

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

January 18, 2005

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

Eagle Mountain City Council Chambers, 1680 East Heritage Drive, Eagle Mtn, Utah 84043

**WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.**

1. Consent Agenda
2. Items as outlined on the Policy Session
3. Review and interview of City Council applicants to fill the vacancy of Mark Madsen
4. Other Business
5. Adjourn Work Session at 6:30 p.m.

**INTERMISSION**

**POLICY SESSION – 7:00 p.m.**

**ROLL CALL:** Mayor Kelvin Bailey called the meeting to order at 7:00 p.m.

**ELECTED OFFICIALS PRESENT:** Mayor Kelvin R. Bailey; Councilmembers David Blackburn, Vincent Liddiard, Brian B. Olsen (appointed during the meeting), Janiece Sloan, and Linn Strouse.

**CITY STAFF PRESENT:** Chris Hillman, City Administrator; Gerald Kinghorn, City Attorney; Chris Trusty, City Engineer; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Gordon Burt, Finance Director; Shawn Warnke, Planning Director; Adam Lenhard, City Planner; Mark Sovine, Public Works Director; Robert DeKorver, Fire Chief; Sergeant Jo Murphy, Utah County Sheriff's Department; Michelle Graves, Library Director.

**OTHERS PRESENT:** Residents Jen Edwards, Maritza Bailey, Doug Cannon, Jennifer Konold, Joshua Benuck, Eric Olson, Brandon Marm; Jerry Monson, Lt. Sheriff; and Elisabeth Nardi, Daily Herald.

**State of the City Address by Mayor Kelvin E. Bailey:**

A Color Guard presentation and pledge of allegiance was conducted by the Utah County Sheriff's Department. The National Anthem was performed by Angie Ferre. Mayor Kelvin Bailey then gave his State of the City address.

**Approval of Minutes**

City Council Meeting – December 7, 2004

Special City Council Meeting – December 23, 2004

City Council Meeting – January 4, 2005

**MOTION:** *Vincent Liddiard moved to approve the City Council minutes for December 7, 2004, December 23, 2004, and January 4, 2005. David Blackburn seconded the*

*motion. Ayes: 3, Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 0. Janiece Sloan.*

### **Selection and appointment of interim City Council member to fill the vacancy of Mark Madsen:**

Richard Bentley introduced himself to the Council. The City Council then questioned him concerning his experience and qualifications for the City Council position.

Mayor Bailey asked the City Councilmembers to rank each of the candidates including Brian B. Olsen, and Darren Beck who were interviewed during the work session portion of the meeting.

Mayor Bailey stated that the ranking sheets show a majority and stated that he would entertain a motion to appoint Brian B. Olsen.

**MOTION:** *David Blackburn moved to appoint Brian B. Olsen to the City Council to fill the vacancy created by the resignation of Mark Madsen. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

City Recorder Gina Peterson then administered the Oath of Office to Mr. Olsen; after which he took his seat as a member of the City Council.

### **Selection and Appointment of Mayor Pro Tem**

Mayor Kelvin Bailey recommended the appointment of Vincent Liddiard to Mayor Pro Tem.

**MOTION:** *Linn Strouse moved to appoint Vincent Liddiard to the Mayor Pro Tem. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

### **Appointment to Library Board**

Mayor Kelvin Bailey recommended the appointment of Leslie Montgomery to the Library Board.

**MOTION:** *Vincent Liddiard moved to appoint Leslie Montgomery to the Library Board. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

### **Council Comments**

Linn Strouse stated that not only has Mayor Bailey established a track record of excellent leadership in the community, he was recently elected as Chairman of the Council of Governments (COG), which is a group of mayors from cities all across Utah County. This group meets every month to discuss concerns, ideas, and solutions to challenges such as transportation, water and development issues. She stated the community should be very proud that the Mayor was chosen by his peers (other mayors) to chair this very important position in COG. In addition Mayor Bailey is serving on the COG Library Committee.

Mayor Kelvin Bailey stated that the COG Library Committee is currently doing a feasibility study to see if there is a need for a countywide library.

Mr. Liddiard welcomed Janiece Sloan and Brian B. Olsen to the City Council. He then reflected on how the council behaved and worked over the last year. He stated that the City Council's success has not been due to the fact that they come to the table with one voice, but that they leave with one voice. The Council leads discussions being open to all ideas, and then resolves issues with one voice and clear intent. Each council member provides a wealth of experience and the personalities differ greatly. This independence is tempered by the resolve of the Councilmembers to do good, to work for progress, and to strive for unity once action is determined.

He stated he is grateful for a mayor that has had the foresight to mark the course around the most formidable barriers, with team members who continue to pull the oars. Collectively, he feels they have made great progress.

Mr. Liddiard continued, stating that the City Council's work will be to forever pursue the destination that lies beyond the horizon. Their goal is to ensure that the City continues to progress toward a rising sun and not a setting sun. Their success is in the unhindered progress of the journey.

In conclusion, Mr. Liddiard stated it has been an honor and a privilege to know and work with each City Councilmember. He thanked them and stated the past year has been a greatly rewarding challenge. He indicated he looks forward to the events and opportunities of 2005.

#### **Public Hearing – FY 2005 Budget Amendment**

City Administrator Chris Hillman briefly explained to the public the process of a budget amendment. He then highlighted some of the major amendments.

Mayor Kelvin Bailey opened the public hearing at 7:48 p.m. There were no comments; subsequently Mayor Bailey recessed the public hearing to the meeting on February 1, 2005.

#### **Public Hearing – General Plan Amendment regarding the proposed Talon Cove Annexation**

City Planner Adam Lenhard stated that this General Plan amendment is specifically for the Future Land Use and Transportation Plan Map in the area of the Talon Cove annexation. Mr. Lenhard explained the future land use designation and transportation corridors.

Mayor Kelvin Bailey opened the public hearing at 7:54 p.m.

Mr. Liddiard stated he feels this is a positive proposal for the city.

Mayor Kelvin Bailey closed the public hearing at 7:55 p.m.

#### **Public Hearing – Consideration of an ordinance enacting Chapter 22 of the Development Code of Eagle Mountain City with respect to Animal Regulations, and miscellaneous text changes**

Mr. Lenhard stated that as the new Development Code has been in use they have come across a few inconsistencies. The proposed changes will correct these. He then explained the changes that were being proposed. Mr. Lenhard explained the animal regulations chart.

Mayor Kelvin Bailey opened the public hearing at 8:00 p.m.

David Liffereth questioned what a resident would do if they wanted to own an animal that is not on the animal regulations list. Mayor Bailey stated that there is a list of not allowed animals and anything else would be considered an exception and should be presented to the Planning Commission.

Jennifer Konold questioned the setback requirements and how it would be enforced. The Council explained the setbacks and stated it would be enforced on a complaint basis:

Mayor Bailey closed the public hearing at 8:10 p.m.

**Consideration and adoption of an Ordinance enacting Chapter 22 of the Development Code of Eagle Mountain City with respect to Animal Regulations, and miscellaneous text changes**

**MOTION:** *Vincent Liddiard moved to accept the recommendations of the Planning Commission and the word change on the setback from residents. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

**MOTION:** *Linn Strouse moved to adopt Ordinance O-02-2005, accepting the recommendation of the Planning Commission and approving the Animal Regulations chapter and the following proposed changes to the Development Code Titles 1 and 2:*

- 1. Various non-substantive spelling and grammatical changes throughout both Titles*
- 2. Title 1 – 13.6.7 Accessory apartments allowed in detached structures in the AG and Airpark zones, in addition to Residential Base Density and Tier 1; amended Accessory Apartment definition*
- 3. Title 1 - 5.10.5 delete words “country residential” (a term no longer used in this Code)*
- 4. Title 2 - 7.7.2 clarified that the minimum cul-de-sac right of way radius is 60 feet, and that minimum temporary turnaround radius is 60 feet*
- 5. Title 1- 11.9 100% landscaping improvements required in any multifamily project*
- 6. Abandonment definition changed from six months to one year*
- 7. Added specific minimum dimensions for garages (10x20 single, 18x20 double- minimum of 400 square feet) and garage door openings (8 wide by 7 tall single-car, 16 wide by 7 tall double-car)*
- 8. Pet stores allowed as conditional uses in commercial and airpark zones; only legally kept animals may be sold*
- 9. Changed the definition for Multi-family Dwellings to include “Twinhomes” and all other attached housing products; deleted text references to twinhomes*
- 10. Unbuildable Land and Buildable Land definitions adjusted*
- 11. Residential Tier 1 Improved Open Space percentage changed to 4% of project Buildable Land rather than 8% as currently required*
- 12. Tier 3 and Tier 4 driveway lengths are 20 feet to the property line (currently unspecified)*
- 13. Residential Tier 2 Improved Open Space percentage calculated as a percentage of project Buildable Land (percentage remains unchanged at 8%)*

14. *Where commercial development is proposed adjacent to a residential or agricultural use, the rear setback shall be 50 feet (instead of 100')*
  15. *Title 1 Chapter 14 - Added section for zoning of residential group homes.*
  16. *\$1500 per acre of Buildable Land Tier 1 fee paid at recordation of plat (currently unspecified as to when that fee is paid)*
- Janiece Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

#### **Consideration and adoption of a Resolution adopting the National Incident Management System**

Sheila Curtis explained that the National Incident Management System will provide a standardized communication system for police, fire, EMS and all emergency response teams. This resolution will also provide federal funds in the event of a disaster occurring in Eagle Mountain City.

Linn Strouse stated that Sheila Curtis is a treasure to the City and has been devoted to emergency management for a number of years.

**MOTION:** *Vincent Liddiard moved to adopt Resolution R-02-2005, adopting the National Incident Management System. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Janiece Sloan; Nays: 0. Motion passed.*

#### **Consideration and adoption of Resolution amending the construction specifications for landscaping along arterial, major and collector roads**

City Engineer Christopher Trusty explained that this will require xeriscaping along arterial, major and collector roads. This is also in line with the recently approved water conservation plan.

**MOTION:** *David Blackburn moved to adopt Resolution R-03-2005, amending the construction specifications for landscaping along arterial, major and collector roads. Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

#### **Consideration of Bid Award for Landscaping at the Eagle Mountain City Administration Building**

Mr. Trusty explained that because of light fixtures for landscaping, the bids were above the estimated prices. They have asked the lowest bidder to remove that from the bid and the City will install the lights at a later time.

Mr. Liddiard questioned the landscaping plan and asked for a copy.

**MOTION:** *Vincent Liddiard moved to award the bid for Landscaping at the Eagle Mountain City Administration Building to Star Engineering and Landscaping in the amount of \$84,681.33, with the removal of the landscape light fixtures. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

**Consideration for approval of general services agreement for Epic Engineering**

**MOTION:** *Linn Strouse moved to approve the general services agreement for Epic Engineering. David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

**Consideration and approval of Utah Power & Light (UP&L) operation and maintenance agreement**

City Attorney Jerry Kinghorn stated that this is a renewal for the operations and maintenance agreement the City currently has with Utah Power & Light. UP&L is on call to respond to any emergencies when the City does not have adequate crews or equipment to handle. The agreement provides a means for the City to call on UP&L to make repairs and the City be billed.

**MOTION:** *David Blackburn moved to approve the Utah Power & Light operation and maintenance agreement as modified by the City Attorney. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

**Consideration and approval of a Resolution amending the Eagle Mountain Consolidated Fee Schedule for the purpose of clarifying a fee for business license class fees and amending master plan development fees**

Mr. Lenhard stated that the business license fees were switched on which class was to pay which fee and this would correct that problem. Mr. Lenhard also explained that there were two fees for a Master Development Plan and the Planning Department felt that the fee for a Master Development Plan to be annexed was not necessary and they are proposing to remove that fee.

**MOTION:** *Vincent Liddiard moved to approve a resolution amending the Eagle Mountain Consolidated Fee Schedule for the purpose of clarifying a fee for business license class fees and amending master plan development fees. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

**Consideration and approval of Amendment 1 to the Second Supplemental Assessment Ordinance for Special Assessment District 98-1, amending and restating the assessment list and reaffirming all other provisions of the second supplemental assessment ordinance**

**MOTION:** *David Blackburn moved to approve the Amendment 1 to the Second Supplemental Assessment Ordinance for Special Assessment District 98-1, amending and restating the assessment list and reaffirming all other provisions of the second supplemental assessment ordinance. Linn Strouse seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

**Final Plat Approval - Hidden Canyon – Phase I**

Mr. Lenhard stated Salisbury Homes is the proposed builder of this project. The houses will be built out of 100% exterior masonry materials and the yards will be fully landscaped. The applicant has also agreed to fully improve Pony Express Parkway along its frontage. The park improvements for this project will be used to finish the Bud Evans Trailway and complete the 8' asphalt trail northwest of the storm drain pond. All lots with backyards facing a road will have privacy fencing installed.

He continued in explaining that the applicant is proposing a detached single-family subdivision on the former site of the Hidden Canyon Condo project. The Ranches Master Development Plan identifies the R2 N4 parcel as Village Core, which allows both residential and commercial land uses. Specifically, the Master Development Plan entitles the Applicant with the following residential and commercial development ceilings: 134 residential dwelling units and three acres of commercial development. Mr. Lenhard stated that the proposed project does not exceed the residential density ceiling. The Final Plat does not show any commercial development or property that would be preserved for such a development in the future.

**MOTION:** *David Blackburn moved that the City Council approve the Hidden Canyon Final Plat subject to the following conditions:*

1. *That county book and page of all adjacent parcels is labeled on the plat and that e-files of the plat are provided for addressing.*
2. *That the entryway monument is constructed by the developer and has electricity run to the site.*
3. *That the fire hydrants are relocated according to the Fire Chief's recommendations.*
4. *That the Ranches DRC reviews and approves the elevations and landscape plan, etc.*
5. *That the house plans are not repeated according to the Ranches Design Guidelines.*
6. *That all construction plan comments are resolved.*
7. *That a revised engineer's estimate and storm drain calculations are submitted and verified*

*Vincent Liddiard seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

### **Final Plat Approval - Spring Valley – Plat B**

Planning Director Shawn Warnke stated that this subdivision is at the entryway to the City; thus, it has the potential to have a great impact on the City's image. Additionally, this subdivision will abut the Mt. Airey subdivision, one of the City's upscale projects.

He continued in explaining that due to the proximity of the project to State Road 73, the homeowners will be subject to noise omitted from volumes and speeds of passing traffic. Accordingly, there should be measures taken to reduce the impacts of the noise such as landscaping buffers. Mature landscaping should be installed to immediately mitigate the noise. Additionally, greater insulation may need to be installed on the exterior walls.

An emphasis should be placed on the rear elevation because this portion of the project will have the greatest visibility. It is recommended that the Elevation Articulation Ratio (EAR) should not be less than the requirements for the front elevations.

Mr. Warnke stated that generally backyards are used to store miscellaneous items. The CC&R's should prevent residents from storing unsightly items. The Ranches HOA will be the enforcement body for these CC&R's.

Discussion ensued on the rear elevation.

**MOTION:** *Vincent Liddiard moved that the City Council approve the Final Plat for Spring Valley Plat B subject to the following conditions:*

1. **PLAT CORRECTIONS.** *That the owners dedication removes references to street (because the streets are not being dedicated to the public they are private streets). That the building envelopes be shown on the plat as required by 5.4.1.1.20 of the Development Code (need to see the setbacks and driveway lengths). That areas on the plat which are private, common limited, and common areas be shown.*
2. **UTILITY CONNECTIONS.** *That the utility connections onto Mt. Airey Drive be shown along with cut areas.*
3. **NEIGHBORHOOD PARK.** *That this project contributes to the neighborhood park requirements.*
4. **LANDSCAPE PLAN.** *That the landscape plan is stamped by a landscape architect. That there is a tabulation table with the total percentage of landscape areas, domestic turf grasses, drought tolerant plant, and cost estimates.*
5. **LANDSCAPING SCALE.** *The buildings are not to scale on the landscape plan. This needs to be correct so that the plans can accurately demonstrate that the landscape improvements in relationship to the buildings.*
6. **CC&R's.** *That the same CC&R's approved with Plat A are applied to Plat B (including storage of items in rear yards, fencing, improved building elevations, building materials, etc.).*
7. **BENCHMARK.** *Construction drawings should label a benchmark.*
8. **ELEVATIONS.** *That the elevations will be an exhibit to the Development Agreement and they will become the required architectural elevations for this project.*

*David Blackburn seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

#### Development Agreement - Eagle's Gate Subdivision LDS Church

**MOTION:** *Vincent Liddiard moved to approve the Development Agreement for Eagle's Gate Subdivision LDS Church. Brian B. Olsen seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

#### Consent Agenda

Contract change order

1. 2004 Eagle Mountain Boulevard, Sweetwater Road, and Ranches Parkway Improvements, (CO No. 2) Staker & Parson Companies
2. Maintenance Shop (CO No. 2) Rimrock Construction

Final payment

- 1. Maintenance Shop – Final Payment – Rimrock Construction

Bond reduction

- 1. Silver Lake Plat 1A (PBR No. 1) Development Associates

Partial payment

- 1. City Administration Building (PP No. 5) Ellsworth Paulsen
- 2. City Administration Building (PP No. 3) Terry Larsen Excavating

**MOTION:** *David Blackburn moved to approve the consent agenda. Janiece Sloan seconded the motion. Ayes: 5, Linn Strouse, David Blackburn, Vincent Liddiard, Brian B. Olsen, Janiece Sloan; Nays: 0. Motion passed.*

Adjournment

**MOTION:** *Vincent Liddiard moved to adjourn the meeting at 9:03 p.m.*

**APPROVAL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
 Mayor Kelvin Bailey

*Approved on March 1, 2005.*  
 ML