

MINUTES OF THE TELEPHONIC
EAGLE MOUNTAIN CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 21, 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. Consent Agenda
2. Discussion regarding Agreement for Economic Development with U ‘n Utah, L.P.
3. Discussion regarding Valley View
4. Discussion on Signage
5. Items as outlined on the policy session
6. Other business
7. 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

Mayor Kelvin Bailey offered the prayer.

POLICY SESSION – 7:00 p.m.

1. **Call to Order - Roll Call:**

Mayor Kelvin Bailey called the meeting to order at 7:12 p.m.

City Council Present: Mayor Kelvin Bailey, David Blackburn, Linn Strouse, Mark Madsen, Vincent Liddiard, Diane Jacob participated telephonically because of her mother’s grave illness. She phoned in at 7:20 pm.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	Angela Cox
Finance Director:	Gordon Burt
Public Works Director:	Mark Sovine
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard

Others Present:

Maritza Bailey, resident; Elizabeth Nardi, Daily Herald; Kim Blacka, Kaylie Blacka, Kara Blacka, Eagle Valley Elementary School; Bonnie Jeppson, Jody Hooley, Ryan & Amber Price, Lynette Perkins, residents; Rose Bonnell, volunteers; Janet Burningham, Crossroads Journal; Cindy Morris, Bryson Allen, Jennifer Konald, Paul Cuthbert, residents; Maverick Bingham, DB Ranch

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Chris Hillman.

3. **Approval of City Council Minutes (CC Mtg. September 7, 2004):**

MOTION: *(Unknown) moved to approve the City Council Minutes of September 7, 2004. (Unknown) seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

None.

5. **Appointments:**

None.

6. **Public notices:**

None.

7. **Public Comment:**

Bonnie Jepson of Lake Mountain Road expressed her concern with Lake Mountain Road not being maintained properly and the speed control. Rocks are a big concern; residents are getting flat tires constantly. She asked the City to not forget them and maintain the road.

Mark Sovine, Public Works Director, stated that the City is aware of the problem and continued in explaining that the City is looking at options to bring in fill and improve that road.

Kim Blacka spoke on behalf of the Eagle Valley Elementary, the P.T.A., Mr. Connelly, the teacher, faculty and staff and the students. They wanted to thank the City for the work that was done in completing the walking paths and the many crossing guards the City has provided.

Mayor Bailey explained two public comments that were submitted by residents who were unable to attend and asked the full comments to be included in the record.

Mayor Bailey addressed the concerns and stated that the Development Code that is on the Policy Session tonight to be adopted does allow chain link fencing subject to CC&R's. The other issue is that there is a rumor that Wal-Mart wanted to place a neighborhood market and they were denied by the City Council. He stated that this is not true, no discussions have taken place between Wal-Mart and the City; however, the City would love to have them come into the City.

8. **Council Comments:**

Mark Madsen commented on how when decisions are made and they are the wrong decision they hear about it, but if it is the right decision it is lost in history. He stated that it is nice to have the children come up and thank the City. He continued in stating that a couple years back. The City was presented with the option of going in on a power generation plant. At the time they were told that this was something they absolutely needed to do. The City Council decided not to do that. Recently it has come to light that that was a really good decision. That project was supposed to cost \$75,000,000 and it ended up costing \$30,000,000 more than estimated. It is a natural gas fuel electric generation plant which is not very economical in Utah, because of the cold weather. Cities that did opt into that are finding themselves with

huge payments and no benefits. Because it was a contentious issue at the time and a lot of doom and gloom was projected by those who said we should get into. We have avoided getting ourselves into a bad situation by denying that. We may get electricity at a discounted rate because that was not market feasible.

Mayor Bailey commented on Mr. Madsen comments. He stated that the item was voted on January 7, 2002. The vote was Greg and Brigham voted for the project, Mark and Linn voted against and Diane Jacob abstained. Mayor Bailey stated that he broke the tie to not approve the project.

Diane Jacob was not sure what direction the city should head. She had abstained from this vote because she believed all the information needed to make a wise decision was not available.

Vincent Liddiard stated that from time to time the state holds CSPEP exercises (Chemical Stock Pile Emergency Preparedness). He stated that one of the largest chemical ammunition stock piles is just to the west of the city. In order to maintain a state of readiness the Utah National Guard Civil Support Team, the Utah County Sheriff's Department, and the State of Utah Public Safety, and our own Fire Department participates in the states exercises from time to time. Ours was held just a while ago and it was a good experience. He thanked the Fire Department.

Mayor Bailey stated that the City has sent out a press release on the Cities financial status; he asked Chris Hillman to elaborate.

Mr. Hillman stated that financially it has been a good summer for Eagle Mountain City. It started in July with the 2003 audits. The 2002 audits, in the General Fund, showed approximately a \$480,000 deficit. Within one year we were able to turn that into \$730,000 surplus. That is about a 1.3 million dollar turn around in one year. We were able to negotiate a better premium rate on the insurance for our gas and electric bonds. We have been paying about \$800,000 a year to insure those. Because the Cities financial situation is becoming stronger, the record keeping is becoming much better our credit rating has improved. We are now saving \$350,000 a year and at the end of the year with the completion of our '04 audit we will save another \$100,000. We will have saved \$450,000 in just one year. At the last City Council meeting the City refinanced one of its SID bonds. Through that restructuring, refinance we were able to pay down more than \$4,000,000 worth of debt for the City. That was almost a 10% decrease of the overall dept. The City originally \$65,000,000 of outstanding bonds for SID and revenue bonds, in the past three years we have paid off \$12,000,000 of the \$65,000,000 bonds. The City is restructuring another one of its SID bonds that will happen at the end of this year or the first of next year. That will reduce the outstanding bond balance by approximately \$1,000,000 or more. We are also finalizing the sell of the Telecom. When that occurs we will reducing our debt again another \$4,000,000. Financially, Eagle Mountain City is doing much better, we are very secure.

Mayor Bailey stated that the City is working really hard to get the audit done for '04. We are hoping to have that into the auditors by the end of September. The auditor has been in this week trying to accumulate the audit. They are planning to be done by the end of October. According to conversations with the state if we are able to turn in; by the auditors to the state by the end of October we will set a record with the State of Utah for any municipality to submit its records that early.

Mr. Hillman stated that this City has never submitted its audits on time.

9. Military Service Recognition:

None.

10. Citizen Recognition:

The Pony Express Days Committee was recognized and the volunteers who helped them.

11. Pony Express Days 2004 Committee Members Recognition:

Mayor Bailey stated that we had a wonderful Pony Express Days this year and that we had wonderful volunteers. He stated that we had over 10,000 people show up for the events. He stated that we are giving certificates to some of the key individuals; however, we want to recognize everyone who helped out.

He presented awards to Eileen Thompson, Amber Price, Anjanette Lofgren, Ryan Price, Kelly Johnson, Eve Vassette, Ralph Vassette, Jon Malone, D.J. Conger, Carl Minks, Robert DeKorver, and Karma Scott. He also presented plaques to the following individuals: Michelle DeKorver, Mandy Brown, Lynette Perkins, and Wendy Minks.

Mayor Bailey stated that we had a very successful Pony Express Days last year and it is going to be even better this year. Every year we build upon the previous years. He told the audience to be prepared for a really exciting Pony Express Days this next year.

12. Consideration and Approval of an Agreement for Economic Development with U 'n Utah, L.P.

Jerry Kinghorn explained that this agreement is an innovative program to stimulate economic development in Eagle Mountain City. This has taken several months to negotiate with the project sponsors. This is a group that is trying to do a state wide project beginning here in Utah County and beginning in Eagle Mountain City. The agreement provides that they have contacts outside the state of Utah to bring jobs to Eagle Mountain City. He continued in explaining the agreement and what has went into the drafting of it. He stated that this is a win for the City and recommended the City Council to approve it with the amendment made in work session.

MOTION: *Vincent Liddiard moved to approve an Agreement for Economic Development with U 'n Utah, L.P. with the changes agreed upon in Work Session. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

13. Public Hearing on Title I and Title II of the Eagle Mountain City Development Code

A. Open Public Hearing

Mayor Kelvin Bailey opened the Public Hearing opened at 7:35 p.m.

B. Public Comment

No comments were received.

C. Close Public Hearing

Mayor Kelvin Bailey closed the Public Hearing at 7:35 p.m.

14. Consideration and approval of an Ordinance amending Title I and Title II of the Eagle Mountain City Development Code

MOTION: *Diane Jacob moved to approve Ordinance 22 - 2004 Title I and Title II of the Eagle Mountain City Development Code subject to the amendment of adding the Valley View zone and the recommendations made by staff discussed in Work Session. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Mark Madsen stated he was pleased to see this up for a positive vote. This process began a year ago to make the Code clearer than the existing Code. Also to make it Constitutional; there was some illegal taking provisions in there that was not only improper, but left the City open to being sued by developers. The Code has been revised to correct those and to make it more flexible, to allow property owners and the market to make the decisions. He stated that this Code is unique and adds value to the housing product that we will see in the City. We wanted to make it more administrable. He feels that it benefits the home owners and developers, and the people coming before us. He stated that he is grateful for everyone who has added the constructive effort to help this be what it is today.

Diane Jacob stated that this is not her ideal Development Code she would like to see; however, she stated that she believes that they worked together and made compromises to make this work at this time for the best of the City, developers and citizens.

Mayor Bailey stated that for years people have complained that the City has gravitated towards nothing but small lot subdivisions. Not that that will not be possible, but a developer will have as much incentive in the market to do a large lot subdivision as he does to do a small lot subdivision. To properly do a small lot subdivision it will cost more because of the improvements. This encourages larger lots if the market is there. The smaller lots will be nicer products if that is the market. This is creating a smart growth.

15. Public Hearing on establishing a Drinking Water Source Protection Overlay Zone category and establishing a Drinking Water Source Protection Overlay Zone for the Eagle Mountain City Pony Express Well

Mayor Bailey stated that this would create a zone to protect the area around the well and keep contaminants out of the City's water sources.

Jerry Kinghorn explained that this Ordinance establishes chapter 20, in Title 1 of the Development Code. This zone will prohibit certain land uses that will contaminate the ground water resources that we rely on for public water system wells. This zone can overlay any other zone in the City to protect drinking water. This zone is a requirement of the drinking water division of the state of Utah to qualify the Pony Express Well for a drinking water source.

A. Open Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 7:40 p.m.

B. Public Comment

None.

C. Close Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 7:42 p.m.

MOTION: *Vincent Liddiard moved to adopt Ordinance 23 - 2004 establishing a Drinking Water Source Protection Overlay Zone. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion Passed.*

16. Drinking Water Source Overlay Zone Ordinances:

- A. Consideration and adoption of an Ordinance creating enacting Title 1, Chapter 20 of the Eagle Mountain City Development Code establishing a Drinking Water Source Protection Overlay Zone category for Eagle Mountain City**

- B. Consideration and adoption of an Ordinance establishing a Drinking Water Source Protection Overlay Zone for the Eagle Mountain City Pony Express Well over and across certain lands in Eagle Mountain City**

MOTION: *Vincent Liddiard moved to adopt Ordinance O-24 2004, Ordinance of Eagle Mountain establishing Drinking Water Source Protection Overlay Zone for the Eagle Mountain City Pony Express Well. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

17. Valley View Annexation:

Adam Lenhard explained the annexation process. He continued in explaining the location and proposal of the annexation.

- A. Consideration and Enactment of an Ordinance Annexing an Area of Approximately 317.26 Acres commonly know as the Valley View Parcel to Eagle Mountain City, Utah and Establishing Zoning for the annexed land and adjoining land**

MOTION: *Mark Madsen moved to approve Ordinance O-25, 2004 for the annexation of the Valley View Parcel. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

- B. Amend Articles of Incorporation**

MOTION: *David Blackburn moved to approve to Amend the Article of Incorporation. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

- C. Authorizing notices and all other required matters**

MOTION: *David Blackburn moved to authorize notices and all other required matters. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

18. Consideration and approval of an Ordinance of Eagle Mountain City, Utah amending the Eagle Mountain City General Plan

MOTION: *David Blackburn moved to approve an Ordinance amending the Eagle Mountain City General Plan. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

19. Consideration and approval of a Master Development Plan Agreement with Valley View (previously known as Meadow Ranch) Annexation Developer

Jerry Kinghorn stated that three changes have been made. The developer will fund the 650,000 gallon water reservoir and the City will carry funding for the balance based on impact fees collected from other benefited properties, the percentages on the repeated elevations was changed from 10% to 15% and eliminated the provision that was restricted to any certain developer. We also changed the provision respecting the park instead of it having to be built before the 150th unit or within 3 years we created a park escrow fund in the agreement which must be funded by the developer with the recordation of the first subdivision and following prorated after that with the recordation of each subdivision they must deed the land over to the City for the park with the recordation of the second subdivision so that as we go through the process we will have the land and the dollars in the escrow account to improve the required park. I also made some changes to the road connection, the neighborhood streets definition, and the MDP to restrict access into North Ranch to emergency access or other accesses that may be approved by the City Council depending on the need and public interest.

MOTION: *David Blackburn moved to approve the Master Development Plan Agreement with Valley View Annexation Developer. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

20. Final Plat Approval for Lone Tree Plat B

Adam Lenhard explained the location and proposal of Lone Tree Plat B. He continued in explaining the park and trails, including the discovery garden. He explained the conditions of approval.

Mayor Bailey questioned when the park will be completed.

Brian Haskell stated the park will likely be completed in spring or summer of next year. He continued in explaining the park proposal and the idea of the discovery park.

MOTION: *Linn Strouse moved to approve Lone Tree Plat B with a six foot trail through the park. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

21. Consideration and approval of a Resolution authorizing Utah County Housing Authority Programs in Eagle Mountain City

Mayor Bailey explained that this is something that was brought up to the Council before. The contract that was being proposed that this was being allowed because of poor, ugly housing in Eagle Mountain City, the Council would not agree to that and sign the document. It has since been revised.

Chris Hillman explained that there are several families within Eagle Mountain City that is requesting assistance; however, the housing authority can not operate in the City unless the City has passed this Resolution and the people can not receive assistance. This has been proposed before with language the Council was not comfortable, it degraded Eagle Mountain City.

Mark Madsen read the proposed resolution.

MOTION: *Vincent Liddiard moved to approve Resolution R18, 2004. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

22. Award of bid for the project “Administration Building Parking and Offsite Improvements”

Korey Walker explained the proposal.

MOTION: *Vincent Liddiard moved to award the bid for the project “Administration Building Parking and Offsite Improvements”. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

23. Consent agenda

A. Partial payments

1. Sweetwater Roadway Extension, 2004 (PP No. 8), Terry Larson Excavating, Inc.
2. Ranches Irrigation Waterline (PP No. 1), Arrow Engineering
2. Ranches Irrigation Waterline (PP No. 2), Arrow Engineering

MOTION: *Linn Strouse moved to approve the Consent Agenda. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

24. Motion to recess in to a closed executive session for the purpose of discussing personnel issues, potential litigation and/or public safety

22. Motion to close the closed executive session and reconvene in to open session

23. Any actions from the closed executive session

24. Other Business

None.

27. Adjournment

MOTION: *Mark Madsen moved to adjourn the meeting at 8:05p.m.*

APPROVED: _____

Mark B. Madsen

MARK B. MADSEN, MAYOR PRO TEM

DATE: _____

10/5/04

This certifies that the minutes of
21-SEP 2004 are a true, full and
correct copy as approved by the
City Council on 5-OCT 2004

Signed: *Janet B. Valentine, CMC*
City Recorder