

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
May 20, 2003

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

1. Consent Agenda
2. Update on Pony Express Days 2003 by Dallas Bullock
3. Discussion regarding a Proposal to Change the City Council Meetings to the 1st and 3rd Thursdays of Each Month
4. Discussion regarding the FY 2003/2004 Budget
 - A. Finance Department – Kent Parker, Finance Director (45 minutes)
 - B. City Recorder's Office – Janet Valentine, City Recorder (10 minutes)
 - C. Planning Department – Shawn Warnke, Planning Director (10 minutes)
 - D. Fire Department – Robert DeKorver, Fire Chief (10 minutes)
 - E. Legislative Administration, Special Events, Boards & Commissions and Police Departments – Chris Hillman, City Administrator (10 minutes)
5. Discussion regarding Creating a Part-time Emergency Coordinator Position
6. Items as Outlined on the Policy Session
7. **CLOSED EXECUTIVE SESSION - Conference Room**
8. Motion 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

No Closed Executive Session was called.

9. Motion to Adjourn the Closed Executive Session

Not applicable

Prayer by Invitation of the Mayor

Linn Strouse offered the prayer.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:23 PM.

1. **Roll Call:**

City Council: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Linn Strouse. Brigham Morgan and Mark Madsen were 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: Kent Parker (Excused)
Planning Director: Shawn Warnke
Public Works Director: Mark Sovine
Utah County Sheriff: Sergeant Jo Murphy
Fire Chief: Robert DeKorver

Others Present: Vincent Liddiard, Economic Development Board; Scott Kirkland, the Ranches; Dallas Bullock, resident; Dave Loper, Community Arts Council; Sheila Curtis, City Emergency Preparedness Coordinator; Keith Jonsson, landowner; Eric Jones and Mike Wren, Eagle Mountain Properties; McKay Edwards, SITLA; Bruce Champagne, police officer for West Valley City and resident of Eagle Mountain; Monte Kingston, Ames Construction; Mark Chesney, Utah Municipal Power Agency; Gary Himes, Hubble Homes.

2. **Pledge of Allegiance:**

Mayor Bailey invited Greg Kehl to lead the Pledge of Allegiance.

Mayor Bailey announced that Item 5 from the Work Session and Item 17 from the Policy Session would be presented prior to Item 9 on the Policy Session.

3. **Approval of Minutes (May 6, 2003) :**

MOTION: *Diane Jacob moved to approve the Minutes dated May 6, 2003. Greg Kehl seconded the motion. Ayes: 3 – Linn Strouse, Greg Kehl, Diane Jacob; Nays: 0. Motion passed.*

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

Vincent Liddiard, Economic Development Board, reported on the Smith's Food Store grand opening held on May 20. He advised that Smith's has pledged support to the local PTA at Pony Express School.

5. **Presentation by the Ranches regarding Pony Express Days Celebration:**

Scott Kirkland, the Ranches, explained that he had been asked to work with other developers and builders to raise funds for Pony Express Days. He presented \$7,000 to the City for this event and announced there would be another \$3,000 coming in a week or so.

Chris Hillman read the list of contributors: Prestige Homes - \$500, Hamlet Homes - \$500, Development Associates - \$2,000, Centex Homes - \$2,500, The Real Estate Group - \$500, and Eagle Mountain Holdings - \$1,000.

Scott Kirkland also advised that John D. Jacob Company would be contributing \$2,500 and the Ranches would be contributing \$500.

Mayor Bailey expressed his appreciation for Mr. Kirkland's efforts in behalf of Pony Express Days.

Chris Hillman acknowledged the efforts of Mr. Kirkland in acquiring the land through donation for the new city monument at the corner of SR 73 and Mr. Airey Blvd.

6. **Appointments:**

A. Planning Commission

Mayor Bailey recommended the appointment of Dallas Bullock as an alternate to the Planning Commission to replace Rick Pierce, who resigned.

Dallas Bullock introduced himself to the Council and explained his work experience that could be put to good use on the Planning Commission.

MOTION: *Linn Strouse moved to approve the appointment of Dallas Bullock to the Planning Commission. Diane Jacob seconded the motion. Ayes: 2 – Linn Strouse, Diane Jacob; Nays: 0. Greg Kehl abstained. Motion failed.*

7. **Public Notices:**

None

8. **Public Comment:**

David Loper, Community Arts Council, addressed his concern about changing City Council meetings from Tuesday to Thursday. He advised that this change would be a conflict with activities already planned by the Arts Council. He announced the Arts Council would present their annual play June 19, 20 and 21 and asked for volunteers who play violin, viola, or percussion.

Mayor Bailey announced there would be no change in the Council meeting schedule.

Sheila Curtis, City Emergency Preparedness Coordinator, handed out information on a Public Officials Conference to be conducted by Homeland Security in Park City on August 21 and 22, 2003. She invited all City Council members and their spouses to attend. She also made a presentation on disaster emergency management and discussed the necessity of training to minimize liability to the City. She recommended the City hire a part-time emergency manager to help protect the City. Greg Kehl asked about the cost of this position, and Mrs. Curtis recommended someone be hired to work 30 hours a month at an hourly wage of \$12 to \$15. She stated most of the necessary equipment is already available. She advised that outside funding is available for training programs on emergency preparedness if the City has a part-time paid emergency manager. She also recommended the City create a full-time grant writing position.

Linn Strouse offered her support for a part-time emergency manager and reminded everyone of the necessity of being prepared.

9. **Public Hearing: (Rezone of parcels 58:047:0035 and 58:047:0036 from Agricultural to Satellite Commercial, the two parcels are located on the east and west side of the intersection of Eagle Mountain Blvd. and State Road 73):**

Shawn Warnke presented information on the parcels (totaling approximately 25 acres) presented for rezoning from agricultural to satellite commercial. He explained the condition for this rezone and answered questions from the Council. He advised that Hubble Homes has been approved to place a welcome trailer at this site.

Korey Walker advised that there are no utilities extended to this area, except for a small electrical line and two or three available pairs of telephone lines. He advised that anyone coming in to improve the area would be responsible to extend utilities to service the project.

A. Open Public Hearing

The Mayor opened the Public Hearing at 7:55 PM.

B. Receive Public Comment

Gary Himes, Hubble Homes, presented an overview of the request for rezoning that would allow Hubble Homes to place a welcoming trailer on the subject property.

C. Close Public Hearing

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

Mark Madsen arrived at 7:55 PM

10. **Consideration and Adoption of an Ordinance Rezoning Certain Land (Parcels 58:047:0036 and 58:0047:0036) at the request of the owner to Satellite Commercial:**

MOTION: *Diane Jacob moved to approve Ordinance No. O 07-2003, an Ordinance of Eagle Mountain City, Utah Rezoning Certain Land at the Intersection of S.R. 73 and Eagle Mountain Boulevard. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. **Public Hearing: (Creation of an Agricultural Protection Area for Cedar Valley Fur Farm for Mink Ranching & Crops):**

Shawn Warnke presented background information on the application for agricultural protection. He stated that the City Land Use Planning Commission had reviewed the application and passed it on to the Airport Planning Commission without a recommendation. He indicated that the Airport Planning Commission had reviewed the application and recommended denial because the City had vested Jake Garn Airport, to the west of the area of application, with the first phase of their project and rezoned it. The Airport Planning Commission felt it would be unfair to grant a property owner ongoing or protected status where there may be conflicts in the future. Mr. Warnke stated that Eagle Mountain Properties had written a letter protesting the application for these same reasons, stating that elevating one use above the other would be detrimental. He advised that the mink ranch owner, Keith Jonsson, would be able to continue his use of the property into the future even if the application were denied.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 8:05 PM.

B. Receive Public Comment

Keith Jonsson, landowner affected by this public hearing, explained that he purchased his land before the City was incorporated and that he originally agreed to become part of the City as long as he could build and run his mink ranch. He further stated he purchased water rights through the state. He stated he was never notified as a nearby landowner when Jake Garn Airport was implemented. He explained he could see no conflict between the mink ranch and the airport and that he would be interested in selling his property to the airport at some future date. He requested the Agricultural Protection application be approved. He answered questions from the Council and requested that if the application were denied, the City guarantee him they would not build a road through his property in the future.

Eric Jones, Eagle Mountain Properties and Jake Garn Airport Authority, objected to the application because he feels there is a direct conflict between the uses currently at the airport and

the mink ranch. He stated that if the Council disapproves the application, Mr. Jonsson's plans for the mink rancher would not be prevented; however, he stated approval of the application would establish a protection zone that would affect all land uses around him.

C. Close Public Hearing

The Mayor closed the Public Hearing at 8:29 PM.

Gerald Kinghorn explained the history behind the Agricultural Protection Act and advised that the law has ambiguities. He indicated that the City could assure Mr. Jonsson that the City would never build a road through his property. He recommended the application be denied because of the restrictions it would impose on the City. Mr. Kinghorn further stated that Mr. Jonsson has begun the process to disconnect from the City so that Utah Power and Light would provide power to his property.

Mark Madsen prefaced the motion by stating he hoped the City would aid Mr. Jonsson in getting power to his property through Utah Power and Light and to assure Mr. Jonsson that the City would not put a road through his property. Mr. Madsen further advised he would take the advice of the City attorney to deny the application due to the broad and ambiguous verbiage in the Agricultural Protection Law that might put the City and the airport at great risk

12. **Consideration to Approve Agricultural Protection Area:**

MOTION: *Mark Madsen moved to disapprove the Agricultural Protection area for the Cedar Valley Fur Farm/Mink Ranch and object to the granting of the application. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Mayor Bailey stated he would be willing to talk to the PSC and/or Utah Power and Light to help Mr. Jonsson get power to his property. The Mayor asked Mr. Kinghorn to check with the PSC to verify their policy on this matter.

13. **Public Hearing: (Mid Valley and Pony Express Master Development Plans - SITLA):**

Shawn Warnke described the parcels presented for rezoning and the planned land uses.

McKay Edwards, SITLA (School and Institutional Trust Lands), explained that the goal of his organization is to generate revenues for schools. He discussed SITLA's plans for the Mid Valley and Pony Express Parcels, which include roads, school sites, parks and preservation of Pony Express Trail, and answered questions from the Council.

Mayor Bailey asked Shawn Warnke to address the subject of animal rights (horses) being allowed only on Lake Mountain Road on lots that are one acre or larger.

Shawn Warnke stated, for the record, that his recommendation would disallow animal rights in Pony Express Parcel because of the lot sizes.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 9:30 PM.

B. Receive Public Comment

Vince Liddiard applauded this project and the developer for planning for the future of the City. He asked for copies of information on this project. He asked if SITLA would consider helping in a broader scheme with major transportation needs for City and County.

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:32 PM.

14. **Consideration to Approve a Master Development Plan between State Trust Lands Administration and Eagle Mountain City:**

MOTION: *Mark Madsen moved to approve the Mid-Valley and Pony Express Master Development Plan, proposed land use element, density cap as proposed in the staff report, the special architectural standards as listed in the conditions of approval, with the addition in Item 6 under Conditions of Approval that the word "masonry" be added to read "that attached housing be constructed of 100 percent masonry materials (including but not limited to stucco, hardy plank, brick, rock or stone) or other masonry materials that are acceptable to the City," and with the additional revision that animal rights be permitted in the Lake Mountain quadrant where the two and three and upwards acre lots are proposed. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen. Motion passed.*

Mayor Bailey called a five-minute recess at 9:35 PM and reconvened the meeting at 9:41 PM.

15. **Presentation on Criminal Prevention Program:**

Bruce Champagne, Eagle Mountain resident and police officer for West Valley City, discussed the concerns about crime he had noted in Eagle Mountain City. He offered crime prevention methods and asked for cooperation from the Council in adopting a plan to control crime in the City.

16. **Consideration to Approve Changing the City Council Meetings to the 1st and 3rd Thursdays of Each Month**

This item was tabled.

17. **Presentation of the Elementary School Site – Minor Development (the school site is located east of the Eagle Park Subdivision and west of Cedar Trail Villages, Phase 1):**

Shawn Warnke presented information on the location of the site and the design of the school.

18. **Consideration and Approval of a Golf Course Water Service Agreement between Ames Construction and Eagle Mountain City:**

Mark Sovine explained this agreement for temporary and permanent water rates for the golf course. He recommended a rate of \$.38 per every 1000 gallons, subject to change.

MOTION: *Greg Kehl moved to approve a Golf Course Water Service Agreement between Ames Construction and Eagle Mountain City, including the following: 1) a rate of \$.38 per thousand gallons will be charged until the City's cost of pumping the well increases or changes, at which time that rate will change; 2) the amount of water provided each day is limited to one million gallons; and 3) the amount of water the City will provide annually is 200 acre feet. Mark Madsen seconded the motion. Ayes: 4– Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. **Discussion regarding a Well Development and Reimbursement Agreement between Ames Construction and Eagle Mountain City:**

Korey Walker explained the negotiations with Ames Construction to drill a municipal well and how that well will benefit the City. He stated that Ames made the following changes to the agreement: 1) proposed that they not drill the well until next spring (Mr. Walker expressed his concern that if one of the other wells goes down, the City would not be able to service the needs of Ames Construction); 2) requested they be guaranteed that they can drill at the planned site (Mr. Walker advised that the City should consider using promised funds from Silver Lake Developers to drill this well if Ames Construction does not drill the well by November or December and that there be some monetary guarantee from Ames by November or December that they will proceed with the well); 3) cap the well at \$700,000 (the City Council previously recommended a cap of \$650,000 but Mr. Walker recommended the Council accept the \$700,000 cap); 4) increase the municipal well cost by \$53,000 to \$60,000 to cover administration and legal fees (Mr. Walker recommended these fees be added to Ames irrigation well which would raise their irrigation costs from \$308,000 to \$382,000). He stated that Ames had acknowledged the proposal that they would give the City three years to make up the \$320,000 difference in the cost of this well, but that after the three years, they would like to have six percent interest repayment.

Mark Sovine advised that in order to have the well on line by April 1, 2004, Ames would need to start drilling by December 1, 2003. He stated this schedule would also guarantee Ames the location of the well.

Monte Kingston, Ames Construction, asked how much water would be provided to the golf course at a rate of 200 acre feet of water a year. He was advised by Mark Sovine that 200 acre feet of water a year would provide him about one million gallons a day for 60 days. Korey Walker suggested that the City provide the maximum annual amount of water for which Ames has turned over the water rights. Mr. Kingston stated Ames may be able to start drilling the well in December. He expressed concern about increasing the irrigation well costs because of expenses already incurred by Ames.

The Council gave a consensus to present Mr. Walker's recommendations to Ames Construction for approval.

Linn Strouse was excused at 10:50 PM.

20. **Consideration and Approval of Terms and Authorize to Execute a Standard Agreement with Utah Municipal Power Agency (UMPA) :**

Mark Sovine advised that Flowell Co-op is no longer interested in acquiring our system. He presented information regarding an agreement with Utah Municipal Power Agency and explained possible options.

Mark Chesney, Utah Municipal Power Agency, presented information on options and answered questions.

MOTION: *Greg Kehl moved to approve Terms and Authorize to Execute a Standard Agreement with Utah Municipal Power Agency (UAMP). Diane Jacob seconded the motion. Ayes: 3 – Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

21. **Final Plat and Site Plan Approval for Plum Creek, Phase 2 (located east of Fire Station No. 2 on the north side of Pony Express Parkway:**

Shawn Warnke introduced this site plan to the Council and answered questions. He explained conditions of approval.

Korey Walker offered information regarding the road access.

Grant Gifford, Sundance Homes, explained his request regarding the road, and Mayor Bailey stated that the purchaser of the property should have to develop the road. The Mayor advised that the City is providing an

easement for the property to build a road but would not build the road. Mr. Gifford showed drawings of planned units.

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

MOTION: *Mark Madsen moved to approve the Site Plan and Final Plat for Plum Creek, Phase 1 subject to the following conditions: 1) that the Ranches Design Review committee review and approve the fence, entry monument, landscaping plan and that minimum landscaping improvement along the entryway for Pony Express Parkway and subdivision is completed; 2) that the storm drain pond outlet not be a bubble design; 3) that the improvements for the off-sites are added into the engineer's estimate for the dry utility plan; 4) that a deed for the Rock Creek road is submitted for Rock Creek Road along with an addition of ten-foot PUE on both sides of the road (for gas and electric); 5) that the subdivision monument sign be located along the frontage of Pony Express Parkway for greater visibility (the Fire Chief has requested that the monument sign is not placed in a median in the right of way); 6) that the elevations with stucco on all four sides be constructed at minimum as buildings F, G and H and that the elevations that are all siding be constructed in the interior of the project.. Greg Kehl seconded the motion. Ayes: 3 – Greg Kehl, Diane Jacob, Mark Madsen, Nays: 0. Motion passed.*

22. Revised Final Plat Approval for Horseshoe Station, Plat A:

Shawn Warnke explained the revisions to the final plat.

MOTION: *Mark Madsen moved to approve the Revised Final Plat for Horseshoe Station, Plat A, subject to the following conditions: 1) that the updated e-file for plat, construction drawings, and engineer's estimates be submitted; 2) that Dapple Lane is dedicated as a utility and surface easement; and 3) that the developer pays the fee in lieu of constructing a park for lots that are less than three acres in size. Diane Jacob seconded the motion. Ayes: 3 – Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

23. Development Agreement Approvals:

Gerald Kinghorn explained the following Development Agreements to Council.

A. Colonial Park, Phase I

Mike Wren, Eagle Mountain Properties, described the look of this project and the security the project would provide to resident families who live there.

Linn Strouse returned to the meeting at 11:40 PM.

MOTION: *Mark Madsen moved to approve the Development Agreement, including all exhibits, between Eagle Mountain City and Monte Vista Ranch, LC for Colonial Park, Phase 1. Diane Jacob seconded the motion. Ayes: 3- Linn Strouse, Mark Madsen, Diane Jacob; Nay: 1 - Greg Kehl. Motion passed.*

B. Mountain View, Phase III

There was a discussion with the Council, staff and the developer regarding timing for payment of impact fees for water and sewer. The Mayor requested that Mr. Kinghorn remove the wording in the Development Agreement requiring payment at recordation of impact fees for water and sewer.

MOTION: *Mark Madsen moved to approve the Mountain View, Phase III Development Agreement and attendant documents with the wording stricken as agreed by the parties. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

C. Pioneer Addition, Phase I

Gerald Kinghorn recommended this Development Agreement be modified in the same way as the Development Agreement for Mountain View, Phase III.

MOTION: *Mark Madsen moved to approve the Development Agreement for Pioneer Addition, Phase I, as modified. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

24. Notice of Award:

A. Bud Evans Parkway Pond

Korey Walker explained the bid and recommended the Notice of Award be approved for TNT General Contractors in the amount of \$22,926.00.

MOTION: *Mark Madsen moved to award Bud Evans Trail Parkway project to TNT General Contractors as determined in the agreement with the agenda. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

25. Consideration and Approval to Amend the Eagle Mountain City Policies & Procedures Manual and Employees Handbook:

Chris Hillman explained the recommended changes to Council.

MOTION: *Greg Kehl moved to approve the amendments to the Eagle Mountain City Policies and Procedures Manual and Employee Handbook. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

26. Motion to approve Consent Agenda items as follows:

- A. Check Registers (3-Apr 2003 to 15-May 2003)
- B. Final Bond Release
 - I. Land Application Project (Final Pmt), Arrow Engineering
 - II. Land Application Phase II Project (Final Pmt), Arrow Engineering
- C. Partial Bond Release
 - I. Kennekuk (PB Release No. 1), Ranches, LC

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

27. 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.

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

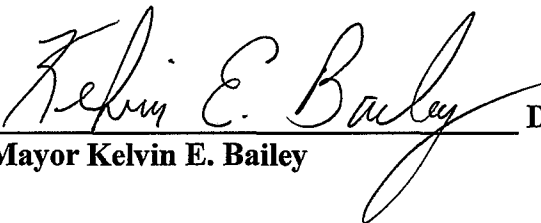
Not applicable.

29. Any Actions from the Closed Executive Session:

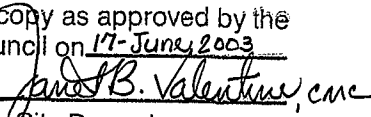
None

30. Adjournment

Mark Madsen moved to adjourn the meeting at 11:47 PM.

APPROVAL:  DATE: 6-17-03
Mayor Kelvin E. Bailey

This certifies that the minutes of
20-MAY 2003 are a true, full and
correct copy as approved by the
City Council on 17-June, 2003

Signed: 
City Recorder