

**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

May 1, 2007

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

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

Mayor Don D. Richardson called the meeting to order at 4:17 p.m.

CONDUCTING: Mayor Don D. Richardson

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

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

PRESENTATIONS

UPDATE – Mountainview Corridor Alternative Impact Study

DISCUSSION – SilverLake Amphitheater Use

PRESENTATION – New Fire Truck

AGENDA REVIEW

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

CITY ADMINISTRATOR INFORMATION ITEMS

ADJOURNMENT

Mayor Richardson adjourned the Work Session at 6:40 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:14 p.m. Enoch Dahl led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

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

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City

Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Jerry Monson, Lieutenant.

INFORMATION ITEMS / UPCOMING EVENTS

Mayor Richardson announced the following upcoming event:

- Pony Express Days – May 31st, June 1st and 2nd

Introduction of Eagle Mountain Royalty

Mayor Richardson introduced Michelle Vanderhoef, Miss Eagle Mountain, and her first attendant, Lacey Ault. Second attendant Katelyn Griffith was unable to attend the meeting. He invited Ms. Vanderhoef to describe her platform, which is emergency preparedness in the community.

PUBLIC COMMENTS

Ms. Charlotte Ducos, 9328 Deerfield Circle, requested a moratorium on land annexation to prevent incompatible uses. Her request was prompted by an annexation on next week's Planning Commission agenda. The use planned for the annexed land would be incompatible with the area in which it is located. The City should set guidelines for annexation and create a land use map for properties to be annexed, perhaps using a citizen committee to help create such a map. She wanted the annexation on next week's Planning Commission agenda to be included in the moratorium and requested the buffering amendment on the agenda tonight be tabled.

CITY COUNCIL/MAYOR ITEMS

Board Appointment – Library Board

Mayor Richardson recommended appointing Mr. Nathan Osborne and Ms. JoDene Gardner to the Library Board.

Councilmember Jackson **moved** to appoint Mr. Nathan Osborne and Ms. JoDene Gardner to the Library Board. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Mr. Osborne and Ms. Gardner were sworn in by City Recorder Gina Peterson.

CONSENT AGENDA

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

MINUTES

February 15, 2007 – Special City Council Meeting

April 3, 2007 – Regular City Council Meeting

FINAL PLAT – Sweetwater – Phase 1

SITE PLAN – Pioneer 7 LDS Church

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

CITY COUNCIL COMMENTS

Councilmember David Lifferth

Councilmember Lifferth mentioned the presentation on the Mountainview Corridor made by a representative of UDOT during Work Session and urged residents to show support for the transportation options being provided by UDOT. He noted the passing of Pete Cole, Loreen Cole's husband. He would like to know what the Alpine School Board has decided since their last meeting. He expressed appreciation for everyone who attended this evening's meeting.

Councilmember David Blackburn

Councilmember Blackburn thanked everyone for attending. He also attended the Alpine School District meeting and reported that the district is considering a high school, middle school and elementary school complex on land currently owned by SITLA. The district is also considering a school and community recreation center. He asked the residents to stay informed and involved with the schools.

Councilmember Linn Strouse

Councilmember Strouse thanked the residents who attended this evening's meeting, saying without citizen input in government, something is missing. She recently called the applicant for the Jax gravel pit to inform him that the gravel pit was being appealed due to many objections from residents. She stated the Council should make decisions based on careful research and findings of fact. She has worked with these developers on other issues, during which the developers responded fairly and respectfully and cautioned the audience to be fair and respectful during the discussion.

Councilmember Vincent Liddiard

Councilmember Liddiard brought up the City's new fire truck, which will allow better and faster emergency response. The State's new firefighter training facility at Utah Valley State College simulates emergency situations to enable firefighters to practice decision-making required in real-life emergencies. He praised the Council's cooperation in preparing this year's budget and appreciated the participation of City Administrator John Hendrickson and Management Analyst Ifo Pili.

Councilmember Heather Jackson

Councilmember Jackson thanked Chief Andrus for doing a controlled burn to eliminate tumbleweeds along Eagle Mountain Boulevard, which were a fire hazard. The beautification committee met with a landscape architect, who advised the committee to plan carefully, connect trail systems and set landscape design guidelines for future developments. Two citizens are now involved with the committee and more citizen input will be requested soon.

Mayor Don Richardson

Mayor Richardson confirmed three schools are being considered by SITLA. A location north of SR 73 is also being considered for an elementary school. The site for an elementary school in The Ranches is under negotiation. He asked residents to provide input to UDOT and MAG (Mountainland Association of Governments) regarding transportation issues.

SCHEDULED ITEMS

7:00 P.M. PUBLIC HEARING – Jax Gravel Pit Appeal

MOTION – Consideration and decision on a request by Councilmember Linn Strouse to appeal the Planning Commission approval of the conditional use permit for the Jax gravel pit

On April 10, 2007, the Planning Commission approved a conditional use permit for the Jax gravel pit to be located on a 160-acre parcel north of State Road 73. This parcel is also known as the Talon Cove Master Development. Councilmember Strouse requested this application be reviewed by the City Council. With

this request, the City Council is now the Land Use Authority and may approve, approve with conditions or deny this application.

Mayor Richardson outlined the procedure to be followed during the appeal. First, Planning Director Peter Spencer would describe the Planning Commission's approval and the conditions it required. Second, City Attorney Jerry Kinghorn would provide legal clarifications. Third, the applicant, Isaac Patterson, would summarize the application. Fourth, the appellant, Greg Helm, would make a presentation.

Mr. Spencer detailed the conditions required by the Planning Commission as follows:

1. YEARLY REVIEW. The applicant will obtain renewed approval from the Planning Commission each year. The Planning Commission reserves the right to add necessary conditions or choose not to renew the conditional use permit.
2. ROAD MAINTENANCE. The applicant will commit to reconstruct and repair damage to access lanes onto SR 73 throughout the time the gravel pit is in operation.
3. FIRE CONTROL. Any fuel tanks stored on site shall have proper containment measures taken and be approved by the Fire Chief.
4. DUST & DEBRIS CONTROL. The applicant will provide *daily* watering to mitigate excessive dust. Fencing, berming, and/or screening will be provided to mitigate dust, as well.
5. FIRE HYDRANT. Any water used will be metered by the City. If, in the summer months, the City shuts off water to a hydrant, the applicant will be responsible for finding other water sources to maintain daily watering of the site.
6. POSSIBLE BLASTING PERMITS. The applicant will obtain a permit from the Fire Chief before doing any blasting
7. BUSINESS LICENSE. The applicant will obtain a business license from the City.
8. GRADING & EROSION CONTROL MEASURES. The applicant will follow all UDOT requirements and keep drainage on site.
9. ACCELERATION AND DECELERATION LANES. The applicant will install acceleration and deceleration lanes to provide access onto SR 73.
10. CLEANING. The applicant will provide daily cleaning of the access area onto SR 73.
11. EXCAVATING. The excavation of the material will be horizontal: the contour of the site will be reduced in layers from one side to the other side of the site.
12. OPERATION HOURS. The hours of operation will be 7:00 a.m. to 7:00 p.m.
13. EXCAVATION POINT. The lowest point of excavation will be an elevation of 5210 feet.

Councilmember Lifferth asked Mr. Spencer if the City limited the hours of operation of any other businesses. Mr. Spencer replied the Chevron gas station in The Ranches has limited hours. Councilmember Blackburn mentioned construction companies' hours are also limited.

Councilmember Lifferth asked if the Staker Company has requested annexation for its gravel pit. Mr. Spencer said the City has not received an application. Councilmember Lifferth also asked what the difference was between this and a previous gravel pit whose application had been denied.

Mr. Spencer replied the other pit was too close to homes. A conditional use permit must be for a use that is similar in scale, pattern and impact to the surrounding area. The Jax pit is further from residences and adjacent to an existing gravel pit. The Jax pit is also part of an overall approved project; therefore, the pit area will eventually be covered by homes and roads.

Mr. Kinghorn explained the history of the project by saying the applicants annexed the land to the City as an Agricultural zone and applied for approval of a master development plan (MDP). A master development plan requires an agreement with three elements: (1) land use plan, which becomes the zoning map when the

agreement is approved, (2) a facilities plan for roads, water and sewer and (3) financing. The master development plan for this area has been delayed by a disagreement with the adjoining landowner over financing of the access road. Since the agreement has not been approved, the land is not yet residentially zoned.

Mr. Isaac Patterson, the applicant, explained the differences between the Jax gravel pit and a previous pit which was not approved:

- The Jax pit would be right next to an existing gravel pit, excavation will be limited to the area above 5210 feet elevation and all the equipment will be located in the northeast quadrant of the parcel.
- The nearest residence is $\frac{3}{4}$ mile away and on the other side of SR 73.
- The Jax pit will not share any roads with residential areas of the City, the company will build the road to City specifications and it will become a residential road in the future. The development agreement requires the road to be ten feet larger than many existing residential roads to mitigate traffic congestion.
- The master development plan for the parcel has been reviewed and accepted by the City Council. The gravel pit is solely to make the land more residentially buildable.

Mr. Patterson gave other reasons for approving the gravel pit, including an estimated \$100,000 in annual sales tax revenue to the City, reduction of road slopes from 10-12% to 5-7%, better connectivity and better utility looping. The Planning Commission is requiring the company to excavate in ten-foot lifts so if the permit is revoked, no hole will remain. Acceleration & deceleration lanes are also required, as well as daily watering, sweeping and application of magnesium chloride. The only area in which the Planning Commission will allow excavation is the approximately 30 acres above 5210 feet.

Councilmember Strouse asked Mr. Kinghorn what progress has been made on finalizing the original master development agreement for the parcel. Mr. Kinghorn said construction costs for the access road have been determined and distributed to the parties. The plan will most likely be finalized after the other party determines how to finance the access road.

Councilmember Strouse asked why Patterson Construction has gone from the great project they were working on in that area to opening a gravel pit. Mr. Patterson responded it was to improve the original project and mitigate the effects of the Staker gravel pit cutting into the mountain.

Councilmember Strouse asked why the Council has not received a report from the City Engineer. Chris Trusty, the City Engineer, stated he contributed information to the staff report.

Councilmember Lifferth asked if there is bonding in place in case the company goes bankrupt. Mr. Patterson said he believed so and he planned to be bonded and licensed. Mr. Spencer stated a condition could be added requiring a bond to ensure the project is finished to the City's satisfaction. Councilmember Jackson added Mr. Scott Hazard told the Planning Commission the company would be willing to bond as the City required.

Councilmember Strouse asked if the company would be using trammels or shaker screens. Mr. Marty McKee, one of the owners of the company, said the process uses shaker screens. Mr. Patterson said the noise level would be similar to the noise from the adjacent Staker gravel pit.

Councilmember Strouse asked if there would be any effect on groundwater. Mr. Patterson said he was not aware of any.

Councilmember Strouse asked if the company would be excavating naturally-occurring gravel or fractured rock. Mr. Patterson said there would be some of each. Mr. McKee said fractured rock would require screening and crushing. Councilmember Strouse thought fractured rock would require blasting and pointed out the application reserved the right to apply for a blasting permit. Mr. Patterson replied no blasting permit has been applied for and the company doesn't anticipate needing one. Chief Andrus confirmed no blasting permit has been applied for. Mr. McKee pointed out the Staker gravel pit blasts daily. Test data is available detailing what material is found on the site.

Councilmember Jackson asked Mr. McKee to clarify that, while the Staker pit is blasting a hole in the mountain, Jax plans to use a method of scraping material off of the surface of the ground. Mr. McKee said the company has found an extraction method which will never leave the land in an unusable state.

Councilmember Liddiard asked Mr. McKee to estimate the scale of the Jax operation compared to the Staker pit. Mr. McKee responded the Staker pit is so much larger, it's hard to quantify, perhaps 20 to 50 times larger.

Councilmember Strouse pointed out the company wouldn't know whether it needs to blast until after it begins working. Mr. McKee said they are only retaining the possibility of blasting in case they encounter a layer of bedrock or compacted rock which would need to be removed before they could continue excavating.

Councilmember Lifferth asked if any City blasting requirements differ from Utah County's requirements. Chief Andrus answered the City uses the same requirements as Salt Lake County.

Mayor Richardson asked Mr. Patterson how much noise blasting creates. Mr. Patterson said it's very noisy up close, but barely audible from half a mile or more away.

Chief Andrus explained blasters are required to use seismic meters to test impact. In his experience, the noise is minimal because most of the impact is underground.

Mr. Greg Helm, a resident of Cedar Pass Ranch and a commercial real estate developer, made a presentation opposing the gravel pit application. He pointed out the permit application was only signed by Jax Construction, but the planned work extends to an adjacent property whose owner is not bound by the conditions applied to this application.

Councilmember Lifferth asked who owned the additional property. Mr. Helm said it is owned by Mr. Jim Allred.

Mr. Helm said gravel pits break windshields, don't leave the land the same, cause property values to decline and create dust and dirt which are hard to control. The city has laws to control heavy processing and industrial uses. He stated a series of phone calls today indicated some confusion as to whether the land in question was zoned Residential or not.

Mr. Helm pointed out the Development Code says developers shall conform to the land. No construction is allowed on land with a slope greater than 25%. Conditional use permits may be issued if the proposed use is consistent with the scale, character and impact of the area being considered. In this case, three sides of the site are rolling hills. The existing gravel pit is out of character for the area.

In agricultural zones, large-scale packaging and processing is a prohibited use. A four-to-six-year project with estimated revenues of \$3-4 million per year is not small. The law doesn't provide for exceptions. He

googled the property and saw no indication of digging. A recent photo showed the beginning of digging. Jax had to stop their activity until they got the proper permits.

Mr. Helm said homes and an elementary school are already planned for this site and may be built at the same time as the gravel pit. Mr. Spencer clarified before homes could be built, the master plan agreement would have to be finalized and the property zoned Residential. Mr. Helm asked if the property could be partially rezoned.

He also asked what would happen if the market changed and gravel took much longer to sell. The project could take over ten years. He suggested the City could generate sales tax revenue by annexing the existing gravel pit. He said the Planning Commission approval does not require a reclamation plan or a bond. He summarized that the gravel pit is a prohibited use and a dangerous precedent.

Councilmember Jackson asked Mr. Helm what he meant in referring to the P & Z? He answered he was referring to Planning and Zoning. Councilmember Jackson explained the correct name is the Planning Commission.

Councilmember Lifferth asked Mr. Spencer how much land in this parcel has a slope greater than 25%. Mr. Spencer replied the majority is buildable; only the northern portion is sloped over 25%.

Councilmember Lifferth asked Mr. Kinghorn if this use is large-scale processing in an agricultural area. Mr. Kinghorn said the provision is intended to prohibit uses like pig farms, but could be interpreted to include a gravel pit.

Councilmember Strouse said most local cities don't allow this use and have specific restrictions. Mr. Kinghorn replied a gravel pit is not a permitted use; it has to be conditional. The Development Code says landowners have certain rights and can come forward with an application, which should be allowed if it can be done. The flexibility is intentional. A gravel pit can be allowed, except in a residential zone.

Regarding today's confusion over the current zoning of the parcel, he said he read the records today to find the exact zoning and found, although Residential zoning was approved, it was never adopted.

Councilmember Strouse asked if approval of this application will open the door for other, similar applications.

Mr. Kinghorn said it depends on the conditions placed on each project, whether they encourage others to apply. Conditions are meant to be site-specific.

Mayor Richardson asked the Council to move on to the public hearing. Councilmember Jackson had one further question. She asked if there was an agreement with Mr. Allred which could be provided to the City. Mr. Patterson said there have been discussions between Mr. Allred and Scott Hazard. Mr. Hazard could provide written documentation.

***Mayor Richardson opened the public hearing at 8:58 pm. ***

Ms. Jennifer Konold, 9467 Sunset Drive, stated Scott Hazard mentioned three points at the Planning Commission meeting on April 10th:

- Revenue from the gravel pit will benefit the city. She said the original plan will provide more revenue, sooner.

- The pit operators will abide by the conditions set by the City. She asked if the City has enough inspectors to inspect the site daily.
- The conditional use permit will allow more lots to be added to the subdivision. She said the residents value the city's unique terrain.

She stated a resident telephoned Mr. John Black at the Environmental Protection Agency, who said a gravel pit is only allowed on property zoned Industrial. The permit was approved based on an annual Planning Commission review, but she didn't know of any project ever being stopped after such a review. She brought petitions with her opposing the pit and the proposed change in buffering requirements. She requested those in the audience opposed to the gravel pit to raise their hands. Most people in the audience did so.

Mr. Enoch Dahl, 1778 Sunset View Lane, expressed appreciation for the Council hearing his comments. He suggested residents give City staff more credit. The safety and health issues have already been addressed by due diligence on the part of the developer. Patterson Construction is not new to the community and has demonstrated integrity. He was frustrated that previous speakers downplayed this point. Access to SR 73 has been approved by UDOT, consistent with the master transportation plan. The impact of gravel pit traffic on SR 73 will be less than traffic from the future development. He said gravel is already being transported from the Staker pit, so the Jax pit won't increase traffic. Retail uses don't bring as much revenue as this project will. The concerns brought up have been mitigated by the developer. He asked that the Council's decision be made on the facts.

Mr. Phillip Case, 9033 Mt. Airey Drive, said this issue is about perceptions. Two gravel pits don't give a good perception to potential clean commercial activity. The city wants to attract cleaner businesses than gravel pits. Every day he experiences rocks and gravel being thrown from trucks leaving the Staker pit. He asked the Council to make a decision which considers long-term impacts.

Mr. DeLynn Anderson, 2320 Cedar Road, has owned property in Eagle Mountain for 11 years and has lived here for eight years. He said Cedar Pass Ranch had an unwelcome gravel pit for six years, for which the City issued a conditional use excavation permit. The pit is gone, but the land and road are damaged. He asked how the City can monitor a large operation if it couldn't monitor a small one. He pointed out a gravel truck caused a fatality last year. Trucks also slow traffic, especially in wintertime when traffic is already slow.

Ms. Connie Gardner, 2456 Valley Drive, was surprised to hear anyone say blasting isn't noisy. She said it's very noisy and shakes the ground. The Staker pit has large, loud machinery running all the time. Mr. Patterson claimed scraping is the process which will be used, but mountain formations fold over and the probability of blasting is very high. She asked the Council not to approve the project without a better geological survey.

Ms. Sheryl Crawley, 9318 North 3377 East, said the Staker gravel pit is detrimental to her family. Dust, machinery noise and lights all impact their quality of life. She stated a new pit would bring the same problems to a worse degree because it would operate at a higher elevation.

Ms. Patricia Sherry, 9646 Sunset Drive, didn't realize when she moved to Eagle Mountain that there was a gravel pit located on SR 73 and doesn't want to live in a community with gravel pits.

Mr. Harry Bonnell, 9286 N 3277 East, has owned his property since 1993. Trucks from the Staker gravel pit have broken four windshields on the Bonnells' vehicles and he has never been able to get the company to replace them. Road cleaning chemicals might affect groundwater and the Jax pit's high elevation would

cause excess dust to be carried by winds. He's seen the plats before and after the gravel pit. The subdivision would be increased by about fifteen lots, which is not enough to justify the project.

Mr. Robert Adamson, 3156 Autumn Lane, said Mr. John Black of the Division of Air Quality told him the permit issued was only for a small operation, not one on the scale proposed. The permit was only for total emissions of less than five tons per year. He also said the Division of Air Quality can't prevent a gravel pit from opening; it can only respond to excessive emissions. Mr. Adamson has trouble breathing; Staker already causes dust in his house and Jax would be an additional health hazard. He's researched silicon in dirt and learned it is a health hazard. He said gravel pits can be located in areas away from homes. They don't need to be near residential areas.

Mr. Kenneth Hixson, 9568 Night Hawk Lane, said the excavation project will only allow fifteen extra buildable lots, which is not a good enough reason to run such an operation. The real reason for the application is millions of dollars in gravel revenue for the applicant. The value to the community is represented to be lowered road slopes, but only one road and one section of another road will be affected. In reality, the buildable area isn't large enough to build on; lowering the height will increase the buildable area. The expected revenue is a tiny percentage of the City budget. The written community vision says scenery, including ridgelines, is to be preserved.

Ms. Wendy Nabham, 1768 Parkview Lane, requested the Council not only to deny this application, but to pass a law so residents don't have to put in so many hours to prevent similar problems in the future.

Ms. Merilynn Lloyd, 2425 Overland Drive, asked if Mr. Hixson could use her time to finish his remarks. Mayor Richardson allowed 30 seconds. Mr. Hixson said the gravel pit is proposed for a 160-acre parcel and the next parcel west is about the same size. The domino effect suggests another gravel pit could go after the Staker and Jax pits. Also, he wants to retain the contours of the land.

Mayor Richardson closed the public hearing at 9:25 p.m.

Mayor Richardson recessed the meeting to allow everyone a break. The meeting was reconvened at 9:40.

Mayor Richardson asked Mr. Patterson how many trucks would be transporting gravel every day. Mr. Patterson estimated there would be 100-110 trucks daily.

Councilmember Blackburn said everyone should applaud themselves for showing up and being involved. Each should appreciate that the developer is going through the arduous permit process. Dirt moving processes are common in the city. Mr. Patterson could have claimed the processing was part of developing and gone ahead.

Councilmember Liddiard asked Mr. Kinghorn how tonight's decision affects the Planning Commission decision. Mr. Kinghorn replied the Council could affirm the Planning Commission's approval with the Planning Commission's conditions, approve the application with additional conditions or make a finding of fact that the scale of the operation makes it a prohibited use. State statute requires if conditions can be formulated which will make the use acceptable, the City should do so if the use isn't prohibited.

Councilmember Liddiard asked Mr. Spencer if the developer could transport dirt and process it elsewhere. Mr. Spencer said without an approved plat the company would need an excavation permit. Mr. Trusty stated if excavation would make roads acceptable it would be allowed. Mr. Spencer said no processing would be allowed on site. Mr. Kinghorn said an excavation permit is only given in furtherance of an approved development activity on the property.

Councilmember Liddiard asked whether the applicant could take the material elsewhere for processing if the City Council denies or reverses the Planning Commission decision. Mr. Kinghorn said he could, but the excavation still has to further an approved activity.

Councilmember Jackson asked if removing processing from the application would eliminate the violation of the large-scale processing prohibition. Councilmember Liddiard asked Mr. Patterson if he would be interested in processing elsewhere. Mr. Patterson repeated processing on site would generate tax revenue for the City. The company would consider off-site processing if the City Council denies the application, but would prefer to process on site.

Councilmember Blackburn asked if Mr. Patterson had considered having the Staker pit process the gravel. Mr. Patterson said he hadn't considered it, but it could be a possibility.

Councilmember Blackburn then asked how the development plan would change if processing were not allowed on site. Mr. Patterson said the development plan would remain the same.

Councilmember Liddiard asked Mr. Kinghorn if processing only referred to milling and crushing of rocks or if it referred to changing material into another product. Mr. Kinghorn said the ordinance was intended to cover bringing equipment on site, turning material into a different product and stockpiling it, not just hauling it.

Councilmember Liddiard **moved** to deny the application to approve a conditional use permit for the Jax gravel pit. Councilmember Strouse **seconded** the motion.

Mr. Kinghorn clarified the language of the motion must be precise. Industrial processing is only prohibited in a residential zone, so the motion must state the operation is a large-scale processing operation in an Agricultural zone.

Councilmember Liddiard explained to the residents his original concerns were blight, transportation and safety. Those concerns had already been resolved before the meeting. His concern at this meeting was due to legal information from Mr. Kinghorn and opposition voiced by residents. He didn't think the applicant hauling gravel to the Staker pit for processing would solve any problems.

Councilmember Strouse said when Talon Cove was first introduced two years ago, it was a great project and the neighboring developer created a lot of difficulties. Mr. Kinghorn used a lot of tax-paid time to solve the problems involved with it. She would like the original project to go forward so the investment will not be wasted.

Councilmember Blackburn asked Mr. Spencer and Mr. Trusty about the pace of development. More and more development will be on sloped land and he wondered what the City has done to plan for it. Mr. Kinghorn said SIDs were assessed by whether roads could be put in for development. An engineering decision was made that certain steep areas could be developed in SIDs 98-1 and 2000-1.

Councilmember Blackburn asked whether Mr. Patterson's application would have been approved if he had asked to flatten the hill without processing the gravel on site. Mr. Kinghorn said the standards are for building; therefore, an excavation permit would have to be for development.

Councilmember Blackburn asked if the topic is addressed in the Development Code. Mr. Kinghorn said it is, but some people would like to see more detail in that section of the Code.

Councilmember Jackson stated she has investigated this project, and while she thought Patterson was a responsible developer, her decision would be based on findings of fact. Personal property rights are very important, but the Development Code must be complied with. Decisions must be made logically, based on fact and not on emotion.

Councilmember Lifferth said he is pro-business and pro-property rights; however, in this case the City Council was an appellate body which must uphold the law.

Councilmember Liddiard called the question.

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

7:00 P.M. PUBLIC HEARING – Elected Officials’ Compensation

ORDINANCE – Consideration and approval of an ordinance of Eagle Mountain City, Utah, repealing ordinance 16-2005 and enacting a new compensation plan for the elected officials of Eagle Mountain City

The ordinance enacting a new compensation plan for elected officials was presented by City Administrator John Hendrickson. Utah State Code Section 10-3-818 outlines the procedure for increasing the salaries of elective officers in municipalities. After a duly noticed and held public hearing, the governing body may enact an ordinance amending the compensation of any elected or appointed officer of the municipality. The City Council salary is proposed to be increased from \$325 to \$600 monthly to reflect market studies. The Mayor proposes his compensation be decreased to accommodate a part-time schedule.

Mayor Richardson opened the public hearing at 10:16 p.m. Hearing no comments, he closed the hearing.

Councilmember Blackburn asked if sections 3, 3.1.1 and 3.1.2 should be clarified to say full-time and part-time or remain primary and secondary. Ms. Peterson asked how to define full-time and part-time hours. Mr. Kinghorn advised the Council not to create qualifications that don't exist in State statute.

Councilmember Blackburn asked to have verbiage match intent and not be open to interpretation. Mr. Kinghorn replied this ordinance is an experiment requested by the Council.

Councilmember Lifferth said the City Council should not receive a raise after they've been elected. A raise should be a campaign issue.

Councilmember Jackson **moved** to approve Ordinance O-09-2007 enacting a new compensation plan for elected officials of Eagle Mountain City, with the amendment that the City Council's compensation remain the same. Councilmember Lifferth **seconded** the motion.

Councilmember Liddiard called the question.

Those voting aye: Heather Jackson and David Lifferth. Those voting no: David Blackburn, Vincent Liddiard and Linn Strouse. The motion **failed** with a 2:3 vote.

Councilmember Liddiard **moved** to approve Ordinance O-09-2007 as presented. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard called the question.

Mayor Richardson called for a vote on the motion.

Councilmember Jackson agreed the City Council should not have a raise after their election.

Councilmember Strouse stated the City Council didn't request this raise. The City Management Analyst suggested it and based it on market studies.

Councilmember Liddiard informed the Council he had requested an increase in compensation be considered.

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

7:00 P.M. PUBLIC HEARING – Development Code Amendments

ORDINANCE – Consideration and adoption of an ordinance of Eagle Mountain City amending various sections of the Development Code

Development Code amendments proposed by City staff were presented by Planning Director Peter Spencer. The amendments applied to:

1. the appeal process for denied home business applications
2. additional standards for home businesses
3. revised water rights required for developments
4. revised neighborhood park standards for developments
5. revised slope standard for the improved parks requirement
6. revised standards for the transition requirement between developments

Mayor Richardson opened the public hearing at 10:26 p.m.

Mr. Kenneth Hixson, 9568 Night Hawk Lane, asked why public comment was being requested when the public hadn't been previously informed about some of the items. Mr. Spencer briefly repeated the information.

Ms. Merilynn Lloyd, 2425 Overland Drive, requested the buffering amendment be denied because she heard Mr. Tom Maher, the Planning Commission Chair, say the buffering requirement is ridiculous. She didn't think giving the Planning Commission that much latitude would be a good idea.

Mr. Brett Wright, 8326 North Cedar Drive, wanted to see Mr. Spencer's water rights table. He wanted to know what the water right requirement is for 4.5 to 5 acre lots. Mr. Trusty said the City allows ¼ acre of a large lot to be watered. Above that, owners need to have a well and water rights of their own. The specific amount allowed by the City is 1.16 acre feet.

Ms. Wendy Nabham, 1768 Parkview Lane, didn't want the buffering requirement changed because she believes contractors given leeway would usually make the least effort required in order to get the most profit.

Mr. Harry Bonnell, 9286 North 3277 East, was concerned about the buffering change. He wanted to see the buffering requirement maintained because a berm or fence would be inadequate between his property and the commercial property to the east. He wanted the openness of Eagle Mountain to be preserved.

Ms. Rose Bonnell, 9286 North 3277 East, thanked everyone for their presentations, saying everyone on both sides did very well. She asked the City Council to vote against the change in buffering to maintain the city's rural quality of life. She has helped the city to develop, but doesn't want to lose its rural character.

Ms. Helen Anderson, Utah Valley Home Builders' Association, said she understood the importance of specific rules, but believed flexibility can be best for cities, residents and builders. Residents can trust the planning process because it has adequate checks and balances.

Ms. Susan Woodruff, 9141 Canyon Wash Drive, was concerned about changing the buffering requirement. She lives on the edge of her subdivision and was concerned about what developers might do with the leeway. She thought they would go for profit.

Ms. Jennifer Konold, 9467 Sunset Drive, said she has attended countless City Council and Planning Commission meetings over the last three to four years. She was surprised to see the buffering item on the agenda after a previous Council worked hard to put the current standards in place. Developers normally use the exception to create the standard.

Mr. Kenneth Hixson, 9568 Night Hawk Lane, referred to the item on water rights, which seemed to him to call for lower water requirements. He questioned whether it was a wise decision for the City's future. The revised neighborhood park standards and revised slope standards looked to him like they would cause a reduction in open space. Regarding the change in buffering requirements, he stated if, as in the case of Talon Cove, a gravel pit could be interpreted as being compatible with a residential area, broader interpretation of the Code would be unacceptable.

Mr. Robert Adamson, 3156 Autumn Lane, objected to the buffering amendment. It would decrease property values because of smaller lots encroaching on current, larger lots. As a loan officer, he likes to see new lots, but has seen how differing lots in the same area reduce property values.

Mayor Richardson closed the public hearing at 10:47 p.m.

Councilmember Lifferth **moved** to approve Ordinance O-10-2007, items one through five, amending the Development Code. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth said he fought hard and repeatedly for the current standards and they should remain as minimums.

Councilmember Jackson agreed, saying options are needed, but they have to be options with standards. Land use needs to make sense and be equitable.

Councilmember Strouse asked Councilmember Lifferth why the buffering amendment needed to go back to staff if he said the current standards are necessary. Councilmember Lifferth said the current standards need to be the minimum, but he wanted to give developers the option of using a higher standard of transition.

Mr. Spencer asked the Council if the transition distance should remain the same. Councilmember Blackburn said the City Council fought hard to get to this transition point. If transition is reconsidered, there should be a minimum distance before options would even be considered.

Councilmember Liddiard agreed with the comments on buffering requirements, but said the item on revised water requirements was too vague. He wanted to be sure the City Council understood the ramifications of that.

Councilmember Strouse asked that the motion be restated to ensure the minimum standard remained.

Councilmember Lifferth stated the motion was to approve items one through five and send item six back to the Planning Department for scrutiny.

Councilmember Liddiard called the question.

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

Councilmember Blackburn stated item three should be defined in further detail by staff.

RESOLUTION – Consideration and adoption of a resolution accepting the FY 2008 tentative budget, setting the budget public hearing for June 5, 2007, and directing such notice to be published

City Administrator John Hendrickson explained the State Code requires the City Council to review and tentatively adopt a budget by the first regularly scheduled meeting in May of each year; additionally, the City Council must establish the time and place of the public hearing for the final budget.

Councilmember Liddiard **moved** to approve Resolution R-10-2007 accepting the FY 2008 tentative budget with the concerns noted in Work Session—the addition of written explanations and correction of proofreading errors—setting the budget public hearing for June 5, 2007, and directing such notice to be published. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson called the question.

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

AGREEMENT – Consideration and approval of an agreement with Ames Construction for street overlay

City Engineer Chris Trusty presented a bid from Ames Construction to reconstruct 700 linear feet of the southbound lane of Mt. Airey Drive. The reconstruction will remove the existing, damaged asphalt and base down to 18 inches, bring in engineered road base, compact and repave the road to City standards.

The unit price for this work is \$2.98/square foot and will not exceed \$24,999. The City solicited other bids for the removal and replacement of damaged asphalt; the lowest unit price submitted was \$6.47. Because Ames Construction was working on street construction for the Northmoor subdivision, they were able to offer the reduced costs to the City. Construction is currently underway and is expected to be completed within the next two weeks.

Councilmember Blackburn asked if any of the work being replaced was under warranty. Mr. Trusty said it was not.

Councilmember Liddiard **moved** to approve the agreement with Ames Construction for street overlay. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and written approval to allow special event signage to be placed in City-owned rights of way for the Utah Valley Parade of Homes

The City's sign regulations prohibit any signs to be placed within the City's rights of way unless the City enters into a specific written agreement. Councilmember Jackson presented an application from the Chairman of the Sign Committee for the Utah Valley Parade of Homes-2007 (UVPOH). The application is for the placement of six directional signs within City-owned rights of way. The signs will direct traffic to a home in Eagle Mountain City included in the Parade of Homes. If authorization is given by the City Council, the City Attorney will draft a compliance permit between Eagle Mountain City and Utah Valley Parade of Homes-2007 to allow temporary placement of directional signage.

Councilmember Liddiard **moved** to approve the motion. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, David Lifferth and Linn Strouse. Councilmember Jackson abstained because she was the applicant. The motion **passed** with a vote of 4:0 with one abstention.

MOTION – Consideration and approval of a temporary archery range for the National Field Archery Association (NFAA)

For the last several years, The Ranches has hosted a temporary archery range for a National Field Archery Association event. The Development Review Committee has reviewed this year's request. It has recommended approval, subject to conditions designed to address increased demands for services such as policing and sanitation created by special events.

Councilmember Liddiard **moved** to approve the motion subject to the following conditions:

1. The temporary archery range will be permitted for March 31 and April 1, April 14 and 15, May 19 and 20, and June 9 and 10.
2. The applicant will obtain burn permits for any campfires and will comply with all requirements of the Fire Chief.
3. The site will be returned to its pre-event condition following the events.
4. There will be sufficient public facilities such as restrooms.
5. If the special event creates an increase in demand for public safety services, those services shall be provided by the applicant.
6. The archery range will comply with the safety standards of the Utah County Sheriff's Office and the National Field Archery Association (NFAA). The applicant will provide security personnel to monitor the perimeter of the archery range and prohibit non-participants from accessing the range.
7. The City Recorder and City Attorney will ensure all of the insurance forms and the permission of the property owners have been submitted.
8. ATVs will be allowed in conjunction with this event and will be limited to existing dirt roads.

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

It was noted some of the dates have already passed.

CITY COUNCIL / MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth said he's glad it's not midnight.

Councilmember Liddiard

Councilmember Liddiard expressed concern about having a single administrator over information technology issues in City government. He would like to see redundancy and careful oversight. He was pleased with the tentative budget, but hoped more could be done for public safety.

Councilmember Jackson

Councilmember Jackson advised the audience not to take Councilmember Liddiard's comment to mean the Fire Department hasn't acquired good equipment. It has, as evidenced by the fire truck horn blast earlier this evening.

Councilmember Blackburn

Councilmember Blackburn said the Council covered good ground this evening and saw the nuances in words. He mentioned Senior Accountant Glen Sexton has accepted a position elsewhere and expressed his appreciation for Mr. Sexton's efforts in behalf of the city.

Councilmember Strouse

Councilmember Strouse echoed Councilmember Blackburn's comments about Mr. Sexton.

Mayor Richardson

Mayor Richardson had no comment.

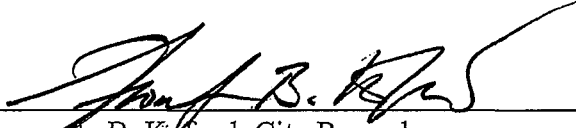
CITY ADMINISTRATOR INFORMATION

Mr. Hendrickson said the Alpine School District hoped to announce the site of the new elementary school in The Ranches area soon, possibly by this Friday. He also reported the City has made long-term natural gas purchases for the winter at a good price: one dollar less per decatherm than last year's price. It's possible the market could go lower than the contract price, but the contract only applies to part of the gas the city will need this winter. Prices for electric power are not as volatile as gas prices. The City is also working towards getting more water from the Central Utah Conservancy District. Mr. Hendrickson and Mr. Kinghorn have met with Mayor Richardson and with the District.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 11:10 p.m.

APPROVED BY CITY COUNCIL JULY 17, 2007



Fionnyala B. Kofoed, City Recorder