

**MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING**  
**Eagle Mountain City Council Chambers**  
**1680 East Heritage Drive**  
**Eagle Mountain, Utah 84043**  
**May 6, 2003**

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

1. Consent Agenda
2. FY 2002 and 2003 Financial Update – Kent Parker (20minutes)
3. Distribution of FY 2003/2004 Budget
4. Presentation by South Valley Communications on Proposed Cable Television and Internet Services to the Residents of Eagle Mountain (10 minutes)
5. Discussion regarding a Home Business License for a Day Care at Willow Springs Condominiums
6. Items as Outlined on the Policy Session
7. Discussion regarding Enforcement Developers Slurry Seal Requirements for New Developments

**CLOSED EXECUTIVE SESSION - 6:00 PM - Conference Room**

8. Motion to Adjourn the Work Session at 6:00 PM and Convene in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security.

**MOTION:** *Greg Kehl moved to adjourn the Work Session and convene in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security at 5:45 PM. Brigham Morgan seconded the motion: Ayes: 5; Nays: 0. Motion passed.*

9. Motion to Adjourn the Closed Executive Session

**MOTION:** *Diane Jacob moved to adjourn the Closed Executive Session at 6:40 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

**Prayer by Invitation of the Mayor**

Dallas Bullock offered the prayer.

**POLICY SESSION – 7:00 PM**

Mayor Kelvin Bailey called the meeting to order at 7:30 PM.

**1. Roll Call:**

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse

**City Staff:**

City Administrator: Chris Hillman  
City Attorney: Gerald Kinghorn  
City Engineer: Korey Walker  
City Recorder: Janet Valentine  
Deputy Recorder: DeAnna Whitney  
Finance Director: Kent Parker  
Planning Director: Shawn Warnke  
Public Works Director: Mark Sovine  
Utah County Sheriff: Sergeant Jo Murphy  
Fire Chief: Robert DeKorver (excused)

**Others Present:** Residents Dallas Bullock, Vincent Liddiard, Mark Lofgren, Glade Berry, Martin Stocks, and Ryan Naser; Milt Shipp, Nate Shipp, Steve Young, Development Associates; Jessa Gagnon, the Ranches; Scott Hazard, The Real Estate Group; Mike Wren, Eagle Mountain Properties.

**2. Pledge of Allegiance:**

The Pledge of Allegiance was directed by Brigham Morgan.

**3. Approval of Minutes (April 15, 2003):**

**MOTION:** *Mark Madsen moved to approve the Minutes of April 5, 2003. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

A. Mayoral Proclamation Declaring May 9, 2003, "Child Care Provider Recognition Day"

Mayor Bailey read letter from the Utah Valley State College proclaiming May 9, 2003 "Child Care Provider Recognition Day". The Mayor thanked all child care providers in the community for their efforts and sacrifices.

B. Grand Opening of Smith's Grocery Store (Hwy 73 & Redwood Rd.) on May 20<sup>th</sup> at 4:00 PM

Mayor Bailey stated that he had toured the new Smith's in Saratoga Springs and announced that the store's grand opening will be on May 20 at 4:00 PM. He invited everyone to attend. He advised that Smith's would participate with the PTA in our community to raise funds for our schools.

**5. Appointments:**

A. Sports Board

Mayor Bailey recommended that Melissa Bloxam be appointed for a two-year term as a member of the Sports Board and that Danae Anderson be appointed as secretary to the Sports Board.

**MOTION:** *Linn Strouse moved to approve the Sports Board appointments. Greg Kehl seconded the motion. Ayes: 5 – Diane Jacob, Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

B. Planning Commission

Mayor Bailey recommended that Vincent Liddiard be appointed as an alternate to the Planning Commission to replace Rick Pierce, who resigned.

Diane Jacob announced that there are still positions available on the Planning Commission.

**MOTION:** *Mark Madsen moved to ratify the appointment of Vincent Liddiard as an alternative member of the Planning Commission. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 3 – Diane Jacob, Brigham Morgan, Greg Kehl. Motion failed.*

6. **Public Notices:**

Janet Valentine announced that there are three public hearings scheduled for the May 20 City Council meeting regarding: 1) the rezoning of approximately 160 acres west of Pony Express Park from agricultural to a master planned area; 2) an application for the creation of an agricultural protection area – proposed area includes a mink ranch and crops; and 3) the rezoning of approximately 1,174 acres of State Trust Lands property from agricultural to a master planned area.

7. **Public Comment:**

Mark Lofgren, resident, read part of the Preamble to the U S. Constitution referring to the “people of the United States” and discussed the rights of the “people”. He stated that the Council should represent the people and that it was their job to “promote the general welfare and secure the blessings of liberty,” ensuring that there is enough water, sewer capacity and other amenities provided by the City to residents. He explained that building thousands of little homes could cause a shortage of these amenities in the near future. He stated that the City should seek buyers for the utilities but continue to run them as though they might never sell. He expressed his feeling that the Development Code should be “done right” for the benefit of the whole City.

W. Glade Berry, resident, discussed the new master planned roads, specifically referring to Lake Mountain Road. He expressed concern that there is a collector road crossing his property for about half a mile and another north/south road which would cross his property and Howard Ault’s property. He stated he has been trying to work with the City to upgrade Lake Mountain Road. He stated he thinks the City should upgrade the Lake Mountain Road, which already exists, rather than building another north/south road, which is planned to the east of his property. He indicated the improvement of Lake Mountain Road would allow him to sell some of his property along that road. Linn Strouse stated she would be in touch with Mr. Berry regarding his concerns.

Martin Stocks, resident, addressed the Council about his desire to open an auto repair shop in the City. He advised that he had information that the Utah State Department of Agriculture has grant programs that would provide funds to the City to be used as revolving loan accounts to help businesses get started. He asked for permission from the Council to pursue these funds. Mayor Bailey advised Mr. Stocks that he would contact him to get more information.

Vincent Liddiard, resident, spoke regarding public safety. He shared statistics regarding the number of law enforcement officers currently assigned to the City and asked what plans were being made to provide adequate law enforcement coverage. He offered public congratulations to Sergeant Jo Murphy who recently participated in an Advanced Chemical and Biological Integrated Response Course conducted by the Department of Homeland Security at Dugway Proving Grounds.

8. Update on Pony Express Days 2003 by Dallas Bullock:

This item was tabled.

9. Public Hearing: (Zoning Amendment to the Master Development Plan for Evans Ranch now known as Silver Lake Ranch Development):

Diane Jacob recused herself from this Public Hearing due to a conflict of interest.

Shawn Warnke presented information on the zoning amendment application that was previously approved by the Planning Commission. He explained what the developer was proposing as amenities to offset the request for higher densities and answered questions from the Council.

Milt Shipp, Nate Shipp and Steve Young, Development Associates, offered more detailed information on this development and explained how they have tried to meet the residents' needs discussed in prior meetings. Nate Shipp stressed the necessity to have some higher densities in order to provide amenities to the City. They answered questions from the Council

Mayor Bailey complimented the developer for the way they have worked with the City.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 8:55 PM.

B. Public Comment

Mark Lofgren, resident, asked how much it would cost the City to water and maintain the open space that the developer plans to donate.

C. Close Public Hearing

The Mayor closed the Public Hearing at 8:56 PM.

Members of the Council offered comments, in general, supporting this project.

**MOTION:** *Mark Madsen moved to approve the revised Master Development Plan for Silver Lake Ranch subject to staff recommendations as listed in the staff report that is part and parcel of the amendment, including the Findings in Fact. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused because of a conflict of interest. Motion passed.*

10. Reconsideration and Approval of an Ordinance Amending the Master Development Plan and Agreement for Silver Lake Ranch Development, previously known as Evans Ranch:

Gerald Kinghorn explained this ordinance, an exhibit that had been added, and changes made to the agreement regarding the land that would be donated for a school in the event the school district does not want to buy the property. He requested that the agreement regarding the property proposed for a school site include flexibility for another land use. Milt Shipp was agreeable as long as the developer would have input into the use of the land.

**MOTION:** *Mark Madsen moved to approve Ordinance O 05-2003, an Ordinance of Eagle Mountain City, Utah Adopting Amended Master Development Agreement and Rezoning for the Parcel known as the "Silver Lake Ranch Parcel (formerly known as Evans Ranch)" with the condition that a provision be inserted that, in the event that the*

*school district does not desire to purchase the designated school site, it be used for compatible public improvement, non-utility and possibly mixed use including commercial with proper buffering, and that the tables and plans as provided be attached as exhibits to the ordinance. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused due to a conflict of interest. Motion passed.*

11. **Public Hearing: (Zoning Amendment to the Master Development Plan for the Ranches Development):**

Shawn Warnke explained the three categories requested by the Ranches for amendment: 1) reallocating density; 2) amending open space acreage; and 3) re-labeling some properties. Mr. Warnke presented the conditions of approval.

Jessa Gagnon, the Ranches, stated that the Plum Creek developer requested that the open space in Eagle's Gate be added into his development, allowing him to spread units over more land and build town homes rather than condos.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 9:18 PM

B. Public Comment

Ryan Naser, resident, readdressed the comments he made in a previous meeting regarding high-density apartments. He stated he thinks the developers are turning more to high density, causing him to lose the vision he had for the future of the Ranches. He stated his concern that too much high density would lower his property values. He requested that the Council protect the citizens from over building of high-density units.

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:22 PM.

Greg Kehl expressed his agreement with Mr. Naser's comments and stated that the City needs to curtail high-density units in future developments.

Diane Jacob declared a conflict of interest because her husband has sold water rights to the Ranches.

12. **Consideration and Approval of an Ordinance to Amend the Ranches Master Development Plan which includes the Reallocation of Densities, Amendments to Open Space, and Re-labeling Several Parcels:**

**MOTION:** *Mark Madsen moved to approve Ordinance No. 0 06-2003, an Ordinance of Eagle Mountain City, Utah Amending the Master Development Plan for the Ranches and Rezoning Certain Parcels, Correcting Certain Mathematical Computations and Making Text Changes, subject to conditions in the staff report. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

13. Consideration to Approve a Temporary Archery Range for National Field Archer Association (NFAA) for the Event "Archery Golf at the Ranches" for April 26 & 27, 2003 and May 10 & 11, 2003:

Shawn Warnke explained the need for approval of this annual event.

**MOTION:** *Mark Madsen moved to approve a Temporary Archery Range subject to the conditions as listed on the staff memo. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

14. Consideration to Approve Parkway Crossroads, Phase 2 Site Plan:

Shawn Warnke described this site plan, containing a restaurant, day care, retail strip and car wash. He stated the site plan had been reviewed and approved by the Planning Commission.

Scott Hazard, The Real Estate Group, addressed the Council regarding this project, presented a drawing showing the planned design, and answered questions.

**MOTION:** *Linn Strouse moved to approve the Site Plan for the Parkway Crossroads, Phase 2, subject to the conditions as noted in the staff report including DRC comments. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

15. Consideration and Approval of a Resolution Amending the Eagle Mountain Telecommunications Fee Schedule:

Diane Bradshaw, Telecom Director, explained that a monthly charge in the amount of \$650 for Eagle Net access has been added to the fee schedule. She indicated that this fee would be charged to the City for DSL services.

**MOTION:** *Brigham Morgan moved to approve Resolution No. R 08-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule as submitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. Consideration for Adoption of a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah, to Construct Improvements within the City Consisting of Road Improvements, Water Improvements, Wastewater Improvements, Park Improvements and All Other Miscellaneous Work Necessary to Complete the Improvements in a Proper Workmanlike Manner; to Create the Eagle Mountain City Special Improvement District, No. 2003-1 (The "District"); to Pay the Cost and Expenses of Said Improvements by Special Assessments to be Levied Against The Property Benefited by such Improvements; to Refund and Retire the City's Outstanding Special Assessment Bonds, Series 1997 and Special Assessment Bonds, Series 1998 (the "Prior Assessment bonds") by including the Assessments Levied with Respect to said Prior Assessment Bonds within the Assessments Proposed to be Levied with Respect to the District; to Provide Notice of Intention to Authorize such Improvements to Refund the City's Prior Assessment Bonds and to Fix a Time and Place for Protests against such Improvements, the Refunding of the Prior Assessment Bonds or the Creation of the District; to Declare Its Official Intent to Reimburse Itself for Expenditures Paid by It Prior to the Sale of Bonds; to Declare Its Intention to Fund a Reserve Fund in Lieu of a Guaranty Fund; to Amend and Restate the Notice of Intention and Creation Resolution Adopted by the City with Respect to the Creation of the Eagle Mountain City Special Improvement District 2002-1; and Related Matters:

Gerald Kinghorn explained that this item is a Notice of Intent to initiate a special improvement district that would supercede and amend the 2002 SID. He stated this Notice of Intent is necessary because changes are being made in improvements and the 1997-1 and 1998-3 SID bonds will be retired and refinanced through this process. He recommended adoption of this resolution

Korey Walker gave an overview of the improvements that would be impounded by this SID.

Diane Jacob asked for clarification of landscaping plans on the north side of Eagle Mountain Boulevard. Mike Wren, Eagle Mountain Properties, explained plans for this area.

**MOTION** *Brigham Morgan moved to approve Resolution No. R 09–2003, a Resolution declaring the intention of the City Council of Eagle Mountain City, Utah County, Utah, to construct improvements within the City consisting of road improvements, water improvements, wastewater improvements, park improvements and all other miscellaneous work necessary to complete the improvements in a proper workmanlike manner; to create the Eagle Mountain City Special Improvement District, No. 2003-1 (the “District”); to pay the cost and expenses of said improvements by special assessments to be levied against the property benefited by such improvements; to refund and retire the City’s outstanding Special Assessment Bonds, Series 1997 and Special Assessment Bonds, Series 1998 (the “Prior Assessment Bonds”) by including the assessments levied with respect to said prior assessment bonds within the assessments proposed to be levied with respect to the District; to provide Notice of Intention to authorize such improvements, to refund the City’s prior assessment bonds and to fix a time and place for protests against such improvements, the refunding of the prior assessment bonds or the creation of the District; to declare its official intent to reimburse itself for expenditures paid by it prior to the sale of bonds; to declare its intention to fund a reserve fund in lieu of a guaranty fund; to amend and restate the Notice of Intention and Creation Resolution adopted by the City with respect to the creation of the Eagle Mountain City Special Improvement District 2002-1; and related matters. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

17. **Award of Bids:**

A. Eagle Mountain Entrance Sign

Korey Walker discussed the bids received for this project and recommended the bid be awarded to Ralph Wadsworth Construction Company in the amount of \$50,800.00.

Mark Sovine offered further information on the differences in the bids received.

Mark Lofgren, resident, asked about funding for this project and was advised by Mayor Bailey that monies would come from SID funds.

The Mayor explained that the Ranches was donating the property for this entrance monument and allowing their SID funds to be used for construction.

**MOTION:** *Greg Kehl moved to approve Ralph L. Wadsworth Construction proposal for the installation and creation of the Eagle Mountain Entrance Sign. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – present. Motion passed.*

B. Grant Smith Trail

Korey Walker explained this project and advised that it would be paid for out of SID funds. He recommended the Council approve the H.E. Davis bid in the amount of \$116,203.50.

**MOTION:** *Greg Kehl moved to approve the Eagle Mountain City Grant Smith Trailway and award the contract to H. E. Davis for \$116,203.50. Brigham Morgan seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

C. Bud Evans Stormwater Pond

Korey Walker explained this item and recommended the bid be awarded to Terry Messersmith.

The Council was concerned that they did not have a total bid amount on which to vote.

**MOTION:** *Brigham Morgan moved to table. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

18. Consideration and Approval of a Water Rate Agreement between Ames Construction and Eagle Mountain City:

This item was tabled.

19. Consideration and Approval of a Well Development and Reimbursement Agreement between Ames Construction and Eagle Mountain City:

This item was tabled.

20. Consideration and Approval of an Amendment to the Ground Lease Agreement with Eagle Mountain Properties:

Gerald Kinghorn advised that this is an amendment of the irrigation site lease with Eagle Mountain Properties for the site used by the City for waste water reclamation and irrigation. He stated the property is located immediately west of the airport and that Arrow Engineering has been working on improving the site for some time. Mr. Kinghorn advised that the amendment allows the City to lease an additional parcel of land identical to property already leased.

**MOTION:** *Mark Madsen moved to approve an Amendment to the Ground Lease Agreement with Eagle Mountain Properties to the effect explained by the City Attorney. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

21. Consideration and Approval of the Full and Final Release for the H.E. Davis Construction Settlement Claim:

Gerald Kinghorn explained this settlement claim for full and final release.

**MOTION:** *Greg Kehl moved to approve the settlement claim and payment for the Final Release of the H. E. Davis Construction Settlement Claim, as submitted. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*



22. Motion to approve Consent Agenda items as follows:

A. Check Register

**MOTION:** *Brigham Morgan moved to remove the Check Register from the Consent Agenda. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Ayes: 0. Motion passed.*

Brigham Morgan recused himself from discussion of the Check Register and from voting on the Consent Agenda.

B. Partial Payments

- I. Eagle Mountain Entrance Sign SID 2000-1 (PP No. 1), EA Lyman
- II. Land Application, Phase II (PP No. 3), Arrow Engineering

**MOTION:** *Greg Kehl moved to approve the Consent Agenda. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen. Nays: 0.*

23. Motion to Recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security:

No Closed Executive Session was called.

24. Motion to Reconvene in to Open Session:

Not applicable.

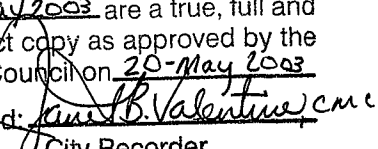
25. Any Actions from the Closed Executive Session:

None

26. Adjournment:

Mark Madsen moved to adjourn the meeting at 10:10PM.

APPROVAL:  DATE: 5-20-03  
Mayor Kelvin E. Bailey

This certifies that the minutes of 6-May 2003 are a true, full and correct copy as approved by the City Council on 20-May 2003  
Signed:   
City Recorder