

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
August 21, 2001**

CLOSED EXECUTIVE SESSION 4:00 P.M.

MOTION *Dave Albrecht moved to recess into a Closed Executive Session @ 5:46 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Mark Lofgren, Brigham Morgan, John Newman and Janet Valentine.

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session and recess into the Work Session @ 6:32 p.m.*

POLICY SESSION 7:00 p.m.

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

1. **Roll Call:**

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan and Mark Lofgren.

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
Fire Chief:	Robert DeKorver

Others present: Grant Gifford, Sundance Homes; Brian Haskell & Jessa Schalich, The Ranches; Chris Kofoed, resident, Tracy Grover, resident; Marcie Taylor, resident; Doug Gwilliam, resident; Jody Hooley, resident; Josh Elledge, resident.

2. **Pledge of Allegiance:**

Grant Gifford led the Pledge of Allegiance.

3. **Approval of Minutes:**

MOTION *Brigham Morgan moved to approve the minutes of July 31, 2001 as amended. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

None.

5. **Appointments:**

None.

6. **Public Notices:**

None.

7. **Public Comment:**

None.

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

The Council considered Ordinance # O 13-2001.

MOTION *Brigham Morgan moved to approve Ordinance # O 13-2001, an Ordinance Regulating Large Public Assemblies, Requiring Licensing of and Providing Regulation of Outdoor Public Assemblies of Thirty Persons or More; Stating the Purpose of the Ordinance, Requiring a License; Requiring that the Application for a License Contain Certain Fact Disclosures, Insurance and a Cash Deposit; Regulating Alcoholic Beverages and Containers; Providing Enforcement Measures; Declaring Severability of Provisions; and Providing an Effective Date. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

9. **Review and possible revisions of Ordinance No. O 10-2001, 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 the revisions to Ordinance # O 10-2001.

Mayor Paul Bond and Mark Lofgren were opposed to the approval of the Ordinance as presented. It was their opinion that the ordinance had been rushed through and not given enough deliberation and needed additional modifications.

Jody Hooley, resident, questioned the reference to "weeds" in the ordinance and stated that a definition needed to be added to the motion or included in the ordinance. Mrs. Hooley also expressed concern with respect to the definition of "Junk" outlined in the ordinance. Mrs. Hooley inquired whether people would be restricted from recycling, as the storage of certain materials would be prohibited. It was her opinion that the ordinance was an infringement of the residents' property rights.

Mayor Paul Bond stated that this ordinance was passed with too much haste, which he considered to be bad judgment on behalf of the Council.

Brigham Morgan commented on the success and positive changes that had transpired since the ordinance had been enacted. It was his opinion that it was necessary to acknowledge these facts.

Marcie Taylor, resident, recognized the need for clean up within the city, however, CC&R's were in place to deal with beautification. Mrs. Taylor agreed with Mrs. Hooley regarding the definition of weeds. It was necessary to distinguish between weeds and natural vegetation.

John Newman commented on the designated open spaces in the South Service Area that were in need of attention and explained that the original intent, as per the master developers, was that the locations would be landscaped and maintained by residents. This premise was a frustration for the City as the City would

eventually have to take care of the problem and the necessary funds weren't available. The City would need to solicit the help of the residents to clean up and maintain the open spaces.

Dave Albrecht recommended tabling the revisions to the ordinance and directed the City Attorney to make any necessary additions.

MOTION *Dave Albrecht moved to table the Ordinance until the Staff can revisit and redefine issues that had not been identified. Brigham Morgan seconded the motion. Ayes: 3, Nays: 1. Motion passed.*

10. El Dorado Village Concept and Density Transfer:

Shawn Warnke commented on the El Dorado Village Concept Plan. The Ranches were proposing an amendment to their Master Development Agreement that would allow them to transfer densities to the proposed elementary school and park area. The density transfer would require the site to be rezoned from open space to a residential zone.

Brian Haskell, The Ranches, commented on the proposal. The Ranches requested that the Council consider the plan first then address the transfer once all other issues were addressed. Mr. Haskell added that the roads in the development would be private, however, they wouldn't be gated.

John Newman questioned the lost density and whether it was a result of City action or developer decision. Brian Haskell responded that it was a little of both. Mr. Newman noted that if the City had mandated the change and caused the development to amend the density, then it wouldn't be necessary to transfer the density. Mr. Newman added that the original plan was for 15 acres with residential units. The new proposal added more units in the power corridor. It was his understanding that there would be 45 units. The City wanted to make The Ranches whole for the donation of the land for the Fire Station; however, they were unaware that The Ranches had changed the number of units to 200.

Mr. Haskell stated that it was a great location to add the density and they had no doubt that it would be lower than what was approved in the Master Development plan. Mr. Haskell noted that the Fire Station and the park would surround the subdivision.

Discussion ensued regarding density and what was proposed in the surrounding areas. The Ranches did not own some of the land in the surrounding areas and the landowners were not interested in selling the property.

Mayor Bond expressed his concern with the high density and questioned where and when it would end? The increased density would also create additional traffic in that location. Mayor Bond also inquired whether future residents would be sold property based upon what was represented in The Ranches Master Plan.

Grant Gifford, Sundance Homes, stated that residents had been advised that there was a possibility that this development would take place. Brian Haskell stated that The Ranches would meet with existing homeowners to discuss the development. Mr. Haskell was aware that some of the residents would be opposed to the project. Property owners within 1000 feet would be noticed. Jessa Schalich, The Ranches, added that some people would just miss the 1000 feet requirement and wouldn't be notified.

Mayor Bond was opposed to the density and the number of people it would generate in a small location.

Jerry Kinghorn noted that the City had a moral obligation to see that The Ranches received the density they expected, however, they needed to make it compatible.

Jody Hooley, resident, commented on the compatibility issue and that all of the developments needed to be well suited, both agricultural and residential. It was her opinion that this was not a compatible project.

Brian Haskell stated that residents in Rush Valley were aware of the proposed density for that location.

Mayor Bond commented that residents generally got upset when developers changed their plans and amended their Master Plans. Mayor Bond wanted to know if the developer would be willing to have community meetings prior to the approval process. Mr. Haskell responded that they would and that they would be willing to add buffering, which would have to be determined. Mr. Haskell also stated that The Ranches was not trying to take advantage of the situation. The Ranches was interested in getting the density that had been approved and this location was originally designated for high density.

Mark Lofgren believed that the issue would need to be revisited.

Dave Albrecht stated that credibility was an issue. Most individuals looked at the maps in the developer's sales offices and that all conversions and amendment should be noted as such to avoid misconceptions. When this was not done it affected the developer's credibility. It was also his opinion that The Ranches should notice far beyond the required 1000 feet to insure that all residents were aware of the changes. Mr. Albrecht had no problem with the development once it was done properly and had sufficient buffering.

Bert Ankrom agreed with Mr. Albrecht.

Brigham Morgan questioned whether it was an appropriate use of density. The location of the mink ranch was an additional concern as it would be located next to high density housing without a buffer zone.

Brian Haskell stated that the owner of the mink farm had agreed to relocate the farm. It had always been his intention to move once the development was underway.

Brigham Morgan requested that the agreement referred to by Mr. Haskell be verified.

Mayor Bond stated that he would like to see additional parks.

Mr. Haskell stated that The Ranches believed that it was a good use of density in that location. The Ranches would notice the public in that area and solve any issues prior to their application. However, they wouldn't change their maps, as they didn't know what they could have approved in some of the locations.

11. Consideration to approve Amended CC&R's for the Kennekuk Subdivision:

MOTION *Brigham Morgan moved to table the Amendments to the CC&R's for the Kennekuk Subdivision as the developer wasn't present for the discussion. Mark Lofgren seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

12. Ruby Valley, Plat B: This item was tabled.

- a. Parks/Trails/Open Space
- b. Set Backs
- c. Roads

13. Eagle Mountain Properties – Capital Facilities: This item was stricken from the agenda.

14. Tickville Wash Repair Bid:

Korey Walker discussed a bid for the installation of a box culvert at Tickville Wash under Ranches Parkway. Mr. Walker stated that The Ranches intended to borrow the funds from the City to repair the Wash and then repay the debt over a two-year period as per Scott Kirkland. It was necessary to make the repairs now and a letter would be sent to the City from The Ranches stating their intentions. The bid would be awarded to Valley Asphalt, which would include landscaping completed by Golden Landscaping.

MOTION *Brigham Morgan moved to award the bid to Valley Asphalt for a total of \$101,500, contingent on the receipt of a letter from The Ranches stating that the debt would be paid back in two-years. Mark Lofgren seconded the motion. Ayes: 3, Nays: 1. Motion passed.*

15. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. North Interconnection Substation 1000 kV Transformer (Order No. 1), Royal Utilities Supply
- c. Partial Payment Requests
 - i. North Substation-2000 Gas & Electric Revenue Bond, Even Grade Construction, LLC
 - ii. Ranches & Pony Express Parkway Landscaping – Area 1-2000-1 SID, Golden Landscaping
 - iii. Meadow Ranch Park West-2000-1 SID, Nuszer Kopatz
 - iv. Paul Evans Trailway-2000-1 SID, Nuszer Kopatz
 - v. Pony Express Parkway East-2000-1 SID, Nuszer Kopatz
 - vi. Ranches & Pony Express Landscaping-2000-1 SID, Nuszer Kopatz
 - vii. Red Hawk Ranch Park-2000-1 SID, Nuszer Kopatz
 - viii. North Substation-2000 Gas & Electric Revenue Bond, RME
- d. Partial Bond Releases
 - i. Liberty Farms Subdivision (Release No. 3), Dakota Homes
 - ii. Ash Point Subdivision (Release No. 2), Salisbury Homes

MOTION *Dave Albrecht moved to approve the Consent Agenda items as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

16. Other Business:

- a. Partial Payment Request for Installation of Three New Generating Units, Lamb Engineering.

MOTION *Brigham Morgan moved to approve a Partial Payment Request for the Installation of Three New Generation Units from Lamb Engineering. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

- b. Change Order for Wood Poles for 13kV Transmission Line, JH Baxter & Co.

MOTION *Dave Albrecht moved to approve the Change Order for Wood Poles for a 13kV Transmission Line for JH Baxter & Co. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

There was no executive session.

18. Motion to Reconvene in to Open Session: NA

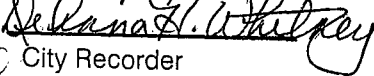
19. Any Actions from the Closed Executive Session: NA

20. Adjournment:

Brigham Morgan moved to adjourn the meeting @ 9 p.m.

APPROVAL: 
Mayor Paul R. Bond, Jr.

DATE: 9/19/01
This certifies that the minutes of 8/21/01 are a true, full and correct copy as approved by the City Council on 9/18/01

Signed: 
Deputy City Recorder