

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
July 3, 2001**

WORK SESSION – No Action Taken or Minutes Recorded 4:00 p.m. to 6:30 p.m.

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

MOTION *Bert Ankrom moved to recess into a closed Executive Session at 5:00 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Bert Ankrom, Fire Chief Robert Dekorver, Larry Ellertson, Steve Gabrielson, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, Deputy Jo Murphy, John Newman, Jalaire Taylor, Korey Walker, Shawn Warnke, Korey Walker.

MOTION *Greg Kehl moved to reconvene into Work Session at 6:12 p.m. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:05 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Bert Ankrom, Greg Kehl and Brigham Morgan. Dave Albrecht was excused.

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy

Others present: Brian Haskell, Scott Kirkland and Jessa Schlich, The Ranches; Gordon Etter, Mike Brodsky and BJ Ryan, Hamlet Homes; Josh Elledge, resident; Rick Pierce, resident; Dave and Grant Gifford, Sundance Homes; Vincent Liddiard, resident; Jason Brockett, resident; Jeanaie and Jeff Wolfe, residents; Camie Patterson, Saratoga Springs resident; Scot Hazard, resident; Darrell Jackson, resident; Len Whitney, resident; Harold Johnson, resident.

2. Pledge of Allegiance:

Scot Hazard led the Pledge of Allegiance.

3. **Approval of Minutes (June 5, 2001 & June 19, 2001)**

MOTION *Brigham Morgan moved to approve the minutes of June 5, as amended. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the minutes of June 19, as amended. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

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

Deputy Recorder Fionnuala Kofoed announced that residents interested in filling the vacancy on the City Council needed to submit a letter of intent to the city officials no later than noon on July 11, 2001.

5. **Appointments:**

a. County Solid Waste Board

MOTION *Brigham Morgan moved to ratify the Mayor's recommendation of Monte Beckstead to the County Solid Waste Board to be appointed by the County Commission as a member of that board. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

6. **Public Notices**

None

7. **Public Comment:**

Rick Pearce commented on the Public Gathering Ordinance and recommended that the Council not act on it as there were more important issues that the Council needed to take care of.

8. **Public Works Directors Action to give a Notice of Award for the project, 'Road Repair and Overlay for Ranches and Pony Express Parkways' effective 28, June 2001':**

MOTION *Brigham Morgan moved to award the bid for the road overlay and repair work to Valley Asphalt in the amount of \$422,564.00. Also, that Greg Kehl be assigned to oversee other various options for completion of this project. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed*

9. **Notice of Award for the project, 'Wood Poles' to J.H. Baxter & Company:**

MOTION *Greg Kehl move approve the Notice of Award to J. H. Baxter & Company for the purchase of wood poles for the 138 kV line project as submitted. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

10. **Consideration and Approval of an Agreement with Utah County for Law Enforcement:**

The Council considered the Agreement between Eagle Mountain City and Utah Council for Law Enforcement. This agreement was for a second deputy to work in Eagle Mountain.

MOTION *Bert Ankrom moved to approve the Amended Agreement for Interlocal Cooperation for Law Enforcement Services between the City of Eagle Mountain and Utah County. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

11. **Consideration and Approval of an Ordinance Regulating Large Public Assemblies, requiring licensing of and providing regulation of outdoor public assemblies of thirty persons or more in Eagle Mountain City:**

This item was tabled until the August 7, 2001 Work Session meeting.

12. Consideration and Approval of an Amendment to the Telecommunication Equipment Lease with First National Bank of Layton:

The Council considered an amendment to the Telecommunication Equipment Lease with First Nation Bank of Layton. This amendment would extend the lease purchase agreement until September 1, 2001.

MOTION *Bert Ankrom moved to approve Resolution # R 19-2001, a Resolution of the City Council of Eagle Mountain City, Utah County, Utah authorizing the execution and delivery of an a amendment of an Equipment Lease Purchase Agreement with First National Bank of Layton for the purpose of extending the termination date of the Agreement and modifying the interest rate with the respect of the Agreement; and related matters. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

(Item 19 was discussed next)

13. Consideration and Approval of an Ordinance Enacting provisions regarding removal of weeds, refuse and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City:

The Council considered an Ordinance enacting provisions regarding removal of weeds, junk and disabled vehicles. Mayor Bond was uncomfortable approving the ordinance, as it was his opinion that it needed further review. Greg Kehl recommended approval of the ordinance and suggested that if the Mayor wanted to amend the ordinance on August 7, 2001.

MOTION *Greg Kehl moved to adopt Ordinance #O 10-2001 Ordinance Enacting Provisions Regarding Removal of Weeds, Refuse and Structures; Junk; Disabled Vehicles on Private Property; and Construction Trash and Debris; and Providing for Abatement of the same in Eagle Mountain City, Utah. Also, that the item be placed on the August 7, 2001 Work Session for review. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

14. City connection and building permit fees for commercial buildings; Scot Hazard:

John Newman discussed the reduction of fees for Scot Hazard for his commercial building in The Ranches.

Discussion ensued regarding the reduction of connection, building and impact fees. The Council considered the reduction of the connection and building fees. Impact fees would be considered after the ordinance that addressed the waiver of certain fees for the development of unique businesses in Eagle Mountain was reviewed.

Brigham Morgan commented that while the sliding scale would benefit Mr. Hazard it would have a stifling effect on larger buildings. However, Mayor Bond noted that the Development Code discouraged the construction of larger buildings in Eagle Mountain and catered more towards the facility that Mr. Hazard was building.

John Newman stated that when comparing Eagle Mountain to other cities it was necessary to keep in mind how unique our city was. There was no other community in the lower 48 that offered telephone service. Secondly, Eagle Mountain was one of eight communities in the State of Utah that offered natural gas. Based upon these factors, no meaningful comparisons could be made. Mr. Newman explained that if the fees were calculated to reflect time and materials plus 15% it would be the fairest offer that the city could provide the developers. Making comparisons to other cities' fees created problems, as the demands were different in every situation.

Mr. Newman went on to say that one problem that the Council would have to address was when a developer with a high electrical demand makes an application to build within the city he will question who made the decision to have a sliding scale with respect to fees as he will now have to pay twice what the old scale was as

the city tries to average things out. Mr. Newman added that they would then have to explain that the fees are not averaged out but based upon time and materials.

MOTION *Brigham Morgan moved to approve the reduction in fees and cost to actual cost plus 15% as submitted by City Staff and that a post completion audit and evaluation of costs be done on this particular project. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Mayor Bond stated that the Consolidated Fee Schedule would have to be amended to reflect the fees. The Council also requested to see how Prairie Gate Professional Center was unique to the city. Discussion ensued regarding impact fees and how the city would recoup the fees in order to repay other obligations.

MOTION *Brigham Morgan moved to authorize the City Administrator to issue a building permit in conjunction with the new fees that were approved that evening and impact fees would be discussed in further detail on July 17, 2001. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Bert Ankrom requested that the ordinance relating to Impact Fees have clear definitions so that there is no confusion with respect to the kind of business that would qualify for the waiver or reduction of fees.

John Newman recommended that the Council credit Mr. Hazard the difference between the old and new site plan review fees that had been paid. The Council agreed.

15. The Ranches Capital Facilities Funding Amendment for the first phase of NSA Fire Station:

John Newman requested that the Council amend the due date of \$250,000 for the first phase of the NSA Fire Station from May 1, 2001 to August 1, 2001.

Greg Kehl noted that there was nothing in place to hold The Ranches to their commitment, as other approvals would be approved after the deadline was extended. Would the City be left in the same position in August or could other developments be held if The Ranches were to default on the agreement.

Jerry Kinghorn stated that if the extension was approved and no payment was made then the City would be back to square one.

The Council was not opposed to the extension; however, they were concerned that The Ranches would not keep their commitment and, consequently, adversely affect the dire need for a fire station in that area of the City. The design build contract would be ready for action in August and the funds had to be available.

Greg Kehl stated that the longer the City waited the longer it would be before revenues would be generated. Mr. Kehl added that if The Ranches fell into the same situation in August he would not approve an additional extension. Mr. Kehl suggested that the Council owed it to other developers who were being held up due to default in payment of fees by the Master Developers and they also owed it to the residents.

Scott Kirkland commented that he was never under the impression that the funding was for the first phase of the fire station and wasn't aware that their contribution was holding up the construction. John Newman confirmed that the City would be moving forward with construction if the funds had been made available and it was always the City's understanding that the \$250,000 was allocated for getting the first phase of the fire station up and running.

MOTION *Greg Kehl moved to approve the extension of The Ranches deadline of The Ranches Capital Facilities Funding for the first phase of the NSA fire station from May 1, 2001 to August 1, 2001. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Ruby Valley, Plat B Amendment – Consideration and Approval of an Ordinance Amending Ruby Valley, Plat B: (Discussed after item 21)

Discussion ensued regarding the amendment to Ruby Valley Plat B. No action was taken, as there weren't enough Council members present to vote.

Greg Kehl stated that there were no changes to the Plat and the Council questioned whether the proposed road was the only access to the site. The Ranches believed that it was the only access to Ruby Valley. Mr. Kehl challenged the developer to prove to the Council that it was.

The developer discussed the lot sizes. Greg Kehl stated that he was concerned with all the small lots and the perception existed that all that Eagle Mountain consisted of was small lots. For this reason, Mr. Kehl was opposed to the amendment in the density. Mr. Kirkland addressed the issue and stated that the market dictated the demand and it was The Ranches' opinion that smaller lots attracted potential buyers. The Ranches had only sold 12 of their larger lots (9,000 to 10,000 sq ft) within the past two years.

Bert Ankrom had no major concerns with the size of the lots once it was a quality product. There were many well-built communities that existed consisting of small lot sizes.

17. Golden Landscaping: Discussed after item 15

- a. Golden Landscaping contract approval
- b. Golden Landscaping bond approval for phase 1
- c. Golden Landscaping partial payment for phase 1

MOTION *Brigham Morgan moved to authorize the Mayor to enter into an agreement with Golden Landscaping for phase 1, 2 & 3 for the improvements as submitted. Greg Kehl seconded the motion. Ayes: 3, Nays: 0.*

MOTION *Greg Kehl moved to authorize the Mayor to sign the agreement with Golden Landscaping as the bonds are in place. Brigham Morgan seconded the motion. Ayes: 3 Nays: 0. Motion passed.*

18. Major Development Approvals:

- a. **Rush Valley, Plats B & C Final Approval; Sundance Homes (discussed first)**

Korey Walker discussed the DRC recommendations. Mr. Walker noted that the neighborhood park would be by Eldorado Village, a concept plan, and would serve for daytime use when the school was in session. Scott Kirkland stated that Eldorado Village was only contingent on the approval of the Master Plan Amendment. Equipment requirements would be made for the parks, and it will also be bonded for.

MOTION *Greg Kehl moved to approve Rush Valley, Plats B & C Final approval subject to the DRC recommendations:*

- 1. That the City's adopted parks and recreation standards be satisfied.*
- 2. That the developer bond for roto-milling and overlaying for the disturbed sections of Smith Ranch Road and Saddleback Drive prior to completion of the two year warranty period.*
- 3. That the developer bond for spillway improvements for the storm water pond located in Plat D and the improvement of this pond be completed prior to the issuance of building permits for plats B & C.*
- 4. That the roadway portion of Plat B that will serve as the secondary access for Plat C must be properly completed to a minimum of an all weather road (approved sub-grade preparation, sub-base and base course installed) prior to the initiation of construction in Plat C.*

5. *That there be a resolution to the concerns regarding proper site distance at the radius of lot 130 (Resolved with the submission of new construction drawings).*
 6. *That nine fault indicators be added to the electrical construction drawings.*
 1. *That the City Attorney and Engineer complete the development agreement and bond letter once the City Council makes a final decision regarding the proposed park and recreation amenities.*
 2. *That a switchgear be installed prior to building permits being issued.*
- Additional City Council Recommendation:*
1. *That the homes are built with a minimum 25' from the face of garage to the sidewalk.*
- Brigham Morgan seconded the motion. Aye: 3, Nays: 0. Motion passed.*

b. Cold Springs Final Approval; Hamlet Homes (discussed 2nd)

Brigham Morgan was familiar with this development, as he had reviewed it several times at the Planning Commission. Mr. Morgan briefly discussed the development and was excused from the meeting at 8:47 p.m. The remaining Councilors discussed the development with the builder and Mr. Morgan was present to vote when he returned at 8:57 p.m.

Shawn Warnke presented Cold Springs and discussed the DRC Recommendations.

Greg Kehl expressed his concerns regarding the storage of toys and bikes, as residents wouldn't have any garages.

The developer requested that the development be approved without covered parking to add to the aesthetics of the project.

Discussion ensued with respect to two feet wrapping on the corners of the buildings.

Greg Kehl also commented that the fencing and decking would weather and detract from the homes. Mike Broadsky, Hamlet Homes, stated that the decks would have a good coating and would be well maintained and uniform.

- MOTION** *Bert Ankrom moved to approve Cold Springs Final Approval, Phase 1 subject to the DRC Recommendation as follows:*
- DRC Recommendations:*
3. *That the surrounding open space and recreational amenities meet the City Code.*
 4. *That at least 20% of the units qualify for affordable housing suitable for households with a gross income equal to or less than 80% of the median income as specified in the City Attorney's letter dated April 5, 2001 (completed).*
 5. *That a hard copy of the utility plans be submitted for review and approval by the Telecommunication Department.*
 6. *That an engineer's estimate is provided for piping of the proposed temporary storm channel, and a temporary easement is also provided (completed).*
 7. *That the plats with the correct owner dedication language be submitted to the Planning Department.*
 8. *That the Public Works Board requirements are met.*
- City Council Recommendations:*
1. *That an ornamental post be used on the corners of the buildings rather than a 2' wrap.*
- Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Brigham Morgan was excused at 9:35 p.m.

c. Eagle's Gate, Plat A Final Approval

This item was tabled, as there weren't enough Council members present to vote.

19. **Consideration and Approval of a Resolution authorizing the acquisition by condemnation of an easement across, or fee title to, certain real property located in Utah County, Utah: (discussed after item 12)**

Jerry Kinghorn discussed the resolution that addressed the acquisition by condemnation of an easement. Eagle Mountain had received approval from Saratoga Springs and tentative approval from Utah County to proceed with the Transmission Line. The Council considered the resolution.

MOTION *Greg Kehl moved to adopt Resolution # R 20-2001, a Resolution authorizing the Acquisition by Condemnation of an Easement across, or Fee Title To, Certain Real Property Located in Utah County, Utah. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

20. **Motion to approve Consent Agenda items as follows: (discussed after item 19)**

- a. Warrant Register
- b. Contract Change Orders
 - i. Installation of Three New Generating Units, Change Order No. 1, Lamb Engineering & Construction Co.
- c. Partial Payment Requests
 - i. 138 kV Interconnection Substation, Northern Power
 - ii. 138 kV Transmission Line Phase Conductor and Insulators, Western States Electric
 - iii. Generator Unit No. 4 and 480 Switchgear, Simpson Power Products LTD

MOTION *Brigham Morgan moved to approve the Consent Agenda as submitted. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

(item 13 was discussed next)

21. **Street Cleaning Requirements Report: (discussed after 18a)**

John Newman requested that Jerry Kinghorn review the memo with respect to street cleaning and propose an ordinance that would address it. The item would be ready for placement on the August 7, 2001 Council Agenda. The Council authorized Mr. Kinghorn to proceed with the ordinance.

22. **Other Business:**

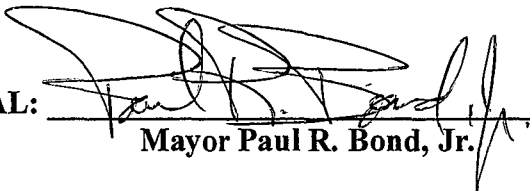
There was no other business.

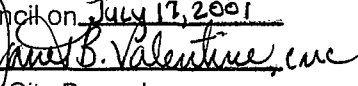
23. **Any Actions from the Closed Executive Session:**

There was no action.

24. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 9:58 p.m.

APPROVAL:  DATE: 8/28/01
Mayor Paul R. Bond, Jr.

This certifies that the minutes of July 3, 2001 are a true, full and correct copy as approved by the City Council on July 17, 2001
Signed: 
City Recorder