MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

March 17, 2009

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

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

***** This meeting may be held telephonically to allow a member of the City Council to participate *****

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

Mayor Jackson called the meeting to order at 4:05 p.m.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived at 4:22 p.m.), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Donna Milakovic, Interim Public Information Coordinator; Linda Peterson, Public Information Coordinator; Gordon Burt, Finance Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Deputy; Dave Norman, Assistant Public Works Director; Ifo Pili, Assistant City Administrator; Jason Walker Management Analyst.

1. PRESENTATION – Camp Williams COL Dunton discussed artillery exercises scheduled for March through June.

2. AGENDA REVIEW

3. CITY ADMINISTRATOR INFORMATION ITEMS
   A. Update on the Sewer Treatment Facility *(Presented by Chris Trusty)*

4. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: ***Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing reasonably imminent litigation and acquisition of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.***

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

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (arrived at 4:22 p.m.), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Linda Peterson, Public Information Coordinator;

Gordon Burt, Finance Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Deputy; Ifo Pili, Assistant City Administrator; Jason Walker Management Analyst.

5. CALL TO ORDER

Mayor Pro Tem Donna Burnham called the meeting to order at 7:22 p.m.

6. PLEDGE OF ALLEGIANCE

Jason Webb led the Pledge of Allegiance.

7. INFORMATION ITEMS/UPCOMING EVENTS

- Spring Cleanup will be held during the month of April. Dumpsters will be available at the Public Works Building for residents to dispose of larger trash items. No hazardous waste may be put in the dumpsters. If the dumpsters are full please to not leave items on the ground by the dumpster. The Public Works Building is opened from 7:30 a.m. to 5:30 p.m., Monday through Friday.
- The City's Annual Easter Egg Hunt will be held Saturday, April 11th at 10:30 a.m. at Nolan Park.
- The Fire Department is offering CERT and CPR Courses beginning in April. Please visit the Fire Department page on the City Website for more information.
- The Express Bus Route from Eagle Mountain City to downtown Salt Lake City begins April 6, 2009. For more information please visit the City Website.
- Library Volunteers are needed. Please contact the Library for an application.

8. PUBLIC COMMENTS

Peggy Henry, 3356 Castle Cary Circle, congratulated the City on the success of the bike park. She feels that the children are having a good time using it. She is concerned about the safety of the children; she has been seeing motorized vehicles riding in the park area and feels that this is very unsafe for the children. She suggested that the City look into this issue and that they also consider putting a restroom in the area because the kids are going to the bathroom outside.

Doug Page, 7787 N Crestwood Circle, asked about the status of getting a fence placed along the road in SilverLake. He asked that action be taken. He also requested a meeting with the City Administrator and the City Legal Counsel. He explained that grant funds are available to assist in installing the fence.

9. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked everyone for coming to the meeting. He explained that it is exciting to be involved in the process and that he is appreciative of the resident's comments. He is excited to see spring starting and encouraged everyone to take care of their yard/weeds. He asked that each resident take care of their property in a way that would make them and their neighbor's proud. He thanked all those involved who work on the City parks. He hopes to see more park improvements this year and more public participation.

Councilmember Ireland

Councilmember Ireland thanked the residents for coming to the meeting. He feels that Eagle Mountain is a great community and encouraged residents to reach out to each other and lift one another up in support of the positive things that are taking place. He explained that there is a lot of negativity in the world and encouraged everyone to look for the positive.

Councilmember Lifferth

Councilmember Lifferth explained that he went to the bike park and was glad to see that there were a lot of people there. He explained that Camp Williams would be conducting live fire exercises in April, May and June. He asked residents to be accommodating and as patient as possible. He stated that the Lehi High School Soccer Team has been invited to participate in the only High School Double Header Real Salt Lake. He explained that the game would be held on April 11th and that Lehi will be playing Copper Hills and Salt Lake will be playing DC United. Tickets are sold at cost, there is no fundraiser involved.

Councilmember Cieslak

Councilmember Cieslak is glad to see that residents are using the bike park. He has seen a truck backing up on the trails while children are riding on the path. He asked that the city implement something to keep this from happening. He mentioned that barricades were once mentioned as an option to keep motorized vehicles out. He asked that something also be done to keep people from relieving themselves on the hill. Councilmember Cieslak also thanked City Staff for putting the elected official's link on the website. He reminded residents to write every elected official about the road concerns here in Eagle Mountain.

Mayor Pro Tem Burnham

Mayor Pro Tem Burnham concurred with Councilmember Cieslak's comments. She asked that residents remember that there is a leash law and to please keep animals on leashes when outside. She also asked that pet owners clean up after their animals' messes and to not leave it on other people's yards. She asked everyone to be neighborly so that bad feelings aren't created.

CONSENT AGENDA

10. MINUTES
    A. March 3, 2009 – Regular City Council Meeting

11. CHANGE ORDER
    A. Waste Water Treatment Plant Change Order #2 – Nelson Brothers Company
    B. Sweetwater Road Gas Line Connection – Tempest Enterprises

12. FINAL PAYMENT
    A. Porter's Crossing Extension Box Culvert – Oldcastle Precast Amcor
    B. Public Works Chain Link Fence – Western Chain Link Fence Company
    C. Sweetwater Road Gas Line Connection to the Waste Water Treatment Plant – Tempest Enterprises

MOTION: ***Councilmember Lifferth moved to approve the consent agenda. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.***

SCHEDULED ITEMS

PUBLIC HEARING

13. MOTION – Consideration and Approval of a Conditional Use Permit for the Executive Manor at the Ark of Eagle Mountain.

Mr. Mumford explained that the Ark of Eagle Mountain is proposed as a residential group home for adults being treated for mental health, behavior, and chemical addictions. The proposed location is 2590 Prairie View Drive, within the Westview Heights subdivision.

Mr. Mumford explained that each bedroom can potentially hold two residents but that the applicant has suggested one per bedroom.

Mr. Mumford explained that the parking plan submitted shows additional parking stalls marked #5 and #6, as well as a circular drive. He explained that the group home would be located within a residential zone, which by City Code allows one family per residents. This also can mean up to 3 unrelated persons or 2 unrelated persons and their children. He explained that a small group home includes the following:

- The residential facility establishes a single housekeeping unit shared by no more than 8 related persons.
- Provides counseling, therapy, specialized treatment (not including persons diagnosed with substance abuse problems, and shall not include those staying in a home as a result of criminal offenses or other dangerous anti-social behavior)

Mr. Mumford said that the proposal is for male and female professionals over the age of 18. He explained that City Code allows for a maximum of 8 residents. The facility will be staffed 24 hours a day with security cameras and alarms will be installed. Mr. Mumford explained that this group is covered by the Federal Fair Housing Act, the Americans with Disabilities Act and the Utah Municipal Land Use Act. These prohibit discrimination on the basis of a handicap or disability; this includes residents who would apply to live in the proposed facility and does not protect those who currently use drugs, have been convicted of illegal sale of drugs, sex offenders, juvenile offenders or persons that present a direct threat to others or property of others.

Mr. Mumford explained that some conditions that were initially placed on the home are now being taken care of by the Utah Department of Human Services (DHS). He said that the DHS is very detailed to make sure that all items are within their policy and procedures manual, in which they govern and enforce it. The DHS will issue a probationary 90 day license, and if the group home is still in compliance after those 90 days then they will be issued a license for the remainder of the year. The licensing process is repeated each year. Mr. Mumford explained that all conditions in the code need to be met.

Mr. Mumford explained that the applicant has provided the City with a visitors schedule as well as a parking plan. He explained that the applicant had revised the schedule at the City's request because it seemed a little confusing. The new schedule clarifies that there are different types of family group therapy.

Mr. Mumford explained that the Planning Commission recommended approval of the group home subject to the conditions that staff had provided as well as a few additional items. Specifically that the parking plan be reviewed again and that it be approved on a temporary basis. It was proposed that the parking plan be reviewed again, 90 days after the facility has reached 8 residents. The home will also be subject to building and fire department inspections.

Mayor Pro Tem Burnham asked the applicant if she would like to make any comment before the public hearing was opened.

Mrs. Gloria Boberg explained that she had no future comment but that she would like an opportunity to speak after the public hearing.

Mayor Pro Tem Burnham opened the Public Hearing at 7:54 p.m.

Nikki Wickman, 2756 Court Hill Rd, explained that she likes to see the city not catering to developers. She feels that by allowing this group home it will open the door to developers and builders as an easy way out of a home. She suggested that if this is approved she may decide to open a group home herself on a lot that she owns in the same subdivision. She also stated that she may open a liquor store there.

Charlotte Ducos, 9328 Deerfield Circle, asked how often the DHS would re-visit the group home to make sure that they are in compliance. She felt that this area would not be the best place for a group home.

Richard Schmutz, 8668 Franklin Drive, explained that he has had personal experience with family members going through group homes. He feels that this is the wrong place to have a home like this. He explained that with his brother's group home there were often security breaches and problems with people exposing themselves. He said that these homes should be isolated and not next to existing single family homes.

Chad Burdette, 8807 Franklin Drive, stated that his mother and grandmother worked in a group home and that they had no training or experience. He asked what type of training the workers would have prior to working in the group home. He also stated that this particular group home held monthly meetings with the residents to make sure that they were happy and that they were not having issues with the group home. He feels that this home should do the same.

Kara Brimley, 2484 Overland Drive, feels that this should never be allowed in a residential area, no matter how safe the applicant says it is. She feels that this group should not be around little kids and that this whole subject opened up because the home could not be sold. She was concerned to see that the application had come this far. She feels that the individuals are not handicapped but that they are drug addicts and that it is unsafe to have them in a residential neighborhood.

Tiffany Ulmer, 1320 E Harrier Street, asked if a limit could be put in the development code on how close these types of homes are allowed to be to each other. She explained that Sandy was able to defeat a group home by adding something similar to their code. She asked for details on what happens when residents get their 4 hour breaks, she is concerned that they will be able to wander and leave the property at this time. She also asked what the legal consequence would be if the Council denied this group home.

Caleb Richardson, 8613 Hancock Circle, is concerned with the parking. He does not want to several cars parked at the home or in the driveway. He asked if the parking will be kept out of public sight. He also feels that this will be unsafe to have in a residential neighborhood and that it will not benefit the City.

Nick Hanna, 8861 N Jefferson Drive, feels that this is not the best location for the group home. He asked if this group home makes sense for the community, he feels that it does not. He asked that the City stand up for what they believe in. He also asked what the consequences would be for violations of the group home.

Don Richardson, 3546 E Paine Street, asked if this was the best use for this area and is the home in the best area for success. He asked if the City Council had looked at other group homes to see their successes and failures. He also asked if the emergency services will be prepared for this home.

Nate Bruisk, 3512 E Hayward Drive, feels that the City has been backed into a corner by the builder all because the builder cannot get rid of the home. He asked what the true motive is behind the group home and if it really is because the builder is in a financial pinch. He has heard that the City has been threatened with a lawsuit if this conditional use permit is not approved. He feels that this will be a negative impact on the neighborhood. He feels that there is substantial reason for the City to deny this.

Mayor Pro Tem Burnham closed the Public Hearing at 8:22 p.m.

Mayor Pro Tem Burnham asked the applicant to respond to some of the questions that residents asked during the public hearing.

Mrs. Gloria Boberg explained that the people coming in for treatment are not being forced to come; rather they are coming because they want help. She stated that these people are not currently using drugs and alcohol. She explained that The Ark will not take or keep anyone who is currently using drugs and alcohol and that they have to be medically cleared before they will be accepted.

Mrs. Boberg explained that there are 16 residents living together in another facility and that they barely have time to breathe because they are in counseling sessions, they have therapy assignments and that they have to be responsible for making their beds, cleaning, doing their dishes. She also said that they are under supervision 24 hours a day, 7 days a week. She explained that the program is very structured and that a schedule is provided in the policies and procedures.

Mrs. Boberg said that the law states that you cannot discriminate against people if they are running a facility that is in compliance. She explained that people always say that they don't want these kinds of people in their backyard, but she feels that they are already there. She feels that there is not a single neighborhood that doesn't have someone who is abusing drugs. She stated that these people are not prisoners or bad people. She mentioned that there have been no problems with the existing facilities; she explained that every single person who performs at the Ark has some type of certification, training or licensing by the State of Utah. She explained that ethics and field training takes place every year.

Mrs. Boberg explained that an open house was held for the Ark in which all staff were present to answer any questions or concerns. She said that only one resident showed up. She said that the Ark will hold as many open houses as requested, they will provide a BBQ so that residents can come and get know these people. She explained that people have no clue who they are and who they are treating. She said that they are treating professional people, dr.'s, dentists, nurses, people who treat the public every single day.

Mrs. Boberg explained that as part of an agreement with Eagle Mountain City, they will put in the additional parking that has been requested. She explained that she has an appointment with Wasatch Shadows on 3-18-09 to discuss professional landscaping so that the area does not look like a used parking lot. She wants this to be a beautiful asset to the community. She explained that in the past communities put the group homes on a 6 month trial basis. She said that people do not even know that the group home exists. She had a letter from an elementary school principal in where the elementary school borders the group home. She said that the principal gave them an outstanding recommendation and explained that the City could contact her at any time. Mrs. Boberg explained that they give back to the community.

Councilmember Ochsenhirt feels that the people echo how the vast majority of cities feel about these types of homes. He said that he has people close to him that have been in and out of homes and that he wouldn't want those people living next to him either because of the choices that they have made and the way that they live their lives. He explained that there are laws and statutes that sometimes bind their decisions. He feels conflicted because these types of people need compassion and a place to heal but on the other hand he does not want this in a residential neighborhood.

Councilmember Ireland asked if there was anything the City should look into as far as proximity of group homes was concerned.

Mr. Kinghorn explained that this would be something that the City would want to have in the code.

Councilmember Ireland asked Mr. Kinghorn to comment on the issue with the HOA.

Mr. Kinghorn explained that some of the home owners got legal counsel to look at the CC&R's to see if something could be done about the group home. He stated that because of the way the CC&R's were written, they couldn't prohibit this type of use in their community. He feels that it is possible to write the codes in such a way to prohibit commercial business regardless if there is a disability involved or not. He has not explored this aspect entirely because the City does not have the legal ability to enforce it.

Councilmember Ireland asked if the code allows group homes in commercial areas.

Mr. Kinghorn explained that he had not reviewed the code to see where this would be allowed. He explained that there are so many areas zoned as mixed-use that it makes it difficult for the City to sort out what is and isn't allowed in there.

Mr. Kinghorn explained that he had been to the legal counsel for the League of Cities and Towns, spoken with legal counsel for other cities, and the individuals that defend these types of lawsuits. He said that because of the way that the federal statues and state law are structured, it is not legal

for Eagle Mountain City to discriminate against this group home in the application of its zoning laws. He feels that the conditions will cover the regulation of this type of business.

Councilmember Ireland asked if the group home would be wheel chair accessible.

Mrs. Boberg stated that there is currently main floor access but that the home is not fully wheelchair accessible. She explained that if a resident will require those services they will make the home wheelchair accessible.

Councilmember Ochsenhirt asked if the state statue allows this group home to be located anywhere within the City even though City Code may prohibit it. He also asked if the City could deny the proposed location, giving the opportunity for the applicant to relocate the home elsewhere in the City.

Mr. Kinghorn explained that the City is not allowed to discriminate against their type of use in the proposed area.

Councilmember Ireland asked the applicant what her expectations were for the type of individuals that would be coming in to this group home.

Mrs. Boberg explained that it would be professional people living in the group home. She explained that typically the individuals are professional, have been working in a particular field and holding down a job. She said that the homes are community and family oriented. She feels that the average person that they will be treating will be between the ages of 30 and 65.

Mayor Pro Tem Burnham asked the Utah County Sherriff's office explain the research that had taken place.

Deputy Eric McDowell explained that a few months prior he contacted the Salt Lake County Sheriff's Office to find out what types of calls their office had received concerning the Cottonwood Little Ark. He stated that he did not have any written documentation but rather the Sheriff's Office told him that they primarily receive medical related calls. He said that there had not been any criminal related calls. He explained that due to HIPAA restrictions the Sheriff's Office wasn't allowed to elaborate on the types of medical calls received. He said that having this home in the area would not increase the City's contract costs with the Sheriff's Office. He stated that the Sheriff's Office would be willing to patrol in the area more often if requested by the residents or the City.

Councilmember Cieslak asked the applicant for the name of the elementary school located by the group home in Sandy.

Mrs. Boberg stated that it was Granite Elementary School.

Councilmember Cieslak asked if the applicant had any intentions of locking down the requirements one must meet before living in the group home.

Mrs. Boberg explained that ASAM has criteria that predict whether and individual will be an in-patient or out-patient. She said that there is a form that is scored to determine what type of

treatment an individual would need. She explained that the process is extensive. She offered to tighten up the definition for "professional".

Councilmember Cieslak asked if the forms were available for the Council to review.

Mrs. Boberg stated that she could email or fax those forms over so that the Council could review them.

Councilmember Lifferth explained that he had a family member who has gone through the group home treatment. He feels that some go through because people want to be there, but sometimes it is a result of an individual who is going to lose their job if they do not go through rehab.

Councilmember Lifferth stated that there are many questions that he would still like answered before making a decision on this group home. He asked what the relapse of patients is. He asked if bonding could be put in place to make sure they stay in compliance with City Codes and Ordinances.

Mr. Kinghorn explained that the City must treat them the same way as any other residential use in the area. He said that bonding could be put in place if there was a requirement to install a public improvement to ensure that the promise is kept but that there is nothing involved like this in the case of the group home. He explained that there is a 90 day trial license period with the State of Utah. He said that there are requirements that must be completed by the applicant within that 90 day period.

Councilmember Lifferth expressed concern over the safety of residents living next to the group home.

Councilmember Ireland asked Mr. Kinghorn to clarify item number 4d.

Mr. Kinghorn stated that the paragraph is clarifying the definition of disability, which is anyone addicted to alcohol or a controlled substance. He explained that they cannot be a threat to themselves or others if they will be living in the group home. He said that the City can ask the DHS to conduct monthly checks to make sure that the people being admitted into the group home are not a threat to themselves or others. He explained that this is not a correction facility. He has found that complaints regarding these group homes typically go away after the first six months.

Councilmember Ireland asked when the applicant intends on working on the basement.

Mrs. Boberg said within the next six months.

Councilmember Ireland asked when the applicant would have a site plan showing the landscaping & parking.

Mrs. Boberg explained that the designer will need to put the plan together and that she does not know when this will be completed. She has asked that the plan be completed as soon as possible.

Mr. Hendrickson stated that the City would need to review the plan to make sure that it is in compliance.

Councilmember Ireland would like the requirements to state that if the applicant looses their state license their conditional use permit will be revoked as well. He asked the applicant how many staff members would be in the home at one time.

Mr. Boberg said that on average it would be 2 but that it could be up to 4 staff members at one time.

Councilmember Ireland asked if the 3 car garage would be used by the staff members.

Mrs. Boberg explained that the parking would be used by staff and family members of the clients. She stated that clients are not allowed to have vehicles and that most of them are from out of town.

Councilmember Ireland recommended that item number 30 under residential house rules be removed. It states that residents vehicles must be registered, licensed and parked in assigned locations. He asked that it be removed since clients aren't allowed to have vehicles.

Mrs. Boberg said that there might be an exception where somebody may need medical treatment in which case they would need to travel back and forth from a doctor's office.

Councilmember Ireland stated that he was under the impression that only family members were allowed to take the clients to and from appointment.

Mrs. Boberg explained that she does not want to promise that a client won't ever have a vehicle at the home because there is a slight chance where it may be necessary. She said that 99.9% of the time clients won't need their own vehicle.

Councilmember Ireland asked that something be put in the conditional use permit that states that the parking spaces are for visitors only. He does not want to see multiple cars parked out in the street.

Mrs. Boberg stated that she did not want to see vehicles parked in the street either. She explained that there is no intention to allow clients to have vehicles at any time while living at the group home. She feels that she cannot promise that there will never be a car though because there may be a special case where a client needs their own vehicle. She stated that she could commit that no client can have a vehicle unless it is for a medical reason.

Mr. Hendrickson explained that there is a potential for 8 clients to be living at the residence. He said that this gives the potential for 8 families to come and visit and 2 staff members to be there. The parking proposal only has 6 parking places which will mean people will be parking in the street if 10 cars are there at a time.

Mr. Kinghorn suggested that it be restricted so that no more than 2 parking spaces can be used by the clients which would keep it from routinely collecting resident's cars there.

Mrs. Boberg explained that family visitation is staggered every hour and a half which would prevent cars from piling up at the home.

Mr. Jeremy Boberg explained that there are six proposed parking spaces as well as an additional 3 or 4 more spaces in the horseshoe shaped driveway in the front of the home. He feels that this will keep people from parking in the street. He said that the driveway will be completed this year.

Councilmember Ireland asked if the applicant would be okay with the conditional use permit stating that no more than 2 parking stalls can be used for the clients.

Mrs. Boberg stated that she would give Councilmember Ireland a 100% commitment on that. She said that she does not want to have clients with cars but at the same time she has to follow the law as well and she can't deny someone the right to a vehicle.

Mr. Hendrickson asked if one would be a reasonable accommodation.

Mr. Kinghorn feels that this is what the client has expressed as reasonable.

Mr. Hendrickson asked that there be a more professionally drawn site plan that will show all shrubs, trees, fencing & etc. He also asked that the area be adequately screened and that the Council add a professional drawn landscape plan to the list of requirements before approval.

Mr. Hendrickson noted that the applicant's application states that they will be dealing with minors. He asked that this be changed to read that the home will not be dealing with minors.

Mrs. Boberg explained that they have never treated minors and that they don't want to treat minors. She said that her license from the state allows her to treat adults only.

Councilmember Ireland asked how many dogs would be at the home.

Mrs. Boberg explained that there is one drug dog named Abby. She said that she has been trained by the DEA to find drugs. She stated that the dog is only brought out to check the home and that she will not be living here. She also stated that at some point there will be horses on the property.

MOTION: ***Councilmember Ireland requested that a report on emergency calls made to group facilities be submitted, that the proposed conditions be amended as follows:***

1. ***That a professionally prepared landscape plan is submitted to staff and that the parking and screening are approved by staff so that the home appears as much like a residential home as possible.***
2. ***That the improvements are completed within 6 months of the approval date.***
3. ***That the planning commission recommendation be included in the conditional use permit, specifically the one resident per bedroom condition.***
4. ***That no more than one resident's vehicle is allowed on the premises.***
5. ***That the business license be updated to exclude anything regarding minors.***
6. ***That there is no staff or resident parking allowed on the street;***

and that the Conditional Use Permit for the Executive Manor at the Ark of Eagle Mountain be tabled until the April 7, 2009 City Council Meeting.

Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.

During the discussion of the motion Councilmember Lifferth stated that he would also like to know the relapse rate and how many safety and emergency calls are made to other group home facilities. He asked that staff put together a report expanding on Deputy Eric McDowell's original findings.

14. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Appointing a Board of Equalization and Review for the Eagle Mountain City, Utah North Ranch Special Assessment Area No. 2008-2: Setting the Dates for the Board of Equalization to Hear and Consider Objections and Corrections to any Proposed Assessments; Authorizing the City Recorder to Publish and Mail a Notice of Meetings of the Board of Equalization and Review; and Related Matters.

Eagle Mountain City Council created an Assessment Area in North Ranch for natural gas on September 16, 2008. The proposed Resolution appoints the City Council as the Board of Equalization and Review for Eagle Mountain City. The Board will consider any objections and corrections to the assessment list created by the City Engineer as it pertains to the Assessment Area. The City Council will discuss and set dates for the hearings.

MOTION: ***Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, Appointing a Board of Equalization and Review for the Eagle Mountain City, Utah North Ranch Special Assessment Area No. 2008-2: Setting the Dates for the Board of Equalization to be April 21, 2009 at 5:00 p.m., April 22, 2009 at 7:00 p.m. and April 23, 2009 at 7:00 p.m. with the members of the board being the current City Council. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.***

15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah Amending Prior Ordinances Authorizing the Disposal of Public Land and Repealing all Provisions in Conflict with the Ordinance and Providing for the Disposal of Certain Parcels of Real Property Owned by the City.

The proposed ordinance amends the existing City ordinance providing for disposal of City owned land and clarifies the lands available for disposal. The ordinance also provides a procedure for administrative disposal of approved parcels. This ordinance was presented to the City Council at the March 3, 2009 meeting but no action was taken. At the Council's request and appeals process has been included in the Ordinance.

MOTION: ***Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City, Utah Amending Prior Ordinances Authorizing the Disposal of Public Land and Repealing all Provisions in Conflict with the Ordinance and Providing for the Disposal of Certain Parcels of Real Property Owned by the City. Councilmember Lifferth seconded the motion.***

Councilmember Lifferth asked if there were any pending petitions to dispose of public land.

Mrs. Kofoed explained that there have been several anxious individuals who have been waiting for this approval and that the Council can expect to see some applications fairly quickly.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.

16. AGREEMENT – Consideration and Approval of an Agreement for Professional Services between Eagle Mountain City and Canon Business Solutions for IT Services.

Eagle Mountain City published a Request for Proposals for providing the City with IT services in December 2008. A pre-proposal conference was held on December 16, 2008, where interested parties could tour the facilities prior to submitting a bid. After evaluating the bids, staff recommended that the City Council approves the agreement with Canon Business Solutions for IT services.

Councilmember Lifferth asked what the separation process would be if the City decides to terminate services.

Mr. Hendrickson explained that Cannon would need to be notified by letter 30 days in advance.

Mayor Pro Tem Burnham explained that a fee can be associated with that termination if services have been done.

MOTION: ***Councilmember Cieslak moved to approve an Agreement for Professional Services between Eagle Mountain City and Canon Business Solutions for IT Services as presented in the amount of $5,525.00. Councilmember Ireland seconded the motion.***

Councilmember Lifferth asked if the IT services will be available to the Council if they are having technical issues.

Mr. Hendrickson explained that the Council would need to go through a contact person at the City first. This will be Steve Olsen.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.

17. AGREEMENT – Consideration and Approval of the State of Utah School and Institutional Trust Lands Administration Certificate of Sale and Water System Agreement.

The Agreement between Eagle Mountain City and the State of Utah School and Institutional Trust Lands Administration is for property located in Hidden Valley. The City intends to build a water tank and lines to expand the City's water system and in exchange for the property, the City will increase the capacity of the tank and water lines to service the Hidden Valley project. The tank capacity and water lines will be increased to an amount comparable to the value of the land where the proposed tank will be located.

MOTION: ***Councilmember Ireland moved to approve the State of Utah School and Institutional Trust Lands Administration Certificate of Sale and Water System Agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.***

Councilmember Lifferth asked when this would be implemented.

Mr. Trusty explained that it should be completed during the summer/fall of 2010.

18. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth
Councilmember Lifferth is glad that there is community involvement and open process with various items. He wants everyone to be involved, informed and educated and invited residents to email the Council.

Councilmember Cieslak
Councilmember Cieslak explained that it was Councilmember Lifferth's idea to put the list of elected officials on the City Website and asked that the credit be given to him. He explained that UDOT is considering the stimulus package and that there is an upcoming meeting on April 22 & 23 in Salt Lake City. He said that this will mean more money for roads and he encouraged residents to attend the meeting and to continue writing elected officials about the road issues in the area.

Councilmember Ochsenhirt
Councilmember Ochsenhirt thanked everyone for the respectfulness in handling the topics presented tonight. He feels glad that there are people who take the time to understand the issues and processes.

Councilmember Ireland
Councilmember Ireland thanked everyone for participating in the meeting. He requested that staff look further into group homes from a development code standpoint. He is thankful that it is this particular group home and that it's not a different organization bringing clients with different types of backgrounds in.

Councilmember Burnham
Councilmember Burnham expressed that she does not like to table items on the agenda because it can greatly affect the applicants. She wants to have the best set of conditions laid out that will be best for the City, residents and applicant. She didn't feel that there was a good set of conditions laid out for the group home which was her reasoning for tabling the item. She thanked everyone for coming to the meeting.

19. COMMUNICATION ITEMS
    A. Upcoming Agenda Items
    B. Financial Report

20. ADJOURNMENT

Councilmember Lifferth adjourned the meeting at 9:47 p.m.

APPROVED BY THE CITY COUNCIL ON APRIL 7, 2009

Fionnuala B. Kofoed, City Recorder