

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

May 2, 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: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Jason Randall, Assistant Sergeant; Chief Rand Andrus, Fire Chief.

MAYOR'S BUSINESS

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

AGENDA REVIEW

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

Work Session recessed from 6:17 to 7:00 p.m. and adjourned at 8:27 p.m.

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

Mayor Brian B. Olsen called the meeting to order 8:27 p.m. Mayor Olsen led 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: Mike Wren, Chief of Staff/Public Works Director; Gerald Kinghorn, City Attorney; Gina Peterson, City Recorder; Angela Cox, Deputy Recorder; Shawn Warnke, Management Analyst; Kent Partridge, Building Official; Adam Lenhard, Planning Director; Peter Spencer, City Planner; Mark Sovine, Public Works Director; Chris Trusty, City Engineer; Gordon Burt, Treasurer; Kent Partridge, Building Official; Mark Binks, Sergeant.

PUBLIC COMMENTS

Aaron Evans, who lives in an unincorporated area of Utah County east of the SilverLake development, expressed concern with additional phases of SilverLake being approved. He stated the condition of Pony Express Parkway, as it extends into the County, is poor. He attended a Planning Commission meeting when the public hearing was held for the first plats in SilverLake. At that time he was assured a traffic study had been completed and the roads were adequate for the traffic that would be generated. Mr. Evans explained Eagle Mountain has a sewer right-of-way past SilverLake that extends through land owned and farmed by the LDS Church. He believes the City should improve that right-of-way and use that road rather than using Pony Express to enter and exit the City. He expressed concern of speeding on that road.

Loreen Cole submitted a public comment which the Mayor read. Her public comment announced the National Night Out Against Crime on August 1, 2006. More information will be announced in the future.

Jayna Jones stated Councilmembers and Staff have spoke in support of the disposal of the public open space behind their home. She noted motorcycles and ATV's often drive on the trail behind their home creating a safety hazard because of the weeds and lack of maintenance in the open space. She explained her husband, Channing Jones was promised walking paths and green space behind his property before purchasing his home. She feels this property should be deemed insignificant because it meets the criteria established in the ordinance establishing the disposal of open space. She feels the Planning Department's recommendation that the property is significant is irrelevant. Deeming the property as insignificant would streamline the process for the Jones'. She asked the City Council to deem the property insignificant to the City for legitimate legal reasons and to show support for community improvement. Ms. Jones presented pictures of the property they would like dedeed to them.

Tiffany Ulmer spoke in regards to the open space behind the Jones' property. She feels the land should be deemed as insignificant. Ms. Ulmer presented pictures of the open space behind the Jones' property demonstrating the insignificance of the open space.

Debbie McInelly of the Eagle Park subdivision has approached the City several times to inquire of the plans for the open space surrounding the Eagle Park subdivision. The City has told them they have no plans at this time but would like to install a trail in the future. She has started a petition to allow residents to purchase the open space surrounding the Eagle Park subdivision. She suggested the City sell the open space and use the funds collected to improve the trail surrounding the Eagle Park subdivision. Ms. McInelly expressed concern with ATV's using the trail surrounding the subdivision.

Ben Hardy of the Eagle Park agreed with the comments made concerning the disposal of the open space surrounding the subdivision. He stated the residents he has spoken to along the west side of the subdivision are willing to purchase the open space behind their homes to landscape and maintain it.

Wendi Christensen stated she and her husband have lived in the Eagle Park subdivision for approximately five and a half years and they would also like to purchase the open space behind their home.

Bruce Tobler of the Overland Trails subdivision said residents would like to see horse trails improved and an arena installed in the area of Overland Trails. He asked the City for assistance in applying for grants to complete this project. He asked if there was land designated as an equestrian arena at any time.

Nate Shipp of Development Associates thanked the Mayor and Council for their efforts in Eagle Mountain City. He stated the CC&Rs are being upgraded in SilverLake Phases 6 and 7. He looks forward to adding a product that will have a positive impact on the City and noted SilverLake will not be adding anymore entry level homes. He explained there was a road study completed addressing the traffic generated by the SilverLake subdivision and the surrounding subdivisions. That traffic study has been updated recently; Pony Express Parkway is adequate, at build out, to handle the traffic generated, but he is aware there is a need for a better road. He explained there was a proposal to build a wider road and when the surveyor was measuring for the road Mr. Evans had the surveyor arrested. This inhibited further study of a wider road. He understands Mr. Evans proposal which would move that road away from his property; however, his proposal would not align with any future roads. Mr. Shipp stated he would agree with a better road; however, the current road meets the traffic study. Mr. Shipp stated he would support Saratoga Springs taking responsibility for their annexation and Utah County taking responsibility for their roads.

MAYOR'S ITEMS

PROCLAMATION – Building Safety Week – May 7 - 13, 2006.

Mayor Olsen read a proclamation establishing May 7 – 13, 2006 as Building Safety Week in Eagle Mountain City.

Mayor Olsen announced Councilmember Linn Strouse was recognized as Women of the Year 2006 at the Miss Eagle Mountain Pageant. He acknowledged her efforts in the City and said she is the longest serving elected official in Eagle Mountain City. Councilmember Strouse lost her husband this year to a terminal illness and she continues to serve diligently.

Mayor Olsen introduced Miss Eagle Mountain 2006 Celeste Lojik, First Attendant McKelle Despain; Second Attendant, Jacque Wilkinson; and Miss Teen Eagle Mountain 2006 Amanda Lifferth. He recognized them for their efforts and stated he looks forward to working with them.

Mayor Olsen announced the following events:

- Today Councilmember Liddiard is celebrating his birthday.
- City Recorder Gina Peterson was elected to the Board for the Utah Municipal Clerks Association.
- Councilmember Lifferth was appointed to the Business Advisory Board.
- A utility drop box has been installed at City Hall.
- Mayor Olsen attended the ribbon cutting ceremony at Utah Valley Regional Medical Center. He attended this to represent the City.
- Eagle Mountain City will be working to 3000 acre feet of water to be transferred to the City.

City Attorney Jerry Kinghorn explained the Central Utah Water Conservancy District committed to work with Eagle Mountain City to bring an additional 3000 acre feet of water to the area. Eagle Mountain will immediately begin working through the process of obtaining this water.

Mayor Olsen introduced Michael S. Wren, the new Public Works Director/Chief of Staff. He also announced Ifo Pili will be working with the City as a Management Intern.

The Pony Express Monument foundation will be placed in June. Councilmember Strouse has done a great deal of work in recognizing historical sites.

Mayor Olsen stated a letter has been received from Bill Brandy of Patterson Construction thanking the City Council for hiring a new Building Inspector.

Councilmember Liddiard announced Pony Express Days will be June 1 – June 3, 2006.

Mayor Olsen expressed appreciation to the City Council and thanked them for their efforts.

SCHEDULED ITEMS

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of proposed amendments to the Development Code related to fencing and subdivision improvement guarantees.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of proposed amendments to the City’s Development Code related to Street Right-of-way Classifications / Cross Section Standards.

City Planner Peter Spencer noted staff has proposed several amendments to the City’s Development Code related to fencing and guarantees of subdivision improvements. Amendments to the City’s Development Code require public hearings and action by both the Planning Commission and City Council. The Planning Commission recommended approval of the proposed amendments.

Mr. Spencer stated staff has proposed the text in Title 2, Chapter 6 be amended as follows:

6.7 Guarantees.

Completion of the improvements identified in a development agreement shall be guaranteed by one of the methods listed below. A separate guarantee shall be required for each phase of the development identified in the Development Agreement.

6.7.1 Bond. The developer may place an amount equal to one hundred and ten (110) percent of the estimated cost of the required improvements in escrow or improvement bond, with that amount and the accumulated interest (for a cash escrow bond) being released only after the City has inspected and accepted the required improvements. A Development Agreement may provide for the phased release of portions of the funds of the bond as work proceeds, but at least ten (10) percent of the total shall be retained until all required improvements are installed, inspected, and accepted. If any required improvements are not completed as provided in the Development Agreement, the City shall use as much as necessary of the escrow account or improvement bond

to complete those improvements, then return any remaining balance to the developer or bonding agency.

6.7.1.1 Parks, Trails, and Open Space Improvements. All required parks, trails, and open space improvements require a separate cash bond for each phase of the development identified in the Development Agreement.

6.7.2 City Attorney's Approval. Each escrow agreement, improvement bond or other security shall be in a form approved by the City Attorney.

6.8 Warranty of Improvements.

Each required improvement shall be warranted by the developer for both materials and workmanship for two (2) years after their acceptance. Such a warranty provision shall be included in all Development Agreements. Enforcement of the warranty shall be assured by one of the following:

6.8.1 Ten (10) Percent Retention- Escrow. Retention of ten (10) percent of an escrow account established to comply with this Title;

6.8.2 Ten (10) Percent Retention- New Account. Establishment of a new escrow account, in which an amount no less than ten (10) percent of the cost of the required improvements is deposited, and which shall be released, with accumulated interest, upon expiration of the warranty. Other construction, warranty and maintenance issues include:

7.9 Privacy Fencing.

Residential developments designed with rear lot lines abutting an arterial road or collector road right-of-way shall install privacy fencing of consistent height (no less than six (6) feet), material and color, and of durable quality along the rear lot lines of all lots with a rear lot line abutting an arterial or collector road. Developer applicants are required to install Privacy Fencing. The City Council shall be authorized to require a specific material for the fencing.

Councilmember Strouse expressed concern with requiring privacy fencing that does not allow wind to flow through it. She does not believe these kinds of fences stand up to high winds as well as open design fences. Mr. Spencer cited privacy fencing is typically a solid fence, and this proposal allows the City Council to specify the materials used.

Mayor Olsen opened the public hearing at 8:35 p.m. for the proposed amendments to the Development Code related to fencing and subdivision improvement guarantees. There were no comments so the public hearing was closed.

Mr. Kinghorn stated changes to the Development Code need to be approved by ordinance. If the City Council chooses to adopt these changes they will adopt them with the ordinance amending the development code.

Mr. Spencer stated the City has received an application from Trophy Homes Development to amend the City's Development Code as it pertains to right-of-way standards classifications.

The Applicant has proposed that the text in Title 1, Chapter 16 be amended to add the following section:

16.9 Community Entrance Signs.

Community Entrance Signs located in the median and shoulder of the City's right-of-way along streets classified as arterials or collectors shall only be allowed under specific agreement with the City. Community Entrance Signs shall be constructed and installed at the expense of the original applicant in accordance with the specifications illustrated by Schematic 16.4- Community Entrance Signage. The exact location of each sign and the sign copy shall be subject to review and approval by the Eagle Mountain Planning Commission and City Council.

16.9.1 Approval Process. Community Entrance Signage shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of fact. At their discretion, the Planning Commission may recommend and the City Council may approve Community Entrance Signs along streets classified as arterials and collector roads. The placement of the sign shall not create a traffic hazard. Since these signs are within the City's right-of-way the Applicant must enter into an agreement to lease the City's property. The City Council shall approve the agreement which will detail the terms and conditions of the property lease. The lease fee shall be equal to the fee established in the City's current Consolidated Fee Schedule for Off-Premise Ladder Signs.

Councilmember Blackburn addressed concerns with collector right-of-way widths of a reduced size which may not allow for future expansion of roads. Mr. Spencer responded the current requirements are excessive and the proposal will allow for future expansion. Mr. Wren stated the planter strip allows for left and right turn pockets.

Mayor Olsen opened the public hearing at 8:43 p.m. for the proposed amendments to the City's Development Code related to Street Right-of-way Classifications / Cross Section Standards.

Tiffany Ulmer stated she does not agree with decreasing the width of the collector right-of-way.

John Malone urged the City Council to be cautious on decreasing the width of the collector right-of-ways. His opinion is reducing the size of those right-of-ways will have a significant impact on the overall image of the City. He cited arterial and collector roads provide an image of Eagle Mountain being open and community friendly. He is also not in favor of having privacy fencing along right-of-ways. Having privacy fencing along right-of-ways creates a hazard for pedestrians in the unlikely event a vehicle leaves the roadway. He cautioned the City Council not to bend to the pressure of developers and builders and to hold them to higher standards.

Bill Pepperone of Trophy Homes suggested the proposed amendments are not minimum standards in comparison to other communities along the Wasatch Front. He believes the proposal is palatable to the development community and offers the City the space they need. He disagreed this is an issue to bend to the pressure of developers, and commented the current requirements are excessive.

***Mayor Olsen closed the public hearing at 8:51 p.m. ***

Councilmember Jackson **moved** to approve ordinance 07-2006 amending the following proposed amendments to the Eagle Mountain City Development Code as follows:

1. TITLE 2, CHAPTER 6. That Section 6.7.1.1 is added to the text as drafted. That Section 6.8.2 is deleted as drafted.
2. TITLE 2, CHAPTER 7. That Section 7.9 is amended as drafted.

3. Title 2, Chapter 7. That the text is amended as drafted. That the language for the method of appraisal is approved by the City Attorney.
4. Title 2, Table 7.2. That table 7.2 Right-of-way Classifications is amended as presented by Staff. That there is the option to build a 50' Local Street right-of-way with high-back curb instead of the 51' right-of-way with a modified curb at the election of the applicant.

Councilmember Liddiard **seconded** the motion including amending the proposal to keep the local width of streets at 55 feet.

Councilmember Jackson did not accept the proposed amendment.

Councilmember Lifferth **seconded** the motion as presented by Councilmember Jackson.

Councilmember Jackson stated Eagle Mountain City needs to have standards that are consistent with other City's in Utah and the State Code.

Councilmember Strouse asked if the City has been violating State standards by having increased right-of-way widths. Mr. Kinghorn responded the standards that are proposed were recently adopted by the State.

Councilmember Strouse stated the open feeling and wider streets are good for the City. She believes it is good to see what is being done in other communities, but Eagle Mountain is unique and does things on the cutting edge. Eagle Mountain City has unique and creative ideas and she is hesitant to change the current standards.

Mr. Kinghorn stated there is a legal issue involved in the proposal. He cited Mr. Pepperone's concerns came from discussions with the City Engineer on the street classification table that did not have gradations to evaluate capacities needed for different developments. The amount of land needed outside of the travel portion of the road, buffer areas and trail ways is an overstated amount of land. The proposal allows wide right-of-ways. The Supreme Court of Utah has deemed additional right-of-ways for aesthetics or future growth as unconstitutional takings. Mr. Kinghorn believes City Engineer Chris Trusty has tried to maintain the open feel of the community and avoid getting the City in trouble. Councilmember Strouse asked if the City may be in trouble for previously approving plats according to current standards. Mr. Kinghorn responded there have not been very many approvals on the current table.

Councilmember Lifferth stated he applauds efforts to update and review current City standards. He stated he has been critical of the details of the founding of Eagle Mountain; however, he appreciated the open feel of the City. He is supportive of the proposed amendments.

Councilmember Liddiard expressed concern that the streets would be shrinking by four feet; however, he appreciates having definitive standards.

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.

Mayor Olsen recessed the meeting at 9:05 p.m. The meeting reconvened at 9:16 p.m.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of proposed amendments to the Sign Ordinance related to “Community Entrance Signage”.

Mr. Spencer explained The City has received an application from The Ranches Homeowners Association to amend the City’s Sign Ordinance, which is part of the Development Code (Title 1, Chapter 16) to allow placement of a Ranches “welcome” sign in the City right-of-way median. One of the purposes of the sign is to let people know they are entering a covenanted community.

The Applicant has proposed that the text in Title 1, Chapter 16 be amended to add the following section:

16.9 Community Entrance Signs.

Community Entrance Signs located in the median and shoulder of the City’s right-of-way along streets classified as arterials or collectors shall only be allowed under specific agreement with the City. Community Entrance Signs shall be constructed and installed at the expense of the original applicant in accordance with the specifications illustrated by Schematic 16.4- Community Entrance Signage. The exact location of each sign and the sign copy shall be subject to review and approval by the Eagle Mountain Planning Commission and City Council.

16.9.1 Approval Process. Community Entrance Signage shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of fact. At their discretion, the Planning Commission may recommend and the City Council may approve Community Entrance Signs along streets classified as arterials and collector roads. The placement of the sign shall not create a traffic hazard. Since these signs are within the City’s right-of-way the Applicant must enter into an agreement to lease the City’s property. The City Council shall approve the agreement which will detail the terms and conditions of the property lease. The lease fee shall be equal to the fee established in the City’s current Consolidated Fee Schedule for Off-Premise Ladder Signs.

Mayor Olsen opened the public hearing at 9:20 p.m.

Ms. Ulmer stated she appreciated the proposal allowing the City Council to approve or deny each application on a case by case basis. She expressed concern with the proposed sign blocking vision for traffic, and recommended a fee for staff time of maintenance of the area.

Cary Brackett asked to have his comments from the work session to be included in the minutes. Mr. Brackett read the following statement:

“Honorable Mayor and Council Members,

My name is Cary Brackett and I represent The Ranches Homeowner’s Association (HOA). The Ranches HOA is bringing before you a proposal for 3 entrance signs; one at the main entrance on Ranches Parkway & SR73, one on Pony Express near the Silver Lake development and one on Pony Express by Unity Pass. The reasons for these signs are fourfold; first, and most importantly, to inform people that The Ranches is a “Master Planned Community”; second, to better define The Ranches borders; third, to welcome visitors; and fourth, to help establish the Ranches as part of Eagle Mountain City. I would like to thank Councilwomen Strauss and councilman Blackburn for originally bringing this idea to the HOA.

Although the amended sign ordinance and the signs themselves are the only items up for approval this evening, I would also like the council to consider amending the sign lease fee for this signage. The HOA board has asked that the City consider providing an exemption to The Ranches on sign lease fees or at least a much reduced fee for the following reasons:

- 1. The Ranches & Eagle Mountain City continues to work together on many projects that benefit all residents, and neither should profit from the other.*
- 2. The Ranches is a non-profit organization within Eagle Mountain and not an outside entity that would profit from these signs.*
- 3. A precedent has been set with The Ranches Logo on the main entrance that the HOA has not been required to pay a lease on.*
- 4. As per previous agreements, these signs will state The Ranches at Eagle Mountain, which will also promote the City of Eagle Mountain.*
- 5. Lease fees imposed on the HOA come from the residents of Eagle Mountain.*
- 6. The fact that the City has the authority to exempt itself from such fees and restrictions clearly demonstrates that the city has the power to exempt The Ranches as being part of the city.*

Speaking on behalf of The Ranches Board of Trustees, we respectfully ask that this body approve the proposed sign ordinance amendment to grant the HOA approval for these signs, and allow the Homeowners Association an exemption for lease fees.

Thank you!"

Bobby Colson agreed with the comments of Mr. Brackett. He said there needs to be signs making people aware of the homeowners association and defining borders.

Mayor Olsen read comments from Commissioner Malone explaining his opinion that these signs would present the wrong image for the City and would move back from efforts to unify the City. He asked the City Council to grant additional wording on the Ranches entrance monument rather than granting allowance for more signs.

The public hearing was closed at 9:23 p.m.

Councilmember Lifferth **moved** to approve an ordinance amending the Sign Ordinance related to "Community Entrance Signage". Councilmember Strouse **seconded** the motion.

Councilmember Lifferth expressed concern with the motion. He believes there is a need for this sign because homeowners associations are not always disclosed to individuals buying property contained in an association; however, he is concerned there is already too many signs in the City. He also questioned the precedent being set for individuals wanting to post signs of neighborhood affairs. He believes \$300 a year is an excessive fee and proposed a \$100 a year fee.

Councilmember Strouse asked to have the following wording in the proposed ordinance changed: "Community Entrance Signs located in the median and shoulder of the City's right-of-way..." to "shoulder or median". She discussed concerns with emergency services finding locations because of duplicate street names. She feels this proposal allows more location benefits to emergency services. She suggested the street directory for emergency services add the subdivision locations to help when

trying to locate subdivisions. Councilmember Strouse commented many Meadow Ranch residents were unaware they were located within a homeowners association and were upset to find out later.

Councilmember Strouse **moved** to amend the motion to have the following wording in the ordinance changed: “Community Entrance Signs located in the median and shoulder of the City’s right-of-way...” to “shoulder or median” to eliminate confusion. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth accepted the amendment.

Councilmember Liddiard asked Councilmember Lifferth his thoughts to adding notice of a homeowners association to an entrance monument. Councilmember Lifferth expressed concern that a sign of that nature would not offer proper disclosure.

Councilmember Jackson **moved** to amend the amended motion to include the standards are guidelines and not specifics of the type of sign required and remove schematic 16.9. Councilmember Liddiard **seconded** the motion.

Councilmember Lifferth expressed concern that many different styles of signs will detract from the consistency and add to confusion. He asked for additional discussion prior to accepting or denying the proposed amendment.

Councilmember Blackburn feels more notification of the homeowners association is a positive aspect; however, he did not expect the notification to be on a separate sign, and suggested adding the wording “a homeowners association community” on the bottom of The Ranches entrance monument.

Councilmember Jackson feels a separate sign would further separate the City Center and The Ranches. She understands the purpose of the sign is to disclose a homeowners association; however, she is concerned people in the City Center will feel more distant from The Ranches. She agrees with attaching a disclosure of a homeowners association to an already existing sign. She feels entrance monuments to each subdivision are important.

Councilmember Lifferth accepted the amendment to the amended motion.

Councilmember Strouse felt more discussion is needed on this item and recommended tabling it.

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

Councilmember Liddiard would like to make a motion to table the proposed amendments to the Sign Ordinance related to “Community Entrance Signage”. Councilmember Jackson agreed.

Mr. Kinghorn explained tabling the item is not necessary because the failure of an approving motion effectively denies the request.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of a proposed ordinance amending the City’s General Plan Map in the Overland Trails subdivision.

Mr. Spencer explained Overland Trails is located in the Town Center. The Planning Department has received an application to amend the General Plan and rezone a portion of the Eagle Mountain Properties Master Plan consisting of approximately 3.9 acres adjacent to the Overland Trails subdivision. The City's current General Plan Map depicts the subject property as "Mixed-Use Commercial" and will need to be amended to show the subject property as "Rural Residential". The rezone will be addressed in a separate agenda item. Approval of this application would enable the Applicant to develop the subject property as single-family detached lots similar to those already developed in Overland Trails Phase 1. The Planning Commission recommended approval on April 11, 2006.

Mr. Spencer noted this request constitutes a change in the "1998 Amendment" Master Plan Land Use Map only; all other conditions and requirements stated in the "Town of Eagle Mountain, Utah, Monte Vista Ranch and Eagle Mountain Properties Amended and Restated Master Development Agreement" dated December 22, 1997 remain unchanged with this amendment.

Mayor Olsen opened the public hearing 9:44 p.m. There were no comments so the public hearing was closed.

Councilmember Jackson **moved** to approve Ordinance 08-2006 amending the City's General Plan Map in the Overland Trails subdivision subject to the following conditions:

1. GENERAL PLAN MAP. That the new General Plan map designates the subject property as "Rural Residential".
2. COMPATIBILITY. That the subject property would be developed as single-family lots subject to the same requirements as others in Overland Trails Phase 1. That the new lots platted through the subdivision process would be consistent in size with the other lots in Phase 1 of Overland Trails.

Councilmember Liddiard **seconded** the motion.

Councilmember Jackson stated during the Planning Commission meeting discussing this item residents cited this area was hoped to be an equestrian arena. The zoning for this area was always commercial and she feels it makes sense to rezone the property to residential.

Councilmember Liddiard noted commercial areas abutting residential zoning in that area will need buffering.

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.

7:00 P.M PUBLIC HEARING

ORDINANCE – Consideration and approval of a proposed ordinance amending the Eagle Mountain Properties' Master Plan Map in the Overland Trails subdivision.

Mr. Spencer explained Overland Trails is located in the Town Center. Eagle Mountain Properties (Monte Vista Ranch LLC) recently submitted a separate application to amend their Master Development Plan. In that application they submitted the "1998 Amendment" Map as their official "current" map. This Map is considered to be the official Zoning Map for their Master Development Plan.

The Applicant has submitted a revised Master Plan Land Use Map which designates the subject property as “Residential”, which would allow the Applicant to submit an application to subdivide it into residential lots. The Planning Commission recommended approval on April 11, 2006.

***Mayor Olsen opened the public hearing at 9:47 p.m. There were no comments so the public hearing was closed. ***

Councilmember Liddiard **moved** to approve Ordinance 09-2006 amending the Eagle Mountain Properties’ Master Plan Map in the Overland Trails subdivision subject to the following conditions:

1. ORIGINAL MASTER DEVELOPMENT AGREEMENT CONDITIONS. That all conditions of the “Town of Eagle Mountain, Utah, Monte Vista Ranch and Eagle Mountain Properties Amended and Restated Master Development Agreement” dated December 22, 1997 remain unchanged with this amendment unless otherwise explicitly specified in these conditions of approval or on the revised Master Plan Map.
2. REVISED MAP. That the revised Master Plan Land Use map becomes the official Map of the Eagle Mountain Properties Master Plan. That the date on the map is updated. That the subject property is depicted with the “Residential” land use.
3. GENERAL PLAN. That the General Plan amendment associated with this application receives final approval by the City Council prior to their approval of the proposed Master Plan Land Use Map amendment.
4. COMPATIBILITY. That the subject property would be developed as single-family lots subject to the same requirements as others in Overland Trails Phase 1. That the new lots platted through the subdivision process would be consistent in size with the other lots in Phase 1 of Overland Trails.
5. TRAFFIC AND TRANSPORTATION. That the addition of three more lots to the subject parcel will not result in noticeable traffic congestion or safety problems. The existing roads in Overland Trails have adequate capacity for the proposed lots.

Councilmember Jackson **seconded** the motion. 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 an agreement with Buddy Lee Attractions, Inc for the 2006 Pony Express Days Joe Diffie Concert.

Mr. Kinghorn explained the Joe Diffie contract has been reviewed and approved as to form by legal counsel and recommended approval.

Councilmember Liddiard **moved** to approve the agreement with Buddy Lee Attractions, Inc for the 2006 Pony Express Days Joe Diffie Concert. Councilmember Blackburn **seconded** the motion.

Councilmember Liddiard questioned the clause requiring 20% of the venue to be in attendance. He asked how many attendees that would be. Mayor Olsen responded 1200 attendees would need to be present.

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.

ORDINANCE – Consideration and adoption of an ordinance enacting new street classifications in Eagle Mountain City.

Mr. Warnke explained this is an amendment to the Street Classifications Ordinance. The proposed amendment will change the ordinance to allow a classification for Type 6 and Type 7 roads. Type 6 Roads will limit a vehicle's axle width on certain roads. Type 7 Roads will designate roads that are not classified for motorized vehicles.

Mr. Kinghorn noted the Type 7 road will be open to Utah Power & Light's crews to maintain the power lines and for farm access, but will be closed to public motorized traffic.

Councilmember Strouse **moved** to adopt ordinance 10-2006 enacting a new street classification in Eagle Mountain City. Councilmember Blackburn **seconded** the motion.

Councilmember Blackburn asked to have proper markings and reflective barriers for road closures. Mr. Warnke responded that will be part of the construction process.

Councilmember Jackson asked staff to notify the builders and their subcontractors that will be affected by the roads classified as Type 6.

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 – Determination of “Significance” on an application to dispose of City-owned property in the Eagle Park subdivision.

Mr. Spencer explained in August 2005 Mr. Channing Jones, a resident of the Eagle Park subdivision, submitted an application for disposal of public property. Disposal of public property consists of two separate action items that must be followed according to specific criteria established in the Ordinance. On August 23rd the Planning Commission classified the subject property as “Significant” and recommended that it be disposed of subject to conditions. The City Council reviewed this application on September 6, 2005 and tabled it.

Mr. Spencer stated this area is part of the recorded open space in the Eagle Park Phase 2 Plat. This open space may some day be suitable for a pedestrian trail, and the City should ensure that there is enough land for one along the adjacent roads. Staff recommends that this particular piece of land could be disposed of without affecting the ability to retrofit the remaining area for a trail at some point in the future.

Councilmember Jackson **moved** to classify the City-owned property as insignificant and have staff determine any SID assessments required, water rights issues and the equitable purchase price, and upon deeding this property this piece be included as one property parcel with their current parcel. Councilmember Liddiard **seconded** the motion.

Councilmember Jackson explained her reasoning for requiring one parcel for this property and the existing lot. If taxes are not paid on this property over a five year period of time the property would go to tax sale and could be purchased by anyone willing to pay the back taxes. However, if it is one parcel the taxes will be assessed along with their home.

Mr. Kinghorn explained a condition to the motion is that the property be consolidated with the existing lot so there is one tax parcel.

Councilmember Lifferth noted he feels this proposal is a win-win situation for the community. He explained this was not intended to be prolonged, but he wanted to follow the legal channels.

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.

Councilmember Blackburn noted there is 'dead space' in the City Center design of subdivisions with open space surrounding the subdivision. He felt it may be helpful to have staff create the needed requirements for residents wanting to extend their property.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Mount Airey Group, LLC for Mt. Airey – Plat F.

Mr. Spencer stated the Mt Airey F subdivision received Final Plat approval on April 4, 2006. A Development Agreement is the formal acceptance by both the City and Developer of all rights and obligations associated with and related to the development of a previously approved subdivision. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement and are not up for negotiation at this time.

Councilmember Blackburn **moved** to approve the Development Agreement with Mount Airey Group, LLC for Mt. Airey – Plat F. 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.

DEVELOPMENT AGREEMENT – Consideration and approval of a Development Agreement with Point Lookout Group, LLC for Point Lookout – Plat B.

Mr. Spencer stated the Point Lookout B subdivision received Final Plat approval on March 7, 2006. The Development Agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project.

Councilmember Liddiard **moved** to approve the Development Agreement with Point Lookout Group, LLC for Point Lookout – Plat B. Councilmember Blackburn **seconded** the motion. 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 the Final Plat for Point Lookout – Plat A.

Mr. Spencer explained Point Lookout A is located southwest of Diamond Springs and Castle Rock. The plat previously received Final Plat Approval on May 17, 2005. Since that time, a new owner has

acquired both Plats A & B and is now re-submitting Plat A with a slightly different design. Essentially the only difference is that the vest pockets along Sandpiper Road have been removed.

Councilmember Jackson **moved** to approve the Final Plat for Point Lookout – Plat A subject to the following conditions and findings of fact:

Findings of Fact:

- The Hidden Canyon development was not built to its vested density and instead built as a lower-density, single-family detached subdivision.
- Additionally, the ‘Community Center’ that was once planned for in the Hidden Canyon area is no longer a possibility.
- As such, the connecting Sandpiper Road will not be required to carry as much vehicular traffic, thus its classification as a collector road is no longer valid. Instead, it is viewed as a local street that will only be used for local traffic.
- Because the actual use of Sandpiper Road will not designate it as a collector road, direct driveway access onto this road, for some specific lots, does not pose a significant traffic concern and is allowed.

Conditions of approval:

1. PARK FEE-IN-LIEU. That the required neighborhood park fee-in-lieu is calculated by the City Engineer and applied towards hard surface trail improvements in the utility corridor (the Cedar Valley Regional Trail).
2. SID. That the City Engineer verifies that the plat encompasses all of the land incorporated for the SID, and that the full amount is paid prior to recordation.
3. PLAT. That the tabulation table is updated to show correct data. That all lot lines outside of the plat are removed. That Notes 2-5 are removed. That all other redline comments are addressed.
4. STREET ACCESS. That lots 16 & 17 contain a note that states they are restricted to a circular (U-shaped) driveway only.
5. BENCH DRAINS. That bench drains are provided in the rear yard PUE for lots 22-24. That these bench drains are a bonded developer improvement.
6. CONSTRUCTION DRAWINGS. That the construction drawings are updated to reflect the removal of the vest pockets.
7. LANDSCAPE PLAN. That a licensed landscape architect should stamp the plan. That a landscape cost estimate is submitted. The Landscape Plan shall contain an entryway monument. That street trees along Sandpiper Road are a developer improvement and are bonded for. That the correct street names are added to the plan.

Councilmember Lifferth **seconded** the motion

Councilmember Jackson stated she is pleased with the large lots in the proposal. The applicant at the Planning Commission meeting preferred a different layout on lots 16 and 17 other than the circular drives; however, he was very willing to comply with the Planning Commissions recommendation.

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 the Final Plat for SilverLake – Plat 6.

Mr. Spencer explained SilverLake Plat 6 is located adjacent to SilverLake Villages, just south of the proposed Plat 7. The SilverLake Master Development Plan was amended on February 7, 2006. Within the newly amended plan, the large 'bubble' within which Plat 6 is located allows for a total of 279 units over 80 acres. Plat 6 is proposing a total of 41 lots over a total of 11.10 acres for a density of 3.69 units per acre, which the zoning allows. On April 11, 2006 the Planning Commission approved the Preliminary Plat and recommended approval of the Final Plat to the City Council.

Councilmember Lifferth **moved** to approve the Final Plat for SilverLake – Plat 6 subject to the following conditions:

1. STREET NAMES. That all the proposed streets are given names that are dissimilar from all existing street names. *Country Way must be changed (there is already a Country Drive in North Ranch).*
2. ADDRESSES. That the City Engineer generates addresses.
3. PLAT. That Utah County Book & Page information is added. That the City Engineer verifies that the boundary description closes.
4. LANDSCAPE PLAN. That any landscaping drawings / items that do not pertain to Plat 6 or 7 are removed.
5. NEIGHBORHOOD PARK. That the Neighborhood Park requirements are met and the funds are earmarked for the Regional Park located just to the east of the plat.

Councilmember Liddiard **seconded** the motion.

The Council discussed items unrelated to the plat approval including the condition of Pony Express Parkway as it extends out of the City.

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 the Final Plat for SilverLake – Plat 7.

Mr. Spencer explained SilverLake Plat 7 is located northeast of SilverLake Villages. The SilverLake Master Development Plan was amended on February 7, 2006. Within the newly amended plan, the large 'bubble' within which Plat 7 is located allows for a total of 279 units over 80 acres. Plat 7 is proposing a total of 86 lots over a total of 18.79 acres for a density of 4.57 units per acre, which the zoning allows. On April 11, 2006 the Planning Commission approved the Preliminary Plat and recommended approval of the Final Plat to the City Council.

Councilmember Lifferth **moved** to approve the Final Plat for SilverLake – Plat 7 subject to the following conditions:

1. STREET NAMES. That all the proposed streets are given names that are dissimilar from all existing street names. *Change SilverLake Blvd. It is too similar to SilverLake Pkwy.*
2. ADDRESSES. That the applicant submits an electronic copy of the plat for the City Engineer to generate addresses.
3. LANDSCAPE PLAN. That any landscaping drawings / items that do NOT pertain to Plat 6 or Plat 7 is removed.
4. NEIGHBORHOOD PARK. That the Neighborhood Park requirements are met.

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

MOTION – Consideration and adoption of the Eagle Mountain City FY 2007 Preliminary Budget.

City Treasurer Gordon Burt explained the State Code requires that the City Council review and adopt a tentative budget by the first regularly scheduled meeting in May; additionally, the City Council needs to establish the time and place of the public hearing for the final budget.

Councilmember Blackburn **moved** to approve the Eagle Mountain City FY 2007 Preliminary Budget and set the public hearing for June 20, 2006 at 7:00 p.m. Councilmember Lifferth **seconded** the motion.

Councilmember Blackburn agreed with the form of the budget; however, he requested in the future the Council be included in the budget process much earlier.

Councilmember Liddiard asked for a electronic copy of the budget and three ring binder for the paper copy. He appreciates the explanations included in the budget.

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 Jackson **moved** to approve the consent agenda as follows:

A. Minutes

- 1) April 18, 2006

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

CITY COUNCIL ITEMS

COUNCIL COMMENTS

Councilmember Liddiard stated he has seen Deputies patrolling the eastern area of Pony Express Parkway. He congratulated City Recorder Gina Peterson for being elected to the Utah Municipal Clerks Board and David Lifferth for being appointed to the Business Advisory Board. He also congratulated Councilmember Blackburn and family on the birth of a baby girl.

Councilmember Liddiard stated there are open space areas of the Eagle Park subdivision that need to be addressed. He cited public open space has become an area for debris and activities not conducive to the neighborhood.

He is excited and looks forward to Pony Express Days. He has enjoyed living in three different areas of the City and seeing the different perspectives. Councilmember Liddiard appreciates the willingness of citizens to bring issues to the Council that is unique to their area of the City. He looks forward to further discussions on the budget and addressing the needs of the City.

Councilmember Lifferth was pleased to see Councilmember Strouse recognized as the 2006 Woman of the Year at the Miss Eagle Mountain Pageant and stated she reminds him of Margaret Thatcher, former Prime Minister of England. He recognized his daughter for being crowned Miss Teen Eagle Mountain

2006. He thanked Councilmember Blackburn for sharing photos of his new daughter. He is pleased the City has began the process to obtain water from the Central Utah Water Conservancy District and recognized the individuals involved in this process.

Councilmember Jackson has had discussions with residents concerning entry monuments in the City. She would like to see entry monuments added to the City Center as an Eagle Scout project or volunteer project.

She has seen antelope in the City Center and noted individuals need to be cautious of their speeds and watch for wild life.

Councilmember Strouse stated she encountered antelope crossing State Road 73. She has seen deer carcasses along SR 73 between North Ranch and Meadow Ranch. She asked if the City can post signs for wildlife crossing.

She discussed enforcement of public open space in the City. She asked Mr. Kinghorn if having a vehicle parked in public open space for eight years creates a legal issue for the City. Mr. Kinghorn responded this can be dealt with through the City's Code Enforcement Officer. She also asked to have Deputies monitor the Eagle Park subdivision in regards to motorcycle and ATV's on public open space.

Councilmember Strouse asked if the City can be notified of pending legislation that affects the City. She noted the Development Code amendment that was tabled tonight does need further discussion and the City Council needs to be aware of how the amendments they make to it affect the City.

Councilmember Blackburn congratulated Councilmember Strouse on receiving the Woman of the Year recognition and wished Councilmember Liddiard a happy birthday. He has met with staff concerning the budget and was pleased with the details and openness to opinions; he is in the process of addressing his questions and concerns. He would like the Construction Standards on the next City Council Agenda. He asked for regular updates and progress information pertaining to the wastewater treatment plant expansion, and that an agenda line item is included on each agenda for the update. He is appreciative of the water rights awarding, and asked that these water rights be divided among all developers and builders in the City and put to immediate use. He requested feedback to Council requests at the next City Council meeting.

Mayor Olsen expressed appreciation to the City Council. He stated the Budget Retreat will be May 16, 2006 at 8:00 a.m.

ADJOURNMENT

Councilmember Liddiard **moved** to adjourn the meeting at 10:49 p.m.