

**MINUTES OF TOWN COUNCIL WORK SESSION
TOWN OF EAGLE MOUNTAIN, UTAH**

2218 East Valley Drive
Eagle Mountain, Utah
September 21, 1999

**W O R K S E S S I O N - N o A c t i o n T a k e n -
4 : 3 0 t o 6 : 3 0 p . m .**

Staff members present: Mayor Robert Bateman; Bill Chipman; Dan Valentine; John Newman; Ken Leetham; Korey Walker; Shawn Warnke; Janet Valentine and Fionnuala Kofoed. Jerri Wilson arrived at 4:45 p.m.; Cyril Watt arrived at 4:55 p.m. and Diane Bradshaw arrived at 5:05 p.m.

Others Present: Bob Lynds; Jim Peterson; James Dahl and Russ Rosander.

ALL ITEMS WERE DISCUSSION ONLY.....NO DECISIONS OR ACTION WAS TAKEN

1. Warrant Register:

The Warrant Register was briefly discussed at the end of the Work Session Mtg.

2. Partial Bond Releases:

- A. Crittenden Corner
- B. Chimney Rock
- C. Rockwell Village
- D. Mountain View, Phase II
- E. Meadow Ranch, Plat 4

There were no questions concerning these items.

3. Release of monies to Utah Power from the Ranches SID 98-1, for conversion of Utah Power line along the Lehi /Fairfield Road from overhead to underground:

Korey Walker briefly discussed the release of these funds

4. Bid Award for Landscaping Project - Eagle Mountain Properties, SID 98-3:

This item was stricken from the Agenda

5. Preliminary Class II Approvals:

- A. O'Fallon's Bluff - The Town Council was informed that this is an amended Preliminary that is part of Three Crossing Subdivision in the Ranches Development

6. Final Class II Approvals:

- A. Overland Trails, Phase IV & V - This item was briefly discussed & the Town Council was informed that this development had previously been presented to the Council and the developer removed the Commercial Site as requested.
- B. Eagle Point, Plats G & H - Ken Leetham said that Plats G & H were previously approved but will be before them again at this evening's Policy Session because they have been amended

7. Eagle Mountain Development Plan Public Hearing:

8. Wayne Patterson request for Bond Release:

This item was stricken from the Agenda

9. Overland Trails, Phase II Development Agreement:

This item had a Preliminary Approval in 1997.

Eagle Mountain, Utah

10. **Capital Facility Plan:**
This information is only to update the Council; a public hearing will be set to revise the Capital Facility Plan.
- 10.1 **Impact Fee Reduction:**
This item was stricken from the Agenda
11. **Temporary Occupancies:**
12. **Eagle Mountain Blvd. Trail System Project Proposal:**
Jim Peterson would like the Town to assume all maintenance for the trail if Eagle Mountain Properties installs it
13. **Bonding Considerations:**
14. **Lot Split Requirements:**
The meeting ended @ 5.35 p.m.

Eagle Mountain, Utah

Approved: *Robert E. Bateman*
Mayor Robert E. Bateman

Date: 10-19-99

Work Session This certifies that the minutes of
Sept. 21, 1999 are a true, full and
correct copy as approved by the
City Council on Oct. 19, 1999.
Signed: *Janet B. Valentine*
City Recorder

MINUTES OF TOWN COUNCIL MEETING POLICY SESSION
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr.
Eagle Mountain, Utah
September 21, 1999

TOWN COUNCIL MEETING POLICY SESSION
Eagle Mountain Community Center, 1668 East Heritage Drive, Eagle Mountain.

1. **Roll Call:** Mayor Robert Bateman called the meeting to order at 7:00 p.m.

Council members present: Diane Bradshaw, Bill Chipman; Dan Valentine. Cyril Watt arrived at 8:45 p.m.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Shawn Warnke
Town Recorder: Janet Valentine
Recording Secretary: Fionnuala Kofoed

Others present: Bob Lynds, the Ranches; Jim Peterson, Eagle Mountain Properties; James Walkins and Mike Wren, MCM Engineering; John Walden; Mark Lofgren, resident; Brigham Morgan, resident; Eldon Fletcher, resident; Greg Kehl, resident; Tiffany Shapiro, resident; Jenny Elledge, resident; Jim Peterson, Eagle Mountain Properties (EMP).

2. **Pledge of Allegiance:**

Deputy Jo Murphy led the Town in the Pledge of Allegiance.

3. **Approval of Agenda:**

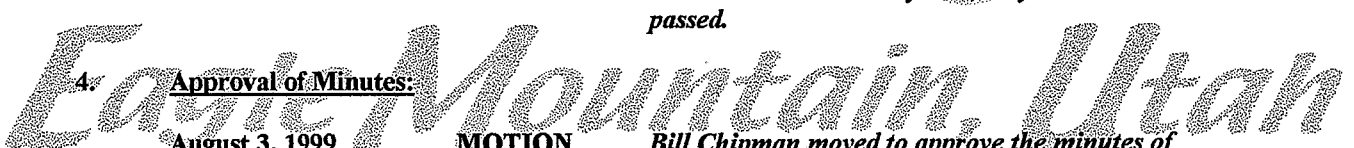
MOTION *Bill Chipman moved to approve the Agenda. Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.*

4. **Approval of Minutes:**

August 3, 1999 **MOTION** *Bill Chipman moved to approve the minutes of August 3, 1999 as amended. Diane Bradshaw Seconded. Ayes: 4, Nays: 0. Motion Passed.*

August 24th, 1999 **MOTION** *Diane Bradshaw moved to approve the minutes of August 24th, 1999 as amended. Bill Chipman seconded. Ayes: 4, Nays: 0. Motion Passed.*

September 7th, 1999 **MOTION** *Diane Bradshaw moved to approve the minutes of September 3rd, 1999 as amended. Dan Valentine seconded. Ayes: 4, Nays: 0. Motion Passed.*



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

- Arts Council will meet September 22, 1999, 7 p.m. @ the Community Center
- ABC meeting with the Alpine School District to discuss bussing issues, September 22, 1999, 7pm @ the Community Center
- Public Works Board meeting, September 22, 1999, 6 p.m. @ the Community Center
- Meet the Candidates Night, September 29, 1999, 7 p.m. @ the Community Center

6. **Appointments:**

There were no Appointments

7. **Public Notices:**

There were no Public Notices

8. **Bid Award:**

This Item was stricken from the agenda

9. **Public Comment:**

Paul Bond, resident, had two items; the first item was a safety issues regarding people passing on a double yellow line on State Road 73. Mr. Bond inquired about the jurisdiction and if the Town was in a position to do anything about it. Mayor Bateman advised that because it is a state road, the state calls the shots. Jerry Kinghorn added that the Town could have Deputy Murphy write tickets but the state is the primary law enforcement on State Road 73.

Mr. Bond's second comment concerned the progress of the First Responder. Mr. Kinghorn said that the Town is waiting for the o.k. from Lehi City, before the First Responder can be activated

Greg Kehl, resident asked the Council if they would consider allowing candidate signs, for the upcoming Town elections, to be placed on Eagle Mountain Boulevard. Mayor Bateman said that the Town Code doesn't allow the signs to be placed on Eagle Mountain Boulevard but the signs could be put on private property with resident's permission. The Mayor stated that any candidate was welcome to place a campaign sign on his property along S.R. 73.

Eldon Fletcher, 4473 North Osprey Way, expressed concerns about construction equipment that was being stored by Silver Tip Construction, north of his home. Mr. Fletcher said there are safety issues to consider with the children in the area. Korey Walker said that he would contact the company and ask them to move the equipment to a better location.

10. **Public Hearing:**

A. Revisions to the Eagle Mountain Development Code:

Mayor Bateman opened the Public Hearing at 7:25 p.m.

Tiffany Shapiro asked what were the standards regarding chimney flues for a wood burning stove and whether they needed to be bricked. Mayor Bateman asked Jim Peterson for his view concerning the placement of the flue and if it needed to be bricked if on the rear side of the house. Jim Peterson said that it couldn't be front facing and if it was placed on the side it needed to be bricked.

Brigham Morgan, resident, asked what was the percentage of Open Space required in the General Plan. Brigham added that Eagle Mountain Properties had stated on the Internet that it was 40%. Mayor Bateman said that it was 20%; the 40% included yards. Jenny Elledge, resident inquired whether the Open Spaces will be developed or remain natural and who is responsible for

landscaping. Jenny was concerned about the areas that are being destroyed by construction. Mayor Bateman said that the development of Open Spaces depends on zoning and that the developers get credit in three areas:

1. Developed Open Space
2. Natural Open Space
3. Agricultural Open Space

Korey Walker said that it is bonded for the developers to reseed the area with natural vegetation after the construction is completed.

Bill Chipman wanted to review areas not being looked at in the Development Code.

Mayor Bateman referred to the Development Code as follows:

- Page 3.17, the language needed to be amended concerning the Planning commission tabling items.
- Page 11.1 discussed Zero Lot Lines, which would allow people to build up against lot lines.
- Page 12.3 B, Material Treatments, should large lot have different standards than smaller ones

Jerry Kinghorn expressed his concerns regarding the involvement of the Town in architectural taste; he recommended simpler, uncomplicated guidelines that would be easier to enforce. Nick Berg, EMP, recommended leaving things as they are, maintain the benchmark until it is challenged. Brigham Morgan, resident, was also in favor of maintaining the benchmark of design guidelines in the Code. Paul Bond, resident, said he thought we were clarifying items in the Code but it appeared things were being changed. Mayor Bateman maintained that items were being clarified but some specifics were difficult to enforce and thus, need to be changed. Bob Lynds said the City has ultimate control through the CC & Rs.

Mayor Bateman made reference to page 12.3; it was his opinion that we should not allow front loaded garages. John Newman said that this was a safety issue and was in agreement with the Mayor.

Mayor Bateman moved on to the subject of porches, which he requested working with the Planning Commission to come to a resolution. Dan Valentine said pertaining to porches, that we needed to follow procedures and accept the Planning Commission's recommendations unless a council member had a major issue with it. John Newman agreed with Dan and added that the Planning Commission needed to refine this section of the Code.

Mayor Bateman went on to say that chapter 14.1 - Country Residential, needed to be moved to the Master Development Plan section or the Zone Change section.

The Council briefly discussed the densities allowed in zones.

Dan Valentine said he would like the lot splits reviewed. Mayor Bateman said that it was a large enough issue and needed to go through the entire process.

Jerry Kinghorn advised to recess the Public Hearing until September 29th, 1999 at 7:00 p.m. The Mayor recessed the Public Hearing at 8:30 p.m. and said it is to be reconvened on September 29th, 1999 at 7:00 p.m.

11. Preliminary Class II Approvals:

A. O'Fallon's Bluff (R-6 N-4 & 5)

Bob Lynd's briefly discussed O'Fallons Bluff and said that this was the amended Preliminary Approval with some topography changes and a road re-alignment.

Korey Walker felt comfortable with the new changes.

MOTION

Bill Chipman moved to approve O'Fallon's Bluff Preliminary Approval subject to the following:

1. *That a vest pocket be constructed for Lot 288 to provide safer access to the property.*
2. *That the easement behind Lot 296, 297, 298, 299 & 300 should be removed at final plat.*
3. *That no occupancy of the subdivision be allowed until sufficient capacity is available in all the utility systems.*
4. *A conduit for each lot being installed for future fiber optics.*
5. *That the Final Plat will show natural open space dedicated to the Town.*

Diane Bradshaw seconded. Ayes: 4, Nays: 0. Motion passed.

12. **Final Class II Approvals:**

A. Overland Trails, Phase IV & V

James Dahl presented Overland Trails IV & V, plats that were sent back to the Planning Commission for comment regarding the commercial uses proposed in the southwest corner of Phase 5. Phase 5 has since been revised and now excludes the area previously shown as commercial.

Jerry Kinghorn said there was a special condition with the trellis design.

Mayor Bateman advised that the parking spaces shown needed to be deleted on the plats for phases IV & V.

Diane Bradshaw expressed her concern about the maintenance of the redwood pavilion in the park. Bill Chipman said that the Planning Commission didn't approve the design of the pavilion, what they had approved was the need for a shaded area in the park. Brigham Morgan, resident, thought the idea of wood was great and it could be maintained by the youth in the area for services projects. The wood added variety and beauty to the location. Brigham grew up in California and they never had issues with the wood in the parks there. Diane Bradshaw said that it was recommended by the Salt Lake County Parks and Recreation Department that the Town should not use wood structures in the parks. Dan Valentine said that the climate is different here in Utah and that within a few years there would be a maintenance issue.

Jim Peterson, Eagle Mountain Properties, requested the Council accept this park without the pavilion concept. This park was intended to be a see through park rather than a neighborhood park. Paul Bond, resident, suggested trying the idea and if it doesn't work then don't do it in the future. Bill Chipman said that the pavilion was required in order to provide shade and if there are other suggestions that will accommodate this requirement, the Council would hear them. Dan Valentine recommended planting trees at least 5" in diameter to provide shade.

Eagle Mountain, Utah

Mayor Bateman liked the idea of the trellis and was willing to try it; he added that Eagle Mountain Properties would maintain it.

MOTION

Diane Bradshaw moved to approve the Final Plat Approval For Overland Trails Phase IV & V subject to the following conditions:

1. *Delete parking space on the two plats.*
2. *Delete the trellis design.*
3. *Require 8 (eight) 4" to 5" caliber shade trees.*
4. *All weather 2nd access to Blue Water Road.*
5. *CC&Rs reviewed by town attorney.*
6. *Proposed park equipment reviewed by Diane Bradshaw.*

Dan Valentine seconded. Ayes: 4, Nays: 0. Cyril Watt abstained since he arrived in the middle of the discussion. Motion passed.

B. Eagle Point Plats G & H.

MOTION

Bill Chipman moved to approve the final plat of Eagle Pointe G & H subject to the following Town Staff and Town Engineer recommendations:

1. *The developer and lot owner signing an agreement acknowledging a potential utility capacity problem.*
2. *A conduit for each lot being installed for future fiber optics.*
3. *Compliance with Town Staff and Town Engineer Conditions.*
4. *A Neighborhood Park shall be installed at least .5 acre in size, within the power corridor.*
5. *A budget of not less than \$10,000. shall be provided for the equipment to be installed in the neighborhood park.*
6. *The park size in Eagle Point, Plats I & J may be reduced by an amount equal to the neighborhood park for this phase.*

Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.

13. Eagle Mountain Properties Update\Jim Peterson:

This item was tabled as requested by Jim Peterson.

14. The Ranches Update\Bob Lynds:

Mr. Lynds offered to take anyone on a tour of the golf course. The sod will be laid and finished within six weeks. He introduced Friday's Station. These homes will range from \$250,000 to \$350,000 thousand.

15. Wayne Patterson, Patterson Construction--Request for Bond Releases:

James Dahl addressed the Council on behalf of Wayne Patterson.

Eagle Mountain, Utah

16. **Overland Trails, Phase II Development Agreement Approval:**

Jerry Kinghorn addressed the Council stating that after reviewing the Development Agreement Approval for this phase to insure that it was in compliance with the standard format, he found some punctuation and spelling errors and a deviation from the Code. He recommended the Approval subject to these corrections.

MOTION *Dan Valentine moved to approve Overland Trails, Phase II Development Agreement subject to the editing of punctuation and spelling in both paragraph 2.3 and the eighth line down in 2.4, and striking the last line in paragraph 2.5 replacing it with the standard partial release provision of the Development Code. Bill Chipman seconded. Ayes: 5, Nays: 0. Motion passed.*

17. **Eagle Mountain Capital Facility Plan:**

Korey gave an update on the Capital Facility Plan. He said the goal of updating the Capital Facility Plan is to amend the duration from five years to ten. He will present comments from yesterday's meeting to the Public Works Board tomorrow evening.

MOTION *Dan Valentine moved to set a public hearing on October 19, 1999, on Capital Facility Plan. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

17.1 **Discussion of Possible Impact Fees Reduction for Commercial Development in Town Center:**

This item was deleted from the agenda.

18. **Temporary Occupancies:**

Jerry Kinghorn said there were two major issues:

A. ***The Landing:*** The Town still has the thousand-dollar deposits for homes built in The Landing and would like to use the monies to ensure code compliance on the homes. He also recommended that any excess funds be given to the homeowners for warranty repair work.

B. ***Other Areas:*** There are fourteen temporary permits, eight of which have just been finalized. One home in Cedar Pass Ranch is not in compliance.

Discussion ensued between the Council and Town Attorney. A recommendation was made to have Kent Partridge schedule a meeting with homeowners in The Landing.

19. **Eagle Mountain Blvd. Trail System Project Proposal:**

Jim Peterson gave a brief history behind the Pony Express Regional Park. He said there was a safety issue regarding pedestrian access to the park. He proposed to create a trail from the downtown area to Pony Express Park rather than paving the parking lot as per town requirement. It was Eagle Mountain Properties' (EMP) opinion that they never agreed to pave the parking lot in the first place. Once the trail is in place, EMP requests the Town accept the Pony Express Park. John Walden suggested that the Town and EMP could team together and do something that would benefit the town citizens.

Mr. Walden was concerned about the liability of owning the park. Dan Valentine asked what the issues were. Jim Peterson responded that because of various reasons the park could not be placed

in its original position (some of the land was owned by the L.D.S. Church). Bill Chipman said that EMP had included the park that size in their Master Development Plan. Jerry Kinghorn said that if we talk about this park we need all the facts. Jerry continued that the trail is a great idea and gift to the Town; however, we need diagrams and the design and alignment of the trail and clarifications on right-of-ways. John Newman recommended the plan needed to be reviewed by the Town.

MOTION *Diane Bradshaw moved to direct Korey Walker to work with EMP on the Eagle Mountain Blvd Trail System Project Proposal. Bill seconded. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bateman excused John Newman and Jerry Kinghorn from the meeting.

20. **Bonding Considerations:**

This item was deleted.

20.1 **Lot Split Requirement:**

This item was deleted.

21. **Motion to Approve Consent Agenda Items as Follows:**

- A. Warrant Register.
- B. Partial Bond Releases/Korey Walker.
- C. Monies released from the Ranches SID 98-1 to Utah Power/PacifiCorp.

MOTION *Diane Bradshaw moved to approve the Consent Agenda as amended. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

22. **Department Reports:**

- A. Administration/Airport Advisory Board/Mayor Robert Bateman
 - 1. Consideration to approve a contract with the Bank of American Fork for direct deposit for the Town's employees.

MOTION *Bill Chipman moved to approve the contract with the Bank of American Fork for direct deposit for the Town's employees. Cyril Watt seconded. Ayes: 5, Nays: 0. Motion passed.*

- B. Parks and Recreation/Youth Council/Arts Council/Diane Bradshaw
No reports.
- C. Planning Commission/William Chipman
There will be a joint meeting with the Town Council September 28, 1999 at 7:00 p.m. at the Community Center.
- D. Public Works Board/Daniel Valentine
There will be a Public Works Board Meeting September 22, 1999 at 6:00 p.m. at the Community Center.
- E. Public Safety/Cyril Watt
The Fire Department received an award and Cyril Watt commended Eric Taylor, Eagle Mountain Fire Chief, for a job well done. He said the Fire Department received several awards including the Life Safety Award.

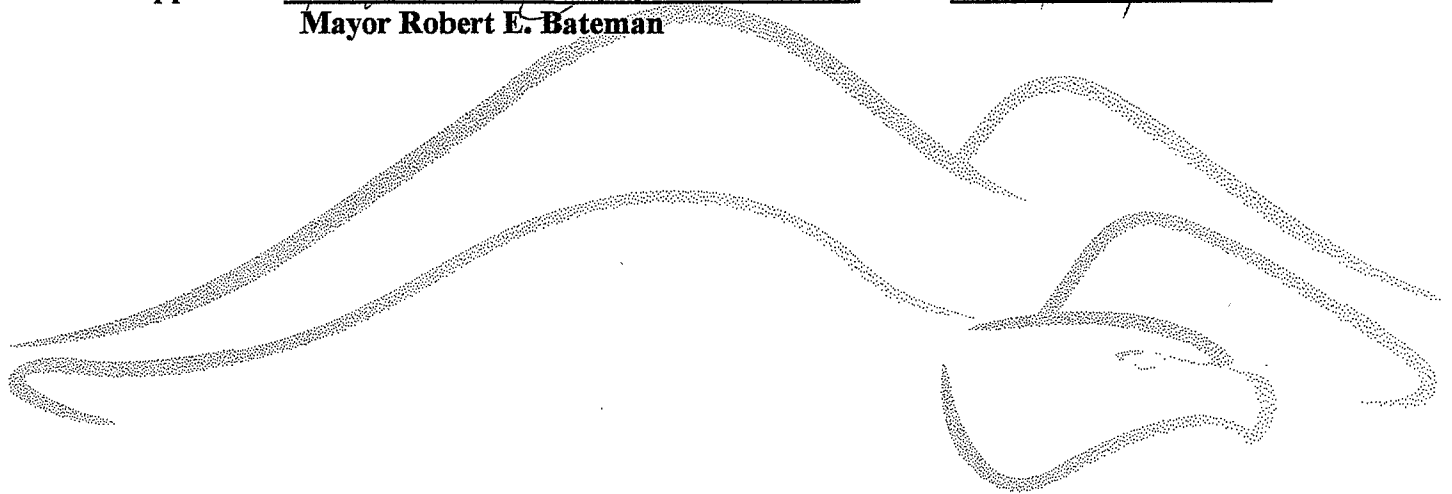
Eagle Mountain, Utah

23. Motion to Adjourn into a Closed Executive Session for the Purpose of Discussing Personnel Issued and Potential Litigation:

MOTION

Cyril Watt moved to adjourn into a closed executive session at 9:30 p.m. for the purpose of discussing personnel issues without resuming an open session. There will be no action taken. Dianne Bradshaw seconded. Ayes: 5, Nays: 0. Motion passed.

Approved: *Robert E. Bateman* Date: 10/30/99
Mayor Robert E. Bateman



Eagle Mountain, Utah

This certifies that the minutes of
SEPT. 21, 1999 are a true, full and
correct copy as approved by the
City Council on OCT. 5, 1999.

Signed: *Janet B. Valentine*
City Recorder