

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.

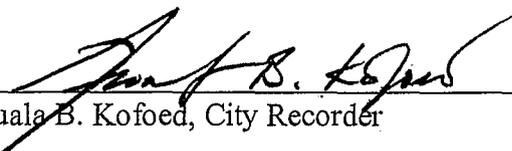
Mayor Richardson

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