

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

November 15, 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 4:00 p.m.

CONDUCTING: Mayor David Lifferth

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

CITY STAFF PRESENT: Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Jeff Weber, Assistant Public Works Director, Fire Chief Rand Andrus; Brandon Boshard, Firefighter.

OTHERS PRESENT: Donna Burnham, Resident; Scott Rogers, Aqua Engineering; Jeni Dunn, Jodi Russell, Sylvia Cuthbert, Girl Scouts; Heather Jackson, Councilmember-Elect; Larry Bowen, Bowen Collins and Associates; Korey Walker, Epic Engineering, P.C.; Caleb Warnock, Daily Herald.

NON AGENDA ITEM

Representatives from Mountainland Association of Government spoke concerning the proposed Mountainland Corridor.

DISCUSSION/REVIEW ITEMS

REPORT – Selection Committee Recommendation – Sewer Treatment Plant RFP's.

AGENDA REVIEW

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

MAYOR'S BUSINESS

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

OTHER BUSINESS

ADJOURNMENT

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

Mayor David Lifferth called the meeting to order at 7:00 p.m. Keith Conley led the Pledge of Allegiance.

CONDUCTING: Mayor David Lifferth

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

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

OTHERS PRESENT: Loreen Cole, Donna Burnham, Jodie Blackburn, John Boyd, Michelle DeKorver, Robert DeKorver, Lynn Rindlisbacher, Residents; Michelle Vongphakdy, North County Papers; Doug Woodruff, Mortgage Investment; Eric Jones, Monte Vista Ranch, L.C., Eagle Mountain Properties; Mark Gallacher, American Family Insurance; Mike Coffin, Boy Scouts; Fred Duberow, Darren Dixon, Stantec Consulting Engineers; Steve Allred, R.C.A. Family L.C.; Carl Ford, Centarra Development and Prema Homes.

APPROVAL OF MINUTES

MINUTES of City Council Meeting – September 6, 2005

MINUTES of Special City Council Meeting – September 14, 2005

MINUTES of City Council Tour – October 7, 2005

MINUTES of City Council Meeting – November 1, 2005

Mayor Lifferth tabled the minutes to be considered at the December 6, 2005 City Council meeting.

PUBLIC COMMENTS

Mark Gallager with American Family Insurance stated he is new to Eagle Mountain City. He cited he met with the mayor to discuss his involvement in the City.

Vincent Liddiard telephonically connected to the meeting at 7:12 p.m.

MAYOR'S REPORT / CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Strouse stated that November 11 was Veteran's Day. She stated Veteran's Day is special to her; Councilmember Strouse's husband who was a veteran passed away and was buried the day before Veteran's Day. She reminded the audience that freedom of speech and the other freedoms we enjoy come from the soldier who fights for those freedoms.

Councilmember Blackburn congratulated the newly elected officials. He offered condolences to Councilmember Strouse for the loss of her husband David Strouse.

Councilmember Blackburn read the following statement:

"As of last Wednesday night, November 9, 2005, I was notified and subsequently relieved of my duties as City Council Liaison to the Public Works Board, and any pre-council official participation or involvement (with) the Sewer Treatment Review Board, its affiliated voting rights, and any other official Public Works business outside of regular Council meetings.

I appreciate the trust and appointment by Mayor Bailey to this important position, and the resulting affiliations and progress developed over the past two years working with those of the Public Works Board. Thanks to Mont Beckstead, Shane Jones, Mike Hildreth, Brian Richards, Bob Stadel, Jeff Weber, Chris Trustee, Mark Sovine, Shawn Warnke, Adam Lenhard, and any other individuals or staff I may have missed or forgotten for their ongoing Public Works service to our community.

The Public Works (Board), Planning (Commission), Library (Board), and other volunteers working in our city do not get a lot of publicity. They deserve and need our collective support and thanks. If Eagle Mountain looks good and is operating smoothly, effectively, and efficiently in all areas, it's a direct compliment to these board members, the volunteers, and the other professionals that are our Eagle Mountain staff. My thanks and the Council's thanks to all of them. Board volunteers and active participation by all in the community has been and will continue to be the strength to Eagle Mountains future and progress.

The collective experience and diverse backgrounds that each member of the Public Works (Board) has brought to the table has allowed us to discuss and always attempt to improve the many facets of Eagle Mountain's Public Works. Utility issues and concerns are always noted and reported to the Council. We have always been, or will soon see these Public Works related city improvements and plans including: water conservation and planning, xeriscape city landscaping of future and retrofit improvement, Lighting, ongoing recommendations of "Purple Pipe" installation in all future expansion and development areas for future water reuse, discussion and promotion of a citywide tree planting program, suggested enhancements and upgrades to EM engineering, development, and building codes to improve general impact and product lifespan to public items such as roads, and residential housing, road compaction and sub-strata requirements, and drainage. The topics are obviously wide and varied.

Over the past years and several months, one of our growing and major concerns as a PW Board, Staff, and Council has been data collection and review of our sewer treatment options. Included in this process is the consideration of the serious financial impact upon our residents and the city.

An increase in sewer treatment capacity is needed in order for Eagle Mountain City Center area to grow. Council and City Staff know that something MUST be done and to be done soon. Our responsibilities are:

- 1. Provide sewer treatment for current residents.*
- 2. Provide and plan for additional sewer output from current residents and new additional growth.*
- 3. Properly plan, adopt, construct, and use a viable secondary water re-use system.*
- 4. Complete all aspects in a proper and fiscally responsible manner.*

The obvious and serious questions involved in this decision are these:

- A. Do we want Eagle Mountain to RE-ENLIST in the utility and sewer business?*
- B. What are the real current and future costs involved, and who will pay them?*
- C. Is Eagle Mountain truly ready for current and effective use of treated water?*

This sewer decision and its process bear the largest financial commitment our city has made in many years. The ramifications of our decision and sewer processing will seriously impact and affect future city financials and make a long-term or permanent infrastructure commitment.

To this end, in a special Public Works Board meeting on Thursday, October 27th, and our last Council session of November 1, 2005, both the Board and Council were advised and prompted to make an immediate decision to then apply to the State of Utah Water Quality Division for their last application review and grant funding meeting of 2005. As a Council we are discussing an additional and needed step of this complete process tonight. The State will review our current selection this Friday, November 18, 2005.

We all acknowledge that there are many valid treatment options. There are also many valid views and opinions. The common and desired end-goal is water reuse, and the associated increase of precious and developable water rights. But the current, intermediate, and long-term steps to implement and acquire this goal should be carefully and methodically planned. Unlike taking a correctable wrong-turn driving action, only one sewer action and decision can be made for both now and our future.

Understanding and detailing: all available options, immediate vs. long term capacity and linked benefits, short/intermediate/long-term financials, short/intermediate/long-term city infrastructure impacts, related modification to residential and developmental impact fees, monthly resident and city service charges, planning locations and the building of treated-water transportation infrastructure, costs to provide processed vs. current water, desired end re-use goal vs. actual or current use feasibility, etc., etc., is quite the task.

I publicly apologize to any and all individuals if any portion of my views, concerns, questions, attitude or participation has been seen or interpreted as being detrimental to this process. No one involved in any part of City business should ever be expected to be a "YES" man, be accused of "not being a team player," "not looking out for the benefits and future of our city," or "undermining the progress and forward motion and efforts of our

City" by having and expressing valid concerns, by asking valid questions, or considering alternatives. It disheartens me that I have been seen in this light.

My public service goal has always been to provide for the needs, and act to protect the interests of Eagle Mountain's current and future community. I consider this sewer process to be and have serious questions that we as residents, city, staff, and Council should ask and have answered prior to Eagle Mountain's commitment to any type of multi-million dollar treatment process.

I look forward to bringing my energy and drive to any future council liaison capacity or role, as assigned by the Mayor or others on the Council.

Thanks and Sincerely,
David F. Blackburn
Eagle Mountain City Council"

Councilmember Liddiard echoed Councilmember Strouse's comments concerning Veteran's Day. He read the following comments:

"We recently had an opportunity to recognize the efforts of good men and women who have served in the military. They have helped preserve the freedoms we enjoy. I add my veterans day thanks to all those who have served or now serve in the military.

On a different note:

Last Thursday I was able to participate in a meeting with the commissioners for transportation in the State of Utah. They take occasions to meet in various regions of the state. They chose to meet in Utah County last Thursday. I'd like to report on a couple of issues that were presented there and give a little background for the meeting.

I understand that our mayor had a personal conflict so that he could not attend. It was a disappointment however that lacking in attendance was the Lehi Mayor, our Mayor and our Mayor Elect when such a key issue was at stake. The Saratoga Springs Mayor made public comment requesting state help with SR 68 (Redwood Road) and the amount of traffic that it bears. He was told that this issue was known and it had an "ear mark" of 10 million dollars and that they were going to start a two year study. This issue and it's funding were however absent from the region three presentation provided to the commission. I further pressed the issue and also brought up concerns with Lehi Main Street and the general issues regarding the lack of adequate east-west corridors for northern Utah County and emphasized Mayor Parker's concerns over a lack of an adequate north-south corridor for the western portion of Utah County.

As was published in the newspaper the commission stated, "No one has forgotten you and we are mindful that it is difficult and hard for you to get where you want to go. We are aware and trying to alleviate that."

I am hopeful they will work toward an adequate solution, but I am concerned that they want to spend two years studying the Redwood Road traffic issue. Their only project they have in the plans for Eagle Mountain that was presented in this meeting was a traffic light at Ranches Parkway and SR 73 that will be completed by September 2006.

Happy Thanksgiving."

ANNOUNCEMENTS / UPCOMING EVENTS

Mayor Lifferth wished everyone a Happy Thanksgiving and congratulated the newly elected city officials. He announced the following upcoming events:

- Wal-Mart will be building on Redwood Road across from Smith's grocery store in 2007.
- The City received a thank you letter from Senator Hatch's office for thanking them for their assistance in securing grant funds.
- The City received a report from Kevin Call, Executive Vice President of Utah County Association of Realtors, stating the average price of a home sold in Eagle Mountain City has increased from \$136,000 in 2003, \$139,000 in 2004, and \$147,000 in 2005. This represents increasing property values.
- The Utah State Office of Courts notified the City they have received approval for a justice court to begin operating on July 1, 2007.
- Eagle Mountain City will have a new zip code (84005) effective July 1, 2006.
- Utah State Division of Water Quality Board will meet Friday November 18, 2005 at 1:00 p.m. to discuss funding for Eagle Mountain City's sewer system upgrade.
- December 1, 2005 at 6:00 p.m. is the "Deck the Hall" lighting ceremony at Eagle Mountain City Hall.
- January 2, 2005 the newly elected officials will take the Oath of Office.
- Laura Lewis of Lewis Young Robertson & Burningham told the Mayor the City might be able to get a AAA rating for bonds.

UPCOMING AGENDA ITEMS / PUBLIC NOTICES

Deputy Recorder Angela Cox announced a public hearing will be held December 6, 2005 for the Mt. Airey Right of Way.

RECOGNITION – Teacher of the Month – Mr. Riggs, Eagle Valley Elementary

Mayor Lifferth and Principal Conley of Eagle Valley Elementary recognized Mr. Riggs as teacher of the month for October at Eagle Valley Elementary.

SCHEDULED ITEMS

MOTION – Formally certifying the election results from the 2005 Municipal General Election, including additional votes from Provisional Ballots, and declaring the mayoral candidates and the two council candidates with the highest votes elected to the office of Mayor and City Council.

Ms. Cox explained the total number of ballots that the City received was 3870. There were 33 provisional ballots received and verified by the City Recorder & Utah County Elections Office. Of the 33 ballots, 22 ballots were verified as eligible and were counted by Election Judges prior to this canvass.

Ms. Cox explained the distribution of ballots and voter turnout.

The Official Vote Count was as follows:

Total Registered Voters	4341
Total Ballots Received	3720
Percentage of Turnout	32%

Distribution of Official Ballots:

Ballots Voted	1333
Provisional Ballots	32
Absent-Voter Ballots Voted	44
Spoiled Ballots	2
Spoiled Absent-Voter Ballots	3
Official Ballots (unused)	2353
Absent-Voter Ballots (unused)	103
Total Ballots Distributed	3870

The Vote Count is as follows:

<u>MAYOR</u>	<u>VOTES</u>
Brigham Smart Morgan	587
Brian B. Olsen	806

<u>CITY COUNCIL</u>	<u>VOTES</u>
Donna R. Burnham	635
Alicia Hill	539
Heather Jackson	680
David Evan Lifferth	848

Ms. Cox then recommended the mayoral candidate and the two city council candidates with the highest number of votes be declared elected.

Councilmember Strouse **moved** to certify the election results, and declare four year term Mayoral candidate Brian B. Olsen as mayor-elect, and four year term City Council candidates Heather Jackson, and David Evan Lifferth as councilmembers-elect. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

PUBLIC HEARING – Sunrise at Kiowa Rezone

ORDINANCE – Consideration and approval of an ordinance rezoning property known as the Sunrise at Kiowa Rezone.

City Planner Peter Spencer stated the Sunrise at Kiowa rezone is a 20-acre parcel located directly south of the Kiowa Valley subdivision. This property is adjacent to The Ranches Master Development Plan and is currently zoned Agriculture. The Applicant is requesting the 20 acres be rezoned to Residential in order to accommodate a future residential development. The rezoning will vest the property with 0.8 dwelling units per acre. The approval of "Bonus Density" takes place with either a Master Development Plan or a Preliminary Plat. He explained that part of Section 6.3.2 of the Development Code, Chapter 6- Bonus Density outlines this requirement.

Mr. Spencer said Title 1 Section 16.6 of the Development Code contains criteria the City Council should consider when rezoning property which includes, compliance with the Future Land Use Plan, a compatibility determination; and buffering of incompatible uses. Staff has determined the rezone application meets the criteria for approval outlined in the Development Code.

Mayor Lifferth opened the public hearing at 7:32 p.m. There were no comments so the public hearing was closed.

Councilmember Liddiard asked if this rezone would require a 55' minimum lot frontage. Planning Director Adam Lenhard said it would.

Councilmember Sloan asked if the Planning Commission held a public hearing on this rezone. Mr. Spencer said they did.

Councilmember Olsen **moved** to approve ordinance O-25-2005 rezoning the 20-acre "Sunrise at Kiowa" parcel from the Agriculture Zone to the Residential Zone at Base Density, which may be increased with Bonus Density through the Preliminary Plat process. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

PUBLIC HEARING – Lone Tree Plat E Rezone

ORDINANCE – Consideration and approval of an ordinance rezoning property known as the Lone Tree Plat E Rezone.

Mr. Spencer explained the proposed Lone Tree E project is located at the western end of The Ranches Master Development Plan area, northeast of Lone Tree A, B, & C. This is a 66-acre parcel proposed to be rezoned from the agricultural zone to the residential base density zone.

The Applicant is requesting that their 66 acres be rezoned to Residential in order to accommodate a future residential development. The rezone will vest the property with 0.8 dwelling units per acre. The approval of "Bonus Density" takes place with either a Master Development Plan or a Preliminary Plat.

Section 6.3.2 of the Development Code, Chapter 6- Bonus Density states:

6.3.2 Density for Preliminary Plats. Tier I and Tier II projects less than one hundred sixty (160) acres may be developed through the Preliminary Plat process. Preliminary Plats will be approved with Bonus Density Ceilings in compliance with Tables 6.1 – 6.4, and will be formalized in a Development Agreement. The specific improvements, facilities, and amenities

shall be identified and agreed to during the Preliminary Plat approval process. The Development Agreement will specify the improvements, facilities, and amenities to be funded and/or constructed within the Development Density Areas throughout the development, in exchange for increased density entitlements. Once a Preliminary Plat is approved, additional Bonus Densities are no longer available for the project.

Mr. Spencer explained Title 1 Section 16.6 of the Development Code contains criteria which the Planning Commission and City Council should consider when rezoning property. They include compliance with the Future Land Use Plan, a compatibility determination, and buffering of incompatible uses. Staff has determined the rezone application meets the criteria for approval outlined in the Development Code.

Mayor Lifferth opened the public hearing at 7:38 p.m. There were no comments so the public hearing was closed.

Councilmember Strouse asked if this project and the Sunrise at Kiowa rezone would be part of the Ranches Master Development. Mr. Spencer said they are out of the designated Ranches Master Development; in the future they may choose to amend the Master Development Plan to include these areas.

Councilmember Liddiard asked if this proposal would have to comply with 55' minimum lot frontage. Mr. Spencer responded it would.

Councilmember Blackburn asked when a connector road to SR 73 would be built for access from this property rather than diverting traffic through the Ranches. Mr. Spencer responded the land between this proposal and SR 73 is under an agriculture protection and would not allow a connector to be built at this time.

Councilmember Blackburn **moved** to approve ordinance O-26-2005 rezoning the 66-acre "Lone Tree E" parcel from the Agriculture Zone to the Residential Zone at Base Density, which may be increased with Bonus Density through the Preliminary Plat process. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Eagle's Gate Development, L.C. for Showdown at Eagle's Gate - Plat B.

Mayor Lifferth stated this item was tabled.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with The Sage Group, L.C. for Mt. Airey - Plat E.

City Attorney Jerry Kinghorn explained this is a single lot plat. The Mt. Airey subdivision is located north of The Ranches Golf Course Clubhouse. The final plat has been approved and is being developed by The Sage Group, L.C. This agreement details the terms of development, including bonding requirements and CC&R's. He recommended approval of this development agreement.

Councilmember Sloan asked why the City Council is reviewing CC&R's. She stated it was her understanding the City Council would no longer review CC&R's. It was explained the CC&R's are an attachment to the development agreement and will no longer be included in the Council's packets.

Councilmember Sloan **moved** to approve the Development Agreement with The Sage Group, LC for Mt. Airey – Plat E subject to the following conditions:

1. The recommended park fee-in-lieu is determined by the City Engineer and paid prior to recordation.
2. All driveways are a minimum of 22' from the front property line.

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

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with KHM Lone Tree, L.C. for Lone Tree - Plat C.

Mayor Lifferth stated this item was tabled.

MOTION – Consideration and approval of the Final Plat for Heatherwood.

MOTION – Consideration and approval of the Heatherwood Site Plan.

Mr. Spencer explained Prema Homes and Centarra Development have submitted applications for the Final Plat and Site Plan for the Heatherwood project in The Ranches. The Heatherwood development is located in between Eagle's Gate and Anthem on the Green subdivisions in The Ranches. The applicant is proposing an attached multi-family subdivision with 200 lots on 20.45 acres. Mr. Spencer discussed utilities; he explained that it is the applicant's responsibility to ensure that utilities meet the City's standards. He highlighted the conditions of approval.

Mr. Spencer stated this parcel is zoned Village Core, which allows both high-density residential and commercial land uses. Because the Master Development Plan entitles this pod with up to 10 units per acre, the 20 acres of buildable land assessed in the SID allows for *up to* the proposed total of 200 residential units. The City Council should keep in mind that this vested density is a *density ceiling*, not a guaranteed minimum number of units. The purpose of the Site Plan and Preliminary Plat reviews is to ensure that the required engineering and site design can support the density requested by the Applicant.

There is still concern on how these units will be serviced with utilities. The following describes some of these concerns:

- Gas & power: the gas and power units are located in gang boxes in front of the buildings with remote sets.
- Telephone: telephone lines have a minimum of one foot separation from any other utility.

Adequate grounding is provided by connecting to the universal ground system for each unit and adequately sized pedestal is provided to hold the main cable and the services to the unit. In the event of a collapsed conduit, responsibility of repair is by the developer, homeowner, or Homeowners Association (HOA). The main feeder cable, if under concrete or asphalt will be in an approved duct by telecom. Utility improvement costs beyond the current city contract with Tasco Engineering may be passed on to the developer.

Staff recommends the required neighborhood park amenities provided within the Heatherwood development, include the pool, clubhouse, two full acres of fully landscaped, dedicated park area equivalent of two 450 sq. ft. pavilions, and two tot lots. All other improvements required by Title 2, Table 7.3 *Required Neighborhood Park Improvements* should be included as well.

Two of the three roads leading out of this project are neighborhood roads. The third road leading out of the project will connect to Porter's Crossing, a 90' collector road.

Mayor Lifferth asked the differences in utilities in this plat and other plats approved in the City.

City Engineer Chris Trusty explained the gas and electric meters need to be located in a central location toward the front of the complex of buildings rather than on the specific units. Staff suggests this be built in a breezeway incorporated into the building that would be accessible.

Councilmember Liddiard asked if there will be a construction access to limit the number of construction vehicles going through other subdivisions.

Mr. Trusty stated that has not been determined, but is being addressed.

Councilmember Liddiard stated he would like to see a separate construction access.

Mayor Lifferth asked when this development would be started. Mr. Trusty stated he believes they will begin construction this season.

Councilmember Liddiard asked for details concerning traffic flow and speed limits.

Mr. Trusty anticipated the speed limit would be 25 mph. He explained access and his belief that most of the traffic will go through Anthem on the Green until Porter's Crossing Parkway is complete.

Councilmember Liddiard asked if the proposed trails would be asphalt or concrete. Mr. Spencer responded the trails would be asphalt.

Councilmember Blackburn stated his concern with adequate access for emergency vehicles. Mr. Spencer stated the Fire Chief has been included in the process of this subdivision and he is comfortable with the design.

Carl Allred of Prema Homes and Centarra Development explained the fire trucks would park on the main road and pull the fire hose to the end of the motor court, which meets Fire Code. He stated the units do not have fire safety sprinklers.

Councilmember Blackburn asked if the City should require fire safety sprinklers in the future.

Mr. Trusty stated that the Fire Code supercedes City Codes and addresses all fire safety concerns.

Councilmember Blackburn asked to see the exterior elevations of the buildings. He is also concerned with traffic access through the existing subdivisions.

Mr. Trusty explained this subdivision has been part of the Master Plan for a while.

Councilmember Strouse questioned the previously discussed verbiage, "*in the event of a collapsed conduit responsibility of repairs by the developer, homeowner, or HOA.*"

Mr. Sovine explained the City typically owns the utility to the meter and the customer owns the utility from the meter back. Because of the placement of these meters, the HOA will be responsible from the meter to the individual units.

Mr. Call explained the general design of this proposal. He stated that the first units off the public streets are ramblers and then they are two story units ranging from 1250-1400 square feet. They have two car garages and basements. He stated the exterior is patterned after a craftsman style dwelling consisting of stucco, stone, hardy plank, cement siding and timber. He explained this is a unique project applying a higher density with a more open feeling.

Councilmember Strouse asked where trails would be connected to other trails and road access to Ranches Parkway.

Mayor Lifferth explained trail access and stated that there is not a direct access with Ranches Parkway.

Councilmember Blackburn asked how the address numbering would be done in this project and where garbage collection would be.

Mr. Call stated that the units will either have individual numbers or letters. He stated garbage collection will take place on the main road and each homeowner will bring their garbage can to the street. He also explained this subdivision will have a central mailbox unit. This subdivision will also have its own HOA.

Councilmember Blackburn asked if the HOA will prohibit parking in the motor court (the community driveways behind the units).

Mr. Call stated no parking will be allowed in the motor court and there is a separate parking for visitors, or they may park along public streets.

Councilmember Strouse asked if the trails will be connecting to other subdivisions trails.

Mr. Call explained the adjacent subdivisions only have 4' or 5' trails connected to curb and gutter. The proposed Heatherwood project will have 4' sidewalks with a large park strip, and a 6' trail around the perimeter of the development.

Councilmember Blackburn questioned if the developer would install golf course fencing during construction.

Mr. Call responded the developer would require it around the perimeter of the property.

Councilmember Sloan asked what the recommendation of the Planning Commissions was and how they voted.

Mr. Spencer stated the Planning Commission unanimously recommended approval of the Heatherwood Final Plat and Site Plan.

Councilmember Blackburn asked why the City is allowing so many developments prior to partial funding or construction of Porter's Crossing Parkway.

Mr. Trusty responded that the Porter's Crossing extension is part of the Capital Facilities Plan and the City has been collecting future facilities impact fees within the North Service Area. The City is updating the Capital Facilities Plan to include the north extension so Porter's Crossing can be continued to SR 73. Developers have expressed interest in developing in those areas south of Pony Express Parkway, adjacent to Porter's Crossing which would encourage the completion of Porter's Crossing.

Councilmember Blackburn asked if the City Council could require the developer to rough grade Porter's Crossing Parkway as a construction access.

City Attorney Jerry Kinghorn stated he does not believe the City Council could require that.

Councilmember Blackburn recommended a requirement requiring regular street sweeping to keep the streets clean through the existing subdivision.

Mr. Kinghorn asked if the developer intends to have all improvements with the exception of water, sewer, power, natural gas, and telephone owned by the HOA.

Mr. Call said yes with the exception that public roads would be the City's responsibility.

Mr. Kinghorn said the plat shows all the roads as private and owned by the HOA; that will need to be amended and the City will need to own the storm detention pond also. Each building will need to be designated as a separate lot on the plat.

Mayor Lifferth asked if the developer would consider a dumpster system rather than individual cans.

Mr. Call stated they would consider that proposal.

Councilmember Blackburn stated the Public Works Board has requested cross gutters be laid five feet beyond the intersection.

Public Works Director Mark Sovine stated that will be addressed in the proposed Construction Specifications and can be made a condition of approval for this subdivision.

Councilmember Liddiard asked if the developer would be willing to have a construction access through the northern portion of the parcel and then to SR 73 rather than accessing through Ranches Parkway and Eagle's Gate.

Monte Kingston of Eagle Mountain Links stated they will be breaking ground for Anthem on the Green very soon which is north of Heatherwood and would hinder with that proposal.

Mayor Lifferth asked how long it would will take for Heatherwood to reach build out, and Mr. Call responded build out should be in approximately three years.

Mr. Kingston stated that within a year there should be an alternate access for this subdivision.

Councilmember Strouse would like to see measures taken to make trash disposal and the centralized mailbox units aesthetically pleasing.

Mr. Call stated the U.S. Post Office installs the centralized mailboxes and the developer nor the City has a say in the appearance of them.

Councilmember Olsen **moved** to approve the Heatherwood Final Plat subject to the following conditions:

1. SID. The entire property area is assessed and the SID payments are made upon transfer of title.
2. UTILITIES. The Applicant provides utilities that meet City standards.
3. E-FILES. E-files are submitted for the plat, dry utilities, and constructions drawings. Engineer's estimates are provided for civil and dry utilities.
4. GEOTECH REPORT. The geotech report is verified by the City Engineer.
5. PLAT. County book and page are added for adjacent parcels. The language is amended to reflect the changes required by the City Attorney, and each unit receives a separate lot number.
6. CONSTRUCTION DRAWINGS. All comments on the construction drawings are addressed and verified by the City Staff.

Councilmember Blackburn **seconded** the motion.

Resident Mike Coplin asked what safeguards are put in place to ensure the developer is held responsible for parks.

Mr. Trusty stated the developer is required to post a bond prior to recordation.

Mayor Lifferth called for a vote. Those voting aye: David Blackburn, Brian Olsen, Janiece Sloan, and Linn Strouse. Those voting nay: Vincent Liddiard. Motion **passed** with a 4:1 vote.

Councilmember Olsen **moved** to approve the Heatherwood Site Plan subject to the following conditions:

1. SID. The entire property area is assessed and the SID payments are made upon transfer of title.
2. UTILITIES. The Applicant provides utilities that meet City standards.
3. E-FILES. E-files are submitted for the plat, dry utilities, and constructions drawings. Engineer's estimates are provided for civil and dry utilities.
4. GEOTECH REPORT. The geotech report is verified by the City Engineer.
5. PLAT. County book and page are added for adjacent parcels. The language is amended to reflect the changes required by the City Attorney, and each unit receives a separate lot number.
6. CONSTRUCTION DRAWINGS. All comments on the construction drawings are addressed and verified by the City Staff.

Councilmember Sloan **seconded** the motion.

Councilmember Blackburn stated the Planning Department and City Council need to recognize this project does not have to meet its capacity of 200 units, but that is how it has been designed. He stated he believes that this project will not sell as good as the Anthem because of the nature of it.

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.

MOTION – Consideration and approval of the Spring Valley Revised Site Plan.

Mr. Spencer explained Spring Valley is located along SR 73 in the northeast corner of The Ranches. The City's Development Code requires that all multi-family projects be reviewed through the Site Plan process. Since original approval of the Spring Valley Site Plan the Applicant made minor changes to the building elevations and floor plans which affected the Site Plan. The Planning Commission reviewed the changes on November 9, 2005 and recommended approval. The City Council has final approval authority for site plans.

The Applicant will be required to meet the Neighborhood Park standard of one acre of improved Neighborhood Park per 100 units. Since there are 80 lots, the requirement would be 0.80 acres of improved Neighborhood Park. All fencing is to be a developer/builder improvement and all units with rear yards adjacent to SR 73 or Mt. Airey Drive must be shielded with a six foot privacy fence. The developer has agreed to provide a significant amount of landscaping in between the units and SR 73.

Councilmember Blackburn stated he would like to see more aesthetically pleasing rear elevations.

Amy Twitty from the Sage Group stated that the rear elevations are not flat, they offset each other along SR 73.

Councilmember Blackburn would like to see more materials on the rear elevation similar to the front elevations.

Mayor Lifferth would like this item tabled until rear elevations are available.

Ms. Twitty asked if rear elevations are typically required with site plan approvals.

Mayor Lifferth said they are not; however, this project is the gateway to the city. He would like to see the rear elevations that face SR 73 to be more aesthetically pleasing.

The City Council agreed with Mayor Lifferth.

Councilmember Olsen **moved** to table the Spring Valley Revised Site Plan.

MOTION – Consideration and approval of a Wastewater Treatment Plant Engineer.

Mr. Sovine explained a committee was formed to recommend a wastewater treatment plant engineer to the City Council. The committee reviewed engineers that responded to RFP (Request for Proposal) for the wastewater treatment plant. The engineering firms the committee reviewed were Stantec Consulting

in conjunction with Beard International and Alder Construction; Bowen Collins and Epic Engineering; Horrocks Engineering; and Aqua Engineering. He explained that after a great amount of research and discussion the committee recommended acceptance of the proposal from Bowen Collins and Epic Engineering with staffing modifications.

Councilmember Blackburn informed the City Council the memo they received lists Ed Macauley from the Department of Environmental Quality as part of the selection committee. He was not part of the selection committee, but attended the selection process as an impartial individual.

Mayor Lifferth stated Councilmember Olsen was not able to participate in the selection process because of time constraints, former Mayor Kelvin Bailey participated in his place.

Councilmember Strouse stated this is the most time consuming project she has worked on with the City.

Mayor Lifferth stated this is a historical event for Eagle Mountain City. He thanked all individuals who have been involved in this process. He stated he was on the selection committee and he requested a different engineer than the one the committee recommended, but he supports the committee's recommendation.

Councilmember Olsen stated he feels it is important to make a choice he is comfortable with and who he believes will be the best for the City. He said he has been objective in this process and he doesn't have grievances with any of the firms. Councilmember Olsen feels he needs to make a choice.

Councilmember Olsen **moved** to approve Stantec Engineering in conjunction with Beard International and Alder Construction as the wastewater treatment plant engineer. Councilmember Strouse **seconded** the motion.

Councilmember Liddiard stated he felt Aqua Engineering had some interesting points. His first preference was for the City to build the membrane bio-reactor system, but the Council did select an oxidation ditch. He preferred the Epic Engineering bid.

Mayor Lifferth stated that last night he voted for a different engineering firm; today he has changed his opinion and would favor Aqua Engineering. He stated former Mayor Bailey sent an email in support of Aqua Engineering.

Councilmember Blackburn stated Aqua Engineering has been involved in four of the last ten state funded projects. He stated he is looking for a firm that would most likely be approved by the State.

Mayor Lifferth stated he has confidence that each of the engineering firms would allow funding from the State and a choice needs to be made between four good engineering firms.

Councilmember Strouse stated former Mayor Bailey said any of the firms would be a good choice and the City Council needs to decide which one is the best option.

Councilmember Olsen stated the Council needs to move forward with this and make their vote known. He stated he made a motion on who he is comfortable with.

Mayor Lifferth called for a vote. Those voting aye: Brian Olsen, Janiece Sloan, and Linn Strouse. Those voting nay: David Blackburn, and Vincent Liddiard. Motion **passed** with a 3:2 vote.

MOTION – Consideration and approval of a Wastewater Treatment Plant Feasibility Study Contract with Beard International.

Mayor Lifferth explained this is a contract with Beard International for research done on the City's feasibility study of wastewater treatment plant options. The agreement will compensate Beard International for the value of services rendered to the City in connection with the wastewater treatment plant feasibility study submitted to the State of Utah Division of Water Quality.

Councilmember Blackburn stated it appears that Mayor Lifferth has engaged an engineering contract in manners and methods contrary to the City's purchasing procedures.

Mayor Lifferth stated that is true and the intent of this contract is to bring this back into the purchasing policy and make it official.

Councilmember Blackburn stated he feels that the process in which Beard International and Stantec was brought to the City should invalidate them from consideration as the wastewater treatment engineer. He feels they are qualified, but the process in which they were brought to the City is inappropriate. He questioned how the fee of \$20,000, which was originally \$40,000, was determined and who was in the negotiations of that price. He asked under what qualifications and parameters of review did the provided work go through, if it was in fact provided. He feels there is not enough explanation. This company was presented to the City Council approximately two months ago and they are asking for \$20,000. An engineering company has been involved in this process for four years and they are charging approximately \$40,000.

Mayor Lifferth stated the proposal that came from Beard International was to do research to help the City get approval from the State. Based on the research performed, negotiations with the state the City now has options they did not have before.

Councilmember Blackburn asked what negotiations Beard International did that the City had not already done or performed.

Mayor Lifferth responded Beard International worked with the State of Utah Division of Water Quality and presented additional numbers, information, and options that they may not have considered over the previous two years with Epic Engineering.

Councilmember Blackburn stated a letter was written on October 7, 2005, by the City Attorney, addressed to Mr. Beard and Beard International saying as a Utah city, Eagle Mountain can only contract by formal vote of the City Council in a regularly scheduled meeting conducted by the requirements of the Utah Open Meetings Act. Eagle Mountain City cannot legally be obligated by verbal agreements by the mayor, member of the city council, employees, or by written documents which are not approved by the City Council. The City has processes in place to avoid improper action, or contracts that might be seen as being detrimental or not in a clear light. He feels the City Council's selection of Stantec as the

wastewater treatment plant engineer is invalid. He noted that was his reason for not voting for them as the engineer.

Councilmember Strouse stated she is not clear why this item is being discussed. She believes the fact they received the contract guarantees payment. She stated she voted for them after hard work. She feels this is a mute point because Stantec received the contract.

Mayor Lifferth told Councilmember Strouse he agrees, now that the contract has been assigned any work expended would be a part of work they need to be paid for in the future.

Councilmember Olsen asked Mr. Kinghorn what the repercussions on the City would be for denying this.

Mr. Kinghorn was unsure if there would be repercussions for denying this project.

Councilmember Strouse asked if there needs to be a separate agreement since they were awarded the contract. She feels this is null and void.

Mr. Kinghorn stated it's not clear if the services the Mayor has described are within the scope of work of the contract that was just awarded to them for the wastewater treatment plant engineer. Mr. Kinghorn recommended tabling this item and contacting Mr. Beard to discuss the scope of work in the contract that was awarded to them.

Councilmember Strouse **moved** to table the approval of a Wastewater Treatment Plant Feasibility Study Contract with Beard International.

Councilmember Blackburn asked Mr. Kinghorn why this contract is on the agenda after the work was performed when the letter he wrote said this type of contract could not happen.

Mr. Kinghorn explained he wrote that letter when the City was in the process of entertaining a proposal from Mr. Beard and the City did an RFP to select an engineer to supplement the Epic Bowen feasibility study. He asked that his proposal be considered his response to that RFP, he was the only responder to the RFP. Mr. Beard has insisted on being paid for that work. Mr. Beard sent his work product to date to the City. Mr. Sovine has reviewed this. Mr. Kinghorn stated it is not clear if the designs are usable or a part of the contract awarded this evening.

Councilmember Liddiard stated he would assume that the work done by Beard Industries would be marketing efforts to do work with the City. He stated that even if Stantec, in conjunction with Beard Industries did not receive the contract he would not be in favor of this contract.

Mayor Lifferth felt that was a valid point and he feels that because Beard Industries was awarded this contract the work is included in the contract.

Councilmember Sloan stated she is in agreement with Councilmember Liddiard. She feels there is no evidence of the amount of work done and the information was not available for her to make a decision.

No contract was agreed upon therefore she does not feel the City should now approve a contract after the fact.

Councilmember Blackburn asked Councilmember Sloan if she would change her vote on the engineering firm for the wastewater treatment plant according to this information.

Councilmember Sloan stated she does not have evidence that Mr. Beard did anything wrong. He was told he would be paid and did not receive a written contract. She doesn't feel there is evidence that he did anything wrong that would prohibit him from receiving the contract to engineer the wastewater treatment plant.

Councilmember Strouse suggested tabling this item to wait for clarifications from Mr. Kinghorn.

Councilmember Liddiard stated he would like the opportunity to vote on this item.

Mr. Kinghorn asked if the City Council would like him to call Mr. Beard and ask him if this work is included in the scope of work they proposed with the engineering contract.

Councilmember Strouse stated she feels it is fair to assume this work is included in the engineering contract.

Councilmember Blackburn expressed his frustration with the process. He explained the City asked for RFP's and engineering firms to help speed the City through the process of obtaining state approval. He stated the company that was accepted, Stantec Engineering in conjunction with Beard International, has not been involved in the past 10 programs that were approved by the State.

Councilmember Strouse stated she does not believe this needs discussion because the Council has voted and the majority has spoken.

Councilmember Liddiard stated he shares in the concerns of Councilmember Blackburn. He is also concerned that a selection committee was formed and their recommendation was ignored.

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

Mr. Trusty stated the basis behind the Impact Fee Economic Analysis was to facilitate reimbursement agreements the City has made with developers for contributions they have provided to the City, specifically the Pony Express Well, Pony Express Parkway extension, the Carleton sewer line, and electrical extension for Spring Valley, and park fees. He stated a summary table and table of contents have been added at the City Council's request.

Councilmember Liddiard asked staff to look at the Capital Facilities Plan and determine if adjustments need to be made on the Economic Analysis concerning public safety. He stated there is a need to expand one of the fire stations, and asked staff to look to the future and have facilities in place for public safety. He feels the City needs to do better at capturing fees through impact fees or an equity buy in.

Councilmember Sloan **moved** to approve the Impact Fee Economic Analysis. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

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

Mr. Trusty stated this ordinance proposes to increase impact fees for public services provided by the City and takes into consideration reimbursement agreements for certain developments, and imposes fees as justified in the Economic Analysis.

Councilmember Liddiard **moved** to approve ordinance O-27-2005 amending the Impact Fees for Eagle Mountain City. Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

ORDINANCE – Consideration And Adoption Of A First Supplemental Assessment Ordinance Amending And Supplementing Assessment Ordinance No. 006-2001 Adopted On April 25, 2001; Confirming And Approving A New Assessment List And Reaffirming The Levying Of An Assessment Against Certain Properties In Eagle Mountain City, Utah Special Improvement District No. 2000-1, Utah County, Utah, For The Purpose Of Paying The Costs Of Acquiring, Constructing And Installing Irrigation, Landscaping, Trails, Wells, Fencing, Utilities, Curb And Gutter, Roads, A Gas Regulator Station, And A Water Storage Tank And Other Related Improvements (Collectively, The “Improvements”); Amending The Assessment Prepayment Provisions; Reaffirming The Establishment Of A Reserve Fund And Stabilization Reserve Fund; Establishing The Effective Date Of This First Supplemental Assessment Ordinance; And Related Matters.

Mr. Kinghorn stated this ordinance is the refunding assessment ordinance for SID 2000-1 which is the culmination of Board of Equalization meetings held on November 10, 11, and 12. Parties were allowed to dispute assessments before the Board of Equalization. Mr. Kinghorn explained the recommendation of the Board of Equalization. He recommended the City Council adopt the ordinance and authorize the publication of the assessment ordinance for 2000-1 SID.

Councilmember Olsen **moved** to adopt ordinance O-28-2005 the First Supplemental Assessment Ordinance Amending And Supplementing Assessment Ordinance No. 006-2001 Adopted On April 25, 2001; Confirming And Approving A New Assessment List And Reaffirming The Levying Of An Assessment Against Certain Properties In Eagle Mountain City, Utah Special Improvement District No. 2000-1, Utah County, Utah, For The Purpose Of Paying The Costs Of Acquiring, Constructing And Installing Irrigation, Landscaping, Trails, Wells, Fencing, Utilities, Curb And Gutter, Roads, A Gas Regulator Station, And A Water Storage Tank And Other Related Improvements (Collectively, The “Improvements”); Amending The Assessment Prepayment Provisions; Reaffirming The Establishment Of A Reserve Fund And Stabilization Reserve Fund; Establishing The Effective Date Of This First Supplemental Assessment Ordinance; And Related Matters. Councilmember Sloan **seconded** the motion.

Councilmember Blackburn asked if the City has addressed the properties that were sold to individual owners with unpaid assessments on them, such as the Willow Springs condos.

Mr. Kinghorn explained the assessments will be paid in full by Summit Development.

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.

MOTION – Consideration and approval of the Fleet Policies and Procedures Manual.

Management Analyst Shawn Warnke explained this policy establishes procedures to ensure that Eagle Mountain City's fleet units are selected, acquired, utilized and maintained in a manner that provides the best possible support to City operations through economical fleet management.

He recommended the City Council add clarification on the definition of inspections. All vehicles should have daily inspections and heavy vehicles should have daily mechanical inspections.

Councilmember Olsen asked that a definition of life cycle approach be added for public interpretation.

Councilmember Blackburn **moved** to approve the Fleet Policies and Procedures manual with the following amendments:

1. To add detail to the definitions of inspections stating all vehicles should have a daily inspection and heavy vehicles should have daily mechanical inspections.
2. A definition of life cycle approach is added for public clarification.

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

RESOLUTION – Consideration and adoption of a Resolution Authorizing a Request and Petition to the Central Utah Water Conservancy District (CUWCD) for a Wholesale Treated Water Contract to Provide Water to the City and Related Matters.

Mr. Kinghorn stated this resolution will enable the City to petition the Central Utah Water Conservancy District (CUWCD) for an allocation and commitment of water under terms and conditions of a Wholesale Treated Water Contract to be negotiated. He stated this is the first formal step in obtaining approval from the CUWCD to ensure the City has a firm water supply. He explained the ground water available to the City is limited, and the state engineer's office has imposed a moratorium on ground water transfers until a number of studies are completed.

He recommended the resolution be approved and explained the intent to take this resolution and a similar resolution from Saratoga Springs to CUWCD and ask them to consider a joint venture between Eagle Mountain and Saratoga Springs. This will assist in the planning and engineering of the pipeline, pumping facilities, and terminal reservoir that are going to be necessary to deliver water to Saratoga Springs and Eagle Mountain City.

Councilmember Strouse asked how this would be affected if Saratoga Springs was to change their mind and if there is any potential for conflict between the two cities.

Mr. Kinghorn explained references to Saratoga Springs have been removed from the resolution to mitigate potential conflicts with Saratoga Springs. The core of the request with Saratoga Springs is that the cities work together to plan the facilities. He stated the City knows CUWCD wants to serve both cities with one facility. There is potential conflicts with Saratoga Springs over water. Eagle Mountain City has a policy of not entertaining requests to pipe water to Eagle Mountain City unless developers have clearance from Saratoga Springs. The City is making an effort to avoid conflicts with Saratoga Springs, but to move forward with their needs. He stated Eagle Mountain City needs to take the first step.

Councilmember Strouse asked if there would be a possibility of buying out Saratoga Springs in the future.

Mr. Kinghorn explained the facility would be owned and financed by CUWCD. He discussed the need for a significant amount of water in Eagle Mountain City.

Councilmember Olsen **moved** to adopt resolution R-21-2005 Authorizing a Request and Petition to the Central Utah Water Conservancy District (CUWCD) for a Wholesale Treated Water Contract to Provide Water to the City and Related Matters. Councilmember Sloan **seconded** the motion.

Councilmember Blackburn asked what the time frame of the plant beginning operation is.

Mr. Kinghorn stated projections of anywhere between 3-8 years have been stated, but it depends on how CUWCD decides to develop their non-federal water. He explained there has been some tentative discussion between CUWCD and the state engineer about allowing a temporary point of diversion for some of their water rights in this area. He would hesitate to commit the City to serve residents on a temporary change unless there was a contract in place and it was just a matter of building the facility.

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.

RESOLUTION – Consideration and adoption of a Resolution Approving and Entering into an Amended and Restated Agreement Creating the Utah Local Governments Trust.

Mr. Kinghorn stated Eagle Mountain City participates in the Utah Local Governments Trust (ULCT) to provide assistance, advice, counsel, casualty, property and liability insurance, and benefits. This resolution will approve the amended and restated agreement for ULCT.

He explained the amendment changed the number of representative from various local government entities that sit on the board. The second amendment would bring the insurance provision in line with the Workman Compensation laws at the State.

Councilmember Liddiard **moved** to adopt resolution R-22-2005 approving and entering into an amended and restated agreement creating the Utah Local Governments Trust. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Vincent Liddiard, Brian Olsen, Janiece Sloan, and Linn Strouse. Motion **passed** with a unanimous vote.

CONSENT AGENDA

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

A. Partial Payments

- i. RBI – 2005 Landscape Project (PP No. 7)
- ii. Counterpoint Construction – Pony Express Well (PP No. 2)

B. Change Order

- i. RBI – 2005 Landscape Project (CO No. 6)
- ii. Counterpoint Construction – Pony Express Well (CO No. 1)

C. Final Bond Release – beginning of warranty period:

- i. SilverLake 1C
- ii. SilverLake 2A
- iii. SilverLake 2B
- iv. SilverLake 3
- v. Anthem on the Green – Phase I

D. Release from Warranty

- i. Cold Springs – Phase II

Councilmember Olsen **seconded** the motion. Those voting aye: David Blackburn, Brian Olsen, Janiece Sloan, and Linn Strouse. Vincent Liddiard abstained because he was not able to participate in the Work Session. Motion **passed**.

OTHER BUSINESS

Councilmember Blackburn commented about the decision made concerning the wastewater treatment plant engineer. The Council has spoken and the City will go with that engineer; however, the recommendation of the wastewater treatment plant engineer selection committee was discarded. He stated this recommendation came from people that had years of experience of engineering, capability, education and review.

ADJOURNMENT

Mayor Lifferth **moved** to adjourn the meeting at 9:30 p.m.

Approved: January 10, 2006

Gina Peterson, City Recorder