

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

September 5, 2006

Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Brian B. Olsen called the meeting to order at 4:10 pm.

CONDUCTING: Mayor Brian B. Olsen

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

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gordon Burt, Treasurer; Shawn Warnke, Management Analyst; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Chris Trusty, City Engineer; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

**MAYOR’S BUSINESS**

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

**PRESENTATION**

News Video – “Trading Spaces” Television Show Tapes in Eagle Mountain.

**AGENDA REVIEW**

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

**ADJOURNMENT**

Mayor Olsen adjourned the meeting at 6:07 p.m.

**7:00 PM – POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Brian B. Olsen called the meeting to order at 7:12 p.m. Nate Shipp led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

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

CITY STAFF PRESENT: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gordon Burt, Treasurer; Shawn Warnke, Management Analyst; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Chris Trusty, City Engineer; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

## **MAYOR'S ITEMS**

Mayor Olsen presented Kevin Roche as the first member of the newly-created Cemetery Board and introduced Linda Peterson, the City's new Public Information Coordinator.

Chief Andrus swore in three newly-hired firefighter/paramedics: Bryan Miner, Clark Clifford and Chad Gottfredson.

City Treasurer Gordon Burt announced personnel changes in the Finance Department.

## **PUBLIC COMMENTS**

Ms. Janiece Sloan, 2275 Coyote Street, requested that the Mayor and Council consider changing the city's form of government from traditional Mayor/Council, in which executive and legislative functions are not separated, to the optional Mayor/Council form to better serve the City. She said that this form tends to begin delegating functions to a City Manager. That position is eventually formalized by ordinance. Eagle Mountain has avoided this effect by making the Mayor's position full time and adding a full-time City Administrator. This process will require a special election. She suggested that the Council consider a resolution at the next meeting to research this option in depth, as there will be many questions that will need to be answered.

Ms. Debbie McInelly, 4443 Osprey Way, said that she has been trying to buy public open space for three years. Staff told residents that there was no application procedure for land disposal. She stated that Mr. Spencer told her that everyone in the subdivision had to purchase land to avoid zigzag fencing. She and her neighbors signed a petition indicating their interest in purchasing land, then they were told that every household had to submit an individual letter, so they did that. The City Council told them that every household in the area in question had to be part of the group requesting the land purchase and needed to select a representative. They did that, selecting Ms. McInelley. Seven weeks ago, she went to the Planning Department. Mr. Spencer asked for pictures of where the fencing would go. The residents are in that process now. She was very frustrated that their application is a group application, although they have submitted individual letters. She was also frustrated that the Jones application was allowed. She did not think that this group of residents should be subject to the moratorium on acceptance of land disposal applications. She stated that she has tried four times to meet with the Mayor. She expressed appreciation of the cleanup of City land in the area.

Ms. Loreen Cole, 3451 Peregrine Road, questioned whether enough public safety, with an adequate budget, is included in the Evans Ranch plan. She requested a guaranteed completion date for the Porter's Crossing Road bridge. Before any construction begins, she wanted the construction traffic near Pony Express Parkway addressed. She also wanted to know what happens to water rights when a developer defaults. Mayor Olsen asked her to defer that question until after the meeting.

Ms. Amy Plott, 4134 Sioux Street, said that she has attended Planning Commission meetings and has been treated disrespectfully by the Chair, as were others including Councilmember Liffereth, and would like that to be addressed. She stated that she was not notified of the meetings involving Evans Ranch. She asked that open space to be considered when new subdivisions are planned.

Mr. Dietmar Scherf, 7352 Lewis Street, commented on the rezoning of Evans Ranch from agricultural to residential. His concern was with incompatible densities in adjoining areas. He did not want to see Eagle Mountain become a metropolitan area like Los Vegas. He also complained of rudeness he experienced from the Chair of the Planning Commission.

Ms. Wanda K. Hiller, 4413 Osprey Way, expressed frustration because she has been asking for a land disposal application for nearly two years and was told that there was not one. She appreciated the City's cleanup of the mess behind her house.

Ms. Mary Christensen, 4113 Pinion Circle, stated that she asked in June about lighting along the pathway to Eagle Valley Elementary School. She said that the Mayor promised her that he would give her an answer and has not, which is very frustrating. Second, there is a wire between her house and the berm that may be a hazard. Third, while the City considers renaming streets, it should consider streets which go from east to west with no intersection to delineate where the change occurs, as well as those which have two directions in one street name.

## **CONSENT AGENDA**

The July 18 and August 15, 2006, minutes and the City Parks project bid awards were removed from the Consent Agenda.

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

### FINAL PLAT APPROVAL – Pioneer Addition – Plat 7B

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

## **SCHEDULED ITEMS**

### PUBLIC HEARING – Evans Ranch Master Development Plan REVIEW – Consideration of the Master Development Plan for Evans Ranch at SilverLake

The master development plan for Evans Ranch at SilverLake, consisting of one 120-acre parcel situated immediately between The Ranches to the west and SilverLake to the east, was presented by Planning Director Peter Spencer.

The purpose of the master development application and approval process is designed to ensure that large tracts of land proposed for development undergo detailed and coordinated land use planning. The City Attorney has suggested that this item be handled in two separate meetings. First, the proposal is presented to the City Council and a public hearing serves to provide feedback and comments from the public. At a later date, the proposal will be brought before the City Council for action.

*\*\*Mayor Olsen opened the public hearing at 8:05 pm.\*\**

Mr. Dietmar Scherf, 7352 Lewis Street, stated that he lives along the edge of the proposed master plan area and is concerned about loss of the view, increased traffic congestion, and excessive speed on Porter's Crossing. He believed that the high-density rezone is incompatible with other the zoning in the area. He requested buffering between the high-density area and lower-density areas.

Ms. Michelle Larsen of Clark Street was concerned about the higher density zoning, which will diminish the quality of life and beauty of the city.

Ms. Noelle Pace of Lewis Street said that the soccer games at Nolan Park are packed with people and there are not enough parks for children to play in, especially not older children. There are no sports playing fields except for Nolan Park. She and her husband have to go to Lehi to play softball. She is also concerned about traffic.

Ms. Christine Hull of Eagle Point stated that there is no need for additional housing in Eagle Point until the concerns of current residents are resolved.

Mr. Bob Magonigal of Clark Street said that he has lived in Eagle Mountain for seven days and is concerned that rezoning in Evans Ranch will diminish the quality of life in Eagle Mountain. He paid what he did for his property in part because of the beautiful view. He would rather see playing fields than additional homes. He would like to see recreational amenities in the City that he now has to drive out of town for.

Ms. Debbie McInelly, 4443 Osprey Way, stated that this area is very beautiful. Building additional homes without adequate recreational facilities in the city is short-sighted. Teens without things to do become involved in crime and immoral activity.

*\*\*Mayor Olsen closed the public hearing at 8:28 pm.\*\**

Councilmember Jackson **moved** to approve the master development plan for Evans Ranch at SilverLake. 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.

PUBLIC HEARING – SilverLake Master Development Plan Amendment  
ORDINANCE – Consideration and adoption of an ordinance amending the SilverLake Master Development Plan

An amendment to the SilverLake Master Development Plan was presented by Planning Director Peter Spencer. The current SilverLake Master Development Plan is vested with up to 2,101 dwelling units over a total of approximately 483.7 acres. Although the application before the City Council will not change the overall number of units within SilverLake, it does propose to slightly change both the acreage and number of units in each of the remaining single-family and multi-family bubbles. The proposed changes are consistent with the City's General Plan Map.

*\*\*Mayor Olsen opened the public hearing at 8:29 pm.\*\**

Ms. Amy Plott, 4134 Sioux Street, requested that more parks be added to compensate for higher-density areas. She would like promised parks to be built, rather than being overlooked.

Ms. Tiffany Ulmer, 1320 Harrier Street, asked if Eagle Mountain would wind up with adjacent low-density and high-density areas like there are in Saratoga Springs.

Mr. Dietmar Scherf, 7352 Lewis Street, was concerned about crime potential from a higher population. He stated that one of his windows has already been shot. He said that the one school planned for the area in question will not be adequate for the number of students to be enrolled.

Mr. Laurence Meth of Eagle Park stated that Eagle Mountain's slogan is "Utah's New Frontier." He said the city's frontier is becoming house after house. He and his wife do not see parks being included in the development plan. Parks need to be adequate to serve children moving in.

Mr. Bob Magonigal of Clark Street asked if the regional park next to the school is for city use only or for school use, as well. He would like another park located between the two subdivisions in the proposed master plan.

*\*\*Mayor Olsen closed the hearing at 8:40 pm.\*\**

Councilmember Jackson **moved** to approve an ordinance amending the SilverLake Master Development Plan. Councilmember Lifferth **seconded** the motion.

Councilmember Jackson clarified to the citizens that the developer is already approved to have high-density housing in the subdivision. Development Associates is requesting a reduction in density per acre. She appreciated the developer's effort to better the community.

Councilmember Lifferth stated that Development Associates does more than they are required to do, such as building the SilverLake Amphitheater. He said that previous poor zoning in the city will not be repeated.

Mayor Olsen 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.

PUBLIC HEARING – FY 2007 Budget Amendments

RESOLUTION – Consideration and adoption of a resolution amending the fiscal year 2007 budget

The budget amendments were presented by City Treasurer Gordon Burt.

*\*\*Mayor Olsen opened the public hearing at 8:50 pm. Hearing no comments, he closed the hearing.\*\**

Councilmember Lifferth **moved** to approve the amendments to the fiscal year 2007 budget. Councilmember Jackson **seconded** the motion.

Councilmember Jackson expressed appreciation for the City's conservative spending, which lets the Council know that requests from department heads are really necessary.

Councilmember Blackburn objected to the 2003-2004 effective date of the ordinance. Mr. Kinghorn explained that the preamble makes it clear that the ordinance is for this fiscal year.

Councilmember Liffereth amended the motion to reflect the current budget year.

Councilmember Blackburn objected to the transfer of funds between departments. Mr. Burt explained that the applicable State statute defines four departments for budgeting purposes. As long as funds are not transferred from one of these departments to another, it is not considered an interdepartmental transfer according to law.

Councilmember Blackburn stated that this procedure negates all the work done during the budget session, because department heads can transfer funds without City Council approval. Mr. Kinghorn replied that the purpose of the budget sessions was to help the Council arrive at aggregate totals and not individual amounts. Mr. Kinghorn stated that the Council may define more departments by ordinance, but at this point has not done so, so the requested budget amendments are legal.

Mayor Olsen stated that the transfer from Council travel and training funds to the City Receptionist station is in response to residents' requests for the telephones to be answered by a person rather than going to the phone tree. The Utility Clerk position is in response to requests for more effective processing of increased numbers of utility accounts.

Mayor Olsen called for a roll call vote. Those voting yes: David Blackburn, abstain; Heather Jackson, yes; Vincent Liddiard, no; David Liffereth, yes; Linn Strouse, abstain.

The motion **failed** by a vote of 2:1 with two abstentions.

Mayor Olsen asked the citizens to hold the Council accountable for cutting City services.

ORDINANCE – Consideration and Adoption of an Ordinance Enacting a Temporary Regulation Prohibiting the Acceptance of Land Disposal Applications

The proposed ordinance was presented by Planning Director Peter Spencer. He asked Mr. Kinghorn if he had any comments. Mr. Kinghorn explained the specific and temporary nature of the ordinance.

Councilmember Strouse asked if the fee could be included in the consolidated fee schedule and be estimated based on the applications which have already been received and if current applications would be grandfathered in. Mr. Kinghorn said that the one or two applications that have already come in will be processed.

Councilmember Jackson asked for clarification of whether there was one application that has been entirely submitted. Mr. Kinghorn said that one application has been submitted and petitions have been submitted, although petitions are not applications.

Councilmember Blackburn asked how or if the City is contacting those who believe their petitions are applications to let them know that the petitions are not applications. Perhaps those people could be

grandfathered in. Mayor Olsen responded that it was decided in Cabinet meeting to contact the If that doesn't work, then the City may have to take additional steps.

Councilmember Jackson pointed out that a petition is never considered a formal application. Mr. Spencer followed up that comment by saying that the ordinance is specific on what is required for an application.

Councilmember Lifferth asked for an approximate amount for the fee. Mr. Spencer said that the fee has to reflect the staff time used. It would probably be less than \$1,000.

Mayor Olsen replied that the new ordinance would prevent zigzag boundaries if one neighbor in a group was unable to follow through with the application.

Councilmember Jackson **moved** to approve the motion. Councilmember Blackburn **seconded**.

Councilmember Lifferth proposed amending the motion to say a maximum of six months, and as expeditiously as possible. Councilmember Jackson accepted the amendment to the motion. Councilmember Blackburn accepted the amendment to his seconding of the motion.

Councilmember Liddiard was concerned that no action has been taken for those who believe they've nearly completed their applications. He would like a ten-day grace period before the ordinance takes effect and a shorter period than six months to develop a procedure. He said that citizens should have rights of due process and timely turnaround.

Councilmember Liddiard **moved** for those amendments. Councilmember Jackson did not accept the amendment to the motion.

Councilmember Jackson asked for fairness for the citizens currently applying. She suggested keeping track of those who have been trying to purchase open space. Perhaps they could be given a discount because they've been working on the process. She asked Mr. Spencer to keep a list of these people and be prepared to provide an equitable solution in their fees.

Mr. Spencer said that four to six months won't materially change the worth of the land acquisition to the citizens. If the ordinance isn't passed, there will be an excess of applications that will have to be processed, and will be processed to the detriment of other needs.

Councilmember Strouse requested an amendment to the motion that would give leaders of groups notification of the progress of their applications.

Councilmember Jackson's comments are reported verbatim at her request:

"All you're saying is, it sounds like what you're saying, Linn, is that if we add the fact that everybody needs to be notified that are currently requesting the information, that they be notified throughout the process of doing this, that you're more inclined to then vote for it to be set aside. Is that what you're saying? I will be happy to amend my motion to allow notification, a notification process to be put in place throughout this prospective time frame. Specifically, please keep Ms. McNelly informed. Did I say it right?"

Mr. Kinghorn stated that the **motion** is for adoption of Ordinance 22-2006 to place a moratorium on land disposal applications, to take effect when enacted, with the amendment that citizens petitioning be notified during the process.

Councilmember Lifferth **moved** to approve the motion. Councilmember Jackson **seconded**.

Councilmembers voting aye: David Blackburn, Heather Jackson, David Lifferth and Linn Strouse.

Councilmember Liddiard abstained.

The motion **passed**.

RESOLUTION – Consideration and adoption of a resolution acknowledging and accepting assignment of banked water entitlement

Mr. Kinghorn presented the resolution.

Councilmember Lifferth **moved** to approve a resolution acknowledging and accepting the banked water entitlement. Councilmember Jackson **seconded**

Councilmember Strouse asked if this action set a questionable precedent. Mr. Kinghorn said that this has been done before, but has not previously been documented in this way. Councilmember Strouse asked about the potential for litigation. Mr. Kinghorn replied that there is always that potential, but this instance does not increase the City's risk.

Councilmember Blackburn asked if a Council member may notarize documents that come before the Council. Councilmember Jackson asked Mr. Kinghorn if there is ever any problem with her notarizing any document. Mr. Kinghorn replied that there is not.

Councilmembers voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** unanimously.

## **CITY COUNCIL ITEMS**

### COUNCIL COMMENTS

Councilmember Jackson reported that a bus stop issue brought to her attention has been handled. She asked the status of the PUD ordinance. Mr. Kinghorn referred the question to Mr. Spencer. Councilmember Jackson asked about the status of the parks meeting that she requested at the last Council meeting. She mentioned that the Jericho Road concert was a wonderful event, handled well, with good public safety protection. She said that last week there were meter issues which the staff was incredible in solving. She was outraged that the Council couldn't pass an amendment to give the Building Official the help that he needs.

Councilmember Liddiard asked the status of the North Fire Station expansion.

Councilmember Strouse stated that budget questions need to be answered when there is time for extended discussion. She wanted a change in the form of government to be placed on the agenda. Her



opinion is that the City needs to move on this issue because it will take a long time. She requested more hours for the Code Enforcement Officer and asked if the fire hazard in Eagle Park had been resolved. She repeated her question from last Council meeting regarding what process will be in place to ensure that Council requests are being acted on. She said that, regarding the speeding issue on Porter's Crossing Road, the City should use the same creative solution that was used in a previous speeding situation.

Councilmember Blackburn said he drove by the Nolan Park restrooms and found them still not finished. He would like a time frame for completion. He spoke to a hard-working parks staffer, Chase Baker, whose team replaced sixty sprinkler heads in one park strip and has done so twice before. Councilmember Blackburn would like staff to check on sprinklers more often.

Councilmember Lifferth requested that Mr. Kinghorn's findings on Brigham Morgan's allegations against him to be made public, since the allegations were public. He said that any Council member who votes against the budget amendments loses the right to complain about lack of City services.

### COMMUNICATION ITEMS

Upcoming agenda items  
August 2006 financial report  
Fire Department grant letter  
Fire Department staffing letter  
Lake Mountain transportation study letter  
Page v. UAMPS litigation letter  
Mayor's Office Mid-year Executive Summary  
July building permits report  
Press releases/news articles

### ADJOURNMENT

Councilmember Lifferth **moved** to adjourn the meeting at 9:45 p.m.