

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 1, 2005

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mtn, Utah 84043

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

Mayor David Lifferth called the meeting to order at 4:09 p.m.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse.

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Mark Binks, Sergeant; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

OTHERS PRESENT: Donna Burnham, John Jacob, residents; Mike Hansen, Utah Quality Growth Community Project; Nate Shipp, Development Associates.

DISCUSSION/REVIEW ITEMS

Nate Shipp of Development Associates was given an opportunity to address the City Council concerning a possible annexation near the SilverLake development.

REVIEW – October 2005 Financial Report – Gordon Burt

DISCUSSION – Jordan River Water Project for Hidden Valley LLC

PRESENTATION – Utah Quality Growth Community – Mike Hansen

Mayor Lifferth recessed the meeting for ten minutes at 5:20 p.m.

REVIEW – Wastewater Treatment Feasibility Study

AGENDA REVIEW

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

ADJOURNMENT

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

Mayor David Lifferth called the meeting to order at 7:19 p.m. Gordon Burt led the Pledge of Allegiance.

CONDUCTING: Mayor David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan and Linn Strouse (participated telephonically for a portion of the meeting).

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Gordon Burt, Finance Director; Jason Randall, Assistant Sergeant; Fire Chief Rand Andrus.

OTHERS PRESENT: Gary Beard, Beard Industries; Amy Twitty, Sage Group; Dilciano Rojas, Maranatha Mexican Grill; James McMurray, Northern Engineering, Inc.; Larry Bowen, Jeff Beckman, Bowen Collins and Associates; Korey Walker, Epic Engineering; Fran Fillerup, Edwards Group; Mont Beckstead, Public Works Board; Beth Wondimu, Ed Macauley, Department of Environmental Quality; Michelle Vongphakdy, North County Papers/Pony Express; Kelvin Bailey, Donna Burnham, Heather Jackson, Kristen Johnson, Kylie Johnson, Alida Benuck, Dayna Olson, Jennifer Flint, Rachel Gibson, Marisa Reeves, Cherish Newman, Mary Gibson, Lindsay Bingham, Marion Bingham, Jennifer Konold, Alicia Hill, residents.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – September 20, 2005

MINUTES of City Council Meeting – October 18, 2005

Councilmember Blackburn **moved** to approve the minutes of City Council Meetings on September 20, 2005, and October 18, 2005 as presented. Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

MAYOR'S REPORT / CITY COUNCIL ITEMS

Mayor Lifferth declared tonight as an important night in the history of Eagle Mountain City as the City Council will consider and possibly approve a wastewater treatment plant for the South Service Area.

Mayor Lifferth announced the Utah Taxpayers Association recently recognized Eagle Mountain City for improved financial management.

COUNCIL COMMENTS

Councilmember Olsen stated that he and Public Works Director Mark Sovine recently toured the Tooele City Wastewater Reclamation System. He said the visit was informative and stated that he brought a pamphlet from the plant for the City Council to review.

Councilmember Olsen recognized the careful thought and planning the City Council and staff has put into investigating a wastewater treatment plant. He is confident the City Council will make the right decision.

Councilmember Blackburn complimented all individuals who have been involved in researching a wastewater treatment plant. He stated that the Public Works Board is suggesting a Development Code modification for purple pipe in all future roads and developments and recommended the Council approve the amendment.

ANNOUNCEMENTS/UPCOMING EVENTS

Mayor Lifferth encouraged residents to early vote to avoid long lines on Election Day.

He then announced the following upcoming events:

- November 4, 2005 at 7:00 p.m. is a Town Hall meeting.
- November 5, 2005 is an Open House at The Ranches Academy 10:30 a.m. – 12:00 p.m.
- November 8, 2005 is the General Municipal Elections; polls are open 7:00 a.m. – 8:00 p.m.
- November 18, 2005 at 9:30 a.m. is the State Water Quality Board meeting.
- January 2, 2006 the newly elected Eagle Mountain City Councilmembers and Mayor will receive the oath of office.
- January 7, 2006 is a newly elected official's workshop in Provo, UT.
- February 11, 2006 is another newly elected official's workshop in Salt Lake City, UT.

City Administrator Chris Hillman stated Monday December 1, 2005 would be the first annual lighting ceremony at Eagle Mountain City Hall entitled "Deck the Hall". Further details will be coming in the City newsletter.

City Recorder Gina Peterson announced the polling locations for the General Municipal Elections and said anyone with questions concerning elections should contact the City Recorder's Office.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Ms. Peterson stated there would be a public hearing on the vacation of a portion of Mt. Airey Drive on December 6, 2005.

Councilmember Strouse connected telephonically at 7:41 p.m.

SCHEDULED ITEMS

MOTION – Consideration and approval of a Wastewater Treatment Feasibility Study for the South Service Area.

NOTE: The Wastewater Treatment Evaluation Report prepared by Bowen, Collins & Associates is attached to the minutes

Mayor Lifferth explained there was a great amount of time spent researching wastewater treatment options for the South Service Area (SSA). He explained the City Council would review the

recommendation of the Public Works Board with respect to a preferred alternative for wastewater treatment for the south service area of the city. They will also review the Facility Planning Alternatives Report by Epic Engineering as reviewed and supplemented by Bowen Collins Associates and select one or more preferred alternatives for enlargement of the facilities for wastewater treatment for the south service area. This will then be presented for funding to the State of Utah Water Quality Board.

Public Works Director Mark Sovine stated his concerns with the Public Works Board's proposal of a membrane bio-reactor. He feels the City will outgrow the system too quickly and the possible user rate of \$58.00 per ERU (Equivalent Residential Unit) for the South Service Area. He is also concerned that the City does not know what they will be doing with the wastewater after it is treated. He recognized a decision should be made soon; however, he wants to ensure the City Council is aware of all the impacts their decision may have.

Mr. Sovine stated not knowing what will be done with the wastewater he feels the oxidation ditch is the best option. Mr. Sovine proposed the City Council consider the impact of user rates, further investigate discharge options, and table the item tonight. However, if the City Council feels they need to make a decision tonight he recommended the oxidation ditch. Mr. Sovine was not sure the exact cost on the oxidation ditch until the cost of disposal could be determined.

City Attorney Jerry Kinghorn explained that leveling the user rates over the entire City is an option, particularly if it will benefit the entire city such as reuse that will accommodate watering parks.

Mont Beckstead, Chair of the Public Works Board expressed appreciation to those who have done the research and provided the City with information. He stated that the recommendation of the Public Works Board is a membrane bio-reactor. The biggest problem is getting rid of water; however, there are many farms located near the wastewater treatment plant that the City could give the reuse water to until pipes are in place to transfer the reuse water to other areas in the city. He then explained the benefits of this proposal. He explained that the existing wastewater treatment plant has a three-month storage capacity which would be required with this proposal. He stated the membrane bio-reactor with water reuse (Option 3B in the attached report) could be done for the same cost as an option of a membrane bio-reactor with disposing to dry wash (Option 3A in the attached report). He explained for the cost of \$5,000,000.00 the City would have Type 1 water which is a benefit to the City.

Mayor Lifferth thanked Mr. Beckstead for the time and effort of the Public Works Board.

Kelvin Bailey stated his opinion that the oxidation ditch is the best option for the City.

Mayor Lifferth asked Mr. Sovine what information the City would have in two weeks and in two months that the City does not have now.

Mr. Sovine responded that in two weeks the City would be able to have answers on reuse options. In two months, Mr. Sovine believes the City can have an answer from the state on land application for natural vegetation. He is concerned that the cost of discharge of wastewater may be greater than the City is expecting.

Mayor Lifferth questioned Mr. Sovine concerning the State's cooperation.

Mr. Sovine indicated the State has been cooperative; however, there is nothing in writing saying what the City can and cannot do. He stated his concern of what will be done with the water once the lagoons are full.

Councilmember Strouse disconnected from the meeting at 7:47 p.m.

Councilmember Blackburn stated this decision is not an easy one. He is concerned the City will not keep the growth they need and expressed concern with staying in the utility business. He feels there are good points to transferring waste to the Timpanogos Special Service District (TSSD). This would also alleviate the cost of future treatment or qualifications and classifications of wastewater. He feels reuse is important, but is concerned with costs to the City. He feels the option chosen needs to allow for future reuse, be financially feasible, and not put an undue burden on residents.

Councilmember Liddiard stated land use, wastewater disposal, scalability, water reuse, and timed implementation are essential elements of the decision. The options he is in favor of would be to pump to TSSD or build a membrane filter treatment plant. Councilmember Liddiard highlighted the pros and cons of the options he would consider. He stated the membrane filter technology seems to be the future of wastewater treatment plants, provide excellent water reuse at competitive prices, occupies a smaller amount of land, less solid waste disposal than comparable technologies, and provides easy scalability so that capacity can be increased cost effectively. Councilmember Liddiard stated that currently the City does not have piping installed to transfer the reuse water throughout the City. He reiterated the City has not asked the farmers around the wastewater treatment plant if they want reuse water. He is concerned with the time of completion on either of these proposals due to immediate needs.

Councilmember Liddiard feels that a line to TSSD would be useful even in the future, if the City decides not to use it for pumping to TSSD, it can be used to transfer water to other regions of the City and gives secondary water use capability. Installing a scalping plant at the end of the City's outfall line would allow water reuse to be available for the entire City. TSSD would offer immediate results and the City would retain shares in water treatment capacity.

Councilmember Strouse arrived to the meeting at 7:51 p.m.

Councilmember Olsen stated that the lowest cost alternative is an oxidation ditch. He is concerned with the "landmines" attached with each of the options. He stated the value of reuse water which narrows the decision to two choices: an oxidation ditch, or a membrane system. He reminded the City Council they will need to provide justification to the State Division of Water Quality (DWQ) Board for the system they propose. Councilmember Olsen stated that water reuse is valuable to the city. He is opposed to an increased sewer charge of \$58.00 for the South Service Area. He believes the safest option at this point is an oxidation ditch. He is ready to proceed with an oxidation ditch; however, he is not opposed to Councilmembers taking additional time to gain clarity on the issues. He cautioned Councilmembers that delaying this decision might cost the City additional money as construction costs continue to rise.

Councilmember Liddiard addressed the cost and his concern on the effects the decision will have on homeowners. Pumping to TSSD would greatly increase impact fees.

Councilmember Olsen agreed with Councilmember Liddiard and reiterated that each option has its negative points.

Councilmember Liddiard stated his opinion that the option the City actually builds may not be any of the presented options, but a combination of them to meet the requirements of the State and the immediate need and financial feasibility.

Councilmember Olsen would like to see all concerns of the Council addressed at this meeting and the City Council move one with one voice as the debt to the City may increase because of construction costs increasing.

Korey Walker of Epic Engineering stated that engineering fees would not change within the next couple of months. He then explained as the construction costs continue to escalate the construction numbers may slightly increase, approximately 1 to 1½% by January. He explained that construction costs increase 3 to 4% a year. He explained that the 20% construction contingency in the budget is anticipated to cover inflation. He feels the worst-case scenario is the engineer and City may need to make small adjustments to the plan.

Councilmember Liddiard asked Mr. Walker if costs pumping to TSSD would be less likely to increase due to quicker installation. Mr. Walker responded the costs would be less likely to increase.

Mr. Bowen from the consulting firm of Bowen & Collins stated one of the issues related to the TSSD option is if TSSD finds they are having significant corrosion problems in the concrete line they may not be willing to receive additional wastewater from the City because of the length of time it would be in the system. In addition, the city has no control on what costs may do in the future due to State requirements that may involve further treatment of wastewater.

Councilmember Blackburn stated that if TSSD increased costs that burden would be shared over a large population, not just the residents of Eagle Mountain.

Mr. Bowen agreed with Councilmember Blackburn and stated that he suspects that fees would go up because of chemical usage and the impact fees would need to be raised for future connections.

Councilmember Sloan asked if the City Council could take action on this item at a City Council meeting in December and the State DWQ could take it to their board in January. However, Councilmember Sloan also expressed concern with delaying the decision until January because she will no longer be on the City Council.

Mayor Lifferth stated the City Council could take action in December; however, the State DWQ Board will not be meeting until January. He does not want to waste the efforts of the current Council and burden the newly elected officials in January.

Councilmember Sloan explained she has spent a great deal of time contemplating this decision. She stated reuse is very important and that may be an option in the future with TSSD; however, the City would only get 50% reuse of the water. With the oxidation ditch, and membrane proposals the City would get 98% of the wastewater for reuse. Initially she was very intrigued by pumping to TSSD. She then decided this is not the best option for Eagle Mountain City because of limited reuse. Touring the facilities, she was impressed with the membrane plant. She explained that it was a small efficient plant with only one person operating the entire plant. Councilmember Sloan expressed concern with the cost of a membrane plant. Her next choice is an oxidation ditch. Financially she does not know how the City could justify the membrane system to the State. She is also concerned about increasing user rates

to \$58.00 with the membrane plant and repaying the grant would depend on growth. She is also concerned with impact fee increases in the South Service Area with TSSD proposal and not knowing the user rate. Councilmember Sloan stated that at this point she is in favor of the oxidation ditch.

Councilmember Strouse stated a great deal of time has been spent researching wastewater treatment plant options. She stated the decision should be made on affordability, feasibility, time line, and long-term value. She stated there are still a lot of unanswered questions; however, she feels there is enough information to make a decision. She feels an oxidation ditch is the best option. Councilmember Strouse stated she trusts the staff and citizens. She expressed the value of reuse water.

Mayor Lifferth stated that this is a historical event in the history of Eagle Mountain City. He is concerned that delaying this decision will be a disservice to the City, future Council, and current City Council. He stated that he has done a great deal of research. He recommended an oxidation ditch.

Mr. Sovine stated that prior to this meeting he was supporting an oxidation ditch; however, he is concerned that not all of the questions are answered. He then explained cost comparisons between the oxidation ditch and the membrane plant. His concern is potential increase because of reuse water disposal. He would recommend the oxidation ditch if the disposal of wastewater is resolved. He explained operational costs. He stated the total capital and estimated cost are the same for both the oxidation ditch and pumping to TSSD. Mr. Sovine addressed scalability.

Councilmember Olsen stated he believes it is important to keep the water here in the valley. He feels it is important for the City to go with a proposal with immediate reuse. He believes that the oxidation ditch is the best answer.

Councilmember Liddiard stated the oxidation ditch offers Type 2 water the City can dispose of the way they currently are. He asked is user fees could be used to upgrade the oxidation ditch for Type 1 water. He liked the fact the membrane filter had scalability and could easily increase capacity. He asked if there is a difference in construction time if the sand filter is not added and what the cost would be if the sand filter were added in the future. Councilmember Liddiard stated he believes a good argument to the State in the favor of membrane filter technology would be less land, the solid waste disposal is smaller, and the disposal costs are less.

Mr. Sovine responded he is not certain adding a sand filter would affect time.

Marion Bingham stated his family owns and farms some of the property south of the wastewater treatment plant and he believes they would be interested in reuse water.

Mr. Hillman asked what upfront capital costs would be for the oxidation ditch.

Mr. Bowen told the City Council about the cost of filters for the oxidation ditch. He stated the final product coming out of a membrane is a higher quality, and removes viruses; if someone happened to drink the water the chance of them getting sick would be less. The treatment plant would be totally enclosed, and a facility that lends itself to residential development in a close proximity.

Mayor Lifferth asked Gary Beard of Beard Industries if the City could build an oxidation ditch for less than \$4.5 million and have Type 1 reuse water.

Mr. Beard stated the construction cost the city has been presented is reasonable and valid. He believes that the City could build an oxidation ditch with Type 1 reuse water, which would meet the highest standards of the nation today, for \$4.5 million.

Councilmember Strouse asked about what EPA (Environmental Protection Agency) requirements the City needs to be concerned.

Mr. Beard responded the technology they are looking at would meet EPA requirements.

Mayor Lifferth called for a motion.

Councilmember Sloan **moved** to recommend an extended aeration (oxidation ditch)/activated sludge to treat to Type 1 reuse water and delivery of the reuse water (Option 2B in the attached evaluation report). Councilmember Strouse **seconded** the motion.

Councilmember Olsen questioned the City's liability of discharging wastewater into the sinks.

Mr. Kinghorn stated the City would be flooding land of a number of landowners and taking away whatever use they have of their property. Such action would probably lead to a total taking by the City. He discussed the value of reuse water to the City to be used on City property.

Councilmember Liddiard stated if the City is going to build an oxidation ditch with a filter to treat Type 1 water they need to have a way to deliver it the needed areas.

Mr. Kinghorn explained that after this proposal goes to the state there would be a period of time the City will have to work out the details of the disposal options.

Councilmember Sloan recommended that user rates and impact fees be at an amount that will allow for future growth and expansion.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan and Linn Strouse. Motion **passed** with a unanimous vote.

Councilmember Blackburn stated many of the current Council ran for office campaigning to get the City out of the utility business and reduce user rates. For that reason, this might be the wrong direction. However, because of the value of water he feels the oxidation ditch is the best option.

Councilmember Liddiard thanked the Public Works Board for their efforts and stated he prefers the membrane filter, but is not a viable option at this time.

Mayor Lifferth called for a two-minute recess at 8:53 p.m. The meeting reconvened at 8:57 p.m.

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

Planning Director Adam Lenhard explained the 2005 General Session of the Utah State Legislature, Senate Bill 60 was passed to amend several sections of the Utah Code concerning local land use development and management. This act is known as the Land Use Development and Management Act

(LUDMA). This ordinance reflects changes to the Development Code to comply with LUDMA as well as minor housekeeping amendments. A public hearing was held on this issue on October 18, 2005.

Councilmember Liddiard stated he is pleased with the following amendments to the Development Code:

- Allowing commercial hunting areas as a conditional use in the agriculture zone.
- Requirement of all developments to participate in constructing community parks.
- The section and table on the Land Use Authority.
- That the Planning Commission reviews and approves all variance applications, thus eliminating the need for a Board of Adjustment.
- Table 1.3 denoting area, appeal authority, and time window for action.

However, he stated he is concerned with Tier II lot frontages proposed to increase to 60' as it was previously 50' and with side yard setbacks. Specifically, Title 1 Chapter 5 Section 1.3.3, the sentence allowing the City Council to approve side yard interior setbacks that are less than 15' total for specific projects. He believes the sentence should be removed. He explained there is an appeal process and he does not want to promote the idea that the City Council does not think 15' setbacks are important, because he thinks they are very important.

Mr. Lenhard said the aforementioned sentence makes it hard for staff to enforce the ordinance because developers sometimes feel they can bypass staff and go to the Council for an exception. This can undermine Staff and make it difficult for them to do their jobs. He recommended the sentence be removed.

Councilmember Liddiard read the following statement.

"I have had strong concerns about developments wanting a certain size lot to fit the needs a specific builder, and then either change the builder or the product so that the setbacks of the property had to be modified in order to allow for a different product type. This is inappropriate and wrong. Changing the development code to allow for the greatest variation in product types and provide for the health, safety and privacy of our citizens is deeply important to me.

When a homeowner becomes dissatisfied with the layout of the neighborhood, proximity of homes, type and style of homes they will not blame the developers and builders they will blame the city and rightly so.

I have encouraged widening the lot sizes in order to provide as many options as possible while allowing for drainage, variations in product type, privacy and quality of our neighborhoods.

In our last meeting we were approached by at least two builders and developers who expressed concern over widened property lots. Their concerns were that if we increased the lot frontages we would also need to modify our residential density ideas and tiers or there would be an unattainable gap in possible density configurations.

My concern is what effect this will have. My intent is to provide better products for homeowners not to drive away possible amenities that we want neighborhoods to have or to drive away builders and developers to other areas. Nor do I want to promote higher density housing in order that neighborhoods might achieve greater densities for neighborhoods.

Would a 55' minimum frontage be an acceptable compromise that still ensures the results I want? Does a 60' frontage really carry a negative repercussion? I do not want to create bad law and I do not want to encourage or allow for variations. Let us make good and effective law and then stick to it. Modify or append the law as required to maintain a safe, viable and appealing area in which to live."

Mayor Lifferth stated he also believes 55' minimum frontage was a better option. He recommended the City Council include that proposal in their motion. He then asked if there were any other items of concern.

Councilmember Sloan stated she does not feel Councilmember Liddiard's proposal of a 55' minimum frontage will prevent developers from asking for setback modifications on previously approved projects. She stated they might build a larger home rather than have an increased side yard setback.

Councilmember Liddiard responded he does not believe a builder will alter house plans for an additional five feet of frontage. He believes the extra five feet will increase the actual side yard setbacks. He feels this will improve the look, feel and drainage in subdivision and not hinder builders.

Councilmember Sloan stated she is not aware that lot frontages and side yard setbacks create drainage problems. In her subdivision of one acre and larger lots there have been drainage problems.

Mayor Lifferth stated this proposal addresses a different type of drainage problem caused by homes being to close together.

Councilmember Sloan stated that she has not seen any data showing there are drainage problems.

Mayor Lifferth informed Councilmember Sloan he has seen two homes in the community that are close together and when water drains into the side yard it has no place to go. Discussion ensued on drainage issues in the City created by low side yard setbacks.

Councilmember Strouse stated previously the City allowed 40' minimum lot frontages that were believed would not cause drainage problems.

Mr. Lenhard stated the minimum lot frontage was amended at the request of a Councilmember. He explained staff has reviewed the effects of the proposed side yard setback and lot frontage amendments. He stated staff believes that these amendments are a positive move for the City. He explained the amount of impermeable surfaces on a lot makes less yard area so the water can drain. The increased frontage allows variety in housing products. Mr. Lenhard explained the side yard setbacks would alleviate drainage problems.

The City Council discussed the effects of lot frontages and side yard setbacks.

Councilmember Strouse asked staff how they determined the setbacks required for commercial hunting areas.

Mr. Lenhard explained specific criteria would need to be established for each conditional use application. Conditional use applications allow the Planning Commission to set specific conditions tailored to the location of use.

Mr. Warnke explained most of the specific standards came from the Division of Natural Resources, the State agency that regulates commercial hunting areas.

Councilmember Sloan stated she disagrees with the section in Title 1 Chapter 15 prohibiting the occupancy of tents, trailers and recreational vehicles and asked if it would prohibit people from living on their lot while building their home.

Mr. Lenhard answered yes and added the proposal was included at the request of the Building Official. There have been a few situations where people were permitted to occupy their lot while building and it caused more problems than was anticipated.

Mayor Lifferth addressed the safety concerns with allowing people to occupy their lot while building.

Councilmember Sloan stated she would like to see a report from the Building Official concerning this issue prior to approving it. She feels that residents should be allowed to reside on their lot while building for a limited time.

Mayor Lifferth and Councilmember Liddiard expressed concerns with allowing people to reside on their lot while building.

***Councilmember Strouse was excused at 9:25 p.m. ***

Councilmember Sloan asked Mr. Kinghorn how the City would deal with a visitor to a home staying in a trailer or tent on the property.

Mr. Kinghorn explained the intent of the ordinance is not to prohibit transient visitors from staying on an occupied residential lot temporarily. The restriction is intended to be for people living on a lot while building. He stated a provision could be added allowing transient guests to stay for a number of days. The City will enforce the standard upon complaint.

Councilmember Liddiard suggested a provision allowing transient guests to stay on the property in a recreational vehicle for 10 days during a four-month period.

Mr. Kinghorn explained it is hard to define an appropriate time period for transient guests to stay on an occupied residential lot. This amendment is meant to address instances where there is not a permanent residence on the lot.

Mr. Kinghorn recommended some options be written for the City Council to review and decide upon. He asked the City Council to allow time for the staff to further investigate the issue.

Councilmember Liddiard **moved** to adopt ordinance O23-2005 amending the Eagle Mountain City Development Code subject upon the following conditions:

1. That the sentence in Title 1 Chapter 5 Section 1.3.3 allowing the City Council to approve side yard interior set backs that are less than 15' total for specific projects be stricken.
2. That lot frontages in Chapter 5 Section 3.5 are changed 55' along a public street.
3. The section in Title 1 Chapter 15 addressing temporary housing be stricken and staff further research the proposal.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, and Janiece Sloan. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration and adoption of an ordinance amending the Eagle Mountain City General Plan.

Mr. Lenhard explained this ordinance reflects minor housekeeping amendments and clarifications to the City's General Plan, General Plan Maps and Transportation Land Use Map. A public hearing was held on this issue on October 18, 2005.

Councilmember Sloan asked if the current City Survey information could be include in the General Plan this amendment.

Mayor Lifferth asked that a reference where information in the City Survey can be found made in the General Plan rather than including data. This would eliminate the need to update the information each time a new survey is completed.

Councilmember Sloan asked to have references to the ATV ordinance removed from the General Plan as specified by Councilmember Strouse in Work Session.

Councilmember Liddiard **moved** to adopt ordinance O24-2005 amending the Eagle Mountain City General Plan subject to the following conditions:

1. A reference to where the city survey can be found is added rather than specific data contained in the city survey.
2. References to motorized trails are stricken.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

MOTION – Consideration and approval of the Impact Fee Economic Analysis.

Mayor Lifferth stated this item would be tabled until the November 15, 2005 City Council meeting.

ORDINANCE – Consideration and adoption of an ordinance amending the Impact Fees for Eagle Mountain City.

Mayor Lifferth stated this item would be tabled until the November 15, 2005 City Council meeting.

FINAL PLAT – Consideration and approval of the Final Plat for Mt. Airey – Plat E.

City Planner Peter Spencer explained Mt. Airey Plat E is a one lot subdivision located along the north side of Mt. Airey Drive adjacent to the proposed Spring Valley town homes. The Planning Commission approved the Preliminary Plat on October 25, 2005 and recommended approval of the Final Plat. A portion of the property is included in the Mt. Airey Drive right-of-way and is in the process of being disposed of by the City to the applicant. Approval of this plat leaves only two lots remaining for future Mt. Airey development. Mr. Spencer explained the recommended conditions of approval.

Councilmember Blackburn **moved** to approve the Final Plat for Mt. Airey – Plat E subject to the following conditions:

1. PARKS. That this subdivision is subject to the park fee-in-lieu.
2. DISPOSAL OF MT. AIREY Right Of Way. That the disposal process and plat amendment are completed.
3. PLAT. That the Planning Commission block be removed from the plat. That the discrepancy between the written boundary description and the geographical boundary description is resolved. That book and page information for adjacent property owners is identified.
4. CONSTRUCTION PLANS. That the existence and actual location of water and sewer laterals are verified and approved by the City Engineer.
5. LANDSCAPE PLAN. That the indicated street trees are installed.
6. SID PAYMENT. That the City Engineer determines the amount of the SID payment due and that the payment is made prior to recordation.
7. FEE-IN-LIEU. That the Neighborhood Park fee-in-lieu is paid upon transfer of title.
8. ADDRESS. That the address is added to the plat.
9. CC&R'S. That this plat have the same CC&R's and guidelines as the other plats in the Mt. Airey subdivision.

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

FINAL PLAT – Consideration and approval of the Final Plat for Spring Valley.

Mr. Spencer explained Spring Valley is located along SR 73 in the northeast corner of The Ranches. The applicant is proposing an attached multi-family subdivision. The zoning of the parcel allows both high-density residential and commercial land uses. On January 18, 2005, the City Council gave Final Plat approval for Spring Valley B and on September 20, 2005, they gave Final Plat approval for Spring Valley C. Since that time, the developer decided on a new builder and a new product type. Among other things, this new application is different from the original in that it reduces the overall number of units from 97 to 80 and each unit now has a two-car garage instead of a one-car garage. The square footage of each unit has also been increased. The entire project is now one phase instead of three separate phases. On October 25, 2005, the Planning Commission recommended approval of the Site Plan and the Final Plat to the City Council.

Councilmember Liddiard addressed the buffering zone included installed trees and berming along SR 73 to give the homes a noise barrier.

The applicant Amy Twitty explained the berming has decreased due to larger homes. Ms. Twitty explained the landscape plan, including trees to buffer from SR 73.

Mr. Spencer stated each home will have a private backyard enclosed by a privacy fence and along the property line the developer will install a rod iron golf course approved fence. Between the two fences the developer will install trees.

Ms. Twitty stated this proposal has private driveways and two car garages

Councilmember Blackburn asked to have the design on the rear of the town homes along SR 73 enhanced since it is at the gateway of the city.

Mr. Hillman explained the Development Review Committee asked that 2" caliber trees be planted in the SR 73 right-of-way.

Councilmember Liddiard **moved** to approve the Final Plat for Spring Valley subject to the following conditions:

1. Landscaping be included along SR 73.
2. Rear elevations along SR 73 have increased design.

Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Approval of a Resolution amending the Consolidated Fee Schedule to increase various fees and rates.

This resolution updates information and fees in the following areas: utility shut-off procedures, inspection fees, and administrative fees for handling dog licensing.

Mr. Warnke stated that a study was performed on inspection fees and the fees collected were not covering the cost incurred. He stated staff is recommending a straight 3% of the engineer's bond be the amount required for inspection fees. Inspection fees are paid by the developer prior to recordation to cover the costs of the subdivision inspections.

Gordon Burt reviewed changes to utility fees with regard to utility shut-off procedures and minor clarifications.

Councilmember Liddiard **moved** to approve resolution R19-2005 amending the Consolidated Fee Schedule. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration and Approval of a Resolution amending the Consolidated Fee Schedule for Telecom.

Telecom Administrator Diane Bradshaw explained this resolution reflects minor housekeeping amendments and updates in various fees to be consistent with other telecom providers.

Councilmember Sloan questioned the service fee charge.

Ms. Bradshaw explained if a customer calls for service and a technician responds determining it is a problem inside the home the technician will inform them that they cannot fix problems inside the home and they will need to contract the work to a private individual. If called out on the same problem again they receive a warning and if called a third time on the same problem they will be charged for a service call.

Ms. Bradshaw explained the Consolidated Fee Schedule is a contract with the City and when the sale with Direct Communications is final, they will establish their own rates.

Councilmember Blackburn **moved** to approve resolution R20-2005 amending the Consolidated Fee Schedule for Telecom. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

CONSENT AGENDA

Councilmember Liddiard **moved** to approve the consent agenda as follows:

A. Partial Payments

- i. TASC0 Engineering – Main Feeder Extension (PP No. 1)
- ii. Staker Parson – Street Improvements (PP No. 7)

Councilmember Sloan **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen and Janiece Sloan. Motion **passed** with a unanimous vote.

OTHER BUSINESS

Councilmember Liddiard stated a complimentary letter was received from a developer recognizing Ms. Peterson for her hard work and customer service skills.

Mr. Sovine discussed gas rates in Eagle Mountain City.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 10:26 p.m.

Gina Peterson, City Recorder

Approved: December 6, 2005