJOURN TO A CLOSED EXECUTIVE SESSION – Personnel Matters

Councilmember Liddiard **moved** to adjourn to a closed executive session for the purpose of discussing personnel matters - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. 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.

The meeting adjourned at 8:38 p.m.

CLOSED-DOOR SESSION – Personnel Matters

A closed-door session was held at 8:39 p.m. for the purpose of discussing personnel matters - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Don D. Richardson; Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, Linn Strouse; staff members Jerry Kinghorn, and Gina Peterson.

The meeting adjourned at 9:21 p.m.

CONTINUED – INTERVIEWS – Question and Answer Interview Session with Applicants for the position of City Administrator for Eagle Mountain City.

Mayor Richardson invited the Councilmembers to make any comments they may have.

Councilmember Jackson thanked both applicants for applying, and stated they both have a great depth of knowledge and experience. She appreciated the forthrightness in their answers.

Councilmember Liddiard appreciated both gentlemen and enjoyed the opportunity to talk with them. He stated he hopes he provided them with more and than he gained. He commented both gentlemen have perspective that complete government. He stated this Council has worked diligently to meet the needs of the staff because they meet the needs of the residents.

Councilmember Strouse echoed the other Councilmembers comments and stated she looks forward to a decision.

Councilmember Blackburn stated this has been a fun process and he appreciates the caliber of applicants interested in the city administrator position. He said whichever applicant is hired will be in for a lot of work and he will be very supportive of them. Councilmember Blackburn looks forward to the experience and knowledge they will bring and thanked them for their interest in the City.

Councilmember Lifferth thanked both applicants for their interest in helping the community. He feels the City would be fortunate to have either one of them.

Mayor Richardson said he is honored they both applied. He stated the Council and he both feel good about the two final applicants and he appreciates their commitment and desire to do a good job. He explained they should have a decision in a week and both applicants will be hearing from him.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:26 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

February 20, 2007

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 4:07 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson (left at 6:00 p.m.), Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Linda Peterson, Public Communications; Jeff Weber, Assistant Public Works Director; Mark Binks, Sergeant; Jason Randall, Assistant Sergeant; Jerry Monson, Lieutenant.

PRESENTATION

DISCUSSION – Disposal of Open Space – Peter Spencer, Planning Director

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:17 p.m.

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

Mayor Richardson called the meeting to order at 7:06 p.m. Boy Scouts from Troop 1046 provided a color guard and 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; Kent Partridge, Building Official; Jeff Weber, Assistant Public Works Director; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jerry Monson, Lieutenant; and Jason Randall, Assistant Sergeant.

PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 Harrier Street, had questions on the proposed ordinance regulating the use of motorized vehicles on City-owned trails. Would “restricted property” include space that was improved, not improved, maintained or containing native vegetation? Would truck drivers using the construction entrance to Eagle Park, which is located along a City trail, be required to have permits? Would permits be required for riding mowers, volunteers plowing sidewalks, children’s motorized scooters or senior citizens’ motorized wheel chairs? The \$200 permit fee would be cost-prohibitive for a resident bringing in a truckload of fertilizer. Would residents be allowed to maintain City property behind their homes so kids could play safely and weeds would be cut down before they presented a fire hazard? On the topic of disposal of open space, she asked if the Eagle Park residents who signed a petition on purchasing open space behind their homes had been notified of the agenda item on the next City Council meeting.

Ms. Wendy Baggaley, 1467 Hawk Way, reported House Bill 41 is stuck in the House Rules Committee at the Legislature. She urged residents to send emails to Reps. Urquhart, Curtis and Clark, asking them to allow this bill to go to the House floor. The bill would require a specific process before a city can change its form of government and would create a Forms of Local Government Task Force.

CITY COUNCIL/MAYOR ITEMS

EMPLOYEE INTRODUCTION – Jory Provoostgard

Sgt. Mark Binks introduced Eagle Mountain’s new Sheriff’s Deputy, Jory Provoostgard. Deputy Provoostgard is a ten-year veteran of the Sheriff’s Office who resides in Eagle Mountain. Deputy Provoostgard said he and his family have lived in Eagle Mountain since 2003 and own the Coffee Creations shop in Saratoga Springs, so they are vested in the community.

CITY COUNCIL COMMENTS

Councilmember Heather Jackson

Councilmember Jackson noted the subdivision construction entrance Ms. Ulmer was referring to was in Autumn Ridge, not Eagle Park. She expressed appreciation for Ms. Baggaley’s update on House Bill 41 and discussed recent developments in transportation for Eagle Mountain.

Councilmember Vincent Liddiard

Councilmember Liddiard spoke to the Boy Scouts who led the Pledge of Allegiance, saying their involvement in community projects has helped the community. He congratulated the city’s public safety workers for making the community a much safer place to live, specifically expressing appreciation for their assistance with the recent house explosion in Saratoga Springs.

Councilmember Linn Strouse

Councilmember Strouse thanked residents for attending this meeting. She recognized the Boy Scouts who participated in the color guard and Pledge of Allegiance.

Councilmember David Blackburn

Councilmember Blackburn informed the audience the Council interviewed the two final applicants for City Administrator. He was impressed with the caliber of the applicants and looked forward to the benefit the new administrator will bring to the city.

Councilmember David Lifferth

Councilmember Lifferth said he has been watching the Legislature this year. He testified before the Senate Education Committee on the school voucher bill, which would level the playing field among students in charter, private and public schools. He also mentioned Senate Bill 201, which would make it illegal to confiscate handguns from private citizens during emergencies, as happened in New Orleans after Hurricane Katrina. He thanked our state legislators for their efforts.

Mayor Don D. Richardson

Mayor Richardson recently met with Alpine School District, which is seeking land for a new elementary school in the Ranches, as well as planning to add eight classrooms to Eagle Valley Elementary School in City Center. The proposed 1000 South road has been kept separate from the Mountainview Corridor, which will allow for two roads instead of one. There was a gas leak about a week ago in Eagle Mountain similar to the one that recently caused a house explosion in Saratoga Springs. Public safety workers from both cities responded to both incidents.

CONSENT AGENDA

Mayor Richardson announced the September 19, 2006, minutes would be removed from the Consent Agenda.

Councilmember Liddiard **moved** to approve the Consent Agenda as follows:

FINAL PLATS

Colonial Park – Phase 2

Colonial Park – Phase 3

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.

SCHEDULED ITEMS

ORDINANCE – Consideration and adoption of an ordinance establishing procedures for obtaining a permit to operate a motorized vehicle on a public trail, right of way or open space and providing penalties for trespassing without a permit

Assistant Public Works Director Jeff Weber explained this ordinance will govern City-owned and maintained trails, open space and public rights of way. The ordinance will ensure adequate communication between the City and vehicle owners driving on trails for maintenance of open space, landscaping, fencing and homeowners using motorized vehicles to enter their lots from City open space. The ordinance provides for an application form requiring an inspection fee, as well as a cash bond (deposit) for any damage done to trails, grass, irrigation, etc. An inspection will be done before and after a vehicle enters a trail. The bond will be fully refundable once the final inspection has determined the vehicle caused no damage. The ordinance will also apply to rental of city parks and open space for events, including carnivals and parties.

Councilmember Liddiard asked that language be included in the ordinance allowing small projects to be completed without requiring a bond. Mr. Kinghorn said a waiver provision could be included, as long as it specifies standards for determining what kinds of projects could be exempt from fees or bonds.

Councilmember Blackburn clarified the ordinance wasn't intended to apply to motorized scooters or carts used by the handicapped, but rather to larger vehicles like ATVs. He also asked that the application fee be refigured to reflect the actual cost of staff time involved in enforcing the ordinance.

Councilmember Jackson **moved** to table the ordinance. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth asked staff to bring it back very quickly so it can be in place before residents need to start spring cleanup projects.

Councilmember Jackson said she would like to have it back before the Council by March 6th, if possible.

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 permit fees for operation of motorized vehicles on public trails, rights of way, or open space

The Consolidated Fee Schedule will be amended to incorporate fees with regard to the previous item – permit fees for operation of motorized vehicles on public trails, rights of way or open space.

Councilmember Liddiard **moved** to table the resolution. 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.

AGREEMENT – Consideration and approval of a cable television franchise agreement with PrimeVision, L.L.C.

City Attorney Jerry Kinghorn presented this first cable television franchise agreement entered into by the City. The agreement has been carefully reviewed by the principals and attorneys of both parties. It contains standard FCC-allowed requirements, including both franchise fee audit and cost recovery provisions. The agreement provides for service to City Hall and access channels for the City, including a one-time payment intended to be used by the City for necessary equipment to broadcast meetings of City boards, the Planning Commission and the City Council. Build-out is only required within areas deemed to be economically feasible, based on anticipated subscribers using the service. The City Council received a presentation by the company principals late last year. The service is anticipated to begin in the City Center.

Councilmember Blackburn asked about the provision for restoration of property at the company's expense. In cases of excavating under roads, is the company required to notify the City? Mr. Kinghorn stated the agreement does not give the company permission to violate any City ordinance. There is a City ordinance which requires any excavation to have a permit. Councilmember Blackburn said he would like wording in the contract referring to the ordinance. Mr. Kinghorn said section 3.7 of the contract requires the company to comply with all City ordinances.

Councilmember Jackson pointed out this agreement is similar to development agreements, which require developers to comply with City ordinances.

Councilmember Liddiard requested that, since the agreement specifies that the equipment grant takes place upon request by the City, no sooner than ten months from the agreement date, the Recorder's Office create an agenda item for January, 2008.

Councilmember Lifferth asked if section 2.3 of the contract automatically terminates the agreement after fifteen years unless renewed by the Council. Mr. Kinghorn replied it does.

Councilmember Liddiard **moved** to approve the cable television franchise agreement with PrimeVision, L.L.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.

ORDINANCE – Consideration and adoption of an ordinance repealing Ordinance O-00-12 and dissolving the Eagle Mountain Community Arts Board

Mr. Kinghorn explained a motion was made in a 2004 City Council meeting to repeal the Community Arts Board, but a formal ordinance repealing Ordinance O-00-12 was never placed before the Council. At the request of the City Council, this ordinance has been prepared, formally repealing the ordinance establishing the Community Arts Board. The Mayor has directed that research be done which will result in a new Community Arts Board ordinance addressing the difficulties encountered with the previous board.

Councilmember Blackburn reminded residents this is not a current action to dissolve the Arts Board, but a ratification of action which was not completed in 2004.

Councilmember Lifferth asked when the new ordinance would be presented to the Council. Mayor Richardson replied other cities' arts councils are being reviewed. He expected it to be done within 30 days. Councilmember Lifferth said he would like to have the new Arts Board in place before Pony Express Days, so it can be a resource to those who organize the event.

Councilmember Liddiard **moved** to adopt Ordinance O-03-2007 repealing Ordinance O-00-12 and to direct City staff to prepare information leading to the creation of a new Community Arts Board. 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.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth discussed the application for an in-home orthodontic business. He would prefer that Eagle Mountain not be leading-edge on home health care, but first get information from other cities. He requested that the gas pilot lighting ordinance come before the Council in the near future. He also wanted the Council to receive conflict of interest training from the Utah League of Cities and Towns.

Councilmember Blackburn

Councilmember Blackburn wished to see the results of the FY 2006 budget audit, preferably by the next City Council meeting. He was also looking forward to the upcoming budget discussions for FY 2008.

Councilmember Strouse

Councilmember Strouse looked forward to Mayor Richardson having the Utah League of Cities and Towns train the Council and staff on new laws. She related a T.V. documentary on the history of the New York subway, which was started in the 1860's by a private investor. Like New York, which still has to accommodate growth and build new subways, Eagle Mountain's transportation needs will continue to grow. Mayor Bailey formed the Transportation Task Force, which addressed such problems and included surrounding cities and citizens in that ongoing process. She expressed gratitude for the continued efforts of all who have and are still working on this issue.

Councilmember Liddiard

Councilmember Liddiard said he received an email from Chief Andrus regarding the City's fire rating and mentioning a list of actions residents could take to improve fire safety. He looked forward to the specifics on those topics. He echoed Councilmember Blackburn in wanting to see the results of the budget audit. He also wanted City Council members to be planning for next year's budget.

Councilmember Jackson

Councilmember Jackson hoped to have a new City Administrator in the next two weeks. She mentioned emails from the Fire Chief and Librarian regarding studies they've conducted and plans they have for the future.

Mayor Richardson

Mayor Richardson expressed appreciation to everyone who attended the meeting.

COMMUNICATION ITEMS

Upcoming Agenda Items.

Fire Department Statistics – January 2007.

Sheriff's Department Statistics – January 2007.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 7:56 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 6, 2007

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 4:20 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth (arrived at 5:48 p.m.) and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City 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; Adam Ferre, Energy Division Manager; Jordan Harris, Water Supervisor; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

PRESENTATIONS

INTRODUCTION – Steve Miner – Associated Food Stores

DISCUSSION – North County Library Interlocal Recommendation – Michele Graves

DISCUSSION – Fire Department Staffing – Rand Andrus

DISCUSSION – CDA Contract – Ifo Pili

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:30 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:32 p.m. Chris Trusty 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; Ifo Pili, Management Analyst; Gordon Burt, City 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; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; and Jerry Monson, Lieutenant.

INFORMATION ITEMS/UPCOMING EVENTS

Mayor Richardson announced the following upcoming events:

- Easter Egg Hunt, April 7, 10:00 a.m, Nolan Park
- Miss Eagle Mountain Pageant, April 7, 7:00 p.m., Eagle Valley Elementary School

PUBLIC COMMENTS

Mr. Joe Christensen, 4639 Osprey Way, said during his six years of living in Eagle Park he has hoped the City would improve the land behind his house or he would be allowed to purchase it. He asked the City to improve the land very soon because it's a fire hazard and an eyesore; the weeds from the City's land encroach on all the adjoining yards and make it hard for residents to keep their yards in good order.

Ms. Tiffany Ulmer, 1320 Harrier Street, stated the best time to change a law is before it becomes a law. She asked the Council to consider her application to purchase the open space behind her house, which she turned in on the first day after the moratorium ended. At this point, the land is listed as not available for purchase. She commented on the miscommunication that has gone on regarding open space. As an example, she displayed an ad by a real estate agent which promised additional land available for purchase behind a home for sale on Harrier Street.

Ms. Jayna Jones, 4668 Kestrel Way, stated the City land around and in the center of Eagle Park is a hazard: the weeds, which are only mowed once or twice a summer, are a fire hazard and infested with rodents. If residents kept their yards the way the City keeps its land, they would be cited. The original home owners in Eagle Park were promised the City land would be landscaped and include paved paths. An ordinance could be created similar to a home owners' association: once a major percentage of a subdivision is completed, the City would have six months to improve its land and would be required to maintain the improvements from that time forward. In subdivisions that are already substantially complete, the City would have twelve months to improve City-owned land and then continue maintenance. She's heard that a committee is being formed to address these issues and volunteered to join it.

Ms. Sarah Hendricks, 2008 Mountain View Drive, reported the front end of her yard and the sidewalk in front of her home are sinking because of rodents burrowing, which decreases the value of her property. The land behind her home is an eyesore. Potential purchasers are going to the Ranches, which is much more aesthetically pleasing and where property values are going up. A walkway near her home is surrounded by tall weeds, which are also infested with rodents. Her opinion was some of the City's open space is a waste of land and the City has lost potential income from sales of the land.

Ms. Merilynn Lloyd, 2425 Overland Drive, thanked the Mayor and Council for their service. She expressed her concern about a 40- to 60-acre area between the first and second Cedar Pass Ranch entrances, where a ten-year excavation project has been proposed. She asked the Council if they were aware there have been two accidents requiring Life Flight at the existing gravel pit near her home. Ms. Lloyd mentioned one of her neighbors has been excavating five acres of his land for seven years and wondered why no one has done anything about it. While she sympathizes with the owner of the proposed excavation site and his need to use his land, she is also concerned about adjacent property values.

Ms. Wendy Baggaley, 1467 Hawk Way, announced Senate Bill 41 passed with a third substitute and created a Community Issues Task Force. It set a moratorium on municipalities changing their form of government. She thanked Councilmember Jackson and others for their help on this issue. The Council should pay attention to news reports about this task force because it will affect city government, especially the powers of the Mayor versus those of the Council. She also thanked Senator Madsen and Representative Sumsion for their hard work on this bill.

CITY COUNCIL/MAYOR ITEMS

Planning Commission Appointment – Ryan Ireland

Mayor Richardson proposed appointing Mr. Ryan Ireland to the Planning Commission.

Councilmember Jackson **moved** to appoint Mr. Ryan Ireland to the Planning Commission. 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.

Mr. Ireland was sworn in by City Recorder Gina Peterson.

Mayor Pro Tem Appointment

Mayor Pro Tem appointment and Council comments are reported verbatim at the request of Councilmember Lifferth.

Mayor Richardson: “Now the next appointment, for Mayor Pro Tem. It’s customary, when a new mayor is elected or appointed, that a new Mayor Pro Tem be appointed. Do I have a motion?”

Councilmember Strouse: “Mr. Mayor.”

Mayor Richardson: “Yes.”

Councilmember Strouse: “I have a **motion** that we appoint Dave Blackburn as our next Mayor Pro Tem.”

Mayor Richardson: “Do I have a second?”

Councilmember Liddiard: “I’ll **second** that.”

Mayor Richardson: “All those in favor, say yes.”

Councilmember Lifferth: “Is there any opportunity for discussion of this, or is this a Consent Agenda motion?”

Mayor Richardson: “We can have discussion. Let’s open a discussion, then.”

Councilmember Lifferth: “[inaudible] Ms. Strouse lead the discussion?”

Councilmember Strouse: “Yes. I have served the citizens of Eagle Mountain on the City Council for over five years. I’ve had the privilege of serving as Mayor Pro Tem since October, 2006. It’s time for another to grow from this additional responsibility, as I have. This is a position that requires time, patience and integrity. It’s not a position to maintain the status quo, but rather to provide leadership in the absence of an elected Mayor. Councilmen Blackburn or Liddiard are very experienced and have the greatest interest in mind. They’ve [inaudible] community, demonstrated moral fortitude and conviction to do what’s right, even when it’s unpopular. Thank you.”

Mayor Richardson: “Thank you, Linn. Is there any other discussion?”

Councilmember Lifferth: “Mr. Mayor, I would like to challenge some of the things that Ms. Strouse just said. She described Councilman Blackburn of having integrity and knowing some of the things that he has not disclosed in his own personal life to the residents of the city, I would challenge that anyone who is currently under investigation for not disclosing personal gifts that they have received from people conducting business in the city should not be the person elected to represent us as a Mayor Pro Tem for the times that you are not here.”

Mayor Richardson: “Noted. We know that there is, that is being looked at currently and there is no decision that’s been made there, as far as any improprieties yet.”

Councilmember Lifferth: “Mr. Mayor, I would like to state that justice delayed is justice denied. I have asked for that to go on for quite some time now and I’m very disappointed that no one has stepped forward to make a decision on this yet. The facts are not in question, the facts have not been disputed, it’s just, are we going to apply the law and remove someone from the Council for accepting gifts and not disclosing them or will we let them sit in a mockery of democracy as if they are worthy to be representing us?”

Mayor Richardson: “I understand what you’re saying. Like I said, it is under investigation. Currently there is no right or wrong that has been proposed currently. Until that has gone through the process of if there’s been impropriety, then there will be action taking place.”

Councilmember Lifferth: “Mr. Mayor, many people know me as a watchdog and most people know me just for being abrupt and blatantly honest and brutally honest. They don’t remember me being patient and asking for things, not the first time when I’m patient, not the second time when I’m patient, third time when I’m patient. It’s only after I am convinced that people do not want to make a decision, they want to continue, as has been stated, sweep things under the rug, do I lose my patience and demand that something be done. Mr. Mayor, I demand that before our next Council meeting, that this be addressed and no longer be pushed aside. It becomes very important that we, that the citizens can have confidence in our elected officials that we have not sold our vote to people who are conducting business in the city and if I do not see immediate action, I will begin dropping documentation on my web site that should have been there a long time ago.”

Mayor Richardson: "I would ask that, I think I've chatted with you and told you that Jerry is going through that. We're close to giving you a final summary of what has been done and the research that's been done, and how far are we on that, Jerry?"

Mr. Kinghorn: "I've received the searchable database that I need tonight that I needed to go through and complete probably the final section of the work. I don't know how long it's going to take to go through and examine that, but I'll do it as quickly as I can do it in a professional way."

Mayor Richardson: "I think it's very important that things are researched properly and that's what we've been doing. There has been not any delay that's been involved here. I apologize if you felt that way. It has been ongoing and we are researching it. Like anything, no one is guilty or innocent, or guilty, until proven guilty and we're just moving through that process. If this is a situation that we want to move to table this until the next Council meeting, we can do that."

Councilmember Strouse: "Call the question."

Councilmember Lifferth: "Mr. Mayor, I would like to have a Mayor Pro Tem that is not under investigation, that is not going to be removed from office before the next Council meeting."

Councilmember Strouse: "Mayor, could we call the question, please?"

Mayor Richardson: "Call the question."

Councilmember Blackburn: "Actually, I'd like to make a comment here. If this is tabled, it makes it look like I am not in a position to do this job and I do not agree with that. I think that I am competent and capable of doing this job. The comments that have been made by my co-Councilmember makes it sound like I am [tape turned over] money or guilt or have not acted appropriately in any way, shape or form. This is information that I have told others, this is information I have told the current Mayor, the legal counsel, and I have been asked to wait until they make an official comment. I'd like some action taken on it."

Mayor Richardson: "OK. And like I said, there is action going on. So I appreciate that. We, Council, the question has been called, there's a vote. All those in favor, say yes."

Councilmembers Blackburn, Strouse, Jackson and Liddiard: "Yes." Councilmember Lifferth: "No."

Mayor Richardson: "Does there need to be a roll call?"

Ms. Peterson: "Yes, please."

Mayor Richardson: "OK. Let's start with Councilman Lifferth."

Councilmember Lifferth: "No."

Councilmember Blackburn: "Yes."

Councilmember Strouse: "Yes."

Councilmember Liddiard: “Yes.”

Councilmember Jackson: “Yes.”

Mayor Richardson: “The yeses have it. Mr. Blackburn is passed. I would like to state that there is, we are looking through that currently and the time frame of getting through all that information is taking a while and the capable eyes of Mr. Kinghorn is going through that. We’ll have a report for you as soon as we can.”

CITY COUNCIL COMMENTS

Councilmember Heather Jackson

“I have one to make that I think is appropriate at this moment. The land disposal issue is up for us to vote on tonight and I know at least one of you brought up the committee for working on trying to beautify those areas, and I just want you to know that that is not a rumor, that we have a meeting set for Tuesday morning to start work on trying to put together a process and for beautifying these areas that have not yet been beautified in the city. And so as we start this together, we will, I’m sure, like to open that up to some of you as citizens, as well, to be involved. I’m sure our first meeting we’ll keep very tight, but we’re trying to put together some things that we can bring forward to the Council as something for us to vote on as a plan and as, you know, a few different ways that we can come up with funding for those things, as well, so look for more information on that as it comes through. Hopefully, we will have some type of plan to present in the next, I would hope, month to two months and I’m sorry it takes that long. You all, I know how long you’ve been waiting. I have lived in the City Center for eight and a half years, so I do understand what you’re seeing and what you’re going through. Thank you.”

Councilmember Vincent Liddiard

“I guess it’s my turn. My apologies for interrupting Ms. Ulmer when she was giving her presentation and robbing her of those final few seconds. I obviously, at some point, lived in Eagle Park and when I moved in, actually when I was there, as they were building my home and paving the street and everything else and so, back in 1999 was when I moved in to Eagle Park and am very familiar with that space behind the Ulmers’ home, as I lived down the street from them and I appreciate the people who came and made some comments here. I’ll restrain from making any opinions until we get to that point in the, in the agenda, but I will also say, in regards to Mr. Blackburn, I wish him the very best. With the exception of Ms. Jackson, every one of us has either been the Mayor Pro Tem at some point or been the Mayor. My only hope is that Mr. Lifferth filled a gap as Mayor, I filled a gap and was acting as Mayor for a month. Ms. Strouse filled a gap and was acting as Mayor for a month. Mr. Blackburn, see that you do not repeat that pattern.”

Councilmember Blackburn: “I don’t think that’s my choice.”

Councilmember Liddiard: “You’d better keep this guy.”

Councilmember Linn Strouse

“I also think this issue of the land to be disposed of or not to be disposed of has been a long-term issue and it’s one of those things where you look back and wish that we had done more up front. But I do think at this stage of the game, as I mentioned at prior meetings, that the City has an obligation to cut the weeds down, to keep the fire hazards down, to improve those areas and beautify those areas, so I’m

hoping that, as we discuss this issue, we will actually add that as an amendment if this is to be passed tonight, an amendment with a guideline as to, or a timeline for the beautification of that area. The residents have waited long enough. And I also wanted to mention about the mining operation that I hear is right beside Westview Heights, I for one would like more information on that: if this indeed is going on and has there been a mining operation going on the Messersmith lot and I'd like the details on that. That's quite a surprise to me. I knew something was going on, but that's, legitimate concerns have been brought up. Thank you."

Councilmember David Blackburn

"I just wanted to make everybody aware: Eagle Mountain has received notice and information that our zip code has changed to 84005. Check your mail. [Showing item of mail] This was mailed to me from this building that we're standing in and it was returned to sender because the zip code didn't go through. So check with your Post Office. Let them know that we do accept mail, that you do accept mail, and that this is a current zip code, 84005. I just found that quite ironic today. In light of some other comments and conversations made earlier this morning, or excuse me, just a few minutes ago: I have not done anything wrong. My vote has never been bought or purchased, nor have I acted in an inappropriate manner. Thank you."

Councilmember David Lifferth

"I appreciate the action of the State Legislature this year when they strengthened the conflict of interest ordinance. Eagle Mountain has a very strong conflict of interest ordinance that allows the residents and voters to know when or if their elected officials are acting in a manner other than in what is the best interests of the residents. Recently, the State Legislature strengthened that law and the residents and the voters have every right to know if members of their elected City Council are receiving gifts or other benefits by people who are conducting business in the city and I call on every member of the City Council who may be hiding something now to fully disclose their gifts that they've accepted from people conducting business in the city and not to sweep this under the rug. Thank you very much."

Mayor Don D. Richardson

"Thank you all. With the land issue, isn't it refreshing that some action is taking place? I appreciate that. With Mr. Blackburn and Mr. Lifferth, I just, we are working through this issue to make sure that both sides are seen and when that comes to fruition, we should have some answers here pretty soon. I appreciate your patience on that."

End of verbatim transcription.

SCHEDULED ITEMS

AGREEMENT – Consideration and approval of an employment contract for the position of City Administrator.

Mayor Don Richardson presented the proposed employment contract for the position of City Administrator. He stated the two final applicants for the position, Brent Bluth and John Hendrickson, were interviewed by the Council on February 15, 2007, and announced Mr. John Hendrickson has been hired as the new City Administrator.

Councilmember Blackburn noted many highly-qualified people applied for the job and he was very impressed with both final candidates.

Councilmember Liddiard **moved** to approve the appointment of Mr. John Hendrickson to the position of City Administrator. 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.

Mr. Hendrickson thanked the Council for approving his appointment and expressed his appreciation for the opportunity to serve. He said his first job was as Payson's first City Administrator, followed by fifteen years working in California and then in Draper. Mr. Hendrickson earned a master's degree in Public Administration from BYU and has dealt with many issues similar to those in Eagle Mountain, including infrastructure, utilities and community development. He hoped to work with the Mayor and Council as a team, having heard many positive comments about the city.

7:00 P.M. PUBLIC HEARING – Wastewater treatment final facilities plan.

MOTION – Consideration and approval of the final facilities plan for the South Service Area wastewater treatment plant.

The Final Facilities Plan for the South Service Area wastewater treatment plant was presented by City Engineer Chris Trusty and Darrel Dixon of Stantec. The City Council has already held a public hearing on the Facilities Plan, as submitted to the State Department of Environmental Quality (DEQ). After reviewing the Facilities Plan, the DEQ asked for some changes and more details concerning the environmental impacts associated with the reuse facilities. These changes dealt primarily with using the Cannibal sludge reduction system, which is a new system in the State but is quite widely used in other states with success in reduced sludge handling and reduced operation and maintenance costs. The DEQ then approved the use of the Cannibal system.

The Facilities Plan also detailed the City's plans to fund the reuse facility portion of the project with City funds. However, if funds from the State loan remain after the bidding of the project, the remaining funds would be used to finance the reuse facility. This action is due to the State's desire to utilize all of the loan monies. Because of the potential that State funding could be used for the reuse portion of the project, the DEQ asked for more details concerning the environmental impacts associated with the reuse facilities.

Mayor Richardson opened the public hearing at 8:20 p.m. Hearing no comments, he closed the hearing at 8:24 p.m.

Councilmember Liddiard asked why pumping wastewater to the Timpanogos Special Service District was no longer being considered. Mr. Dixon replied a previous report indicated that option was more expensive than building the treatment plant.

Councilmember Liddiard said a lot of work had been invested in this project over a couple of years. He had concerns about costs and the financial burden on users, stating the city needs something that can expand, unlike the present system.

Councilmember Jackson **moved** to approve the Final Facilities Plan for the South Service Area wastewater treatment plant. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn stated the project appears under-funded. He was concerned that it amounted

to a halfway measure and wanted the Council to have more information before making a decision.

Councilmember Strouse mentioned months were spent hiring a City Administrator and suggested the Council not make a decision without the City Administrator's input. She suggested the issue be tabled until he can consider it.

Councilmember Lifferth noted he was pleased with the progress of the South Service Area wastewater treatment plant. It's a cutting-edge system which will take good care of water in this dry valley. He also approved of the 1% interest rate on the State funding and said Stantec is the best company for the project.

Councilmember Jackson said this project needed to move forward because the new City Administrator would not have time to review it during the next two weeks. She said the Council made its decisions according to information it has been given.

Councilmember Liddiard was concerned about burdening future councils. He also had concerns about the content of the water, the repayment of the sewer system and how the service will be distributed throughout the city so those receiving the benefit are the ones who pay for it. He didn't want to penalize people who were not using the system. He asked what the projected timeline for completion of the project was and where the additional staff work would come from when the staff is so busy. This issue needs adequate attention, especially if it is approved tonight, to meet the projected online date of late 2008. He also stated the City Engineer needed to examine the impact fee to make sure it will meet the requirements of this new system.

Councilmember Blackburn asked for an update on the timeline.

Mr. Dixon stated once the Final Facilities Plan is approved, the design will take six months. Stantec will present the design to the State DEQ for approval. The DEQ told Mr. Dixon that, because of the urgent need for this facility in Eagle Mountain, they will rush it through the system. After the design is done and approved, perhaps as early as this fall, it will go out to bid, then construction will take ten months to a year. Stantec has submitted a proposal to do the project's construction management.

Councilmember Blackburn asked about a piece of equipment which may be retrofitted to work with the new system. Mr. Dixon stated the intent is to have it installed because it will help the existing operation; however, the plan has to be submitted to the DEQ first.

Councilmember Liddiard said the Council was told several months ago the piece of equipment wouldn't work with the new system. Mr. Trusty said that was true. This would not be the best use of the equipment; however, it's currently surplus and may be useful. The current plant is so close to the point of going over the DEQ's allowable compliance the City is doing what it can to keep the DEQ from shutting it down.

Councilmember Blackburn questioned if this \$80,000 piece of equipment was deemed surplus and indicated as junk, and now may be useful, doesn't it seem there was some type of plan for it? Mr. Dixon answered it had not been expected to fit in the current system. Mr. Trusty stated there was somewhat of a plan for the equipment, but it will not be used for its designed purpose and it remains to be seen if it will be beneficial.

Councilmember Jackson called the question.

Mayor Richardson called for a vote on 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 – Dr. Kerry Snow, orthodontic home business.

ORDINANCE – Consideration and adoption of an ordinance amending the Development Code, Title 1, Chapter 13, adding orthodontics as a permitted home business.

Peter Spencer, Planning Director, presented the ordinance allowing orthodontics as a home business. On December 6, 2006, Dr. Kerry Snow, 9784 North Shiloh Way, submitted a business license application for an orthodontics home business to the Planning Department. The application was denied because orthodontics was not an allowed business, according to the current Development Code. Dr. Snow appealed the decision to the City Council.

On February 6, 2007, the Council reviewed the appeal and voted to return the application to the Planning Department with instructions to amend the Development Code to allow orthodontics as a home business.

Planning Department staff proposed the text in Title 1, Chapter 13 be amended as follows:

13.7 Prohibited Home Businesses.

The following will not be permitted as a Home Business by the Planning Director, License Official, designee, or Planning Commission under any circumstances: automobile-related businesses such as auto repair, body, and painting; retail or wholesale sales that are not incidental to the Home Business (except for point of sale that is not conducted at the home); engine repair; metal fabrication or assembly shops, sexually oriented businesses and health care businesses (not including massage therapists, chiropractors, psychiatrists, or orthodontists).

Staff contacted several other municipalities and other organizations to determine whether the current Eagle Mountain ordinance is appropriate. The results of the research are as follows:

- no specific regulations (2)
- approval with conditions (5)
- prohibited (2)

In addition, staff contacted Dr. Monte Thompson, Director of the American Dental Association of Salt Lake City. According to Dr. Thompson, an orthodontic practice falls under the American Dental Association umbrella. Historically, many dentists and orthodontic practices functioned out of homes effectively. During the past 40 years, many of those practices moved into commercial office buildings to increase exposure and patrons. There are other home-based orthodontic practices already in existence in Salina, Holden, Price and Enterprise, Utah.

Mayor Richardson opened the public hearing at 8:42 p.m.

Ms. Wendy Baggaley, 1467 Hawk Way, was touched by Dr. Snow's presentation and impressed by others who spoke for him, but felt that wisdom should take priority over emotion. She was concerned that the original intent of the Development Code was unclear and asked why three particular professions were deemed acceptable. For example, psychiatrists write prescriptions, which is unwise for young

people to know were available. She suggested the Council allow Dr. Snow a temporary permit rather than change the law because home businesses discourage commercial development.

Ms. Tiffany Ulmer, 1320 Harrier Road, said temporary home businesses are fine, but permanent ones discourage commercial development. Home businesses are particularly bad in subdivisions with small lots. The law in this case is written badly. She pointed out orthodontia as a home business may be workable in a small town, but Eagle Mountain is a city. On another topic: The \$150 fee for land disposal applications needs to be itemized and the money made should go to the subdivision in which the land is sold.

Fire Chief Rand Andrus said, according to the Fire Code, a dentist's office differs from an orthodontist's office because orthodontists don't use gases that are fire hazards as dentists do.

Dr. Kerry Snow expressed appreciation for the time spent on this issue and the comments made. He didn't want conflict and was willing to do whatever the Council approved. The Development Code was written in a different environment and he was interested in what the original intent was. Since the Development Code has created problems for individuals, the City should solve the problem for individuals and then fix the law. Dr. Snow's home is designed to separate the living area from the office. While the location is not ideal, it is temporary. Home businesses help the economy because viable businesses grow and don't remain in residential areas.

Ms. Charone McCann, 9517 N. Shiloh Way, said at the last meeting Dr. Snow is honorable and his business being in his home is temporary. He keeps his word and recommended he be allowed to begin preparations to open his office. She requested the Development Code be amended to include orthodontics as an allowed home business.

Mayor Richardson closed the public hearing at 8:57 p.m.

Councilmember Lifferth **moved** to adopt Ordinance O-04-2007 amending the Development Code to allow orthodontics as a home business. Councilmember Strouse **seconded** the motion.

Councilmember Liddiard noted Dr. Snow's willingness to go through the strenuous process required by the Development Code is a tribute to him. He would like to find a way to give Dr. Snow permission qualitatively, but that is not what has been presented and would require more meetings. He thought the issue warranted more study, but wanted to go ahead with a vote to give Dr. Snow closure.

Councilmember Strouse said the Council needed to expedite this case, especially since the Development Code is not well written on this subject. She noted the importance of allowing home businesses to allow start-ups, but not to discourage commercial growth.

Councilmember Lifferth suggested maintaining the current code regarding home businesses because when it was passed, it was meant to support commercial businesses. If the City didn't help home business, it would lose a source of commercial development because owners build on home businesses, which generates demand for commercial property. The anti-business attitude of previous administrations set the city back years in commercial development and market forces will send Dr. Snow into a commercial location. Pam Rohan of The Ranches received national attention for raising specialized breeds of cats.

Councilmember Jackson asked if the current home business code controls nuisance home businesses. Mr. Spencer replied it did.

Councilmember Jackson asked if the time the City dealt with a nuisance would be after Dr. Snow's patients started coming in droves. Mr. Spencer said the guidelines have specific limits on home businesses and are clear that home business is secondary to residential use of a home. Creating a nuisance would be a violation which could cause the business license to be revoked.

Councilmember Strouse wanted to make sure when the Development Code is revamped, a distinction will be made between those operated in residential areas with large lots and those with small lots.

Councilmember Lifferth asked the Council not to punish small business people for the violations of others.

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

ORDINANCE – Consideration and adoption of an ordinance providing for the disposal of certain parcels of real property owned by the City and defining land considered significant real property of the City; providing a definition of reasonable notice of public hearings for disposal of significant parcels of real property and other matters.

The ordinance on disposal of City-owned real property was presented by Peter Spencer. On September 5, 2006, the City Council approved a temporary six-month suspension of acceptance of applications for disposal of City-owned land to individual homeowners to give staff adequate time to make important revisions to the land disposal ordinance, making the process more streamlined. The draft ordinance was discussed at the Council's Work Session on February 20, 2007. It was presented to the Planning Commission on February 27, 2007, where a motion was made to recommend that the City Council approve the ordinance. In an effort to inform residents of the proposed ordinance revision, the Recorder's Office and Planning Department sent a package to each resident in the Eagle Park subdivision who signed the original petition to purchase City land adjacent to their property.

Three exhibits were added to the ordinance:

- a list of potential costs
- a land disposal application form requiring a nonrefundable \$150.00 fee to offset staff time in processing the application
- maps showing which areas of City-owned land are available for disposal

Other changes included requiring the application to be submitted to the Planning Department, rather than the City Recorder's Office, and requiring any money collected from the sale of land to be restricted to the construction or improvement of city parks. An acknowledgement statement was added which requires all applicants to read the ordinance and become fully aware of the potential future costs of finishing an approved disposal.

Councilmember Strouse asked why money isn't returned to neighborhood in which the land was sold. Mr. Spencer replied the ordinance doesn't require that. Also, the amount of money which would be refunded to each area would be insignificant.

Councilmember Strouse said applications of residents who have waited years to purchase land should be reviewed first. She asked why the ordinance couldn't include a plan for what the City will do for the residents. Mr. Spencer said the revisions are made step by step; a meeting next week will begin the process.

The tape stopped at this point.

Councilmember Liddiard noted the maps need to be readable in black & white.

Councilmember Jackson **moved** to adopt Ordinance O-05-2007 allowing disposal of public land to residents, with the exception that the land in Eagle Park be a triangle.

Councilmember Liddiard said his concern is the integrity of lot lines. Currently, City property is an eyesore. He thought it would be beautified quickly but that didn't happen, so residents are putting in their own time and effort to control weeds on City land. In addition, children play in those weeds, which puts their safety at risk. He stated although money is tight, this is something the City has to do.

The tape resumed at this point.

Councilmember Strouse asked if the proposed beautification committee should be incorporated into the ordinance. She was concerned that the committee get citizen input, especially from those who were fined for improving City land and said older areas of the city should be improved first.

Councilmember Jackson said Assistant Public Works Director Jeff Weber will put a mowing schedule on the City's web site, so residents will know when their areas will be mowed, and he will also attend the beautification meeting next week. The committee will include citizens from all areas impacted by the issue once the initial organization is done.

Councilmember Blackburn suggested the upcoming budget have funds allocated for areas designated to become neighborhood parks, with additional funds allocated each year to make improvements.

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 regarding utility ownership and service responsibilities.

The resolution on utility ownership and service responsibilities was presented by Adam Ferre, Energy Division Manager, and Jerry Kinghorn, City Attorney. The resolution's purpose is to define the City's responsibility in emergency events involving the provision of City utility services. The resolution clarifies the responsibility for service and ownership of service delivery lines for each utility and the City's responsibility with respect to service interruptions, hazards and malfunction of equipment owned by residents and property owners in the city.

The resolution includes a pilot lighting policy to minimize liability and increase safety for residents and staff. Although this has been on the calendar for some time, the recent house explosion in Saratoga Springs involving Questar gas company emphasized the need for a written policy.

Councilmember Blackburn asked who provides gas, power and water to the residents. Mr. Ferre replied that the City does. Councilmember Blackburn then asked who residents should call for help. Mr. Ferre replied that they should call the City.

Councilmember Lifferth mentioned that Questar will go inside homes to fix utility problems. Mr. Ferre said he contacted Questar and was told their formal policy is not to enter homes. City policy prohibits employees from entering homes for liability reasons.

Councilmember Blackburn asked that this information be made clear when new utility accounts are opened, because paying bills and impact fees means receiving service.

Mr. Ferre explained because meters are installed by owners' and builders' contractors, the City doesn't know if each one has been properly installed and inspected. Therefore, residents are advised to call a service company for problems with equipment not installed by City employees. The City's impact fees cover infrastructure only, such as sewer laterals leading to homes.

Councilmember Liddiard **moved** to approve Resolution R-06-2007 defining utility ownership and service responsibilities. Councilmember Jackson **seconded** the motion.

Councilmember Strouse asked why section B, regarding informing the City when emergencies happen, does not include the 911 emergency number. Mr. Kinghorn explained a specific number is not included because not all telephone service connects to 911 emergency service. Correct numbers should be circulated among residents in every way possible by those locally responsible for utility service.

Mr. Ferre noted the utility hotline information tells residents to call 911. He said the City is required to follow Department of Transportation standards for providing information. The resolution simply puts the procedure into written form.

Councilmember Liddiard suggested the Utility Department include emergency numbers on residents' bills.

Councilmember Lifferth suggested emergency numbers be put on the City's web site, also. He also stated the City should not be in the utility business.

Councilmember Liddiard 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.

AGREEMENT – Consideration and approval of an agreement with Midway West for carnival rides at the Pony Express Days ten-year celebration.

The proposed agreement with Midway West was presented by Jerry Kinghorn, City Attorney. Midway West Amusements is the amusement service contractor the City used last year for Pony Express Days amusement rides, related games and concession operations.

Councilmember Lifferth **moved** to approve the agreement with Midway West.

Councilmember Jackson stated paragraph #1 of the agreement permits the company to occupy City property through Sunday, June 2, but Sunday's date is June 3. Paragraph #3 left out the carnival's hours of operation on Thursday, May 31.

Councilmember Liddiard brought up ticket sales made at the City offices. The contract says 10% of the gross sales made at the office goes to the City. He understood the 10% would go to one of the schools.

Councilmember Jackson said the 10% goes to the City for parks.

Councilmember Strouse mentioned there was a promise last year to locate the police booth near the midway, so they could monitor the kids' activities. It wasn't done and should be done this year.

Councilmember Liddiard complimented officers on how politely they handled policing the carnival last year, but hoped the massive mobile unit would be parked somewhere off the grass this year.

Councilmember Blackburn pointed out a discrepancy in the contract on who would be responsible for garbage collection. Mr. Kinghorn said some collection would be the City's responsibility and some would be Midway West's responsibility.

Councilmember Jackson **moved** to approve the agreement with Midway West, as amended. 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.

CITY COUNCIL/MAYOR'S BUSINESS

City Council comments are transcribed verbatim at the request of Councilmember Lifferth.

Councilmember Jackson

"I always go first, but I'll go. I'm ready. Everybody else seems to be not. Couple things: one, I really enjoyed hearing the two presentations, the one on the Library and the one on the Fire Department situation. We'll hope that we can implement what we can right away, but two of those things specifically with the Fire Department, the emergency plan. I think we do need to try and implement that as soon as possible, as well as the slush fund, rainy day fund, whatever we want to call that, but for our emergency issues. The other concern that I currently have is that we did pass the budget amendment increasing pay bands for our salaries of our employees, and I understand that we have still not implemented that and we have since lost two employees. And it saddens me that we have not yet implemented those and so we have employees that are finding employment elsewhere, where they can make more money. I would request that we see that implemented immediately. Thank you."

Councilmember Liddiard

"Standard line, I guess. I recently had presented to me a nice little gift of the State laws that were enacted in 1896 for the State of Utah, which is rather significant, since it was a nice, leather-bound book that was originally owned by one of the representatives from Pleasant Grove. So it was pretty cool to kind of go through that and what's significant about it is the fact that that was the year that Utah actually became a state after forty-nine years of waiting, since the pioneers came into the valley. In 1896 we became known as the State of Utah and the first leather-bound book of laws that were passed then, including the notices and other information about the statehood of Utah, the description of the Great Seal of the State of Utah and some other interesting things were there. I think I'll bring it to the next

City Council meeting and let you guys look at it and kind of go through some stuff. I also got a copy of the rules and the laws that were enacted in 1897. The reason why I bring it up, other than the fact that it's really cool and that the history of the State of Utah there, it was interesting, in going through there, some of the rules were, you can kind of read it and you go, "What's going on?" Because one of the rules had to do with the adulteration of vinegar. You know, vinegar at the time was, well, we won't go through the history lesson, but it was really kind of interesting that the laws were made to be, for those things that were significant and important at the time, and I'd like to think that we have that opportunity in participating and addressing issues that are significant in our day. As future councils, future state governments, will continue to do those things, as well, in addressing things that are new or pressing at that time and providing the best response and the best protection for the citizens. And I thought it was interesting also from the perspective that we are reaching a benchmark of our own, in that the city is quickly approaching its ten-year anniversary. I'm looking forward to the big celebration. Yes, we've been around for ten years, but, anyway, kind of a significant thing to go through all that stuff, but we have some legitimacy in that we're in the double digits now and I think that's kind of cool.

"I recently had an opportunity to travel for my employer and was back East and actually a very profitable opportunity. I took some leave while I was there to meet the Mayor, who had traveled back, and to have an opportunity to visit with Congressman Cannon, Senator Bennett and Senator Hatch and it was an excellent opportunity for me to kind of ride on the coattails of the Mayor in visiting with these folks. My previous association with them had given me a little bit of insight, but what a neat thing to be at our nation's capital and to address to them two specific things, one being transportation and the other being issues for our parks. I won't steal all the thunder from the Mayor, but it was neat and I think it was very successful and I'll let him finish talking about that.

"A final comment: It is an honor to serve with each of you. It has been an education; it has been, at times, a challenge, as we've looked at different things. I admire the wealth of diversity that is on this Council and I have great respect for Mr. Blackburn. I think I would have enjoyed another whack at the whole Mayor Pro Tem in maybe a less controversial light for me, but I will say I have the utmost confidence and believe Mr. Blackburn to be a man of character and a privilege to be able to associate and work with him."

Councilmember Blackburn

"A reminder again to check with your Post Office and maybe even with your health insurance if you update your zip code. One of my co-workers actually updated their zip code and their health insurance was cancelled because it was not recognized, so another little thing on that. So just pay attention and notify the Post Office if you have any problems. I wanted to welcome Mr. Hendrickson to our city. I'm glad he stuck around for the meeting and I'm looking forward to him kind of helping out and hearing his inputs as to how he can improve our city in the next little while. I'm appreciative of the appointment tonight for Mayor Pro Tem and I look forward to serving when or if I can in that position with the integrity that I carry. Thank you."

Councilmember Liffert

"Gina, I'd like to request verbatim for the discussion of the Mayor Pro Tem and both the opening and closing Council comments. Thank you."

Councilmember Strouse

"I just want to thank the Council, the residents, even the news reporters, everybody that works together, the staff who work together. It's been a great ride, you know, these last five years, and it's just amazing

to think what's happened in this about 250 population town, until almost 20,000 population city that we are today. And there is just so many positive things to look at and to deal with and it's good to be here. Thank you."

Mayor Richardson

"I'd like to made some closing comments, not keep you here all night, but I appreciate Mr. Hendrickson joining us and look forward to working with him quite closely and feel that he's very, very qualified with his thirty years of experience and background that he has. I look forward to drawing upon his knowledge and experience. I'd like to thank Ms. Strouse for her time that she spent as Pro Tem Mayor. The open area policy that was passed tonight was just a beginning and I'm excited to see that we're making some progress on that and look forward to more progress as these committees meet together and move forward to, to make this what it was meant to be, instead of an eyesore, and I appreciate the work that's been done in this behalf currently and look forward to more work. As Mr. Liddiard mentioned, he was in Washington at the time with his employer and took some off and spent the day with me, as well as Michael Kennedy, our lobbyist. We were able to meet with Representative Cannon, Senator Bennett and Senator Hatch, as well as one of Senator Hatch's staff members during lunch. We were petitioning for monies for transportation, as well as parks in our area here and we'll be, say a little more about that a little later, but we feel like we have great representation in Washington, D.C., the Hatch, Bennett and Cannon group have just been very good to us as a city. These proposals will be put forth to Congress and looked at and reviewed and we hope that they continue to be pushed forward. Transportation is a funny thing. It doesn't happen immediately; it takes years and years and we may not see this for three years, we may not see it for four years, as far as the transportation goes, but this is where it starts. There is a, there is work currently with UDOT on a 50-year plan for SR 73 and that's already being worked on, to give you an idea, and so I'm excited to be part of that and our staff is working hard on those things. I appreciate again the Council this evening and for all that they do and for their kindness to each other and for deciding to work with each other and I admonish them to continue to do so. Do I hear a . . ."

Councilmember Liddiard: "Move to adjourn."

Mayor Richardson: "We're adjourned."

End of verbatim transcription.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:55 p.m.

APPROVED BY THE CITY COUNCIL JUNE 19, 2007

Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 20, 2007

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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; 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; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

PRESENTATIONS

PRESENTATION – Gary Anderson, Utah County Commissioner.

PRESENTATION – FY 2006 Audit – Ron Stewart (Gilbert & Stewart).

PRESENTATION – Proposed Creation of Community Development Area – Jason Burningham (Lewis Young Robertson & Burningham).

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:30 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:16 p.m. Jerry Kinghorn 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; 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; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

INFORMATION ITEMS / UPCOMING EVENTS

Mayor Richardson introduced the new City Administrator, John Hendrickson.

The City Easter Egg hunt will be held on April 7 at 10:00 a.m. at Nolan Park.

The Miss Eagle Mountain Pageant will be held April 7 at 7:00 p.m. at Eagle Valley Elementary School.

PUBLIC COMMENTS

Public comments are reported verbatim at Councilmember Lifferth's request.

"I'm Darren Jones. I'm living now over on Osprey, 4416 Osprey. Honorable Mayor and City Council, I thank you for the opportunity to speak to you, and I'll be brief. The citizens of Eagle Mountain are watching. We are keeping as close tabs as possible on those who have been elected to represent our interests and issues within and without the city in their official capacities. For the most part, Mayor Richardson and a select few of the Council have done their job that they have been placed in stewardship to take care of. However, the citizens of Eagle Mountain are concerned that once again, because of cronyism, favoritism or plain political expediency from the self-ordained watchdog of Eagle Mountain, in allegiance to whoever he perceives his constituents to be, is distracting from the real course that the City Council needs to be singularly concentrating on, the betterment of our community. No matter the flippant remarks made in Council meetings, and there have been many, or assertions from personal web sites from closed executive meetings, no one is fooled from what source these utterances take flight. Personal aggrandizement and agendas are for our State and Federal political representatives and should have no place in our municipality. This call for investigations in the alleged gifts of Mr. Blackburn is simply another plea from the watchdog to remain in the public eye and be perceived as pertinent to our city.

"If we really want to push these investigations, let's not trifle with this hunting trip, let us get into what is real and earnest to be known by the residents of Eagle Mountain. Whatever came of the audit of the City's financials requested by then-Mayor Pro Tem Strouse in lieu of the financial improprieties of the now-indicted Brian Olsen? What is becoming of those findings and how are they going to get into the public eye? How are personal communications of emails, faxes and telephone conversations that are going through the City's telecommunications system ending up in third-party hands? How, if this isn't true, could this be at least legal? If we really want investigations, why don't we find out what happened to the laptop, files and personal belongings that were in Brian Olsen's office prior to his resignation and were nowhere to be seen for nearly 24, excuse me, 72 hours afterward. Why can't an audit be done on the hard drive to see what was erased, deleted and copied from his mayoral laptop? Surely, this can be done. Who was present at his resignation and would have received the direction to sanitize and keep at a

distance assorted mentorships and connections of the soon-to-be-arrested Mr. Olsen? Who had keys and the codes to the security systems to pull that off? Most assuredly, only a handful would have had at that time. If we are investigating the goings-on of our Councilmembers, why don't we go with something that actually matters? Stop these petty and frivolous machinations of getting press time and get back to work for those who are your real constituents: the residents of our city. Remember, the citizens of Eagle Mountain are watching. Thank you."

"Hi, my name is Ronnie Turner Detlej and I live at 1334 E. Harrier Street, and most of my comments are going to be directed to Dave Lifferth. I have been here since 1999. I have watched the mud-slinging going back and forth in this town and usually you are at the bottom of the pot-stirring. You call yourself the watchdog of the community, but I have heard you try to slander people like Debbie Hooge, Bill Chipman, Mayor Bond, and now poor Linn Strouse and David Blackburn, who has done nothing for our town but try to help them and to lead us in good directions and do positive things for our city here. My concern and some of the questions I have is I'd like to know what happened to the \$20,000 you paid underhandedly and wrongfully to people who were coming in to give us estimates on our sewer system. I know that you keep claiming and touting your own horn that you were cleared of that. What worries me is that you were cleared of that by Brian Olsen, who has come out to be a noted crook in the town's eyes. So I think that, rather than trying to take the beam from someone else's eye, you need to watch the mote in your own eye and I am concerned because I do not want to see the reputation of David Blackburn and Linn Strouse pulled through the mud any more, nor do any of the other citizens here. They are respectful, good, hardworking citizens. If you look back at Mr. Blackburn's track record, he voted against, many times, the company that you are trying to accuse him of getting pheasant money for, which just seems ridiculous. We need to move forward, and if you could watch your own little space, instead of constantly trying to undermine the other Councilmembers, I think this city would run a lot more efficiently, so, thank you. That was it.

"And also, if we could have the open space in our back yards to clean ourselves and beautify and to put seeds and, I know that we're talking about that in the city, the open space, nothing has been done in the open spaces, as far as I, you know, as long as I'm here, and it's started to become a debris-collecting. People are just using it as trash. If we could even ask the City to have our own spaces behind us, the citizens be able to clear out ourselves and put gardens or anything, that would be great. Thank you."

End verbatim transcript

CITY COUNCIL/MAYOR ITEMS

Employee Introduction – Deputy Nathan Harris, Utah County Sheriff's Office.

Sergeant Binks introduced Deputy Harris, who requested an assignment to Eagle Mountain from Saratoga Springs and is a resident of the City. He replaced Peter Quittner, who requested a return to County patrol. Mayor Richardson and the Council welcomed Deputy Harris and expressed appreciation for Deputy Quittner's service to the City.

Employee Recognition – Sergeant Desmond Lomax, Utah County Sheriff's Office.

Mayor Richardson announced that Sergeant Lomax has been promoted and assigned to the County Jail. Sergeant Binks said that Sergeant Lomax is working on a master's degree and that prevented him from attending the meeting, although he would very much have liked to attend.

CITY COUNCIL COMMENTS

The City Council comments are reported verbatim at Councilmember Lifferth's request.

Councilmember David Lifferth

“You know, I guess I anticipated hearing the type of statements that we did tonight from the type of people that we have here tonight and some of the things they’ve been involved with in the past, and how they have things they’ve supported in the past. I actually anticipate that there are people in this community that are very happy that I am not willing to turn and look the other way when bad things happen in the city. It is kind of frustrating at times being the only person that has no tolerance for corruption, has no tolerance for bad behavior. I was talking to someone recently, go back to the City Council last spring and include Chris Hillman in that, four of the seven members of the City Council at that time had very serious ethical issues that people don’t talk about. And there are, in my opinion, way too many secrets that are being kept from the residents of this city by the Council. And I was elected with the most number of votes in the history of the city. I ran on a platform of being a watchdog, of looking out for the residents. And clearly, with the things that have happened and the things that are continuing to go on, I can understand why people would just want to close their eyes and pretend like nothing is going on and to avoid the black eyes that have happened and the black eyes that are coming to our fair city. Certainly, half the people in Eagle Mountain are not unethical, but we have a situation where, on the Council, we have had four out of seven people, if we include Chris Hillman in that, that have had serious issues, really serious issues and, you know, despite the denials tonight, we’ve just received the information that David Blackburn, despite his denials, has finally filled out his conflict of interest form indicating that, yes, he does have a conflict of interest. And it’s eighteen months’ denial, now that people are focusing on this.

“Let me go back to some things that were also said about me earlier. I was not cleared by Mayor Olsen, who we all know had an issue, of the things that have been claimed about me. I was cleared by our City Attorney, who thoroughly investigated this. All this information is completely available if you are willing to look for the information. If you don’t want information, there are plenty of people that will mislead you and tell you things that they want you to believe.

“I guess in closing, in my last thirty seconds, I’d like to pass this down to the Mayor and want these entered into our records for the night. This goes back to a letter from the State Auditor, and it says that, *“We would like to reiterate that the Council is not subject to GRAMA, and as the governing body of the city, the Council should have full and complete access to all city records.”* No records should be kept from the Council, no records should be kept from the residents. The residents need to know what’s going on. There should not be a concerted effort to hide information from the residents. Thank you.”

(The State Auditor’s letter referred to by Councilmember Lifferth is included at the end of these minutes.)

Councilmember David Blackburn

“A couple points of clarification. This letter that Mr. Lifferth has actually just read from the State Auditor’s Department was a direct result of Mrs. Strouse and myself going and meeting with the State Auditor. So if we’re going to go tit for tat, that’s a result of Ms. Strouse and myself, our actual personal visit. I turned in some information recently that has not yet been completely accepted nor notarized, so thank you for sharing that. I wanted to welcome Mr. Hendrickson to the City. He’s taken on a full load here in the course of the last week. I had the privilege to meet with him for an hour. It was a very short hour. There was a lot to say, a lot to do, and I’m very excited to see the scope and breadth of information that he is bringing to our city and I am excited to see more come from that. Thank you.”

Councilmember Linn Strouse

“I’d also like to add that last summer when there was all kinds of rumors floating around about financial improprieties and questionable activities going on in the City, I’m happy, very happy and proud to say that Councilman Liddiard and Councilman Dave Blackburn were concerned enough, as I was, to help check out information and find out, try to find out what was really going on in the City at that time. And I prefer not to dwell on the past and those issues, but I think it needs to be brought to light that the audit that was just finished, that was open to the public, public information, has great, detailed information in it on exactly what kind of improprieties were going on, very serious issues, some of which, you know, really crossed the line of legality and to think, so I’m not trying to toot our own horns or pat ourselves on the back, but under the circumstances I feel impressed that we need to state that we did go the extra mile and we were the watchdogs on that situation. Now, getting back to, I am also grateful that we now have a very educated, qualified City Administrator to assist on a great team. We’ve got a great future ahead of us as a city. I’m thankful that we have residents that come and state their opinions, whether we agree with them or not. I love to see, as we’ve had in the past, you know, lots of involvement in the community. We need the volunteers, we need the interest, and I think this is a new beginning, a new dawn in the history of Eagle Mountain. We’ve got many milestones. Somebody said 20,000 for a population and, you know, it’s wide open from here. We have so many options and things to just be glad about and to plan a future together as a community and work together, and so I say let’s get back to work, be grateful for what we have and let’s get on with the business of this city and the great team that we have.”

Councilmember Vincent Liddiard

“Welcome, John. Nice to have you here. We’ve recently been talking a lot about open space. I’d like to continue to make sure that the City does something about the open space that we have here so that it’s not just space, but usable space. That’s going to require time and money. And everybody there has been very patient, beyond patient. I guess we’ll ask for more patience, but we are aware something needs to be done. Hopefully something can be done sooner rather than later. Pony Express Days coming up, not too late to start planning. There’s some neat, neat things taking place. Angie and Adam Ferre are going to continue to give their all, but those of you who are interested or able, please let the City know what you might want to be doing and how you can participate and help ease the burdens of others as everybody works together to make that a fantastic celebration. I am really looking forward to it. And lastly, thank you, each of you that are here and to all the residents of the city. It’s a really wonderful place to be and I enjoy being here. Thank you.”

Councilmember Heather Jackson

“I’ll be very brief. Thanks for the segue. My talk, or two minutes here, is going to be just, we did start working on the open spaces. We did have our first meeting regarding what to do in the process of trying to get our areas of what I would call blight in the City Center taken care of specifically. There are a few areas, also, in The Ranches that also have to be dealt with. So we had our first meeting last week and basically are just trying to put together a plan of action. We have to figure out how to get landscaping done, you know, we’ll have to get a landscape architect in to work on that, but we have to work on what money we do currently have, what money we may need and what areas of the city are still parts that should be dealt with, with some future development coming in, and which ones we know are not going to be, and then we’re going to implement a plan of action. We did have one resident involved in our meeting to start with and right now, in order to be able to get a plan put together and be able to move forward, it seems sometimes when you get too many hands in there, you can’t make a decision. So we tried to keep our group very small, a very core group to start with, and then when we have the ability to

expand out, we intend to ask for more citizen input and involvement so that we can be able to move forward and get these things done as quickly as we possibly can. But you do have to remember that funds available are, you know, an issue, and so we'll have to, it may be a seven-year plan, it may be a two-year plan. We don't know yet because we don't know specifically what it's going to cost to accomplish all of those things. But we're finally doing something."

Mayor Don Richardson

"Thank you. During the prayer earlier today, it was discussed, or talked about those that are protecting our country and I happened to be in Washington, D.C., a few weeks ago and went to the memorial for the World War II vets. It was very, very touching. It gave me a renewed appreciation for our men that fight and those that have given their all. I'd like to say 'thank you' to them, to those that are currently serving and those that have served in the past. Also, as a Council, all of us have been either appointed or elected to represent this city. I appreciate the unity of getting the work done and that this is something that we all have in common, that we're here for the people and to get the work of the city done."

End of verbatim transcript

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the Development Agreements for Valley View North – Plat B and Northmoor – Phase 1 from the Consent Agenda and make them separate items for consideration. 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 Jackson **moved** to approve the following items on the Consent Agenda:

- CHANGE ORDER #1 - Monitoring Wells Contract with Lang Drilling
- FINAL PAYMENT - Monitoring Wells Contract with Lang Drilling
- FINAL BOND RELEASE - Pioneer Addition Phase 6
- BID AWARD - 2007 Ranches Parkway and Overlay Project - Geneva Rock
- FINAL PLAT - Cedar Valley Plat B
- DEVELOPMENT AGREEMENTS
 - Cedar Valley Plat A
 - Lone Tree Plat E

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 – Valley View North – Plat B

DEVELOPMENT AGREEMENT – Northmoor – Phase 1

Councilmember Liddiard **moved** to approve the Development Agreements for Valley View North – Plat B and Northmoor – Phase 1 subject to the a bond letter from the Engineering Department being added to the development agreements. 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.

Based on the bid award for street improvements, Councilmember Blackburn asked that the City newsletter inform residents about potential traffic congestion when the Ranches Parkway improvements are being installed. .

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – Impact fee amendment/economic analysis update.
ORDINANCE – Consideration and adoption of an ordinance amending O-32-2006, requiring the payment of impact fees for water and electrical portions of certain public facilities.

City Engineer Chris Trusty presented the revised economic analysis and impact fee amendments for water and electrical items. The plan was revised and approved by the City Council in February of 2007 to identify needed upgrades to the water and electrical infrastructure of the city. Based on the costs associated with these projects, the economic analysis and impact fee ordinance were updated. The intent of the economic analysis is to validate impact fees that should be levied to provide funding for the needed capital improvements within the City. The impact fee ordinance is the adoption of these impact fees. Mr. Trusty then summarized the proposed impact fee increases.

The citywide water source fee was determined to be \$747 per equivalent residential unit (ERU). In addition, the citywide storage fee, related to reservoirs that the City will need for projected growth, was determined to be \$1359 per ERU. When an impact fee will not benefit the entire area it is assessed against the area that will receive benefits. This is known as a sub-service area. There will be a fee recommended for North Ranch/Valley View sub-service area, due to water pressure requirements in that area, of \$1667 per ERU.

The 138 kV transmission line from the North to the South Service Area and the South Service Area substation will require a \$918 citywide impact fee. The main feeder lines for SilverLake and along

Ranches Parkway will require a \$317 impact fee in the North Service Area. Three South Service Area main feeder lines will require an impact fee of \$849 per ERU.

South Service Area fee increase compared to current fees: \$485 for water
\$1705 for electrical
\$2190 net increase

North Service Area fee increase compared to current fees: \$768 for water
\$1141 to \$1173 for electrical
\$1909 to \$1941 net increase

Mr. Trusty added that \$600,000 in electrical system fees already collected has been subtracted from the amount of future electrical fees to be collected.

Mayor Richardson opened the public hearing at 7:47 p.m. Hearing no comments, he closed the hearing.

Councilmember Lifferth asked Mr. Trusty to explain the variation in the fees for main feeder lines. Mr. Trusty responded that the current ordinance requires future facilities fees of \$62 for some sub-service areas and \$94 for others. Since he couldn't find any justification for those fees, so he proposed a flat rate for sub-service areas of \$1235.

Councilmember Liddiard **moved** to adopt Ordinance O-06-2007, an ordinance amending O-32-2006, and requiring the payment of impact fees for certain public facilities; based on the updated economic analysis. 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 asked for an economic analysis update to other items and indicated he will meet with Mr. Trusty later.

7:00 P.M. PUBLIC HEARING – Budget amendments.

ORDINANCE – Consideration and adoption of an ordinance amending the FY 2007 budget.

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 that expenses do not exceed appropriated funds. The City Council must approve any amendments which alter the total expenditures of a fund. The budget amendments were presented by Management Analyst Ifo Pili.

Library. The City has received three grants from the State Library Division totaling \$14,866 for the purpose of purchasing books and supplies, as well as equipment. The proposal is to make the necessary changes in the budget to allow for the expenditure of these funds.

Fire. The first Fire budget amendment is a 50/50 matching grant for the Fire Assistance Grant. The grant total was for \$5,000.00. This grant is being used to increase our tools and equipment used for wild land fires. The second Fire Department budget amendment will allow for the hiring of 2 part time personnel; 1 paramedic, 1 fire fighter. This will meet the EMS State Board requirements of having 2 paramedics around the clock.

Mr. Pili then clarified the economic impact of the Fire Department amendments as follows:

Two part-time staff salaries at \$12.00/hour and \$13.50/hour will be \$25.50/hour, totaling \$73,440 for the remaining four months of the fiscal year. The annual impact of the amendment will be just over \$220,000.

He also clarified the revenue forecast for sales and property taxes for FY 2007 since property tax cannot cover all expenses of Public Safety. At the beginning of the fiscal year, the property tax revenue forecast was \$610,000. The sales tax forecast was \$685,000.

Mayor Richardson opened the public hearing. Hearing no comments, he closed the hearing.

Councilmember Liddiard **moved** to adopt Ordinance O-07-2007, an ordinance amending the FY 2007 budget (Amendment #5). Councilmember Jackson **seconded** the motion.

Councilmember Liddiard commented he would like certain staff positions to be paid more in order to attract people who will provide longevity to the city.

Councilmember Strouse asked Mr. Hendrickson if the numbers in the amendment added up correctly. Mr. Hendrickson explained that they did. He wanted to be sure the Council understood the full fiscal year impact of the amendment since Public Safety is the priority use for property and sales tax funds.

Mayor Richardson 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.

ORDINANCE – Consideration and adoption of an ordinance establishing procedures for obtaining a permit to operate a motorized vehicle on a public trail, right-of-way or open space and providing penalties for trespassing without a permit.

The proposed ordinance regarding motorized vehicle use on City property was presented by Assistant Public Works Director Jeff Weber. This item was tabled from the February 20, 2007 City Council meeting so further study could be done on the permit process and on proposed fees. As a recap, this ordinance will govern City-owned and maintained trails, open space and public rights-of-way. The ordinance will be directed toward vehicles driven on City trails for maintenance of open space landscaping, fencing and when homeowners need to enter their lots from City open space. The ordinance requires an inspection before and after a vehicle is driven on a trail. It also requires a request form permitting use of the trail and a fee for inspections, as well as a cash bond (deposit) for any damage done to trails, grass, irrigation, etc. This ordinance will also apply to rentals of city parks and open space for events such as carnivals, parties and other events at which vehicles will be driven in these areas.

Councilmember Jackson **moved** to approve Ordinance O-08-2007, an ordinance establishing procedures for obtaining a permit to operate a motorized vehicle on a public trail, right-of-way or open space and providing penalties for trespassing without a permit. 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.

RESOLUTION – Consideration and Approval of a Resolution Amending the Consolidated Fee Schedule with Regard to Permit Fees for Operation of Motorized Vehicles on Public Trails, Rights-Of-Way, or Open Space.

The amendment to the Consolidated Fee Schedule was presented by Assistant Public Works Director Jeff Weber. The Consolidated Fee Schedule will be amended to incorporate fees with regard to Ordinance O-08-2007, establishing permit fees for operation of motorized vehicles on public trails, rights-of-way or open space. It will also be amended in regard to other fees.

Councilmember Liddiard asked City Recorder Gina Peterson to specify the other fees being amended in the Consolidated Fee Schedule. She listed them as:

- \$150 for an open space disposal application
- \$5000 construction bond for a developer building more than one home, in addition to the current fee of \$1000 for building one home

Councilmember Liddiard **moved** to approve R-07-2007, a Resolution Amending the Consolidated Fee Schedule with Regard to Permit Fees for Operation of Motorized Vehicles on Public Trails, Rights-Of-Way, or Open Space and other fees. 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.

CHANGE ORDER – Consideration and approval of change order #1 for the 2006 Pioneer and Walden Park improvements contract with J. Lynn Roberts and Sons.

City Engineer Chris Trusty presented the change order to the parks contract. Change orders are normally consent agenda items. Mr. Trusty requested that this one be a scheduled item to allow for questions from the City Council.

This change order consists of adding a basketball court and sand volleyball court in Pioneer Park, as was requested when then contract was approved by the City. The contract included a drinking fountain, but the water line and french drain to the drinking fountain had not been included as a line item on the schedule of values. Extra material was required to flatten the pavilion area which has been included in this change order.

The original plans on Walden Park showed an existing sewer lateral connection to be lengthened for a future restroom. The lateral had never been installed, and a new connection to the main line has been added to the change order. Additional rip-rap was requested for the detention pond at Walden Park.

The detention basin on the west end of Pioneer Park was not as large as the as-built drawings which had been used in the park layout had indicated. This portion of park was to be landscaped with a native seed mix above the detention basin only. However, because the detention basin is smaller than used in calculating the areas that were used in the contract pricing, additional landscape and irrigation will be required to maintain a landscaped appearance above the detention pond.

A trail on the west portion of this park had been deleted from the contract. The City is concerned that there is a lot of open space that isn't fully used due to a lack of trail system. To include this trail as a change order based on the unit price provided by the contractor would cost \$71,205.50. Alternatively, the City soliciting bids to asphalt a number of trails through the area would probably generate a lower unit cost, although it would extend the timeline for completion.

Mr. Trusty reviewed detailed numbers for funding of the park improvements including the sale of the Telecom, a bond claim from Hubble Homes and impact fees.

Councilmember Jackson **moved** to approve Change Order #1 for the Pioneer and Walden Parks project with J. Lyne Roberts and Sons, as presented without the trail and poly pipe. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse noted there was an additional \$22,424 with the elimination of certain line items. She asked how the additional monies would be used. Mayor Richardson responded that it would be returned to the park improvements fund.

Councilmember Liddiard stated it is his preference that the \$13,750 allocated for a sand volleyball court be used for something else in the park. He doesn't feel it will be very well utilized.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth, and Linn Strouse. Those voting nay: Vincent Liddiard. The motion **passed** with a **majority** vote of 4:1.

AGREEMENT – Consideration and approval of an extension to the treatment agreement with Timpanogos Special Service District (TSSD).

City Attorney Jerry Kinghorn presented the extension to the agreement with the Timpanogos Special Service District (TSSD). The district is preparing to issue bonds for additional improvements to the treatment plant. Collateral for repayment of the bonds consists of the revenue stream from each of the cities which have contracted with TSSD to supply them with wastewater treatment service. To make the contract terms for service consistent with the repayment terms of the bonds, TSSD has asked the City to extend the treatment service contract for a term of 25 years to cover the period of repayment of the bonds.

The State of Utah recognizes the TSSD plant as the treatment plant for all of the wastewater generated by Eagle Mountain City in its North Service Area. The State Engineer's office also requires that all of the indoor use associated with the water system that is captured by the sewer collection system be returned to Utah Lake via the TSSD treatment system. There are no legal practical or political alternatives to the use of TSSD as the wastewater treatment system for wastewater generated in the North Service Area. If the City is able to develop a reuse system in the North Service Area, all of the residuals from the reuse treatment plants will be transported to TSSD for further treatment and disposal.

Mr. Kinghorn recommended the contract be extended as requested by TSSD.

Councilmember Liddiard **moved** to approve the Timpanogos Special Service District Sewer Treatment Contract Service Extension. 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.

ADJOURN TO REDEVELOPMENT AGENCY MEETING

Councilmember Liddiard **moved** to adjourn to the Redevelopment Agency Meeting at 8:06 p.m. 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.

RECONVENE CITY COUNCIL MEETING

Mayor Richardson reconvened the City Council meeting at 8:13 p.m.

CITY COUNCIL / MAYOR'S BUSINESS

The City Council comments are reported verbatim at the request of Councilmembers Lifferth and Strouse

Councilmember Jackson

“For those of you who weren't here at the Work Session tonight, we did have Gary Anderson, one of our County Commissioners, come out and talk to us about what our County Commission, or County Commissioners, could do for us. We brought up, of course, Pony Express Parkway and the issues that we deal with there, because we know that part of that road is owned by the County and that would be something that they could specifically help us with. So Gary Anderson said that he would love to help us with that. He intends to get together with Jeff Weber to drive the road, if you can call it driving, so I think that we will hopefully be able to move forward on getting some good improvements going on on that road. The other thing that Mayor, as you mentioned tonight, visiting the World War II Memorial, it made me think of, my husband is currently acting as part of the Utah Army National Guard Honor Guard, and part of what he does is a lot of funeral details, and it's come to my attention, and I'm sure most people don't think about it, but we currently have our World War II vets that are dying at a rate of

2,000 per day. Mind you, they're all dying of old age now, but it is something to think about, because it used to be that the Veterans of Foreign Wars handled all of the funeral details for our military in the State of Utah, but because of the rate, the death rate with the World War II vets, that is a new service that is now being provided by our current servicemen. And so I just thought I'd bring that as a little thought tonight."

Councilmember Liddiard

I got to take the Mayor to that World War II Memorial, and you ought to, if you get a chance to go to D.C., it's fantastic. Things like the Vietnam War Memorial that I've seen and read pictures, I was not prepared for the way that I would feel when I was there. But the World War II Memorial sits in between the Washington Monument and the Lincoln Memorial and, as you walk up to this, you actually walk down a ramp and you walk into an area where it is, in the back, a sea of stars that are, they stand out just a little bit and there's a water fountain that stands right behind them. And the sea of stars, I don't know how many stars you see, but it literally takes up your whole field of vision as you're standing there and it's a whole, that there's, well I can't do the whole story justice, but the area where you're at is covered with plaques with bronze relief and with these wreaths that adorn these pillars for each state and the Pacific and the Atlantic actions, and as you're standing there looking at this, this huge field of stars, and the stars are only yea big and there's just so many of them, and you begin to recognize that these stars represent the lives of those that have fallen in defense of our freedom. And each star actually represents the lives of one hundred men lost, and it is a huge, staggering number when you start to realize the amount of sacrifice that was given for us to be able to have our freedoms, and that continues to take place for us today. It is an absolute, wonderful pilgrimage to be an American to be able to go back to Washington, D.C., and be able to participate in seeing and experiencing some of the monuments that are there to commemorate the lives of people who have given their most in service."

Councilmember Strouse

"In that same vein, my husband was a Vietnam-era veteran which, by the way, Heather's husband participated in the honor guard at my husband's funeral, for which I'm very grateful for that. It was an incredible experience. They even went ahead to another funeral that same day for a Navy man and offered their services there, also. I being old enough to remember Vietnam, the Vietnam War very well, it was a strange time. It was terrible division in the country. It was a polarizing war. It took its toll in so many ways across the nation. I try to take every opportunity I can to thank any soldier that I run into for their service, because they need to hear that, especially some of those older ones, because when the Vietnam vets came home they were spit on, they were cursed, they were not thanked for their sacrifices. So anybody that has some spare time, going down to the Veterans' Hospital is a wonderful opportunity for us to pay back a little bit for their sacrifices."

Councilmember Blackburn

"I'm going to change the somber note. I, too, have thanks for those individuals but locally, I would be very interested in seeing and hearing about a budget retreat date so that we can move on from the budget report we've just received and set our sights on the upcoming year in finances. I look forward to that information and would actually appreciate that sooner than later so that we can plan schedules, as some of us have to take vacation days to do that."

Councilmember Liffirth

"In my conversation with Mr. Kinghorn yesterday, he described how there is a certain amount of warranty period on developments and infrastructure in our city that was originally designed and certified by Epic Engineering. I'm requesting that we do take action as soon as possible. Every month that goes

by, we lose the ability to file a claim against Epic for infrastructure that is failing in our city and so, I know some people may think this is politically motivated, however, if we can have six million dollars' worth of infrastructure in the city that is failing and on a monthly basis, every month that goes by we're losing the ability to file a claim against Epic and have them fix this, then that is \$100,000 that we are then transferring from the liability of Epic to the backs of the residents of Eagle Mountain. That's a, think about the parks that we can do every month that time goes by. We need to take action on this, we should not look the other way, we should not pretend like it did not happen. We need to take action as a Council to do what is in the best financial interests of the city. Thank you."

Mayor Richardson

"Thank you. I appreciate everybody tonight. I appreciate the comments that have been made and how quickly we've moved through our agenda this evening. One thing I would like to say is 'thank you' to the staff. Everybody looked very professional tonight, as well as your presentations were wonderful. Congratulations, I appreciate that."

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:23 p.m.

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 3, 2007

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Don D. Richardson called the meeting to order at 5:09 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: John Hendrickson, City Administrator; 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; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:38 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. Melanie Lahman 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

INFORMATION ITEMS / UPCOMING EVENTS

Mayor Richardson announced the following upcoming events:

- City Council budget retreat - April 6, 2007 at 9:00 a.m.
- Easter Egg Hunt at Nolan Park - April 7, 2007 at 10:00 a.m.
- Miss Eagle Mountain Pageant at Eagle Valley Elementary - April 7, 2007 at 7:00 p.m.

PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 Harrier Street, asked that Council meetings begin at 7:00 p.m., as advertised. She stated that the proposed Maverik gas station needs a deceleration lane, as was discussed in Work Session. She also mentioned when she was looking for a local business on the City's web site she found only twelve listed, not all of which were even located in Eagle Mountain. Further, one business had a large ad, which she didn't think was appropriate unless the business was paying the City for the ad. She would like all businesses in Eagle Mountain and their telephone numbers to be listed on the web site. Ms. Ulmer also stated that Bobby Wren Boulevard, which is an entrance into Eagle Park subdivision, is being used for parking semi-trucks. It's not only unattractive, but creates other issues, which another resident of the subdivision will discuss.

Mr. Robert Hill, 1457 Falcon Lane, said he has talked to the Code Enforcement Officer and other departments about trucks parked on Bobby Wren Boulevard. He was told the truck parking was temporary. However, the two-lane road has been reduced to one lane, which limits visibility and creates safety issues. His wife was almost hit by a car while riding her motorcycle. The road is a main entry to Eagle Park, but its usefulness for that is now very limited. It was also not designed to handle so much weight, leading to road damage which will have to be repaired by the City. He feels the trucks are targets for vandals. The solution he suggested was to park trucks in an industrial or commercial area, like the area near the Public Works building since that road is designed to handle heavy trucks. The road is not regularly traveled by residents, which would limit the safety problems, and is less accessible to vandals. In talking to the truckers, he learned that they don't care where they park; they just want a safe place to park their loads. He discussed the issue with Juanita in the Building Department, who was a good source of information.

BOARD APPOINTMENTS – Senior Advisory Council

Mayor Richardson recommended Eutona Dixon, Verlene Tanner and Joyce Hauber be appointed to the Senior Advisory Council.

Councilmember Strouse **moved** to appoint Eutona Dixon, Verlene Tanner and Joyce Hauber to the Senior Advisory 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.

BOARD APPOINTMENTS – Youth City Council

The Mayor recommended that Kevin Graves be appointed as the Youth City Council advisor.

Councilmember Strouse **moved** to appoint Kevin Graves as the Youth City Council Advisor. 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.

City Recorder Gina Peterson administered the oath of office to Ms. Hauber and Ms. Tanner, who were the only appointees present at the meeting.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

Comments are reported verbatim at the request of Councilmember Strouse.

Councilmember David Lifferth

“I don’t have any comments, other than I have to publicly apologize to the Mayor for, I guess, being a little short with him in the last Council meeting. I had left a voicemail for him and he did not call me back. I had obviously left a fairly heated voicemail at the wrong number. He had never received my message, so someone out there got a very detailed description of a problem in Eagle Mountain. I apologize to the Mayor for being short with him and I appreciate him calling me back and meeting with me later. Thank you.”

Councilmember David Blackburn

“No comments, other than have a great Easter.”

Councilmember Linn Strouse

“Well, I’m thrilled to see that the Youth Council will be up and running again. And I’m so excited that Kevin Graves is going to be heading it up. We have such a reservoir of just wonderful people that have helped make this city what it is by their volunteerism. Youth Council started in 2002 and I remember when I started that, I consulted with Jerry Kinghorn on the ordinance. It was an exciting time. It was specifically geared towards youth, to get them involved in the community and make them feel like they make a difference and help them become better citizens. We actually started out, the architects of the first Youth City Council were Milt McClellan, Sheila Curtis (who happens to be here tonight), Carolina Herron, Charlotte Ducos, Deanna Munson, Christine Ishmael, so for five years I’ve been grateful to work with these wonderful people and I’m very excited to see that it’s taking off again, a new page in Eagle Mountain history.”

Councilmember Vincent Liddiard

“Plan now to attend the Pony Express Days the first week in June, June 1st and 2nd.”

Councilmember Heather Jackson

“You gotta love Vincent’s advertisements. It was very short and along his line, I’ll just say, as the Mayor said, we do have activities going on this Saturday: one to celebrate the Easter holiday for your children in the city, as well as the Miss Eagle Mountain Pageant. So both of those things should be great occasions and take the time to come out and attend and that’s all I have to say.”

“We appreciate those that have been appointed to the different boards and we’re excited to see those up and running and making a difference and this is another thing where our citizens are making a difference and we appreciate that.”

End of verbatim transcription

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the March 20, 2007 minutes from the Consent Agenda and approve the remaining items as follows:

MINUTES

September 19, 2006 – Regular City Council Meeting

DEVELOPMENT AGREEMENTS

Skyline Ridge Estates, Phase 1

Skyline Ridge Estates, Phase 2

Councilmember Jackson **seconded** the motion.

Councilmember Liddiard 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.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING

ORDINANCE – Consideration and adoption of an ordinance repealing O-16-2005 and enacting a new compensation plan for the elected officials of Eagle Mountain City.

Utah State Code Section 10-3-818 outlines the procedure for increasing the salaries of elective officers in municipalities. After a duly noticed and held public hearing, the governing body may enact an ordinance amending the compensation of any elective or appointive officer of the municipality.

The City Council recently passed a budget amendment which allowed an increase in the City Council salary from \$325 to \$600 monthly. The Mayor is proposing his salary be decreased from \$69,982 to \$34,991 annually to accommodate a part time schedule.

Mayor Richardson opened the public hearing at 7:28 p.m.

Ms. Tiffany Ulmer, 1320 Harrier Street, thanked the Recorder's Office for emailing the public notice. She asked that the Council reconsider changing the Mayor's salary, suggesting that the ordinance be tabled and rewritten to allow candidates for Mayor to decide whether they wanted to run for a part time, three-quarter time or full time office and salary. She would also like the Mayor's responsibilities specified. She stated that the County Commissioners operate under different salaries and suggested that the City investigate how the County does that, making the City's ordinance similar. This would prevent situations like the Council attempting to cut the Mayor's salary during his term. She commended Mayor Richardson for stating he would not accept the full salary, but she thought the amount should be carefully considered. She was shocked when he announced his plans to serve part time after he was appointed. She feels the City should check on the salaries paid to part time mayors in the area. She stated Lehi's part time mayor works forty hours per week and is paid \$6,915. Former Eagle Mountain Mayor Bailey worked forty hours a week for \$10,000 per year. Spanish Fork's mayor makes \$8,400 and Highland's makes \$10,200. She is uncomfortable with a declaration that the Mayor will work part time and receive half salary. She would like part time, full time and three-quarter time hours defined.

Ms. Wendy Baggaley, 1467 Hawk Way, said two years ago the salary issue was hotly debated. She supported a full time mayor at that time and still prefers a full time mayor, but thinks the issue should be decided by the voters. She liked the idea of setting up a specific ordinance. As an example, she stated if a resident announced candidacy for an office and the City had district and at-large seats, the candidate would indicate which seat they were running for. In researching the issue she found there was no County law on the subject and suggested Mr. Kinghorn discuss it with the County Attorney's Office. She thanked the Mayor for addressing the issue before political season. She doesn't support a symbolic mayor. She feels citizens should have the most power to speak to the Mayor about an issue and expect an immediate response, or at least have the Mayor know who has that information. She also likes the idea of the voters considering a City Administrator ordinance in 2008.

Ms. Donna Milakovic, 4361 Saddlehorn Drive, stated she is often able to express her views through the media, but felt more strongly about the issue of the Mayor's compensation as a resident than as a journalist. She said whatever the City pays the Mayor and City Council, it can't buy their passion. This issue should be carefully and prayerfully decided. She would like to know how the proposed City Council salary of \$600 was determined. She would like elected officials to set goals with their constituents. She recognized that elected officials work very hard, but she wants counterproductive work to stop. A lot of the hours Councilmembers work may not be in the best interest of city residents. She cited investigations of each other as an example. She would like to see the City Council show a feeling of building the city.

Mayor Richardson closed the public hearing at 7:37 p.m.

The Council's discussion of the proposed compensation ordinance is reported verbatim at the request of Councilmember Strouse.

Councilmember Liddiard: "Mr. Mayor?"

Mayor Richardson: "Yes?"

Councilmember Liddiard: "I'd like to propose a motion and then allow for some discussion on it. I propose that we enact an ordinance repealing the ordinance O-16-2005 and enact a new compensation plan for the elected officials of Eagle Mountain that would read, 'The monthly compensation for the Mayor shall be \$3,000 and each Council person shall be paid a monthly compensation in the amount of \$600.'"

Mayor Richardson: "Is there any discussion or is there a second?"

Councilmember Strouse: "I'd actually like to ask if we could amend the motion. I like the first part but when it comes down to the Council increase of \$600, I objected to that before and I object to it now."

Councilmember Liddiard: "And you would like it to be . . . ?"

Councilmember Strouse: "I don't see that it needs to be changed. I was asked, I was asked, after we tabled those band and wage adjustments a month and a half ago, I had the Management Analyst call me and say that they were going to add the City Council to be up to \$600 and I said, 'Why are you doing that?' And he said, 'Well, they did comparables with other cities and that would keep us more in line

with other cities.’ But I personally don’t feel comfortable with that, so I would like to go ahead with the first part of the motion and keep Council pay the same. Because I’ve known many people that have been in it for the passion, like she mentioned, and I think that should be our priority right now.”

Councilmember Blackburn: “Councilmember Strouse, you’re saying then you approve that the Mayor makes \$3000 a month and the City Council makes, as is, \$325. Is that correct?”

Councilmember Strouse: “That’s correct.”

Councilmember Blackburn: “OK.”

Councilmember Lifferth: “As we had this discussion in Work Session, it was my understanding that we would table this motion, allow it to go back to be wordsmithed by Mr. Kinghorn to make sure that we’re actually moving ahead and making progress on the known issues in the current ordinance and not maintain those same limitations in our current ordinance, in our proposed ordinance. So, are we still trying to move ahead with something, Vincent? Is that what you’re trying to do right now, is make something happen tonight or are we still sending it back to Mr. Kinghorn?”

Councilmember Liddiard: “My attempt was to do both. Be able to enact something so there could be some progress, knowing that there are always going to be changes that occur in the future.”

Councilmember Strouse: “Oh, there was one more thing I wanted to say, and that’s when we actually voted on the wage band changes, Councilman Liddiard and myself voted against it and that was including that Council increase.”

Councilmember Liddiard: “My actual surprise was that it was \$600 because I thought it was going to be \$500, but . . .”

Councilmember Jackson: “Mr. Mayor.”

Mayor Richardson: “Yes.”

Councilmember Jackson: “I haven’t heard that we have a seconded motion. Do we have one?”

Mayor Richardson: “We do not have a seconded motion yet and that would go back to . . .”

Councilmember Strouse: “Well, I asked Vincent to amend the motion and then I’ll second it. So do you have a suggestion for an amendment?”

Mayor Richardson: “So . . .? OK.”

Ms. Peterson: “There’s a motion on the floor. There’s no second.”

Mayor Richardson: “The motion fails.”

Ms. Peterson: “The motion fails.”

Councilmember Strouse: “So you don’t want to . . .”

Councilmember Jackson: “Mr. Mayor.”

Councilmember Strouse: “. . .you don’t want to amend that . . .”

Mayor Richardson: “OK. The motion fails. Let’s move on. OK.”

Councilmember Jackson: “Mr. Mayor, I move that we table this, table this item for future consideration so that our City Attorney can make the changes that have been discussed and so that we can also take into account the public, the public comments that were made tonight and implement them appropriately.”

Mayor Richardson: “Linn, I’m sorry. What did you say?”

Councilmember Strouse: “Well, I was trying to get an answer from Councilman Liddiard, yes or no, if he would be willing to amend his motion. I didn’t hear the answer.”

Mayor Richardson (to Ms. Peterson): “I need your advice over here.”

Ms. Peterson: “I did not hear Vincent say he was willing to accept the amendment.”

Councilmember Strouse: “I didn’t hear an answer, so I just wanted an answer, yes or no.”

Councilmember Liddiard: “I had made no comment, but if that’s what you would like . . . Again, my interest was that it would be still discussed and talked about in the future. If that’s an amendment you would want to make then, sure, I would accept that, but I think it was kind of, the reason I didn’t say anything was kind of, it seemed like it had died already, so . . .”

Ms. Peterson: “We have a new motion on the floor.”

Mayor Richardson: “OK. The motion’s been seconded.”

Councilmember Lifferth: “I would like to **second** that motion.”

Mayor Richardson: “Now it’s been seconded. OK? Is there any discussion?”

Councilmember Jackson: “Call the question.”

Mayor Richardson: “Question has been called. All those in favor say yes.”

Councilmembers Jackson and Lifferth: “Yes.”

Mayor Richardson: “Any opposed, say no.”

Councilmember Liddiard: “No.”

Mayor Richardson: “OK. One no. Did everybody vote?”

Councilmember Blackburn: "I'll vote no on that, as well."

Mayor Richardson: "OK. Let's just do a roll call, if we could. Start with Mr. Lifferth."

Councilmember Lifferth: "Yes."

Councilmember Strouse: "Could you restate what we're voting on, just so everybody understands?"

Councilmember Jackson: "The motion was to table the item so that Mr. Kinghorn could re-wordsmith the ordinance and so that we can take into consideration the public comment that has been made tonight."

Mayor Richardson: "OK, and roll call."

Councilmember Lifferth: "Yes."

Councilmember Blackburn: "No."

Councilmember Strouse: "Yes."

Councilmember Liddiard: "No."

Councilmember Jackson: "Yes."

Councilmember Blackburn: "The ayes have it. It's tabled."

Mayor Richardson: "OK, it's tabled. We'll move on. Thank you very much, Council."

End of verbatim minutes.

MOTION – Consideration and approval of a site plan for Maverik gas station.

Planning Director Peter Spencer presented the Maverik site plan. The proposed Maverik Convenience Store and Gas Station will be located on the southwest corner of State Road 73 and Ranches Parkway on a 1.20 acre parcel. The building exterior will be stucco and stone, with landscaping and a picnic table on the site. The applicant is requesting the hours of operation be 24 hours a day as long as it warrants keeping the store open 24 hours. Since the property is located on SR 73 and Ranches Parkway staff supports these hours. The applicant's proposed thirty-foot tall pole sign has been replaced with a new design that complies with City ordinances.

Councilmember Lifferth asked what the code requires for handicapped parking stalls. Mr. Spencer said the site plan complies with the code. Councilmember Blackburn asked if entry is large enough to handle several cars plus large trucks and trailers without a deceleration lane. Mr. Spencer said staff had widened the turning radius from the previous design. Having a turning lane on City land was brought up in Work Session, as were the addition of a bike rack and berm.

Councilmember Jackson asked if the applicant could come up. Brad McDougal representing Maverik stated they would be willing to add a bicycle rack near the picnic table. There will be no advertising on

the building's canopy except for the backlit Maverik name. Maverik usually does a 12-foot wide left turn entry lane, a 12-foot wide right turn entry lane, and a 14-foot wide exit lane. Councilmember Jackson said that the plan indicates a 30-foot wide area. Mr. McDougal said Maverik would be happy to widen the area to 40 feet, although he personally thought the right-hand lane on Ranches Parkway would accommodate deceleration.

Councilmember Lifferth asked about adding a berm to the site plan. Mr. McDougal replied Maverik prefers a rolling hills effect, but would put berms in place at the City's request.

Councilmember Blackburn asked if the station would accommodate the State gas card (Fuelman). City Administrator John Hendrickson clarified in order to do that, Maverik would have to be a vendor with the State. Mr. McDougal said that he would check on that.

Councilmember Jackson expressed concern with traffic and the nearby subdivision, because traffic gets backed up to enter that subdivision. She thinks the gas station traffic will make the backup worse.

Councilmember Liddiard asked if Maverik would be willing to pay for the lane, which will benefit the station, if the City provides the land. Mr. McDougal agreed.

Councilmember Lifferth commented the traffic signal design on SR 73 allows two lanes of traffic to turn onto Ranches Parkway at once, a right turn and a left turn.

Councilmember Strouse said she would like the berm, but it needs to be done in such a way that bikers and cars don't get showered.

Councilmember Lifferth asked who owns the land south of station and what use is planned for it. Mr. Spencer answered the land is residential because it is the entrance to Horseshoe Station.

Councilmember Jackson **moved** to approve the site plan for the Maverik gas station subject to the following conditions:

1. **STORM WATER.** That the storm water calculations and storm water detention detail be submitted and approved by the City Engineer.
2. **WATERWAY.** That a six-foot waterway be installed on both entrances onto Ranches Parkway.
3. **UTILITY DEMANDS.** That utility demands be submitted for water, sewer, gas, and phone and verified by City staff.
4. **LIGHTING PLAN.** That building lighting shall be shielded and directed downward so that the light source is not visible from beyond the property where the structure is located. That lighting not project above structures or flagpoles, or beyond the property line.
5. **LANDSCAPE PLAN.** That the landscape plan redlines are addressed and approved by City staff.
6. **ELECTRIC.** That the electric facilities plan is approved by City staff.
7. **SCREENING.** That the mechanical equipment areas are designated on the plan and that these areas receive proper screening treatments. That a screening detail of the proposed dumpster be submitted.
8. **EMERGENCY SHUT-OFF.** That the emergency shut-off for the gas pumps be identified.
9. **EXISTING SIGNAGE.** That any existing signage (ladder signs) be moved to an adjacent location which is approved by staff.
10. **FIRE CODE.** That all fire code items are addressed and meet IBC & IFC standards.

11. CANOPY. That the canopy over the gas pumps be constructed as shown in the renderings and no advertising be located on the canopy.
12. BERM. That the area fronting Ranches Parkway be bermed
13. BIKE RACK. That a bike rack be added near the picnic table.
14. DECELERATION LANE: That a right-turn only deceleration lane be installed on Ranches Parkway.

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.

AGREEMENT – Consideration and authorization for the City Attorney to draft and the Mayor to sign a commercial sign lease agreement with Maverik, Inc.

Councilmember Jackson **moved** to approve the sign lease agreement with Maverik, Inc. subject to the conditions of approval from the Site Plan. 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.

RESOLUTION – Consideration and adoption of a resolution accepting the FY 2006 Audit.

Councilmember Liddiard **moved** to adopt Resolution R-08-2007 accepting the FY 2006 Audit. 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 acknowledging and approving assignment of banked water rights.

Councilmember Liddiard **moved** to approve Resolution R-09-2006 acknowledging and approving assignment of banked water rights. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth asked if any other city has a banked water policy. Mr. Kinghorn replied not that he is aware.

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.

CITY ADMINISTRATOR INFORMATION ITEMS

Mr. Hendrickson reported that the Bureau of Land Management (BLM) is requiring an environmental study on the 138kV transmission line. The City has looked at SWCA consultants to do the study, which will cost approximately \$45,000. Much of the work has already been done on the City's easement, but the line goes outside the easement, so additional study has to be done. It's expected to take about 60 days, although the contract allows 120 days.

Councilmember Blackburn said it was his understanding a contract of that size needs to be bid. Mr. Hendrickson said professional services don't have to go out for bid. Mr. Kinghorn explained the BLM only allows certain firms to provide these studies. This company has already done work on the Kern

River pipeline, so they're familiar with the area and can do the work much more quickly than another firm.

Councilmember Blackburn asked why the City's current 75-foot easement is not being used. Mr. Kinghorn explained the City doesn't have an easement through this area.

Mr. Hendrickson also informed the Council the City will have work done on the entrance to Mt. Airey Drive off SR 73. The contract is under the \$25,000 limit and therefore does not require three separate bids. The work will be completed in the next two weeks.

Councilmember Blackburn referred back to the environmental study and asked if Mr. Hendrickson could see that the \$45,000 is repaid by impact fees. Mr. Hendrickson was unsure if it had been included in the City's impact fee analysis. Mr. Kinghorn said he didn't think it was in the Capital Facilities Plan, but the plan could be amended once the correct amounts were determined.

Mayor Richardson referred to the repair work on Ranches Parkway, which will begin this month and finish two weeks before Pony Express Days. Councilmember Jackson noted the Parade of Homes takes place May 12 – 26. She expressed concern the construction would block access to one of the homes on display in Mt. Airey. Mr. Hendrickson said work is planned to be done by then.

CITY COUNCIL / MAYOR'S BUSINESS

Comments reported verbatim at Councilmember Strouse's request.

The tape stopped during Councilmember Lifferth's and part of Councilmember Blackburn's comments – those will be summarized from the meeting.

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Blackburn

Councilmember Blackburn thanked Mr. Hendrickson for the work he's done for the city so far. Regarding the budget retreat, he would like to talk to City staff. He asked about progress on the Policies and Procedures Manual.

recording restarted

Ms. Peterson (regarding policies and procedures manual): "I've gotten feedback from you and staff, but that's about it. I'll send out another reminder tomorrow."

Councilmember Jackson: "I had given some feedback to Melanie, as well."

Ms. Peterson: "Oh, OK."

Councilmember Blackburn: "But I'd like to see that we get that adopted as soon as possible, as well. Thank you."

Councilmember Strouse

“I’d just like to touch on our earlier discussion in regards to the item that got tabled. We talked about this in Work Session, but I don’t think you guys had the benefit in Policy Session. People need to understand that the Mayor or the Council’s pay can be increased, decreased, left the same, every year during budget review. That’s open for debate. And if you want, I think Jerry said we could do it every other week if we wanted to. But the point, the whole point is that it’s not something set in stone once we’ve decided. And I just wanted to make something clear: I’ve never requested the Mayor’s salary to be decreased, although others have characterized my position as that, due to a glitch in the proposed ordinance last fall. I never had a chance to vote on it, let alone discuss it, so I just wanted to clear that up because it would have been nice to have had some Council dialog on it at the time. So, thank you for letting me clear that up.”

Councilmember Liddiard

“As a body, we talked about supporting the Utah Valley State College in becoming Utah Valley University and it’s a pleasure to see that that’s going to take place in 2008, so I thought that was cool. I think it will benefit our citizens. On the upcoming agenda items that are distributed in our packets, could you, would you be willing to (this is kind of a note to staff) add in things like the budget retreat, Pony Express Days, other things the Council members might be expected to attend, but aren’t necessarily part of an official City Council meeting? It would be helpful.

“For the citizens of Eagle Mountain, please don’t start watering your lawns yet. Maybe wait a month or so. It’s going to rain, it’s still somewhat cooler, give your lawns a chance to kind of get used to the fact that they’re in a desert and just kind of go with that for now. We can conserve some water as a city, we can save some finances for ourselves and we can do good things for the health of our community by, don’t start watering your lawns until, you know, May-ish sometime. Don’t water your lawns in April. We expect normally five inches of rain, anyway.

“Mayor’s salary: I wanted to take some forward action based on the leadership of the Mayor to take some initiative on what he felt his roles and responsibilities and the amount of time he would be able to participate in those things, with the full belief that during the campaign season there will be many proposals made as to what their involvement in the office of Mayor will be and I expect fully that this will be updated, based on the person who is going to campaign successfully for that position. I am not disappointed that we’re going to study it. I, however, was hoping that we would be able to make some immediate forward progress while that study takes place.”

Councilmember Jackson

“To follow those lines, one of the things that I think it is important to mention to the citizens that are here: The Mayor is currently not taking that full salary. He has been taking more of what is along the lines of what was proposed this evening. I’m glad that we’re taking the time to look into things. I think Tiffany brought up some very good points, with the fact that we need to be comparing what is going on in our surrounding cities. You know, a full time mayor should have a particular salary, a part time mayor should have a particular salary, and we need to make sure that those are equitable with what is going on in our surroundings, the same way that we did our wage study. It should be done in the same fashion.

“Also tonight, as I just brought up about the Parade of Homes, I think you all remember that I came forward last year with an issue regarding temporary signage, and Peter and I are working on that again now to go through the Planning Commission and then through here, as well. But this year there are two homes that are in the Parade of Homes located within our city. One of them is at the top of Clubhouse

Drive there off of Mt. Airey Drive and then the other one is in what we call, I believe, Ash Point subdivision, off of Mountain Ash Drive. So just a little FYI, that will be going on and it's kind of exciting to have two homes in the Parade this year, neither of which is the Cougar House. Each one are actually, you know, a developer- or builder-built home, probably for particular individuals. So it's exciting to have that in our city. And we are still moving forward on our progress with the parks. We met again this week, or last week, excuse me, and had another discussion with that. And we are trying to move forward with some potential sites. We discussed possible sites for the skate park, as well as ways to move ahead with our landscaping design of that so that we can keep it uniform within the city, so hopefully we'll be able to get more information to you as we continue moving forward with that."

Mayor Richardson

"I, again, appreciate this evening, that it seems like everybody's been working together very, very well. I appreciate the thoughts that have been brought up and the kindness everybody shows with each other. I'm looking forward to the budget retreat that we're having Friday and working through our budget that we have coming up this next year and also, just to let you know, that we are going to contest the census that is out there. Some of you have already seen that in the paper. Right now the census says that Eagle Mountain has 10,343 people in it. We're more like 20,000 and so some have said, "This is a really hard thing to do." We feel as a city that it's very important to do, let them know where we're at. This affects our grants. It also affects the amount of sales tax that comes into our city and so we are pursuing those tax dollars that could come our way to help benefit projects in our city. Again, I appreciate everybody being here, stating their, their thoughts and their expressions. This is what good government does, and I ask for the Council if there's a motion to . . ."

Councilmember Liddiard: "Move to adjourn."

Mayor Richardson: "There we go. Good night."

End of verbatim transcription

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:20 p.m.

**MINUTES – SPECIAL SESSION
EAGLE MOUNTAIN CITY COUNCIL MEETING**

April 6, 2007

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

3:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Richardson called the meeting to order at 3:02 p.m. Mayor Richardson 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: John Hendrickson, City Administrator; Gordon Burt, Finance Director; Gina Peterson, City Recorder; Ifo Pili, Management Analyst; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; and Jordan Harris, Water Division Supervisor.

SCHEDULED ITEMS

AGREEMENT – Consideration and approval of an agreement with SWCA for an environmental assessment along the new Eagle Mountain City transmission line corridor.

The City is going to be installing a new transmission line from its North Substation to Bobby Wren Blvd., an estimated distance of five miles. The easement will parallel the Rocky Mountain Power corridor for much of that distance.

The Bureau of Land Management requires an environmental assessment throughout the project and is not able to provide this study until Fall, 2007. Since the City needs to start this project sooner, BLM gave authorization for the City to use a third party for the assessment.

This agreement engages SWCA to do the environmental assessment (EA). The EA is planned to be finished within 120 days or sooner. SWCA is the same consulting firm that successfully completed the EA for the Rocky Mountain Power and the Kern River natural gas corridors. They are very familiar with the corridor.

City Administrator John Hendrickson stated that the City's purchasing policy limits professional agreements to \$20,000 without Council approval.

Councilmember Jackson asked where funding for the agreement will come from. Mr. Hendrickson responded that it will come out of this fiscal year's budget for the transmission line.

Councilmember Strouse asked if going across BLM land was the only option for this line. Mr. Ferre responded that this is the cheapest, straightest and quickest route.

Councilmember Jackson **moved** to approve an agreement with SWCA for an environmental assessment of the 138 kV transmission line corridor. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn expressed concern that a request for proposals was not done before the contract was awarded.

Councilmember Lifferth called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, and David Lifferth. Councilmember Strouse abstained. The motion **passed** with a 4:0 vote.

Councilmember Blackburn requested that members of the City Council avoid calling the question until all discussion was complete.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 3:16 p.m.

APPROVED BY CITY COUNCIL MAY 20, 2008



Fionnuala B. Koroed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL BUDGET MEETING

April 6, 2007

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

NO PUBLIC COMMENT WAS RECEIVED AND NO OFFICIAL ACTION WAS TAKEN

8:00 A.M. WORK SESSION – CITY COUNCIL CHAMBERS

Mayor Don D. Richardson called the meeting to order 9:10 a.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (arrived at 9:40 a.m.), David Lifferth and Linn Strouse (arrived at 11:45 a.m.).

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Ifo Pili, Management Analyst; Angie Ferre, Executive Assistant; Michele Graves, Library Director; Peter Spencer, Planning Director; Chris Trusty, Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Jordan Harris, Water Supervisor; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jerry Monson, Lieutenant.

DISCUSSION ITEMS

Goals and Priorities

City Council Goals

Increase Sheriff's deputies

North Building for Fire Department

Parks & Open Space:

- Trail connectivity
- Upgrade/expand current trails
- Skate park

Additional funding for special events, including Pony Express Days

Capital facilities – water, sewer (SSA), electric

Code enforcement

Improve the city's image

Add staff to accommodate growth

Staff Goals

Finance:

1. Complete the audit on time
2. New technology to service utility customers
3. Employee training to utilize software

Fleet:

1. Maintenance for better service

2. Budget
3. Fleet replacement plan (including surplus)

Energy

1. Staff increase
2. Long range resources for gas/electric
3. Gas improvements - Lines and odorizer

Building

1. Improve Building Code enforcement
2. Better zoning regulations, Planning partnership
3. Quick turnaround for customer service

Streets

1. Increase road life through maintenance
2. Efficient snow removal
3. Porter's Crossing to Pony Express extension

Parks

1. Improve open space
2. Efficiency of irrigation
3. Efficiency of landscape maintenance

Recreation

1. Safe/fun environment
2. More Recreation opportunities
3. Educate youth & parents on health and sportsmanship

Sewer

1. SSA expansion & current system maintenance
2. Increase staff
3. Collection system

Water

1. CFP upgrade
2. Staffing
3. Backflow and water conservation plan

Administration

1. Maximize revenue streams (grants, etc.)
2. Commercial development
3. Increase services – banks, stores for residents

Sheriff's Office

1. Emergency response capabilities
2. Youth program expansion
3. Improve community policing

Library

1. North County Library interlocal implementation
2. Increase staff to accommodate public
3. Improve Internet access

Planning

1. A. Corridor preservation SR73 and Pony Express Parkway
B. Long Range planning - commercial growth
2. ARC View software
3. Standardize staff reports & plan review

Engineer

1. CFP
A. Storm drain & flood control

2. Economic analysis & impact fees updated
3. Mapping system updated

Fire Department

1. Service improvements
2. Station 2 upgrade
3. Refurbish ambulance

Transportation Discussion

Roads outside of Eagle Mountain, bus transportation, park and ride lots

Corridor preservation

Preliminary expenditures exceed revenues by \$600,000. Transfer from the Unreserved General Fund?

Top Priorities

Police Services expenditures increased by 60%

Fire Department increases, including North Service Area building (\$1.2 million)

City Events

Pony Express Days: Increase salaries by \$3,000 to cover costs of running two more events

This year's Pony Express Days events:

- Thursday, May 31: Vendor booths, carnival, Battle of the Bands (celebrity judges), winner opens for Sawyer Brown
- Friday, June 1: Finals of Battle of the Bands, Movie in the Park
- Saturday, June 2nd: Golf Tournament, 5k race, helicopter rides, dune buggy rides on Pony Express Trail, concert, fireworks
- Tuesday, June 5th: Mini "Parade of Homes"
- Drawing for dune buggies, motor cycles

Funding for the Miss Eagle Mountain Pageant and the Youth City Council was not increased. The Senior Advisory Council was given \$4,000 in start-up funding.

\$10,500 is proposed for the Easter egg hunt. Other special events that need funding are the Deck the Halls lighting ceremony, Santa on the Fire Truck, tea parties and a proposed Harvest Festival.

Department Funding Proposals

Library - Michele Graves

- Two additional staff members
- Increased hours
- Software and server for North County library system
- Library Board
- Fundraising committee
- Council-approved increase for bandwidth specifically for Library patrons to avoid going through City Hall's bandwidth

Police - Sgt. Jerry Monson

Current staffing is 10.5 deputies and a half-time secretary

- One new sergeant
- Full-time administrative assistant
- Increase in overtime funding

Law enforcement proposed expenditures:

\$1,712,413 total cost

\$135,580 minus projected court revenue

\$1,576,833 net cost

Fire Department -Chief Andrus

- Personnel services \$717,771
- Materials, supplies \$106,600
- Internal services \$200,000 (ladder truck)
- Capital outlay \$7,000

Proposed Budget \$1,031,371

- Capital Improvements
- \$500,000 for station upgrade to North Service Area station
- \$77,000 ambulance upgrade
- \$3,500 storage shed
- \$100,000 reserve budget to assist in Emergency Operations Plan
- \$3,500 2 computers for Station #2 (North Service Area)
- \$5,000 repairs to Station #1 (South Service Area)
- \$17,000 update and maintain Zoll EKG

Proposed \$606,000 Capital outlay

Building Department - Kent Partridge

Proposed budget \$578,869

Planning Department - Peter Spencer

- Long-range Planner
- GIS/GPS/GIS layers
- Office Equipment: 11x17 printer; color scanner; new laptop

Proposed Budget: \$348,712

Engineering - Chris Trusty

Proposed budget: \$678,727 (down from \$808,095 from 2007, primarily from doing materials testing in-house instead of hiring outside professional services)

- \$25,000 computer and AutoCad water modeling module for modeling any of our water lines and pressures, primarily for pressurized water and water re-use system.

Recreation - Jeff Weber


- 458 baseball participants; 100 more than last year
- Baseball registration costs: \$40 for 8 and younger; \$45 for 9 and older
- Parks: 1 new FTE as an irrigation tech
- Streets: maintenance, snow removal, overtime

Proposed budget \$44,000

ADJOURNMENT

The meeting adjourned at 4:05 p.m.

APPROVED BY CITY COUNCIL MAY 20, 2008



Fionnuala B. Kofod, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL BUDGET SESSION

April 14, 2007

Eagle Mountain City Main Conference Room, 1650 East Stagecoach Run, Eagle Mtn, Utah 84005

NO PUBLIC COMMENT WAS RECEIVED AND NO OFFICIAL ACTION WAS TAKEN

8:00 A.M. WORK SESSION – MAIN CONFERENCE ROOM

Mayor Don D. Richardson called the meeting to order 8:10 a.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived at 8:45 a.m.), Heather Jackson, Vincent Liddiard (arrived at 8:15 a.m., left at 9:50 a.m., arrived back at 10:37 a.m.), David Lifferth (excused at 11:20 a.m.) and Linn Strouse.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Ifo Pili, Management Analyst; Adam Ferre, Energy Division Manager; and Jordan Harris, Water Supervisor.

The City Council reviewed goals.

City Administrator John Hendrickson stated that proposed expenditures exceed revenues by \$600,000.

The City's budget surplus requires that a capital improvement fund be created.

He reviewed techniques to decrease the budget.

In his initial review, he was fairly comfortable with the budget. He was comfortable in the fact that there are ways to accomplish what is needed.

The following topics were discussed:

Water/Sewer

Mr. Hendrickson stated that this year many of the City's water issues will be centered around the expected allocation of CUP water.

Using UP&L to run the electrical power for well #2 would be too cost prohibitive because of the length of the line.

Overtime has been going up because of FTEs.

Legislative

The City plans to allocate \$12,000 at \$1,000 per month for special projects to improve the City at City Council discretion.

Councilmember Lifferth was excused at 11:20 a.m.

Councilmember Blackburn was excused at 11:50 a.m.

ADJOURNMENT

The meeting was adjourned.

APPROVED BY CITY COUNCIL MAY 20, 2008



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 17, 2007

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Don Richardson called the meeting to order at 4:12 p.m.

CONDUCTING: Mayor Don Richardson

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

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, Treasurer; Angela Cox, Deputy Recorder; Michael Hadley, City Planner; Linda Peterson, Community Relations Coordinator; Kent Partridge, Building Official; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

DISCUSSION ITEMS

DISCUSSION – Wildland Fires – Barbara Gardner, State Forestry and Land.

DISCUSSION – Heavy Truck/Trailer Parking on Residential Streets.

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

The City Administrator provided information to the City Council. These items are for information and do not require action by the City Council.

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:30 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:05 p.m. Scout Troops 1045 and 1030 performed a color guard presentation and led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

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

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, Treasurer; Angela Cox, Deputy Recorder; Michael Hadley, City Planner; Linda Peterson, Community Relations Coordinator; Kent Partridge, Building Official; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Jason Randall Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

Mayor Richardson announced the following upcoming events:

- B5 concert during Pony Express Days, June 1.
- UDOT alternate impact study meeting, April 18.
- UDOT transportation meeting, Harvest Elementary, Saratoga Springs, April 26, 5:30 – 8:30 p.m.

Mayor Richardson reported the Alpine School District met with the City to discuss the location of a new school in Eagle Mountain. Currently, the District has made an offer on property in Eagle Mountain.

PUBLIC COMMENTS

Ms. Wendy Baggaley, 1467 Hawk Way, commented on the deceleration lane the Council required for the site of the proposed Maverick gas station. She expressed appreciation to the City Council for upholding the requirement for the lane, saying it will be important for traffic safety.

Ms. Jennifer Webb, 7639 Sparrow Hawk Way, addressed concerns with elementary schools. She hoped City officials are doing all they can to help get more schools, which are desperately needed. The current schools are overcrowded, which impacts teaching quality and makes it impossible to adequately supervise children on playgrounds. Although the City is not responsible for building schools, potential student population can be estimated from building permits issued. Building permits should not be issued without making provision for the schools required to serve the numbers of students likely to move into those homes. She said Alpine School District was taken by surprise by the concerns expressed by Cedar Pass Ranch residents about the school proposed for their area. The District met with the residents, took their concerns seriously and changed the site of the school.

Mr. Jerry Grote, 2105 Frontier, had concerns about problems with city streets. He nearly hit a deer because of poor street lighting and said he has seen sewers caving in. The detention pond at the park near Frontier and Saddle Horn is a mosquito breeding ground. The City needs to collect money from builders to install walkways the builders haven't installed. If he maintained his yard like the City maintains open space, he would be fined. The Ranches has been improved, but City Center has been neglected. For instance, City Center needs a grocery store. He feels the speed limit on Sweetwater Road is much too slow.

Ms. Tiffany Ulmer, 1320 Harrier Street, wondered if the City could do controlled burns to prevent fires. She was dissatisfied with the BFI trash service leaving trash on the street and said they broke 60 trash cans last week. She offered to take spray paint to the median along SR 73 and paint some stripes to improve traffic flow. Regarding the delays in dealing with school issues, she was irritated that 40

people willing to sue the school district were able to dictate the location of the school without any discussion of the issues and how they might be mitigated.

CITY COUNCIL/MAYOR ITEMS

Councilmember Lifferth

Councilmember Lifferth felt the residents of Cedar Pass Ranch were justified in many of their concerns with transportation and other issues because of the uniqueness of the neighborhood. However, Eagle Mountain is at least two schools behind what is needed, so there needs to be a way for all parties to meet, address concerns, mitigate problems and get schools as soon as possible.

Councilmember Strouse

Councilmember Strouse said a resident asked her if street lights could be turned off by 10:00 p.m. City Administrator John Hendrickson explained that is called a dark sky policy, which has not been adopted by the City.

Councilmember Strouse said drivers are not prepared for the reduced speed limit on SR 73 and asked if the City or State could install a "reduced speed ahead" sign. Mr. Hendrickson said it's a State highway, but the City could request such a sign.

Councilmember Strouse also said a resident requested that walkways in City Center be extended so her children don't have to walk three miles to school.

Councilmember Liddiard

Councilmember Liddiard stated his thoughts and prayers are with the people at Virginia Tech following the recent shootings. He's gotten to know Jennifer Webb through his wife's involvement with Alpine School District and appreciated her efforts in behalf of education. Perhaps future Master Development Plans could require a certain amount of space to be allocated for churches and schools, based on the number of homes to be built. He appreciated the Mayor's support for the school district and was disappointed the district withdrew its offer to buy property in Cedar Pass Ranch. He would have liked the opportunity to help the district, City and HOA work through the issues. It's difficult for the school district to accommodate growth as fast as Eagle Mountain's. He appreciated the efforts of everyone in the city and was very excited for Pony Express Days.

Councilmember Jackson

Councilmember Jackson agreed with the previous comments. She worked on school issues all week and was disappointed with the attendance at last week's study session with the school district, which turned out to be a decision-making meeting. Citizens need to continue to support having schools in Eagle Mountain. She will continue to work on the issue, including attending the next school district meeting. She urged everyone to work respectfully with the school district. She hoped, if issues are raised about other sites, there would be discussion about ways to mitigate concerns.

Mayor Richardson

Mayor Richardson stated it is very important to have schools in the city. He has been working with the school district, which does want to build schools in Eagle Mountain. The school currently in process is a year ahead of schedule because it is so badly needed. Eagle Mountain is a great place to raise a family

and will be great place to educate children. His thoughts and prayers are with those who have suffered at Virginia Tech.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the Stonebridge development agreement from the Consent Agenda for discussion. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth asked the reason for the motion. Councilmember Liddiard referred to the concerns brought up in Work Session about the construction entrance for the development.

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

Councilmember Liddiard **moved** to remove the following minutes from the Consent Agenda: February 15, April 3, April 6 (budget session) and April 6 (special session); as well as the final plat for Sweetwater Phase 1.

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

Councilmember Liddiard **moved** to approve the following items on the Consent Agenda:

MINUTES – March 20, 2007 – Regular City Council Meeting

FINAL BOND RELEASE (entering warranty) – Simpson Springs at Red Hawk Ranch – Plat A

REVISED BOND LETTER (amendment to Development Agreement) – SilverLake 7

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

SCHEDULED ITEMS

DEVELOPMENT AGREEMENT – Consideration and approval of a development agreement for Stonebridge

Councilmember Liddiard **moved** to approve the development agreement for the Stonebridge subdivision, subject to the condition that all construction traffic enter the subdivision from the northern entrance, where Stonebridge Lane ties into Ranches Parkway, not through the existing Friday's Station subdivision. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth asked City Engineer Chris Trusty to explain the requested change to the development agreement. Mr. Trust explained the construction entrance for Stonebridge needed to be somewhere other than through Friday's Station, either off of SR 73 or off of Ranches Parkway.

Councilmember Liddiard said the road through Friday's Station is in terrible condition and the residents would prefer not to have excess truck traffic damage it further.

City Attorney Jerry Kinghorn asked if special condition #6 of the development agreement would serve the purpose. Councilmember Liddiard responded it would.

Councilmember Lifferth asked if the developer of Stonebridge had an agreement with UDOT to have a construction entrance on SR 73. Mr. Trusty said he was not aware of one, but the developer indicated in a pre-construction meeting that he would be able to get one.

Councilmember Lifferth pointed out the City can't require the developer to use a construction entrance that may be impossible to obtain. Mr. Trusty agreed, but said in that case the construction entrance should be off of Ranches Parkway.

Councilmember Jackson said the agreement specifies the construction entrance should be located where Stonebridge Lane ties into Ranches Parkway.

Councilmember Jackson called the question.

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

AGREEMENT – Consideration and approval of a commercial sign lease agreement with Maranatha Mexican Restaurant

City Planner Mike Hadley explained the City Council adopted a sign ordinance on February 15, 2005, which includes a map identifying specific locations in which three types of signs – model home, median and directional/advertising business – are allowed. Individuals are allowed to lease property within the City's right of way for signage. The proposed signs would be located on the City's right of way along streets classified as arterials or collectors. The intent of these signs is to direct motorists to model homes, subdivisions and businesses.

He stated Maranatha Mexican Restaurant has requested consideration of two directional/advertising business signs. The first location is at the intersection of Ranches Parkway and SR 73. The second is on Pony Express Parkway just north of Eagle Mountain Elementary School. The signs will be constructed in accordance with the specifications in the Development Code.

Staff recommended denial of the first sign location because three signs are already located there. The Maverick Gas Station will also have a monument sign there. Approval of the second location was recommended.

Councilmember Lifferth asked if the Planning Department has discussed the recommended denial of the first sign location with the applicant. Mr. Hadley said the Planning Commission recommended the Planning Department meet with Ms. Rojas to discuss an alternate location, but that meeting has not yet taken place.

Ms. Dilciana Rojas, owner of the Maranatha Mexican Restaurant, stated she has tried to have a sign approved for the past two years, since her business opened. She wanted to know why other signs have been approved, but hers has not.

Mayor Richardson reminded Ms. Rojas this was not a public hearing. He gave Ms. Rojas one minute to speak. Ms. Rojas said the City should clarify sign regulations with new business owners so they know what to expect.

Councilmember Lifferth asked the applicant if she has considered an alternate site location.

Ms. Rojas said she has not. The denied location is the one she wants. She did not understand why she could not place a sign where other businesses have signs.

Mr. Hadley apologized for inviting the applicant to the microphone at an inappropriate time. He stated the City has approved sign locations throughout The Ranches and presented a map displaying the approved locations.

Councilmember Jackson noted that, during consideration of the Maverick gas station, it was discussed that the sign for Village Pizza will need to be relocated. She suggested providing an alternate location where both the Village Pizza and Maranatha signs could be located.

Councilmember Lifferth asked City Attorney Jerry Kinghorn if the Planning Commission would have to approve an alternate sign location. Mr. Kinghorn stated the Planning Commission is recommending and the City Council can propose a new location.

Councilmember Lifferth asked Mr. Hadley what location he would recommend as the next best alternative to the location that was denied. Mr. Hadley recommended the other site the applicant requested.

Mr. Hadley and Mr. Kinghorn discussed various approved sign locations.

Councilmember Liddiard asked Mr. Hadley what available sign location along Pony Express Parkway is nearest to SR 73. Mr. Hadley pointed out a location near the intersection of Ranches and Pony Express Parkways.

Councilmember Liddiard asked Ms. Rojas if she would be interested in locating a sign there. Ms. Rojas said the sign on her restaurant is already visible in that area. She wanted a sign which would be visible from SR 73.

Councilmember Lifferth recommended she take a location which will attract drivers entering The Ranches from City Center.

Councilmember Jackson asked if the leases on advertising signs are yearly. Mr. Kinghorn responded they are.

Councilmember Jackson asked if Ms. Rojas' sign could be approved at an alternate location with the condition that it be moved to the location near SR 73 when space becomes available. Mr. Kinghorn explained that existing sign leases are automatically renewable as long as the lessee is in compliance

with the terms of the lease. Signs are not designed to be seen from SR 73 because UDOT restricts signs along the highway.

Councilmember Liddiard **moved** to deny locating a sign for Maranatha Restaurant at Ranches Parkway and SR 73, approve a sign located on Pony Express Parkway east of Plum Creek development and an additional sign located on the northwest corner of the intersection of Ranches Parkway and Pony Express Parkway. Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard called the question.

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

AGREEMENT – Consideration and approval of a reimbursement agreement with SL6 for distribution service improvements

City Engineer Chris Trusty explained the economic analysis and impact fee ordinance recently passed by the City Council identify the need for an extension of the main electrical feeder line to the SilverLake subdivision. The capacity provided by this line will be required as SilverLake continues to develop, and will allow the capacity currently being used in the subdivision to be redistributed throughout the North Service Area. Because this system improvement is required before additional development within SilverLake occurs and the City does not currently have funds to pay for the project, the developer has agreed to install the improvements. This reimbursement agreement would allow the City to refund the monies collected in impact fees to the developer. Payments to the developer would be made on an annual basis as monies are paid in to the City.

Councilmember Liddiard **moved** to approve the reimbursement agreement with SL6 for electrical distribution service improvements. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard called the question.

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

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Jackson

Councilmember Jackson would like a new solution to signage in the City. She referred to the discussion in Work Session on commercial truck parking on Bobby Wren Blvd, saying she hoped to see an ordinance before the City Council by May 15th.

Councilmember Liddiard

Councilmember Liddiard said he listened to part of the recording of the school district meeting. He believes the district is trying to support students and he supports their efforts. He noted improvements on the Pony Express Trail, which SITLA has participated in, and looks forward to the Pony Express

Days activities which will take place along the trail. He asked that improvements being made to the trail not be disrupted.

Councilmember Strouse

Councilmember Strouse acknowledged the volunteers in the community, some of whom were in attendance at this meeting. She looked forward to another great Pony Express Days and another great year in the city.

Councilmember Lifferth

No comment.


Mayor Richardson

Mayor Richardson stated Councilmember Blackburn had a pressing issue and was not able to attend. He thanked the City Council and citizens for their attendance and their comments. He also encouraged all the residents to attend the UDOT meeting on April 18th and to encourage everyone they know to attend.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:04 p.m.

APPROVED BY CITY COUNCIL AUGUST 21, 2007



Fionnuala B. Kofod, City Recorder

**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

May 1, 2007

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 4:17 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Angie Ferre, Mayor's Executive Assistant; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Jerry Monson, Lieutenant.

PRESENTATIONS

UPDATE – Mountainview Corridor Alternative Impact Study
DISCUSSION – SilverLake Amphitheater Use
PRESENTATION – New Fire Truck

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:40 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:14 p.m. Enoch Dahl 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City 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; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Jerry Monson, Lieutenant.

INFORMATION ITEMS / UPCOMING EVENTS

Mayor Richardson announced the following upcoming event:

- Pony Express Days – May 31st, June 1st and 2nd

Introduction of Eagle Mountain Royalty

Mayor Richardson introduced Michelle Vanderhoef, Miss Eagle Mountain, and her first attendant, Lacey Ault. Second attendant Katelyn Griffith was unable to attend the meeting. He invited Ms. Vanderhoef to describe her platform, which is emergency preparedness in the community.

PUBLIC COMMENTS

Ms. Charlotte Ducos, 9328 Deerfield Circle, requested a moratorium on land annexation to prevent incompatible uses. Her request was prompted by an annexation on next week's Planning Commission agenda. The use planned for the annexed land would be incompatible with the area in which it is located. The City should set guidelines for annexation and create a land use map for properties to be annexed, perhaps using a citizen committee to help create such a map. She wanted the annexation on next week's Planning Commission agenda to be included in the moratorium and requested the buffering amendment on the agenda tonight be tabled.

CITY COUNCIL/MAYOR ITEMS

Board Appointment – Library Board

Mayor Richardson recommended appointing Mr. Nathan Osborne and Ms. JoDene Gardner to the Library Board.

Councilmember Jackson **moved** to appoint Mr. Nathan Osborne and Ms. JoDene Gardner to the Library Board. 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.

Mr. Osborne and Ms. Gardner were sworn in by City Recorder Gina Peterson.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the following items on the Consent Agenda:

MINUTES

February 15, 2007 – Special City Council Meeting

April 3, 2007 – Regular City Council Meeting

FINAL PLAT – Sweetwater – Phase 1

SITE PLAN – Pioneer 7 LDS Church

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 COMMENTS

Councilmember David Lifferth

Councilmember Lifferth mentioned the presentation on the Mountainview Corridor made by a representative of UDOT during Work Session and urged residents to show support for the transportation options being provided by UDOT. He noted the passing of Pete Cole, Loreen Cole's husband. He would like to know what the Alpine School Board has decided since their last meeting. He expressed appreciation for everyone who attended this evening's meeting.

Councilmember David Blackburn

Councilmember Blackburn thanked everyone for attending. He also attended the Alpine School District meeting and reported that the district is considering a high school, middle school and elementary school complex on land currently owned by SITLA. The district is also considering a school and community recreation center. He asked the residents to stay informed and involved with the schools.

Councilmember Linn Strouse

Councilmember Strouse thanked the residents who attended this evening's meeting, saying without citizen input in government, something is missing. She recently called the applicant for the Jax gravel pit to inform him that the gravel pit was being appealed due to many objections from residents. She stated the Council should make decisions based on careful research and findings of fact. She has worked with these developers on other issues, during which the developers responded fairly and respectfully and cautioned the audience to be fair and respectful during the discussion.

Councilmember Vincent Liddiard

Councilmember Liddiard brought up the City's new fire truck, which will allow better and faster emergency response. The State's new firefighter training facility at Utah Valley State College simulates emergency situations to enable firefighters to practice decision-making required in real-life emergencies. He praised the Council's cooperation in preparing this year's budget and appreciated the participation of City Administrator John Hendrickson and Management Analyst Ifo Pili.

Councilmember Heather Jackson

Councilmember Jackson thanked Chief Andrus for doing a controlled burn to eliminate tumbleweeds along Eagle Mountain Boulevard, which were a fire hazard. The beautification committee met with a landscape architect, who advised the committee to plan carefully, connect trail systems and set landscape design guidelines for future developments. Two citizens are now involved with the committee and more citizen input will be requested soon.

Mayor Don Richardson

Mayor Richardson confirmed three schools are being considered by SITLA. A location north of SR 73 is also being considered for an elementary school. The site for an elementary school in The Ranches is under negotiation. He asked residents to provide input to UDOT and MAG (Mountainland Association of Governments) regarding transportation issues.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – Jax Gravel Pit Appeal

MOTION – Consideration and decision on a request by Councilmember Linn Strouse to appeal the Planning Commission approval of the conditional use permit for the Jax gravel pit

On April 10, 2007, the Planning Commission approved a conditional use permit for the Jax gravel pit to be located on a 160-acre parcel north of State Road 73. This parcel is also known as the Talon Cove Master Development. Councilmember Strouse requested this application be reviewed by the City Council. With

this request, the City Council is now the Land Use Authority and may approve, approve with conditions or deny this application.

Mayor Richardson outlined the procedure to be followed during the appeal. First, Planning Director Peter Spencer would describe the Planning Commission's approval and the conditions it required. Second, City Attorney Jerry Kinghorn would provide legal clarifications. Third, the applicant, Isaac Patterson, would summarize the application. Fourth, the appellant, Greg Helm, would make a presentation.

Mr. Spencer detailed the conditions required by the Planning Commission as follows:

1. YEARLY REVIEW. The applicant will obtain renewed approval from the Planning Commission each year. The Planning Commission reserves the right to add necessary conditions or choose not to renew the conditional use permit.
2. ROAD MAINTENANCE. The applicant will commit to reconstruct and repair damage to access lanes onto SR 73 throughout the time the gravel pit is in operation.
3. FIRE CONTROL. Any fuel tanks stored on site shall have proper containment measures taken and be approved by the Fire Chief.
4. DUST & DEBRIS CONTROL. The applicant will provide *daily* watering to mitigate excessive dust. Fencing, berming, and/or screening will be provided to mitigate dust, as well.
5. FIRE HYDRANT. Any water used will be metered by the City. If, in the summer months, the City shuts off water to a hydrant, the applicant will be responsible for finding other water sources to maintain daily watering of the site.
6. POSSIBLE BLASTING PERMITS. The applicant will obtain a permit from the Fire Chief before doing any blasting
7. BUSINESS LICENSE. The applicant will obtain a business license from the City.
8. GRADING & EROSION CONTROL MEASURES. The applicant will follow all UDOT requirements and keep drainage on site.
9. ACCELERATION AND DECELERATION LANES. The applicant will install acceleration and deceleration lanes to provide access onto SR 73.
10. CLEANING. The applicant will provide daily cleaning of the access area onto SR 73.
11. EXCAVATING. The excavation of the material will be horizontal: the contour of the site will be reduced in layers from one side to the other side of the site.
12. OPERATION HOURS. The hours of operation will be 7:00 a.m. to 7:00 p.m.
13. EXCAVATION POINT. The lowest point of excavation will be an elevation of 5210 feet.

Councilmember Lifferth asked Mr. Spencer if the City limited the hours of operation of any other businesses. Mr. Spencer replied the Chevron gas station in The Ranches has limited hours. Councilmember Blackburn mentioned construction companies' hours are also limited.

Councilmember Lifferth asked if the Staker Company has requested annexation for its gravel pit. Mr. Spencer said the City has not received an application. Councilmember Lifferth also asked what the difference was between this and a previous gravel pit whose application had been denied.

Mr. Spencer replied the other pit was too close to homes. A conditional use permit must be for a use that is similar in scale, pattern and impact to the surrounding area. The Jax pit is further from residences and adjacent to an existing gravel pit. The Jax pit is also part of an overall approved project; therefore, the pit area will eventually be covered by homes and roads.

Mr. Kinghorn explained the history of the project by saying the applicants annexed the land to the City as an Agricultural zone and applied for approval of a master development plan (MDP). A master development plan requires an agreement with three elements: (1) land use plan, which becomes the zoning map when the

agreement is approved, (2) a facilities plan for roads, water and sewer and (3) financing. The master development plan for this area has been delayed by a disagreement with the adjoining landowner over financing of the access road. Since the agreement has not been approved, the land is not yet residentially zoned.

Mr. Isaac Patterson, the applicant, explained the differences between the Jax gravel pit and a previous pit which was not approved:

- The Jax pit would be right next to an existing gravel pit, excavation will be limited to the area above 5210 feet elevation and all the equipment will be located in the northeast quadrant of the parcel.
- The nearest residence is $\frac{3}{4}$ mile away and on the other side of SR 73.
- The Jax pit will not share any roads with residential areas of the City, the company will build the road to City specifications and it will become a residential road in the future. The development agreement requires the road to be ten feet larger than many existing residential roads to mitigate traffic congestion.
- The master development plan for the parcel has been reviewed and accepted by the City Council. The gravel pit is solely to make the land more residentially buildable.

Mr. Patterson gave other reasons for approving the gravel pit, including an estimated \$100,000 in annual sales tax revenue to the City, reduction of road slopes from 10-12% to 5-7%, better connectivity and better utility looping. The Planning Commission is requiring the company to excavate in ten-foot lifts so if the permit is revoked, no hole will remain. Acceleration & deceleration lanes are also required, as well as daily watering, sweeping and application of magnesium chloride. The only area in which the Planning Commission will allow excavation is the approximately 30 acres above 5210 feet.

Councilmember Strouse asked Mr. Kinghorn what progress has been made on finalizing the original master development agreement for the parcel. Mr. Kinghorn said construction costs for the access road have been determined and distributed to the parties. The plan will most likely be finalized after the other party determines how to finance the access road.

Councilmember Strouse asked why Patterson Construction has gone from the great project they were working on in that area to opening a gravel pit. Mr. Patterson responded it was to improve the original project and mitigate the effects of the Staker gravel pit cutting into the mountain.

Councilmember Strouse asked why the Council has not received a report from the City Engineer. Chris Trusty, the City Engineer, stated he contributed information to the staff report.

Councilmember Lifferth asked if there is bonding in place in case the company goes bankrupt. Mr. Patterson said he believed so and he planned to be bonded and licensed. Mr. Spencer stated a condition could be added requiring a bond to ensure the project is finished to the City's satisfaction. Councilmember Jackson added Mr. Scott Hazard told the Planning Commission the company would be willing to bond as the City required.

Councilmember Strouse asked if the company would be using trammels or shaker screens. Mr. Marty McKee, one of the owners of the company, said the process uses shaker screens. Mr. Patterson said the noise level would be similar to the noise from the adjacent Staker gravel pit.

Councilmember Strouse asked if there would be any effect on groundwater. Mr. Patterson said he was not aware of any.

Councilmember Strouse asked if the company would be excavating naturally-occurring gravel or fractured rock. Mr. Patterson said there would be some of each. Mr. McKee said fractured rock would require screening and crushing. Councilmember Strouse thought fractured rock would require blasting and pointed out the application reserved the right to apply for a blasting permit. Mr. Patterson replied no blasting permit has been applied for and the company doesn't anticipate needing one. Chief Andrus confirmed no blasting permit has been applied for. Mr. McKee pointed out the Staker gravel pit blasts daily. Test data is available detailing what material is found on the site.

Councilmember Jackson asked Mr. McKee to clarify that, while the Staker pit is blasting a hole in the mountain, Jax plans to use a method of scraping material off of the surface of the ground. Mr. McKee said the company has found an extraction method which will never leave the land in an unusable state.

Councilmember Liddiard asked Mr. McKee to estimate the scale of the Jax operation compared to the Staker pit. Mr. McKee responded the Staker pit is so much larger, it's hard to quantify, perhaps 20 to 50 times larger.

Councilmember Strouse pointed out the company wouldn't know whether it needs to blast until after it begins working. Mr. McKee said they are only retaining the possibility of blasting in case they encounter a layer of bedrock or compacted rock which would need to be removed before they could continue excavating.

Councilmember Lifferth asked if any City blasting requirements differ from Utah County's requirements. Chief Andrus answered the City uses the same requirements as Salt Lake County.

Mayor Richardson asked Mr. Patterson how much noise blasting creates. Mr. Patterson said it's very noisy up close, but barely audible from half a mile or more away.

Chief Andrus explained blasters are required to use seismic meters to test impact. In his experience, the noise is minimal because most of the impact is underground.

Mr. Greg Helm, a resident of Cedar Pass Ranch and a commercial real estate developer, made a presentation opposing the gravel pit application. He pointed out the permit application was only signed by Jax Construction, but the planned work extends to an adjacent property whose owner is not bound by the conditions applied to this application.

Councilmember Lifferth asked who owned the additional property. Mr. Helm said it is owned by Mr. Jim Allred.

Mr. Helm said gravel pits break windshields, don't leave the land the same, cause property values to decline and create dust and dirt which are hard to control. The city has laws to control heavy processing and industrial uses. He stated a series of phone calls today indicated some confusion as to whether the land in question was zoned Residential or not.

Mr. Helm pointed out the Development Code says developers shall conform to the land. No construction is allowed on land with a slope greater than 25%. Conditional use permits may be issued if the proposed use is consistent with the scale, character and impact of the area being considered. In this case, three sides of the site are rolling hills. The existing gravel pit is out of character for the area.

In agricultural zones, large-scale packaging and processing is a prohibited use. A four-to-six-year project with estimated revenues of \$3-4 million per year is not small. The law doesn't provide for exceptions. He

googled the property and saw no indication of digging. A recent photo showed the beginning of digging. Jax had to stop their activity until they got the proper permits.

Mr. Helm said homes and an elementary school are already planned for this site and may be built at the same time as the gravel pit. Mr. Spencer clarified before homes could be built, the master plan agreement would have to be finalized and the property zoned Residential. Mr. Helm asked if the property could be partially rezoned.

He also asked what would happen if the market changed and gravel took much longer to sell. The project could take over ten years. He suggested the City could generate sales tax revenue by annexing the existing gravel pit. He said the Planning Commission approval does not require a reclamation plan or a bond. He summarized that the gravel pit is a prohibited use and a dangerous precedent.

Councilmember Jackson asked Mr. Helm what he meant in referring to the P & Z? He answered he was referring to Planning and Zoning. Councilmember Jackson explained the correct name is the Planning Commission.

Councilmember Lifferth asked Mr. Spencer how much land in this parcel has a slope greater than 25%. Mr. Spencer replied the majority is buildable; only the northern portion is sloped over 25%.

Councilmember Lifferth asked Mr. Kinghorn if this use is large-scale processing in an agricultural area. Mr. Kinghorn said the provision is intended to prohibit uses like pig farms, but could be interpreted to include a gravel pit.

Councilmember Strouse said most local cities don't allow this use and have specific restrictions. Mr. Kinghorn replied a gravel pit is not a permitted use; it has to be conditional. The Development Code says landowners have certain rights and can come forward with an application, which should be allowed if it can be done. The flexibility is intentional. A gravel pit can be allowed, except in a residential zone.

Regarding today's confusion over the current zoning of the parcel, he said he read the records today to find the exact zoning and found, although Residential zoning was approved, it was never adopted.

Councilmember Strouse asked if approval of this application will open the door for other, similar applications.

Mr. Kinghorn said it depends on the conditions placed on each project, whether they encourage others to apply. Conditions are meant to be site-specific.

Mayor Richardson asked the Council to move on to the public hearing. Councilmember Jackson had one further question. She asked if there was an agreement with Mr. Allred which could be provided to the City. Mr. Patterson said there have been discussions between Mr. Allred and Scott Hazard. Mr. Hazard could provide written documentation.

***Mayor Richardson opened the public hearing at 8:58 pm. ***

Ms. Jennifer Konold, 9467 Sunset Drive, stated Scott Hazard mentioned three points at the Planning Commission meeting on April 10th:

- Revenue from the gravel pit will benefit the city. She said the original plan will provide more revenue, sooner.

- The pit operators will abide by the conditions set by the City. She asked if the City has enough inspectors to inspect the site daily.
- The conditional use permit will allow more lots to be added to the subdivision. She said the residents value the city's unique terrain.

She stated a resident telephoned Mr. John Black at the Environmental Protection Agency, who said a gravel pit is only allowed on property zoned Industrial. The permit was approved based on an annual Planning Commission review, but she didn't know of any project ever being stopped after such a review. She brought petitions with her opposing the pit and the proposed change in buffering requirements. She requested those in the audience opposed to the gravel pit to raise their hands. Most people in the audience did so.

Mr. Enoch Dahl, 1778 Sunset View Lane, expressed appreciation for the Council hearing his comments. He suggested residents give City staff more credit. The safety and health issues have already been addressed by due diligence on the part of the developer. Patterson Construction is not new to the community and has demonstrated integrity. He was frustrated that previous speakers downplayed this point. Access to SR 73 has been approved by UDOT, consistent with the master transportation plan. The impact of gravel pit traffic on SR 73 will be less than traffic from the future development. He said gravel is already being transported from the Staker pit, so the Jax pit won't increase traffic. Retail uses don't bring as much revenue as this project will. The concerns brought up have been mitigated by the developer. He asked that the Council's decision be made on the facts.

Mr. Phillip Case, 9033 Mt. Airey Drive, said this issue is about perceptions. Two gravel pits don't give a good perception to potential clean commercial activity. The city wants to attract cleaner businesses than gravel pits. Every day he experiences rocks and gravel being thrown from trucks leaving the Staker pit. He asked the Council to make a decision which considers long-term impacts.

Mr. DeLynn Anderson, 2320 Cedar Road, has owned property in Eagle Mountain for 11 years and has lived here for eight years. He said Cedar Pass Ranch had an unwelcome gravel pit for six years, for which the City issued a conditional use excavation permit. The pit is gone, but the land and road are damaged. He asked how the City can monitor a large operation if it couldn't monitor a small one. He pointed out a gravel truck caused a fatality last year. Trucks also slow traffic, especially in wintertime when traffic is already slow.

Ms. Connie Gardner, 2456 Valley Drive, was surprised to hear anyone say blasting isn't noisy. She said it's very noisy and shakes the ground. The Staker pit has large, loud machinery running all the time. Mr. Patterson claimed scraping is the process which will be used, but mountain formations fold over and the probability of blasting is very high. She asked the Council not to approve the project without a better geological survey.

Ms. Sheryl Crawley, 9318 North 3377 East, said the Staker gravel pit is detrimental to her family. Dust, machinery noise and lights all impact their quality of life. She stated a new pit would bring the same problems to a worse degree because it would operate at a higher elevation.

Ms. Patricia Sherry, 9646 Sunset Drive, didn't realize when she moved to Eagle Mountain that there was a gravel pit located on SR 73 and doesn't want to live in a community with gravel pits.

Mr. Harry Bonnell, 9286 N 3277 East, has owned his property since 1993. Trucks from the Staker gravel pit have broken four windshields on the Bonnells' vehicles and he has never been able to get the company to replace them. Road cleaning chemicals might affect groundwater and the Jax pit's high elevation would

cause excess dust to be carried by winds. He's seen the plats before and after the gravel pit. The subdivision would be increased by about fifteen lots, which is not enough to justify the project.

Mr. Robert Adamson, 3156 Autumn Lane, said Mr. John Black of the Division of Air Quality told him the permit issued was only for a small operation, not one on the scale proposed. The permit was only for total emissions of less than five tons per year. He also said the Division of Air Quality can't prevent a gravel pit from opening; it can only respond to excessive emissions. Mr. Adamson has trouble breathing; Staker already causes dust in his house and Jax would be an additional health hazard. He's researched silicon in dirt and learned it is a health hazard. He said gravel pits can be located in areas away from homes. They don't need to be near residential areas.

Mr. Kenneth Hixson, 9568 Night Hawk Lane, said the excavation project will only allow fifteen extra buildable lots, which is not a good enough reason to run such an operation. The real reason for the application is millions of dollars in gravel revenue for the applicant. The value to the community is represented to be lowered road slopes, but only one road and one section of another road will be affected. In reality, the buildable area isn't large enough to build on; lowering the height will increase the buildable area. The expected revenue is a tiny percentage of the City budget. The written community vision says scenery, including ridgelines, is to be preserved.

Ms. Wendy Nabham, 1768 Parkview Lane, requested the Council not only to deny this application, but to pass a law so residents don't have to put in so many hours to prevent similar problems in the future.

Ms. Merilyn Lloyd, 2425 Overland Drive, asked if Mr. Hixson could use her time to finish his remarks. Mayor Richardson allowed 30 seconds. Mr. Hixson said the gravel pit is proposed for a 160-acre parcel and the next parcel west is about the same size. The domino effect suggests another gravel pit could go after the Staker and Jax pits. Also, he wants to retain the contours of the land.

Mayor Richardson closed the public hearing at 9:25 p.m.

Mayor Richardson recessed the meeting to allow everyone a break. The meeting was reconvened at 9:40.

Mayor Richardson asked Mr. Patterson how many trucks would be transporting gravel every day. Mr. Patterson estimated there would be 100-110 trucks daily.

Councilmember Blackburn said everyone should applaud themselves for showing up and being involved. Each should appreciate that the developer is going through the arduous permit process. Dirt moving processes are common in the city. Mr. Patterson could have claimed the processing was part of developing and gone ahead.

Councilmember Liddiard asked Mr. Kinghorn how tonight's decision affects the Planning Commission decision. Mr. Kinghorn replied the Council could affirm the Planning Commission's approval with the Planning Commission's conditions, approve the application with additional conditions or make a finding of fact that the scale of the operation makes it a prohibited use. State statute requires if conditions can be formulated which will make the use acceptable, the City should do so if the use isn't prohibited.

Councilmember Liddiard asked Mr. Spencer if the developer could transport dirt and process it elsewhere. Mr. Spencer said without an approved plat the company would need an excavation permit. Mr. Trusty stated if excavation would make roads acceptable it would be allowed. Mr. Spencer said no processing would be allowed on site. Mr. Kinghorn said an excavation permit is only given in furtherance of an approved development activity on the property.

Councilmember Liddiard asked whether the applicant could take the material elsewhere for processing if the City Council denies or reverses the Planning Commission decision. Mr. Kinghorn said he could, but the excavation still has to further an approved activity.

Councilmember Jackson asked if removing processing from the application would eliminate the violation of the large-scale processing prohibition. Councilmember Liddiard asked Mr. Patterson if he would be interested in processing elsewhere. Mr. Patterson repeated processing on site would generate tax revenue for the City. The company would consider off-site processing if the City Council denies the application, but would prefer to process on site.

Councilmember Blackburn asked if Mr. Patterson had considered having the Staker pit process the gravel. Mr. Patterson said he hadn't considered it, but it could be a possibility.

Councilmember Blackburn then asked how the development plan would change if processing were not allowed on site. Mr. Patterson said the development plan would remain the same.

Councilmember Liddiard asked Mr. Kinghorn if processing only referred to milling and crushing of rocks or if it referred to changing material into another product. Mr. Kinghorn said the ordinance was intended to cover bringing equipment on site, turning material into a different product and stockpiling it, not just hauling it.

Councilmember Liddiard **moved** to deny the application to approve a conditional use permit for the Jax gravel pit. Councilmember Strouse **seconded** the motion.

Mr. Kinghorn clarified the language of the motion must be precise. Industrial processing is only prohibited in a residential zone, so the motion must state the operation is a large-scale processing operation in an Agricultural zone.

Councilmember Liddiard explained to the residents his original concerns were blight, transportation and safety. Those concerns had already been resolved before the meeting. His concern at this meeting was due to legal information from Mr. Kinghorn and opposition voiced by residents. He didn't think the applicant hauling gravel to the Staker pit for processing would solve any problems.

Councilmember Strouse said when Talon Cove was first introduced two years ago, it was a great project and the neighboring developer created a lot of difficulties. Mr. Kinghorn used a lot of tax-paid time to solve the problems involved with it. She would like the original project to go forward so the investment will not be wasted.

Councilmember Blackburn asked Mr. Spencer and Mr. Trusty about the pace of development. More and more development will be on sloped land and he wondered what the City has done to plan for it. Mr. Kinghorn said SIDs were assessed by whether roads could be put in for development. An engineering decision was made that certain steep areas could be developed in SIDs 98-1 and 2000-1.

Councilmember Blackburn asked whether Mr. Patterson's application would have been approved if he had asked to flatten the hill without processing the gravel on site. Mr. Kinghorn said the standards are for building; therefore, an excavation permit would have to be for development.

Councilmember Blackburn asked if the topic is addressed in the Development Code. Mr. Kinghorn said it is, but some people would like to see more detail in that section of the Code.

Councilmember Jackson stated she has investigated this project, and while she thought Patterson was a responsible developer, her decision would be based on findings of fact. Personal property rights are very important, but the Development Code must be complied with. Decisions must be made logically, based on fact and not on emotion.

Councilmember Lifferth said he is pro-business and pro-property rights; however, in this case the City Council was an appellate body which must uphold the law.

Councilmember Liddiard called the question.

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

7:00 P.M. PUBLIC HEARING – Elected Officials’ Compensation
ORDINANCE – Consideration and approval of an ordinance of Eagle Mountain City, Utah, repealing ordinance 16-2005 and enacting a new compensation plan for the elected officials of Eagle Mountain City

The ordinance enacting a new compensation plan for elected officials was presented by City Administrator John Hendrickson. Utah State Code Section 10-3-818 outlines the procedure for increasing the salaries of elective officers in municipalities. After a duly noticed and held public hearing, the governing body may enact an ordinance amending the compensation of any elected or appointed officer of the municipality. The City Council salary is proposed to be increased from \$325 to \$600 monthly to reflect market studies. The Mayor proposes his compensation be decreased to accommodate a part-time schedule.

Mayor Richardson opened the public hearing at 10:16 p.m. Hearing no comments, he closed the hearing.

Councilmember Blackburn asked if sections 3, 3.1.1 and 3.1.2 should be clarified to say full-time and part-time or remain primary and secondary. Ms. Peterson asked how to define full-time and part-time hours. Mr. Kinghorn advised the Council not to create qualifications that don't exist in State statute.

Councilmember Blackburn asked to have verbiage match intent and not be open to interpretation. Mr. Kinghorn replied this ordinance is an experiment requested by the Council.

Councilmember Lifferth said the City Council should not receive a raise after they've been elected. A raise should be a campaign issue.

Councilmember Jackson **moved** to approve Ordinance O-09-2007 enacting a new compensation plan for elected officials of Eagle Mountain City, with the amendment that the City Council's compensation remain the same. Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard called the question.

Those voting aye: Heather Jackson and David Lifferth. Those voting no: David Blackburn, Vincent Liddiard and Linn Strouse. The motion **failed** with a 2:3 vote.

Councilmember Liddiard **moved** to approve Ordinance O-09-2007 as presented. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion.

Councilmember Jackson agreed the City Council should not have a raise after their election.

Councilmember Strouse stated the City Council didn't request this raise. The City Management Analyst suggested it and based it on market studies.

Councilmember Liddiard informed the Council he had requested an increase in compensation be considered.

Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and Linn Strouse. Those voting no: David Lifferth. The motion **passed** with a 4:1 vote.

7:00 P.M. PUBLIC HEARING – Development Code Amendments

ORDINANCE – Consideration and adoption of an ordinance of Eagle Mountain City amending various sections of the Development Code

Development Code amendments proposed by City staff were presented by Planning Director Peter Spencer. The amendments applied to:

1. the appeal process for denied home business applications
2. additional standards for home businesses
3. revised water rights required for developments
4. revised neighborhood park standards for developments
5. revised slope standard for the improved parks requirement
6. revised standards for the transition requirement between developments

Mayor Richardson opened the public hearing at 10:26 p.m.

Mr. Kenneth Hixson, 9568 Night Hawk Lane, asked why public comment was being requested when the public hadn't been previously informed about some of the items. Mr. Spencer briefly repeated the information.

Ms. Merilynn Lloyd, 2425 Overland Drive, requested the buffering amendment be denied because she heard Mr. Tom Maher, the Planning Commission Chair, say the buffering requirement is ridiculous. She didn't think giving the Planning Commission that much latitude would be a good idea.

Mr. Brett Wright, 8326 North Cedar Drive, wanted to see Mr. Spencer's water rights table. He wanted to know what the water right requirement is for 4.5 to 5 acre lots. Mr. Trusty said the City allows ¼ acre of a large lot to be watered. Above that, owners need to have a well and water rights of their own. The specific amount allowed by the City is 1.16 acre feet.

Ms. Wendy Nabham, 1768 Parkview Lane, didn't want the buffering requirement changed because she believes contractors given leeway would usually make the least effort required in order to get the most profit.

Mr. Harry Bonnell, 9286 North 3277 East, was concerned about the buffering change. He wanted to see the buffering requirement maintained because a berm or fence would be inadequate between his property and the commercial property to the east. He wanted the openness of Eagle Mountain to be preserved.

Ms. Rose Bonnell, 9286 North 3277 East, thanked everyone for their presentations, saying everyone on both sides did very well. She asked the City Council to vote against the change in buffering to maintain the city's rural quality of life. She has helped the city to develop, but doesn't want to lose its rural character.

Ms. Helen Anderson, Utah Valley Home Builders' Association, said she understood the importance of specific rules, but believed flexibility can be best for cities, residents and builders. Residents can trust the planning process because it has adequate checks and balances.

Ms. Susan Woodruff, 9141 Canyon Wash Drive, was concerned about changing the buffering requirement. She lives on the edge of her subdivision and was concerned about what developers might do with the leeway. She thought they would go for profit.

Ms. Jennifer Konold, 9467 Sunset Drive, said she has attended countless City Council and Planning Commission meetings over the last three to four years. She was surprised to see the buffering item on the agenda after a previous Council worked hard to put the current standards in place. Developers normally use the exception to create the standard.

Mr. Kenneth Hixson, 9568 Night Hawk Lane, referred to the item on water rights, which seemed to him to call for lower water requirements. He questioned whether it was a wise decision for the City's future. The revised neighborhood park standards and revised slope standards looked to him like they would cause a reduction in open space. Regarding the change in buffering requirements, he stated if, as in the case of Talon Cove, a gravel pit could be interpreted as being compatible with a residential area, broader interpretation of the Code would be unacceptable.

Mr. Robert Adamson, 3156 Autumn Lane, objected to the buffering amendment. It would decrease property values because of smaller lots encroaching on current, larger lots. As a loan officer, he likes to see new lots, but has seen how differing lots in the same area reduce property values.

Mayor Richardson closed the public hearing at 10:47 p.m.

Councilmember Lifferth **moved** to approve Ordinance O-10-2007, items one through five, amending the Development Code. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth said he fought hard and repeatedly for the current standards and they should remain as minimums.

Councilmember Jackson agreed, saying options are needed, but they have to be options with standards. Land use needs to make sense and be equitable.

Councilmember Strouse asked Councilmember Lifferth why the buffering amendment needed to go back to staff if he said the current standards are necessary. Councilmember Lifferth said the current standards need to be the minimum, but he wanted to give developers the option of using a higher standard of transition.

Mr. Spencer asked the Council if the transition distance should remain the same. Councilmember Blackburn said the City Council fought hard to get to this transition point. If transition is reconsidered, there should be a minimum distance before options would even be considered.

Councilmember Liddiard agreed with the comments on buffering requirements, but said the item on revised water requirements was too vague. He wanted to be sure the City Council understood the ramifications of that.

Councilmember Strouse asked that the motion be restated to ensure the minimum standard remained.

Councilmember Lifferth stated the motion was to approve items one through five and send item six back to the Planning Department for scrutiny.

Councilmember Liddiard 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.

Councilmember Blackburn stated item three should be defined in further detail by staff.

RESOLUTION – Consideration and adoption of a resolution accepting the FY 2008 tentative budget, setting the budget public hearing for June 5, 2007, and directing such notice to be published

City Administrator John Hendrickson explained the State Code requires the City Council to review and tentatively adopt a budget by the first regularly scheduled meeting in May of each year; additionally, the City Council must establish the time and place of the public hearing for the final budget.

Councilmember Liddiard **moved** to approve Resolution R-10-2007 accepting the FY 2008 tentative budget with the concerns noted in Work Session—the addition of written explanations and correction of proofreading errors—setting the budget public hearing for June 5, 2007, and directing such notice to be published. Councilmember Blackburn **seconded** the motion.

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.

AGREEMENT – Consideration and approval of an agreement with Ames Construction for street overlay

City Engineer Chris Trusty presented a bid from Ames Construction to reconstruct 700 linear feet of the southbound lane of Mt. Airey Drive. The reconstruction will remove the existing, damaged asphalt and base down to 18 inches, bring in engineered road base, compact and repave the road to City standards.

The unit price for this work is \$2.98/square foot and will not exceed \$24,999. The City solicited other bids for the removal and replacement of damaged asphalt; the lowest unit price submitted was \$6.47. Because Ames Construction was working on street construction for the Northmoor subdivision, they were able to offer the reduced costs to the City. Construction is currently underway and is expected to be completed within the next two weeks.

Councilmember Blackburn asked if any of the work being replaced was under warranty. Mr. Trusty said it was not.

Councilmember Liddiard **moved** to approve the agreement with Ames Construction for street overlay. 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 written approval to allow special event signage to be placed in City-owned rights of way for the Utah Valley Parade of Homes

The City's sign regulations prohibit any signs to be placed within the City's rights of way unless the City enters into a specific written agreement. Councilmember Jackson presented an application from the Chairman of the Sign Committee for the Utah Valley Parade of Homes-2007 (UVPOH). The application is for the placement of six directional signs within City-owned rights of way. The signs will direct traffic to a home in Eagle Mountain City included in the Parade of Homes. If authorization is given by the City Council, the City Attorney will draft a compliance permit between Eagle Mountain City and Utah Valley Parade of Homes-2007 to allow temporary placement of directional signage.

Councilmember Liddiard **moved** to approve the motion. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, David Lifferth and Linn Strouse. Councilmember Jackson abstained because she was the applicant. The motion **passed** with a vote of 4:0 with one abstention.

MOTION – Consideration and approval of a temporary archery range for the National Field Archery Association (NFAA)

For the last several years, The Ranches has hosted a temporary archery range for a National Field Archery Association event. The Development Review Committee has reviewed this year's request. It has recommended approval, subject to conditions designed to address increased demands for services such as policing and sanitation created by special events.

Councilmember Liddiard **moved** to approve the motion subject to the following conditions:

1. The temporary archery range will be permitted for March 31 and April 1, April 14 and 15, May 19 and 20, and June 9 and 10.
2. The applicant will obtain burn permits for any campfires and will comply with all requirements of the Fire Chief.
3. The site will be returned to its pre-event condition following the events.
4. There will be sufficient public facilities such as restrooms.
5. If the special event creates an increase in demand for public safety services, those services shall be provided by the applicant.
6. The archery range will comply with the safety standards of the Utah County Sheriff's Office and the National Field Archery Association (NFAA). The applicant will provide security personnel to monitor the perimeter of the archery range and prohibit non-participants from accessing the range.
7. The City Recorder and City Attorney will ensure all of the insurance forms and the permission of the property owners have been submitted.
8. ATVs will be allowed in conjunction with this event and will be limited to existing dirt roads.

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.

It was noted some of the dates have already passed.

CITY COUNCIL / MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth said he's glad it's not midnight.

Councilmember Liddiard

Councilmember Liddiard expressed concern about having a single administrator over information technology issues in City government. He would like to see redundancy and careful oversight. He was pleased with the tentative budget, but hoped more could be done for public safety.

Councilmember Jackson

Councilmember Jackson advised the audience not to take Councilmember Liddiard's comment to mean the Fire Department hasn't acquired good equipment. It has, as evidenced by the fire truck horn blast earlier this evening.

Councilmember Blackburn

Councilmember Blackburn said the Council covered good ground this evening and saw the nuances in words. He mentioned Senior Accountant Glen Sexton has accepted a position elsewhere and expressed his appreciation for Mr. Sexton's efforts in behalf of the city.

Councilmember Strouse

Councilmember Strouse echoed Councilmember Blackburn's comments about Mr. Sexton.

Mayor Richardson

Mayor Richardson had no comment.

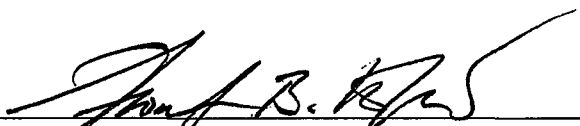
CITY ADMINISTRATOR INFORMATION

Mr. Hendrickson said the Alpine School District hoped to announce the site of the new elementary school in The Ranches area soon, possibly by this Friday. He also reported the City has made long-term natural gas purchases for the winter at a good price: one dollar less per decatherm than last year's price. It's possible the market could go lower than the contract price, but the contract only applies to part of the gas the city will need this winter. Prices for electric power are not as volatile as gas prices. The City is also working towards getting more water from the Central Utah Conservancy District. Mr. Hendrickson and Mr. Kinghorn have met with Mayor Richardson and with the District.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 11:10 p.m.

APPROVED BY CITY COUNCIL JULY 17, 2007



Fionnyala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 15, 2007

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Don D. Richardson called the meeting to order at 5:22 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived 6:05 p.m.), Heather Jackson (arrived 5:25 p.m.), Vincent Liddiard, David Lifferth and Linn Strouse.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:53 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:23 p.m. Lizzie Johnson 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Community Relations Coordinator; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

INFORMATION ITEMS / UPCOMING EVENTS

Mayor Richardson announced the following upcoming event:

- Pony Express Days, May 31 – June 5.

PUBLIC COMMENTS

Ms. Jayna Jones, 4668 Kestrel Way, thanked the Council and staff for listening to residents' concerns about the commercial trucks which have been parking on Bobby Wren Blvd. One of her biggest concerns has been waking up in the middle of the night because of diesel trucks starting their engines. She apologized to truckers and their families for the inconvenience this ordinance will cause them and stated no personal attack was intended by her support of the ordinance.

CITY COUNCIL/MAYOR ITEMS

Proclamation – Military Appreciation Week

Mayor Richardson read a proclamation designating the week of May 27th, 2007, Military Appreciation Week.

Councilmember Jackson moved to approve the proclamation. 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.

CITY COUNCIL COMMENTS

Councilmember Heather Jackson

Councilmember Jackson thanked the Parks Department for the successful start of the baseball season and said the new baseball diamond looks great. She asked to have the broken sprinkler line next to the baseball diamond repaired before the next ball game. She said she attended the Salt Lake Bees clinic with her children, which was a great event.

Councilmember Vincent Liddiard

Councilmember Liddiard asked Mayor Richardson to prepare a written statement for the Council to sign urging UDOT to carefully evaluate when they disrupt traffic and how they're going to improve the intersection of SR 68 and SR 73. He would like the Council to determine which Mountainland Corridor route it will support and communicate that to UDOT. He encouraged residents to buy Pony Express Days tickets early and become familiar with the schedule.

Councilmember Linn Strouse

Councilmember Strouse stated a number of hot-button items have been discussed recently. She has asked for changes in the Development Code to clarify topics such as creating a specific rule prohibiting gravel pits and changing the definition of an agricultural zone to allow only agricultural uses. She referred to the citizen survey, which indicated residents want wide open spaces.

Councilmember David Blackburn

Councilmember Blackburn echoed the importance of Pony Express Days, especially since this is the City's ten-year birthday celebration. He encouraged residents to buy tickets early to take advantage of the discount. He's been out of town and was pleased to see improvements in the city when he returned. Development Code improvements have been implemented, such as a better road system. He thanked Mayor Richardson for proclaiming Military Appreciation Week.

Councilmember David Lifferth

Councilmember Lifferth attended the Saratoga Springs High School ground breaking. He said it will open in the autumn of 2009 and be a great addition to local communities, as well as prevent students

from having to travel SR 73 to get to school. The new school in Eagle Mountain will be announced this week. He echoed Councilmember Liddiard in wanting the Council to choose one transportation route to support and wished residents a belated happy Mother's Day.

Mayor Don Richardson

Mayor Richardson announced an elementary school military appreciation program on May 24, 7:00 p.m., at the SilverLake Amphitheatre. The resolution proclaiming Military Appreciation Week will be read and school children will sing. Military families and their service members, if they're in the area, are especially invited to the program. He asked residents to support the B5 concert at Pony Express Days. Prizes will be given away at the concert and all profits will be earmarked for city park improvements. In addition, there will be a Sawyer Brown concert, helicopter rides and dune buggy rides. After the parade, the Pony Express monument will be dedicated.

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the following items on the Consent Agenda:

CHANGE ORDER – Pioneer & Walden Parks Change Order #2 – J. Lyne Roberts & Sons

FINAL PAY – Mt. Airey Street Reconstruction – Ames Construction

FINAL BOND RELEASE – Overland Trails – Plat 1C

WARRANTY BOND RELEASE – Willow Springs – Phase III

REVISED BOND LETTER – Autumn Ridge – Phase I (amend. to Development Agreement)

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.

SCHEDULED ITEMS

ORDINANCE – Consideration and adoption of an ordinance prohibiting the parking of commercial vehicles, trailers and tractors on public streets.

The proposed ordinance prohibiting the parking of commercial vehicles on public streets was presented by Sgt. Jason Randall. Large semi-trucks and trailers have recently been parking on Bobby Wren Blvd. Staff has concerns with the continuing practice of parking heavy vehicles in certain areas of the city. Citizens have also recently come to City Council meetings with concerns about safety and blocked traffic lanes. Eagle Mountain City's current ordinance allows on-street parking as long as it doesn't impede the flow of two-way traffic. At the Work Session on April 17, 2007, the City Council reviewed the concerns expressed by staff and citizens, along with ordinances from other cities in Utah, and directed the City Attorney to draft an ordinance prohibiting the parking of commercial vehicles. The proposed ordinance allows the parking of such vehicles for a two-hour period of time within 24 hours. It prohibits parking of vehicles on front lawns.

Councilmember Jackson **moved** to approve Ordinance O-11-2007 prohibiting the parking of commercial vehicles, trailers and tractors on public streets. Councilmember Strouse **seconded** the motion.

Councilmember Jackson clarified that the restriction is not against parking on driveways or RV pads. It is designed to preserve safety on public streets.

Councilmember Liddiard had concerns about the ordinance which were resolved during the discussion at Work Session. The clarification that officers will have discretion as to how to enforce the ordinance should make it work well. He requested a report on whether RVs become an issue with this ordinance,

or whether the time allowed for RVs to park on the street should be extended to allow people to prepare to go on trips.

Councilmember Blackburn asked that residents be notified about this ordinance in the City newsletter and that June be a grace period, when only warnings are issued, with enforcement beginning on July 1.

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

Mr. Hendrickson stated during May and June, warnings will be issued rather than citations.

Deputy Randall said the deputies' normal practice is to give information and a warning first and only issue a citation after repeated offenses. They prefer to educate residents rather than cite them. Councilmember Blackburn asked to have public information define where vehicles will be towed. Sgt. Randall stated impounds will normally be done only for safety reasons. The standard procedure is to call Sheriff's Dispatch, which maintains a list of all towing companies in the county. When deputies call Dispatch requesting a tow, Dispatch calls the next towing company on the list.

Councilmember Liddiard asked Sgt. Randall to discuss the new seat belt law. Sgt. Randall explained the new law will make not wearing a seat belt a primary offense. In other words, the previous law required motorists to be stopped for another offense, and then lack of a seat belt would be cited as a secondary offense.

AGREEMENT – Consideration and approval of an amendment to the utility lateral installation contract with Tasco Engineering.

City Energy Manager Adam Ferre presented the amendment to the utility lateral installation contract with Tasco Engineering. Tasco has been installing service laterals for Eagle Mountain City since 2004. Following Hurricane Katrina in 2005, raw material prices increased tremendously. These increases were reflected in an amended agreement and new pricing structure for service laterals. A year later, at the City's request, Tasco has re-evaluated the factors that led to the pricing structure last year. This evaluation has resulted in a reduced pricing structure representing a net savings to the City of \$100 per connection.

Councilmember Blackburn requested semi-annual adjustments in contract pricing rather than annual adjustments.

Councilmember Liddiard **moved** to approve the amendment to the utility lateral installation contract with Tasco. 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 a contract with IGES for geotechnical services (materials testing).

City Engineer Chris Trusty presented the contract with IGES for materials testing. Eagle Mountain City received proposals from Terracon, Kleinfelder, and IGES for materials testing services. These proposals were for laboratory work which Eagle Mountain City is not equipped to perform. The contract specifies unit prices for tests to be performed as required by the City. Inspection fees collected by the City will cover the expenses of the testing work.

Councilmember Liddiard **moved** to approve the amendment to the contract with IGES for geotechnical services. Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard 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.

MOTION – Consideration and approval of the change of scope to the contract with Stantec Consulting for design services related to the South Service Area wastewater treatment plant.

City Engineer Chris Trusty explained that Eagle Mountain City entered into an agreement with Stantec to perform design services related to the South Service Area wastewater treatment plant. During the design process, Stantec has been requested to perform additional work, or has been requested to provide an estimate for additional work. The total increase in price is \$106,482. In the Final Facilities Plan, the State funding included a design fee of \$540,000. With these increases, the total cost for design is \$528,982, which is still below the amount recognized in the total project cost calculations.

Councilmember Blackburn pointed out Stantec did some of this work without specific authorization and is now asking for payment. Although Stantec is authorized to act for the City, it would be preferable to have the work approved before it's done. Councilmember Liddiard agreed. He expressed concern about the financial leeway provided by extra funding shrinking before construction even begins.

Councilmember Strouse agreed with both previous comments. She said this contract has been a convoluted process. While it's a pressing issue, the Council needs to receive clear information.

Mr. Hendrickson asked if the State money is an amount not to be exceeded or if the City can request additional funds due to requirements for additional work. Mr. Trusty said the funding ceiling was set high to allow for additional costs, so no further funds will be provided by the State.

Councilmember Liddiard requested a detailed billing of the amount requested in the change of scope.

Councilmember Blackburn said some items being dealt with today were thought to be done already. He also pointed out meetings should be included in the bid, not billed as separate items. He proposed the item be tabled for further clarification.

Councilmember Liddiard requested regular staff reports about the progress of the design and building of the treatment plant, as the Council has requested on several occasions.

Councilmember Liddiard **moved** to approve the change of scope to the contract with Stantec Consulting for design services related to the South Service Area wastewater treatment plant, with concerns as noted. Councilmember Blackburn **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Those voting no: David Blackburn. The motion **passed** with a 4:1 vote.

CITY COUNCIL / MAYOR'S BUSINESS

Councilmember Lifferth

No comment.

Councilmember Blackburn

No comment.

Councilmember Strouse

Councilmember Strouse reiterated her earlier comment about the dangers of unlighted trails for people walking at night. A resident suggested installing street lights along trails instead of having lights shining in people's windows. She requested a process for tracking follow-up to issues raised in Council meetings by residents and Council members. She expressed appreciation for how quickly speed limit signs were installed on SR 73. Recently, she received an email from a resident of Cedar Trails Village thanking officers for their response to ATV problems in his area.

Councilmember Liddiard

Councilmember Liddiard suggested the public be educated on water conservation and be reminded they live in a desert. In a recent Council meeting, he asked residents not to water their lawns until May, then received an email saying it was a great idea, but the City needs to comply, also. He was pleased about the trailer now located at Fire Station #2, which allows fire fighters to be stationed there around the clock, and asked the Chief to present information in Council meeting about wildfire prevention. He mentioned all of the Council received a letter from an inmate at the Salt Lake County Jail who was convicted of drug use and identity theft; it caused him to think about the need for education on issues of drug use in Eagle Mountain.

Councilmember Jackson

Councilmember Jackson wanted to reiterate and expand on her previous Council comment. She suggested City officials meet with officials in Saratoga Springs regarding how jointly to fix the intersection of SR 73 and Redwood Road. Then they could make a joint presentation to UDOT regarding medians, restriping, and adjusting the timing of the traffic signal.

Mayor Richardson

Mayor Richardson requested the Council adjourn to a closed session to discuss potential litigation.

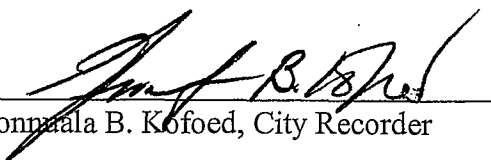
Councilmember Liddiard **moved** to adjourn to a closed session to discuss potential litigation. Mayor Richardson stated the motion was **seconded**, but the second was inaudible.

Mayor Richardson adjourned the meeting to a closed session at 8:07 p.m., pursuant to UCA 52-4-205(1). He reconvened the Policy Session at 9:15 p.m.

ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

APPROVED BY CITY COUNCIL JUNE 19, 2007


Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 5, 2007

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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; 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; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

PRESENTATIONS

PRESENTATION – Alpine School District.

REVIEW – 2007 Pony Express Days Celebration – Angie Ferre.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:30 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:30 p.m. Gordon Burt 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; 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; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

INFORMATION ITEMS/UPCOMING EVENTS

Mayor Richardson announced the following upcoming events:

- Filing dates for candidates for municipal office, July 2 through July 16 at 5:00 p.m. Declaration of candidacy may be filed in the City Recorder's Office.
- Primary election day, September 11. Any change of address, even within the city, requires a new voter registration.

PUBLIC COMMENTS

No comments.

CITY COUNCIL/MAYOR ITEMS

EMPLOYEE RECOGNITION – Chief Rand Andrus

Mayor Richardson announced Chief Andrus has completed the four-year Executive Fire Officer Program of the National Fire Academy, becoming one of only 28 fire chiefs in the state with Executive Fire Officer certification.

CITY COUNCIL COMMENTS

Councilmember David Lifferth

Councilmember Lifferth thanked everyone who contributed to the success of Pony Express Days, including Joe Nardone, who coordinated the placing of the Pony Express monument. He said it is great to be part of a growing and vibrant community and expressed appreciation for everyone in attendance at tonight's City Council meeting.

Councilmember David Blackburn

Councilmember Blackburn echoed Councilmember Lifferth's comments about Pony Express Days, saying it was a fitting ten-year celebration for the city. The parade was big, there were lots of activities, and the concerts were very successful. He complimented the staff for their efforts and mentioned the standing ovation for Angie Ferre at Work Session. Public Safety employees were visibly on duty. Sawyer Brown indicated they would like to come back to perform in Eagle Mountain again.

Councilmember Linn Strouse

Councilmember Strouse agreed with the previous comments and added that from the beginning the city has had incredible volunteerism. She said today's accomplishments were built on the foundation of the past and thanked all the volunteers who have served over the years. It took an incredible amount of volunteerism to found the city.

Councilmember Vincent Liddiard

Councilmember Liddiard congratulated Chief Andrus on the Executive Fire Officer certification. He occasionally meets professionally with the State Fire Marshal and various fire chiefs, all of whom have high regard for Chief Andrus. Pony Express Days was a tremendous effort from volunteers and City

staff. The Senior Advisory Council was a great help with the Dutch oven cooking contest. He thanked everyone who contributed to the success of Pony Express Days.

Councilmember Heather Jackson

Councilmember Jackson echoed the previous comments about Pony Express Days. She also brought attention to Pony Express Days events which were not mentioned. The military appreciation concert during the week prior to Pony Express Days recognized those serving in the military and their families and friends. Third graders from Eagle Valley and Pony Express elementary schools who sang at the concert, as well as their teachers, did an outstanding job. She thanked everyone involved with Pony Express Days, including the Sheriff's color guard. The final event of Pony Express Days was the Public Safety Fair held this afternoon, which showed the new fire truck, community safety equipment, rescue dogs and more.

Mayor Don Richardson

Mayor Richardson also echoed everything said about Pony Express Days. The military appreciation program was wonderful. Some members of the military who attended will be deployed within a month or two. He recognized the sacrifices they and their families make. Pony Express Days was an outstanding tenth anniversary celebration. Many people were involved, making sacrifices to provide a unifying, tradition-building event for the city.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the following items from the Consent Agenda: final plats for Skyline Ridge 1A, 1B and 1C; development agreements for Sunrise at Kiowa plats A and B (amended) and the site plan for the Eagle Mountain Communities Information Center.

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 following items on the Consent Agenda:

FINAL PLATS

- Harmony – Phase 1
- Autumn Ridge – Phase 3
- Oquirrh Mountain Ranch – Plat A
- Oquirrh Mountain Ranch – Plat B

REVISED BOND LETTER – Sage Valley – Plat B (amendment to development agreement)

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 place Sunrise and Kiowa Plats A and B (amended) and the Eagle Mountain Communities Information Center on the regular agenda for discussion. 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

AGREEMENTS – Consideration and approval of amendments to development agreements for Sunrise at Kiowa amended plats A and B

Planning Director Peter Spencer presented the proposed amendments to the previously-approved development agreements for Sunrise at Kiowa plats A and B. Sunrise at Kiowa is located south of Kiowa Valley. The applicant was approved to pay a fee in lieu of parks and build an eight-foot asphalt trail. The applicant is requesting the \$30,000 fee in lieu of parks be waived because the trail will be expensive to build. Mr. Spencer noted the trail is required by the development agreement, it will be a great amenity for the residents and will provide great views of the area. He said it is an excellent use of difficult topography for the residents.

Councilmember Blackburn asked if the applicant is requesting not to pay the fee at all or planning not to build the trail. Mr. Spencer responded the applicant will build the trail, but because it will be so expensive to build and will serve as a recreation feature, he would like the additional \$30,000 fee in lieu of parks waived.

Councilmember Liddiard asked the applicant, Mr. Scott Hazard, to come forward. He asked Mr. Hazard whether he would be willing to provide an information kiosk along the trail describing the history or geology of the area.

Mr. Hazard asked if the project is located on the Pony Express Trail. Councilmember Liddiard said it is not, but the kiosk could provide information on the geology of the area.

Mr. Hazard explained that he purchased "paper lots," meaning the development agreement was in place before he purchased the land. Since the trail will be expensive to build and is not required under the Development Code, he would like to pay either the park fee in lieu or build the trail.

Councilmember Liddiard said he was inclined to agree with Mr. Hazard regarding waiving the fee. The trail will be a recreational feature fitting the needs of the area better than a park. He noted the plat indicates landscaping at the entrances to the trail.

Mr. Hazard said he would be happy to add a kiosk. He has not made any provision for water for landscaping at the trail entrances, as he is planning to xeriscape them.

Councilmember Liddiard pointed out the plat included trees. Mr. Hazard said he will add trees, a water meter and a kiosk to his plans.

Councilmember Liddiard **moved** to approve amending the development agreements for Sunrise at Kiowa Plats A & B to waive the fee in lieu of parks, add an information kiosk and add water for eight trees. Councilmember Jackson **seconded** the motion.

Councilmember Blackburn asked Mr. Hazard why he bought the land without planning to provide the agreed improvements. The City will have some liability with the trail due to its isolation. He was disappointed Mr. Hazard bought the land and now wants to change the approved agreement, saying it set a bad precedent. He agreed it was a nice area with varied terrain and the trail would be advantageous.

Mr. Hazard responded when he presented Stonebridge, the proposed park was very different from the typical park indicated in the Development Code. The Code allows varied recreational amenities to fill the requirements for parks.

Because the plat abuts Porter's Crossing, Councilmember Blackburn asked staff if the City was collecting impact fees to connect Porter's Crossing with Pony Express Parkway. [Inaudible answer.]

Councilmember Lifferth asked the length of the trail Mr. Hazard will be constructing. Mr. Hazard estimated it to be 2000 linear feet.

Councilmember Lifferth stated Eagle Mountain has a lot of natural beauty. He expressed appreciation for access to the beautiful views and the creativity involved in proposing an amenity which differs from the usual park design.

Councilmember Strouse asked Mr. Kinghorn to comment on Councilmember Blackburn's concern about a precedent being set. Mr. Kinghorn replied this action can't be claimed as a precedent because each case has to stand on its own merits.

Councilmember Liddiard pointed out the intent of the Development Code is to provide some kind of improvement for the benefit of residents. He called attention to the five park benches which the plat indicates will be located along the trail. Mr. Hazard said he did plan to install those benches.

Councilmember Liddiard stated the trail will provide a good, safe view of the Wasatch Fault. He asked what time frame was planned for installation of the trail. Mr. Hazard responded he would build the trail immediately. He was only waiting to see whether the Council would approve his proposal.

Councilmember Blackburn 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. Motion **passed** with a unanimous vote.

AGREEMENT – Eagle Mountain Communities Information Center

Mr. Spencer described the information center proposed for the southwest corner of the entrance to Eagle Park. The land is zoned Town Center in the Eagle Mountain Properties Master Development Plan, zoning which allows commercial use. Two signs are proposed: a 12 ft. x 12 ft. freestanding sign near the road and a sign on the back of the building. The building will consist of a trailer with wainscoting around the bottom to give it the appearance of a permanent structure. The site will have paved parking, an ADA-accessible ramp and landscaping in front of the building. It will be required to tie into City electric and water systems. The sign proposed for the back of the building will indicate the building is a new home information center and will display the logos of various builders.

Councilmember Lifferth asked Mr. Spencer if the proposed signs were in compliance with the City's sign ordinance.

Mr. Spencer responded both are too large. The freestanding sign may be no larger than 8 ft. x 8 ft. and must have landscaping and an attractive support structure. The sign on the building must be no larger than 10% of the wall area.

Mr. Spencer stated the six parking spaces comply with City standards. The entry of the parking area will need to be shifted to the west to allow sufficient distance from the intersection. The parking area will need to be enlarged to allow cars to back out and turn around. The conditions of approval are as follows:

1. Electrical tie-in must be approved by the City Energy Manager.
2. Signage size must be decreased to meet City standards.

3. Parking lot must be enlarged and parking spaces must be 9 ft. x 20 ft.
4. Water and sewer later laterals must be ten feet apart underground.
5. Parking lot entry must be 100 ft. away from intersection.
6. Landscape plan redlines must be addressed.
7. Fire code comments must be addressed.
8. Asphalt removal must meet APWA standards.
9. Site plan must be reviewed yearly by the Planning Commission.
10. Signage must clearly indicate a business, not a City-sponsored entity.

Councilmember Blackburn requested item number eight to specify "removal and replacement." He also mentioned the collapsible soil in the area, which will require extra engineering precautions when digging across the existing road and backfilling.

Councilmember Lifferth asked Mayor Richardson if the applicant could come forward to answer questions. Mayor Richardson introduced Mr. David Adams. Councilmember Lifferth asked Mr. Adams if the building's purpose was information only, not sales, and what the ultimate plan for the site would be.

Mr. Adams replied the intent was to create a central location in which to provide potential customers with information about subdivisions and amenities, then direct them to a sales office or model home. Within about five years the site is intended to be a commercial retail center with a grocery store.

Councilmember Lifferth asked if Mr. Adams was comfortable with the changes proposed by the City Council. Mr. Adams' only objection was to eliminating the company's name from the signs. He suggested putting "L.L.C." after the company name and locating a plaque near the door stating the information center was not sponsored by the City.

Councilmember Jackson suggested the plaque specifically say, "Private business. Not a public office of Eagle Mountain City." Mr. Adams said he would be happy to post whatever wording the City requests.

Councilmember Strouse pointed out the information would improve the company's sales, so it might be better to call it a sales office.

Mayor Richardson noted Pioneer, Bigg and Tuscan Homes are subsidiaries of Eagle Mountain Communities. He asked if those would be the only builders represented at the information center.

Mr. Adams responded his company would like other builders to be represented there, too, because more variety in homes available will attract more customers. Those builders' logos would also be represented on the building sign.

Mr. Spencer mentioned the Planning Commission's recommendation to reduce Eagle Mountain Communities' name on the building sign and increase the size of the builders' logos.

Mr. Adams restated his request: the sign as proposed, with "L.L.C." added and a disclaimer placed near the door.

Councilmember Strouse asked Mr. Kinghorn if "information and sales" would provide correct information and eliminate the need for a disclaimer.

Mr. Kinghorn said a place name associated with a business is fine. As long as the business states its name clearly and doesn't say or imply that it's associated with the city, there is no need for a disclaimer.

Councilmember Liddiard asked why existing sites nearby aren't being used for this project. Mr. Adams explained the location was intended to catch traffic coming down both Eagle Mountain Boulevard and Sweetwater Road.

Councilmember Liddiard asked why no provisions for restoring the area are included in the site plan, in case the Planning Commission closes the project during an annual review. Mr. Adams said the company will bring restoration plans as part of a future business plan for the site. The annual reviews are to ensure the company's compliance with City requirements.

Councilmember Blackburn asked what the span of the road is in the area and what concerns staff has about customers entering the parking lot. Mr. Spencer replied the road is 80 feet wide. He invited suggestions from the Council to improve safety. The Council discussed various possibilities for traffic signs.

Mr. Adams said he would be willing to work with Public Safety to erect signage where it will best improve safety.

Councilmember Liddiard suggested moving the trailer west to improve traffic safety, preferably 150 feet from the road.

Councilmember Liddiard called the question. Since there was no motion, Councilmember Jackson **moved** to approve the Eagle Mountain Communities Information Center, subject to the following conditions:

Staff/Planning Commission:

1. Electrical tie-in must be approved by the City Energy Manager.
2. Signage size must be decreased to meet City standards.
3. Parking lot must be enlarged and parking spaces must be 9 ft. x 20 ft.
4. Water and sewer later laterals must be ten feet apart underground.
5. Parking lot entry must be 100 ft. away from intersection.
6. Landscape plan redlines must be addressed.
7. Fire code comments must be addressed.
8. Asphalt removal (and replacement—per Councilmember Blackburn) must meet APWA standards.
9. Site plan must be reviewed yearly by the Planning Commission.
10. Signage must clearly indicate a business, not a City-sponsored entity.

City Council:

1. "Communities" on the signage must be in a larger font, followed by "L.L.C."
2. "Do not enter" and arrow signage must be installed to direct traffic.

Councilmember Lifferth **seconded** the motion.

Councilmember Jackson called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Those voting no: Vincent Liddiard. Motion **passed** with a 4:1 vote.

7:00 P.M. PUBLIC HEARING – FY 2008 Budget

DISCUSSION – Public hearing and consideration of the Fiscal Year 2007-2008 budget

Management Analyst Ifo Pili explained the State Code requires the City Council to hold a public hearing on the proposed budget and adopt the budget by June 22. The tentative budget was accepted by the City Council on May 1, 2007, and has been available for public review in preparation for adopting the final budget. After the City Council conducts the public hearing, the Council can move to adopt the final budget as proposed or with amendments. The final budget will be the document governing City expenditures for the 2007-2008 fiscal year. Final adoption of the budget is planned for June 19, 2007.

Mr. Pili said the driving force of the budget is to enhance public safety, parks and open space and citywide activities; construct capital facilities to accommodate growth; and improve citywide services in terms of availability and service to residents by increasing staffing.

Specifically, changes from the FY 2007 budget include the following:

- \$570,000 increase to police and fire services
- completion of the Sweetwater Trail (with assistance from a UDOT grant) and other park improvements
- purchase of a large mower and trailer for improved parks maintenance
- increase in special events and citywide activities
- additional capital facilities, particularly the 138 kV transmission line and the new wastewater treatment plant
- 28% increase in staffing to improve availability and customer service to residents

Mr. Pili listed projected FY 2008 revenues, noting that FY 2007 sales tax revenue was much higher than projected. FY 2008 projected revenue was based on a population of approximately 10,000, so revenue will increase when the population numbers used by the State are corrected.

City Administrator John Hendrickson pointed out the incorrect census measurements of the city's population, percent occupancy and average household size, all of which will be increased when the numbers are corrected. The \$50,000 cost of the correction may net as much as \$1 million in additional revenue.

Councilmember Lifferth asked if the city budget is \$28.1 million. Mr. Pili said that amount only includes enterprise funds. The total budget is approximately \$34 million.

Mr. Hendrickson said the budget is designed very conservatively. Revenues are projected at the lowest probable amounts and expenses at the highest probable amounts. The budget includes no utility rate increases or tax increases. Growth of the city is expected to pay for the increases in the City budget. Some of the actions in tonight's meeting are designed to reduce the City's bond debt, which will help meet the City's financial goals.

Councilmember Strouse asked the amount of the City's debt. Mr. Hendrickson estimated the current debt to be approximately \$30 million.

Councilmember Strouse mentioned the City's debt when she joined the City Council in 2002 was approximately \$63 million.

Mr. Hendrickson pointed out \$30 million in debt is typical for a city the size of Eagle Mountain.

Mayor Richardson opened the public hearing at 8:50 p.m. Hearing no comments, he closed the hearing at 8:51 p.m.

Councilmember Blackburn requested the next budget package for City Council include this evening's concerns. Mr. Hendrickson responded pagination, spelling and numbers would all be corrected, after which the document would be printed and bound.

Councilmember Lifferth suggested the Council members give their budget notes to Mr. Pili.

7:00 P.M. PUBLIC HEARING – Development Code Amendments.

ORDINANCE – Consideration and adoption of an ordinance of Eagle Mountain City amending various sections of the Development Code

Planning Director Peter Spencer presented staff-sponsored amendments to the Development Code regarding City Council review of conditional use permit applications and the review process timetable for project applications.

The first amendment refers to State law. Utah Code Annotated, section 10-3-502, referring to 3rd, 4th or 5th class cities, states:

"If at any time the business of such city or town requires a special meeting of the governing body, such meeting may be ordered by the mayor or any two members of the governing body."

The current Development Code specifies a Planning Council decision stands unless it is appealed by one City Council member. This amendment mirrors State code by requiring two members to appeal a decision.

The second item affects timelines for the following project applications brought to the City for review:

- conditional uses
- site plans
- master development plans
- concept plans
- preliminary plats
- final plats

The Development Code requires all projects submitted to the City for review to be presented to the Planning Commission or City Council within 28 days. This amendment specifies time limits based on how complete an application is when submitted. Once a completed application has been submitted, City staff will have 21 days to review the initial submittal and send a first response letter to the applicant.

The letter will say one of two things:

1. The project is *Substantially Prepared*: The project as a whole meets all City codes, all required materials have been submitted and there are no outstanding issues to resolve. The project will be placed on a meeting agenda within 21 days, the date being included in the letter.

2. The project is *NOT Substantially Prepared*: The project still has unresolved issues. For example, City codes have not been met, transportation issues with adjacent properties must be resolved, not all required materials have been submitted, etc. Staff would provide a punch list in

the letter indicating what items need to be resolved and how. The letter would notify the applicant the project will be on hold until the outstanding items have been addressed. The corrected application must be submitted as a complete package.

Once updated materials have been submitted, staff will have 14 days to review them before a second letter is sent out. The second letter will indicate whether the project is *Substantially Prepared*, with a date for the upcoming meeting, or *NOT Substantially Prepared*, with another punch list of items to be resolved. The process continues as before, with staff having 14 days to review any resubmitted materials before responding with another letter.

In summary, if the original application is complete, meaning all City codes are met and all required materials are included, the application will be presented no later than 42 days after submittal (21 days + 21 days). This will benefit both the City and the applicant by requiring a paper trail of communication, therefore reducing any miscommunication.

***Mayor Richardson opened the public hearing at 9:02 p.m. ***

Mr. Ryan Kent, Sage Communities, commented on the time table extension. He said Sage respects the time restraints on City staff, but was concerned about the timeliness of approvals. It can already take three to four weeks after a complete submittal for an application to go before the Planning Commission. The proposed change could extend Planning Commission review to 42 days. He thought three weeks was an excessive amount of time to decide if the application is complete. He suggested staff consider a brainstorming session with developers.

Mr. David Adams, Eagle Mountain Communities, sympathized with the problems created by staff being forced to put an application on the agenda, whether it was ready or not. He made five points:

- Developers would like a mandatory meeting with the Development Review Committee to verify the application is complete.
- 21 days to review for completion is too long; he would prefer 14 days. All departments should look at the application during those 14 days.
- When the letter of acceptance is given, it should be complete, so developers know what they need to do without receiving more items after the initial ones are completed.
- When the application goes to the Planning Commission or City Council it should be completely reviewed. Conditions are often required because not all staff members have reviewed the plat.
- He would like to change the three-week waiting time between Planning Commission and Council approvals. The City Recorder could put plats approved by the Planning Commission on the agenda for the next Council meeting.

He suggested tabling the item so developers can discuss it with the Planning Department.

Mr. Fran Fillerup, SITLA, was concerned about notice requirements. SITLA needs adequate notice to review agenda items before they go to the Planning Commission.

Mr. Ken Hixson, 9568 Night Hawk Lane, commented on the amendment regarding conditional use permits. He didn't believe the Utah Code Annotated section cited about special meetings applied to regular City Council meetings. Because the Council is the only body representing and elected by residents, he didn't want appeal rights of the Council to be restricted. Requiring two Council members to request an appeal would restrict the appeal process. He would like residents to be able to appeal Planning Commission decisions directly.

****Mayor Richardson closed the public hearing at 9:14 p.m. ****

Councilmember Lifferth **moved** to approve the Development Code amendment specifying that a decision on a conditional use stands unless two City Council members request an appeal, and to table the amendment regarding time lines for application approvals. The motion **failed**.

Councilmember Jackson **moved** to table the Development Code amendments regarding conditional use applications and project review timelines for further review. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson wanted to table these amendments because not all interested parties had an opportunity to comment on them. She said, as much as she respects the staff's abilities, developers and staff together can create a better solution than staff only.

Councilmember Liddiard approved of the definitions of *substantially prepared* and *not substantially prepared*, but thought a forum for discussion would be appropriate. He believed work expands to fill available time, not through neglect but because of human nature. He wondered whether the days allowed before the decision would be calendar days or City business days.

Councilmember Strouse asked if the four-day work week is part of the problem. She wanted to know if the City office could be open five days per week. Mr. Hendrickson responded flexible scheduling has been discussed. Adequate staffing is required to do it correctly. He said an evaluation could be done on whether flexible scheduling would work for the City.

Councilmember Blackburn noted current policy states adjoining residents must be informed of changes. He said this type of change needed to be adequately noticed to developers.

Councilmember Strouse said she has asked that notification be considered in the Development Code.

Councilmember Lifferth referred to the Development Code, Title 1, Chapter 19. He believed one Council member being able to request an appeal is a situation that could be abused. Requiring two people to request a review could avoid such abuse. He didn't think the process has been abused in the past, but would like to set policy that supports good government.

Mayor Richardson 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 adoption of a resolution authorizing the issuance and sale of not more than \$16,500,000 aggregate principal amount of Water and Sewer Revenue and Refunding bonds, Series 2007, 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

Laura Lewis, Financial Advisor at Lewis, Young, presented this resolution, which will set the parameters for the refunding of the 2000 Water and Sewer Revenue Bonds, as well as authorize additional funds for the development of the City's water system. The bond refinance was recommended almost a year ago, but placed on hold in order to evaluate a proposal by Corix to operate certain City

public utilities. The market, although still quite good, has softened recently and further delays may cause the City to forfeit its present opportunity to access a favorable bond market. The new bond would essentially fund three separate areas of water and sewer development:

- the refinancing of the existing outstanding debt
- the funding of needed, but not yet built, water and sewer projects not fully covered by existing revenues
- the funding of water use rights in the Central Utah Water Conservancy District project for the express use and discretion of the City

Councilmember Liddiard **moved** to adopt Resolution R-11-2007 authorizing the issuance and sale of not more than \$16,500,000 aggregate principal amount of Water and Sewer Revenue and Refunding bonds, Series 2007, of Eagle Mountain City, Utah, for the purpose of refinancing existing debt, funding water and sewer projects, funding water rights and related matters. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth asked whether \$16.5 million will pay for the water the City needs without increasing utility rates. Mr. Hendrickson responded it will be enough to avoid raising utility rates, but might not quite cover all water purchases. He said the question is whether 400 acre feet is enough, or if the City will have to purchase more water. \$16.5 million appears to be adequate so far.

Councilmember Lifferth asked Mr. Kinghorn and Mr. Hendrickson whether either of them recommended the City raise the bond amount above \$16.5 million. Mr. Kinghorn didn't think he was as qualified to reply as Mr. Hendrickson, but believed 400 acre feet of water should be adequate. Mr. Hendrickson stated an additional 100 acre feet would still be within \$16.5 million.

Councilmember Lifferth 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. Motion **passed** with a unanimous vote.

MOTION – Consideration and award of bids for the north substation to south substation 138 kV transmission line

The City contracts with Intermountain Consumer Professional Engineers (ICPE) for engineering services related to the Energy Division. A request for proposals was sent out and bids were received by the City for materials required to build the transmission line. Bid tabulations and recommendations were made by ICPE and the bids are ready to be awarded.

Councilmember Liddiard **moved** to approve the award of bids related to the 138 kV transmission line in the following amounts:

- LD steel/wood poles – Bell Poles – \$129,543.00
- misc. materials and conductors – Codale Electric – \$253,256.66
- polymer insulators – Codale Electric – \$37,188.00
- custom tubular steel poles – Valmont – \$250,925.00

TOTAL AMOUNT OF BIDS – \$670,912.66

Councilmember Jackson **seconded** the motion.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

MOTION – Consideration and award of bid for the 15 kV switchgear modifications to sole source vendor Powell

The City received a proposal for modifications to the 15 kV switchgear which energizes the 138 kV transmission line until a substation can be constructed. Powell Equipment made the original switchgear, therefore the purchase of the breakers is being sole-sourced to them. The amount of the bid is \$46,970.00.

Councilmember Liddiard **moved** to approve the award of bid for 15kV switchgear modifications to sole source vendor Powell. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Jackson

No comment.

Councilmember Liddiard

Councilmember Liddiard was approached by the Aries Group from the Utah County Sheriff's Office, which would like to donate and install radios and antennas to upgrade EOC in the City office. He asked Mr. Hendrickson to contact the Sheriff's Office to coordinate the assistance the group would need from the City.

Councilmember Strouse

Councilmember Strouse questioned Mr. Hendrickson about the Policies and Procedures Manual. She wanted to know if a process for following up requests to the City Council would be included in the manual. Mr. Hendrickson said it wouldn't be part of the Policies and Procedures Manual. Councilmember Strouse gave the example of last year's question about street names, which was not resolved at the time. She would like to see a written process. Mr. Hendrickson asked if she specifically meant questions addressed in Council meeting, questions asked by Council members, or questions related to the Development Review Committee. Councilmember Strouse said she was referring to two processes: one to ensure questions are answered and another to ensure problems with street names are caught immediately.

Councilmember Blackburn

No comment.

Councilmember Lifferth

No comment.

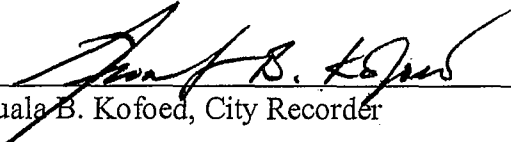
Mayor Richardson

Mayor Richardson reported that a staff member from Senator Hatch's office and two from Senator Bennett's office visited this week to look at the city's transportation and parks.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:31 p.m.

APPROVED BY CITY COUNCIL SEPTEMBER 18, 2007



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 19, 2007

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 4:15 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived 4:25 p.m.), Heather Jackson, David Lifferth and Linn Strouse. Councilmember Liddiard was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Jason Walker, Management Intern; Marilyn Lau, Management Intern; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Mark Binks, Sergeant; Jason Randall, Sergeant.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:32 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:10 p.m. Marilyn Lau led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Jason Walker, Management Intern; Marilyn Lau, Management Intern; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

INFORMATION ITEMS/UPCOMING EVENTS

Mayor Richardson announced that the next City Council meeting would be July 17.

PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 Harrier Street, thanked the City's Public Works employees for assisting UDOT with restriping the intersection of SR 68 (Redwood Road) and SR 73, which helped alleviate some of the traffic congestion there. She also thanked the employees who provided park improvements: the Eagle Point pavilion, cement around the playground in Eagle Park, some trails in the city, the Overland Trails cement and trail and the Rush Valley playground. She hoped the residents would get the rest of the promised parks, as well.

Ms. Laura Thalen and Mr. Dave Hall, Alta Vista Homes, requested donation of a building permit and any other support the city wished to provide. The company, along with KUTV and other sponsors, is building a home to be donated to the family of a soldier seriously injured in the war whose employability is impacted by the injury. Families who have been nominated but don't receive the home will be provided other benefits such as home repairs, food and scholarships. The organization is also working with a nonprofit organization started by a man whose son was killed in Afghanistan. The organization places monuments in small towns around the country to honor soldiers. They encouraged the City to participate in the program.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

Councilmember Lifferth

Councilmember Lifferth expressed appreciation for the Council's decision to support a specific Mountain View Corridor route and the opportunity to work with surrounding communities to expedite the improvements the project will provide.

Councilmember Blackburn

Councilmember Blackburn thanked City staff for the FY 2008 budget document and their hard work in preparing it. He also said the Ranches Home Owners' Association has put a lot of time, effort and money into improving the city. He asked staff to address maintenance agreements with the HOA to resolve some disagreements between the HOA and the City.

Councilmember Strouse

Councilmember Strouse addressed gravel truck issues. She encouraged residents to report trucks driving with uncovered loads to law enforcement.

Councilmember Jackson

Councilmember Jackson attended the State Republican Party convention where she spoke to Councilmember Jefferson Moss of Saratoga Springs. They were both very happy with the restriping of the SR 73/SR 68 intersection and the resulting improvement in traffic flow. She also recognized City employees who have spent a lot of time weeding and cleaning median strips, as has the Ranches HOA. She has met with the Ranches HOA and brought their concerns to City Administrator John Hendrickson in order to keep communication open regarding maintenance.

Councilmember Liddiard

Councilmember Liddiard was in Washington, D.C., recently and met with Senator Bennett, Senator Hatch and Congressman Bishop. While his meetings centered on other topics, he was able to bring up

Councilmember Liddiard was in Washington, D.C., recently and met with Senator Bennett, Senator Hatch and Congressman Bishop. While his meetings centered on other topics, he was able to bring up the City's thanks and current needs for transportation. He also received some of the new presidential dollar coins that are now in circulation and thought they were neat.

Mayor Richardson

Mayor Richardson expressed appreciation for the number of residents attending this evening's meeting; the Council chamber was full. He encouraged residents to run for the three Council seats and the Mayor's position which are open for election this year.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the following items on the Consent Agenda, removing the February 20, May 1 and June 5, 2007, minutes and placing the Development Agreement for Southmoor Phase 1 on the regular agenda for discussion:

MINUTES

March 6, 2007 – Regular City Council Meeting

May 15, 2007 – Regular City Council Meeting

FINAL PLATS

Valley View South – Plat C

Valley View South – Plat D

DEVELOPMENT AGREEMENT – Colonial Park – Phase 2

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

DEVELOPMENT AGREEMENT – Southmoor Phase 1

This item was removed from the consent agenda to allow revised conditions to be placed on approval.

Councilmember Jackson **moved** to approve the development agreement with Eagle Mountain Holdings, L.L.C., subject to a reduced bond letter, due to approximately 95% of required improvements having been completed. 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.

7:00 P.M. PUBLIC HEARING – Eagle Mountain Properties Master Development Plan

ORDINANCE – Consideration and adoption of an ordinance amending the land use element and rezoning for the parcel known as the Eagle Mountain Properties Master Plan Area

Planning Director Peter Spencer presented the proposed amendment to the Eagle Mountain Properties Master Development Plan. The Master Development Plan covers 7,610 acres vested with 22,930 units. This master plan vests Eagle Mountain Properties with rezoning rights not provided in other master development plans. The 1997 City Council judged it was in the city's best interest to provide those privileges due to the company's extensive investments in the city.

The application has two parts: 1) amending the zoning map and 2) amending the language of the Master Development Agreement. At this meeting, only the change to the zoning map is being considered. The

proposal would eliminate private golf course open space and simplify zoning designations and uses permitted in various zones in the City Center.

The current map contains a table entitled “Detailed Comparison Legend,” spelling out the acreages of specific land uses. The current map designates 1,352 acres of open space, which the proposed map reduces to 365 acres, largely due to the elimination of 987 acres of private golf course land. The golf courses are private land and were never intended to be public land. The majority of the 365 acres now indicated as “Regional Park & Regional Open Space” in the newly proposed map has either already been dedicated to the City or can’t be developed, including land located under utility corridors or along the future Pony Express Trail.

The Eagle Mountain Properties Master Development Agreement specifies public use open space is to be dedicated at the rate of 2.5 acres per 400 units. This ratio of improved park area per developed units is retained in the proposed plan and is in addition to the existing 365 acres of open space.

The following table outlines the proposed changes from the current Land Use Map (approved 1998 Amendment, Modification Application Map #1) to the proposed Land Use Map (proposed 2006 Amendment, Modification Application Map #2):

	CURRENT MAP	PROPOSED MAP
RESIDENTIAL	2690 acres	3029 acres
RESORT (change to MIXED-USE)	1364 acres	1518 acres
AIRPARK	1531 acres	1686 acres
BUSINESS PARK (change to Commercial C-1)	318 acres	169 acres
SATELLITE COMMERCIAL (change to Commercial C-2)	63 acres	579 acres
TOWN CENTER (change to Commercial C-3)	292 acres	51 acres
PUBLIC OPEN SPACE/PRIVATE GOLF COURSE	1352 acres	365 acres
TOTAL	22930 units over 7610 acres**	22930 units over 7613** acres

The proposed map must clarify this difference in total acreage.

The current plan indicates Business Park, Satellite Commercial and Town Center zoning. The proposal renames these zones Commercial C-1, Commercial C-2 and Commercial C-3, respectively. Additionally, the Resort zone has been renamed Mixed-Use Residential/Commercial at the request of City staff. The names Residential, Commercial and Airpark zoning remain the same, with Industrial zoning being included in the Airpark zone. In some smaller areas, zoning would change as follows, from south to north:

Sections 36 & 31:

- Approximately 360 acres of Open Space/Residential to either Airpark or Commercial C-2; conflicts with the General Plan.

Section 31:

- Approximately 200 acres of Town Center and Business Park to Residential; complies with the General Plan.

Section 30:

- Approximately 40 Residential acres west of the power line corridor to Commercial C-2; conflicts with the General Plan.
- Approximately 10 acres of Town Center to Residential; complies with the General Plan.
- Approximately 30 acres of Business Park to Residential; complies with the General Plan.

Sections 20 & 29:

- Approximately 43 acres of Town Center to Resort; complies with the General Plan.

Section 13:

- Approximately 80 acres of Residential to Commercial C-2; conflicts with the General Plan.
- Approximately 8 acres of Residential to Commercial C-1; conflicts with the General Plan.
- Approximately 50 acres of Town Center to Commercial C-1; complies with the General Plan.

Section 14:

- Approximately 20 acres of Residential to Commercial C-1; conflicts with the General Plan.
Approximately 40 acres of Open Space to Commercial C-2; conflicts with the General Plan.

Section 15:

- Approximately 40 acres of Residential to Commercial C-2; conflicts with the General Plan.

Section 12:

- Approximately 40 acres of Town Center to Commercial C-2; conflicts with the General Plan.
- Approximately 30 acres of Residential to Commercial C-1; conflicts with the General Plan.

Zoning changes conflicting with the General Plan would be resolved by amendments to the General Plan presented at a future Council meeting. Some proposed zones of the master plan also do not exist in the Development Code (C-1, C-2, C-3, etc.).

The Eagle Mountain Properties Master Development Plan vests the property owner with the right to change zoning virtually at will. The City can only restrict those changes which create infrastructure or transportation conflicts.

Councilmember Lifferth asked City Attorney Jerry Kinghorn to explain the unique aspects of this agreement. Mr. Kinghorn explained the agreement entered into with Eagle Mountain Properties in 1997 vested the company with the right to change uses and densities of its property upon application to the City. The City could then review the proposed changes for conflicts with utilities and other infrastructure the City had already built. If there were no conflicts, the City was required to approve the changes. The agreement was amended in December 1997 to change some aspects of the review process. It was amended again in 1998. The agreement had a 20-year term and will be in effect for another ten years.

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

Ms. Tiffany Ulmer, 1320 Harrier Street, was concerned about commercial land being located adjacent to a school. Also, in Overland Trails, some residents paid a premium for lots which would be adjacent to a golf course. She feels Eagle Mountain Properties should consider some form of compensation in regard to those fees.

Ms. Alicia Hill, 1457 Falcon Lane, was also concerned about having commercial land next to a school. She built her house seven years ago based on the open space promised in the previous master plan. She understood the developer's right to rezone, but thought older residents who bought property based on earlier representations should be considered.

Mr. Wolfgang Franz, 1896 Lake Mountain Road, urged the Council to give the public another 30 – 60 days to comment on this proposal, because the documentation is complex and difficult to understand. He was unaware until today of the staff report which explains the details. By comparison, he's spent eight years trying to build a house on his property; the City does not need to rush this amendment.

Ms. Janet Back, 1865 Cedar Street, asked whether Eagle Mountain Properties was willing to follow through with previous agreements. Her understanding was Eagle Mountain Properties has not complied with other agreements. If that is true, she wondered whether it would give the City any power to deny Eagle Mountain Properties' application.

Mr. Brent Tobler, 4247 Major Street, said the planning process for this agreement has gone on for some time without addressing the specific language of the plan. The proposal needs to be examined in its entirety, because the language of the proposed plan eliminates some of Eagle Mountain Properties' previous obligations.

Mr. Clint Chidester, 1113 Waddell Street, asked if Mr. Spencer could explain what acreage in open space would be eliminated by removing the golf courses. Golf courses were a selling point for lots in that area. He was concerned about the loss of open space. He understood the agreement gives the developer certain rights, and the reality is this proposal will be approved despite what some residents think. However, he hoped the Planning Commission would take transitioning into account when approving future development in the area.

Mr. Richard Culbertson, 3133 Cedar Pass Road, was interested in the uniqueness of the contract. As an attorney, he encouraged Mr. Kinghorn and the Council to inspect the contract because performance issues called "clean hands" apply to contracts. The Council should exercise due diligence and demonstrate their hands are tied before approving this application.

Mr. Darren Jones, 4416 Osprey Way, commented on a meeting he had with Mr. John Walden, the owner of Eagle Mountain Properties, in 2005. He saw a 1997 article in Mr. Walden's office praising Mr. Walden for the open space, golf courses and commercial development which were to be provided to residents. His meeting with Mr. Walden was a petition for more citizen involvement in the governing of the homeowners' association. He quoted Mr. Walden as saying, "I will not give up power until I absolutely have to in this project." He felt there is a breach of contract because Eagle Mountain Properties has not provided the promised commercial space. Mr. Hazard in the Ranches provided commercial property, unlike in City Center. He asked where the open space in the City Center is. There are few parks, one in Overland Trails created by the residents, and it took 11 years to pave trails. Land sales, including those between Mr. Walden and residents, involve a social contract. He urged the Council to deny the proposal.

Mr. McKay Edwards, urban planner for SITLA, stated SITLA has made significant investments in Eagle Mountain City by way of capital, open space and parks. The approximately 1000 acres of open space being deleted from the Eagle Mountain Properties Master Development Plan is legal, but it is not ethical. He objected to City planning staff saying the proposal could be good for the city; he felt it constituted untruthful support for the developer. Eagle Mountain Properties ought to negotiate with City government and residents for replacement of the open space lost through this action. In response to Mr. Spencer citing the distance of this area from current residents as a mitigating factor, he pointed out it fails to take into consideration the distance from and effect on future residents.

[Applause] Mayor Richardson asked residents to maintain order and not to applaud during the meeting.

Mr. Kenneth Hixson, 9568 Night Hawk Lane, quoted the agreement, which stated the "applicant is entitled to, and the town hereby grants to the owner/developer, the right to change and/or adjust the exact location of various development uses and densities under the provisions of this development agreement between or among the owner/developer's properties and their phasing within the master site plan or its amendments approved pursuant to this section, to reflect future changes in economic factors, development," etc. He asked what language in the agreement gave Eagle Mountain Properties the right to transfer acreage among zoning definitions, specifically 1000 acres of open golf course land to Resort, Commercial or Airpark zoning. He stated his feeling that the agreement gave Eagle Mountain Properties the right to move land designations within zones, but not among different zones. He asked if the City Council could deny the application or avoid granting any further rights to the applicant.

Ms. Nikki Wickman, 2766 Fort Hill Road, wondered why the city has no public pool, tennis courts, skate park or recreation center. She wondered why all the available space had to be developed, rather than being used for open space and recreation facilities.

Ms. Jodi Hansen, 2137 Cassidy Way, had a child seven years ago who has cerebral palsy and a seizure disorder. Her family moved to Eagle Mountain because there was little traffic and no commercial development near Eagle Valley elementary school. Her son sometimes rides his wheelchair to school and there are other children with disabilities attending the school, so she is concerned about development nearby.

Mr. Dave Williams, 3525 Rough Grouse Road, said the golf course space is private land, not public open space. He was still concerned about the loss of open space. His main concern was that people generally move to Eagle Mountain to enjoy open space and/or to find the best home values. If Eagle Mountain does not have open space, people will come primarily for low home prices, which doesn't bode well for the city's future.

Ms. Cheryl Carr, 2812 Cedar Drive, was affected when she heard about the loss of 1000 acres of open space. She asked the Council to think about the impact of the loss on the future of Eagle Mountain. Last summer she went to New York City and visited Central Park. She said New Yorkers are known throughout the world for their foresight in building Central Park inside the city. She asked the Council to be responsible, have foresight and preserve open space.

Mr. Kevin Magelby, 4454 Maple Drive, asked whether the Resort zone was already zoned for residential and commercial development. He felt that was enough commercial land without creating more.

Mr. Kevin Kitchen, 2103 Blossom Street, pointed out the master plan was designed with infrastructure and roads intended to support a given number of residents. The planned infrastructure and roads would be insufficient to support additional residents. He felt adding residents to the plan without careful thought would be unwise. Infrastructure has already been built based on the original plan and he wondered how that infrastructure would support additional residents.

Mr. Wes Ercanbrack, 882 Russell Road, said the agreement with Eagle Mountain Properties ten years ago was a big risk which ransomed the City's future. It may be too late to avoid the consequences, but inquiries need to be made regarding whether Eagle Mountain Properties has complied with its agreements and therefore whether the agreement is valid.

Mr. Tim Smith, 4503 Boulder Street, held up a map which used to hang in the Eagle Mountain Properties sales office. It was presented as vision of the city, complete with an aqueduct, a four-lane

road over Lake Mountain and a tunnel through the mountain. It had no relation to approved maps of the time, but it was the vision of the city being presented to prospective home buyers. The signed agreement allows Eagle Mountain Properties to do what they want to, strips the Council of its rights and takes away open space from approved subdivisions. It will allow developments of "cracker box" houses, which he feels will create a ghetto in the City Center. The Ranches will be the gem of the city. This plan takes away dreams the residents were sold. He stated this year has been the best year for the City Center: a paved path has been built in his subdivision and flowers and trees are being planted.

Mr. Dean Durantos, 1198 Russell Road, has lived in Eagle Mountain for three years. His property abuts a trail which has not been completed. It was designed to extend into the open spaces in question. He wondered what would become of the trail. He stated the agreement impacts both existing and future residents.

Mr. Cory Rideman, 4464 Maple Drive, suggested if the City Council has an opportunity for a discussion with John Walden, who irritates people by continuing to develop subdivisions with small houses, they might tell him if he would build golf courses, trails and trees, people will want to live here and the quality of life will improve.

Mr. Brian Mullay, 4384 Maple Drive, said if the Council had no options for action on this proposal, it would not be presented. Adjacent to Walden Park, a pit of water is breeding mosquitoes. He said he and other landowners were told they are required to sell 13 feet of land from the back of their lots for \$2.00 per acre. He is constantly told there is an "emperor" who can do whatever he wants. He felt taking away open space was not ethical and he was very uncertain whether the proposed action is legal.

Mr. Kyle Banta, 1702 Canary Way, had numerous issues with the 1000 acres of open space being removed and having commercial property near a school. He said if commercial development is concentrated away from neighborhoods, the public will be safe and there will be starry skies, as advertised. Development will happen in any case, but it should remain localized.

Mr. Jared Ballard, 1306 Shallow Water Road, said he is a new City employee who loves Eagle Mountain. His family moved to the city for the sake of his son, who has Down's Syndrome. He would like to see the golf courses and open space remain, so visitors will see a beautiful area.

Mr. Wolfgang Franz, 1896 Lake Mountain Road, stated he had heard no comments in favor of this proposal. The City may be held to the original contract, but the City Council might be able to gain some leverage by approving subdivisions of one-acre lots, which will increase the amount of open space required for each subdivision over the open space required in subdivisions with smaller lots.

Mayor Richardson closed the public hearing at 8:29 p.m.

Councilmember Strouse referred to Mr. Kinghorn's statement in Work Session that it would take three hours to explain the convoluted history of this agreement. She felt the City could better avoid problems like this agreement if there were a master plan for the whole city including, for example, where to locate schools and fire stations.

Councilmember Blackburn told residents the Council and the City Attorney have studied the Eagle Mountain Properties Master Development Plan for years. The fact the plan can change easily is both good and bad. Each proposal is about what will sell. The City is halfway through the term of the agreement. Future residents inquiring about this property will be given a disclaimer that it can change at will. He apologized that actions of past City Councils did not always have good results for residents.

The City Council has tried to resolve the problems so they're not repeated in the future. He felt the developer does want improvement in the city. Infrastructure the City builds in that area will limit some of the decisions the property owners can make. A narrow road would require smaller development, while larger roads allow larger, perhaps commercial, development. He felt an overall City plan for development would help significantly.

Councilmember Jackson said one of the big questions in developing this area is roads. She asked Mr. Spencer if future roads planned for this area will work with this plan. Mr. Spencer said the amendment to the zoning map fits with the planned collector roads.

Councilmember Jackson said road planning gives the Council control over some changes. She reiterated that the Eagle Mountain Properties area is a blank slate, which can change at any time. As changes are made, infrastructure and public safety must be examined. Changes conflicting with those standards could be denied by the City. She didn't like having a commercial zone near a school, but the City does not have much choice. However, the problem is mitigated by the law which controls businesses allowed to locate near a school. Commercial development around the roundabout area makes sense, and that is where the Council thought commercial development would be located. She said the Council has discussed the road issue regarding public safety, to see if changes could be made. If changes could have been made, it would have been done.

Councilmember Liddiard expressed appreciation for information from earlier meetings and for the residents' comments. He said early, naive development agreements gave flexibility to developers in exchange for financial risk assumed by the developers for the benefit of the city. Eventually, the benefits provided to the city benefited the developers, as well. Earlier city officials also did not have the benefit of experience with city government. Some key changes in this amendment include:

- 500 acres being converted from open space to Satellite Commercial
- Residentially zoned areas being increased from 2,690 acres to 3,029 acres with no increase in the number of units, which should translate to larger lot sizes

He said although this amendment might not be the best or most desirable choice, it was legal and did have certain benefits. He wants to do what is best for residents, yet also comply with the City's legal obligations.

Councilmember Lifferth asked Mr. Spencer to address the loss of nearly 1000 acres of open space and how the number was calculated. Mr. Spencer responded page three of the staff report shows the current map, the bottom of which shows 1352 acres of golf course area, which was always meant to be private. The amended map shows 365 acres of open space. The golf courses will all be removed and replaced with other zoning. The remaining 365 acres are either unbuildable or are included in existing parks and the detention pond.

Councilmember Lifferth said his understanding from a closed session was the only applications the City Council could deny in the area would be those involving public safety or infrastructure conflicts.

Mr. Kinghorn responded denial would be due to uncompensated conflicts with existing infrastructure. If the developer added appropriate infrastructure, the City Council would be required to approve proposed developments.

Councilmember Lifferth stated when he first heard about plans for three golf courses, he thought the water they would use would be better used for neighborhood parks. He was concerned about having a Commercial zone near a school and asked Mr. Kinghorn if the City had any control over development in that area. Mr. Kinghorn responded C-1 is a light retail zone, so there is no infrastructure conflict.

Buffering and site plan requirements provide some control and certain businesses can't locate near schools by law. The City would only have further control if there were a public safety conflict.

Councilmember Strouse reiterated residents' comments, saying the map and the wording should be changed at the same time. In Work Session, the Council talked about the designation "Industrial Zone," which needs to remain because of the City ordinances which refer to Industrial Zone. Mr. Kinghorn replied the recommendation from the Planning Department would include the Industrial Zone.

Councilmember Strouse pointed out the Council's vote is only as good as the information it is given. She would like a copy of the 1997 map and minutes of pertinent meetings because she wants to understand the history of the agreement. Section 2.7.4 of the December 1997 agreement states "the town shall have ninety calendar days to review the changes proposed in the modification application. After the modification application is accepted as complete or deemed complete, if the town does not object within ninety days, the final, completed modification application shall be deemed accepted by the town and shall constitute an amendment to the master site plan and an express waiver by the town of the enforcement of any of the provisions of the town's development code and the town's general plan which are in conflict with the amendment, without further action." She wondered how that could possibly have been approved. She would like to see the process which was put in place to ensure the 90 days didn't expire before the application was considered. She would like enough information so the Council can vote with the knowledge the decision is necessary. She agreed with the idea that developers' agreements with the City involve a social contract. She would like more written information and more time devoted to this topic.

Councilmember Jackson noted the agreement requires 2.5 acres of open space for every 400 units. She asked if the remaining 365 acres included this requirement. She also asked when the application was received and when it was deemed complete.

Mr. Spencer responded the 2.5 acres of improved open space per 400 units are in addition to the 365 acres of open space. He said the application was received on February 27, 2006, and the Planning Department deemed it complete on March 30, 2006.

Mayor Richardson noted there is a three-acre difference in total acreage on the current and proposed map. He said resolving the difference should be part of the motion.

Councilmember Blackburn stated the development agreement for this land includes 22,930 possible units over 7,610 acres. He asked how many have already been built and how many lots have been recorded. Neither Mr. Spencer nor City Planner Mike Hadley had that information with them, but said they would generate it.

Councilmember Blackburn explained to the residents that Eagle Mountain Properties is required to inform the City how many lots are proposed in each project and how many remain. If the number of remaining lots could be determined, it could be determined whether the remaining lots would have to be larger.

Councilmember Lifferth **moved** to adopt Ordinance O-12-2007 amending the land use element and rezoning for the parcel known as the "Eagle Mountain Properties Master Plan Area," subject to the following conditions:

1. the General Plan be amended as required to bring the Eagle Mountain Properties Master Development Plan into compliance
2. the revised map with redlines be addressed

3. the Industrial Zone be clarified with respect to the previous Airpark/Industrial zoning
4. the total acreage be corrected to read 7,610 acres (3 acres difference)
5. an accounting of lots be done as required by the agreement, with each plat including usable parks and improved open space

Councilmember Jackson **seconded** the motion.

Councilmember Strouse asked if the motion should be amended to include a citizen advisory committee. Mr. Kinghorn responded the Planning Commission and City Council serve that purpose in municipal government. A citizens' advisory committee could be formed, but could not be part of City government.

Ms. Peterson asked Councilmember Lifferth for a measurement of "usable park space" to be included in the motion.

Councilmember Blackburn recommended Eagle Mountain Properties not be allowed to pay a fee in lieu of parks when recording plats; rather, park areas must be improved.

Councilmember Lifferth asked if improved park space could be enforced prior to pulling building permits. Mr. Kinghorn said the process is in place, but hasn't been enforced. Councilmember Lifferth suggested enforcing the accounting with each development.

Mr. Spencer clarified the accounting requirement is for the number of lots, not park areas. Mr. Kinghorn said Shawn Warnke, the City's former Management Analyst, met with Mr. Eric Jones and reconciled those numbers. Pony Express Park, the detention basin and Walden Park count towards the total park area required. It would be helpful to do the accounting every time to improve public confidence.

Councilmember Lifferth amended his motion to include requiring accounting of lots and usable park space with every platted neighborhood [as listed in motion above].

Councilmember Blackburn called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. Those voting no: Linn Strouse. Motion **passed** with a majority vote of 4:1.

Mayor Richardson recessed the meeting for 10 minutes. He reconvened the meeting at 9:15 p.m.

7:00 P.M. PUBLIC HEARING – FY 2007 Budget Amendments

ORDINANCE – Consideration and adoption of the final amendments to the Fiscal Year 2006-2007 budget

City Administrator John Hendrickson presented the final amendments to the Fiscal Year 2007 budget. He reported that each year for the past several years, after the annual budgetary audit has been completed, the City has been cited for budgetary non-compliance: actual expenditures have exceeded budgeted expenditures. Non-compliance is reported to the State of Utah via the management letter prepared by the auditor. City staff endeavors to anticipate all expenditures the City will incur, but for which invoices will not be received until after the end of the fiscal year. Further, when the auditor has performed the analysis, instances have been found in which transfers of expenditures have been made from one fund or section to another, resulting in funds or sections being over budget.

Per the auditor's recommendations, the budget is being amended not only by specific line item or department, but also by specific divisions according to Utah State statute. The Fund 10 divisions are:

- General Government
- Community Development
- Public Safety
- Public Works

The amendments are specific to General Fund departmental totals only and not to line items in the Enterprise and Utility funds. The budget amendments cover all anticipated expenditures through the fiscal year ending June 30, 2007. The amended budget is designed to cover all eventualities, so the City will not be cited by the auditor for budgetary non-compliance. Proposed amendments include:

General fund:

- additional funding for legal fees due to unanticipated issues
- correction to special events budgeting to include the funds in the gross budget rather than only in the net
- funding of additional law enforcement staff
- reductions in surplus funds in previously-approved line items

Other funds:

- increases to the sewer, electrical, natural gas, solid waste and in the Walden Park capital projects fund (funds 52, 53, 55, 57 and 45)
- transfer of \$163,544 from B & C road funds to capital road fund (fund 46)
- inclusion of greater than expected funds received for Special Improvement Districts (funds 70, 71, and 74) which were used for prepayment of bonds
- transfer of funds from FY 06 and FY 07 unallocated reserve funds to the capital facilities fund to reduce the balance of unallocated reserves to less than 18% of the City's total budget, as required by State statute

Councilmember Liddiard asked where the funds for land for the third fire station land are listed. Mr. Hendrickson responded those funds are in the parks capital improvement fund.

Mayor Richardson opened the public hearing at 9:25 p.m. Hearing no comments, he closed the hearing.

Councilmember Jackson **moved** to adopt Ordinance O-13-2007 adopting the final amendments to the Fiscal Year 2006-2007 budget as outlined in Exhibit A, as follows:

- increases in funds 52, 53, 55, 57, and 45
- transfer of \$163,544 from B & C road funds to capital road fund 46
- adjustments to revenue received and bond payments made in Special Improvement District funds 70, 71, 74
- identification of the unallocated reserve excess from the FY 2005-06 budget in the amount of \$925,224
- transfer of unallocated excess reserve funds from FY 2005-2006 of \$925,224 to capital facilities, as well as allowing unallocated reserve funds from FY 2006-2007 to be transferred to capital facilities so the unallocated reserve fund remaining in that account does not exceed the 18% of the total City budget allowed by State statute

Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard was pleased to see the fiscal year turn out well and the city growing. He hoped the city would continue to grow and the budget be managed in a way which allows for long-term sustainment for residents and employees.

Councilmember Blackburn proposed amending the motion to put part of the reserve money into parks and trails.

Councilmember Jackson asked if it would be better to make that amendment to the FY 2008 budget, since FY 2007 is nearly over.

Mr. Hendrickson said there is money specifically for parks and trails in the FY 2008 budget. He suggested the Council develop a list of projects which could be amended to the FY 2008 budget. He referred the Council to page 125 of the FY 2008 budget.

Councilmember Blackburn recommended the motion include monies specifically for parks and trails. Mr. Hendrickson replied approximately \$1 million was proposed for parks and trails in the FY 2008 budget.

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. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of the Fiscal Year 2007-2008 budget

State Code requires the City Council to hold a public hearing on the proposed budget and adopt the budget by June 22. The tentative budget was accepted by the City Council on May 1, 2007. The budget public hearing was held on June 5, 2007. The tentative budget has been available for public review in preparation for adopting the final budget. The final budget will be the document which governs expenditures for the 2007-2008 fiscal year.

City Administrator John Hendrickson explained the total General Fund budget is over \$8.3 million, while the total City budget is over \$33 million. The FY 2008 budget includes:

- an increase from 77 to nearly 100 staff FTEs (full-time equivalents), with many of the new positions being in fire and law enforcement services
- \$1.9 million for building and finishing area parks and the fire station and for purchase of land for a third fire station
- \$7.5 million for a sewer treatment plant upgrade
- \$2.5 million for a 138 kV electrical transmission line

He noted an electrical substation may be built, which would be funded by bonds

Mr. Hendrickson said the budget is balanced. Up to \$1.6 million will be transferred from the General Fund to the Capital Improvements Fund to keep unallocated reserves at 18% of the City's total budget. Page 125 discusses parks and the purchase of land for the fire station. The fire station land was placed in the parks line because there was no separate line item for City facilities.

Councilmember Lifferth asked Mr. Hendrickson to explain the new property tax reduction. Mr. Hendrickson said the property tax reduction will not affect the budget. He noted Utah County generates a certified tax rate and property taxes combine taxes for several entities. The City's certified tax rate

will go from .001747 to .001163 based on value. The tax rate dropped because assessed values are increasing. Taxes are calculated by multiplying the tax rate by the value of the property. There is no change expected change in the total taxes the City will receive.

Councilmember Liddiard asked if a new Finance Director position was included in the budget. Mr. Hendrickson responded it was not, but the flexibility to do so is there. Councilmember Liddiard suggested the City hire a Finance Director.

Councilmember Liddiard asked Mr. Hendrickson to consider including funds for laptops for future City Councilmembers in the Legislative Travel and Training line item. On page 63, he would like to add a picture of the City Council. He was happy to see changes in the actual budget document with narratives, and items listed as approved or adjusted.

Councilmember Blackburn said because of the recent fire west of SR 73, he would like some of the budget surplus to go into an account Chief Andrus can access during emergencies without calling the Mayor or City Administrator for prior approval, perhaps \$5,000 to \$10,000 annually. Mr. Hendrickson said it would normally be a Fire Department line item, which could be added if desired.

Councilmember Jackson asked if the City planned to bill for its assistance with last weekend's fire, and whether that money could go into such a fund. Mr. Hendrickson said the City will bill for those expenses, which will be counted as revenue and go to the General Fund.

Councilmember Blackburn suggested the money should automatically go to public safety. Mr. Hendrickson responded it is not legal unless the money is earmarked as "restricted" under State law.

Councilmember Strouse **moved** to adopt Ordinance O-14-2007 adopting the Fiscal Year 2007-2008 budget as presented.

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 Eagle Mountain Development, L.L.C., for Sweetwater – Phase 1

Sweetwater Phase 1 is located east of Sweetwater Road and north of Eagle Point Plat B. The development agreement, which would normally be a Consent Agenda item, is on the regular agenda due to the requirement that eight acres be dedicated to the City when the first plat is recorded.

Councilmember Strouse asked what the developer is responsible to provide and what is the responsibility of the City. Mr. Spencer responded the developer is to provide eight acres for a park, plus 1.11 acres due to the open space requirements for Sweetwater, which are located adjacent to the park area.

Councilmember Lifferth **moved** to approve the development agreement with Eagle Mountain Development, L.L.C., for Sweetwater – Phase 1. 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.

RESOLUTION – Consideration and adoption of a resolution naming an official position of support regarding the City's preferred alignment of the proposed Mountain View Corridor

Transportation issues in western Utah Valley, specifically east-west road improvements, have been a much needed and discussed issue. Rapid growth in Eagle Mountain and Saratoga Springs has contributed to the transportation concerns. The resolution outlines the City Council's support of the 2100 North freeway as the "primary alternative" for the Mountain View Corridor. The Mayor feels this is the least intrusive and best option because it relocates fewer people and impacts fewer wetlands than the other proposals do.

Mayor Richardson read the resolution.

Councilmember Jackson **moved** to adopt Resolution R-12-2007 naming an official position of support regarding the City's preferred alignment of the proposed Mountain View Corridor. Councilmember Blackburn **seconded** the motion.

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. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance amending the campaign finance disclosure requirements for municipal elections

City Recorder Gina Peterson reported that, from July 2 through July 16 at 5:00 p.m., residents can declare candidacy for elected offices. Utah State Code Section 10-3-208 requires candidates running for municipal office to disclose campaign contributions, both monetary and in-kind. Specific deadlines are given to candidates for submittal of campaign finance statements. During the last municipal election, the Recorder's Office received numerous questions for clarification on whether to disclose specific donations over \$25 or \$50. This ordinance simplifies the process and requires candidates to specifically disclose contributions over \$25. The City can adopt more restrictive regulations than are required by the Utah State Code, which requires disclosure of specific contributions over \$50. The ordinance also outlines specific penalties for failure to file statements.

State Code mandates that General Election candidates (not Primary) who fail to file a statement by October 27, 2007, shall have their names removed from the ballot. Failure to file by candidates eliminated in the Primary or failure to file until after the General Election is a misdemeanor violation carrying a \$750 fine, because at that point the name cannot be stricken from the ballot.

Councilmember Lifferth asked how the ordinance would be enforced. Ms. Peterson responded it would be turned over to the City Attorney, although the Recorder's Office would strike the name from the ballot.

Councilmember Blackburn **moved** to adopt Ordinance O-15-2007 amending the campaign finance disclosure requirements for municipal elections in Eagle Mountain City. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard asked the Recorder's Office to provide a copy of the ordinance to candidates for municipal office. Ms. Peterson responded State law requires the Recorder's Office to provide candidates with information on the laws governing elections.

Councilmember Liddiard also asked the Council to impose campaign spending limitations to allow as many people as possible to participate, or to discuss limitations for future campaigns. Mr. Kinghorn said State law may not allow campaign spending limitations.

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. Motion **passed** with a unanimous vote.

Councilmember Liddiard was excused at 10:02 p.m. and disconnected from the meeting.

AGREEMENT – Consideration and approval of an agreement with UMPA for purchase of electrical energy

The City currently has an agreement with the Utah Municipal Power Agency (UMPA) for purchase of electric power. The agreement ends in 2008. Until IPP3 comes online in 2012, the City would like to extend the agreement with UMPA until 2011. UMPA will extend the contract without raising the price the City is currently paying, \$53/megawatt hour.

Councilmember Blackburn **moved** to approve the agreement with UMPA for purchase of electrical power. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a reimbursement agreement with S.G. Valley View for the construction of a 600,000 gallon steel water tank

The Capital Facilities Plan identifies the need for additional water system capacity. This capacity will be provided by a 600,000 gallon Valley View water tank located north of the North Ranch and Valley View areas. S.G. Valley View, L.C., has agreed to be responsible for the construction of the water tank. Impact fees are being collected for this system improvement. Through this reimbursement agreement, the City agrees to refund the monies collected in impact fees to the developer. Payments to the developer would be made on an annual basis as monies are paid to the City.

Councilmember Blackburn **moved** to approve the reimbursement agreement with S.G. Valley View for the construction of a 600,000 gallon steel water tank. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth asked when the water tank would be operational. Mr. Trusty responded fall 2007.

Councilmember Blackburn asked if the water tank would be at the same elevation that has been effective for the city. Mr. Trusty said it would be at a higher elevation, creating a new pressure zone benefiting North Ranch, upper Valley View and Meadow Ranch.

Councilmember Strouse said residents in that area are worried about water pressure due to the recent wild fires. Mr. Hendrickson said the Fire Department creates its own pressure in the water truck. Councilmember Strouse asked to have information published in the newsletter informing residents about water available for fighting fires. Mr. Hendrickson responded he would ask Chief Andrus if he would create some information which could be placed in the newsletter and on the web site.

Councilmember Lifferth called the question.

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

MOTION – Consideration and approval of a reimbursement agreement with Eagle Mountain Links for the Spring Valley electrical line extension

The Capital Facilities Plan identifies the need for additional electrical system capacity. This capacity will be provided by an extension of the electrical line to the Spring Valley area. Eagle Mountain Links has agreed to be responsible for the construction of the electrical line extension. Impact fees are being collected for this system improvement. Through this reimbursement agreement, the City agrees to refund the monies collected in impact fees to the developer. Payments to the developer would be made on an annual basis as monies are paid to the city.

Councilmember Jackson **moved** to approve the reimbursement agreement with Eagle Mountain Links for the Spring Valley electrical line extension. Councilmember Blackburn **seconded** the motion.

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. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a reimbursement agreement with Eagle Mountain Links for the Carlton sewer line extension

The Capital Facilities Plan identifies the need for a sewer line extension. This capacity will be provided by an extension of the Carlton sewer line. Eagle Mountain Links has agreed to be responsible for the construction of the sewer line extension. Impact fees are being collected for this system improvement. Through this reimbursement agreement, the City agrees to refund the monies collected in impact fees to the developer. Payments to the developer would be made on an annual basis as monies are paid to the city.

Councilmember Blackburn **moved** to approve the reimbursement agreement with Eagle Mountain Links for the Carlton sewer line extension. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

MOTION – Consideration and award of a contract to Hardrock Excavation for the Well #1 line upgrade, bid alternate #1

The Capital Facilities Plan has identified several deficiencies in the existing water infrastructure. Upgrading the line from Well #1 to the distribution system will allow the City to add up to an additional 1,000 gallons per minute to the City system. This is the first phase in upgrading Well #1 to provide up to 3000 gallons per minute in additional water.

Councilmember Jackson **moved** to approve the agreement with Hardrock Excavation for the Well #1 line upgrade, bid alternate #1.

Councilmember Blackburn suggested amending the motion to salvage as much equipment as possible for future use in water system infrastructure. Councilmember Jackson accepted the amendment.

Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth pointed out the next Council meeting will not be until July 17, so any delay in approving this agreement would be one month instead of two weeks.

Councilmember Jackson asked Mr. Trusty to comment on the wide range of bids submitted for the project. Mr. Trusty responded Hardrock is familiar with the area and mobilized to the site. The other bidder was unfamiliar with the site, needed to add a 10% contingency fee to the bid and the bid was generally higher.

Mr. Hendrickson stated if SITLA funds were unavailable for this project, the City has adequate funding to carry it out.

Mr. McKay Edwards of SITLA expressed concern about this item being approved at this meeting. Councilmember Strouse asked if Mr. Edwards could come forward to explain his concerns. Mayor Richardson allowed him two minutes.

Mr. Edwards explained SITLA was in favor of funding this project, but required a written application from the City, which has not been received. If the project could be postponed one month and the money applied for, SITLA would almost certainly fund the project.

Mr. Hendrickson said the reason for awarding the contract at this time is to avoid the possibility of a water shortage. One to two more months might put water availability at risk.

Councilmember Strouse said she hoped in the future communication breakdowns could be avoided.

Councilmember Lifferth called the question.

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

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth said the Eagle Mountain Properties amendment was difficult to deal with. No one on the City Council wanted to have their hands bound when they wanted to do what's best for the city. Legally, the Council had to do what it didn't want to do. He expressed appreciation for the residents' comments. The issue of the Eagle Mountain Properties agreement has been complicated, requiring many meetings to reach the point it has reached this evening. He was glad it turned out as well as it did. He hoped the vote at tonight's meeting would provide better community development. He noted the recent increase in cooperation in the city regarding green space and parks.

Councilmember Blackburn

Councilmember Blackburn was happy the budget came together well and would still like more detail. He asked that his appreciation be passed on to the staff. Regarding the Eagle Mountain Properties rezoning, he suggested staff have a generic overview which makes clear the property is changeable.

Councilmember Strouse

Councilmember Strouse commented that she had nothing nice to say.

Councilmember Jackson

Councilmember Jackson stated the Eagle Mountain Properties issue was upsetting, but she wasn't going to berate the issue further. At her meeting with the homeowner's association last week, she was asked about this year's election. The new ordinance requires candidates for mayor to declare whether they are running for full-time or part-time mayor. She hoped the July newsletter would have an article explaining the ordinance. She stated the city looks good and it's nice to be nearly weed-free in improved areas. Improving other areas needs to continue. She would like capital facilities funds to be used for neglected areas.

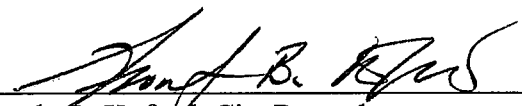
Mayor Richardson

Mayor Richardson said hard decisions had to be made tonight and actions had to be approved that no one wanted. He stated the budget is a new standard for Eagle Mountain and congratulated the staff. He was pleased to see the Council chambers full tonight, because citizen involvement is democracy at its best. He encouraged residents to continue to make a difference.

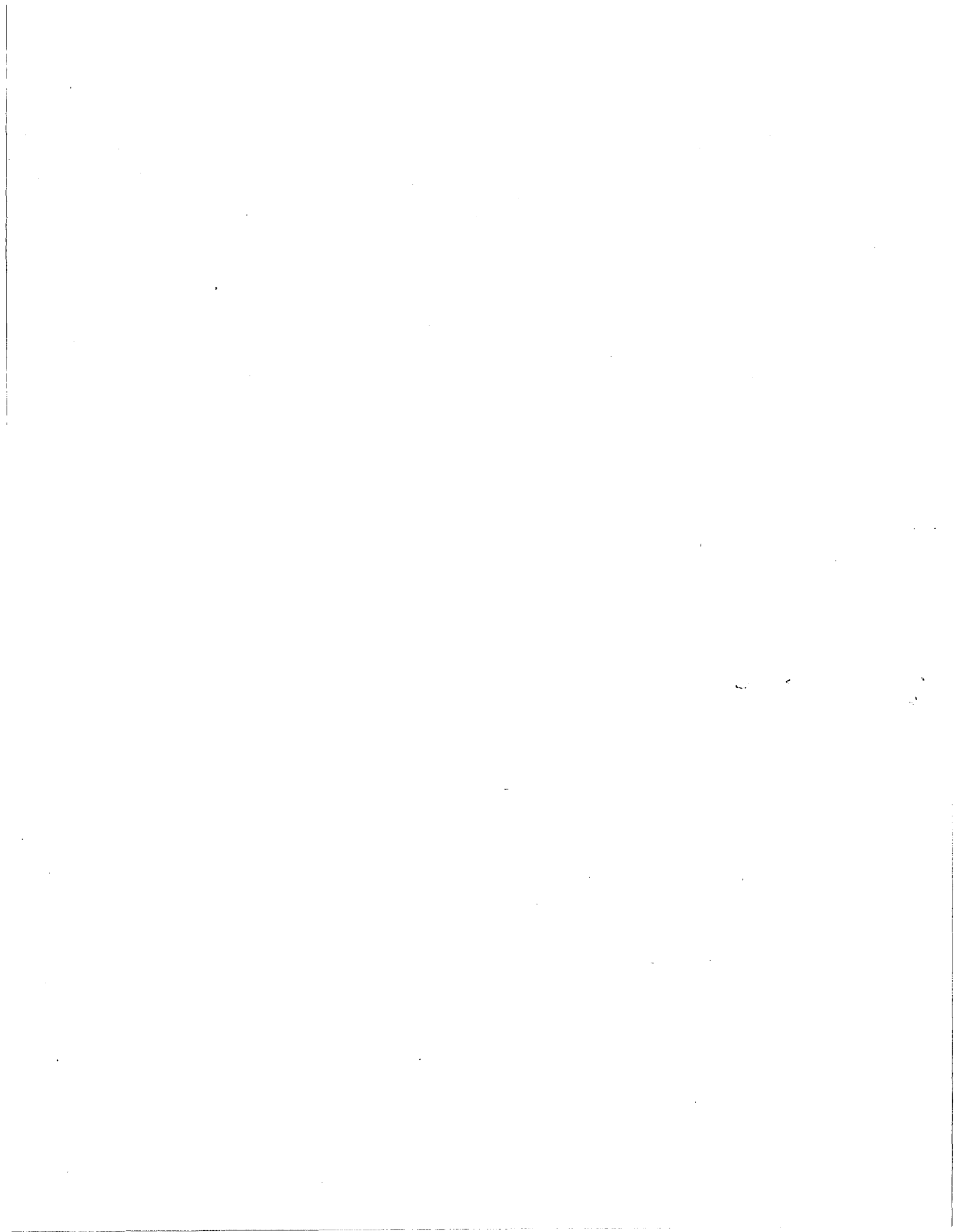
ADJOURNMENT

Councilmember Jackson **moved** to adjourn the meeting at 10:22 p.m.

APPROVED BY CITY COUNCIL SEPTEMBER 18, 2007



Fionnuala B. Kofod, City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 17, 2007

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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Jason Walker, Management Intern; 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; Blake Webb, Water Supervisor; Rand Andrus, Fire Chief; Mark Binks, Sergeant.

DISCUSSION/REVIEW ITEMS

REVIEW – Well Update/Water Restrictions.

DISCUSSION – SID/Associated Foods/Allred/Talon Cove Development Discussion

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURNMENT

Mayor Richardson adjourned to a closed session at 6:30 p.m. The closed session was adjourned at 7:04 p.m. The Work Session was not reconvened.

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

Mayor Don D. Richardson called the meeting to order at 7:17 p.m. Heather Jackson 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; 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; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jerry Monson, Lieutenant.

INFORMATION ITEMS/UPCOMING EVENTS

- The Federal government has allocated \$550,000 to \$600,000 to the City to be used for Midvalley Park. The exact amount is still being determined. SITLA has donated 60 acres to the City to be used for the park and other projects.

PUBLIC COMMENTS

Mr. Doug Page, 7787 Crestwood Circle, said he has spoken extensively with staff about landscaping in SilverLake. The following questions have not been adequately answered:

- Was the development approved contingent upon the landscape plan?
- Is a bond still available?
- Who is responsible to install the trees shown on the landscape plan?
- Who is responsible to install the fences and landscape the parking strips along SilverLake Parkway?
- When will this work be completed?
- Can the City Council make a motion based upon a public comment?

Mr. John Painter, 3414 Appaloosa Way, read a letter in which he asked that residents be given detailed information about the water crisis, including the events which led to it. He said due to a lack of information, much of the public perception was City government is hiding a lack of planning and management of a major City service. He asked the following questions:

- Is the problem is a water shortage or a delivery problem?
- Why did it become an emergency without previous warning?
- What processes are monitored?
- Did the pump break or was it unable to meet demand?
- If the pump is operational but not delivering adequate capacity, why was the problem not solved?
- Why was there not a spare part for the pump?
- Why were certificates of occupancy issued without anticipation of a water shortage?
- What steps did the City Engineer take to anticipate or prevent the problem?
- Why has there been a water shortage in each of the past three years?
- How will the city compensate residents for their financial losses?
- Who is responsible for information given to the media indicating the pump would be repaired on Tuesday, July 17?

Mr. John Wallace, 9298 Deerfield Circle, spoke as a resident and as a construction industry business owner. He said millions of dollars of landscaping have been lost due to the water shortage. His concern was he built approximately 70 homes in the city last year. He wanted to know what portion of his impact fees were applied to the water system and where those fees were used. He asked for honest answers and a quick solution to the shortage.

Mr. Brent Nielson, 1767 Deerfield Circle, said he was told when he moved to the city there would be plenty of water for his needs. At the time, he was asked to plant trees on his property to help with the beautification of the city and warned that failing to maintain his property would lead to a fine. He asked

what benefit a new park would be to the city if it couldn't be watered and why the city was not able to get secondary water from Utah Lake. He felt new homes should not be built until the city had adequate water for the current residents.

Ms. Leslie Erickson, 1374 Falcon Lane, asked about disposal of public land in Eagle Park subdivision. She referred to a large piece of land near the roundabout which is not available for disposal, but is not being maintained. She would like to buy the land and landscape it.

Mr. Robert "Casey" Jones, 3299 Appaloosa Way, said he understood the water issue. His concern was residents' inability to see oncoming traffic on Ranches Parkway due to weeds growing on top of the berms in the medians. Regarding the watering system on Ranches Parkway, he said The Ranches HOA has replaced grass along the parkways and the City needs to come to an agreement with the HOA regarding landscaping maintenance. He understood that the Public Works Department was short-handed, but citizens should not have to take pictures of damaged areas to document the lack of maintenance. He also stated trees in the medians need to be pruned and weeds need to be eliminated.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

City Council comments are transcribed verbatim at the request of Councilmember Lifferth.

Councilmember David Lifferth

"OK, not so much in responding to some of the statements that were made tonight, I think we do need, owe everyone a, a very detailed explanation. I do think we need to provide more information rather than a minimal amount of information. We are experiencing a major emergency in the history of our city. It will obviously go down in history as one of the most challenging things that we have faced as a community. We have had other emergencies in the past and undoubtedly will have some more in the future, but we need to work together as a community to deal with this and all the challenges that face our city. We need to over-communicate in these difficult times. We need to be wary of intentional misinformation that seems to be circulating en masse right now. I am specifically avoiding blogging about this issue so that there is only a singular voice of information from the City that is the source of information, so we're all working together. That's all I have for now."

Councilmember David Blackburn

"We are obviously dealing with a lot of water issues. I want you to know that this is one of the few times that, excuse me, it's not one of the *few* times, the Council has been very informed as to what's been going on here. I've been very appreciative. I'm sure the other Council members have been, as well. We received notices of this information, the severity of the water impact, obviously the day that it happened and before there was a major press release. I can say with surety that that type of communication among the Council and the administration and the staff might not have been quite as uniform or as productive in prior situations, but I'm very thankful for the information that has been passed around. There is a sense of frustration on the residential side. I completely understand. I've got two homes I'm landscaping and taking care of myself. The City is definitely working on this. We've felt that the steps that we've taken to date have been more important for the safety of the community, as well as providing water as a living need, rather than for beautification and I hope you understand our viewpoints in this sense, but we are making as much time, money and effort available to get this done as soon as possible. Thank you."

Councilmember Linn Strouse

"I ditto, ditto the comments that were already made and I also appreciate a lot of the detailed information from our new City Administrator. This is probably the first crisis for him in this city, as well as it is a major crisis for the citizens and what affects one of us affects all of us and I think this is also going to be an opportunity to really review and report and learn from this. This is, you it's, there is various places, in Australia and other places in the world, that have actually faced, faced the, you know, there just isn't any water and to the point where they're all having to use gray water, so I'm glad that there's a lot of important changes and new direction that's going to come from this and I believe that there's a lot that we all can learn from it. I've even used the water I use from showering, I save and that, that's the only thing my trees and vegetable garden's getting and it's a hard thing, it's a very hard thing to go through. So if we all pull together in, I think think tanks are wonderful and I welcome any ideas any people have. Even though we have experts here, there's, there's always great benefit to putting heads together and coming up with new solutions, new ways to look at things, so thank you for your patience."

Councilmember Vincent Liddiard

"I'm sure the Mayor's going to say something a little bit about this, but as much as our Fire Department likes to be busy and we have a nice holiday coming up, I'm urging everyone to, at a minimum, not light those fantastic, illegal fireworks I've been seeing. But essentially, not light fireworks during the 24th of July. We are certain to be a rather dry community during that particular time and I think we can give our city's bravest, I guess we can refer to them, give them a break, help them out. We're in the middle of fire season, not a whole lot of water. They're doing well. We have water for fire suppression, but please do our part. We have recently closed the opportunity for people to file for office for City Council. Noticeably, I'm not one of them, but there are several people for City Council. I think it's eleven, and three for Mayor. I think that's great and I wish everybody the best of luck there. In years past I've tried to remain at least publicly silent out of a desire to not alienate anybody whom I might be working with in the future. That impediment has been removed from me and as part of that I would suggest, or at least endorse, for the office of Mayor, Richard Culbertson. I think he would be a fantastic choice and would do a very good job."

Councilmember Heather Jackson

"I think a lot of good things have been said tonight. We've been discussing, you know, our big issue right now is dealing with our, our water problem. I happened to be on vacation last week when the phone call came in, so I want you to know that the Mayor really did make sure to get ahold of everybody. I had a message, emails were sent out, and that is a big change from what we have had in mayors of the past. At least since I have been on the Council, I have not had mayors giving me phone calls on a regular basis when there's a crisis that occurs. I had to call and solicit that information. So I am very appreciative of the current Mayor that we have and the fact that he has taken the time to make sure that we were properly informed. I was very pleased to see, when I came home, the signs on the freeway or on Highway 73 saying, you know, don't water outside. I think that we did as best a job as we could possibly do to inform our citizens of the issue in a quiet, or a calm fashion and in a quick fashion. You can't spew all of the detailed information in a press release, but it's been nice to know that, you know, first thing Monday morning when my alarm went off and I was listening to KSL Radio, there were announcements on KSL. So all I'm saying is, I think the coverage that we have done has been stellar, as far as that goes. Now, as you're sitting here tonight, I'm sure that our City Administrator will give another presentation similar to what we received in the Work Session, which explains a lot of the questions that you have and I hope will quell and calm some of your concerns, because they did for me. I also made a phone call to him which helped me calm down, as well, because he could explain all of these things to me. So I appreciate everyone's concern and I appreciate the fact that we have all done what we have been asked to do to try and rectify the situation and at least make sure that we had enough water so that we would have our safety in mind, like Councilman Blackburn said, and make sure that we

have water to be able to suppress fires that we have and especially over the weekends, because I don't know if you all have noticed, but when a fire breaks out, it tends to be on a Saturday or a Sunday and so it was a very good thing that Friday, when this happened, we took action and so, for the weekend, we actually did have the ability to have that water."

Mayor Don Richardson

"Thank you, Council. Like Ms. Jackson mentioned, we will be presenting something that's been put on the agenda on an emergency thing that we can discuss a little more with you and bring some more facts to your minds as far as what situation we were in, what we've done to rectify it, the phase two that we're moving to, that will be announced. There's press releases that are being prepared currently, as well as what the City has been doing since my administration started in November. I think you'll be very pleased, but we've got a few things to go through before that and we'll ask John to do that presentation when that time comes, but we'll now proceed to the Consent Agenda that was modified in Work Session. Do I have a motion?"

End of verbatim transcription.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove the following items from the Consent Agenda:

MINUTES

- February 20, 2007 – Regular City Council Meeting
- May 1, 2007 – Regular City Council Meeting
- June 5, 2007 – Regular City Council Meeting
- June 19, 2007 – Regular City Council Meeting

FINAL PLATS

- Eagle Point – Plat F – Phase 1
- Eagle Point – Plat F – Phase 2
- Pioneer Addition – Plat 7C
- Pioneer Addition – Plat 7D
- Sage Park – Plat 1
- Sweetwater – Phase 2
- Sweetwater – Phase 3

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 approve the following items on the Consent Agenda:

FINAL PLATS

- Skyline Ridge – Plat 1A
- Skyline Ridge – Plat 1B
- Skyline Ridge – Plat 1C
- Valley View North B (revised)

REVISED BOND LETTERS

- O'Fallon's Bluff – Plat D
- O'Fallon's Bluff – Plat E
- Eagle Point – Plat I
- Autumn Ridge – Phase 1

CHANGE ORDER – Nolan Park Restroom – Chad Broderick Construction – CO #3

FINAL PAY – Nolan Park Restroom – Chad Broderick Construction

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 explained his reasons for removing items from the Consent Agenda. The minutes were removed in Work Session. The final plat approvals were removed due to Councilmember Liddiard's concern about additional lots being built in the City Center, which has nearly reached its sewer capacity. In order to provide for the health and safety of the residents, he felt it was unwise to increase the number of approved lots until sewer capacity is increased.

Mayor Richardson requested that the Council place on the agenda an emergency proclamation regarding water conservation.

Councilmember Jackson **moved** to add the emergency proclamation to the City Council agenda. 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.

EMERGENCY PROCLAMATION – Consideration and approval of a proclamation adopting an emergency water conservation plan for Eagle Mountain City

Title 5, Chapter 3, Section 18, of the Eagle Mountain City utility ordinance provides that the Mayor may issue a proclamation limiting the use of water, with the approval of the City Council, in times of water scarcity. On Friday, July 13, 2007, well #2 was damaged and will be inoperable until repairs are complete, which created a scarcity of water available to the City water system. Water use limitations must be enforced to maintain fire safety storage and indoor uses until well #2 is repaired.

City Administrator John Hendrickson provided information on the city's water shortage. He stated Mr. Blake Webb, Water Supervisor, called him early Friday morning regarding a failure at well #2. The pump motor was running, but not drawing water. Mr. Hendrickson presented a diagram of well #2. A motor drives the shaft, then the pump raises the water. The specific problem is not yet clear, because the most qualified repair company has been working elsewhere. They needed time to receive authorization to interrupt their other projects and work in Eagle Mountain. Mr. Witteson, the head of the company, believes the problem is a break in the shaft.

The City currently has a pumping capacity of 7.75 million gallons per day. The failed well is located near the golf course and provides 30 to 40% of the city's water capacity. The SCATA system, an electronic utility monitoring system, indicated a chlorination problem in well #2. It failed to separate the monitoring of chlorine and water levels and has since been adjusted to eliminate that problem. The city has three water tanks totaling 4 million gallons. The water tanks became almost entirely empty, causing concern that there might not be adequate water for fire suppression. For that reason, all the water to parks and parkways was immediately turned off.

The normal pumping capacity of the city water system is more than 240 million gallons per month and actual use is approximately 204 million gallons per month. With the loss of well #2, pumping capacity decreased to 146 million gallons per month. Eliminating the watering of parks and parkways brought water use just under the decreased pumping capacity, but not enough to allow for a safe margin in case of emergency.

Reduced outside water use by residents will provide savings of 36 million gallons per month, which will create a safe margin while only two wells are in operation. The residents did such an excellent job of conserving water last weekend that the tanks were full on Monday morning. Four million gallons of

water are currently in storage, which has enabled the City to allow limited outdoor watering while the well is being repaired. Limited watering will be required for two to four weeks while the well is repaired. The limited watering plan will be as follows:

- Residential watering, South Service Area (City Center): Mondays and Thursdays between 8:00 p.m. and 6 a.m., 10 minutes per sprinkler station for mature lawns.
- Residential watering, North Service Area (The Ranches): Tuesdays and Fridays between 8:00 p.m. and 6 a.m., 10 minutes per sprinkler station for mature lawns.
- Schools and churches: Wednesdays and Saturdays between 8:00 p.m. and midnight, 10 minutes per sprinkler station.
- Nolan Park: Sundays only.
- New sod and hydroseeding (60–90 days old): unrestricted watering twice per day on weekdays
- No parkway watering except by truck. Truck water comes from an old well, as does golf course water, and is unusable in the City system.
- No washing of cars or hard surfaces such as driveways.
- No new sod or seeding until the restrictions are lifted.
- Use indoor water conservatively.

Mr. Hendrickson said the City chose to water Nolan Park because it is so heavily used.

Mr. Hendrickson detailed the steps the City is taking to ensure an adequate water supply:

- The City Council has approved an agreement which will increase the size of one of the water lines, enabling the water tanks to fill more quickly. The work is expected to take two weeks.
- The Council approved a 600,000 gallon tank in the upper section of the Valley View area. The tank should be completed within two months.
- The Council authorized bonds for water and sewer development, including two new wells and a one million gallon tank in the Hidden Valley area.
- The City is also working with the Central Utah Water Conservancy District (CUWCD), which has allocated 10,000 acre-feet of water to the city for future development. The City will request 3,000 of the 10,000 acre-feet for use until a Central Utah Project pipe is constructed from Orem to Eagle Mountain. The City has also developed a common site with Saratoga Springs for delivery of the Central Utah Project water.

He stated the development community will have to participate in building the water system in order to have water service for subdivisions. The City is aggressively pursuing options for bringing water into the area, so that even if another well fails, it will not cause a water shortage.

Mayor Richardson said the upgrades should be completed within twelve months. Two aquifer monitoring wells were completed early this year. After the required monitoring period, the State Engineer's Office will permit the City to drill two additional production wells.

Mayor Richardson said the information reported to him throughout the day on Friday indicated water use needed to be restricted immediately to allow residents to have adequate indoor water and the Fire Department to have enough water for fire suppression. The Sheriff's Department activated the Neighborhood Watch and the City's Public Information Coordinator sent press releases to the media. Residents' prompt cooperation with the restrictions enabled the city to have adequate water for home and safety needs. He stated the web site will have detailed information and the latest press releases. A water hotline is also available at 789-6660. There are rumors circulating in the city, but accurate information is available. He expressed appreciation for the residents' quick response to the watering restrictions. Because of the excellent response, the City is able to move on to more limited restrictions.

Councilmember Jackson **moved** to approve the proclamation adopting an emergency water conservation plan. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth asked what penalties are associated with violation of the watering limitations. Mr. Hendrickson responded violation is a misdemeanor. The City intends to give warnings rather than fines; however, fines will be levied for repeated violations. The maximum fine for the misdemeanor is \$1,000.

Councilmember Jackson stated her neighbors suggested a plan to allot a certain number of gallons of water to each household, with usage above the allotted amount costing more per gallon. She felt the City Council plan is the most equitable. If everyone works together on conservation, there will be no need to use financial consequences. She asked the audience to discuss the information they receive at this meeting with their neighbors.

Councilmember Liddiard requested that the watering schedule be added to the City's web site. Mr. Hendrickson responded Ms. Linda Peterson, the Public Information Coordinator, will do that and will send the plan to the press as soon as it is approved by the Council.

Councilmember Strouse said rumors have been flying about the well failure. With the updated information available, she trusts the citizens to make good decisions. She said what affects one resident affects all, so working together will create a community that survives and thrives.

Councilmember Blackburn stated the city is in a dry environment, but water use tends to be extravagant. This emergency is a call for everyone to be wiser about water use.

Councilmember Lifferth 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. Motion **passed** with a unanimous vote.

Mr. Hendrickson complimented Mr. Webb for doing an outstanding job, especially as a brand new water supervisor. He did as well or better than many supervisors of larger systems. He said Mr. Webb told him he loved Eagle Mountain. Mr. Hendrickson said a mark of a professional is to love the city he serves.

Mayor Richardson commented Mr. Hendrickson called him one evening at 8:00 p.m. He mentioned Mr. Webb was just on his way home and had been working a lot of hours.

SCHEDULED ITEMS

ORDINANCE – Consideration and adoption of an ordinance creating regulations for residential solicitation

Mr. Kinghorn presented a model ordinance regulating door-to-door sales, also known as residential solicitation. The ordinance was drafted in response to litigation by the Kirby Vacuum Cleaner Company against several municipalities in Salt Lake and Utah counties. A stipulation in the litigation provided that any municipality adopting the model ordinance will not be subject to claims by Kirby Vacuum or other, similarly situated plaintiffs for violations of constitutional rights which were claimed in the

litigation. Eagle Mountain was not named in the lawsuit; however, it would be wise to adopt the ordinance provided for in the lawsuit to protect the City from this type of lawsuit in the future.

Councilmember Jackson **moved** to approve Ordinance O-16-2007 regulating residential solicitation, corrected to specify that background checks be conducted by Lexis/Nexis. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth requested that Mr. Kinghorn discuss the important points of the ordinance.

Mr. Kinghorn said it requires those wishing to sell door-to-door to submit a written application and receive a background check before the City will issue a license. The ordinance is intended to be nondiscriminatory and allows religious solicitation during the same hours permitted for other solicitors. It also provides for residents to inform solicitors that they do not wish to be solicited, either by posting on their property, which is the more appropriate method, or verbally. Violators would be reported either to the Sheriff's Office or to the City office which issues business licenses.

Councilmember Liddiard was pleased to see the ordinance included protection for the residents and placed responsibility on the solicitors to check for signs on the property indicating solicitation is not permitted.

Mayor Richardson asked whether the ordinance requires religious solicitors to obtain a license. Mr. Kinghorn responded it does not. It only requires that they observe the same hours of operation as other solicitors.

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 solid waste collection rates and adding an administrative fee for collecting the Timpanogos Special Service District impact fee

City Treasurer Gordon Burt presented amendments to the Consolidated Fee Schedule. The schedule will be amended to reflect increases from Allied Waste for solid waste collection. The City's contract with Allied Waste allows Allied Waste to increase fees based on the Consumer Price Index. These increases will be passed on to the customers. The rate the City charges will increase from \$5.85 to \$6.00 per month for one trash can and \$10.15 to \$10.50 per month for two. These charges include administrative costs.

The second amendment deals with Timpanogos Special Service District (TSSD) impact fees. In the North Service Area, sewer treatment is handled by TSSD. TSSD charges the City an impact fee of \$3,120 which is paid by the customer; however, 100% of the fee goes to TSSD. The City will add a \$10 administrative fee per building permit to cover costs of collecting the money for TSSD.

Councilmember Lifferth asked how often TSSD is allowed to change their rates. Mr. Kinghorn responded there is no limitation, as long as they follow due process provisions such as public noticing.

Councilmember Blackburn was pleased to see the City acting to cover costs. He hoped to see a prompt analysis of the costs associated with other fees. Mr. Burt responded staff is working on those reviews.

Councilmember Blackburn **moved** to approve Resolution R-13-2007 amending the Consolidated Fee Schedule. 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 requested that information about the solid waste fee increase be included in customers' billing notices.

Councilmember Blackburn suggested the City mail a notice to each resident regarding the well failure and the current watering restrictions.

Mr. Hendrickson responded residents would be informed in every way possible.

CITY COUNCIL / MAYOR'S BUSINESS

Councilmember Jackson

"I just wanted to say, you know, we celebrated Fourth of July, the basically founding of our nation with the Declaration of Independence just recently. What a great holiday. What a great opportunity we have to recognize the freedoms that we have in this country. I hope that we also look forward to the 24th of July, which is special to Utah, and remember the pioneers that did come before us here, and as Councilman Liddiard said, be very careful with fireworks. Either don't light them at all or make sure that you have water very close by in a bucket, preferably one that you've pulled from your bathtub. [Laughter]. Anyway, not to sound trite, but we are going through, you know, a difficult time with rain, or with water right now and I don't think it hurts to pray for some rain. And so I hope that we can, you know, continue through the path that we've had. It's been interesting that the last few days have been a little bit more overcast than they have been since the well has gone down. So I hope that maybe we can continue in that pattern and get some rain water that might help us to also irrigate our lawns."

Councilmember Liddiard

"I am going to sound the South Sewer Service Area bell again and ask that we very quickly look at the impact fees. There is a disparity in the impact fees between the North and South Service Areas. In the South Service Area, we're actively engaged in building a new sewer treatment plant and yet we're a good \$1,000 cheaper in the South Service Area for impact fees than we are in the North Service Area and I think there needs to be an examination of the economic disparity between those impact fees and so that we can better serve the residents down here, work towards having a good, capable system in here and make it in a way so that those people who are going to take advantage of the new system are those that pay for it, rather than putting that financial burden on the residents who are already here. Also, those of you who have watched the news, it is sad and Saratoga Springs, my condolences to them and to Cedar Fort. Someone I knew, Mike Penovich, has passed away. He did so in the line of duty, a tremendous fire fighter, the fire chief down in Saratoga Springs. My condolences to the city, to the family of Mike Penovich and those who knew him. I did not know him well, but I had an opportunity to work with and to know him and he was a tremendous individual and my heart goes out to them."

Councilmember Strouse

"And my feeling are very mutual on that same subject. He will be very, very missed. I wanted to add something here. I didn't get time during our Work Session because we never, yeah, we ran out of time, so I have pictures from a resident that wanted this checked out. It appeared to this person that there was trucks, maybe possibly illegally, taking water out of wells somewhere. Anyway, I'll pass these on to you, John, and the Mayor to see if you can figure out what's going on. Yeah, I'll get the exact locations. I thought that that's what was going to be sent. Thank you."

Councilmember Blackburn

“Just wanted to note, as has been mentioned earlier, there’s not a whole lot of people here right now, so, what?, no. The application process for running for City Council and the Mayor Office is closed. I would hope that all of the residents in our city examine the candidates to see how active they’ve been in our community in the past. Some of those individuals are here tonight. They’ve been attendance in regular, regular meetings and City business in the past, but I would hope that all our residents really look and investigate those that are running, to get the people that are already in touch, so that as the election process culminates, that the new City Council and Mayor is up and running without much lag time at all. I’m excited for the breadth and scope of the individuals who are applying and it’s going to be a fun time to see how that lays out, or plays out, excuse me, and I’m hoping that it’s going to be a positive campaign process for the city as a whole.”

Councilmember Lifferth

“Two additional items that I’d like to touch on tonight. One goes back to our, our water situation and the need for, for more information and I would recommend that we have a press conference. I’m not saying now, but I think it would have been appropriate to have a press conference, maybe Saturday morning, when a lot of these questions were bubbling to the surface. One person would maybe get an incorrect answer and start spreading that around and I think it is important that our residents get, as I’ve requested, accurate information as quickly as possible. Some of the information we were getting in real time. I know that makes it difficult, but we inspire confidence in our residents when we are open, we share information, we do not hide information, do not delay information and I know, as a resident, I wanted to get as much information as possible and I had a lot of people asking me because I’m on the City Council and we just need to have a push strategy, where information goes out as quickly as possible. I would, once again, recommend that we have residents request or submit their email address to the City, so they can have a push strategy, where information, when it is news, when it’s breaking news like that. Friday morning it would have been appropriate to push a button and send emails out to 700 residents who had submitted their email addresses for that type of information and get that information out quickly. Also, I wanted to thank Chief Penovich from Saratoga for his help in, in Eagle Mountain. I think it was appropriate that Chief Andrus also reciprocated recently, as they, as Saratoga went through a transition period, that we have offered our support to them and I think that’s, that’s the way good neighbors are. They help out in times of need and I appreciate the, the good example of the good fire chief there from both Cedar Hills and Saratoga Springs and we need more heroes like that, that are professional, that are willing to make any sacrifice necessary and he will be sorely missed.”

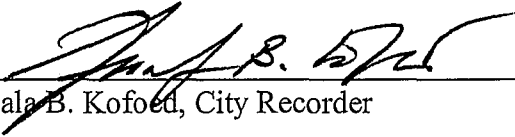
Mayor Richardson

“Thank you. Just last of all, I again, with the water situation, we appreciate everything that everybody’s done. There should be a press release that’s actually gone out now, as well as the web site should be updated. We appreciate all the sacrifice that everybody is putting into this. I’ve heard some wonderful stories of people going the extra mile to make sure that there’s water here. It’ll make it possible for this to happen, this new watering schedule, if everybody follows it. I can’t emphasize that enough. And, again, I appreciate our City Administrator. He has been a great right hand, as well as his wife. When you’re as busy as he is, it’s a family affair and we appreciate him and we’d like to thank his wife publicly, also. Just a note, we were in San Francisco this weekend, or this last week, working with bond agencies for ratings. I feel like our delegation represented us very well in San Francisco. Gordon Burt and, again, John Hendrickson, myself, Laura Lewis, our agency that we work with to get our bonds. But we appreciate everything that everyone is doing. There is a plan, we are following it, and we appreciate you.”

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:37 p.m.

APPROVED BY CITY COUNCIL OCTOBER 2, 2007

A handwritten signature in black ink, appearing to read "Fionnuala B. Kofoed", written over a horizontal line.

Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 7, 2007

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 (arrived at 5:50 p.m.) and David Lifferth. Councilmember Strouse was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, Engineer; Jeff Weber, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

PRESENTATIONS

REVIEW – South Service Area Wastewater Treatment Plant – Chris Trusty and Darrel Dixon

REVIEW – Water and Sewer Revenue and Refunding Bonds, Series 2007A – Laura Lewis

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 7:10 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:43 p.m. Scout Troop 1012 presented a color guard and led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Phillippi, Deputy.

INFORMATION ITEMS/UPCOMING EVENTS

Mayor Richardson announced the following upcoming events:

- The repair work on well #1 will be completed next week.

PUBLIC COMMENTS

*** Public comments are reported verbatim at the request of Councilmember Lifferth. ***

Mr. Darren Jones, 4416 Osprey Way: "My comments are two-fold. I've been trying to get the said contract, the Master Development Plan of Eagle Mountain Properties, and have yet to receive it through a GRAMA request. I wanted to bring a highlight to Mr. Hendrickson and Mr. Richardson that there have been several people that I've talked to who have done GRAMA requests who have not yet received, in part or in full, the information that they have requested. I've talked to the Attorney General's Office and they said you two individuals are the next ones I need to talk to, to get that information fully to me and to the others. The second part of information, as I was seeing on the agenda and it doesn't have a public comment section or public hearing section, is the refunding or the redoing of the, the water and sewer bonds. I just wanted to bring it to attention, in a normal Utah town, when a developer actually comes to the City and wants to do growth, they actually, the city itself does requirements and has the developer put money up front to be able to accommodate that growth for the next coming on that they want to be able to do. I don't know why the City and its employees are so, so eager to be able to put the residents in further debt in a, in the bond issues to be able to accommodate this one developer that's in the City Center. I do not know why we're doing this and why we're not acting as others, other cities, other towns in the State of Utah. This is not Florida and this might be the way they do it in Florida, but that's not how we do it in Utah. Thank you."

Mayor Richardson: "Thank you, Darren. Jennifer Konold? Come forward, Jennifer. Did I pronounce that right? You can correct me. I apologize."

Ms. Jennifer Konold, 9467 Sunset Drive: "I would just like to publicly thank Gina Peterson for taking my suggestion to have the voter registration put in utility bills. It was done really quickly. When I had that idea, I think it was Thursday night or Thursday late afternoon and they were gonna be mailed out Friday and, by some miracle, she was able to pull that off and I really appreciate that. I would also like to encourage the residents of Eagle Mountain to get registered. The deadline to mail in your voter registration is August 11 to be able to vote in the primaries. And then, just on a side note, I just wanted to know if the Code Enforcer works on Saturdays because last Saturday and every Saturday before then, in fact it's every weekend, there was about 70 signs from the "Welcome to Eagle Mountain" to the light inundated on both sides. And I know when I put up a little, you know, garage sale sign or whatever, it is gone fast, and so I would just like to know what's being done about all these little development signs that are up every weekend. And it's not just one, it is 50, at least, all along the roadside, so I would just like your comments on that. Thanks."

***End of verbatim transcription. ***

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

*** Council comments are reported verbatim at the request of Councilmember Lifferth. ***

Councilmember Lifferth

I guess first of all, our hearts and our prayers go out to the miners and the rescuers in the Huntington Canyon tragedy that's going on right now. I just saw an update that they were some more earthquakes in the area and that's got to be a real heart wrenching tragedy for them there and I feel for those, those families. This evening we've discussed quite a bit about the capacity of our current sewer treatment plant and water development in our community and financing our public works system and things like that. I need to go on record to say two years ago when I was Mayor, we had a chart up on the wall here that described when our new sewer treatment plant would be online and the last date on there was July of 2007. So two years ago we had a schedule that would have put that new plant online last month. Last month has come and gone and we still have not turned dirt. We, two years ago knew we had a pending shortage of lots and we still have not made any, any progress in the last two years and that's disappointing for me and for the community and those people who need those, those facilities.

One thing I would also like to bring up is, back when I was Mayor, Mark Sovine was my Public Works Director and any time a Public Works issue would come up, the Council would, would grill him about every detail. Last year Mike Wren was our Public Works Director and anytime an issue would come up, the Council would grill him for details. This year we've now had the, the biggest Public Works crisis in the history of our city, with the failure of our well, and we still do not have a Public Works Director on our staff. The last one was let go summarily as while ago and we still have not replaced a Public Works Director. How can we hold a member of staff accountable if that person was terminated and we have not replaced him yet? I think that John Hendrickson is doing a great job as a Public Works, excuse me, as a City Administrator, but we did not hire him to do both of these jobs. In fact, it was pointed out that the Council did not think that a person could do both jobs and so we set aside money in our budget to pay two different people to be a Public Works Director and a City Administrator. For whatever reason, at this point we cannot grill a Public Works Director as to the failure of our well and I think that we as a community are not fully staffed, not fully able to take care of our own needs, because we are not funding staff. There is, I'm aware of other positions in our city that we have budgeted for. We have money set aside that's collecting dust in accounts and we have not hired the people to do the job that our city needs. So, Mr. Mayor, I'd like to give you the assignment and a task of making sure that we have the proper staffing to do what we as residents need. Thank you.

Councilmember Blackburn

I get to go next? OK. I would like to give my comments and kudos to staff. Again, we're putting them between us and the fire and they're performing admirably in the crunches. I think the Council is getting a lot of information right now pertaining to our well situation. We're talking about sewer capacity issues. There's a lot of numbers out there, there's a lot of potential for mistakes and I'm, I'm very pleased with the staff is assisting us, in spite of the complexities of the issue and situation at hand. The sewer and the water that we're dealing with is the item du jour and there is always going to be an item. Regretfully, these items impact every one of us a little more than some of the other items that we as a Council and staff face every day, but I again want to compliment our staff for what they are doing. City wise, I am relatively pleased with what's going on, in the sense of making some future plans. I think the, the water issues and redundancy does need to be addressed, but I think that's happening with waters, water tanks and wells coming online.

Additionally, as just kind of a future issue, I think the City does need to address the possibility of, of having a noxious weed ordinance. We're, there's a lot of seed blowing around and I've noticed a lot of thistle in our public spaces, in our unimproved open spaces, on the golf courses and in people's yards and I think it would be a great benefit to the city and staff and each one of us if we took active efforts now to try to beat down noxious weeds and, and how those will impact our community in the future.

Additionally, we live in a brand new environment. We know, ten years ago, nothing else was here. For a long term effort for our city, I would like to see everybody, including the City, go through a process of making the city a "Tree City." We need to make our efforts, both as a Council and as residents, to plant trees. It cools our environment, it provides shade, it provides comfort. It gives maturity to the area. I have a coworker who bought a house in another city. The house was 30 years old and he asked, "Where are the trees?" and the guy said, "I never got around to planting them." We need to do that. We've been here for ten years. Our city's streets, our parks, everywhere we live and work and play should have the shade and trees and I, I urge the staff to help us in, in developing our city to be a "Tree City."

Mayor Richardson: Thank you, David. Vincent?

Councilmember Liddiard

I'll paraphrase one of Councilmember Blackburn's comments. The current crisis du jour is one of my making, in terms that, two weeks ago, I made some very pointed questions and tightened the screws on a couple of staff members who, admirably, over the last two weeks, we have had some time during our Work Session today to discuss and talk about, "What are we going to do to ensure that we are going to meet the needs of the citizens who are here, as well as the future citizens who most certainly will find a home here in Eagle Mountain. I believe the buck stops with the City Council and wanted to ensure that, as Council members, we were taking actions in a way that would preserve the staff members' ability to meet the needs, since they are the service entity where the rubber meets the road, being able to ensure that we did not merely push onto a staff member the responsibility to keep the adequate capabilities in terms of utilities for the people who would be here.

I know that we've had multiple requests from Mr. Blackburn to have some updates on those things and current, and, and while I, I, believe we received some important answers during Work Session and certainly some way forward, there is some issues that, even with the new facility, we are going to have to solve. Even once that is completed, we are going to be quickly eclipsed in the amount of homes that we are going to see built in the area, in terms of capacity of that system. While today's meeting seemed to kind of rejuvenate the ideas that need to take place that we can meet those requirements in the future, I am still of a mind that, in order to meet these lasting demands, we need to increase the fees in the South Sewer Service Area, which was one of the largest issues that I had with not approving specific plats in the City Center last time that we met. I don't think that we would have had the discussions in Work Session today, nor these kinds of comments during Policy Session today, had I not raised it and made it an issue. I think it should continue to be an issue until it is solved. I think that we've done some good things. I think there's a plan in place. There are emerging plans. There are some things that can be done, but until those are in place, we need to ensure that we give this its due attention. It should be a campaign issue. It should be a continuing issue before the Council until those things are completed and they will not be completed until after my time here is done. So it will be up to you to keep that in the minds of the Council. I have more comments, but I don't have the time. Thank you very much.

Councilmember Jackson

OK, I, I'm just going to start with a quick, happy note comment. I'm hoping that most of you, most of you have probably read the newspapers over other the last week. I am expecting a baby. It is due in December. My family is very excited about that. I am still running for Mayor and have no intention of having that hinder this situation. I would love to talk to anybody that has questions about that at any time.

Now, I would like to echo the comments that Councilman Lifferth made. We have not had a Public Works Director in place since last October, I want to say, which, in this crisis we are dealing with in our water and sewer, I think that's part of what has brought us to this situation. As Councilman Lifferth

said, we had a table on the board, or a table was on the board when he was Mayor. I was sitting in the audience like most of you at that time with a timeline and, for some reason, that timeline has not been followed up on. Today we had a meeting. We have another timeline out there and I would encourage us to (1) put a City Public Works Director in place as quickly as possible and make sure that that person is the person that is in charge of weekly checking in to make sure that we are on track to meet the needs that we need to and meet the deadlines we need to meet.

I would also echo Councilman Blackburn's comments that he has made for several months, gosh, probably the two years I've been sitting here, of the update on where we're at on that sewer treatment plant in every single meeting. It is important. It is imperative that we know where we are at. I also do agree with what Councilman Liddiard said. The buck does stop here and, therefore, we are laying down the law, per se, to say, "Hey, no more messing around. It's time to get this done. What do we need to do to help facilitate that process." So, if there's something that we don't know, please let us know immediately so that we can help to move that forward and make those decisions and get things done and keep on the timeline that we need to be on. Thank you.

Mayor Richardson

Thank you, Heather. I just wanted to update you on a few things. Hopefully, some of you have ready this already. Very, very informative. This will give you, basically, that we drilled two wells beginning of, actually before the beginning of this year, to watch the aquifers. We've met July 9th in San Francisco on the refinancing of some bonds. Which, by the way, there was hearings on these. We're not doing anything out of the ordinary. That is required by the government to do and we've followed up those policies. We also have well #1 that we're upgrading, which will give us 1,700 more gallons per minute. We also have two new wells, wells #4 & 5, that are in process, which will be finished by May of 2008, which will give us and 2,000 each. With those three projects, 5,700 gallons per minute, more than double what we have currently for capacity.

Also, back in April, a new water tank, 600,000 gallon water tank, was ordered. It's nearing completion of manufacturing and it's about ready to be put together in its site. Another 1,000,000 gallon water tank is planned to be completed in 2008 also. We've been working with the Central Utah Water Conservancy District on the 10,000 acre-feet and where to put it and that's all been part of a process that will be going on for the next five years. We've had a public hearing to pump an initial 3,000 acre-feet on that water to be able to continue to have growth in the city.

The sewer, the City Center, we've talked about that. Over the last several months we've been working with the State to be able to expand that. We've talked about a new sewer system. There's \$6.6 million in bonds that have been issued to pay for that and are ready to go to be able to purchase that. The north side of the sewer system, or side of the city, the TSSD covers that, which is not part of Eagle Mountain, but the capacity there is able to handle the growth that we need in that area.

With our power, we've just finished a circuit that feeds the North Ranch, or the South Ranch area and that's gonna provide for extra growth. On the south side, we have a 138 kV line that's going in, which will double the size of the City Center, to give you an idea. Currently, we have over, well, and I haven't mentioned IPP 3 for 2012. We'll be buying into this project, 2012 it will be up. We'll be buying power at a lower rate than what we're buying power today.

To give you some ideas, currently we have over \$13 million in infrastructure upgrades. This isn't something that started when the well broke. This is something that's been going on for quite a while. We are in a better position currently than we have been ever in Eagle Mountain. And I appreciate everybody working through this break of the well that we've had. It's, it's unfortunate that it happened,

but you've stood up and made it happen so that we could conserve, we can water. The city runs off of one well during the winter. We have three wells and, as a result, because of your conservation, we've been able to water. It should be up and running next week, so I would like to thank you for pulling together and making it happen. I appreciate your time and your patience. We have a few casualty in plants in my yard, also. I appreciate you. That's all I'd like to say at this time.

End of verbatim transcription.

CONSENT AGENDA

Councilmember Liddiard **moved** to remove Sweetwater Phases 2 and 3 and the accompanying development agreements for discussion; as well as to remove the final bond releases for Ruby Valley Plat B, Simpson Springs Phase 2 and The Landing Phase 3. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. Motion **passed** with a unanimous vote.

Councilmember Blackburn **moved** to approve the following items on the Consent Agenda:

MINUTES

February 20, 2007 – Regular City Council Meeting
May 1, 2007 – Regular City Council Meeting
June 19, 2007 – Regular City Council Meeting

FINAL PLATS

Eagle Point – Plat F – Phase 1
Eagle Point – Plat F – Phase 2
Pioneer Addition 7C
Pioneer Addition 7D
Sage Park – Plat 1

DEVELOPMENT AGREEMENTS

Pioneer Addition 7C
Pioneer Addition 7D
Autumn Ridge – Phase 3
Rock Creek – Phase 2

Councilmember Lifferth **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson and David Lifferth. Those voting no: Vincent Liddiard. Motion **passed** with a majority vote of 3:1.

SCHEDULED ITEMS

FINAL PLAT – Sweetwater Phases 2 & 3 (removed from the consent agenda)

Sweetwater is within the Eagle Mountain Properties Master Development Plan and is located directly north of Eagle Point B and east of Sweetwater Road. The overall Sweetwater project was required to provide a total of 1.49 acres of improved open space to serve as a neighborhood park. City staff and the applicant agreed that the existing eight-acre detention pond/regional park be dedicated with the recordation of the first plat and 1.11 acres of improved open space be dedicated with the recordation of the second plat. Rather than dedicating the remaining .38 acres, the applicant proposed using an amount of money equal to the cost of the land to provide further improvements to the detention pond/regional park. Each remaining plat in the Sweetwater development will have its portion of the required open space and park improvements bonded for with the recordation of each plat, including bonding for Phase 2.

Councilmember Liddiard **moved** to approve Sweetwater subdivision, Phase 2, subject to the following conditions:

1. that street names be verified and approved by City staff
2. that all redline comments on construction drawings be addressed and approved by City staff
3. that the applicant's proposed standards (see above) be required for all future final plats
4. that the Fire Chief's comments and recommendations be addressed
5. that the bond amount for improved open space be figured for each lot, approved by the City Engineer and bonded for by the applicant.
6. that improved open space be increased by .38 acres for a total of 1.49 acres
7. that the name Sweetwater Ph.2 be changed to Sweetwater Plat 2 and all plat redlines be addressed
8. that an overall master drainage plan be submitted and approved by the City Engineer

Councilmember Blackburn **seconded** the motion.

Mr. Spencer expressed concern about fitting additional open space in an already drawn plat and suggested the item be brought back to incorporate the additional improved open space.

Councilmember Lifferth asked City Attorney Jerry Kinghorn what the Council's latitude was regarding changing the plat in the motion. Mr. Kinghorn responded the discretion is to disapprove the plat without the required open space or approve it with a changed fee in lieu amount.

Councilmember Liddiard said \$15,200 will not provide the needed improvements. The Council should plan for a regional park adequate for now and the future rather than a narrow strip of open space. The .38 acres of land added to the proposed 1.11 acres would help to accommodate youth who need recreational facilities.

Councilmember Jackson asked whether the Council was going outside of its scope to be able to require the improved .38 acres. Mr. Kinghorn stated that the ordinance allows the Council may approve the plat with the fee in lieu or disapprove the plat.

Mr. Spencer stated the developer could approve the plat with the condition that a future plat include the .38 acres.

Mr. Kinghorn responded that future plats are not before the Council, therefore the Council cannot set requirements for them.

Councilmember Liddiard asked whether he could withdraw the motion and replace it with another. Mr. Kinghorn replied the motion must be voted on. Mayor Richardson said the vote could take place after discussion was completed.

Councilmember Blackburn pointed out that the developer proposed approximately \$15,000 for land equivalent to four lots. The retail value of each lot could be as much as \$50,000. The improved open space would be a better value for the city.

Councilmember Jackson stated the original motion was to require 1.49 acres, which would require tabling the item, possibly with a request to bring it back before the Council. Mr. Kinghorn responded the Council could also refuse to approve the plat by denying the motion.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting no: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. Motion **failed** with a unanimous vote.

Councilmember Lifferth **moved** to table Sweetwater Phases 2 and 3. Councilmember Jackson **seconded** the motion.

Councilmember Blackburn called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. Motion **passed** with a unanimous vote. Direction was given by the City Council to the Planning Commission that the total 1.49 acres be included in the plats.

Councilmember Jackson clarified that the calculation of the fee in lieu was based on a price of \$40,000 per acre of unimproved space: $\$40,000 \times .38 = \$15,200$.

DEVELOPMENT AGREEMENTS – Sweetwater – Phases 2 and 3 (removed from the consent agenda)

Councilmember Jackson **moved** to table the development agreements for Sweetwater Phases 2 and 3 along with the final plats. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Blackburn, Vincent Liddiard and David Lifferth. 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 water and sewer revenue and refunding bonds, Series 2007, in the aggregate principal amount of approximately \$16,500,000 (the “Series 2007 bonds”); awarding and confirming the sale of said Series 2007 bonds; authorizing the execution by the Issuer of a general indenture of trust and first supplemental indenture, 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

City Administrator John Hendrickson presented the bonding resolution. At the June 5, 2007, City Council meeting, the City Council, by resolution, authorized the Mayor and staff, along with financial advisor Laura Lewis, to pursue the refunding of the Series 2000 Water and Sewer Bonds along with additional funds to build certain water and sewer projects. The additional funds would also be used to purchase water rights or water use rights from the Central Utah Water Conservancy District Project. He said the City would save approximately \$375,000 in payments over the life of the bonds.

Councilmember Blackburn **moved** to approve Resolution R-14-2007 finalizing the terms and conditions of the issuance and sale by the issuer of its water and sewer revenue and refunding bonds, Series 2007, in the aggregate principal amount of approximately \$16,500,000 (the “Series 2007 bonds”) and related matters. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth asked how much the bonds will add to the City's debt. Mr. Hendrickson responded the City's debt would increase by \$8 million.

Councilmember Lifferth questioned the purpose of these bonds. Mr. Hendrickson replied they will be used for

- upgrades to well #1
- construction of a 1 million gallon water storage tank
- construction of wells #4 and #5
- arsenic treatment for well #2
- a water reuse and filter line
- purchase of 400,000 acre feet water from the Central Water Project.

There may be some funds available for the sewer treatment plant.

Councilmember Jackson inquired if the listed improvements would benefit the entire city. Mr. Hendrickson responded all would benefit the entire city except for the possible expenditure of funds for the South Service Area sewer treatment plant.

Mayor Richardson stated that currently approximately 30% of the City's water is used for irrigating parks and open space.

Councilmember Liddiard referred to a table on page 11 of the bond item in the Council packet, which indicated the interest was estimated to be 4.81% per year over 25 years. The total interest will be \$12.92 million.

Councilmember Lifferth requested clarification as to whether this debt will cause any residents' utility rates to increase. Mr. Hendrickson responded it would not, unless growth is not as expected. Expected growth was calculated conservatively, which is expected to prevent any such problems.

Mayor Richardson said the bonds are also amortized to avoid increased utility rates.

Councilmember Jackson asked if the bond projects are designed to provide redundancy so the City does not experience any future water shortages. Mr. Hendrickson replied that they are, particularly the water to be purchased from the Central Water Project.

Councilmember Liddiard noted the last few years of debt service require high interest payments. He asked if those interest payments could lead to higher utility rates. Mr. Hendrickson responded interest calculations were made for that time, but were not included in the Council's packets. The figures will be provided to the Council.

Councilmember Lifferth asked if the bonds can be refinanced. Mr. Hendrickson stated the call date for the bonds is 2017. An early call would allow for defeasement.

Councilmember Jackson asked if only the increase in principal debt could be defeased. Mayor Richardson clarified only the new debt can be defeased. The \$8.5 million has already been refinanced.

Councilmember Blackburn called the question.

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

PUBLIC HEARING – Capital Facilities Plan

MOTION – Consideration and adoption of the capital facilities update for water distribution and public safety

This update for the Capital Facilities Plan, presented by City Engineer Chris Trusty, recognizes additional needs for water distribution and public safety infrastructure as the city continues to grow. Two new water distribution lines will provide additional looping ability for the North Service Area. The public safety portion of the plan covers an addition to Fire Station #2, and future fire stations #3, 4 and 5, for a total of \$4.8 million in future costs. Determining the funding methods for the required projects will be included in the economic analysis, which will be brought before the City Council on August 21, 2007.

Councilmember Blackburn recommended the ladder truck purchase be accelerated and another truck be added to the plan.

Mr. Trusty responded justification has to be provided for the purchase. Chief Andrus added there is no storage facility for the truck.

Councilmember Blackburn pointed out if the truck is purchased in 2013, Fire Station #4 will be constructed, providing space to house the second ladder truck. He recommended increasing the proposed raise in impact fees to provide funds for a second truck.

Mr. Trusty recommended a motion which included a second ladder truck would need to include recomputation of impact fees to cover expected costs. The action would require a public hearing.

Councilmember Liddiard asked exactly what the impact fees would amount to in that case. Mr. Trusty responded he would have to calculate them.

Mr. Hendrickson expressed concern that the procedure the City follows will comply with recent legislation.

Councilmember Lifferth suggested any change be made in a future Capital Facilities Plan update so the current update will not be delayed.

Councilmember Jackson asked if the second ladder truck would be dealt with in the next Capital Facilities Plan update. Mr. Trusty said it could.

Councilmember Liddiard asked for Mr. Trusty's recommendation on the update currently on the table. Mr. Trusty recommended this update be passed and addition of a second truck be postponed to the next update.

Councilmember Blackburn requested that the growth chart show actual growth rather than projections.

Councilmember Liddiard referred to the fourth paragraph of the introduction, which contains an unclear sentence. He asked Mr. Trusty to clarify the meaning of the sentence.

Councilmember Jackson pointed out the planned location of Fire Station #4 was presented as being at the City Hall, but the correct location will be in the SITLA area.

Mayor Richardson opened the public hearing at 8:47 p.m.

Ms. Nikki Wickman, 2766 Fort Hill Road, questioned the need for additional fire stations. She passes a fire station every day and doesn't see firefighters out on calls. She has never seen a fire in Eagle Mountain. Spanish Fork has one fire station. She said the additional stations would be a tremendous expense.

Mayor Richardson closed the public hearing at 8:49 p.m.

Councilmember Blackburn mentioned the numbers in the Capital Facilities Plan need to be consistent, showing whether the correct number is 35 or 40 units.

Councilmember Jackson **moved** to approve the Capital Facilities Plan update for water distribution and public safety subject to the following conditions:

- that verbiage be clarified
- that actual Eagle Mountain growth rates be incorporated along with Black & Veatch projected growth rates
- that the number of building permits per month be clarified throughout the document

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson was very pleased to see the City looking ahead and creating funding that assures future users of new facilities will pay for them.

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

Mayor Richardson asked Chief Andrus the population of Spanish Fork. Ms. Peterson said it is 35,000. He said EMC's population is currently 20,000 residents and is rising. The additional fire stations are planned to accommodate growth. The Fire Department is busy with calls and the City appreciates their service.

PUBLIC HEARING – Crossroads Master Development Plan

MOTION – Consideration and adoption of the land use element for the Crossroads Master Development Plan

Planning Director Peter Spencer presented The Crossroads, a proposed master development in the North Service Area. The Crossroads is a 144-acre project located just north of Pony Express Elementary on the north side of Pony Express Parkway. It is situated immediately east of the Plum Creek development. The proposal would rezone the land into areas of single-family and multi-family Residential zoning, for up to a total of 577 units or just under four units per acre. The project will include 12.93 acres of improved open space.

Questions were raised by several Councilmembers regarding how required Pony Express Parkway medians would be constructed when the project area is located on only one side of the road. An impact fee, fee in lieu or reimbursement agreement were suggested as possible solutions.

Councilmember Jackson asked Mr. Kinghorn for his opinion regarding how to proceed. He said it could be covered in the development agreement, perhaps as a reimbursement agreement for impact fees.

Councilmember Jackson mentioned the project's proposed name could conflict with an existing development called Crossroads in Saratoga Springs. The developer has agreed to change the name.

Mayor Richardson opened the public hearing at 9:08 p.m. Hearing no comments, he closed the hearing.

Councilmember Jackson **moved** to approve the land use element for the Crossroads Master Development Plan subject to the following conditions:

1. OPEN SPACE & TRAIL REQUIREMENTS. The open space and trail requirements of the Development Code must be complied with, including but not limited to open space percentage, trail requirements and neighborhood/community parks.
2. DRAINAGE & SEWER. A drainage plan must be submitted. All drainage and sewer plans will comply with City standards and be approved by the City Engineer.
3. OPEN SPACE ACCESS. All open spaces will have proper fire and other access.
4. TIMING OF AMENITIES. The timing of the construction of amenities must be specified.
5. ENGINEERING ISSUES. The development and phasing of development will meet the City Engineer's and City standard/requirements for utilities, looping of utilities, and vehicle access. The Capital Facilities Plan will be amended to incorporate this development.
6. ZONING REQUIREMENTS. The project must meet all zoning requirements of the Development Code, including but not limited to: driveway lengths, setbacks, minimum lot sizes and frontages, etc.
7. DENSITY CEILINGS. The approved densities for The Crossroads are density ceilings, not guarantees of density; that is, all projects must comply with the City's zoning requirements regardless of density shown within development pods.
8. MULTI-FAMILY. All multi-family projects must be constructed as required by the Development Code.
9. GEOTECH REPORT. A geotech report will be submitted and approved by the City Engineer with the appropriate final plat application.
10. TRANSITIONING REQUIREMENTS. The development must meet the transitioning requirements for lot size required in the Development Code, since this development will be adjacent to the existing Ranches Master Development Plan.
11. SECONDARY ACCESS. Secondary access must be provided for each phase of building.
12. LANDSCAPE PLAN. A full landscape plan must be submitted.
13. ECONOMIC ANALYSIS/FUNDING MECHANISMS. Funding mechanisms to provide for all off-site utilities and other public infrastructure must be identified. A determination of the method of financing infrastructure be completed with the amending of the Capital Facilities Plan (Economic Analysis 2.2.3).
14. WATER RIGHTS. The developer must demonstrate access to the required water rights as required by Title 2, Section 2.7.2.3, of the Development Code.
15. SKATE PARK. A skate park must be implemented in this Master Plan as a way to satisfy the community improvement requirement.
16. NAME CHANGE. The name must be changed from the Crossroads Master Development so as not to conflict with the Crossroads area in Saratoga Springs.
17. MEDIAN. The City will negotiate a mechanism for reimbursement for the median on Pony Express Parkway, either through a fee in lieu from the developer or a Capital Facilities Plan update/reimbursement agreement.
18. TICKVILLE WASH. The city will negotiate a mechanism for reimbursement for the improvements to Tickville Wash, either through a fee in lieu from the developer or a Capital Facilities Plan update/reimbursement agreement.

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson commented that she was pleased with the inclusion of a skate park in an otherwise-unusable piece of land and the forward thinking regarding its planned parking area.

Councilmember Lifferth was happy with having the skate park in a high-traffic area. He also suggested the City's guidelines be updated to prevent similarly-named projects.

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

PUBLIC HEARING – Equestrian Estates Master Development Plan.

MOTION – Consideration and adoption of the land use element for the Equestrian Estates Master Development Plan

The Planning Department has received an application for a new master development in the South Service Area entitled Equestrian Estates. Mr. Spencer described the proposed master development, which is a 215-acre project located just northwest of the Pony Express Regional Park, west of Eagle Mountain Blvd. and northwest of Overland Trails. This project is being proposed as an exclusive development focused around an equestrian feel. Density is 1.6 units per acre for a total of 345 units. The land is currently zoned Agricultural. The developer has requested a special Equestrian zone allowing specific animal rights for lots smaller than the current code allows. The developer also proposed two separate parks, which staff recommends be consolidated into one five-acre park. A trail will be included in the development.

Councilmember Lifferth asked if the trail would tie into the City's existing trail system. Mr. Spencer responded that it would.

Mayor Richardson opened the public hearing at 9:21 p.m.

Ms. Charlotte Ducos, 9328 Deerfield Circle, objected to changing City code for the benefit of one developer's project. If there is a problem with the code, it should be dealt with in its entirety rather than creating pockets of separate zoning.

Mr. Darren Jones, 4416 Osprey Way, was concerned about deviation from the original vision for Eagle Mountain. The City should continue with the standards established for Overland Trails. He clarified that the former Public Works Director was not terminated, but resigned early in 2007.

Mr. James Packer, Packer and Meredith, L.L.C., stated the developer has put several failsafe procedures in place. They address animal rights which are causing concern. They researched animal rights in local municipalities and found that most of them required a smaller amount of space for large animals than the City's code allows. They have designated specific spaces for animals in the smaller lots. They proposed indoor boarding facilities for those residents who wish to live in an equestrian community but do not wish to keep animals on their own property. They have also proposed that the homeowner's association enforce standards for animal rights and revoke animal rights for violations of the requirements.

Ms. Jennifer Konold, 9467 Sunset Drive, asked whether buffering zones would be in place, as Overland Trails, which is adjacent to this proposed development, has minimum one-acre lots.

Mayor Richardson closed the public hearing at 9:27 p.m.

Councilmember Jackson asked why animals other than horses would be allowed in an equestrian zone. She asked if the zone could be restricted to horses and mules.

Mr. Kinghorn responded the Council can choose to make that restriction, stating the only animals allowed in the zone.

Councilmember Liddiard **moved** to approve the land use element of the Equestrian Estates Master Development Plan, with the requirement that the development comply with Title 1, Chapter 17, of the Development Code, possibly excepting an allowance of 5,500 square feet of fenced area per animal up to four animals.

Councilmember Blackburn **seconded** the motion.

Ms. Peterson asked if the motion included the other conditions recommended by staff. Councilmember Liddiard responded that it did. Those conditions are as follows:

1. **SECONDARY ACCESS ROAD/NORTH PONY EXPRESS ROAD.** A sufficient secondary access road for emergency purposes must be proposed and approved by the Fire Chief and City staff. The conditions mentioned above in the staff report regarding the North Pony Express Road must be included.
2. **A-CEL & D-CEL LANES.** Acceleration and deceleration lanes must be installed at Eagle Mountain Blvd. access points.
3. **UTILITIES.** The gas, water, and electricity systems must be looped.
4. **NEIGHBORHOOD PARKS AND OPEN SPACE.** The required amount of parks and open space must be provided and must be approved by City staff.
5. **FIRE ACCESS.** Fire Department access must be provided.
6. **FENCING.** Back fencing is required for lots built along collector roads.
7. **PONY EXPRESS TRAIL AND ALL COLLECTOR ROADS.** All collector roads built in the development must meet the City's standard cross-section or an approved alternative.
8. **HORSE TRAIL ACCESS.** Horse trail access points must have open-rail fencing.
9. **DEED RESTRICTION.** The applicant must provide both SITLA and the City with a signed and notarized document assuring that roads may be built across Pony Express Regional Park for city and public use.
10. **OPEN SPACE.** A total of 8.6 acres of improved open space must be provided.
11. **COMMUNITY IMPROVEMENTS.** Community improvements must be funded or constructed in accordance with Chapter 6, Title 1, of the Development Code, totaling \$433,200 of improvements. This amount must be spent on improving Pony Express Regional Park.
12. **ENTRY MONUMENTS.** Entryways and monuments must be provided in accordance with Chapter 6, Title 1, of the Development Code.
13. **PARKS.** The separate park areas must be combined into one large park measuring over 5 acres.
14. **FENCED AREA PER ANIMAL.** Section 1 of animal regulations must be consistent with Title 1, Chapter 17, of the Development Code. Section 1 animal rights must comply.
15. **RESIDENTIAL DEVELOPMENT STANDARDS.** Residential development standards must comply with the City's current standards.

Councilmember Lifferth indicated he was very supportive of larger-lot developments and did not wish to be too controlling of what residents are allowed to do on their own property. However, he believed the development should comply with City code.

Councilmember Liddiard amended the motion to require the development to entirely comply with Title 1, Chapter 17, of the Development Code.

Councilmember Blackburn agreed with the change and seconded the amended motion.

Mr. Chris Kemp, the applicant, said he has lived in Overland Trails for nine years. Half-acre lots had animal rights for several years without any problems until those rights were eliminated. He indicated the developers would rather the application be denied if the City Council decided not to allow animals on ½ acre lots. They would redesign the subdivision for higher density lots.

Councilmember Blackburn reported to the audience that the Council discussed the creation of the City's current animal standards during Work Session. The Council decided against changing the Development Code for the sake of consistency and safety across the City.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: Vincent Liddiard. Those voting no: Councilmember Blackburn, Councilmember Jackson and Councilmember Lifferth. The motion failed with a vote of 1:3.

Councilmember Lifferth stated he would like to see the development built in compliance with the Development Code, but since the applicant did not wish to move forward under that requirement, Councilmember Lifferth voted in accordance with that request.

Councilmember Jackson **moved** to approve the land use element of the Equestrian Estates Master Development Plan subject to the following conditions:

1. SECONDARY ACCESS ROAD/NORTH PONY EXPRESS ROAD. A sufficient secondary access road for emergency purposes must be proposed and approved by the Fire Chief and City staff. The conditions mentioned above in the staff report regarding the North Pony Express Road must be included.
2. A-CEL & D-CEL LANES. Acceleration and deceleration lanes must be installed at Eagle Mountain Blvd. access points.
3. UTILITIES. The gas, water, and electricity systems must be looped.
4. NEIGHBORHOOD PARKS AND OPEN SPACE. The required amount of parks and open space must be provided and must be approved by City staff.
5. FIRE ACCESS. Fire Department access must be provided.
6. FENCING. Back fencing is required for lots built along collector roads.
7. PONY EXPRESS TRAIL AND ALL COLLECTOR ROADS. All collector roads built in the development must meet the City's standard cross-section or an approved alternative.
8. HORSE TRAIL ACCESS. Horse trail access points must have open-rail fencing.
9. DEED RESTRICTION. The applicant must provide both SITLA and the City with a signed and notarized document assuring that roads may be built across Pony Express Regional Park for city and public use.
10. OPEN SPACE. A total of 8.6 acres of improved open space must be provided.
11. COMMUNITY IMPROVEMENTS. Community improvements must be funded or constructed in accordance with Chapter 6, Title 1, of the Development Code, totaling \$433,200 of improvements. This amount must be spent on improving Pony Express Regional Park.

12. ENTRY MONUMENTS. Entryways and monuments must be provided in accordance with Chapter 6, Title 1, of the Development Code.
13. PARKS. The separate park areas must be combined into one large park measuring over 5 acres.
14. FENCED AREA PER ANIMAL. 5,500 square feet fenced area per animal is required, up to 4 animals per lot.
15. EQUINE ONLY. Only animals of an equestrian nature such as horses, mules and donkeys will be allowed.

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson explained she agreed specified zones are hard to deal with, but she has talked to many residents of the City Center who would like have a development like this one. She said it's important to try to work with a developer who is willing to bring a development like this into City Center. She also recommended that the Council consider restoring animal rights in Overland Trails.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: Councilmember Jackson, Councilmember Lifferth Those voting no: Councilmember Blackburn, Councilmember Liddiard. Mayor Richardson voted no. The motion **failed** with a 2:3 vote.

PUBLIC HEARING – Cedar Ridge Master Development Plan.

MOTION – Consideration and adoption of the land use element for the Cedar Ridge Master Development Plan

The Cedar Ridge discussion is reported verbatim at the request of Councilmembers Jackson and Liddiard.

Mayor Richardson: The next item on our agenda is also a public hearing on land use elements for the Cedar Ridge Master Development Plan. The master development agreement will come forth at a later time to the City Council. Peter Spencer will give an overview of the items and an open public hearing will be given after Peter's presentation.

Mr. Spencer: Cedar Ridge Master Development. As you can see on the wall here, it consists of approximately 350 acres of land. The majority is currently outside of the city boundary. The only piece that is within the city is this triangle piece on the furthest south. The remainder of it is currently outside the city. The applicants have petitioned for annexation and that has been noticed and we're anticipating, depending on the City Council's decision tonight, bringing it forward on the 21st of August for that annexation. This is the general plan. You can see the current general plan, as it stands today, shows that the bottom corner, the bottom triangle that is currently in the city is designated as Rural Residential. The proposed master plan would require for that general plan designation change to mixed-use commercial and mixed-use residential, as I will show here in the future. The overall master plan, as you can see on the wall here, consists of, like I said, 350 acres total. The residential, there's a portion of multi-family residential around the commercial area here as a transition into lower densities and that consists of about 20 acres of land of multi-family and that is at the density of 10 units per acre, so that's about 202 units total. The applicants have anticipated for this to be a, a multi-family senior housing type of development for 55 years and older. That's the anticipated market for this type of product, being built around the commercial aspect of the project. The tier 2 portions of the project in orange range from 1.5 units per acre to the maximum of 2.5 units per acre and then the area in yellow is a tier 1, which is 1.6 for, in this area will total 264 units. The overall project density is just over 2 units per acre. For

comparison, the North Ranch development, the average lot size is about 1.3 units per acre. As you can see on the master plan here, we've got the, there's a major element of a linear park, recreation feature which both will serve as a buffer from the existing North Ranch development, as well as a recreational feature for the development. The Tickville Wash runs about this angle here and you can see the lighter green area is land that has been designated as unbuildable, nondevelopable, and that is not counted toward their improved open space. One important aspect of the project, though, that we didn't discuss in Work Session, is that the, this portion of the project, it's designated as tier 2, however the actual density is a tier 1 density. So, in essence, they will be building this pod of the master plan to a tier 1 density, but with tier 2 amenities, open space and improvements. The reason for that is, well I'm sure there's many reasons for that and the applicant to speak, can speak to that tonight, but that is what, there's an asterisk on this tier 2 aspect of the project here. Now the applicant has met with the residents on numerous occasions of North Ranch and what they've agreed to do is, along the edge here, adjacent to North Ranch, go above the city standard for transitioning. As you, the current city standard requires a row of one-acre lots, a street, half-acre lots and quarter-acre lots and they're proposing a row of one-acre lots, an additional row of ¾-acre lots, then half-acre lots, then quarter-acre lots.

Councilmember Lifferth: Do you have a diagram of that to explain how that works?

Mr. Spencer: You know, I don't have that with me. What we would do is probably just in some language in the master agreement.

Councilmember Blackburn: So you're saying a 100-foot part, one-acres behind that, a road, ¾-acre, half-acre, then a road.

Mr. Spencer: Yes and then a quarter-acre, no less than that.

Councilmember Blackburn: That's progressive. I like that.

Mr. Spencer: Yes and that, I think that's to me the, the desires of, obviously, the, the concerned residents next door. That's one of the agreements that they, they came to. The total project is proposing just over 700 total units, like I said, at about two units per acre. These, this furthest north portion of the project in yellow, the applicant has requested an exception to the current development standards. As the tier 1 development code requires no less than 50 feet total side yard setbacks in tier one, so you've got 25 feet on one side, 25 feet on the other side and they're proposing to the City Council tonight for an exception for their portion of the tier 1 development code. Pull up their, their proposal here so the Planning, so the City Council can take a look at it. They put this proposal into, in the form of a letter. If you want, I'll just go ahead and read this to the City Council.

The north end, and this is something that's not included in your, in your, the details of this is not included in your staff report. This letter came to our office after we put the packets together, but the petition is in your packets, but the, the amenities they're providing is not included in specific. The north end of the master plan is a tier 1 category with 1.6 units per acre. They are requesting that lots ranging from about half acre through 40,000 square feet, so basically half acre to one acre, have an exception where the side yard setbacks will be 30 feet total, rather than the required 50 feet. So essentially, for lots that range from half acre to one acre, approximately, the current standard is 50 feet total, 25/25 and they're proposing that to be 30 feet total for those lots. They explained one of the main reasons why they were requesting for this reduced side yard setback is that larger homes can be constructed on a half-acre-plus lots and they're willing to commit to the following: set aside approximately 7½ acres which will remain undeveloped open space in the Tickville Wash and then the main part of this would, in addition to this, they are committing to recording CC&Rs that have an architectural review committee

and then they will commit to upgrade a street sign post, specifically like in The Ranches, where they have the wooden posts, the more, higher value wooden posts. They also would require all homes in the tier 1 to be 100% masonry, which will include stone, rock, stucco, hardy plank or its equivalent.

Councilmember Liddiard: Peter, how many acres of the undevelopable, undeveloped open space is in the Tickville gulch? I mean, are they offering 7½ acres of stuff that they can't use, anyway?

Mr. Spencer: We'll take a look at the map real quick here. I didn't think so. I was thinking it was--that is, that is what's nonbuildable, so . . .

Councilmember Liddiard: They've gotta give it to us, anyway.

Mr. Spencer: Yeah. But they have, they have proposed to include, you know, the tier 1 development does not require masonry material on the exterior of the buildings, but they're proposing to provide rock, stucco, hardy plank or its equivalent, with no siding or aluminum siding would be allowed in the entire aspect of the project. So that is, that is one request of the City Council that they are proposing with their master plan and those, and we're looking at, for that tier 1 area, that's this entire, this would be the first phase of the project, you know, it's that entire area there, a total of, a maximum of 264 units. We talked a little bit about this . . .

Councilmember Liddiard: Peter, can I ask a question?

Mr. Spencer: Sure.

Councilmember Liddiard: That request is not necessarily granted as part of the land use development, because that has to be part of their, essentially their master development agreement, so that, we don't necessarily apply or ignore, I mean, does that really have much bearing on what we're doing right now, because they're gonna come before with an actual plat at some point, etc. etc.

Mr. Spencer: It would only apply to the, to the degree when we actually draft the master agreement, because essentially if the City Council's, you know, amenable to that request, then we would draft in the agreement the specific statement that said basically that for these lots ranging from this size to this size in the tier 1 aspect, they will allow, be allowed to have that reduced side yard setback.

Mr. Kinghorn: That's a zoning regulation, so you'd have to change, you'd have to create a zone for that to allow it.

Councilmember Liddiard: Say that again.

Mr. Kinghorn: It's a zoning regulation.

Councilmember Liddiard: You mean we'd have to, we'd have to approve this now?

Mr. Kinghorn: You either have to go with the, well, you either have to go with the default zoning with all of its regulations or, if you wanted to do something different, even if it's a side yard variation, it's a different zone.

Councilmember Liddiard: So it would have to be approved now.

Mr. Kinghorn: You'd have to do, well . . .

Councilmember Liddiard: The reason why I ask, it's not even part of the city yet, and we don't have a master development agreement, so I'm just asking, is that really the order which it needs to take place? Your, I mean, yes it does.

Mr. Kinghorn: My understanding was that we would do a master agreement, that they were submitting the development, all of our development codes as they are, annex it and then immediately zone it as shown on the land use element, with the understanding it would be compliant with all of our existing zoning. Now what you're saying is they want a, they want a different zone because they want this side yard requirement.

Councilmember Jackson: Peter, you said that this request came in after, after the packet was prepared.

Mr. Spencer: Well, no, the request came in before, but this specific letter that I showed up, I didn't have it before we put the packets together.

Councilmember Jackson: OK, so my question is specific to, was that included in the request to the Planning Commission and what was their response?

Mr. Spencer: I believe it was and I think their response was for approval.

Councilmember Jackson: OK. I couldn't recall that part of the discussion at all and so I wanted to pick your brain on it.

Mr. Spencer: I think it was.

Councilmember Jackson: Yeah, and I didn't remember it in the information packet. Thank you.

Councilmember Blackburn: When did this go before the Planning Commission?

Mr. Spencer: Sorry?

Councilmember Blackburn: When did this go before our Planning Commission?

Mr. Spencer: June 12th.

Mayor Richardson: Let's maybe finish Peter's presentation, then we'll open it up for public hearing, then give the Council a chance to ask questions. Anything else you'd like to say, Peter?

Mr. Spencer: Well, that, that's basically it.

***Mayor Richardson opened the public hearing at 10:04 p.m.*

Ms. Charlotte Ducos, 9328 Deerfield Circle: I'm actually representing two entities, so if you'll bear with me, I represent myself but I will do that second. My first responsibility tonight is to represent the North Ranch Homeowners' Association. They sent an email to Mr. Lifferth letting him know that I would be their representative tonight because none of the board members were able to be here. There were two issues that, coming in tonight, the board was concerned with. The developer was kind enough to meet with me before the meeting and we have ironed those out. I wanted to let you know what those were, so that they could make it either into the motion or into the language that will go into the

development agreement. First one was concerning the, the over-55 element. There was question as to whether or not the over-55 designation could be placed on that multi-family area. The residents and the developer have agreed that if over-55 cannot be part of the language, for one reason or another, that that multi-family will be removed and revert to five dwelling units per acre, single family residence, as was stipulated at one point in Planning Commission. So what we would like to have clarified before the motion is, is voted upon, is whether or not the over-55 language can be a part of the agreement. If it can, we are fine with it as presented. If not, we have the agreement of both the developer and the, the board that multi-family would be removed and go to five dwelling units per acre, single family.

The second and, and, like I said, there is, there is consensus between the, the developers and the residents on that point. So once that issue's clarified, we can move forward one way or the other and both are feeling the same way. The second issue is in regards to the tier 2 that is adjacent to North Ranch. The concern of the residents was the, the development standards for tier 2 requiring much smaller setbacks and much more urban standards. What the developer and the residents agreed upon tonight before the meeting was that, we've already discussed that in the development agreement you'll have a tiered standard of the one acre, $\frac{3}{4}$ acre, $\frac{1}{2}$ acre that is different than our current code but will be stipulated in the, as you step down from North Ranch. They agreed that they would also put in the language a stepped-down setback, as well, that would make the setbacks adjacent to North Ranch the same as those in the tier 1. I hope that makes sense. In essence, rather than the one acre and $\frac{3}{4}$ acre and $\frac{1}{2}$ acre lots in the tier 2 abiding by the tier 2 standards, they will abide by tier 1 standards, even though they set in the tier 2 bubble. Does that make sense? In essence, assuring us that the setbacks right up against North Ranch will be the same all the way along, not smaller at the bottom and larger at the top. I'm hoping that makes sense. And they've agreed to put that in the language, so my hope is that in the motion will be the verbiage that the setbacks and the transitional tiering will be provided as part of the development agreement. And that, that concludes the, the, the problems that the residents, that the HOA board, has worked out with the developer and the HOA board wished to represent how grateful they were that the board has worked so well, I mean that the developer has worked so well with them. That's, that's for the HOA board. I would also like to represent myself, if I may.

Mayor Richardson: OK.

Ms. Ducos: I am the only other one; as far as I know, that's here to speak on this development, so it's a Planning Commission, I mean a planning hearing of one. The other issue that I have is one that I've spoken of earlier on tonight, and that is concerning the letter that the developer has set, sent in requesting the 30-foot setbacks. I understand their, their problem and their request, but the City Council has recent, in the very recent past, within the last month, denied a very similar if not exact request by another developer to do the exact same thing and I, I believe that you will put yourself in danger of litigation and all kinds of problems if you approve one and disapprove the other and, and, once again, going back to my, my statements earlier that it is important that we have a code that works. If is something that needs changed, it needs changed in the code, not development by development and, and that goes back, I know it's out of discussion, but with the previous development, I would love to see an equestrian community come in. I would love to see the animal rights changed, but it needs to be done on a code basis, not by a neighborhood basis and I would hope that they would come back with an equestrian development after equestrian standards are changed in the code, rather than by development and, once again here, as well, if there's a problem, let's change it in the code, but let's not change it development by development. I request that the Council leave the setbacks as they are.

Mayor Richardson: Thank you, Charlotte. Anybody else that would like to come forward?

Mr. Ken Hixson, 9468 Night Hawk Lane: I'd like to address the City Council and Mayor, as well as the legal and Planning staff on a concern I have. Are we bypassing the legal process of introducing a new stipulation that has not gone through the Planning Commission? I, if you're going to approve setbacks that requires a different zone, should that not have been part of the Planning Commission application and are you now, by entertaining this motion, have you bypassed your Planning Commission? So, it's just a question I have, you know, an observation that I don't think the code is being followed here in the strictness of the law, if you understand what I'm saying. So, that's my comment.

Mayor Richardson: Thank you, Ken.

Mr. Kim Rindlisbacher, Scenic Development, 14587 South 790 West, Suite A200, Bluffdale, Utah: I appreciate the opportunity to be here tonight. I realize it's late and this is a thankless job that most of you have that you put in a lot of hours. Just a couple clarifications: First off, we had a delightful experience meeting with the neighborhood and with the North Ranch. They've been very accommodating and we've tried to, you know, do the, the give and take and try to come to some resolution. We feel like we've, we've, we've made some real progress there and have appreciated their input. The 7½ acre Tick, is it the Tick? Tickville Wash. We are, our, our intent on that is not just to leave it as open space, but we would like to create amenities along there up on the upper banks: a couple of pavilions along the way, some park benches, some, even some theme lighting, perhaps, along there for the trail system, so it wasn't just a left open space. We, we, we think that's got some character there that we could, we could, you know, add to the value of this, the project. As far as the setback requirements or the setback concessions that we've asked for here, is it a deal breaker? No, absolutely not. We feel like we have tried to give enough to the, the community and to the neighborhood that's existing that we thought we could at least ask for that, that concession. We have developed a lot of larger lots, mainly up in Salt Lake County and Davis County, and we have found that you get the same size homes, basically, on a half acre as you do on an acre lot and what happens when you have such a large setback on the side yards, it shrinks your footprint down to the point that some of these larger ramblers with side-loaded garages and, and such, it squeezes them down to where you can't fit them on there very easily. And so we wanted some flexibility to keep larger homes on all of the lots, the halves as well as the acres, and we don't, we don't really see much of a difference in home size when you go from a half to an acre. So, you know, at this point, at this juncture, we, we don't want to make that a deal breaker, but we would certainly like you to consider that for going forward. We understand there's gotta be some consistency, but the whole zoning process allows for variances and, and some different varieties of, of home, and homes and requirements that, you know, that go along with that. That being said, appreciate the opportunity to be here. The City staff has been very helpful to work with and we look forward to meeting with Mr. Kinghorn here shortly on the development agreement and thank you very much.

Mayor Richardson: Thank you. Any other comments? I'll close the public hearing, then, and, Council, do we have questions?

Mayor Richardson closed the public hearing at 10:14 p.m.

Councilmember Lifferth: Mr. Mayor, I would like to confirm I did receive an email from David Asay, the North Ranch Homeowners' Association president, indicating that he would have Charlotte speak for them this evening, so that was confirmed.

Mayor Richardson: Thank you.

Councilmember Blackburn: Mr. Mayor, or actually, Peter, excuse me, on item #15, you said the City has a plan and a desire to have parks put into a larger unit, and we specifically combined two separate parks into one larger-use area. Would this particular plan, development plan in front of us today, tonight for item 16, we have a very long strip park that I think, by your definition or prior statement, then needs to be a larger single piece. Yes, this is a large single piece, but by the letter, not the spirit of what's intended. How do you, as staff, define one versus the other as being acceptable?

Mr. Spencer: Well, you know, our, our development code encourages parks to be consolidated so that we don't have as many pocket parks around. I, I, I can see your point, you know, that we, you know, we could take that acreage, you know, and consolidate into one large park area added to the seven-acre park underneath the school site there, but as we've worked with the developer, and the developer's worked with the, with the neighbors, you know, this was kind of what was come to as an agreement and as, as a, as a linear park, I think especially on the northern half where it does go along the Tickville Wash, I think it's an appropriate recreational aspect, where you can take advantage of that, I mean the wash is linear in shape itself and then paralleling that with the park I think is a, is a way to take advantage of that. We do have a large, seven-acre park consolidated there near the school site, you know, I think that, that is a, with the, you know, if the school comes in with the school amenities themselves, that, that does provide a, you know, a large park for the development and additionally to that, you know, a lot of the project is rural, is tier 1, you know, and so there's this, the northern half of the project is not gonna be a very tight development. I mean there's a couple of hillsides in the development, especially up on the northern side. There's some slopes here and, you know, there's some slopes here. As we looked at the project as a whole we thought that, obviously we like to consolidate parks where we, where we can, which we have near the school, but the, I think the linear park does serve a purpose, a dual purpose, not only for recreation, as, as, as it does for buffering.

Councilmember Blackburn: Do you actually have an overlay of the wash you could put on that picture, or a raw topo lap, topo map picture?

Mr. Spencer: I could pull up the aerial if you'd like.

Mayor: Are there any other questions while he's pulling that up?

Councilmember Lifferth: I would just like to say that, while I, I do agree we need to be consistent in how we do this, it's important that we keep encouraging parks to be combined together for a larger regional park, it does make sense; however, we've got a, a very specific geographic detail here that I like the fact that we're drawing attention to it and we're improving it, allowing it to be used for multi use in this case, buffering, improved buffering above and beyond what the, the default requires that step up and I encourage creativity in improving above the minimum and so, in this case, I think it is appropriate to have a, a feature-specific park, as well as a, a regional park for what they're trying to accomplish.

Councilmember Jackson: Mr. Mayor.

Mayor Richardson: Yes.

Councilmember Jackson: I, I realize that we're waiting on this to come up so that a question can be answered. Due to the lateness of the hour, I would like to go ahead and make a motion and then still then allow Councilman Blackburn to get his question answered, if you do not mind.

Mayor Richardson: Is everybody finished answering their, their asking their questions? If so, then go ahead.

Councilmember Jackson: I move that we approve the land use element for Cedar Ridge Master Development Plan, including in here the recommendations from the staff, items one through ten, and discussion items here, but specifically wanted to also stipulate those recommendations, well, gosh, hang on a second. We did, we didn't ask one question. Let me take that back. It was the over-55 part of the agreement. We needed to get that clarified before I make the motion, so I take, I withdraw my opportunity.

Mayor Richardson: OK. Maybe we could ask the question about the, the 55 and over. Is that something Jerry could answer?

Councilmember Jackson: Is that something that can be stipulated? I know there are, there are some developments around the, around this, the county, frankly, that do have an over-55 element.

Mr. Kinghorn: Yeah, they're, they're either set aside as private communities with CC & R's that set up the over-55 requirements. You do have a legal authority to put in a special zone. You, you were talking, some of these transitioning requirements are, again, creating a special zone, so you could create a special zone with a, with a zone that was specifically for over-55 multi-family housing, as well as something that included all these transitioning setback . . . I managed to spill water all over me . . . setback arrangements that were being discussed earlier, but it would require us to create a special zone for this the way we did with Valley View and, and . . .

Councilmember Blackburn: Do we currently have a senior citizen or senior zone?

Mr. Kinghorn: No, we have nothing like that. You know, the other thing we don't have, we don't have a variance process that allows you to grant a bulk variance to a specific, to our development code, the way some communities do. For example, some, some community, communities have a way to grant a bulk variance from side yard requirements or setback requirements in these approvals, so you can keep the zone the same, but grant a zoning variance for specific elements within the zone. We don't have any process like that in our code. There was some discussion about it when the development code was amended some time ago and people thought it would lead to kind of a helter-skelter, you know, variances here variances there kind of approach and so we decided no, we're not gonna do that. We're just gonna put together a code, you know, that has some default settings in it and we're gonna live with those and, and it's caused, it's caused some people some grief from time to time and, but, but the over-55, the type of tiering that Ms. Ducos was referring to, where the setbacks would remain the default zoning setbacks through the first, I understood the first tiers down to half, half-acre lots, this would be a, this would be a, and then would release it to some other type of side yard, this would be a different zone, but we'd have to create a, we'd have to go through and craft a, a special zone which would be enacted immediately following the annexation ordinance, so it would apply to this area. The same with the 55, over-55 zone.

Mayor Richardson: So basically, making a motion, if we approved it as is, we would have to go back and rezone those certain areas.

Councilmember Liddiard: I have an additional question, as well, but I'll wait for Mr. Blackburn's question to be answered.

Mayor Richardson: OK, Peter, go ahead.

Mr. Spencer: Well, I think you were just wanting to get a better idea of where the Tickville Wash runs. My, I don't why the computer's going so slow, but I'm trying to zoom in to the Tickville Wash. It runs, this is the top, this is the border of Camp, there we go. It's slower than molasses, sometimes. It's a big, it's a big file here that I'm trying to open up. But the Tickville Wash is fairly deep and narrow that comes through here and that's where the open space area is being proposed. I'm not sure if, when this comes up we'll see how closely we can see it.

Councilmember Liddiard: Can we get Peter a new computer?

Mr. Spencer: I just got a new computer. It goes quicker than this, you know, all the time. I think it's because it's tired. It's slowly coming on. But as you can see, it's kind of hard to see, but there, you can see almost here the shadow and the depth of the Wash here and then it, it comes through here and then it goes into the North Ranch Development, so the proposal . . .

Councilmember Blackburn: Would you just scroll down? Because right here, I can understand having a linear park next to the Tickville Wash here, but at this point, Tickville goes out of this development but they maintain this strip park all the way down for another, [inaudible] but at the same time, they're doing it as a buffer against one-acre lots that's already there.

Mr. Spencer: You know, there's, there's also a, this, this large area here, is, is, is an, is an existing park within the North, North Ranch development, so that the linear park does about an existing, you know, tot lot and park area that's currently landscaped. I'm afraid to move this on the aerial because it might freeze up, but we'll see how we do here.

Mayor Richardson: Peter, when you work on the, or build things on the Tickville Wash, there's no certainty as far as erosion goes. How do we maintain something like that without taking out a park or anything like that.

Mr. Spencer: Well, our, our current requirement does not allow for any, well, that's, that's something we would need to address when the preliminary plat came through, because essentially we've got the center line of the Wash and 100 feet on both sides is nonbuildable land, so you can't develop any homes there, but if we do want to choose to put a pavilion that overlooks the Wash, that encroaches on that 100-foot buffer, we can. We would probably just need to require some erosion control or rip-rap underneath the pavilion or just locate it in a position where, hopefully, the Wash doesn't expand and undercut the pavilion, so when we do the actual landscaping of that area, if we, if we choose to put some of the improvements that close to the Wash, we would need, it would be addressed at that point.

Mayor Richardson: Thank you.

Councilmember Jackson: All right, Mr. Mayor . . .

Councilmember Liddiard: I have a couple of questions, Peter, if you can go back to the other picture, the one with the green stripes in it. Not that one. Yeah, make that big. Questions I have, and there are two, is this park here seems to connect to the highway. I don't know if that's like an on-ramp for golf carts or why the actual park doesn't connect up here. Got a long, linear park and then this little park here. Is this serving as a buffer, is there trail space that's supposed to go to the highway. If you could kind of answer that, what, what's the . . .

Mr. Spencer: You know, I have the same, same questions and I, when we talked, when I talked to the developer. Essentially, this is about a 35-foot-wide trail area and it does have two purposes. One is to

buffer the multi-family from the single family, but also with the 55 and older, you know, product that they, you know the people they're marketing to, I think they were planning on having a, kind of a recreational trailway to walk . . .

Councilmember Liddiard: So this isn't so much a trailway as it is a buffer/block/partition/physical barrier.

Mr. Spencer: I think it's, it's, no I think it is, it is to serve both purposes, a buffer and as well as a recreational purpose, as well. We, we've talked about actually, I mean this is about two acres of a land if, you know, if the City Council would feel more appropriate, we could propose to consolidate that into a two-acre, you know, parcel.

Councilmember Liddiard: No, that's not what I'm saying. I just want to know if we can do something to keep Jerry from wandering onto the highway when he goes over to visit. [Laughter] My second question actually has to do with ingress and egress from the highway, knowing that we've done corridor preservation and how this might affect that and what their intentions are with the major arterial. Is this, if you could point out some of those road things and address the corridor preservation issue, I would appreciate it.

Mr. Spencer: Yeah, we're currently putting together a corridor preservation document that we can add to our General Plan. We've talked with UDOT. I mean, they own this road and they regulate, obviously, the right of way and what goes on there. We've tried to, we've tried to pin them down to ask them exactly what type of right of way we should plan for, as a city, to allow for the best vehicular circulation along Highway 73 and, and the, at this point the best numbers we have is about 250 feet right of way to allow for, in the future if necessary, a grade-separated arterial. So to answer your question, which would come about, you know, in this master planning process as well as in the preliminary plat process, any development that goes in this area here, we would require them to not build any permanent structures within a certain distance from the existing highway. So what we do is we take the existing right of way, we've cut it back about, I think we've, seventy-five, no fifty, fifty feet, fifty feet to the north of the existing right of way and that's where we'd have them design their parking structure or their buffering or whatever else, which would allow for, if at some point in the future a widening of that road if we do have the land area to take place without having to tear down houses. So that would, that would be addressed with the actual platting and development of the areas along the highway there.

* Councilmember Liddiard: Thank you, Peter. You've answered my question.

Mayor Richardson: Any other questions, Council?

Councilmember Blackburn: These open spaces are going to be natural vegetation, improved open space or actual sod, sprinkler, tree?

Mr. Spencer: All the area in dark green will be improved with landscaping, irrigation, recreational features such as trails and pavilions. The area in light green will, you know, the applicant mentioned tonight that they're planning on developing it in some degree. I would imagine some amenities. I don't think we'd want to put, I don't know, they've mentioned that they'll, they're planning on improving it with, you know, monumental lighting, pavilions, that kind of thing.

Mayor Richardson: Thirty seconds.

[Inaudible—hadn't come up to microphone]

Mayor Richardson: Yes.

Councilmember Liddiard: Well, one at a time, come on.

Mayor Richardson: This, this is out of the ordinary, so I'll give you about thirty seconds.

Applicant: OK, we, we're concerned the rezone element that's been proposed. We don't really have time for that and so what we would propose tonight is, is not worry about the rezone. We could revert back to just the five units to the acre on the 55-and-older component and then she feels comfortable knowing that we will go ahead and tier that . . .

Ms. Ducos: So neither area needs to be rezoned. We will trust them to do the tiering under the tier 2 and they will put it back to the five units per acre so that nothing has to be rezoned.

Mayor Richardson: OK.

Councilmember Jackson: OK, Mr. Mayor.

Mayor Richardson: Yes.

Councilmember Jackson: I am now prepared to make a motion and, luckily for Charlotte, since they came to that agreement, it's one she will like and not the one I would have made. OK, that is, that I recommend that we approve the land use element of the Cedar Ridge Master Development Plan, including the ten items of staff recommendations and then the two items that we discussed during our work session, which were to recommend that a discussion occur with Alpine School District as to the proposed location for that school, so that we have something that is hopefully kind of a plan that's put in place ahead of time and we don't deal with some issues down the road. We can't require that, it's just a recommendation, and then secondly, there was discussion during Planning Commission regarding some of the sidewalk improvements that dealt with North Ranch and the roads and we wanted to make sure that those items were discussed in our motion tonight, so that as the agreements get put together, that those items are addressed.

[Staff recommendations referenced in Councilmember Jackson's motion include the following:

1. OPEN SPACE & TRAIL REQUIREMENTS. That the open space and trail requirements of the Development Code are complied with which including but not limited to: open space percentage; trail requirement, neighborhood and community parks.
2. SEWER LINE. There be a sewer lift station and ancillary offsites required for sewer service.
3. TIMING OF CONSTRUCTION. That the timing of the construction of amenities be solidified.
4. ENGINEERING ISSUES. That the development and phasing of development meets the City Engineer's and City standard/requirements for utilities, looping of utilities, and vehicle access. That the applicant explores the possibility of specifying a transportation corridor from the commercial area to the school site. That the Capital Facilities plan be amended to incorporate this development.
5. ZONING REQUIREMENTS. That the project meets all of the zoning requirements as per the Development Code which include but is not limited to: driveway lengths, setbacks, minimum lot size and frontage, etc. That the northern Tier I portion be given a reduced setback standard.

6. MASTER LANDSCAPE PLAN. That a master landscape plan be submitted that shows the approximate locations and themes of proposed park areas.
7. DENSITY CEILINGS. That the approved densities for the Cedar Ridge Development are density ceilings not guarantees of density. That is all projects must comply with the City's zoning requirements regardless of density shown within development pods.
8. MULTI-FAMILY. That all multi-family projects be constructed as required in the City's Development Code.
9. AIRPORT ROAD. That a half right-of-way of Airport Road is completed and that the appropriate UDOT standards are met (acceleration & deceleration lanes, etc.) That the final alignment of Airport Road crossing State Road 73 is determined.
10. TRANSITIONING REQUIREMENTS. That this development meets the transitioning requirements for lot size required in the City's Development Code since this development is being proposed adjacent to an existing subdivision (North Ranch).

The items discussed in Work Session and included in the motion are the following:

11. SCHOOL LOCATION. That the recommendation is given for discussion to occur with Alpine School District as to the proposed location for the school to allow a plan to be put in place ahead of time.
12. SIDEWALK. That the area adjacent to Lake View Drive, connecting North Ranch to this development, include a sidewalk or trailway.]

Councilmember Liddiard: Could you explain that?

Councilmember Jackson: Yeah. OK, during Planning Commission, a request was made about the fact that North Ranch is a main, the main road that will go into the subdivision goes through North Ranch and there were some issues with the fact that there are no sidewalks or trails along those roads where people will need to travel and the discussion and recommendation from the Planning Commission was to make sure that those items were included in this process, as I recall, and I'm seeing nods from two Planning Commissioners' heads that are sitting here, so all I'm saying is that we are made aware of that through the process of this land use map.

Councilmember Liddiard: I'll second that.

Mayor Richardson: Is there any discussion?

Councilmember Lifferth: I would just like to say we've got an example of a very city- and resident-friendly developer and I appreciate what they're doing to accommodate our wishes as a Council and the residents and the neighbors there and I appreciate the example they're setting. We hope that all the builders will follow this wonderful example that's being set by the group here tonight.

Councilmember Liddiard: They both get candy.

Councilmember Blackburn: Call the question.

Mayor Richardson: The question's been called. All those in favor, say yes.

Councilmember Blackburn, Councilmember Jackson, Councilmember Liddiard, Councilmember Lifferth: Yes.

Mayor Richardson: It passes unanimously.

Mayor Richardson recessed the meeting at 10:30 p.m. The meeting was reconvened at 10:40 p.m.

Councilmember Jackson: Are you calling us back to order:

Mayor Richardson: I'm calling you back to order. We'll continue on with our Policy Session.

Councilmember Jackson: I, I actually would like to revisit the motion we just made, because I think there's a clarification that needs to be made.

Mayor Richardson: You'd like to reconsider?

Ms. Peterson: I need a, I need a, yeah, a motion to reconsider.

Councilmember Jackson: I'd like to make a motion to reconsider.

Mayor Richardson: The last motion that was passed, there needs to be a clarification and Ms. Jackson would like to reconsider that motion.

Councilmember Jackson: I, I do need, yeah, and I, in order to do that, I do need to have some conversation here to get in what appeared to be missed.

Ms. Peterson: Is there a second on the motion?

Councilmember Liddiard: I don't know what [inaudible].

Councilmember Jackson: It's not so much to reconsider the vote as to specify an area that was not particularly specified, that dealt with exactly what they stood here and told us.

Mayor Richardson: The tiers.

Councilmember Jackson: To amend that, the tiers appropriately. We just want to make sure that – we've got such great agreement going on here. We want to make sure everything's in writing, particularly that we have not not "dotted our i" or "crossed our t."

Councilmember Lifferth: Second.

Mayor Richardson: Thank you. It's been seconded. Let's discuss this a little bit. I believe we have a problem with the tiers that wasn't brought up in the motion, so if we can clarify those tiers and then make a new motion.

Ms. Peterson: I need, yeah, I need a vote on the motion to reconsider.

Mayor Richardson: A vote on the motion to reconsider.

Councilmember Lifferth: Has there been a second?

Councilmember Jackson: Yes, there was.

Mayor Richardson: There's been a second. All those in favor say yes.

Councilmember Blackburn, Councilmember Jackson, Councilmember Lifferth: Yes.

Councilmember Liddiard: Sure.

Mayor Richardson: Passes unanimously. Lets, OK, let's open up discussion, then, if we could, and if you could come forward and just discuss the, the tiers again if we could and we can revisit that.

Applicant: OK. Primarily, as opposed to trying to go through a rezone that Mr. Kinghorn suggested, we would remove the, if it has to be rezoned for designation of 55 and older and can't be just part of the development agreement, then let's remove that component and just go back to the original five lots to the acre in that particular area the original Planning Commission had talked to us about approved. And then with the tiering, be going from the one acre to the $\frac{3}{4}$ to the half to the quarter, rather than go through a whole rezone process on that, that we would just have that an agreement with the, the neighborhood and the City however we can work it out to where we'll just do that, so we don't have any problem committing to that. It's always been our intention. We just don't want to go through all the, the, the rezoning process and the time that that takes, if that makes sense.

Councilmember Jackson: OK, so Mr. Mayor . . .

Councilmember Liddiard: Let's hear what Jerry has to say.

Mr. Kinghorn: There, there is nothing to prevent them from taking that multi-family area and creating an over-55 community through a community association and some CC & Rs. They can do that privately. It's when they were introducing the City sanction of that and some legally enforceable method that, that created the need to create a zone, so I don't want to discourage them from doing what they want to do with that multi-family area, but, but if they want the City to enforce it, we'll have to, we have to, we have to create a zone.

Councilmember Jackson: So, you're saying that if they put it in their CC & Rs with an HOA that enforces CC & Rs, they can still do what they want to do.

Mr. Kinghorn: Sure, that's how it's done, that's how it's done in most places.

Councilmember Jackson: OK, so it's just that, in order for the City to enforce it, then we would have to rezone that area and make it a specific zone.

Mr. Kinghorn: Make it a zone, yeah.

Councilmember Jackson: So, two seconds, guys.

Councilmember Jackson: Can you use the microphone, Charlotte?

Ms. Peterson: Yeah, please speak in the microphone.

Ms. Ducos: Sorry. I was sent here by the Board with the instruction that I was to bring forth the point that it either is legally binding or we ask them to remove it. That's why I wanted to specify that, if it's CC & Rs, can the City say, "Yes, this is something that needs to be done," or does it have to be zoned that way in order for it to be something that's legally binding?

Mr. Kinghorn: In order, in order for the City to say it needs to be done that way, you have to create a 55 zone, but they can do it, they can do it voluntarily with CC & Rs.

Ms. Ducos: If the CC & Rs are put into the development agreement, is it then legally binding?

Mr. Kinghorn: It would be binding on them, well, I don't, when they come along and record whatever they're going to record in the way of the subdivision, typically those CC & Rs are recorded immediately after that subdivision or record of survey and that sort of thing and that may be years down the road, so I wouldn't recommend that we try to deal with it in the master development agreement. I don't think to have them come up with a set of CC & Rs and a community association to deal with an over-55, multifamily project, together with everything that would be necessary to record and make that legally effective now I think would be way, way too much detail.

Ms. Ducos: I do want to say "thank you" for the latitude you're giving us. I appreciate that this is very much different than the format that's usually taken and I do appreciate it.

Councilmember Blackburn: So, Jerry, at this point you're really just saying they're creating a proposed density bubble that could change, would be one way to look at it tonight.

Mr. Kinghorn: Yes.

Councilmember Blackburn: So they might say this, this is a tentative use, it's not approved.

Mr. Kinghorn: No, if you adopt this, this land use element, we're going to come up with an agreement that says, "This is how we're going to zone: tier this, tier 2, multi-family." OK? And then our, our Development Code, by default, spells out what you have to do in the way of providing amenities and so forth to get a development approved at a certain density within each of those tiers, so if we just say, if we just go forward the way the motion was framed and the way the recommendation was framed, they'll have the ability to put a multi-family in there. They'll have the ability to do an over-55 thing and they could, but if they say in the development agreement, "We agree that we won't use this for anything else," it's exactly the same as us trying to impose a zone by agreement without going through all the procedures that we're required to go through to create a legal zone. We can't do that.

Councilmember Jackson: OK, I have just one quick question. If we leave it the way that it is, it's currently zoned at a higher density with having that usage. If . . .

Mr. Kinghorn: The proposed land.

Councilmember Jackson: The proposed land, right. If for some reason, they can't figure out a way to make the 55-and-older thing work, then to have that particular bubble density reduced, which is what they're discussing, that's relatively simple compared to adding density. Am I correct in that?

Mr. Kinghorn: Well, sure, they could come in and they could come in and say, you know, "We're gonna, we're gonna, we want to rezone this down to tier, tier 2.

Councilmember Jackson: So, really, leaving it as is, with the understanding that the plan is that 55 and older community, if there is a way that they can't figure it out, they could come back to us and say, "OK, we can't make that work and we've made a promise and we're gonna deal with this.

Mr. Kinghorn: Yes. Who owns that property? Do Smiths own that parcel, Stan Smith? Did he go home?

[Inaudible—away from microphone]

Councilmember Blackburn: You need to be at the microphone.

Ms. Peterson: That's not gonna be on the tape, you know.

Mayor Richardson: The reason we're asking you to come to the microphone is because it doesn't record on the tape, so if you could come up.

Ms. Ducos: Sorry, I was just letting him know that Stan Smith actually did agree that it would go back to five units per acre if the over-55 could not legally be put in, so that, it's, it's not an issue with the landowner. It's just how to proceed.

Mayor Richardson: Thank you, Charlotte.

Mr. Kinghorn: I assume when you say "legally binding," you mean the zone, the zoning where the City says, "No, you can't build anything there but an over-55, multi-family community." That's a zone.

Ms. Peterson: Heather, can you turn on your microphone?

Councilmember Jackson: Sorry. The bottom line we're here is, do we leave it as it is or do we go and add a new zone? If we go and add a new zone, we're opening a can of worms we didn't want to open earlier, so, at this point, I almost recommend that we leave it exactly as it is.

Ms. Peterson: Can I ask a clarification?

Mr. Kinghorn: That would require that the map show that as a different tier.

Mr. Spencer: Are you talking about leaving it as it is at five units per acre or just leaving it as it is at ten units to an acre and just taking off any reference to 55 and older?

Councilmember Jackson: I think we would leave it as the ten units per acre and take off the 55 and older, unless I'm hearing something different.

Mr. Kinghorn: Well, they're saying if it can't be legally binding it would go back to five.

Councilmember Jackson: Then make it the five? All right, I'm fine with making it the five. I would be glad to make the motion. I will make a new motion . . .

[Several people speaking at once.]

Ms. Peterson: Just so I make sure I have all of the conditions, there was that setback exception request, and that's not a condition?

Councilmember Jackson: No, and that was not given.

Ms. Peterson: Right.

Mr. Kinghorn: So what, can I, can I try this? What you should do is, in addition to moving that the, the land use element be approved with the ten recommendations the staff recommended, you also move that the tier 3 multi-family be changed to tier 2 on the land use map.

Councilmember Jackson: Yes, that's exactly what we want, so we want the motion the way that it was, with that additional item.

Mr. Kinghorn: Tier 2 on the land use map . . .

Councilmember Jackson: And I would like to make that motion, without having to restate it, if possible.

Councilmember Blackburn: Second.

Mayor Richardson: The motion's been made and seconded. Will you read that back to us, then? I want to make sure everybody understands what we're doing.

Ms. Peterson: It's, it's, you're familiar with conditions one through ten, as listed on the staff report.

Mayor Richardson: That's correct.

Ms. Peterson: Condition 11 is the school location, with the recommendation discussion occur with Alpine School District as to the location of the school to allow a plan to be put in place ahead of time and sidewalk that the area adjacent to the road that connects North Ranch to this development, including sidewalk or trailway, and then condition 13 will be that tier 3 multi-family be changed to tier 2 on the land use map.

[Councilmember Jackson's motion consists of the following:

1. OPEN SPACE & TRAIL REQUIREMENTS. That the open space and trail requirements of the Development Code are complied with which including but not limited to: open space percentage; trail requirement, neighborhood and community parks.
2. SEWER LINE. There be a sewer lift station and ancillary offsites required for sewer service.
3. TIMING OF CONSTRUCTION. That the timing of the construction of amenities be solidified.
4. ENGINEERING ISSUES. That the development and phasing of development meets the City Engineer's and City standard/requirements for utilities, looping of utilities, and vehicle access. That the applicant explores the possibility of specifying a transportation corridor from the commercial area to the school site. That the Capital Facilities plan be amended to incorporate this development.
5. ZONING REQUIREMENTS. That the project meets all of the zoning requirements as per the Development Code which include but is not limited to: driveway lengths, setbacks, minimum lot size and frontage, etc. That the northern Tier I portion be given a reduced setback standard.
6. MASTER LANDSCAPE PLAN. That a master landscape plan be submitted that shows the approximate locations and themes of proposed park areas.
7. DENSITY CEILINGS. That the approved densities for the Cedar Ridge Development are density ceilings not guarantees of density. That is all projects must comply with the City's zoning requirements regardless of density shown within development pods.

8. MULTI-FAMILY. That all multi-family projects be constructed as required in the City's Development Code.
9. AIRPORT ROAD. That a half right-of-way of Airport Road is completed and that the appropriate UDOT standards are met (acceleration & deceleration lanes, etc.) That the final alignment of Airport Road crossing State Road 73 is determined.
10. TRANSITIONING REQUIREMENTS. That this development meets the transitioning requirements for lot size required in the City's Development Code since this development is being proposed adjacent to an existing subdivision (North Ranch).
11. SCHOOL LOCATION. That the recommendation is given for discussion to occur with Alpine School District as to the proposed location for the school to allow a plan to be put in place ahead of time.
12. SIDEWALK. That the area adjacent to Lake View Drive, connecting North Ranch to this development, include a sidewalk or trail way.
13. LAND USE MAP. That "Tier III multi-family" be changed to "Tier II" on the Land Use Map.]

Mayor Richardson: Do we need to remove the designation of senior citizen?

Mr. Kinghorn: I don't think that's in the recommendation.

Councilmember Liddiard: The second concurs with the motion as stated.

Mayor Richardson: All those in favor, say yes.

Councilmember Blackburn, Councilmember Jackson, Councilmember Liddiard, Councilmember Lifferth: Yes.

Mayor Richardson: Passes unanimously.

End of verbatim transcription.

AGREEMENT – Consideration and approval of a water supply agreement with the Ranches Master Homeowners Association for Ranches Parkway irrigation

Mr. Hendrickson explained that during the recent water problems, the City required that all watering of parkways be discontinued. The Ranches Master Homeowners' Association (The Ranches HOA), under verbal agreement to maintain the Ranches parkways until a formal agreement is adopted, requested permission to attach the City's parkway irrigation lines to the golf course irrigation lines. The Ranches HOA will pay for all irrigation received from the golf course irrigation system. Using non-potable irrigation water from the golf course will save a significant amount of water from the City's culinary wells. It is estimated that only Ranches Parkway will be able to use this secondary source of supply, but possible expansion of this source to other parkway areas in the Ranches will be evaluated.

Councilmember Liddiard **moved** to approve the agreement with The Ranches HOA subject to the condition that The Ranches HOA be responsible for maintenance upkeep of sprinklers and sprinkler heads. Councilmember Jackson **seconded** the motion.

Councilmember Jackson called the question.

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

AGREEMENT – Consideration and approval of a memorandum of understanding with Utah Geological Survey for continued groundwater monitoring

The memorandum of understanding with the Utah Geological Survey was presented by City Engineer Chris Trusty. It provides monitoring services for two monitoring wells built last year. The ongoing monitoring will provide hydrogeologic data to be used in determining the ultimate capacity and recharge capabilities of the underground aquifers from which Eagle Mountain draws its water.

Councilmember Liddiard **moved** to approve a memorandum of understanding with Utah Geological Survey for continued groundwater monitoring. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval to a change in scope in the contract with Stantec Consulting for additional capacity to the existing South Service Area wastewater treatment facility

The Stantec Consulting discussion is reported verbatim at the request of Councilmembers Blackburn and Liddiard.

Mayor Richardson: The next consideration and approval for a change in scope in the contract with Stantec Consulting for additional capacity to the existing South Service Area water, wastewater treatment facility. Chris?

Mr. Trusty: This is a change in scope for time and materials up to, not to exceed \$30,000 for the emergency plan that we have for the South Service Area that, basically, part of the report that we discussed earlier when we were discussing the sewer and what it would take to increase the capacity until the new oxidation ditch is up and running.

Councilmember Liddiard: Will the City receive the cc copies of all the things that are provided to the State?

Mr. Trusty: Yes.

Councilmember Liddiard: Will those be provided to Council?

Mr. Trusty: Certainly.

Councilmember Blackburn: Chris, we recently, as a Council, just approved another \$100,000 prior to this to Stantec Consulting for additional services. Would any of this change the scope of contract already covered by the previous \$100,000?

Mr. Trusty: No. I went through it pretty thoroughly to try to find some portion of that that might have been covered in the \$100,00, but it, it, it was specifically not included.

Councilmember Blackburn: Would you clarify what the \$100,000 was for versus what this \$30,000 is for?

Mr. Trusty: Most of the \$100,000 was for additional design, going back to see what the possibility of using the existing plant as part of our future plant. Part of it was to look at the Cannibal system that we have for the sludge removal. There's, I don't have it all right in front of me right now. It, it was, it was itemized out. It did not include these interim solutions that we have before you tonight.

Councilmember Jackson: I don't think we ever saw the itemization of that. I don't recall that.

Mr. Trusty: Really?

Councilmember Jackson: And I would really like to.

Councilmember Blackburn: I know we spent another \$100,000 for additional services and this would kind of seem to fall in that scope of expected additional services. You know, to cull out another \$30,000, it just seems like, "Hey, somebody's tapping the piggy bank again."

Councilmember Jackson: Yeah, I, I would really like to see that itemized list.

Mr. Trusty: I can get it for you.

Councilmember Jackson: Yeah, that's great.

Councilmember Liddiard: My concerns about the scope of fee summary is that we received a summary, but not the legal language that requires them to provide the engineering services, reporting and design services that'll be required to see the completion of the effort. My concern is that the language is soft enough that we may not receive all of what we need and there may be another bite at the apple. Is there a prepared legal document that requires the certain things that, that exist [inaudible].

Mr. Kinghorn: Scope and fee summary for additional miscellaneous design services, preparation of an emergency treatment plan, August 1, 2007, and it's about a, this, this is an, this is an addendum to the existing agreement, the way I understand it.

Councilmember Blackburn: But the \$100,000 we paid them, say two months ago – are we talking about two months ago?

Mr. Kinghorn: Right.

Councilmember Blackburn: I mean . . .

Mr. Kinghorn: That was for facility planning . . .

Councilmember Blackburn: Isn't, isn't what we're doing here additional facility planning?

Councilmember Liddiard: Unfortunately, the \$100,000 was for the eventual system that we are going to convert to. This is for the interim system and that is, that is the difference.

Mr. Kinghorn: This is, this is emergency, emergency plan upgrades.

Mayor Richardson: This is upgrading the current sewer system, things the State needs to see before they approve it.

Councilmember Lifferth: I guess my fear is from the discussion from the Work Session today, is that \$30,000 may not cover everything that they need to do to get us from where we are now 'til 60-90 days out. I still see this as primarily their work and this does not cover materials, the baffle and items like that, so . . .

Councilmember Liddiard: May I ask that in the second to last paragraph, that the word "insure" be changed to the word "ensure"? We're not providing an insurance for this, they're going to ensure. It would be an "e" rather than an "i."

Mr. Kinghorn: I don't know, maybe we should leave with an "insure."

Councilmember Liddiard: All right, well then, if you want to buy that as an insurance policy, then if you, if that's your recommendation, we can leave it as "insure," but I believe that, just . . .

Mr. Kinghorn: It should say to "assure."

Councilmember Liddiard: OK, or "assure," but I didn't think they meant to insure.

Mr. Kinghorn: I don't think they need to insure it, either.

Councilmember Liddiard: All right.

Mayor Richardson: Any other questions, Council? So Chris, basically this is for them to do the engineering work for the interim, or for the modifications of the existing sewer system to be able to handle the flows that we need.

Mr. Trusty: To provide enough capacity until we have the new plan operational.

Mayor Richardson: Thank you.

Councilmember Liddiard: Mr. Mayor, I move that we approve a change in scope to the contract with Stantec Consulting for additional capacity in the existing South Service, Service Area waste water treatment facility. This would be in existing waste water treatment capacity upgrades for the preparation of an emergency treatment plan; that the following changes be in the scope and fee summary that has been provided by staff:

- that in the second to last paragraph the word "insure" is changed to "assure" and
- that the line previous would read, "Once the technical memorandum is completed and approved, design and engineering services and construction management help will be provided to assure that the modifications are properly made and that the waster water treatment plan will meet the effluent requirements of the State."

Mayor Richardson: Do I hear a second?

Councilmember Lifferth: Second.

Mayor Richardson: It's been seconded. Is there any discussion? Thank you.

Councilmember Blackburn: As mentioned earlier, I, I think the Council is due some additional explanation and paperwork trail for this and the previous \$100,000.

Mayor Richardson: OK, noted. We can have that for the – do you want to email that, Chris, or do you want to just put it in the packet for next time?

Mr. Trusty: Yeah, I just sent the Council an email of the previous \$100,000, so you should have that. I, I, with the time and materials, I, I, I'm assuming what the Council's asking for is basically a back up of all charges that we get from them for the time they've spent on this as, as invoices are received into the City.

Councilmember Blackburn: Let, let's have this information in some sort of a booklet. Call it Chapter 1 or in this case we're in Chapter 25 or something, for addendum number whatever it is.

Mr. Trusty: OK.

Councilmember Blackburn: And keep a running summary and a full story book of this wonderful sewer difficulty.

Councilmember Liddiard: Call the question.

Mayor Richardson: Any, any other, OK, the question's been called. All those in favor say "yes."

Councilmember Blackburn, Councilmember Jackson, Councilmember Liddiard, Councilmember Lifferth: Yes.

Mayor Richardson: We'll move on and pass this unanimously.

End of verbatim transcription.

AGREEMENT – Consideration and approval of an agreement with Boart Longyear Exploratory Drilling for the construction of a test hole for well #4 in Sunrise at Kiowa Valley

Mr. Trusty presented the proposed agreement with Boart Longyear. As detailed in the Capital Facilities Plan, Eagle Mountain City is currently lacking redundancy in its water system sources. The developer of the Sunrise at Kiowa subdivision has consulted with John Files, a hydrogeological engineer, who has identified a potential site in a public open space that appears to be a suitable site for the City's next production well. In order to proceed with the construction of a production well, the City will need to construct a test well that can be test pumped to determine the capacity this well could provide. If the test pumping determines that there is sufficient capacity in the aquifer, the City can submit the required report to the state and proceed with drilling a full scale production well.

Councilmember Liddiard **moved** to approve the agreement with Boart Longyear Exploratory Drilling for the construction of a test hole for well #4. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of a recorded plat amendment for Heatherwood on the Green – Phase 1

Planning Director Peter Spencer presented the amended plat for Heatherwood on the Green Phase 1. The Heatherwood development is located south of the Highlands on the Green and north of the Eagle's

Gate developments. The Heatherwood development is a twin-home development that was approved by the City Council on November 15, 2005. This development is composed of 200 units on 20.45 acres of land. Phase 1 of Heatherwood on the Green was recorded on October 17, 2006. Since that time, the developer has petitioned the recorded plat be amended to include the addition of covered porches where feasible, minor lot line adjustments for accuracy, and converting three, two-level homes into single-level homes. Because this plat has been officially recorded by Utah County, a special process and approval by ordinance is required.

Councilmember Liddiard **moved** to approve a recorded plat amendment for Heatherwood on the Green Phase 1, subject to the following conditions:

- that the new location of buildings be no less than 10 feet from any gas line
- that all utilities are not affected and the applicant receives a permit and bonds for the cutting of asphalt
- that revised plans, i.e., plat, construction, landscaping, dry utilities and an electronic copy of the plans are submitted showing the new layout of the project
- that any comments/concerns of the City Engineer be addressed and approved by staff
- that all utility meters for each pod be located in one location

Councilmember Jackson **seconded** the motion.

Councilmember Jackson called the question.

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

AGREEMENT – Consideration and ratification of an agreement with Sapati Young Yen Construction for the wastewater building remodel

Energy Division Manager Adam Ferre explained that the City's wastewater treatment plant building was remodeled by Sapati Young Yen Construction. This agreement, in the amount of \$40,000, must be ratified by the City Council.

Councilmember Liddiard **moved** to approve the agreement with Sapati Young Yen Construction for remodeling of the wastewater treatment plant building. Councilmember Jackson **seconded** the motion.

Mr. Ferre stated that since FY 2006 the budget has included funds for remodeling of the wastewater treatment plant. Sapati Young Yen Constructions submitted an agreement to the City, which was submitted to the Finance Department with a purchase order request. A purchase order was issued after Building Official Kent Partridge inspected the building and found no running water in the restroom and mouse holes in the walls. The building has been remodeled and the agreement is before the Council for ratification.

Councilmember Liddiard said he was not ordinarily in support of ratifying an agreement which should have been approved by the Council before work began; however, this was work that needed to be done for the benefit of the city and the residents. He saw this present situation as a combination of a miscommunication and a Finance Department procedural shortcoming.

Councilmember Blackburn asked whether the building will be used after the new treatment plant is built. Mr. Ferre said it would. Councilmember Blackburn asked what procedure had been used to complete the remodeling. Mr. Ferre responded that other staff had not followed through on the project, so he

obtained the purchase order and implemented the agreement. He had been unaware that the agreement had not been approved.

Councilmember Blackburn questioned City Treasurer Gordon Burt as to why the money had been spent without approval. Mr. Burt responded that procedure hadn't been followed properly; however, with the urgency of the project and the impending close of a budget year in which the funds were already in place, the Finance Department issued the purchase order on the assumption that they would bring the agreement before Council very quickly. However, the agreement was never brought to Council.

Councilmember Lifferth pointed out that the City needs a Public Works Director to see that projects such as this are properly handled. Councilmember Liddiard stated the City also needs a CPA Finance Director.

Councilmember Blackburn expressed appreciation for Mr. Ferre's and Mr. Burt's efforts in getting this overdue project taken care of, but expressed concern about procedures not having been followed. Mr. Hendrickson stated that the system has been strengthened to make sure procedures are complied with.

Councilmember Liddiard called the question.

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

AGREEMENT – Consideration and approval of the final payment for Sapati Young Yen Construction for the wastewater building remodel

City Engineer Chris Trusty explained that with approval of the above agreement, this project has been completed and approved by the City. The contractor has been paid \$38,000, with the required 5% retainage being held by the City. The final payment will release the \$2,000 retainage to the contractor for the completion of the project.

Mr. Trusty recommended the final payment be held until the project is inspected by the Building Department.

Councilmember Liddiard **moved** to table the final payment for the wastewater building remodel. Councilmember Jackson **seconded** the motion.

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

AGREEMENT – Consideration and award of bid for the installation of streetlights funded by the Community Development Block Grant (CDBG) to Tasco Engineering

Mr. Ferre presented the streetlight project funded by the Community Development Block Grant (CDBG) program. The streetlight project includes the installation of 57 streetlights within specific low to moderate income urban neighborhoods which have little visibility after dark. Tasco Engineering was the low bidder for the project, with a total bid amount of \$19,650.

Councilmember Liddiard **moved** to approve the award of bid for the installation of streetlights funded by the Community Development Block Grant (CDBG) to Tasco Engineering. Councilmember Jackson **seconded** the motion.

Councilmember Jackson questioned why there was a difference of \$60,000 between the highest and lowest bids. Mr. Ferre responded the highest bid was entirely too high. He said Tasco's bid was the closest to the reasonable, expected rate for streetlight installation.

Councilmember Blackburn asked why City staff was not installing these streetlights. Mr. Ferre explained the grant is designed to provide work opportunities for private contractors.

Councilmember Lifferth called the question.

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

CITY ADMINISTRATOR INFORMATION ITEMS

Mr. Hendrickson reported that he spoke with the well repair contractor, who said he expected the repair to be completed by the end of this week. Once it has been tested, the well should be operational by Monday. The City will then be able to lift the outdoor watering restrictions.

Mr. Hendrickson stated he planned to bring an organizational proposal before the Council on August 21st, which will include the Public Works Director position.

An orientation for candidates will be held on August 15th at 6:30 p.m. in the Council Chamber. The orientation will cover the election process, some city issues and an opportunity for candidates to ask questions of staff.

CITY COUNCIL/MAYOR'S BUSINESS

Council comments are reported verbatim at the request of Councilmember Lifferth.

Councilmember Lifferth

Once again, I can say I'm happy it's not midnight.

Councilmember Blackburn

We had a very interesting discussion with Stantec today, potentially doubling our capacity for a mere \$2 million from .6, or 600,000 million gallons a day to almost 1.2 million gallons a day, because of the infrastructure, construction crews, or whatever else already mobilized to be here, we could double our, our capacity for \$2 million. That's something the City probably will be looking at. However, reviewing some of my notes from December of, December of 2005, I just wanted to bring up that, at that point in time, one of our water treatment processes suggested before the Council was to pump to TSSD for \$7.4 million dollars, versus our ox. Ditch at \$13.3, now increased to \$15.3 and 20-year net costs of that product, pumping, was, I believe, inaccurately brought before Council as being \$19.7 million, with total costs of O and M, salvage value and whatever else, when it should have been \$12.5. By increasing this oxidation ditch from \$13.3 to \$15.3, the 20-year net costs, not counting for increases in O and M, comes to \$18 million, so I think our pipe to TSSD, which would have treated 1.1 million gallons for \$7.4 million, might have been a better idea at that point in time, and it definitely would have been in ground about three months after we started. Oh, well.

Councilmember Liddiard

No comments.

Councilmember Jackson

I just wanted to briefly say I, I loved the spirit of cooperation that we had tonight, between council and between dealing with, you know, a developer and community people that are working together to get some very, very good solutions for the City. We disagree up here, but we all have different perspectives and that's what's great about having a Council with five different members, is we all bring something else to the table and so, you know, whether or not things actually get passed is still good because we have these conversations and we come up with better solutions, or we give back better ways to deal with how to deal with a particular situation. Frankly, I know the meeting was long. I enjoyed that discussion we had tonight in trying to come up with good solutions and just wanted to say that. Thank you.

Councilmember Blackburn

One additional item: I just wanted to pass on congratulations to the Jacksons for the impending birth that was brought up at the end of the conversation change, so I wasn't able to say anything, so congratulations there. We'll have an impact fee increase.

[Laughter]

Mayor Richardson

I'd like to thank the Council tonight, as well as the staff. We appreciate everybody's hard work. This was a long evening and we appreciate everybody working together so well and, and the patience that was involved. I appreciate the city and their conservation efforts that we've been going through and banding together and working together as a group and making things happen during a very stressful time. With that, I want to say good night.

End of verbatim transcription.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 11:33 p.m.

APPROVED BY CITY COUNCIL NOVEMBER 20, 2007



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 21, 2007

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, David Lifferth and Linn Strouse. Councilmember Vincent Liddiard was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Jason Walker, Management Intern; Marilyn Lau, Management Intern; Linda Peterson, Public Information Coordinator; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Kent Partridge, Building Official; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; David Norman, Staff Engineer; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

PRESENTATIONS

PRESENTATION – Lehi East/West Connector – Brent Wilhite, UDOT Team.

REVIEW – SSA Waste Water Treatment Plant – Chris Trusty and State of Utah Representatives.

TRAINING – Open and Public Meetings Act – Utah League of Cities and Towns.

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council recessed to a closed executive session at 5:05 p.m. for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

The closed executive session was adjourned at 6:02 p.m.

Mayor Richardson reconvened the Work Session at 6:38 p.m.

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:58 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:03 p.m. Jason Randall led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Councilmember Vincent Liddiard joined the meeting telephonically at 8:48 p.m.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Jason Walker, Management Intern; Marilyn Lau, Management Intern; Linda Peterson, Public Information Coordinator; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Kent Partridge, Building Official; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

Mayor Richardson announced the following upcoming events:

- August is Parent/Teacher Association (PTA) Month.
- Early voting for the primary election begins August 28th, City Recorder's Office
- Truth in Taxation hearing cancelled due to the City's decision not to raise the property tax rate.

He expressed condolences to the families of the miners in trapped in the Crandall Canyon Mine and the families of those killed in the helicopter crash and car accident which occurred yesterday.

PUBLIC COMMENTS

Ms. Wendy Baggaley, 1457 Hawk Way, spoke about the proposed Equestrian Estates subdivision. She was disappointed by the Council's denial of the final plat two weeks ago. She would like to have an equestrian area near her neighborhood. She stated the area needs recreational opportunities such as the horse-related activities which would be available through Equestrian Estates. She was also in favor of parks being provided by developers, as would be the case with this subdivision.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

Councilmember David Lifferth

Councilmember Lifferth had no comment.

Councilmember David Blackburn

Councilmember Blackburn said many candidates for City office were in attendance at this meeting and recommended the candidates be aware of the details of the proposed sewer treatment plant. He was concerned about the increasing costs of the project, which he said change at every presentation. He suggested it might be worth paying fines to the State for inadequate sewer capacity if doing so allowed the City additional time for careful study of the issue. He said the City does not have a long term Capital Facilities Plan which addresses five, ten and 20-year time lines.

Councilmember Linn Strouse

Councilmember Strouse echoed Councilmember Blackburn's comments.

Councilmember Heather Jackson

Councilmember Jackson made two announcements in addition to those made by Mayor Richardson:

- Jericho Road concert to benefit Reach the Children, Saturday, August 25.
- Meeting with Superintendent Vern Henshaw of Alpine School District to discuss future school plans, August 30, 6:00 p.m., Eagle Mountain City Council Chambers.

Mayor Don Richardson

Mayor Richardson noted the .6 million gallon-per-day (g.p.d.) wastewater treatment plant was expected to provide adequate capacity for ten years, but the city grew much faster than expected. The 1.2 million g.p.d. system was expected to provide 20 years' capacity. He also recognized candidates for City office in attendance at the meeting, expressing appreciation for their attendance and learning so they can serve the people.

CONSENT AGENDA

Councilmember Jackson **moved** to approve the following items on the Consent Agenda:

MINUTES

- January 23, 2007 – Regular City Council Meeting
- February 6, 2007 – Regular City Council Meeting
- February 20, 2007 – Regular City Council Meeting
- April 17, 2007 – Regular City Council Meeting

DEVELOPMENT AGREEMENTS

- Skyline Ridge – 1A
- Skyline Ridge – 1B
- Skyline Ridge – 1C

REVISED BOND LETTER (amending development agreement) – Sweetwater – Phase 1

CHANGE ORDER – Hard Rock Excavation – Well #1 Upgrade

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

SCHEDULED ITEMS

PUBLIC HEARING – Hindley Annexation

MOTION – Consideration and approval of the annexation of approximately 305 acres known as the Hindley Annexation

Planning Director Peter Spencer and City Recorder Gina Peterson presented the proposed annexation. On November 20, 2006, a petition was submitted by Scenic Development for the annexation of approximately 305 acres located north of S.R. 73, west of the North Ranch Subdivision backing Canyon Wash Drive and Timp View Drive, and south of Camp Williams. The petition was accepted by the Recorder's Office and certified by the City on December 5, 2006. The 30-day protest period has run and no protests to the annexation have been received. The applicant asked that the annexation be delayed until a master development plan was prepared. The land use element of the plan was approved in City Council meeting on August 7, 2007.

Mayor Richardson opened the public hearing at 7:18 p.m.

Mr. Wolfgang Franz, 1896 Lake Mountain Road, asked whether water was to be sold in connection with the annexation, which would then be used for land owned by the same company outside the limits of Eagle Mountain.

Mr. Lynn Rindlesbacher, Scenic Development, said the water rights have not yet been transferred to Eagle Mountain, making the water is available for any use the company chooses, but there are no plans to use it elsewhere. The issue may be that the water tank will be located slightly outside the city limits in order to provide enough height for adequate water pressure.

City Attorney Jerry Kinghorn stated a subdivision cannot be recorded until adequate water rights are assigned to the City specifically for the use of that subdivision.

Mayor Richardson closed the public hearing at 7:23 p.m.

Councilmember Strouse said a resident told her the plat contained a road leading to nowhere. Mr. Spencer responded it did not, but described a road in the future land use portion of the General Plan that looped and might have been seen as leading to nowhere. Mr. Hendrickson said the Mountainland Association of Governments was studying the possibility of having a road in that area which will connect to the Mountainview Corridor.

Councilmember Lifferth **moved** to grant the petition to annex 305 acres known as the Hindley Annexation. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Lifferth expressed appreciation to Scenic Development for their cooperation with residents.

Councilmember Strouse expressed appreciation to Scenic Development and the residents for working well together.

PUBLIC HEARING – Impact Fee Ordinance

ORDINANCE – Consideration and adoption of an ordinance approving the economic analysis and updating the impact fees for Eagle Mountain City

This update for the impact fee ordinance was presented by City Engineer Chris Trusty. The update recognizes additional needs for water infrastructure and public safety due to growth of the City. It includes an addition to one public safety building and construction of others. A citywide increase of \$174 for public safety will be added to the impact fee schedule.

Councilmember Blackburn asked whether the fees could include funds for a second ladder truck for the Fire Department. Mr. Trusty responded research is being done on that issue.

City Administrator John Hendrickson said, according to State statute, the City must show justification of the need for a second ladder truck to include the funds in impact fees.

Councilmember Jackson pointed out any addition to the Capital Facilities Plan is subject to public notice, as well.

Councilmember Blackburn stated the Council had previously discussed changing the schedule for purchasing the second truck to 2009 rather than 2013. Mr. Hendrickson reiterated State law requires justification of the need for the second ladder truck.

Councilmember Blackburn requested better tracking of impact fees collected and expended. Mr. Hendrickson responded the City now has a staff member working on impact fee accounting. Lewis and Young is also tracking impact fees from previous years.

Mayor Richardson opened the public hearing at 7:36 p.m. Hearing no comments, he closed the hearing.

Councilmember Lifferth stated the City needs more correct calculations of impact fees so they will cover the costs of new users without overcharging them or making previous residents' fees pay for those impacts.

Councilmember Jackson requested that a running tally be provided to the Council regarding collection and expenditure of impact fees during the previous six months to one year.

Councilmember Blackburn asked if law enforcement needs could be addressed through impact fees. Mr. Hendrickson responded impact fees cannot be used for operations, only for infrastructure. Only the costs justified by documented needs can be covered by impact fees. No extra funds for unanticipated needs can be added.

Councilmember Blackburn **moved** to adopt Ordinance O-18-2007 approving an update of impact fees related to water and public safety infrastructure. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth asked whether impact fees will be changed again soon. Mr. Trusty responded the Capital Facilities Plan, economic analysis and impact fees will be updated after the Council makes a decision regarding the new sewer treatment plant. Transportation, storm drainage and parks are still being studied and will be reflected in a future impact fee ordinance.

Councilmember Jackson called the question.

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

MOTION – Reconsideration of the land use element of the Equestrian Estates Master Development Plan as reviewed at the August 7, 2007, City Council meeting

Planning Director Peter Spencer presented the request for reconsideration of the land use element of the Equestrian Estates Master Development Plan, which was denied at the August 7, 2007, City Council meeting. Equestrian Estates is located in City Center, bordering the future Pony Express Regional Trail. It is planned to be a 215.63-acre development with 345 units governed by Tier 1 development standards. The developers proposed less-restrictive animal rights than the Development Code currently allows, which would require a new zone. They also propose a horse arena as a conditional use. They are required to provide 8.62 acres of improved open space, of which a portion is proposed to be a 20-foot-wide perimeter horse trail.

Councilmember Jackson requested reconsideration of the motion. She did not feel the applicant had an adequate opportunity on August 7th to discuss the proposal. She also felt the Development Code allows for many different animal uses on a half-acre lot, which was not reflected in the motion considered on August 7th.

Mr. Kinghorn felt the amendment changing the animal use chart is a minor enough change to legally allow the motion to be reconsidered without requiring the proposal to go back through Planning Commission consideration. Changing the proposal enough to require a new zone would require Planning Commission approval. He felt creating a new zone for this development would not be in the best interests of the city.

Councilmember Strouse stated when she was Mayor Pro Tem, Equestrian Estates was brought up in a cabinet meeting. Although she supported the idea of improved animal rights in City Center, she preferred to review the animal rights section of the Development Code rather than create a zone for one development.

Mr. Kinghorn responded creating an equestrian overlay zone in the Development Code would prevent the need to create a special zone by ordinance. It would not address allowing a commercial entity like a horse arena in a residential area. A homeowners' association could provide such a facility as a recreational amenity.

Councilmember Jackson said her understanding was that the Council is not currently considering specific uses in the area, but only whether this was generally an appropriate use for this land.

Councilmember Strouse asked if the rezoning considered this evening would be the overlay zone or a specific zone for this subdivision. Mr. Kinghorn responded the action being considered this evening would be to write a specific rezoning ordinance for this area. The overlay zone would be a separate issue.

Councilmember Strouse stated she would prefer that no further special zones be created, but rather that the issue be addressed through an overlay zone amendment to the Development Code.

Councilmember Jackson stated the issue on the table is whether to reconsider the vote taken at the last Council meeting. Specific uses would be brought up in future planning phases. The length of time this development has already been in planning has created a financial burden on the developer which needs to be addressed quickly, rather than waiting to create a new zone.

Councilmember Jackson **moved** to reconsider the land use element of the Equestrian Estates Master Development Plan. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth asked for a restatement of the motion. The motion was to reconsider the motion voted down in the last City Council meeting, which was the land use element of the Equestrian Estates Master Development Plan.

Those voting aye: Heather Jackson and David Lifferth. Those voting no: David Blackburn and Linn Strouse. Mayor Richardson broke the tie with a vote of no. The motion **failed** with a vote of 2:3.

Councilmember Lifferth proposed a motion to reconsider the motion voted down in the last City Council meeting, adding direction to staff to create an ordinance allowing an overlay zone and restoring animal rights to half-acre lots.

Ms. Peterson pointed out that a motion to create new ordinances was not on the agenda, but could be given as direction to staff.

Councilmember Jackson stated the equestrian overlay was requested by the Planning Commission, so it is in process already. She was concerned about City Center losing this development, which would be replaced by one with smaller lots.

Councilmember Strouse and Councilmember Jackson said they have already given direction to staff to bring amended animal rights to the Council, but that direction has not resulted in any action.

Mr. Kinghorn stated a motion may be reconsidered through a member of the side prevailing on the previous vote notifying the Mayor that he or she wishes to change that vote. Councilmember Blackburn changed his 'no' vote to a 'yes' vote on the motion to reconsider the denial of the land use element of the Equestrian Estates Master Development Plan.

Councilmember Jackson restated the motion, moving to reconsider the land use element of the Equestrian Estates Master Development Plan as voted on at the August 7, 2007, City Council meeting.

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

Mayor Richardson directed Mr. Spencer to briefly present information on the proposed Equestrian Estates, to be followed by comments from the applicant.

Mr. James Packer, Packer and Meredith, represented the developers as their attorney. He stated the developers have been working on this project for over a year and are now in a position in which it is critical to move forward. They have spent several months meeting with residents and staff to improve the design of the development. He said they have used "arena" and "horse boarding" synonymously throughout the process. They plan to commit several hundred thousand dollars to develop the Pony Express Regional Trail and to make the development a horse-related community open for public use.

Councilmember Jackson **moved** to approve the land use element of the Equestrian Estates Master Development Plan with the following stipulations:

1. **SECONDARY ACCESS ROAD/NORTH PONY EXPRESS ROAD.** That an adequate secondary access road for emergency purposes be approved by the Fire Chief and City staff. That the conditions mentioned in the staff report regarding the North Pony Express Road be included.
2. **A-CEL & D-CEL LANES.** That a-cel & d-cel lanes be installed at Eagle Mountain Blvd. access points.
3. **UTILITIES.** That gas, water, and electricity systems be looped.
4. **NEIGHBORHOOD PARKS AND OPEN SPACE.** That a 20-foot-wide perimeter horse trail be allowed in lieu of the park.
5. **FIRE ACCESS.** That access be provided for the Fire Department.
6. **FENCING.** That back fencing be required for lots built along collector roads.

7. PONY EXPRESS TRAIL AND COLLECTOR ROADS. That all collector roads built in the development meet the City's standard cross-section or an approved alternative.
8. HORSE TRAIL ACCESS. That horse trail access points be fenced with open rail fencing.
9. DEED RESTRICTION. That the applicant supply SITLA and the City with a signed and notarized document assuring roads can be built across Pony Express Regional Park for city and public use.
10. OPEN SPACE. That a total of 8.6 acres of improved open space be included in the plan.
11. COMMUNITY IMPROVEMENTS. That approved community improvements are funded or constructed in accordance with Chapter 6, Title 1, of the Development Code in the amount of \$433,200, to be spent on improving Pony Express Regional Park.
12. ENTRYWAYS. That entryways and monuments be provided for in accordance with the Development Code Chapter 6, Title 1.
13. ANIMAL RIGHTS. That animal rights comply with the revised proposal from the developer, specifically removing buffalo, allowing equestrian animals only on half-acre and three-quarter-acre lots and requiring 5,500 square feet per animal.
14. SETBACKS. That setbacks comply with the revised setbacks proposed by the developer.

As part of the motion, staff was also directed to bring back information on the potential for animal rights on half-acre lots throughout the city as soon as reasonably possible.

Councilmember Strouse **seconded** the motion.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: Heather Jackson, David Lifferth and Linn Strouse. Those voting no: David Blackburn and Vincent Liddiard. Motion **passed** with a 3: 2 vote.

Mayor Richardson recessed the meeting for five minutes at 9:26 p.m. He reconvened the meeting at 9:36 p.m.

Mayor Richardson announced a new vote would be required on the impact fee amendment. According to 11-36-32 UCA, the City does not qualify to use impact fees for a ladder truck. This would require a vote for reconsideration, followed by a vote on the ordinance.

Councilmember Jackson **moved** to reconsider the vote on the impact fee amendment, eliminating the use of impact fees to purchase a ladder truck. Councilmember Lifferth **seconded** the motion.

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. Motion **passed** with a unanimous vote.

Councilmember Blackburn **moved** to approve Ordinance O-18-2007 amending impact fees, excluding the purchase of a ladder truck for the Fire Department. 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 a request from the Meadow Ranch Homeowners' Association to donate funds to construct a pavilion at Meadow Ranch Park

City Administrator John Hendrickson presented the donation proposal. Mr. Ken Hixson, a member of the Meadow Ranch HOA, had approached the City with the Meadow Ranch Homeowners' Association proposal to donate funds. After discussions, it was determined the HOA will donate funds to the City for the specific purpose of constructing a pavilion at Meadow Ranch Park. This will be the final action of the Meadow Ranch HOA, as it is disbanding. The facilities, along with the park, will belong to the City.

Of the various pavilion sizes available, Mr. Hendrickson recommended the purchase of a 24' by 64' pavilion, based on cost. The City's purchase of the tables will require a budget amendment.

Councilmember Liddiard **moved** to approve a motion to accept a donation from the Meadow Ranch Homeowners' Association for a pavilion for Meadow Ranch Park, subject to the following conditions:

1. That the funds be restricted to purchase and installation of the pavilion.
2. That funds be added for two trash receptacles.
3. That the funds be received by the City prior to the work beginning.

Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard and David Lifferth. Councilmember Strouse abstained. Motion **passed** with a 4:0 vote with one abstention.

AGREEMENT – Consideration and approval of a reimbursement agreement with Eagle Mountain Links for a system upgrade for a water line connection

A reimbursement agreement with Eagle Mountain Links was presented by City Engineer Chris Trusty. The recently-approved Capital Facilities Plan and impact fee ordinance identified a system upgrade installed by Eagle Mountain Links which extends a water line along an existing street. The upgrade provides redundant capacity for adjacent property owners and looping alternatives for this area of the city. This reimbursement agreement will refund a portion of the water line costs incurred by Eagle Mountain Links. The refund will be paid through impact fees collected by the City.

Councilmember Jackson **moved** to approve a reimbursement agreement with Eagle Mountain Links for a system upgrade for a water line extension. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of a reimbursement agreement with Mayor Richardson Horton for a system upgrade for a water line connection

A reimbursement agreement with D.R. Horton was presented by City Engineer Trusty. The recently-approved Capital Facilities Plan and impact fee ordinance identified a system upgrade installed by D.R. Horton which extends a water line along an existing street. The upgrade provides redundant capacity for adjacent property owners and looping alternatives for this area of the City. This reimbursement

agreement will refund a portion of the water line costs incurred by D.R. Horton. The refund will be paid through impact fees collected by the City.

Councilmember Jackson **moved** to approve a reimbursement agreement with D.R. Horton for a system upgrade for a water line extension. 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 agreement for professional and technical services with Cascade Exploration and Water Resources for hydrogeological evaluation of future city well sites

City Engineer Chris Trusty stated the City has asked for professional consultation to evaluate the geologic formations of two new well sites within the City limits. The agreement also includes preparation of the preliminary evaluation report and drinking water source protection plan. Mr. John Files, the principal with Cascade, has already provided hydrogeologic information to the City in locating two new wells.

Councilmember Lifferth **moved** to approve an agreement for professional and technical services with Cascade Exploration and Water Resources for hydrogeological evaluation of future city well sites. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

MOTION – Consideration and award of proposal for redesign of the Eagle Mountain City website

Councilmember Liddiard asked to be excused from the meeting at 10:03 p.m., but wished to make a comment before leaving. He expressed frustration about the large amounts of money which the City has paid to various companies without being provided a quality web site.

Mayor Richardson excused Councilmember Liddiard from the meeting at 10:06 p.m.

Management Intern Jason Walker presented proposals from several different companies for redesign and construction of the City's website. The proposals specified prices and scope of services. Multiple proposals were presented for the Council's consideration due to the wide diversity in the cost and scope of services in the proposals.

Councilmember Lifferth **moved** to table the redesign of the City website for one month to allow time for further review by the Council. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion passed with a unanimous vote.

MOTION – Consideration and appointment of poll workers for the 2007 Primary Municipal Election in Eagle Mountain City

City Recorder Gina Peterson detailed the Recorder's Office's responsibility for administering municipal elections, including recruiting and training poll workers. Pursuant to 20A-5-602 UCA, the City Council must appoint poll workers at least 15 days prior to the election. Since there is a statewide referendum on the General Election ballot, Utah County will be administering the General Election and the recruitment and training of poll workers. This motion appoints poll workers for the Primary Election.

Ms. Peterson informed the Council the County Elections Office was only able to print one election register for each voting location. Therefore, rather than have two polling places located at Pony Express Elementary as planned, all voters in the Ranches will have to vote in one polling place. It is too late in the process to add another voting location.

Councilmember Blackburn asked if there was a way to set up the polling place to cause the least disruption to the school day. Ms. Peterson responded that the Recorder's Office works with the school to fit polling in as well as possible.

Councilmember Blackburn asked what notices would be sent out to advertise early voting. Ms. Peterson responded notices were sent to the Pony Express and the Daily Herald. The information will be included in the City newsletter and posted in City Hall. Councilmember Blackburn and Councilmember Jackson suggested contacting the PTAs of all the schools.

Councilmember Strouse asked if it was permissible to use City employees as poll workers. Ms. Peterson responded it was.

Councilmember Strouse asked under what circumstances a candidate's spouse may serve as a poll worker. Mr. Kinghorn explained a candidate's spouse may serve in a precinct other than the one in which he or she votes. However, the Mayor has discretion not to allow a spouse to serve. Mayor Richardson directed that Ms. Tani Ireland be removed from the list of poll workers.

Councilmember Jackson **moved** to approve a motion accepting the list of poll workers, amended to remove Ms. Tani Ireland from the list due to her husband's candidacy for office. Councilmember Blackburn **seconded** the motion.

Councilmember Blackburn called the question.

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

CITY COUNCIL/MAYOR'S BUSINESS

City Administrator John Hendrickson stated the City would close on the 2007 water refunding bonds on October 18.

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Blackburn

Councilmember Blackburn was hopeful the sewer project would move ahead and information would move productively between the City and the State.

Councilmember Strouse

Councilmember Strouse had no comment.

Councilmember Jackson

Councilmember Jackson expressed disappointment that the Council did not hear any information on a new Public Works Director at this meeting.

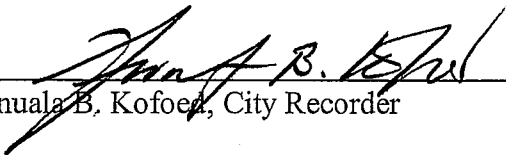
Mayor Richardson

Mayor Richardson had no comment.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 10:52 p.m.

APPROVED BY CITY COUNCIL NOVEMBER 20, 2007



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 4, 2007

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 4:14 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Coordinator; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; David Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

DISCUSSION/REVIEW ITEMS

Mayor Richardson **moved** that the Council adjourn to a closed session to discuss reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Liddiard **seconded** the motion. Those voting yes: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

The Council adjourned to a closed executive session at 4:16 p.m.

Mayor Richardson reconvened the Work Session at 5:22 p.m.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:40 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:16 p.m. Gordon Burt 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Jason Randall, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

- Early voting is available at the City Recorder's Office.
- Meet the Candidates Night, September 7, 6:30 p.m., at the Ranches Academy.

PUBLIC COMMENTS

Shamala Sturgeon, North Ranch Homeowners' Association, stated the Homeowners' Association conducted a speed survey in the neighborhood and requests that speed dips be installed on the roads. She said a child was hit by a speeding car in North Ranch several years ago.

CITY COUNCIL/MAYOR ITEMS

Councilmember David Lifferth

Councilmember Lifferth stated he posed 100 tough questions to each candidate and has been collecting the responses on his website. He requested those who have not responded to do so. Their responses will help residents to make informed decisions on voting. He said he has attended both of the Meet the Candidates nights, stating there is not enough time to exchange information; therefore, serious issues are not being resolved.

Councilmember David Blackburn

Councilmember Blackburn has recently received emails from residents, some of whom have requested recycling bins. The City has evaluated starting a recycling program, but costs make it impractical at this time. He stated a volunteer group requested permission to do a cleanup project in town. The City rejected the offer, citing insurance concerns. Although there is an insurance issue, he said the City needs to find ways to allow people to serve the community.

Councilmember Linn Strouse

Councilmember Strouse asked that mail be forwarded to Council members rather than being left in their City Hall mailboxes. She said at times mail waiting for pickup does not get to Council members in time to be useful. She did not want communications from residents delayed. She mentioned that she received her agenda packet late Thursday night. The packet should be delivered earlier in the day unless there is a very good reason for a delay.

Councilmember Vincent Liddiard

Councilmember Liddiard announced the State Fair this weekend. He wished good luck to Donna Burnham, Ryan Ireland and Eric Cieslak in the primary election. He encouraged people working on their yards to clean up with a broom rather than a hose, because the sewer system is not designed to handle dirt and rocks.

Councilmember Heather Jackson

Councilmember Jackson said she attended the Jericho Road concert on August 25th, which raised \$21,000 for charity. She saw someone injured in a fall at the top of the SilverLake amphitheater. Another person fell and had to go to the hospital. She said the City needs to find a solution to safety in the amphitheater, perhaps installing steps down the hill.

Mayor Don Richardson

Mayor Richardson stated the Jericho Road concert was very well done and aided a worthy cause. He said Eagle Mountain residents are very supportive of good causes.

CONSENT AGENDA

Mayor Richardson announced the July 17, 2007, minutes were removed from the Consent Agenda.

Councilmember Liddiard **moved** to remove change order #2 for the well #1 upgrade agreement from the Consent Agenda and place it on 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. Motion **passed** with a unanimous vote.

SCHEDULED ITEMS

CHANGE ORDER – Consideration and approval of change order #2 for the Hard Rock Excavation well #1 upgrade agreement (moved from Consent Agenda)

City Engineer Chris Trusty presented change order #2 for the well #1 upgrade agreement. He stated the change order is a \$3,500 increase to lay a concrete pad for well #4, located in Kiowa Valley, so the drilling company can begin working on the site as soon as they are available.

Councilmember Liddiard asked if the pad would be useful permanently. Mr. Trusty responded it was a temporary item for support of the drilling equipment. Eventually, more site grading will be required for the well house.

Councilmember Blackburn asked if there was a way to make the pad useful in the future. Mr. Trusty said there was not because the well site is located on a berm, which will require a retaining wall.

Councilmember Liddiard **moved** to approve change order #2 for the Hard Rock Excavation well #1 upgrade agreement for a well drilling pad. 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.

DISCUSSION – Eagle Mountain South Service Area wastewater treatment plant update

Mr. Trusty discussed the current status of the wastewater treatment plant design project. The .6 million gallons per day (m.g.d.) plant originally planned will be inadequate to serve the rapidly-increasing number of homes which will be connected to the system.

Councilmember Blackburn stated the \$700,000 figure was incorrect because it does not account for \$7 million. He felt some equipment could be reused and equity buy-in for TSSD could be resold. Mr. Trusty responded the City has not yet contacted TSSD on the issue.

Mr. Trusty stated the evaluation by Bowens and Collins showed the extended aeration for an oxidation ditch, membrane bioreactor and TSSD based on the .6 present worth, recommendation was a membrane. The cost analysis of the reuse component would be approximately \$6.5 million; however, no reuse plan is in place at this time.

Councilmember Blackburn asked when the reuse plan would be implemented. Mr. Trusty responded the City would publish a request for proposals (RFP) for the reuse system design immediately. Funding would come from impact fees or the General Fund.

Councilmember Liddiard asked Mr. Trusty to discuss a phased approach to implementation and who the prime users of the system would be. Mr. Trusty responded the storage ponds are intended to increase capacity from .6 m.g.d. to 1.2 m.g.d. and increase winter storage from 3 months to 6 months. The system could be phased, which would allow the City not to fund the whole system at once. Rapid infiltration in the storm ponds would be functional immediately.

Councilmember Liddiard asked what secondary water is used for. Mr. Trusty responded it is used to irrigate landscaping at parks, schools, most right-of-way open space and churches located near the system.

Mayor Richardson mentioned outdoor irrigation uses 30% of the city's culinary water.

Councilmember Liddiard pointed out this would relieve a burden on the city's culinary water system. This use would replace a portion of the irrigation use of culinary water.

Councilmember Blackburn asked if schools would pay to connect to the trunk line, using Eagle Valley Elementary as an example. Mr. Trusty responded Eagle Valley would pay because full water rights were never deeded to the City.

Councilmember Strouse asked if purple pipe were installed in the future, giving residents access to secondary water, would homeowners be able to connect to it? Mr. Trusty responded he doesn't anticipate the city ever having enough secondary water; also, the State would be very unlikely to approve it.

Mr. Ed McCauley of the State Department of Environmental Quality stated currently there are no towns in Utah using secondary water for home irrigation. Tooele has been approved for that use, but does not have enough secondary water to do it. All of Tooele's secondary water is being used to irrigate the golf course.

Councilmember Liddiard asked Mr. Trusty to introduce the guests present for this discussion. Mr. Trusty introduced Mr. Ed McCauley from the State Department of Environmental Quality and Mr. Darrell Dixon of Stantec Consulting.

Mr. Trusty stated the cost of the 1.2 m.g.d. oxidation ditch would be \$8.5 million. The City has funding for all but approximately \$15,000.

Councilmember Liddiard asked where the \$15,000 would come from. Mr. Trusty responded it would come from the water and sewer bond.

Mr. Hendrickson recommended the \$15,000 be paid through a short-time loan from the sewer fund, to be repaid by future impact fees.

Mr. Trusty stated those future impact fees would include a 24% increase to South Service Area future facilities fees. Councilmember Liddiard asked when the South Service Area impact fee increase would be implemented. Mr. Trusty responded it would be implemented as soon as possible after the City Council approves tonight's proposal for expansion of the plant design. The soonest it could be brought before the City Council would be in one month, due to noticing requirements.

Councilmember Liddiard asked Mr. Dixon to review the difference between a .6 m.g.d. treatment plant and a 1.2 m.g.d. plant. Mr. Dixon responded the treatment capacity would double, the headworks would be larger, the oxidation ditch would have a capacity of 1.2 m.g.d. rather than .6 m.g.d., the size of the clarifiers would be doubled and pump stations and disinfection would be increased. The .6 mgd sludge reduction process would remain at the same cost except for additional concrete.

Mr. Hendrickson asked if he was correct in understanding that one element of .6 m.g.d. plan was already sized for 1.2 m.g.d. Mr. Dixon responded the headworks design would serve a 1.0 m.g.d. capacity and the Cannibal sludge reduction system design was adequate for the 1.2 m.g.d. system.

Councilmember Lifferth asked what the legal requirement is for an RFP at this point that would allow the State to honor their loan agreement with the City.

Mr. Kinghorn said he couldn't answer for the State. Since the most suitable engineering consultant is already involved, the City should have them submit a proposal. Changing to a new firm normally increases the price, but the City is allowed to hire a new contractor.

Councilmember Liddiard asked how the increase to 1.2. m.g.d. would affect the design time line.

Mr. Dixon said much of the work done on the .6 m.g.d. plan will be used as the basis for the 1.2 m.g.d. plan. The project is not starting from the beginning again, although some items will require redesign. The current time line anticipates construction beginning in spring, 2008, and being completed in spring, 2009.

Councilmember Blackburn stated the City has been going through the planning process for this project for two years. Different Mayors, Councilmembers and Public Works Directors have been involved. He asked that Stantec, as the engineering firm, push the project through. He requested a report from Stantec every thirty days, addressed to Mr. Trusty and the Council.

Mr. Dixon agreed, saying the report would show where each item was on the time line.

Mr. Trusty said he and Mr. Dixon meet every two weeks. The minutes of those meetings can be forwarded to the City Council.

Councilmember Jackson was concerned about whether, if the 1.2 m.g.d. design is approved at this meeting, an RFP would delay the process more than the two required changes of scope to Stantec's contract. Mr. Trusty responded it would. The changes in scope are the staff's recommendation.

Mayor Richardson pointed out that an RFP is not on the agenda. He also mentioned that the reuse system design had been delayed in order to move forward with State approval of the treatment plant design.

Mr. Trusty responded at this point the reuse plan would not slow the planning process. He recommended Stantec be the firm to design the reuse system, which would require two changes of scope to the contract.

Mr. Dixon said the Final Facilities Plan contains a section on reuse. The State requires formal reuse plan, which will not delay the work on the wastewater treatment plant. He said the planning phase has a definite, required termination date.

Councilmember Blackburn stated Mr. Dixon's January, 2007, report included a section on storage ponds and a recycled water pump station. He asked how that differed from a reuse system. The City Council members thought the scope of the agreement included design of the reuse system.

Mr. Dixon said the reuse plan was not part of the scope of the contract. The reuse section of the Final Facilities Plan was not a comprehensive reuse plan. The final pump station will combine functions of pumping to the lagoons or to the recycled water equipment.

Mayor Richardson said he was interested in hearing Mr. McCauley's comments on whether the reuse plan would slow the State approval process.

Mr. McCauley stated it would not slow the State approval process. The consultant will develop the reuse plan in tandem with the treatment plan. As long as the focus remains on treatment, the tandem planning should work correctly.

Councilmember Liddiard stated the proposed increase of impact fees is expected to make the plant economically feasible. He cautioned the Council that they should move to implement the proposed increase as soon as possible. Mr. Trusty responded the increased impact fees were intended to fund winter storage. If the impact fees were meant only to increase the plant capacity to 1.2 mgd, impact fees would be reduced.

RESOLUTION – Consideration and approval of a resolution to extend the capacity of the South Service Area wastewater treatment facility oxidation ditch from 0.6 million gallons per day (mgd) to 1.2 million gallons per day (mgd)

City Engineer Chris Trusty presented a resolution to extend the capacity of the South Service Area wastewater treatment facility oxidation ditch from 0.6 m.g.d. to 1.2 million m.g.d. The Final Facilities Plan has received final approval from State Department of Environmental Quality and City staff have begun coordinating with Stantec on the final design of the plant. During the design meetings, it has become apparent that the plant size could be doubled for a 30% increase in price. The State has verbally agreed to allow the City to design an increased plant size, provided a short memorandum is added as an addendum to the Final Facilities Plan indicating the desire to upgrade the plant size. Given expected growth rates in the South Service Area, the 0.6 mgd plant would be near capacity at its expected completion date. The 1.2 m.g.d. would not be expected to reach capacity for at least 20 years at current population projections.

Councilmember Jackson **moved** to adopt Resolution R-15-2007 extending the capacity of the South Service Area wastewater treatment plant from 0.6 m.g.d. to 1.2 m.g.d., with a recommendation that the Council see a change in scope to the current contract with Stantec Consulting, study the impact fees and bring up issues with the impact fees as soon as possible. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn asked how much of a cost increase the change in scope would involve. Mr. Dixon responded it would be in the range of \$100,000 to \$120,000.

Councilmember Blackburn suggested the contract include a bonus for early completion, as well as fines and penalties for any substantial delay.

Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Those voting no: Councilmember Blackburn. Motion **passed** with a vote of 4:1.

MOTION – Consideration and approval of a site plan for the Sterling Pointe Professional Center

The site plan for the Sterling Pointe Professional Center was presented by Planning Director Peter Spencer. The Sterling Pointe Professional Center will be located at the Eagle Mountain Business Campus, Lot 3, in The Ranches near SR 73 and Ranches Parkway. The site plan consists of two commercial buildings with professional suites. Each building will be 10,854 sq. ft. and two stories high. The parcel measures 1.5 acres. The current application is for the site plan; however, the applicant may request approval of a subdivision in the future. A signage application will be submitted at a later date.

Councilmember Liddiard asked whether the property would be bermed. Mr. Spencer responded it would, as that is a requirement of the Development Code.

Councilmember Liddiard also asked what outdoor lighting would be installed. Mr. Spencer responded there would be two 20-foot light poles with shielded lights. The lighting plan which the applicant will be required to submit will show the extent of the illumination.

Councilmember Liddiard **moved** to approve the site plan for the Sterling Pointe Professional Center. Councilmember Jackson **seconded** the motion.

Councilmember Blackburn asked where parking would be located. Mr. Spencer explained the location of the parking stalls. Councilmember Blackburn also asked how approval of the site plan will affect professional home businesses. Mr. Spencer responded home business permits do not require a home business to close once professional office space becomes available.

Councilmember Lifferth asked the applicant whether he had any lease contracts for the office space yet. Mr. Sterling Brimley, the applicant, stated he does not. The office space has been advertised for three weeks.

Councilmember Lifferth asked how many units each building would contain. Mr. Brimley responded the buildings will have a flexible design allowing one to eight units per building.

Councilmember Lifferth also asked if adequate infrastructure for professional offices would be installed. Mr. Brimley replied electronic infrastructure would be installed between the floors.

Councilmember Blackburn asked Mr. Spencer if a traffic pattern study had been done on Ranches Parkway. The increased traffic generated by the professional center and the new Maverik gas station, and the location of their entries close to SR 73, could create excessive traffic. Mr. Spencer indicated a study had none been done, although the Planning Department has considered traffic and does not expect it to be a problem.

Councilmember Liddiard asked the status of the Maverik gas station. Councilmember Lifferth said an engineer working on the project recently told him work is beginning.

Councilmember Jackson stated Maverik has purchased the land.

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. Motion **passed** with a unanimous vote.

MOTION – Determination of significance and whether to dispose or not to dispose of City-owned property located behind the Ricky and Angie Thompson property in Eagle Park subdivision

Planning Director Peter Spencer explained that Mr. & Mrs. Thompson, 4669 North Osprey Way, have submitted a formal letter of application requesting that the City dispose of a portion of the public open space behind their home, located at the northwest corner of the subdivision. This open space area is part of the recorded open space in Eagle Park. This open space may someday be suitable for a pedestrian trail; therefore, the City should ensure that enough land will remain available for a trail to be built in the future.

This application requires two formal actions from the City Council: first, to classify the property as either Significant or Insignificant; second, to determine disposal of the property. Based upon the criteria found in Ordinance O-11-2003, the Planning Commission recommends this open space be classified as Insignificant.

Councilmember Jackson **moved** to classify the public open space behind the Ricky and Angie Thompson property at 4669 North Osprey Way as Insignificant. 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.

Councilmember Liddiard asked what the land cost was in the Channing and Jayna Jones disposal action. Mr. Spencer responded it was nine cents per square foot, according to the County appraisal. He also asked about the processing fee charged to the Jones and whether any additional fees were assessed by the City. Mr. Spencer responded the processing fee was \$150.00 and no other fees were assessed. Any potential fees are listed in the ordinance.

Councilmember Liddiard asked if there is any concern about an easement in the area or building restrictions on the property. Mr. Spencer responded there is no easement and the Thompsons would be required to build according to the Development Code.

Councilmember Jackson stated the Planning Commission has discussed the process of designating land Significant or Insignificant. She requested that the process be reviewed, incorporating the Planning Commission's recommendations.

Councilmember Liddiard asked whether Councilmember Jackson would like to amend her motion to reflect current market value. Councilmember Jackson agreed.

Councilmember Jackson amended the motion to reflect the value of the land for current tax year, with Mr. Kinghorn determining the exact amount. Councilmember Liddiard **seconded** the motion.

Councilmember Strouse asked if there would still be adequate room to build a trail in the area. Mr. Spencer responded there would.

Councilmember Strouse also asked if there was a specific time line for when the trail would be built, since the residents have waited so long. Mr. Spencer responded specific trails were not planned at this time because an overall trail plan was being developed.

Councilmember Strouse said when the new land disposal plan was created, she requested areas with the greatest need be addressed first in trail planning. Mr. Spencer responded those priorities would be identified in the overall trails plan, as well as what amenities would be included.

Councilmember Lifferth asked if any other applications for disposal of public open space were in process. Mr. Spencer responded he was not aware of any.

Councilmember Lifferth 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. Motion **passed** with a unanimous vote.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Blackburn

Councilmember Blackburn stated he voted no on the sewer expansion resolution because it would cause delay and added cost. In addition, other technologies had been overlooked. He wanted more time to study the issue for the best use of the City's funds.

Councilmember Strouse

Councilmember Strouse had no comment.

Councilmember Liddiard

Councilmember Liddiard stated he will not be here after this year to help oversee the sewer project. He challenged future elected officials to oversee it carefully. He encouraged residents to vote in the upcoming general election. He welcomed Senior Accountant Paul Jerome to the Finance Department and reported he has asked Mr. Jerome to provide the Council with a status report on the 2006 budget audit. He said most of the Council attended the recent Alpine School District meeting at the Council Chamber and expressed appreciation to Jennifer Webb for facilitating the meeting. He said school district representatives described plans to build schools on an accelerated schedule. They also introduced long-range plans for school construction in the city, including future plans for a high school in Eagle Mountain. They announced plans for future cost savings which will allow one additional

elementary school per year to be built without new bonding. He thanked the district for coming to the city and providing that information.

Councilmember Jackson

Councilmember Jackson spoke with Rob Smith of Alpine School District regarding the progress of Hidden Valley Elementary School. He told her the contracts were delivered to the developers' attorneys today. She said she has received emails from residents about road maintenance. Eagle Mountain Blvd. east of the roundabout has had a large hole for a developer to put in utilities. She asked how long holes are allowed to be left open. She stated the hole gets deeper daily and there is no warning signage. She asked staff to see that the hole is fixed quickly and a time frame for repair be available to residents.

Mayor Richardson

Mayor Richardson thanked Alpine School District for meeting with residents and planning ahead for the city's educational needs. He said investigations are not usually discussed in public, but he had Councilmember Jackson's permission to announce the investigation of her in regard to conflict of interest has been completed by the City Attorney. No wrongdoing was found and Councilmember Jackson is willing to answer questions from the public on the subject.

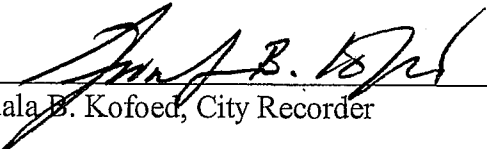
CITY ADMINISTRATOR ITEMS

Mr. Hendrickson reported he is ready to present a proposed organizational plan for the Public Works Department to the Mayor. The plan could be discussed with the Council in a closed executive session.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 8:38 p.m.

APPROVED BY CITY COUNCIL NOVEMBER 20, 2007



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

September 18, 2007

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 4:20 p.m.

CONDUCTING: Mayor Don D. Richardson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Coordinator; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Jason Randall, Sergeant; Eric McDowell, Sergeant.

DISCUSSION/REVIEW ITEMS

TRAINING – Open & Public Meetings Act – Utah League of Cities & Towns.

AGENDA REVIEW

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

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:35 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:18 p.m. Boy Scout Troop 1122 presented a color guard and 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Jason Walker, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official;

Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

INFORMATION ITEMS/UPCOMING EVENTS

- Yesterday, September 17, was Constitution Day.
- Rockwell Charter High School groundbreaking, Wednesday, September 26.
- “Home for a Hero” groundbreaking, November 29, 4:00 – 8:00 p.m., Nolan Park.

PUBLIC COMMENTS

No comments.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

Councilmember Heather Jackson

Councilmember Jackson requested information on the status of the land purchase for Fire Station #3 and the building of the addition to Fire Station #2. Mr. Hendrickson responded that the land purchase was completed last week. The design and building of the new fire station was delayed due to a contract dispute with the builder of the temporary structure, which is being resolved. A request for proposals for design of the station has been sent out.

Councilmember Vincent Liddiard

Councilmember Liddiard welcomed the Boy Scouts from Troop 1122. He was at the recent Scout Pow Wow and looked forward to hearing their plans for Eagle Scout projects in the near future. He also stated that City Council members are not immune from construction hazards in the city. He invited whoever dumped their concrete waste in his flower beds to come and remove it.

Councilmember Linn Strouse

Councilmember Strouse mentioned that the new, higher price for the city street guide was meant to cover additional information in the guide regarding which areas are City-maintained and which are to be maintained by other entities. Since the information has not yet been included in the guide, she said the price listed in the consolidated fee schedule should be reduced.

Councilmember David Blackburn

Councilmember Blackburn mentioned road failure around town. Some is occurring in through roads where fees in lieu have been paid, but the areas have not yet been built out. Building construction requirements should be increased for these corridors. He hoped projects such as the revised Policies and Procedures manual would be completed before current Council terms end. Mr. Hendrickson responded Council members will receive emails on the Policies and Procedures manual this week.

Councilmember David Lifferth

Councilmember Lifferth stated he has been completing an assignment at his workplace, researching government and legal documents in Eastern Europe for the past few hundred years. He expressed appreciation for the Constitution, which is unique among all those documents, and those who have sacrificed to maintain the Constitution.

Mayor Don Richardson

Mayor Richardson announced Planning Commissioner John Malone has moved out of the city. He thanked Mr. Malone for his service. He also introduced Sgt. Eric McDowell, the City's new Police Chief.

CONSENT AGENDA

Councilmember Blackburn **moved** to approve the Consent Agenda as follows:

MINUTES

June 5, 2007 – Regular City Council Meeting

June 19, 2007 – Regular City Council Meeting

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 – Formally certifying the election canvass from the 2007 Municipal Primary Election, including additional votes from provisional ballots, and declaring the two mayoral candidates and the six council candidates with the highest number of votes eligible to be on the ballot for the General Municipal Election on November 6, 2007

City Recorder Gina Peterson presented the unofficial results of the September 11, 2007, Municipal Primary Election. Pursuant to State law, it is necessary that the City Council, as the Board of Canvassers, canvass the election no later than seven days after the completion of the election. The candidates with the greatest number of votes will move on to the General Election.

Forty-two provisional ballots were cast by Eagle Mountain voters. Thirty-six were deemed valid by the County Elections Office. Mayor Richardson, Councilmember Liddiard, Councilmember Lifferth and Councilmember Blackburn counted the provisional ballots. Each of them counted the ballots and then Ms. Peterson tallied them. Ms. Peterson asked the Council/Board of Canvassers to review the ballot counts from Election Day while she tallied the provisional ballots.

Councilmember Liddiard asked if the City Council would canvass municipal votes in the General Election, which Utah County is responsible to conduct. Ms. Peterson said the City Council would canvass the votes according to numbers received from the County. Councilmember Liddiard stated Ms. Peterson did an excellent job conducting the Eagle Mountain City Primary Election.

Ms. Peterson explained to the audience that two years ago counting was not done during City Council meeting because State law allowed 14 days between the election and the canvass. That allowed time for election judges to be called in to count provisional ballots. Since then the law has changed to allow only seven days. Since the provisional ballots were received from County certifiers late yesterday afternoon, there was no time to call in election judges. To guarantee impartiality, only Council members not running for office counted the ballots.

Councilmember Strouse asked Ms. Peterson to explain to the audience how counting was conducted at poll locations on Election Day. Ms. Peterson explained that three counters began counting around 5:00 p.m. They took the full ballot box into a counting room, which was closed to all but authorized persons, and left an empty box with the poll workers. They counted the number of ballots in the box and

compared it to the number listed in the poll book. One counter read the ballots while the two others tallied the votes using hash marks. The ballots lay flat on the table so all of the counters could see them. When the ballots in the box were completely counted, the counters exchanged the empty box for the now-full box in the voting area and started the counting process again. Councilmember Strouse praised poll workers for being very dedicated individuals.

Councilmembers mentioned that some residents received the City's voter information pamphlet and sample ballot just before or just after Election Day. Ms. Peterson responded there were concerns with the Post Office's delivery of the ballots.

Councilmember Lifferth asked when early voting would begin for the General Election. Ms. Peterson said she would find the information and have it published in the City newsletter. Early voting for the General Election will be held at the County Administration Building on Center Street in Provo. Absentee voting, which allows a paper ballot to be mailed to those who apply for one, will also be available.

While the votes were being canvassed, Councilmember Blackburn asked Chief Andrus how much money was raised by Fire Department fund raising efforts. Chief Andrus reported that \$800 was raised in the "Fill the Boot" fundraiser. The Fire Department also raised funds for the Penovich family at the Jericho Road concert. Chief Penovich recently died in a car accident. Councilmember Blackburn offered condolences to the Kehl family for the death of Mr. Greg Kehl, a former Eagle Mountain City Councilmember.

Councilmember Liddiard asked how long ballots are retained. Ms. Peterson responded that ballots are retained for 22 months before they are shredded. Ms. Peterson reported the tallies:

Richard Culbertson:	11 provisional votes for a total of 516
Wolfgang Franz:	14 provisional votes for a total of 246
Heather Jackson:	11 provisional votes for a total of 427
Donna Burnham:	15 provisional votes for a total of 491
Edwin Camacho:	9 provisional votes for a total of 237
Eric Cieslak:	9 provisional votes for a total of 395
Robert De Korver:	5 provisional votes for a total of 356
Randall Fenn:	1 provisional vote for a total of 36
Bryan Free:	5 provisional votes for a total of 225
Kenneth Hixon:	5 provisional votes for a total of 303
Ryan Ireland:	22 provisional votes for a total of 599
Eleanor McClain:	14 provisional votes for a total of 145
Nathan Ochsenhirt:	12 provisional votes for a total of 376
Linn Strouse:	7 provisional votes for a total of 358

Councilmember Blackburn **moved** to certify the vote canvass and advance the following candidates to the General Election: Mayoral candidates Richard Culbertson and Heather Jackson; City Council candidates Donna Burnham, Eric Cieslak, Robert DeKorver, Ryan Ireland, Nathan Ochsenhirt and Linn Strouse. 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.

PUBLIC HEARING – General Plan amendments

ORDINANCE – Consideration and adoption of an ordinance approving General Plan amendments for Eagle Mountain City

Planning Director Peter Spencer described proposed amendments to the General Plan. The Future Land Use and Transportation Map, part of the General Plan, is the document that guides land use and transportation throughout the city. The map dictates much of how land is zoned and rezoned. Additionally, this map directs where and how larger transportation corridors are installed and implemented.

Transportation Amendments:

1. Airport Road: Airport Road will continue as a highway (206' ROW) from the airport bypass road intersection south to the city limits.
2. Hidden Valley: The major arterial (154') that runs through Hidden Valley continuing west to the proposed Cedar Valley Freeway on the city's western boundary will be extended.
3. SITLA Roads: (a) North of the Pony Express parcel of land, just west of the Overland Trails subdivision, North Pony Express Road will be shown as a major collector (94' ROW). This collector runs east from West Pony Express Road and ties into Major Street. (b) West Pony Express Road will be extended south until it ties into a major collector road which runs east to Sweetwater Road and west to the future Cedar Valley Freeway. (c) The bypass road leading northeast out of Sweetwater Road past Eagle Mountain Elementary School will be decreased from a major arterial (154' ROW) to a minor arterial (124' ROW).
4. Minor Collector: Leading from the bypass road is a minor collector that was previously not aligned along a common section line. The 'bent' alignment was to accommodate an already-existing project (Sage Park). Since that time, this project has been redesigned and this collector road has now been approved along the section line.
5. Highway/Freeway Extensions: The proposed Cedar Valley Freeway on the west side of the city now extends north beyond SR 73 to connect to potential major transportation routes out of the Cedar Valley, particularly another possible large facility crossing east/west through the southern portion of Camp Williams, paralleling SR 73. The Mountainland Association of Governments, the regional planning organization, has shown this 'Camp Williams' highway on their long range plan.

Land Use Amendments:

Cedar Ridge Master Development Plan amendment. The Cedar Ridge MDP received approval of its land use element from the City Council on August 7, 2007. The Master Plan shows an element of commercial development and medium-density housing in the southern portion of the project. This change to the General Plan accommodates the Master Plan in that area.

Eagle Mountain Properties Master Development Plan amendment. Amendments to the Eagle Mountain Properties Master Development Plan were recently approved by the City Council. A condition of approval was that the amendments comply with the General Plan. The following changes will bring the amendments into compliance.

1. Section # 12 – 40 acres Mixed Use Residential to Commercial C-2.
2. Section # 13 – approximately 80 acres Residential to Commercial C-2.
3. Section # 14 – approximately 20 acres Mixed Use Residential to Commercial C-1.
4. Section # 15 – approximately 30 acres Mixed Use Residential to Commercial C-2.
5. Section # 24 – 18-acre parcel Residential to Commercial C-1.
6. Section # 30 – approximately 40 acres Residential to Commercial C-2.
7. Section # 31 & 36 – approximately 360 acres Residential to Airport and Commercial C-2.

8. Commercial/Residential land use designation has been added where the EMP Master Plan indicated Resort zoning. This land use designation allows the City to more precisely indicate what is permitted in that zone. The EMP Master Agreement allows for both residential and commercial uses within their Resort zoning. The General Plan Map currently shows only Mixed-Use Residential throughout this area, which gives the impression this area would be predominately residentially-zoned.

Mayor Richardson opened the public hearing at 8:36 p.m.

Ms. Wendy Baggaley, 1467 Hawk Way, expressed appreciation to the Planning Department for their work in preparing the maps describing these amendments. She was pleased to see plans for additional entrances and exits to the city, but was concerned about the extension of Pony Express Parkway to the new high school. She doubted students would go west to SR 73 to go to school, so they would take the shorter route. Her concern was timing. Within four years Tenth South will be built, which will also be a more direct route. She asked the Council to look carefully at this problem.

Mr. Fran Fillerup, SITLA, expressed SITLA's support of the General Plan amendments as presented. He said SITLA also supports the City's long-range transportation planning, referring to the large amount of the land the City has to make plans for, which is the third largest in the state.

Mr. Brian Mullay, 4384 Maple Drive, asked why zoning was changed for the benefit of Eagle Mountain Properties in June and again today, since the change in June didn't seem to be beneficial to the residents.

Mayor Richardson closed the public hearing at 8:42 p.m.

Councilmember Liddiard stated Cedar Valley was not always part of Utah County. If it had remained separate, Eagle Mountain might be the county seat. Eagle Mountain, Cedar Fort and Fairfield have all expanded, creating a group of cities located close together. He asked whether Mayor Giles or officials of the other cities have had a chance to comment on Eagle Mountain's plans.

PS replied they had been notified by mail and he has talked with staff at Saratoga Springs, but none of the cities have made any response.

Councilmember Lifferth pointed out some of the City's transportation planning is being done in unincorporated areas. He asked what the proper procedure is for documenting plans for unincorporated areas. Mayor Richardson said the plans for unincorporated areas are registered with the Mountainland Association of Governments. Those corridors can also be purchased by cities.

Councilmember Liddiard suggested the next land use map use a more distinct color to mark the Rural Residential area in Hidden Valley, especially for people who like to shoot in the area and need to know when they are within city boundaries and subject to the firearms ordinance.

Councilmember Lifferth asked the legal value of the land use map and how would it assure compliance and sustainability of Eagle Mountain's plan in the future. PS responded the City controls land within its boundaries. Other cities supporting a Cedar Valley freeway are expected to support Eagle Mountain's master transportation plan. However, our document does not control their choices.

Councilmember Lifferth stated Eagle Mountain needs to make sure Cedar Fort and Fairfield support Eagle Mountain's plan.

Mayor Richardson stated the Mountainland Association of Governments is doing a study in this direction.

Councilmember Jackson asked whether the City's future annexation plan states whether the land planned for the transportation corridor is within the City's future annexation area. Mr. Spencer responded it is on the boundary line.

Councilmember Strouse asked whether Commercial zoning would be located right across from Sage Valley. PS said Commercial zoning was included in the Cedar Ridge Master Development Plan.

Councilmember Liddiard pointed out that the map lacks topographic lines and requested that another edition show some topography.

Councilmember Blackburn suggested that north/south and east/west roads rather than curved ones would be better for long-term traffic flow.

Councilmember Strouse talked about residents who bought land in rural areas and will have commercial land around them and asked how these decisions were made. PS responded that the curved road was planned to alleviate that. He did not know how the decision was made, as it was before his employment with the City. He thought the Sage Valley master plan was approved before the land use plan was adopted. He also believed it was designed to use the limited frontage along SR 73 available for commercial land in the future.

Councilmember Liddiard asked about corridor preservation in the area that had been planned to be the Allred gravel pit, asking what highway access would be available. PS responded access would be through Sunset Drive. Secondary access required by the fire code could be limited to emergency access to SR 73.

Councilmember Lifferth **moved** to adopt Ordinance O-19-2007 approving the proposed amendments to land use and transportation plans as follows:

Transportation Amendments:

1. Airport Road: Airport Road will continue as a highway (206' ROW) from the airport bypass road intersection south to the city limits.
2. Hidden Valley: The major arterial (154') that runs through Hidden Valley continuing west to the proposed Cedar Valley Freeway on the city's western boundary will be extended.
3. SITLA Roads: (a) North of the Pony Express parcel of land, just west of the Overland Trails subdivision, North Pony Express Road will be shown as a major collector (94' ROW). This collector runs east from West Pony Express Road and ties into Major Street. (b) West Pony Express Road will be extended south until it ties into a major collector road which runs east to Sweetwater Road and west to the future Cedar Valley Freeway. (c) The bypass road leading northeast out of Sweetwater Road past Eagle Mountain Elementary School will be decreased from a major arterial (154' ROW) to a minor arterial (124' ROW).

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8. Commercial/Residential land use designation has been added where the EMP Master Plan indicated Resort zoning. This land use designation allows the City to more precisely indicate what is permitted in that zone. The EMP Master Agreement allows for both residential and commercial uses within their Resort zoning. The General Plan Map currently shows only Mixed-Use Residential throughout this area, which gives the impression this area would be predominately residentially-zoned.

Councilmember Liddiard **seconded** the motion.

Councilmember Blackburn 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. Motion **passed** with a unanimous vote.

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

The proposed boundary adjustment between Eagle Mountain City and Saratoga Springs was presented by City Recorder Gina Peterson. Capital Security Mortgage and Tracy K. Gibbs own approximately 35

acres in Saratoga Springs near The Ranches Golf Course driving range. A formal request has been made to both cities to adjust their common boundary and locate the parcel in Eagle Mountain City. Utah Code Ann. §10-2-419 establishes a procedure for adjustment of boundaries between adjacent municipalities. The process begins with each municipality adopting a "resolution of intent," which begins a 60-day protest period. Saratoga Springs adopted this resolution on September 11, 2007. The boundary adjustment process must be carried out simultaneously in both cities.

Councilmember Blackburn **moved** to adopt a resolution of intent to adjust the City's common boundary with Saratoga Springs. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth mentioned possibly utility challenges with the property. The developer will be responsible for a lift station. He asked what control the City would have to be sure the work was done properly.

Councilmember Blackburn pointed out the issue is not on the table.

Councilmember Strouse said this land was discussed thoroughly years ago and utilities were an issue then. The utility issue was the reason the boundary adjustment was considered. However, it was not carried out at the time. She asked if the zoning is high density. PS said Saratoga Springs planned for high density, but the entitlement will not be binding on Eagle Mountain. He believed the intent of the boundary adjustment was to designate land on this side of the power corridor as part of Eagle Mountain.

Councilmember Blackburn asked if the boundary adjustment would create water supply issues. PS responded water rights will be required for any development. Mr. Trusty stated the land will have the same water requirements as other developments. He said it was located in Area 54, which could make it easier to obtain water rights. The potential developer has already talked to the City about building a well.

Councilmember Blackburn requested that, as the area is developed, the City define what entrances will be allowed onto SR 73. PS responded road access to SR 73 would not be allowed; rather, road access would be directed west.

Councilmember Strouse asked what density the developer planned to have. PS said mixed density was planned.

Councilmember Liddiard said Eagle Mountain's borders are now close to other cities. He asked how the City is working with other cities on the power line corridor. He asked staff to coordinate with surrounding cities.

Councilmember Lifferth 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. Motion **passed** with a unanimous vote.

DISCUSSION – Eagle Mountain South Service Area wastewater treatment plant update

This item is an ongoing update which refers to the following agenda item, as well. Mr. Trusty stated that Stantec is required to write a letter to the State Division of Water Quality (DWQ) requesting permission to increase the size of the new treatment plant. The DWQ approved the increased size;

however, the approval was followed by a request for more information regarding how FONSI (findings of no significant impact) and smart growth principles will apply to the treatment plant. The Final Facilities Plan states that the expanded wastewater treatment plant would facilitate commercial growth and reduce the distance residents will have to travel for basic errands. The DWQ wanted more detail. If possible, the additional information will be included in the required letter. If including the information would delay sending the letter, then the additional information will be sent separately. Regarding progress on the project, Mr. Trusty said he met with Stantec this week. Manhole extensions have been ordered, which will be installed in October, and flocculant will be used on a test basis shortly.

Councilmember Blackburn asked what Stantec has actually accomplished. Mr. Trusty responded they have had the Final Facilities Plan approved by DWQ, the preliminary design has been completed and the schematics have been increased to 1.2 m.g.d. He stated the increased engineering costs will be less than 9% of total construction costs. The DWQ has required Stantec to extend the engineering schedule by four months. The previous schedule appeared to be too aggressive, possibly causing Stantec to have to return to the DWQ with corrections. The DWQ design review is now scheduled for February, 2008.

Councilmember Liddiard stated the schedule does not allow for delays. The project needs careful supervision, which may justify hiring an employee to supervise construction activities.

Councilmember Jackson asked if this timeline is a worst-case projection. Mr. Trusty responded it was, therefore the project could go to bid sooner.

Councilmember Jackson asked how the City could be proactive to make sure bidding can be scheduled before this deadline. Mr. Trusty responded that this deadline is accelerated. He meets weekly with Stantec, which submits regular progress designs to be reviewed by the DWQ.

Mr. Hendrickson suggested Mr. Trusty could use the engineering funds overage to hire an additional employee for the project, perhaps a project manager. Mr. Hendrickson has met with the DWQ and believes part of the delay is due to their desire for a final design to evaluate against systems in other locations. The DWQ has not seen the final design of the Cannibal system. The City Engineering Department has also been unable to go to final design until the Council approved the concept and the entire plan. The Council has now provided direction and the project is moving ahead as quickly as possible.

Councilmember Blackburn said the City may be fined by the DWQ before the project is done. Therefore, the contract needs a binding time line, including a penalty for exceeding the time line.

Mr. Trusty responded the contract does not have any schedule penalty. Mr. Kinghorn said the present time line could be added to the contract addendum.

Councilmember Blackburn questioned Stantec's failure to submit monthly invoices, as required in the agreement. He said very detailed invoices need to be addressed to Mr. Trusty, Mr. Hendrickson, Mayor Richardson and the Council. The agreement states that Stantec is liable for exercising diligence in completing the contracted work.

AGREEMENT – Consideration and approval of a change in scope to the agreement with Stantec Consulting for additional capacity to the existing South Service Area wastewater treatment facility

City Engineer Chris Trusty presented the proposed change of scope to the design services agreement with Stantec. The Council recently approved a resolution to increase the capacity of the South Service Area wastewater treatment facility from 0.6 million gallons per day (m.g.d.) to 1.2 m.g.d. The proposed change in scope funds the additional engineering work required by the expansion. The change adds \$128,550 to the agreement for a total cost of \$957,537, an increase of 8.8% of the total construction costs for the project.

Councilmember Liddiard **moved** to approve a change in scope in the contract with Stantec Consulting for additional capacity to the existing South Service Area wastewater treatment facility. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a 1.5 percent cost of living increase for all Eagle Mountain City employees hired and considered permanent before July 1, 2007

The proposed cost of living increase for permanent City employees was presented by City Administrator John Hendrickson. Most organizations, both public and private, offer wage increases annually both to offset increases in the cost of living and to reward employees who have proven their worth to the organization. The recommendation is that a 1.5% cost of living increase be given to all Eagle Mountain City employees who were hired and considered *permanent* before July 1, 2007. The increase would be effective retroactive to the beginning of the 2008 fiscal year.

Mr. Hendrickson described a plan for allowing thorough employee evaluations without requiring supervisors to conduct all evaluations before the beginning of each budget year. Employees would be evaluated on the anniversary of their permanent hire. Merit raises would be prorated during the first year the system is implemented to make those of employees evaluated later in the fiscal year equivalent to raises of those evaluated earlier in the year. The cost of living increase would be a separate item from merit raises. Management Analyst Ifo stated the budget has adequate funds to cover the additional expenditure.

Councilmember Liddiard **moved** to approve a 1.5 percent cost of living increase for all Eagle Mountain City employees hired and considered permanent before July 1, 2007, to include the recommendations made by Mr. Hendrickson:

- that a 1.5% cost of living adjustment be given to all Eagle Mountain City employees who were hired and considered *permanent* before July 1, 2007, to be effective retroactive to the beginning of the fiscal year (July 1, 2007)
- that all additional merit-based adjustments would be limited to no more than 1.5% and continue to be given to employees who demonstrate satisfactory or excellent performance in their annual performance evaluation by their immediate supervisors
- that all performance evaluations and merit increases be given at the anniversary date of the employee's hire

Councilmember Jackson **seconded** the motion.

Councilmember Liddiard asked if the increase would be received by probationary employees or those needing improvement. Mr. Hendrickson responded that all employees considered permanent since July

1 would received a cost of living adjustment. Probationary employees' evaluation and raise will not take place until the anniversary of their permanent hire date.

Councilmember Liddiard asked if the budget would cover the additional funds required by the increase. Mr. Hendrickson responded that it would. Management analyst Jason Walker explained the analysis was calculated using the highest possible costs and the budget still covered the expenditure.

Councilmember Lifferth asked what the actual cost of the increase would be to the City. Mr. Hendrickson responded the increased costs will be covered by funds allocated for positions which are currently unfilled, making the increase budget-neutral.

Councilmember Blackburn objected to making the increase retroactive to July 1. He stated the increase should not be implemented until after the raise process is established in the Policies and Procedures Manual. Further, the employees recently received a market increase.

Mr. Hendrickson asked Mr. Pili what the consumer price index (CPI) would have been if the cost of living increase had been passed in July. Mr. Pili responded this increase is less than the CPI. He said not passing the increase would actually penalize employees by making their salaries worth less in real value than they were last year.

Councilmember Jackson said the City Council passed an ordinance directing how expenditures in the budget should be changed. The City Council needs a budget amendment for this action. Mr. Hendrickson stated a budget amendment would be brought to the Council for the increase and would cover other items in addition to the increase.

Councilmember Blackburn asked if elected officials will receive a 1.5% increase, as well. Ms. Peterson responded the City Council's compensation is set by ordinance.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: Vincent Liddiard. Those voting no: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse. Motion **failed** with a vote of 1:4.

CITY ADMINISTRATOR ITEMS

Mr. Hendrickson updated information on the Central Water Project (CWP). The water will eventually be stored in a 40-million-gallon facility either on the border between Eagle Mountain and Saratoga Springs or north of SR 73. The CWP prefers to use a site with a height which will minimize pumping requirements. Water could also be taken directly out of the line and pumped into the system. The water line will run through Lehi along the 1000 South corridor. The CWP wants commitments from all interested entities as soon as possible as to the amount of water they want to use and the time frame in which they want it.

Councilmember Lifferth asked what competition there is for the water. Mr. Hendrickson responded the Jordan Valley Conservancy District would like 8,600 acre-feet. Cedar Fort and Fairfield have expressed interest, also.

Mr. Hendrickson reported that the Intermountain Municipal Gas Authority (IMGA) will meet tomorrow regarding reorganization. IMGA is the purchasing intermediary for the City's gas purchases.

Regarding the 138 kV transmission line, land appraisals for the easements are nearly done. The next step will be to meet with property owners and the State Ombudsman's Office. The 138 kV project is on schedule and is expected to be completed by June, 2008.

Mr. Hendrickson recently attended the Utah League of Cities and Towns convention in Salt Lake City. LDS Church President Gordon B. Hinckley was named Citizen of the Century. The emphasis of the convention was on the issue of water throughout the state, particularly supply and accountability. PS was able to attend planning meetings and Ms. Peterson attended meetings for City Recorders. There were also municipal financial planning meetings.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Blackburn

Councilmember Blackburn had no comment.

Councilmember Strouse

Councilmember Strouse stated Councilmember Blackburn has contributed greatly to sewer treatment discussions, partially because of his service on the Public Works Board. She said the varied talents of Councilmembers, Mayor Richardson and Mr. Hendrickson have been great assets to the city.

Councilmember Liddiard

Councilmember Liddiard felt the same as Councilmember Strouse regarding Councilmember Blackburn's ability to deal with sewer treatment matters, saying sewer plant planning is a thankless job. He was not happy with the quality of concrete repair by City employees near his home. He hoped it was not the usual quality of repair. He said the road failure in Friday's Station is extreme. He would like the City's fleet vehicles prepared for plowing.

Councilmember Jackson

Councilmember Jackson thanked the staff for promptly repairing the road she mentioned at the last meeting.


Mayor Richardson

Mayor Richardson extended his condolences to the family of former Councilmember and Mayor Pro Tem Greg Kehl, who died last Friday. He expressed appreciation for Mr. Kehl's contributions to the city. He thanked the City Council, Mr. Kinghorn and Mr. Hendrickson for their service. Mayor Richardson recently received a press release from Senator Bennett's office stating the City has been allocated \$400,000 by the Senate for the City's regional park. The House allocated \$300,000. The final amount will be determined in committee. He said Public Information Coordinator Linda Peterson was been a great help to the city, as well. He expressed appreciate to the audience, especially the candidates for municipal office, and encouraged them to gather as much information as they can in order to work for the people of the city.

ADJOURNMENT

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

APPROVED BY CITY COUNCIL NOVEMBER 20, 2007



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 2, 2007

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 (arrived 4:49 p.m.), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief.

DISCUSSION/REVIEW ITEMS

INTRODUCTIONS – New Public Safety Employees

DISCUSSION – Site Plan – New Elementary School in Eagle Mountain City

DISCUSSION – Proposed Changes to Personnel Policies and Procedures

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURN TO A CLOSED EXECUTIVE SESSION

At 6:02 p.m. the City Council adjourned to a closed executive session for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. The closed session adjourned at 7:11 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:21 p.m. Robert Ballif 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; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief.

INFORMATION ITEMS/UPCOMING EVENTS

- Hidden Valley Elementary School groundbreaking, October 9, 4:00 pm.
- Public Safety Fair, October 10, 4:00 – 7:00 p.m., Nolan Park. Representatives of the Utah State Children's Health Insurance Plan will be at the fair to do enrollments.
- The Home for a Hero project groundbreaking was held last Saturday.

PUBLIC COMMENTS

No public comments.

CITY COUNCIL/MAYOR ITEMS

OATH OF OFFICE – Fire Captains

Captains Steve Conger, Kevin McCarthy, and Jeff Francom were sworn in by Chief Andrus.

BOARD APPOINTMENT – Library Board – Deborah Malay

Mayor Richardson recommended the appointment of Ms. Deborah Malay to the Library Board. Councilmember Blackburn **moved** to approve the appointment of Ms. Deborah Malay to the Library Board. 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 Recorder Gina Peterson administered the oath of office to Ms. Malay.

BOARD APPOINTMENT – Timpanogos Special Service District – Dave Norman

Mayor Richardson recommended the appointment of Mr. Dave Norman to the Timpanogos Special Service District Board. Councilmember Blackburn **moved** to approve the appointment of Mr. Dave Norman to the Timpanogos Special Service District Board. 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.

BOARD APPOINTMENT – Intermountain Municipal Gas Agency – John Hendrickson

Mayor Richardson recommended the appointment of Mr. John Hendrickson to the Intermountain Municipal Gas Agency Board. Councilmember Blackburn **moved** to approve the appointment of Mr. John Hendrickson to the Intermountain Municipal Gas Agency Board. 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 COMMENTS

Councilmember David Lifferth

Councilmember Lifferth asked if the recent meeting with Stantec meeting would be discussed would be discussed at tonight's meeting. He was told that it would. He said there could be no more deserving recipient of the home donated by Home for a Hero than Sgt. Gordon Ewell.

Councilmember David Blackburn

Councilmember Blackburn stated the entire Council attended the Home for a Hero activity last Saturday. It was a very touching event and positive publicity for the city. He said that, as the season changes, residents should turn off and winterize their sprinkler systems.

Councilmember Linn Strouse

Councilmember Strouse said the military appreciation event Saturday evening was a terrific experience and very touching. She has military personnel on both sides of her family, which made the event very personal for her. She announced that resident Sara Hendricks has formed a support group for military families.

Councilmember Vincent Liddiard

Councilmember Liddiard reiterated the praise for Sgt. Ewell. He mentioned that this is Fire Prevention Week and encouraged residents to have and practice a fire escape plan. Fire season is moving indoors: furnaces, Christmas trees, etc. He thanked city staff for constantly seeking opportunities to serve residents, especially Chief Andrus for improving the city's safety services, and welcomed the Sheriff's Deputies attending this meeting.

Councilmember Heather Jackson

Councilmember Jackson stated it was a good thing to see the City rewarding long-term fire fighters with promotions. She said Saturday's event was amazing. In regard to veterans, she stated the City has a utility billing discount for military personnel in active service and should consider giving a discount to disabled veterans, as well.

Mayor Don Richardson

Mayor Richardson said the program Saturday night was great. There are over 100 soldiers from Eagle Mountain serving either at home or abroad. He encouraged residents to be good neighbors and help their families. He thanked members of the City's boards and committees for their willingness to serve.

CONSENT AGENDA

Councilmember Blackburn **moved** to approve the following items on the Consent Agenda:

MINUTES – July 17, 2007 – Regular City Council meeting

CHANGE ORDER

Hard Rock Excavation – Well #1 Upgrade – CO #3

Boart Longyear – Production Well Completion – CO #1

FINAL PLATS

Oquirrh Mountain West – Plat 3

Oquirrh Mountain West – Plat 4

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.

SCHEDULED ITEMS

PUBLIC HEARING – Fee Waiver

RESOLUTION – Consideration and donation of building fees and related fees to Homes For Our Troops for the Home for a Hero project

Public Communications Coordinator Linda Peterson presented the Home for a Hero project. Homes For Our Troops is a non-profit organization with 501(c)3 status which was founded in 2004. This organization provides assistance to severely injured servicemen and servicewomen and their immediate families by raising donations of money, building materials and professional labor. It coordinates the process of building a new home or adapting an existing home for handicapped accessibility. Homes For Our Troops has partnered with Alta Vista Homes on the Home for a Hero project. Alta Vista Homes will build a new home in the Lone Tree development for a soldier who has suffered permanent disability from service in the war in Iraq. Homes for Our Troops has donated the purchase of the lot. The home will be specially designed to accommodate any needs the recipient has due to his or her disability. The recipient must be unable to work as he or she did before the injury and is required not to sell the home for five years.

The home will be occupied by Sgt. First Class Gordon Ewell and his family. He and his wife Terra have six children, ages 1 to 16. The family currently rents a home in the Lone Tree subdivision. Sgt. Ewell was a route clearance expert who suffered traumatic brain injury, loss of coordination, permanent hearing loss, legal blindness and a broken jaw due to his efforts to protect fellow soldiers from injuries due to roadside bombs. \$7,681.82 in fees for the project can legally be waived. \$5,660.02 in requested impact fee waivers cannot be waived due to the City's contractual obligations. If the Council were to pass a budget amendment in a subsequent meeting, the fee waiver could be raised to \$13,341.84. Ms. Peterson reported that she called Tasco Engineering this evening to request that they waive their fees, which they agreed to do.

Mayor Richardson opened the public hearing at 7:45 p.m. Hearing no comments, he closed the hearing.

Councilmember Blackburn **moved** to adopt Resolution R-18-2007, approving the donation of building fees and related fees to Homes For Our Troops for the Home for a Hero project and recommended that a budget amendment for additional fee waivers be considered. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth expressed appreciation for Tasco's donation of fees. He suggested information about all donors be included in the City newsletter.

Councilmember Jackson requested that a budget amendment allowing further fee waivers be placed on the agenda for the next City Council meeting. She also recommended that the Timpanogos Special Service District be approached to waive its fees, as well.

Councilmember Liddiard said he met Sgt. Ewell at the Home for a Hero event on Saturday evening. He was very impressed with Sgt. Ewell's wish that he could have done more, his appreciation for the opportunity to serve, and his appreciation for the assistance being provided to him and his family. Councilmember Liddiard encouraged everyone to give whatever help they can to war veterans.

Councilmember Jackson stated her husband is a member of Sgt. Ewell's current unit. She said everyone in the unit loves Sgt. Ewell. He smiles all the time, even in his current condition. She pointed out that individuals can donate to the Home for Hero project by contacting Laura at Alta Vista Homes.

Councilmember Lifferth asked that contact information for donations be posted in City Hall.

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

PUBLIC HEARING – Development Code Amendments

ORDINANCE – Consideration and adoption of an ordinance approving Development Code amendments

The proposed Development Code amendments were presented by Planning Director Peter Spencer. The amendments deal with changes to City Council review of conditional use permits and requirements for buffering and transition.

The proposed change in Council review of conditional use permits applies to Title 1, Chapter 19, of the Development Code. It is intended to make the City's procedure align with State statute and with the City ordinance which requires a request from two Council members in order for an item to be placed on a City Council meeting agenda for review.

The proposed changes in buffering and transition requirements apply to Title 1, Chapter 12, of the Development Code. The change would not reduce buffering requirements, but would allow some flexibility in meeting those requirements. Two amendments to buffering and transition requirements were considered. The first proposal requires there be a minimum of 150 feet from the property line of the existing development to the first structure built on the proposed development. The structure may not exceed two stories in height. The second proposal states the intent of the Code and requires any alternative buffering proposal to provide either sufficient open space between incompatible uses or densities or to provide sufficient visual screening between existing and proposed developments. This option does not specify the maximum height of the building nearest to the existing development.

Councilmember Strouse stated the recent debate over a proposed gravel pit demonstrated that one Councilmember's request for an appeal is adequate. Mr. Spencer responded the requirement for two Council members was the Planning Commission's recommendation.

Councilmember Lifferth requested the two-story minimum in the first proposed amendment be specified as to whether it would be two stories above grade or include any below-ground story. Councilmember Blackburn asked that a height be specified to prevent a two-story structure from reaching perhaps 40 feet.

Councilmember Strouse asked whether the Council already had the ability to request such items as berms. Mr. Spencer responded the Council can request them, but developers are not required to comply.

Mr. Spencer described the second proposed transition amendment as allowing alternative buffering which must provide at least the transition distance required in the Development Code.

Councilmember Strouse questioned whether alternative buffering would provide as complete protection from incompatible uses as the Development Code's current standards. She also asked what projects the Planning Commission can approve without the Council's review.

Mayor Richardson stated Mr. Spencer could provide that information after he finished his presentation.

Mr. Spencer said this proposed amendment would allow visual screening or improved open space for transitioning to include berming, landscaping, screening, fencing, trees, trails, etc. Alternative transitioning would be subject to discretionary approval by the Planning Commission and City Council.

Councilmember Jackson questioned the section protecting high-density projects from having incompatible, low-density projects built adjacent to them. The section states such decisions can be made by the Planning Commission alone. Councilmember Jackson stated the decision-making authority should be consistent throughout the amendment. Mr. Spencer agreed to make the change.

Mr. Spencer stated a developer planning to build a grocery store and commercial development has requested flexibility in buffering, as the current requirement is too restrictive allow the project to move forward.

Mayor Richardson opened the public hearing at 8:24 p.m.

Ms. Donna Burnham spoke in behalf of Ms. Charlotte Ducos, 9238 Deerfield Circle, reading a statement which said Ms. Ducos favors strong transition between dissimilar land uses. She realizes, however, that some circumstances require flexibility. The Code provides no direction in such cases. Her suggestions are:

- The Development Code's minimum standards must remain in place.
- Alternate plans must clearly be discretionary, with no guarantee of approval by either the Planning Commission or the City Council.
- Buffering must clearly be stated to mean Development Code standards or sufficient physical or visual transitioning to make the impact on existing landowners minimal, as determined by the Planning Department, Planning Commission and City Council.
- The intent of transitioning must be clearly stated: to protect existing property owners from the negative impacts of new, incompatible or dissimilar developments.
- Alternate transitioning may be proposed only as an exception, when required standards are not possible.

Ms. Donna Burnham, 1407 Hawk Way, stated in her own behalf that she agreed with Ms. Ducos' comments and supports the Planning Commission's proposal.

Mr. Nathan Ochsenhirt, 8956 Mt. Airey Drive, candidate for City Council, stated he felt generally comfortable with the wording of the buffering amendment. He agreed that alternative plans should only be presented after standard transitioning had been considered. Some flexibility would be beneficial for the Planning Commission and the City Council, allowing them to make decisions prohibited by the current Development Code.

Mr. Richard Kolisky, 1885 Boulder Street, saw many openings in the proposed amendment which would allow for inadequate buffering. He felt the buffering requirement must have language protecting landowners from losing property rights and value due to the proposed amendment.

Mr. Eric Gardner, 2456 Valley Drive, supported discretion and creativity for governing bodies, but found the amendment too beneficial to developers at the expense of residents. Regarding the requirement for two Councilmembers to request an appeal, he felt there was no merit to changing the present standard.

Ms. Jennifer Konold, 9467 Sunset Drive, supported maintaining the standard that one Council person can request an appeal. In regard to buffering, she said that developers frequently come to the Council with requests for exceptions. She stated the Council needs to listen to citizens' concerns, not only those of developers.

Mr. Paul Cloward, 4474 Maple Drive, reminded the Council that they are elected to make decisions for residents. Power that should remain with the Council should not be given to the Planning Commission. He said an appeal should not require two Councilmembers.

Mr. Richard Culbertson, 3133 Cedar Pass Road, is a candidate for Mayor. The Councilmembers are the elected officials of the City and should not relinquish power to the Planning Commission. He stated the transition plan only refers to buffering lots of one acre. He asked if five-acre lots would be surrounded by one-acre lots. He said there was a proposal for a gravel pit to be located behind his property, which was denied after a public hearing. He was also concerned that the Planning Commission preferred version 2 of the buffering amendment, which would give them more authority.

Ms. Joan E. Jones, 2203 Cedar Fort Drive, said the more ambiguity is allowed, the more confusion and conflict will be created. She heard the Planning Commission chair suggest that standards and ordinances be abandoned in favor of creativity. It is not the citizens' job to make developers profitable. They have to fit their plans to the needs of the community.

Ms. Jody Hooley, 5008 Lake Mountain Road, asked the Council to protect the citizens, because owners of larger lots are taking the brunt of many changes. Having specific code requirements protects the citizens. She served on the Planning Commission and saw developers trying to take advantage constantly. Some threatened to pull out developments if they didn't get exceptions. She said the Council has the best interests of the city at heart and hopes they will take care of residents.

Mr. Eric Cieslak, 7536 Snowy Owl Road, a candidate for City Council, liked the idea of moving toward flexibility, but felt this proposal needed to be reworded to have more specificity.

Mr. Fran Fillerup, SITLA, stated residents are lucky to have the ability to appeal conditional use decisions. He said residents have spoken well about transition and buffering. The proposed changes make the Code discretionary and do not provide real buffering; in the worst case only a wall or open space. Regarding the statement about developers' urgent requests for exceptions, he said they are always in urgent situations. He stated open space between incompatible uses is not going to be used if the land is buildable, except for possible strip parks. He also said visual screening is not a transition. He recommended retaining the Development Code standards, with perhaps a small percentage of flexibility.

Councilmember Jackson asked to hear from Ms. Sheryl Crawley and Planning Commissioner Ryan Ireland.

Ms. Sheryl Crawley said she lives on a 2.5 acre lot which would be located next to a proposed twin home development. The City needs firm buffering standards. She stated exceptions become the rule over time and asked that the Council keep the residents in mind.

Mr. Ryan Ireland, 1089 Waddell Street, a candidate for City Council, stated he lives on a one-acre lot. His neighborhood is bordered by a development of smaller lots. He hoped residents would understand

the effect of inadequate buffering. He cautioned the Council not to create too many specific requirements for transition. He and Ms. Ducos had a discussion regarding the specific requirements she wished to include in transitioning standards. Mr. Ireland believes too many specifications could lead to poor, but legal, compliance with standards, which the Planning Commission and City Council would be required to approve.

Mayor Richardson closed the public hearing at 8:56 p.m.

Councilmember Jackson said the gravel pit referred to by Mr. Culbertson was denied at a Planning Commission meeting. The appeal requested by Councilmember Strouse was also requested by Councilmember Liddiard.

Councilmember Blackburn was thankful that Mr. Spencer was open to conceptual verbiage and definitions, but was concerned about who controls the city if developers claim to be unable to develop without exceptions. It is acceptable for Mr. Spencer to bring these requests to the Council, because the Council would like to hear them, but developers who say they will have to build elsewhere if they cannot have exceptions may have to go elsewhere.

Councilmember Blackburn asked what initial feedback is given to developers by the Planning Department. Mr. Spencer responded that amendments are proposed only after professional evaluation.

Councilmember Liddiard **moved** to table the proposed amendments to the Development Code. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard expressed the opinion that a buffering distance of 150 feet is unacceptable and nowhere near the intent of the Development Code. He also stated the proposal allowing visual screening only is unacceptable: buffering requires distance. Every effort should be made to comply with Development Code standards to avoid "rare cases" becoming the standard. The language of intent should be much more specific. He said the City and Council are maturing and the result should be better decision-making. Discussions should not be about specific projects, but should be about long-term solutions.

Councilmember Strouse said it is ironic that those being negatively impacted by the current proposals are those who first made it possible for the city to be incorporated. The city has rooftops enough that it does not need to sell out to developers to acquire commercial development.

Councilmember Blackburn recommended that staff review the wording of section 12.11. It states the Planning Commission has authority to approve buffering requirements. The City Council should make that decision.

Councilmember Lifferth asked Mr. Kinghorn what the 1997 Development Code said about transition. Mr. Kinghorn responded that it had some performance standards, but they were very weak.

Councilmember Lifferth pointed out that he fought to put transitioning into the Development Code. While the current code is too rigid, this proposal does not provide adequate guidelines. He asked that a Planning Commission member be assigned to represent Planning Commission in City Council meeting to report what decisions were made and take questions. On the subject of appeals, he believed that in any serious issue more than one council member would request a review. He felt it was possible one

member might abuse the opportunity to request appeals, although he specified that he did not think it had been done in the past.

Councilmember Liddiard stated he appreciated Councilmember Lifferth's concern that the Council not be bogged down with appeals of decisions. City Council sets the law and the Planning Commission should apply the law. However, with no history of abuse of the right, one member ought to be able to request an appeal.

Councilmember Jackson supported Ms. Ducos' request to reinstate the wording "in cases where current transitioning is not feasible, alternate transitioning may be proposed." She stated there needs to be some flexibility. There have recently been several examples of developers and residents working successfully together. As new subdivisions are presented, City Council and Planning Commission must take time to discuss issues with those affected.

Councilmember Strouse stated any project with major impact, like a gravel pit, should automatically come before City Council without a final decision being made by the Planning Commission.

Councilmember Jackson called the question.

Mayor Richardson called for a vote on the motion to table amendments to the Development Code. 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 site plan from PrimeVision for a headend compound

Planning Director Peter Spencer described the site plan for the headend compound proposed by PrimeVision Communications. A headend site is a master facility that receives signals for television, etc., through satellite dishes which are then processed and distributed over a cable or dish network. The compound will be located just northwest of the Public Works building and sewer treatment site off of Sweetwater Road. The 2000-square-foot site will be surrounded by a 6-foot wood fence and will contain a 300-square-foot building. The building will house the signal equipment and will generally be unoccupied. The site will include 15-foot-high satellite dishes and a 50-foot cellular tower. A 20-foot-wide road from Sweetwater Road will be required for fire service access.

The applicant, Mr. Tod Workman of PrimeVision, expressed concern about the wood fence and the fire service access road. His concern about the wood fence was that other fences in the area are chain link. The wood fence will not fit in with surrounding fences and will create maintenance problems. His objection to the access road was that the site is 650 feet away from Sweetwater Road. The owner of the adjacent property is concerned that the road will interfere with his plans for future use of his property.

Councilmember Blackburn requested an outdoor light to illuminate the site. Mr. Workman said there would be lighting at the site.

Councilmember Liddiard **moved** to approve a site plan for a PrimeVision headend compound, subject to the following stipulations:

- planning notes, application fee and FAA regulations be complied with
- off site utilities be installed
- a fire hydrant and fire code compliant access road be installed

- a suitable fence, preferably chain link, fire flow and lock box be installed

Councilmember Blackburn **seconded** the motion.

Mr. Kinghorn stated the City ordinance does not permit chain link fencing except in areas where CC&Rs allow it. There are no CC&Rs at the site. He suggested the project comply with the ordinance and then the Planning Department consider bringing forward a revised ordinance for Council approval.

Councilmember Blackburn asked what kind of fire suppression system will be installed in the building. Mr. Workman responded there would be no system, as the building is concrete and will be unoccupied. Mr. Workman also said PrimeVision would install a wood fence so that they can meet their time constraints.

Mayor Richardson asked Mr. Workman if the signals would create health hazards. Mr. Workman responded they would not.

Mayor Richardson asked Mr. Trusty if the location of the headend compound will leave adequate room for expansion of the wastewater treatment plant. Mr. Trusty said the plant is planned to expand south, not north.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

DISCUSSION – South Service Area wastewater treatment plant update

City Engineer Chris Trusty discussed progress on the wastewater treatment plant. He stated that he met with Stantec earlier in the day. The Environmental Protection Agency (EPA) has asked that the facilities plan be revised to detail how the City will incorporate the following smart growth principles into its future facilities, including the wastewater treatment plant:

- transportation in the city, including promotion of mass transportation
- facilities be built to accommodate existing growth rather than promote new growth
- increased local access to services
- master trail plan promoting a walkable, self-contained community

Mr. Trusty stated the City and the Utah Transit Authority (UTA) have discussed having a park-and-ride site in the Ranches or the area where SR 68 and SR 73 intersect.

The treatment plant project schedule sets a bid opening date of May 5, 2008. Mr. Trusty has requested that Mr. Dixon accelerate the schedule as much as possible. Recent items completed are site surveying, ordering of manhole extensions, acquisition of alum for flocculent, and distribution of RFPs for installation of the Huber screen.

Councilmember Blackburn requested detailed reports on specific costs and benefits of the system.

AGREEMENT – Consideration and approval of a change in scope for the contract with Cascade Exploration and Water Resources

The change in scope for the contract with Cascade Exploration and Water Resources was described by City Engineer Chris Trusty. The City has contracted for drilling services for an exploratory and production well in the Kiowa Valley area. During the drilling of the well it is necessary to have a geologist on site to log the geology, take samples of cuttings, and monitor progress and challenges during the drilling process in order to properly design the production well. Other services include design of the production well to include the depth and location of the screen and casing, monitoring well drawdown data during pump testing, and taking new source water samples to provide the State with the required information in order to use the new water source in the City's drinking water system.

Councilmember Liddiard **moved** to approve a change in scope to the agreement with Cascade Exploration and Water Resources. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an agreement for professional services with Kyle Widdison for test pumping on wells #4 and #5

The agreement for professional services was presented by City Engineer Chris Trusty. The City has contracted for drilling services to drill production wells in the Kiowa Valley and Hidden Valley areas to provide additional culinary water sources for the City. After the well drilling is complete and the screen and casing is set, the well must be test pumped to clean up any sediments and to provide the data necessary to design the proper size pump and motor equipment.

Councilmember Lifferth **moved** to approve the agreement for professional services with Kyle Widdison for test pumping on wells #4 and #5. 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 COUNCIL/MAYOR'S BUSINESS

Councilmember Liddiard

Councilmember Liddiard stated Mr. Hendrickson received a letter last month from the Census Bureau raising the city's official population count to 17,391.

Councilmember Jackson

Councilmember Jackson asked the status of the City Center street lighting funded by the CDBG grant.

Councilmember Strouse

Councilmember Strouse asked the status of the waterfall at the Ranches entrance monument. Mayor Richardson said it was turned off during the water shortage. He asked Mr. Trusty about it. Mr. Trusty said the one of the pumps needed to be replaced.

Councilmember Blackburn

Councilmember Blackburn said that, though it appears that the Council challenges staff during meetings, the Council does appreciate the staff's work.

Councilmember Lifferth

Councilmember Lifferth had no comment.

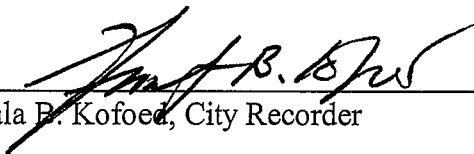
Mayor Richardson

- Safety fair, October 10, 4:00 – 7:00 p.m. at Pony Express Park.
- Groundbreaking for the new elementary school, October 9, 4:00 p.m.
- Ground was recently broken for the Rockwell Charter High School.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:58 p.m.

APPROVED BY CITY COUNCIL DECEMBER 4, 2007



Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

October 16, 2007

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 4:07 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (arrived 5:48 p.m.), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Management Analyst; DeAnna Whitney, Human Resources Coordinator; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Dave Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Proposed Changes to Policies and Procedures Manual – John Hendrickson

AGENDA REVIEW

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

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council recessed into a closed executive session at 6:04 p.m. for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Mayor Richardson adjourned the closed executive session at 7:10 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:15 p.m. Kent Partridge 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Management Analyst; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Linda Peterson, Public Information Coordinator; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Dave Norman, Staff Engineer;

Jeff Weber, Assistant Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

- Candidates' forum and debate, October 17, 6:30 p.m., City Council Chamber
- Library Movie Masquerade, October 27, 10:30 a.m.
- The Hidden Valley Elementary School groundbreaking was held on October 9.
- General Election, November 6, 7:00 a.m. to 8:00 p.m.
 - City Center residents vote at City Hall
 - Ranches residents vote at Pony Express Elementary School

PUBLIC COMMENTS

Mr. Todd Moir, 7432 Castle Rock Road, spoke concerning the parkway maintenance agreement with the Ranches Homeowners' Association. The parkways are the first things that many people see when they enter the city; they often give a poor impression because of their condition. He asked the Council to approve the agreement quickly so the parkways can improve.

Ms. Joan E. Jones, 2203 Cedar Fort Drive, stated the North Ranch HOA would do a good job on parkway maintenance. As to the details of the agreement, she suggested that the HOA bill the city for labor costs, then the city could give that amount as a credit to the HOA's water billing. She thought that would be a better way of tracking water use than allowing the HOA unlimited water for its own property in exchange for parkway maintenance.

Mr. Tim Smith, 4503 Boulder Street, urged the City Council to vote no on items 13 A and B and 14 B and C, the rezoning requests for Talon Cove and Cedar Ridge subdivisions. He said these properties were annexed with specific requirements, which should not be changed at the cost of City time and to the detriment of residents.

Mr. Doug Page, 7787 Crestwood Circle, told the Council he has worked hard for 14 months to get the developer of his subdivision to install a parking strip near his house. He said building permits in SilverLake included payment for trees which had not been planted. Required fencing has not been installed. He wanted to know if SilverLake plats were under warranty and if inspections were being made. He said staff response to his concerns has been poor, at best. It is the developer's responsibility to do the work, not Mr. Page's to repeatedly request information and try to get the developer to meet its obligations.

Mayor Richardson asked Mr. Hendrickson to respond to some of Mr. Page's concerns. Mr. Hendrickson stated the developer, DAI, thought the parkway area had been sold to another company. DAI has found that is not the case, so they will landscape the area in the spring. He said the trees were to be planted when 90% of the homes in each phase were built. Phases 3 and 4 are complete, so trees will be planted in the spring. The fencing doesn't appear to be required in the agreements, so it would be the homeowners' responsibility, however, the fencing requirement will be studied further.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

Councilmember David Lifferth

Councilmember Lifferth stated he was excited about the recent groundbreakings for new schools. It is good to be making progress towards filling the community's educational needs.

Councilmember David Blackburn

Councilmember Blackburn said several business owners have commented to him that businesses located within the city are competing with large national businesses. He recommended that residents support small businesses in the community so the businesses can remain in the city as valuable assets.

Councilmember Linn Strouse

Councilmember Strouse stated that she went to the safety fair last week sponsored by the city's public safety departments. It was very impressive. She expressed appreciation for Chief Andrus and the others who make such efforts to serve, educate and get to know the community. She said Mr. Page's concerns were discussed in Work Session. She realized that the City's email system was faulty enough that she needed to call Mr. Hendrickson periodically, rather than emailing him. He had not been aware what a long-term issue this was. She has previously suggested that the City have a system for tracking concerns expressed by residents to be sure their concerns are followed up. She has also brought up information that should be included in the City Street Guide. It should show which areas are maintained by the City and which are maintained by other entities. She has heard regularly that documents do not exist. She would like to know if that is true and, if so, she would like the Council to find out what happened to them. Regarding local businesses, Diane Bradshaw is now heading the Chamber of Commerce and will do a great job. Councilmember Strouse would like a list of local businesses posted on the City's website.

Councilmember Vincent Liddiard

Councilmember Liddiard stated the holidays are coming soon and wished everyone good, safe holidays. He hoped the City will be ready for the upcoming snow season. Election Day will come before the Council meets again, so he encouraged residents to become informed about the issues. He expressed support for Mr. Ireland, Ms. Burnham and Mr. Cieslak in their campaigns for seats on the City Council.

Councilmember Heather Jackson

Councilmember Jackson echoed the praise expressed for the safety fair. The Council met the City's 15 Sheriff's Deputies at the last meeting. Her five-year-old kindergartner recently told her about the fire fighters and sheriff's deputies who visited his school. He was able to name two of them. She was impressed that they made such an impression on a small child. She received an email today about a great Neighborhood Watch meeting, which educated the attendees on how to fight small fires in their homes. She said the groundbreaking for the elementary school was well attended. A children's choir directed by Cindy Arnold sang at the event. They sang beautifully on very short notice. She hoped residents would attend the candidates' debate on Wednesday.

Mayor Don Richardson

Mayor Richardson reported that representatives of the Children's Health Insurance Program attended the safety fair to enroll children who were without health care; families can still sign up. He updated the audience about progress on wells. Well #4 has been drilled and work has begun on well #5. The wells are not ready for pumping yet, but work is progressing. It is expected that both wells will be completed before warm weather increases water use.

CONSENT AGENDA

Councilmember Blackburn **moved** to approve the following items on the Consent Agenda:

CHANGE ORDER – Pioneer Park and Walden Park – J. Lynn Roberts Construction – CO #3
FINAL PAYMENT – Pioneer Park and Walden Park – J. Lynn Roberts Construction
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

PUBLIC HEARING – Budget Amendments

ORDINANCE – Consideration and adoption of an ordinance amending the FY 2008 budget

City Administrator John Hendrickson presented amendments to the FY 2008 City budget. 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 that expenses do not exceed appropriated funds. The City Council must approve any amendments which alter the total expenditures of a fund. These amendments implement a 1.5% cost of living adjustment for all employees hired permanently as of July 1, 2007. The reasons are that increases were not considered in the original budget document and employee annual evaluations will be changed from being conducted all at once to being conducted on each employee's anniversary date of hiring. This requires phasing the process in over the course of the year. Another adjustment is a change in the Office Manager/Assistant position currently budgeted in the Engineering Department. The position will be re-designated among the Gas, Electric and Water Funds. No additional revenue sources will be needed for either adjustment. They will be funded by an anticipated surplus in various departmental personnel line items.

Mayor Richardson opened the public hearing at 7:45 p.m. Hearing no comments, he closed the hearing.

Councilmember Liddiard **moved** to adopt Ordinance O-20-2007, amending the FY 2008 City budget to allow for a 1.5% cost of living adjustment for permanent employees and the re-designation of the Office Manager/Assistant position currently budgeted in the Engineering Department. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse informed the audience that extensive discussion on this issue took place during Work Session.

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

RESOLUTION – Consideration and donation of impact fees to Homes For Our Troops for the Home for a Hero project

City Administrator John Hendrickson presented a resolution waiving certain fees as a donation to Homes For Our Troops for the Home for a Hero project. The City Council requested at their last meeting that a budget amendment be submitted to allow granting a fee waiver for the project. After review, staff has determined that a budget amendment is not necessary for this matter.

Councilmember Jackson **moved** to approve Resolution R-18-2007, authorizing the Building Official to issue a building permit without collecting fees from Homes for Our Troops, with a net fiscal impact of \$5,660.02. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson noted that \$7681.82 in fees was waived at the City Council meeting on October 2, 2007. Because the remaining fees could not be waived at that time, a resolution had to be adopted at this meeting to allow the rest of fees to be waived. She said it was a wonderful thing to be able to provide this home to a veteran in the community.

Councilmember Liddiard echoed her sentiment.

Councilmember Lifferth requested a legal explanation as to why this item did not require a budget amendment. Mr. Hendrickson explained that the action does not increase the City's expenditures.

Councilmember Lifferth 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. Motion **passed** with a unanimous vote.

MASTER DEVELOPMENT AGREEMENT – Consideration and approval of a Master Development Agreement with Isaac Patterson Properties, Inc., and HHH Funding, L.L.C., for the Talon Cove Development

ORDINANCE – Consideration and adoption of an ordinance rezoning land in the Talon Cove Master Plan area and amending the zoning map of Eagle Mountain City

Councilmember Jackson asked that the applicant be allowed to address the Council after Mr. Mumford's presentation, as he did not have the opportunity to do so during Work Session. Mayor Richardson agreed.

Senior Planner Steve Mumford presented the Master Development Agreement for Talon Cove. The Talon Cove Master Development is located north of SR 73 and east of Meadow Ranch. The first step in the Master Development Plan process is consideration and approval of the land use element. The land use element of the Talon Cove Master Development Agreement was approved by the City Council on February 15, 2005. This approval vested the project with 421 dwelling units over approximately 158.85 acres, for an overall density of 2.65 dwelling units per acre. The development is required to have not less than 14 acres of improved park space, 12.55 acres of unimproved open space and a 10.83-acre possible school site. Tonight's zoning action only approves the ordinance for this land use element which was approved in 1995. The densities and number of units have not changed from that date. The Master Development Agreement outlines the City's and developer's responsibilities, sets time lines for improvements, sets funding and fee collections, etc. Mr. Mumford presented the parks plan, including a possible splash park, which is a park with water features for children to play in.

Councilmember Liddiard asked if the specified open space acreage meets the requirements for the entire development. Mr. Mumford responded that it slightly exceeded the requirements. Specific plans to be submitted in the future will detail the parks plan. If they fall short, the Planning Department can require the developer to provide all that is required.

Councilmember Blackburn asked what the contours and slopes of the parks would be. Mr. Mumford said improved park space must be on less than a 15% slope. Trails will be located along the hill and amenities will be placed on more level ground.

Councilmember Strouse asked if both motions are being considered at the same time. Mr. Mumford responded that they were. She asked for clarification of what was meant in this case by rezoning the land. Mr. Kinghorn explained the land was annexed as an Agricultural zone. Rezoning to Residential is done with a later action. He said the long delay in bringing the agreement and the ordinance to the Council was due to access problems caused by landowners being unable to agree with each other. Those disagreements have been resolved.

Councilmember Blackburn asked if the current rezone places the development under the current Development Code standards for parks, usable space, slopes, etc. Mr. Kinghorn responded the development's densities and uses were vested under the standards in place in February, 2005. In all other respects, it is subject to the Code.

Councilmember Strouse asked about the school property. The school district sold the property back to the developer. It is still considered a possible school site.

Councilmember Liddiard noted the skate park shown on the plan and asked for details. Mr. Mumford stated skate parks are proposed in more than one area of the Ranches. The splash park is a new proposal. Mr. Hendrickson said Talon Cove may not be a good location for a skate park. It would be difficult for law enforcement personnel to observe and it is north of SR 73, whereas most residents live south of SR 73.

Councilmember Jackson **moved** to approve the Master Development Agreement with Isaac Patterson Properties, Inc., and HHH Funding, L.L.C., for the Talon Cove Development. 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.

Mr. Scot Hazard of HHH Funding explained that the change from skate park to splash park was encouraged by staff. HHH will build either. HHH is required to contribute \$2,000 per developable acre, which will be used for advanced improvements in parks.

Mr. Hazard said the school district was reluctant to build a school in the area because of lack of access. Councilmember Strouse asked if it would be possible to place the skate park on the former school site. Mr. Hendrickson said there was still a possibility that a school will be built there.

Councilmember Liddiard encouraged staff to consider a skate park in a more accessible area in the development.

Councilmember Blackburn suggested the trail be looped. Mr. Hazard stated the trail connects with the City's trail system, but it could also be looped.

Councilmember Lifferth asked what happened to the gravel pit that had been proposed for an area of the development. Mr. Hazard responded that it is not addressed in the development agreement.

Councilmember Jackson **moved** to approve the Talon Cove Master Development Agreement. 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.

Councilmember Jackson **moved** to adopt Ordinance O- 21-2007, rezoning land in the Talon Cove master plan area and amending the zoning map to reflect the approved Talon Cove land use element.

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 a maintenance agreement with The Ranches Homeowners’ Association for Ranches Parkway and Pony Express Parkway

City Administrator John Hendrickson presented a maintenance agreement with The Ranches Homeowners’ Association for parkway landscaping maintenance. The Ranches Homeowners’ Association (HOA) approached City staff with a proposal to provide all maintenance for Ranches Parkway and Pony Express Parkway landscaping in exchange for not being charged for water used on HOA owned or maintained open space. Staff has had several meetings with the HOA to evaluate the proposal and believes that such a proposal would be advantageous to the City. Stipulations by the City are as follows:

- that the City control standards of maintenance along the parkways, regulatory signage along the parkways, the maintenance of Nolan Park and that the HOA must consult with City staff before changing types of plants and grasses in the areas they maintain.
- that the City receive sufficient value for the water to be provided to the HOA at no cost. The value of the water is expected to be \$40,000 to \$50,000.
- that the use of the water provided at no cost be limited to a reasonable amount each month. The amount used is expected to be 5.2 million gallons a month without cost. Amounts in excess of that will cost \$.80 per 1,000 gallons, the standard water rate in the City.

The total net savings to the City is expected to be \$100,000 annually in direct and indirect costs for manpower and water. In a water crisis, public safety would have priority.

Councilmember Jackson **moved** to approve a maintenance agreement with The Ranches Homeowners’ Association for Ranches Parkway and Pony Express Parkway. Councilmember Strouse **seconded** the motion.

Councilmember Blackburn was concerned that the land was paid for by SIDs. Residents are paying HOA fees and City taxes for maintenance of this land. He felt that payment of City taxes for improved open space and HOA fees for maintenance of these areas amounts to double taxation. While this agreement is a cost benefit to the city, the Parks and Streets Department needs to become a Parks and Recreation Department, fully staffed and funded. The City should have the equipment and resources to mow the area every week. The area has been managed by both the HOA and the City during several years. Watering has never been under good control. He said the landscaping was poorly designed and would be improved by xeriscaping. The agreement states the HOA will be in charge of maintenance and reservations for a pavilion next to Nolan Park. He asked why the staff is not doing that.

Councilmember Strouse said it was unfortunate that parkway maintenance has been a problem for so long. She felt for the residents who are embarrassed by the neglect of landscaping and water supplies over the last two years. She said there needs to be a win-win solution for everyone.

Councilmember Liddiard stated the contract indicates a difference between the cost to the City and the cost to the residents. He would have liked to see an annual review of costs.

Councilmember Jackson commented that conversations with Ranches residents constantly refer to maintenance of parkway landscaping. They regularly ask that maintenance be returned to the HOA.

Councilmember Lifferth asked if the agreement has a “sunset clause” or if it is automatically renewed. Mayor Richardson responded either party can terminate the agreement with 60 days’ notice.

Councilmember Lifferth asked the HOA board if there has been any polling of the residents that has been supportive of this proposal. Mr. Cary Brackett of the HOA responded that specific polling had not been done, but there have been many conversations with members, with a general consensus largely in favor. Many did want to know why the City was not doing the job.

Councilmember Liddiard suggested that the City invest the money saved into building a park near Pony Express Elementary.

Councilmember Lifferth asked for Assistant Public Works Director Jeff Weber's opinion of the plan. Mr. Weber said the City has been unable to retain temporary summer employees. The permanent crews have doing the very best they can with the limited water that has been available for the last three years. He thought having help from the HOA would be great.

Councilmember Strouse asked if the agreement required adequate insurance for a private entity to maintain City property. Mr. Kinghorn responded the agreement requires a cost estimate from the HOA every year, which will determine the bonding amount for each year. They are also obligated to indemnify the City for any accident that occurs during maintenance.

Councilmember Blackburn expressed appreciation for the work the Parks and Streets employees do.

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. Motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an agreement for technical and professional services with Stanley Consultants, Inc., for the engineering design of well houses for wells #4 and #5 and upgrades to well houses for wells #1 and #2

City Engineer Chris Trusty a presented a request for proposals (RFP) for design and construction management services for well sites 1, 2, 4 and 5. The City has contracted with Boart Longyear to drill two new wells within the city limits. Well #4 is complete and is being developed and test pumped. Drilling of well #5 will begin this week. The City owns approved water rights at two new sites within its service area and desires to construct facilities to perfect these water rights. The City will use these additional water supplies to meet increasing water demands from its users. Two of the City's existing wells need to be upgraded. Well #1 will be upgraded to increase the flow rate. Well #2 will be upgraded to modify the pump to waste line and chlorine chemical feed system. Wells #4 and #5 are new wells that will need to be constructed to the City's and State's standards for new municipal groundwater sources. Stanley Consultants was the lowest responsible bidder.

Councilmember Liddiard stated Stanley's bid was only slightly lower than the next lowest bid. He asked if the second lowest bidder offered better service. Mr. Trusty responded that firm did not provide complete information and their construction manager did not have the necessary experience.

Mayor Richardson mentioned that well house #3 would need additional ventilation after it was constructed. He asked Mr. Trusty if the current plan included adequate ventilation. Mr. Trusty responded that he would make sure it did.

Councilmember Blackburn asked if the contract fees would be recouped through impact fees. Mr. Trusty responded that they would.

Councilmember Liddiard **moved** to approve an agreement for technical and professional services with Stanley Consultants, Inc., for the engineering design of well houses for wells #4 and #5, and upgrades to well houses for wells #1 and #2. 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.

PRESENTATION – Update on the Mountainview Corridor

Ms. Terri Timmons of the UDOT MountainView Corridor Team presented information on the status of the project. The team has been working on the project for five years. The draft environmental impact statement will be available to the public tomorrow. She reviewed the highlights of the project during the past five years. In 2003, UDOT conducted growth choices workshops about the interaction of transportation and land use. In 2004, they held “talk truck” meetings to get information out to the public. In 2005, UDOT held alternatives refinement open houses to show the public what the impact of each proposed alignment would be. In 2006, town hall meetings were held to discuss statewide transportation funding issues. In 2007, the draft environmental study has been completed and public hearings are about to begin. In 2008, UDOT expects a final decision. The environmental study is a five-volume, 2238-page document weighing 18 pounds. A copy will be delivered to each city. Copies are available on UDOT’s website, at public libraries, and in some copy centers so people can have their own copies made. CDs are also available. UDOT has created a series of fact sheets with summaries of the information in the document. The Salt Lake County plan includes a freeway and a transit system. Utah County alternatives are:

- the southern freeway, continuing from the Salt Lake freeway to the Pleasant Grove/Lindon interchange;
- bringing the same freeway to SR 73 with a six-lane freeway running east-west along 2100 North
- the same freeway going to SR 73 with three surface streets, 1900 South, 2100 North and Porter Rockwell.

The 2100 North alternative has the lowest impact on existing wetlands, homes and businesses. Lehi City has proposed a 4800 North alternative.

Councilmember Liddiard asked what impact studying the Lehi alternative would have on the timeline. Ms. Timmons responded it would cause a delay of six to nine months.

Mr. Hendrickson asked if there was funding in place for the 10th South arterial. Ms. Timmons said there was and it will be built separately.

The public comment period will run from October 17 through December 24. There will be various methods for making comments: a website, an email address, a telephone comment line and comments by mail. Public hearings will be held beginning on Wednesday, November 14.

RESOLUTION – Consideration and adoption of a resolution acknowledging and approving assignment of banked water rights

Oquirrh Mountain Ranch has banked water rights for use within the city on various projects. The document before the Council for approval is an assignment to Bank of American Fork of the banked water entitlement, which will be held as collateral by the bank. The assignment has been reviewed and is in proper form. The ordinance requires that entitlements be presented to the Council and signed by the Mayor.

Councilmember Liddiard clarified that the water is always retained for use in the city and will not be transferred out. Mr. Kinghorn confirmed that.

Councilmember Liddiard **moved** to adopt Resolution R-19-2007, assigning banked water to the Bank of American Fork to be used as collateral for Oquirrh Mountain Ranch. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth asked Mr. Kinghorn if there was any document available that new Council members could read to learn about this complex process. Mr. Kinghorn responded the ordinance is the only document available. He would be happy to speak with new members or write a memorandum explaining the process.

Councilmember Blackburn asked if banked water entitlements will be used more often in the future. Mr. Kinghorn said they probably would.

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. Motion **passed** with a unanimous vote.

MOTION – Authorization for Mayor Richardson to sign a right-of-way grant with the U.S. Bureau of Land Management (BLM) for the 138 kV transmission line

Mr. Kinghorn explained that Eagle Mountain City has contracted with SWCA to do an environmental assessment for the 138 kV transmission line. It is through the assistance of SWCA that the City has been able to obtain a right of way agreement with the BLM for the power line. This right of way is integral to the completion of the transmission line. The BLM is providing this easement to the City for 30 years (the maximum term) with no rent.

Councilmember Jackson **moved** to authorize Mayor Richardson to sign the right-of-way grant from the Bureau of Land Management for an easement for the 138 kV transmission line. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

DISCUSSION – Eagle Mountain South Service Area wastewater treatment plant update

City Engineer Chris Trusty updated the Council on the progress of the new wastewater treatment plant. He meets with Stantec weekly. He gave Stantec a draft report on the State's request for integration of smart growth principles into the treatment plant design. The report will be incorporated into the wastewater treatment facilities plan, finalized and submitted to the State prior to next Tuesday. Stantec is hiring a geotechnical engineer who will attend an on-site meeting next week. The electrical engineer will also make a site visit. By the next City Council meeting a revised timeline should be ready. Flocculent is beginning to be added to the system, but one of the pumps and the tubing are not sufficient to do the job. New materials will be ordered.

Councilmember Lifferth asked when ground will broken. Mr. Trusty said the bid opening is scheduled for May 5th.

Councilmember Blackburn asked for a cost analysis per gallon for treated water. Mr. Trusty said there has not been time to put that together yet due to the workload at the Engineering Department.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Jackson

Councilmember Jackson expressed appreciation for City Recorder Gina Peterson, who will be leaving to work as the Highland City Recorder. [Applause] She said the easement provided by the BLM for 30 years at no cost is an exciting opportunity. She was happy for the progress on the HOA maintenance agreement.

Councilmember Liddiard

Councilmember Liddiard invited Ames Construction to have its subcontractor remove the pile of concrete from his flowerbed. He encouraged staff to improve the park just west of Pony Express Elementary. Veterans' Day will come before the next Council meeting. He encouraged the audience to think of those who put themselves in harm's way so the United States can enjoy freedom. He asked staff inform residents that Public Works will need to have cars parked off the streets so they can plow. He expressed appreciation for Public Works employees.

Councilmember Strouse

Councilmember Strouse announced that City Council meeting minutes are now available on CDs rather than cassette tapes. She appreciated Ms. Peterson's service to the city.

Councilmember Blackburn

Councilmember Blackburn thanked Ms. Peterson for sticking with the City for three years. He asked that codification of City ordinances be finished before she leaves. He encouraged residents and staff to stop watering their lawns. Mr. Hendrickson responded the city system was to be turned off yesterday. Councilmember Blackburn wished luck to the candidates for City office.

Councilmember Lifferth

Councilmember Lifferth thanked Ms. Peterson for her professionalism.

Mayor Richardson

Mayor Richardson appreciated everyone working together. He wished luck to the candidates. He said Ms. Peterson has been a great asset to the city and wished her the best of luck in Highland.

CITY ADMINISTRATOR ITEMS

Mr. Hendrickson suggested that a special City Council meeting be held on October 30 for the following reasons:

- to appoint a new Planning Commissioner
- to contract with an architect for Fire Station #2
- to discuss personnel policies
- to begin the SID process for the Talon Cove area

He reported that the Finance Department is on schedule to complete the audit during December. Staff has done a great job.

He said a State Supreme Court decision created liability for the City in allowing volunteer projects. Staff has asked the Utah Local Governments Trust, the City's insurance provider, if volunteer projects can be allowed and be covered by ULGT. ULGT agreed, as long as each project is planned and supervised. Mr. Hendrickson will create a policy for Council approval.


He commended City Librarian Michele Graves for helping to coordinate the North County libraries' interlocal agreement, which allows residents of several communities to use each others' libraries at a reduced membership cost.

Ms. Peterson thanked the Council for their comments. She said leaving was a difficult decision. She has learned a lot working for the City and believes in the system, even with its difficulties.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:57 p.m.

APPROVED BY CITY COUNCIL DECEMBER 4, 2007



Fionnuala B. Kofoed, City Recorder

**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

October 30, 2007

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Don D. Richardson called the meeting to order at 5:17 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn (arrived 5:57 p.m.), Heather Jackson, Vincent Liddiard (arrived 5:25 p.m.) and Linn Strouse. Councilmember David Lifferth was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Management Analyst; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Steve Mumford, Senior Planner; Kent Partridge, Building Official; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Proposed Changes to Policies and Procedures Manual

AGENDA REVIEW

The City Council reviewed items on the Policy Session Agenda.

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:37 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:10 p.m. Gina Peterson 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: John Hendrickson, City Administrator; Ifo Pili, Management Analyst; Linda Peterson, Community Relations Coordinator; Gordon Burt, City Treasurer; Gina Peterson, City

Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Steve Mumford, Senior Planner; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

CITY COUNCIL/MAYOR ITEMS

BOARD APPOINTMENT – Preston Dean, Planning Commission

Mayor Richardson recommended the appointment of Mr. Preston Dean to the Planning Commission. Councilmember Jackson **moved** to approve the appointment of Mr. Preston Dean to the Planning Commission. 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 Recorder Gina Peterson administered the oath of office to Mr. Dean.

SCHEDULED ITEMS

AGREEMENT – Consideration and approval of a settlement agreement with Thomas Fox, Angelica Fox and Carlos Pina

City Administrator John Hendrickson presented a proposed settlement agreement with Thomas Fox, et al., regarding the misplacement of a storm drain pipe on his property. The agreement will include filling and sealing the existing pipe and installing a new storm drain outside the Fox property. The City will abandon the current easement.

Mayor Richardson called Mr. Fox to the microphone.

Mr. Thomas Fox, 3505 Bay Court, clarified that the agreement releases the storm drain easement and also the public utility easement on the east side of his property.

Mr. Hendrickson said the storm drain system will still be functional, but the line through Mr. Fox's property will be abandoned.

Councilmember Blackburn asked if this meant the property would have no public utility easement at all. Mr. Hendrickson responded there would still be easements on the west side and along of the front of the property. There is also an easement to the east that does not encroach on the property. He continued that the agreement includes a release of all claims, which should be noted in the motion. The agreement will inure to all future owners of the property.

Councilmember Liddiard asked Mr. Fox if he was satisfied with the agreement. Mr. Fox responded that he was.

Mr. Hendrickson stated the work is estimated to cost approximately \$35,000.

Councilmember Lifferth asked if moving the storm drain will cause problems for any other infrastructure. Mr. Hendrickson said the City Engineer has reviewed the plan in detail and is satisfied that it will meet all specifications. The time limit for completion is April 30, 2008, although the work is expected to be completed sooner.

Councilmember Liddiard **moved** to authorize Mayor Richardson to sign a settlement agreement and release of all claims between Eagle Mountain City, Thomas Fox, Blasa Angelica Fox, and Carlos Pina; and also to sign a vacation and abandonment of easement. 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 Lifferth asked what engineering firm installed the pipe incorrectly and if it could share liability for the cost of replacement. Mr. Hendrickson said he was unsure which firm it was, but he would ask Mr. Trusty.

Councilmember Liddiard said the object here was to recognize the problem and fix it because that was the right thing to do.

Councilmember Blackburn stated the Planning Department has requested budget funds several times for a facility overlay plan so problems like this can be found. He asked if that had been accomplished. Mr. Spencer responded that Planning has just acquired GIS software. It will not have GPS capability, but will begin the process. The GIS software will be accessible to anyone in Public Works.

Mayor Richardson stated the new system is a milestone for the city in mapping infrastructure.

Councilmember Strouse informed the audience that the settlement agreement was thoroughly discussed during closed executive sessions.

Councilmember Lifferth said this agreement is the right thing to do in this case, but as a rule, the City should be sure to share expense with any entity that shares liability.

Councilmember Blackburn stated there should be a statute of limitations for claims like this. Mr. Hendrickson said the statute of limitations would be in the State Code. The City consulted with its legal counsel before paying the claim.

AGREEMENT – Consideration and approval of an agreement with Beecher and Walker for architectural services for an addition to Fire Station #2

Chief Rand Andrus presented the bids for architectural work on Fire Station #2. The bid process had been delayed while contractual questions with the original builder of the fire station were resolved. The City received bids from three architectural firms to design the addition to Fire Station #2. Beecher and Walker, the architects for the original portion of the fire station, is the recommended bidder. Chief Andrus explained that the agreement was not yet prepared because several of the parties were out of town. He requested that the Council approve signing a contract for architectural services specifying an acceptable range of bids, with the contract being awarded to the lowest responsive bidder.

Councilmember Jackson **moved** to approve an agreement for architectural services for Fire Station #2 in the range of \$24,600 to \$36,551.10, with the contract being awarded to the lowest responsive bidder and the final decision being made by Mayor Richardson, Mr. Kinghorn, Mr. Hendrickson and Chief Andrus. Councilmember Liddiard **seconded** the motion.

Councilmember Liddiard asked when the decision would be made. Chief Andrus responded that it was expected to be on Thursday. The design should be completed in less than two months.

Councilmember Liddiard 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. Motion **passed** with a unanimous vote.

DISCUSSION – Consideration of a proposal from the Mountainland Association of Governments for county-wide addressing

Mayor Richardson stated that the Mountainland Association of Governments, the area municipal planning organization, is proposing a plan to unify the various addressing systems used by the county and municipalities. Some cities have eight blocks per mile, while others have eleven blocks per mile. Some roads change names as they pass through different municipalities. This makes it difficult for residents and visitors to find homes and businesses and for the Post Office to deliver mail. It also creates difficulty for emergency workers in providing essential services. Street signs will be permitted to retain previous names along with the new numerical coordinates.

Mayor Richardson reviewed the discussion the Council had in Work Session. Eagle Mountain is so far from the center of the county that all the addresses would be enormous numbers. It would be acceptable, however, for regional corridors to have consistent addresses throughout their length. The Council was concerned about the costs to residents of changing addresses.

Councilmember Lifferth, who had not been able to attend Work Session, asked whether a Cedar Valley addressing system was being considered. Mayor Richardson responded the proposal only covers a county-wide system centered at the intersection of Center Street and University Avenue in Provo.

Councilmember Lifferth asked if residents would be allowed to have a county address and an Eagle Mountain address. Mayor Richardson said all numerical addresses would be based on the county system, but historical street names might be retained with the numerical names below them on street signs.

Councilmember Strouse suggested information be placed on the City's web site so residents could respond.

Councilmember Blackburn asked how the decision will be made. Mayor Richardson said it was a county-level decision. Mayors belonging to the Mountainland Association of Governments (MAG) were asked to vote on it, but several of the mayors felt the information should be brought back to their city councils for consideration. The decision will be made by mayors voting in a MAG meeting.

Councilmember Lifferth asked if the County would provide any funds to offset the costs of implementing the system. Mayor Richardson said it would not.

Councilmember Lifferth asked what would be required to approve the system: a majority of MAG members or ratification by a given number of city councils. Mayor Richardson said he understood that it would require a majority of members of the MAG council.

Councilmember Jackson asked how many MAG members support implementing the system. Mayor Richardson said that was not clear, because objections were immediately raised that the issue needed to

be brought back to city councils. The next step will be to poll county residents about implementing a county-wide addressing system.

Councilmember Liddiard asked if MAG can make a decision that will require Eagle Mountain to spend over \$130,000.

Mr. Hendrickson expressed the same objection. He thought MAG had no legal power to bind the city financially. He asked Mayor Richardson to question that at a MAG meeting. If the City needed to challenge such a decision legally, it would be very likely to cost less than changing the system would.

Councilmember Lifferth suggested working with other Cedar Valley cities to consider creating a Cedar Valley address system. Councilmember Blackburn responded that would divide the city. Councilmember Lifferth said he considered all the area from the edge of Eagle Mountain to be part of Cedar Valley.

Councilmember Strouse reiterated her comment in Work Session that a new addressing system should be studied more, perhaps developing a hybrid system. The idea should not be rejected immediately.

Mr. Hendrickson stated he worked on changing an address system in Mapleton. There were many hidden costs, which would be much higher with a complete, county-wide change. The current study doesn't appear to consider costs to the public. He said if the concern was mainly to improve emergency service response, it might be better to use a GIS-related system. At this point too many questions need to be answered. Renumbering or renaming of major routes might be a preferable way to begin coordinating addresses.

Councilmember Strouse said working together with local communities would be a useful step. For instance, roads with only names, but not numbers, could be changed, as could coordinating roads with different names in different communities.

Mayor Richardson stated he would take the Council's comments and questions back to MAG.

Chief Andrus said County emergency services are beginning to use GIS systems, which are not always able to map as fast as communities change. However, computers in emergency vehicles might be more effective than a very expensive, county-wide change.

Councilmember Lifferth asked how much time would be allowed for changing addresses after a new system was approved. Mayor Richardson said the discussion has not reached that point yet. Address system changes in the past have taken widely different amounts of time. It might be phased in over different areas of the county.

Councilmember Jackson stated Eagle Mountain has few problems with street name changes because it has few shared roads with other cities, although Pony Express Parkway changes to Sweetwater in Eagle Mountain, goes through a section of the county and will have a Saratoga Springs name, as well.

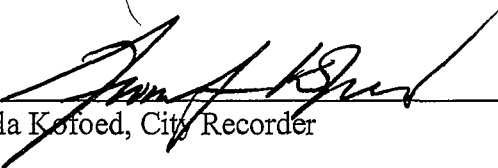
Councilmember Blackburn said other city councils will have similar comments to Eagle Mountain's. Perhaps the county could be divided into several regions for addressing purposes, with each region having a coordinated address system.

Councilmember Liddiard pointed out that Cedar Valley used to be a separate county before it was absorbed by Utah County.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 7:57 p.m.

APPROVED BY CITY COUNCIL DECEMBER 4, 2007


Fionnuala Kefoed, City Recorder



MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 20, 2007

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 4:20 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Melanie Lahman, Deputy Recorder; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Proposed changes to Policies and Procedures Manual

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council adjourned to a closed executive session at 6:43 p.m. for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

ADJOURNMENT

Mayor Richardson adjourned the closed session and the work session at approximately 7:05 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:21 p.m. Vincent Liddiard 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: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Melanie Lahman, Deputy Recorder; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

- Mayor Richardson wished everyone a happy Thanksgiving.
- Senior Advisory Council Thanksgiving Dinner, November 28, 5:00 p.m., City Council Chamber.
- Christmas Tree Lighting, November 29, 6:30 p.m., City Hall.
- The MountainView Corridor public comment period ends December 24.
- An Eagle Mountain Town Hall meeting was held on November 15.
- A concert benefiting the Home for a Hero program was held last week.

CITY COUNCIL/MAYOR ITEMS

CITY COUNCIL COMMENTS

Councilmember David Blackburn

Councilmember Blackburn wished everyone safe and happy holidays. He requested that residents be cautious with indoor fires, courteous while driving and park off of the streets when streets need to be plowed. He encouraged residents to comment on the MountainView Corridor during the comment period. He thanked the election winners and those who ran for office and wished them well. He asked the Mayor and staff when a City Recorder would be hired. Mr. Hendrickson responded that it should be done next week.

Councilmember David Lifferth

Councilmember Lifferth noted that Utah County Commissioner Larry Ellertson was attending the meeting and expressed appreciation for the County Commissioners' support of Eagle Mountain. He said it was important that everyone comment on the MountainView Corridor by email, phone, website or U.S. mail. He congratulated those who were elected and expressed appreciation for their willingness to serve and help Eagle Mountain be a great place to live. He noted the passing of Heidi Hildreth, who served the community tirelessly. He read a poem which described the many freedoms provided to the nation by veterans. He appreciated everyone who was involved in Referendum 1 (school vouchers) on either side. Eagle Mountain was one of the cities that was most supportive of Referendum 1.

Councilmember Linn Strouse

Councilmember Strouse reminded everyone who received a mailing from the Mayor of Saratoga Springs regarding the MountainView Corridor to read the information and comment on the Corridor.

Councilmember Vincent Liddiard

Councilmember Liddiard congratulated the winners of the election: Ms. Jackson, Ms. Burnham, Mr. Cieslak and Mr. Ireland. He echoed the other Councilmembers' comments on the MountainView Corridor. Those who don't comment will have to abide by decisions made by others. On December 15,

Santa will ride through town on a BRT (big red truck). He asked residents to handle indoor heat sources carefully and be careful climbing ladders.

Councilmember Heather Jackson

Councilmember Jackson said it was very important that everyone make their voices heard regarding the MountainView Corridor and ask their friends and families to do the same. The Home for the Hero concert was a very nice event. Eagle Mountain employee Angie Ferre sang the National Anthem beautifully. She noted the passing of another resident of the community: Mrs. Melba Carter passed away after a long illness. Her husband asked Councilmember Jackson to pass on his thanks to the Fire and Sheriff's Departments for their help on many occasions.

Mayor Don Richardson

Mayor Richardson expressed appreciation to Commissioner Ellertson for attending the meeting and for his support of Eagle Mountain.

PUBLIC COMMENTS

Public comments are reported verbatim at the request of Councilmember Strouse.

Mr. Greg Jeppson: Hi. My name is Greg Jeppson. My address is 5134 N. Lake Mountain Road. I'm here tonight, like to start by saying that I oppose the construction of the high-voltage transmission line project, PR 11, that's going to be crossing my property. The reasons why I oppose it are simple. I believe that the high voltage transmission line anywhere near a home is a bad idea. It has been rumored to cause many bad problems with exposure to it on a prolonged amount of time. That is why you don't put them in schoolyards or parks and that is also why many times they are put in controlled corridors where they do not pose a threat to human health and where they will cause less, less damage to the value and marketability of your home or land. We already have such a corridor in Eagle Mountain. Many of you have probably noticed it on your way in and out of The Ranches. It is very wide and has no homes or parks or structures in its path. But in order for the new line to go into and follow the corridor, there are two homes that our, that our utility company knew that they would have to buy out, that are in the way. These homes are already influenced by two huge power lines, two gas mains. These people are already being exposed to dangerous electrical fields on their land, but instead of doing what is right, I hope that Eagle, Eagle Mountain is proposing to move the lines out of the corridor and put them in our neighbors' yards instead of paying the extra cost to buy these homes and get these people out of these bad areas. I feel that Eagle Mountain is settling, is selling the people out in this town once again for its own benefit and for the benefit of some developers. It saddens me to think that this is the best idea that we can come up with to install this line without any concerns for the property values and rights and safety of our citizens. I would like to also note that, besides the two homes that are in the way, there are no other buildings or properties or developments that are currently in place where the line should have gone in the existing corridor. I would like to, I would like you guys to rethink your placement of this line and show us that you do care about our citizens and our health and our safety, no matter the cost. Thank you.

Mr. James Taylor: James Taylor, 4972 Lake Mountain Road. It's been a long time since I've been to a town meeting. Me and my wife have been chased out for questioning the Councilmembers' and the zoning members' integrity, have been threatened to be escorted out because we brought that up. And maybe we've gone about things the wrong way. Maybe we've gone about things the wrong way. Maybe we've been a little bit over emotional on things and I agree 100% with what Greg has said. I also am just totally amazed that the O'Donnells is gonna have a 90-foot power line pole right in front of

their living room window, no more than 100 feet away. Now all of our papers say, oh, 500, 600, but see when I built my own place, I actually measured from where my property line was to where my house is and that was 295 feet, so I know that the appraisals and the information there is not right and I gotta not get emotional because I'm an idiot. We've been here seven years now. We've watched City Center be developed with unfinished parks, unfinished open areas, smaller and smaller lots and the reason why we were here in the beginning was to make this place somewhere that we wanted to live. I don't tell anybody where I live anymore. It's dang embarrassing. You guys know as well as I do that in another ten years Eagle Mountain City Center will be a very low income, high crime area. You, you know how the mayor of New York cleaned up New York, Giuliani, when he was there? He started cleaning things up and when people said, "Oh, that's clean and that's nice," then they started caring. No more of that. We have construction fences keeping kids out of water hazards from our drainage. I just think it's about time John Walden started, can't say promises because Tom and the zoning commission told us that he did not want to hear about any promises from people that have lived here for years, before it was a town, so I can't use promises when this town was first developed. These lines are no surprise to me.

Mr. Kim O'Donnell: My name is Kim O'Donnell. I live at 5194 North Lake Mountain Road. As the neighbors have stated, we will be devastated by this project. I can't believe that the city of Eagle Mountain even dares to have the audacity to place this type of power line in the middle of our front yard and then, not to mention the fact that it destroys the value of our home. OK, totally. I have, I know no one on the planet Earth that would buy our home after this is put in there. Everything we had worked so hard for, to get, what we planned on selling, we planned on taking our animal rescue organization to more land, so all the equity that we have is gone just like that, without probably not even a second thought to this council.

Ms. Rose Bonnell: Hi. Thank you. My address is 9286 North 3277 East. I'm, I've been a volunteer for Eagle Mountain safety issues in 2003, 2004 and 2005 and I have a public, I thought I was done with that. I had no desire to be in a public situation, but I do have an update for you. I'm wondering how many of you are aware that we had two very serious car accidents on SR 73 the first two weeks of November requiring Life Flight. Picture being there on November 4th in the evening, first day of Daylight Savings Time, as this young couple is coming home. A horse's head and forelegs came crashing through the windshield, hit the young mother in the face and the lap – sorry – required a Caesarian to deliver the baby safely, required fourteen hours of facial reconstruction surgery for the mom to implant metal plates where the bones had been crushed beyond recognition, try to save her eye and her vision. On November 14th, we had a 16-year-old had her forehead and scalp laid open, requiring plastic surgery and 68 stitches. I'm also wondering if you're aware of all the road usage out here besides residential, besides business. According to Camp Williams Base Commander Scott Olsen, we are the live ammunitions transport route for the military. The live ammunition goes in between Meadow Ranch and North Ranch through the Tickville Gate. We're also a high hazmat traffic zone, according to Utah State Hazmat instructor Jim Sturdikas. We are the spillover for I-15 freeway anytime that's shut down for any kind of hazardous reason or wreck. We're also the evacuation corridor for the Tooele chemical depot and we are the test exercise area for the chemical stockpile emergency preparedness program [timer: "30 seconds"] – whoa, I really did bad. There's more here. Basically, I went to a meeting the 22nd of March, 2004, with UDOT and MAG for MountainView Corridor and they, when I brought these things to their attention and the importance of our roads out here and how we don't have other alternates in and out of this valley, what can we do for our population, their response to me was shocking. They said, 'Your cities are creating this problem by giving too many building permits beyond what the roads will, the infrastructure will bear and they said that we're doing that knowing that we can't possibly get funding for almost 30 years out. We've got MountainView Corridor, which could come over the mountain and into the valley and wrap around near the lake, but that's not even being

considered, but that would solve our problem of needing an alternate road in and out of this valley. We don't have anything north and south at all, we only have east and west and we need, we need you guys to function as a safety valve for the citizens by considering first the human safety issues by curtailing building permits to a responsible level of growth equal to the infrastructure available to support it, maintaining buffer requirements for existing population centers, keep adequate roads and water and sewer progressing at the same pace as business and residential growth and I'd like to specifically ask that you approve a public safety issues correspondence to encourage media coverage of the type of accidents that we're having out here. Publicity is our friend. It's the only way to get us raised in priority on the roads, on inviting medical facilities out here. Here we are in northern Utah with nothing west of the freeway as far as a hospital is concerned and I would invite a hospital out here, somewhere, somehow, even at the city entrance as they're coming in on SR 73.

Mayor Richardson: Rose.

Ms. Bonnell: Yes.

Mayor Richardson: You're past time.

Ms. Bonnell: Sorry.

Mayor Richardson: Did you have those, your comments written?

Ms. Bonnell: I do.

Mayor Richardson: Did you make copies of that, or did . . . ?

Ms. Bonnell: There are 10 copies. There's a longer letter for each of the City Councilmembers. There's also individual copies of what I was trying to take notes, or speak from.

Mayor Richardson: Let's do this. If you would give the City Recorder those comments and she'll distribute it to the Council . . .

Ms. Bonnell: Sure.

Mayor Richardson: . . . as well as if you'd like to say some more than what you haven't been able to say, I'd invite you to email me and I could distribute it to the Council, also.

Ms. Bonnell: Okay. Do you have copies from the public hearing that was just held here at Willow Creek? I picked an extra copy up and also an extra DVD if it's needed.

Mayor Richardson: That'd be great. Thank you, Rose.

Councilmember Strouse: Rose worked very hard on doing petitions and not just on transportation, but also to get medical facilities out here. I, I honestly believe that she is personally responsible for the fact that we have an Instacare right down on the four corners. It was her hard work and effort. She was involved in the transportation task force that I was involved with a couple years ago and she, she took her time to do an incredible report for the city. So somewhere around the city there should be a copy of Rose's report on transportation and medical facilities and I think it would be really nice for people to revisit it. She put months into that. Thank you.

Mayor Richardson: Thank you again, Rose.

[Comment from Ms. Bonnell in the audience, not at the mike, so inaudible]

Mayor Richardson: We'll have Melanie look into that. It should be in our archives. I appreciate that.

Mayor Richardson: Richard Steinkopf. Would you come forward, Richard?

Mr. Steinkopf: Green. Your tool.

Mayor Richardson: Is this a familiar face?

Councilmember Liddiard: Weber State or something?

Mr. Steinkopf: Richard Steinkopf, 3459 Appaloosa Way. Mr. Mayor and Councilmembers, this evening I'd like to make the city aware of a street that is in dire need of attention. Appaloosa Way has become a very unsafe street to drive on, to ride bicycles and walk on due to many sunken depressions in the street, manholes that are not flush with the street, street shoulders that are damaged and do not match street height, sidewalk curbing that is damaged, missing street lights that have been removed or damaged and not replaced and there's even one water can cover that is missing, so there's a water can that has no cover on it, so in approximately a quarter of a mile on this street there are at least five severe – this is according to my scientific deductions – there are approximately five severe and dangerous depressions and seven depressions that can be called dips in the road, eleven or more non-matching shoulder heights and three manhole cover heights that are not to street level with one that is very high and extremely dangerous, two missing street lights and many areas of broken concrete on the street shoulder curbing. As cars travel on this street and swerve to avoid these dips and inverted speed bumps, as that damage has now been called, some people call it, and many manholes, the manhole covers that this creates a real safety hazard for our car drivers, pedestrians, mothers pushing baby carriages and children riding their bicycles on the street and if everyone is not paying, anyone is not paying attention anymore, there would be a serious accident there some day. There have already been more close calls than there should have been. For example, recently, it may have been oh, probably six weeks ago now, I was walking Appaloosa Way and not paying attention to where I was walking and put my foot in one of those depressions and fell, sprained my ankle, bruised my ribs, scraped my elbow and bruised my ego. As the Stonebridge project begins construction of homes and various cement trucks, heavy equipment and subcontractor vehicles start using Appaloosa Way for a street to get into their project, there will be these depressions and unsafe areas of this gonna get worse and worse, the safety factor is there, the risk of a serious accident is going to be increased once again. I respectfully ask the City Council to take the necessary steps to bring this street up to the City Code and improve the safety for the residents as soon as good weather conditions prevail, because it's gonna be worse and worse. I have taken some pictures of some of the conditions. I would be happy to leave them with you, if you'd like to see them.

Mayor Richardson: Yes. Thank you, Richard.

Mr. Steinkopf: Thank you for your time.

End of verbatim transcription

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the consent agenda as follows. Councilmember Blackburn **seconded** the motion.

MINUTES

August 7, 2007 – Regular City Council Meeting
August 21, 2007 – Regular City Council Meeting
September 4, 2007 – Regular City Council Meeting
September 18, 2007 – Regular City Council Meeting

FINAL PAYMENT – ACE Landscaping – Pony Express Trail

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

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – FY 2008 budget amendment

ORDINANCE – Consideration and adoption of amendment #2 to the fiscal year 2008 budget

City Administrator John Hendrickson explained that a budget amendment is presented when the City Council directs the City to move forward with an item not yet budgeted or when a necessary expense is discovered which was not included in the original budget. Amendment #2 includes equipment for the Street Department, postage, and expenditure of water bond funds which were acquired after the budget was adopted. Those funds will be used for City wells and water tanks. All funds required for the amendment are already in the City's accounts. The expenditures have to be approved by the Council.

Mayor Richardson opened the public hearing at 8:03 p.m.

Ms. Jennifer Konold, 9467 Sunset Drive, asked why the Brush Hog vehicle was going to cost \$35,000. Mr. Hendrickson said it was a very large vehicle for cutting big areas of weeds.

Mayor Richardson closed the public hearing at 8:05 p.m.

Councilmember Blackburn asked if the water expenditures were going to include arsenic removal in well #2. Mr. Hendrickson responded that they would. Mr. Trusty said arsenic removal would cost approximately \$750,000.

Councilmember Blackburn stated an arsenic study had been mentioned a couple of years ago and wondered if that was carried out. No one could recall who was to conduct the study, but Mayor Richardson said it would be looked into.

Councilmember Lifferth asked how arsenic is removed from water. Mr. Trusty responded there is more than one type of system. Engineering will study what method will work best for the city. The well's arsenic level is only slightly above acceptable levels.

Councilmember Lifferth **moved** to adopt Ordinance O-22-2007, approving amendment #2 to the fiscal year 2008 budget. 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 – Formal certification of the election canvass from the 2007 municipal general election, including additional votes from provisional ballots

Deputy Recorder Melanie Lahman presented the canvass of the 2007 municipal general election. Pursuant to State law, it is necessary that the City Council, as the Board of Canvassers, canvass the 2007 municipal general election no later than fourteen days after the election, certify vote totals and declare newly-elected city officials. Because there was a statewide referendum on the ballot, the County Elections Office was responsible to conduct the general election. Therefore, the Council is only required to certify numbers provided by the County, rather than count or tally votes. The numbers were provided by the County Elections Office Monday afternoon.

Councilmember Blackburn **moved** to certify the election canvass of the 2007 municipal general election. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth asked why, with electronic voting equipment, results took so long to be certified by the County Elections Office. Ms. Lahman responded that the County Elections Office had to certify and count all the provisional ballots manually.

Councilmember Blackburn and Councilmember Lifferth asked if feedback could be given to the County Elections Office about the extremely long lines at the polling place at Pony Express Elementary School. Ms. Lahman said that the County Elections Office had received extensive feedback on that point. The problem was that the database could only print one election register for each physical location, not for more than one polling place located in one building. This caused three precincts to be combined at Pony Express School. The problem was discovered too late to be fixed for this year's election, but will be fixed before the next election, probably by establishing a third voting location.

Councilmember Strouse said she had heard that polling places had run out of provisional ballots. Ms. Lahman said it had been a problem in some locations and would need to be discussed with the County Elections Office before the next election.

Councilmember Liddiard 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.

MOTION – Consideration and approval of confidential purchase offers and authorization to proceed to acquire power line easements and substation parcels as presented in the closed executive session

This item is reported verbatim at the request of Councilmember Strouse.

Mayor Richardson: Let's go to item number eleven. This is a motion of consideration and approval of confidential purchase offers and authorization to proceed to acquire power line easements and Jerry has that presentation.

Mr. Kinghorn: Mayor and members of the Council, we have presented to you in executive session, as the law allows, appraisal information, parcel identification and property owners who are involved in the easements that are necessary for the construction of the 138 kV line that some of the folks commented

about tonight. We are at a process in, we are at a point in this process where it has become necessary for us to ask you to authorize further negotiations with the property owners based on these appraisals or based on other appraisals that may come up. So what we need tonight is a motion to authorize the staff and legal council to go forward with negotiations with the property owners based on the initial appraisals and other appraisals that may come to our attention during the negotiation process. We would request that the motion make reference to those materials that were presented in the closed session so that we would have numbers and documents to refer to if the motion passes.

Mayor Richardson: Okay, do I hear a motion, Council?

Councilmember Liddiard: Question for you, Jerry. We talked a little bit about a time line of events and I know several things have taken place and there's a certain sequence and ramifications if that sequence of events does not take place. There were some comments made by Mr. Ferre with regards to need for power in the City Center and also that this was not a final determination of necessarily, but this is one of the steps in the process, but there are several steps to go beyond this in order to complete this.

Mr. Kinghorn: Yes, yes it's possible that some of these parcel acquisitions will go to mediation. Some may go to arbitration. If you find it's in the public interest, we will be back here asking for authorization to file the necessary documents to get an order of immediate occupancy from the court so that we can begin construction on the power line so that we can make sure we meet the needs of the city in the future. But, there are a series of steps. This is just the initial step authorizing us to go forward with the negotiations.

Councilmember Liddiard: Mr. Mayor, I move that the Mayor and staff be authorized for consideration and approval of confidential purchase offers and authorization to proceed to acquire power line easements in substation parcels as requested in the closed executive session.

Mayor Richardson: Motion has been made. Is there a second?

Councilmember Jackson: I'll second that.

Mayor Richardson: Is there any discussion?

Councilmember Lifferth: I guess the discussion I would like to have is that there is still some information that we have requested so that we, as a Council, can make an informed decision on if we are doing the right thing or not and I think it is important that we do have that information made available to us as quickly as possible so that we as a Council can make a truly informed decision on all options and alternatives throughout there, as well, and just from a philosophical standpoint I'd like to opine a bit that I do believe strongly in property rights and personal property rights and I know that that is one of the great things that makes America great to be able to own property and to choose what you do on that property and I know that that has been a very highly debated issue here in Eagle Mountain throughout our history. I understand the importance of the city being in the utility business and things the city has to do but, you know, I will have a really difficult time taking away anyone's personal property rights. That is something that I do not want to have on my permanent record.

Councilmember Strouse: I will ditto that. I also, I would also like to add that I'm just feeling really uncomfortable about this whole thing. I'm, I, I know that the city needs the power. I, I know that just somewhere along the line I would like some kind of a, a somebody to check out what exactly happened

step to step to see to make sure that the process right from the beginning was the way it was supposed to be and I would, that's all I have to say.

Mr. Hendrickson: Your comments, Mr. Lifferth, were the same that echoed in the closed session. Thank you.

Mayor Richardson: Is there any other discussion, Council?

Councilmember Liddiard: I'd like to make kind of a quick comment, partly based on public comments that were made. I don't think it is the wish of anybody to put anybody out in regards to corridor placement and power and that kind of stuff, but this is, I think where we are at now and, believe it or not, I do not think there is anyone here who knows exactly where those power poles go. I mean we have an idea, but we don't know exactly which pole goes in which little spot and that type of thing but this is a culmination of quite a long period of effort from the, the power portion of our city utilities to ensure that we have adequate capacity for this end of the city and, and in trying to do that, I think the staff, I believe, has been trying to do it in the least invasive way and the comments that we had is the desire to do it in the least invasive way. So that's why there is this comment that we've had about we're searching for more information and stuff. So the desire is to do what is right for everybody, so I think again it's not to pontificate.

Councilmember Lifferth: Can I ask one more clarification question about the presentations made here tonight? All we are authorizing is for the ability for the Mayor and staff to enter into additional negotiations for price.

Mr. Kinghorn: Well . . .

Councilmember Lifferth: What beyond that are we approving tonight?

Mr. Hendrickson: Nothing more than that really, but we are talking about the entire route, not just a few parcels.

Mr. Kinghorn: Let me, let me, let me make it clear that there are people that say fine, people want to agree to sell us an easement, we would go ahead and acquire those easements but, but that's as far as it goes. It's just we are entering . . .

Councilmember Lifferth: Any further steps beyond that will have to go back to the Council.

Mr. Kinghorn: Yes.

Councilmember Lifferth: For authorization?

Mr. Kinghorn: Yes.

Mr. Hendrickson: That's correct.

Mayor Richardson: Council, if I do not hear any more discussion, then I will ask for a vote. I'll close discussion. All those in favor, we will start with a roll call with Ms. Jackson if we could.

Councilmember Jackson: Yes.

Councilmember Liddiard: Yes.

Councilmember Strouse: I abstain.

Councilmember Blackburn: Yes.

Councilmember Lifferth: Keep in mind that we are only approving additional negotiations, then my answer is yes. I will approve additional negotiations. but that's, that's all.

Mayor Richardson: Motion passes with one abstaining.

End of verbatim transcription.

Mr. Kinghorn was excused at 8:30 p.m.

BID AWARD – Consideration and approval of a bid award for materials for construction of a 12.47 kV transmission line along Bobby Wren Boulevard

The bid award for materials for the 12 kV underground main feeder along Bobby Wren Boulevard from Lake Mountain Road to Sweetwater Road was presented by Energy Division Manager Adam Ferre. Bids for the materials were received from three suppliers. The lowest bid was submitted by Codale Electric for \$353,884.00. Codale Electric's delivery times are generally equal to or shorter than those of the other bidders.

Councilmember Liddiard **moved** to approve the bid award for materials for the 12kV transmission line to Codale Electric in the amount of \$353,884.00. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth 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.

BID AWARD – Consideration and approval of a bid award for construction of the 138 kV transmission line

The bid award for construction of the 138 kV transmission line was presented by Energy Division Manager Adam Ferre. Bid documents were provided to seven contractors. The low bidder was Sturgeon Electric Company at \$560,027, excluding materials furnished by Eagle Mountain City.

Councilmember Blackburn **moved** to approve the bid award for construction of the 138 kV transmission line to Sturgeon Electric Company in the amount of \$560,027, excluding materials furnished by Eagle Mountain City. Councilmember Liddiard **seconded** the motion.

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.

BID AWARD – Consideration and approval of a bid award for installation of a Huber screen in the South Service Area wastewater treatment plant

City Engineer Chris Trusty presented a bid award for installation of a Huber screen in the South Service Area wastewater treatment plant. The City purchased a Huber Technology headworks screen system in 2005. Due to the installation cost and the anticipation of construction of a new wastewater treatment facility, installation of the screen was postponed. The existing headworks screen is not functioning properly due to the high flow rate in the collection system. It is anticipated that the Huber Screen system will allow for better operation and increased capacity of the treatment plant. Stantec recommended Pierucci & Siaperas to do the work, because of their experience doing this type of work and because they were the lowest responsive bidder.

Councilmember Jackson **moved** to approve a bid award for installation of a Huber Screen in the South Service Area wastewater treatment plant for \$49,725 to Pierucci & Siaperas. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth asked when the Huber screen would be installed. Mr. Trusty responded it will begin in approximately four weeks.

Councilmember Strouse asked if these were the headworks purchased by former Public Works Director Mark Sovine. Mr. Trusty responded they were. She asked if they were the ones that had been authorized to be sold for salvage. Councilmember Liddiard said they were, but they can now be used in the treatment plant.

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

DISCUSSION – Eagle Mountain South Service Area wastewater treatment plant update

Mayor Richardson, Mr. Hendrickson, Mr. Trusty, Staff Engineer David Norman and Stantec met with State Division of Water Quality (DWQ) personnel on Monday. They discussed the facilities plan memorandum, which describes the project's compliance with smart growth principles and FONSI (findings of no significant impact). This is an EPA requirement before funds from the STAG grant can be released. Mr. Darrel Dixon of Stantec has revised and resubmitted that letter to DWQ, which will submit it to the EPA. The EPA will review it, verify FONSI, advertise for 30 days and then give the City notice of approval. Once the STAG grant money is released, the bid can be awarded.

The timeline is still on schedule. The emergency interim treatment plan has been approved by the DWQ, the geotechnical report is due to the City this week and chemical flocculent has been added to the system for the past two weeks. Mr. Trusty suggested the schedule might be modified by pre-qualifying contractors in January, which will shorten the bid review time. DWQ has offered to reserve a review time, which is very encouraging. It is possible the bid award could be made on April 21.

Councilmember Liddiard asked the status of winter storage capability. Mr. Trusty said there is enough capacity to last until winter 2009, but the rapid infiltration basins will enable the storage to last longer.

Councilmember Liddiard asked if the existing system will exceed its capacity. Mr. Trusty responded that the City is no longer in violation of State standards.

Councilmember Blackburn stated that he has asked for specific, long-term cost calculations for the system and has not received them. Mayor Richardson said the DWQ has asked the Engineering Department not to take the time to make those calculations while the treatment plant is being designed and approved.

This item was a discussion item only and did not require a vote of the City Council.

BID AWARD – Consideration and approval of a bid award for a storm drain at Friday’s Station

City Engineer Chris Trusty presented a bid award for a storm drain at Friday’s Station. The City advertised for the construction of a 24-inch HDPE storm drain line to be rerouted around a residential unit located in Friday’s Station. The existing pipe under the residential unit will be filled with concrete to prevent compromising the integrity of the foundation. After review of the submitted bids, it is recommended that the bid be awarded to TNT Construction.

Councilmember Liddiard **moved** to award the bid for the Friday’s Station storm drain to TNT Construction in an amount of \$27,270. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard, Councilmember Lifferth and Councilmember Blackburn commented that the road in Friday’s Station is the worst road in Eagle Mountain, even worse than dirt roads.

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.

RECOMMENDATION – Consideration and approval of a contractor for construction of the City website

Management Analyst Jason Walker presented the bids submitted for construction of the City’s website. The bids are for reconstruction of the website; hosting; and training and support for City employees who will use and update the website. Mr. Walker analyzed long-term costs over several years. GovOffice was the most cost-effective contractor in the long term. GovOffice is a website contractor which caters to municipalities and is a partner with the International City Managers’ Association, tailoring their products to the needs of small-to-medium-size cities. They have designed websites for over 1,000 municipalities.

Councilmember Strouse asked if the quality of the website would improve over several years of continuous service. Mr. Walker said it would be updated regularly.

Councilmember Strouse **moved** to approve a bid award for construction and maintenance of the City website to GovOffice. Councilmember Jackson **seconded** the motion.

Councilmember Liddiard said he considered the website to be the window to the city and it needs functionality. He was concerned that it would be updated inconsistently. Mr. Hendrickson responded that Linda Peterson, Public Communications Coordinator, will coordinate website content.

Councilmember Jackson asked for Councilmember-elect Ryan Ireland’s opinion on the website. Mr. Ireland responded that Councilmember Liddiard is correct about the goal of the website. When asked

about website funding, he said it could be funded by City funds or by transaction fees paid by users for transactions such as bill paying or sports registration.

Councilmember Liddiard 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.

MOTION – Consideration and approval of the December shut-off policy

This item is reported verbatim at the request of Councilmember Strouse.

Mayor Richardson: We'll now move on to item number 17. This is a motion, consideration and approval of the December shut-off policy and we have our Treasurer, Gordon Burt, making that presentation. Gordon.

Councilmember Liddiard: Mr. Mayor, I move that we approve the motion to proceed with the utility shut-off in December and open it for discussion.

Mayor Richardson: Is there a second?

Councilmember Strouse: I second it.

Mayor Richardson: OK, is there any discussion?

[Muffled voices in background]

Council: Yes.

Mayor Richardson: OK, let's have some discussion.

Councilmember Strouse: I'm puzzled, I'm frankly puzzled. I'm trying to remember when this was ever a big issue for us.

Mr. Burt: Every year. Yeah, last year I think last year we didn't do . . .

Councilmember Strouse: Well, as far as a Council, as far as a Council. I mean, even using the word "political" bothers me a little bit, because that should have nothing to do with it. We're supposed to do what's right in the best interests of the people we serve, so I really don't like the word.

Councilmember Liddiard: I think that was, I think that was a, was a typo. I think it was supposed to be "perception," not political.

Councilmember Strouse: That's a big difference.

Councilmember Blackburn: Gordon, this seems to be more of kind of a Santa clause rather than a December clause and obviously, if they can't make the payment in November or December, they're probably gonna have problems with January, too.

Mr. Burt: Exactly.

Councilmember Blackburn: So this is really just the City's December option for those struggling and, I mean, what system does the City have in place so if somebody says, "I'm having problems." Do we immediately give them contact information for State assistance?

Mr. Burt: We do have that option. We give them that information in the office.

Mayor Richardson: It's the HEAT program, yeah.

Councilmember Liddiard: Gordon, what I'd like to see in the month of December is the late fee is waived. It was not part of your proposal, here, but . . .

Mr. Burt: No it wasn't, late fee or the -- well, we don't call it a shutoff fee because, in some cases, it's a -- well, we call it the administrative fee, which is the \$50 fee. Is that what you want to see . . .

Councilmember Liddiard: I, I would propose that we waive that for the month of December, either the late payment fee or the shutoff fee type of thing, but you kind of continue, you need to continue to do business, I think that is a good-will option, to allow people to make sure that, that they have that type of, of, of capability. Anyway, I, I, I wanted to at least get people percolated about the thoughts and proceed forward.

Councilmember Jackson: I think that's a good idea. Also, it would seem to me, like you said, it creates the hardship in January.

Mr. Burt: It does.

Councilmember Jackson: January is usually the colder month than December, and so . . .

Councilmember Blackburn: Bah, humbug!

Councilmember Jackson: Well, no I'm just making an actual point, you know, I mean, all of a sudden you have, you're double your bill. You have December and January and you have all those Christmas bills coming in and you're, and it's the really cold month, so you know, I think that's, that's really what creates the hardship so, you know, I have to agree with the thought of what Councilmember Liddiard was saying is, you know, maybe we waive our late fee or something in the December.

Councilmember Strouse: Why would we do that? I mean, if we're gonna do that, we should do it any, every other month. I mean, I don't understand that.

Councilmember Blackburn: Christmas spirit.

Councilmember Liddiard: Ho ho ho.

Councilmember Strouse: It's not our place to use the taxpayers' money to be, you know . . .

Councilmember Jackson: In the past, we've waived shutting it off, so . . .

Mr. Hendrickson: Well, now you know why I wanted to come to you, because I, I wasn't familiar with their processes and somebody said, "Well, every year the Council considers this." So I said, "Well, then, let's let them get a chance again, because I'm not gonna make that decision alone."

Councilmember Liddiard: Mr. Mayor, I'd like to amend my motion to allow that we continue with the staff recommendation to proceed with the utility shutoff in December, but waive the utility shutoff fee and late fee.

Mayor Richardson: The shutoff fee and the late fee? OK, what are we talking, as far as fees, Gordon?

Mr. Burt: The utility fee that we have is \$50 – that's the administrative fee on the shutoff day. The late fee, if it's not paid, if their utilities are not paid by the end of November, we would assess a late fee of \$25 within that, so it's \$75.

Councilmember Blackburn: So potentially, with two months, we're talking \$150.

Mr. Burt: Exactly, if that's what you decided to do.

Councilmember Liddiard: Can I ask the Council members if they would be interested in seconding that motion?

Councilmember Strouse: Maybe, could, I'll second it just for the sake of, so that we can be appropriate in our discussions.

Councilmember Liddiard: Oh, thank you.

Mayor Richardson: Doesn't it have to be seconded by the other person? Otherwise, the motion fails. We have to let the motion fail, or he changed his motion, but it needs to be seconded by the same person that seconded the first motion.

Councilmember Strouse: Oh, wait, wait, wait, wait a minute.

Mayor Richardson: So let's hold on a second. So, was it you, Heather, that seconded?

Councilmember Jackson: No.

Mayor Richardson: No, it was Linn.

Councilmember Strouse: It was Dave.

Mayor Richardson: It was Dave. So Dave, will you second the amended motion?

Councilmember Liddiard: Do you accept the amendment of the motion?

Councilmember Blackburn: If I was the one who did it, yes. I don't know that I did it.

Councilmember Liddiard: OK.

Mayor Richardson: It was between Dave and Heather.

Councilmember Strouse: Well, actually – what did I second, then?

Mayor Richardson: You both seconded it at the same time, I thought – you and Heather. I thought it was Heather and, who was it? Who did you have down, Melanie?

?: That was the one before this.

Ms. Lahman: I actually didn't write that one down.

Councilmember Liddiard: Are we good to go forward, though?

Councilmember Blackburn: All in favor say aye?

Councilmember Strouse: Well.

Mr. Hendrickson: There's a question, there's a question on that, though.

Mayor Richardson: Wait a minute, wait a minute. Let's, let's, let's stop and just clarify what we have on the floor.

Councilmember Jackson: Yeah, I want, I want to understand what we're talking about waiving. We're talking about \$75 for which month? This is for anybody late in November that in December would be shut off? That's what we're talking about? So it would be a fee that would be accrued during the month of December?

Mr. Hendrickson: Well, that's November shutoff. Is the December – kind of explain this cycle, Gordon.

Councilmember Jackson: That's, that's what I'm trying to get.

Councilmember Liddiard: It would be, it would be waiving the fees that would be collected during the month of December, and those two fees are the shutoff fee and the late fee, and those would be the fees they would have to pay during that month.

Mr. Burt: That's right.

Councilmember Jackson: Which is reflective from the November bill.

Mayor Richardson: It's the late, it's the late fee of the November bill and the shutoff fee in December.

Councilmember Liddiard: That's correct.

Councilmember Blackburn: Gordon, how, how much does the City tend to collect in fees on a monthly basis that we're essentially waiving at this point?

Mr. Burt: On the, on the shutoff it varies, it's usually about \$7,000 a month on the \$50 one.

Councilmember Blackburn: So the City's looking to give away \$7,000. OK.

Mr. Burt: Yes. Now that's just the shutoff. The late, I don't know.

Councilmember Liddiard: We're not giving that away. That was unanticipated revenues.

Mayor Richardson: No, there's a cost to this. How much overtime do we spend every month?

Mr. Burt: We, we looked at that. Adam, I don't know how many hours of overtime your guys spend on this one. I do know about on my Utility staff, that some of them are there the Thursday night, sometimes maybe come in early on the Friday, but not usually, but they might be there four hours, two or three staff members four hours on a Monday night and then they come in early on, on a, on a Tuesday, as well, which is the general shutoff day. So four hours of overtime plus maybe another couple, three, four hours of that. Plus whatever staff that we have, which is, we have, usually have three teams of people going out on the day of shutoff. We only have one person from our department able to do that.

Councilmember Blackburn: Do you wear Christmas hats during that time?

Mr. Burt: Do we what?

Councilmember Blackburn: No, never mind. At the same time, we've suggested several times as a Council that we have a system in place where people can make monthly payments over the course of the entire year, say \$50 a month installment payments, to build up for utilities so it's not such a big hit when it is a cold season. Is anything, any progress made toward that type of a bill payment process?

Mr. Burt: Not yet on that. You're talking about the equalized payment where we, where we stretch it out over that? No, we've not done anything on that recently at all.

Councilmember Blackburn: What would be needed to do that?

Mr. Burt: I know that the Springbrook system allows us to set that up and I don't know exactly what's involved with setting that up at this point.

Councilmember Blackburn: Why don't we get some training? I mean, if it means money comes into our city early, in advance, so we avoid this type of a giveaway of several thousands of dollars in the spirit of good cheer, when that person probably could have budgeted for it for the entire year, and we have a system we've already paid that should allow that, we're not using our system.

Mr. Burt: One of the things, if I may, one of the things is I think the people who are on the shutoff list on a monthly basis, because many of them are on there every month, that they may not take advantage and may not be able to take advantage of the equalized bill pay, as well, because we did have, I believe we had for this process, the fact that they needed to be kept current with their bill. They, they had to be paying their bill every month and many of these people either are late consistently or they don't pay on time and are on the shutoff list.

Councilmember Strouse: That leads me to my next question, without Jerry being here to give me a legal opinion. Is there a way that, that we can, if somebody keeps having a problem with late bills, we can send them information on how to better handle their finances or something? I, I, I mean I'm just, I don't feel that it's our proper role to play Santa Claus with the taxpayers' money. If, you know, the person

that didn't get their fee waived in November is going to wonder why the people in December did and I don't know how we can be fair about this.

Mr. Burt: That's a good point that you raise. The only thing that we do, like I say, is provide them with the HEAT documentation or other things where they can go. And I know HEAT does provide them and say, "How are you going to not become a, you know, have this on consistent basis?" and things like that. Other than that, I don't know of any other agencies, I'm sure there are some out there that would do financial planning for people in this type of a thing.

Mayor Richardson: Gordon, what I, I'm sorry, what I'd like to just kind of ask is what kind of costs are we actually hitting for every shutoff between you, the power department, as well as the accounting department.

Councilmember Liddiard: I may be able to save us a little bit of time this evening if Mr. Blackburn would entertain yet a third amendment to the motion, and that is how about we, business as usual, save this exception: we waive only the late payment fee and the rest of the shutoff stuff all remains the same. That way we're not entertaining the whole, or all the rest of the problem, but yet we still have that air of charity that we'd like to be able to extend a helping hand where we can, so that it would only be to waive that late payment fee for the month of December.

Councilmember Strouse: Well, as I was saying, and you guys were talking, so I don't know if you heard me, how fair is that to the person in November that wanted their stuff waived?

Councilmember Liddiard: That's a great question. Would you second that, Mr. Blackburn, or not? Cause there's really no point in having a discussion about it unless there's going to be a second.

Councilmember Blackburn: It's like a game of ping pong.

Councilmember Liddiard: It's the difference of \$25 and it doesn't carry the large labor portion of it.

Mayor Richardson: Let's, if you're hesitant of that we can make the motion fail and vote on it and we can make another motion.

Councilmember Blackburn: We have an original motion on the table right now. Let's let that stand, at this point.

Mayor Richardson: I still would like to know what the costs are involved here, so that we know what we're, what you're doing.

Mr. Ferre: If I can, two things: One, we have one shutoff day a month, usually it takes four of my employees one full day, one full day out of the month, four of my employees, you know, so it takes them away from their regular duty and from doing their jobs, you know, that they're hired to do, just to do shutoffs, which is part of their duty, but, you know, you add that cost in, then what you have an employee that makes twenty bucks an hour or \$25 an hour, he gets called out because I get called out on shutoff night, you know, I get called by different people, you know, I've had calls from Council members, Mayors, you know, their neighbor's been shut off, could you come turn them on, and, and, and that's where it kind of, you know, then you call an employee out that makes \$25 an hour, two hours minimum, \$50, plus his overtime is another \$25, so right there you're paying that employee that much, and sometimes it's two, three, four times a night, you know at midnight. Then, then you pay all these

multiple overtime calls and it's, you know, all these people that take advantage of the system and it costs more than that \$75 or \$50.

Mr. Hendrickson: But we haven't done an analysis, the simple answer is we haven't done a close analysis whether shutoff fees, at this point, are paying for that, but it's assumed that it is. So that if you waive those, we won't pay for those shutoffs, for those extra costs. It won't cover it.

Mr. Burt: I know that, as a staff, Adam and I and some others have talked about doing an actual analysis to see how much the actual cost is on this basis, to see if the fees we're covering, or collecting, are recovering our costs and you know, so at this point I don't have an answer for that.

Mr. Ferre: I think, too, in other cities, not to waste it, are different utilities like Rocky Mountain Power and different, when you're shut off, you're shut off until another business day, you know, and we do try to accommodate that way and we've tried to be a little friendly and we figure, you might only have 100 that are shut off, but you're going out after hours for 25, you know, that \$50 for each person pretty much cover for those 25, because there was an analysis done at first, but with wages gone up and, you know, more employees involved, it's . . .

Councilmember Liddiard: Call the question.

Councilmember Lifferth: Hold on, there's still some discussion going on here.

Councilmember Liddiard: My apologies.

Mayor Richardson: The question's been called. You can, Council, I can just, what I'd like to do is just have the motion restated. You can vote it down, you can table this, you can . . .

Councilmember Liddiard: Let's call the question and vote it down so we can introduce a new motion.

Mayor Richardson: The question's been called.

Councilmember Strouse: Who called it? Who actually, who actually did the first . . .

Councilmember Liddiard: Me.

Mayor Richardson: Vincent, will you restate the, the motion and then we'll just vote on that?

Councilmember Liddiard: The original motion was modified. In its current stance, the motion on the table is the following: that the fees for the month of December, these would be funds that would be collected in the month of December, would be waived. Those would be the \$25 late payment fee and the shutoff/reconnect fee of \$50. These would be for fees collected in the month of December, so if you made a late payment in you, and then that's how that would go. So it's a total of \$75 that you would forgo that financial opportunity in the month of December.

Mayor Richardson: OK, we'll do a roll call. We'll start with Ms. Jackson.

Councilmember Jackson: No.

Councilmember Liddiard: No.

Councilmember Strouse: No.

Councilmember Blackburn: No.

Councilmember Lifferth: Unanimous no.

Mayor Richardson: Unanimous no. Is there any other motion that we'd like to make at this time?

Councilmember Liddiard: Not me. [laughter] I would love to do another one, but . . .

Mayor Richardson: Would Council like to table this and get more information for next . . .

Councilmember Jackson: I don't think we should table it. We're dealing with the December billing issue.

Councilmember Lifferth: We do meet one more time before December 11, though.

Councilmember Liddiard: OK, I move that we forgo the late payment fee for the month of December in an act of goodwill for our citizens. Those who would normally be charged a late payment fee in the month of December would not have to pay that fee.

Mr. Hendrickson: That's the \$25 fee.

Councilmember Liddiard: That's \$25.

Mayor Richardson: But it's incurred in November, correct?

Councilmember Liddiard: That's correct. But it would be collected in the month of December.

Councilmember Jackson: It's incurred by not paying within the month of November. It's incurred in December, actually.

Councilmember Blackburn: Resultant of the activities of November, yes.

Councilmember Jackson: Correct.

Councilmember Liddiard: But it's on the December bill.

Mayor Richardson: Does everybody understand the motion?

Councilmember Jackson: And I'll be glad to second your motion.

Mayor Richardson: Motion's been seconded. Is there any discussion?

Councilmember Blackburn: I think that the question has been raised and, and it's valid that, you know, sure it's a, it's a difficult time of the year, budgets are stretched a little tight, but for people in that type of financial situation, every month is a difficult time of the month and year and I mean, if we're, if we're setting ourselves up for this type of policy and I, I mean, I'm, I'm excited to help people when and

where I can, but somebody who says, "Well, maybe I don't celebrate Christmas, but I celebrate something in July," what kind of precedent are we setting, you know, and I just, in that scheme of [off-mike response]. No, I didn't say, "bah, humbug," but now that I've said it, you know, we just, we need to make sure that, you know, in the realm of being P.C. and everything else, that we should try to do the best we can for our clients and our residents year-round, not just one month, so I appreciate that Ms. Strouse has brought up a little more in the way of the financial awareness that we're just so happily tripping along to give away.

Councilmember Liddiard: Can't we just do the right thing? I mean, can't we just be a little nice? I mean, I know that we want to consider the whole realm of human beings and everything else. I just see this as an opportunity to do something a little bit nice. Not, not trying to think of all the other different kinds of ideologies that exist out there, recognizing that they exist, we may not be able to do it every time and I'm aware of that and I'm not trying to necessarily be politically correct. I'm trying to say, "Look, it's the holidays. There's still the New Year coming up. Whatever. Let's do something nice."

Councilmember Strouse: I just disagree that it's our proper role to do that. Maybe we need to just look at the whole system and see if we can really afford it, maybe we should be reducing the fees, then, if that's the issue, so I, I, anyway.

Mayor Richardson: Mr. Lifferth has been waiting patiently.

Councilmember Lifferth: Let me share a few personal experiences with you on this subject. I had the opportunity to be Mayor of this city two years ago in December and on a weekly basis I would do a thing called "Let me speak to the Mayor," where I would open the conference room here and let anyone in the city with any beef or any issue come talk to me and we would see what we could do. [Long pause] Sorry about that. I had a single mother with four children come and talked to me about how her heat would be shut off in a matter of a week or so and I know what people say about me how hard hearted I am, how cruel I am, but I could not let the heat be shut off on that woman and a man came to me who had just been laid off. I could not turn off his heat. Vote however you will on this tonight but just recognize that there are people who are seriously impacted by the decisions that we make and I ask you to look inside yourselves and think what it would be like. Maybe it has happened to you before, I don't know. Think what it would be like putting yourself in that situation.

Councilmember Strouse: I think I can conclude from your point that the Mayor already has that prerogative. You have just demonstrated that, so why do we need to make it an official policy?

Councilmember Lifferth: I broke out my check book and wrote a check to the Utility Department.

Mayor Richardson: Any other discussion, Council? I am sorry, we are a little late this evening and do not have much time. [A resident asked to speak.] Nikki, you have one minute. You need to come up to the microphone. It is not a public hearing.

Ms. Wickman: It seems to me that if you just cancel the shutoff for just one day, one time a year, you don't use the labor money, so you are saving money. You collect all of your late fees and the chance to shut them off in January, in which case it is the coldest month and HEAT will help with them. You get all the money for the city, you don't cost the taxpayers anything, in fact you save them money on labor costs if you just cancel the one day that you shut off the power. That's all I have to say.

Mayor Richardson: Thank you.

Councilmember Strouse: Awesome. That's the reason why we were going to wait and have it be studied.

Mayor Richardson: Council, there is a motion on the floor. We will restate it and I would like to vote. If there's no other, if there's no other discussion, so Vincent will you re . . .

Councilmember Liddiard: The act of the City Recorder will be played today by Mr. Vincent Liddiard. Motion on the table is the following: to waive the fee collected as a late payment fee for the month incurred in November but be paid in December. It's a fee of twenty five dollars.

Mayor Richardson: And that was seconded by who?

Councilmember Liddiard: Ms. Jackson.

Mayor Richardson: Ms. Jackson. We'll start with Mr. Lifferth. All those in favor say yes or no and we will do a roll call. Mr. Lifferth?

Councilmember Lifferth: I do think that Vincent's motion is better than it currently stands and so I will vote yes, even though we should not do a December shutoff.

Councilmember Blackburn: Not to be called "bah, humbug," I'll say yes.

Councilmember Strouse: I'm concerned about principle and for the heart, also for the heart for everybody all year round and not just at Christmas. So I'm going to vote no. I hope that we can have a change in the system. In the study we need to evaluate where we are on this because we need to, cause we still are responsible for the taxpayers' money. I don't believe it is our job to give away money. I, I, I'd be giving it away to everybody if I did that.

Councilmember Liddiard: I agree with Mr. Lifferth's comment. Yes.

Councilmember Jackson: As do I, so I will vote yes.

Mayor Richardson: Okay, motion passes.

Councilmember Strouse: Can I make a motion that we have a Thanksgiving discount every year, too, for utility bills and maybe even an Easter one?

Councilmember Liddiard: This wasn't an in perpetuity policy. This is only applying to this particular year.

Mayor Richardson: Okay, the motion passes. Council, it has been a good evening tonight. There has been some very hard issues that you have dealt with. Now is the City Council and Mayor business items and we will start with Mr. Lifferth and then go down the row.

End of verbatim transcription.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth had no comments.

Councilmember Blackburn

Councilmember Blackburn stated that City government is responsible for maintaining City utilities. He apologized for seeming harsh to the City Engineers. He noted the importance of having all financial questions about construction and operation of the new wastewater treatment plant answered before it is operational. All financial decisions by City government should be studied carefully because it is the taxpayers' money the City spends. He thought that a master-planned community should have complete plans for future construction.

Councilmember Strouse

Councilmember Strouse had no comment.

Councilmember Liddiard

Councilmember Liddiard echoed Councilmember Strouse's comment that it is unfortunate that the City cannot always avoid shutoffs and fees. He wished everyone a good Thanksgiving.

Councilmember Jackson

Councilmember Jackson requested that all the Councilmembers-elect receive full agenda packets before the next meeting.

Mayor Richardson

Mayor Richardson asked that the Council review all of the information items in their packets. He expressed appreciation for the Council's and staff's hard work for the people. He wished everyone a great Thanksgiving.

ADJOURNMENT

Councilmember Blackburn **moved** to adjourn the meeting at 9:50 p.m.

APPROVED BY CITY COUNCIL JANUARY 8, 2008



Fionnuala Kofod, City Recorder



**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

December 4, 2007

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 4:11 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard (arrived at 4:43 p.m.), David Lifferth and Linn Strouse.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Jeff Weber, Assistant Public Works Director; Chris Trusty, City Engineer; Dave Norman, Staff Engineer; Rand Andrus, Fire Chief; John Mulder, Sergeant; Cory Wride, Sergeant.

DISCUSSION/REVIEW ITEMS

DISCUSSION – Policies and Procedures Manual

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

CLOSED EXECUTIVE SESSION

The City Council adjourned to a closed executive session at 5:38 p.m. for the purpose of discussing reasonably imminent litigation, the purchase of real property and the professional competence of an individual, pursuant to Section 52-4-205 of the Utah Code, Annotated.

ADJOURNMENT

Mayor Richardson adjourned the closed session at approximately 6:15 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:38 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: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Dave Norman, Staff Engineer; Rand Andrus, Fire Chief; John Mulder, Sergeant; Cory Wride, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

- UDOT East/West Connector open house, Snow Springs Elementary School, Dec. 6, 5:00 – 7:30 p.m.
- I-15 Corridor open house, American Fork Jr. High School, 4:00 – 8:00 p.m.
- MountainView public comment period ends December 24
- Website for all current UDOT projects is www.udot.utah.gov
- Miss Eagle Mountain orientation, December 12, 7:00 p.m., Council Chambers
- Senior Advisory Council activity, Tree a Tree for a homebound senior, December 14, 5:00 p.m.
- Santa will ride on a fire truck throughout the city, December 15, 8:00 a.m.
- Merry Christmas and Happy New Year

PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 E Harrier Street, said she counted five potholes on SR 73 today. While it is not a city road, it affects residents. She encouraged the City to contact UDOT to repair the potholes. Watch county road south of SilverLake and report those potholes. Thanked outgoing council members for their service to the city.

Mr. Kim O'Donnell, 5194 N Lake Mountain Road, spoke against eminent domain being exercised for construction of the 138 kV power line. He said Eagle Mountain is a good city with bad politics. The City will profit from the power project, but residents will lose and the O'Donnells will lose their animal rescue. He stated the issue was not money, but the option to say "no": If he chooses not to sell his property and the City takes it, he sees it as legalized theft.

Mr. Greg Jeppson, 5134 N Lake Mountain Rd, was deeply concerned with the Council's decision to put the power line in his and neighbors' front yards. He asked why the power line would be placed above ground when City ordinance states that all lines must be built underground. He asked why the line would be moved out of the existing power corridor and placed where it will affect more properties than if it stayed in the corridor. He said his neighbors already have transmission lines on their property and get electric shocks from them. He wanted the City to buy the two homes in the path of the power line to keep it out of others' yards. He asked why affected residents were not told until recently that a 12 kV line will be built along with the 138 kV line. The Council can change its decision tonight to save property values and keep residents safe from electrical fields. He and his neighbors are counting on Council to do what is right and show residents its decisions are made with care for the residents' safety.

Mr. James Taylor, 4972 N Lake Mountain Road, stated that he had requested ten minutes during Council meeting to present a slide show on electrical magnetic fields' effect on homes, but was told he could not do so. He said a developer could have had that much time, but not a citizen. He objected to a

substation being constructed next door to a family. He said the negotiation meeting the City had with he and his wife was unacceptable because they were told the City would proceed with eminent domain shortly after the meeting. Mr. Taylor thought the beneficiaries of the power line project will be developers, who have not fulfilled their agreements to finish parks and open areas.

Ms. Wendy Baggaley, 1467 E Hawk Way, addressed the proposed policy on building usage. She said the policy should be equitable as to who will be able to use public buildings and be clear on who will be the gatekeeper. While other cities normally have such policies, Eagle Mountain needs to consider the lack of public space in the city for public activities. She recommended tabling the item until early 2008 so the new Mayor and Council can make the decision. Ms. Baggaley wanted more in-depth discussion and more publicity to allow for citizen input. She thanked outgoing Council members for their work and their families' sacrifices.

Mr. Ben Thomas, 3 Triad Center, Suite 500, Salt Lake City, was an attorney retained by the O'Donnell, Jeppson and Taylor families. He stated that in the past, questionable decisions allowed two houses to be built on the west side of Lake Mountain Road, bordering the power corridor. The City seems to be trying to preserve those homes rather than construct the power line in the corridor. He said the properties affected by the power line project will be very difficult to sell and the City's purchase offer is inadequate.

CITY COUNCIL/MAYOR ITEMS

PRESENTATION

Mayor Richardson presented plaques to Councilmembers Blackburn, Liddiard and Strouse, whose terms end on January 7, 2008, in appreciation of their service on the Council. Mayor-elect Heather Jackson presented a plaque to Mayor Richardson in appreciation of his service as Mayor.

APPOINTMENT OF NEW CITY RECORDER

Mayor Richardson recommended the appointment of Ms. Fionnuala Kofoed as City Recorder. Councilmember Jackson **moved** to approve the appointment of Ms. Fionnuala Kofoed as City Recorder. 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.

CITY COUNCIL COMMENTS

Councilmember David Lifferth

Councilmember Lifferth thanked outgoing Mayor and Council members for their great accomplishments in serving the community. He wished everyone a Merry Christmas and a Happy New Year.

Councilmember Linn Strouse

Councilmember Strouse announced that the family of the woman whose bones were crushed in a recent car accident with a horse trailer will have a fundraiser at 5:30 p.m. on December 7 at the Cedar Fort Community Center. Residents may donate items for sale. Councilmember Strouse recognized Ms. Rose Bonnell for providing information on the need for improved transportation corridors, as well as her efforts to secure medical facilities in the area by conducting a petition drive. She believed Ms. Bonnell's efforts were the reason an InstaCare was constructed in Saratoga Springs. She also expressed appreciation for the numerous volunteers who have made Eagle Mountain a wonderful community.

Councilmember David Blackburn

Councilmember Blackburn noted that only 20 days remain in the public comment period for the MountainView Corridor. He encouraged all residents to send their comments to UDOT. He thanked his wife & family for their understanding and sacrifices during his term in office. His service on the Council provided him the privilege of speaking to many citizens and working with City boards, committees, staff and mayors. Many programs and services were begun, continued or expanded during the past several years.

He encouraged residents to give regular feedback to the City and the City to provide improved communication channels and information to residents.

He recommended that the City develop and maintain short-term, interim and long-term operating plans. He said institutional information of past, current and future staff and Council needs to be recorded, tracked and monitored for progress rather than being changed every two to four years due to political cycles and staff turnover. He reminded future staff, Mayors, and Councils to remember whose money they are spending and whose lives are impacted by their actions. After his comments, he presented flowers to Mrs. Blackburn.

Councilmember Vincent Liddiard

Councilmember Liddiard echoed Councilmember Blackburn's comments. He said he moved to Eagle Mountain in 1999, when City Council meetings were held in a double-wide trailer. The current building has helped staff grow to meet current and future needs of the city and other buildings and infrastructure have been built to support the many people who have moved here. He has worked with four City Administrators and seven Mayors and served as Mayor for a month. He noted the following advancements: new city offices and utility buildings, growth in utility service capacity, growth in public safety staff and facilities, population increases from 10,000 to nearly 20,000, improved finances including an award this year for the budget document, a new digital recording system and better telephonic meeting capability. He said the city's greatest asset is the people who live here, volunteer and serve. He thanked his wife and children for their sacrifices and presented flowers to Mrs. Liddiard.

Councilmember Heather Jackson

Councilmember Jackson thanked outgoing members of the Council and commended Mayor Richardson for his excellent work. She asked Councilmember Blackburn to forward the recommendations he made during his comments to the incoming Council by email. She looked forward to the opportunity of working with the new Council members and has spent time recently working on preparations for the transition. Mayor Richardson has allowed her to participate in recent hirings and other meetings, including a transportation meeting with Lehi and a meeting with Eagle Mountain's Washington, D.C., lobbyist on goals for federal funding. She encouraged everyone to be careful during the holidays.

Mayor Don Richardson

Mayor Richardson thanked his wife and children for making it possible for him to serve as Mayor, requesting Mrs. Richardson to stand. He said it has been a wonderful experience and an honor to serve with the City Council and staff. He was not enthusiastic about leaving, but needed to do other things. He said the city is making a great future for its children and expressed appreciation for everyone's support.

CONSENT AGENDA

The November 20, 2007, minutes were removed from the agenda.

Councilmember Liddiard **moved** to approve the following items on the consent agenda:

MINUTES

October 2, 2007 – Regular City Council Meeting

October 16, 2007 – Regular City Council Meeting

October 30, 2007 – Regular City Council Meeting

FINAL BOND RELEASE – The Landing, Phase 3

FINAL PAYMENT REQUEST – Boart Longyear for well #5

REIMBURSEMENT – Eagle Mountain Links/Ames Construction

DECLARATION – Sale of Surplus Vehicles

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

ORDINANCE – Consideration and adoption of an ordinance specifying a policy on the use of City buildings

*** This item is reported verbatim at the request of Councilmember Lifferth.***

Mr. Kinghorn: Mayor and members of the Council, this is an ordinance that helps us document what has been unofficial City policy for some time, and that is that the City Hall is only available for official functions and if there has to be a definition of an official function that would be done by the Mayor. The Mayor would give permission for City-sponsored events under this ordinance. The only purpose for this ordinance is to document what has been the City policy and to put some teeth into it so that an employee or some other person having access to the building doesn't misuse the building. It's also to help protect the City from claims by persons who want to use the building for reasons that are not related to municipal government or to official functions, so I would recommend that, if you feel this sets forth what you believe the policy of the City should and you're satisfied with the wording, we'd recommend the ordinance be adopted.

Councilmember Blackburn: Mr. Mayor.

Mayor Richardson: Yes.

Councilmember Blackburn: I **move** that we consider and approve the adoption of this ordinance specifying the policy on the use of City buildings as explained by staff.

Councilmember Strouse: I'll **second** that.

Mayor Richardson: Motion has been made and seconded. Is there any discussion? _____

Councilmember Strouse: I just want to mention that we talked at length in work session about this and our City Attorney and quite a few of the Council members gave a lot of input into it and this is something that's been an issue for quite a long time so this isn't something that's new to us and having been on the Council, all of us, for quite a while now, I think it, we have the ex, the background to support this motion.

Mayor Richardson: Thank you. Any other discussion?

Councilmember Jackson: I have some discussion. I really don't feel comfortable moving forward with this without having the definition of official functions spelled out and I do worry about the fact that we have just the Mayor making that approval. We don't have in there that it could be done by two City Council members, instead, as we are the elected body, so in my opinion, I'd prefer to table this and have it looked at and ironed out a little bit more. This is the first time that we have actually seen this ordinance and, yes, there's been a lot of discussion over what things should be, you know, the City building be used for and not, but we've been discussing that for the entire time I've been on the Council and I think even before that, and yet I don't think this completely covers all of what it is that we are looking for.

Mayor Richardson: OK. Any other comments?

Councilmember Lifferth: Yes, I do have a number of comments on this. We actually had a very lively discussion during the work session and a lot of questions were able to be asked about this. At this time, I'd like to take a couple, take the opportunity to make a couple of opinion statements on this. I do question the constitutionality of this, as we've got one branch of government encroaching on the authority and opportunities of another branch of government, so I think that needs to be investigated. I think we need to get a legal opinion from the State Attorney General, as we are not aware of any other cities that have an ordinance like this that limits the authority and access of elected officials to the City Hall. I think this was put together kind of in a rushed fashion and I definitely disagree with some of the choice of wording here and also the fact that specific examples of official public – what's the word I'm looking for?

Councilmember Blackburn: Activities.

Councilmember Lifferth: Activities, officially sanctioned activities, are not listed here and it is open to just the whim of whoever the Mayor is at the time or the designee of the Mayor. I do have a lot of, lot of concerns here, a lot of questions about the legality of this, however, I mean that's why I will not vote for it, however, since I, there's a very real possibility that I may be the Mayor's designee on this, I would encourage the rest of the Council to, to grant me that authority going forward. Thank you.

Mayor Richardson: I'd just like to state, as far as your access and authority as a Council member is not being taken out in this ordinance, in that it's all for official City business. You wouldn't be doing anything else in this building, acting as a City Council member without official City business.

Councilmember Strouse: Both the City Administrator and our attorney, Jerry Kinghorn, responding to these very questions and maybe it would be helpful for everyone here to understand, for you guys to reiterate what you said during work session in response, particularly in regards to it being a, one part of government usurping the other which I, if I paraphrased you correctly, was that what . . .

Mr. Kinghorn: Well, this form of government combines legislative and executive functions as we, we've had lots of lessons in this over the years, this particular form of government combines legislative and executive functions, even though the Mayor is the chief executive officer of the City, so when separation of powers concepts are applied to this form of city government, they don't work very well, quite frankly, and I respect Mr. Lifferth's opinion on this, but I think that it is within the legal authority of the City Council to define how City property will be used and when it will be used and to restrict the

use of City assets and City property to official City functions and that is those activities that are directly related to the municipal government of the city. Those activities are broad; they include many things, everything from the library having reading groups of children to senior citizens having dinner in the basement. Those are all sponsored City functions and they all fit within the permitted uses of the building under this ordinance and the language is necessarily what it is, referring to official City functions, to include all of those things like members of the Council coming in and getting their mail or doing things that are necessarily related to their duties as elected officials and to draw a line and say, "You may do all those official functions. You can do all those things that you can only do because you're an elected official, but you can't do things that people can't do that, or shouldn't do, that are not elected officials, so I'm comfortable with the definition. I've thought about how a prosecution of this case would look around that definition if you go into a courtroom. There are a series of jury instructions related to this type of thing and, and, and, quite frankly, I'm comfortable with, as an attorney, I, I do think we need to document this policy, whether we do it now, whether we do it at some point in the future, I think it's extremely important that we document it so that we have words on paper saying when it is all right to come in and use your key and open this building up and have a function here and that it restricts those functions to functions that are related to the municipal government of the city and to official functions. I really don't, keep talking about it, but I think it's as simple as that.

Councilmember Strouse: And, Mr. Hendrickson, if, if you'd address the allegation that you rushed into this, you guys rushed into this.

Mr. Hendrickson: Well, it was a little quicker, I mean, we could have taken more time, I suppose, but in my conversation with Councilman Lifferth, I said, "Let's put this on and discuss it," and so I did take two Council meetings to get it on. I asked the Attorney to at least, with the Mayor's approval, to draft something so you could go through a discussion on it. It took more than one Council meeting, it took more than one Council meeting, but I think my experience is that, as long as you, as a Council are meeting, or if you're meeting singly, and you haven't been appointed to do something or you're not chairing some group if you act singly for a single purpose of yourself, then it isn't acting as a body, as a Council. I don't know, maybe given Jerry's definition about Utah law and the way the Council, Mayor-Council form works, it may be a little more gray, but my experience has been that, if you call a meeting of a Council to act as a Council, you need, you have to go through that process as legally defined. On the other hand, the Mayor being the chief executive, can hold meetings in his function, the same way with the staff in their functions that have been approved under the laws and under their definitions that you approved as far their job descriptions are concerned, but I can't throw a party for my friends in here and you couldn't either, because that wouldn't be a City function, that'd be your function, not a City function, so that's where I, what I looked at, I've always looked at as the distinction, whether or not we're following that process, so that if you're going to hold a meeting as a Council member and for a City function, you'd have to go through the process, which is two of you would have to call a meeting, notify all the rest of the Council and, and say, "Here's the time and date," and I think they have to be served or whatever that process is, that's the legal definition, but to hold a meeting by yourself because it was something different than what you've been assigned to do would not be necessarily a City function. That's the way I would read that. Now maybe I'm wrong, but that's sort of the way I do it and I think, David, you were concerned that I be careful about how I make that definition without it being written, so I can understand your concern, whether or not this is fully what you have in mind.

Councilmember Lifferth: OK. A couple of responses to that: The, the reason we're having this discussion is because of the press conference that was held in this room a few days before the election, where they, a fraudulent and, in many cases, I think an illegal advertisement was run in the paper that created a lot of confusion in the minds of the voters and I think the timing of that was such that there

would be confusion at the time of the election. I think it was appropriate that some information was put out to correct any misconceptions that were there in, among, among the residents. I think there was a great deal of confusion. I can cite a number of examples that, that happened to me about the confusion that was there, and I think it was important that we did have a, a timely opportunity to correct the record and set the record straight. I think we, we helped clarify things in people's minds by doing that. I think that is the role of a, an elected representative to provide information. The room that we are currently sitting in is called the Council Chambers. This is where we conduct our business. This is the space that has been set aside for us to do our jobs and if we need to meet with a resident to answer questions and no other place is available, I think it is very appropriate that the Council have access to, to meet with a resident in, in this City building.

Mr. Hendrickson: Can, can I suggest something to you, though, in that distinction, and that was the concern, was that you weren't meeting as a Council member, you were meeting as a candidate and that meant, no, not you, but, but this candidate, but the point would be is that, that set a precedent of which, how do I stop, then, somebody else who runs as a candidate to do the same thing and I think, if that's what you're talking about, then that would set the precedent and you'd have to follow it under that rule because it's, that's the line you're following, because it's about, not the City business as a group, but as an individual running for election, and therefore, anybody that was running for election, then might have the claim that they could also use this for the same purpose.

Councilmember Lifferth: You know, I think that's close, but not quite there. I'm a sitting Council member and I've taken it upon myself to be a very information-oriented member of the Council. I've put all kinds of information, I make it readily available, I've encouraged that long before I was on the Council to try to get, encourage the City to put out information and not delay, and not let misconceptions thrive because information is not put out correctly. This is the Council Chambers, this is where we do our work and I think it would be appropriate for anyone on this Council to conduct business, to meet with residents, to set the record straight, especially if they have been falsely accused or incorrectly put in a position where people are under confusion and there's a cloud of, of, you know, some kind of negative cloud that's over top of them. I think it is appropriate that everyone on this Council has been elected and needs to serve and represent the people that elected them and I really have a hard time with one form of government, in this case the executive branch, being able to dictate how elected representatives can do their job and where they can do their job and when they can do their job. I think that is very inappropriate but, once again, as Mayor-elect Jackson becomes Mayor, there's a very good chance that she will designate me as the gatekeeper that will determine who can use this building and who cannot use this building and so just, you know, just be aware of that, that is a distinct possibility and that might be interesting in this whole thing.

Councilmember Strouse: So, so you're, let me understand this, you're saying that, as a candidate, I could have used the City Council Chambers to call a press release to respond to your horrific divorce grid that you put on your web site.

Councilmember Lifferth: Yes, you could have. And I even told John that at the time.

Councilmember Strouse: Well, I would never have done that.

Mayor Richardson: Council, let's try to not get it personal and, and just . . .

Councilmember Strouse: OK, so this, this whole issue came about about a year ago when I was Mayor Pro Tem also, because the subject of executive and legislative powers has been brought up, I'm going to

bring this up. That's when I was Mayor Pro Tem, Councilman Lifferth invited employees away from their jobs to a meeting here in these Council Chambers and did not let the Mayor know, which was me at that time, so I, I really think, you know, in that case, and I called the City Attorney, who said, "He can't do that," and I said, "Well, he is," so I felt at that time we needed to address this policy and to get it clarified so that we would eliminate politicizing this building, which should be for government purposes representing the people. Thank you.

Councilmember Blackburn: Mr. Mayor, in the process of having a little bit of experience and, and also this being my second operating building as a City Council member, as this building was constructed and we discussed the potential uses for this building, we wanted it to be as functional as possible, but we also realized at the same time that if we open the door, it's not just a crack, it's a floodgate for whatever else would be suggested. Mayor Bailey, counsel, Jerry at the time and the City Council at that point all discussed and understood that there are a lot of groups that would probably be able to use this, the facilities of this building quite adequately, quite professionally, but at the same time, we would not be in a position of control for the ones that we would say, "We've got some concerns or some questions," and so it's been an unwritten policy of the City that no one else other than City organizations have access to use the facilities. I see this ordinance as a pretty straightforward continuation of that. The language saying official activities of the City can occur within this building is as straightforward as you can get, because we'll go down the proverbial path of what-ifs, job scenarios, this, that and the other thing. If we understand it to be official City functions, then that's where it is. I mean, if I use my key, if I were not to turn in my key to this building before January 1 and I came into this building January 1, I am breaking the law because I am not a Council member at that point. I would be subject to these fines, penalties and whatever else that might be levied and I just see this as a simple clarification of what this building is.

Councilmember Strouse: And I would strongly suggest that, whether the new Mayor has the authority to have a Council person be the designee or not, that maybe they're right to do that, but I would strongly counsel them to keep politics out of government representation. That would be very ill-advised for any Council person to be the designee.

End of verbatim transcription.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: David Blackburn, Vincent Liddiard and Linn Strouse. Those voting no: Heather Jackson and David Lifferth. The motion **passed** with a vote of 3:2.

BID AWARD – Consideration and approval of a bid award for the construction of a 12.47 kV power distribution line

City Engineer Chris Trusty recommended that a bid for construction of a 12.47 kV power distribution line be awarded to Tasco Engineering. The lowest bid was submitted by Tasco Engineering at \$617,218.03, including City-furnished materials in the amount of \$316,883.00. Tasco's bid included minor discrepancies: The unit prices for labor and materials for the conduit, casing and 750 and #2 cable bid units were total prices for the footages shown on the bid schedule, not per foot (unit) prices. These discrepancies have been addressed with Tasco.

Councilmember Liddiard **moved** to award a bid for construction of a 12.47 kV power distribution line to Tasco Construction. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard 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 permitting acquisition by condemnation of easements for the construction of a new 138 kV power line located adjacent to the existing power corridor

*** This item is reported verbatim at the request of Councilmember Lifferth. ***

Mr. Kinghorn: Mayor, is it all right for me to stay here or would you prefer that I come to the podium?

Mayor Richardson: You can stay there, Jerry.

Mr. Kinghorn: OK. Mayor, in January of this year and earlier, in 2001 actually, the Council authorized the construction of a 138 kV power line from the substation that the City has up in the North Service Area down to the South Service area to provide power down here. It was originally scheduled to be built several years ago, but financial considerations have prevented, prevented it from being constructed until, until now. In January of this year, the Council authorized the retention of the engineer and authorized that the City go ahead to take all of the actions that were necessary to get this line built because of severe load shortages which were anticipated this summer in the central part of the city, due to increasing demands caused by the school, wells, houses, new sewer treatment plant and so forth. We've used the process in the Private Property Ombudsman's statute, which is the statute that really governs how we go about the process of eminent domain. We are now at the point, after the City Council authorized us to begin negotiations at its last meeting, where we have sat down and met with the property owners. We have told them our side of what we need to do and we've advised them that we feel that we must build this. It is a public need that we can't turn our back on and that we have some very limited choices with respect to the, to the specific alignment, especially up on Lake Mountain Road and we've heard from the property owners up there at the last Council meeting and this Council meeting. No one feels comfortable using eminent domain, particularly in these situations, but we are in a situation where the City literally has no other reasonable alternatives than to proceed with the acquisition of the corridor as planned by the engineer. The City has been furnished with several option evaluations, one as recently as the one we discussed in closed session today. If you approve this resolution, it will authorize us to begin the formal process of condemnation by filing complaints in District Court to obtain jurisdiction over the property, to seek an order of immediate occupancy, but to continue to negotiate with the property owners, to obtain additional appraisals, to work through the mediation and arbitration process of the Private Property Ombudsman's Office to try to reach a satisfactory conclusion with respect to the value of these easements. We are aware that, to some of the property owners that you've heard tonight, there is no value that's satisfactory. Our constitutional obligation is to provide fair and just compensation and, at the end of the day, if it comes to that, a jury decides those things in our system of government. This resolution will allow us to begin that process. In order for us to stay on the construction schedule that you approved in January, which calls for us to begin construction this month, we need to have this resolution adopted by the Council tonight. We will promptly go forward and notify the property owners that we're beginning this process. We tried to make a full disclosure of that during our negotiation meetings with them. We did not intend that to be threatening. We intended that to be an attempt to be perfectly honest with them about what we felt we needed to do to, to serve the public needs of the city in this area of the city, so we would request that, if

you want to stay on schedule with the construction of this 138 kV line and you want to serve the public needs, which are critically apparent to us now, according to our experts, that this resolution authorizing acquisition by condemnation be approved by the City Council.

Councilmember Liddiard: Mr. Mayor, I **move** that we approve a resolution permitting acquisition by condemnation of easements for the construction of the new 138 kV power line.

Mayor Richardson: Motion's been made. Is there a second?

Councilmember Jackson: I'll **second** that.

Mayor Richardson: Motion's been seconded. Is there discussion?

Councilmember Liddiard: Mr. Mayor, I know that we've been talking a lot about this and we have several inches' worth of paper to go over this. I, I, I've learned quite a bit going through this and I know that we've considered and, through Les Bell and others we've received some information to help us in making some of these decisions however, in making the motion, also I wanted at least the residents to be aware the decision is not made lightly and, in trying to make the best benefit for, not necessarily the City, but for all of the residents and businesses and folks that are going to, to live and work and, and do those things here, not making the resolution in spite of your comments, but necessarily making judgments that need to be made to move forward, having heard your comments and understood them.

Mayor Richardson: Is there any other discussion?

Councilmember Lifferth: A couple points I'd like to make is that I do appreciate the additional information that we received since the last Council meeting with alternatives that have been presented and, and analyzed and cost breakdown and time breakdown on that. I, I have come to the conclusion that the route that is currently picked is, has got to be the, the best route that needs to, needs to happen and if Eagle Mountain owned the utility, the electric utility business or if UP & L or whoever owned it would still probably go that same route. It would still go through the same processes that we're looking at here today. It would have to happen. It would still be an, a condemnation, it would still be an eminent domain action that would take place to put that in, in that proper alignment, which I do think is the best alignment. I like alignment 2A. I think that's probably my next choice, but there is a significant time and cost increase in that, to the tune of a quarter of a million dollars and added cost to all the residents, both current residents and future residents in the City Center, so I do think that this is the best route, however, I need to say that I have got to vote against this on the principle that, I think that there's a property rights issue here. I think these residents do have the right to, to dictate what happens on their own property and, even though I recognize this is probably the best way and the only way it will ever work, I, I will still have to vote against it.

Councilmember Blackburn: I, I've been here for four years, almost four years, not four years yet and there are difficult decisions we've made. I do want you all to know that the conversations that the Council has had has addressed the way to service the City and provide the least amount of impact to the resident that are infected at any point. We, we asked staff to go back and reanalyze the figures, the dollar valuations of what were involved by actually running this power line behind your properties up on BLM land and bringing them around and, I know you can't respond to this, but how would you feel if you looked out every single window of your homes and you saw power lines, because that's effectively what it would be. We looked at it and some of the opinion of the Council and, I think, the majority of us, were that, as you look out this direction of your homes, there are already power lines, significant

power lines, by the way. You're, you're sitting in front of a, essentially a national power grid line, when you take into account Kerns River and the power lines in front of you. I know it's not fun. I wouldn't like it myself. I've been in developing communities. I know what it's like. I, I mean it's, it's not on the table here today, but I wonder how you would all represent yourselves if we said, "We're going to pave the road in front of your house." "No, I moved here for a dirt road and I want to keep it a dirt road." That's probably going to change, too, but I, I do want you to know the staff has analyzed this. We're trying to do it as efficiently and as, as cost-effectively as possible.

Councilmember Strouse: Jerry, did the residents all get to see the information that we, that we got?

Mr. Kinghorn: They didn't see what you're holding in your hand because we didn't have it, but they saw the maps, they saw, they saw everything we had, but that, that options comparisons document was not available to us when we had our meetings last week. I think that just became available yesterday.

Councilmember Strouse: OK, but we voted on this initially way back in the early part of this year.

Mr. Kinghorn: Yeah, in January and then again in April, when SWCA was selected as a contractor to work with BLM and then . . .

Councilmember Strouse: Yeah, and at that time, you know, none of us knew that there was going to be power poles in people's yards, so I, I guess what I, what I'm, the big question I have in my mind is, is the long process. Obviously, we've all learned something from this and, of course, now we have a, a new City Administrator who wasn't here at that time, which is going to help immensely to make sure that we get up to speed to be a 10 as far as how we run our city government and, hopefully, head off these kind of dilemmas, head them off at the pass instead of having to deal with after the fact. It, it just, yeah, this tears me up to have to, to have to even be at this point. I wish we could have at least had the information earlier, so that the residents could have been informed earlier and we'd all known better what we were dealing with.

Councilmember Liddiard: Mr. Lifferth, I think you were very articulate and I agree with the points you were making, but it, your desire to have the resolution passed tonight, is that true?

Councilmember Lifferth: I will vote against this on principle of private property rights.

Councilmember Liddiard: But do you want it to pass tonight?

Councilmember Lifferth: I do not want it to pass tonight, no.

Councilmember Liddiard: You don't want it pass tonight, OK.

Councilmember Lifferth: Not as it's currently worded.

Councilmember Liddiard: How would you propose to change it? You mentioned all the other alternatives were probably worse, so I'm curious, what would you do to fix it?

Councilmember Lifferth: I would, I think, seriously look at option 2A, identify what the actual cost increase per city resident, that's city-wide, would be and see if that would be a palatable exchange for value.

Councilmember Liddiard: Option 2A is the power line that bisects all but one of those properties, put the power line through the middle of the properties?

Councilmember Lifferth: Yes.

Councilmember Strouse: I also had a quick question before you proceed there. Why, why was this information that, I guess I'm kind of puzzled as, as to why this was closed executive session information. I mean, if I was a resident, if I was a resident I, I would want this information to help me process what's going on.

Mr. Kinghorn: Well, one of the things that we're involved in are negotiations on the acquisition of this property and what we're going to offer and what the stage of those negotiations is in and why we're doing it. We felt that that information was information that ought to come to the Council in a closed session because we're in, you never know what you're going to get into when you're discussing this: "All right, well maybe we ought to do this with the appraisals," and we did talk about the appraisals in closed session, so, and we shouldn't, we shouldn't be disclosing those details in this session because, quite frankly, the law is there to protect the public and the public purse and the public taxpayers, but I don't think, I don't, I don't have a problem with disclosing this choice of options now to them, once you've seen it, but it's not, it's not my role or Mr. Hendrickson's role to say that we can pass this stuff out to people.

Councilmember Strouse: Yeah, I'm just talking about this, I'm not talking about the other information that's private.

Councilmember Blackburn: Do we have an overhead of this chart, so residents can see the options that are available? I mean, it's, it's impacting their homes to the point that I think they should see this graph. If we just got it last night, they haven't seen it. Mr. Lifferth . . .

Mr. Kinghorn: And the thing is, it doesn't change, it doesn't change the dilemma we're in, so . . .

Councilmember Blackburn: Oh, I, I understand, I understand, I understand. I know it doesn't change the preferred route by staff, but residents should see, before we do it, what options have been presented by staff. I mean, we've got six, seven different options here that we've given them, here's our choice and I think, I think they should have the option of coming up and saying, "Hey, if it's going to happen, I prefer 1, 2, 3 or 4."

But I'd at least like their, this chart up on the screen.

Mr. Hendrickson: Let me ask the engineer whether or not he has it on disk, we could put it in to the, if we could hook it up to the projector. You don't have it with you?

Councilmember Liddiard: There's one proposed route and five additional options.

Councilmember Blackburn: That's right, but the options that I don't know they've seen in the way that's presented on our chart here today.

Councilmember Liddiard: Some of them frankly being untenable.

Councilmember Lifferth: Vince, let me throw out one thing to respond to your earlier question: I've, I've said this before. I really wish that Eagle Mountain were not in the utility business. If we were a

normal city and we contracted with a major provider, UP & L, Questar, whoever, for those services, then in a situation like this . . .

Councilmember Liddiard: We wouldn't be here talking about it.

Councilmember Lifferth: Well, but one thing we could do is we could say, "That dirty, rotten utility that's trying to encroach upon your lot, we're going to beat them up on this, this and this and in exchange, we'll get, we'll pave the road in front of your house," or we'll get some other compensation for that, as a, as a negotiating tool with them. Since we are the City, we are the utility business, we're the bad guys and we have to sit at this table and look our beloved neighbors in the fact and say, "We're sorry, we have to vote against you for what's the best for the community."

Councilmember Liddiard: You'd rather blame someone else and get the same result.

Councilmember Lifferth: I'd like to be in a different negotiating position, yes.

Councilmember Jackson: OK, I, I have a question for you, Councilman Lifferth, because I am really confused by your preferred corridor option there.

Mayor Richardson: I was going to say the same thing.

Councilmember Jackson: I mean, bisecting their property and, I mean, that's even worse than putting it across, because they can't build or use that property, then, that whole 75-foot right of way. What we're doing currently is putting that right of way and trying to put as much of that in the street as we possibly can to minimize the amount of right of way that we, or easement that we're using in their property. We're keeping the corridor, keeping the power lines all on the same side and not surrounding them, but you think it better to surround them and bisect their property?

Councilmember Lifferth: I see that as a next best alternative, if you will, and maybe that's not the best one, but in price, in time, I think that is our second-best alternative, yes.

Councilmember Liddiard: I think you want to shovel manure without smelling bad.

Councilmember Strouse: Mayor, Mayor, Mayor, may, may I put my copy up here?

Mayor Richardson: There's been a request that we could put this map out for residents to look at. I would be fine with that and maybe it would be good to open that up and just show that and Councilman, do we have a bigger copy of this, Les? Actually, let's get Les's copy. It's larger and it's a little more easier to see.

Mr. Hendrickson: Mayor, I'd like you to point out that we didn't receive this until 4:30 yesterday afternoon.

Mayor Richardson: This was something that was requested and it's taken about two weeks for us to get it all out and it didn't arrive to the City offices until about 4:00. Maybe put it up on the podium there, Les.

Councilmember Blackburn: Put it on the table.

Mayor Richardson: Or is the table better? Yeah. If anybody would like to inspect that, go ahead and go look at that, if you would, over here on this table here.

Councilmember Jackson: And I think we need to point out, option 2A that Councilmember Lifferth is talking about . . .

Mayor Richardson: It's the orange line.

Mr. Hendrickson: It's the orange line.

Councilmember Jackson: It's the orange line, OK?

Councilmember Liddiard: It's kind of the faint orange line.

Councilmember Lifferth: It's hard to see on the smaller map, but easier on the bigger one.

Mayor Richardson: That bigger map should be nice.

Mr. Hendrickson: Yeah, number 3 is the blue line.

Councilmember Jackson: OK, just, I, I wanted to make sure that they're looking at the right option that's in our discussion, here.

Mr. Hendrickson: The legend gives it up on the . . .

Councilmember Strouse: Are you referring to the issue of something that was labeling wrong during . . .

Councilmember Jackson: No, no, no, no, no, just, just helping them to find which line to look at because there's so many.

Councilmember Strouse: OK, because I thought there was something that was labeled wrong or something.

Councilmember Liddiard: In, in the, in the summary of the costs, that is labeled as the fourth highest. Actually, it's the cheapest of the five options presented. Cheapest of all of them.

Councilmember Lifferth: Can I throw out one additional thought on that, the shoveling manure without stinking, or whatever? If we did have . . .

Councilmember Liddiard: Comes from practical experience.

Councilmember Lifferth: Once again, these are hypothetical, I, I recognize there are problems with this proposal, but if it were UP & L that were running this line, because we were talking about UP & L, they would be able to go through option maybe 2, instead of 2A, which goes around, you know, however they do it, and they'll be able to share that additional cost amongst a much larger group and so not every resident of the city would have their electrical bill go up \$10 a month, or whatever that is.

[Several people talking at once]

Councilmember Liddiard: As some of the residents mentioned, they don't feel so much about cost, reality for this is not just the cost that's presented to us, but the imminent failure to meet near-term demands. It's not just the cost. If it's just the cost, that's a little different, but it's a, a near-term complete failure and, and my comment, my apologies, I didn't mean it to be bad, but I think you're trying to, to say, "Hey, I want good things to happen, but I don't want to be associated with the bad ramifications of it." And, and, and you have always been a staunch supporter of personal property rights. Now, I respect that and, and I think that's what you're trying to do, but at the same time you keep saying, "Well, we need this project to move forward, but I don't want to be a part of making it happen."

Councilmember Lifferth: There's no doubt that, because decisions were not made four, five and six years ago, when this was first talked about, we are stuck in a situation where all the options are painful for someone and that's really, you know, the load that we'll have to bear at this time.

Councilmember Liddiard: But if you're voting no, you're saying, "I want to see the imminent failure of this project and the blackouts in the City Center."

Councilmember Lifferth: I'm voting no because I don't like any of the current alternatives that we have.

Councilmember Liddiard: But do you understand the ramifications of it?

Councilmember Lifferth: I do, I do, I do.

Councilmember Liddiard: OK.

Councilmember Blackburn: This, this would be a situation where I understand where he is because I felt the same way about the sewer plant, you know, I, I do agree, I understand there's, things have to progress, but it's ugly.

Councilmember Jackson: It is ugly. I think the one other thing that was brought up as part of the public comments that we need to address is the underground issue on the power lines and, and maybe that's a question that Les could answer for us so that it's understood very clearly why, engineering-wise, we do have to do the overhead power poles on this.

Mayor Richardson: Let's see, I think, it looks like Greg Jeppson asked that, so . . .

Mr. Bell: It's not impossible to do it underground. The cost is phenomenal.

Councilmember Jackson: Who, who does it underground, Les? I mean really.

Mayor Richardson: Can you put the mike up to your face there, Les?

Councilmember Liddiard: I think you're asking also to bracket the phenomenal, somewhere between universally, infinitely impossible phenomenal?

Mr. Bell: No, OK, let me go ahead. In the United States, underground transmission lines comprise maybe 1% of the total mileage. Most of that is in large cities, where they're just, like Las Vegas. I've done underground power lines in Las Vegas, for example, service to Caesar's Palace. They measure the value of property in dollars per square inch along the Strip, so they're, but as far as costs, OK?, the cable

takes three cables. The current price of that cable to replace the overhead line is \$50 per foot each, so it's \$150 for the cable. Now you're talking on top of that conduits, duct banks, manholes, termination structures at both ends, and you don't have anybody in Utah that can maintain that facility if it has a problem. Utah Power, for example, that I know of has three or four underground lines in their service area here. They don't have anybody that can maintain them. The ones that were built in Las Vegas, the people that built them came from Europe.

Councilmember Liddiard: Wow, that's an expensive maintenance call.

Councilmember Strouse: Is this a statement on our knowledge of technology in the United States?

Mr. Bell: No, it, it's strictly, it's where things are in the world.

Councilmember Strouse: Well, I have a question for you. We're talking about a long line and the problem is these five residents' yards, if I understand correctly. Is there any reason why, on those yards, we can't put it underground and keep it above ground the rest of the way?

Mr. Bell: You got the same problem, cost-wise, and then who's going to maintain this for the City? If it fails, I can, you can get an overhead line fixed in a matter of hours to days. If you have an underground failure it could be weeks.

Mr. Hendrickson: Les, I think the distinction here is that what you're describing is high voltage, you know, very high, 138 kV.

Mr. Bell: Exactly.

Mr. Hendrickson: You could probably, it would probably be a lot easier to put a 12 kV, a little less expensive . . .

Mr. Bell: Yes. Done every day.

Mr. Hendrickson: . . . but, but, but we run, but we run, like a 1.0 line all goes underground here. So when we say, people ask, "Well, you, require you to put underground, that's true, but not the transmission lines, we don't. It's distribution only and that's a whole different voltage than the high transmission voltage . . .

Mr. Bell: That's exactly right.

Mr. Hendrickson: . . . and, and, and I think the question is, it's not only maintenance, Les, but it's, it's, how, what's that, how many times' greater cost would it be to run them underground versus overhead? I think that's, I understand that's the question. You say phenomenal and I'm, what would that be?

Mr. Bell: Yeah, and, and, and overhead transmission line is a million and a half, two million dollars a mile and then once you own it, can you maintain it, can you operate it, can you fix it if it goes bad? You know, what you do with it as a city in that situation. It's one thing for PacifiCorp to own those kind of facilities because they have, you know, they have huge availability of people to deal with situations that may come up on that line. It's a little tougher for the City. It, it's a specialized business, underground transmission. Underground distribution is every day now. It's all over the city. It, it's all over the environment. Could we do the 12 kV underground? Yeah, you can. We have it all over the city now.

Mayor Richardson: OK. Any other questions for Les?

Councilmember Jackson: Thanks, Les.

Councilmember Strouse: Thank you.

End of verbatim transcription.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion. Those voting aye: Councilmember Blackburn, Councilmember Jackson and Councilmember Liddiard. Those voting no: Councilmember Lifferth and Councilmember Strouse. The motion **passed** with a vote of 3:2.

AGREEMENT – Consideration and approval of an easement agreement for well #5

City Engineer Chris Trusty presented a proposed easement agreement for well #5. He explained that, prior to beginning the drilling for well #5, the City had coordinated the location of the well with the property owner to find a site that fit both the City's needs and the owner's plans for the area. With the short opportunity the City had with Boart Longyear to complete the drilling of this well, the owner allowed for the construction of a 150-foot x 150-foot pad around the well site for access and a staging area before the easement was in place. The drilling has been completed, but the well still needs to be test pumped and developed. This easement will allow for the continued development of the well. The City has agreed to purchase the property once the well has been completed.

Councilmember Liddiard **moved** to approve an easement agreement for well #5. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth asked whether Monterra was the owner of the property Mr. Trusty responded that was his understanding; however, title to the property was recently transferred. The City is checking to make sure the easement indicates the current owner.

Councilmember Blackburn asked whether the easement includes access for the water to be transported. Mr. Trusty responded that it connects with the planned Hidden Valley Boulevard right of way.

Councilmember Lifferth pointed out that the Council needs to see a map to make an informed decision. The legal description was not enough to make the location of the easement clear. Mr. Spencer displayed a map of the area on the wall. Mr. Trusty pointed out the location, which is near the Hidden Valley Elementary School currently under construction.

Councilmember Lifferth asked if there were any issues with the owner. Mr. Trusty responded that there were not. The owner has negotiated the well site to coordinate with the site of the future subdivision well.

Councilmember Lifferth asked if the site near a main road would encourage vandalism. Mr. Hendrickson responded that the well will be inside a building. Mr. Trusty said a fence will be built around the site.

Councilmember Jackson asked if the fence will be compatible with surrounding construction. Mr. Trusty responded that the fence will be wrought iron.

Councilmember Lifferth 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.

BID AWARD – Consideration and approval of a bid award for a line upgrade for tank #2

The bid award for a line upgrade for tank #2 was presented by City Engineer Chris Trusty, with the recommendation that the bid be awarded to Rhino Construction. The project, a 16-inch ductile iron waterline to be installed between Point Lookout subdivision and tank #2, will provide looping of the City's water system, which is necessary to provide continuous service during a water main break, connection of new services or a fire event. The City has pre-purchased the pipe for the project, which will save over \$4.00 per linear foot of pipe. The pipe was left over from the well #1 line upgrade project. The bid was for \$26,357.69, excluding the pipe already purchased by the City.

Councilmember Lifferth asked why there was such a range in the bids. RC is a new company, so the City checked references with other customers. The references were very good.

Councilmember Liddiard **moved** to approve a bid award to Rhino Construction for a line upgrade for tank #2. Councilmember Jackson **seconded** the motion.

Councilmember Blackburn asked about whether the bid allowed for dealing with rock in the area. Mr. Trusty said the contract included blast permits.

Councilmember Blackburn recommended that neighboring residents be notified before blasting and that operational hours be closely enforced. Mr. Trusty agreed to those conditions.

Councilmember Blackburn 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.

MOTION – Adoption and publication of the 2008 City Council meeting schedule

Deputy Recorder Melanie Lahman presented the tentative schedule for 2008 City Council meetings. UCA 52-4-6(1) requires notice of the City Council meeting schedule to be published and posted annually. The proposed schedule for 2008 will follow previous years' schedules, with meetings generally held on the first and third Tuesdays of each month. January's meetings will be held on the second and fourth Tuesdays. No meeting is scheduled on the first Tuesday in November, as it would conflict with the general election.

Councilmember Jackson **moved** to approve a motion to adopt the 2008 City Council meeting schedule, with publication in November in the local newspaper. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson stated that the first Tuesday in August is National Night Out for Neighborhood Watch. She planned to adjust the schedule for that evening to allow the City to participate in that event.

Councilmember Blackburn asked that Mayor-elect Jackson modify the meeting schedule in July and November to allow for more than one meeting in each of those months. Councilmember Jackson responded that special meetings could be held if there is a lot of City business to be conducted at those times.

Councilmember Lifferth 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.

DISCUSSION – South Service Area wastewater treatment plant update

City Engineer Chris Trusty reported on the progress of the South Service Area wastewater treatment plant.

- Shelly Quick of the State Department of Water Quality (DWQ) has reviewed the design's compliance with smart growth principles, approved them and forwarded the information to the EPA.
- City staff will submit the hydrolic profile to the DWQ for review the week of December 17th.
- The site layout is being reviewed by City staff, including future expansion of the facilities.
- The treatment plant design process is currently on schedule.
- City staff is evaluating the chemical flocculent being added to the system.

Councilmember Strouse mentioned that residents have complained about an odor as far away as Unity Pass. Mr. Hendrickson responded that he contacted Water Division staff to check on that. Mr. Trusty responded that odor in that area would be from improper sealing of manholes. Odor in the City Center is due to clogging in the screen and headworks and that installation of the Huber screen should diminish that.

No vote was required on this item.

CITY ADMINISTRATOR ITEMS

Mr. Hendrickson stated that he has enjoying working with the outgoing Council members. He noted that he has given direction to staff to work on master plans for City services, incorporating direction from the City Council. He thanked Mayor Richardson for his patience and willingness to learn, his common-sense approach, good ideas and good judgment. He said the staff has often expressed their appreciation of Mayor Richardson's leadership. He looks forward to working with the new Mayor and Council.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Blackburn

Councilmember Blackburn expressed appreciation for Mayor Richardson's counsel and ability to accommodate the varying viewpoints of Council members. He said being on the Council has been an interesting experience, especially for a young city experiencing some growth pains. He wished the best to the new Council members and said he planned to continue to be involved. He wished good luck to

Mayor-elect Jackson and said he saw her as having great potential for the city. He recommended that she make contacts with other cities and accept advice and information from them.

Councilmember Lifferth

Councilmember Lifferth looked forward to working with the new Council members and Mayor-elect Jackson. He expressed appreciation to the Mayor and current Council members for their service to the city, and the fact that they were able to work together despite sometimes holding sharply differing opinions. He wished everyone a Merry Christmas and Happy New Year.

Councilmember Strouse

Councilmember Strouse said she often hears Council members say that even though they disagree with each other, they support each other. The city needs a Council with differing opinions, passion and commitment. Having spent six years on the Council, she has seen a lot of growth and history in the city. She said living in Eagle Mountain has been a wonderful experience, especially having volunteers who have been the basis of many successes. She thanked everyone for their support.

Councilmember Liddiard

Councilmember Liddiard wished everyone a Merry Christmas. He congratulated Mayor-elect Jackson's husband and wished him the best of luck. He invited the new Council members in attendance to come forward and receive laser pointers as symbols of their new offices. He described an experience he had in high school when a person close to him passed away. Someone told him that someone else had to "row the boat." He gave his best wishes to the new Council members who were about to "row the boat".

Councilmember Jackson

Councilmember Jackson pointed out that Council member-elect Ryan Ireland was in Washington, D.C., which was why he was not in attendance at Council meeting. He wanted everyone to know that he was out of town so they wouldn't assume that he didn't want to attend the meeting and learn about the city's needs. She expressed appreciation for being able to work with the rest of the Council. She looked forward to the opportunity to work with the incoming Council members. Their diverse backgrounds will add to the Council. She hoped that Council members would work together and remain friends even when they disagreed.

Mayor Richardson

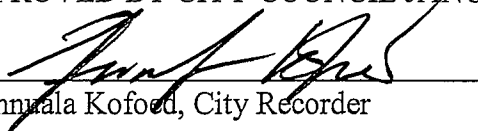
Mayor Richardson expressed appreciation to the Council and Mr. Hendrickson. He said it was exciting to work for a dynamic, growing city. He told the Council and staff that they have become great friends. He wished everyone a Merry Christmas.

CITY ADMINISTRATOR ITEMS

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:38 p.m.

APPROVED BY CITY COUNCIL JANUARY 8, 2008


Fionnuala Kofod, City Recorder



