

**MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING**  
**Eagle Mountain City Council Chambers**  
**1680 East Heritage Drive**  
**Eagle Mountain, Utah 84043**  
**June 17, 2003**

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

1. Consent Agenda
2. Presentation regarding City Code by Linda Cobbs, Sterling Codifers
3. Discussion regarding the Pony Express Marker
4. Discussion regarding Fiscal Year July 1, 2003 to June 30, 2004 Budget
5. Items as Outlined on the Policy Session
6. Discussion regarding Special Improvement District 2003-1
7. Adjourn Work Session at 6:30 PM

**Prayer by Invitation of the Mayor**

The prayer was offered by Shawn Warnke.

**POLICY SESSION – 7:00 PM**

Mayor Bailey called the meeting to order at 7:04 PM.

1. **Roll Call:**

City Council Members: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Linn Strouse.  
Brigham Morgan arrived at 7:06 PM.

**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    |

**Others Present:** Ryan Bornaman, resident; Rebecca Loper, Community Arts Council; Monte Kingston, Ames Construction; Scott Kirkland, the Ranches.

2. **Pledge of Allegiance:**

Ryan Bonaman lead the Pledge of Allegiance.

3. Approval of Minutes (May 20, 2003 and June 3, 2003) :

**MOTION:** *Mark Madsen moved to approve the Minutes of May 20 and June 3, 2003. Diane Jacob seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed. Brigham Morgan was excused.*

4. General Discussion/Questions/Announcements:

None

5. Appointments:

None

6. Public Notices:

None

Brigham Morgan arrived at 7:06 PM

7. Public Comment:

Rebecca Loper, Community Arts, announced that their annual play, "You're a Good Man, Charlie Brown, would be presented on June 19, 20 and 21 at Fitzgerald Park. She requested that the Council consider allowing a larger budget for Community Arts for the coming fiscal year. The proposed budget would allow for only one musical play and not the other activities normally sponsored by the Community Arts. Mayor Bailey asked Mrs. Loper to provide more financial information, and she advised she would get in touch with their financial representative to get this information.

8. Public Hearing - FY Budget for July 1, 2003 to June 30, 2004:

Chris Hillman explained the proposed budget and indicated that if the budget passed, it would become effective July 1, 2003. He stated there are no utility rate increases planned because utility funds are balanced. He explained that the Council is considering raising property taxes and implementing a franchise/utility fee to help pay for an increase in costs for public safety.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 7:20 PM.

B. Receive Public Comment

Jeff Love, resident, thanked the City Council for taking the pay increase planned for the Mayor and Council out of the budget and showing concern for the budget deficit.

C. Close Public Hearing

The Mayor closed the Public Hearing at 7:21 PM

Brigham Morgan, Arts Council liaison, advised that the Arts Council was funding itself, with the exception of the purchase of equipment for play productions. He requested that there be an adjustment made to the proposed budget to include expected revenues so that they have, at their disposal a \$5,000 budget -- \$2,000 of which cannot be spent unless the Community Arts brings in that amount of revenue. Mayor Bailey stated he would support this plan as long as the \$2,000 is generated by the Community Arts.

Wendy Minks, Pony Express committee, stated that funds for the Easter egg hunt were run through their budget this past year and not the Arts Council budget.

Mark Madsen stated for the record that it was the intention of the current City Council to apply any tax increase and franchise/utility fees to providing funding for public safety (sheriff's office and fire department) when grant money is no longer available.

Linn Strouse thanked Utah County Sheriff Sergeant Murphy and Fire Chief DeKorver for their efforts in requesting and receiving grants for their departments.

Brigham Morgan advised that when these proposed tax and fee increases exceed public safety expenses, the City should consider applying the excess to improving public parks.

Greg Kehl advised that the City should also look at ways to budget for the future maintenance of City roads.

**9. Consideration and Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year July 1, 2003 to June 30, 2004:**

**MOTION:** *Brigham Morgan moved to approve Ordinance No. O 09-2003, an Ordinance Adopting the Eagle Mountain City Fiscal Year 2003-2004 Annual Budget and Amending the Fiscal Year Budget for 2002-2003, subject to the changes as noted by the Finance Director: REVENUES - 1) tax increase of \$132,561.00; 2) public utility tax increase of 3% for water, electric, gas and telephone utilities; 3) an increase in revenues for the Arts Council of \$2,000; EXPENDITURES - 1) Fire Department funding for paramedic, EMT, 30 turnouts (90% coming from grants/10% from the City for a total project of \$117,000.00), radios (50/50 grant), training (50/50 grant), and 34 pagers; 2) matching funds necessary for the Homeland Security Grant of \$135,000.00 for police officers; 3) a \$2,000.00 increase in the proposed budget for the Arts Council (contingent on that amount being raised by the Arts Council). Greg Kehl seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**10. Consideration and Approval of a Resolution Setting Property Tax Rate in Eagle Mountain for Fiscal Year July 1, 2003 to June 30, 2004:**

Kent Parker stated the proposed tax increase would be .001692 and that there would be a hearing held on August 5 regarding this increase. He stated there would be a public notice sent out and that Utah County would be responsible to send out with tax bills to notify every property owner involved.

**MOTION:** *Linn Strouse moved to adopt Resolution No. R 10-2003, a Resolution Approving and Adopting the Property Tax Rate for Fiscal Year 2003-2004 for Eagle Mountain City. Mark Madsen seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**11. Consideration and Approval of an Ordinance Allowing Sales of Beer and Wine on Sundays:**

Gerald Kinghorn explained that the City received an application from the Ranches Golf Course to implement a restaurant license to allow them to sell beer and wine on Sunday. He stated approval would necessitate the Council changing an existing ordinance that currently prohibits such sales. Mr. Kinghorn stated that any changes to the ordinance would apply to all businesses making the same request.

Linn Strouse read a statement, copy attached, from a resident requesting that the Council not make any changes to the existing ordinance.

**MOTION:** *Greg Kehl moved to approve Ordinance No. O 10 –2003, an Ordinance of Eagle Mountain City, Utah Amending the Provisions of Ordinance 98-8 to Delete from the Requirements that No Alcoholic Beverages May be Sold on Sunday. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1.- Brigham Morgan Motion passed.*

Item 14 was discussed at this time.

**12. Final Plat Approval:**

This item was discussed after item 14.

**A. Anthem (R1 N18 N19), Phase 1**

Shawn Warnke presented information on this final plat approval and stated the Planning Commission had reviewed it and recommended approval. He answered questions from Council. He indicated that the developer would be developing at a lower density than originally approved and explained the conditions of approval.

Monte Kingston, Ames Construction, presented drawings of the planned development and answered questions from Council.

Greg Kehl expressed his concern that garage setbacks are only 20 feet, which creates a safety hazard because large vehicles extend over the sidewalk area. Monte Kingston stated he would consider staggering home plans to allow for 25-foot setbacks on some homes. Mayor Bailey stated that the City should encourage the Ranches to amend their design guidelines to incorporate 25-foot garage setbacks. Brigham Morgan stated that shorter driveways encourage homeowners to park large vehicles in the street, which also causes a safety hazard.

Mr. Kingston requested that homeowners not be required to have wrought iron fencing on golf course lots since some of the other subdivisions have not installed this fencing, as currently required by the City.

Scott Kirkland, the Ranches, offered further information regarding garage setbacks and open space requirements.

Diane Jacob requested that the developer be required to pay a fee in lieu for open space acreage taken up by a private pool; however, the Council agreed that the pool would be used to benefit the residents of the subdivision, which would meet the City's requirements

Korey Walker addressed questions regarding monolithic sidewalks and recommended they be allowed in this subdivision.

**MOTION:** *Mark Madsen moved to approve the Final Plat for the Anthem at the Ranches subject to conditions 1 and 3 as listed in the staff report:: 1) that Lots 54 and 64-65 that surround the Community Center be full masonry; and 3) that the median in the Ranches parkway be altered to eliminate a turn pocket that does not coincide with any entryway; with the additional*

*condition that 50% of homes will have a 25- foot driveway setback. Linn Strouse seconded the motion. Ayes:3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 1 – Diane Jacob. Greg Kehl abstained due to safety hazards caused by approved garage setbacks. Motion passed.*

Gerald Kinghorn advised that this would have to come back to the Council with a Development Agreement that includes the above requirements.

13. **Consideration and Approval to Waive Utility Bill Late Fees/Penalties for Deployed Military Personnel:**

Mayor Bailey explained the background for this waiver. He stated that eligible residents must present a copy of military orders to the City to qualify for this waiver.

**MOTION:** *Linn Strouse moved to waiver the late penalty/fee for deployed military personnel upon demonstration of their military deployment records and application for waiver. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

14. **Consideration and Approval of an Ordinance Defining Criteria for Public Open Space Disposal within the Boundaries of Eagle Mountain City, Utah:**

Gerald Kinghorn explained that this item was discussed at the last Council meeting where he was requested to make changes to the ordinance to clarify the role of the Planning Commission.

Shawn Warnke offered more information regarding open space.

Mark Madsen requested that paragraph 1.3.2 be changed to reflect the wording “historical” and “historically” rather than “cultural” and “culturally” to make the ordinance more specific.

Linn Strouse agreed that this change would help provide better protection to historic sites.

**MOTION:** *Mark Madsen moved to approve Ordinance No. 0 11–2003, an Ordinance of Eagle Mountain City, Utah Providing for the Disposal of Certain Parcels of Real Property Owned by the City and Defining Land Considered Significant Real Property of the City; Providing a Definition of Reasonable Notice of Public Hearings for Disposal of Significant Parcels of Real Property and Other Matters, with the changes to paragraph 1.3.2 substituting the word “historic” for “cultural” and “historically” for “culturally” in that paragraph. Linn Strouse seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Greg Kehl recommended that open space, which belongs to the public, be handled carefully in future determinations.

Linn Strouse brought up the concern that the public is not always aware when a public hearing is held. Mayor Bailey agreed and stated that the staff needs to come up with ways to better inform the public when a public hearing occurs.

15. **Consideration and Approval of an Ordinance of the City of Eagle Mountain, Utah Amending the Record Plat of Kiowa Valley Plat A and Approving the Amended Plat of Kiowa Valley Plat A Subdivision:**

Shawn Warnke readdressed this item, which was discussed at the prior Council meeting.

Scott Kirkland, the Ranches, answered questions from the Council regarding the park area and presented a drawing. He explained this amendment and why he felt it would be in the best interest of the public.

Brigham Morgan expressed his concern that as the plat now stands, it is bonded and will be improved; however, if the plat is amended to remove a portion of land, that land would have no requirements for any kind of improvement.

Greg Kehl stated that if this item is approved, the City would end up with an approved park and Plats B and C would be finished.

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

**MOTION:** *Greg Kehl moved to approve Ordinance No. O 12 –2003, an Ordinance of Eagle Mountain City, Utah Amending the Record Plat of Kiowa Valley Plat A and Approving the Amended Plat of Kiowa Valley Plat A Subdivision. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

**16. Consideration and Approval of Construction Escrow Agreement for Sweetwater Road with the State of Utah, School and Institutional Trust Lands Administration:**

Gerald Kinghorn explained that this agreement would make an arrangement with SITLA to deposit their funds for the fiscal year ending June 30, 2003, into a road construction escrow account to build Sweetwater Road. He recommended approval of the agreement.

**MOTION:** *Greg Kehl moved to approve a Construction Escrow Agreement for Sweetwater Road with the State of Utah, School and Institutional Trust Lands Administration. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

At this point in the meeting, the Council was made aware of the section in the Ranches Design Guidelines that requires golf course residential boundary fencing. The Mayor stated he would like the staff to go back to Ames Construction with these requirements and get their response.

**17. Consideration and Approval of Water Banking Agreement with State of Utah, School and Institutional Trust Lands Administration:**

Gerald Kinghorn explained this agreement and how it would be in best interest of the City. He recommended approval of agreement.

**MOTION:** *Greg Kehl moved to approve a Water Banking Agreement with State of Utah, School and Institutional Trust Lands Administration. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**18. Consideration to Ratify Temporary License for Use of Church Property:**

The Mayor explained the use of this temporary license.

**MOTION:** *Greg Kehl moved to ratify a Temporary License for Use of Church Property. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**19. Motion to approve Consent Agenda items as follows:**

- A. Check Register 04-02-2003 to 05-15-2003
- B. Change Order
  - I. Pony Express Parkway Extension (CO No. 5), H.E. Davis
- C. Final Bond Release
  - I. Ranches Parkway Off-sites for R6-N4, 5, Ranches, LC

- D. Partial Payment
  - I. Pony Express Extension (PP No. 9), H.E. Davis
- E. Partial Bond Releases
  - I. Freemont Springs, Plat A (PBR No. 1), Hamlet Homes
  - II. Freemont Springs, Plat B (PBR No.1), Hamlet Homes
  - III. Cold Springs at Red Hawk Ranch, Phase 1 (PBR No.3), Hamlet Homes
  - IV. Cold Springs at Red Hawk Ranch, Phase 2 (PBR No. 1), Hamlet Homes

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

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

**MOTION:** *Diane Jacob moved to approve the check register. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan recused himself from the vote. Motion passed.*

**20. 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.

**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. Adjournment:**

Mayor Bailey moved to adjourn the meeting at 9:35 PM.

APPROVAL: \_\_\_\_\_

Mayor Kelvin E. Bailey

DATE: \_\_\_\_\_

7-01-03

This certifies that the minutes of  
17-June 2003 are a true, full and  
correct copy as approved by the  
City Council on 1-July 2003

Signed: James B. Valentine, cmc  
City Recorder

## Janet Valentine

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**From:** Deanna Whitney  
**Sent:** Monday, June 23, 2003 12:15 PM  
**To:** Janet Valentine  
**Subject:** E-mail from resident regarding wine and beer sales on Sunday

This e-mail should be an attachment to the Minutes for June 17, 2003.

-----Original Message-----

**From:** Linn Strouse [mailto:linns@emcity.net]  
**Sent:** Monday, June 23, 2003 12:34 PM  
**To:** deanna@emcity.org  
**Subject:** Fw: Tues June 17th Agenda Items

-----Original Message-----

**From:** Spiffiecat@aol.com  
**Date:** Tuesday, June 17, 2003 13:09:11  
**To:** mmadsen@lhm.com; Linns@emcity.net; achocccocat@juno.com; gkehl@nationaltank.com; mayor@emcity.org  
**Subject:** Tues June 17th Agenda Items

Hello Mayor and City Council,

I am writing you because I will be unable to attend and voice my opinion on the agenda items this evening. Hopefully some of my opinions can be taken into consideration. With the regards to the selling of wine/alcohol on Sunday, I would like to encourage that we maintain our dry Sunday status. I know this would hinder the golf course, but when looking at this issue over the long run, I felt it would be in the community's best interest to maintain it. It is funny to me. While this may not seem like a big deal, but I grew up in Nevada in a small town just like this. When they formed the town they outlawed gambling even though the State allowed it. Today because that law still stands, people are fighting to move there. The property values are sky high and the moral of the place is really good. While alcohol may not seem like a big deal, looking ahead, I feel it is best for our community to continue restricting it's use.

Second issue. With regards to the disposal of open space. I apologize for being unprepared to discuss this. I haven't had the opportunity yet to read this, but A couple point that may already exist, but if not to consider. I hope it is written who may purchase the open space, and what percentage they may. I live in Eagle Park where I have a nice easement behind me where "a jogging path will be build next year" (love them deceiving sales pitches) So I have ~100 ft of weeds behind me until my neighbors back yard. I hope that it is written that my-neighbor-may-not-go-and-race-out and purchase the whole land area not just behind me but all the way down behind all of the neighbors. Instead I hope that it will be written that it will be divided evenly among those whose property it touches. Also to consider is what if not everyone can afford to purchase the area now. How will the city be able to get to the areas not purchased to maintain them? Also hopefully it is written so a developer may not come in and purchase them and put a house on the "open spaces"

Last side thought: Since Eagle Park itself was a learning ground for the city. We missed out



on receiving an appropriate park, etc. There is a group that has formed consisting of 7 neighbors called the Eagle Park Neighborhood Watch Improvements Committee. This committee is working on designing and finding funding for improving the park to include a playground, basketball, and volleyball court. I would propose that money from any sale of any such land in Eagle Park be set aside into a special budget to be used to improve Eagle Park itself. Hopefully this summer this committee could bring their working plans into to the city to see if they would justify using the sale money to help fund some of this project. This would be a way for us to fund some of the park improvements that the developer didn't foresee to include in lot prices.

Thanks Tiffany Ulmer

## Deanna Whitney

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**Subject:** Fw: Tues June 17th Agenda Items

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Thanks Tiffany Ulmer

6/23/03



## Deanna Whitney

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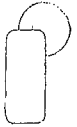
**From:** Linn Strouse [linns@emcity.net]  
**Sent:** Monday, June 23, 2003 12:36 PM  
**To:** deanna@emcity.org  
**Subject:** Fw: Thank You Linn,

-----Original Message-----

**From:** Spiffiecat@aol.com  
**Date:** Wednesday, June 18, 2003 09:20:07  
**To:** Linns@emcity.net  
**Subject:** Thank You Linn,

Thank You Linn,

Luckily for me, my babysitter made it home in time to catch just a little of the city council meeting. Thank you for being considerate of my point of view regarding the beer and wine ordinance ammendments.



Thanks  
Tiffany Ulmer

