

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 7, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

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

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

MAYOR'S BUSINESS

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

AGENDA REVIEW

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

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

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

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

CONDUCTING: Mayor Brian B. Olsen

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

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

MAYORS ITEMS

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

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

PUBLIC COMMENTS

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

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

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

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

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

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

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

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

SCHEDULED ITEMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Jackson **seconded** the motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Jackson **seconded** the motion.

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

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

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

Mayor Olsen agreed to consider allowing the developer to speak.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Liddiard **seconded** the motion.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Lifferth **seconded** the motion.

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

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

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

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

Councilmember Liddiard and Councilmember Lifferth accepted the amended motion.

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

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

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

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

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

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

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

Councilmember Jackson **seconded** the motion.

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

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

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

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

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

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

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

Councilmember Blackburn **seconded** the motion.

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

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

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

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

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

Changes to the contract are outlined as follows:

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

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

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

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

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

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

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

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

He outlined the proposed fee changes as follows:

OLD:

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

PROPOSED:

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Blackburn **seconded** the motion.

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

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

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

Councilmember Liddiard accepted the amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Blackburn **seconded** the motion.

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

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

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

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

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

RESOLUTION – Consideration For Adoption Of A Resolution Authorizing The Issuance And Sale Of Not More Than \$9,600,000 Aggregate Principal Amount Of Water And Sewer Revenue And Refunding Bonds, Series 2006, Of Eagle Mountain City, Utah; Fixing The Maximum Aggregate Principal Amount Of The Bonds, The Maximum Number Of Years Over Which The Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Providing For The Publication Of A Notice Of Bonds To Be Issued; Providing For The Running Of A Contest Period; And Related Matters.

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

Councilmember Blackburn **moved** to adopt Resolution 06-2006 authorizing the issuance and sale of not more than \$9,600,000 aggregate principal amount of water and sewer revenue and refunding bonds, series 2006, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years Over Which The Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Providing For The Publication Of A Notice Of Bonds To Be Issued; Providing For The Running Of A Contest Period; And Related Matters. Councilmember Jackson **seconded** the motion.

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

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

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

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

CONSENT AGENDA

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

A. Final Bond Release (entering Warranty Period)

1) Lone Tree – Plat B

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

CITY COUNCIL ITEMS

COUNCIL COMMENTS

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

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

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

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

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

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

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

ADJOURNMENT

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