

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 19, 2008

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

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

Mayor Heather Anne Jackson called the meeting to order at 4:05 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland and Nathan Ochsenhirt (arrived 4:20 p.m.). Councilmembers Cieslak and Lifferth participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Economic Development Director; Eli Jones, Management Intern; Flint Mensah, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; David Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

1. DISCUSSION

- A. BP/Wasatch Energy Discussion on Municipal Bonds (*Presented by Brent Turner*)
- B. 2008 City Parks Project (not discussed)

2. INTRODUCTIONS – Sheriff's Office Introduction of New Deputies

3. AGENDA REVIEW

4. CITY ADMINISTRATOR INFORMATION ITEMS (postponed to Policy Session)

- A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)

5. ADJOURN TO A CLOSED EXECUTIVE SESSION

MOTION: *Councilmember Burnham moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

The City Council adjourned to a Closed Executive Session at 6:26 p.m.

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

Mayor Heather Anne Jackson called the meeting to order at 7:13 p.m. Boy Scout Troop 1012 led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. Councilmembers Cieslak and Lifferth participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Eli Jones, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; David Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

8. INFORMATION ITEMS/UPCOMING EVENTS

- New stop signs have been installed on Pony Express Parkway in front on Hidden Hollow Elementary School. A stop sign and crosswalk are being considered for Rockwell Charter High School.
- Construction of the Pony Express/Sweetwater Trail is about to begin. It will start with the section of the trail between Ruby Valley and Lone Tree subdivisions to help children walk safely to the crosswalks at Hidden Hollow School. There is a temporary trail from the Hidden Canyon trail to the street adjacent to the school property, and another from the opposite side of Pony Express Parkway to Lone Tree. These trails will be asphalted after the first section of the trail is completed.
- The Senior Advisory Council's technology training and fun activity will be held on Monday, August 25, 5:00 p.m. at City Hall.
- City offices will be closed on Monday, Sept. 1, for Labor Day. The Library will be closed on Saturday, August 30, and Monday, Sept. 1.
- An equal payment plan for City utilities will be available starting in September. Residents must have lived in their home for 12 months to be eligible for the program.

9. PUBLIC COMMENTS

Mr. Doug Page, 7787 Crestwood Cr., has spent two years trying to get fencing and a park strip behind his home. He has not received responses to emails sent to Public Works Director Chris Trusty about connecting his own water to the park strip and City Administrator John Hendrickson on the fencing issue.

Ms. Steffanie England, 7708 Decrescendo Drive, was concerned about traffic on her street. The street slopes, which makes it difficult to drive slowly down the hill. There are 30 children under the age of six living on the cul-de-sac on the street. She requested help from the City, possibly speed bumps, indentations or signage.

Mayor Jackson responded to Ms. England, stating that the City could provide caution signage, but does not install speed bumps or dips because they are ineffective in slowing traffic.

Mr. Hendrickson responded to Mr. Page on the fencing issue. The developer's bond has been released, so there are no funds for a fence; however, he is continuing to look for funding. Mr. Page has offered to assist the City in paying for the fence. That decision would have to be placed on a future Council meeting agenda.

Mr. Trusty explained that water metering from Mr. Page's property to the park strip would require a large concrete vault for the metering equipment.

10. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Burnham

Councilmember Burnham asked about the status of the skate park and the bike park. Mr. Hendrickson responded that one more piece of property has to be deeded to the City before the bike park can be completed. Mr. Trusty stated that the concrete for the skate park will be done within two weeks. The modular units are being constructed, so the skate park will be complete in mid-September. Councilmember Burnham also said that a resident had contacted her asking if crossing guards are working during kindergarten walking times at Ranches Academy and Hidden Hollow Elementary School. Mayor Jackson replied that they were.

Councilmember Cieslak

Councilmember Cieslak reminded residents to drive slowly now that school is back in session. He asked about the progress of the land dedication for the bike park. Mr. Hendrickson responded that work on the park had begun, but had to be stopped until the last piece of land was deeded to the City.

Councilmember Ochsenhirt

Councilmember Ochsenhirt asked Mr. Trusty about the concrete at the skate park. He requested that the Mayor send a letter to Allied Waste regarding obeying traffic laws, as Ms. England's child was nearly crushed by a garbage truck speeding down the road. With the start of the new school year, he encouraged youth to seize the opportunity for education and be careful when crossing streets. Mr. Trusty responded to the question about the concrete, saying that an inspector will be on site full-time and the concrete will be rebar-reinforced.

Councilmember Ireland

Councilmember Ireland received an email from a resident requesting a way for residents to put up temporary signs for such events as homes for sale, weddings or garage sales; perhaps a temporary sign permit. Mayor Jackson responded that a section might be added to the signage regulations that allowed for a permit with a small fee to cover the City costs for approval. Councilmember Ireland hoped that a way could be found to allow temporary signs without expense to the City or the residents.

Mayor Jackson

Mayor Jackson stated that, while the Hidden Hollow School has traffic safety set up, the City is still working on safety for students at Rockwell Charter High School. Mayor Jackson met with Principal Beck and Deputy Mulder today to discuss safety. At this point students are crossing Ranches Parkway at many points and parents are stopping on SR 73 to drop off their children. She asked parents not to stop on SR 73. The school will issue a request that students cross Ranches Parkway only where Barton Creek Drive and Braxton Drive intersect with the Parkway.

11. BOARD APPOINTMENT

- A. Regan Bolli – Economic Development Board

Mayor Jackson recommended the appointment of Mr. Regan Bolli to the Economic Development Board.

MOTION: *Councilmember Burnham moved to approve the appointment of Mr. Regan Bolli to the Economic Development Board to complete the term vacated by Adam Edwards, ending December 31, 2009. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Bolli.

CONSENT AGENDA

12. MINUTES

- A. August 5, 2008 – Regular City Council Meeting
- B. August 7, 2008 – Special City Council Meeting

13. FINAL PLAT APPROVAL

- A. Antelope Meadows Lot 1 Final Plat
- B. Majors Subdivision Final Plat

14. DEVELOPMENT AGREEMENT

- A. Antelope Meadows Lot 1 Development Agreement

15. FINAL BOND RELEASE

- A. Lone Tree E Final Bond Release

16. AGREEMENT

- A. Approval of Professional Service Agreement for Survey and Design of Porter's Crossing Extension

17. CHANGE OF SCOPE AND FEES FOR PROFESSIONAL SERVICES AGREEMENT – S.S.A. W.W.T.P.

- A. Stantec

18. FINAL PAYMENTS

- A. 2008 Ranches Parkway Slurry Seal
- B. 2008 SilverLake Street Trees

19. REDUCED BOND

- A. Sweetwater Phase 1 Rotomill and Overlay

MOTION: *Councilmember Ireland moved to approve the Consent Agenda, with the amendments to the August 5 minutes requested during Work Session. Councilmember Cieslak seconded*

the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenschirt. The motion passed with a unanimous vote.

SCHEDULED ITEMS

20. PUBLIC HEARING – Consideration of a Master Development Plan and Land Use for Scenic Mountain – Public Hearing.

The Scenic Mountain Master Development Plan was presented by Interim Planning Director Steve Mumford. The Scenic Mountain Master Development Plan includes approximately 39 acres of land located just outside of the northeast corner of the City. The proposal includes a mixture of residential uses and densities, with a total of 389 residential units and a gross density of approximately 9.9 units/acre. The property is currently within Saratoga Springs' boundaries, but a boundary adjustment is in progress to annex it into Eagle Mountain City. This is a public hearing and a discussion item only, as an ordinance cannot be approved until the property is within Eagle Mountain City's boundaries. A master development agreement will be required before an ordinance can be adopted formalizing the zoning and master development plan.

Mayor Jackson opened the public hearing at 8:06 p.m.

Ms. Nikki Wickman, 2766 Fort Hill Road, asked why a high-density project would be built at the entrance to the city.

Mayor Jackson closed the public hearing at 8:07 p.m.

Councilmember Ireland asked the applicant to comment on the transition between densities. Mr. Ryan Kent of Sage Communities, representing Scenic Mountain, LC, stated that the company wanted to be very forthright about the proposed densities. The fact that this area is the gateway to the city has been brought to their attention and they take it very seriously. The LDS Church parcel will affect the density. Another parcel could be added near the high-density construction to buffer it.

Councilmember Lifferth asked if there were plans to place signage or relocate the current entry monument, since the monument is no longer located at the city limits. Mr. Kent responded that an area in the northeast corner that will be dedicated to the City. The Mayor is working on a monument thanking people for visiting Eagle Mountain, as on that side of the road drivers are leaving the city. Mayor Jackson asked for the Council's input on the design of that monument.

Bill Turnbull of Sage Communities stated that the entry to the city needs to look good, so density has to be done correctly. The plan for the land while it was in Saratoga Springs called for approximately 350 row townhomes. The development will be a mixed-use, multifamily development, but it will be built attractively. The LDS Church site will displace some of the higher-density development in that area.

This was a discussion item and did not require any action by the City Council.

21. PUBLIC HEARING – Consideration of a Master Development Plan for Oquirrh Mountain and Deletion of this Area from The Ranches Master Development Plan – Discussion Item Only.

Interim Planning Director Steve Mumford presented the Oquirrh Mountain Master Development Plan, which includes approximately 102.4 acres of land located southwest of the Lone Tree subdivision along Pony Express Parkway. The proposal includes a mixture of residential uses and densities, with a total of 417 residential units. This area is currently within The Ranches Master Plan. With the approval of this new master plan, the area would be deleted from the Ranches Master Plan and stand alone as the Oquirrh Mountain Master Plan. A master development agreement will be required before an ordinance can be adopted formalizing the zoning and master development plan. Trails will run along the higher elevations and there will be a park around the petroglyphs on the site. Some petroglyphs will be relocated to the park site. Scenic Mountain, LC, has met with SITLA to address compatibility between their adjoining properties.

***Mayor Jackson opened the public hearing at 8:27 p.m. ***

Ms. Elise Erler, SITLA, stated that SITLA's highest-value land was adjacent to Oquirrh Mountain's lowest-value land, leading to a conflict in ground value. She believed they had come to a reasonable solution for transitioning from single-family homes on SITLA's side to multifamily homes on Scenic Mountain's side. Trails and open space will be located along this boundary. Ms. Erler requested that the Council include item 13 of the conditions of approval listed in the staff report when this item is voted on at a future meeting. The item is as follows:

“EXTERNAL COMPATIBILITY. 20-foot setback to be added along the southern boundary. This 20-foot building setback is to include a 10-foot landscaped corridor on the applicant's plans and plats – to be one-half of a 20-foot corridor to be cooperatively planned with SITLA, which will provide both the other 10-foot landscaped portion of the corridor and the trail.”

Ms. Erler stated that SITLA is a strong proponent of trail systems. She stated that the planned trail will connect with the Pony Express trail.

***Mayor Jackson closed the public hearing at 8:31 p.m. ***

Mayor Jackson asked what was planned for protection of the petroglyphs. Mr. Mumford responded that the petroglyphs are located on private property, over which the City has no jurisdiction. The applicant plans to protect them, but does not want the method to be determined by the City.

Councilmember Ireland asked Chief Andrus how firefighters will access wildlands at the higher elevations. Chief Andrus responded that there are access points from the streets to the wildland areas. There will also be a 20-foot wildland interface zone between wildlands and homes.

Councilmember Lifferth pointed out that Eagle Mountain has received recognition for protection of petroglyphs, and he hopes everything possible will be done to protect them. Councilmember Ireland stated that he has spoken with Mr. Kent, who said that this petroglyph viewing area will be tied to the other petroglyph area by a trail. Councilmember Lifferth asked if City ordinance can be changed to specify protection for such historical items. Mr. Kinghorn responded that such items are not protected by State or Federal law if they are located on private land, but the City could require land containing them to be dedicated to the City as a park, so the City could protect them.

Mayor Jackson asked if the proposal would dedicate park elements to the City. Mr. Mumford responded that the areas were planned to be owned and maintained by the HOA. Mayor Jackson asked Mr. Kinghorn if such areas were normally dedicated to the City and maintained by the HOA. Mr. Kinghorn responded that unimproved open spaces are transferred to the City. Developers are required to dedicate a certain amount of improved open space to the City. A new master development plan and rezone allows the City

more leeway to determine how such areas will be handled than some other situations allow. He stated that the City needs to decide how much improved open space the City wants to budget money to maintain. Councilmember Burnham pointed out that the agreement specifies that all open space will be owned by the Oquirrh Mountain Homeowners' Association. Mr. Mumford said that, while the City code requires improved open space, but does not require that it be dedicated to the City.

This was a discussion item and did not require any action by the City Council.

22. MOTION – Consideration and Approval of an Application for a Land and Water Conservation Grant for the Pony Express Park Improvements Project.

An application for a Land and Water Conservation Grant was presented by Management Intern Eli Jones. The Land and Water Conversation Fund is a Federal grant allocated by the State for recreation planning, acquisition and development. Funds will be sought for improvements to Pony Express Park; notably, the access road, parking lot, and the planned playground, pavilion and park area southwest of the Skate Park. The grant requires a 50% match. Once the City has funded the project, the grant will reimburse 50% of the funded amount. The City must meet the following requirements: funds have to be used within three years, the project site has to be permanently dedicated to recreation, and the City has to be responsible for upkeep and maintenance of the park. Based on cost projections and funds already available for the Pony Express Park project, the City could receive a matching grant of \$50,000 to \$150,000. Council approval improves the City's chances for winning the grant. Winning the grant improves the City's chances of winning the grant again in future years.

Discussion ensued about the design of playing fields and the roads leading into and around the park, as well as the requirements for design work on the park. Mayor Jackson mentioned that a condition of Equestrian Estates' approval was \$300,000 of work on the park. Mr. Mumford responded that he would check on the specific requirements.

MOTION: *Councilmember Cieslak moved to approve an application for a Land and Water Conservation Grant for the Pony Express Park Improvements project, in an amount between \$50,000 and \$150,000. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

23. RESOLUTION – Consideration and Adoption of a Resolution Petitioning the Utah Transit Authority for Annexation into a Transportation District.

Management Intern Eli Jones presented a resolution petitioning the Utah Transit Authority (UTA) for annexation into the UTA transportation district, which would require raising the sales tax in Eagle Mountain City from 6.2% to 6.45%. In order for the annexation to be approved, The City Council must pass this resolution, UTA must hold a public meeting in Eagle Mountain, and an election must be held to approve the sales tax for public transit. Mountainland Association of Governments has allocated funding to provide express bus service for Eagle Mountain. The funding is contingent upon Eagle Mountain and Saratoga Springs joining the transportation district. The City is currently in discussions with UTA about the possibility of an express bus route with a park and ride lot located along SR 73, perhaps as soon as November, 2008.

Discussion ensued on the benefits of joining the transportation district and what might be required to have that approved by the public. Mayor Jackson will bring feedback to MAG, which placed the stipulation of Saratoga Springs joining the district along with Eagle Mountain.

MOTION: *Councilmember Ireland moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, petitioning the Utah Transit Authority, a transportation district of the State of Utah. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

24. RESOLUTION – Consideration and Adoption of a Resolution Authorizing and Ratifying Payment of All or Part of Employee-Required Contributions within the Contributory Retirement Plan with Utah Retirement Systems.

A resolution authorizing the City's payment of retirement contributions was presented by City Recorder Fionnuala Kofoed. Eagle Mountain City participates with the Utah Retirement Systems and contributes all of the employee-required contributions to the contributory retirement plan. This has been the practice since the City first joined the Utah Retirement Systems. To comply with IRS regulations, the City needs to formally adopt the proposed resolution authorizing the payment of all or part of employee-required contributions within the plan.

MOTION: *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, authorizing and ratifying payment of all or part of employee required contributions within the contributory retirement plan with Utah Retirement Systems. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

25. AGREEMENT – Consideration and Approval of a Memorandum of Understanding with Utah Geological Survey.

Public Works Director Chris Trusty presented a continuation of a Memorandum of Understanding with Utah Geological Survey (UGS). For the last three years, Eagle Mountain City has had a Memorandum of Understanding with UGS to provide monitoring services on two monitoring wells constructed by Eagle Mountain City, as well as for several other private wells in the area. The ongoing monitoring is intended to provide hydrogeologic data to be used in determining the ultimate capacity and recharge capabilities of the underground aquifers from which Eagle Mountain draws its water. The UGS pays half the cost of the monitoring.

MOTION: *Councilmember Cieslak moved to approve a continuation of a memorandum of understanding with Utah Geological Survey in the amount of ***. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

26. RESOLUTION – Consideration and Adoption of a Resolution Stating the Intent of Eagle Mountain City to Adjust its Common Boundaries with the City of Saratoga Springs, Authorizing a Public Hearing Thereon and Providing for Notice of Said Hearing.

A resolution of intent regarding a boundary adjustment with Saratoga Springs was presented by City Recorder Fionnuala Kofoed. Capital Security Mortgage and Tracy K. Gibbs own approximately 35 acres in Saratoga Springs near The Ranches Golf Course driving range. They have made a formal request to both Eagle Mountain City and the City of Saratoga Springs to adjust the boundary and locate the property in Eagle Mountain City. Utah Code Ann. § 10-2-419 establishes a procedure for adjustment of the common boundaries between adjacent municipalities. The first step in the process is for each municipality to adopt a resolution of intent, which begins the 60-day noticing/protest period before the boundary adjustment can take place. Saratoga Springs adopted a resolution of intent on August 12, 2008. This boundary adjustment was presented to the City Council at an earlier date but because of errors in the legal description, the application needs to be reprocessed and re-noticed. A public hearing and vote on approval of an ordinance enacting the boundary adjustment will be held on October 21.

MOTION: *Councilmember Ireland moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, stating the intent of Eagle Mountain City to adjust its common boundaries with the City of Saratoga Springs, authorizing a public hearing thereon and providing for notice of said hearing. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

27. **RESOLUTION – Consideration and Adoption of a Resolution Authorizing the Issuance and Sale of not more than \$3,000,000 Aggregate Principal Amount of Excise Tax Road Bonds, Series 2008, of Eagle Mountain City, Utah, for the Purpose of Financing the Renovation and/or Construction of Class C Roads and Related Improvements; Calling a Public Hearing and Establishing a Time, Place and Location for Said Public Hearing; Providing for Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for a Pledge of Excise Tax Revenues for Repayment of the Bonds; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from Par at Which the Bonds May be Sold; Providing for the Running of a Contest Period; and Related Matters.**

Mayor Jackson presented a resolution authorizing the issuance and sale of excise tax road bonds. In order to provide funding for approximately \$2.3 million in necessary road construction improvements, the City is preparing to issue excise tax revenues bonds. These bonds will be secured by Class B & C road funds generated by gasoline sales and distributed by the State to local governments on a quarterly basis. In order to facilitate this bond issuance, the City must adopt a Parameters Resolution setting forth not-to-exceed parameters relating to the maturity of the bonds, the maximum rate of interest, the maximum par amount of the bonds and the maximum discount on the bonds, if any. Further, as a result of changes to the laws by the 2008 Utah State Legislature, the City must also publish this notice for two consecutive weeks and hold a public hearing on the issuance of these bonds at least 14 days after the first publication.

Mayor Jackson explained that this resolution begins the notice period for these bonds. The item was extensively discussed in Work Session, therefore no further discussion was required at this time.

MOTION: *Councilmember Ochsenhirt moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$3,000,000*

aggregate principal amount of Excise Tax Road Bonds, Series 2008, of Eagle Mountain City, Utah, for the purpose of financing the renovation and/or construction of Class C roads and related improvements; calling a public hearing and establishing a time, place and location for said public hearing; providing for publication of a notice of public hearing and bonds to be issued; providing for a pledge of excise tax revenues for repayment of the bonds; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the running of a contest period; and related matters.

Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.

28. AGREEMENT – Consideration and Approval of a Water Supply Agreement with the Central Utah Water Conservancy District for the Sale of CWP Municipal and Industrial Water.

Item 28 was removed from the agenda.

29. RESOLUTION – Consideration of a Resolution to Designate the Proposed Assessment Area 2008-2, known as the North Ranch Special Assessment Area, to Finance the Costs of Natural Gas Lines and Related Improvements and to Fix the Time and Place for Protests of Such Designation.

North Ranch residents requested that the City install natural gas lines in the subdivision. This resolution only allows for notices, a protest period and a public hearing. Mayor Jackson explained that if over 50% of the lot owners accept the assessment area designation, the action can go forward. If 50% or more object, no further action can be taken. The public hearing will be held on October 21. All the property owners will be notified of the date of the hearing.

MOTION: *Councilmember Ireland moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, to designate the proposed Assessment Area 2008-2, known as the North Ranch Special Assessment Area, to finance the costs of natural gas lines and related improvements and to fix the time and place for protests of such designation. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

CITY ADMINISTRATOR ITEMS

Mr. Hendrickson stated that hydrogen sulfate levels well #4 water are somewhat high. While the water is still safe, it has an unpleasant odor and appearance. The city needs the water in the system to avoid watering restrictions. The water level in the city's water tanks got down to five feet deep, which is barely enough to provide for the city's consumption and safety needs, so the State Division of Water Quality (DWQ) may rush approval of well #5. Enough water rights for the well have been transferred, a temporary pump is in place, and the water quality and capacity are excellent. Once the city's water problem is past, well #5 will be taken off-line for construction of the permanent structure. Mr. Trusty explained that the contract for wells #1 and 5 will go out to bid next month. He gave an update with information that had been

received today: Staff Engineer Dave Norman called DWQ and was told that approval for well #5 would probably be given tomorrow. Mr. Trusty said well #5 can be on-line early next week.

On the sewer plant, Mr. Trusty stated that he is waiting for a construction permit from the State. Stantec submitted all of the revisions to the documents that were given back to the City last week, but there has been no response from the State. Mr. Hendrickson asked if the State's lack of response will affect the deadline. Mr. Trusty responded that the contract allows for a 12-month construction period. Mr. Trusty said that the State will make the deadline 12 months from the notice to proceed, but the notice to proceed cannot be issued until the construction permit has been issued.

30. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Burnham

Councilmember Lifferth had no comment.

Councilmember Cieslak

Councilmember Cieslak thanked Ms. Kofoed for enabling Council members to participate in meetings by phone.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comment.

Councilmember Ireland

Councilmember Ireland had no comment.

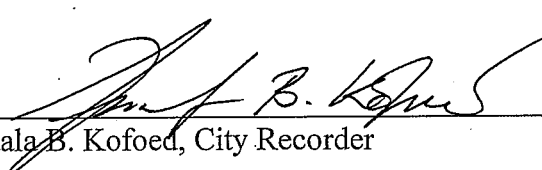
Mayor Jackson

Mayor Jackson had no comment.

ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:31 p.m.

APPROVED BY CITY COUNCIL SEPTEMBER 2, 2008



Fionnuala B. Kofoed, City Recorder