

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING
TUESDAY, OCTOBER 5, 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 Animal Control Alternatives
3. Discussion regarding Business Licensing
4. Discussion on Water Conservation Plan
5. Discussion on Restructuring/Refinancing of Revenue Bonds
6. Discussion concerning the Utility Administration and the Utility Operations Buildings
7. Items as outlined on the policy session
8. Other business
9. 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 Vincent Liddiard

POLICY SESSION – 7:00 p.m.

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

Mayor Pro-Tem Mark Madsen called the meeting to order at 7:08 P.M.

City Council Present: David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse, Mayor Kelvin Bailey was excused and returned to the meeting at 8:49 P.M.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Engineer:	Chris Trusty
City Recorder:	Janet Valentine
Deputy Recorder:	Angela Cox
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Peggy Henrie, resident; Janet Burningham, Crossroad Journal; Edith Scott, resident; Becky Mendenhall, Eagle Quest LLC

2. **Pledge of Allegiance:**

Janet Valentine led the Pledge of Allegiance.

3. **Approval of City Council Minutes (SCC Mtg on August 24, 2004 and September 21, 2004):**

MOTION: *David Blackburn moved to approve the minutes of August 24, 2004 and September 21, 2004 as amended. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

Mark Madsen stated that the Ranches Academy will be holding an Open House and invited everyone to attend.

Mr. Madsen also introduced Chris Trusty, Eagle Mountain City Engineer.

- A. Fire Prevention Week – Oct. 3rd to Oct. 9th, 2004
Fire Prevention theme for this year will be “Change the batteries in your smoke detector”

Chief Robert DeKorver stated that most residents believe that just because they have a smoke detector they are protected in the event that a fire was to occur; however the batteries should be changed every six months.

5. **Appointments:**

A. **Board of Adjustments**

The Mayor recommended appointing Jordan Holmes to the Board of Adjustments to fill the vacancy of Randy Oakley’s position.

B. **Planning Commission**

The Mayor recommended John Malone be appointed to the Planning Commission to fill Jeff Love’s term.

C. **Neighborhood Watch Coordinators**

The Mayor recommended Tiffany Ulmer and Lynnette Perkins to be appointed as Neighborhood Watch Coordinators.

MOTION: *Linn Strouse moved to approve the appointments to the Board of Adjustments, Planning Commission and Neighborhood Watch Coordinators as recommended by the Mayor. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Mark Madsen stated that we have new Utah County Sheriff’s Deputies in the City. He invited Sergeant Jo Murphy to introduce the new Deputies.

Sergeant Murphy introduced Deputy Desmond Lomax as the new Deputy in Eagle Mountain City and stated that she is excited to have him as part of the team. She also introduced Detective Greg Knapp. Detective Knapp was a former Deputy with Eagle Mountain City. She also stated that Deputy John Molder who is not present tonight has been working with the City.

Deputy Lomax introduced the RAD for women courses that will be on Thursday evenings 6:30 – 8:00 in the Eagle Mountain City Council Chambers. He encouraged all women to attend.

6. **Public Notices:**

Shawn Warnke stated that the CDBG grant public hearing is pending. He stated that it is just a formality in the grant process.

7. **Public Comment:**

Nicks Spor stated that he is in support of the ATV ordinance. He feels that it will increase safety and that the ATV's are already utilized in the City.

Edith D. Scott stated that she has been recruiting to have people register for the ATV Ordinance. The concerns she is hearing from the people that she is talking to is if the money going to the correct place, law enforcement would be over burden, speeding and child safety, and private property children. People who own two cycles would like to see those included in the ordinance. 98% of those she has contacted are in favor of the ordinance. Ms. Scott stated that she is a semi-environmentalist and she is in support of having the trails mapped out.

Dylan Roebuck stated that he is here in behalf of UP&L. They would like to be included in the process; they are not property owners; however, they have a vested interest.

Peggy Henry stated that she really feels that this would be detrimental to the future of the City. She questioned who will hold the responsibility of posting, and who will maintain the signage. Her house backs the utility corridor and there are ATV's currently using that as a trail, this has caused stress to her and her family. She is constantly calling the Sheriff's; however, they can not respond quick enough to catch the people. Ms. Henry stated that you can not privatize a public right of way. She stated that she moved here to here the birds. She is concerned that we can not control outside usage coming in. She stated her questions of who is going to maintain the trail system, who will bear the cost to the city, and liability concerns.

Becky Mendenhall of Eagle Quest LLC is a part owner on some of the land that the ATV trail goes across. She requested to have more time to discuss this with the other owners of the property before action is taken.

Mark Madsen stated that this is not on the agenda for action tonight and will be renoticed prior to being placed on the agenda for action.

Peggy Henry asked the City Council if this is the legacy they want to leave.

Mark Madsen read comments submitted by a group of residents.

8. **Council Comments:**

Diane Jacob expressed her gratitude to the City for keeping her and her family in their thoughts. She stated that her mother recently passed away and that is the reason she has missed some of the recent City Council meetings.

9. **Citizen Recognition:**

Vincent Liddiard stated that Deputy Jody Scott will be moving from the City. Mr. Liddiard stated that he will be missed and that he is honored to offer him a Certificate of Appreciation. He continued in highlighting Deputy Scott's accomplishments.

Mr. Liddiard also presented a Certificate of Appreciation to Stacey Berg and Keri Basham with the Fire Department and highlighted their accomplishments.

10. **Public Hearing on amending Plum Creek Condominiums Plat A:**

A. **Open Public Hearing**

Mayor Pro-Tem Mark Madsen opened the Public Hearing at 7:49 p.m.

B. **Public Comment**

Adam Lenhard explained the location and proposal. He then highlighted the differences between the approved plat and the amended plat.

Linn Strouse questioned what prompted the changes.

Grant Gifford stated that sales were going very slow, and explained the changes.

Diane Jacob questioned if they were still planning on stucco. Mr. Gifford responded that they would follow the previous approvals requirements.

C. **Close Public Hearing**

Mayor Pro-Tem Mark Madsen closed the Public Hearing at 7:54 p.m.

Mr. Lenhard explained the conditions of approval.

Grant Gifford asked to have relief of an item being the path connectivity between Rock Creek and Plum Creek. Mr. Gifford stated that Rock Creek will not grow into this project for two or two and a half years and the path will not be necessary until that time. Mr. Gifford stated that he would be willing to complete the path with the second phase of Rock Creek or Plum Creek, whichever ever occurs first. Discussion ensued.

Mr. Lenhard stated that the dry utility laterals are resolved.

11. **Consideration and approval of an Ordinance of the City of Eagle Mountain, Utah amending the record plat of Plum Creek Condominiums Plat A and approving the amended Plat of Plum Creek Condominiums Plat A Subdivision:**

MOTION: *David Blackburn moved to approve Ordinance O21-2004 amending the record plat of Plum Creek Condominiums Plat A and approving the amended Plat of Plum Creek Condominiums Plat A Subdivision according to the following recommendations:*

1. **RANCHES APPROVAL & DESIGN GUIDELINE ISSUES.** *That the Ranches review and approve the revised landscape plan and elevations. That there is a higher EAR for the buildings along Pony Express Parkway. That there is a decision is reached regarding fencing for lots 3-4 & 5-6.*
2. **STORM DRAIN PLAN.** *That a new storm drain plan be submitted.*
3. **PARK.** *That the park improvements remain the same and that they are centrally located.*
4. **CITY ATTORNEY APPROVAL.** *That the City Attorney approves the amended declaration of condominium and bylaws and the language of the owner's dedication.*
5. **STREET NAMES.** *That there are two names (to avoid addressing conflicts) assigned to the private drive. That the Rock Creek Road be labeled after the intersection of Plum Creek Circle. That the cross section for C-C is labeled on the plans.*
6. **PLAT.** *That the tab table is updated to reflect the changes to the plat. That the title block bears the name Condominium.*
7. **BONDING.** *That a bond is placed for the new and or existing improvements as required by the City Attorney and Engineer.*

8. **WATER RIGHTS.** *That the water rights are adjusted (that the irrigable acreage be provided for the private areas).*
9. **LANDSCAPE PLAN.** *That a the time frame to complete these improvements is not changed.*
10. **DRY UTILITIES.** *That dry utilities are approved and engineer estimates submitted.*
11. **STORM DRAINAGE.** *That the City Engineer's comment on storm drainage is addressed. That the catch basin west of building M has an accessible lid.*
12. **PEDESTRIAN PATHWAY.** *That the pathway connecting Plum Creek and Rock Creek be constructed with the recording of Rock Creek phase 2 or Plum Creek Phase 2, which ever occurs first.*

Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.

Item number 18 was discussed at this time.

12. Final Plat Approval for Pioneer Addition Phase V (B):

Adam Lenhard explained location and proposal. He also explained the conditions of approval.

Discussion ensued on areas of native vegetation.

MOTION: *David Black burn moved to approve the final plat for Pioneer Addition Phase V (B) according to the following recommendations:*

1. **GRADING PLAN.** *Sheet 4- that a grading plan for lots be submitted; that a typical lot A and lot B be identified (City Engineer to approve).*
2. **STORM WATER.** *Those final storm water calculations are submitted, including inlet capacities and road spreads.*
3. **DICKENS DRIVE.** *That the south leg of Dickens Drive be eliminated. South Independence should continue until the intersection of Revere Way.*
4. **ACKNOWLEDGEMENT.** *That the acknowledgement language be corrected on the plat.*
5. **EFILES & ENGINEER'S ESTIMATES.** *That the e-files for 5b plat, civil, and dry utilities are submitted. That engineering estimates are submitted for all the dry utilities.*
6. **FENCING.** *That a temporary fence be installed around Public Open Space C to protect the native vegetation during construction.*

Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.

13. Consideration and approval of an Administration Contract with FCF (Full Court Financial) to administer IRS 125 Cafeteria Plan:

Chris Hillman explained the contract with FCF, and the benefits to the employees and the City.

MOTION: *Vincent Liddiard moved to approve an administration contract with FCF (Full Court Financial) to administer IRS 125 Cafeteria Plan. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

14. Consideration and approval of Amendment No. 1 to Reimbursement Agreement with BNP Paribas, San Francisco Bank Branch with regards to the Gas and Electric Revenue Bonds, Series 2001:

Chris Hillman explained the process to get to this point and explained the agreement.

MOTION: *David Blackburn moved to approve amendment No. 1 to Reimbursement Agreement with BNP Paribas, San Francisco Bank Branch with regards to the Gas and Electric Revenue Bonds, Series 2001. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

15. **Notice of Award for the project "Eagle Mountain City 2004 Street Improvements":**

Korey Walker stated that he is recommending awarding the project to Staker & Parsons Company.

MOTION: *Vincent Liddiard moved to award the project of "Eagle Mountain City 2004 Street Improvements" to Staker & Parsons Company Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Mayor Kelvin Bailey took his seat at 8:49 P.M.

16. **Consideration to Accept Saddleback Phase A, B, and C and Release the Subdivision from the Warranty Period:**

MOTION: *Mark Madsen moved to accept Saddleback Phase A, B, and C and release the Subdivision from the warranty period. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

17. **Presentation on the Off-Highway Vehicles Trail:**

This item was discussed during work session.

18. **Presentation by Pony Express Elementary Fourth Grade Students:**

Brendan Black and Rylee O'Dell stated that they were presenting a proposal on behalf of Mr. Roque's fourth grade class. The proposal is titled "Work out Eagle Mountain for a stronger healthier Eagle Mountain". They explained their proposal of a soccer/football field encircled by a track. They are looking for grants to fund the project.

Mark Madsen expressed his appreciation to the students for coming and sharing this proposal.

Mr. Roque explained the grants they have found and some of the leg work they have done. Discussion ensued on use of the park and the acreage.

Korey Walker discussed this proposal with the City Council.

19. **Consent Agenda:**

- A. Check register for September 2004
- B. Change Order
 - 1. City Administration Utility Building (CO No. 1), Ellsworth Paulsen
- C. Partial bond release
 - 1. Showdown at Eagle's Gate Plat A (PBR No. 2), Tall Maple Development, LLC
- D. Final bond release
 - 1. Anthem at the Ranches, Phase 3 (FBR), Eagle Mountain Links, LLC

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

20. Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues, Potential Litigation and/or Public Safety:
21. Motion to Close the Closed Executive Session and Reconvene in to Open Session:
22. Any Actions from the Closed Executive Session:
23. Other Business:
24. Adjournment:

MOTION: *Vincent Liddiard moved to adjourn the meeting at 9:02 p.m.*

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: _____

11/14/04

This certifies that the minutes of
10-5-2004 are a true, full and
correct copy as approved by the
City Council on 11-16-2004

Signed: Angela J. O'Neil
Acting City Recorder