

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

February 7, 2006

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

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

Mayor Brian B. Olsen called the meeting to order.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, and Linn Strouse.

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

**ADJOURN TO A CLOSED EXECUTIVE SESSION – Potential Litigation**

Councilmember Blackburn **moved** to adjourn to a closed executive session for the purpose of discussing potential litigation - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Councilmember Liddiard **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

The meeting adjourned at 4:03 p.m.

**CLOSED-DOOR SESSION – Potential Litigation**

A closed-door session was held at 4:30 p.m. for the purpose of discussing potential litigation - Pursuant to Section 52-4-5(1)(a) of the Utah State Code Annotated. Those in attendance were: Mayor Brian B. Olsen; Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, Linn Strouse; staff members Chris Hillman, Jerry Kinghorn, and Gina Peterson.

The meeting adjourned at 4:47 p.m.

**DISCUSSION/REVIEW ITEMS**

DISCUSSION – Eagle Mountain City Construction Standards and Specifications – Chris Trusty

MAYOR’S BUSINESS

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

## AGENDA REVIEW

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

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

Mayor Brian B. Olsen called the meeting to order. Scout troop #1084 presented the color guard including the pledge of allegiance.

CONDUCTING: Mayor Brian B. Olsen

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse.

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

### **MAYOR'S ITEMS**

#### RECOGNITION – Eagle Scout Benjamin Wallace

Mayor Olsen congratulated Benjamin Wallace for receiving his Eagle Scout. He stated that Benjamin gathered school supplies for children in Guatemala.

### **PUBLIC COMMENTS**

Stephen Stone of Provo, Utah stated he was in town on business when he ran his vehicle into a median on the intersection of Pony Express Parkway and Ball Street. He notified the City of the damage to his vehicle approximately a year ago asking the City to pay for the expenses. He would like to resolve the liabilities with the City as he believes the median was a faulty design. He stated the City repaved the area and installed stop signs shortly after his accident. He doesn't care if the City is responsible or the contractor, he would just like his car fixed.

Mayor Olsen asked Mr. Stone who the last staff member was he spoke with.

Mr. Stone stated he last spoke with Judy Hicks, an insurance adjustor.

City Administrator Chris Hillman explained this case was referred to the City's liability insurance carrier, Utah Local Government Trust (The Trust). The adjusters office and The Trust denied this claim.

Mr. Stone stated he does not want to hire an attorney and take this to court. He believes his wife, who was in the car at the time of the accident, and he could have been killed in the accident and his wife was injured. He said the car was totaled; it will cost more to fix the car than it is worth. Mr. Stone stated he wants the car repaired. The damage to the car was caused by the dangerous hazardous conditions created by this intersection. He asked that someone be assigned to work with him.

Councilmember Blackburn stated he was on the Public Works Board at the time of this accident. He informed Mr. Stone there were discrepancies found in this road that were repaired. He asked Mr. Stone what his speed was at the time of the accident.

Mr. Stone said he did not know; he was dodging things and not paying attention to his speed. The accident was on October 6, 2004.

Mr. Hillman said he would work with Mr. Stone on this issue.

Mayor Olsen told Mr. Stone his concerns have been heard by the Council and Mayor.

## **SCHEDULED ITEMS**

### PUBLIC HEARING – SilverLake Master Development Plan Amendment

### MOTION – Consideration and approval of an amendment to the Land Use Element of the SilverLake Master Development Plan.

Planning Director Adam Lenhard stated the current SilverLake Master Development Plan is vested with up to 2,101 dwelling units over a total of approximately 483.7 acres. Of the 2,101 units, 1388 are single-family and 713 are multi-family.

Mr. Lenhard explained the revised map proposes no change in the overall number of dwelling units. The number of proposed single-family units is 1263 and the number of proposed multi-family units is 838. The location of the multi-family units will be modified. The map has also been redrawn to allow more flexibility in future subdivision layouts while still adequately separating multi-family and single-family uses. The proposed changes are consistent with the City's General Plan Map.

Mr. Lenhard reviewed staff's recommended conditions of approval.

Councilmember Blackburn asked if the regional park in the SilverLake development will be completed according to schedule. Mr. Lenhard answered there is not a specified date of completion for the regional park.

Councilmember Blackburn asked if a construction access has been established. Mr. Lenhard indicated that item would be appropriate to address with the preliminary plat which has not yet been submitted.

Councilmember Lifferth asked if a traffic study has been completed to determine if the roads will support this density transfer. Mr. Lenhard said an updated traffic study has not been provided. Staff has not seen a need to require an additional traffic study because the number of units has not been proposed to increase.

Councilmember Liddiard asked how the road alignment would be affected by the change in acreage and what the effects would be. Mr. Lenhard stated the road alignment is the same, but during the platting process some alterations may need to be made.

Councilmember Liddiard asked what the reason for transferring dwelling types is. Mr. Lenhard said the next phase is currently slated to be multi-family and the developer has had success with single-family homes.

Councilmember Strouse asked if any of the parcels include portions of Tickville Wash. Mr. Lenhard explained there is a requirement that the lots have to be 50 feet away from the edge of the Wash.

Mayor Olsen opened the public hearing at 7:34 p.m.

Nathan Shipp of Development Associates and SL6 stated the proposed changes will not alter the road design. The proposed multi-family parcel is smaller than where it is currently located. Mr. Shipp stated the reason they are proposing this amendment is because the Master Development Plan bubble map was never surveyed and there were discrepancies in the property Development Associates intended to deed to the City. This amendment will correct that problem.

Mayor Olsen closed the public hearing at 7:38 p.m.

Councilmember Strouse **moved** to approve an amendment to the Land Use Element of the SilverLake Master Development Plan. Councilmember Lifferth **seconded** the motion.

Councilmember Strouse stated it has been a pleasure to work with Development Associates.

Councilmember Jackson **moved** to amend the motion and approve an amendment to the Land Use Element of the SilverLake Master Development Plan subject to the following conditions:

1. ORIGINAL MASTER DEVELOPMENT AGREEMENT CONDITIONS. That all conditions of the "First Amendment to Eagle Mountain City Master Development Agreement and Annexation Agreement" dated May 6, 2003 remain unchanged with this amendment unless otherwise explicitly specified in these conditions of approval or on the revised Master Plan Map.
2. SCHOOL SITE. That the 12-acre school site identified on the revised Map is deeded to the City with the recordation of the first Final Plat in Phase 2 (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).
3. REGIONAL PARK AND WATER RIGHTS. That the 15 acre Regional Park parcel currently designated as R9 OS4 is deeded to the City, and that water rights for the park are deeded over as per the original Master Development Agreement (no less than 31.65 acre feet).
4. REVISED MAP. That the revised map replaces the Map contained in Exhibit A of the Master Development Agreement. That date on the map is updated.
5. TICKVILLE WASH. That the approximate acreages are called out for the Tickville Wash parcels. That the 4.7 acre parcel designated as R9 OS3 on the original Map is deeded to the City as per the original Master Development Agreement (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).

Councilmember Liddiard **seconded** the motion.

Councilmember Strouse accepted the amended motion; she stated she believed as it was an amended plat the conditions of approval would be implied. Councilmember Lifferth also accepted the amended motion.

Councilmember Liddiard wondered how the proposed amendments will affect those who currently own property in the SilverLake Development.

Councilmember Jackson stated a multi-family unit is being moved away from single family units. She stated this is a benefit and will increase property values.

Councilmember Liddiard agreed with Councilmember Jackson. He questioned the increase in multi-family dwellings.

Councilmember Blackburn stated he believes the Council should discuss adding construction access as a condition of approval.

Councilmember Liddiard stated this development has a single access street for approximately 2000 homes. He believes traffic will continue to increase as the area grows. He encouraged construction vehicles to use alternate access. He also stated the roads are often covered in dirt and proper street sweeping is not happening.

Mr. Shipp responded to Councilmember Liddiard's concerns dealing with dirt on the roads. He explained the increase in snow has created a challenge. The City has told Development Associates they are unwilling to plow those streets based on the number of residents currently occupying the subdivision. The street sweepers are not effective at removing dirt with the amount of snow. Mr. Shipp told the Council he will keep the streets clean of dirt if the City will remove the snow.

Mr. Shipp stated the proposed design will move the multi-family away from single-family dwellings. A construction access is not being addressed in this amendment. However, another access will be included in phase two, as well as third access for construction vehicles.

Councilmember Liddiard stated this development has been positive for Eagle Mountain City. Because of this development the City has received another access into the City with the extension of Pony Express Parkway as well as the amphitheater.

Councilmember Blackburn **moved** to amend the amended motion and approve an amendment to the Land Use Element of the SilverLake Master Development Plan subject to the following conditions:

1. ORIGINAL MASTER DEVELOPMENT AGREEMENT CONDITIONS. That all conditions of the "First Amendment to Eagle Mountain City Master Development Agreement and Annexation Agreement" dated May 6, 2003 remain unchanged with this amendment unless otherwise explicitly specified in these conditions of approval or on the revised Master Plan Map.
2. SCHOOL SITE. That the 12-acre school site identified on the revised Map is deeded to the City with the recordation of the first Final Plat in Phase 2 (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).
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4. REVISED MAP. That the revised map replaces the Map contained in Exhibit A of the Master Development Agreement. That date on the map is updated.
5. TICKVILLE WASH. That the approximate acreages are called out for the Tickville Wash parcels. That the 4.7 acre parcel designated as R9 OS3 on the original Map is deeded to the City as per the original Master Development Agreement (the location depicted on the revised Map is an approximate location and the actual location and layout may shift during the platting process).

6. CONSTRUCTION ACCESS. That a provision be placed in the Master Development Agreement requiring SilverLake to propose and get a construction access approved by the City Council with each plat submitted.

Councilmember Liddiard **seconded** the motion.

Councilmember Strouse accepted the amendment to the amended motion. Councilmember Lifferth stated he is supportive of approving this item.

Councilmember Blackburn asked if there is a time frame for completion of the school site included in the Master Development Plan.

Councilmember Liddiard stated he could address that issue during Council Comments at the end of the meeting.

Mayor Olsen called for a vote on the final motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. Motion **passed** with a unanimous vote.

RESOLUTION – Consideration For Adoption Of A Resolution Of The City Council Of Eagle Mountain City, Utah (The “Issuer”), Finalizing The Terms And Conditions Of The Issuance And Sale By The Issuer Of Its Special Assessment Refunding Bonds, Series 2006 (Special Improvement District No. 2000-1) In The Aggregate Principal Amount Of Not To Exceed \$8,840,000 (The “Series 2006 Bonds”); Awarding And Confirming The Sale Of Said Series 2006 Bonds; Authorizing The Execution By The Issuer Of A General Indenture Of Trust, And Other Documents Required In Connection Therewith; Authorizing And Approving A Bond Purchase Contract; And Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transaction Contemplated By This Resolution; Providing A Severability Clause; Repealing Resolutions And Orders In Conflict; Providing An Effective Date; And Related Matters.

Laura Lewis of Lewis Young Robertson and Burningham explained this Resolution and documents approved with the resolution are necessary to complete the refunding of the 2000-1 SID Bonds. This is the final step in the process of preparing for the closing of the refunded bonds which will take place on February 9, 2006.

Councilmember Blackburn **moved** to adopt Resolution 04-2006 of the City Council of Eagle Mountain City, Utah (The “Issuer”), finalizing the terms and conditions of the issuance and sale by the Issuer of its Special Assessment Refunding Bonds, Series 2006 (Special Improvement District No. 2000-1) in the aggregate principal amount of not to exceed \$8,840,000 (The “Series 2006 Bonds”); awarding and confirming the sale of said Series 2006 Bonds; authorizing the execution by the issuer of a General Indenture Of Trust, and other documents required in connection therewith; authorizing and approving a Bond Purchase Contract; and authorizing the taking of all other actions necessary to the consummation of the transaction contemplated by this Resolution; providing a severability clause; repealing Resolutions and orders in conflict; providing an effective date; and related matters. Councilmember Liddiard **seconded** the motion.

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

The Mayor and City Council thanked Ms. Lewis and Mr. Kinghorn, his firm and City Staff for their efforts.

PUBLIC HEARING – The Ranches Master Development Plan Amendment  
MOTION – Consideration and approval of an amendment to the Land Use Element of the Ranches Master Development Plan.

City Planner Peter Spencer indicated that Elkhorn Development has submitted an application to amend a portion of The Ranches Master Development Plan in the Mt. Airey subdivision. The subject property is approximately 0.92 acres in size (40,867 sq. ft.). The applicant is requesting to be able to develop their parcel into four separate lots, instead of the two they are allowed under the current Master Development Plan. They claim that only placing two lots on the subject property would result in an unattractive layout with double frontages, or that the larger lots would be more difficult to maintain. The proposed amendment is consistent with the City's General Plan Map.

Mr. Spencer explained the original Ranches Master Development Plan allowed for 95 lots in Mt. Airey. The Ranches added one lot to Mt. Airey in their Amendment to the Master Development Plan on February 1, 2005 which brought the total number of lots to 96. Plat A consists of 62 residential lots, Plat B consists of 19, Plat C consists of 9, Plat D consists of 3, and Plat E consists of 1 lot. As currently approved, the Master Plan only allows two (2) more units to be built in this subdivision.

Approval of this application would enable the Applicant to develop up to four separate lots on their property subject to the Preliminary Plat and Final Plat processes. The proposed amendment is consistent with the City's General Plan Map.

Mr. Spencer reviewed the findings of fact upon which approval should be based.

Councilmember Liddiard asked if staff was concerned with the road alignment of Clubhouse Lane running along Lot 2.

Mr. Spencer responded staff was not concerned with the road alignment. Discussion ensued on lot sizes.

Mayor Olsen opened the public hearing at 8:20 p.m. There were no comments so the public hearing was closed.

Councilmember Lifferth **moved** to approve an amendment to the Land Use Element of the Ranches Master Development Plan based upon the following findings of fact:

1. **COMPATIBILITY.** The four lots would all be developed as single-family lots subject to the same requirements as the other Mt. Airey subdivisions.
2. **COMPLIANCE WITH GENERAL PLAN MAP.** This proposal is in compliance with the City's General Plan Map.
3. **TRAFFIC AND TRANSPORTATION.** Adding two more lots to the subject parcel will not result in noticeable traffic congestion or safety problems. The existing roads in Mt Airey have adequate capacity for the proposed lots.
4. **DESIGN AND DENSITY.** Each of the four lots on the subject property would be in excess of 10,000 sq. ft., which is consistent with the other lots in the subdivision.

Councilmember Jackson **seconded** the motion.

Councilmember Liddiard stated his concern with the configuration of Clubhouse Lane. As people are leaving the Clubhouse their vehicles will be directly facing Lot 2. He asked Councilmember Lifferth to amend his motion restricting Lot 2 from putting their driveway in line with the road.

Mr. Spencer stated the item on the agenda is just for the Master Development Plan Amendment; no lots have been approved or platted. This concern would be better addressed with the Preliminary Plat.

Mr. Kinghorn stated this item is a rezone of the parcel. He stated it would be inappropriate to add the amendment Mr. Liddiard requested.

Councilmember Blackburn asked if the residents of Mt. Airey have been notified of the potential rezone and if feedback was received.

Mr. Spencer said they have been notified and all feedback received was positive.

Councilmember Liddiard called for a question on the motion.

Mayor Olsen called for a vote. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth 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.

Mr. Lenhard stated the Eagle’s Gate subdivision is located south of Anthem on the Green and north of the Rock Creek condos. Showdown B is located the northeast corner of Eagle’s Gate. The final plat was approved July 19, 2005 and is being developed by Eagle’s Gate Development, L.C. This agreement details the terms of development, including bonding requirements.

Councilmember Liddiard **moved** to approve the Development Agreement with Eagle’s Gate Development, LC for Showdown at Eagle’s Gate – Plat B. Councilmember Lifferth **seconded** the motion.

Councilmember Strouse asked if there is another park in the Showdown plats.

Mr. Lenhard stated there are two parks in the Eagle’s Gate subdivisions. Showdown is contributing to one of those parks and paying a fee-in-lieu for the other Development Code requirements.

Councilmember Strouse asked staff to provide her with a copy of the Parks Master Plan.

Councilmember Blackburn asked when the second access will be completed for this subdivision.

Councilmember Liddiard stated he believes Councilmember Blackburn is trying to establish construction access for this subdivision.

Councilmember Blackburn **moved** to amend the motion approving a Development Agreement with Eagle’s Gate Development, L.C. for Showdown at Eagle’s Gate - Plat B to include an asphalt overlay from Nairn Road to Pony Express Parkway, including Scott’s Craig Drive and St. Andrews Drive. Councilmember Liddiard **seconded** the motion.

Councilmember Liddiard accepted the amendment.

Councilmember Lifferth stated he would normally oppose any additional requirements above the City's standard; however, this will address a safety hazard and therefore he is in favor of the amendment.

Councilmember Jackson asked for clarification of when it is appropriate to discuss construction access.

Mr. Kinghorn stated in order to put a requirement in the Development Agreement for construction access, which is not in the Development Code, the City Council would need to send the Development Agreement back to the developer. If the developer does not agree with the requirement the City cannot impose it upon them.

Amy Twitty of the Sage Group asked for clarification of the amended condition.

Councilmember Blackburn explained the City Council is requesting a black top overlay extending Nairn Road to Pony Express Parkway including Scott's Craig Drive and St. Andrews Drive.

Ms. Twitty stated all improvements are anticipated to be completed by April 1, 2006. She agreed to all proposed conditions.

Mayor Olsen called for a vote on the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth, 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.

Mr. Lenhard stated the Lone Tree C project is located at the western end of the Ranches Master Development Plan area, northeast of Lone Tree A & B. The final plat was approved September 20, 2005 and is being developed by KHM Lone Tree, L.C. This agreement details the terms of development, including bonding requirements.

Councilmember Jackson **moved** to approve a Development Agreement with KHM Lone Tree, LC for Lone Tree – Plat C. Councilmember Blackburn **seconded** the motion.

Councilmember Strouse asked what the lot frontages are on the cul-de-sac lots. She also asked what improved open space is considered to be as referenced in the bond letter.

Councilmember Jackson stated the plat has been approved, including lot frontages, so she feels the issue is a moot point.

Councilmember Strouse stated her vote is not dependent on the information; she would just like to know.

Mr. Lenhard stated the lot frontages are within the Development Code and improved open space includes sod and irrigation.

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

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Homeland Holdings, Inc. for Autumn Ridge – Phase I.

Mr. Lenhard stated the Autumn Ridge project is located in the town center southwest of the Eagle Park subdivision. The final plat has been approved and is now being developed by Homeland Holdings, Inc. This agreement details the terms of development, including bonding requirements.

Councilmember Liddiard asked for details of the open space.

Mr. Lenhard stated all of these items were approved under the final plat, including a park plan. He explained the approved landscape plan. Discussion ensued on landscaping.

Public Works Director Mark Sovine asked if there is a deceleration lane along Eagle Mountain Boulevard and Mr. Lenhard responded there is not.

Councilmember Liddiard asked if a construction access has been defined for this plat. Mr. Lenhard stated it has not. He stated when the Council reviews a Development Agreement they should keep in mind that the plat has already been approved and additional comments related to the subdivision platting process are not appropriate.

Mr. Kinghorn explained until construction standards are adopted that include construction access provisions there is not a requirement the City Council can impose unless the developer agrees to it. If the City Council wants to impose a condition requiring construction access they should propose the developer come back with a plan to be included in the Development Agreement. However, if the developer does not feel a construction access is necessary the City Council can not require it until it is written into law.

Councilmember Liddiard asked if there is sufficient utility capacity for this subdivision.

Mr. Kinghorn stated there is a special condition attached to the agreement stating utility capacity is not guaranteed, specifically sewer capacity.

Councilmember Jackson **moved** to approve a Development Agreement with Homeland Holdings, Inc. for Autumn Ridge – Phase I. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated it is nice to see an approved subdivision in the City Center moving forward. She stated the western access from Eagle Mountain Boulevard would be the best access for this subdivision.

Councilmember Liddiard stated that all construction access should use the access off of Eagle Mountain Boulevard.

Councilmember Blackburn asked for clarification of what modifications can be made with a Development Agreement.

Mr. Kinghorn stated the original theory of subdivisions along Eagle Mountain Boulevard was that when the subdivision next to Eagle Mountain Boulevard was improved Eagle Mountain Boulevard would be widened enough to provide for a deceleration lane into the subdivision. Eagle Mountain Boulevard has more space along the side of the road area in some areas for the adjacent developer to make improvements rather than the City widening it when it was built. It is not in the improvement letter and it is not in the bonding letter for Autumn Ridge Phase I, which may be because it was not required in the

final plat. When a final plat is approved and all of the requirements of the final plat are met the developer is vested with the right to develop under that approval. He suggested if the City Council has questions they table this proposal and verify what conditions were included in the final plat approval. If the conditions were not required with the final plat approval they cannot be required at this time.

Councilmember Blackburn stated because of the speed on Eagle Mountain Boulevard he feels a acceleration/deceleration lane would be appropriate.

Brian Brady a representative of Homeland Corporation, the developers of Autumn Ridge Phase I, stated they will direct construction traffic to enter through the round about located on the plat. He stated they are not willing to install a deceleration lane because the plat has already been approved as it is.

Mr. Kinghorn explained that when this plat was approved the speed limit was much lower on Eagle Mountain Boulevard than it is now. The traffic studies were done based on a much lower speed. If the City wants to make it safe they can reduce the speed limit or ask the applicant to cooperate with reengineering the intersection. He advised the City Council when subdivisions are approved they are vested and the City needs to be aware that retroactively redesigning things that have been approved may be treading into an area they do not want to go.

Councilmember Blackburn asked for clarification on the purpose of the Development Agreement.

Mr. Kinghorn explained Eagle Mountain City Ordinance requires the developer sign a Development Agreement, which provides the City the opportunity to update improvement costs, and applies special conditions.

Councilmember Blackburn asked if the Development Agreement would be an appropriate time to request acceleration/deceleration lanes.

Mr. Kinghorn stated this is an engineering issue. The developer is vested with this plat; however, they are not vested with the costs from when the final plat was approved. The developer will have to comply with current costs, and landscaping standards. The City cannot impose retroactive items or items that are not in the Development Code. The City can ask the developer to consider items that were not in the Development Code at the time of original approval.

Mayor Olsen asked if addressed an acceleration/deceleration lane should be addressed in a separate ordinance if the City Council feels strongly about it.

Mr. Kinghorn stated with out a traffic study giving an objective reason for requiring an acceleration/deceleration lane at the current speed limit he would not recommend the Council require such a condition.

Councilmember Strouse stated she believes it may be easier and cheaper to lower the speed limit.

Councilmember Blackburn asked if the City Council could require purple pipe in this subdivision as a new utility hook up.

Mr. Kinghorn responded the City has not enacted a construction standard requiring purple pipe. The City could ask the developer to install purple pipe or make arrangements to do it themselves.

Councilmember Blackburn stated he feels the City should require purple pipe and an acceleration/deceleration lane should be an appropriate requirement.

Councilmember Lifferth stated it would be helpful if this subdivision required purple pipe to access the Pony Express Park; however, he does not feel it should be required to be installed by the developer.

Councilmember Jackson called for a question on the motion.

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

MOTION - Consideration and approval of the Site Plan for the Freemont Springs Church.

Mr. Spencer said the LDS Church is proposing the development of a new chapel on a 3.10 acre site located in the Freemont Springs subdivision in The Ranches. The building will be a “Heritage” style and will be approximately 16,708 square feet in size.

This parcel of land is zoned Town Core Residential. Places of worship are conditional uses in this zone, and therefore require a Conditional Use Permit review and approval. The City Council has delegated the approval authority for Conditional Use Permits to the Planning Commission. The primary reason for the conditional use review by the Planning Commission is to ensure that the impacts of the proposed institutional use of the church are mitigated for the surrounding residents. Mr. Spencer presented the landscape plan.

Councilmember Strouse asked for clarification on the requirement for third party review and the Fire Chief review which was noted in the presentation by Mr. Spencer.

Mr. Spencer explained the Fire Chief requires that structures with a sprinkler system and fire alarm system receive a separate and objective review. The third party will submit their review to the Fire Chief. The Fire Chief has final approval of the sprinkler system and fire alarm system.

Councilmember Liddiard **moved** to approve the Site Plan for the Freemont Springs Church subject to the following conditions:

1. FIRE APPROVAL. That the sprinkler & alarm systems receive a third party review and are approved by the Fire Chief.
2. LIGHTING. That streetlights are adequately shielded away from surrounding residences.

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

AGREEMENT – Consideration and approval of an Agreement with SL6, LLC known as the SilverLake Reimbursement Agreement.

Mr. Kinghorn stated in accordance with their development agreement, the developers of SilverLake, SL6, LLC participated in the financing of the construction of the Pony Express Well. Their participation allows them to receive reimbursement for the portion of the capacity which they paid for. These reimbursements will be paid out to them from impact fees collected from the SilverLake subdivision on a yearly basis. Mr. Kinghorn stated the SilverLake developers are prepared to execute this agreement which they feel is fair to both the City and themselves.

Councilmember Lifferth **moved** to approve an agreement with SL6, LLC known as the SilverLake Reimbursement Agreement. Councilmember Jackson **seconded** the motion.

Councilmember Lifferth stated this is the model of how he would like the City to interact with developers. He feels this agreement creates a win-win situation.

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

MOTION – Consideration and approval of a Memorandum of Understanding with Terasen Utility Services.

Mr. Kinghorn explained Terasen is interested in obtaining information regarding City utilities. Terasen has requested that the City participate in the investigation of participation in the utilities. At the direction of the City Council the staff was asked to cooperate in providing all the information to Terasen to enable Terasen to make a proposal. Staff has fully cooperated and provided everything requested by Terasen. The MOU (memorandum of understanding) is a draft agreement provided by Terasen which has been edited to recognize the City has not committed to Terasen and is awaiting a proposal from Terasen. Mr. Kinghorn stated he suggested amendments that Terasen would not accept. However he is comfortable enough to recommend the City enter into the MOU with Terasen, which will allow them to develop information and make a proposal to the City.

Councilmember Lifferth **moved** to approve a Memorandum of Understanding with Terasen Utility Services. Councilmember Blackburn **seconded** the motion.

Councilmember Lifferth stated this is not an agreement to sell any utilities. This agreement allows the City to exchange information to get an appraisal of the evaluation of the utilities. He stated the value of the utilities is not known and this is a preliminary step.

Councilmember Liddiard asked if there is a risk of finding negative information. He was concerned with costs incurred by the City to provide them with the requested information.

Mr. Kinghorn explained the original instruction from Council was to provide Terasen with public information. Terasen has requested some confidentiality with respect to any proposal they may present to the City. There were no cost considerations placed in the authorizations to draft the agreement. He believes the costs have been insignificant and it would take longer to tabulate the costs than to provide the information.

Mr. Liddiard asked Mr. Kinghorn to inform the City Council what amendments to the Agreement he had suggested that Terasen did not agree to.

Mr. Kinghorn stated he proposed the following statement be deleted: “The City intends to pursue investigating the option of partnering with a private sector company to manage all or parts of the utilities.” He is not sure if the City intends to pursue partnering with a private sector company to manage utilities. He believes the authorization of this agreement was for information sharing. He suggested the statement “the City has requested that Terasen participate in the investigation.” He believes Terasen came to the City for this. The statement sounds as though the City asked Terasen to do work for the City. This concerned Mr. Kinghorn because if claims of bad faith arose he doesn’t want Terasen to come back to the City for reimbursement for expenses.

He also requested the following sentence be deleted: "Terasen and the City agreed that the purpose of Memorandum of Understanding are to set out the basic terms of a potential business relationship relating to the construction, operation, and financing of the related services and matters for utilities." He does not believe this memorandum sets out the terms of a business relationship so he felt it was inappropriate to describe that as a purpose of the memorandum.

Mr. Kinghorn stated the General Matters paragraph states the parties agree this MOU is not binding on the parties except for the following paragraphs: the term, the exclusivity, the early termination, dispute resolution, the no joint venture and the confidentiality provisions. He felt the agreement would be cleaner with the items removed; however, he does not believe the City should not accept the MOU for these reasons.

Councilmember Blackburn stated he was under the impression that Terasen was interested in acquisition of the utilities which was not addressed in the MOU.

Doug Legge of Terasen stated the overall philosophy of the MOU is to set out the business terms to go forward and ensure the City understands Terasen's intentions. He stated this agreement does not bind the City to any future agreements, but that the City and Terasen agree to work together to allow Terasen to create an infrastructure agreement to place before the City Council. The MOU will allow Terasen and the City to gain an understanding of what Terasen is doing and what they hope to provide. This agreement does not bind the City to anything more than the process which the City and Terasen will work together to find out if an infrastructure agreement will work for both parties.

Councilmember Lifferth stated this MOU does not bind the City in any way. This will allow the City to learn if it will make sense for the City to do something other than what they are currently doing. The City has the opportunity to reduce debt, and allow utilities to be owned or managed by an outside party.

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

## **CONSENT AGENDA**

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

- A. Final Bond Release
  - 1. Pioneer Addition – Phase II
  - 2. Pioneer Addition – Phase III
  - 3. Pioneer Addition – Phase IV
  - 4. Pioneer Addition – Phase V-A
- B. Minutes
  - 1. January 10, 2006

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

## **CITY COUNCIL ITEMS**

### COUNCIL COMMENTS

Councilmember Liddiard discussed the following items:

- PDF plats that come in the City Council agenda packets are not clear. He requester better quality maps in future agendas.
- He would like efforts made to plow snow in the SilverLake area.
- He also asked the City to encourage builders to put dumpsters on building lots rather than on public roads.
- He believes construction access and purple pipe is needed in the construction standards.
- He stated revisions need to made to Resolution 09-00, establishing protocol for the potential sale of a City owned utility.
- Alpine School District is currently investigating opportunities for a bond. He explained plans for new schools in the area.

Councilmember Jackson stated the speed limit should be addressed on Sweetwater Road. She asked to have public notifications and the general response of the public added to agenda summaries in the future. She stated the City needs to address the time frame on building permits and do what is needed to decrease the time it takes to issue building permits.

Mayor Olsen stated it is an honor to serve the citizens of Eagle Mountain City with the City Council. He stated that Mr. Hillman and he will be going to Washington D.C. to meet with Federal Representatives. He stated they are aware of Eagle Mountain and their issues. Federal Representatives will be visiting Eagle Mountain City this summer. Mayor Olsen stated he will be available via cell phone or email during this trip. If the City Council needed to convene they could meet and elect a Mayor Pro Tem at that time.

He has discussed future plans with Alpine School District, including bonds and placements of future schools. He recommended the Council be cautious in supporting the school districts requests for bonds until a location of a high school is determined.

Councilmember Lifferth stated he is in favor of voting for a Mayor Pro Tem to serve in the event the Mayor is unavailable rather than voting one when needed.

Mr. Kinghorn stated if the City Council needed to meet when the Mayor was away they could conduct the meeting telephonically.

## **ADJOURNMENT**

Councilmember Liddiard moved to adjourn the meeting at 10:09 p.m.