

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

April 4, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

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

MAYOR’S BUSINESS

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

DISCUSSION

Revision of Utility Sales Resolution – Deadline for Comments – Jerry Kinghorn.

AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order. Rand Andrus led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

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

MAYOR’S ITEMS

Pony Express Days will be held from June 1st through June 3rd. Discussion ensued on the Nolan Park restrooms, which will not be completed in time for Pony Express Days.

The Miss Eagle Pageant will be held at the end of April at Pony Express Elementary School.

Yesterday there was a meeting with Stantec Engineering on the planned wastewater treatment plant.

The City's lobbyist in Washington, D.C., met with the Mayor yesterday.

Negotiations are continuing with the Central Utah Water Project.

Mayor Olsen asked Chief Andrus to report on an alternative telephone plan for emergency communications. Chief Andrus and Sgt. Binks recently met with Direct Communications. A system was set up in which an alarm will sound at Direct Communications if Quest's main trunk line fails. If the trunk line fails, the city will be cut off from calls from outside the city. Direct Communications will notify Public Safety immediately and Eagle Mountain 911 calls will be taken at the city's Public Safety offices.

150 building permits were issued in March.

Two new volunteer fire fighters have joined the Fire Department.

Public Safety has hired a new secretary.

City employees Leonard and DeAnna Whitney celebrated their 25th wedding anniversary yesterday.

PUBLIC COMMENTS

Tiffany Ulmer, 1320 Harrier Street, read a statement regarding agenda item 12, SilverLake Village. She was concerned about the 38-foot lot frontages. She felt that such small frontages would create problems with flooding, water hook-ups, City liability, water meter reading, public safety access and parking. She suggested that, if approved, home sales include a clause that residents can only sue the developer, not the City, for problems with these issues. She also stated that an island park is planned for the development, a design which Sundance Homes has been prohibited from building; therefore, it should not be allowed in this project.

Dan Blair of SilverLake asked that utility meters in SilverLake be checked. Mayor Olsen asked Mr. Blair to talk to Mark Sovine after the meeting.

APPOINTMENT – Library Board

Mayor Olsen recommended that Steven Barlow be appointed to the Library Board. Councilmember Jackson **moved** to appoint Steven Barlow to the Library Board. Councilmember Strouse **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

DISCUSSION — Utah County Commissioner Larry Ellertson

Utah County Commissioner Larry Ellertson introduced himself to the Council. He asked the Council if they had any questions or issues involving the County Commission.

Mayor Olsen asked Commissioner Ellertson if the local corridor preservation funding was approved by the County Commission. Commissioner Ellertson responded that it was.

Councilmember Strouse asked, for the benefit of the audience, what County Commissioners do. Commissioner Ellertson responded that County governments are created by State statutes; therefore,

State statutes govern what actions they have power to take. The Commission deals with issues in the unincorporated areas such as: human services, corrections, taxes, the Health Department (which includes mosquito abatement, environmental issues, food service licensing, septic tanks, etc.) and coordinating transportation with UDOT. He discussed current and planned transportation projects.

Councilmember Liddiard asked about economic development and emergency planning. Commissioner Ellertson responded that the Commission has approved a contract with the Economic Development Corporation of Utah. The County has an Emergency Manager and an emergency plan. He was concerned about a lack of general awareness of the emergency plan and how it should be implemented.

Commissioner Ellertson reported that there are plans to expand the County jail in Spanish Fork. Utah Lake environmental and development issues are being dealt with through the creation of a Utah Lake Commission.

Mayor Olsen thanked Commissioner Ellertson for coming to the meeting.

PRESENTATION

Mayor Olsen made a report on the Alpine School District. He cited statistics on growth of the student population and said that the 2001 bond paid for construction of eight elementary schools and two middle schools, as well as remodeling of four high schools, six junior high schools and 22 elementary schools. The district proposes a new bond election this year.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING

ORDINANCE – Consideration and Adoption of Fiscal Year 2005-2006 Budget Amendments.

City Treasurer Gordon Burt explained that any increases to City revenues or expenditures require a public hearing. Most of the current increases are due to conservative budgeting, i.e., revenues are underestimated and expenditures are overestimated to ensure that the City has adequate funds to meet all of its expenses. Growth in the city has resulted in increased connection costs for utilities, an increase in the resale amount for electricity and gas and costs for general supplies. It has also resulted in increased sales tax revenues.

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

Councilmember Liddiard **moved** to adopt ordinance 06-2006, amending the fiscal year 2006 budget. Councilmember Jackson **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

RESOLUTION– Consideration and Adoption of a Resolution Regarding the Residential Anti-Displacement and Relocation Assistance Plan and Certification.

City Attorney Jerry Kinghorn stated that the City is in the process of preparing its final application for receipt of \$126,096 for the Community Development Block Grant (CDBG). This program is funded and operated under the Housing & Community Act of 1974. As with many federally-funded programs, the City must comply with specific requirements. One such requirement is adoption of a Residential

Anti-Displacement and Relocation Assistance Plan and Certification. The adoption of this policy will allow the City to be eligible for CDBG funding.

Councilmember Lifferth **moved** to adopt a resolution approving the Residential Anti-Displacement and Relocation Assistance Plan. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth stated that the Residential Anti-Displacement and Relocation Assistance Plan supports personal property rights. Councilmember Jackson and Mayor Olsen made similar comments.

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

7:00 P.M. PUBLIC HEARING – Community Development Block Grant Proposal – FY 2006
MOTION – Consideration and Approval of the Final Application for CDBG Funding to Install
Streetlights in Several City Center Neighborhoods.

Management Analyst Shawn Warnke reported that the Community Development Block Grant program, commonly referred to as CDBG, is financed through the Housing and Urban Development agency. The primary purpose of the program is to provide funds to local governments to benefit low to moderate income residents within their jurisdiction. The program is administered through the Mountainland Association of Governments, which oversees the distribution of these funds for Utah, Wasatch, and Summit counties. Eagle Mountain City competed against entities within these jurisdictions for \$1.5 million dollars. This year the City submitted an application to install streetlights for neighborhoods in the City Center. Eagle Mountain City has been awarded \$126,096 pending completion of the final application. The City is required to fund approximately \$37,000 in improvements. This item requests the City Council to authorize completion of the paperwork and authorize the Mayor to sign the documents finalizing the grant.

Mayor Olsen opened the public hearing.

Tiffany Ulmer, 1320 Harrier Street, asked the Council to provide a map of the proposed locations of the lights so that residents can inform Public Works of the locations of school bus stops. She also asked that the poles not be climbable, as children will try to do that, and asked that the design of the lights be change to something more attractive.

Mayor Olsen closed the public hearing.

Councilmember Liddiard **moved** to approve the proposal for the Community Development Block Grant. Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard was pleased that the City has been awarded a CDBG and that the street lights will be located where they are needed.

Mayor Olsen stated that the lights shown in the application would not be the ones installed. City staff confirmed that the lights installed would comply with City standards.

Councilmember Lifferth concurred with Ms. Ulmer's comments, recommending that the street lights be functional, throw light where it is needed, not where it is unwanted, and that the locations be optimized for the benefit of the residents.

Councilmember Jackson stated that Mr. Warnke did a great job on the application and that maps are available showing the proposed locations of the lights.

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

PUBLIC HEARING – UDOT Transportation Enhancement Program Application
MOTION – Consideration and Approval of Submission of the UDOT Transportation Enhancement Program Application.

On January 24, 2006, the City Council unanimously voted to authorize the Mayor to sign the Intent to Fund, Pursue Reasonable Progress and Maintain and other associated documents connected with the UDOT Transportation Enhancement Program application. On March 13, 2006, the City received notice that the Utah Enhancement Advisory Committee intends to recommend partial funding in the amount of \$400,000 of the City's application for constructing the Sweetwater/Pony Express Regional Trail. The City will need to contribute the remaining portion of the construction costs for the trail, estimated by the UDOT engineer to be \$225,000. For this reason this item has been placed back on the agenda for City Council action.

The trail will be 3.5 miles of 10-foot-wide trail from Ash Point to Eagle Park. SITLA has committed to provide \$50,000 to the project.

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

Councilmember Jackson **moved** to approve the submission of the UDOT Transportation Enhancement Program application and authorization for the Mayor to sign the associated documents. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson commented that the trail system is a huge enhancement to the City and the addition to the Pony Express Trail will increase safety for residents, especially in light of the bicycle accident which occurred in Saratoga Springs last week.

Councilmember Liddiard stated that the time line for initiating construction of this project is very long. He recommended that the City do anything possible to speed up the process. He suggested that the City could use SITLA's plans for their trail system as a springboard for planning this project.

Councilmember Strouse asked if there was a requirement for when the City would have to pay its portion of the funds. Mr. Warnke responded that full funding may be required until as late as spring, 2008. \$15,000 to \$20,000 will have to be budgeted in this next fiscal year.

Councilmember Strouse suggested that bicycle races or other events could be held to help fund the trail.

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

DEVELOPMENT AGREEMENT – Consideration and Approval of a Development Agreement with Sundance Homes, L.C., for SilverLake Village.

A Development Agreement is the formal acceptance by both the City and developer of all rights and obligations associated with the development of a previously approved subdivision. The agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement. They are not up for negotiation in the Development Agreement. The Development Agreement is reviewed to assure that all prior agreed-upon standards, approvals, costs, conditions, special requirements and notices to the public are defined in writing and in the map of the project.

Mr. Lenhard stated that the final plat for this project was approved on August 24, 2004. At that time, the developer was vested with lot frontages, building pads, setbacks and street widths. Comments during tonight's work session and public comments during policy session expressed concern over those approvals. However, these items were approved according to the Development Code in force at the time. The item being considered at this meeting is the Development Agreement only, which is the formal acceptance of those approvals. He noted that the developer is no longer Sundance Homes, but Frontgate, which purchased Sundance Homes.

Councilmember Strouse **moved** to approve the Development Agreement for SilverLake Village. Councilmember Jackson **seconded** the motion.

Councilmember Strouse indicated that she would like to stipulate in the motion some of the concerns raised in this evening's meetings, such as the Fire Chief's concerns about snow plowing and that the HOA be informed that it would be responsible for road repairs and overlays. She wanted to approve the Development Agreement subject to close monitoring and that issues that can be addressed be addressed. She asked Mr. Kinghorn for his advice. He responded that all such concerns are disclosed to buyers in writing, as required by State statute. The City can't preempt State requirements and impose new requirements. He recommended that the City have staff check on road safety after heavy snows.

Mayor Olsen asked Councilmember Strouse if she would like to continue with her original motion or amend it. Councilmember Strouse said it did not appear to be possible for her to amend it.

Councilmember Jackson asked how the City would enforce safety violations on a private street. Mr. Kinghorn responded that the City could only contact the HOA and tell them to clear the snow for emergency access. The City would not be able to force the issue.

Councilmember Lifferth stated that, while he was supportive of allowing market forces to govern subdivision development, he was extremely concerned about fire safety.

Councilmember Strouse asked if she could stipulate in her motion that there be a monitoring and reporting requirement. Mr. Kinghorn responded that nothing in the code allows that; however, fire trucks have been known to push cars out of the way or drive into people's yards to respond to emergencies. A City ordinance regulating construction of planned unit developments is being considered.

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

DEVELOPMENT AGREEMENT – Consideration and Approval of a Development Agreement with Scenic Development, Inc., for Westview Heights.

Westview Heights is located along the south side of SR-73 between Cedar Pass Ranch and Meadow Ranch. This development, consisting of 49 lots on 42.75 acres of residentially zoned land, has an average lot size of 30,492 sq. ft. This development is outside of any current homeowner's association and does not intend to form an HOA of its own. A Development Agreement is the formal acceptance by both City and developer of all rights and obligations associated with the development of a previously approved subdivision. The agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the Development Agreement. The Development Agreement is reviewed to assure that all prior agreed-upon standards, approvals, costs, conditions, special requirements and notices to the public are defined in writing and in the map of the project. This Development Agreement includes a voluntary commitment by the developer to install a six-foot-high wood privacy fence along SR 73 rather than a vinyl fence. The developer is no longer Scenic Development, but D.R. Horton.

Councilmember Liddiard **moved** to approve the Westview Heights Development Agreement, including the staff recommendation of a six-foot high privacy fence. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth stated that he appreciated a developer which would accept and incorporate feedback from the City Council.

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

MOTION – Consideration and Approval of the Final Plat for Mt. Airey – Plat F.

Mt. Airey Plat F consists of four additional lots in the Mt. Airey subdivision. The original Ranches Master Development Plan allowed for 95 lots in Mt. Airey. The Ranches Master Development Plan was amended last January to allow for these four lots. The proposed Mt. Airey Plat F will complete this subdivision.

Councilmember Lifferth **moved** to approve the final plat for Mt. Airy Plat F. Councilmember Strouse pointed out that four conditions were recommended for the approval. Councilmember Lifferth amended the motion to make the approval subject to staff recommendations. Councilmember Liddiard **seconded** the motion. Those voting aye: Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Mayor Olsen asked Mr. Spencer to explain the park situation in Mt. Airey. Mr. Spencer responded that staff is working to provide a park in Mt. Airey. Staff met with residents to get their input. Proposals include a tot lot, picnic area and walking trail. Staff will approach The Ranches HOA to see if it would be willing to contribute to the cost of the park.

CONSENT AGENDA

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

- A. Minutes
 - March 7, 2006
 - March 22, 2006

- B. Change Order – Mt. Airey 2005 Completion (CO No. 1)
- C. Partial Pay – Mt. Airey 2005 Completion (PP No. 3)

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

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Jackson was pleased about the City's hiring of an additional building inspector so the work can be done in a timely manner. She asked about the progress of the new website. The response was that a bid was awarded and a design has been proposed.

Councilmember Lifferth had no comment.

Councilmember Liddiard was pleased to see Scouts attending the meeting and working on merit badges. He was also pleased that the Council receives monthly reports from the Sheriff's Office. He was excited about the CDBG grant. The lights will improve public safety. He said the city is entering the "Eagle Mountain monsoon season" and asked residents to keep debris out of the roads and make sure that the drainage system is kept clean. He said that as retention basins begin holding standing water, it will encourage mosquitoes and hoped that the City will do something proactive for mosquito control. He suggested that everyone be awake tonight at 1:02:03, when the time and date will be 1:02:03 04/05/06, which has not happened in 1,000 years and won't happen for another 1,000 years.

Councilmember Strouse had a meeting with Mark Trotter from Camp Floyd and Susan Whittaker from the Hutchings Museum. They discussed the unique history of the area, such as mining and the Pony Express Trail. They have created, with the Mayor's approval, a committee to promote history and tourism in the area. Anyone interested in helping with the committee is welcome. She said she recently talked to a 93-year-old woman who has been in the area for decades and would have preferred that a city had not been built here.

Mayor Olsen commented that the Council is using the meeting time well. He also said that he appreciated the Council's patience in getting used to his way of chairing the meetings. He was very pleased with the Youth Council program and Councilmember Strouse's involvement with that. He will encourage the Youth Council to be more active in expressing their concerns and opinions. His draft of the proposed budget will be available to the Council in the next few days and asked for their input.

COMMUNICATION ITEMS

These items are for information purposes only and do not require action or discussion by the City Council.

FINANCIAL REPORT – March 2006.

MEMO – Local Corridor Preservation Funding (2005-2006).

MEMO – Stantec Agreement.

LETTER – Response from Chief Andrus to Fred Peeples.

LETTER – Senator Robert Bennett from Mayor Olsen re: CDBG.

MAG RESOLUTION – Adding Town of Fairfield as a member.

MAG PRESS RELEASE – March 24, 2006.

CDBG – History of State and MAG Region CDBG Program Allocations (2003–2007).

ADJOURNMENT

Councilmember Liddiard moved to adjourn the meeting.