

**MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING**  
**Eagle Mountain City Council Chambers**  
**1680 East Heritage Drive**  
**Eagle Mountain, Utah 84043**  
**Tuesday, May 4, 2004**

WORK SESSION – No Action or Minutes Taken – 4:00 to 6:30 PM

1. Consent Agenda
2. Discussion on the General Plan
3. Discussion on Staff's Proposal regarding Meadow Ranch Landscaping
4. Discussion concerning Bonding for Road Fund
5. Adjourn Work Session at 6:49 PM

Prayer by Invitation of the Mayor

The prayer was offered by Chris Hillman

POLICY SESSION – 7:00 PM

1. **Call to Order - Roll Call:**

Mayor Kelvin Bailey called the meeting to order at 7:08 PM.

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Vincent Liddiard, Mark Madsen, Linn Strouse. Diane Jacob was excused.

**City Staff:**

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver (Excused)
Utah County Sheriff:	Sergeant JoAnn Murphy

**Others Present:** Residents Bonnie Jeppson, Marcie Taylor, Robert Lee, Jody Hooley, David Cast, Brigham Morgan; landowners Glade Berry, Loretta Wilcox, Howard Ault; developers Monte Kingston and Scott Kirkland; builder Joel Harris from Highland Homes.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Mayor Bailey.

3. **Approval of City Council Minutes (April 6, 2004 & April 20, 2004):**

This item was addressed after Item 5.

**MOTION:** *David Blackburn moved to approve the Minutes of April 6, 2004. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

The Minutes for the April 20, 2004, City Council meeting were tabled until the next City Council meeting.

4. **General Discussion/Questions/Announcements:**

Mayor Bailey excused Diane Jacob from the meeting and read a statement from her regarding her participation as a moderator for a women's forum and debate with all gubernatorial candidates. A copy of this statement is filed with the Minutes.

5. **Appointments:**

Janet Valentine administered the Oath of Office to Jack Scott who was appointed to the Airport Planning Commission at the City Council meeting on April 20, 2004.

6. **Public Comment:**

Bonnie Jeppson, resident of Lake Mountain Road, addressed the Council to update them on her ongoing issues with the Friends-In-Need Animal Shelter. She stated she had called the City numerous times to report that dogs were outside barking and had also reported this information Utah County Sheriff's Office and Animal Control. She stated there are generally no dogs outside around 4:00 PM or 5:00 PM; however, between 7:00 PM and 9:00 PM there are four to six dogs out at one time. She advised she was unable to enjoy her yard because the dogs bark at her family. She indicated she could hear the barking even when the dogs were inside the house. She expressed her concern about the soundproofing planned for new building and stated she hoped it would be adequate. She addressed her concern about the number of dogs at the shelter, which had reached 13. She stated she was not asking that the shelter leave the area but that any decisions that are made be reasonable and compatible for everyone involved.

Mrs. Jeppson requested that speed signs be posted on Lake Mountain Road so that the Sheriff's Office has legal grounds when they stop speeders. Mayor Bailey asked Shawn Warnke to follow up with Mark Sovine on this request.

Mayor Bailey referred to a statement signed by residents of Lake Mountain Road and asked Mrs. Jeppson what had been said to give her the idea that "the Mayor and a few City employees" were biased on the subject of the animal shelter. Mrs. Jeppson stated that comments on the news had given some of the residents that opinion, but she did not address any specific comments. Mayor Bailey explained that he has taken no position on this issue and would not until all information was available to make an objective decision.

7. **Council Comments:**

None

8. **Consideration for Adoption of a Second Supplemental Assessment Ordinance Amending and Supplementing Supplemental Assessment Ordinance No. 99-07 Adopted on May 10, 1999 Confirming and Approving a New Assessment List and Reaffirming the Levying of an Assessment Against Certain Properties in Eagle Mountain City, Utah Special Improvement District No. 98-1, Utah County, Utah for the Purpose of Refinancing the Costs of Constructing Roads, Acquiring Easements and Installing Sewer, Water, Telecommunications, Electrical and Gas Utility Improvements, Constructing Park and Landscaping Improvements, Replacing Above-ground Electric Transmission Lines with Underground Electric Transmission Lines, and Completing Any Miscellaneous Work Necessary to Complete the Improvements in a Proper and Workmanlike Manner (The "Improvements"); Amending the Assessment Prepayment Provisions; Reaffirming the Establishment of a Reserve Fund and Stabilization Reserve Fund; Establishing the Effective Date of this Second Supplemental Assessment Ordinance; and related Matters:**

This item was tabled.

9. **Public Hearing: (General Plan):**

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 7:22 PM.

Adam Lenhard presented the proposed General Plan by explaining its characteristics. He stated that a general plan serves as a guide for future development and would probably need a comprehensive rewrite every five to seven years. He explained the difference between a general plan, which is very broad, and a development code, which is very specific.

Shawn Warnke presented the Future Land Use and Transportation Corridor Map, which is a precursor to the City's zoning map that would be part of the City's Development Code. He stated that all owners of property in excess 160 acres had received a copy of the map to inform them of the General Plan policies for the City.

B. Receive Public Comment

Glade Berry, property owner on Lake Mountain Road, expressed his concern that Lake Mountain Road was not given decent maintenance nor any long-term identification on the Land Use Map. He inquired about future plans for Lake Mountain Road and asked the City for consideration to allow input from property owners who would be affected by the General Plan. Mr. Berry asked about the power lines along the property and why the property owners had been told they could not use them.

Mayor Bailey stated that the owners of property along the UP&L power line should be able to use that line.

Mark Madsen asked what the constraint would be on the use of the power lines. Mayor Bailey stated that the City would allow a resident already living on Lake Mountain Road to tie into UP&L; but, he stated that they would have to tie into the City's system if they wanted to develop a subdivision.

Gerald Kinghorn stated there are a number of different arrangements that the City could make to allow the property owners to use the UP&L line.

Mark Sovine stated that the high voltage of the lines could present a problem and that the bond covenants require any development within the City to connect to the City system.

Gerald Kinghorn advised that the City could wheel through the UP&L system to provide power, if there were sufficient capacity.

Mark Madsen wanted to know when Mr. Berry had been told he could not use the lines. Mr. Berry responded that he received this information when the City built its own power system. Mayor Bailey recommended that Mr. Berry contact Korey Walker and Mark Sovine to work on proposal to use the UP&L power.

Mr. Berry asked if Lake Mountain Road would be a permanent fixture in the City or if it would be done away with.

Shawn Warnke stated that Lake Mountain Road was originally a County road, which existed prior to the City's incorporation, and would remain a road by "prescriptive use" meaning that it has not been dedicated but is a road by virtue of use. He stated that the road shown on the Future Land Use and Transportation Corridor Map was an arterial road that would run parallel to Lake Mountain Road, with the idea that Lake Mountain Road would maintain its rural characteristic and that the arterial road would carry traffic volume for the City.

David Blackburn asked how far the arterial road would be from Lake Mountain Road.

Shawn Warnke stated that the City should establish an alignment because development was starting to occur along Lake Mountain Road.

Mayor Bailey asked if the proposed plan for Lake Mountain Road was intended to maintain the road as a rural subdivision road or to avoid using the road at all.

Shawn Warnke stated the plan for the road was to maintain it as a rural residential road and that there had never been any discussion about eliminating Lake Mountain Road.

Mr. Berry then asked if landowners could develop along Lake Mountain Road.

Mr. Warnke responded that if the landowners created development that would have large traffic volumes, the traffic impact study might show that Lake Mountain Road would not be sufficient to handle the traffic.

Mayor Bailey explained that there was a road west of Lake Mountain Road to allow traffic from the houses on Lake Mountain Road to filter out without causing traffic hazards. He stated that Lake Mountain Road could be developed as a subdivision road that would filter onto the collector road to the west. He indicated this plan could change as development occurs.

Brigham Morgan, resident and former City Council member, stated that to the best of his recollection the agreement for Lake Mountain Road, as addressed in the previous Development Code, was that the road would be maintained as an unimproved rural road with the intent to protect the lifestyle of the residents and keep major traffic flow off of that road.

Mr. Morgan thanked Planning Department employees for the format of the proposed General Plan. He stated he appreciated the fact there was much more information included in this plan than in the last revision. He stated he had talked with Diane Jacob and referred to her written comments, copy filed with the Minutes.

Mayor Bailey stated Mrs. Jacob's comments were discussed during Work Session.

Mr. Morgan stated he had expressed some of his concerns to her so she could make sure they would be incorporated. He requested that those written comments from Mrs. Jacob be included in the Public Hearing and become part of the record.

Mr. Morgan stated he was somewhat disappointed to see there was no mission or vision statement specifically outlined in the General Plan. He said there were many references to the vision of the City in the plan, but there was no outline of the specific vision of the City. He also noted that

specific references to open space percentages, density references, etc., had been taken out. He specifically referred to the Land Use Map that referenced types of housing (mixed use residential, mixed use commercial, rural residential) and stated that since that map was an appendix to the General Plan, there should be a definition in the plan explaining those types of housing.

David Blackburn stated this information was in the General Plan on page 5.1 under "Housing."

Adam Lenhard stated that the designations on the Future Land Use map were not housing or zones but were broad designations for land use.

Brigham Morgan expressed appreciation that the proposed General Plan does call out protection of sensitive land and agriculture, integration and use of parks and trails, and maintains the "peace" that was in the original General Plan. He stated he would be very intrigued to see how well the General Plan is implemented in the Development Code.

Jody Hooley, resident of Lake Mountain Road, expressed her appreciation for the proposed General Plan. She shared her concern that there were not more specifics listed, such as protection of native vegetation.

Mayor Bailey stated that specifics would be addressed in the Development Code.

Mrs. Hooley echoed the comments from Brigham Morgan in that she would like to see part of the original vision statement incorporated in the proposed General Plan to give it more "teeth."

Loretta Wilcox, property owner on Lake Mountain Road, addressed the concern of power usage brought up by Glade Berry. She stated her family wanted to develop their 40 acres and had previously been told to contact UP&L to hook up to power. She also wanted to know when they would have access to the arterial road mentioned earlier.

Shawn Warnke stated that the City's infrastructure would be extended as development occurred and that a specific timeframe was unknown.

Mayor Bailey told Mrs. Wilcox she could work with Korey Walker and Mark Sovine to see whether UP&L would allow the City could wheel power through them.

Mrs. Wilcox asked if taxes would be increased because of the General Plan and she was told the plan had no impact on taxes. She requested colored copies of the Land Use Map. She asked if there were plans to enlarge the Jake Garn Airport.

Mayor Bailey stated there were no plans to enlarge the airport, but at this point in time it was hard to determine exactly what would happen with the airport.

Howard Ault, owner of a sod farm on Lake Mountain Road, asked about the proposed arterial road and wanted to know when it might be completed.

Mayor Bailey responded that if Mr. Ault decided to develop his land, the City would ask him to preserve the planned area for a road; however, he reminded Mr. Ault that the City had no current plan to develop the road.

Monte Kingston, developer with Eagle Mountain Holdings and Ames Construction, spoke regarding the property recently annexed into the City along the east side along SR 73. He stated the Land Use Map shows plans for mixed use commercial and stated it looked as though the City "was approving something that is yet to be approved."

Mayor Bailey reminded Mr. Kingston that the map was for general land use and did not define specific uses for the land.

Mr. Kingston stated that the General Plan would drive the City plans for use of the land and that he was still unclear as to a good definition of mixed use commercial. He stated that his firm did not anticipate having 70 or so acres of commercial land.

Mayor Bailey assured Mr. Kingston he would have input into the use of the land in question.

Mr. Kingston stated there were various parts of the General Plan that appeared to be very specific as far as what the City would like to see regarding park strips, connecting paths from community to community, parks based on acreage, etc. He expressed his hope that the General Plan would be "forgiving" when his firm presented projects with unique situations and cited as an example The Anthem project, which has been very successful and has unique amenities. He also addressed his concern that many items in the General Plan were very vague and hoped there would not be problems in the future because of interpretation. He stated he looked forward to seeing the Development Code that would show specifics.

Scott Kirkland, developer at the Ranches, stated when he originally looked at the Land Use Map he misinterpreted the color scheme on a couple of parcels and was questioning the logic. He referred to the 120-acre piece between Silver Lake and the Ranches that does not seem to be prime for 120 acres of mixed use commercial. He stated the land was not sitting on one of the major collector roads but was "off the beaten path."

Mayor Bailey asked Shawn Warnke what the thinking had been when zoning the land for mixed use commercial.

Mr. Warnke stated there was a misconception that if an area was shown in red that the entire parcel was commercial. He stated the red was to show a higher intensity of uses, whether it be commercial or higher residential use; however, the map could be changed to show an orange color that would be less restrictive.

Vincent Liddiard clarified that the red map area was originally meant to show there could be a broad variety of applications.

Mayor Bailey reiterated that the map simply showed an idea that could be revised as the area was developed.

Scott Kirkland stated that as a developer in this City he was concerned that the City might allow down zoning from commercial to residential, losing some of the potential commercial land.

Mayor Bailey explained that the land was currently zoned agriculture.

Brigham Morgan stated some of the land uses in the General Plan were not clearly defined since there was no definition as to what was going to be included in mixed use commercial versus mixed use residential. He stated he was not concerned that lot sizes, design architecture, etc. were not specifically called out, only that mixed use residential was not clearly defined.

Gerald Kinghorn reminded Mr. Morgan that all this information would be defined in the Development Code.

C. Close Public Hearing

The Mayor closed the Public Hearing at 7:58 PM.

Mayor Bailey asked if the Council had any questions or comments.

Linn Strouse stated that the Council had discussed this item in great detail during Work Session.

David Blackburn reminded all those present that this was a General Plan, not a document containing specifics, and that it would be reviewed and upgraded every five to seven years or as needed.

Vincent Liddiard stated that some of the public comments echoed what the Council talked about in Work Session. He called out one part of the Introduction that reads: "There are three main perspectives that a municipality must consider when enacting land use policies and regulations – 1) health, safety, welfare, 2) individual property rights, and 3) collective property rights. He expressed his thoughts that the body of the document intends to follow those policies and regulations; and that the vision of the plan allowed specific issues to be addressed in very general terms to allow the City to operate within the plan and then to codify those issues at a later time.

Mark Madsen stated he was inclined to agree with public comments showing anxiety over designations on the map showing terms listed in the body of the General Plan and definitions. He stated he feels that most definitions are adequate, and even though they are very general. However, he stated he would like to see a short, two-sentence definition of the land uses to avoid confusion.

Adam Lenhard asked for clarification that what was wanted was a definition of each designation but not a definition of the zones. He stated that the most relevant place to show those definitions would be in Chapter 2, "Land Use."

Mark Madsen stated he would call it a general description rather than a definition. He stated he felt it would be appropriate to articulate that during Work Session the Council went over technical terms and clarifying language. He advised that the Council had discussed eliminating Chapter 6 because they agreed it was superfluous and inappropriate for a document like the General Plan. Mr. Madsen reminded those present that by its nature, the General Plan was intended not to have "teeth." He expressed concern that people would think the General Plan was a binding document creating entitlements when, in fact, it was designed not to have "teeth" and was not a mandatory document. He stated the document was designed to be easily amended, and he hoped the City would build into plan a presumption in favor of the landowner to enable him to determine how his property would be used.

Vincent Liddiard stated that the City intends for this document to expire.

Linn Strouse asked for clarification for the general public so they understood that the Land Use Map and Future Transportation Corridors are legal requirements in the General Plan. The public was advised that they were, indeed, legal requirements. She also stated that the plan mentioned talks about the surveys conducted with residents showing that there was feedback from the community.

**10. Consideration and Approval of an Ordinance Amending the Eagle Mountain City General Plan:**

Gerald Kinghorn explained there were technical changes in the General Plan that needed to be made in the Introduction regarding sources of law, that some of the map exhibits would require boundary adjustments or text corrections, that the word "vision" should be described as a "goal," and that there should be an additional statement in the Introduction of the City Services Chapter stating that "City public facilities may be located in any of the areas shown on the map, with the approval of City Council," because there is a specific statutory provision that the City has to make provision for public facilities. He recommended enactment of the Ordinance approving the General Plan with those corrections.

**MOTION:** *Mark Madsen moved to approve Ordinance No. O 10-2004, an Ordinance of Eagle Mountain City, Utah Adopting an Amended General Plan for Eagle Mountain City to be known as the 2004 General Plan of Eagle Mountain City, with the following adjustments: That Chapter 6 in the noticed copies will be entirely eliminated; that throughout the document, the word "vision" be replaced with "plan" or "goal" as is appropriate in the text; that in Chapter 4 there be wording inserted to comply with the statutory requirements that allows public facilities to be located anywhere within City limits with approval of the City Council; that other technical changes and adjustments be made as discussed and itemized during the Work Session; that land use descriptions*

*be created that are no more than two sentences long; that technical adjustments be made on the map so that Annexation Plan plans are clearly identified as not being in the City; that there be a change to the land use talked about by Scott Kirkland from Mixed Use: Commercial (red) to Mixed Use: Residential (orange); as well as the presumption in deference to the landowner to allow the landowner to determine use of his property. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

**11. Report and Approval of Staff Recommendations regarding Meadow Ranch Entry Way Landscaping:**

Korey Walker stated he had been directed at the last meeting to map out the existing berm locations and provide a quantity showing what is City property and what is private property. He reported that based on all the berm, both that located in front of Short Road and that located on Cyril Watts' property, there was approximately 28 percent located on City property (or on just the three lots being discussed, there was about 35 percent on City property). He advised he set up a meeting with Carl Allred, who was representing the homeowners at the last meeting, and discussed some alternatives to dealing with the property. He indicated they were not able to come up with any solid solution regarding the situation. Mr. Walker stated that Mr. Allred recommended Mr. Walker meet with the individual homeowners. Mr. Walker had attempted to set up a meeting on May 4, was unable to do so, and advised he would meet with the homeowners later in the week or the first part of next week.

Mr. Walker stated the proposal presented to the homeowners was that the City property would be deeded to them so they would have the right and ability to maintain the property anyway they chose. He stated that the homeowners were not willing to accept that proposal according to Mr. Allred.

Mayor Bailey asked for suggestions from the Council as to how staff should be directed to handle this matter. He recommended that the Council not decide anything that would set a precedent of the City taking care of private property.

Linn Strouse asked for clarification as to whether Carl Allred no longer represented the homeowners, and she was advised that he no longer represented them. She recommended Korey Walker report back to Council after he talked with the homeowners directly and also to the HOA president.

Vincent Liddiard stated he would like to see some consolidation of the property so there was no split stewardship.

Korey Walker asked if it was a reasonable solution for the City to accept the property and, thereby, accept the responsibility of the maintenance?

Mayor Bailey stated the concern he had with that option was the possibility of forcing the HOA to maintain the property.

Linn Strouse asked if the fact that the homeowners were up to date on paying their dues would be an influence on the HOA's desire to maintain the property?

David Cast, homeowners association, stated the maintenance had never been so much a financial issue as much as taking on the responsibility. He stated the homeowners were realizing what the maintenance burden to them would be and they did not want to take that on. He understood from his last conversation with Carl Allred that the homeowners wanted their land back; however, this apparently had changed. He stated the HOA would be willing to re-landscape the berm so it would be a more easily maintained area, but the HOA was not willing to maintain the area as it now stands. He recommended the option of giving Cyril Watts and Allen Thompson back their land, which is 100 percent private, and then making an agreement with the other three homeowners on Short Road.

Linn Strouse stated the City would not know where it stands until the homeowners meet with Korey Walker.



Mr. Cast stated there was a public meeting at the park in Meadow Ranch after the last Council meeting where the option of the homeowners taking back their property was discussed; however, it appears that option was reversed.

Mayor Bailey asked for recommendations from Council and they agreed to have Korey Walker talk with the homeowners and report back to Council.

The Mayor addressed the proposal from the HOA to put a gravel driveway from the road to their park. He asked Mr. Cast if the homeowners on the boundary of the park had been contacted about this proposal, and Mr. Cast stated they had not been contacted. Mayor Bailed asked Mr. Cast to get a signed statement from 100 percent of the homeowners involved stating this proposal met with their approval and to then present that statement to the Council.

**MOTION:** *David Blackburn moved to approve the construction of a gravel driveway from the road to the park in Meadow Ranch, subject to the submission of the approvals from the adjacent landowners being submitted to staff. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

David Blackburn asked how vehicles would be kept off the asphalt path. Mayor Bailey asked Mr. Cast to post a sign telling drivers to not drive on the asphalt.

Mr. Cast asked the Council if they could hold a contest to name their park, and Council gave approval for this idea and asked Mr. Cast to present a proposal for a name to the Council.

Linn Strouse recommended that a rope or similar barrier could be placed along the paved walkway to keep vehicles off the asphalt.

The Mayor moved to Item 16.

**12. Consideration and Approval of an Ordinance Amending Ordinance No. 00-08 to Permit the Use of Off-highway Vehicles in Certain Areas within Eagle Mountain City:**

Shawn Warnke stated the ordinance was created to allow off highway vehicles to navigate through subdivisions to get to trails on BLM land. He stated the ordinance would have the following restrictions: 1) maximum 20 mile per hour speed limit; 2) drivers must be licensed by the State; 3) the ATV must have a four-stroke engine and a muffler; and 4) the ATV must be easily identified. Mr. Warnke showed a map identifying BLM trails and explained the proposed trails and trailheads. He stated the City would need to work with private property owners to gain access through their properties to some of the trail corridors.

Mayor Bailey stated if the ordinance were approved effective of June 1, the staff could determine what landowners would be affected so that the map could be modified accordingly. He stated the City did not plan on letting anyone have access to private property. He indicated this map would be made available to everyone who registered to ride an ATV in the City.

Shawn Warnke advised that the proposed ordinance had been adapted from a similar ordinance in force in the Town of Mantua, Utah.

Jody Hooley, resident of Lake Mountain Road, expressed her concern that almost daily her family chases people on ATV's off their property. She stated she feared this ordinance would increase this problem ten fold.

Mayor Bailey advised that this ordinance should mitigate this problem for residents along Lake Mountain Road because those registering to ride the ATV's would be given a map showing designated areas for riding.

Mrs. Hooley stated that people she confronts on her property do not care that they are on private property.

Mayor Bailey stated that being able to identify the vehicle by a number on a flag attached to the ATV would permit Mrs. Hooley to report these incidents.

Mayor Bailey asked Sergeant Murphy to address Mrs. Hooley's concerns.

Linn Strouse advised she had received numerous calls about problems with ATV's that are being driven in unauthorized areas. She stated part of the problem was that residents had been told by salesmen that ATV's could be ridden anywhere in the City.

Mayor Bailey stated the City would help ATV riders understand that this was not a right but a privilege. He hoped this ordinance would help ATV riders act responsibly while enjoying their vehicles.

Sergeant Murphy advised that people riding ATV's on private property are violating the law. She stated her department would respond to calls from property owners when these incidents occurred.

Mark Madsen asked Mrs. Hooley how long it had been since she reported such incidents to the Sheriff's Office.

Mrs. Hooley stated it had been over a year ago.

Mark Madsen advised Mrs. Hooley that the City now had three times as many law enforcement officers compared to a year ago. He recommended she call the Sheriff's Office the next time she has trouble with ATV riders on her property.

Scott Kirkland echoed Mrs. Hooley's concerns and referred to property in the Ranches, which is not posted, that has been taken over by ATV users. He stated that the City also has property that is not posted where ATV riders have created scars on the hillsides. He advised that some effort should be made on the part of the City and developers to call the Sheriff's Office when these incidents occur.

Mayor Bailey emphasized that approving this ordinance would allow the City to provide maps of non-restricted areas to ATV users who would then have no excuse about not knowing where they could ride.

Gerald Kinghorn stated that the City should post signs in areas where ATV's would and would not be allowed. He stated that the ordinance would put people on notice that there are only certain areas where ATV's are allowed in the City, and then the City could post those areas that are not allowed. He advised that the ordinance specifically addresses restrictions on private property. He indicated enforcement would always be a problem whether there is an ordinance or not, but this ordinance would give the City some leverage in dealing with offenders.

There were comments from the audience regarding the possibility of fires sparked by ATV's.

Mayor Bailey asked Gerald Kinghorn to modify the ordinance to add the requirement of muffler/spark arrester

David Blackburn stated that when he bought a home in the Ranches, he was told by his developer and sales agents that he could ride his ATV's in the Ranches without permits. He advised he has neighbors who ride their ATV's without a permit.

Scott Kirkland stated he personally had never addressed the approval of ATV's in the Ranches. He indicated he could not remember what the CC&R's said about ATV's and that he could not answer for other developers in the Ranches.

Robert Lee, resident of North Ranch, stated he is a homeowner and ATV enthusiast. He stated he believes there should be a clear definition of ATV because Jeeps are becoming more like ATV's.

Janet Valentine, Lake Mountain Road resident, asked who would pay the cost for posting signs on private property.

Mayor Bailey stated there would be no designated trails on private property. He indicated that trails would be identified by signs as ATV trails and the maps provided by the City would identify these trails.

Mark Madsen stated that each private property owner should post signs on their own property.

Mrs. Valentine asked what the fines would be for offenders.

Mayor Bailey stated the fines were \$25.00 for the first offense, \$50.00 for second offense, and so forth, and that the offense was a Class B Misdemeanor.

Linn Strouse asked if the ordinance included dirt bikes and motor cross bikes.

Gerald Kinghorn answered that the definition was any all-terrain type of vehicle or motorcycle.

Vincent Liddiard stated he would like to see more clarification of the types of vehicles allowed on the trails.

David Blackburn expressed some concern that flags might not be the most logical way to identify the registered ATV's. He asked who would benefit from the fines collected and was told that, with the current contract with Utah County, all fines would go to the County.

Vincent Liddiard recommended there be additional wording in the ordinance specifying there would be no ATV travel on pedestrian walkways/trails.

Linn Strouse brought up the use of small motorized scooters on City streets. Sergeant Murphy advised that due to the size of the engine and the allowable speed, these vehicles are allowed on City Streets. Linn Strouse suggested it might be time to reevaluate motorized vehicles and change the laws regarding their use. She stated she would suggest more review of this item before the ordinance was passed.

Sergeant Murphy stated that currently the misuse of ATV's could only be addressed when a private property owner contacted the Sheriff's Office. She stated there was a benefit to posting "No Trespassing" signs on private property because it gave more impetus when a fine was imposed. She stated the taking of pictures of violators could be helpful in court. She advised that her biggest concern with the ordinance was the liability.

Gerald Kinghorn advised it might be a good idea to require that ATV's have liability insurance before they could be registered with the City.

Sergeant Murphy stated that creating definition through an ordinance would increase the Sheriff Department's necessity for response. She indicated she would like to set a precedent at the beginning that ATV users should comply with all rules. She recommended there be a trial period to see if the ordinance would work or if it would bring up problems not anticipated.

David Blackburn asked how the Sheriff's Office was set up to respond to an accident on an ATV trail.

Sergeant Murphy stated that could get complicated; however, she indicated there are available on an occasional basis some ATV's through the Search and Rescue Unit. She expressed her concern about getting vehicles to accident sites.

Linn Strouse asked if an ATV club might be able to aid in this concern.

Sergeant Murphy stated that that type of aid would have to be set up under very strict parameters to prevent people from behaving like law enforcement and not having the necessary skills.

Linn Strouse asked the residents of Lake Mountain Road if they understood the land areas set out in the map.

Bonnie Jeppson stated they were aware of the areas involved; however, their real concerns were about those persons who drive up their driveways to get to the BLM land. She indicated their property was posted, but ATV riders tear down the signs or shoot at them. She stated she thinks the ordinance would not keep irresponsible ATV users off private property. She indicated there were trails throughout the cedar trees and people naturally follow those trails and do not consider whether they might be on private property.

Linn Strouse recommended that the private property owners continue to notify the Sheriff's Department every time there is an offense.

Linn Strouse asked Sergeant Murphy what she would consider to be a fair trial period for this ordinance.

Sergeant Murphy recommended the trial period last through the end of fall 2004.

Gerald Kinghorn stated it was imperative that good signage be provided everywhere to notify all ATV users of the trails.

Marcie Taylor, resident of Lake Mountain Road, recommended that the map be color coded to clearly show the restricted areas.

There was a discussion regarding the registration fee of \$50.00 for the first year being too high. It was recommended that local residents pay a \$10.00 registration fee per vehicle and non-residents pay a \$50.00 registration fee per vehicle.

This item was tabled.

13. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (for the purpose of including a registration fee for off-road vehicles):**

This item was tabled.

14. **Consideration and Approval of Time Extension for Telecommunications Local Number Portability Requirement:**

**MOTION:** *Vincent Liddiard moved to approve the time extension for Telecommunications Local Number Portability Requirement for one year to May 25, 2005. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

15. **Final Plat and Development Agreement Approvals:**

A. Kiowa Valley Plat E

Adam Lenhard explained that this development was formerly known as South Pass. He stated the preliminary plat for Kiowa Valley, Plat E, was approved May 13, 2003 and provided information on lot numbers, lot sizes, and densities. He addressed the conditions that had been discussed with the developer.

Scott Kirkland advised that the side yards had been increased to seven feet per the Planning Commission recommendation.

**MOTION:** *Mark Madsen moved to approve the Final Plat and Development Agreement for Kiowa Valley, Plat E, subject to staff recommendations: 1) Water Rights – that the correct water right information is supplied for verification; 2) Fee in Lieu – that the Development Agreement states that the applicant pays the fee in lieu for the parks requirements and that the open space is identified for the project; 3) Storm Drainage – that gabion baskets are installed prior to entering the road; that additional engineering calculations are provided to demonstrate that the erosion protection measures are adequate; and 4) Elevations – that elevations are shown at 25-foot intervals; acknowledging seven feet side set backs; and Exhibit B be changed to propose black mailboxes. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

David Blackburn addressed the requirement for homeowners to install brown mailboxes. He stated resources for brown mailboxes are limited and recommended that the mailbox color be changed to black.

B. Showdown at Eagle's Gate Plat A (formerly known as Eagle's Gate Plat B)

Adam Lenhard presented information on this development. He explained the conditions of approval and stated the developer was willing to meet those conditions.

Scott Kirkland advised that the Ranches was getting new builders who were willing to “do some nicer things” and shared some background information on the builders. He stated that the developer/builder would install the golf course fence. He indicated that the builder would also install privacy fence against the Centex homes to separate the subdivisions.

**MOTION:** *David Blackburn moved to approve the Final Plat for Showdown at Eagle's Gate, Plat A, subject to staff recommendations: 1) Timing of Improvements – that the off site improvements to be constructed are called out on the plans; that improvements in Plat E are shown as existing but have not been constructed; 2) E-files – that e-files be received for the civil and dry utility plans; 3) Feeder Line – that the electrical plan receives a feeder line approval from the City's Electrical Engineer; 4) Telecommunications Plans – that the channel bank assignment for the subdivision is identified and fuses are installed for all channel banks that will be used (telecommunication plans); 5) Signage Plan – that the landscaping plan signage conforms to the signage called out in the construction drawings; and 6) Landscaping – that the lawn area in the roundabout is required to have an impervious liner and drain to the storm water collection system, and five feet side lot setbacks. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nay: 0. Motion passed.*

**MOTION:** *Vincent Liddiard moved to approve the Development Agreement for Showdown at Eagle's Gate, Plat A, and to change the mailbox color requirement to black. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

16. **Final Plat Approval:**

A. Spring Valley, Plat A

Shawn Warnke stated that Spring Valley, Plat A, had been before the Planning Commission and received approval. He explained the concern of the Planning Commission was the view of the

subdivision from the main corridor to Eagle Mountain City. He stated the Planning Commission recommended the developer change the landscaping plan to increase the berming along SR 73.

David Blackburn asked to see drawings of the planned elevations.

Scott Kirkland, the Sage Group, presented drawings of the plans for Spring Valley. He discussed the process of meeting the recommendations from the Planning Commission and stated those recommendations were: 1) preserving a view corridor to the golf course; and 2) providing golf course fencing (wrought iron) on the highway, open rail fencing bordering the project for aesthetics, and privacy fencing around the buildings. He stated that all fencing and landscaping would be installed jointly by The Sage Group and the builder, Highland Homes. Mr. Kirkland stated this subdivision contains step-up town homes. He explained there would be an internal eight-foot trail system.

Linn Strouse asked if this trail system could connect to other trail systems in the future.

Mr. Kirkland stated that would depend entirely on future approvals. He provided drawings of the elevations and explained that the units would be 100 percent stucco, with some cedar and stone,

Gerald Kinghorn asked Mr. Kirkland about road connectivity, which Mr. Kirkland explained. Mr. Kinghorn reminded Mr. Kirkland that the City had not yet received the Development Agreement.

Mark Madsen asked about provisions for restricting storage of items in the backyards and hanging items on the railings. Mr. Kirkland stated these items would be addressed in the CC&R's.

**MOTION:** *Mark Madsen moved to approve the Final Plat for Spring Valley, Plat A, subject to the following staff conditions: 1) Easements – that an easement for the off site sewer line is submitted; that easements for the off site for the sewer and water through future phases be shown; 2) Dry Utilities – that the location for the dry utilities be identified; 4) Vertical Curves – that k values meet ASSHTO requirements; and 5) Trail Width – that trails be upsized to eight feet in width. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Mayor Bailey returned to Item 12.

**17. Development Agreement Approval:**

**A. The Woods, Phase 1**

Mayor Bailey stated this had come to Council for approval previously; however, the bonding letter and water rights were not available at that time. He indicated both items had been received.

**MOTION:** *Mark Madsen moved to approve the Development Agreement for the Woods, Phase 1. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

**18. Report and Recommendation on Sundance Homes Claim:**

Gerald Kinghorn advised that Council should entertain a motion to approve the report and advise Sundance Homes that their claim had been denied.

**MOTION:** *Vincent Liddiard moved to approve the report and advise Sundance Homes that their claim had been denied. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

19. **Consent Agenda:**

Vincent Liddiard asked Mark Sovine to report on the cathodic protection maintenance and repairs completed on Well #2 on April 30, 2004. Mr. Sovine stated the well had received the contracted maintenance and repairs and was currently functioning as designed.

- A. Check Register April 2004
- B. Partial Payment Request
  - 1. Well #2 Cathodic Protection (PP No. 1), Lang Exploratory Drilling

**MOTION:** *Vincent Liddiard moved to approve the Consent Agenda. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

20. **Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Potential Litigation**

No Closed Executive Session was called.

21. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable.

22. **Any Actions from the Closed Executive Session:**

None

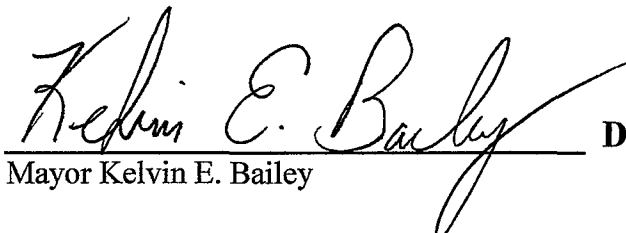
23. **Other Business:**

None

24. **Adjournment:**

Vincent Liddiard moved to adjourn the meeting at 10:00 PM.

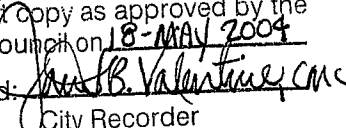
APPROVAL:

  
\_\_\_\_\_  
Mayor Kelvin E. Bailey

DATE:

5/18/04

This certifies that the minutes of  
4-MAY 2004 are a true, full and  
correct copy as approved by the  
City Council on 18-MAY 2004

Signed:   
City Recorder

ATTACHMENT TO  
EM CITY COUNCIL MTG MINUTES MAY 4, 2004**Shawn Warnke**

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**From:** Snowman6@aol.com  
**Sent:** Monday, May 03, 2004 10:58 PM  
**To:** Shawn Warnke  
**Subject:** General Plan

Shawn:

Here are a few comments about the proposed General Plan. I will not be in attendance on Tues. evening so I would hope this comments help.

#### Chapter 2

I liked the fact that you explain in the plan that the overlay of the trans/land use is not hard core and absolute, this allows for the needed flexibility and allows the PC and CC room to maneuver land uses to fit the needs and wishes of the community.

I realize that transitioning will be a hot topic and I don't think you can ever totally avoid it but this seems to be explained well and I know the DC will more clearly define this potential problem.

Just a comment about the airpark. I know that there is currently a sunset clause that disbands the airport Planning Commission and revert control back to the Land PC. Just a thought. Do the 2 commissions need to be mentioned in the General Plan?

Ranches and Eagle Mtn Properties MDP State Trust Lands and Sliver Lake > Last paragraph, last sentence. I do not like the reference that previous administrations caused problems. This implies that decisions made in the past were wrong. While some on the current council agree with this statement, I don't feel this is constructive and in the best interest of the community to say the any past administration made mistakes. While we may not agree with their decisions they based those decisions on the information that they had at the time. Hindsight is always 20/20. I believe this could be construed as finger pointing.

#### Chapter 3

Thank you for not ruling out cul-de-sacs.

#### Chapter 4

Streets- Sidewalks are required..... would this also be applicable to country residential neighborhoods? I know this will be called out in the DC but does it need to be mentioned here in pasting?

#### Chapter 5 Housing

Accessory apt. While an ordinance might clearly define this better. Are there areas of the town that will not allow this use. Will we zone for this use with an overlay?

#### Chapter 6 Identity

I believe entryway and street-scape features should be mandatory and if a density bonus feature that weight be placed to almost always require an adequate feature. Should the entryways to the city i.e. East corridor require a stronger "look" in housing and commercial as EM will ultimately in some ways be defined but their entry areas?



Weed barriers **MUST** be required. This will save the city money in the long run and must be a certain "mil" and type as per the city engineer.

Add word- strongly for water-wise landscaping.

Chapter 7 open spaces:

I believe that the city cannot afford to miss out on the ground floor of acquiring open space. Many cities regret and expend millions to gather open space at a later date. Even if the space has no water or plans and it just sits for several years it will be very valuable for future generations.

All in all I found the plan to be inline with what I believe the citizens of the community have asked for. Thanks for all you hard work and sorry this may be getting to you at this late date.

Thanks

Diane