

**MINUTES OF THE CITY COUNCIL
OF EAGLE MOUNTAIN CITY, UTAH**

**Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
May 21, 2002**

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

1. Consent Agenda
2. Evans Ranch Annexation Agreement (*30 minute discussion*)
3. Items as Outlined on the Policy Session
4. Other Business
5. Adjourn Work Session at 6:45 PM

Prayer by Invitation of the Mayor

The prayer was offered by Chris Hillman.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:15 PM

1. **Roll Call:**

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

City Staff:

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

Others Present:

Scott Kirkland, Jessa Schalich, and Brian Haskell of The Ranches; Grant Gifford, Sundance Homes; Kent Berg, Sowby and Berg;

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Shawn Warnke

The Pledge of Allegiance was led by Shawn Warnke

3. **Approval of Minutes (May 7, 2002, and May 14, 2002):**

MOTION: *Mark Madsen moved to approve the Minutes of May 7, 2002. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Brigham Morgan abstained since he did not attend the May 7, 2002 meeting. Motion passed.*

The Minutes for May 14, 2002, were tabled for further clarification.

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

The Mayor announced a Joint City Council and Planning Commission Meeting scheduled at 6:00 PM on Wednesday, May 22, 2002, in the Council Chambers.

5. **Appointment:**

a. Community Arts Board

Mayor Bailey recommended the appointment of Trina Miller to the Community Arts Board to replace Karen Nielson.

MOTION: *Brigham Morgan moved to approve the appointment of Trina Miller to the Community Arts Board to fill the position recently vacated by Karen Nielson. Linn Strouse seconded the motion. Ayes 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl: Nays: 0. Motion passed.*

6. **Public Notices:**

None

7. **Public Comment:**

None

8. **Public Hearing (Amending Mt. Airey, Plat A Subdivision to increase the size of Lots 28-31 and add three new lots adjacent to Lot 31):**

a. Open Public Hearing at 7:20 PM

Shawn Warnke explained this subdivision amendment to the public and referred to a map showing the area involved. He discussed staff recommendations that there be criteria established whereby the City Council and Planning Commission can make recommendations on conversion of public open space to private ownership.

Gerald Kinghorn recommended that the criteria recommended by staff be presented to the Council in the form of a resolution that would include a statement that evaluation should be made on a case-by-case basis.

Mr. Kinghorn asked whether there had been any written objections received from property owners, and Mr. Warnke advised there had been no written objections received.

- b. Public Comment

None
- c. Close Public Hearing at 7:30 PM

Mayor Bailey instructed staff to prepare a resolution for the criteria discussed and to bring the resolution back to the Council for approval.

9. **Consideration to Approve Mt. Airey, Plat A Subdivision Plat Amendment:**

Brigham Morgan questioned why there were only six signatures presented with the petition when there were eleven residents living in the area. Brian Haskell, The Ranches, stated he would get the answer to this question and advise Council.

This item was tabled.

10. **Consideration to Approve a Resolution Amending Resolution No. 27-00, and Re-enacting Standards for the Consideration of Requests to Extend Development Approval:**

This item was tabled.

11. **Jake Garn Airport, Phase 1 - Extension of Development Approval:**

Shawn Warnke explained this item to the Council. The airport was originally approved in early 1999 and allowed the developer three years to record the project before expiration of the approval. The developer is requesting extension of approval in accordance with a current Resolution establishing criteria for granting extensions of approval. The developer presented all necessary information to the Airport Planning Commission. The Airport Planning Commission and the DRC have reviewed the information and made a recommendation regarding each of the requirements that need to be completed by the developer.

Brigham Morgan was concerned about the Council taking action where such a long list of conditions exists. He feels the conditions should be met before an extension is presented to the Council for approval. He recommended extensions be allowed for the period of one year.

Korey Walker explained to the Council the items on the conditions list and addressed the ones that have been met.

The Mayor requested that Janet Valentine put conditions for all developments in her recordation log to make sure all items are completed before recordation. Mrs. Valentine stated she would make the conditions part of her log.

Greg Kehl asked if giving approval for this extension would be in accordance with the current Development Code or in accordance with the new Development Code in the process of being written.

Korey Walker stated if this extension were approved at this meeting, it would be in accordance with the current Development Code.

The Mayor explained that the new Development Code would not change anything within the airport zone.

Brigham Morgan stated that not approving the extension before the new Development Code is complete would not keep the developer from moving forward. He stated that the fact the developer has applied for the extension allows them to move forward pending approval of the extension.

Mayor Bailey stated non-approval of the extension could cause problems with investors.

MOTION: *Mark Madsen moved to approve the Jake Garn Airport, Phase 1, Request of Extension of Approval for three years from this date, subject to conditions listed in the staff report. Diane Jacob seconded the motion. Ayes: 3 – Linn Strouse, Mark Madsen, Diane Jacob; Nays: 2 - Brigham Morgan, Greg Kehl. Motion passed. Brigham Morgan stated he is not objecting to the airport extension but to the outstanding list of conditions and the extension time frame.*

12. Sage Park - Extension of Master Development Plan Approval:

Attorney Gerald Kinghorn explained this extension proposal, answered questions from the Council, and recommended approval.

MOTION: *Mark Madsen moved to approve extension of the density and land use elements of the Master Development Plan for Sage Park for one year. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

13. Meadow Ranch, Phase 4 – Amendments to Covenants, Conditions & Restrictions (CC&R's):

Shawn Warnke stated the original CC&R's for Meadow Ranch, Phase 4, were drafted from a template used for subdivisions contained within The Ranches Master Development and referenced standards contained in The Ranches Community Design Guidelines. Mr. Warnke further stated that since Meadow Ranch, Phase 4, is not in The Ranches Master Development Plan, this subdivision is not eligible for the architectural standards contained in these design guidelines. Therefore, the amended CC&R's are submitted to rectify this matter.

The Mayor recommended that Meadow Ranch, Phase 4, adopt the new CC&R's of the Meadow Ranch areas so they are coherent with the rest of the Meadow Ranches phases.

MOTION: *Diane Jacob moved to adopt the Amendments to Meadow Ranch, Phase 4, Covenants, Conditions, and Restrictions (CC&R's) in accordance with CC&R's recorded for Meadow Ranch, Phases 1, 2 and 3. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

14. Meadow Ranch, Phase 4 – Street Lights:

Korey Walker explained there is a request from residents that streetlights be removed from Meadow Ranch, Phase 4. He stated that no engineering, safety, or compatibility issues would result from removing the streetlights.

The Mayor indicated there are no objections from any residents in Meadow Ranch, Phase 4, regarding removal of the streetlights.

MOTION: *Brigham Morgan moved to approve the immediate removal of streetlights in Meadow Ranch, Phase 4. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

The Mayor left the meeting at 8:05 PM to address a resident's concerns. He turned the meeting over to Mayor Pro Tem Greg Kehl.

15. Kiowa Valley Subdivision (Ranch 7, Neighborhood 4) - Final Plat Approval:

Shawn Warnke described this area to the Council and discussed the layout.

Korey Walker discussed the concerns of staff regarding this plat approval. He stated traffic and soil studies need to be completed.

Gerald Kinghorn stated the developer should have a time frame for use of the property as road access. Grant Gifford, developer, stated he would follow up on this concern. Mr. Gifford answered questions from the Council.

Gerald Kinghorn advised there must be a development agreement approved for this property; therefore, this item will be coming before the Council for approval.

Kent Berg, Sowby and Berg, commented that some of the items on the conditions list have been completed.

Brigham Morgan again expressed his concerns about a long list of conditions that need to be met. He recommended the Council run through the list and discuss each item individually. It was determined that several items had been completed: Item 2, copies of dry utilities have been received and verified that they meet City specifications; Item 6, off-site sewer lift system has been taken care of per Korey Walker; The engineer's report Item 3 can be stricken from report; and Item 4 has been completed.

Greg Kehl expressed his concerns that the Council should not be approving plats that have so many incomplete conditions.

The Mayor instructed staff that incomplete conditions should be handled by the Planning Commission before plats are presented to the Council for approval. He directed that in the future, all conditional items must be presented by staff at the Thursday staff meetings.

Brian Haskell requested that adequate and complete communication be conducted between the developers and the City so developers know what criteria to follow.

Linn Strouse asked Gerald Kinghorn why homeowners do not understand their subdivision CC&R's. Mr. Kinghorn stated it is not the City's responsibility to explain CC&R's to residents. It is the responsibility of each resident to read the paperwork. Mr. Kinghorn stated that whoever signs the plat needs to be the declarant on the CC&R's.

Diane Jacob declared her conflict of interest due to her husband selling water rights to the developer.

MOTION: *Greg Kehl moved to approve the final plat approval of Kiowa Valley Ranch 7, Neighborhood 4, subject to the submitted conditions, with condition that Lot 4 be recorded as a future right-of-way for the 20-acre parcel to the north for a specific time of one year or for 60 days from an option on that lot. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 1 - Brigham Morgan. Motion passed.*

The Mayor returned to the meeting at 8:20 PM.

16. Site Plan Approvals:

a. K & J Pizzeria Site Plan Approval

Shawn Warnke explained this site plan application. He stated the Development Agreement requires that the facility must provide a handicapped-parking stall on a hard surface. The applicants were advised they need to identify where the stall will be located and that if the stall is located on someone else's property, a permission letter is required.

MOTION: *Brigham Morgan moved to approve the Site Plan for K & J Pizzeria subject to staff recommendations, with clarification that the temporary site plan be limited to one year. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

b. Main Street Market, Extension of Site Plan Approval

Shawn Warnke explained that this site plan approval is presented for a second one-year extension.

MOTION: *Brigham Morgan moved to approve the Extension of Approval for the Site Plan for the Main Street Market (formerly known as Morco) through December 31, 2002, subject to staff recommendations. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

17. Motion to approve Consent Agenda items as follows:

a. Warrant Register

b. Contract Change Orders

- i. Red Hawk Ranch Park Landscaping Project SID 2000-1 (CO No. 2), Nuszer Kopatz
- ii. Red Hawk Ranch Park Landscaping Project SID 2000-1 (CO No. 3), Nuszer Kopatz
- iii. Pony Express Park East SID 2000-1 (CO No. 1), Nuszer Kopatz
- iv. Pony Express Park East SID 2000-1 (CO No. 2), Nuszer Kopatz
- v. Paul Evans Trailway SID 2000-1 (CO No. 1), Nuszer Kopatz
- vi. Paul Evans Trailway SID 2000-1 (CO No. 2), Nuszer Kopatz
- vii. Meadow Ranch Trails (CO No. 3), Nuszer Kopatz
- viii. Meadow Ranch Trails (CO No. 4), Nuszer Kopatz
- ix. Pony Express Park East SID 2000-1 (CO No. 3), American Landscape
- x. Paul Evans Trailway SID 2000-1 (CO No. 1), American Landscape
- xi. Paul Evans Trailway SID 2000-1 (CO No. 2), American Landscape
- xii. Paul Evans Trailway SID 2000-1 (CO No. 3), American Landscape
- xiii. Meadow Ranch Trails (CO No. 1), American Landscape
- xiv. 138 kV Transmission Line (CO No. 1), Par Electric

c. Final Bond Release

- i. Three Crossings, Plat A

d. Final Payment

- i. Ranches & Pony Express Landscaping, Area No. 1 Landscaping Design, Nuszer Kopatz

MOTION: *Diane Jacob moved to approve the Consent Agenda, subject to removal of Item 17.b.xiv. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 1- Brigham Morgan. Motion passed.*

18. City Council's Ratification for Partial Bond Releases & Partial Payments:

- a. Partial Payments
 - i. NSA Fire Station (PP No. 3), Bonneville Builders
 - ii. Saddlerock 2MG Reservoir SID 2000-1 (PP No. 2), Gerber Construction, Inc.
 - iii. Land Application Project (PP No. 2), Arrow Engineering
 - iv. Meadow Ranch Trails SID 2000-1 (PP No. 2), American Landscape
 - v. Pony Express Parkway East SID 2000-1 (PP No. 2), American Landscape
 - vi. Paul Evans Trailway SID 2000-1 (PP No. 2), American Landscape
 - vii. Red Hawk Ranch Park SID 2000-1 (PP No. 7), Nuszer Kopatz
 - viii. Paul Evans Trailway SID 2000-1 (PP No. 7), Nuszer Kopatz
 - ix. Pony Express Parkway East SID 2000-1 (PP No. 7), Nuszer Kopatz
 - x. Meadow Ranch Trails SID 2000-1 (PP No. 5), Nuszer Kopatz
 - xi. 138 kV Transmission Line (PP No. 1), Par Electric
 - xii. UPL Interconnect Substation (PP No. 1), Caribou Construction
- b. Partial Bond Release
 - i. Friday's Station (BR No. 1), Wells Fargo

Korey Walker explained the current status of each project.

MOVED: *Brigham Morgan moved to ratify Partial Bond Releases and Partial Payments, as submitted. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

19. Notice of Award to HE Davis for the project "Porter's Crossing Parkway Extension & Golden Eagle Roadway Extension":

Korey Walker explained the two bids received for this project. He recommended the bid be awarded to the low bidder, HE Davis.

MOTION: *Brigham Morgan moved to award the bid to HE Davis for the project Porter's Crossing Parkway Extension and Golden Eagle Roadway Extension, subject to the submitted bid price of \$734,149.97. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

20. Commercial Meter Rates and Multi-family Units – Sewer & Water

Korey Walker explained the reason for a request to increase fees for sewer and water for commercial and multi-family units.

The Mayor requested that Janet Valentine prepare a resolution amending the Consolidated Fee Schedule to incorporate requested increases to sewer and water fees for commercial and multi-family units.

21. Other Business:

- a. PacifiCorp Agreements

Larry Ellertson, Contracts and Projects Director for the City, explained two agreements with PacifiCorp presented to the Council for approval.

Gerald Kinghorn stated there were minor changes that needed to be made to the agreements.

The Mayor indicated the City is currently working without an agreement. Gerald Kinghorn recommended these agreements be reviewed by the Council and presented for approval at the next City Council meeting. No one on the Council had any objections to the agreements.

b. Appointments

Due to the resignation of the City Treasurer, Mayor Bailey recommended that Finance Director Kent Parker be appointed Treasurer and City Administrator Chris Hillman be appointed as Deputy Treasurer.

MOTION: *Greg Kehl moved to approve the appointments of Kent Parker as Treasurer and Chris Hillman as Deputy Treasurer. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

c. Cemetery Board

Brigham Morgan stated he has been approached by local residents regarding the establishment of a cemetery board to look into establishing a cemetery within the City. The Mayor asked Brigham Morgan to oversee this project and he accepted this assignment.

d. Cedar Pass Road Study

Greg Kehl stated he has received a preliminary report from Korey Walker on the road study that was done for Cedar Pass. Mr. Kehl indicated the cost report should be available by the next Council meeting.

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

MOTION: *Greg Kehl moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation, and/or public safety/security at 6:24 PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed*

23. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 6:45 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

24. Any Actions from the Closed Executive Session:

None

25. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:45 PM

APPROVAL:


MAYOR KELVIN BAILEY

DATE:

6-04-02

This certifies that the minutes of
5-21-2002 are a true, full and
correct copy as approved by the
City Council on 4-June, 2002

Signed: 
City Recorder