

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
TUESDAY, JULY 20, 2004
WORK SESSION 4:00 P.M. • POLICY SESSION 7:00 P.M.
Eagle Mountain City Council Chambers
1680 East Heritage Drive, Eagle Mountain, UT 84043

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

1. Audit Report for 2003 by Gilbert & Stewart, CPA
2. Presentation of membership in the Master Municipal Clerk Academy to Janet Valentine, City Recorder by the Utah Municipal Clerk Association Board
3. Consent agenda
4. Discussion regarding agreement for economic development with U ‘n Utah L.P.
5. Discussion on Water Conservation Plan
6. Discussion regarding the Zoning Ordinance of the Eagle Mountain City Development Code
7. Discussion regarding amending the Eagle Mountain City Business License Ordinance and amending the provisions of the Eagle Mountain City Development Code regulating home businesses
8. Items as outlined on the policy session
9. Other business
10. Adjourn work session at 6:30 p.m.

I N T E R M I S S I O N

Prayer by Invitation of the Mayor

The Prayer was offered by Chris Hillman

POLICY SESSION – 7:00 p.m.

1. Call to order - roll call

Mayor Bailey called the meeting to order at 7:00 p.m.

City Council Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Christie Buxton, resident; Jen Borneman, Crossroads Journal; Jeff Black, resident; Ryan Borneman, resident; Ken Hixson, resident; Russ & Nancy Taylor, residents; Stephan Breles, resident; Rob Healey, resident; Seana Johnson, resident; Jim & Sandy Paoy, residents; Norella Kennedy, resident; David Assay, resident; Teresa Whitlock, resident; Cindy Morris, resident; Mark Zitting, resident; Greg & Bonnie

Jeppson, residents; Marty & Wendy Nabhan, residents; Janiece Sloan, resident; Jim & Chris Smith, residents; Wendi Baggeley, resident; Julie Wallace, resident; Carma Scott, resident.

2. **Led the Pledge of allegiance:**

Fionnuala Kofoed led the Pledge of Allegiance.

3. **Approval of City Council Minutes (July 6, 2004):**

This item was tabled.

4. **General discussion/questions/announcements:**

Dana Pollard and Virginia Loader presented Eagle Mountain City Recorder Janet Valentine for fulfilling the requirements in obtaining membership in the Master Municipal Clerk's Academy.

Mayor Bailey advised resident of the Fire Works restrictions within the City.

5. **Appointments:**

None

6. **Public notices:**

Janet Valentine stated that there was a public notice for the Valley View Annexation. The property is located between North and Meadow Ranch along SR73.

Janet Valentine also stated that there was a public notice for Title I of the Eagle Mountain City Development Code.

7. **Public comment:**

Wendy Bagley, resident commented on the pay increase for the Mayor and City Council that had been approved at the previous City Council. Mrs. Bagley was initially concerned with the increase but after further investigation realized that the increase wasn't that significant given all the facts and circumstances. Mrs. Bagley requested that, in the future, residents be given more notice regarding significant issues. It was her opinion that the timing was off as it was a holiday weekend and not enough people had been informed about the issue.

Jeff Black, resident addressed the Council concerning his chain link fence. Mr. Black had received a verbal notice from the City to remove the fence as chain link fence is prohibited within residential zone in Eagle Mountain. Mr. Black provided the Council with a list of name of resident in his neighborhood indicating that they weren't opposed to the chain link fence. Mr. Black also submitted several pictures of cedar fences within the vicinity that were in disrepair. It was his opinion that his fence was more esthetically pleasing than the cedar fences. Mr. Black asked that the Council consider his predicament; his main concern was for the safety of his children and he couldn't afford a vinyl fence.

Mayor Bailey stated that one of the staff members would get back to Mr. Black concerning the fence.

Brian Mortimer resident commented on the Utah Corridor Transportation concepts and encouraged the City Council to push for the southern east-west option.

Maryllynn Christiansen, resident asked about the weeds that were adjacent to her property and wanted to know when the City would clean them up. Ms. Christiansen also questioned why the Pony Express Parade had started 15 minutes late; it was her understanding that the Mayor was late and that was the cause for the delay. Mayor Bailey responded that there was a ribbon cutting ceremony that may have delayed the

Parade; the Mayor, however, was not late and was not responsible for the schedule of events for Pony Express Days.

8. Council comments:

Mayor Bailey gave a brief update on the Mountain View Corridor project stating that there were seven different proposals. Alternative 7 was the one that was being considered; there was a Public Hearing that evening to discuss the matter and the Mayor had sent a representative from Eagle Mountain to attend the meeting. Mayor Bailey also suggested that residents contact UDOT and voice their concerns regarding the transportation issues.

Linn Strouse added that it was the state legislatures that held the purse strings and that she had the e-mail and web addresses if residents wanted to contact the Legislatures and Congressmen.

Vincent Liddiard stated that residents could also call UDOT at 1-800-596-2556 to voice their opinion.

Mayor Bailey responded to Jeff Black regarding chain link stating that the Development Code was under revision and that vinyl coated chain link fence would be allowed in the future. The Mayor recommended Mr. Black apply for a variance as that may be the course of action that he needed to take in order to keep his chain link fence.

9. Recognition of Military Service:

Mayor Bailey recognized Scott Jennings and Don Web for their military service. The Mayor also acknowledged their families and presented them with a certificate of appreciation.

10. Consideration and approval to amend Ordinance No. O 15-2004, an Ordinance regulating alternate day use and defining prohibited hours for outdoor sprinkler irrigation use in Eagle Mountain City:

City Attorney Jerry Kinghorn discussed the Ordinance defining the hours for outdoor sprinkler irrigation in Eagle Mountain. Residents with even street addresses would water on Sunday, Tuesday and Thursday; residents with odd street addresses would water Monday, Wednesday and Friday. Residents with new lawns would be exempt from the restrictions while their lawns were in the process of being established.

MOTION *Dave Blackburn moved to approve Ordinance No. O 18-2004, an Ordinance regulating alternate day use and defining prohibited hours for outdoor sprinkler irrigation use in Eagle Mountain City. Vincent Liddiard seconded the motion. Ayes: 5— Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen Nays: 0. Motion passed.*

11. Public Hearing on the General Plan Amendments including Future Land Use Plan:

Shawn Warnke discussed the Valley View Annexation that was located between North and Meadow Ranch. It was necessary to identify the future land use for this parcel as it was outside the city limits and The Planning Department and Planning Commission had recommended that the land use be Country residential.

Mayor Bailey opened the Public Hearing at 8:00 pm and invited the public to comment on the topic.

Shauna Johnson, resident commented on the zone change and that didn't believe that the proposed zone would be compatible with the existing subdivisions.

Mayor Bailey announced that there was an extreme storm with hail and flash flooding. Residents were welcome to stay and comment on the future land use; however, the Public Hearing would be continued until the next meeting and resident could reserve their comments until that time.

Rick Knolton, resident expressed his concern regarding the zoning of Valley View and the impact that it would have on Tickville Wash. It was his opinion that if the wash became part of resident's property and yards it would have a negative impact on wild life and possibly affect the natural flow of water if it was altered. Mr. Knolton asked that the Council consider placing a restriction on the gulch not allowing it to become part of residential lots.

Mayor Bailey responded that there already existed a number of lots that were part of the gulch which had restrictions on them.

Mr. Knolton briefly discussed the history of Tickville Wash. Linn Strouse stated that she would like to know more about the history of the Wash.

Wendy Naphan stated that is was interesting that a zone was being established for the development rather than the conforming to the existing zoning. Mrs. Naphan didn't approve of the development and believed that it wasn't compatible.

Jim Smith, resident commented on the lot sizes and asked that the Council consider requiring larger lots for the Valley View project as 1/3 acre was too small and didn't fit in with the feeling of the other developments in that area. Mr. Smith recommended maintaining the same zoning and a 1/2 acre minimum lot size.

Ken Hixson, resident stated that he was well informed with development and the zoning but suggested explaining the zoning for the other residents.

Mayor Bailey commented that the zoning was Country Residential which was not new zone.

Discussion ensued regarding the zoning for the Valley View development. Jerry Kinghorn recommended closing the current Public Hearing opening the hearing for the Valley View Annexation.

Mayor Bailey closed the Public Hearing at 8:40 p.m.

12. **Public Hearing on Zoning of property being proposed for the Valley View Annexation (Previously known as Meadow View Ranch Annexation) and Master Development Plan:**

Mayor Bailey opened the Public Hearing at 8:40 p.m.

Seana Johnson, resident stated that she represented the residents in North Ranch and it was there opinion that the development needed to be reasonable and sensible. The majority of North Ranch residents were opposed to the development and believed that it would change the rural nature of there subdivision. Mrs. Johnson requested that her comments be entered into the record. (Copy attached)

Bandon Reall, resident discussed his concern regarding animal rights. Mr. Reall maintained steer on his property and didn't want the worries of encroachment caused by the higher density that was proposed in the new development.

Ken Hixson, resident commented on the building materials for the Valley View project. It was his opinion that the development agreement was ambiguous and encouraged the City Council to obtain a contractual form from the developer articulating their intentions for the project.

David Assay and Julie Wallace, residents echoed Seana Johnson comments.

Mark Zitting , resident discussed the additional traffic that would be generated by the new project and the negative impact it would have on the residents in that location.

Wendy Naphan read a letter on behalf of resident Charlotte Ducos. Mrs. Ducos expressed her concerns regarding the increased density requested that the Council consider a reasonable buffer for the existing community. Mrs. Ducos also addressed the water pressure issue in North Ranch.

Christy Buxton, resident stated that she didn't want the City to make any variances or concessions made for the developer of the Valley View development.

Bonnie Jeppson- resident expressed her support for the residents in North and Meadow Ranch. Mrs. Jeppson believed that large lots should be protected by other larger lots and that an adequate buffer needed to be maintained between subdivisions with smaller lots. It was her opinion that the City Council had a "reputation for cramming in junk" and that the City needed to act now not later to avoid Eagle Mountain City from looking like other cities with inadequate buffering. Mrs. Jeppson asked that the residents of North and Meadow Ranch support the residents of Lake Mountain Road if and when similar situations, with respect to development, arise.

Mayor Bailey adjourned the hearing at 8:40 p.m.

Linn Strouse stated that she would like to have more information regarding the 45' lots that Mrs. Jeppson referenced in her comments.

Mayor Bailey thanked the audience for their civil and respectful behavior during the hearing.

13. **Consideration and approval of Water Conservation Plan for Eagle Mountain City:**

This item was tabled.

14. **Consideration and approval of an Ordinance amending the Subdivision Ordinance of the Eagle Mountain Development Code:**

Shawn Warnke discussed the amendments to the Subdivision Ordinance of the Development Code. The Council considered the amendments and recommended approval.

MOTION *Vincent Liddiard moved to approve Ordinance No.O 19-2004 an Ordinance amending the subdivision Ordinance of the Eagle Mountain City Development Code. This Ordinance is to be adopted and not enacted at this time and that the text in Title II is approved as drafted. Diane Jacob seconded the motion. Ayes: 4- Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob Nays: 0. Motion passed. Mark Madsen was not present to vote.*

15. **Consideration and approval of a Resolution amending the Eagle Mountain City Consolidated Fee Schedule for the purpose of establishing rate change for the gas and electric utilities and fees for as-builts due at time of excavation and inspection fees:**

Mark Sovine presented the recommended rate changes for gas and electric utilities. Mayor Bailey noted that the as-built fees were being tabled, however the other changes were recommended in the budget. The recommended increase for the electrical base fee was from \$5 to \$10 per month, the user rate would remain the same. The gas rate would increase from \$5.91 to \$6.50 per month.

MOTION *Vincent Liddiard moved to approve Resolution R 13-2004 amending the Eagle Mountain City Consolidated Fee Schedule for the purpose of establishing rate change for the gas and electric utilities; \$6.50/decatherm for gas and \$10 base rate plus .0911 cents per kilowatt hour. Dave Blackburn seconded the motions. Ayes: 4- Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.*

Dave Blackburn requested that the change be noted in a new letter to the residents also indicating that the City rates were cheaper than other cities. Mayor Bailey stated that he was working on it. Mark Sovine noted that the rates were not cheaper but comparable to other rates.

16. Consideration and approval of an Ordinance repealing Ordinance No. O 05-2001, sections 2.3.1.1, 2.3.1.2 and 2.1.1.3 of Eagle Mountain City Development Code regarding alternate members to the Planning Commission:

Shawn Warnke explained the purpose of this ordinance.

MOTION *Linn Strouse moved to approve an Ordinance repealing Ordinance No. 05-2001, 2.3.1.1, 2.3.1.2 and 2.3.1.3 of Eagle Mountain City Development Code regarding alternate members to the Planning Commission. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Nays: 0. Motion passed. Mark Madsen was not present to vote.*

17. Consideration and approval to waive the impact fees for the Ranches Charter School:

Mayor Bailey stated that this item had been before the Council at a previous meeting but hadn't been acted on. The intention was that all impact fees would be waived for public schools but the Charter School wasn't included in a motion that formalized the City's objective.

MOTION *Vincent Liddiard moved to approve the waiver of impact fees for the Ranches Charter School. Linn Strouse seconded the motion. Ayes: 3 – Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 1 – Diane Jacob. Motion passed. Mark Madsen was not present to vote.*

Diane Jacob voted nay and requested that her comments from a previous meeting be added to this record:

Diane Jacob suggested those figures should have been provided to Council before a decision was made. She stated she would have liked to see the staff recommended figures included in the Council packet and requested that this type of information always be included in the future. Since there will be some impact on the community she believes that some of the impact fees should not be waived.

18. CONSIDERATION FOR ADOPTION OF A SECOND SUPPLEMENTAL ASSESSMENT ORDINANCE amending and supplementing Supplemental Assessment Ordinance No. 99-07 adopted on May 10, 1999; confirming and approving a new assessment list and reaffirming the levying of an assessment against certain properties in Eagle Mountain City, Utah Special Improvement District No. 98-1, Utah County, Utah for the purpose of refinancing the costs of constructing roads, acquiring easements and installing sewer, water, telecommunications, electrical and gas utility improvements, constructing park and landscaping improvements, replacing above ground electric transmission lines with underground electric transmission lines, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (the "Improvements"); amending the assessment prepayment provisions; reaffirming the establishment of a Reserve Fund and Stabilization Reserve Fund; establishing the effective date of this Second Supplemental Assessment Ordinance; and related matters:

Jerry Kinghorn advised the Council that if they approved the Assessment Ordinance that the City would not accept any prepayments for the assessment between July 15 and September, 2004. The title company would escrow the prepayments and send them to the City after September 1, 2004 after the bonds closed. The staff had also been advised not to accept any prepayments until the bonds had closed.

MOTION *Dave Blackburn moved to approve Ordinance No. O 20-2004, a Second Supplemental Assessment Ordinance amending and supplementing Supplemental Assessment Ordinance No. 99-07 adopted on May 10, 1999; confirming and approving a new*

assessment list and reaffirming the levying of an assessment against certain properties in Eagle Mountain City, Utah Special Improvement District No. 98-1, Utah County, Utah for the purpose of refinancing the costs of constructing roads, acquiring easements and installing sewer, water, telecommunications, electrical and gas utility improvements, constructing park and landscaping improvements, replacing above ground electric transmission lines with underground electric transmission lines, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (the "Improvements"); amending the assessment prepayment provisions; reaffirming the establishment of a Reserve Fund and Stabilization Reserve Fund; establishing the effective date of this Second Supplemental Assessment Ordinance; and related matters. Vincent Liddiard seconded the motion. Ayes: 4— Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.

19. **Consideration and approval of the General Floor Plan Design and Elevations for the Utility Administration Building:**

Korey Walker discussed the general floor plan design and elevations for the Utility Administration Building. Mr. Walker stated that the contract was for phase 1 which includes the concept plan layout; phase 2 will be the design of the building and phase 3 will be the construction of the building.

Dave Blackburn expressed his concern regarding the placement of the elevator and its close proximity to the basement stairs. It was his opinion that this was a safety issue that needed to be addressed.

Korey Walker stated that they would look into altering the placement of the elevator.

Diane Jacob asked whether the outside reading area for the library would be covered.

Korey Walker responded that it wouldn't be covered but would have some landscape design that would prevent small children from running into the parking area.

MOTION *Dave Blackburn moved to approve the General Floor Plan Design and Elevation for the Utility Administration Building. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.*

20. **Consideration and approval of a Resolution recognizing the flag of the former South Vietnam as the official flag representing the Vietnamese-American Community in Eagle Mountain City:**

This item was discussed after item 10.

Thuan Huynh commented on the South Vietnamese Flag stating that it represents the people who left Vietnam and they had nothing else to share but their flag.

Jerry Kinghorn added that the resolution is symbolic in that it recognizes these Vietnamese individuals and that there were no binding commitments; many other cities have similar resolutions.

Mayor Bailey stated that the City would recognize any flag.

Linn Strouse stated that Eagle Mountain City had a rich tapestry of cultures and that recognizing the South Vietnamese flag is a great way to honor these people. Mrs. Strouse also thanked the Vietnamese Community for participating in the Pony Express Parade.

Harry Bakken, resident expressed his concern regarding any repercussions that this would cause and wondered what the City was getting into by recognizing this or any other flag.

Mayor Bailey stated that the City would recognize any flag and that the City wasn't committing itself to anything other than acknowledging it.

Mark Madsen: "I certainly support this. The list of Cities that have already adopted something along these lines... fifty Cities through out the Country. And I... Frankly, I will speak just for myself, and I don't want to taint anything that Tom is doing or his group is doing, but I wish we could take a shot at the North Vietnamese government cause I, there is a socialist, communist socialist government that has enslaved that country for 30 year and the facts are that the people that left during that period of time were escaping tyranny and it is proper to identify the United States as a place where people in complete tyranny can come and find refuge and find a life and make a life for.. become Americans and I really want to applaud those people who have come and made the American dream there and commiserate with them for what was done to their country by communists and if we can't call a spade a spade if we're going to run away because some we have a tendency in this city to have disgruntle folks run to the media and try and turn up some kind of dissension. I for one I don't think the Council should run away from that and I for one would never run away from that and I just want to put my comments on the record that I have a great deal of respect for the people that have opposed the socialist regime there many of them were U.S. soldiers who went over to fight that battle and many were fighting on their own land. I think they should be honored; I think this is the least that we can do, this is the most benign way we can show respect to the Vietnamese American community in our City.

MOTION *Diane Jacob moved to approve Resolution R14 – 2004 recognizing the flag of the former South Vietnam as the official flag representing the Vietnamese-American Community in Eagle Mountain City. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen, Nays: 0. Motion passed.*

21. **Consent agenda:**

A. Contract change order

1. Sweetwater Road Extension, 2004 (CO No. 6), Terry Larson Excavating

B. Partial payment

1. Sweetwater Road Extension, 2004 (PP No. 6), Terry Larson Excavating
2. Ranches Irrigation Line, 2001 SID, Landscape Architect

MOTION *Diane Jacob moved to approve the consent agenda. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.*

22. **Motion to recess in to a closed executive session for the purpose of discussing personnel issues, potential litigation and/or public safety:** Not Applicable

23. **Motion to close the closed executive session and reconvene in to open session:** Not Applicable

24. **Any actions from the closed executive session:** None

25. **Other business:**

Mayor Kelvin Bailey stated that Korey Walker and Mark Sovine have created a list for the Bond to improve Eagle Mountain Blvd. They have identified a number of projects to be completed. Mayor Bailey stated that Council is to take action and approve or deny this list of projects. All projects may not be completed depending on the outcome of the bids.

Jerry Kinghorn stated that this will need to be noticed and put on the August 3, 2004 agenda.

Mayor Bailey stated that the Meadow Ranch east entrance settlement will not be deeded. Mr. Kinghorn stated that the wording on the easement deed agreement has been changed and is in the process of being executed by the property owners.

26. **Adjournment:**

MOTION: Vincent Liddiard moved to adjourn the meeting at 10:00 p.m.

APPROVAL: Mark Madsen DATE: 9/7/04
Mayor Pro-Tem Mark Madsen

This certifies that the minutes of
20-July 2004 are a true, full and
correct copy as approved by the
City Council on 24-AUG-2004 SCC.Mtg.
Signed: Paul B. Valentine, cmc
City Recorder