

MINUTES OF THE  
EAGLE MOUNTAIN CITY COUNCIL MEETING  
TUESDAY, DECEMBER 7, 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. City Council pictures
2. Discussion concerning state funding for waste water treatment with state water quality
3. Consent Agenda
4. Discussion concerning City contract for the disposal of solid waste services
5. Discussion regarding a contract for professional services with Lee & Smith Law Firm
6. Items as outlined on the policy session
7. Other business
8. Motion to recess in to a closed executive session for the purpose of discussing personnel issues 5:30
9. Motion to close the closed executive session and reconvene in to open session 6:30
10. Adjourn work session at 6:30 p.m.

INTERMISSION

POLICY SESSION – 7:00 p.m.

1. **Call to order - roll call:**

Mayor Kelvin Bailey called the meeting to order at 7:00 PM.

**City Council Present:** David Blackburn, Vincent Liddiard, Linn Strouse, and Mark Madsen.

**City Staff:**

|                        |                       |
|------------------------|-----------------------|
| City Administrator:    | Chris Hillman         |
| City Attorney:         | Gerald Kinghorn       |
| City Engineer:         | Korey Walker          |
| City Engineer:         | Chris Trusty          |
| Acting City Recorder:  | Angela Cox            |
| Recording Secretary    | Angie Ferre           |
| Finance Director:      | Gordon Burt           |
| Planning Director:     | Shawn Warnke          |
| City Planner:          | Adam Lenhard          |
| Public Works Director: | Mark Sovine           |
| Utah County Sheriff:   | Sergeant JoAnn Murphy |
| Fire Chief:            | Chief Robert DeKorver |

**Others Present:** Maritza Bailey, Bonnie Jeppson, Marcie Taylor, Janiece Sloan, Marion Bingham, Wolfgang Frans, residents; Janet Burningham, The Crossroads Journal; Eric Jones, Eagle Mountain Properties

2. **Pledge of allegiance:**

Shawn Warnke led the pledge of allegiance.

3. **Approval of City Council Minutes:**

No minutes were on the agenda for approval.

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

Mayor Kelvin Bailey stated that Diane Jacob has submitted her resignation to the City Council. He stated that she has done a wonderful job in her service to the City. He commended her for her time, energy, and sacrifice that she has given to the City.

5. **Appointments:**

Mayor Kelvin Bailey recommended the re-appointment of Robert Stadel to the Public Works Board.

A. **Public Works Board**

**MOTION:** *David Blackburn moved to appoint Robert Stadel to the position of Public Works Board. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

6. **Public notices:**

Angela Cox stated that a Special City Council meeting would be held on Thursday December 23, 2004 to interview candidates for the open City Council position.

7. **Public comment:**

Bonnie Jeppson stated her concern with the condition of Lake Mountain Road and would like to see it snow plowed. She stated that companies are refusing to deliver packages because of the conditions. Ms. Jeppson also stated her concern with the turnoff on Pony Express Parkway to Lake Mountain Road. She also addressed the animal control ordinance and asked the City Council to not allow dog kennels in residential areas.

Marcie Taylor of Lake Mountain Road stated her concern with the condition of Lake Mountain Road. She stated that the County kept the road up and plowed it in a timely manner. She questioned the engineering of Pony Express Parkway and the turnoff onto Lake Mountain Road. She stated that she has had many close calls. She would like something put in to inform people that that is a turn off.

Frank Wolfgang of Lake Mountain Road stated his concern with the roughness of the road. He stated that it needs some serious maintenance. He asked the City to fix it, stating that if the City has money to build a new City Hall they should have money to repair the road.

Marion Bingham of Lake Mountain Road stated that he brought some pictures to show the council the condition of Lake Mountain Road. Stating he drives that road 15-16 times a day and the rattling is causing problems with his vehicle. He stated that when the road was maintained by the county there were not these kinds of problems. He feels that if the City has enough money for other projects they should have enough money to repair and maintain Lake Mountain Road. He feels the City should make Lake Mountain Road a priority as it was existing prior to the City.

Mayor Kelvin Bailey stated that he will address the concerns stated when they get to the Road Classification item on the agenda.

8. **Council comments:**

Vincent Liddiard welcomed Boy Scout troop #1038. He also stated that today is December 7<sup>th</sup> which is Pearl Harbor day. Councilman Liddiard recognized those who have given the ultimate sacrifice for the freedoms in which we enjoy.

9. **Recognition of five years of service in the Fire Department:**

This item was discussed prior to item 26.

Mayor Kelvin Bailey stated that we have a presentation for five years of service with the Fire Department.

Vincent Liddiard Introduced Fire Chief Robert DeKorver, Deputy Chief Kevin McCarthy, Captain Steve Conger was not able to attend the meeting. He stated that these gentlemen have been with Eagle Mountain City Fire Department for five years. He stated that they have worked hard to progress the public safety in Eagle Mountain City. He then presented them with a certificate of appreciation.

- A. Chief Robert DeKorver
- B. Deputy Chief Kevin McCarthy
- C. Captain Steve Conger

10. **Tuscany Homes presentation of donation to Eagle Park Commons:**

Gary Peterson of Tuscany Homes stated that Tuscany Homes is excited to be a part of all of the exciting things happening in Eagle Mountain. Tuscany Homes is happy to make this donation to the Eagle Park Commons. He stated that they would be willing to make a contribution of time and labor when the time comes. He also thanked Tiffany Ulmer for her time and dedication to this cause. He donated five hundred dollars.

Mayor Kelvin Bailey stated that Tuscany Homes is one of the primary builders in the Town Center, and they picked up were Hubble Homes left off. This is a great contribution and he expressed appreciation for the donation.

Mrs. Ulmer stated that she is very thankful for the donation from Tuscany Homes. She stated that they have been great to work with. Currently the fund is just a little short of the amount needed to order the playground equipment. They are hoping to come up with the money and order the equipment as soon as possible to have it installed by spring. She stated all of the improvements they currently have done.

11. **Consideration and approval to allow the 4<sup>th</sup> grade students at the Pony Express and the 5<sup>th</sup> grade students at Eagle Valley Elementary Schools to name the pass between the North and South Service Areas (the pass is located by the Lone Tree subdivision):**

This item was discussed after item number 6.

Mr. Roque's fourth grade class stated that their project name is unity Eagle Mountain, one City, one heart, two worlds unite. The students explained that our City has been divided geographically into two cities, the City Center, and The Ranches. The City has been separated geographically as well as mentally in people's minds we have bridged that gap geographically with the new road, but in people's minds it still remains separate. The class proposed that the pass on the new road that bridges the two Cities be named Unity Pass. By naming the pass our City will be making a statement in peoples minds.

The class then sang a song that they had written for the occasion and thanked the City Council for listening to their proposal.

Mayor Kelvin Bailey thanked the children and their teachers for their effort to try to find ways, as has the Council, to unify our City. He stated that it is a beautiful site to see that we have children who are aggressively involved in creating unity. He admired each of them for taking the courage to get up in front of the large crowd and share this message. Mayor Bailey stated that he is touched by the children's efforts and that we have a wonderful community and the children have set an example to follow.

**MOTION:** *Mark Madsen moved to accept the children's proposal and name the pass between The Ranches and City Center, located by the Lone Tree subdivision, Unity Pass. Linn Strouse seconded the motion. Ayes: Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Mayor Bailey stated that he has had the fortunate opportunity to work with Alpine School District leaders. Mayor Bailey continued in saying that we are truly blessed to have educational leaders that truly care about more than teaching the children just the basics. He stated that Mr. Roque cares about the children and the community and that shows. He stated that it is a pleasure to know him.

Mr. Roque thanked the Mayor for allowing his class to create a vision. He thanked the parents for bringing the children out tonight.

12. **Report on certification of an annexation petition for Talon Cove:**

Jerry Kinghorn stated that he will take this item for the City Recorder. Mr. Kinghorn stated that we have determined that there are sufficient signatures on the annexation petition to certify the petition to the Council. We will now begin the notice process to Utah County and the affected entities that the City Council certified the petition.

13. **Public Hearing on a grant application to UDOT for funding trails and related landscaping:**

Christopher Trusty stated that the City would like to make application for a grant from UDOT to fund a trail that would run from the City Center area northward up to the area of the SITLA property. This would assist in connecting the trail system

that is already in place. This trail would be 3500'. The trails would include associated xeriscaping on either side of the trail. It would help connect the school to both the area near the roundabout and the area North of SITLA property. UDOT will make a grant for up to \$300,000 and the City must match 20% of UDOT's donation. Mr. Trusty explained the engineers estimate and the portion Eagle Mountain City would be responsible for. He also explained a more distinct layout for the trail and the materials that would be used.

**A. Open public hearing**

Mayor Kelvin Bailey opened the public hearing at 7:52 p.m.

**B. Receive public comments**

No comments were received.

**C. Close public hearing**

Mayor Bailey closed the public hearing at 7:52 p.m.

**14. Consideration and approval of grant application to UDOT for funding trails and related landscaping:**

**MOTION:** *Vincent Liddiard moved to approve the grant application to UDOT for funding trails and related landscape. David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

**15. Public Hearing on amended Capital Facilities Plan amended Economic Analysis and amended Impact Fee Ordinance:**

Mayor Kelvin Bailey stated that only the public hearing would be completed tonight as some of the documentation is not ready at this time.

Korey Walker summarized the process in getting to this point. He stated that this would come with a recommendation of a 7% increase of the impact fees in the North Service Area and 38% increase in the South Service Area. He explained the recommended increases in the Impact Fee and how it was determined. He continued to explain the recommendation on the Capital Facilities Plan.

**A. Open public hearing**

Mayor Kelvin Bailey opened the public hearing at 8:00 p.m.

**B. Receive public comments**

Wolfgang Frans questioned the raise in impact fees and questioned the Cities ability to manage their finances.

Mayor Kelvin Bailey explained the Impact Fee increase and the purpose of Impact Fees and what they can be used for. He also explained a brief history of Impact Fees within the City.

Vincent Liddiard explained the capacity of the current waste water treatment facility and how that is funded through Impact Fees. Discussion ensued.

**C. Close public hearing**

Mayor Bailey closed the public hearing at 8:05 p.m.

**16. Public Hearing on Zoning Ordinance for Animal regulations:**

Mayor Kelvin Bailey explained that they are trying to create a balance in the Ordinance and make it fair and equitable to various sized lots. Various factors have been considered in the amounts of animals allowed in comparison to the size of the lot. Kennels will not be allowed in any residential zones; only in industrial zones, also on a 40 acre agricultural lots. Discussion ensued.

**A. Open public hearing**

Mayor Bailey opened the public hearing at 8:09 p.m.

**B. Receive public comments**

Bonnie Jeppson of Lake Mountain Road stated that the Kennel on Lake Mountain Road is not in compliance with the conditions set upon the approval. She stated that her opinion is that the industrial zone is a great place for a kennel and that the rules need to be enforced.

Brian Olsen of the Planning Commission explained the Planning Commissions recommendations. Mayor Bailey explained the concerns.

**C. Close public hearing**

Mayor Bailey closed the public hearing at 8:15 p.m.

Mayor Bailey stated that many changes have been made since the Planning Commission's review including a chart. He continued to explain the changes. He stated that they have worked with many animal owners to determine the number of animals that should be allowed on different lot sizes and also to create some set backs. He continued to explain in detail. Discussion ensued

17. **Consideration and adoption of an amendment of the Zoning Ordinance, Chapter 22 of the Eagle Mountain City Development Code:**

**MOTION:** *Mark Madsen moved to table the adoption of the Zoning Ordinance, Chapter 22 of the Eagle Mountain City Development Code. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

18. **Consideration and adoption of an Ordinance amending Ordinance No. O 18-2001 and enacting provisions for animal control:**

**MOTION:** *Mark Madsen moved to table Ordinance No. O 18-2001 and enacting provisions for animal control. David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

19. **Public Hearing on natural gas rate increase:**

Mark Sovine stated that the last gas rate increase was not enough to cover the costs associated with natural gas use. Mr. Sovine explained that even with the increase Eagle Mountain City's rates will still be less than Questar. He also stated that if the rate decreases that the City pays he will propose a decrease in the rate charged to residents.

**A. Open public hearing**

Mayor Kelvin Bailey opened the public hearing at 8:53 p.m.

**B. Receive public comments**

No comments were received.

**C. Close public hearing**

Mayor Bailey closed the public hearing at 8:53 p.m.

20. **Consideration and approval of a Resolution amending the Eagle Mountain Consolidated Fee Schedule for the purpose of increasing the natural gas rate:**

**MOTION:** *Vincent Liddiard moved to approve the Resolution amending Eagle Mountain Consolidated Fee Schedule for the purpose of increasing the natural gas rate. Mark Madsen seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

21. **Consideration and adoption of an Ordinance establishing classifications for the maintenance, operation, snowplowing and repair of street and roads within Eagle Mountain City:**

Mark Sovine explained the proposed Ordinance.

Mayor Kelvin Bailey explained property taxes and how finances are managed and what the different monies are allowed by law to be used for. Discussion ensued.

Mark Sovine explained the maintenance levels in the proposed Ordinance.

**MOTION:** *Mark Madsen moved to approve Ordinance O 29-2004 with proposed changes. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

22. **Development Agreements:**

Shawn Warnke explained the proposal including changes requested by Eric Jones.

Mayor Kelvin Bailey discussed the density in conjunction with the CC&R's. He stated his concern with the side yard setbacks and landscaping. Discussion ensued.

Eric Jones explained the proposal. He addressed the set backs. Some of the products the builders want to build will offer a third car garage option. The 5' and 5' side yard set back would only be available on those lots and only if they build the three car garage. Discussion ensued.

A. **Pioneer Addition Phase 2**

B. **Pioneer Addition Phase 3**

C. **Pioneer Addition Phase 5B**

**MOTION:** *Vincent Liddiard moved to approve the Development Agreements, including CC&R's, for phases 2, 3, and 5B subject to the following conditions:*

*1. That the set backs for the homes are as approved with the Preliminary Plat:*

*Front: 20 feet unless otherwise shown on Plat*

*Side: 5 feet and 7 feet for a total of 12 feet*

*Corner lots to have 15 feet on street side and 5 feet on the other side*

*Rear: 15 feet*

*2. That garages accommodate 2 vehicles as required by Table 10.3 of the Development Code.*

*3. That the landscaping requirements for Pioneer Addition remain as approved with the Preliminary Plat.*

*Linn Strouse seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

23. **Consideration and adoption of amendments to the Mass Gathering Ordinance:**

Mark Madsen stated that this proposal will expand the exemptions. He continued in explaining the changes.

**MOTION:** *Vincent Liddiard moved to approve and adopt the amendments to the Mass Gathering Ordinance. David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

24. **Consideration and adoption of amendments to the Campaign disclosure Ordinance:**

Mark Madsen explained the proposed changes.

Linn Strouse questioned the wording on when the financial disclosures are due. Jerry Kinghorn stated that the wording is a state statute and can not be changed in the Ordinance. Discussion ensued.

The Council requested that further clarification be given to candidates on the language in the Ordinance.

**MOTION:** *Mark Madsen moved to approve and adopt the amendments to the Campaign disclosure Ordinance. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

**25. Consideration and adoption of amendments to the Conflict of Interest Ordinance:**

Mark Madsen stated that this Ordinance is designed to protect the process. He continued to read a statement published in the Daily Herald. He explained the Ordinance in detail.

**MOTION:** *Vincent Liddiard moved to approve and adopt the amendments to the Conflict of Interest Ordinance. David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

**26. Consideration and approval of a Card Acceptance Agreement with American Express Payment Services:**

**MOTION:** *David Blackburn moved to approve a Card Acceptance Agreement with American Express Payment Services. Linn Strouse seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

**27. Consent agenda:**

- A. Check register for November 2004
- B. Contract change order
  - 1. Pony Express Well (CO No. 1) Lang Exploratory Drilling
  - 2. Pony Express Well (CO No. 2) Lang Exploratory Drilling
- C. Final bond release
  - 1. Anthem at the Ranches Phase 2
- D. Final payment
  - 1. Sweetwater Road Extension (Final Payment), Terry Larson Excavating
- E. Bond reduction
  - 1. Pioneer Addition Phase 5a
- F. Partial payment
  - 1. Eagle Mountain Utility Administration Building (PP No. 2), Terry Larsen Excavating
  - 2. 2004 Pony Express Well Drilling (PP No.) Lang Exploratory Inc.
- G. Warranty bond release
  - 1. Porter's Crossing Plat A, Sundance Homes
  - 2. Porter's Crossing Plat B, Sundance Homes
  - 3. Porter's Crossing Plat C, Sundance Homes
  - 4. Three Crossings Plat B, Sundance Homes

**MOTION:** *Linn Strouse moved to approve the consent the agenda. Mark Madsen seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

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

None.

**29. Motion to close the closed executive session and reconvene in to open session:**

Not applicable.

**30. Any actions from the closed executive session:**

Not applicable.

**31. Other business:**

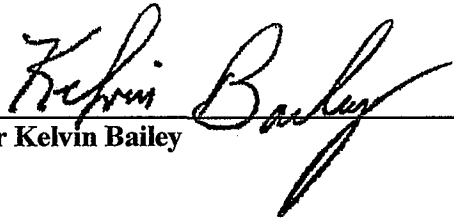
Vincent Liddiard stated that he has been looking into the firearms ordinance. He would like to have an actual fire range and allow firearms to be fired in some areas of the City. Discussion ensued.


David Blackburn stated that he has received feed back from several builders and contractors that they are not getting their excavation done in a timely manner for hook ups.

Mark Sovine responded.

30. Adjournment:

MOTION: *Mark Madsen moved to adjourn the meeting at 10:15 p.m.*

APPROVAL:  DATE: 01.18.2005  
Mayor Kelvin Bailey

This certifies that the minutes of 12/7/2004 are a true, full and correct copy as approved by the City Council on 1/18/05  
Signed:   
City Recorder