

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

September 19, 2006

Eagle Mountain City Council Chambers, 1650 East 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 4:20 p.m.

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; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Gordon Burt, Finance Director; Chris Trusty, City Engineer; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Rand Andrus, Fire Chief; and Jason Randall, Sergeant.

**PRESENTATION**

Doug Legge presented an update from Corix.

**MAYOR'S BUSINESS**

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

**AGENDA REVIEW**

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

Mayor Olsen closed the Work Session at 7:06 p.m.

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

Mayor Olsen called the meeting to order.

Chief Rand Andrus led the Pledge of Allegiance.

CONDUCTING: Mayor Brian B. Olsen

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Director; Chris Trusty, City Engineer; Peter Spencer, Planning Director; Mike Hadley, City Planner; Kent Partridge, Building Official; Rand Andrus, Fire Chief; and Jason Randall, Sergeant.

## **MAYOR'S BUSINESS**

Mayor Olsen asked Councilmembers to declare any conflicts of interest regarding items on the agenda.

Mayor Olsen recommended appointing David Anderson and Richard Glad to serve on the Cemetery Advisory Board. He then introduced David Anderson. He also introduced Richard Glad who was not able to attend.

Councilmember Liddiard **moved** to appoint David Anderson and Richard Glad to the Cemetery Advisory Board. 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 Recorder Gina Peterson administered the oath of office to Mr. Anderson.

Mayor Olsen read a letter he wrote in response to requests for special City Council meetings on Friday, September 22, 2006. He stated the meetings scheduled to amend the Mayor's wage were not noticed in adequate time and the amendments were not available for public view long enough to make budget amendments. He stated any actions in those meetings would be illegal according to sections 10-6-112-114 and 10-6-126-7 of the State Code.

Mayor Olsen presented news stories regarding petroglyphs in Eagle Mountain City.

## **PUBLIC COMMENTS**

Stan Lyman an eight-year resident of Eagle Mountain stated he appreciates the work and passion of the City Council. He suggested these officials communicate with each other respectfully. He referenced the Constitution to explain varying opinions and contrasting thoughts can achieve great compromises. He believes the Council should work together to achieve what is best for the City and lay aside personal agendas. Mr. Lyman commends leaders who sacrifice their own personal agendas for what is good for the City and who are unified. He noted Eagle Mountain's reputation is often determined by the manner in which the City's leaders represent themselves. He said the negative energy displayed in recent Council meetings could be turned around to positively lift the City to a new direction.

Adam Ferre stated he has been an employee of Eagle Mountain City since 1997 and a resident since 1999. He expressed disappointment the budget amendments were not passed at the last City Council meeting. He noted he supervises the gas and electric utilities, and the employees of those departments set over 200 meters per month. His employees respond quickly when a request is made. Mr. Ferre expects answers from the City Council when requesting new positions and does not feel it is fair to be told it's not a priority at this time. Employee morale is the lowest he has seen it in eight years because employees are underpaid and overworked. He noted several employees of the city are looking for other employment. He feels his department has become a training ground for individuals to learn skills and then leave for better-paying, less demanding jobs. Mr. Ferre expressed concerns with stability, as there has been discussions of selling the City owned utility systems. He said many employees work here for more than the pay and the hiring of Mike Wren has been a very positive thing. He asked for the resources necessary to do his job so that his department can give the citizens the best quality service.

City Employees Lori Jolley, Johna Rose, and Chad Bryce concurred in writing with Mr. Ferre's comments.

## CONSENT AGENDA

### MINUTES

A. July 18, 2006 – Regular City Council Meeting

### DEVELOPMENT AGREEMENTS

A development agreement is the formal acceptance by both City and developer of all rights and obligations associated with and related to the development of a previously approved subdivision. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation in the development agreement. The development agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project. The City will approve development agreements on the consent agenda if a final plat has already been approved. The agreements for approval are as follows:

A. Heatherwood

Councilmember Jackson **moved** to have a separate motion for the minutes on the Consent Agenda. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Liffereth and Linn Strouse. The motion **passed** with a unanimous vote.

Councilmember Jackson **moved** to approve the July 18, 2006 minutes as amended. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, David Liffereth and Linn Strouse. Councilmember Liddiard abstained because he was not in attendance at that meeting. The motion **passed** with a majority vote.

Councilmember Liddiard **moved** to approve the Development Agreement for Heatherwood. Councilmember Jackson **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

### AGREEMENT – Consideration and Approval of an Agreement with UAMPS for Government Public Affairs Project Participation

Public Works Director Mike Wren explained the city is paying approximately \$11,000 annually to UAMPS to be part of their municipal lobbying group. Other municipalities are benefiting from the lobbying efforts, but are not absorbing a proportional share of the costs. This agreement requires any municipality that benefits from the UAMPS lobbying efforts, to officially join the effort, or they will no longer benefit. If all the municipalities join, the cost will be spread over more entities, thus our costs will decrease. The city benefits from this lobbying effort and we recommend continuing with UAMPS, particularly in this lobbying agreement.

Councilmember Strouse **moved** to approve the agreement with UAMPS for Government Affairs Project Participation. Councilmember Liffereth **seconded** the motion.

Councilmember Lifferth stated he is pleased the cities who do not wish to participate will be required to pay.

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

RESOLUTION – Consideration and Adoption of a Resolution Declaring Sewer Pump Station Screens as Surplus Property

Mr. Wren explained that in December of 2005, the city purchased a \$79,740 screened pump for the wastewater treatment plant headworks. The pump has never been installed, and is not the correct type of hardware for our plant and cannot be used. It was manufactured as a pump intended for a sewer lift station. In discussions with Stantec Engineers, staff has requested they incorporate this pump in the future design of the new wastewater plant, but they are insistent the pump cannot, and should not, be used. Mr. Wren recommended the pump be declared as surplus and staff be instructed to seek buyers and dispose of the pump for the best price.

Councilmember Jackson **moved** to adopt Resolution R-17-2006 declaring sewer pump station screens as surplus property. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson stated the Council asked several questions during Work Session regarding whether the equipment could be used elsewhere, and Mr. Wren assured them that he would do whatever possible to mitigate the City's costs. She explained the sewer pump station screens were purchased for an aerated lagoon wastewater treatment plant, which the State had recommended the City build. Since that time the City decided to build an oxidation ditch wastewater treatment plant and the screens are no longer of use.

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

AGREEMENT – Consideration and Approval of an Amended Agreement with SITLA for Trails

City Attorney Jerry Kinghorn stated the agreement with SITLA for trails was previously approved by the City Council; however, to meet certain grade requirements it is necessary for the trail alignment to leave the established right of way the City received from SITLA. It was also discovered SITLA had not provided certain easements through some roads entering the SITLA property through Sweetwater North Road. He explained this agreement will amend the original agreement by providing additional easements for the City.

Councilmember Jackson **moved** to approve an amended agreement with SITLA for trails with a correction to the City's address. Councilmember Blackburn **seconded** the motion.

Councilmember Jackson appreciated this item being brought before the Council in a timely manner so the project can continue moving forward.

Councilmember Liddiard commended SITLA for helping to fund and improve this historic area, even though they have no homes built there.

Councilmember Lifferth recognized SITLA for being a good corporate citizen, and identifying the problem and bringing it to the City's attention.

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

ORDINANCE – Consideration and Adoption of an Ordinance Amending the Youth City Council Requirements to Change the Age Limit from 9th to 12th Grade to 7th to 12th Grade

Mayor Olsen explained the Eagle Mountain Youth City Council has been in operation since 2002. Councilmember Strouse has recommended the age limit be extended from its current age limit of 9<sup>th</sup> to 12<sup>th</sup> grade to the proposed 7<sup>th</sup> to 12<sup>th</sup> grade.

Councilmember Strouse **moved** to adopt Ordinance O-23-2006 amending the Youth City Council Requirements to change the age limit from 9<sup>th</sup> to 12<sup>th</sup> Grade to 7<sup>th</sup> to 12<sup>th</sup> Grade. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse stated the Youth City Council has been a wonderful project beginning in 2002. She explained the program was originally designed to help at risk youth with the belief that by involving these youth in the community they will become better citizens. She noted the program also gives youth the opportunity to understand the roles of government at the different levels and how they interact with one another. Councilmember Strouse explained the Youth City Council gives youth the opportunity to participate in the community. They have many wonderful activities including dances, fund raising, visits to the Legislature and other activities. She stated she brought this proposal to the Mayor in May and highly encouraged the Council to approve the ordinance. She noted she resigned from the Youth Council, effective Sept 1.

Councilmember Liffereth told the Mayor his challenge is to find someone as energetic and committed as Councilmember Strouse to work with the Youth Council.

Councilmember Jackson agreed with Councilmember Liffereth's comments.

Councilmember Strouse said Wendy Lojik is one of the advisors of the Youth Council and has a couple of assistants, but there is at least one position available.

Mayor Olsen invited those interested in working with the Youth Council to call him.

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

Mayor Olsen stated a pornography audit was done on all City computers. He asked all members of the City Council to give their City computers to Mike Wren tonight so they can participate in the audit.

Councilmember Jackson stated her City computer is at her home; however, she will go home and get it after the meeting and bring it back to the City Offices.

Councilmember Liffereth stated his computer is his own, but the hard drive belongs to the city, which he will turn in tonight.

## **CITY COUNCIL BUSINESS**

### COUNCIL COMMENTS

Councilmember Liddiard stated he likes the new traffic light on SR 73. He explained he visited with an employee from UDOT last Saturday who was working on the light. He noted UDOT continues to work on tweaking it, especially so that left-hand turns are facilitated. He advised the public to feel free to contact UDOT with comments, concerns or praise.

Councilmember Lifferth stated he wore a patriotic tie in honor of Constitution Day that was last Sunday. He appreciates that wonderful document which provides us with so many of the freedoms we enjoy. He feels it is important we appreciate that document.

Councilmember Liffereth stated he has received a legal statement from Mr. Kinghorn regarding charges of illegal activity against him by Brigham Morgan, which he will post on his web site.

He feels the petroglyphs are a great asset to the City; however, he expressed concern with vandalism to the petroglyphs in the city, as has happened to other historical items. He asked if they could be moved to City Hall. Councilmember Liffereth requested an update on the paving in Cedar Pass Ranch, which was recently approved by the City Council, and doesn't appear to have made any progress. He stated he is pleased to see the progress on the gas station in the Ranches and looks forward to seeing that come forth. He would like the Mayor to more fully explain the rejection of the requests for special City Council meetings.

Councilmember Jackson said she is glad to see the new traffic light along SR 73 and Ranches Parkways; however, it needs attention. She would like the City to continue working with UDOT to correct the problems. She noted a traffic light is supposed to contribute to public safety, not hinder it.

Councilmember Blackburn referred to the problems with the traffic light. He feels in the long term, it will be a benefit to the city, although right now it appears to be a burden.

He stated the Council is not failing to support the employees. He apologized the actions of the City Council may come across that way. He stated the way the budget was presented and some of the other items in the budget did not sit well with him. He noted staff issues were on the agendas of both special City Council meetings scheduled for Friday. He stated the City Council is aware of staff's needs and they are working to remedy that problem. He explained the Council's concerns were with budgetary details and control of the budget. He asked the staff in attendance to share that information with their departments.

Councilmember Blackburn asked the Parks Department to start the winterization of the sprinklers. He said the Mayor's letter needs clarification because the sections cited only apply to a tentative budget and since this is a budget amendment it would apply to sections of the State Code on budget continuing authority of the governing body. He stated his understanding that both City Council special meetings are still legal and asked for further legal clarification.

Councilmember Strouse said the petroglyphs are a special area of the city. She has worked on the history of the Pony Express Trail with the Pony Express Trail Association, with the Hutchings Museum, and with Mark Trotter at the Stagecoach Inn discussing these petroglyphs. She is scared of the publicity about the petroglyphs leading to possible vandalism, and would like to see a protection plan for

the area from the Sheriff's Dept. She explained UDOT only allows a limited number of signs along the Pony Express Trail, and Tooele has the sign allowed for the Pony Express Trail. She would like to talk with UDOT about moving the sign to Eagle Mountain. She announced that if anyone would like to donate money to the Pony Express monument Mayor Olsen has the contact information.

Mayor Olsen stated the landowner has the right to do as he likes with the petroglyphs, but he chose to cooperate with the City and protect the site. The final subdivision plat will include a protection proposal. The Council can enact an ordinance to give the Mayor power to enforce protective laws.

Councilmember Strouse thanked Charles Hatton for pointing out, in the August 15 meeting, the petroglyphs were in the area of a planned subdivision. She stated this is one of many examples of wonderful citizen input into the city. She would like to know if the Antiquities Act covers these petroglyphs. Mr. Kinghorn responded the Antiquities Act only applies to Federal land and not to private properties.

Mayor Olsen asked Mr. Kinghorn to give the Council some legal advice regarding the special sessions and the letter Mayor Olsen gave the City Council. Mr. Kinghorn said that sections 126 and 127 deal with budget amendments. He stated section 10-6-127 says the procedures used for budget amendments are the same procedures as adopting the regular budget. He said in the notice for the meeting Councilmembers Jackson and Liffereth called there was an error citing the materials would be available Thursday September 21, which does not comply with the 10 day notice requirement. The statute needs work to clarify notice requirements, but compliance must be exact. The notice procedures are in Utah Code Sections 10-6-113 – 114.

Councilmember Liffereth commented that was a typographical error and there was substantial compliance with the law so the notice should stand. Mr. Kinghorn commented with noticing that can't be done.

Mayor Olsen asked Mr. Kinghorn to summarize his letter to the Council. Mr. Kinghorn stated there is a question about the notices for both Special City Council Meetings and if the meetings are held he recommends the City contact the State Auditors Office prior to signing anything into law. He stated he is not the final authority on the budget procedures act. He commented there are potential problems with amending the budget with the notices provided.

Councilmember Blackburn stated he agrees; however, section 10-6-127 says the procedures need to be followed in 10-6-113 and 114, which include a 7 day notice. Mr. Kinghorn and Councilmember Blackburn discussed whether this proposed budget amendment would be classified as a tentative budget or budget amendment.

Councilmember Blackburn asked when the earliest legal meeting could be held according to when the paperwork was turned in. Mr. Kinghorn stated he would have to review the notices.

Mayor Olsen said it's good citizens get to see what the Council is asking for and what they want done with City government. He recommended they take a very close look at what has taken place.

Councilmember Jackson mentioned Mr. Burt handed out a revised summary of expenses and revenues for July and August. She appreciated that he did and noted there was a communication item on the last agenda that stated half of the yearly budget had been spent. She appreciated that report from Mr. Burt, which corrected the previous error.

Councilmember Lifferth said he couldn't open two of the documents on the CD, so he wasn't able to read those documents.

ADJOURNMENT

Councilmember Strouse **moved** to adjourn the meeting at 8:15 p.m.