

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING
May 20, 2008

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

3:30 P.M. Site Visit to Proposed Bike Park – Council Members will meet at the proposed location at 3:30 p.m. within the power corridor south of Golden Eagle Road in The Ranches. A map showing the location is available upon request at the City Records Office.

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

Mayor Pro Tem David Lifferth called the meeting to order at 4:10 p.m.

CONDUCTING: Mayor Pro Tem David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. Mayor Jackson was excused

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Melanie Lahman, Deputy Recorder; Jenalee Harper, Deputy Recorder; Peter Spencer, Planning Director; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

AGENDA REVIEW

1. The City Council reviewed items on the consent agenda and policy session agenda.

CITY ADMINISTRATOR INFORMATION ITEMS

2. Update on the sewer treatment facility – Chris Trusty, Public Works Director

ADJOURN TO A CLOSED EXECUTIVE SESSION

Councilmember Ochsenhirt **moved** to adjourn to a closed executive session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. 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.

The City Council adjourned to a closed executive session at 6:03 p.m.

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

Mayor Pro Tem David Lifferth called the meeting to order at 7:00 p.m. Scout Troop 1271 led the Pledge of Allegiance.

CONDUCTING: Mayor Pro Tem David Lifferth.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (Telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jenalee Harper, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days begins May 27 and runs until June 7. A schedule of events is listed on the City Website.
- A public hearing will be held for all those wanting to comment on the Bike Park.

3. PUBLIC COMMENTS

Ms. Wendy Bagley, 1467 Hawk Way, thanked the Councilmembers for attending the major political party conventions for Utah. She is happy to see the Councilmembers creating good relationships with the legislature. She said that she can see the results of these good relationships especially when it comes to the City's transportation issues.

Mayor Pro Temp David Lifferth thanked Ms. Bagley for her involvement and representing the City at the County level.

4. CITY COUNCIL/MAYOR'S ITEMS

CITY COUNCIL COMMENTS

Councilmember Ireland

Councilmember Ireland apologized to those who had emailed him and did not receive any response. He explained that his email has not been working until recently. He also thanked Mr. Hendrickson and City Staff for responding to his questions in a timely manner.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the general public for coming to the meeting to discuss the current issues.

Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting. He asked those attending the meeting to focus on the issues at hand and to leave their emotions at the door. He explained that it does not help anyone to introduce emotions into the discussions. He also said that he was excited about Pony Express Days.

Councilmember Burnham

Councilmember Burnham expressed her appreciation for emails that she received that were both for and against the Bike Park. She appreciates people taking the time to participate in the process, and letting the Council know of their concerns and opinions. She said that often when residents have concerns they are very apologetic in emails that they send. She said that it is okay to email the Councilmembers if a resident has a concern and that there is no need to be apologetic for it. She also explained that volunteers are needed for Pony Express Days; it is a great way to be a part of the community. She asked that residents consider volunteering and if interested to contact Angie Ferre at City Hall.

Councilmember Lifferth

Councilmember Lifferth echoed Councilmember Burnham's comments. He thanked everyone for being involved with City issues. He said that different issues can not always be agreed upon but that different view points help the Council in making decisions that will best benefit the City. He also said that Pony Express Days will be a great opportunity for residents to get to know their neighbors and more about the City.

5. BOARD APPOINTMENT

Parks and Recreation Advisory Board

Mayor Pro Temp Lifferth recommended the appointment of Elaine Duke to the Parks and Recreation Advisory Board for a term of 2 years. Councilmember Ireland **moved** to approve the appointment of Elaine Duke to the Parks and Recreation Advisory Board for a term of 2 years. Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Ireland **moved** to approve the following items on the consent agenda:

6. MINUTES

- May 6, 2008 – Regular City Council Meeting
- April 6, 2007 – Budget Meeting
- April 6, 2007 – Special City Council Meeting
- April 14, 2007 – Regular City Council Meeting

7. REDUCED BOND LETTER

- A. Eagle Point Plat F

8. BOND RELEASE – Entering into Warranty

- A. Sage Valley Plat B

9. FINAL PAYMENT

- A. Probst Electric
- B. Sturgeon Electric

10. CHANGE ORDER

- A. Hard Rock Excavation Change Order for Well 5 Waterline

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.

SCHEDULED ITEMS

11. PUBLIC HEARING – Consideration and Approval of a Bike Park Plan

Planning Director Peter Spencer Presented the Bike Park Plan proposal. Eagle Mountain City is proposing a City-owned Bike Park located on City property within the power line corridor just south of Golden Eagle Road and east of the Castle Rock and Point Lookout subdivisions. The Bike Park will consist of three dirt trails with various wood bridges and technical trail features and a skills area with different features used for mountain biking. The Bike Park approval has been presented to the Planning Commission who recommended approval of the project to the City Council.

Mr. Spencer said that a lot of comments regarding the Bike Park were received from the Planning Commission and residents. All comments were reviewed by staff to try to mitigate the concerns.

Mr. Spencer explained that dust, water, parking, emergency access and bathrooms had been addressed. A top coat of compost will be laid for dust control. The City is proposing to install a permanent water line, with a hose, for City Staff to water down the Bike Park area. There will be a temporary increase in dust during the construction of the Bike Park, but water trucks will be provided to spray down the area. To help mitigate parking concerns the City will be providing parking along Golden Eagle Road near the northern end of the park. This will be approximately 400 feet of curbside parking which will accommodate approximately 20 to 22 vehicles. It is anticipated that the majority of people who use the park will bike to it rather than drive. No parking signage may be placed throughout the neighborhoods if parking becomes a problem. A dirt road to the south of the Bike Park will provide emergency access for both the Fire and Sheriff's Departments. If it becomes a problem with motorized vehicles driving onto the access point, bollards may be placed to restrict access to emergency vehicles only. It was determined that restrooms would not be needed; signage will be placed at the Bike Park directing bikers to use the restrooms at Nolan Park. An existing crosswalk near the Bike Park will have the curb side painted red 20 feet on each side of the crosswalk so that no parking will be allowed there. This will allow vehicles going along Golden Eagle Road to have enough visual sight distance to see any pedestrians or bikers crossing the crosswalk. Electromagnetic Radiation was researched and no studies were found concerning the Electromagnetic Radiation and health. Fencing around the power line towers will not be provided. Signage will be provided throughout the project that will let users know that they will be using this park at their own risk; it will also show what difficulty level different areas of the trail are.

Mayor Pro Tem Lifferth asked what size the signs would be. Mr. Spencer said that they would be 4 feet by 4 feet.

Mr. Spencer explained that the City is aware that this Bike Park is adjacent to an existing residential subdivision. He said that the design of the park has been put together to try and mitigate any negative effects to the existing residences. The design includes 3 to 4 foot tall berming with landscaping on top; this will be provided along the skills area where the majority of use will be taking place. The skills area has been placed 80 to 100 feet away from existing residences to assist with buffering the residences from the Bike Park.

Mayor Pro Tem Lifferth asked Mr. Spencer what type of landscaping would be done on the berm, and if irrigation would be provided for that landscaping. Mr. Spencer said that no irrigation would be provided for the landscaping but that a water line will be provided so that on occasion the area can be watered. He said that vegetation native to this climate will be used on the berm.

Councilmember Ochsenhirt asked for clarification on the "and trees" verbiage included in the landscaping. He asked if the trees would be full, moderate, or small in size. Mr. Spencer said that there is a list of types of trees that will be used for the landscaping. He said that the trees are limited to a certain degree because they will be located underneath the power line corridor. He explained that the trees will be 24 feet in height when they reach their maturity.

Mr. Spencer stated that a lot of discussion has taken place as to where the Bike Park should be located. He explained that there was a list of evaluation criteria that staff had reviewed which showed that the proposed Bike Park location as being the best location for this type of park. Mr. Spencer said that the City already owns a majority of the land for the proposed Bike Park. He stated that the rest of the land would soon be under the City's ownership. The current property owners have been very willing to dedicate the remaining land for the park to the City. Mr. Spencer explained that it would cost over 1 million dollars if the City had to purchase the land for the Bike Park.

Mayor Pro Temp Lifferth asked Mr. Spencer what it would cost if the City was to build the Bike Park elsewhere. Mr. Spencer explained that the numbers had not been crunched but that he would estimate it to be well over 1 million dollars.

Mr. Hendrickson said that the City recently purchased a piece of land for \$1.70 a square foot, which calculates out to about \$70,000 dollars per acre. Using these estimates it would place the Bike Park project at over 1 million dollars if the City were to purchase land.

Mr. Spencer said that the ideal type of terrain for this type of project is land that is sloped. In order to construct a Bike Park it would need to be on the proposed piece of land because it has the best topography of areas that were looked at. Mr. Spencer explained that there are other areas of the power line corridors that do have hills but there is no development around these areas, making these areas inaccessible. Mr. Spencer explained that this location is the best location for the Bike Park. He also said that it is a possibility that large events could be held at the Bike Park at some point in the future. He explained that it is not necessarily designed to handle large events but, the City would like to propose to the Council to have that as a possibility in the future. Mr. Spencer explained that any events held at the Bike Park must be co-sponsored by the City, allowing the City to require any additional parking, restrooms, safety features, etc., and to sufficiently mitigate any concerns by having an event at the Bike Park.

Mayor Pro Tem Lifferth asked if there had been any activities planned in the Bike Park area for this years Pony Express Days. Mr. Spencer stated that no events have been planned for the area this year.

Mr. Spencer said that no ATVs would be allowed in the Bike Park area. He explained that the current Bike Park plan will have barriers consisting of large boulders, and staggered fencing that would be placed at the access points to prevent off highway vehicles from using the park.

Councilmember Ochsenhirt asked if the emergency access was being left open, and if so would there be a possibility that the access is closed if off highway vehicles being to access the park using this entrance.

Mr. Spencer explained that it will be left open, however if they have problems with off highway vehicles accessing the park through this entrance, they will close it.

Mr. Spencer stated that a formal agreement between the City and WAFTA is being written which will state that the ongoing maintenance of the Bike Park will be the City's responsibility. He said that the agreement will list in detail the different responsibilities of City staff and WAFTA. The agreement states that WAFTA will conduct monthly inspections on all park features. All inspections logs will be given to the City's Parks and Recreation Department, and the City will be responsible for the maintenance. If any features of the Bike Park become dangerous the City has full right to close the park down until the feature can be repaired adequately. The main entrance to the park will be from Golden Eagle Road and existing access points from the neighboring subdivisions will remain. If necessary there will be signage restricting visitors from parking in front of the residences. The Bike Park will be open from dawn to dusk.

Mr. Spencer said the City will need to provide \$25,000 dollars towards the project and that this money will come out of the 2008-2009 budget. The Ranches HOA will provide \$25,000 towards the park as well. Mr. Spencer explained that private vendors have also volunteered materials and labor. He said that Staff and the Planning Commission recommend approval of the proposed Bike Park to the City Council.

Councilmember Ireland stated that before the City Council meeting began, the Council met with City Staff at the proposed site to look at the Bike Park. He said that there is a road located next to a park that could potentially be used for overflow parking. Councilmember Ireland asked Mr. Spencer if he knew the name of this particular road. Mr. Spencer stated that the road was located in Liberty Farms but that he did not know the name.

Mayor Pro Tem Lifferth opened the public hearing at 7:57 p.m.

(The following comments were made before the presentation, and before the public hearing was opened)

Ms. Kara Badger, 7518 Darnaway Court, presented a petition to the Council that was against the Bike Park being built under the power lines east of Castle Rock Road. Ms. Badger explained that they had only been petitioning for the past ten days. During this time she was able to contact two hundred and seventy four people. Four people refused to sign, 1 opposed, four had a conflict of interest because they were City employees, one had a conflict of interest because they worked with a local newspaper, and 7 people felt they needed more information before signing. Overall 258 people signed the petition stating that they did not want a Bike Park built east of Castle Rock Road, which equates to 94% of the residents that were spoken to. Ms. Badger said that the residents who were surveyed came from Diamond Springs, Castle Rock, Kiowa Valley, Smith Ranch, Eagle's Landing, Rush Valley, SilverLake and the City Center area. She said that if they were allowed to survey for two more weeks, they could meet the statistical requirement for a sample size of the 20,000 residents in Eagle Mountain. She said that they would meet that with a 95% confidence rate, plus or minus 5%, with an overwhelming notice to the Council and the Mayor's Office that the residents are not in favor of this Bike Park. Ms. Badger read quotes from different residents who were not in favor of the Bike Park. She also gave a petition packet to each member of the Council.

Mayor Pro Temp Lifferth asked Ms. Badger to read the top of the petition so that the audience would know what the residents were petitioning.

Ms. Badger stated that the residents were signing the Eagle Mountain Bike Course Petition. She read, "We are Eagle Mountain Residents that disapprove of the bike course, by signing this petition we are sending a strong message to the Mayor and Councilmembers to vote no on this bike course."

Mr. Cougar Hall, 7340 N Point Lookout Road, expressed his support for the Bike Park. He thanked the Council for responding to his emails. He stated that he had put an information packet together for the Council. Mr. Hall said that moving the park further north or south in the corridor will still give the project parking, and power pole issues. He asked the Council that if the project moves forward, would they allow him to share with residents exactly how the park will look, be used, and what type of people it will attract, and how this will benefit the community and residents.

(The following comments were made after the public hearing was opened.)

Mr. Daniel Burton, 2441 Ranch Road, stated that he has been a computer programmer for many years and has left his profitable career to pursue something that would give him more meaning in his life. He said that he has opened up a bike store in Saratoga Springs. Mr. Burton read portions of health articles to the Council. He said that the City needs to provide good healthy activities for the children as well as adults. He feels that the Bike Park is a great way to promote healthy activity.

Mr. Troy Blazer, 7958 N Peregrine Circle, expressed his support for the Bike Park. He said that he got involved with biking two years ago because of the close proximity to great biking, such as the foothills. He explained that biking is a great healthy activity for him as well as others. He feels that any concerns with the Bike Park can be mitigated and that the benefits that this Bike Park will bring to the community will outweigh any remaining concerns.

Ms. Danae Hearldson, 1887 E Pinion Circle, said that she understands that the City is trying to appease the residents of Eagle Mountain by bringing features like this in. She said that there has been a lot of frustration with the lack of amenities in Eagle Mountain. She feels that as a resident the Bike Park will not benefit her or her family. She said that the Bike Park will benefit very few residents but the cost and maintenance is going to be a burden for all residents. She does not see the Bike Park as a viable recreational option for her family because it is not possible for her family to bike to The Ranches because there is no trail. She said that Sweetwater Road is also too narrow to ride on safely and that she does not feel that she could pack up her family's bikes to drive them over to the Bike Park so that they can have a biking activity. She feels that many residents in City Center share her concerns. She said that she would like to see other amenities finished first before a Bike Park is built. She stated that she hopes that the Council will remember that they were voted in because the residents wanted change and a Council that was accountable to residents, not developers.

Ms. Shirley Peeples, 7572 Kidwelly Court, said that she has never been involved in community business but has voted in all of the elections. She said that she had voted for the Council as they sit tonight. She said that on Saturday she went to the City Center and went door to door to talk to residents about the Bike Park. She said that nobody was rude to her and they all thanked her for being involved. She said that many residents asked her why they had not heard about the project before; they thought that she was confused because the City was building a skate park. She said that many residents wondered why another project was being started when there are so many unfinished ones. She said that they wanted to know why their tax dollars were being used without their input. She said that she wonders how many people in the audience are actually residents of Eagle Mountain who are in favor of the Bike Park.

Mr. Fred Peeples, 7572 Kidwelly Court, said that at the last Planning Commission meeting he had asked what type of park this would be, whether it is a neighborhood park, community park or regional park. He stated that he had yet to receive an answer to that question. He said there is an expectation as to what will be provided for those different types of parks. He said that on page 2, under the parking section of the packet that the Council received, it discusses events being held at the park. He said that it reads that it is anticipated that the City will not allow any organized events from taking place at the Bike Park. He said that at the Planning Commission meeting he requested that the word will be changed to shall. He explained that the agreement between the City and WAFTA states that upon completion of the Bike Park and improvements, WAFTA may request that the City limit public access to the Bike Park during certain events or activities, such consent shall not be reasonably withheld by the City. Mr. Peeples feels that he reads this as saying that WAFTA will be having events and requesting activities at the Bike Park which contradicts what is being presented. He feels that this information has been withheld and hidden from him and finds it inappropriate.

Mr. Ben Dalton, 7608 Snowy Owl Road, said that in an email from Councilmember Lifferth it was stated that the City should spend taxpayers money on community resources that would be of use to the residents. Mr. Dalton said that in the original proposal of the Bike Park it said that most of the usage of this park is expected to come from the Eagle Mountain residents, although the Bike Park is unique it is not large enough to attract large groups of users from outside of the City. He asked if this was true, why did he find postings on statewide websites from utahmountainbiking.com that said, "the Bike Park proposal will go back to Planning Commission on May 13 at 6:00 p.m. I think this will just be a formality, it will be approved and sent to the City Council the following week, May 20 at 7:00 p.m. Please plan on being there if at all possible and if you could ride a bike that would be great, if you live too far away for this to be practical at the time of day, bring a bike with you, park at the elementary school across the street and ride from there. Bikes piled up in the lobby will certainly send a strong message. Inform everyone you know to do likewise." He said that according to Utah Mountain Biking, out of 1300 plus members only 5 come from Eagle Mountain. He said that he found another posting on KSL that had a similar proposal and request. He said that if Eagle Mountain residents are really the ones most benefited by this park, then why do proponents of it have to request for outside assistance in showing support for it. He feels that the park will not benefit the community as a whole.

Ms. Hannah Melaningham, Friday's Station, said that she really wants the Bike Park so that she can teach her sisters how to mountain bike and so that she can spend more time with her family.

Mr. Carl Johnson, 7442 Castle Rock Road, said that he was against the Bike Park not because it's a Bike Park but because City resources are very limited. He said that he moved here because he thought the City had a lot to offer, but there is still so many things that this community still needs for their residents. Mr. Johnson asked if the City had a prioritized list of facilities that the residents of this community most want, and if there is in fact a list, is there a Bike Park of this nature anywhere on the list, and if so where? He feels that there are many things and many places where the City could better spend their funds. He is concerned with volunteers building this Bike Park and asked if there was a contract with specifications that need to be met for the park to be built. He said that it was mentioned that the City will pay \$25,000 dollars to the Bike Park but he has already heard things mentioned that are not included in the \$25,000 dollars such as the water line, bollards, signage, etc.

Mr. Gary Robbins, 103 East 6980 South, said that he was opposed to the Bike Park. He feels that the park will close off the open area and access to the mountain. He said that the park will be exciting at

first but eventually the excitement will fade, especially if someone gets hurt. He said that he is opposed to the Bike Park.

Mr. Mike Boath, 1887 Dove Way, said that he was in favor of the Bike Park. He said that he rides often and he is concerned that the areas he rides in are now getting developed. He said that having the Bike Park being set aside will always give him an area to ride and he knows his kids will be safe riding in the park.

Mr. Tim Shaw, 2125 E Jordan Way, said that the concerns presented are valid and that they have been addressed and presented with solutions suitable to the situation. He is in favor of the park because it gives kids an option for recreational activities other than organized sports. He feels that it is a great location especially because it is City owned land and it is cheaper for the taxpayers. Mr. Shaw said that it is a great location because it is undevelopable land and centrally located. He feels that the survey conducted is invalid because it is only 1% of the citizens in Eagle Mountain. He is excited about the park and hopes that it is approved.

Mr. Darrin Garrett, WAFTA, said that WAFTA does not have any intent of holding any organized events at the Bike Park site. He feels that the Bike Park will not have a negative impact on the area but that it is only going to enhance a blighted area. He said that statistics show that 40% of adults consider themselves bike riders. He said that the land is not suitable for a ball field but it is uniquely suited for a Bike Park. He feels that it is of great value for the City to partner with WAFTA and the HOA to build the park. The value of the park is between \$150,000 to \$250,000. He said the contribution from the City will represent 12% to 16% of the value of the park. He feels that the positive publicity from the park has been great for the City and feels that it is great to be first to do something interesting and fun.

Mr. Greg Johnston, 3367 Castle Cary Circle, said the he was against the location of the Bike Park, not the concept. He said that both many people both near and far are against this park, he said that all people bordering the park are against it. He has only seen one individual that is close to the park that is in favor of it, he lives ½ a mile away. He said that many residents are so adamantly against the park, that in an organized and humanly fashion some would consider civil litigation to spark an injunction against the endeavor in the proposed location. He said that if the City was to propose a Bike Park in a different area, he would do many things to support it and to be a proponent of it. He said that he would rather bike on trails rather than the park.

Mr. Royce VanTassle, 3659 Royal Troon Drive, said that he has come with a number of young men and women who biked with him to the meeting. He said that he rode the distance because he wanted the Council to know that this park is an opportunity that a lot of kids look forward to. He has showed kids from his neighborhood the proposed location of the park. He said that he has been in a bike accident, and this park is a great opportunity to show mountain bikers how to stay safe.

Mr. Nathan Speer, 2848 E Hideout Drive, said that he is 15 years old and ever since he can remember he has been riding a bike. He loves biking and in his previous town he had a bike jump area that he would go to every day after school. He is excited for the Bike Park and said that his friends feel the same way. He feels that the Bike Park will be used.

Ms. Tiffany Ulmer, 1320 Harrier Street, stated that this meeting reminded her of the open space meeting. She feels that the children, as they get older, will appreciate the opportunity to go to the Bike Park and try new things. She is for the Bike Park but is concerned that no restroom facilities are

available. She suggested that the City monitor the bathroom usage and if it becomes necessary, place a port-o-potty in the area. She also encouraged the City to use the grant money and finish the trail that connects the City Center and The Ranches.

Mr. John Celaya, 3449 Appolosa Way, expressed his support for the Bike Park. He said that he is very interested in the features that go into the community. He said that he is willing to contribute his time to building the park. He also feels that the \$25,000 is a minimal cost for such a great feature.

Ms. Peggy Henry, 3356 Castle Cary Circle, said that she appreciates all of the planning and time spent on both ends. She feels that the Staff and Council are memorializing what we are as a City. She said that the posters will be hung in bike shops. She said that she has heard skate park kids described as hooligans, drug dealers and vandalizers. Her son is a skater, and she is very proud of him. She sat at the corner store once which people claim the skaters hang at. No one opened the doors for women that walked through, but she watched the skaters do it. She said that the bikers are the same way. She asked how the handicap access will be handled and if scooters will be allowed on the trail. She said that she respects the bikers. Ms. Henry explained that she lived next to the biker park and she is neither for nor against it, she is asking the Council to plan it well.

Ms. Carissa Burton, 2441 E Ranch Road, said that she had lived in Eagle Mountain for 9 years. She said that when living in Orem she biked everywhere, and when moving to Eagle Mountain she found that there is not a lot of opportunity for biking. She said that she misses biking and that it is a great thing to do with her family. She is looking forward to seeing the Bike Park built.

Ms. Karen Johnson, 7442 Castle Rock Road, expressed that she was not in favor of the Bike Park and agrees with previous statements that have been made by those that are opposed. She asked what other locations were considered for the Bike Park, and what the top three locations were. She said that relying on volunteers to build such a park would make her nervous. She said that she likes to bike ride but not mountain bike.

***Mayor Pro Temp Lifferth closed the public hearing at 8:50 p.m. ***

Mayor Pro Temp Lifferth asked Mr. Hendrickson to respond to some of the questions asked by residents in public comment.

Mr. Hendrickson said that in the year that he has been with City he has had the opportunity to work with both Councils and there has always been a concern with recreation. He said that in this upcoming budget the Council has allocated money to improve a number of parks, including the trail connecting City Center to The Ranches. He explained that on the Consent Agenda there was an approval for the construction contract between UDOT and the City to fund the trail. The City will receive a \$420,000 grant and the trail will cost approximately \$680,000 to build. Mr. Hendrickson said that the Council has allocated the funds for this trail, and that the trail will be completed by October. The City has also budgeted for upgrades to a number of City parks. He explained that the retention pond that had been fenced off in a park in City Center had been looked at by the engineer and that it should be repaired this summer. He said that the parking lot at Walden Park will also be paved. The City has formed a Parks and Recreation Board which will help the Council look at the priority list of recreational amenities. The City has also allocated funds to develop a master parks and trails plan throughout the City. Money has been allocated to build a skate park in the City Center area. Mr. Hendrickson explained that 5 design proposals have been received for the skate park, and that the City hopes to soon award a contract.

Mayor Pro Tem Lifferth asked Mr. Kinghorn what kind of protection the City had for non-performance from volunteer labor. Mr. Kinghorn responded that the agreement would have a very specific performance clause tied to specific work to be done at specific times. There would be indemnity provisions included for material payment and so forth. He said that there is no realistic way to guarantee performance unless the sponsoring group steps up and signs personal guarantees. If the work does not get finished it is possible that the City may have to send employees in to do some finish work. He pointed out that this is considered a City park and the ultimate responsibility for completion and maintenance will fall on the City.

Mayor Pro Tem Lifferth asked Mr. Spencer if the budgeted money for this project included the cost of the water line, signage and boulders. Mr. Spencer explained that those items are included in the budgeted money.

Councilmember Ireland said that it was interesting to see how different people see the same issue in terms of safety and use of the citizens' money. He said that the volunteering can be an asset or it can become a liability.

Councilmember Ochsenhirt stated that he is in a very difficult situation because he has to hear the different perspectives of many people that he sees as very dear friends. He commended both sides for their comments, and was pleased that the conversation has been respectful. He feels that the opposing comments have brought up very valid concerns, but in the same respect the proponents have done a very good job in trying to appease all of the concerns. He said that it is not possible to please everyone all of the time.

Councilmember Burnham said that the Council has received many emails regarding this issue. She explained that many emails the Council received mentioned that the Bike Park was already a done deal, and the Council has already made up their minds. She explained that those statements are not true and that she had taken time at 8:00 Saturday morning to meet with residents who were opposed to the park. Councilmember Burnham stated that she had taken all of those concerns with her and discussed them with the Council in the work session. The Council is trying to make a decision that will be best for the majority of the residents. She also expressed her concern with the petition that was conducted. She said that the majority of residents that she has spoken with have been in favor of the park. She believes the reason for this is because when she mentions the park she does it in a positive way. She feels that the survey may have been portrayed in a negative way therefore provoking a negative response. She would like to see a survey having been conducted by a party who is not partial either way to the park.

Councilmember Cieslak asked if any analysis had been done on what the long term cost of the park would be verses other City owned parks. Mr. Hendrickson said that the Parks Supervisor looked at what was going into the park and he had determined that it would be a low maintenance park. Councilmember Ireland asked how much an average park costs to be mowed, fertilized, etc. Mr. Hendrickson responded that it costs approximately 8 cents a square foot and includes water, fertilizer, mowing & equipment.

Councilmember Cieslak said that he was at the same resident meeting as Councilmember Burnham on Saturday morning. He took quite a bit of notes and throughout the meeting tonight many of those concerns had been discussed a great length. He said that he lives in the area where this park is proposed and he has been trying to make a decision that will benefit the entire City as well as appease those who

live next to the Bike Park. He explained that he is not a mountain biker, he plays basketball and reads books, and does not hold it against anyone whether they ride a bike or not. He stated that throughout the process Councilmember Burnham and himself had suggested that a survey be conducted by a non-partial entity. He said that he did not anticipate this to be such a hot item and that it would benefit the City to assess the desires of the residents throughout the City. He stated that 12 comments were made in favor of the park and 9 comments against, as well as a petition. He said that the petition conducted represents to him the individuals who don't have enough time, or enough desire to come and attend the City Council meeting.

Councilmember Ireland asked what an average sized tot lot costs. Mr. Hendrickson said that a small tot lot is about \$30,000 dollars. Councilmember Ireland stated that neighborhood parks are approved as developments come in and rarely does the Council receive feedback on tot lots. He said that his family has no need for a tot lot. He feels that the residents of Eagle Mountain have elected the City Council to represent them to use their tax monies in the best possible way. He said that he tries to use the taxpayer's money in the best ways possible and that the return on this Bike Park investment is high. He understands that many may not use this particular park, but that it would be the same with any other \$25,000 expenditure. He feels that the taxpayers' money is being used wisely. Councilmember Ireland thanked Ms. Peggy Henry for her comment about using the money wisely. In his opinion the City staff have done a marvelous job with the proposal.

Councilmember Burnham **moved** to approve the Bike Park plan. Councilmember Ireland **seconded** the motion.

Councilmember Ireland asked if only the plan was being approved tonight and not the \$25,000 budget. Mr. Hendrickson said that the budget and agreements would be presented to the Council at a later time.

Councilmember Cieslak said that the \$25,000 dollars is a small amount for the City to pay towards the Bike Park, however residents are currently biking for free. He stated that there are multiple bike trails that the City has not paid for. He felt that the financial impact of this project should not be a driving motivation for approval.

Councilmember Ochsenhirt called the question.

Those voting aye: Donna Burnahm, Ryan Ireland, Nathan Ochsenhirt, David Lifferth. The motion **passed** with a 4:1 vote.

12. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Re-Enacting Title 1, Chapter 20 of the Eagle Mountain City Development code Concerning Site Plan Reviews and Enacting Title 1, Chapter 24 Regulating Commercial and Multi-Family Design Standards

Consideration and adoption of an Ordinance of Eagle Mountain City, Utah, amending the Development Code regarding site plan reviews and multi-family design was presented by Steven Mumford, Senior Planner. A public hearing was held at the May 6, 2008 City Council meeting to discuss the proposed amendment. This Ordinance adopts the proposed amendment and new chapter to the Development Code.

Councilmember Ireland **moved** to adopt Ordinance 12-2008, Title 1, Chapter 20 of the Eagle Mountain City Development Code concerning site plan reviews and Title 1, Chapter 24 regulating commercial and multi-family design standards. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Councilmember Burnham, Councilmember Ireland, Councilmember Ochsenhirt, Councilmember Lifferth, Councilmember Cieslak. The motion **passed** with a unanimous vote.

13. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Repealing Resolution R-09-2006 and Establishing Active Duty Military utility Service Charge Abatement

Consideration and adoption of a Resolution of Eagle Mountain City, Utah, repealing Resolution R-09-2006 and establishing an active duty military utility service charge abatement was presented by Jerry Kinghorn, City Attorney. The proposed Resolution will re-enact and conform the City Resolution adopted in 2006 to the practice of allowing a utility discount to military service personnel. This Resolution also conforms to the practice of approximately 20 other cities in Utah with similar utility discount programs.

Councilmember Ochsenhirt said that he would like to see an amount that is appropriate and compassionate to the men and women of the military. He asked if the \$100 discount could be increased at a later date. Mr. Kinghorn explained that the Council can move to approve the resolution and amend the \$100 to a different number. Councilmember Ochsenhirt felt that using a percentage leaves the number too vague and he would rather see a fixed number.

Councilmember Cieslak agreed with Councilmember Ochsenhirt's comments. He asked at what point it would be possible for the City to give them a greater discount. Mr. Kinghorn explained that setting the discount too high could result in a rebate for some residents and that the gas, water, sewer and electric revenue bonds contain covenants that the City will not provide free service. Disclosure statements must include changes in the City's utility service charge systems.

Councilmember Ochsenhirt asked if it would be possible to raise the discount to \$150. He also asked if this amount would exceed the price of a resident's bill. Gordon Burt said that those living in condos could have bills significantly less than \$150 a month. Mr. Hendrickson said that the average utility bill is around \$260 a month. Councilmember Ochsenhirt asked if the agreement could read that the rebate can be up to \$150 dollars but cannot exceed 50% of the bill. Mr. Burt said that approximately 160 residents are signed up for the military discount. He said that he was unaware if the software could calculate the numbers and that most likely it would have to be a manual adjustment. He also said that there may be a few involved in the program who have bills under \$100 a month. Councilmember Cieslak agreed with Councilmember Ochsenhirt in that the rebate should be \$150 but not to exceed 50% of the bill.

Councilmember Cieslak **moved** to table Resolution R-09-2006, with direction to see if Springbrook can accommodate a complex calculation when applying rebates to the military. Councilmember Ireland **seconded** the motion.

Councilmember Ireland said that his intent of the Resolution would be to financially help families of soldiers who get called into active duty. Mr. Hendrickson explained that the resolution read that it was for inactive military who get called into active duty. He said that what happened was it ended up being give to all active military regardless if it was their full time job or not. The City feels that they should

not go back on what is currently being offered because that would mean that the discount would be taken away from some active military officers. Councilmember Burnham felt that they had moved away from the intent of the code and that many police and fire officers could be benefitted from this as well. Mr. Lifferth explained that there are many people who are very deserving of this type of discount and that a decision needs to be made wisely.

Mr. Kinghorn explained that a motion to table has been made and the motion is non-debatable.

Those voting aye: Eric Cieslak, Ryan Ireland. The motion **failed** with a 2:3 vote.

Councilmember Burnham **moved** to adopt a Resolution of Eagle Mountain City, Utah, Repealing Resolution R-09-2006 and establishing active duty military utility service charge abatement. Councilmember Ochsenhirt **seconded** the motion.

Councilmember Ochsenhirt feels that the Resolution is saying that we want our full time military people to receive financial aid. He asked if the \$100 is a realistic stipend for the people and the sacrifices they are making. He suggested passing the Resolution as proposed and at a later time it can be re-addressed if the City finds that the amount is not adequate.

Mayor Pro Tem Lifferth asked that Gordon Burt research to see if Springbrook is capable of handling a more complex number and percentage rebate and to report back to the Council with his findings.

Councilmember Ireland felt that it would do no harm to table the resolution for a month because the program is currently in use.

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

14. AGREEMENT – Consideration and Approval of a Multi Jurisdictional Mutual Aid Fire and Emergency Medical Service Agreement

Consideration and approval of a multi jurisdictional mutual aid fire and emergency medical service agreement was presented by Rand Andrus, Fire Chief. The Governor of Utah has recommended that agreements be made so that fire departments can get and give assistance from surrounding areas when the situation arises. Emergency responders have limited staffing and equipment. This agreement will enable Eagle Mountain and surrounding cities to provide and receive assistance from other emergency responders when necessary.

Councilmember Ochsenhirt **moved** to approve a multi jurisdictional mutual aid fire and emergency medical service agreement. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, David Lifferth, Eric Cieslak. The motion **passed** with a unanimous vote.

CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Cieslak

Councilmember Cieslak appreciated the discussion on the Bike Park and suggested that a non-partial survey still be conducted.

Councilmember Burnham

No Comments.

Councilmember Ireland

No comments.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the residents for coming to discuss the Bike Park. He was disappointed to see that after the decision was made those who were not in favor of the park left the meeting.

Mayor Pro Tem Lifferth

Mayor Prop Tem Lifferth thanked the audience for a thoughtful discussion regarding the Bike Park without using personal attacks. He stated that he loved public dialog, sharing thoughts and ideas and that clearly in a community like this there is no way that everyone can always get exactly what they want. There is always give and take or negotiation. He appreciated the patience of all participating.

CITY ADMINISTRATOR'S ITEMS (Were given before Council Comment)

Mr. Hendrickson reminded the Council and audience that on May 28, 2008 from 12:00 a.m. to 4:00 a.m. the City Center will have a scheduled power outage in order to connect the power lines. Mr. Hendrickson stated that the residents would be given notices. Mr. Ferre explained that Tasco is responsible for notifying the residents and that it was more costly to use the road signs opposed to leaving notices on the doorstep. Mayor Pro Temp Lifferth stated that it would be great to have a opt in email system so that residents can receive notice of these events. Councilmember Burnham said that the notices were left in mailboxes and that we need to remember that they cannot be put there, only on the door. Mr. Ferre said that he will notify Tasco.

Mr. Hendrickson said that he also had proposals from companies to build the skate park.

Mayor Pro Temp Lifferth asked that the Fire and Police Departments be notified of the power outage.

Mr. Hendrickson stated that he would be meeting with UDOT, which is looking for comments on transportation matters on state highways. Lanes will be widened on S.R. 73 from Saratoga Springs to the Ranches intersection. He is going to suggest widening the road for both the north and southbound lanes.

Mr. Hendrickson explained that the Fire Department will be going out to bid on Fire Station #2 soon. The plans have been approved through the City. The City hopes to have the bids back by June 17, 2008.

Mayor Pro Tem Lifferth asked for a sewer treatment plan update from Mr. Trusty. Mr. Trusty explained that a pre bid meeting had been held two weeks ago with the contractors. It was decided to postpone the bid opening because the contractors did not feel that this gave them adequate enough time to get pricing from their suppliers. Mr. Trusty said that the meeting date has been moved to Thursday and that the Council will be provided with a basic analysis of the proposals.

ADJOURNMENT

Councilmember Ochsenhirt **moved** to adjourn the meeting at 10:03 p.m.

APPROVED BY CITY COUNCIL MAY 20, 2008



Fionnuala B. Kofoed, City Recorder