

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 19, 2011

Work Session 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Councilmember Ireland was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

Mayor Jackson opened the meeting at 4:10 p.m.

1. PRESENTATION – ifanmedia Mobile Application by Mike Dodson.

This item was removed from the agenda.

Mayor Jackson invited Rachel of the Utah County Health Department SMART Program to introduce Caryn, the coordinator of the Communities that Care, a drug abuse prevention program.

2. PRESENTATION – Pass-through Bond for Ranches Academy by Nephi Aiono, Zions Bank.

This item was presented by City Administrator John Hendrickson.

3. AGENDA REVIEW – The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

4. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

5. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council adjourned into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**MOTION:** *Councilmember Burnham moved to adjourn into a closed executive session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The meeting was adjourned at 6:11 p.m.

### **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. Councilmember Ireland was excused.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Jerry Kinghorn, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Planning Director; Chris Trusty, Public Works Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Lieutenant.

#### 6. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:13 p.m.

#### 7. PLEDGE OF ALLEGIANCE

Jeremiah Johnson led the Pledge of Allegiance.

#### 8. PRESENTATION – Orchard Days, by the Santaquin Rodeo Royalty.

This item was removed from the agenda.

#### 9. INFORMATION ITEMS/UPCOMING EVENTS

- The splash pad at Nolan Park is now open. Hours are 9 a.m. to 9 p.m. daily. To activate the water, wave your hand over the top of the green post at the northeast corner of the pad.
- Working for the NSA - Seminar for Businesses: The NSA will present information to businesses interested in getting contracts with the NSA on July 20 & 21 at the SLCC campus in Sandy.
- City offices will be closed on July 25 for the Pioneer Day holiday.
- Ten candidates have filed to run for the three open City Council seats. A primary election will be held on September 13. The general election will be November 8. Election information can be found on the City website.
- The Utah County Sheriff's Office will host a dog and cat licensing and vaccination clinic on Saturday, August 6 at Fire Stations #1 & #2. Complete information is on the City website under events.
- The 2011 Eagle Mountain citizen satisfaction survey is available on the City website.
- The City received the Distinguished Budget Award and the Distinguished Comprehensive Annual Financial Report Award. Only ten other cities in Utah received this national award.

#### 10. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

No comments were made.

11. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Celaya

Councilmember Celaya thanked residents for attending the meeting. He said he's seen City staff respond to emergencies twice in the last month and was very pleased with their work.

Councilmember Painter

Councilmember Painter complimented City staff on their response to the water main break in his neighborhood. He said Councilmember Cieslak advised him during the last election cycle to keep his campaigning "above the belt" and focus on the positive. He encouraged all candidates to do that same.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged candidates to campaign respectfully. He asked Chris Trusty if the Public Works Dept. could widen the narrow access from some back roads onto major roads in City Center. He was disappointed in the road repair job on Pony Express Parkway. Mr. Trusty said a top coat will be added over the patches later in the summer. Councilmember Ochsenhirt thanked residents for attending tonight's meeting.

Councilmember Burnham

Councilmember Burnham thanked residents for attending the meeting and encouraged candidates to campaign positively.

Mayor Jackson

Mayor Jackson asked Linda Peterson to post information about the Pony Express Parkway repair project on the City's website. She said she was out of town during the city-wide flooding on Sunday. She would have liked to be available to visit flooded areas. She was glad that the City has staff that responds well to emergencies.

12. APPOINTMENT/OATH OF OFFICE

- A. Mellissa Ochsenhirt, Library Board, 3-year term
- B. Tyler Flygare, Fire Department

**MOTION:** *Councilmember Burnham moved to appoint Mellissa Ochsenhirt to the Library Board for a three-year term. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jonathan Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Ochsenhirt.

Chief Andrus administered the oath of office to Tyler Flygare.

**CONSENT AGENDA**

13. MINUTES

A. June 21, 2011 – Regular City Council Meeting

14. AGREEMENT

A. Kern River Storage Yard Lease

15. FINAL PAYMENT

A. Splash Pad, Splash Zone, LLC

**MOTION:** *Councilmember Painter moved to approve the Consent Agenda. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

**PUBLIC HEARING**

16. MOTION – Consideration and Approval of the Land Use Element of the Spring Run Master Development Plan.

This item was presented by Planning Director Steve Mumford. This master plan is north of SR 73 and east of Meadow Ranch. It consists of 520 total acres and provides a mix of residential densities, a town center area, commercial/mixed-use areas, and a commerce park. In total, 1,077 residential lots/units are proposed. The eastern 240 acres are included in an annexation petition that was accepted by the City Council in May, 2010 for further review. This is consideration of the Land Use Element only. The annexation petition, development agreement and general plan amendment will be reviewed in a future meeting.

Jim Allred, applicant, said he appreciates being part of the community. He said that he and his partner, Ralph Johnson, have met with the adjacent property owners and included their concerns in the design of the project. He feels that he has provided more than the required buffering.

Councilmember Painter asked Mr. Allred why the transition part of his proposal is different from City standards and why the City should approve it. Mr. Allred said he felt the 100-foot buffer would enhance the neighborhood. His partner, Ralph Johnson, said they gave a lot of thought to balancing the concerns of the neighbors and the city as well as their own. He said the ordinance talks in general about transition in properties, but doesn't mention lot size in the title or in the beginning sections. It allows for several kinds of transition. He believes that the proposal fits the ordinance.

Councilmember Painter said the residents have an expectation of lot size transitions, whether that is technically part of the ordinance or not. Mr. Johnson felt that following the law will allow the best outcome.

*Mayor Jackson opened the public hearing at 8:03 p.m.*

John Rhine, owner of Interpace Brick Co., asked that his written comments be entered into the record. He and his business partners are concerned about the plan for an 8-lane road with a 300-foot right-of-way. It runs through his land and isolates 80 acres of his property. He isn't sure of the feasibility of this project, the funding for it or the purpose of it.

Bonnie Roper, 3387 Harvest Lane, is concerned about noise issues with having a school adjacent to homes in a quiet, large-lot neighborhood.

Ralph Johnson, applicant, said the road will contribute to the convenience and well-being of the community, public safety and economic development.

*Mayor Jackson closed the public hearing at 8:11 p.m.*

City Attorney Jerry Kinghorn asked Mr. Mumford if 10,000 sq. ft. lots were the minimum size or the average. Mr. Mumford said that the density is 3.45 units per acre. He asked if it was physically feasible to put lots of that size in that location and still allow for transition according to the code. He said he believed the intent of the code was to place one-acre lots adjacent to the lots in Meadow Ranch. He pointed out that densities provided for in master development plans don't guarantee that those densities will be compatible with zoning regulations. That will be specified in the master development agreement.

Councilmember Celaya asked Mr. Kinghorn if the proposed master development plan complies with City code. Mr. Kinghorn said he believes it does; however, he doesn't think the densities will fit into the pods.

Councilmember Celaya asked what effect a school has on the neighbors. Mayor Jackson said her house is very close to a new school and there's no noise problem.

**MOTION:**        *Councilmember Burnham moved to approve the land use element of the Spring Run master development plan as outlined in the staff report, with the additional recommendation #11 as discussed. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya and Nathan Ochsenhirt. Those voting no: John Painter. The motion passed with a vote of 3:1.*

The conditions listed on the staff report are as follows:

1. A water tank must be included on the hill or there will not be enough pressure for the project.
2. Pre-payment of impact fees required to the City for the construction of the tank and future impact fees will be waived; or, the developer may install the tank and will be reimbursed through impact fees at a later date.
3. A sewer lift station is required in the lowest corner of the business park.
4. Lighting and height standards should be considered to reduce light pollution to surrounding properties and limit potential negative impacts from helicopters.
5. Access must be maintained throughout the project and phases. No more than 15 homes may be constructed prior to a secondary access being created.
6. Fire apparatus access roads shall not exceed 10 percent grade.
7. A "Welcome to Eagle Mountain" entrance feature at the southeast corner of the project must be provided for and detailed in the Master Development Agreement.
8. A variety of multi-family building types must be included in multi-family residential areas to limit large concentrations of the same type of unit.
9. The open space buffer area must contain more manicured or semi-manicured open space, including a native seed mix with sagebrush, rabbit brush, flower mix, etc., as well as areas of grass and trees.

10. This approval is contingent upon the approval of the proposed annexation petition, a master development agreement, and an amendment to the future land use and transportation corridors map. *(This condition added by staff)*
11. Lots adjacent to the existing homes must be a minimum of 10,000 square feet. *(This condition added by City Council)*

## **PUBLIC HEARING**

### 17. MOTION – Consideration and Approval of the Disposal of Significant Land.

This item was presented by Planning Director Steve Mumford. Eagle Mountain City received an petition from residents in the Pioneer Addition subdivision requesting that the City dispose of open space that is located adjacent to their property. The property is considered “Significant Land” and therefore requires a public hearing and approval by the City Council before it can be disposed. All property owners adjacent to the open space have been notified concerning the public hearing and would have equal opportunity to purchase the property if the City Council approves the disposal.

*Mayor Jackson opened the public hearing at 8:34 p.m.*

Devan Peterson, 4299 N. Saddle Horn Drive, stated that on the north end of the trail there is no sidewalk, so it leads people to walk into the road.

James Wayman, 4223 N. Saddle Horn Drive, wanted to know how the City planned to solve the problem that one side of the road is HOA and one is not. Mayor Jackson said the City has no influence on HOA membership. The Council discussed the possibility of requiring fencing on both ends, and requiring that the fencing meet HOA standards. Mr. Kinghorn said the HOA declaration includes specific property in its covenants. Property added to an HOA lot can't be required to be included in the HOA unless the covenants are re-written.

Cole Miller, 4366 Frontier Street, asked whether the City would clean the area before the residents bought the land. Mayor Jackson said that the staff recommended that the asphalt be removed, and the removal costs be included in the price.

Devan Peterson, 4299 N. Saddle Horn Drive, asked if the asphalt cost could be separated in the price. Mayor Jackson said it could not.

Jeff Cates, 4382 Frontier, asked what would happen if some residents don't want to purchase the land. Mayor Jackson said all adjoining property owners have to purchase the land, so the lot lines are even. He asked if the land would be surveyed. Mayor Jackson said all of the neighbors have to participate in order for the land disposal to be completed.

*Mayor Jackson closed the public hearing at 8:42 p.m.*

Councilmember Celaya asked if the east side of the property could be annexed into the HOA. Mr. Kinghorn said it would be possible if individual property owners wished to do it.

Councilmember Ochsenhirt asked Mr. Peterson if he's talked to all of his neighbors. Mr. Peterson said he's talked to everyone on his side of the street. He asked if anyone on the other side of the

street is not interested. Andrea Cates, 4382 Frontier, said all of the neighbors are at the meeting except for two families. She said as far as she knows, they're in favor.

Mayor Jackson asked Ms. Kofoed what a reasonable time frame for the process would be. Ms. Kofoed said that three months would be reasonable.

Councilmember Burnham explained that she wants every property owner to purchase the land adjacent to their lot because the property shouldn't be owned by a few people when it originally belonged to everyone.

**MOTION:** *Councilmember Burnham moved to approve the disposal of significant land in Pioneer Addition, Phase 2, with a 90-day time frame, each lot to extend to the center line of the disposable land, the removal of asphalt to be paid by applicants as a group, the survey to be paid for by the group, both costs to be included in the purchase price, and that the purchase price be based on the City's typical standards, and that any other purchase costs be shared by the group. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

#### **PUBLIC HEARING**

18. ORDINANCE – Consideration and Adoption of an Ordinance of the City Council of Eagle Mountain, Utah, Approving the General Plan Amendment for the Hidden Valley Road.

This item was presented by Planning Director Steve Mumford. The proposed ordinance is for an applicant-proposed amendment to the City's Future Land Use and Transportation Corridors Map, requesting removal of the Hidden Valley "Expressway" from the map.

*Mayor Jackson opened the public hearing at 9:11 p.m. As no comments were made, she closed the hearing.*

**MOTION:** *Councilmember Painter moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the General Plan amendment for the Hidden Valley road according to the recommendation in the staff report and the presentation, changing Hidden Valley Parkway to a minor arterial, and directing the staff to specifically vest the landowners in the master development agreement with the Hidden Valley road classifications that were approved with the Land Use Element. Councilmember Ochsenschirt seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenschirt and John Painter. The motion passed with a unanimous vote.*

19. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Approving a Social Media User Policy and User Agreement of Eagle Mountain City.

This item was presented by City Attorney Jerry Kinghorn. Social media sites such as Facebook and Twitter are widely used mediums for communication. Cities and other government entities are increasingly turning to these forums as a means of disseminating information to the public, especially in emergency situations. The proposed resolution approves a Policy and User Agreement for the City.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving a social media policy and user agreement, as amended by the City Attorney. Councilmember Celaya seconded the motion. Those voting aye: Jon Celaya and John Painter. Those voting no: Donna Burnham and Nathan Ochsenhirt. Mayor Jackson broke the tie with a yes vote. The motion passed with a vote of 3:2.*

The amendment recommended by the City Attorney states that items that are posted do not become public records unless the City retains them as public records.

20. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.

This item was presented by City Recorder Fionnuala Kofoed. The proposed resolution amends the Consolidated Fee Schedule for the following: Minor Plat Amendment Recording Fee; Utah County Boundary Adjustment and Annexation Review Fee; Rescheduling Fee for temporary power utility meter, or service lateral installation; and text changes to conform with current City Code.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule as outlined in the staff report. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

The amendments to the Consolidated Fee Schedule are as follows:

Utah County Surveyor review fee	\$125.00
Minor plat recording fee	Staff time plus Utah County recording fee
Energy Department rescheduling fee	\$25.00

21. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Approving a Street Name Change for Sweetwater Road, to be Changed to Pony Express Parkway.

This item was presented by Public Works Director Chris Trusty. The proposed resolution would change the name of Sweetwater Road to Pony Express Parkway, eliminating confusion as the road changes names midway from The Ranches to the Town Center.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, approving a street name change for Sweetwater Road, to be changed to Pony Express Parkway. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

22. RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending the Contract Documents and Specifications for Installation of Underground Electric and Natural Gas Services.

This item was presented by Energy Director Adam Ferre. The City contracted with Tempest Enterprises, Inc. to install power and gas service laterals on all new homes. The original contract



specified that the average length of both the power and gas service laterals was 40 feet. In the first six months the average length of power laterals was 67 feet and in January the council approved a resolution to modify the original contract accordingly. Since that time the average length of power laterals reduced to 42 feet. The Energy Department recognizes that the average length of service laterals will change over time and that it is appropriate to ensure that Tempest Enterprises be compensated for the actual work they are doing.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the contract documents and specifications for installation of underground electric and natural gas services. Councilmember Celaya seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

23. MOTION – Consideration of Utah Housing Corporation Affordable Housing Waiver of Impact and Building Fees for Three Homes in SilverLake Villages.

This item was presented by City Administrator John Hendrickson. This is a request from Utah Housing Corporation to waive impact and building fees for three affordable homes to be built in SilverLake Village.

Mayor Jackson recommended denial of this item.

Mr. Hendrickson pointed out that there are several fees the City is not allowed to waive, either by agreement or by State regulations. Mayor Jackson was concerned that the Council would set a precedent if this waiver was approved.

**MOTION:** *Councilmember Burnham moved to deny an affordable housing waiver of impact and building fees for three homes in SilverLake Village for the Utah Housing Corporation. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Jon Celaya, Nathan Ochsenhirt and John Painter. The motion passed with a unanimous vote.*

24. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Burnham

No comment.

Councilmember Celaya

No comment.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Mayor Jackson

No comment.

25. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

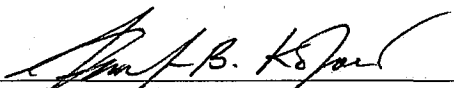
26. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

27. ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:31 p.m.

APPROVED BY THE CITY COUNCIL ON AUGUST 2, 2011.



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Fionnuala B. Kofoed, CMC  
City Recorder

**Jon Rhine Comments**  
**Eagle Mountain City Council Meeting**  
**Spring Run Master Plan Approval**  
**July 19, 2011**

My name is Jon Rhine and I am the owner of Interpace Brick Company based here in Utah. I am interested in the Spring Run master-plan because it is contiguous to my 476 acres which is directly to the north of the Spring Run Development Property.

The proposed master plan for the Spring Run Development is a well done plan. My major concern with the plan is that it includes a 300 foot easement needed for the construction of an eight lane highway which is provided for by both properties. Half of the eight lane highway runs through the Spring Run property and the other half runs through my 476 acres. As currently proposed, this highway easement will be as wide a football field to provide for the necessary space for this type of huge highway system. Additionally, the proposed 300 foot easement runs entirely through the eastern section of my land and effectively isolates 80 acres of my property.

Although I am supportive of the 526 acre Spring Run master-plan community being developed, I am not supportive of the eight lane highway that seems to duplicate the efforts of the existing planned Mountain View Corridor extension. The proposal of an eight lane highway will destroy the value of my land as beautiful view corridors are eradicated and fear of future traffic noise will make the land less attractive to future families.

It is also important to note, the Utah Department of Transportation supports the Mountain View Corridor and a portion of that road work is currently under construction at 2100 North. The Mountain View Corridor is a well planned roadway that will connect traffic from Salt Lake County to the north to SR 73 through two lanes that will be built in each direction. It will essentially run parallel to and west of Redwood Road when complete and provide the much needed circulation adjacent to the Spring Run master-plan community.

The UDOT proposed highway (known as Map U1 on their plans) is also consistent with the maps being shared on the Area Chamber of Commerce Tri-City Map.

At the end of the day, this proposed eight lane highway doesn't make sense as it is duplicative to the already approved Mountain View Corridor and lacks the necessary funding to make this large, proposed freeway a reality anywhere in the near future. The proposed highway is also not consistent with UDOT's current plans and those of the neighboring communities.

Thank you for your consideration to my concerns.