

**MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING**

October 3, 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 4:10 pm.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson (arrived at 4:30 p.m.), Vincent Liddiard (arrived at 4:55 p.m.), David Lifferth and Linn Strouse.

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

MAYOR'S BUSINESS

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

AGENDA REVIEW

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

Mayor Olsen excused himself temporarily from the meeting at 5:00 p.m. Councilmember Lifferth chaired the meeting in his absence.

ADJOURNMENT

Councilmember Lifferth adjourned the Work Session at 6:42 p.m.

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

Mayor Brian B. Olsen called the meeting to order at 7:10 pm. Chris Trusty 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 (arrived 7:25 p.m.).

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant.

CONFLICTS OF INTEREST

Mayor Olsen asked if any Council member had a conflict of interest to disclose. There were no responses.

MAYOR'S ITEMS

Mayor Olsen played an audio clip of the Doug Wright radio show regarding a *Chicago Tribune* article claiming that most residents of Eagle Mountain are polygamous. In response to the article, Mr. Wright had Mayor Olsen as a guest on the show. Mayor Olsen thanked the various news outlets which responded to the story.

BOARD APPOINTMENT – Cemetery Board

Mayor Olsen introduced Mr. Ronald Wood and recommended that Mr. Wood be appointed to the Cemetery Board.

Councilmember Jackson **moved** to approve the appointment of Mr. Ronald Wood to the Cemetery Board. Councilmember Blackburn **seconded** the motion. Councilmember Jackson said that she has worked with Mr. Wood and commended him for everything he has done for the city. 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. Wood.

Mayor Olsen asked City Engineer Chris Trusty to report on the construction of the Nolan Park restrooms. Mr. Trusty said that he was unable to reach the contractor today, but visited the site and said the roof needs metal sheathing on the roof. Plumbing and electricity need to be installed, as well as rock fascia. The project is expected to take another three to four weeks.

The update on the wastewater treatment plant was postponed. Councilmember Blackburn asked for regular reports to the Council on the progress of the plant.

MAYOR'S COMMENTS

Mayor Olsen responded to recent public comments during a recent emergency special City Council meeting. He stated that, as Mayor, he was only interested in the facts. He will embrace anything that is proactive and constructive in building the city. He showed a flyer that was distributed on the special meeting on September 22, which also contained many questions.

1. He has been accused of refusing to allow City Council members to place items on the agenda. He stated that he provided a letter to the City Council dated September 5, 2006, which stated “ that I will consider any legitimate, properly submitted request by a Council member to have items placed on City Council meeting agendas. I will attempt to accommodate any such request in a reasonable manner.”
2. Another assertion was that he illegally transferred money between City departments without City Council approval. He explained that the city does not have an ordinance defining what a department is for budgetary purposes. The understanding of the City Attorney is that the City accounting system is established on the guidelines used by the State and City auditor. The City uses five departments: general government, community development, public safety, planning and zoning and public works. He

transferred \$5,000 from account number 10-11-41100-2321 to 10-11-41310-2411, both of which are in the same budget department. The funds were transferred to provide a work station for the new City Receptionist, a position created in response to many requests for a live person to answer the phone at the City offices. Council travel and training money was transferred to a line item appropriate for a furniture purchase. This transfer was within the Mayor's authority. It would be a problem if the Mayor tried to move money from one department to another, which would require Council approval.

3. The Mayor has been accused of denying City Council members access to City financial records or other information. He said that he denied a Council member's request to take original records out of the office, copy them and return them, but he has offered access to the records at any reasonable time. He said this Council member made several more phone calls requesting records, but never made a written request. City staff has been gathering records, however, the request was unclear. It was handled by way of a routing sheet which went through several departments. The request took about three weeks to fill because of understaffing and a heavy workload. The City Recorder has been asked to get records requests in writing and the Mayor has invited Council members to view records in the City offices.

4. The Mayor was accused of terminating employees for disagreeing with him. He stated that personnel decisions are his responsibility and he stands by those decisions.

5. Claims were made that the Mayor has spent more than half of the fiscal year budget. He showed the general ledger of the City and read a portion of the last page, stating that 7.73% of the budget has been expended and 92.27% remains.

6. Complaints have been made that he spent an absurd amount of money for a desk and asked why his office door was replaced. He responded that the desk cost \$1,810.00 and showed the receipt. He explained that he traded the glass-paneled door on his office for a solid door from another City office so he could close his door and get some work done.

7. Complaints have been made that he gave himself an \$8000 raise through an \$8000 line item for mileage. He stated that the line item is not for the Mayor only, but is for general administration use. The City does not always have a car available for City management personnel. The City Attorney has told the Mayor that he is entitled to mileage reimbursement for City business. The Mayor has been reimbursed \$3,100.00 from January 1 to the present date. He said former City Administer Chris Hillman received a car allowance of \$500.00 per month, as did the former Public Works Director.

8. Regarding the accusation that he has denied staff permission to talk to Council members. In a letter to the Council dated May 30, he wrote, "While members of the City Council are encouraged by me, and are free to request specific information from department heads and particularly the City Recorder, with respect to records of the City Council actions and other formal authorizations allowing the Mayor to act, members of the City Council should refrain from directing members of the staff to take particular administrative or executive actions. The City Council is a legislative body of the City responsible for the legislative activities, including the approval of contracts, budgets and other policy-level matters. The City Council has no role in the day to day executive or administrative functions of the City. In the interest of clear accountability and avoiding confusion among the staff, members of the City Council should direct questions and requests concerning administrative or executive actions to be taken by the City staff directly to the Mayor and discuss the matters with the Mayor that are of concern."

Another complaint was that the computer audit targeted certain City Council members. Mayor Olsen said it was a general audit of all City computers, including the Council's computers.

9. Mayor Olsen was also accused of setting up Council members Liddiard and Blackburn by calling an illegal audit of City computers. He said City policy allows him to conduct audits. He said it would be irresponsible of him not to conduct audits.

10. He said has been accused of not doing anything. He held up his personal calendar and said it showed that his time has been used for City business since he came into office on December 5, 2005. He stated that it is his private record, not available for inspection, as it private information.

He stated that his interest is in good city government. He said the Council is a good Council and the city is a wonderful city.

PUBLIC COMMENTS

Mr. Joe McCaul, 3565 Braxton Drive, requested enough time to speak for himself and his wife, who had to be absent this evening. He said that the Mayor is unable to regain the Council's trust because of micromanagement, breaking communication lines, and poor leadership. He expected the Mayor to work tirelessly to regain trust after the controversy about his credentials, but he did not see this happen. He objected to the public request for laptops to be turned in for the pornography audit. He said the laptops should have been requested privately. He referred to documents received from Councilmembers Blackburn, Liddiard and Strouse as professionally expressed. The letter he received from Councilmembers Lifferth and Jackson struck him as unprofessional and negative. He questioned why this letter was printed on City letterhead and who paid for the paper, ink and postage. He mentioned that Councilmember Strouse attempted to keep her comments brief and to the point at the special meeting, out of respect for the residents. He requested that Mayor Olsen improve his leadership skills.

Mr. Grant Stock, 2111 Lodge Pole Drive, said he represented a large number of people regarding Walden Park. These residents want the park installed because:

- Children are playing in the street and nearly being hit by cars.
- It would be a central point for neighbors to meet.
- It would be useful to organizations like the Boy Scouts for activities.
- It would appeal to prospective homebuyers.
- It was promised when current residents bought their homes.

Fire Chief Rand Andrus announced that next week, October 8-14, is Fire Prevention Week.

Ms. Tiffany Ulmer, 1320 Harrier Street, presented a slide presentation on City parks. She said Pioneer Park is fine because it is fully funded by developers, but Walden Park's name will be confused with Walden Park subdivision. She pointed out that as currently designed, Walden Park has inadequate parking, the skate park is too close to the tot lot and is not visible to police officers. She wanted the skate park to be in a high-traffic area, away from homes and easily visible to officers. She also stated that parks being built in newer areas irritate older residents who have gone without parks for a long time. Eagle Point park needs a roof, Overland Trails park needs everything, Eagle Park needs some extras.

Mr. Darren Jones, 4538 Heritage Drive, requested that copies of the information the Mayor presented this evening be available for residents to inspect. He also questioned the propriety of Mark Madsen, who holds no city office or position, doing City business or errands for the Mayor when he works for one of the largest property developers in the city.

Ms. Thelma Davies, 4216 White Pine Road, was frustrated with finding flyers on her door from adults who should be able to get along. She wants city leaders to have the best interests of the city at heart. She objects to Eagle Mountain being in the papers for stupid things.

Mr. Robert Jones, 3299 Appaloosa Court, was concerned about construction in the Horseshoe Station area. He said there are over fifty children on his street alone. He asked that upcoming street construction start at the Ranches Parkway end of the neighborhood. He informed the Council his street needs repair due to water seeping under the pavement. He thanked all of the governing body for their efforts in behalf of the city.

Ms. Cheryl Carr, 2812 Cedar Drive, spoke about the Horseshoe Station development. She met with Scot Hazard and requested the lots bordering the horse trail have animal rights. Her concern was that people who live in an agricultural area but do not have animal rights do not understand the sounds and smells associated with animals. She also expressed agreement with the first public comment.

Ms. Susan Vanderhoef, 1757 E. South Independence Way, sent a written statement which was read by City Recorder Gina Peterson. It expressed her appreciation to the City Council for ensuring that a long-promised park in her subdivision will be built. She stated that the neighborhood has many preschoolers who need a safe place to play. Junior high school students need recreation to stop the school vandalism which has occurred twice in the past two months.

Ms. JoDene Gardner, 2162 Lodge Pole Drive, commented on Walden Park. She said the skateboarders in her neighborhood are good kids and requested that the skate park be included in Walden Park. However, some kids in the neighborhood have entered an unlocked, vacant house. They need the park for somewhere to go.

Mr. Shane Gardner, 2162 Lodge Pole Drive, said he works in law enforcement and felt the city's contract with the Sheriff's Office needed to provide more law enforcement. With children wandering in all subdivisions, someone is going to get killed if speeding is not reduced.

CONSENT AGENDA

Mayor Olsen announced that the minutes from August 15 and September 5, 2006, would be removed from the Consent Agenda for further review.

Councilmember Liddiard **moved** to remove the notice of award for Pioneer Park and Walden Park from the Consent Agenda and add it to the Policy Session Agenda for discussion. 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.

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

DEVELOPMENT AGREEMENTS

Walden Park Subdivision

Pioneer Addition 7B

FINAL PLAT – Hidden Valley North – Plat A

NOTICE OF AWARD – Pony Express Trail

FINAL BOND RELEASES – Kiowa Valley – Plat A

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.

SCHEDULED ITEMS

BID AWARD – Pioneer Park and Walden Park improvements (moved from Consent Agenda).

Bid results were presented by City Engineer Chris Trusty. The bid was awarded to J. Lyne Roberts & Sons, Inc. Hubble Homes provided over \$282,000 for Pioneer Park and \$400,000 was budgeted by the City for Walden Park. The bid for Pioneer Park included a tot lot, a concrete pad for a skate park, and a large pavilion. Eagle Mountain Properties will contribute a soccer field. In order to save money, the City plans to buy park equipment separately and have Parks Department personnel install it. The cost savings would pay for basketball and volleyball courts to be added.

Mr. Trusty stated the Walden Park side of the bid was over \$100,000 above the amount budgeted. Currently available funds from park impact fees could be used to make up the difference.

Councilmember Liddiard **moved** to approve Pioneer Park with native grass hydroseeding replaced by turf hydroseeding, that Walden Park be tabled pending additional discussion, and that the sports courts be included in the bid.

Mr. Trusty pointed out the bid was for both parks, but the contractor might be willing to separate the projects.

Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked Mr. Trusty if the skate park would be too noisy to be next to the tot lot. Mr. Trusty said the tot lot will probably be at least as noisy as the skate park.

Councilmember Jackson asked if the skate park would be visible from the street. Mr. Trusty said it would be partially visible and partially obstructed by a berm.

Councilmember Jackson asked if having only partial visibility would impede law enforcement. She suggested the youth police themselves through peer pressure, with the understanding that if the skate park is vandalized, the Council will shut it down.

Councilmember Blackburn said the space allowed in the plan is inadequate for a skate park. He thought the current drainage ditch area would be better, because it has room for the skate park, the drainage area has to remain open (which the skate park would allow), and the skate park would minimize weeds. Mr. Trusty said the drainage ditch would have to be redesigned. At present, water is always in the ditch due to a construction error which did not provide an outlet.

After discussion about whether to approve the bid as is or split it, Mr. Trusty recommended approving the bid for the amount contributed by Hubble Homes and trying to do as much as possible with that amount.

Councilmember Liddiard accepted the **amendment** to his motion and Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth recommended approving the bid as awarded, because the parks have been promised to residents and are overdue. Councilmember Jackson asked that concerns about Walden Park be discussed during this meeting so they could be addressed and both parks approved.

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

Councilmember Jackson's explanation of her "no" vote is reported verbatim at her request.

"I want parks. That is not the reason why I am not approving, or voting to not approve, this. Because I absolutely want this park. It's a no-brainer for me to say, 'Yes, let's move forward and have this park.' I completely agree with putting it in. My issue is that I don't see the need for us to delay the other portion of the park at the same time. It seems that, let's go forward with it. Let's work out what our issues are. Let's talk about them. Let's get them on the table and let's deal with it and move forward, rather than worrying about if the bid's going to come back a little bit higher now that we've separated it out, compared to what our price is that we know we have right now, and dealing with changing what shrubbery or what trees we're talking about, to be more vegetation that's appropriate for our area. There are certainly some issues that we could certainly be discussing, rather than just making a swift decision of, you know, let's deal with this one at a later date and see what the cost to us is going to be, because I fear that the cost will go up greatly and then it will cause us not to be able to move forward as appropriately as we could."

End of verbatim transcription.

Councilmember Liddiard volunteered to work with the contractor and Ms. Ulmer to work out the details and bring the issue back to the Council quickly.

MOTION – Consideration and approval of funding for an Eagle Project painting street curbs.

Trevor Munson presented his proposed Eagle Scout project to paint addresses on curbs in the City Center to assist in emergency response. Councilmember Liddiard asked if the project has been approved by the Boy Scout Board of Review. Trevor's scoutmaster said approval is very likely: the Board is waiting for Council approval. Councilmember Liddiard asked Chief Andrus what kind of paint should be used. Chief Andrus stated it would need to be reflective. Trevor would like to start right away, but will wait until spring if the weather turns bad. Trevor was asked if he had tried to acquire funding other than through the City. He had not. Chief Andrus pointed out the Great Salt Lake Boy Scout Council has requested that boys plan, get funding, do the work and be accountable afterwards. Councilmember Strouse suggested staff, volunteers and the Youth Council could help get donations.

Councilmember Jackson **moved** to approve Trevor Munson's Eagle project and discuss funding at a later date. Councilmember Blackburn **seconded** the motion, emphasizing Trevor should work on acquiring funding from sources other than the City. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Mayor Olsen directed Trevor to consult with Public Works Director Mike Wren.

RESOLUTION – Consideration and adoption of a resolution establishing a Senior Advisory Council.

This item was moved forward from its original place on the agenda.

Mayor Olsen introduced Ms. Carroll Johnson. She and the Mayor discussed the need for a senior citizen group. She has spoken with senior organizations in Utah County regarding funding. There is funding available and some invite seniors to donate voluntarily. Some organizations donate to craft classes. Ms. Johnson presented many ideas for senior activities. She also said Mountainland Aging Services told her they will help build a senior center and help with transportation.

Mayor Olsen stated the Senior Advisory Council would have five members, two with two-year terms and three with four-year terms.

Councilmember Strouse applauded seniors who volunteer, because they have so much to offer. Councilmember Jackson said they need things to do that which them to contribute to the community.

Councilmember Jackson **moved** to approve Resolution R-18-2006 establishing a Senior Advisory Council. 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.

MOTION – Consideration and approval of personal reimbursement requests for Councilmembers Blackburn's and Liddiard's computer audits.

Mayor Olsen explained the City has a contract with a computer company; therefore, he needs Council approval to approve the requests.

Councilmember Liddiard **moved** to approve the reimbursement requests for Councilmembers Blackburn and Liddiard, while stating he had a conflict of interest. Councilmember Blackburn also declared a conflict of interest. Both conflicts were due to personal gain they would receive from the reimbursements. Mr. Kinghorn said their votes were permissible because they had declared their conflicts of interest. Councilmember Strouse **seconded** the motion.

Councilmember Lifferth referred to Utah Code Annotated, section 10-3-826, regarding official misconduct. He recently asked Mr. Kinghorn and another attorney if Councilmembers Blackburn and Liddiard violated this section by failing to comply with the audit. Both attorneys said they might be in violation. Councilmember Liddiard stated he complied as soon as possible. He found the company with the City contract was out of business, so he went elsewhere, as he had issues with complying otherwise. Mr. Kinghorn stated the computer company has changed its name and place of business.

Councilmember Jackson reported the computer technicians said her computer was clean, but suggested it be upgraded because, in their words, "the computer dated from Brigham Young."

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

7:00 P.M. – PUBLIC HEARING – Budget Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending the FY 2007 budget.

The amendments to the budget were presented by Mayor Olsen.

Councilmember Blackburn asked if the request is for one Planning employee now and one later. Mayor Olsen said the chart suggests future hires so Council members are aware that current requests will need to be supplemented during the next several months. Councilmember Strouse said additional requests could be discussed during the next budget retreat. Mayor Olsen agreed, unless the city continues to grow exponentially.

Councilmember Strouse asked about the Fire Department grant. She questioned why there was no line item for this grant, since the line item was requested at the last budget hearing.

Councilmember Jackson explained then-Management Analyst Shawn Warnke didn't want to put a line item into the budget unless the City actually had the money.

Chief Andrus explained the State will reimburse the City for the equipment purchased under the grant.

Councilmember Liddiard asked about the new Plans Examiner position. Mr. Partridge said he would like to hire someone qualified to do both plans examination and building inspection.

Mr. Adam Ferre, Energy Division Manager, said the requested hire in his division is minimal compared to the need. He wants an apprentice to train through the Department of Labor's apprenticeship program. He stated Eagle Mountain City's electrical demands compare to Heber City's. They have ten employees; Eagle Mountain has two full-time employees. Councilmember Liddiard asked what salary Mr. Ferre will need to fill the position. Mr. Ferre answered it depends on the value of the benefits. Electrical workers risk their lives every day, and he would rather have a serious employee who values his life. He said \$46,000 plus benefits would be reasonable for a qualified employee.

Councilmember Liddiard asked City Treasurer Gordon Burt about the Accounting Clerk position. Mr. Burt stated it is an entry-level, reception position which would receive payments, resolve problems, and prepare reports. The position requires a high school equivalent education and strong customer service skills. Councilmember Liddiard asked what precipitated the need for this position. Mr. Burt replied the position was already filled, but the employee was transferred and the empty position moved out of the Utility Department. The department requires full staffing in order to provide acceptable service to residents of the city. Although the receptionist position was moved out of Utilities, most of the incoming calls are utility-related. On busy days, even full staffing is not enough to answer all the calls. Customer service has suffered from understaffing.

Councilmember Jackson asked about the SID Clerk position. Mr. Burt said the position was filled from within City employment. Councilmember Jackson emphasized the importance of the SID Clerk's position. Mr. Burt pointed out the position is severely backlogged. Councilmember Strouse asked if Ms. Jolley, the employee promoted into the position, is qualified. Mr. Burt replied she has a lot of experience and has trained with Mr. Kinghorn.

Mayor Olsen opened the public hearing at 9:50 p.m.

Mr. Darren Jones, 4538 Heritage Drive, was concerned about the amendment because the money earmarked for Walden Park could have been used for the needs to be met under the amendment, since the developer was required to provide funding the entire park.

Mayor Olsen closed the public hearing at 9:52 p.m.

Councilmember Jackson **moved** to approve Ordinance O-25-2006 amending the FY 2007 budget, with the condition that the Lineman's salary be \$46,000 plus benefits. Councilmember Lifferth **seconded** the motion.

Councilmember Jackson said she hoped the Council could move forward to help the overwhelmed City staff.

Councilmember Blackburn was disappointed that questions as to how the budget can be used were not answered.

Councilmember Liddiard echoed Councilmember Blackburn's comments.

Mr. Kinghorn suggested that a presentation by the City's auditor could answer those questions. Mr. Kinghorn said budget amendments have been done informally in previous years, then formalized at the end of the year.

Councilmember Blackburn stated he would like "more teeth" in the Code Enforcement Officer's position in the form of fines.

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

7:00 P.M. PUBLIC HEARING –General Plan Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending the General Plan with regard to Eagle Mountain City's Future Land Use and Transportation Map.

Amendments to the General Plan were presented by Planning Director Peter Spencer. These included the following:

- Add a north/south mid-valley parkway between Cedar Fort and Eagle Mountain City.
- Create a specific right of way for major arterials and collector roads.
- Eliminate the connection of Porter's Crossing from Pony Express Pkwy through to S.R. 73.
- Simplify the 'bypass road' on SITLA property.
- Reduce the ROW of airport road south of SITLA's commercial core.
- Create an additional east/west transportation corridor west of the Jake Garn Airport.
- Change the land-use designation of 3 parcels located in the northeast corner of the city.

Mayor Olsen opened the public hearing at 10:06 p.m.

Ms. Tiffany Ulmer, 1320 Harrier Street, stated that SITLA needs to be approached to eliminate the five-way intersection and create two four-way intersections.

Mayor Olsen closed the public hearing at 10:08 p.m.

Councilmember Blackburn **moved** to approve Ordinance O-26-2006 amending the General Plan as follows, with a recommendation to address the intersections that were mentioned.

- Add a north/south mid-valley parkway between Cedar Fort and Eagle Mountain City.
- Create a specific right of way for major arterials and collector roads.
- Eliminate the connection of Porter's Crossing from Pony Express Pkwy through to S.R. 73.

- Simplify the 'bypass road' on SITLA property.
- Reduce the ROW of airport road south of SITLA's commercial core.
- Create an additional east/west transportation corridor west of the Jake Garn Airport.
- Change the land-use designation of 3 parcels located in the northeast corner of the city.

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

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

ORDINANCE – Consideration and adoption of an ordinance amending the Development Code.

Amendments to the Development Code were presented by Planning Director Peter Spencer. Changes sponsored by staff included the following:

- Increase the impact fee for bonus density.
- Add roadway designations.
- Change the minimum distance between intersections and driveways.
- Reduce the minimum cul-de-sac radius to 50 feet.

Mayor Olsen opened the public hearing at 10:11 p.m.

Mr. Chris Strouse, Boulder Street, asked for a definition of automobile stopping distance and reaction distance and questioned why thirty feet is an adequate stopping distance in areas with children.

Ms. Tiffany Ulmer, 1320 Harrier Street, asked the Council to consider whether fifty-foot cul-de-sacs would have on-street parking. She did not think there would be enough room for both driveways and on-street parking.

Mr. Monte Kingston, Ames Construction, stated that the sixty-foot radius requirement was a fairly recent change. Fifty feet is a correction that aligns with common development standards and allows building in difficult areas.

Chief Andrus said the Fire Code refers to the circumference of cul-de-sacs. The City's measurement by radius caused some confusion, but he has determined the smaller radius will be large enough for fire trucks to turn around in.

Mayor Olsen closed the public hearing at 10:20 p.m.

Councilmember Strouse **moved** to approve Ordinance O-27-2006 amending the Development Code in relation to the size of cul-de-sacs.

Councilmember Blackburn requested an amendment stating 50-foot cul-de-sacs will not have planter islands. Councilmember Strouse **accepted** the amendment.

Councilmember Jackson asked if Councilmember Strouse meant to leave out the other recommended amendments.

Councilmember Strouse **amended** the motion to :

- Increase the impact fee for bonus density.
- Add roadway designations.

- Change the minimum distance between intersections and driveways.
- Reduce the minimum cul-de-sac radius to 50 feet.

Councilmember Jackson **seconded** the motion.

Councilmember Liddiard asked for an amendment stating that the minimum distance between driveways and intersections be 50 feet whenever possible. Councilmember Strouse **accepted** the amendment.

Councilmember Blackburn asked when bonus density impact fees were last raised and when they might need to be raised to \$2,500. Mr. Spencer said he wasn't sure, but City Engineer Chris Trusty told him a 30% percent increase was an appropriate amount.

Councilmember Strouse asked Mr. Kinghorn's opinion. Mr. Kinghorn responded the numbers reflected actual costs and he would prefer using the Engineering Department's recommendation. Mr. Spencer suggested the City approve the \$2,000 fee with a recommendation that costs be monitored. Mr. Kinghorn said the City Engineer should monitor the costs.

Councilmember Strouse clarified to the residents that the City discourages cul-de-sacs except in cases of difficult terrain, because the City prefers connectivity.

Councilmember Jackson said a 50-foot minimum distance between driveways and intersections provides safer visibility than the proposed 30-foot minimum. Mayor Olsen asked the Sheriff's Deputies present at the meeting what they preferred as to driveway distance from intersections. Sgt. Randall said they would be willing to go along with the Fire Chief's recommendation. Sgt. Binks said 50 feet is preferable for visibility in turning. Mr. Spencer reminded everyone the shorter distance is only to allow for smaller lots which have already been approved but do not comply with Eagle Mountain's building code.

Ms. Peterson asked for a restatement of the motion. Councilmember Liddiard asked Councilmember Strouse to amend the motion amending the Development Code as follows:

- Amend Title 1, Chapter 6, to change fees for bonus density entitlements from \$1500 to \$2000.
- Amend Title 2, Chapter 7 to allow new street classifications: parkway and minor collector.
- Amend Title 2, Chapter 7 to reduce the minimum distance between driveways and intersections to thirty feet from fifty feet, only when the site plan reviewer allows the exception.
- Amend Title 2, Chapter 7 to reduce the minimum radius of cul-de-sacs to fifty feet as long as there is no obstruction in the cul-de-sac, to include planter areas.

Councilmember Strouse **accepted** the amendments to the motion. Councilmember Blackburn **seconded** the motion. Councilmember Blackburn called the question

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

7:00 P.M. PUBLIC HEARING –Ranches Master Development Plan Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending the Ranches Master Development Plan for the Northmoor/Southmoor rezone.

The amendment to The Ranches MDP was presented by Mr. Spencer. It adds three parcels to The Ranches MDP and changes density to 3.2 units per acre over 57 acres and 10 units per acre over 14

acres. The 14 acres would be required to be developed as multi-family housing or as a planned unit development.

Mayor Olsen opened the public hearing at 10:38 p.m.

Ms. Tiffany Ulmer, 1320 Harrier Street, asked the Council to be sure to specify that the higher-density parcel be developed under the new City ordinance.

Mayor Olsen closed the public hearing at 10:40 p.m.

Councilmember Jackson **moved** to approve Ordinance O-28-2006 amending The Ranches Master Development Plan, with the conditions recommended by the Planning Department. Councilmember Lifferth **seconded** the motion. Councilmember Jackson said the new planned unit development ordinance will address Ms. Ulmer's concerns.

Councilmember Blackburn asked if side setbacks would be addressed in the planned unit development ordinance. Planning staff said they would. Councilmember Liddiard asked staff to work with the developer to identify an appropriate construction entrance.

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

7:00 P.M. PUBLIC HEARING –Ranches Master Development Plan Amendment.

ORDINANCE – Consideration and adoption of an ordinance amending The Ranches Master Development Plan for the Horseshoe Station rezone.

Amendments to the Ranches MDP were presented by Mr. Spencer. Horseshoe Station is adjacent to Cedar Pass Ranch. Pods with three-acre minimum lot sizes are in place to buffer Cedar Pass Ranch from the higher-density Ranches area. The current proposal combines four previous pods into one, creating more flexibility without increasing density. Mr. Hazard, the applicant, explained the plan in more detail and answered questions from Council members.

Mayor Olsen opened the public hearing at 11:04 pm.

Ms. Carol Tidwell, 3208 Cedar Pass Road, asked how many lots there would be and how the view of the lake would be obstructed. After asking for her address, Mr. Spencer replied that there would be about six houses between her house and the lake.

Mayor Olsen closed the public hearing at 11:07 p.m.

Councilmember Jackson **moved** to approve Ordinance O-29-2006 amending The Ranches Master Development Plan for the Horseshoe Station rezone. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated she appreciated all parties working together to improve the zoning.

Councilmember Lifferth echoed her statement. He appreciated Mr. Hazard's listening to the residents and the residents' willingness to talk and negotiate. He asked that they be sure to maintain the equestrian trail and allow animal rights.

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

7:00 P.M. PUBLIC HEARING –CBDG Proposals.

DISCUSSION – Consideration and review of CDBG proposals for FY 2007.

The Community Development Block Grant proposals were presented by Management Analyst Ifo Pili. According to CDBG requirements, the public hearing solicits opinions for projects to be funded by the grant. Grants target public projects to benefit low to moderate income areas. Eligible activities include fire stations, public facilities, loan programs, etc. The CDBG program is locally administered by the Mountainland Association of Governments. The current priority choice for a grant project is installation of fire hydrants on Lake Mountain Road.

Mayor Olsen opened the public hearing at 11:21 p.m. Hearing no comments, he closed the hearing.

This was a discussion item and required no action by the City Council.

ORDINANCE – Consideration and adoption of an ordinance regulating the use of explosives within Eagle Mountain City.

Chief Andrus explained the City's current blasting ordinance is based on the 1997 Fire Code. This ordinance brings the City into compliance with the current Fire Code.

Councilmember Liddiard asked if the code on which the ordinance is based specifically covers transportation issues or if they need to be written into the ordinance. Chief Andrus said the code is very specific, both on transportation and on storage.

Councilmember Liddiard **moved** to approve Ordinance O-30-2006 regulating the use of firearms within the City. Councilmember Jackson **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the City Council Meeting schedule for 2007, and directing such notice to be published in the paper.

The proposed 2007 City Council meetings schedule was presented by City Recorder Gina Peterson.

Councilmember Liddiard asked why meetings were scheduled on the 2nd and 4th Tuesdays in January. Ms. Peterson explained it is because the first Tuesday is very close to January 1.

Councilmember Liddiard **moved** to adopt the 2007 City Council meeting schedule. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

CITY COUNCIL BUSINESS

COUNCIL COMMENTS

Councilmember Jackson

Councilmember Jackson wanted to go home because it was 11:30 p.m. and she was exhausted.

Councilmember Lifferth

Councilmember Lifferth complimented the residents for their feedback at recent Council meetings. He commended the Council for conducting a friendlier meeting tonight than recent meetings have been.

Councilmember Blackburn

Councilmember Blackburn echoed Councilmember Lifferth's comments.

Councilmember Liddiard

No comment.

Councilmember Strouse

No comment.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 11:35 p.m.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008



Fionnuala B. Kofoed, City Recorder