

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

March 6, 2007

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

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

Mayor Don D. Richardson called the meeting to order at 4:20 p.m.

CONDUCTING: Mayor Don D. Richardson

ELECTED OFFICIALS PRESENT: Councilmembers David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth (arrived at 5:48 p.m.) and Linn Strouse.

CITY STAFF PRESENT: Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Jordan Harris, Water Supervisor; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; Jerry Monson, Lieutenant.

**PRESENTATIONS**

INTRODUCTION – Steve Miner – Associated Food Stores

DISCUSSION – North County Library Interlocal Recommendation – Michele Graves

DISCUSSION – Fire Department Staffing – Rand Andrus

DISCUSSION – CDA Contract – Ifo Pili

**AGENDA REVIEW**

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

**ADJOURNMENT**

Mayor Richardson adjourned the Work Session at 6:30 p.m.

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

Mayor Don D. Richardson called the meeting to order at 7:32 p.m. Chris Trusty led the Pledge of Allegiance.

CONDUCTING: Mayor Don D. Richardson

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

**CITY STAFF PRESENT:** Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Gordon Burt, City Treasurer; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, City Planner; Chris Trusty, City Engineer; Jeff Weber, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Community Relations Coordinator; Rand Andrus, Fire Chief; Mark Binks, Sergeant; Jason Randall, Sergeant; and Jerry Monson, Lieutenant.

## **INFORMATION ITEMS/UPCOMING EVENTS**

Mayor Richardson announced the following upcoming events:

- Easter Egg Hunt, April 7, 10:00 a.m, Nolan Park
- Miss Eagle Mountain Pageant, April 7, 7:00 p.m., Eagle Valley Elementary School

## **PUBLIC COMMENTS**

Mr. Joe Christensen, 4639 Osprey Way, said during his six years of living in Eagle Park he has hoped the City would improve the land behind his house or he would be allowed to purchase it. He asked the City to improve the land very soon because it's a fire hazard and an eyesore; the weeds from the City's land encroach on all the adjoining yards and make it hard for residents to keep their yards in good order.

Ms. Tiffany Ulmer, 1320 Harrier Street, stated the best time to change a law is before it becomes a law. She asked the Council to consider her application to purchase the open space behind her house, which she turned in on the first day after the moratorium ended. At this point, the land is listed as not available for purchase. She commented on the miscommunication that has gone on regarding open space. As an example, she displayed an ad by a real estate agent which promised additional land available for purchase behind a home for sale on Harrier Street.

Ms. Jayna Jones, 4668 Kestrel Way, stated the City land around and in the center of Eagle Park is a hazard: the weeds, which are only mowed once or twice a summer, are a fire hazard and infested with rodents. If residents kept their yards the way the City keeps its land, they would be cited. The original home owners in Eagle Park were promised the City land would be landscaped and include paved paths. An ordinance could be created similar to a home owners' association: once a major percentage of a subdivision is completed, the City would have six months to improve its land and would be required to maintain the improvements from that time forward. In subdivisions that are already substantially complete, the City would have twelve months to improve City-owned land and then continue maintenance. She's heard that a committee is being formed to address these issues and volunteered to join it.

Ms. Sarah Hendricks, 2008 Mountain View Drive, reported the front end of her yard and the sidewalk in front of her home are sinking because of rodents burrowing, which decreases the value of her property. The land behind her home is an eyesore. Potential purchasers are going to the Ranches, which is much more aesthetically pleasing and where property values are going up. A walkway near her home is surrounded by tall weeds, which are also infested with rodents. Her opinion was some of the City's open space is a waste of land and the City has lost potential income from sales of the land.

Ms. Merilynn Lloyd, 2425 Overland Drive, thanked the Mayor and Council for their service. She expressed her concern about a 40- to 60-acre area between the first and second Cedar Pass Ranch entrances, where a ten-year excavation project has been proposed. She asked the Council if they were aware there have been two accidents requiring Life Flight at the existing gravel pit near her home. Ms. Lloyd mentioned one of her neighbors has been excavating five acres of his land for seven years and wondered why no one has done anything about it. While she sympathizes with the owner of the proposed excavation site and his need to use his land, she is also concerned about adjacent property values.

Ms. Wendy Baggaley, 1467 Hawk Way, announced Senate Bill 41 passed with a third substitute and created a Community Issues Task Force. It set a moratorium on municipalities changing their form of government. She thanked Councilmember Jackson and others for their help on this issue. The Council should pay attention to news reports about this task force because it will affect city government, especially the powers of the Mayor versus those of the Council. She also thanked Senator Madsen and Representative Sumsion for their hard work on this bill.

## **CITY COUNCIL/MAYOR ITEMS**

### Planning Commission Appointment – Ryan Ireland

Mayor Richardson proposed appointing Mr. Ryan Ireland to the Planning Commission.

Councilmember Jackson **moved** to appoint Mr. Ryan Ireland to the Planning Commission. 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.

Mr. Ireland was sworn in by City Recorder Gina Peterson.

### Mayor Pro Tem Appointment

*\*\*Mayor Pro Tem appointment and Council comments are reported verbatim at the request of Councilmember Lifferth.\*\**

Mayor Richardson: “Now the next appointment, for Mayor Pro Tem. It’s customary, when a new mayor is elected or appointed, that a new Mayor Pro Tem be appointed. Do I have a motion?”

Councilmember Strouse: “Mr. Mayor.”

Mayor Richardson: “Yes.”

Councilmember Strouse: “I have a **motion** that we appoint Dave Blackburn as our next Mayor Pro Tem.”

Mayor Richardson: “Do I have a second?”

Councilmember Liddiard: “I’ll **second** that.”

Mayor Richardson: “All those in favor, say yes.”

Councilmember Lifferth: “Is there any opportunity for discussion of this, or is this a Consent Agenda motion?”

Mayor Richardson: “We can have discussion. Let’s open a discussion, then.”

Councilmember Lifferth: “[inaudible] Ms. Strouse lead the discussion?”

Councilmember Strouse: “Yes. I have served the citizens of Eagle Mountain on the City Council for over five years. I’ve had the privilege of serving as Mayor Pro Tem since October, 2006. It’s time for another to grow from this additional responsibility, as I have. This is a position that requires time, patience and integrity. It’s not a position to maintain the status quo, but rather to provide leadership in the absence of an elected Mayor. Councilmen Blackburn or Liddiard are very experienced and have the greatest interest in mind. They’ve [inaudible] community, demonstrated moral fortitude and conviction to do what’s right, even when it’s unpopular. Thank you.”

Mayor Richardson: “Thank you, Linn. Is there any other discussion?”

Councilmember Lifferth: “Mr. Mayor, I would like to challenge some of the things that Ms. Strouse just said. She described Councilman Blackburn of having integrity and knowing some of the things that he has not disclosed in his own personal life to the residents of the city, I would challenge that anyone who is currently under investigation for not disclosing personal gifts that they have received from people conducting business in the city should not be the person elected to represent us as a Mayor Pro Tem for the times that you are not here.”

Mayor Richardson: “Noted. We know that there is, that is being looked at currently and there is no decision that’s been made there, as far as any improprieties yet.”

Councilmember Lifferth: “Mr. Mayor, I would like to state that justice delayed is justice denied. I have asked for that to go on for quite some time now and I’m very disappointed that no one has stepped forward to make a decision on this yet. The facts are not in question, the facts have not been disputed, it’s just, are we going to apply the law and remove someone from the Council for accepting gifts and not disclosing them or will we let them sit in a mockery of democracy as if they are worthy to be representing us?”

Mayor Richardson: “I understand what you’re saying. Like I said, it is under investigation. Currently there is no right or wrong that has been proposed currently. Until that has gone through the process of if there’s been impropriety, then there will be action taking place.”

Councilmember Lifferth: “Mr. Mayor, many people know me as a watchdog and most people know me just for being abrupt and blatantly honest and brutally honest. They don’t remember me being patient and asking for things, not the first time when I’m patient, not the second time when I’m patient, third time when I’m patient. It’s only after I am convinced that people do not want to make a decision, they want to continue, as has been stated, sweep things under the rug, do I lose my patience and demand that something be done. Mr. Mayor, I demand that before our next Council meeting, that this be addressed and no longer be pushed aside. It becomes very important that we, that the citizens can have confidence in our elected officials that we have not sold our vote to people who are conducting business in the city and if I do not see immediate action, I will begin dropping documentation on my web site that should have been there a long time ago.”

Mayor Richardson: "I would ask that, I think I've chatted with you and told you that Jerry is going through that. We're close to giving you a final summary of what has been done and the research that's been done, and how far are we on that, Jerry?"

Mr. Kinghorn: "I've received the searchable database that I need tonight that I needed to go through and complete probably the final section of the work. I don't know how long it's going to take to go through and examine that, but I'll do it as quickly as I can do it in a professional way."

Mayor Richardson: "I think it's very important that things are researched properly and that's what we've been doing. There has been not any delay that's been involved here. I apologize if you felt that way. It has been ongoing and we are researching it. Like anything, no one is guilty or innocent, or guilty, until proven guilty and we're just moving through that process. If this is a situation that we want to move to table this until the next Council meeting, we can do that."

Councilmember Strouse: "Call the question."

Councilmember Lifferth: "Mr. Mayor, I would like to have a Mayor Pro Tem that is not under investigation, that is not going to be removed from office before the next Council meeting."

Councilmember Strouse: "Mayor, could we call the question, please?"

Mayor Richardson: "Call the question."

Councilmember Blackburn: "Actually, I'd like to make a comment here. If this is tabled, it makes it look like I am not in a position to do this job and I do not agree with that. I think that I am competent and capable of doing this job. The comments that have been made by my co-Councilmember makes it sound like I am [tape turned over] money or guilt or have not acted appropriately in any way, shape or form. This is information that I have told others, this is information I have told the current Mayor, the legal counsel, and I have been asked to wait until they make an official comment. I'd like some action taken on it."

Mayor Richardson: "OK. And like I said, there is action going on. So I appreciate that. We, Council, the question has been called, there's a vote. All those in favor, say yes."

Councilmembers Blackburn, Strouse, Jackson and Liddiard: "Yes." Councilmember Lifferth: "No."

Mayor Richardson: "Does there need to be a roll call?"

Ms. Peterson: "Yes, please."

Mayor Richardson: "OK. Let's start with Councilman Lifferth."

Councilmember Lifferth: "No."

Councilmember Blackburn: "Yes."

Councilmember Strouse: "Yes."

Councilmember Liddiard: “Yes.”

Councilmember Jackson: “Yes.”

Mayor Richardson: “The yeses have it. Mr. Blackburn is passed. I would like to state that there is, we are looking through that currently and the time frame of getting through all that information is taking a while and the capable eyes of Mr. Kinghorn is going through that. We’ll have a report for you as soon as we can.”

### CITY COUNCIL COMMENTS

#### Councilmember Heather Jackson

“I have one to make that I think is appropriate at this moment. The land disposal issue is up for us to vote on tonight and I know at least one of you brought up the committee for working on trying to beautify those areas, and I just want you to know that that is not a rumor, that we have a meeting set for Tuesday morning to start work on trying to put together a process and for beautifying these areas that have not yet been beautified in the city. And so as we start this together, we will, I’m sure, like to open that up to some of you as citizens, as well, to be involved. I’m sure our first meeting we’ll keep very tight, but we’re trying to put together some things that we can bring forward to the Council as something for us to vote on as a plan and as, you know, a few different ways that we can come up with funding for those things, as well, so look for more information on that as it comes through. Hopefully, we will have some type of plan to present in the next, I would hope, month to two months and I’m sorry it takes that long. You all, I know how long you’ve been waiting. I have lived in the City Center for eight and a half years, so I do understand what you’re seeing and what you’re going through. Thank you.”

#### Councilmember Vincent Liddiard

“I guess it’s my turn. My apologies for interrupting Ms. Ulmer when she was giving her presentation and robbing her of those final few seconds. I obviously, at some point, lived in Eagle Park and when I moved in, actually when I was there, as they were building my home and paving the street and everything else and so, back in 1999 was when I moved in to Eagle Park and am very familiar with that space behind the Ulmers’ home, as I lived down the street from them and I appreciate the people who came and made some comments here. I’ll restrain from making any opinions until we get to that point in the, in the agenda, but I will also say, in regards to Mr. Blackburn, I wish him the very best. With the exception of Ms. Jackson, every one of us has either been the Mayor Pro Tem at some point or been the Mayor. My only hope is that Mr. Lifferth filled a gap as Mayor, I filled a gap and was acting as Mayor for a month. Ms. Strouse filled a gap and was acting as Mayor for a month. Mr. Blackburn, see that you do not repeat that pattern.”

Councilmember Blackburn: “I don’t think that’s my choice.”

Councilmember Liddiard: “You’d better keep this guy.”

#### Councilmember Linn Strouse

“I also think this issue of the land to be disposed of or not to be disposed of has been a long-term issue and it’s one of those things where you look back and wish that we had done more up front. But I do think at this stage of the game, as I mentioned at prior meetings, that the City has an obligation to cut the weeds down, to keep the fire hazards down, to improve those areas and beautify those areas, so I’m

hoping that, as we discuss this issue, we will actually add that as an amendment if this is to be passed tonight, an amendment with a guideline as to, or a timeline for the beautification of that area. The residents have waited long enough. And I also wanted to mention about the mining operation that I hear is right beside Westview Heights, I for one would like more information on that: if this indeed is going on and has there been a mining operation going on the Messersmith lot and I'd like the details on that. That's quite a surprise to me. I knew something was going on, but that's, legitimate concerns have been brought up. Thank you."

Councilmember David Blackburn

"I just wanted to make everybody aware: Eagle Mountain has received notice and information that our zip code has changed to 84005. Check your mail. [Showing item of mail] This was mailed to me from this building that we're standing in and it was returned to sender because the zip code didn't go through. So check with your Post Office. Let them know that we do accept mail, that you do accept mail, and that this is a current zip code, 84005. I just found that quite ironic today. In light of some other comments and conversations made earlier this morning, or excuse me, just a few minutes ago: I have not done anything wrong. My vote has never been bought or purchased, nor have I acted in an inappropriate manner. Thank you."

Councilmember David Lifferth

"I appreciate the action of the State Legislature this year when they strengthened the conflict of interest ordinance. Eagle Mountain has a very strong conflict of interest ordinance that allows the residents and voters to know when or if their elected officials are acting in a manner other than in what is the best interests of the residents. Recently, the State Legislature strengthened that law and the residents and the voters have every right to know if members of their elected City Council are receiving gifts or other benefits by people who are conducting business in the city and I call on every member of the City Council who may be hiding something now to fully disclose their gifts that they've accepted from people conducting business in the city and not to sweep this under the rug. Thank you very much."

Mayor Don D. Richardson

"Thank you all. With the land issue, isn't it refreshing that some action is taking place? I appreciate that. With Mr. Blackburn and Mr. Lifferth, I just, we are working through this issue to make sure that both sides are seen and when that comes to fruition, we should have some answers here pretty soon. I appreciate your patience on that."

*\*\*End of verbatim transcription.\*\**

**SCHEDULED ITEMS**

AGREEMENT – Consideration and approval of an employment contract for the position of City Administrator.

Mayor Don Richardson presented the proposed employment contract for the position of City Administrator. He stated the two final applicants for the position, Brent Bluth and John Hendrickson, were interviewed by the Council on February 15, 2007, and announced Mr. John Hendrickson has been hired as the new City Administrator.

Councilmember Blackburn noted many highly-qualified people applied for the job and he was very impressed with both final candidates.

Councilmember Liddiard **moved** to approve the appointment of Mr. John Hendrickson to the position of City Administrator. Councilmember Blackburn **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

Mr. Hendrickson thanked the Council for approving his appointment and expressed his appreciation for the opportunity to serve. He said his first job was as Payson's first City Administrator, followed by fifteen years working in California and then in Draper. Mr. Hendrickson earned a master's degree in Public Administration from BYU and has dealt with many issues similar to those in Eagle Mountain, including infrastructure, utilities and community development. He hoped to work with the Mayor and Council as a team, having heard many positive comments about the city.

7:00 P.M. PUBLIC HEARING – Wastewater treatment final facilities plan.

MOTION – Consideration and approval of the final facilities plan for the South Service Area wastewater treatment plant.

The Final Facilities Plan for the South Service Area wastewater treatment plant was presented by City Engineer Chris Trusty and Darrel Dixon of Stantec. The City Council has already held a public hearing on the Facilities Plan, as submitted to the State Department of Environmental Quality (DEQ). After reviewing the Facilities Plan, the DEQ asked for some changes and more details concerning the environmental impacts associated with the reuse facilities. These changes dealt primarily with using the Cannibal sludge reduction system, which is a new system in the State but is quite widely used in other states with success in reduced sludge handling and reduced operation and maintenance costs. The DEQ then approved the use of the Cannibal system.

The Facilities Plan also detailed the City's plans to fund the reuse facility portion of the project with City funds. However, if funds from the State loan remain after the bidding of the project, the remaining funds would be used to finance the reuse facility. This action is due to the State's desire to utilize all of the loan monies. Because of the potential that State funding could be used for the reuse portion of the project, the DEQ asked for more details concerning the environmental impacts associated with the reuse facilities.

*\*\*Mayor Richardson opened the public hearing at 8:20 p.m. Hearing no comments, he closed the hearing at 8:24 p.m.\*\**

Councilmember Liddiard asked why pumping wastewater to the Timpanogos Special Service District was no longer being considered. Mr. Dixon replied a previous report indicated that option was more expensive than building the treatment plant.

Councilmember Liddiard said a lot of work had been invested in this project over a couple of years. He had concerns about costs and the financial burden on users, stating the city needs something that can expand, unlike the present system.

Councilmember Jackson **moved** to approve the Final Facilities Plan for the South Service Area wastewater treatment plant. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn stated the project appears under-funded. He was concerned that it amounted



to a halfway measure and wanted the Council to have more information before making a decision.

Councilmember Strouse mentioned months were spent hiring a City Administrator and suggested the Council not make a decision without the City Administrator's input. She suggested the issue be tabled until he can consider it.

Councilmember Lifferth noted he was pleased with the progress of the South Service Area wastewater treatment plant. It's a cutting-edge system which will take good care of water in this dry valley. He also approved of the 1% interest rate on the State funding and said Stantec is the best company for the project.

Councilmember Jackson said this project needed to move forward because the new City Administrator would not have time to review it during the next two weeks. She said the Council made its decisions according to information it has been given.

Councilmember Liddiard was concerned about burdening future councils. He also had concerns about the content of the water, the repayment of the sewer system and how the service will be distributed throughout the city so those receiving the benefit are the ones who pay for it. He didn't want to penalize people who were not using the system. He asked what the projected timeline for completion of the project was and where the additional staff work would come from when the staff is so busy. This issue needs adequate attention, especially if it is approved tonight, to meet the projected online date of late 2008. He also stated the City Engineer needed to examine the impact fee to make sure it will meet the requirements of this new system.

Councilmember Blackburn asked for an update on the timeline.

Mr. Dixon stated once the Final Facilities Plan is approved, the design will take six months. Stantec will present the design to the State DEQ for approval. The DEQ told Mr. Dixon that, because of the urgent need for this facility in Eagle Mountain, they will rush it through the system. After the design is done and approved, perhaps as early as this fall, it will go out to bid, then construction will take ten months to a year. Stantec has submitted a proposal to do the project's construction management.

Councilmember Blackburn asked about a piece of equipment which may be retrofitted to work with the new system. Mr. Dixon stated the intent is to have it installed because it will help the existing operation; however, the plan has to be submitted to the DEQ first.

Councilmember Liddiard said the Council was told several months ago the piece of equipment wouldn't work with the new system. Mr. Trusty said that was true. This would not be the best use of the equipment; however, it's currently surplus and may be useful. The current plant is so close to the point of going over the DEQ's allowable compliance the City is doing what it can to keep the DEQ from shutting it down.

Councilmember Blackburn questioned if this \$80,000 piece of equipment was deemed surplus and indicated as junk, and now may be useful, doesn't it seem there was some type of plan for it? Mr. Dixon answered it had not been expected to fit in the current system. Mr. Trusty stated there was somewhat of a plan for the equipment, but it will not be used for its designed purpose and it remains to be seen if it will be beneficial.

Councilmember Jackson called the question.

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

7:00 P.M. PUBLIC HEARING – Dr. Kerry Snow, orthodontic home business.

ORDINANCE – Consideration and adoption of an ordinance amending the Development Code, Title 1, Chapter 13, adding orthodontics as a permitted home business.

Peter Spencer, Planning Director, presented the ordinance allowing orthodontics as a home business. On December 6, 2006, Dr. Kerry Snow, 9784 North Shiloh Way, submitted a business license application for an orthodontics home business to the Planning Department. The application was denied because orthodontics was not an allowed business, according to the current Development Code. Dr. Snow appealed the decision to the City Council.

On February 6, 2007, the Council reviewed the appeal and voted to return the application to the Planning Department with instructions to amend the Development Code to allow orthodontics as a home business.

Planning Department staff proposed the text in Title 1, Chapter 13 be amended as follows:

**13.7 Prohibited Home Businesses.**

The following will not be permitted as a Home Business by the Planning Director, License Official, designee, or Planning Commission under any circumstances: automobile-related businesses such as auto repair, body, and painting; retail or wholesale sales that are not incidental to the Home Business (except for point of sale that is not conducted at the home); engine repair; metal fabrication or assembly shops, sexually oriented businesses and health care businesses (not including massage therapists, chiropractors, psychiatrists, or orthodontists).

Staff contacted several other municipalities and other organizations to determine whether the current Eagle Mountain ordinance is appropriate. The results of the research are as follows:

- no specific regulations (2)
- approval with conditions (5)
- prohibited (2)

In addition, staff contacted Dr. Monte Thompson, Director of the American Dental Association of Salt Lake City. According to Dr. Thompson, an orthodontic practice falls under the American Dental Association umbrella. Historically, many dentists and orthodontic practices functioned out of homes effectively. During the past 40 years, many of those practices moved into commercial office buildings to increase exposure and patrons. There are other home-based orthodontic practices already in existence in Salina, Holden, Price and Enterprise, Utah.

*\*\*Mayor Richardson opened the public hearing at 8:42 p.m.\*\**

Ms. Wendy Baggaley, 1467 Hawk Way, was touched by Dr. Snow's presentation and impressed by others who spoke for him, but felt that wisdom should take priority over emotion. She was concerned that the original intent of the Development Code was unclear and asked why three particular professions were deemed acceptable. For example, psychiatrists write prescriptions, which is unwise for young

people to know were available. She suggested the Council allow Dr. Snow a temporary permit rather than change the law because home businesses discourage commercial development.

Ms. Tiffany Ulmer, 1320 Harrier Road, said temporary home businesses are fine, but permanent ones discourage commercial development. Home businesses are particularly bad in subdivisions with small lots. The law in this case is written badly. She pointed out orthodontia as a home business may be workable in a small town, but Eagle Mountain is a city. On another topic: The \$150 fee for land disposal applications needs to be itemized and the money made should go to the subdivision in which the land is sold.

Fire Chief Rand Andrus said, according to the Fire Code, a dentist's office differs from an orthodontist's office because orthodontists don't use gases that are fire hazards as dentists do.

Dr. Kerry Snow expressed appreciation for the time spent on this issue and the comments made. He didn't want conflict and was willing to do whatever the Council approved. The Development Code was written in a different environment and he was interested in what the original intent was. Since the Development Code has created problems for individuals, the City should solve the problem for individuals and then fix the law. Dr. Snow's home is designed to separate the living area from the office. While the location is not ideal, it is temporary. Home businesses help the economy because viable businesses grow and don't remain in residential areas.

Ms. Charone McCann, 9517 N. Shiloh Way, said at the last meeting Dr. Snow is honorable and his business being in his home is temporary. He keeps his word and recommended he be allowed to begin preparations to open his office. She requested the Development Code be amended to include orthodontics as an allowed home business.

*\*\*Mayor Richardson closed the public hearing at 8:57 p.m.\*\**

Councilmember Lifferth **moved** to adopt Ordinance O-04-2007 amending the Development Code to allow orthodontics as a home business. Councilmember Strouse **seconded** the motion.

Councilmember Liddiard noted Dr. Snow's willingness to go through the strenuous process required by the Development Code is a tribute to him. He would like to find a way to give Dr. Snow permission qualitatively, but that is not what has been presented and would require more meetings. He thought the issue warranted more study, but wanted to go ahead with a vote to give Dr. Snow closure.

Councilmember Strouse said the Council needed to expedite this case, especially since the Development Code is not well written on this subject. She noted the importance of allowing home businesses to allow start-ups, but not to discourage commercial growth.

Councilmember Lifferth suggested maintaining the current code regarding home businesses because when it was passed, it was meant to support commercial businesses. If the City didn't help home business, it would lose a source of commercial development because owners build on home businesses, which generates demand for commercial property. The anti-business attitude of previous administrations set the city back years in commercial development and market forces will send Dr. Snow into a commercial location. Pam Rohan of The Ranches received national attention for raising specialized breeds of cats.

Councilmember Jackson asked if the current home business code controls nuisance home businesses. Mr. Spencer replied it did.

Councilmember Jackson asked if the time the City dealt with a nuisance would be after Dr. Snow's patients started coming in droves. Mr. Spencer said the guidelines have specific limits on home businesses and are clear that home business is secondary to residential use of a home. Creating a nuisance would be a violation which could cause the business license to be revoked.

Councilmember Strouse wanted to make sure when the Development Code is revamped, a distinction will be made between those operated in residential areas with large lots and those with small lots.

Councilmember Lifferth asked the Council not to punish small business people for the violations of others.

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

ORDINANCE – Consideration and adoption of an ordinance providing for the disposal of certain parcels of real property owned by the City and defining land considered significant real property of the City; providing a definition of reasonable notice of public hearings for disposal of significant parcels of real property and other matters.

The ordinance on disposal of City-owned real property was presented by Peter Spencer. On September 5, 2006, the City Council approved a temporary six-month suspension of acceptance of applications for disposal of City-owned land to individual homeowners to give staff adequate time to make important revisions to the land disposal ordinance, making the process more streamlined. The draft ordinance was discussed at the Council's Work Session on February 20, 2007. It was presented to the Planning Commission on February 27, 2007, where a motion was made to recommend that the City Council approve the ordinance. In an effort to inform residents of the proposed ordinance revision, the Recorder's Office and Planning Department sent a package to each resident in the Eagle Park subdivision who signed the original petition to purchase City land adjacent to their property.

Three exhibits were added to the ordinance:

- a list of potential costs
- a land disposal application form requiring a nonrefundable \$150.00 fee to offset staff time in processing the application
- maps showing which areas of City-owned land are available for disposal

Other changes included requiring the application to be submitted to the Planning Department, rather than the City Recorder's Office, and requiring any money collected from the sale of land to be restricted to the construction or improvement of city parks. An acknowledgement statement was added which requires all applicants to read the ordinance and become fully aware of the potential future costs of finishing an approved disposal.

Councilmember Strouse asked why money isn't returned to neighborhood in which the land was sold. Mr. Spencer replied the ordinance doesn't require that. Also, the amount of money which would be refunded to each area would be insignificant.

Councilmember Strouse said applications of residents who have waited years to purchase land should be reviewed first. She asked why the ordinance couldn't include a plan for what the City will do for the residents. Mr. Spencer said the revisions are made step by step; a meeting next week will begin the process.

*\*\*The tape stopped at this point.\*\**

Councilmember Liddiard noted the maps need to be readable in black & white.

Councilmember Jackson **moved** to adopt Ordinance O-05-2007 allowing disposal of public land to residents, with the exception that the land in Eagle Park be a triangle.

Councilmember Liddiard said his concern is the integrity of lot lines. Currently, City property is an eyesore. He thought it would be beautified quickly but that didn't happen, so residents are putting in their own time and effort to control weeds on City land. In addition, children play in those weeds, which puts their safety at risk. He stated although money is tight, this is something the City has to do.

*\*\*The tape resumed at this point.\*\**

Councilmember Strouse asked if the proposed beautification committee should be incorporated into the ordinance. She was concerned that the committee get citizen input, especially from those who were fined for improving City land and said older areas of the city should be improved first.

Councilmember Jackson said Assistant Public Works Director Jeff Weber will put a mowing schedule on the City's web site, so residents will know when their areas will be mowed, and he will also attend the beautification meeting next week. The committee will include citizens from all areas impacted by the issue once the initial organization is done.

Councilmember Blackburn suggested the upcoming budget have funds allocated for areas designated to become neighborhood parks, with additional funds allocated each year to make improvements.

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

RESOLUTION – Consideration and adoption of a resolution regarding utility ownership and service responsibilities.

The resolution on utility ownership and service responsibilities was presented by Adam Ferre, Energy Division Manager, and Jerry Kinghorn, City Attorney. The resolution's purpose is to define the City's responsibility in emergency events involving the provision of City utility services. The resolution clarifies the responsibility for service and ownership of service delivery lines for each utility and the City's responsibility with respect to service interruptions, hazards and malfunction of equipment owned by residents and property owners in the city.

The resolution includes a pilot lighting policy to minimize liability and increase safety for residents and staff. Although this has been on the calendar for some time, the recent house explosion in Saratoga Springs involving Questar gas company emphasized the need for a written policy.

Councilmember Blackburn asked who provides gas, power and water to the residents. Mr. Ferre replied that the City does. Councilmember Blackburn then asked who residents should call for help. Mr. Ferre replied that they should call the City.

Councilmember Lifferth mentioned that Questar will go inside homes to fix utility problems. Mr. Ferre said he contacted Questar and was told their formal policy is not to enter homes. City policy prohibits employees from entering homes for liability reasons.

Councilmember Blackburn asked that this information be made clear when new utility accounts are opened, because paying bills and impact fees means receiving service.

Mr. Ferre explained because meters are installed by owners' and builders' contractors, the City doesn't know if each one has been properly installed and inspected. Therefore, residents are advised to call a service company for problems with equipment not installed by City employees. The City's impact fees cover infrastructure only, such as sewer laterals leading to homes.

Councilmember Liddiard **moved** to approve Resolution R-06-2007 defining utility ownership and service responsibilities. Councilmember Jackson **seconded** the motion.

Councilmember Strouse asked why section B, regarding informing the City when emergencies happen, does not include the 911 emergency number. Mr. Kinghorn explained a specific number is not included because not all telephone service connects to 911 emergency service. Correct numbers should be circulated among residents in every way possible by those locally responsible for utility service.

Mr. Ferre noted the utility hotline information tells residents to call 911. He said the City is required to follow Department of Transportation standards for providing information. The resolution simply puts the procedure into written form.

Councilmember Liddiard suggested the Utility Department include emergency numbers on residents' bills.

Councilmember Lifferth suggested emergency numbers be put on the City's web site, also. He also stated the City should not be in the utility business.

Councilmember Liddiard called the question.

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

AGREEMENT – Consideration and approval of an agreement with Midway West for carnival rides at the Pony Express Days ten-year celebration.

The proposed agreement with Midway West was presented by Jerry Kinghorn, City Attorney. Midway West Amusements is the amusement service contractor the City used last year for Pony Express Days amusement rides, related games and concession operations.

Councilmember Lifferth **moved** to approve the agreement with Midway West.

Councilmember Jackson stated paragraph #1 of the agreement permits the company to occupy City property through Sunday, June 2, but Sunday's date is June 3. Paragraph #3 left out the carnival's hours of operation on Thursday, May 31.

Councilmember Liddiard brought up ticket sales made at the City offices. The contract says 10% of the gross sales made at the office goes to the City. He understood the 10% would go to one of the schools.

Councilmember Jackson said the 10% goes to the City for parks.

Councilmember Strouse mentioned there was a promise last year to locate the police booth near the midway, so they could monitor the kids' activities. It wasn't done and should be done this year.

Councilmember Liddiard complimented officers on how politely they handled policing the carnival last year, but hoped the massive mobile unit would be parked somewhere off the grass this year.

Councilmember Blackburn pointed out a discrepancy in the contract on who would be responsible for garbage collection. Mr. Kinghorn said some collection would be the City's responsibility and some would be Midway West's responsibility.

Councilmember Jackson **moved** to approve the agreement with Midway West, as amended. Councilmember Strouse **seconded** the motion. Those voting aye: David Blackburn, Heather Jackson, Vincent Liddiard, David Lifferth and Linn Strouse. The motion **passed** with a unanimous vote.

## **CITY COUNCIL/MAYOR'S BUSINESS**

*\*\*City Council comments are transcribed verbatim at the request of Councilmember Lifferth.\*\**

### Councilmember Jackson

"I always go first, but I'll go. I'm ready. Everybody else seems to be not. Couple things: one, I really enjoyed hearing the two presentations, the one on the Library and the one on the Fire Department situation. We'll hope that we can implement what we can right away, but two of those things specifically with the Fire Department, the emergency plan. I think we do need to try and implement that as soon as possible, as well as the slush fund, rainy day fund, whatever we want to call that, but for our emergency issues. The other concern that I currently have is that we did pass the budget amendment increasing pay bands for our salaries of our employees, and I understand that we have still not implemented that and we have since lost two employees. And it saddens me that we have not yet implemented those and so we have employees that are finding employment elsewhere, where they can make more money. I would request that we see that implemented immediately. Thank you."

### Councilmember Liddiard

"Standard line, I guess. I recently had presented to me a nice little gift of the State laws that were enacted in 1896 for the State of Utah, which is rather significant, since it was a nice, leather-bound book that was originally owned by one of the representatives from Pleasant Grove. So it was pretty cool to kind of go through that and what's significant about it is the fact that that was the year that Utah actually became a state after forty-nine years of waiting, since the pioneers came into the valley. In 1896 we became known as the State of Utah and the first leather-bound book of laws that were passed then, including the notices and other information about the statehood of Utah, the description of the Great Seal of the State of Utah and some other interesting things were there. I think I'll bring it to the next

City Council meeting and let you guys look at it and kind of go through some stuff. I also got a copy of the rules and the laws that were enacted in 1897. The reason why I bring it up, other than the fact that it's really cool and that the history of the State of Utah there, it was interesting, in going through there, some of the rules were, you can kind of read it and you go, "What's going on?" Because one of the rules had to do with the adulteration of vinegar. You know, vinegar at the time was, well, we won't go through the history lesson, but it was really kind of interesting that the laws were made to be, for those things that were significant and important at the time, and I'd like to think that we have that opportunity in participating and addressing issues that are significant in our day. As future councils, future state governments, will continue to do those things, as well, in addressing things that are new or pressing at that time and providing the best response and the best protection for the citizens. And I thought it was interesting also from the perspective that we are reaching a benchmark of our own, in that the city is quickly approaching its ten-year anniversary. I'm looking forward to the big celebration. Yes, we've been around for ten years, but, anyway, kind of a significant thing to go through all that stuff, but we have some legitimacy in that we're in the double digits now and I think that's kind of cool.

"I recently had an opportunity to travel for my employer and was back East and actually a very profitable opportunity. I took some leave while I was there to meet the Mayor, who had traveled back, and to have an opportunity to visit with Congressman Cannon, Senator Bennett and Senator Hatch and it was an excellent opportunity for me to kind of ride on the coattails of the Mayor in visiting with these folks. My previous association with them had given me a little bit of insight, but what a neat thing to be at our nation's capital and to address to them two specific things, one being transportation and the other being issues for our parks. I won't steal all the thunder from the Mayor, but it was neat and I think it was very successful and I'll let him finish talking about that.

"A final comment: It is an honor to serve with each of you. It has been an education; it has been, at times, a challenge, as we've looked at different things. I admire the wealth of diversity that is on this Council and I have great respect for Mr. Blackburn. I think I would have enjoyed another whack at the whole Mayor Pro Tem in maybe a less controversial light for me, but I will say I have the utmost confidence and believe Mr. Blackburn to be a man of character and a privilege to be able to associate and work with him."

#### Councilmember Blackburn

"A reminder again to check with your Post Office and maybe even with your health insurance if you update your zip code. One of my co-workers actually updated their zip code and their health insurance was cancelled because it was not recognized, so another little thing on that. So just pay attention and notify the Post Office if you have any problems. I wanted to welcome Mr. Hendrickson to our city. I'm glad he stuck around for the meeting and I'm looking forward to him kind of helping out and hearing his inputs as to how he can improve our city in the next little while. I'm appreciative of the appointment tonight for Mayor Pro Tem and I look forward to serving when or if I can in that position with the integrity that I carry. Thank you."

#### Councilmember Liffert

"Gina, I'd like to request verbatim for the discussion of the Mayor Pro Tem and both the opening and closing Council comments. Thank you."

#### Councilmember Strouse

"I just want to thank the Council, the residents, even the news reporters, everybody that works together, the staff who work together. It's been a great ride, you know, these last five years, and it's just amazing



to think what's happened in this about 250 population town, until almost 20,000 population city that we are today. And there is just so many positive things to look at and to deal with and it's good to be here. Thank you."

Mayor Richardson

"I'd like to made some closing comments, not keep you here all night, but I appreciate Mr. Hendrickson joining us and look forward to working with him quite closely and feel that he's very, very qualified with his thirty years of experience and background that he has. I look forward to drawing upon his knowledge and experience. I'd like to thank Ms. Strouse for her time that she spent as Pro Tem Mayor. The open area policy that was passed tonight was just a beginning and I'm excited to see that we're making some progress on that and look forward to more progress as these committees meet together and move forward to, to make this what it was meant to be, instead of an eyesore, and I appreciate the work that's been done in this behalf currently and look forward to more work. As Mr. Liddiard mentioned, he was in Washington at the time with his employer and took some off and spent the day with me, as well as Michael Kennedy, our lobbyist. We were able to meet with Representative Cannon, Senator Bennett and Senator Hatch, as well as one of Senator Hatch's staff members during lunch. We were petitioning for monies for transportation, as well as parks in our area here and we'll be, say a little more about that a little later, but we feel like we have great representation in Washington, D.C., the Hatch, Bennett and Cannon group have just been very good to us as a city. These proposals will be put forth to Congress and looked at and reviewed and we hope that they continue to be pushed forward. Transportation is a funny thing. It doesn't happen immediately; it takes years and years and we may not see this for three years, we may not see it for four years, as far as the transportation goes, but this is where it starts. There is a, there is work currently with UDOT on a 50-year plan for SR 73 and that's already being worked on, to give you an idea, and so I'm excited to be part of that and our staff is working hard on those things. I appreciate again the Council this evening and for all that they do and for their kindness to each other and for deciding to work with each other and I admonish them to continue to do so. Do I hear a . . ."

Councilmember Liddiard: "Move to adjourn."

Mayor Richardson: "We're adjourned."

*\*\*End of verbatim transcription.\*\**

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 9:55 p.m.

APPROVED BY THE CITY COUNCIL JUNE 19, 2007

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Fionnuala B. Kofoed, City Recorder