

Eagle Mountain City Council Minutes 2004

Dates of City Council Meetings:

- January 5, 2004
- January 6, 2004
- January 20, 2004
- February 3, 2004
- February 17, 2004
- March 2, 2004
- March 16, 2004
- March 19, 2004
- April 6, 2004
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- May 4, 2004
- May 18, 2004
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- September 21, 2004
- October 5, 2004
- October 19, 2004
- November 16, 2004
- December 4, 2004
- December 7, 2004
- December 23, 2004

MINUTES OF THE EAGLE MOUNTAIN
SPECIAL CITY COUNCIL MEETING

Monday, January 5, 2004 - Oath of Office 12:00 Noon

Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

1. **Called to Order:**

Mayor Kelvin Bailey called the meeting to order at 12:05 PM.

2. **OATH OF OFFICE – 12:00 NOON:**

Janet Valentine, City Recorder, administered the Oath of Office to the following Newly Elected City Council Members (4-yr terms – 5-January 2004 to January 2008):

A. Council Member David Blackburn

B. Council Member Vincent Liddiard

C. Council Member Linn Strouse

3. **Adjournment:**

Mayor Bailey adjourned the meeting at 12:12 PM.

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

January 6, 2004

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 PM

1. Economic Development Presentation by Stephen Jury
2. Presentation on General Plan; Shawn Warnke, Planning Director
3. Items as outlined on the Policy Session
4. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Mark Sovine.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:02 PM

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, and Linn Strouse

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Utah County Sheriff:	Sergeant Jo Murphy
Fire Chief:	Robert DeKorver (Excused)

Others Present: Board and Commission appointees Clint Chidester, Tina Pazell, Sheri Gallagher, Brian Olsen, Chris Kemp, Seanna Johnson, Mike Hildreth, Shane Jones, Cyndi Koehler, Wendy Minks; residents Mary Summerhays, Rick Pierce, Harry Bakken, Becky Jones, Jana Cox, Arlene Erickson, Richard Erickson, Brigham Morgan, Catana Benson, David Brown, and Janiece Sloan, Isaac Patterson, developer.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Korey Walker.

3. Approval of Minutes (December 16, 2003):

MOVED: *Diane Jacob moved to approve the Minutes of December 16, 2003. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Vincent Liddiard invited Utah County Sheriff's Sergeant Jo Murphy to introduce the new officers assigned to the City. She introduced Officers John Mulder, Shawn Radmall, and John O'Hara and indicated they will each have a specialty assignment in addition to regular patrols. Sergeant Murphy advised that Detective Dale Lee had also been assigned to the Eagle Mountain area. She discussed the certification training required for officers and expressed appreciation to the Council for their support in getting the needed manpower required for the City.

Chris Hillman explained that the new sheriff positions were made possible by a \$450,000.00 grant received by the City.

5. Appointments:

A. Sports Board

Mayor Bailey recommended the following individuals be appointed to the Sports Board: Sheri Gallagher, Board Member, new term January 6, 2004 through December 31, 2005, replacing Audrey Lee; Tina Pazell, Board Member, replacing Vivian Morrison and completing the term through December 31, 2005; and Clint Chidester, Assistant Director, new term January 6, 2004 through December 31, 2007.

MOTION: *Linn Strouse moved to approve that Clint Chidester, Tina Pazell, and Sheri Gallagher be appointed to the Sports Board. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse stated she was very pleased with these appointments and expressed that the appointees would be excellent additions to an already great Sports Board.

Mayor Bailey acknowledged the success of the Sports Board, explaining that the board has always brought in more revenue than expenditures, which places no burden on the taxpayers.

B. Planning Commission

The Mayor recommended that Brian Olsen be appointed to the Planning Commission to fill the remainder of the term ending December 31, 2004, vacated by Leslie Montgomery and that Tom Maher and Chris Kemp be re-appointed to the Planning Commission for terms from January 6, 2004 through December 31, 2006.

MOTION: *Mark Madsen moved to ratify the appointments of Brian Olsen, Tom Maher, and Chris Kemp to serve on the Planning Commission David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Diane Jacob asked why Brian Olsen was selected instead of one of the Planning Commission alternates. She indicated that in the past the first alternate would fill an open position. Mayor Bailey stated that Mr. Olsen had expressed a desire to serve on the Planning Commission and that the Mayor had made the recommendation. Diane Jacob asked the Mayor if he had asked either alternate if they were interested, and the Mayor indicated he had not.

C. Neighborhood Watch Program Director

Mayor Bailey recommended that Seanna Johnson be appointed as the Neighborhood Watch Director.

The Mayor recognized Bruce Champagne who filled this position for the past six months on an interim basis while the City looked for someone willing to serve as Neighborhood Watch Program Director. He thanked Mr. Champagne for the time and effort spent in this service.

MOTION: *Vincent Liddiard moved that Seanna Johnson be appointed as the Neighborhood Watch Director for the City of Eagle Mountain. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard welcomed Seanna Johnson to the position, indicating she was fairly new in the community, was dedicated, and had expressed a willingness to serve.

Mark Madsen thanked Bruce Champagne for his service and for raising the awareness and understanding of law enforcement and security issues in Eagle Mountain. He indicated that Mr. Champagne is a great asset to the community. Mr. Madsen also welcomed Seanna Johnson to this position.

Linn Strouse echoed the statements of Mr. Madsen and added her thanks to Mr. Champagne for the informative articles on safety and security he had written for the newspapers.

D. Public Works Board

The Mayor recommended that Mike Hildreth, who has a background in construction development, be appointed to the Public Works Board for a term from January 6, 2004 through December 31, 2006 and that Shane Jones be re-appointed for a term from January 6, 2004 through December 31, 2008.

MOTION: *Diane Jacob moved to approve the appointment of Mike Hildreth to the Public Works Board for a term from January 6, 2004 through December 31, 2006, and the re-appointment of Shane Jones for a term from January 6, 2004 through December 31, 2008. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

E. Economic Development Board

Mayor Bailey recommended the appointment of Cyndi Koehler to the Economic Development Board for a term from January 6, 2004 through December 31, 2006 and Wendy Minks to fill the remainder of Carl Minks' term from January 6 through December 31, 2004.

MOTION: *Vincent Liddiard moved that Cyndi Koehler and Wendy Minks be appointed to the Economic Development Board. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Janet Valentine administered the Oath of Office to all newly appointed board members present at the meeting.

6. City Council Business:

A. Appointment and Election of Mayor Pro Tem

Mayor Bailey recommended the appointment of Mark Madsen to serve as Mayor Pro Tem. He stated that Mr. Madsen had worked closely with him over the past two years and had been very involved in negotiations with developers and businesses.

MOTION: *Vincent Liddiard moved to approve the appointment of Mark Madsen to act as Mayor Pro Tem. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

B. City Council Assignments

Mayor Bailey made the following liaison appointments for Council members:

Linn Strouse – Pony Express Days, Youth Council, Sports Board, and Parks and Recreation

David Blackburn – Public Works Board, Transportation Task Force

Vincent Liddiard – Economic Development Board, Public Safety Task Force

Diane Jacob – Library, Employee Appeals Board

Mark Madsen – Airport Planning Commission, Planning Commission

7. Public Notices:

None

Mayor Bailey acknowledged the attendance of Boy Scout Troop 1084 and thanked them for their attendance. He invited the troop members to participate in the community.

8. Public Comment:

Mary Summerhays, resident, expressed her concerns about plans to change the “charter” of the City regarding the Arts Board. She stated she felt it was a misuse of power to amend the “charter” in order to reassess the budget, or to choose people to fill appointments or positions, or to reorganize the board. She asked what positive effects would be achieved by changing the “charter”.

Mayor Bailey stated that questions regarding the Arts Council would be answered later in the meeting when the Arts Board would be discussed by the Council; and that if questions were not answered, anyone could contact members of the City Council for information.

Rick Pierce, resident, offered congratulations to newly elected City Council members. Mr. Pierce stated for the record that he voted for Mark Lofgren as a write in candidate. He referred to the Council meeting on September 2, 2003, where misrepresentations to the media were discussed and also referred to comments from the Mayor in recent articles in the newspapers regarding his upcoming trial. He stated he felt it would hurt the City to have the Mayor go through a trial. He also referred to comments made by Linn Strouse at that same meeting. He expressed concern that there was an item on the agenda regarding

Patterson Construction, that three members of the Council received campaign monies from Patterson Construction, and stated it would be a conflict of interest for those Council members to vote on this issue.

Harry Bakken, resident, addressed the Council regarding his concerns that Mark Madsen might have a conflict of interest under City Ordinance 98-09 and the State Code pertaining to his motion and vote to eliminate the Arts Board at the last Council meeting. He asked for input from Gerald Kinghorn. He stated that Mr. Madsen's interest in the Lake Mountain Arts Guild allows him "to personally benefit from the notoriety and public awareness that his support brings." He stated that the Lake Mountain Arts Guild would benefit from the dissolution of the Arts Board and demanded that Mr. Madsen recuse himself from any discussion or vote on this matter. He asked the Mayor about a comment giving an impression to a news reporter that it is not mandatory that the City follow the General Plan.

Mayor Bailey responded that it is not statutory and that the General Plan can be amended.

Linn Strouse asked Gerald Kinghorn to respond to this question.

Mr. Kinghorn stated there are two elements in the General Plan that are binding on the City: 1) land use showing projected land uses; and 2) the element showing transportation corridors. He indicated that all other statements are general policies, which may or may not be implemented at the discretion of the Council.

Mr. Bakken gave a copy of his written statement to Mr. Kinghorn for a decision on the conflict of interest question regarding Mr. Madsen.

Becky Jones, resident, stated she has participated with her children in all events sponsored by the Arts Board. She indicated her children have loved being involved in these activities which were so close to home. She asked the City to keep the Arts Board intact, which is focused on Eagle Mountain City and is positive for the community.

Jana Cox, resident, expressed reasons why the Arts Board should remain intact: 1) City sponsorship avoiding the strict rave and sign ordinances and opportunity to use City buildings for certain activities; 2) apply for grants that are available for groups organized for three to five years; 3) the assets of the Arts Board include an electronic keyboard, microphones, stages, set pieces, props, costumes, etc., which may have to be sent back to the State Surplus if the Board is disbanded. She presented information on the history of the Arts Board activities and encouraged the Mayor to appoint new members to the Arts Board and keep it intact.

Arlene Erickson, resident, expressed her support for maintaining some sort of Arts Board within the City. She referred to the decision by the Council at an earlier meeting to leave the Arts Board intact until further information could be obtained. Mrs. Erickson stated there is a need for the arts in every city and thanked the Council for their support in the past.

Richard Erickson, resident, stated that arts in a community are a form of free speech. He expressed his concern that doing away with the Arts Board is a "type of censorship that municipals should not have the right to perform." He wanted to know what advantage there would be in dissolving the Arts Board. He advised the Council to listen to the voice of the citizens and keep the Arts Board.

Brigham Morgan, resident and former Council liaison to the Arts Council, referred to accusations made two years ago during and after the election against the previous administration as "the good old boys network." He stated it appears that that same behavior is being exhibited to a stronger degree now "in overlooking the processes and precedents that were set in place and purposes behind having alternates for the Planning Commission and other boards and to supercede those is disappointing" because it diminishes the efforts of these board members. He also spoke in support of the arts and requested that the Council give interested persons the opportunity to organize under the terms of Arts Board and then privatize that organization. He stated this would allow that organization to maintain the four years of hard work put in by the Arts Board,

maintain the constancy of the organization, qualify for grants and other support that would allow them to self-fund without losing that effort, and allow the City to accomplish its efforts to get out of the Arts Board business.

Catana Benson, resident, asked the Council to consider giving a discount on utilities for families whose main income earner has been deployed in the military.

Mayor Bailey stated that a discussion of this matter would come later in the meeting and that abatements would be allowed.

David Brown, resident, commended those in charge of snow removal for the City and the improvements that have been made in this area. He indicated that the Council knows what is best for the City regarding the Arts Board.

Wendy Minks, resident, addressed the Council as a citizen, taxpayer, voter, and business owner within the City regarding the Arts Board. She stated the time to fight for the Arts Board was back in September when the whole board resigned without a plan in place to continue any activities. She stated that the City needs to be responsible for City funds and that using those funds for "other people's hobbies" is not good use of City funds. She indicated when there is a private entity willing to provide arts in the community, that entity should be allowed to do so. Mrs. Minks stated there are many neighboring communities offering artistic opportunities to residents of Eagle Mountain.

Janiece Sloan, resident, echoed the comments of Wendy Minks and stated that she feels the sole purpose of government is to protect her unalienable rights. She indicated that the government should not be expected to fill the role that volunteers are willing to fill, and that when her tax money goes to the arts, she is forced to support them. She thanked the City Council members for their willingness to serve the residents.

9. **Council Comments:**

Linn Strouse stated: "I'd like to take a moment to say something. I have attended several of the Arts Board, which the Ordinance states it is, I've attended several of their activities and enjoyed them, along with my children and grandchildren. I commend any volunteers that improve the quality of our City. I have a long history in the arts. I was the lead in my senior play, I do oil painting, watercolors, chalks, I play the guitar, just for starters. Needless to say, in the last two years I haven't had time for any of that. I would have liked to have attended more of the things that were put on. I also attend the library and other things like that that I like to support. Any time we can support the community, even in choosing who does my hair, I try to support the community. I just want to emphasize to you how important I think arts is to the community. I think it does give an outlet, a vent for creativity just like the sports program does.

"Many times I offered the old arts council opportunities to be involved in Pony Express. I involved them in the flag ceremony after they were also involved in the flag contest. I offered several things in Pony Express Days. We discussed doing an ethnic festival at some point in time. We wanted to westernize our Pony Express a little bit more. I offered them to do western skits. David Loper and I talked at length. I've had many phone conversations with him and Rebecca (Loper) and expressed my appreciation for their contributions. We were discussing at one time a possible ZAP (zoo, arts, parks) tax in Utah County like they had in Salt Lake County. I did vote for that in Salt Lake County. I voted for that and the majority of people wanted it. The majority of people wanted it. So, I am comfortable with that; but if you are in the situation... And I also suggested to David that if we did a ZAP down here, that does not mean, and he knows, that Eagle Mountain would necessarily get our share of the pie. It takes the control out of your local area and gives it to a larger government entity and it's not likely we'd get a lot from that, even if we did get it to pass. So, I suggested that he find out what the local support was for the arts and go out there and actually canvass the people. If there 's a majority of people in this City that really feels at this time that the arts are important enough to have the government support, especially when we had tremendous needs for police and fire and our safety needs, emergency ambulance needs—anybody that's had to use those services know how critical that is. So, there is a time and a place; and when I'm talking about getting a majority of

people interested and they want it, then that's taxation with representation. What's been done in the past and what people are wanting to save here has been taxation without representation. That's one of the reasons why this country had a revolution. That's why we have the form of government we have."

10. Consideration and Approval of an Ordinance Amending Ordinance No. 002-1997 Chapter 1, Section 6 to Revise the Qualification of Public Works Board Members:

Gerald Kinghorn explained that this ordinance would amend the utility ordinance, which needs other work also, to change qualifications of board members and the voting status of the City Council liaison, making the liaison a non-voting attendee of the board consistent with other boards. He stated that the existing ordinance requires expertise in specific areas, and it has become a problem for the City to find persons outside and inside the City with enough expertise to staff this board the way it's written. He advised that the recommendation is to change the qualifications for membership on the Public Works Board so that the board can be seated out of appointments from the public at large. He indicated this ordinance updates the existing utility ordinance in terms of the nomenclature changing from town to city. Mr. Kinghorn advised the Council that the original ordinance written in 1997 contains redundancy and some conflicts with ordinances passed since that time, and he requested that the Council give direction to make the necessary updates to this ordinance in the future

Mayor Bailey explained that the City has depended on outside sources for expertise in gas, electric, etc. He advised that the City has matured to the point that there are many competent City residents with experience in those fields due to their working situations. He indicated he feels confident that citizens at large could fill these positions.

MOTION: *Mark Madsen moved to approve Ordinance No. O 01-2004, an Ordinance of Eagle Mountain City, Utah Amending the Utilities Ordinance of the City to Provide for Changes to Require Qualifications for Members of the Public Works Board and to Make Certain Text Changes, with further instruction to staff to make the additional changes necessary to bring the Title 5 up to current verbiage. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. Consideration and Approval of an Ordinance Removing Master Development Plans as a Condition of Annexation to the City:

Shawn Warnke explained that the current Development Code requires that before an annexation can be approved by the City Council, it must go through the Master Development Plan process. He stated that this process is very comprehensive in evaluating land uses, transportation and utilities, and it makes it difficult for someone who wants to come into the City and delays annexation opportunities. He advised that as the City looks to annex properties in the future, it is appropriate to separate these two processes. He stated that an annexation application could be accepted by the City Council without going through the Master Development Plan process; however, he advised that prior to the development of a parcel, it would need to go through the Master Development Plan process.

Mayor Bailey stated that this ordinance would allow landowners currently in the City's Annexation Policy Plan, who are not intending to do any developing any time soon, to have the ability to bring the land into the City without having to encumber the expense of the Master Development Plan process. Mayor Bailey stated the advantages to the City are: 1) the landowner is coming into the Annexation Policy Plan; and 2) more tax revenue is generated.

MOTION: *Diane Jacob moved to approve Ordinance No. O 02-2004, an Ordinance of Eagle Mountain City, Utah Amending and Re-enacting Chapter 3, Section 3.25, of the Development Code of Eagle Mountain City. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

12. **Discussion Item - Sage Ridge Estates (Sage Valley Plat B) Concept Plan:**

Mayor Bailey stated this was a discussion item only and that no vote would be taken. He explained that Sage Ridge Estates had already received approval from the Council but were considering changes that would improve the buffer zone between Cedar Pass Ranch and adjoining lands to make it more compatible to transition. The developer, Patterson Construction, had requested direction from City regarding this matter.

Shawn Warnke advised that any changes would go through the Public Hearing process. He explained that the concept plan for Sage Valley, Plat B, had been approved for platting but had not been recorded with the County. He explained the proposed plan and the approved plan showing a protection area for the airport. He recommended that the Council discuss: 1) transitioning away from Cedar Pass Ranch; 2) future use of the airport; 3) traffic issues; and 4) sidewalk requirements for half-acre lots.

Mayor Bailey explained that staff had discussed transitioning and that, obviously, one acre is not as good as 1.6 to 2 acres; that the airport is basically a non-functioning airport and that its future cannot be predicted; that the increase in traffic would affect existing Plat A, with some increase in traffic entering Highway 73; and that sidewalks are required on half-acre lots but had not been discussed with the developer.

Isaac Patterson, developer, was invited to come forward to answer questions from the Council.

Vincent Liddiard stated that Korey Walker had addressed the fact that septic tanks would have to be approved by the County. The Mayor stated there were concerns that the County may not allow septic tanks on half-acre lots and that this area extends into the water protection zone for Pony Express well.

Korey Walker advised that this concern would have to be identified on the Source Protection Plan and that if the ground water source were ever affected, the City would be responsible to correct those septic tanks or do away with them and bring in a sewer line.

Isaac Patterson stated he had made initial calls to the County and the preliminary reaction was that the use of septic tanks would probably be acceptable. He indicated that changing the plans would increase the number of homes and, therefore, the number of septic tanks installed. He understood that he would have to make certain that the water supply was not affected.

Mark Madsen asked what the developer planned regarding sidewalks. Mr. Patterson stated he would like to leave the subdivision as a rural community without sidewalks; however, he indicated for the safety of the children in the area, he would be willing to put in sidewalks if the Council so advised.

Mark Madsen asked Korey Walker if there would be enough topography to assure no drainage problems if there were no sidewalks installed. Mr. Walker advised that drainage concerns would have to be addressed whether or not sidewalks were installed. Korey Walker indicated that if a subdivision has fifty percent or more of half-acre lots, sidewalks are required in the entire subdivision.

Mr. Patterson stated there should be at least some type of trail system connecting the community, which could be done through simple asphalt trails or sidewalks.

Korey Walker recommended that the traffic issue be brought before UDOT again to make sure the access is still acceptable with the increase in traffic.

Gerald Kinghorn asked Mr. Patterson what the intention would be for the flight easement running along the western lots. Mr. Patterson stated that until the current airport is abandoned or usage stops, the easement ensures that no structure may be built underneath the area. Mr. Kinghorn stated it appeared that some of the lots would not be buildable while the easement existed. Mr. Patterson explained plans for bridges on these lots.

Diane Jacob inquired about animal rights on the half-acre lots. Mr. Patterson stated no large stock animals would be allowed on half-acre lots but that animal rights would be reserved for the 1-1/2 to 2 acre lots Nos. 7 through 14 adjacent to Cedar Pass Ranch.

Diane Jacob asked Mr. Patterson if he would be willing to upgrade the exteriors of the homes to rock/stucco to counteract the increase in density? Mr. Patterson stated all the homes would be in the \$190,000.00 or above price range and would generally be built with brick or stucco, especially on the front of the homes.

Diane Jacob asked Korey Walker if Patterson Construction would have to increase park amenities for the increased density, and Mr. Walker answered in the affirmative.

Mr. Patterson stated that in preparing this proposal his company tried to accommodate the zoning approved by Highland City for one-acre lots, which allows for a lifestyle that would be welcome in Eagle Mountain and does accommodate for larger homes and increased access to different amenities. He indicated that this zoning allows for 1.09 units per acre. He expressed that in his discussions with persons looking to move to Eagle Mountain, they would like to have the half-acre lot availability.

Diane Jacob asked Shawn Warnke to clarify his recommendation that three-acre lots be located along the Cedar Pass Ranch area. Mr. Warnke acknowledged that this was his recommendation and that he would have other recommendations if the application comes forward from Patterson. He explained that he and the Engineering Department had not discussed engineering planning recommendations, which would include traffic issues.

The Council could not express opinions or give approval on this concept plan before it goes through the public hearing process; however, the Council expressed their concerns and generally recommended that Patterson submit the plan and go through the regular public hearing process.

Shawn Warnke also reminded Mr. Patterson that the Planning Commission would have to review the plan and make technical recommendations

13. **Consideration and Approval to Amend the Eagle Mountain City Personnel Policies & Procedures & Employee Handbook not allowing intra-office dating:**

Chris Hillman stated that the City had experienced no significant issues with this problem; however, the City's insurance legal counsel strongly recommended the changes.

MOTION: *Vincent Liddiard moved to approve the amendment to the Eagle Mountain City Personnel Policies and Procedures and Employee Handbook not allowing intra-office dating. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

14. **Consideration and Approval to Repeal Ordinance No. 00-12, an Ordinance Creating Eagle Mountain Community Arts Board:**

Mayor Bailey: "I would like to make a couple of comments here before we open it up for Council. First off, I'd like to assure everyone that I personally, and I'm sure I'm speaking for every member on this Council, support the arts. I don't know anybody on here that never has. We support the arts and we're looking for every way possible to continue to support the arts. I can probably say, with some assurance, that no one on the Council has ever indicated to me, in the past Council or the current Council, any indication we wanted to repeal this ordinance. Back in July, when the former board all resigned, it wasn't even on the mind of them. As a matter of fact, we had budgeted money in this year's budget for the Arts Council; so there was no intention from anyone I know of to do away with the Arts Council until they all resigned.

"At that point in time, the door opened up and by the time there was any talk about new appointees for it, there were new entities, private entities, that began to formalize out there, like the Lake Mountain Arts Guild, who we have a representative from tonight. We have the Gina Morgan Children's Choir, and they've done a wonderful job, from what I hear. And so, we have a lot of things going on that are happening on a private, individual basis. And there are a lot of people who really wanted to be involved and there are plenty of opportunities there, from what their plans are, that many people can get involved. I think it's only fair that, at this point in time, this City has matured to the level in which I think it is time to give the opportunity to see if the private sector can make our arts even better than it has been in the past.

"I know from the report that the former Arts Council provided to us in July when they resigned, they indicated a very large drop in participation. They had reported there were only 138 people who participated over the past year or several months, I forget exactly how many months they took that into, I assume it was a year. But it may have been just this calendar year. (Someone from the audience indicated six months). Six months, okay. There have only been 138 people who have participated, and there was \$9,600 that was budgeted for them to spend. If you take and divide that out, that is quite a bit of dollars per person in order to have those events go off. Being that they had less participation and more money to work with, I think maybe now is the time to give the private sector an opportunity to see what they can do. If they don't, Council can always come back and reorganize, as one of the Public Comments, I think it was Wendy as a matter of fact that made it, that we can organize with an ordinance that maybe is more prudent to the current situation the City stands in. Before we take that step, I think that we should allow the private sector to see what they can do to save some tax dollars, and maybe they can do better. If not, then step back in and do something. One of the ideas that Brigham had may even be an idea. At this point, I would recommend that we move forward and give the opportunity to others and remove this problem for right now and see what happens."

Mark Madsen: "Before we get into this, can I ask Jerry to give an opinion on whether I have a conflict of interest here?"

Gerald Kinghorn: "I looked at the materials that were submitted and looked back at some materials I have on my computer, the State Conflict of Interest Statute and so forth, and it is my opinion that Mr. Madsen doesn't have a conflict of interest that requires him to disqualify himself. His interest in endorsing and promoting whatever is out there in terms of the Lake Mountain Arts Guild is no different than the interest any of you might have in recreation or any other special topic that you might promote that might gain you some favorable press or make citizens of the community look on you with favor. So, in my opinion, there is not a conflict of interest and there is no need for Mr. Madsen to recuse himself."

Mayor Bailey: "And before we open it up for any other public comment, we'll make one other mention. This agenda item was brought up at the written request from Councilman Mark Madsen from the last meeting. I will allow him to have a few words to say first and then open up for the rest of the Council since he was the one who requested this item."

Mark Madsen: "Well, I appreciate the opportunity to talk about this, and I will"

Gerald Kinghorn: "May I just recommend that you entertain a motion and see if it gets a second, then discuss it in that context."

Mayor Bailey: "I entertain a motion on this."

MOTION: *Mark Madsen moved to repeal Ordinance No. 00-12, an Ordinance Creating Eagle Mountain Community Arts Board. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Mark Madsen: “First, I have to be honest and let you know that I am a Republican, and when I say it, I mean it. I believe in limited government. I believe in maximum individual rights and liberties. I believe that there is a proper and improper scope of government in which they can operate. So, naturally, I am at odds with people of a more liberal philosophy that believe that government should be involved in just about anything and that people who believe that nothing good can happen if government isn’t involved. So, it’s entirely possible that people of good intent can disagree about these things, and I just wanted to let you folks know and declare publicly that this is primarily a philosophical and principled position that I have taken. I believe that some things are too important for the government to get involved, and I believe that the arts fall in that category. I love the arts. I am an active participant and enjoyer of the arts, but I do not believe that government should subsidize or sanction or select or manage or monitor or manipulate the arts. I think that is inappropriate. Government is inefficient, it’s cumbersome, it is unresponsive as often as not, and it can be subject to political manipulation. I think we’ve seen a bit of that in the way that the Arts Council conducted themselves in their resignations.

“I do, though, want to acknowledge those who have come up and spoken tonight. We’ve heard from a few people over the last few Council meetings. They’ve expressed their feelings and their opinions about the arts and the arts in Eagle Mountain, and I respect your opinions, and you certainly have the right to form them and to hold them. I do want to address a few of the points that were brought up tonight by individuals who spoke.

“First of all, from my perspective, this isn’t a budget issue. That’s not what’s driving this. It is true that the City is strapped financially. We have other things that, in my opinion, are higher priorities—public safety and so forth; but my take on this is it is one of principle and political philosophy.

“To the person who expressed the concern that there wouldn’t be children-oriented presentations if the government-sponsored arts council went away, I think that the experience with the Arts Guild probably argues against that. They have had two functions, and both of them have been kid-friendly as far as I could see. I think the first one was geared primarily to children, and I think that anybody who wants to go out and undertake a venture like this in Eagle Mountain and the surrounding communities had better make it kid-friendly or they are going to fall on their face. So, I recognize your concern, but I believe it is probably unfounded and would guess that the things that the Arts Guild and the children’s choir would come up with will be child-friendly.

“The concern that was expressed that without the arts council somehow the City would not be able to co-sponsor events, would not be able to help arts functions get use of City facilities or get discounts on use of the school, or get other preferential treatment, we have gone through this, we have discussed it, and I am happy to tell you that that fear is unfounded. The City Council here can choose to co-sponsor any event, just as we did with the Christmas Fest and Lake Mountain Arts Guild, and facilitate the use of the venues and so forth that would be available to anybody that came and wanted to use those. So, I am happy to alleviate your concerns on that.

“There was a comment made that somehow removing government participation from the arts is tantamount to censorship, and I’ll just say I disagree. For the press to succeed and to thrive does not require government subsidies. There is nobody sitting up here that says we can’t have the arts, that somebody can’t express themselves through an artistic medium. All I’m saying is that I believe that the government should be removed from the equation and the arts should be able to flourish and succeed on their own without government meddling.

“I’ll just say that, well, first I’ll correct something that Kelvin said, because those who know me and those who were around when we were addressing the General Plan about this time last year know that I have maintained this position for a long time. I don’t think that government should be involved in subsidizing or manipulating the arts. I had advised or suggested or spoken about getting the City out of the arts business as much as a year ago, maybe two years ago. It was two years ago. I think that experience in Eagle Mountain and the history of how the Arts Council functioned, and how it did lose touch with the people, and it did not bring out the numbers of participants, and how it spent so much more money than it brought

in, with this year's budget being the one exception, to me it reinforced the philosophical reasons why I think that the government should not be involved in the arts.

"I respect that a lot of people, or at least several people, have a lot of themselves invested in this. I commend you for your efforts to participate in the arts and to the extent that you were able to serve the community, and I understand why you are upset that this vehicle for your interests appears to be being taken away from you; but I think that the private sector and the other opportunities that are and will become manifest will more than compensate for the government involvement in the arts in Eagle Mountain City."

Diane Jacob: "Correction. The resignation by the Arts Council was not a political maneuver. One Arts Council member was moving, another one was having a difficult pregnancy, and that's why they found they needed to resign. Brigham brought before the Mayor several members of the community that wanted to participate and be re-appointed to the Arts Council, probably within the month after they resigned. They were not looked at by the Mayor or put on the Agenda to do so.

"Someone brought up a thing about taxation without representation. I don't have any children in public school any more; that is my taxation without representation. So, I don't think that washes at all.

"Salt Lake, Lehi, American Fork, Provo, Orem all have arts councils that are flourishing. The budget this year is not \$9,600, that was the previous year; \$6,000 of that was for equipment that stays within the town, and those are town assets. We have a portable microphone than can be used during a Council meeting for those that are wheelchair bound in order to make comments and not be able to come up to the microphone. Such as that is equipment.

"Mark mentioned he didn't think that government should be involved in the entities. Would you think that the government would need to be involved in youth sports, the library, youth council, any of those type of things as well.

"I think at least that the most courteous thing that we can do with this Arts Council in order to keep them from not losing any grants they possibly could procure from their four years of very, very hard work. I don't believe these volunteers are any less special than the volunteers that have participated in any other volunteer area in this town, particularly Pony Express Days, youth council, sports as well. I think they are all very qualified volunteers; and I think it is a slap in the face to these people that have given their life to disband them without the opportunity to privatize and be able to carry on their name and their charter so that they won't lose any funding that they could get and be able to carry on in another way.

"So, those are the comments that I have. I think that Mr. Morgan's suggestion to the Council is a very viable one. It's something that they have time to do in the next few weeks or so; and then, if when that is done, then you could bring this back to Council and disband them at that time, if you feel so inclined."

Vincent Liddiard: "I would first like to say not just the Arts Council but many people throughout the community have worked very hard on many different volunteer activities and applaud the volunteerism of our community. Lots of people have done a lot of laudable things to provide for a strong and good community. I think this is partly an issue to entitlement, which I'll speak to in a moment, and I think Mark's way out of line, except that I think he's on the money on this one. I'm just teasing Mark, actually. I have thought a lot about this, talked to several people, and I embrace and support the arts. They provide warmth and life to our living. They also provide belonging and fellowship for those who actively participate in the creation of artistic works.

"When Eagle Mountain was first created, we had literally built the City out of the barren land; and in the vacuum of other opportunities, we built our own utilities. I think that Telecom is probably a good example here, a telecommunication utility which is quickly arising to that point where it will be sold off because there are some benefits of letting private organizations do what we no longer are required to do. There are other opportunities out there, and the arts, I think, in this case are probably a very good example. When we first came here and built things here, we had to provide everything for ourselves. I think the recent show of

hands even this evening show there's other opportunities and, in this case, it is time for the government to get out of the way of private business. It's time for us to get out of the way and let other people move forward.

"In that, I will say that in the efforts of good government and the competition of free market economy of dance, and music, and visual arts, that I think this could be a healthy development for the arts in our area and encourage the citizens to participate and support the arts locally and participate in the growth and development. So, I encourage the arts to succeed, flourish, and do well. I don't think they need our efforts, necessarily, in this particular ordinance to do that. I think it obviously could be revisited later on; but as we look at the General Plan, I don't think it describes an absolute financial entitlement nor an actual requirement that we provide them an arts council.

"I would like to see a continued liaison with arts in the community. I would like to see a continued relationship with this organization supporting arts activities here; but I am, well, I seconded Mark's motion and I will vote accordingly."

Mayor Bailey: "I will make two comments. One was to Diane. You made the comment that I had recommendations given to me in September or August or whatever. That's incorrect. You can go back and look at the Minutes of the meetings; I asked Brigham twice, once in September and once in early October, for names, and he still hadn't gotten them to me. He was still working on some. You are welcome to talk to the two people that he did have. We had four positions open, and he gave me only two names. You can speak with those two individuals and you'll indicate that he did not give them to me until the end of October. So, we went all the way from July to October before I even had two names to even consider. By then so many things had occurred that it was not the prudent thing to put people in to something that was going to turn into what it is right now. So, that's why they were never appointed.

"The second thing is. A couple of comments that someone made in the Public Comment time was developers are not going to be encouraged or not want to support the arts; and that's not true because, even as a Council today, we have negotiated in the last year, regardless of the Arts Council or not, we worked with the developers in Silver Lake Ranch and they were going to be building an amphitheater for us. We will continue to work with developers to promote the arts and promote venues for arts in our City, whether there is an official City Arts Council or not, because these kinds of venues and buildings and things need to be here so we can have activities and events here through private entities or not.

"As far as advantages like our sign ordinance allows things to occur that private entities do not have that the City would have advantages over. Any time there is an event that the Lake Mountain Arts Guild or the choir or any other private entity is doing that's an arts activity, the City can very easily co-sponsor it and they will have the same abilities to do what they would have as a City Arts Council.

"So, those things are still there and the desire of the City to continue to support arts will be in our General Plan. We very much support the arts and want to promote it; but I think, as Mark had mentioned, I think there is a better way to do it. If nothing more, there is a better way to try and we can always see what works better. I think we will all find it will be a better system in the end, and I think you'll still see your General Plan talking about the promotion and the support of the arts as a very vital part to any community."

David Blackburn: In running for this position and looking over things like the general development code and things of that nature, I think that any of us would find that this City was established and these rules and guidelines we have are drawn up on perfect concepts and ideas which, in this case, doesn't work for an imperfect situation we have right now. With the previous boards doing what they did, nature affords a vacuum, somebody stepped up to the plate and walked in to that slot, the (Lake Mountain) Arts Guild. I think if we don't allow them a little bit of time to prove their mettle, which I think they are in a good manner of business doing so, that I think we'd be sending a wrong message to other people who want to be starting up businesses or concepts here in our town as well.

"As a member of the Council, and I think all of us in the City would fully support and back with the facilities or publicity options that we have to give credence with anything going on with the arts in any way, shape or form.

"I do have a concern regarding the potential of the grant issues that the Arts Guild may not have due to their length of business, so I would heartily suggest some sort of bridging or linking of the two systems to continue the ongoing potential aid that might be there, if that's a possibility.

"In light of my roles and doing research for the ongoing business of the City, a very crude analogy would be we've got arts on canyon walls but they don't have a sewer system and they're not around. We have some very serious City infrastructure and development issues that I think will need some additional funding before we go to arguing over the arts when we have such a great art community and support within an hour's drive."

Linn Strouse: "I just had a couple more comments. The official sports program that I started, we had seed money from the City. It's been phenomenal how much money it's made. So, that is not a deficit or a cost to the taxpayers; it is making money for the City. Youth Council has not been around that long and that's also their goal. We haven't reached the point where we've made much money yet, but they will be totally self-supportive. That's a major goal of the Youth Council. It's never been a goal to intend to have taxpayers, without their permission, be forced to pay for things without their vote. Just like public education, the last I knew I voted on school bonds. I was represented.

"I did want to say. I mentioned before that I've given continued support and conversation to the arts from the time I got into office. So, I was very disappointed and disillusioned when they resigned en masse, the Arts Council, and went to outside newspapers and made statements saying that the Council didn't support them after all the time and energy I'd spent making efforts above and beyond my capacity to involve them, because I do feel it is important.

"I stated before about how important it is to have fire, police, ambulance, emergency services, those kind of things. We have to pay attention to those things first; and as our City gets bigger, then we can talk about these things more. But at this point in time, you need to have your vegetables before your dessert."

Mayor Bailey: "I'm asking Glen (Sexton), he's with our Finance Department, just to answer some of the questions that have been brought regarding the budget just so it is clearly the official information. Glen, could you get up and give us a quick run down on our Arts Council, our Youth Council, and our Sports Board; just kind of give an idea so people can get a clear picture of what's happened finically there."

Glen Sexton: "I came prepared for Arts Council. I don't have the information for Sports and Youth."

Diane Jacob had copies of the needed reports and gave them to Mr. Sexton.

Mayor Bailey: "Just briefly go over what the Arts Council's budget was because one thing people need to understand is that, not this Council but part of this Council and part of the former Council, approved the largest budget ever last year, the year before last now. They approved the largest budget just prior to the Arts Council resigning. So, if there was not a desire to support the (Arts) Council, they wouldn't have received that much money."

Glen Sexton: "In budget year 2003 Council actually expected no revenues from the Arts Council and the Arts Council actually did collect and turn in \$3,656.05. During that same budget year, the Council did approve \$9,600.00 in expenditures. The Arts Council did expend \$9,601.39, so they went over their budget \$1.39. So the actual cost to the City that year, between revenues received and expenditures, was \$5,945.34 that they exceeded their revenue.

"For the first six months of this budget year, the Council probably based much upon what revenue was received the prior year, expected the Arts Council to generate \$2,000.00 in revenue. Up through the end of

December, they had collected and turned in \$2,662.63. The budget expenditures were asked to be limited at \$5,000.00, and through the end of December they had expended \$2,278.81, keeping in mind that because of the time frame, some of the revenue for this year was actually revenue that was earned last year turned in during this budget year. The cost to the City to sponsor the first six months is a negative \$383.00.

David Blackburn: "What was the cause for the delay in turning in receipts from the previous year to this year?"

Glen Sexton: "There were some irregularities in the accounting. It came to the attention of the Finance Department, and I'm going to take a ballpark guess here because I need to go back and see for sure, that during the month of October that there was a stand-alone bank account that the Arts Council was keeping that the Council was unaware of. So those records had to be brought in to the City and, at that time, they were recorded. I don't know and we haven't been given an answer as to why monies that were collected earlier were kept somewhere else and deposited in to this account at a later date."

Mayor Bailey: "So the revenues they received this fiscal year that you reported to me, what was it, \$2,600.00 was out of that bank account that the City had no knowledge of?"

Glen Sexton: "All of it was."

Mayor Bailey: "So, they didn't really make the \$2,600.00 or realize the revenue in this fiscal year. It was realized in prior times, but we weren't accounted for it until this fiscal year?"

Glen Sexton: "Yes, and according to the records that we did have, it was actually collected May and June but not deposited, even in to that separate bank account, until August."

Mayor Bailey: "Wow, okay. All right, that is important to understand because then technically they didn't generate the revenues in this year. It was generated in the last fiscal year but we didn't account for it until this year because we didn't have the knowledge of the bank account."

Glen Sexton: "Right, that's when they were deposited."

Mayor Bailey: "Okay, that clears it. I'm glad you asked the question, David."

Glen Sexton: "The Youth Council for last business year again was expected to generate no revenue, that was what the budget was for. The Youth Council actually did generate revenues through donations of \$1,507.19. There was a \$2,000.00 budget that was put forth by the Council. The expenditures actually came in at \$5,386.07. The major issue there was that there was a fundraiser expense that was expended toward the end of that business year; the revenues didn't come in until the next year. That's the story. For the first six months of this business year, the revenues again were expected and budgeted at zero, and the Youth Council has collected \$1,288.50 in revenues and, we might add, that the larger deposit there is a developer. The Council has budgeted \$2,000.00 and expenditures have been \$50.00.

Youth Sports for last business year - this Council expected \$20,000.00 in revenues and the Sports Council collected \$20,844.89 in revenues, so they exceeded the expectations by almost \$850.00. The Council approved a budget of \$30,000.00 for last business year and expenditures actually came in at \$19,634.20, a little over \$10,000.00 lower than budgeted.

For the first six months of this business year, for the entire year, the Council was expecting revenues of \$16,000.00; and during the first half of this business year, they have already collected \$10,975.70. Expenditures that were allowed by budget this year were reduced from last year's \$30,000.00 to \$20,000.00 for the entire year, and for the first six months expenditures have been \$3,703.72."

Mayor Bailey: "I think that clears any questions on financial stuff, just in case anybody has any questions about that."

Mary Summerhays, resident: "My question is, if we have a problem with manipulating the arts by giving them money, why not alter the budget so that we don't give them any money? If we have a problem with the people that we feel they are not doing the kind of job we want them to, why not appoint someone else? Why do we have to change the goal of the City and overall theme that we already codified in law and said this is what we want for our City? Why are we changing that goal instead of just altering the way that we implement that goal to fit our present circumstances?"

Mark Madsen: "May I answer that? We want the arts to survive, to thrive, to be an active and major part of the community. We are doing exactly what you say. We are just changing the mechanism. We are just saying it's not going to be a government expenditure or government subsidized or sanctioned group that is going to do this. The arts is going to be the people. It's going to be the private entities that will do it."

Mary Summerhays: "Why not allow private funding of the current Arts Council? The current Arts Council has access to grants that Lake Mountain Arts Guild can't get. I think it's silly to kill one child in order to let the other one grow."

Mayor Bailey: "I don't know that there are any grants available to them. The Arts Council and no one on the Council has ever brought to the attention that there are grants available to us on the City level."

Mary Summerhays: "It's not city funding. It's like state funding and national funding of the grants."

Mayor Bailey: "Right. Kelly (Johnson) is here from the Lake Mountain Arts Guild. Maybe she can answer what grants are available to them. I can't answer to the private end of it."

Kelly Johnson: "I have the paperwork at home. In our research we have been doing and because we are responsible for our own funding and fundraising, etc., we have been looking into grants. January is when most of the arts grants start coming out with new requirements for the year. We haven't got all the requirements yet because they are just brand new in January. There are different types of grants. Of course, being that we are non-profit, we have been looking into the ones that pertain to us. There are different types of grants available to non-profit than are to cities. I have not been looking into cities, so I couldn't tell you exactly what grants are available to cities. I only saw a few, but, again, I was looking for non-profit. It looks to us that there are actually more grants available to non-profit, but I haven't been comparing."

Brigham Morgan: "This is, I would think, more pertinent to the discussion versus an opinion. Just to clarify a couple of things. The one piece that wasn't mentioned is that most of the expenditures tagged for this year were also incurred in the previous fiscal year but had not been recorded until the final accounting had been done for the... and the other things that were completed this fiscal year. So, the expenditures and revenues that you saw that were reported this fiscal year, they actually are attributed to actions that occurred last fiscal year, with the exception of \$65.00 or something that we raised with the Harvest Fest. So, there was an equivalent of \$65.00 for this year that was incurred this year."

"As far as the people who were willing and available to do, you are correct. I didn't submit names until the beginning or middle of October. They didn't get on the agenda until November. I submitted two names; I had several in the wings, but I only submitted two to see where they went. Because of the direction it took, I didn't submit anymore intentionally because I didn't want to open up the doors for these individuals also taking the scrutiny that the two that I submitted did take if the Arts Council wasn't going to exist."

"I am actually here to ask you to follow through on what you've said. You support the arts. You indicated you'd like to see a transition, an ability to make a transition or shift. My wife actually founded the Arts Council almost five years ago now. She and I have been talking for about a year and a half now of privatizing this organization. Because of my role on the City Council, I have been unable to do any of that. But that is why I have remained silent on that particular issue because of my conflict on the Council. There are those individuals that I would have presented had the opportunity arisen who are very interested in pursuing a privatized non-profit organization. That was the direction we had intended to take originally but

was talked out of it by Jerry Kinghorn and the previous Council. We would like to then pursue that. We would also, however, like to be able to take advantage of the efforts that we have put into it for the last four years. And so, my sense is that you are looking to get rid of the Arts Council. I would simply ask you to give serious consideration and possibly take me up on a proposal to give me until the first meeting in February. I will have an organization put in place, either me or another group. There are several that are in talks. Have an organization put in place that would be willing to carry this, take it, and moved forward into the private sector. Don't take any action on it tonight but allow us to come to you with that organization and work with you to make a smooth and positive transition for the community so that we can accomplish your goals, get government out of it and make it a private entity, but not waste the four years that the credibility has been built for this organization over the last four years. Allow that organization to continue and build on what it has done previously. I think it's a win-win situation, gets you what you want, gets it private, gets the entities out of government, government's hands are out of it. You can do what you want on that front, I really won't care; but I would at least like the opportunity to continue to build that organization that had been in place."

Mayor Bailey: "One question for you. How would delaying doing anything today enable this new organization that you want to privatize make any difference at all? How are you going to qualify, as you were maybe mentioning or someone did in another comment?"

Brigham Morgan: "It comes down to there are several high-profile organizations, like the Utah Arts Council, the Federal Arts Council, the National Endowment of the Arts, that make private donations towards non-profit arts councils. But, the viability of a council is not considered to be strong until about three to five years."

Mayor Bailey: "If you privatize it, how are you going to be considered a three to five year entity because now you're all of a sudden a private entity? You're no longer Eagle Mountain's Arts Council."

Brigham Morgan: "The difference is if you kill it today and then we're forced to build a new organization from scratch, we lose that four years. If you don't kill it today and we can build up the organization, then the proposal is, as I explained earlier, you would appoint them to the City Arts Council for a month. The transition would be that in that month they must then file all the paperwork, file all the work with Jerry to bring up the proper resolutions, draft resolutions, to disband the Arts Council in such a way that it becomes a transition into a non-profit private organization, which maintains the continuity of the organization, which allows us to then take advantage of that four-year entity."

Gerald Kinghorn: "I don't know, Brigham, how a transition would work. I mean, at some point you would have to organize the new non-profit. There's no way to transition from a municipal entity into a private entity. You simply have to organize the new entity and begin the operations of that entity. You could use that name, but I don't know if there's any big opposition to using that name. You could say it's the same individuals that formed that were formerly part of the municipal Eagle Mountain Arts Council; but there is no legal mechanism to accomplish a transition. I'm listening to what you're saying, but I can't think of a way to make a transition that would make any difference."

Brigham Morgan: In the discussions that we have had with the Utah Arts Council and a couple of other organizations, they have indicated that this has happened before and there is a way to do it."

Gerald Kinghorn: "Are you asking about transferring the City assets to the Eagle Mountain private arts council? Is that what you're talking about?"

Brigham Morgan: "Well, that's one thing that we could talk about, but I don't think that'll happen because I already know the legalities of that."

Gerald Kinghorn: "That's the only benefit that I could see."

Brigham Morgan: "But, it comes down to a continuity of an organization, and I'm not sure, again this is something that I am just now beginning to explore and understand. All I'm asking for is one month, the first meeting in February. If by the time the first meeting in February rolls around, we are not able to accomplish what I propose, then disband it, be happy, we've done our best, everybody parts their ways, no harm done. But I would at least like that chance."

Vincent Liddiard: "Jerry or Glen, is it normal for an organization appointed by this Council to have their own bank account?"

Gerald Kinghorn: "You shouldn't even be able to open an account as a municipal entity."

Brigham Morgan: "They didn't. What happened was, and as soon as I found out, I didn't know this happened either. As soon as I found out, I gave strict instructions that it was to be closed and everything was to be transferred to the City."

Mark Madsen: "But, you were in charge of the Arts Council."

Brigham Morgan: "I was, but this particular funding mechanism, I was going about it from the City perspective. The frustration was, they were having a hard time getting funds in and out to be able to be responsive to the needs of the play that was being put on and some of the other activities that were going on. I was trying to work from this way; and unbeknownst to me, they had gone and opened an account; and as revenues came in, they had just put it in there and that way they just drew, and pulled and played and that's how they funded it and kept it running without it having to go through the organization of the City. I was unaware of it. As soon as I found out about it, my instructions were clear to shut it down."

David Blackburn: "When was that instruction?"

Brigham Morgan: "That came in August or September. One other clarification. It was two fiscal years ago that the Council approved the large budget for the Arts Council."

Mayor Bailey: "That budget ended in the last fiscal year."

Brigham Morgan: "So, that was the incident of the account. It was out of frustration of dealing with the City financial system, which I think we all understand was not in its best form at that point in time. There was frustration that there had been significant revenues given to the City and not recognized that were showing up as zero in the Arts Council budgets and so..."

Linn Strouse: "Who were they dealing with when they came in to do the financing?"

Brigham Morgan: "Back in June..."

Mayor Bailey: "Who was the Arts Council dealing with as far as all the financial matters with the Finance Department?"

Glen Sexton: "You know, I came on board in August 2002 and I wasn't aware of any dealings with the Arts Council, whether it was trying to get expenditures or revenues. It wasn't until September of this (fiscal) year..."

Mayor Bailey: "If I remember correctly that was because they were operating out of that bank account. We never knew they were even expending or receiving money because it never came to the City."

Glen Sexton: "There were expenditures turned in to the City in September and it was probably documented at that time..."

Chris Hillman: “Just a quick side note. The City implemented new purchasing policies and procedures, and what we found is some of the volunteer boards were not apprised. So, we held a special training for all boards, the Arts Council, the Sports Board.”

Mayor Bailey: “The Arts Council was the only one that did not show up for it.”

Chris Hillman: “I can’t remember.”

Mayor Bailey: “That was correct because I know that Glen said they were the only ones that did not show up for it.”

Chris Hillman: “And we did have a training so everybody understood the proper policies and procedures necessary.”

Brigham Morgan: “So, that may have been the source of frustration.”

Darrell Jackson: “As a member of the Library Board, I would like to say there has been problems getting money out of bank accounts for different boards. We’ve experienced that in the Library. Recently those problems aren’t there, but there was a time since I’ve been on the board that those problems have existed.”

Linn Strouse: “Who were you dealing with in the City when...?”

Darrell Jackson: “I couldn’t tell you, but Michele (Graves) would be able to tell you. I can get you that information.”

Mayor Bailey: “Any other discussion from Council? At this point I think we’ve cleared the air on all the issues and points of interest here. Being that we’ve spent so much time on discussion, Mark, could you restate your motion.”

Mark Madsen restated his motion as it appears above.

15. **Consideration and Approval of Residential Utility Bill Discounts for Military Personnel in Active Duty:**

Mayor Bailey explained that it was the desire of the City to help the families of deployed soldiers with their utility bills. He stated the City was proposing an action to waive base fees for water, electric, and gas for individuals presenting deployment orders to the City. He indicated that a waiver of late fees on utilities was passed previously for these families.

MOTION: *Vincent Liddiard moved to accept that action as a military abatement program for all military personnel who have been deployed as per the discussion. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse stated that when soldiers are dying and sacrificing life and limb for our liberties, the City is willing to do what it can to alleviate the pain of separation for these families.

Vincent Liddiard stated he wished it were possible for the City to do more for those who defend our way of life and make it possible to have the things we enjoy.

Becky Jones, resident, requested that this be announced to the public for the benefit of all involved.

Mayor Bailey assured Mrs. Jones that those involved would be notified. He indicated this abatement would be effective this month.

16. **Other Business:**

None

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

MOTION: *Mark Madsen moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 6:05 PM. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

18. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

MOTION: *Diane Jacob moved to close the Closed Executive Session and reconvene in to Open Session at 6:37 PM. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

19. **Any Actions from the Closed Executive Session:**

MOTION: *Mark Madsen moved to ratify the personnel action on the separation of Kent Parker. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

20. **Adjournment:**

Vincent Liddiard moved to adjourn the meeting at 9:38 PM.

APPROVED: _____

Mayor Kelvin E. Bailey

DATE: _____

2-6-04

This certifies that the minutes of
1/6/04 are a true, full and
correct copy as approved by the
City Council on 2/3/04

Signed: DeAnna Whitney
Deputy City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

January 20, 2004

Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 PM

1. Consent Agenda
2. Discussion on New Public Utilities Administration and Public Operations Buildings
3. Discussion regarding Bid Documents for Utility Trenching Contract
4. Discussion on Possible Amendment to the Impact Fee Ordinance
5. Items as Outlined on the Policy Session
6. Other Business
7. Adjourn Work Session at 6:05 PM

Prayer by Invitation of the Mayor

The prayer was offered by Shawn Warnke.

POLICY SESSION – 7:00 PM

The Mayor called the meeting to order at 7:02 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

City Administrator:	Chris Hillman (Excused)
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker (Excused)
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
City Accountant:	Glen Sexton
Fire Department:	Chief Robert DeKorver (Excused)
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Youth Council Mayor Brittany Monson.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Glen Sexton.

3. Approval of Minutes (SCC Meeting December 19, 2003):

MOTION: *Mark Madsen moved to approve the Minutes of the Special City Council meeting of December 19, 2003. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Shawn Warnke announced the General Plan Open House on Wednesday, January 21, 2004 at 6:00 PM in the Council Chambers. He also advised there would be another open house on the General Plan in February, at which time the Public Hearing process would be announced.

5. Appointments:

A. Statutory Positions

1. City Recorder

Mayor Kelvin Bailey recommended that Janet Valentine be re-appointed to the position of City Recorder per new State legislation which requires the re-appointment of the city recorder and city treasurer on or before the first Monday in February following each municipal election.

MOTION: *Vincent Liddiard moved to re-appoint Janet Valentine as City Recorder. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

2. Interim City Treasurer

Mayor Bailey recommended that Glen Sexton, City Accountant, be appointed as Interim City Treasurer until a new Finance Director is hired.

MOTION: *Diane Jacob moved to approve the appointment of Glen Sexton as Interim City Treasurer. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

B. Recreation Sports Board

The Mayor recommended that Denae Anderson be re-appointed to the Recreation Sports Board for a term from January 20, 2004 through December 31, 2007.

MOTION: *Diane Jacob moved to approve the re-appointment of Denae Anderson to the Recreation Sports Board. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

C. Library Board

Mayor Bailey recommended that Alison Lopez be appointed to the Library Board for a term from January 20, 2004 through December 31, 2006, and that Carrie Black be appointed to the Library Board for a term from January 20 through December 31, 2004.

MOTION: *Linn Strouse moved to approve the appointments of Alison Lopez and Carrie Black to the Library Board. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

D. Solid Waste District

Mayor Bailey recommended that Mont Beckstead of the Public Works Board be re-appointed to the Solid Waste District.

MOTION: *David Blackburn moved to re-appoint Mont Beckstead of the Public Works Board to the Solid Waste District. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

City Recorder Janet Valentine administered the Oath of Office to the new appointees who were in attendance.

City Attorney Gerald Kinghorn administered the Oath of Office to Janet Valentine and Glen Sexton.

Sergeant JoAnn Murphy addressed those present and referred to an oath she had taken to support and uphold the Constitution of the United States. She referred to the other rights provided all citizens of this country and reminded all that with those rights come responsibilities. She thanked all those present who understand the rights of assembly and free speech and act accordingly. She referred to some recent meetings where some people had spoken out of turn and tried to intimidate others. She again referred to her obligation to uphold the Constitution and expressed her gratitude to those who help her. Sergeant Murphy explained the process in effect for comment in a public meeting and advised that inappropriate conduct would be handled accordingly.

6. **Public Notices:**

None

7. **Public Comment:**

None

8. **Council Comments:**

None

Mayor Bailey recommended the Council move to Item 15, Other Business, to accommodate comments from the Youth Council.

9. **State of the City Address by Mayor Kelvin E. Bailey:**

Mayor Bailey thanked Vincent Liddiard for reading the State of the City Address last year. He then addressed all the citizens of the community in his State of the City Address, copy attached.

10. Consideration and Adoption of an Ordinance Amending and Re-Enacting the Eagle Mountain City Recreation Sports Board Ordinance to Reduce the Number Serving on the Board from Seven to Six Members:

Mayor Bailey explained that the amendment to the ordinance would reduce the number of board members from seven to six and make the position of chairman of the board a non-voting member, except in the case of a tie.

MOTION: *Diane Jacob moved to adopt Ordinance No. O 03-2004, an Ordinance of Eagle Mountain City Amending and Re-enacting the Ordinance Providing for the Eagle Mountain City Recreation Sports Board, Membership on the Board, Program Requirements, and Budget Expenditure Standards. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. Consideration and Approval of an Ordinance to Amend the Budget for FY 2003-2004 to include a CERT grant for 2004 in the amount of \$2,800:

Sheila Curtis, City Emergency Preparedness Director, explained that the funds were received through a CERT grant and would be used for equipment for CERT training. She advised that approximately 25 citizens have been trained in CERT to date and that the next training would be held on March 13, 20 and 27, 2004, in the Council Chambers.

Linn Strouse acknowledged the tremendous asset this training is to the community and thanked Sheila Curtis for her volunteer service.

MOTION: *Vincent Liddiard moved to adopt an Ordinance Amending the Eagle Mountain City, Utah Fiscal Year 2003-2004 Annual Budget, Ordinance O 04-2004, to reflect the change to incorporate the \$2,800 for CERT. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

10. Consideration and Approval of a Resolution of Eagle Mountain City, Utah Establishing Active Duty Military Utility Service Charge Abatement:

Gerald Kinghorn explained that this motion would formalize the vote that was taken at the last Council meeting. He stated there had been a suggestion that this abatement apply to all active duty personnel.

MOTION: *Vincent Liddiard moved to adopt Resolution No. R 01-2004, subject to changes mentioned earlier in that it is modified to reflect all active duty personnel that are deployed away from home. Mark Madsen 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 Agreement between Eagle Mountain City and Mark Bair, M.D. for Off-Line Medical Director for Eagle Mountain City Fire Department:

Mayor Bailey explained that this is an ongoing contract that needs to be renewed each year to provide services for the Fire Department.

MOTION: *Vincent Liddiard moved to approve an Agreement for Off-Line Medical Director for Eagle Mountain City Fire Department commencing July 1, 2003 and ending one year from commencement. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. **Consent Agenda**

- A. Check Register for December 2003
- B. Partial Payments
 - 1. Ruby Valley, Phase B Partial Completion, 2003 (PP No. 1), Staker Paving
 - 3. Ruby Valley, Phase B Partial Completion, 2003 (PP No. 1), Tricor Excavating

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.*

15. **Other Business:**

This item was discussed after Item 8 at the request of Mayor Bailey

Mayor Bailey invited the Youth Council to present information on a proposed skate park.

Youth Council Mayor Brittany Monson introduced other members of the Youth Council and presented plans to the Council for a proposed skate park in the City center. Mayor Bailey asked for specific plans for the park, and Brittany Monson stated they would like to start out small. Mayor Bailey advised that the City would like to work with developers to create a skate park and asked for specific plans to be presented to Public Works Director for consideration. Youth Council Mayor Monson presented signed petitions to the City Recorder.

Mayor Bailey returned to Item 9, State of the City Address.

After Item 14 the Mayor asked Gerald Kinghorn to present plans to respond to a protest letter received by the City regarding the use of prayer before City Council meetings. Mr. Kinghorn stated he would be preparing a memorandum for the Council advising them of the options and would also respond to the protest letter.

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

No Closed Executive Session was called.

17. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable.

18. **Any Actions from the Closed Executive Session:**

None

19. **Adjournment:**

Vincent Liddiard moved to adjourn the meeting at 7:40 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: _____

2-6-04

This certifies that the minutes of
1/20/04 are a true, full and
correct copy as approved by the
City Council on 2/3/04

Signed: DeAnna Whitney
Deputy City Recorder

State of the City Address January 2004

My Fellow Friends and Neighbors:

It is indeed an honor and privilege to give the second State of the City Address for Eagle Mountain. I am pleased to report much progress has been made again over the past year.

As you may recall, I had three major goals before coming into office two years ago; they were to improve communication with the citizens, to create an environment conducive towards improved growth, and to improve the situation with the utilities. Since coming to office, I have strived to keep those commitments along with having to add a couple of new goals, which were to have better fiscal responsibility in our government finances and complete the road between the City Center area in the South and The Ranches area in the North.

I am excited to say that communication has improved. Our website (www.emcity.org) for the first time ever in Eagle Mountain allows citizens the opportunity to review things such as: the minutes from Council meetings; the votes cast for issues by their elected officials; the monthly newsletters; information on city planning and building permits and much much more. All this was helpful during the recent Election, the majority of voters were able to get reliable information so that they were able to make informed decisions and vote in like manner. We will continue to improve upon this site so that residents and non-residents alike will be able to find the information they are looking for about our community. The past Mayoral Newsletter provided in the utility bills have also helped to provide information about important issues; we now have replaced this with the "Eagle Mountain Highlights" newsletter. The continual articles in our local papers have been used to provide current and important news on a regular basis. The ability to contact the Mayor and Council by email and by phone has helped answer questions and concerns by residents. And most importantly for the residents, as of January 2004 we now have a live person to help answer the city's main phone number. In short, our government has become more open and communicative.

Along with communication, growth has continued during a very sluggish economy. According to recent reports we are among the top three cities in Utah County for having the highest growth rates. Growth was a major point of controversy during the last election. Some claimed growth was out of control, but what is uncontrolled growth? Is it the number of homes being built in a year? If so, then that could not have been the problem last year. We pulled 423 permits during 2002 and we pulled only 374 during 2003. A decline in homes being built cannot be defined as uncontrolled growth. But even if we built 600 homes in a year as the city did in 2000, it is not uncontrolled growth unless we cannot build the infrastructure needed to go with it and provide the necessary public services. Is it the types of homes being built that makes it uncontrolled? Some may say they find certain types of exterior materials unattractive and undesirable, but that choice should be left to the buyer. If we truly believe in freedom then every home in this town should be built according to the choice of the buyer whether it be built in siding, brick, rock or stucco, if not for freedom, then because they are the ones paying for it! Is it the number of condos being built that makes it uncontrolled? If that were the case, then again we built fewer condos last year than we have in the past three years.

The simple fact is uncontrolled growth only occurs when there is an inability to provide the basic services and utilities to accommodate that growth. We have not experienced uncontrolled growth in Eagle Mountain now or in the past. The reason we must continue to grow, is to meet the financial obligations placed on us by the utilities we own.

The original decision of the city to enter into the utility business is what has forced growth on us since our inception; however, just because we need to grow does not mean we must grow at all cost! Let me assure you, we will continue to encourage well balance growth, more improved open space, parks and trails, more step up homes, larger lots, and more commercial! We will enhance these goals through a new and improved development code! We will be holding public meetings to allow for public input again during the process. In addition, the new Council, which has a strong desire to work in an objective manner to find solutions for improving our future, will work to create a code that will benefit our community long into the future.

Furthermore, our utilities have improved on many fronts. Our Gas and Electric service has improved and our costs have remained constant in a very volatile energy market and as of the first quarter of 2004 our debts on these utilities will be reduced by at least a million dollars. Also, we finalized the contracts for the sale of the Telecommunications System last December and hope to close on them the first of March and no later than the first part of May. This will eliminate another 4.5 million dollars of debt. We have sought out potential buyers for the Gas and Electric over the past year, but so far we have not been able to find an interested party because of the excessive debt owed on them. We will continue the search and we will continue to find ways to reduce the debt.

Lastly, the financial records of the city have been a major set back for us. Since 2002 we brought in a new Finance Director and have been in a catch up mode ever since, trying to keep up with the day to day records and get the audits done for the previous years. We finally completed the audits for 2001 and 2002 back in May and July 2003 respectively. This was one year and five months late for 2001 and seven months late for 2002. We had hoped that we would be able to get our records for 2003 to the auditors and completed by the end of December 31, 2003, which would have been a new record for the City; however, due to problems with our Finance Director over the past six months we did not achieve that goal. We did get the majority of records submitted to the auditors for their review, but we still do not have our audit completed as should have been. The Finance Director is no longer with us as of January 8, 2004 and we have brought in outside accountants that we used in the past year to help us complete the records for the auditors. According to the auditors they plan to be done by the end of February. If so, then we will be only two months late. Progress is definitely being made.

Also, as a result of not submitting records in on time in earlier years the city has suffered losses in penalties and interest to the state, along with holding back state funds due the city from those same years. Moreover, the city has been penalized on the Gas and Electric revenue bonds with insurance premiums that have cost the city more money. Normally the city pays 1.75% of the total bond debt in an annual insurance premium; however, the city now pays 4.0%. That amounts to more than \$470,000 per year just because financial records and reports were not sent in as required.

It is disappointing to still not be totally caught up and to have to pay penalties, but at least there is good news amidst the bad. Our preliminary records indicate a clear surplus for the end of the 2003 fiscal year, which is wonderful considering we had almost a \$450,000 deficit the previous year. The state has also released some of the monies owed to the city which were held for the years of 2000 – 2002 since those audits were turned in just last year. We are in hopes of getting the insurance rate reduced once we are able to submit the current audit and show that we are finally up to date and are performing in a fiscally responsible manner. Also, the interest rates on the same revenue bonds have been at an all time low of about 0.96 % which helps make up for the additional insurance premiums we have been paying. It has been a long hard two years for the finance department.

I am excited to say we have overcome the major financial record keeping problems, but the price they have cost the city will linger on for some time not just in dollars and cents. We hope that with time we will be able to find what led to this financial mismanagement and where some of the missing records from previous years are.

Lastly, the completion of Pony Express Pkwy and Sweetwater Road that will connect the North service area with the South service area is under contract and construction thanks to the careful negotiations made with State Trust Lands who have put up the money for this construction project as well as 50 acres for the permanent site for our future City Hall. We also negotiated many other benefits to our community with them. They have become an integral partner with the City as the other three master developers have been in the past.

We are also in the process of building a new Public Utilities Administration Building. This building will become our interim City Office Building allowing us to move out of the trailers while we prepare to build a permanent City Hall on the 50 acres donated by the State Trust Lands in the South Service area along Pony Express Pkwy. Not only will this give the city a more professional look, but will provide the necessary room for our continued growth.

In conclusion, I would like to say that I am optimistic that the worst is behind us. Many improvements have occurred over the past year. We have a beautiful new city monument on the East boundary of our city, courtesy of The Ranches; The Ranches entrance has been completed; construction on the Sweetwater and Pony Express roads will be completed in the Spring; new commercial development will also be completed in the Spring, bringing a gas and grocery store, a pizza place, a day care center and more; a new elementary is being built in the city center area; improvements along Hwy 73 are moving along with more planned in the near future; a new amphitheater and a new well will be built thanks to agreements made with Development Associates; more parks are being completed in the city center; and we have more police and fire protection. In addition, we have a new Arts Guild and the Gina Morgan Children's Choir in our area that can grow and function in ways the city sponsored arts council could never do. They have many new events planned for the future and opportunities for all to participate in. These are just a few of the accomplishments over the past year.

We are blessed with many wonderful and caring people, who are willing to serve in the various positions in the city and share their wealth of knowledge, skills and insights to the improvement of our community.

I would hope that the good people of this country and community will continue to take courage, stand up, and serve. It is what makes this county and our community great and unique.

In addition to this, I have come to realize that not only our willingness to serve, but our perspective of life and the circumstances that confront us is sometimes more important than finding solutions for it. I recall a story my sister shared with me some years ago and I would like to share it with you now.

There was once a King in Africa who had a close friend that he grew up with. The friend had a habit of looking at every situation that ever occurred in his life (positive or negative) and remarking, "This is good!" One day the King and his friend were out on a hunting expedition. The friend would load and prepare the guns for the King. The friend had apparently done something wrong in preparing one of the guns, for after taking the gun from his friend, the King fired it and his thumb was blown off. Examining the situation the friend remarked as usual, "This is good!" To which the King replied, "No, this is NOT good!" and proceeded to send his friend to jail.

About a year later, the King was hunting in an area that he should have known to stay clear of. Cannibals captured him and took him to their village. They tied his hands, stacked some wood, set up a stake and bound him to the stake. As they came near to set fire to the wood, they noticed that the King was missing a thumb. Being superstitious of eating anyone that was less than whole, they decided to untie the King and send him on his way.

As he returned home, he was reminded of the event that had taken his thumb and felt remorse for the treatment of his friend. He went immediately to the jail to speak with his friend.

"You were right" he said, "It was good that my thumb was blown off." And so I am very sorry for sending you to jail for so long. It was bad for me to do this."

His friend paused for a moment and replied, "No, this is good!"

"What do you mean, 'this is good'?! How could it be good that I sent my friend to jail for a year?"

Quickly he answered, "If I had NOT been in jail, I would have been with you and I am not less than whole."

I believe that if we adopt this kind of attitude about the challenges that come our way, we too, may be able to say, 'this is good' and see the solutions to the adversity in our lives with a different perspective.

It has been an extremely emotional and challenging year for me. I would be remiss if I did not take a moment and extend a heart felt appreciation for the tremendous support of so many kind and thoughtful citizens. I am grateful for the support from Councilwoman Linn Strouse and Councilman Mark Madsen, they have made serving enjoyable. But more importantly, I want to thank, from the bottom of heart, my wonderful wife, Maritza, who has been there for me through

the most challenging moments and has been willing to sacrifice the hundreds and hundreds of hours spent away from her and our children for the benefit of our community.

I am happy with the achievements that have been accomplished over the last year. I am pleased to work with the new Council Members. I appreciate their respective attitudes and look forward to working together as a united team. We have great potential and with great leaders we will become "Utah's *New Frontier*"!

Thank You and God Bless,
Mayor Kelvin E. Bailey

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL TELEPHONIC MEETING

February 3, 2004

Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 PM

1. Other Business – Report from Direct Communications
2. Update on Eagle Mountain City Library by Council Member Diane Jacob (connected to the meeting telephonically) and Librarian Michele Graves
3. Concept Plan for Silver Lake Ranch
4. Consent Agenda
5. Discussion regarding Request for Proposals (RFP) for Banking Services
6. Update on Financial Audits
7. Update on South Valley Animal Control Special Service District
8. Discussion on Utilities Operation Building
9. Discussion on Proposed Impact Fee Ordinance
10. Discussion of Real Estate Offer
11. Discussion on Land Swap for the City's Utility Administration Building
12. Items as outlined on the Policy Session
13. Adjourn Work Session at 7:40 PM.

Prayer by Invitation of the Mayor Pro Tempore

The prayer was offered by Chris Hillman

POLICY SESSION WILL BE CONDUCTED AS A TELEPHONIC MEETING

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:05 PM.

1. Roll Call:

Council Members Present: Mark Madsen, David Blackburn, Vincent Liddiard, Linn Strouse. Mayor Kelvin Bailey was telephonically connected to the meeting. Diane Jacob was excused.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker (Excused)
City Recorder:	Janet Valentine (Excused)
Deputy Recorder:	DeAnna Whitney
Planning Director:	Shawn Warnke

Planning Manager: Fionnuala Kofoed
Public Works Director: Mark Sovine
Accountant: Glen Sexton
Utah County Sheriff: Sergeant JoAnn Murphy
Fire Chief: Robert DeKorver

2. **Pledge of Allegiance**

The Pledge of Allegiance was lead by David Blackburn.

3. **Approval of Minutes (January 6, 2004 & January 20, 2004):**

MOTION: *Mark Madsen moved to approve the Minutes of January 6, 2004 and January 20, 2004. Vincent Liddiard seconded the motion. Ayes: 4 – Vincent Liddiard, Linn Strouse, David Blackburn, Mark Madsen; Nays: 0. Motion passed.*

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

Sergeant JoAnn Murphy reiterated her comments from the last City Council meeting reminding all citizens of their responsibility to follow the laws regarding freedom of assembly and freedom of speech. She explained specific appropriate and inappropriate behavior.

5. **Appointments:**

A. Public Works Board

Mayor Bailey recommended the appointment of Brian Richards to the Public Works Board with a term from February 2, 2004 through December 31, 2008.

MOTION: *David Blackburn moved to appoint Brian Richards as a new member of the Public Works Board. Vincent Liddiard seconded the motion. Ayes: 4 – Vincent Liddiard, Mark Madsen, David Blackburn, Linn Strouse; Nays: 0. Motion passed.*

B. Board of Adjustment

The Mayor recommended the appointment of Rick Knowlton to the Board of Adjustment for a term from January 1, 2004 through December 31, 2006.

MOTION: *David Blackburn moved to approve Rick Knowlton to the Board of Adjustment. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

DeAnna Whitney administered the Oath of Office to Mr. Richards and Mr. Knowlton.

6. **Public Notices:**

Mayor Bailey announced there would be a Public Hearing regarding impact fees during the City Council meeting on February 17.

7. **Public Comment:**

Rick Pierce, resident, presented a letter addressed to Gerald Kinghorn requesting information regarding Mayor Bailey's use of a City cell phone for personal business. He also referred to a letter from Mayor Bailey to the City Council indicating he was following City policy by paying \$.10 per minute for personal

calls. He asked Mr. Kinghorn to review the information he presented and give an official position regarding this matter.

Mr. Kinghorn advised Mr. Pierce to present all of his written information to the City Recorder.

8. **Council Comments:**

Vincent Liddiard welcomed Heather Miller from the Lehi Chamber of Commerce.

9. **Presentation by Heather Miller, Lehi Chamber of Commerce:**

Heather Miller addressed the Council regarding the Lehi Area Chamber of Commerce and presented information on the history of the Lehi Chamber. She welcomed all neighboring businesses to join the Lehi Area Chamber of Commerce and stated that several businesses from Eagle Mountain had already joined the chamber. Ms. Miller announced plans for a chamber business directory and made reference to future planned events.

Vincent Liddiard acknowledged the remarkable job done by Ms. Miller. He asked about membership dues and whether any Eagle Mountain residents currently sit on the chamber board.

Ms. Miller responded that Lehi Area Chamber of Commerce membership dues for one year are \$65 and that there are board members from Eagle Mountain.

Mayor Bailey stated he has enjoyed working with Ms. Miller and applauded her enthusiasm and energy, her great ideas, and her willingness to create a working relationship with other cities.

Linn Strouse also thanked Ms. Miller for her efforts and for the “umbrella” that has been created to include other cities in the Lehi Area Chamber.

Ms. Miller announced there would be a chamber family luau at the Best Western Motel Timpanogos Inn on Wednesday, March 24, and invited all interested businesses to participate.

10. **Concept Plan for Silver Lake Ranch:**

This item was deleted and was discussed during the Work Session.

11. **Update on GIS by Greg Nash:**

This item was tabled.

12. **Recognition of Eagle Mountain City Youth - Donation of Volley Ball Equipment:**

Mark Madsen explained that some of the Eagle Park Subdivision youth raised money through a bake sale to purchase equipment for their neighborhood park. He presented Certificates of Appreciation to Matthew Oakley, Hannah Oakley, Daniel Oakley, Brittany Chalfant, Whitney Pettersson, Lindsay Schultz, Shacie Gleed, Adria Schmidt, Emily DeWeese, Melissa DeWeese, Sarah Oakley, Michelle Stevens, and Jamie Williams.

13. **Report on Medical Facility Research for our Area by Rose Bonnell:**

Mayor Bailey introduced Rose Bonnell and explained her efforts to facilitate bringing a medical facility to our area.

Ms. Bonnell presented a handout and addressed the Council regarding her concern about the time involved in getting from Eagle Mountain to the closest hospital. She explained the research she had conducted on this matter. She stated she determined that IHC had acquired land in Saratoga Springs for an instant care facility, which could be completed by 2005. She explained that an IHC representative advised her to collect anecdotal experiences regarding the need for emergency care in Eagle Mountain. She stated that documentation of enough of these experiences might convince IHC to provide a hospital sooner than planned.

Linn Strouse expressed appreciation to Ms. Bonnell for all the research done on this subject and for the great detail of the information. She recommended Ms. Bonnell find a way to survey people regarding these issues.

David Blackburn recommended Ms. Bonnell get statistics for emergency calls, and she indicated she had already taken steps to obtain this information.

Linn Strouse recommended that Ms. Bonnell set up a booth at Pony Express Days to educate the public, get survey information, and receive petition signatures.

14. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (To provide for additions/changes to Library Fees, Subdivisions-Condominium & Recordation Fees):**

Mayor Bailey advised that this amendment provided for changes to library fees and subdivision-condominium and recordation fees.

MOTION: *Vincent Liddiard moved to approve Resolution No. R 02-2004, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

15. **Consideration and Approval of PacifiCorp Contract Addendum to Tax Shelters:**

Gerald Kinghorn explained this addendum amends all other agreements with PacifiCorp by clarifying that none of the payments made under these agreements are intended to be tax shelters under the Internal Revenue Code.

MOTION: *Mark Madsen moved to approve an Addendum to Tax Shelters Contract with PacifiCorp and authorize the Mayor to execute same. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

16. **Consideration and Approval of Short-Form Netting Agreement with PacifiCorp:**

Gerald Kinghorn explained the new agreement to Council and recommended approval.

MOTION: *David Blackburn moved to approve a Short-Form Netting Agreement with PacifiCorp. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

17. **Consent Agenda:**

A. Check Register for January 2004

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

18. **Other Business:**

None

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

No Closed Executive Session was called.

20. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable.

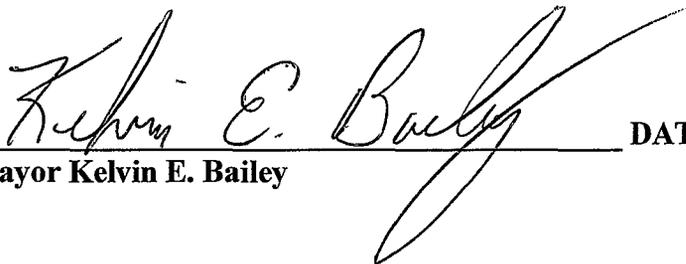
21. **Any Actions from the Closed Executive Session:**

Not applicable.

22. **Adjournment:**

Linn Strouse moved to adjourn the meeting at 7:52 PM.

APPROVAL:



Mayor Kelvin E. Bailey

DATE:

2-17-04

This certifies that the minutes of
3-FEB 2004 are a true, full and
correct copy as approved by the
City Council on 17-FEB 2004

Signed: 
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL
March 2, 2004
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

Prayer by Invitation of the Mayor

The prayer was offered by Linn Strouse.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:03 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver
Utah County Sheriff:	Deputies John Mulder and Shawn Radmall

Others Present: Jeremy Simmons, Family Solutions Consulting; residents Mark Lofgren, Ryan Borneman, David Lifferth, Henry Graham Kicklighter, Wendy Minks, Harry Bakken; Greg Nash, GIS representative from the University of Utah; Lisa Holland, Fire Fighters Ladies Auxiliary; Scott Hazard, the Ranches, L.C..

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by David Blackburn.

3. Approval of Minutes (February 17, 2004):

MOTION: *Linn Strouse moved to approve the Minutes of February 17, 2003. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

February 17, 2004

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 5:00 PM

1. Consent Agenda
2. Update on 2002-2003 Audit by Dennis Robbins of Osborne, Robbins and Buhler
3. Presentation by Craig Hancock with UDOT regarding Plans for Improvements on SR 73
4. Presentation by Utah County concerning Proposed Ordinance for Beer Handling Licenses
5. Discussion regarding Proposed Zoning for the Meadow Ranch Annexation
6. Adjourn Work Session at 5:30 PM

CLOSED EXECUTIVE SESSION – 5:00 to 6:30 PM

1. Motion to recess in to a Closed Executive Session for the purpose of discussing personnel issues:

MOTION: *David Blackburn moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 5:30PM. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Present: Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, and Linn Strouse, Chris Hillman, and Gerald Kinghorn.

2. Motion to Adjourn the Closed Executive Session:

MOTION: *Linn Strouse moved to adjourn the Closed Executive Session at 6:50 PM. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Prayer by Invitation of the Mayor

Vincent Liddiard offered the prayer.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:15 PM.

1. **Roll Call:**

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse. .

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Accountant:	Glen Sexton
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Utah County Sheriff:	Sergeant JoAnn Murphy
Fire Department:	Chief Robert DeKorver

Others Present: Tim Smith, resident; Polly Godfrey, resident of Fairview; Wendy Baggeley, resident.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Kelvin Bailey.

3. **Approval of Minutes (CC Meeting February 3, 2004):**

MOTION: *Mark Madsen moved to approve the Minutes of February 3, 2004. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Diane Jacob abstained since she was not present at the February 3 Policy Session. Motion passed.*

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

Mayor Bailey presented the Kermit the Frog Award to Chris Hillman on behalf of the employees and staff of the City.

5. **Appointments:**

A. Board of Adjustment

Mayor Bailey recommended the appointment of Darin Montgomery to serve on the Board of Adjustment for a term from February 17 through December 31, 2004, and the appointment of Steve Seegmiller to serve on the Board of Adjustment for a term from February 17, 2004, through December 31, 2006.

MOTION: *Linn Strouse moved to approve the appointments of Darin Montgomery and Steve Seegmiller to serve on the Board of Adjustment. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard explained that the Board of Adjustment acts as an appeals board to handle appeals from persons with planning concerns.

6. Public Notices:

None

7. Public Comment:

Tim Smith, resident, expressed his concerns about the UDOT recommendation to lower the speed limit on SR 73. He stated that in most accidents there are other causes besides speed, such as animal crossings, DUI, etc. He recommended that proper acceleration lanes, turn lanes, passing lanes and proper animal crossings be installed to provide better traffic safety. He indicated that lowering the speed limit would increase congestion and increase the probability of more accidents.

Polly Godfrey, resident of Fairview and sister-in-law of a person killed on SR 73 on February 7, expressed her concerns about the increase in traffic on SR 73, the lack of enough lanes and the problem with DUP's. She encouraged the City to take aggressive action to look for answers to traffic issues on SR 73.

Mayor Bailey explained that the City had been working on these concerns for some time by giving input to UDOT, which controls SR 73. He referred to a presentation from UDOT during Work Session regarding plans to widen the road this summer.

Linn Strouse advised that in her latest conversation with UDOT, there was great support to meet the needs for improvement on SR 73. She stated that UDOT stressed that the Legislature needs to hear the complaints from citizens because they control the budget. She requested that all citizens email their concerns to her so that she can forward the messages to the Legislature.

Wendy Baggeley, resident, reported that the Eagle Mountain City Youth Council attended the State Legislature on Monday, February 16, were recognized on both the House and Senate floors, took a capitol tour, and attended a Senate Education Committee meeting with Senator Wright who answered questions from the youth. She indicated that the conflict of interest question came up with Senator Wright and, since this has been an issue dealt with by the Eagle Mountain City Council, she described how the State Legislature deals with this issue. She advised that Senator Wright and Representative Cox both stated that conflicts of interest arise regularly on the State level because it is a

citizen legislature; however, this does not become a problem because of the trust they have among their colleagues who always declare a conflict before voting.

Linn Strouse expressed her appreciation to Wendy Baggeley for planning this day at the Legislature for the Youth Council. Council Member Strouse advised that Mrs. Baggeley was able to save the City money by planning the activity on her own.

8. Council Comments:

Vincent Liddiard stated that the Fire Department is now better staffed during the day because of the hiring of part-time fire fighters. Council Member Liddiard stated that Fire Chief DeKorver and Deputy Fire Chiefs McCarthy and Homen would be presenting to “the powers that be” a proposal for EMT/paramedic status for the ambulance response for the City.

9. Public Hearing: “Ordinance Amending and Re-enacting Impact Fees for Eagle Mountain City” (Impact Fees are calculated based on a subdivision-per-subdivision basis. Refer to Impact Fee Ordinance for the actual fees per subdivision):

Gerald Kinghorn explained that this amendment would revise the impact fees generally downward and correct some rounding errors and accounting errors in the existing Impact Fee Ordinance. He stated the purpose of this amendment was to try to relieve the economic burden currently being placed on builders. He advised that builders met with the staff and the Mayor and reached a fair and equitable adjustment of the impact fees. He said that the adoption of the ordinance would be an express acknowledgement by the Council of a need for one or more alternatives to be used in the future regarding the financing of future public facilities.

A. Open Public Hearing:

Mayor Bailey opened the Public Hearing at 7:39 PM

B. Receive Public Comment:

Janet Valentine read a statement from Monte Kingston, Eagle Mountain Links, regarding the increase in impact fees in December 2003. His statement explained how the increase would impact his bottom line. He recommended that the impact fees be phased in over a three-year period. He also asked the Council to consider having fees due at building permit rather than at recordation. A copy of his statement is attached.

Mike Wren, Eagle Mountain Properties, encouraged the Council to consider allowing refunds to builders who pulled permits and paid the higher fees since the December increase.

C. Close Public Hearing:

The Mayor closed the Public Hearing at 7:45 PM

Mayor Bailey explained that the Council had spent a great deal of time on this issue during the last two Council meetings and that the City had spent approximately six months redoing the Capital Facilities Plan. He advised that the goal of the City was to create an Impact Fee Ordinance that would allow the City to be able to finance future infrastructure needed for growth and get out of the "catch up mode" which currently exists. He advised that the City did not receive enough input from developers to understand the economic impact the ordinance would have on them. He stated it had been a challenge to find a balance that works for the City, the builders, and the developers at the same time. He stated the City is trying to strike a balance to keep the market moving, keep the City going and provide economic means needed to build future infrastructure.

Mark Madsen expressed his concern that the current wording creates certain inequities by requiring some homebuyers, particularly in the South Service Area, to pay for the capacity they would be using and also paying for the capacity not yet existing for future users.

Korey Walker explained that in the long run all residents would be benefited because the City would eventually be able to bring secondary water back into the community, even though this is a cost under the proposed ordinance that will be burdened on future development and that today's residents will benefit from.

Mark Madsen clarified that there would be a collateral benefit in the secondary system that would justify the "double dip" now. This was verified by Mr. Walker who explained that residents of today and tomorrow would be paying user rates for the improvements of today and that the City would have to determine how to get to the next level of improvement.

Mayor Bailey further explained that the collection of future impact fees would go towards helping to reduce the current debt. He stated that as more residents come in to the City and the faster they come in, the quicker the sewer rate can be reduced. He indicated that even though a resident pays an impact fee today, five years from now, or ten years from now, the user rate would have dropped incrementally. He stated there is no double dipping because everyone is paying the same amount, but it comes out over a period of years.

Linn Strouse asked about plans for secondary water use. Mr. Walker advised that one of the goals of the Capital Facilities Plan is to have a treatment facility that treats effluent water so that it can be returned to use in open spaces within the community. Council Member Strouse wanted clarification as to whether residents would have use of this

secondary water for their own properties. Mr. Walker advised there would eventually be some subdivisions that would have treated effluent water for use at their residences.

Vincent Liddiard stated that impact fees over time have tended to work on a “pendulum swinging from end to the other.” He indicated he sees this amendment to the Impact Fee Ordinance as a smaller movement that would become more precise as it is worked through, eventually reaching the point where there is a positive benefit for everyone concerned. He advised it is difficult to determine how much would be paid for future capacities and from where the monies would come. He referred to the \$45 included in the ordinance earmarked for public safety and wished this amount were larger, but stated that it is an amount that can be worked with now with the hope of increasing it in the future. He read a statement from the National Safety Council, which reported: “Statistics say if you want to be safe, go to work.” Council Member Liddiard stated that out of the 100,000 accidents that occurred last year in the United States, roughly 5,000 occurred at work, so it was safer to be at work than at home. He advised that our community is growing, which would put greater burdens and responsibilities on our small number of public servants who patrol the roads, respond to fire and accidents, etc. He asked for suggestions from citizens to provide ways to meet the future public safety needs of the City.

10. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah, Amending and Approving the 2003 Capital Facilities Plan, Adopting an Impact Fee Economic Analysis and Amending and Enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities:

MOTION: *Vincent Liddiard moved to accept an Ordinance of Eagle Mountain City, Utah, Amending Ordinance O 21-2003 and Enacting an Ordinance to Require Payment of Impact Fees for Certain Public Facilities, this Ordinance being No. O 05-2004, effective 12-19-2003, and allowing refunds to builders who have pulled permits and paid the higher fees since December. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. Consideration and Approval of the Final Plat for Pioneer Addition, Phase 2:

Shawn Warnke introduced the new City Planner, Adam Lenhard, and turned the time over to him for a presentation on this matter.

Adam Lenhard gave background information on the final plat for Pioneer Addition, Phase 2. He recommended approval with conditions shown in the staff report.

Vincent Liddiard asked for clarification of alternative design guidelines. Mr. Lenhard listed these guidelines: 1) Front yard setbacks of 20 feet minimum, unless shown on the plat; 2) ten percent of the lots showing a minimum front setback of 30 feet; 3) side yard setbacks five feet and seven feet, for a total of 12 feet; 4) rear yard setbacks 15 feet; 5) lot

sizes of 6,000 square feet minimum; and 6) lot width of 52 feet minimum on the front lot line.

Shawn Warnke explained that the intent was to make the alternative design guidelines comply with those shown in Pioneer Addition, Phase 1.

Diane Jacob asked if this subdivision would have some of the park paid for with SID funds that had not materialized? Mike Wren, Eagle Mountain Properties, responded that there is one central park required for all of Pioneer Addition. He indicated that half of the park was required to be built with Phase 1 and the other half with Phase 3 and would be paid for with bonding rather than an SID funds.

Vincent Liddiard recommended that porch sizes be called out to reduce confusion. Shawn Warnke stated that porch sizes would be the same as in the code but that they should be called out. Mr. Warnke advised that porch sizes would be addressed at a later date with the approval of the Development Agreement.

Mike Wren advised that they would follow the existing code with regard to porch sizes.

MOTION: *Linn Strouse moved to approve Pioneer Addition, Phase 2, Final Plat subject to the conditions in the staff report: 1) Plat Text Changes – that they be made according to the City Attorney’s comments; 2) E-file – that the e-file for dry utilities is submitted; 3) Storm Drain Pond – that there are grass and landscaping improvements for the storm drain pond; 4) Alternative Design Guidelines – that the same alternative design guidelines that were approved for Phase 1 also be approved for Phase 2; 5) Loop Feed for Gas – that there is a loop feed for gas on Frontier Street; and 6) Offsite Utility Easement – that an offsite utility easement be recorded for the telecommunication line, and that the porch size be called out. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

12. Consideration and Approval of a Resolution Amending the Telecommunications Fee Schedule (for the purpose of including a vacation rate for phone service and check return fee):

Mayor Bailey explained that this fee would allow residents who would be away for an extended period of time to discontinue service but retain their same phone number when service is reinstated.

MOTION: *Diane Jacob moved to approve Resolution No. R 03-2004, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule, as outlined. 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 a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (for the purpose of amending the check return fee):

The Mayor explained that currently Telecom and the Utility Department are charging different fees for returned checks. This amendment will set the fee for returned checks at \$25 or one percent of the balance, which is what other cities and entities are charging.

MOTION: *Diane Jacob moved to approve Resolution No. R 04-2004, a Resolution of the Governing Body of the City Eagle Mountain Amending the Eagle Mountain City Consolidated Fee Schedule. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

14. Consideration and Approval to Amend the Eagle Mountain City Standard Construction & Development Specifications for the purpose of identifying Design and Construction Standards and Procedures with relation to the Electrical System for New Developments:

Mayor Bailey advised this amendment would set standards for the design and construction of electrical systems for the City.

Mark Sovine stated that the City is looking at similar changes for the gas and water systems for the City and would present these changes to the Public Works Board for approval.

MOTION: *David Blackburn moved to consider and approve an Amendment to the Eagle Mountain City Design Requirements, Equipment and Material Requirements, Construction Specifications and Drawings pertaining to Electrical Infrastructure and Residential Subdivisions, as presented with the enclosed materials. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

15. Consideration and Approval of an Addendum to Lease #995 with South Valley Leasing:

Chris Hillman explained that the lease agreement on the newer portion of the City Offices would expire at the end of February 2004. He recommended the Council move to extend the lease for another twelve months. He advised that the City could terminate the lease at any time and that the lessee would credit all monies paid during the lease towards the purchase of the building, if the City so desired.

Mayor Bailey reported that the Council is looking into constructing a new facility for the City for a utilities and administration building just south of the new school. He stated the City hopes to have the building completed by the end of the year.

MOTION: *Vincent Liddiard moved to approve an Addendum to Lease #995 with South Valley Leasing. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

16. Consideration and Approval of Purchase of Utilities Operation Building Site:

Mayor Bailey explained that the City is looking into purchasing five acres of land adjacent to the current Public Works building in order to construct a new facility. He stated the purchase price is \$40,000 per acre.

Gerald Kinghorn explained that the purchase agreement should have been accompanied by an aviation easement that was not attached as Exhibit B. He indicated that the property had not been surveyed.

Diane Jacob expressed concern about the price of the land. She stated she had information that adjacent property had been sold at well below half the \$40,000 per acre in this purchase agreement and that \$40,000 an acre is not a fair market value price for the land. She stated no one would purchase a home knowing the price was over inflated.

Mayor Bailey stated the City considered this offer because they used as a comparative an appraisal the City had completed on land just south of this property.

Diane Jacob stated she still feels this is an over inflated value for land with no utilities, water rights, or infrastructure and that the City should not be paying \$40,000 an acre. She stated there is nothing else the owner can do with the property at this time.

Mayor Bailey stated the property may have use in the future but that it now is adjacent to property owned by the City and could be put to good use. He indicated the City had looked at other alternatives but that this offer was the only one close to where the City needed it to be.

Gerald Kinghorn advised that this property does have all the utilities accessible to it, which makes this site superior to the GSE site.

Korey Walker added clarification to the aviation easement referred to earlier by Mr. Kinghorn by stating that this easement is not a height-restricted easement but is a general easement for noise. He stated that on the west boundary the property butts up against the height-restricted aviation easement. He agreed with Mr. Kinghorn that the Council should review the easement before a decision is made.

Diane Jacob indicated she had other concerns about this purchase and would bring them up at the next meeting. This item was tabled

17. Consideration and Approval of Purchase of Utilities Administration Building Site:

Gerald Kinghorn presented an addendum and drawing to accompany the purchase agreement to acquire two-acres of property for a utility administration building site. He explained a “reverter clause” which states that if the City did not build on the site or if the City tried to sell the property to a developer within three years, the property would revert back to the seller. The developer would then have to return to the City the consideration paid, which would be a .91 acre site formerly used for the natural gas tank and cash for the SID assessment and rollback taxes (approximately \$6,000 to &7,000 per Mr. Hillman). Mr. Kinghorn stated that a title report would be required within ten days and that an environmental study had been done on both this property and the five-acre parcel discussed in Item 16.

Vincent Liddiard asked for clarification of the “reverter clause.” Mr. Kinghorn stated that once the City begins construction, the clause automatically expires.

David Blackburn asked if Paragraph 2.1 regarding rollback fees was typical in that the buyer pays all rollback taxes. The Mayor advised that this land was being donated to the City with the stipulation that the City pay the rollback taxes and the SID.

Vincent Liddiard asked about exact monies that would be spent by the City for this transaction. Mr. Kinghorn advised that he had the exact amount for the SID but did not have the exact amount on the rollback tax because he needed the title report to determine that amount.

Diane Jacob asked about water rights for this property. Mr. Walker and Mr. Kinghorn stated there was adequate water.

MOTION: *Mark Madsen moved to approve the Standard Real Estate Purchase Contract relating to the Property Purchase and Land Swap of Two Acres for One Acre and for the Greenbelt Rollback and SID Amounts to be determined down to the penny at some near future date. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

David Blackburn requested that, in the future in matters of this kind, the Council be given adequate time to review information and that amounts be determined exactly.

Diane Jacob indicated she had the same concerns and that was the reason she voted nay on this item.

18. Consent Agenda:

A. Contract Change Order

1. Sweetwater Roadway Extension (CO No. 1), Terry Larson Excavating, I Inc.

B. Partial Payment Request

1. Sweetwater Roadway Extension (PP No. 1), Terry Larson Excavating, Inc.

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

19. Other Business:

None

20. Motion to recess in to a Closed Executive Session for the purpose of discussing personnel issues:

MOTION: *Linn Strouse moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 8:30 PM. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse, Chris Hillman, Gerald Kinghorn.

21. Motion to Close the Closed Executive Session and Reconvene in to Open Session:

MOTION: *Mark Madsen moved to close the Closed Executive Session and Reconvene in to Open Session at 9:16 PM. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

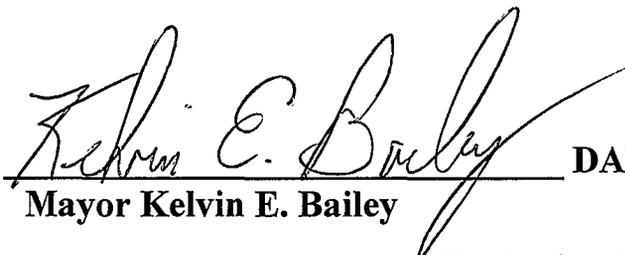
22. Any Actions from the Closed Executive Session:

Mayor Bailey reported that a candidate had been selected for the position of Finance Director, that an offer would be made to the candidate, and the results would be reported to the public.

23. Adjournment:

David Blackburn moved to adjourn the meeting at 9:18 PM.

APPROVAL:



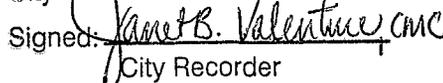
Mayor Kelvin E. Bailey

DATE:

3-2-04

This certifies that the minutes of
17-FEB 2004 are a true, full and
correct copy as approved by the
City Council on 2-Mar. 2004

Signed:



City Recorder



Memo

To: City Council Members

From: Monte Kingston

CC:

Date: February 17, 2004

Re: Impact Fee Increases

I would like to express my concern about the recent Impact Fee increases, which were approved in December, 2003.

As a developer, with upwards of 1,000 existing or future residential units, this increase will obviously impact our bottom line and our ability to market our lots in today's market.

Although we have an optimistic hope that the local real estate market will improve in the near future, the fact is that right now, in today's market conditions, this increase can be very damaging to our existing development – Anthem at The Ranches.

We have recently brought in two builders, Richmond American Homes and Desert Point Builders, to our project. Both of these builders have marketing programs that spend considerable sums of money to draw outside buyers into this market. However, they are concerned with the very competitive pricing strategies they are seeing in this market, and their profit margins are a real concern.

To hit them with an approximate \$1,430 per lot increase, just 1 & 2 months after they closed on their lots was not the best welcome they could have received into the City of Eagle Mountain. The embarrassing part of the whole situation was, we were not aware of the proposed increases.

We fully understand that the City needs to plan for the future infrastructure and utilities needs. But to hit the builders/developers with a 30% increase in impact fees immediately is, in our opinion, too aggressive and potentially damaging to the marketing efforts for all the builders in the City. Our suggestion is to phase in the Impact Fee increases over a three year period. This way, hopefully, the market will recover sufficiently to allow the builders to recoup the impact fee increases by increasing their sales prices. It will be much easier for the builders to absorb a \$300-\$400 increase this year, as well as over the next 2 years, than it would be for them to take the full increase this year.

The other issue that we felt was equally damaging to us, as a developer, was having some of the Impact Fees to now be due at the Final Plat recording. With the existing SID commitments, this additional "upfront" outlay of cash causes additional cash flow challenges.

By requiring these fees to be paid at Final Plat, this will force the developers to develop smaller phases. The Plats will not be recorded until the phases are close to being fully improved. Then the builders will be closing on the lots, and pulling a building permit shortly thereafter. In reality, the City will only be getting the funds 1-3 months earlier, depending on the market activity.

In addition, it forces the developer to charge more for the lots, to make up for the additional interest carry. The builder will then need to charge more for the home, in order to maintain their margins and their return on investment. Therefore, this will damage the marketability of the homes in the City of Eagle Mountain.

We also now have some contractual issues with our builders, in that our builders are required to pay only those fees due at building permit. By moving \$2,500 of the impact fees to final plat, we will be losing the \$2,500/lot – a considerable amount of money.

It is our request that the City:

- Spread the Impact Fee increases over a 3 year period
- Have all Building Impact Fees due at Building Permit

Thank you.

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL
March 2, 2004
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

Prayer by Invitation of the Mayor

The prayer was offered by Linn Strouse.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:03 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver
Utah County Sheriff:	Deputies John Mulder and Shawn Radmall

Others Present: Jeremy Simmons, Family Solutions Consulting; residents Mark Lofgren, Ryan Borneman, David Lifferth, Henry Graham Kicklighter, Wendy Minks, Harry Bakken; Greg Nash, GIS representative from the University of Utah; Lisa Holland, Fire Fighters Ladies Auxiliary; Scott Hazard, the Ranches, L.C..

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by David Blackburn.

3. Approval of Minutes (February 17, 2004):

MOTION: *Linn Strouse moved to approve the Minutes of February 17, 2003. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

Mayor Bailey announced that under Item 17, "Other Business", he and the staff would be bringing the Council and the public up to date on information regarding the proposed purchase of a five-acre parcel for the expansion of public works building.

5. **Appointments:**

A. Finance Director / Treasurer

Mayor Bailey recommended that Gordon S. Burt be appointed Finance Director/Treasurer for the City.

MOTION: *Vincent Liddiard moved to approve Gordon S. Burt as Finance Director/Treasurer for the City. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

The Oath of Office was administered by Janet Valentine to Mr. Burt during Item 6.

B. Economic Development Board

Mayor Bailey recommended that Kendle Salisbury be appointed to the Economic Development Board for a term from February 17 through December 31, 2004, to fill the position vacated by Wendy Komoroskpi.

MOTION: *Vincent Liddiard moved that Kendle Salisbury be appointed to the Economic Development Board filling the remainder of the term for Wendy Komoroskpi. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

The Oath of Office was administered to Ms. Salisbury by Janet Valentine after Item 10 had been discussed.

6. **Public Notices:**

Janet Valentine announced a Public Hearing on the Amendment to the City Impact Fee Ordinance to be held on March 16, 2004, at 7:00 PM in the City Council Chambers.

Janet Valentine administered the Oath of Office to Gordon Burt.

7. **Public Comment:**

Jeremy Simmons, Family Solutions Consulting, introduced his company, which is full service IT consulting company with a chain of retail storefronts. He advised that one of his stores would be located at Saratoga Springs within the next 60 days. He introduced other members of his firm and advised that Chris Hillman had all of the contact information for the company.

Chris Hillman advised that Family Solutions Consulting was one of the firms bidding for the new IS contract to be discussed later in the meeting.

Mark Lofgren, resident, expressed concern that State Statute Chapter 10.6.157 states that the finance director of a city of the third class cannot be the same person as the treasurer. He was informed that Eagle Mountain City is a fifth class city and does not fall under this statute.

Ryan Borneman, resident, referred to an article in the North County News regarding the Development Code and asked that there be clarification on the taking of private land. He asked if any parts of the Development Code were not constitutional.

Dave Lifferth, resident, offered a Power Point presentation regarding the negative and obscene content on some local websites. He spoke against what he called "hate speech" and negative comments against current public officials. He recommended the Council pass a resolution denouncing hate speech without treading on First Amendment rights. He requested the Council write a letter to law enforcement officials requesting the removal of Greg Kehl's concealed carry permit. Copies of his presentation are part of the public record

8. **Council Comments:**

Mark Madsen addressed the questions from Ryan Borneman regarding unconstitutional provisions in the Development Code. He explained there are two provisions in the Development Code he believes are against the constitutional takings provision in the Fifth Amendment.

Linn Strouse clarified that Mr. Madsen was referring to the present Development Code.

Mr. Madsen referred to a case involving a city in Oregon where the Supreme Court ruled there had to be an essential nexus between the benefit to the applicant or the burden placed on the infrastructure by the applicant in order to justify a taking of property. He described the taking of property is public use or restriction of the use of property for public purpose. He advised that the Supreme Court ruled that that was unconstitutional. He stated that because of the way the current Development Code is written, a developer or landowner could be allowed to use the argument that this does not meet the case articulated by the Supreme Court and thereby take the City to court.

Mr. Madsen also referred to the architectural requirements imposed by the Development Code, calling out features like porches, garage orientation, roof pitches, etc. He expressed his concern that this restricts the person's ability to use the property as desired.

David Blackburn asked how HOA's are impacted by the ruling explained by Mr. Madsen. Mr. Madsen advised that since HOA's are the result of covenants on property entered into voluntarily by property owners, they are not impacted in the same way as municipal government.

Mayor Bailey read a statement regarding information appearing in news articles during the past few weeks. A copy of this statement is attached.

Linn Strouse announced that plans for Pony Express Days are moving forward. She stated there are many exciting things planned and that the planning committee planning would be looking for many volunteers. She advised that Mark Trotter from Camp Floyd and entertainer Peter Breinholdt would again be involved. She encouraged all citizens to participate and invite their friends and neighbors to this event.

9. **Recognition of Military Service:**

Vincent Liddiard explained that this recognition was for all those serving in the military who have left their homes and families for extended periods of time to put their lives in harms way to protect our country. He offered thanks and appreciation to all those serving and presented Recognition Certificates to Zachary Sibio, Greg Okesen, Henry Graham Kicklighter, and the Kicklighter family. Mr. Liddiard indicated that recognition certificates would be presented to other soldiers as the Council becomes aware of their return.

Mayor Bailey returned to Item 8 for a Council Comment from Linn Strouse.

10. **GIS Presentation by Greg Nash:**

Greg Nash presented an update on GIS (Geographic Information System) in Eagle Mountain and explained to new Council members the information provided through the GIS process. He stated that Eagle Mountain

has been active in the GIS process for about two and a half years and presented his recommendations for immediate and long-range plans to improve GIS and bring it in house.

David Blackburn asked when the GIS process would be complete.

Mr. Nash advised that this type of process is never really complete but that there is enough data now entered into the system to allow for the development of simple models, especially on the planning side. He indicated there is still a lot of data that needs to be input on public works.

Mayor Bailey thanked Mr. Nash for his voluntary efforts in GIS and expressed the hope that the City would be able to upgrade the use of GIS.

Linn Strouse expressed her appreciation to Mr. Nash for the fine citizen he is and the service he has provided for the City. She asked if GIS has the capability to explore mine shafts and cave systems. Mr. Nash stated GIS would not address this type of exploration.

Vincent Liddiard thanked Mr. Nash and asked him to prepare a list of costs for suggested improvements. Mayor Bailey stated that cost information would be provided by Shawn Warnke and would be discussed at the budget retreat.

Mark Madsen asked for an analysis showing how this would save the City money and improve the efficiency of each department. Chris Hillman stated that this information would be forthcoming.

Vincent Liddiard asked for a list of top priorities that should be implemented.

Mayor Bailey stated that staff had looked into bringing the as-builts in house to improve accuracy.

Mayor Bailey returned to Item 5 to allow Janet Valentine to administer the Oath of Office to Kendle Salisbury.

11. Consideration and Approval of Agreement with the Eagle Mountain City Fire Fighters Auxiliary to Provide an Easter Egg Hunt:

Chris Hillman explained that he was contacted by Lisa Holland, Fire Fighters Ladies Auxiliary, regarding the City's participation in an Easter Egg Hunt. He indicated they had discussed several options.

Mayor Bailey stated that John Walden, Eagle Mountain Properties, had pledged \$250 toward this event. He stated the City would like to find volunteers to donate funds without having to use taxpayer funding.

Lisa Holland discussed how the event had been funded in the past.

The Council discussed ways of raising funds without having to use taxpayer funding. They asked questions about how the funds would be spent.

Chris Hillman clarified that the City could contract with an outside organization, such as the Ladies Auxiliary, to have a quid pro quo for its \$500. He stated that, in effect, the City would give the \$500 for the service and request information showing what the City would receive in return for that amount.

The Council suggested ways for the Auxiliary to raise funds for this event, such as a picture-taking activity.

MOTION: *David Blackburn moved to approve an agreement with the Eagle Mountain City Fire Fighters Ladies Auxiliary to Provide an Easter Egg Hunt. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Chris Hillman explained that approving the agreement makes the event a City-sponsored event requiring that all monies are run through the City financial system following purchasing policies and procedures.

Lisa Holland stated she did not want to run the money through the City and would like to have creative control of this event.

Gerald Kinghorn stated there would be a way for the City to sponsor the activity as far as providing the space by setting aside a park and then letting the Fire Fighters Ladies Auxiliary privately purchase and own all supplies.

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

MOTION: *Mark Madsen moved that the City co-sponsor the event of the Easter Egg Hunt to the extent of providing the space for the event in cooperation with the Fire Fighter Ladies Auxiliary who will collect the money, own the prizes, distribute them, and have complete creative license in putting the event together. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

12. Discussion on Telecommunication Fees Related to T-1 Lines:

Mayor Bailey explained that the City became aware recently of some services being provided for which it was not receiving reimbursement.

Gerald Kinghorn explained there are two or three services in the City using the Telecom system that have required the output of a couple thousand dollars for expenditures to provide fiber space, for which the City receives no compensation. He explained this occurred in early 2002 when the City received a request from an entity called Broadwing Communications to provision a T-1 line to a private residence in the City. He indicated the City was not set up to do this and there was a problem with Qwest because the City had not done filings with NECA, which is a large contract clearinghouse for the telecommunications industry. He stated the City had only been allowed to join NECA to receive telephone prefixes.

Mr. Kinghorn advised that in order to provide the T-1 line requested above, the City was required to make a filing with NECA so that Broadwing Communications could charge its customer fees and provide service through Qwest and Eagle Mountain to the customer. He explained that the City now provides T-1 service to the private residence, to the Nextel wireless site, and some service to the Ranches broadband, which uses the City internet provider service that allows the City to receive compensation for the service. He described the other first two as an anomaly because the City spent several hundred dollars making filings to NECA to allow these T-1 lines to be provisioned, expecting that the City would be reimbursed for the \$1,500 to \$2,000 of outlay spent putting the services in place. He stated that because Eagle Mountain telecom services fall in a special status of municipal local exchange carrier, the City is not allowed any reimbursement of any funds. He explained this means the City is providing ongoing service without any way to recover revenues. He clarified, however, that the customers involved are paying their full share of fees for their service.

The Council discussed possible solutions but determined that the problem would automatically be resolved when the Telecommunications Department was sold to Direct Communications in a couple of months.

Mark Lofgren, resident and former member of the Telecom Board, advised the Council that the rules governing this type of set up are very expansive. He advised that GVNW should have picked up on the inability of the City to collect revenues and should have advised the City of the problem.

Harry Bakken, resident receiving T-1 service, asked the Council not to make him out as the “bad guy” because he had no idea it would cost the City to provide this service.

Mayor Bailey reminded Mr. Bakken that no one had mentioned his name.

Mr. Bakken stated he understood that the City was suggesting that the end user was "getting services for free from the City."

Mayor Bailey explained that this was never intimated.

Mr. Bakken complained that the City's fees are excessive and that it would cost him at least \$300 more per month than he is currently paying with Broadwing.

Mark Madsen verified with Mr. Bakken that he is saving money by going with Broadwing services.

Mr. Bakken answered in the affirmative. He also stated that different providers charge different rates over which he has no control. He explained he shopped around when he needed a T-1 connection for his business and the lowest bid came from Broadwing. He advised that he would use the City's T-1 service if the price were competitive.

Vincent Liddiard asked Mr. Bakken if he were running a business out of his home and whether he had a business license.

Mr. Bakken replied, "I filed my application this morning."

Gerald Kinghorn told Mr. Bakken, "I never said that we thought you were exploiting the system. I said you were paying the full freight for it and that the problem is with NECA, not with you and not with Broadwing."

Mr. Bakken stated he understood but that the comments made intimated that "somehow this person who's receiving these services is getting free service from the City."

Mayor Bailey stated that no one had said that and that "it was very clear that the end user was not getting anything for free. He was paying full fee."

Linn Strouse informed those present that when she is asking questions, it is nothing personal. She indicated it is important to learn from mistakes so that the City does not repeat them.

Mayor Bailey asked for clarification from Gerald Kinghorn that at this point there is not much the City can do about this problem.

Mr. Kinghorn stated the City could look into making their rates more competitive.

Mark Lofgren advised the Council that the rates for the T-1 were set when he was a member of the Telecom Board and indicated that the rate was set at the exact amount paid by the City and allowed no profit.

Scott Hazard, the Ranches, stated the Ranches no longer use the T-1 service through the City. He found it was cheaper for him to build his own infrastructure that allows him to beam wireless service from Saratoga Springs. He stated he took this action because Eagle Mountain City was not competitive. As Chairman of the Eagle Mountain Economic Development Board, Mr. Hazard recommended that the City continue to provide high-speed data telecom services demanded by businesses in order to encourage economic development in the City. He stated adding any other fees to this service would act as a barrier in bringing businesses to Eagle Mountain.

Mayor Bailey acknowledged that this is a moot issue because of the planned sale of Telecom to Direct Communications. At the recommendation from Council, the Mayor directed Gerald Kinghorn to write a letter to NECA requesting reimbursement of funds.

The Council questioned why the original agreement had not been approved by the Council. Mr. Kinghorn advised that during the time of this agreement, all of the various actions between the City and Qwest were signed off and filed by Telecom as part of a technical compliance issue. He advised that even though this agreement was different, in fairness to Telecom personnel, they probably did not see the distinction.

Mark Madsen asked if there were now safeguards in place to prevent this in the future. Mr. Kinghorn assured him that these safeguards are now in place.

13. Presentation by Fire Chief Robert DeKorver regarding Paramedic License:

Chief DeKorver updated the Council on the paramedic license application. He read a statement; copy attached, and thanked Deputy Chief Kevin McCarthy for his efforts to procure this license.

Mayor Bailey asked Chief DeKorver to submit a copy of his statement to the local news agencies and thanked the Fire Department for their efforts in this matter.

Chris Hillman stated that Lone Peak Fire Department offered to meet our City ambulance in Lehi and provide a paramedic when we do not have one available. He indicated that this had a great influence with the sub-committee in recommending that our City receive the license. He also stated that the strong support from the Mayor and Council had a very positive influence on the sub-committee.

Vincent Liddiard recommended the City write a letter of appreciation to Lone Peak Fire Department.

14. Discussion on Renewing/Re-bidding Information Systems Contract:

Chris Hillman explained that the contract for information systems support would expire in mid-March and that new bids had been received from six companies. He explained the City would create a committee of staff members to review the bids, select two or three to interview, and present the information to Council for a decision.

Diane Jacob asked how the bid process was advertised. Chris Hillman advised that "word of mouth" was used, that the City was not required to advertise for this service, and that six bids were received.

15. Discussion of a Resolution regarding the Naming of New City Streets in a Fundraising Effort for Public Safety (the auctioning of not-yet-named streets):

Gerald Kinghorn advised that this type of fundraising could be done legally by the City; however, it would have to be reviewed by those who review street names. He expressed concerns about the public image and feasibility issues that could arise.

Vincent Liddiard explained that he hoped this idea of occasionally auctioning new street names could be used as a fundraiser for public safety. He stated he felt this could work in our City because, with the growth, there are always new streets needing names. He recommended that 75% of any sale would go to public safety and the remaining 25% to the General Fund. He explained that his plan would be to auction off a name for a City street, subject to approval of the Council, to raise money for public service. He stated that this idea would require the support of builders and landowners.

Mayor Bailey asked Mike Wren, a local developer, if he had any opposition to this idea. Mr. Wren advised he had no opposition to this plan.

Chris Hillman expressed his concern about the public image of selling city streets. He recommended that fundraisers for public safety be conducted by auxiliary organizations, which could then donate the money or equipment to the City.

Vince Liddiard advised that Mr. Hillman's suggestion would be his preference as well.

Mayor Bailey instructed staff to investigate what it would take to have an independent organization, such as the Fire Department Ladies Auxiliary, conduct such a fundraiser.

Chief DeKorver indicated this type of fundraiser would be a great idea. He explained that the Fire Department and its auxiliary already hold several fundraisers throughout the year to purchase equipment. Linn Strouse referred to the great volunteer spirit that exists in Eagle Mountain and suggested that this fundraiser idea could be used to honor some of those volunteers. She stated this could add value to the public image of Eagle Mountain.

16. Consent Agenda:

A. Check Register for February 2004

Linn Strouse commented on the funds paid to send Jeff Weber, Public Works, to attend a tree workshop. She recommended that the information received by Mr. Weber be made available to citizens of the City.

Mark Sovine explained there were already plans to make this information available through the City newsletter.

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

17. Other Business:

Mayor Bailey advised that an item to approve the purchase of five acres of land for the expansion of the public works facility had been removed from the Agenda because a question arose regarding the appraisal of the land. He indicated the question had been resolved, and he recommended a review for Council and an update for the public on this issue.

Mark Sovine explained the process he used to research possible sites for the expansion of the public works facility. He identified locations that had been considered and explained that the five-acre site proposed for purchase was considered the best choice because the infrastructure is available, it is accessible to a road, and is adjacent to the current wastewater treatment plant.

Mayor Bailey explained that City staff explored all available avenues to determine a suitable site for this expansion and spent considerable time on this project.

Korey Walker showed a map explaining the current site of the wastewater treatment plant and the proposed expansion area. He referred to a 23-acre parcel to the west of the site, which the City needs to have for winter storage. He indicated this has always been an issue and that Eagle Mountain Properties and the City have discussed this expansion.

Mayor Bailey stated that information on this proposed purchase had been available to Council for some time. He advised that the selection of this five-acre parcel had nothing to do with ownership but was determined to be the best site because it met the current and future needs for public works facility and the wastewater treatment plant. He also explained that the City must abide by the Land Use Map for the proper location of an industrial-use facility.

Shawn Warnke referred to the City's Future Land Use Map and advised he had looked at properties zoned for certain land uses. He stated the proposed land is consistent with light industrial use and is currently shown as land with an "absolute allow use" for light industrial and service operations.

The Mayor discussed the process used for the appraisal of the property using that used appraisals for like property near the proposed site. He indicated that the City had an appraisal of the specific property completed and it came back at \$40,000 per acre. He stated that even though approval of this purchase had

been tabled at the last meeting because an easement document was not available, he was proposing that the purchase be brought up for a vote at the next Council meeting for approval so the City could move forward on the needed expansion. Mayor Bailey asked Council to express concerns so they could be discussed and resolved.

Diane Jacob stated that because this item had been pulled from the Agenda, she left all her notes at home. She indicated she had no problem with the location but was concerned with the point price.

Mayor Bailey asked Council Member Jacob to meet with him and Chris Hillman so they could discuss her concerns. He indicated that these concerns would be made public at the next City Council meeting.

Vincent Liddiard asked if there were any building height restrictions involved.

Mayor Bailey advised there had been some concerns, but that Mr. Kinghorn had worked out the wording with the seller to eliminate these concerns.

Linn Strouse expressed appreciation to staff for all work done in this matter by the staff generally and by Mark Sovine specifically

David Blackburn asked about the time frame for plans to expand the sewer system. The Mayor explained that this is currently a funding issue and that staff is working on some possible solutions.

Linn Strouse clarified that expediting the expansion of the public works facility would allow for the expansion of the sewer system, which would decrease future rates. Mayor Bailey acknowledged that this was correct.

Mayor Bailey presented an update on the purchase of a two-acre parcel for the construction of a City office building. He explained how the City's .91 acres was traded with Eagle Mountain Properties for two acres, with the agreement that the City would pay approximately \$6,600 for the SID and the greenbelt taxes.

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

No Closed Executive Session was called.

19. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable.

20. **Any Actions from the Closed Executive Session:**

None

21. **Adjournment:**

Diane Jacob moved to adjourn the meeting at 9:25 PM.

APPROVED: _____

Mayor Kelvin E. Bailey

DATE: _____

3-16-04

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

Signed: Jane B. Valentine, CMC
City Recorder

Right Makes Might

I find it disappointing that there has been a more than the usual level of misleading information put out to the public lately. While during this same time there have been many more good things that have occurred and goals that have been achieved. Instead of being excited about the progress that is going on some would rather stoop to misleading others. There are probably a number of reasons for this, but this is not the time to go into that.

Rather, it is a time to make clear that we are moving forward in a positive direction and that Eagle Mountain is doing better each and every day. No matter how we are portrayed with erroneous facts by those who are in opposition to our progress, we will continue to make Eagle Mountain a better place than it was yesterday. That is what progress is all about. We must progress not just for the next two years but for each and every year of our future, and not just as a city, but more importantly collectively and as individuals.

I would like to reassure the citizens of our community and our neighboring communities that we have many wonderful people here. We have many who are engaged in various good causes; however, do not let the handful of misguided individuals detract from the good that is going on all around us. The wonderful people of this community far outweigh those few who are very vocal and sad examples of who we really are as a community. We must stand firm in our beliefs and determination to move forward and do the things we know to be right.

I would conclude my thoughts with a quote from one of my favorite heroes, Abraham Lincoln. He has done a much better job of expressing my views and sentiments than I ever could. He said the following, "Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the government, nor of dungeons to ourselves. Let us have faith that right makes might; and in that faith let us to the end dare to do our duty as we understand it."

May God bless each of us with this kind determination to make a difference and stand for what is right.

Thank you and God Bless,
Mayor Kelvin Bailey

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

March 16, 2004

Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 PM

1. Consent Agenda
2. Update on Community Arts Board Equipment
3. Discussion regarding the Recreation Sports Board
4. Discussion regarding the Trails and Sidewalk Access to the City Center Elementary School
5. Discussion on Eagle Mountain Water Requirements
6. Items as Outlined on the Policy Session
7. Adjourn Work Session at 5:36 PM.

Prayer by Invitation of the Mayor

The prayer was offered by Leah Woodard.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver (Excused)
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Colonel Olsen, Camp Williams; Matthew Cousins and Victor Gonzalez, residents and recently returned soldiers; Veronica Cousins and Debbie Gonzalez, wives of returning soldiers; Ken Hixson, Brad Morgan, Rob and Marilyn Healey, Tiffany Ulmer, residents; Sheila Curtis, Eagle Mountain Emergency Manager; Utah County Sheriff's Deputy Jody Scott.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Lieutenant Matthew Cousins.

3. **Approval of Minutes (CC Meeting March 2, 2004):**

During Work Session, Vincent Liddiard requested that Harry Bakken's comments regarding his business license be included in Item 12. The Minutes were revised before the Policy Session.

Linn Strouse requested that the full Power Point presentation from David Lifferth be attached to the Minutes.

MOTION: *Vincent Liddiard moved that, subject to earlier discussions in the Work Session, the Minutes be approved. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

Mayor Bailey announced that Open Burn Season would run from April 17 to May 16, 2004, and that permits would be available at the Fire Station Monday through Friday one week prior to April 17th.

The Mayor announced that Vincent Liddiard is the proud father of a new son, Kyle Liddiard, born February 24, 2004.

Mayor Bailey announced that his wife graduated from BYU last week.

Diane Jacob advised that there would be a free Hepatitis A immunization clinic held on April 6 at American Fork Junior High School cafeteria from 2:00 PM to 8:00 PM. She advised that this immunization is now required for kindergarten enrollment.

5. **Appointments:**

A. Board of Adjustment

Mayor Bailey recommended that the following appointments be made to the Board of Adjustment: Ken Hixson for a term from March 16, 2004 through December 31, 2006; Brad Morgan for a term from March 16, 2004 through December 31, 2005, finishing the term formerly held by Steve Seegmiller.

Diane Jacob asked if these appointments were in addition to their positions as alternates on the Planning Commission, and Mayor Bailey answered in the affirmative.

MOTION: *Diane Jacob moved to approve the appointments of Ken Hixson and Brad Morgan to the Board of Adjustment with the terms noted in the memo. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Janet Valentine administered the Oaths of Office to Mr. Hixson and Mr. Morgan.

6. **Public Notices:**

None

7. **Public Comment:**

Sheila Curtis, Emergency Preparedness Coordinator for the City, announced there would be a CERT (Community Emergency Response Team) final disaster drill at 10 AM on March 27 at City Center.

Rob and Marilyn Healey, residents, referred to a letter forwarded by them to Mr. Kinghorn and signed by residents of the Ruby Valley subdivision regarding incomplete improvements in their subdivision. A copy of the letter is filed with the approved Minutes. Mr. Healey verified that all Council members had received the letter. Linn Strouse stated she had not received a copy and was presented one by the Mr. Healey. Mr. Healey read the letter, which requested action on the part of the City to resolve incomplete subdivision improvements.

Linn Strouse stated she has a friend who was going to move to Ruby Valley but changed his mind when the subdivision was not finished. She indicated there were similar issues in Meadow Ranch, some of which are still not resolved, and that a former Council had approved that subdivision before all items were finished. She stated she hoped there was something the City could do to resolve this matter.

Mayor Bailey explained that since last fall the City had been working on the Ruby Valley matter with the current owner. He explained that the current owner requested that the City finish the project at the owner's expense and had asked the City to put together a list of charges for completion of the unfinished improvements. Mayor Bailey advised that Corey Walker had computed these charges and that they would be presented to the owner at a meeting at the end of March.

Tiffany Ulmer, resident, thanked the City and staff who had been planting trees to improve the park in her subdivision. Linn Strouse thanked Mrs. Ulmer and her fellow residents for their efforts to improve their subdivision park.

8. Council Comments:

None

9. Recognition of Military Service:

A Certificate of Recognition for Military Service was presented by the Mayor and Colonel Olsen, Camp Williams, to Lieutenant Matthew William Cousins and his family. Mr. Cousins announced that his wife, Veronica, became a citizen of the United States that day.

Vincent Liddiard and Colonel Olsen presented a Certificate of Recognition for Military Service to Victor Gonzalez and his family.

Linn Strouse reminded everyone of the soldiers who have given their lives and advised that they should not be forgotten. She suggested that everyone give a moment of silence each week to remember those soldiers. She indicated that freedom is not a gift but a stewardship and that we all need to be involved in the process of government.

**10. Public Hearing: "Ordinance Amending and Re-Enacting Impact Fees for Eagle Mountain City"
(Impact Fees are calculated based on a subdivision per subdivision basis. Refer to Impact Fee Ordinance for the actual fees per subdivision):**

Mayor Bailey explained that adjustments were previously made to the Impact Fee Ordinance. He asked Gerald Kinghorn to explain items that still needed to be adjusted.

Gerald Kinghorn stated that the proposed amendment to the Impact Fee Ordinance would make all impact fees due at building permit instead of some of the fees being due at building permit and some due at plat recordation. He advised that the amendment would also collect an impact fee from properties that benefit from certain land that is being donated by SITLA to the City. He explained there is an increment of the value of that land that is attributable to use by other properties that the City cannot constitutionally exact from SITLA and they must be compensated for it. Mr. Kinghorn stated this is part of the Master

Development Agreement signed by the City with SITLA that was overlooked in the prior revision of the Impact Fee Ordinance. He advised that approving the amendment to the ordinance would not cause an overall increase in impact fees.

- A. Open Public Hearing (*7:10 p.m. or as soon thereafter as may be heard*)

Mayor Bailey opened the Public Hearing at 7:25 PM.

- B. Receive Public Comment

None

- C. Close Public Hearing

The Mayor closed the Public Hearing at 7:25 PM.

David Blackburn asked if developers and builders had been notified of this amendment. Gerald Kinghorn stated that the Mayor and Corey Walker had talked with all those who would be impacted by this ordinance amendment. Mr. Blackburn asked if the City is proactive in letting builders know about these changes in advance. Mr. Kinghorn advised that the information is available as required by statute and that the fee information is available through the Building Official.

Janet Valentine stated all ordinances are posted on the website after they are approved and impact fee information is emailed to builders.

Mayor Bailey assigned Corey Walker to provide Fionmuala Kofoed, who handles the website, with a spreadsheet showing impact fees for individual subdivisions

11. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah, Amending and Approving the 2003 Capital Facilities Plan, Adopting an Impact Fee Economic Analysis and Amending and Enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities:

MOTION: *David Blackburn moved to accept and adopt Ordinance No. O 06-2004, as amended. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

12. Development Agreement including CC&R's Approvals:

- A. Eagle's Gate, Plat C

Shawn Warnke stated that the final plat for Eagle's Gate, Plat C, was previously approved by the Council; however, at that time the developer did not elect to include the Development Agreement and CC&R's for approval. Mr. Warnke stated these items were before Council now for approval before recordation of the plat.

Linn Strouse asked why the developer chose to handle the approvals separately. Mr. Warnke advised that Council adopted the ability for a developer to split these processes for their convenience.

Diane Jacob declared a conflict of interest because of water rights.

MOTION: *Vincent Liddiard moved to accept what the Mayor had proposed in regards to the staff's comments on Eagle's Gate, Plat C, and adopt the agreed upon Development Agreement, Letter of Water Rights and CC&R's. Mark Madsen*

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

Linn Strouse asked if this is an HOA and if that is covered in the CC&R's. Shawn Warnke explained there is a template that is consistent with the Ranches Design Guidelines. He stated that for consistency that template had been used in creating the CC&R's for Eagle's Gate, Plat C. Mrs. Strouse asked if sales agents for developers are explaining the HOA to homebuyers before closing. She stated there have been negative feelings towards the City in the past caused by developers not advising home buyers of this information in advance of closing.

Mayor Bailey advised that the City had given instructions to developers to notify homebuyers of HOA's; however, he stated there is no way the City can guarantee that developers/builders are complying with these instructions.

13. Consideration and Approval of Purchase of Utilities Operation Building Site:

Mayor Bailey advised that this item regarding the purchase of a five-acre building site located near the sewer treatment plant had been discussed in detail at previous meetings

MOTION: *Mark Madsen moved to approve the purchase of a utilities operation building site under the terms of the contract in the packets. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Diane Jacob stated she is against this purchase because she does not feel the property is worth \$40,000 per acre, which she feels is two and a half times its value. She stated there had been other property in the City Center area appraised at \$17,000.

Mayor Bailey asked Diane Jacob if she knew of other properties that could be used for this site. Diane Jacob stated the City Council could make changes to land use restrictions to accommodate industrial use.

Linn Strouse stated that Mark Sovine had previously made a good presentation regarding the selection of this property and asked him if he still thought this was the best location for the building site. Mark Sovine stated that based on the needs of the Public Works Department, the location of this site, accessibility of utilities, and availability of a collector road that this site was still the best choice.

For those who were not present at the prior meeting, Mayor Bailey explained the appraisal process the City used for this property.

Linn Strouse asked Mark Sovine about the importance of the location of this building site. Mr. Sovine stated that an important factor was the location of the proposed site to the present sewer plant, which would need to be expanded in the future. He again advised that the utilities are already in place, that the traffic caused by the public works vehicles would not affect subdivisions, and that specific design guidelines would not apply.

Linn Strouse reminded everyone that the process had been a long one and that expediting it could lead to lower sewer rates. Mayor Bailey corrected Council Member Strouse by stating that this expansion would not lead to lower sewer rates, but that if the growth occurs in the South Service Area this site would be required to expand the sewer treatment plant. The sewer rates would automatically be lowered by growth in the City and not by the purchase of the property itself.

Diane Jacob stated she had personally driven by the comparable properties listed in the appraisal. She acknowledged that Mr. Hillman had talked with the gentleman who did the comparables and that he was applying the value of the property for what is proposed in the future, not the present. She advised that

anyone who has worked with comparables knows that there are ways to work appraisals. She again stated she did not agree with the appraisal on this property.

Mayor Bailey stated the City asked for an independent appraisal and did not ask the appraiser to "work it a certain way."

14. Consideration and Approval of SID 98-1 Default Collections:

Gerald Kinghorn referred to a letter presented to the Council describing the need to proceed with foreclosure to collect installment payment assessments for SID 98-1 in the Ranches. He advised that none of the parties that are in default are individual property owners but are development companies that owe installment payments for 2003. He explained that the City needed to move forward to collect these payments as required by the bondholders. Mr. Kinghorn stated the payments are part of the payments the City would be making on the bonds, and that without collecting the installment payments, the City cannot make their payment on the bonds. He advised that the bond documents require that the consent of the City Council be obtained before collection actions are commenced.

Mr. Kinghorn advised the Council that some of those developers shown on the default list had made partial or full payments since the list was presented to Council. He stated the current timeline was to record the Notices of Default on Thursday, March 18, and that the parties in default would have three months from the date of recording to make the payment plus the collection charges. He stated that if the developers did not cure the default within three months, the City would notice the property up for sale by advertising the property for six weeks before conducting a non-judicial foreclosure sale. Mr. Kinghorn advised that all parties had been given at least three notices since December 2003.

Mayor Bailey asked if this would hold up restructuring of the SID process. Mr. Kinghorn stated that this could hold up the restructuring process because some of the money needs to be available on deposit to refund the bonds. He explained that when the refunding takes place, the City would have about \$3 million less debt than it currently has.

MOTION: *Vincent Liddiard moved to accept the recommendation of legal counsel and direct the staff for the default collections for SID 98-1. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen: Nays: 0. Motion passed.*

David Blackburn asked if it mattered how the names of the companies were listed. Mr. Kinghorn stated the business organization characterizations had not been added because he had not checked them. He stated they were listed the way the properties are shown on the title reports.

Mr. Blackburn asked if these names would be made public, and Mr. Kinghorn advised they would become public record.

Linn Strouse asked if the list would be updated to reflect the payments received, and Mr. Kinghorn stated that the list would be updated.

15. Discussion of Request for Proposals (RFP) for Utility Trenching:

Mark Sovine explained the current process the City uses for trenching. He stated the City is growing and needs to contract with a company directly to do trenching for all developers so that the City can control the process. He stated under this new contract costs would be affected and that staff would be presenting Council with changes in the fee schedule to adjust for the trenching contract.

Mayor Bailey explained that the costs would be passed on to the builder and that a contract would give consistency and control to the City during the trenching process.

The Mayor directed staff to move forward with this RFP.

16. Discussion of Request for Proposals (RFP) for the Installation of a Cathodic Protect System in the North Area Water Well:

Mayor Bailey explained that the City needs to go out to contract to install a Cathodic protect system for the North Area water well.

Mark Sovine explained that this system would be paid for out of the balance of the construction fund for the bond.

David Blackburn asked about any warranty on the past work and was told the warranty had expired.

Korey Walker advised the Council that this installation would provide information on the corrosion rate on the well.

Vincent Liddiard asked about the depth of the well. Mark Sovine stated the pump sits at a depth of 560 feet, the well is approximately 980 feet deep, and the static water level is about 420 feet.

Linn Strouse asked what caused the corrosion, and the Mayor explained that the minerals in the water were the cause.

Mark Sovine advised that a water content report for the City is published each year and is on the website.

Mayor Bailey advised Mr. Sovine to proceed with the RFP.

17. Consideration and Approval of the Purchase of Gas and Electric Service Vehicles:

Mark Sovine explained that the purchase of two vehicles, one each for the gas and electric departments, was being presented for approval. He explained the current condition of the gas truck and that the electric department had never had a vehicle that was adequate for use in that department. Mr. Sovine stated these vehicles would be paid for out of the revenue bond.

MOTION: *David Blackburn moved to approve the purchase of gas and electric service vehicles. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard asked how long the new vehicles would meet the needs of the departments. Mark Sovine stated these vehicles are new and should provide good service for the City.

18. Consideration and Approval of the Purchase of Vacuum Truck for the Sewer Plant:

Mark Sovine advised that this truck would allow the City to do its own sewer pumping, saving \$1,800 per month currently being paid to an outside source. He stated the proposed vacuum truck could be purchased for less than one year's worth of pump sludging. He stated the truck could also be used by other departments for other purposes.

Mayor Bailey explained that this truck could also be used to pump out septic systems and thus generate income for the City. Gerald Kinghorn stated this would have to be discussed on another occasion due to the effect on private business.

David Blackburn asked about the warranties and condition of the proposed vehicle. Mayor Bailey advised there were no warranties because the vehicle was used but that he and Mr. Sovine had inspected the truck, that the motor had been rebuilt, and that the pump was new.

MOTION: *Mark Madsen moved to approve the purchase of a vacuum truck for the Sewer Plant. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

19. **Consent Agenda:**

- A. Partial Payment Requests
 - 1. Sweetwater Road Extension (PP No. 2), Terry Larsen Excavating
- B. Partial Bond Releases
 - 1. Lone Tree, Plat A (Rel No. 2), Ranches

MOTION: *Diane Jacob moved to add Change Order No. 2 for Terry Larsen Excavating to the Consent Agenda. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen. Motion passed.*

MOTION: *Diane Jacob 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. **Other Business:**

Vincent Liddiard asked Sergeant Murphy to introduce a new member of her staff. Sergeant Murphy introduced Deputy Jody Scott, who has expertise in warrants, and welcomed him to Eagle Mountain City.

Chris Hillman updated the Council on the IT contract and explained the interview process conducted by the staff. He recommended that Family Solutions be awarded the contract, which contract would be presented to the Council at the next meeting.

Mr. Hillman reminded the Council about the budget retreat scheduled for Friday, March 19, at Thanksgiving Point and explained the itinerary.

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

No Closed Executive Session was called.

22. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

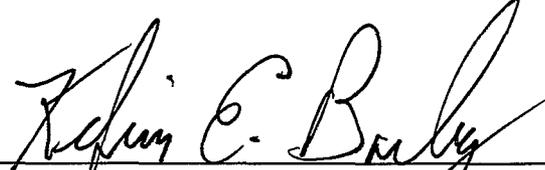
Not applicable.

23. **Any Actions from the Closed Executive Session:**

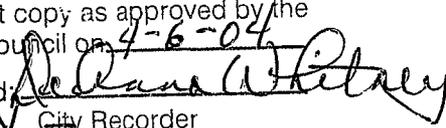
None

24. **Adjournment:**

Vincent Liddiard moved to adjourn at 8:05 PM.

APPROVAL: 
Mayor Kelvin E. Bailey

DATE: 4/6/04

This certifies that the minutes of 3-16-04 are a true, full and correct copy as approved by the City Council on 4-6-04
Signed: 
DEPUTY City Recorder

**MINUTES OF THE EAGLE MOUNTAIN
CITY COUNCIL/ADMINISTRATION
2004/2005 Fiscal Year Budget Retreat
Friday, March 19 2004
Thanksgiving Point, Utah Room
3003 N. Thanksgiving Way
Lehi, Utah 84043**

NO PUBLIC COMMENT WILL BE RECEIVED AND NO OFFICIAL ACTION WILL BE TAKEN

The Budget Retreat began at 8:00 AM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse. Mark Madsen left the meeting at 12:45 PM and returned at 2:15 PM

City Staff:

City Administrator:	Chris Hillman
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Chief Building Officer:	Kent Partridge
Finance Director:	Gordon Burt
Fire Chief:	Robert DeKorver (excused)
Librarian:	Michele Graves
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Telecom Administrator:	Diane Bradshaw

Others Present: None

2. Presentation of Fiscal Year 2003 Audit Update, Fiscal Year 2003 Expense and Revenues, Fiscal Year 2004 Expense and Revenues, Fiscal Year 2005 Revenue Projections:

Chris Hillman gave a Power Point presentation (copy filed with the Minutes) and answered questions from Council and staff.

3. Department Reports:

Each department head presented information on the needs of their departments (copies filed with the Minutes) and answered questions from the Council.

4. Council Prioritization Exercise:

Chris Hillman asked the Council to brainstorm ideas for needs of the City. He then asked each Council Member to prioritize what they considered to be the most pressing budget needs of the City. The items shown below are not necessarily listed in order of importance.

A. Mark Madsen

1. Public Safety -- Justice Court

2. GIS
3. Codification
4. E-documentation
5. Records security

B. Diane Jacob

1. Safety of public records
2. E-government
3. Upgrading of utilities to avoid break downs
4. Expenditure of funds on most crucial areas only

C. Mayor Kelvin Bailey

1. Marketing
2. Public Safety
3. New City Hall to change image of the City
4. Recreation for benefit of citizens and marketing for City
5. Electronic record keeping to secure City records
6. In-house engineering
7. In-house public safety
8. Library

D. Vincent Liddiard

1. Economic Development and staff support
 - a. GIS and city website
 - b. Roads and transportation
2. New fire truck, sleeping quarters for EMS
3. Police space, computers, Neighborhood Watch
4. Road signs and markers

E. David Blackburn

1. Transportation, signage
2. Utilities available to citizens ongoing
3. Records safety
4. Public safety coverage
5. City vehicle schedules and use of vehicles
6. Increase PR, education regarding City amenities to those outside of City, Pony Express
7. Staff – cross training of
8. Recreation center (bonding)

F. Linn Strouse

1. Public safety
2. Protection of records
3. Updating utilities
4. Marketing – to residents (educational, see City as partnership) and outside of City showing positives offered by City (rodeo, parks and trails, equestrian, businessmen's luncheon)
5. Beautification of City Center
6. Transportation, participate in legislative lobby, notify citizens of e-mails to representatives link on website
7. Recreation center

5. Specific items for staff to address:

The Council suggested specific ideas for staff to address for the FY 2005 budget, as follows:

- A. Public Safety – justice court, transportation, police development, new ambulance, fire truck
- B. Information – GIS, website, codification, e-docs, marketing, recreation, sports, records protection, tourism, information kiosk, marquee, construction specifications revised, lobbying, rodeo grounds, wildlife refuge educational program, technology, how to offer economic incentives to businesses, schools, landscaping education, higher or specialized education facilities, emergency operations center
- C. Infrastructure – City hall, roads, parks and trails, street lights, cemetery, lights on City monument, lighting throughout City, weed abatement, gravel on Lake Mountain Road, beautification, rodeo grounds, ride-share carpool areas, water tank, secondary water
- D. Human Resources – merit increases, staffing needs, staff education, crossing guards, increase pay for public officials, grant writer and researcher (contracted consultant)

Chris Hillman asked the Council to make an overall final prioritization in the four specific areas shown above and then list their priorities in each area. The results are as follows:

A. Priority No.1 - Public Safety:

- 1. Fund police deputies
- 2. EMS building
- 3. Ambulance or Quint truck
- 4. EMS personnel

B. Priority No.2 – Infrastructure:

- 1. Sidewalks/trails to elementary school
- 2. Repair Eagle Mountain Boulevard
- 3. City Hall
- 4. Savings for capital improvements

C. Priority No. 3 - Human Resources:

- 1. In-house engineering
- 2. Personnel retention (merit increases, funding bonus pay, funding health care)
- 3. Additional personnel requested by staff
- 4. Elected official pay increase

D. Priority No. 4 - Information:

- 1. Records preservation and protection/codification
- 2. Public relations firm contract
- 3. GIS
- 4. Enhancement of website

The meeting was adjourned at 3:00 PM.

APPROVAL:

Kelvin E. Bailey

Mayor Kelvin E. Bailey

DATE:

4/6/04

This certifies that the minutes of
3/19/04 are a true, full and
correct copy as approved by the
City Council on *4/6/04*

Signed: *DeAnna Whitney*
DEPUTY City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL

April 6, 2004

Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 PM

1. Consent Agenda
2. Discussion and Update on the Sale of Eagle Mountain Telecommunications Utility
3. Discussion on Amending the Water Right Requirements for Indoor and Outdoor Water Use
4. Discussion on Allowing the City to Sell or Donate their Surplus Equipment
5. Items as Outlined on the Policy Session
6. Other Business
7. Adjourn Work Session at 6:34 PM

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker (excused)
City Recorder:	Janet Valentine (excused)
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt (excused)
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Planning Manager:	Fionnuala Kofoed
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver (excused)
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Residents Bonnie Jeppson, Jody Hooley, Janiece Sloan; Bobby Colson, representative of the Ranches Academy Charter School; Cheryl and Mike Johnson, representing the Friends-In-Need Animal Rescue; Kent Burningham, Spector Development.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by David Blackburn.

3. **Approval of Minutes (March 16, 2004 and March 19, 2004 Budget Retreat):**

MOTION: *Linn Strouse moved to approve the Minutes of March 16, 2004 and March 19, 2004. 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:**

Mayor Bailey announced that the City would be organizing a parks committee to work in conjunction with City staff to plan layouts for parks. He stated that Sherry Gallagher would be the chairman of that committee and would be reporting to Linn Strouse.

5. **Appointments:**

None

Mayor Bailey asked Jack Scott, who would be recommended for an appointment at the next City Council meeting, to come forward and introduce himself to the Council. Mr. Scott introduced himself, explained that his background is in computer systems and geospatial engineering, and provided information on previous experience and employment. He advised that he is currently employed by the University of Utah as a systems integrator and administrator

6. **Public Notices:**

Fionnuala Kofoed announced there would be a Public Hearing for the General Plan at the Airport Planning Commission meeting on Tuesday, April 13, 2004, at 5:00 PM, and at the Planning Commission meeting on Tuesday, April 13, 2004, at 6:00 PM.

7. **Public Comment:**

Mayor Bailey read an announcement from Harry Bakken regarding a meeting of the Eagle Mountain Historical Preservation Society to be held on Wednesday, April 7 at 7:30 PM at the Eagle Mountain Stake Center. A copy Mr. Bakken's announcement is filed with the Minutes of this meeting.

Bonnie Jeppson, resident of Lake Mountain Road, commented on the Friends-In-Need Kennel and expressed her concerns. She stated she lives next door to the Friends-In-Need Kennel and has noticed that dogs have been outside past the 6:00 PM deadline and that more than four dogs are allowed out at the same time. She advised the barking has been very disruptive to her family's personal life. She asked the Council to take into consideration her rights to peacefully enjoy her land.

Jody Hooley, resident of Lake Mountain Road, referred to the appeal sent to the Council from Friends-In-Need. She stated she has observed that dogs are barking just because the neighbors are outside. She expressed her concern regarding how many dogs could be reasonably housed at the kennel and stated she thinks that dogs being out from dawn to dusk is too long, especially when there is continual barking. She stated that none of the neighbors on Lake Mountain Road had ever expressed concern about large animals being allowed on any properties on Lake Mountain Road.

Janiece Sloan, resident, announced that the Eagle Mountain Youth City Council would have a class on the U. S. Constitution later in the month. She advised that in preparation for that class, the Youth Council was conducting a survey regarding the Constitution. She passed out the survey to the Council and staff and

waited for each person to complete and hand in the anonymous survey. She invited everyone in the audience to complete a survey before leaving the meeting.

8. **Council Comments:**

Linn Strouse asked Janiece Sloan when the U. S. Constitution class would be held. Ms. Sloan stated the class was currently scheduled for April 15; however, there was a possibility it would have to be delayed for one week.

Mark Madsen asked if photographs previously presented to the Planning Commission by Mrs. Jeppson were in the possession of the Planning Commission. Mrs. Jeppson stated she was in possession of the photographs and would make them available to the Council. Ms. Jeppson retrieved the photographs from her home and presented them to the Council. The photographs are currently in the possession of the Planning Department.

9. **Public Hearing: "Zoning of Property to Agricultural that is being annexed into Eagle Mountain City" (Annexations included in the Zoning: Glen E. Smith Partnership Parcel No.1 (Serial No. 58:033:0180); Eagle Mountain Holdings, LLC Parcel No. 2 (Serial No. 58:033:0152) and Glen E. Partnership Parcel No.3 (Serial No. 58:034:0346); Properties are located in the Ranches Area):**

A. Open Public Hearing (7:10 PM or as soon thereafter as may be heard):

Mayor Bailey opened the Public Hearing at 7:16 PM.

Shawn Warnke stated that there were two action items on the Agenda for this meeting, those being zoning of the property and annexation of the properties. He described the three parcels involved in the annexation by referring to a map showing their location. Mr. Warnke advised that the City had recently amended the ordinances to allow for parcels historically zoned as agricultural to be annexed into the City, and that prior to development the City would adopt a master development plan.

Mr. Warnke mentioned there was currently an application pending for conditional use for a cell tower, but that this application had nothing to do with the action before the Council. He stated this application could not be approved until the zoning and annexation had been completed.

Mr. Warnke also advised there had been some discussion about having a collector road run alongside the eastern boundary of the City. He stated that at some time, before development occurs and as master plans are reviewed, that suggestion would be included.

David Blackburn asked if that collector road would be cost-shared with Saratoga Springs. Mayor Bailey advised that costs would not be shared because this road would be located totally in Eagle Mountain.

B. Receive Public Comment

None

C. Close Public Hearing:

The Mayor closed the Public Hearing at 7:20 PM.

Mayor Bailey asked if there were any comments or questions from Council.

Mark Madsen asked if there had been any dialogue with Saratoga Springs regarding this annexation and what their disposition might be. Mayor Bailey stated that Saratoga Springs was aware of this annexation and their feedback was favorable.

Shawn Warnke advised that the City had noticed all the adjacent affected areas.

Linn Strouse stated she understood that SR 73 was an emergency access for the military base and for evacuation procedures in case of crisis. She asked how much more traffic could be expected from the collector road. Mr. Warnke stated the collector road would be a north/south collector from SF 73 to Pony Express and that it was only in the planning stages.

Linn Strouse asked if plans to join Pony Express Parkway with Saratoga Springs at Redwood Road were moving forward. The Mayor stated Saratoga Springs has no plans to finish this road soon but would do so as development occurs.

10. **Glen E. Smith Parcel No. 1; Glen E. Smith Parcel No. 2; Eagle Mountain Holdings, LLC Parcel No. 3 Annexations:**

Gerald Kinghorn explained that all required public noticing for this annexation had been completed and no protests were received. He stated that the ordinance before the Council consolidates the annexation for three parcels described at the Public Hearing. He indicated the ordinance would also accomplish the zoning concurrent with the annexation of the properties. He recommended the Council approve the annexation ordinance incorporating the properties into Eagle Mountain and zoning the properties as agricultural.

- A. Consideration and Enactment of an Ordinance Annexing Certain Real Property for Agricultural Use

MOTION: *Mark Madsen moved to enact Ordinance No. O 07-2004, an Ordinance incorporating the property known as The Smith Limited Partnership/Eagle Mountain Holdings LLC Parcels into Eagle Mountain and zoning the property as agricultural. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

- B. Approval of Amended Articles of Incorporation to Enlarge the Boundary of Eagle Mountain City to Include the Property Annexed Concurrently with the Approval of the Amended Articles of Incorporation and Authorizing the Mayor to Execute the Required Statutory Notice.

Gerald Kinghorn stated the City is required by the Utah State Lieutenant Governor's Office to amend the Articles of Incorporation to show a boundary change to include the annexed property. He recommended that the Amended Articles of Incorporation be approved by the Council and that the Mayor be authorized to execute all of the related documents.

MOTION: *Diane Jacob moved to approve the Amended Articles of Incorporation and authorize the Mayor to execute all of the related documents. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. **Notice of Claim on Saddleback Plats A, B & C (Trophy Homes):**

Gerald Kinghorn stated that on February 26, 2004, the City received a Notice of Claim from Trophy Homes demanding a refund of certain amounts on deposit as guarantee for warranty and improvements in the Saddleback Subdivision. He indicated this Notice of Claim had been referred to the City Engineer for comment. He recommended that Council acknowledge the filing of the claim and that a time be determined to receive the recommendation from the City Engineer with respect to specific warranty items. Mr. Kinghorn advised that he would provide the Council with information with respect to the City's legal obligations. He stated there was no action required by the Council at this time other than to have the Council acknowledge the Notice of Claim.

Motion: *Mark Madsen moved to instruct staff to have a report back to the Council in time to be included in the next City Council meeting. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen. Motion passed.*

12. Site Plan Approval:

A. The Ranches Academy Charter School

Adam Lenhard stated that the Ranches Academy Charter School had previously been approved by the Planning Commission with the following conditions: 1) that the traffic engineers review the internal circulation within the parking area; 2) that the approvals are contingent upon ownership being transferred; 3) that the island in the parking lot be landscaped; and 4) that the monument signage be approved for the Site Plan prior to building permit issue. Mr. Lenhard stated that the school is located in a residential zone, which prohibits monument signs; however, he stated that given the nature of this land use, it had been deemed appropriate to have a monument sign. He presented Council with a rendering of the monument sign proposed for the entrance to the school. He showed landscape plans that meet all of the requirements of staff and presented pictures of schools from other cities for comparison.

Vincent Liddiard asked if permission for this project had been received from the current landowner.

Bobby Colson, representing the Ranches Academy Charter School, stated his realtor spoke with the landowner who gave the school authorization to proceed as agents for the property. Mr. Colson stated that the property had been under contract for three weeks and the contract should be closed on Thursday, April 8.

Gerald Kinghorn requested that The Ranches Academy provide the City with a copy of the contract, and Mr. Colson stated he would fax a copy to the City on Wednesday, April 7.

MOTION: *Vincent Liddiard moved to approve the Site Plan for the Ranches Academy Charter School and that all staff recommendations be met prior to issuance of building permit. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

The Mayor moved to Item 15.

13. Final Plat Approval:

This item was discussed after Item 15.

A. The Woods at Eagle Mountain, Phase 1

Adam Lenhard stated this plat, located southeast of Overland Trails, had received approval from the Planning Commission subject to the following conditions: 1) that the Development Agreement includes the items enumerated in the section entitled Development Agreement; 2) that the e-files (civil and dry utility) and five sets of the corrected plans be submitted; 3) that water and sewer service laterals be installed for future subdivisions to avoid cuts in asphalt at a later date; 4) that there are a few items to be corrected on the trails plan, such as ADA ramps, corrected ROW width, and that the trail meanders slightly; and 5) that the fee in lieu collected for parks be applied to the park in Overland Trails Community Park.

Shawn Warnke stated there were items that would be included in the Development Agreement regarding landscaping, stucco exteriors, phasing away from existing homes, animal rights, and plans for a pedestrian trail.

Kent Burningham, Spector Development, addressed the Council on the efforts of his company to meet requirements of the City for this subdivision.

Mark Madsen asked how many lots were planned for this subdivision and how the traffic would be affected.

Mr. Burningham stated there were 12 lots planned in the first phase, with a total of 52 to 65 lots in the original concept plan presented to Council.

Shawn Warnke advised that the Planning Commission had looked at the larger preliminary plat, but had only approved the plat containing 12 lots.

Mr. Burningham advised that after the Council looked at the original concept plan, he was told that anything abutting a one-acre or two-acre lot had to drop down to .41, which instantly dropped the total lots to 52 or 53.

Shawn Warnke stated that as part of the Planning Commission's review, the applicant submitted a traffic impact study. He advised that this study showed there would be marginal impacts on Overland Trails roads with the 12 lots, and that the actual timing of a second access road would be determined in part by the Fire Chief. He indicated that the applicant had been made aware there would be a need for a second access leading out to the west of the subdivision through SITLA's property. Mr. Warnke asked that the record note that there would need to be a secondary access as development occurs with timing to be determined by the DRC and staff.

Mark Madsen asked if the "secondary access" would become a primary access as the area became built out.

Mr. Warnke stated that traffic would automatically flow to the shortest or easiest route to travel traffic

Mayor Bailey stated that the traffic would probably still flow through Overland Trails because any western access would tie into Pony Express, which would not be a good route until it is paved.

Vincent Liddiard also expressed his concern about increased traffic in Overland Trails because of the unique look of the subdivision not having curb and gutter or sidewalks. He stated that additional traffic would be an encumbrance to current residents.

Kent Burningham responded that he would be putting curb, gutter and sidewalks in his subdivision but understood the problem of putting curb, gutter and sidewalks through a rural area. He referred to the walkway that goes along Ira Hodges Parkway out to the main road and stated that it could be paved with future developments.

Mark Madsen suggested the possibility of the City committing to designing a western access so that it would be a primary access in the long term to relieve the traffic in Overland Trails.

Gerald Kinghorn stated that there is a collector road planned to accommodate that issue which would go through the Pony Express Parcel, intersect with Eagle Mountain Boulevard, and go east into the SITLA parcel.

Linn Strouse asked for clarification of a discrepancy showing there are 12 lots planned at an average size of 19,758 square feet but that the plans did not show any lots that large. Kent Burningham stated that figure was a misprint on the plans.

Linn Strouse asked if there had been any meetings with residents of Overland Trails making them aware of plans for The Woods. Mr. Burningham stated there had been three meetings with residents, and that residents approved of the subdivision with the conditions that lot sizes be .41 and there be no animal rights.

Diane Jacob stated that in her opinion most people coming out of The Woods subdivision would be heading east rather than west, taking their children to school or to going to businesses that would eventually be located in City Center. She, therefore, stated that the real need was for a road to get residents out of the subdivision onto Eagle Mountain Boulevard.

MOTION: *Mark Madsen moved to approve the Final Plat for The Woods development, subject to conditions as outlined in the staff report. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse expressed her concern that she had not heard any comments from the residents of Overland Trails.

Diane Jacob stated there had been a Public Hearing at the Planning Commission level and that 12-13 residents attended expressing their opinions. She also advised that the City Council had heard the concept plan and recommended changes agreed to by the residents.

14. Development Agreement Approval (Including CC&R's):

A. Mt. Airey, Plat D

Gerald Kinghorn explained that this subdivision fits into a small area originally designated as open space and would include only three lots.

Shawn Warnke stated that this approval was for a phasing issue allowing the developer to move forward before Plat C was developed. He showed the location of the subdivision on a map. Mr. Warnke stated that the developer did not use all of the golf property and, therefore, added property to existing lots and platted some additional lots.

David Blackburn asked about the square footage of the lots. Mayor Bailey responded that the lots are approximately one-third of an acre.

Diane Jacob declared a conflict of interest due to water rights.

MOTION: *David Blackburn moved to accept the Declaration of Covenants, Conditions and Restrictions for Mr. Airey, Plat D, at Prairie Gate Ranch as presently constituted, along with the Development Agreement and Bonding Letter. Vincent Liddiard seconded the motion. Ayes: 5 - Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

15. Appeal of Planning Commission's Action Regarding a Conditional Use for the Friends-In-Need Animal Rescue Center:

Per the Mayor's recommendation, this item was discussed after Item 12.

Gerald Kinghorn explained this is an appeal of four of the conditions in the Planning Commission's approval of the Conditional Use Permit. He advised that in this situation the City Council sits as an appellate body to review the record of the actions of the Planning Commission and determine whether or not the conditions that are appealed are supported by substantial evidence. He invited the applicant to present information placed in the record before the Planning Commission. He directed the Mayor to conduct this presentation and manage the inclusion of the information as the Council sees fit.

Cheryl Johnson, public relations director for the Friends-In-Need Animal Rescue Center, stated she would skip through part of the original presentation. She stated she was under the impression that the Conditional Use Permit would be approved when all conditions were met.

Gerald Kinghorn requested that Ms. Johnson provide an electronic copy of the presentation made to the Planning Commission because the printed copy of the presentation was unreadable. Shawn Warnke advised Mr. Kinghorn that the Planning Department already had an electronic copy.

Mark Madsen asked Ms. Johnson if the presentation she had before her was the same presentation given to the Planning Commission. Ms. Johnson advised it was the same presentation she was prepared to give to the Planning Commission but was never fully presented to that commission.

Gerald Kinghorn asked if this was the same presentation that was stated as incorporated in the record and Ms. Johnson stated that it was. She stated the Planning Commission advised that the slides were too small to read and so they never saw the full presentation.

Ms. Johnson stated that she was prepared to answer any questions and concerns from the Council. She then went on to address the following items under appeal:

1. Only three or four dogs would be allowed outside at the same time
2. No more than 15 dogs would be allowed on the property at one time
3. No dogs would be allowed outside between the hours of 6:00 PM and 7:00 AM
4. No large animals (such as horses) would be allowed on the property
5. The City Attorney determines the level of liability insurance required

Ms. Johnson stated there would be different issues involved before the construction of the proposed building and after the building is constructed. She stated that as of this date, there were approximately 13 dogs on the property and that when the kennel permit was issued there were nine dogs on the property. She advised that once the building was constructed, the Friends-In-Need would like to ask for permission to have 30 animals on the property.

Ms. Johnson addressed the concerns expressed previously in the Public Comment portion of this meeting regarding barking dogs. She stated she was not prepared for any public comment and did not bring anyone who could mitigate those concerns. She stated some of the things being done at present to minimize the barking of the dogs are: 1) grouping the dogs in friendly groups; 2) using bark collars; 3) keeping the dogs inside after hours; 4) exercising the dogs outside. She explained the difference between a rescue and a shelter, advising that a shelter offers temporary housing until such time as the owner reclaims the dog or the dog is put down and a rescue is a "no kill" facility offering a longer-term solution. She stated that the four-wheel vehicles being driven on the property are causing the dogs to bark and that the Friends-In-Need may have to post "No Trespassing" signs on their property.

Mike Johnson, supporter of the Friends-In-Need Shelter, stated that some of the issues brought up in the Planning Commission and in Public Comment implied that conditions were not be adhered to. He specifically commented that he was not aware of any infractions on the part of Friends-In-Need, and, in fact, that Friends-in-Need was trying very hard to comply with directions of the Planning Commission. He advised that some of the restrictions are very hard to deal with but that Friends-In-Need had been diligent in complying. He also referred to the problem of barking dogs caused by the four-wheeler traffic on the property.

Mr. Johnson expressed the concern of allowing dogs to be outside only during the hours of 7:00 AM to 6:00 PM. He explained that the more the dogs are penned up, the more restless they get; therefore, Friends-In-Need was requesting that the hours be increased to dawn to dusk, especially during the summer months.

Mr. Johnson stated the Friends-In-Need would like to have a Conditional Use Permit to be used before the building is constructed and another Conditional Use Permit after the building is erected. He indicated that the idea behind a large building is not to house more dogs but to accommodate special construction methods to limit the transmission of noise.

Mr. Johnson addressed the restriction of only three to four dogs in the exercise area at one time. He stated that the Friends-In-Need would like to be allowed to take up to six dogs out in the morning after the dogs have spent the whole night inside.

Ms. Johnson stated she did not feel there was an issue with having larger personal animals on the property. Mark Madsen stated that this restriction was given to ensure that only dogs would be housed at the rescue shelter.

Mayor Bailey reviewed the appeal as follows:

1. He asked for clarification on the request to increase the number of dogs at the shelter from 15 to 30. Mr. Johnson stated this request would only apply after their facility was constructed. Ms. Johnson stated that the building would make it possible to house more animals than are currently housed.
2. Mayor Bailey asked for clarification of the request to increase the number of hours that dogs can be outside per day. Mr. Johnson stated the increased hours would insure the dogs would behave better and be more calm, making them more adoptable and better neighbors.
3. The Mayor asked for clarification of the request to have more than three or four dogs in the exercise area at one time. Mr. Johnson stated that the real concern comes in the morning when the dogs have been inside for several hours, and that allowing up to six dogs out at a time during this first morning period would alleviate this problem.

Mark Madsen wanted clarification as to why allowing only three or four dogs out at a time would not be adequate. Ms. Johnson explained the current schedule for having the dogs outside. She said that the dogs are rotated quickly because of the need to get out first thing in the morning and right before they go to bed; however, at all other times the dogs are rotated in and out in smaller groups for one to two hours at a time. Mark Madsen reiterated that the request for an increase in the number of dogs let out at one time would only apply to first thing in the morning and last thing at night.

Linn Strouse asked if the dogs always have someone with them when they are outside. Ms. Johnson stated there is not always a person with the dogs when they are outside because of the very secure fencing. She did say, however, that there is always someone somewhere on the property.

Shawn Warnke explained that the Planning Commission had reviewed this information on February 10 and thereafter the applicant appealed 5 of the 15 conditions of the Planning Commission. Mr. Warnke advised that Conditional Use Permits show allowed uses within a zone, but that the Planning Commission must give a special review to mitigate some of the impacts or effects of the land use. Mr. Warnke stated that the Planning Commission heard from the public and the applicant on this matter. He indicated that the Planning Commission tried to use standards; however, in this incidence there were no standards explicitly written in our ordinances and they had to use administrative discretion in approving this Conditional Use Permit. He explained that he thought the intent behind the conditions set by the Planning Commission was to reduce any impact on the neighborhood.

Shawn Warnke acknowledged there had been some confusion as to whether the permit would be approved when the building was constructed or whether it was approved currently. He explained that his understanding was that the Conditional Use Permit would be approved once the building was constructed.

David Blackburn stated that he was aware this was a sensitive issue to both the owners of the center and the residents. He stated the Council would try to accommodate both sides.

Ms. Johnson stated the owners are willing to do anything to meet any conditions or concerns and that they want to be good neighbors.

Vincent Liddiard stated it was his understanding that Council would be reviewing only the items under appeal and that the Friends-In-Need were satisfied with the other conditions set by the Planning Commission.

Mark Madsen stated that the Council finds itself in a unique situation whereby they must make a decision as to whether the conditions that were placed on the permit were conditions that were based on facts presented to the Planning Commission. He reminded everyone that the City Council does not sit as a Planning Commission, and that in making a decision the Council has a very narrow scope to consider which does not include any new information. He stated that the City Council is basically passing judgment on the decision of the Planning Commission. He stated the Council had become aware that there were sources of fact or record of the happenings in the Planning Commission meetings, and the members of the Council would like time to review all of the available information.

Cheryl Johnson was concerned regarding the clarification of when the Conditional Use Permit was valid and wanted to know who determined that decision. Mark Madsen stated the Council should look at the record to see what was said during the Planning Commission meeting.

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

Mayor Bailey instructed staff to have the minutes from the Planning Commission meetings transcribed and presented to the Council and that a copy of the tapes be provided to Linn Strouse for her personal review. He stated that Council would make a ruling on this matter at the next Council meeting.

The Council returned to Item 13.

16. Consideration and Approval of National Field Archery Association (NFAA), Archery Golf at the Ranches:

Shawn Warnke explained that the National Field Archery Association annually sponsors Archery Golf at the Ranches, which requires that the Planning Commission issue a temporary archery range permit that must be approved by the City Council. Mr. Warnke stated that has always been a positive event for the City and that the event is open to residents in the community.

Mr. Warnke recommended that the Council approve this event subject to the following conditions: 1) that the temporary archery range be permitted for April 17 and 18, 2004, and May 15 and 16, 2004; 2) that the applicant obtains special burn permits for any campfires and complies with all requirements outlined by the Fire Chief; 3) that the site be returned to its precondition state following the event; 4) that if the special event creates an increase in the demands for public safety services that those services shall be provided by the applicant; 5) that the archery range complies with safety standards for the Utah County Sheriff's Office and the National Field Archer's Association (NFAA) and that the applicant provides security to monitor the perimeter of the archery range to prohibit non-participants from accessing the range; 6) that road base or gravel is used at the connection of dirt roads and paved roads as required by the City Engineer; 7) that there

are sufficient public facilities, such as restrooms; and 8) that the City Recorder and City Attorney ensure that all of the insurance forms and the permission of the property owners have been submitted.

MOTION: *Diane Jacob moved to approve the National Field Archery Association Archery Golf at the Ranches subject to the staff conditions listed in the staff report. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

17. Consideration and Approval of an Information Systems Contract with Family Solutions Consulting, LLC:

Chris Hillman explained that the contract for the City's IT provider had expired. He stated that the City went through the proper bid and interview processes, and he was recommending that a contract with Family Solutions be approved. He advised that during Work Session, Council recommended that response time be lowered from 90 minutes to 30 minutes and that a Termination Letter be included as part of the contract.

MOTION: *Vincent Liddiard moved to reward the bid for an Information Systems Contract with Family Solutions Consulting, LLC, subject to the recommendations of staff including a Termination Letter and the response time. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

18. Reconsideration of Acquisition of Utility Administration Building Site:

A. Approval of Contract of Purchase

Mayor Bailey explained that this item was brought to the Council for reconsideration because the City had been made aware that there was another SID on this property. This SID increased the total amount due from the City from \$6,600 to \$10,400, which changed the per acre price from \$3,300 to \$5,300.

David Blackburn asked if there were other lands nearby that would be covered by this third SID. Chris Hillman stated that all the adjacent land was covered by this SID.

Vincent Liddiard asked if the five-acre parcel discussed previously was part of this SID. Chris Hillman stated that the five-acre parcel was part of the SID but the fees were part of the price of the land.

MOTION: *Mark Madsen moved to approve the purchase of the two acres for the \$10,400. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Vincent Liddiard advised there would be a benefit to public safety by acquiring the property and building a city hall in that the present facilities could be used to provide meeting requirements on the paramedic/EMT license and provide office space for law enforcement. He stated that the new building would not be the final city hall and that a permanent building would eventually be built on the 50 acres provided by SITLA.

B. Consideration and Approval to Authorize the Mayor to Execute Deeds for Disposal of .91 Acres of City Property

Per the direction of Gerald Kinghorn, the motion on this item was made and passed before the motion on Item A was made.

MOTION: *Vincent Liddiard moved to Authorize the Mayor to Execute Deeds for Disposal of .91 Acres of City Property. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

19. **Ratification of Construction Bid for Mt. Airey Infrastructure Extension:**

MOTION: *Diane Jacob moved to ratify the Construction Bid for Mt. Airey Infrastructure Extension. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

20. **Ratification of Purchase of Substation Switchgear:**

MOTION: *Linn Strouse moved to ratify the Purchase of Substation Switchgear. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

21. **Ratification of Approval to Proceed with Bid for Installation of Cathodic Protection System on North Well #2:**

Mark Sovine advised that this contract required completion by May 1, 2004.

Mayor Bailey stated that this preventative maintenance would require that the well be shut down for two to two-and-a-half weeks and that the Council made the decision to have the work done before summer.

MOTION: *Vincent Liddiard moved to ratify and approve to Proceed with the Bid for Installation, without any contract extensions. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

22. **Consideration and Approval of Utility Trenching Contract:**

Mayor Bailey explained that this contract would allow the City to control the trenching of gas, electric and telephone lines from the street to each house. This trenching was formerly the responsibility of each builder. He stated that the builders were in favor of this change as long as they would not have to pay any more than they were currently paying to a contractor to do the same work.

Mark Sovine explained the four bids received and advised that TASCO Engineering was the low bidder. He stated that attached to the contract was a six-month trial period as well as a renegotiation clause if Telecom is sold.

Vincent Liddiard asked Mark Sovine to report back to the Council in six months with an update on performance. Mr. Sovine stated that he would give a report in six months or earlier if necessary.

MOTION: *David Blackburn moved to accept the bid and award the bid to TASCO Engineering for the construction services for gas, electrical and telephone utility lateral installation. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

23. **Consideration and Approval of a Change in the Consolidated Fee Schedule to Reflect the Cost of the Trenching Contract:**

This item was tabled.

24. **Consent Agenda:**

- A. Check Register for March 2004
- B. Partial Payment Request
 - 1. Eagle Top Water Line Extension (PP No. 1), Arrow Engineering
- C. Partial Bond Releases
 - 1. Eagle's Gate Plat A (Rel No. 1), Centex Homes
 - 2. Willow Springs Condos Phase 3 (Rel No.3), Summit Development

MOTION: *Vincent Liddiard 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.*

25. **Other Business:**

None

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

No Closed Executive Session was called.

27. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable.

28. **Any Actions from the Closed Executive Session:**

None

29. **Adjournment:**

Vincent Liddiard moved to adjourn the meeting at 8:43 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

Kevin E. Bailey DATE: 5/4/04

This certifies that the minutes of 6-APR 2004 are a true, full and correct copy as approved by the City Council on 4-MAY 2004

Signed: James B. Valentine, CMC
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Tuesday, April 20, 2004
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 PM

1. Consent Agenda
2. Discussion regarding Waiving of Water, Sewer, and Electric Impact Fees for Ranches Charter School
3. Report on State of Appeal of Planning Commission's Action regarding a Conditional Use for the Friends In Need Animal Rescue Center
4. Report from Korey Walker, City Engineer, on Notice of Claim on Saddleback Plats A, B & C, Trophy Homes
5. Discussion regarding Signage
6. Discussion on Recreation Sports Board
7. Discussion concerning the Refinancing of the Gas and Electric Bonding
8. Discussion regarding Economic Development
9. Adjourn Work Session at 6:50 PM

Prayer by Invitation of the Mayor

The prayer was offered by Adam Lenhard.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:15 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine (Excused from the meeting at 9:40 PM)
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver (Excused)
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Residents Ryan Borneman, Corbin Southworth, Dallin Kehl, Brigham Morgan, Bonnie Jeppson, Michael Edwards, Brian McEwan, Carl Allred, David Cast, Harry Bonnell; Zions Bank Representatives Adam Whitefield, Kevin Williams, Enoch Dahl; Developer Monte Kingston; Ranches Charter School Representative Bobby Colson; Recreation Sports Board member Clint Chidester.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Ryan Borneman.

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

There were no Minutes available for approval.

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

None

5. **Appointments:**

A. Airport District Planning Commission

Mayor Bailey recommended that Jack Scott be appointed to the Airport District Planning Commission for a term from April 20, 2003 through December 31, 2006, to replace Jim Boes.

MOTION: *Diane Jacob moved to approve the appointment of Jack Scott to the Airport District Planning Commission. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Mayor Bailey recommended the re-appointment of Melvin McQuarrie to the Airport District Planning Commission with a term from January 1, 2003 through December 31, 2005.

MOTION: *Diane Jacob moved to approve the re-appointment of Melvin McQuarrie to the Airport District Planning Commission with a term from January 1, 2003 through December 31, 2005. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Diane Jacob indicated that Mr. McQuarrie was well qualified for this position and brings much experience to the board.

6. **Public Notices:**

Janet Valentine announced there would be a Public Hearing on the Proposed General Plan on May 4, 2004, during the City Council meeting.

7. **Public Comment:**

Corbin Southworth and Dallin Kehl, youth residents, offered their support of a skate park in the City. They stated the skate park would keep the youth out of mischief and give them something to do. The Mayor explained that the Planning Director has been looking into this matter and the City is checking out options for funding the \$50,000 needed to build the park.

Brigham Morgan, resident, expressed his interest in serving as a volunteer for the City on any board or in any other capacity. He explained he has experience in planning, zoning, telephone, and business. He expressed his concerns regarding the item before the Council relating to the Recreation Sports Board. He

stated he "read with some concern some dialogue going back and forth in relation to the Sports Board and the resolution to possibly dissolve and reorganize the board." He stated he felt it would be better to let the Sports Board work out their own problems and work with the Council to establish milestones and timelines by which certain things would be achieved, standards would be set, and by-laws would be reestablished.

Bonnie Jeppson, resident of Lake Mountain Road, spoke regarding the Friends in Need Kennel. She expressed her concern that every night there are six to eight dogs out around 8:30 or 9:00 PM at night. She stated that the kennel had been instructed to have the dogs inside by 6:00 PM. She stated she could not work in her own backyard without the dogs barking at her. She indicated it was not the four-wheel vehicles setting the dogs off but it was her children; however, she indicated she was not going to tell her children they could not play in their own backyard. She expressed concern with the kennel's request to let more dogs out at one time due to "potty" needs and that this would be fine with her. However, she and a friend have been by the kennel at 1:00 PM and there were eight dogs outside at one time. She is concerned because she feels the kennel is not following the guidelines set by the Planning Commission. Mrs. Jeppson stated the kennel had eight dogs in the beginning and were told not to take any more dogs until the structures were built; however, there are now 15 large dogs being housed at the kennel. She asked the Council to take care of these problems because the kennel is not following the rules and yet they are asking for more dogs. She invited the members of the Council to come "sit at her house one Saturday and see how annoying it is." She also expressed her concern about the safety of her children.

Mayor Bailey explained that the appeal process is still in effect as the Council waits for data from the Planning Commission meetings. He asked Mrs. Jeppson if she had directed her concerns to the staff, and Mrs. Jeppson indicated she was documenting all of her issues. He recommended she report these issues to the Code Enforcement Officer for verification.

Michael Edwards, resident of Lake Mountain Road, advised his family had experienced multiple incidents where they had been put at risk. He stated the dogs from the kennel have been walked on his property around his livestock. He also explained one incident where the dogs were being walked by a young person who could not control the dogs and that the dogs ran after his wife and child. He stated these incidents had been reported to the Sheriff's Office and that his wife sent a letter to the staff about the matter. He expressed his concern regarding the safety of his family.

8. **Council Comments:**

Diane Jacob referred to Item 19 on the Agenda and advised she would not be participating in the discussion or vote on this issue because of a personal conflict of interest.

Vincent Liddiard announced that the Council had previously recognized the military service of returning soldiers in the City and would like to recognize all returning soldiers.

Linn Strouse referred to the City ordinance regarding animals. She requested that everyone remind their neighbors that dogs are required to be on a leash and are not allowed to run loose. She stated the City has a tremendous problem in this area and it becomes a safety issue for children. She asked staff to provide information in a newsletter on how to be a good pet owner, emphasizing the rights and responsibilities of pet owners to respect their neighbors. She stated it was shocking to her that so many animals end up in pounds because people do not want to keep them for various reasons.

9. **Presentation on Recycling Plan by Brian McEwan:**

This item was presented before Item 8.

Mayor Bailey explained that as part of an Eagle Scout project, Brian McEwan had asked to make a presentation to the Council on a recycling plan.

Mr. McEwan stated that for the past few months he had been working on a recycling program in the community. He explained that he had recycled Christmas trees in some of the areas and that he was now

trying to start a recycling awareness program. He stated he would like to get curbside recycling started and that, even though there would be costs related to that plan, it would be beneficial to the community.

Diane Jacob asked Mr. McEwan if he had contacted either of the trash companies that service the City to find out about costs and how the plan would work. Mr. McEwan indicated he had not done so.

Brigham Morgan stated he was under the impression that trash companies would supply free recycling containers. Mayor Bailey indicated that the City contacted BFI about a year ago and found out this was not a free service and that any recycling program would only be offered if the City contracted with BFI to be the only provider in the City, taking away the choice of the citizens. The Mayor asked Chris Hillman to follow up and see what it would cost to have a couple of large recycling receptacles brought into the City.

Linn Strouse thanked Mr. McEwan for bringing recycling to the attention of the Council because recycling allows citizens to be "good stewards of the earth." She advised that she has some good information on recycling and referred to recycling activities offered in Sandy City. She recommended that information regarding recycling facilities be placed on the website for access by citizens.

The Mayor stated that the spring clean up dumpsters provided by the City have been well used by the citizens.

Mayor Bailey returned to Item 8.

10. Consideration and Approval of Banking Services Agreement:

Adam Whitefield, Manager of the Lehi Branch of Zions First National Bank, introduced Kevin Williams, Bank Corporate Sales, and Enoch Dahl, Manager of the Saratoga Springs Branch. He explained they had submitted a bid to the City for banking services, which they felt had been accepted by the City because it offered the best combination of pricing, service and ability to respond to needs.

Chris Hillman explained how the bid process had been conducted and how the City arrived at the decision to sign a contract with Zions First National Bank. He stated that Zions Bank offers a lock box service, which would allow residents to mail their payments to a post office box to be processed by the bank. He indicated this would reduce City staff costs.

David Blackburn asked for clarification of why the sweep account goes into investment accounts instead of staying in the account. Mr. Williams advised this was a way to maximize the money on deposit by paying interest income to offset some of the analyzed fees. He stated the bank had a couple of options that would be presented to Chris Hillman. He advised that the sweep account would earn interest for the City at the rate of one percent. He explained that the basic sweep option happens automatically in that the checks and deposits go into the bank and any excess goes into the sweep. If there are more checks written than deposits made, the money from the sweep comes down to pay the checks. He said a sweep account is an official way for cities and counties to earn interest on their funds to offset some of the fees and maximize the monies they have. He also explained another sweep account that would allow the City to keep half of the monies and put the other half in a State pool fund, which pays about one-half percent more than the bank.

Gerald Kinghorn advised that the City was regulated by the State Money Management Act as far as the handling of public funds, which makes some of the higher-rate options unavailable to the City.

Mr. Williams stated he checked on that matter and found that the only higher-rate options not available to the City are business internet money market accounts and/or an internet money market account paying about two percent. He did find that the City was allowed to have three variations of the sweep account.

Vincent Liddiard addressed his concern of the City financial records being in a variety of formats according to software. He asked how information received would match up with our records.

Gordon Burt explained that the bank's software probably does not currently match that of the City; however, any information sent from the bank could be uploaded to the City software. He stated that depending on the information received, it would be handled daily, weekly or monthly as required.

Mr. Williams advised that the bank uses a system called First Point, which is a web-based application put together by the bank. He stated this system allows many options, such as same-day/previous-day balance reporting, downloading and printing of statements, etc. He stated the City would be able to do wires and stop pays and would be provided the highest security for accounts.

David Blackburn asked why the statement of interest was only paid on the collected account when the bank was sweeping collected and uncollected funds into the sweep account.

Mr. Williams stated that federal regulations do not allow the bank to pay interest on uncollected funds.

Mr. Blackburn was concerned about the amount of inflow coming into the bank at utility payment time where the bulk of the money would be uncollected and go right back out.

Mr. Williams advised that out-of-state items take from two to three days to process but local items usually have a one-day collection period. He stated that the bulk of items received by the City should be local items that would be collected within a 24-hour period, and that the lockbox system would speed up that process because the funds go immediately to the bank for posting and would be credited to the City account on the same day.

David Blackburn asked how the interest was based.

Mr. Williams stated interest was accrued daily and was paid on the first business day of the following month.

Mayor Bailey asked where lockboxes would be located.

Mr. Williams advised that when a customer receives a billing statement, the customer returns the payment and coupon in a pre-addressed envelope to a post office box. The payments are then picked up by Wells Fargo.

Vincent Liddiard was concerned that people would still drop payments in the City lockboxes and he was advised that the City would still handle payments made in this way.

MOTION: *Vincent Liddiard moved to approve the agreement tendered by Zions Bank and authorize the Mayor to sign the contract. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. Consideration and Approval of Authorization for Mayor to Execute Time Extension on Direct Communications Contract:

Mayor Bailey explained that this item had been discussed at the last Council meeting.

MOTION: *Mark Madsen moved to approve the authorization for the Mayor to execute a time extension on the Direct Communications Contract to June 30, 2004. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

12. **Consideration and Approval of Authorization for Mayor to Execute Documents to Effect Survey Corrections Presented to the Council:**

Gerald Kinghorn explained there are a number of minor survey corrections that need to be made, mostly involving Monte Vista Ranch, Eagle Mountain Properties and Legends, conveying slivers of land to the City. He previously presented a letter to the Council with an attachment showing a summary of the survey correction actions. He stated he had a set of maps showing where the survey corrections were and would make it available to any Council member who wanted to see it. He advised there needed to be one action by the City to correct the overlap on the Town Center East plat and reserve to the City the public utilities. He explained that the overlap occurred because the plat was recorded after the road dedication and there were some survey errors on the alignment of the road and survey plat. He stated the motion should authorize the City to get the survey corrections completed by having Eagle Mountain Properties, Monte Vista Ranch, and Legends deed those properties to the City that are listed in Items 1, 2, 3, 4 and 6 and authorize the Mayor to execute a quit claim deed to Lots 1, 2 and 3 in Town Center East plat and reserve the public utility easements to the City. He stated his office would prepare the exhibits to ensure they are prepared in the proper format for the City's satisfaction.

MOTION: *Mark Madsen moved to authorize the City to get the survey corrections completed by having Eagle Mountain Properties, Monte Vista Ranch, and Legends deed those properties to the City that are listed in Items 1, 2, 3, 4 and 6, and authorize the Mayor to execute a quit claim deed to Lots 1, 2 and 3 in Town Center East plat, and reserve the public utility easements to the City. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

13. **Consideration and Approval of Request for Use of City Rights-of-Way for Offsite Utilities for Completion of Overland Trails IIIA:**

Gerald Kinghorn referred to his letter to Council describing the current attempts to get Overland Trails IIIA completed. He stated that construction of offsite utilities would be required and that these utilities are not in the public utility easements within the subdivision itself. He advised the subdivision had been approved with the assumption that Aqua Avenue and an easement on the north side of the entryway would be made available by Eagle Mountain Properties. He indicated that as time went on, a dispute developed over improvements, demand was made on the bond, and that the bond surety required that the contractor complete the improvements. Mr. Kinghorn advised the contractor was now at a point where he cannot acquire the easements. Mr. Kinghorn stated he attached a copy of a letter from Council to the contractor responsible for the surety explaining their problems. He indicated that a copy of this letter was sent to Eric Jones, Eagle Mountain Properties, informing him of the situation. Mr. Kinghorn clarified that the City was not taking a position on this dispute between Eagle Mountain Properties and the developer; however, he indicated the City needs the subdivision finished and found an alternative in terms of locating these offsite utilities. Mr. Kinghorn stated the recommendation was to try to complete the subdivision by allowing these utilities to be located in the road rights-of way instead of in the easements originally proposed when the subdivision was approved.

Korey Walker stated that typically the gas and electricity was located in the PUE that is back behind the sidewalk towards the home site. He advised that in these locations the easements were submitted, then rejected because of a format issue, and were never completed. He stated that staff was proposing that utilities be moved inside of the curb so as to be right underneath the edge of the asphalt. He stated this would not create an issue because along Aqua Avenue the church is already there and has connection and has open space to the south, which means there would be no future laterals for that location. He also explained that at the entrance from the roundabout to Sweetwater South there would not be any future connections required.

Mr. Kinghorn stated the motion was to approve the use of the City rights-of-way for these offsite utilities.

Vincent Liddiard referred to a letter from Brett Anderson requesting that the City exercise its eminent domain power. Mr. Liddiard stated he thought this request was out of line and regretted the fact that the City had to deal with this problem, which is a contractual obligation between the parties involved.

Mr. Kinghorn stated the City was not proposing exercising eminent domain.

Mayor Bailey advised Mr. Liddiard that the developer who had been left to finish this project was not the original developer.

MOTION: *Mark Madsen moved to approve the use of City rights-of-way for the offsite utilities to complete Overland Trails IIIA. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse asked for clarification of the meaning of the statement “subdivision approved on assumption.”

Gerald Kinghorn stated the original construction plans showed these utilities going through properties that were owned by others; however, those easements were not provided in a satisfactory form when the subdivision was recorded.

Linn Strouse asked why the subdivision was approved if it was not satisfactory.

Mr. Kinghorn stated the subdivision was approved and recorded. He advised that at that time Monte Vista Ranch and this developer were “arm in arm” coming to the City saying, “Come on, we’re together. Do this. Record this now. We both agree to this.” He advised they later had a dispute.

Mayor Bailey asked what year that occurred and Mr. Kinghorn stated it was in the year 2000. Mr. Kinghorn advised that both parties had represented that they were going to complete this subdivision.

Linn Strouse stated she had a problem with assumptions and hoped the City had learned from this experience.

Mr. Kinghorn stated the City now requires these easements with the plat package.

14. Consideration and Approval of a Development Agreement for the Woods Development:

Shawn Warnke stated that the final plat for the Woods Development was approved at the last Council meeting and that the bond letter and Development Agreement, including CC&R’s, were now being presented for approval.

Gerald Kinghorn advised there was no bond letter attached to the package as an exhibit. He recommended this item be approved subject to the City Engineer providing the bond letter.

Korey Walker stated the bond letter was incomplete because the trail issues were being addressed.

Diane Jacob asked Mr. Kinghorn if he felt comfortable approving the item without the bond letter.

Mr. Kinghorn advised that the Mayor should not sign the Development Agreement until the bond letter was received.

MOTION: *Linn Strouse moved to table this item until all the needed information is received. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 1 – Mark Madsen. Motion passed.*

Vincent Liddiard asked what this motion would do to the timetable of the developer.

Mayor Bailey explained that if the item was tabled, the developer would be unable to move forward for another two weeks; however, if it was approved subject to receiving the bonding letter, it might expedite the project for the developer

Shawn Warnke stated he had received several calls from the developer indicating his interest in getting started on this project.

Mr. Kinghorn stated the City does not have the water rights for the property and the plat cannot be recorded without these rights.

Shawn Warnke stated the developer was working with Eagle Mountain Properties to obtain the water rights.

Vincent Liddiard asked how long it would take to complete the bonding letter. Mr. Walker stated it might be completed that day because they were wrapping up the offsite trail issues.

Diane Jacob stated she was uncomfortable with a subdivision coming before Council for final approval without all the paperwork being included.

15. Consideration and Approval of the Final Plat and Development Agreement for the Anthem Development Phases 2 and 3:

Shawn Warnke explained the location of this subdivision and advised that Phase 2 would contain 36 lots and Phase 3 would have 47 lots. He referred to the conditions of approval: 1) that a wrought iron fence (according to the Ranches Design Guidelines) border the subdivision along the golf course; 2) that addresses be shown on the plats; 3) that Franklin Drive be signed to be a through road (no stop signs) so that it meets the City's requirements regarding grade of intersections with traffic control devices; and 4) that the total acreage in lots be added to the tabulation table for both plats.

Monte Kingston, developer, stated they are getting ready to move forward with Phases 2 and 3 because sales are going well in this subdivision. He advised that the CC&R's are the same as those submitted for Phase 1.

David Blackburn asked the approximate size of the homes in this subdivision, and Mr. Kingston stated that Richmond American was building about a 1,600 square foot home and Desert Point was building close to a 1,800 square foot home.

Linn Strouse asked if there was a swimming pool in this subdivision. Mr. Kingston advised that the swimming pool and park are basically complete.

Diane Jacob stated she had toured the model home at the Anthem and stated this was an excellent product.

MOTION: *Vincent Liddiard moved to approve Phases 2 and 3 of the Anthem, subject to staff recommendations. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

16. Consideration and Approval of Waiving Impact Fees for Ranches Charter School:

Mayor Bailey explained that this item was thoroughly discussed during Work Session. He stated the ground breaking for the charter school was held on April 19. The Mayor advised that the charter school had filed a request for a waiver of impact fees, which was previously done for Pony Express Elementary School. He stated that the Council should decide if charter schools would be treated the same as other public schools. He advised that a decision would also determine what waivers would be allowed to the new elementary school in City Center, even though that school had not yet applied for any waiver of impact fees.

Vincent Liddiard referred to a staff report showing that impact fees for the charter school property would be about \$36,000. He stated that if the City waived the impact fees for parks, trails, storm water, and transportation that impact fees would be approximately \$22,000. He further advised that if the impact fees were waived for future growth, the impact fees would be reduced to \$17,000 to \$18,000 or about half of the currently assessed impact fees.

Diane Jacob stated she would feel comfortable with that amount.

Mark Madsen stated that when Pony Express Elementary School was built, no impact fees were charged. He advised that charter schools have many struggles to become established and, therefore, should be treated equally with other public schools. He explained that he had a problem with taxpayer dollars going to pay other taxpayer dollars, which is what the impact fees to schools would do.

Vincent Liddiard stated he hoped that if impact fees were waived for the charter school that the new elementary school in City Center would be informed of their opportunity to apply for the same waiver.

Linn Strouse stated that public schools and charter schools provide a tremendous service to the community. She stated that charter schools might meet the needs of students in different ways than public schools.

David Blackburn stated he would agree with a decision to waive impact fees for schools.

Mayor Bailey offered his support to the action to waive impact fees for schools because of the benefits that schools bring to any city.

MOTION: *Mark Madsen moved to approve to waive the transportation, electric, storm water, park and trails, and public safety impact fees for the Ranches Charter School. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Vincent Liddiard commented that it was brought up in Work Session that when the fees were waived for the Pony Express Elementary School it was due to the great desire to have a school in the area. He expressed that much work had been done to establish another school in our City, but he wanted to recommend that this not become a precedent-setting event for future schools.

Diane Jacob explained that her "Nay" vote was given because she felt there was some impact on the community and there should be a way to recoup some of the costs. She did want the record to show that she favored helping the schools.

Bobby Colson, representative of the Ranches Charter School, advised they had retained the City as a contractor to inspect the building structure, which would bring monies into the City.

17. **Consideration and Approval of Meadow Ranch Homeowner Association's Request to Modify Landscaping on City Property:**

Mayor Bailey: "What this is all about is there is a section entrance, the east entrance of Meadow Ranch, that is kind of a dead end entrance that only services three homes, if I'm correct. Is that correct, Carl? David?"

David Cast: "Four."

Mayor Bailey: "Four homes, okay, sorry. Thanks for correcting me. Services four homes; but regardless, there were some improvements done in that entrance."

David Cast: "Five."

Mayor Bailey: "Five? Services five homes. And I have Carl, and Carl is going to represent the neighbors that live in that area. And I think David's representing the homeowner's association, is that correct? Okay, if you can come forward, work your way up this way, because there'll be some questions for you, I am sure. But just as a brief history here, the folks that live in that area there were originally, when they came into the City they were part of the original residents of the City. My understanding was, from what Carl had told me, they were promised a number of things back at that time in order to incorporate as part of the City; and among the things that were promised was this particular entrance was going to be finished. Carl, if you'll come up to the microphone and give a brief history on some of that, what occurred there, so that Council is aware of that? A brief one, I don't want the long version."

Carl Allred: "So that I can be as brief as possible, if you can pass that down. The brief history. These people were here on a 40-acre parcel of property before the Town was ever set in motion and actually had the option of whether to become part of the Town or remain outside of the Town. To become part of the Town, as I understand in reading Minutes and going back to that time, I was the one who ran this subdivision through. It was either the second or third subdivision ever approved by the Town. We had been a long time fighting with the County. Anyway, at that time, as most of you know, there were two roads that both came onto Highway 73, and then Cedar Pass Ranch came in and ran another road on the opposite side of Highway 73 right between these two roads, which created three intersections about 400 feet/300 feet apart from each other and on opposite sides of the road. When we were doing the subdivision, the Town requested that we figure out a way to bring that into one intersection right straight across from Mr. John Jacob's home. When Cedar Pass Ranch built the road, now known as Cedar Pass Drive, it came up a grade, which shined right into the windows of the people who live across the street. And so part of the agreement that was made, long story short, the Town agreed that we could put in what we called Short Road connecting the other two roads before they connected to Highway 73. In order to build Short Road, they needed property deeded to the Town. These people gave up that property with no payment whatsoever. They did not have to do it. The Town was willing to approve it the way it was. But they did it to appease the Town. We tried to work with the Town, you'll even find it in the Minutes that they commended us in working with the Town in this matter. So, they deeded the property for the road. The Town, in turn, agreed to build a berm to shade those headlights and give these people the privacy, which they lost from a Town coming in and joining the Town. An on top of the berm these people had also planted trees that were probably seven, eight feet tall at the time, very small when the ... first got here. In order to create that Short Road, they had to mow down all those trees and very few of them were saved. They tried to save some of them, probably about 15 out of 200, would be my guess, and the Town agreed to replace those trees and put the trees on top of a berm. None of which really happened from the Town."

Mayor Bailey: "Carl, can I interrupt you for a second? When you say the "Town" made these agreements, the Town Council voted and agreed to that, or what happened?"

Carl Allred: "Yes."

Mayor Bailey: "The Town Council voted to do that?"

Carl Allred: "Yes."

Mayor Bailey: "There's Minutes that prove that?"

Carl Allred: "Yes. The thing is, it's not in real detail. By your Minutes, if you go back and study your Minutes, the Town agreed to put in the berm and to replace the trees with the same kind of trees that were already there and to put them on top of the berm so those headlights didn't shine and these people had their privacy. The problem was that there was no Minutes saying how many trees, technically what kind of trees, how big the berm was going to be, how long it was going to be and how wide it was going to be. It's just they agreed to put in the berm. The situation comes now is the Town owns the road and they own half the berm. In order to help put the berm in, the people agreed to give an easement, or a right-of-way, or whatever you want to call it, to continue to build that berm instead of 20 feet wide, 40 feet wide so that it could be about four feet tall. So, the berm is about 40 feet wide, half of which belongs to the people who live there. The front half facing the highway belongs to the City. So, what the people are saying is we like

the berm, we like the grass. The Town did not put the grass in. The Town did not put the sprinkling system in and yet the Town required the HOA to pay for it. As we all know, we know how the HOA works and the Town works with maintaining them. The issue has come up, these people are not paying their homeowners dues the way they should; therefore, the homeowners association cannot afford to maintain one of the prettiest places, in my opinion, visible from Highway 73. So, we're going to tear it out and put rocks on a steep slope. The rocks are just going to fall off on the road, I can tell you that from experience in maintaining the rocks in the Ranches. So, we would like to come to some type of agreement that the grass remains, that the homeowner's association can afford it, and that we don't tear out that grass. Short term."

Mayor Bailey: "Okay, Carl. Anyone have any questions for Carl regarding that part of it?"

Linn Strouse: "Yes, are they willing to pay their dues if the grass remains?"

Carl Allred: "Personally, I can't guarantee. I have talked to two of the residents since then because they called me as a spokesman, and I said... See, I am a past HOA, just as of last March, as the person collecting HOA dues. I know what it's like. Half the people, a lot of people don't pay them, they don't feel like they should pay them, but they don't understand the economics."

Linn Strouse: "No. They're highly motivated right now. This would be the time to address it."

Carl Allred: "I would say yes."

Linn Strouse: "Do we have to do something legally, Jerry?"

Mayor Bailey: "No, we can't do anything on this, that's an HOA deal, it's not a City deal."

Carl Allred: "This is true. It's an HOA matter; and as a matter of fact, the people hopefully now know that them not paying their HOA dues is part of the problem. But I believe they're willing to work it out in some way so that they understand they have to be paying."

Mayor Bailey: "There is a second issue to this as far as grass or gravel or whatever the case be. After looking at this when this all came about, we found out that the middle and the east berm, which are one berm, half of it's on private property and half of it is on public property, what's been deemed as public property. The west end berm, which is a little bit further forward towards the road, but even so it's only an easement, it is not any of it public property. Is that correct, Korey?"

Korey Walker: "Yes."

Mayor Bailey: "So, you've got another issue here at hand, not just for the HOA but also from the City's perspective is the City can't force the HOA to maintain what's private property. They can have them maintain what is public property, but they can't have them maintain or force them to, anyways, if they choose not to do it at all, that's their choice. But the City can't come in and force them to maintain those areas that are private property anymore than they can allow them to take and pull the grass off what's private property. So, I don't know how the HOA, and that's why I asked Dave to be here, what the HOA's feelings are as well as the City's point of view on what's going to happen on how to maintain those berms now that it's been brought to light what the actual legal description and where everything lies in there. So, we've got that other issue attached to this, as well as just the front portion there, whether it's xeriscaped or whether it's left in grass. And I understand the folks that live there, they would love to have it in grass; and I understand the HOA saying they don't want to have to spend the money for it when folks are not paying to help maintain it. But there's an overall expense involved in that maintenance, whether it's grass or xeriscape, that is still there regardless. And how do we maintain that part and how do we have the HOA, how they want to address it from an HOA, I don't know. The board has had their discussion, I'm assuming. So, Dave, if you'll come up. Are you aware of this fact of where the land lies and everything now?"

Dave Cast: "I am."

Mayor Bailey: "And what was the board's thinking on what was going to happen there? What did they..."

Dave Cast: "Well, prior to our knowledge of property lines when we had discussed with Parks and Rec to confirm our proposed plan to eliminate the grass, at that time we were not aware that there was a property line issue on the top of the berm. So, now that we became aware of it, there is a property pin on the top of the berm that we had decided at that time that we would remove the grass in the front half to alleviate some of the cost of maintenance and then take some of that money and absorb it back into more of the publicly used land, as opposed to just an appearance landscape issue. So, since we've become aware of the issue with the property lines and maintenance, and we had pretty much stopped since there was an issue of ownership and responsibility as far as maintenance of private land or any agreements that were, you know, at this time now we're paying to water and maintain private land. Now that that's come into a discussion of whether we continue doing that or what was promised in the old City and agreements that were made there, that's why we're here with the City is there are agreements with private ownership that the HOA is paying for maintenance and water and mowing and such weed control issues on private land that apparently we have no control over, but we've been doing it for so many years, and now when we voted last year as the HOA to eliminate some of our costs, that we became aware of those. And that's why we're here is to help, hopefully, the City can help us with whatever agreements were done prior to the HOA being."

Linn Strouse: "I agree with Carl that it is one of the few green places I enjoy looking at when I drive through here; and I think I wish we had more. I feel bad for your position because you didn't know. Did anyone talk to these people first and say we're going to do this and because, unfortunately, you've chosen not to pay your HOA dues...."

Dave Cast: "It was discussed during the HOA meetings of the summer and fall meetings where we had brought it to issue that we were going to be doing that in the springtime."

Linn Strouse: "Is there anybody from that particular area..."

Mayor Bailey: "I think Harry Bonnell was there in the fall meeting and you had brought that up."

Dave Cast: "Yeah, there was, you know, we only get maybe 20/30 people at best to a 120-home subdivision, so."

Linn Strouse: "Well, there's something I want to say real quick. Even back when we changed the name, Council changed the name of the Red Hawk Ranch Park to Nolen Park. At the time it really seemed like a wonderful thing to do in lieu of the fact the guy who thought of all this was dying; but nobody asked the residents there and there were a lot of them that were very upset about that. And so, that taught me a lesson that even though maybe we don't have to, we need to really, you know, sort of get a little bit of a consensus from time to time from the residents."

Dave Cast: "Well, we had assumed that having through the HOA meetings and the opportunity of the residents to attend the meetings and to provide a vote and have an interest invested in their community that that was their opportunity. And if they chose not to attend several meetings, we as the HOA don't feel that it's our responsibility to just have meetings for the next ten years until everybody decides to come to a meeting to be aware of issues that..."

Linn Strouse: "The logical side of that, the logical side of my brain says that that makes perfect sense, but then ...if you run through, if you've got the green light and somebody comes through a red light and hits you, it's like, well, I had the green light. Well, it doesn't matter. You could still be dead. So, maybe that's not the best analogy in the world, but I'm just hoping for more communication on all levels."

Dave Cast: "And for future, we can certainly do that and try to make it more aware, maybe through mailings or what have you."

Linn Strouse: "And I'm not trying to be a Monday-morning quarterback because I think you've done a wonderful job there, and I really appreciate all your hard work and sacrifice."

Dave Cast: "It's not the intention, just so Phase 1 understands, it's not the intention of the HOA to turn. I agree it is a beautiful thing to look at, but we do live in a desert. We do need to think about conserving. It's not the intention of the HOA to make a desert. We just want to rearrange some of our costs and expenses and put them into areas that are more publicly used and not necessarily, you know, just do it in rock and say, 'Okay, we're done.' There are future landscape plans that we want to do with it, and some of the landscaping will be maintained as far as the median goes, that map doesn't show what Carl has as far as some of the grass. Some of the grass we'll maintain, but mostly it's the berm itself that we have the issue with the expense of \$4,000/\$5,000 a year to pay for such maintenance on something that really it's only there for looks. And grass is beautiful but there's other ways to make beautiful beautiful and not see six miles of green runway."

Vincent Liddiard: "I think you brought up an interesting point. Before us is an opportunity to grant or not a request to modify landscaping; but I'm really not quite sure what the alternative is. It's grass or is it small pebbles that? What are you going to do? And I would actually appreciate a little bit better understanding of what our alternatives are."

Dave Cast: "Well, in speaking with the, I can't remember the guys name with the Parks Department."

Mayor Bailey: "Paul."

Dave Cast: "Paul. They would rather see some type of rock."

Mayor Bailey: "Kind of like we've done on Pony Express if you go down Pony Express Parkway."

Dave Cast: "Whether it's pea gravel or cobble or some type of stone ground cover. Our original plan was to do a large bark mulch, but through research on that with wind issues that we have that would disappear, so we would do something a little bit more permanent with some larger stone that would not become a waterfall of stone down into the street."

Mayor Bailey: "How big was the rock planning on being, do you know?"

Dave Cast: "Two inch plus."

Mayor Bailey: "Two inch plus, okay, and that works. I did that in a ditch and it works fine."

Dave Cast: "When it's there, it's there forever unless the kids throw it."

Mayor Bailey: "Which will probably happen, unfortunately. We've got the other issue, that Carl brought up also in his memo here as well, is that his understanding, of course, you go back and look at the Minutes that he's showing here, the City in the motion, I'm not reading anywhere in there that it agreed to maintain the berm. But you're saying that they did, even though they didn't make the motion to do so? Is that what you're saying?"

Carl Allred: "By my memory and talking to the people on that Council, it was discussed but never decided."

Mayor Bailey: "It was never decided then?"

Carl Allred: "Right."

Linn Strouse: "Well, on the bottom of this sheet. Did you write this, Carl?"

Carl Allred: "I did. Sorry I wrote it and not typed it."

Linn Strouse: "No, you're fine. This says, 'Let the folks at the berm pull out of the HOA and maintain berm. Is that an option?'"

Carl Allred: "I don't know exactly, but, and I came up with those ideas myself, I believe, and there are several of them here and a couple I would like to address. That they would rather keep the grass and maintain it themselves would be my guess than to see it turned into rock, cause they love the area. They gave a lot, they gave everything they had, and I think they are willing to give more to save it than just watch it go to rock if they're not paying for it. But that's my own opinion, not theirs."

Linn Strouse: "I am looking forward to hearing from them rather than us doing more conjecturing."

Carl Allred: "I also think that they will be willing to negotiate, because that's what the problem is, we can't afford it."

Vincent Liddiard: "What is the cost of the rocks or cost for bigger rocks?"

Dave Cast: "We really haven't even gotten into all of our costs on that yet. Initially it would probably be the first year, my guess is, pretty close to what we spend in maintenance for that for the one-year's budget; but the future years is just a savings. I mean, it's \$4,500 a year that we could possibly turn around and put into our trail systems that we have throughout the community now that we are not maintaining, only because we are only collecting maybe fifty percent of our funds. So, fifty percent of our homeowners are paying for a hundred percent of our benefits, and that's one of the reasons that at \$12,000 maintenance bill to maintain Meadow Ranch needs to be readjusted into more of a realistic number. If we're going to maintain our two parks, it runs us about \$8,000. If we have an additional savings of \$4,000 then we can do more of our trail systems, put more into our parks, do some additional landscaping elsewhere where more of the public can benefit from it on a day-to-day basis versus just aesthetics, which aesthetically xeriscaping can be done very well through additional shrubs and stuff to put on top of that berm to do some additional screening besides just grass."

Vincent Liddiard: "I think you mentioned something, more maybe in the role of a compromise is, the road down by Kiowa Valley is not all rock. They've got vegetation there. It is more of a dry farm type."

Mayor Bailey: "Well, this already has a whole lot of trees, if you remember looking at it. So, there is some vegetation there. Now, if you want some smaller bushes and stuff involved in it as well, then, yes, you could add that; but right now there's a whole bunch of trees, I don't know how many trees, but there's a bunch of trees on that berm on both sides, both the public side and private side. If you were to just rock the front part, you could, but, you know, I understand the folks who live down there they would definitely like to see it in grass. I think the better solution is to find a solution to maintain it in grass that everyone can agree to, be it maintained by the homeowners there in that area, since they're the ones that benefit from it, or if there's a combination of HOA paying for part of it, since it is public, or if the City wants to consider coming in with some of the cost of it. However you all want to deem doing a solution here. There's obviously questions of what the City originally agreed to, but the Minutes are not saying anything specific the City committed to other than to do the berm and pave the road, and all those kind of things were done. Whether the City paid for the trees or not is another issue. But, I guess, we need to come up with some solutions. Carl made six solutions, or possible solutions, here. The only problem I see with your solution 1" (referring to Mr. Allred's list of possible agreements, which states No.1. Let the folks at the berm pull out of HOA and maintain berm) "is if it pulls out and has a separate HOA or no HOA at all, the problem is everyone on the east end of Phase 1 of Meadow Ranch are still benefiting from the parks that are in Phase 2 and Phase 3 that everyone else is paying for. And I don't know that that's fair to leave the burden of everyone else to maintain the parks that still another phase is benefiting from without some source of compensation for it."

Carl Allred: "My thinking this out in my mind..... My thinking is not the entire..... It's mostly thinking just those people who live there and let them. I can't negotiate that. I'm just saying I think they would be willing to give more and more to save that grass versus turning it into rock."

Mayor Bailey: "Okay. Well, I'd be inclined to find a solution to maintain the grass there and have the grass replanted that was taken out, and then find a solution that the HOA is not responsible to maintain it since the landowner's in that area. But I think the City ought to look at some responsibility to maintain the open part of it or figure out what that share would be. And maybe the City. That's my option in my mind, anyways, it's about as fair as I know to be is that the public portion of it then, some way or another be deemed as what portion of that is the City's responsibility, and then allow, either work out through some kind of a cross combination where the water's paid for by the City, and then maybe the homeowners in that area maintain the berm completely. And then that way the City's just taking care of their cost of maintenance of the half as their way of paying for the water for their half plus paying water for the other part of it, and then the maintenance takes care of everything from the landowners there. And then maybe we could figure out a way to separate those, if they would like to do that, separate them out of the HOA because they are the ones maintaining the area that benefits their land primarily, then that might work out. I couldn't see dropping the whole thing to where we pulled out the whole Meadow Ranch Phase 1 because most of the folks are still going to benefit and they need to, they ought to, they ought to have a right to use the parks over there."

Vincent Liddiard: "If all the homeowners were paying their dues, would you be here today, anyone?"

Dave Cast: "If all of them were paying their dues?"

Vincent Liddiard: "If you were collecting your fees..."

Dave Cast: "I would still want..."

Vincent Liddiard: "You'd still be here today?"

Dave Case: "We would still want to take the grass out, yes. Only because of what the subdivision brings in, versus what our costs are, are really close to every year we go broke. So, what we're, unless we raise HOA dues, we just don't bring in enough money to support Meadow Ranch and what we have existing as open maintained properties. We don't maintain, I would say, ninety percent of what we're responsible for only because we don't have the funds to do it. So, that's one of the reasons is aesthetically it's there, and I'll agree with you, it does look nice; but the public, in my opinion, gets no benefit. We, you know, Phase 1, Phase 2, Phase 3, nobody goes down there and plays soccer or volleyball or Frisbee, and that's mostly the reason for us wanting to redirect the funds is to put them into the trail systems that we all use."

Linn Strouse: "Carl, one of your points to consider, you've got, is it Nick, Diane and Debbie agree to berm and trees and you've got letters, there's letters that say that?"

Carl Allred: "Those were members of the original Council who I asked to write letters from their memories because it wasn't in the Minutes, and I gave them. Those letters were freely written. I said I need you to tell me what you remember happened. And I have copies of those letters. And all three of them agreed that the berm was agreed on, one of them's not sure about the trees, and none of them are sure about the maintenance; but they all agreed that the berm was to be paid for by the Town, and two of them definitely agreed that the trees were supposed to be replaced, at least..... For the Council's information, the Ranches, I have no idea what the agreement was. Mr. Scott Kirkland feels like somebody agreed with him to reimburse him..... The cost of that berm was well over \$44,000, including the sprinklers and"

Mayor Bailey: "You got one item here, Item 5, on your possible agreement, that says, 'Quit taking advantage of someone who has given and given and given.'"

Carl Allred: "I feel like these people have given and given, and every time they gave, someone slapped them."

Mayor Bailey: "And I have no question that that's a true sentiment; but I think that if you check with probably most anybody that was here in the original four years of this City, or five years of this City, they'll all tell you the same thing in some form or fashion. I know people in Meadow Ranch, Phases 1

through 4, feel like they were promised things and they gave and they gave and they never got what they worked for. You'll find people in the Ranches. You'll find people in the Town Center. I don't think there's anybody in this Town in the original five years that's going to tell you they didn't feel like they gave and gave and didn't get what they expected. But I don't question that they were asked to give and give either because everyone has been. So, I can't rectify all of the wrongs or all the injustices because we'd be here to kingdom come trying to do that. And I cannot solve everyone's injustices. So, I don't disagree with that, but I would like to find a resolve that we can all agree officially in the Minutes so that from henceforth we don't have this problem come up, not now or for anyone else. And I believe you had a comment. If you'll come up here so we can get you."

Linn Strouse: "I'd like all the Minutes to make sure that it's for the record verbatim."

Harry Bonnell: "My name is Harry Bonnell. I was one of the original homeowners that's in question there whose home is behind that berm. And I would like to make a statement or two. First of all, about the homeowners association. I've been current on my homeowners dues and I think most people across the front there have. We haven't paid for 2004, but then we just got our bill last Thursday. David brought them around to us individually because I talked to him and said I hadn't gotten it yet. And I am prepared to pay it. But I've been current all the time, and so, I think, have all the people, or most the people, across the front there. With regard to the meeting last fall, I wasn't there. You must remember that it was in the spring."

Mayor Bailey: "Was that in the spring?"

Harry Bonnell: "Yes, but I talked to David. The reason I wasn't there is I didn't know about it. He says, well, he posted it at the entrances further down and so forth. Well, coming in our entrance I never saw it posted. So, I wasn't aware there was a homeowners association meeting."

Mayor Bailey: "Okay, I couldn't remember which one I saw you at, I just knew there was one there that we were at."

Harry Bonnell: "Right. So that kind of needs to be resolved. I asked David if he could in the future make sure at least I got a flier or something, you know, and we could notify the people there to attend the meetings. And so I was not aware that grass was going to be taken off. I know it was discussed then. I wasn't aware of it until just a few days ago."

Linn Strouse: "I wasn't aware of it either."

Harry Bonnell: "With regard to the original, I went back in my personal notebooks and found Minutes, not Minutes, I found my notes from the meeting, my preparation notes for a meeting that was held with the Town Council, the old Town Council, down in the back of the old museum downstairs in Lehi in October of 1997. That's when the original meeting took place, and those who were in the City Council then would remember that. There's no one here that was, but if I remember right, I think that Janet Valentine took notes, the Minutes then, but I'm not positive but I think that's who was taking them. At any rate, there was no final resolution that evening. What was asked of us was that we give up our two cul-de-sac roads because it was a danger point where we had Cedar Pass Road coming down on the south side and these two cul-de-sacs coming up on the north side and turning onto the State Road was dangerous. And we could see that. And there was some proposals, there was different proposals. I have, I don't have the details of them, I have one, two and three, with a star by number one saying that I favored number one. One of the proposals was that we totally eliminate those cul-de-sac roads and we come into our houses from behind. I didn't like that because our houses were built to be accessed from the south. So, we didn't settle on that. There was a proposal made to us at that time that the City would put in a berm and put trees across the front and they were going to be pine trees to the height of the trees that were being taken out because that would give more protection, and that was going to be a continuous row of trees. And we were going to water the trees. They were going to landscape the berm, but not with grass, and there was going to be a continuous row of pine trees because that gave maximum protection from the highway and from the road coming down, Cedar Pass Road. That was the proposal at the time. That's what we thought was going to happen.

We were willing to water those trees, that's what we thought. Then, sometime later, Carl was negotiator, went between the City and between us as residents and came back that, well, that didn't really fit in with the décor, you know. They wanted a split rail fence and they wanted the different types of trees and sprinkled along the berm and not a continuous row, and things of this nature, which wasn't the original meeting. There was a negotiation that went on for a period of probably close to three to four weeks, I'd say close to a month; and Carl would come and talk with us, then he'd go back and talk with the City, Town it was then, then he'd come back and talk with us. So, there was some go-between and things like that that happened and some compromises made from the original proposal, which we weren't really that happy about because we wanted that continuous row of trees. And, somewhere along the line, he said there were going to be some swoops in the berm. It's not going to be continuous, it's going to come down. And then there's some trees sprinkled and they're not all going to be pine trees, and that there's going to be grass put on it. And I said, 'Woe, are you expecting us, we're going to maintain it?' 'Oh, no, no, you don't have to maintain it. The City's going to do all of it.' That's what was told me, us. The City will maintain it. There was no homeowners association then, none. So there couldn't have been a homeowners association involved with it at all."

Linn Strouse: "Who said that?"

Harry Bonnell: "Carl said that after talking with the City. Then, when it was developed and Short Road was put in, there was a meter put there and the meter was put on the south side of Short Road with water lines and stuff running underneath Short Road. Obviously, we were not under the impression that we were going to be picking up any of that maintenance or the water bill because of the way that it was constructed, the way that the meter was on that telephone pole, it's on the south side, and that's the way it's been. Come to find out two years ago, it was the Ranches that was maintaining it. And when ownership of the, I guess it was the homeowners association passed from the Ranches to Meadow Ranch itself and they formed their own homeowners association, one year nobody came out and watered the berm. Nobody came out and mowed it and it got real dry; and so I checked into it and found out that it was the Ranches that was doing it the whole time and I thought the City was doing it. We all thought the City was doing it. And then the Meadow Ranch homeowners association agreed to step up to the plate and maintain it until it could be worked out, and that has been a couple of years now. So, I can understand where David Cast is coming from; but from my perspective, the original agreement that we had that night, and I don't know if that can ever even be found because it wasn't a regular City Council meeting, it was a special meeting where we were invited to meet with the old Town Council and there was no other thing on the agenda except that."

Mayor Bailey: "Janet, is there any possibility of records that you have that you're aware of that would go that far back?"

Janet Valentine: "Oh, yeah. We've got Minutes from '97, but the only thing that matters in the Minutes is the motion by the City Council. People can say a lot of things and propose a lot of things, but it gets down to the motion and that's what becomes the law."

Linn Strouse: "So, are there records of that motion?"

Janet Valentine: "They're in your packet."

Linn Strouse: "Oh, the ones that we have in the. I thought you were talking about additional Minutes."

Janet Valentine: "If that's the City Council motion, that's what gets typed up."

Mark Madsen: "I wonder if we could just look forward here and figure out what a solution might be."

Mayor Bailey: "That's what I was going to offer."

Mark Madsen: "We're getting a flavor of this. What I would propose is that we've got, we're talking about an area here roughly of which three quarters belongs to the City. Is that correct?"

Mayor Bailey: "No, about probably three eighths of it belongs to the City and five eighths is private property."

Mark Madsen: "Okay. This was..."

Harry Bonnell: "We gave up approximately an acre across the front of three lots that we didn't ask anything for."

Mayor Bailey: "Right. And then the City in turn, according to the motion, did put asphalt in for the roads and what not. But, the bottom line is here is..."

Mark Madsen: "I think it's appropriate if it's the City's property, especially if there's indications here that the City had requested that this configuration be replaced in there, that the City at least maintain the property. We have an economy of scale. We can pay for the water. It's a green place within our City. I propose that the City maintain it, send our folks out to mow it. The Ranches were doing it for a while, but it is City property. And then as far as the private property, which amounts to about an acre, is that what you're talking about?"

Harry Bonnell: "No, and there's another point here. When the berm was being constructed, then there was a negotiation phase where they came back and said, 'Oh, by the way, that berm's going to have to lap over on the front of your property.' And we said, 'Well, how about just putting up a rock wall four or so feet high and then just lapping it like that. And they said, 'No, no, just lap it over on our property and we'll maintain it. That was the point. So, we said, 'Okay, it can go on our property and you maintain it.' That's how I got it."

Mark Madsen: "It's hard for me to tell by looking at what we have here. Is that private property, is it private property within a road and then up the yard?"

Mayor Bailey: "No. Right up the road coming off 73 going north and it runs east and west. The berm starts on the north side of that road. It goes up half the top of the berm, which is public property, and then goes back down, which is on private property."

Mark Madsen: "And it's in somebody's yard?"

Mayor Bailey: "It's in somebody's yard. Now the west end of that, the whole berm is in somebody's yard, but there is an easement for the City to run some utilities through there; but the whole berm..."

Mark Madsen: "So it's City property but..."

Mayor Bailey: "No, it's not City property. It's private property. The west berm is totally private property."

Mark Madsen: "The west berm is private property and half the east berm is?"

Mayor Bailey: "Half of it's private and half of it's public. But I mean the east berm half, the south half of the berm, is public property. But, you know, you go back to what they were promised over there by the City for a number of things, and I'm going to propose that the City simply pick up the whole thing and maintain it. I think there was a lot of commitments made that were not done, and I think the City has a responsibility to effectively make an official decision. And I would recommend that the City pick up the whole thing, not leave it to the HOA, but the City pick up the whole maintenance and water. That's my opinion."

Mark Madsen: "I think so, too. It's a simple solution."

Mayor Bailey: "But, I recognize that there is not clarity on what was agreed. I recognize that legally we're not committed to do anything because there is nothing in the legal Minutes that would say that we have to. But I think there's an issue here, I think there's a lot of misunderstandings. We can't correct all the wrongs

that were done. But I think this is an easy one that we can correct, and I think it's a fair one. But that's my proposal for it."

Mark Madsen: "My understanding is there's grass that's been torn out and needs to be replaced."

Mayor Bailey: "Yeah, there's not a lot, but there's a little bit. I would think it's fair to ask the HOA to put that back. Not that it was their mistake, they didn't do it with intention or anything, but it's still a benefit to them to pay for the grass to be put back than to have to maintain it."

Mark Madsen: "If they make a one-time cost to put it back in, knowing the City's going to maintain it, that relieves them of any long-term costs, and every party involved gets what they're wanting."

Mayor Bailey: "Korey?"

Korey Walker: "You've got a sprinkler system damaged also."

Mayor Bailey: "Right. Well, the HOA can take care of that, too."

Mark Madsen: "Caused by taking out the grass?"

Mayor Bailey: "Yeah."

Vincent Liddiard: "The HOA's in other areas of the town maintain property that is City property."

Mayor Bailey: "Yes. And they do there in Meadow Ranch, too. I mean, the two parks that are public property, they maintain those. Diane?"

Diane Jacob: "I just have a question. While I'm in favor of making this fair for everyone, I have a question for Jerry. Is it setting a precedent where HOA's or property owners feel they've been wronged and come to the City because there's a precedent that now the City's going to do something for them. So, I just want to...."

Gerald Kinghorn: "There were a lot of situations in 1997 and 1998 where various representatives of the City went out and talked to people and tried to encourage them to do things and made representations on behalf of the City. This is one of them. Carl and I have gone back and forth over this. I think in 1999 I went back and reviewed all the records. I was present at one of these meetings. My recollection is things were very ambiguous and the Minutes reflect that fact that there was really never anything definitely decided. The City never got any construction plans, the berm was not put on the City property. It was basically built by the Ranches to kind of help them in their coordination with Meadow Ranch and the CAUB and the people that were living there. But the Ranches made the decisions, not the City. Now, my concern about this is that the City should not be spending public resources on private property, and part of this berm is on private property. Maybe we should agree to share some percentage of it or something like that; but I think you're treading on some very thin ice where we get into using City resources to maintain private property. There was, I think everybody agrees, there was never any agreement on how this was to be maintained. The City had no approval on how it was landscaped. I mean, the Ranches basically did it. So, then there would have been different landscaping. The Ranches wanted a certain look out there to fit with the whole development, and they did it and spent the money for it. Now we're all kind of looking around saying who's going to pay for this, who's going to fix it. I would advise you not to spend public dollars on private property."

Mayor Bailey: "Okay. What if we modified the way we do this to where we paid for the water to maintain it and then the residents there, maybe between the HOA and the residents...., pay for the maintenance of it in some form or fashion?"

Gerald Kinghorn: "I think if you estimated the total cost of maintenance and we picked up our portion or something like that, I think that's something we could defend; and in situations in the future when other

people come forward and say, 'Wait a minute. You agreed to maintain the Cedar Pass Park, or you agreed to maintain these entryways.' We've got these things all over the City."

Diane Jacob: "That's my concern."

Mayor Bailey: "Korey, can you give us a more exact number. I said three-eighths and five-eighths. Can you give us a more exact number how much of that's public property and how much of that is private property?"

Gerald Kinghorn: "Just area. Just the area ratios."

Korey Walker: "Right now?"

Mark Madsen: "We're talking about picking up all the water?"

Mayor Bailey: "Well, no, what Jerry's saying is figure out what the maintenance for the whole thing is, then figure out what portion belongs to the City, and then we pay that portion of it. Then the private property portion maybe can be worked out between the HOA and the residents there, in some form or fashion, that becomes equitable to everyone."

Vincent Liddiard: "May I, before you go there. I'd like to point out that Tiffany Ulmer is here. She's done a lot for Eagle Park. Now, I recognize I'm on a bit of a tangent here; but understand, I live in the City Center. I moved here because I didn't want to be part of a homeowners association. Now God bless you that are, and I think that's wonderful. I didn't want to do it. And if we're talking about using my tax money to benefit a homeowners association, there ain't no way. And there's a lot of people here who are going to come to you and say, 'You know what? I'll maintain that dirt spot behind my house and I want you to pay for the water. And we're going to start on a slippery slope, I guarantee it. Next time we come to City Council, there are going to be a lot of City Center people here waiting for you to pay their water bill."

Mayor Bailey: "We did pay for the trees for your park, by the way."

Vincent Liddiard: "I've got a hundred square feet, I mean a hundred feet...."

Gerald Kinghorn: "If you really want to put this to bed with clarity once and for all, I think you should direct the staff to come up with some proposal that fairly splits the budget of this thing, and run it by these other folks that are involved, and come back at the next Council meeting and say we either have something we can agree to and confirm or we don't."

Diane Jacob: "Yeah, I think that's what we need to do."

Gerald Kinghorn: "The more we do these vague, I mean, this may sound like we're all very sharp and focused tonight; and even though we have the Minutes verbatim, two weeks from now if you vote on something now, it will not be clear what happened."

Mayor Bailey: "All right."

Gerald Kinghorn: "I think we ought to reduce it to writing...."

Mayor Bailey: "I would entertain a motion to have staff come back with a proposal, that they have the opportunity to meet with all the parties involved and come back with a proposal that everyone's had a chance to say something on how they want to do that proposal."

Linn Strouse: "I have one more question. I'm puzzled that part of this is public land; and even our Parks Department, no offense, that nobody knew it, so, and nobody in the HOA knew it? So, how many...."

Mayor Bailey: "Well, when there's a piece of land finished and you assume the City is taking care of it because of the past history, or that the HOA is taking care of it, or the Ranches were taking care of it, whoever it was, you don't go out there and stake it out and say, 'Oh, gee, is this public property or not.' You just assume it is because it was done by the City from the beginning or by the Ranches."

Linn Strouse: "I guess the question in my mind is, is there something that should be retroactive on the public land part of it or is that overreaching?"

Mayor Bailey: "What do you mean?"

Linn Strouse: "Well, for what, four years/three years now, the HOA has been paying to maintain that, the part that was the City's."

Mayor Bailey: "Yeah, for three years. The Ranches paid for it the three years before that."

Linn Strouse: "Oh, the Ranches did?"

Mayor Bailey: "Right. Well, they paid for it through those who lived in Meadow Ranch, that's how they paid for it. But they did pay for the expense of putting it in, I mean, at least Carl says they did. I don't have any reason to doubt him cause I know the City didn't."

Diane Jacob: "I'd like to go ahead, if DeAnna has what the proposal was by the Mayor, then I'd like to move that."

MOTION: *Diane Jacob moved that staff and those residents, HOA involved, look at the land, figure out the acreage, and find some sort of equitable way the City can handle this so the City is not subsidizing private property. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Diane Jacob, Mark Madsen; Nays: 1 – Vincent Liddiard. Motion passed.*

Vincent Liddiard: "It seems that we're having discussion and vote at the same time, so I'll go ahead and talk. It seems that we have an opportunity for very small local control and that is with the homeowners association. They've even proposed a possible solution; although I think they need to do a better job of providing detail of exactly what are you planning on doing and maybe acted a little bit quickly on this. But you know we spent quite a bit of time talking about this, and I think that the people who should resolve this are the ones who came up here and talked. You guys need to figure that out. So, I'm going to have to vote 'No'."

Mark Madsen: "Well, I'll make my brief comment, too. None of this land is HOA land and that's what's unique about this is that we've got private land and we've got City land and we've got an ambiguous history of who maintains it and who ordered it to be done and who controlled it. So...."

Mayor Bailey: "Because, even if there's never been an HOA, just as there isn't in here, the City would still have to be maintaining the portion as the City's because it was grassed and done. So, there's an element that the City would have been maintaining, whether there ever existed an HOA there, and would have all this time, regardless."

Mark Madsen: "And then the City asked for private property owners to do something that impacted their private property."

Carl Allred: "And that's correct, and I want to remind you of that because we were asked if the berm could lap over and it would be maintained..."

Mayor Bailey: "They gave them an option to build a wall, but they chose not to, leaving them with a berm in their yard. So, the City has some brunt of responsibility."

Mark Madsen: "In my mind, it's not quite that cut and dried. All these people here are kind of blindsided parties, especially the HOA who's been on the hook to maintain it, doesn't own it, and I think the study is a good way to go. Let's look at it. Let's see if we can get all the parties together and come up with a decision, so I vote 'Aye'."

Mayor Bailey: "Motion carries. Carl?"

Carl Allred: "I think some of the Council members don't understand a certain little area, and again I'm going to admit right up front this is ambiguous pertaining to this berm. In the Ranches area the agreement was made clear back when the Ranches was approved. The Town said, 'We can't afford it so you maintain our land for five years and then we'll take it back.' Five years was this year on the beginning of it, and the Town don't want it back nor can the Town afford it. So, the HOA's still paying for it when they shouldn't, and it was assumed that this would be part of it and that the HOA would maintain it for five years and then the Town would. And I wanted to make it clear that's why the HOA is paying for land that belongs to the City and private people to maintain it."

Korey Walker: "Just a clarification. We're going to topple the toe of the slope of the berm, everything above the toe of the slope is what we're evaluating? Is that correct?"

Mayor Bailey: "That's correct."

Korey Walker: "Because there is some land that runs from the toe of the slope out to the roads on the side. So, I think you probably ought to...."

Mayor Bailey: "Whatever's landscaped."

Korey Walker: "Okay. All right."

Mark Madsen: "Landscaped on the road side and into the berm on the back side."

18. CLOSED EXECUTIVE SESSION:

- A. Motion to recess in to a Closed Executive Session for the purpose of discussing potential litigation and personnel issues:

MOTION: *Vincent Liddiard moved to recess in to Closed Executive Session for the purpose of discussing potential litigation and personnel issues at 9:10 PM. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Present: Mayor Kelvin Bailey, Council Members David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse, City Attorney Gerald Kinghorn, City Administrator Chris Hillman

- B. Motion to close the Closed Executive Session and reconvene in to Open Session:

MOTION: *Mark Madsen moved to close the Closed Executive Session and reconvene in to Open Session at 9:49 PM. 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 an Ordinance Amending the Water Right Transfer Requirements for New Development to Increase the Amount of Water Required by the City:

During Item 8, Council Comments, Diane Jacob advised she would not be participating in the discussion or voting on this issue because of a personal conflict of interest.

Mayor Bailey stated this item had been discussed in previous meetings and was an ordinance requiring that the developers provide more water than they have in the past for indoor and outdoor usage.

Korey Walker advised that this ordinance was being amended to cover the deficiency of water being used versus what had been required and the demands to cover open space for future regional parks.

MOTION: *Linn Strouse moved to approve Ordinance No. O 08-2004, an Ordinance of Eagle Mountain City, Utah, Amending the Public Works Department Utility Ordinance, Title V, to Modify Water Right Requirements for New Developments. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

20. Consideration and Approval of an Ordinance Regulating the Disposal of Surplus Personal Property of the City:

The Mayor advised that this ordinance would allow the City to dispose of property that is no longer of value or has reached its life span.

MOTION: *Diane Jacob moved to approve Ordinance No. O 09-2004, an Ordinance of Eagle Mountain City, Utah, regarding Disposal of Surplus Personal Property, as submitted. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Chris Hillman advised the Council that the City was moving forward to inventory all major equipment.

21. Consideration to Restructure and Approval of an Ordinance Repealing Ordinance No. O 03-2004 for the Eagle Mountain City Recreation Sports Board:

Mayor Bailey: "We had a lot of discussion on this during the Work Session. We took some input from the Sports Board members that were here, and we discussed a number of issues. The public's information here, this was on the discussion item because our sports program has done very well over the last two years. They've had great successes and even been recognized for a number of things that we've brought up before. And as any organization, as it grows and develops, it obviously has growing pains. In the last two months, we've experienced a lot of growing pains; and as a result of those growing pains, we've noticed some ways to maybe restructure the program so that it not only takes care of its current growth issues but its long-term growth issues. And we have a number of options that we can do here and Council has been apprised of those. One was leave the sports program as it is, spend some more time working with it and see if they can hammer through some of the issues in their growth issues. That was one possible one. One is to do nothing with it at all and leave it alone. And then another one was, I proposed that due to its growth that we create a recreation department, division within the City. Make it part of an official division of the City so that it can function, and streamline it and accommodate the current growth, as well as its future growth. It wouldn't change a lot in a lot of ways. Your current programs, like your baseball, your soccer, are set up as the way they are. They would remain the same, no differences there, the same personnel. There's other positions that would be like sports equipment coordinator, sports recreation and awards committee. All these people could still be board members that are currently there, if they wish to still serve. And what I'm proposing is we restructure it so that it can come in within house within the City to function, streamline, and be able to interface better and more frequently with the City offices so they can interface with other divisions and departments within the City in order to have the resources they need to continue to grow and accommodate their growth. Those are the three proposals basically that are on the table here, and I'd open it up for Council discussion on any of these."

Linn Strouse: "Well, I'd like to also echo what the Mayor just said that the Sports Board has been a delight to be involved with. They have been highly successful, and part of the change that we are looking at now is a side effect of that success, changes in dynamics, changes in needs. We need to move forward with our parks so that we can have capacity for sports to expand. I think this is a good idea to take a really good hard look at long-term goals, not just short-term goals, and overall what's the best interest of the

community; and I strongly support this restructuring, and it's something that we have been looking at. Youth Council is also in the process of restructuring, so that's not a big surprise. Anyway, that's all for now."

David Blackburn: "I'd like to make a known comment also with appreciation for what they're doing. In our discussion and in the future potential of what the Sports Board can be for the potential management of a sports and recreation facility, this would also work into that sort of a job role as the Sports Board is reconstructed or modified from its original position into what it can be or will be in the future. I think we're doing a great job here. It's amazing to see how much participation we're getting, and it's very encouraging to see this move forward in the future."

Vincent Liddiard: "Well, if we're going to go down the line, I think I'll make my comment more as a parent than as a City Councilman; and that is that my kids enjoy this and I'm deeply grateful for the people who spend hours and hours and hours making things happen, soccer, my kids are in soccer, basketball, baseball. It's a great asset to the City. So, I'm deeply grateful and, regardless of what happens, hope that people who participate in such great things will continue to do so."

Diane Jacob: "I guess it's my turn. We discussed in Work Session the timing of this, if we so vote to have it happen, and I think with the budget year and the lull in the sports timing, I would propose that if the Council proposes to do this, that they at least delay it until we get to that lull, that would be the end of June, the last Council meeting in June, to, like, cut it off and then go. In the meantime, we can maybe put some sort of ad or whatever in the paper, figure our budget, how we're going to be able to pay for something like this when we found out some not so good news tonight anyway; but just to make that we...."

Mayor Bailey: "Not so good on the finances."

Chris Hillman: "That's only the gas and the electric."

Diane Jacob: "But just to make sure that we have all our ducks in a row, we allow the current board as it sits to be able to put the people that they have lined up in place to finish the sports season that they've started, and help them transition through till we get to this new phase. So, that would be a proposal that I have."

Vincent Liddiard: "Mark, may I beg an indulgence? I know it's your turn. We had talked about this in Work Session and I kind of like the idea of pursuing, making a kind of venture forth on opinions here. So, if I go too far, Jerry, or basically enacting a department at this point but allowing the board to continue to function as that transition needs. But I think it is very natural that the City has an opportunity to formalize this in some ways and dedicate resources toward supporting it."

Mark Madsen: "Thank you. I think this is an exciting moment, I mean this does speak to the success of the sports program. And now that we have an opportunity to kind of upgrade the City's approach to the sports to not only keep everything that we have going so well now but to, hopefully, allow for even greater participation and growth. We know there's going to be more participation in the future and it is a dilemma as to how to go through this transition. There's on the one side, it's, do we delay it until, give folks a time to prepare and then do it later or do it now and then adjust over time. In my mind it's just kind of sixes. I think though that the people that are involved in this, I hope that all the people that are involved now that have done such a great job will continue to stay involved and essentially perform the same roles, with an adjustment in the structure of the organization of bringing it in house to the City and giving them greater access to the City and getting them into meetings with the staff and so forth, so that they are more directly involved with City operations. I think that the time is probably better now than later. I think because I have so much confidence in the people who are involved, and my hopes are so high that they will stay involved, they'll step up to the challenge. They've stepped up in the past. I have no reason to believe that they won't be able to handle it. Change is always a challenge, but I think that the folks involved are outstanding; so I'd say that the moment is now and there'll be a natural transition period. And again, I think that as people change their titles or their position on the organizational charts, but essentially would perform the same roles, that it will be accomplished with minimal damage and maximum upside. All the

kids will still be able to have their programs, and it'll just be an opportunity for the City to be more intimately involved and serve the people better."

Mayor Bailey: "Okay, and just so everyone knows here also, as I mentioned earlier, the City has changed and grown and restructured a number of times. We're looking at bringing other departments within the City, engineering and other departments that have been contracted out for a long time that we're looking to do. So, there is transition that occurs with growth. It's just essential in order to streamline things and make it function better. So, this is just one more step and one more evidence of how well we're doing, and we're going to do well with changes. I really believe that, and I think we've got great people that will continue to help out and I hope they will. So, I would entertain a motion on whatever Council would like to do based on the three options that are on the table."

MOTION: *Mark Madsen moved that the Council establish a Recreation and Special Events Department, with a Recreation and Special Events Director, which position will be advertised initially as on a volunteer basis until the City can absorb and consider the possibility of minimal compensation, and that the structure of the Sports Program be adjusted to reflect the organizational chart, which has been provided to the Council, and that, as quickly as possible, all those who are engaged currently on the Sports Board will be assimilated into the new organization, hopefully, if they're willing, and that the old structure be disbanded to give way to a new organization, and to repeal the existing ordinance and make it effective midnight April 30, 2004. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob . Motion passed.*

Gerald Kinghorn: "You need to repeal the existing ordinance and provide an effective date."

Mayor Bailey: "Should we make it effective, give it a week or so, so that we can meet with all the committee members and all the board members and see where each one wants to still play in it. I mean...."

Mark Madsen: "Just make it the end of the month?"

Mayor Bailey: "We could do that, too. I mean, right now the goal would be to the structure is that the committee chairman and their committee members stay exactly the same. The titles will change but they do the same thing, they're doing the same function. Nothing really changes other than the title and they know there is a different structure, and establish how they want, need to communicate...."

Mark Madsen: "Well, we'll just need, I think, you know, ten days to set up who's going to be the sports coordinator and designate that and come up to speed on where the equipment is and prepare an information coordinator, background check. You know, just all these. I'd say effective day May 1."

Gerald Kinghorn: "May 1 is a Saturday."

Mark Madsen: "April 30. Midnight April 30."

Mayor Bailey: "You'll also have to approve the ordinance number."

Gerald Kinghorn: "There is no ordinance repealing it. It's repealed by motion. The Agenda shows an ordinance, but there's no ordinance repealing this original ordinance. It's repealed by motion."

Mark Madsen: "Do we need an ordinance to establish the new department?"

Mayor Bailey: "No, because it's just a City department."

Gerald Kinghorn: "Now, we've only got really one department where we've established by ordinance, the Public Works Department, as to how these advisory boards and different utilities are structured. We could

create one if you wanted to do one at some point. We probably ought to do an administrative ordinance for the whole City, but we've never really done that, so you can do it by motion."

Mayor Bailey: "And just so everyone knows also in the interim transition here, Chris, who would be the City Administrator over this position, just like he is every other division within the City, would be the acting director until we can hire somebody so that once we get everyone together, we can tell them where they need to go. He's excited, I can tell. Discussion."

David Blackburn: "I have some items there. Having had discussion with the Sports Board earlier, they're in a current mode, for lack of a better word, establishing a business constitution and operations."

Mayor Bailey: "Policies and procedures."

David Blackburn: "Policies, thank you, policies and procedures, and said that the easiest time for this type of major transition to take effect, not that they foresee any impact at all to the ongoing sports programs, but just because of the transition being made, if it has to be made, would be best done at the end of June, first of July, that we make this motion effective. I mean, we can obviously start at working towards the takeover or the effective use of this chart, but make it effective in that time frame so it comes on line to be effective as of, I think they said the July month. July month was the dead month due to vacations, so it effectively would come on line the first part of August. So, could we modify the effective date for that date?"

Mayor Bailey: "Well, you wouldn't repeal the ordinance then until that date either."

Gerald Kinghorn: "You'd have to modify his whole motion and second that."

Mayor Bailey: "If everyone wanted to do that."

Mark Madsen: "The thing is, if we. The reason that I thought we would do it more quickly is because we're in a kind of a stutter step period right here where we have people who are willing to come on board and help and feel that, I mean, we're down to what, two board members?"

Mayor Bailey: "Three."

Diane Jacob: "There's four."

Mark Madsen: "Okay. Out of a total of seven. The bottom line is, it's in a transition period. We have people who are willing to come on board, take on new duties. And my thought is if they come in and they take new duties under a scheme that's going to expire in 60 days, that it's just a stutter step. It's just a, you know, it's going to be difficult no matter when it happens. I'm not sure that we're going to lose. I realize it's going to be a challenge, and again I have a lot of faith in these folks who are going to be able to step up. I know that doing it now is not making their life easier, and certainly in the short run. But I think if we go with it more quickly and get the people involved in a scheme that they'll eventually be fulfilling their roles in rather than start, just get up to speed, and then have to transition or start, not really starting because they're in a transition mode. I mean, it's just, my inclination is just to go now. We've got the plan. It's not like we're going to change the plan. The work has been done and I don't think it's going to be lost. The policies and procedures are not going to go away because we do this. All the work has been done. The progress that has been made, there's nothing here that's going to take that away. Again, I realize it's going to be a little bit of a challenge administratively. I'm just inclined to go now so we don't have to revisit this thing in a few months, and you get people started and then have them break off."

Chris Hillman: "Mayor, can I make one comment, if I may? I've heard a couple of comments to the fact of let's see how little we can pay this new director. I'll be perfectly blunt. You know trying to create a new position, a new department, and asking somebody to come in and direct a department and programs to this extent and thinking that we're going to get away with paying them little, if anything at all, is, I'll be blunt, wishful thinking."

Mayor Bailey: "We're already doing that. Whether it's called a director or whether it's called a chairman, you're still doing that."

Chris Hillman: "But if we want to take it to the next level, we need to be able to pay for the next level."

Mayor Bailey: "Well, we will have to at that point in time, I agree. But the organization is the first step to doing that."

Linn Strouse: "Community sports is a very important, I hate to use the word marketing, but it's just so important. As a parent, all of my kids went through from T-ball on up, basketball, everything. My kids were in it all. And sometimes it was almost a bit much, but it's a big draw for communities. And I mentioned earlier that in the Northern Utah Chamber of Commerce, they mentioned all the schools. Well, they also mentioned all the sports programs, things like that, in all the cities. And that's something that's important to families coming in. And again, it speaks to our high level of volunteerism that we've done so much with so little so fast, and then the challenge of the dynamics. And I agree that that person deserves compensation."

Mayor Bailey: "Diane."

Diane Jacob: "Can I make a comment. I think it's only professional and polite for the City Council to ask the current board which date they feel would work best for them because they're the ones we're affecting. And having made the decision, not including them in the decision process or asking their opinion about an effective date, I think is unfair."

Linn Strouse: "And how do you know I haven't discussed that with anybody?"

Diane Jacob: "Because I've asked them."

Linn Strouse: "I'm looking at what's good for the whole community, and we have to look at what's best for everybody. I agree that we need to respect the opinions of everybody, and that includes committee heads, it includes all the people that have spent so much time and energy in the program."

Diane Jacob: "But we, as Council members, have appointed them because they have expertise that we knew they could do a job. There's been problems with their communications, by all means I know it. It's in drama, it's in music, it's in sports, it's in everything that you can be involved with. However, I think it's only the courteous thing for Council to do is to just ask their opinions. Now they all just walked out in total disgust, and they're going to have a terrible opinion of us because we didn't say, 'You know, guys, what do you think?' And I think that's only the polite thing for us, as a Council, to do."

Linn Strouse: "Two of them came up during Work Session and were asked to express their opinions."

Diane Jacob: "But it wasn't done in a public session, Linn, and I think that's very important for the record."

Mayor Bailey: "Work Session is a public session."

Diane Jacob: "But it's not on the public record. It will not be recorded."

Mayor Bailey: "It is recorded."

Diane Jacob: "It will not be included in the Minutes."

Mayor Bailey: "That's true."

Mark Madsen: You know, I'm disappointed that they walked out. That is something that makes me sad because we're all, hopefully, looking at what's best for the community; and we're trying to, as a City Council, make administrative decisions about how we can best serve the people. And if there is something else going on or other motivations or personality issues, I don't know that that should be a factor. And we need to look at what's best for the program, what's best for the City. There are obviously challenges that the current structure is not meeting. So, we've looked at this. I know that the Mayor and Councilwoman Strouse and it sounds like you, Diane, have been dealing with this and have been spending a lot of time trying to figure out how this is going to be solved. This is not something that came up overnight. There's been a lot of information and communication back and forth between the people within the board and the people on the Council. We've been shown that. This is not a decision, this is not something that I'm suggesting or that I'm advocating or willing to vote for based in a vacuum. We understand that there are challenges that simply haven't been addressed over years and months. We're growing. We need to be able to structure this so that we can meet those challenges. So, I don't think it's a personality thing."

Diane Jacob: "No. I think it's only a professional thing to just say, 'Guys, you know, what do you think?'"

Mark Madsen: "Well, again, I think we've got an idea, and, I guess, maybe you've put credence to having them stand up before the mike. I'd like to hear from not only the people that were here but the people who have resigned in the recent past, because there are reasons there. Maybe they would advocate for this. Maybe they would say, 'With the new structure that you're proposing, I wouldn't have left.' Okay? But I think we all do have a, we make a lot of decisions based on information that we're given by staff and by other sources. It's not all disclosed in public session, and I think that we have to, you know, we're sitting here with the information that we need to make a decision. And it would be great, and if they had stayed, I would have welcomed them to come up and say whatever. It would have been great to have all the people that have been involved in the program and the committee chairs and all the different people that are involved that have weighed in, that have communicated to us, to stand here in public and say it. And then, maybe my motion would have more justification and more backing or more rationale. But I feel that we all, as a Council, have the information. I'm sorry that people have taken offense and walked out. That's a sad thing, but I think we still need to continue to make the decision that's best for the City and move ahead and move beyond the personality aspect of it and get on with the business of the City, find people that are willing to work. If they're not, it's a loss to the City, it's a sad thing; but the City's full of great people and I'm sure we'll be able to make it work."

Diane Jacob: "I agree with that in some respects, Mark, but I don't believe we have all the information in front of us. I know there's a binder this full of emails that have gone back and forth and we don't have. I mean, I'm not going to sit here and try to micromanage what they've talked about, what the fights were, what everything is. I just felt that we needed to hear from them. It needed to be recorded in a public session to hear what their point of view was. That's all I was asking."

Mark Madsen: "Okay, and again in an ideal world, I would agree with you. I think it would be great to have everyone that's been involved with the whole system and everyone that's brought us to this point to be able to lay it out in a public session."

Vincent Liddiard: "I don't have a long history with this. Everything that's been presented to me is let's find a way to move towards the future. I don't think anyone wants to dissolve anything. They simply want to lend some structure to it to help it to be successful. I have some concerns about how that will initiate transition. I know that's a word that's been mentioned 40,000 times here. Where do we go from now to this? I'm a little concerned about that; but I think everyone says, 'Look, let's find a way to best support the volunteers, let's find a way to best support the parents and children that are involved.' And right now this is an opportunity for us to do that."

Linn Strouse: "Well, anytime there are changes, there's a stress that people go through. Originally there was a community sports program here headed by Juanita Christiansen and some of the same volunteers we still have or had were from Juanita's days, and they did a tremendous service. It was not easy for them to let go, even to make an official sports program. Even though Juanita said that she wanted to just do soccer, it was still not easy because, you know, there's always dynamics when the changes go on. But what came

out of those initial efforts of the people originally, Juanita and the others, we built on that and we had an official sports program that's grown and grown. So, now we're at another one of those transition points, if you don't mind me using the word again. And, again, people are, you know, some people will have some discomfort at change. Change, even though it can be really hard for some people, change frequently is a very positive thing. How we use this change is what really matters here, and what's in the best interests, and how we can do it best for the kids in this community is what's really, really important here. And I, like I said, we've had wonderful people and we want to continue to have this program expand and serve the community."

Diane Jacob: "All the volunteers have been phenomenal volunteers. It's just that I hate to see such phenomenal volunteers leave with a sour taste in their mouth. And if this is how the City, you know, perception will be out there, this is how the City Council treats the volunteers. And I think, you know, I just thought that we could have handled it a little bit in a more professional manner."

Mayor Bailey: "What would you have done different, Diane?"

Diane Jacob: "I would have met with all the Sports Board. I would actually let them know before today exactly what was going to happen and how we were going to fix it, instead of having them find out here that, okay, all of a sudden we're doing a new thing. And I know you let them know a little bit ahead of time and stuff, but I just think that they should have had input."

Mayor Bailey: "Well, and I'm not going to tell you that they knew exactly what my plan was. You all didn't know what it was until tonight. And you didn't have to accept my plan. You could have gone back and accepted something else. I mean, this is as much of news to you as it is to them. And it's not totally news to them. They knew they were having problems in their growing pains. I met with them three weeks ago nearly now, and we discussed some of the problems they were struggling with and trying to work with. Tina came here tonight and publicly for the record now, since she was not here now, she stated that what she would like as a board, and she was representing the board, that what she would like is if the Council would allow them another three months, or whatever, to try to get some of the problems resolved on their own. That was her recommendation. She knew, out of all the board, exactly what my recommendation, or not to how the structure was, but she knew I was going to propose. I asked her that I needed her to know but I asked her to keep it confidential because I wasn't looking for the rumor mill to head to the news media claiming all sorts of weird things going on. And so, I asked her not to, for that specific reason. It wasn't because I didn't want to go and have a sit-down with the board and say, 'Look, guys, I've looked at everything from every angle and based on this I've come up with this decision that I think is best for the overall program, long-term, short-term and now, and this is going to be my recommendation. Because I knew if I did, it would wind up somehow or another construed in this Town that the Mayor was trying to destroy the program and shut it down and everything else, which is no more truth than a jack rabbit. And so, I did talk to Tina so that she did have an idea what was in mind. She told me what her opinions were. She got up tonight and said what they were again. So, she has been represented, or the board has, to a certain level. I know that I did not sit with all four members and tell them this, and it wasn't a matter of distrust. I just know that when you say one thing, that it gets out to another and another, and it gets twisted into something else that never was. Because we've got a great bunch on this board. I've met with them. They're good people. They're hard workers."

Diane Jacob: "Yeah, they're absolutely phenomenal people. I just, that was just my..."

Mayor Bailey: "And I don't think the problem is them personally. The problem is the structure and the structure will fix the problem. But people can still serve and put in the same amount of effort and time they want to into it and be able to continue to serve this organization. It's just going to fix a lot of problems for them for now and for the growth of the future of the City. And that's why I proposed it. It's not a personal issue here, at all, or is it really saying gee, because of this or that or so-and-so said this or so-and-so. Those were only symptoms and signs of a growing problem. And that's why this proposal is before you. I don't like the fact that people feel hurt. I think that everyone I've talked to are wonderful people. I hate to see anybody get their feelings hurt."

Diane Jacob: "I just hope that you can see my point of view because that's just what I..."

Mayor Bailey: "Well, I will be talking to each of the board members and they may be angry with me and angry with each of you. I mean, granted, you all are voting on this. I'm simply proposing it and advocating it, but, hopefully, they're going to understand that my motivation has nothing to do with personalities here. It has to do with what's best for the program, what I think in long-term wise it's going to be for. And I hope they will continue to work with us, I really do. But, that will be their choice and I will respect whatever decisions they make."

Diane Jacob: "I just thought a happy compromise would have been Dave's solution, just to wait until June 30 or whatever."

Vincent Liddiard: "May I?"

Mayor Bailey: "Yeah, Vincent."

Vincent Liddiard: "This almost kind of goes to what Diane just said, but, one of the things that hadn't been talked about and various things of what I have seen here, deals with the movement of information. There is going to be a requirement that essentially the people who are participating in this understand how this affects them, how they relate to the organization, and what their role is going to be. I don't think that can take place within Mark's suggested time, and I would wonder if Mark would be willing to move the point of enactment of this amendment change, whatever, to a slightly later period of time, not necessarily to Dave's suggested July, but rather to May 4, May 11. It allows us to identify that it will take place. It doesn't allow that, and I think that Mark is right, a very, very long protracted time means that everybody is in a state of limbo where nothing could move forward. But at least to give the Mayor and Linn and Chris an opportunity to make sure that the organization will..."

David Blackburn: "Transfer?"

Vincent Liddiard: "Transfer takes place and that the people have an opportunity to say, 'You know what, I want to' and then fill in the blank and enable to have that take place. So, I guess that kind of goes back to you, Mark, if that would be acceptable to you in your motion."

David Blackburn: "Well, Mark, before you respond to that. In the process of transferring to the current system to the suggested or proposed system, as of yet I'm not aware that they've seen this organizational chart."

Mayor Bailey: "They haven't."

Diane Jacob: "They have not. They've had no input."

David Blackburn: "So, if we gave them this organizational chart and asked for their feedback as to their policies and procedures they are developing..."

Vincent Liddiard: "To let them know there's going to be a department."

David Blackburn: "As to how they would fit into the chart that we've been presented with, this might speed up their..."

Mayor Bailey: "Well, what I would propose to do is if the Council had agreed to this, what I was going to propose to do was have Linn contact, since she's the liaison for it, contact all the members of the board and committees and have them have a special meeting that we can have right away and go over this organizational chart, with Chris there, so they'll know where they integrate and how they fit into the picture, so that we can make the smoothest transition possible, because we're going to require some cooperation on everybody's part here to make this transition as smooth as possible. The sooner we get everybody together, the sooner things will settle down."

Mark Madsen: "Right, and I don't have a problem extending it another four days or whatever, and I think I had tried to cover that in my motion that the people who are in the organization right now need to take a look at this chart and they need to figure out how they are going to assimilate themselves into this new structure. Again, I'm disappointed that the folks are gone, because I'd like to have. I don't know what that says about their intentions. I don't know if we can, I hope we can rely..."

Linn Strouse: "Clint is still here."

Clint Chidester: "May I speak for just a minute, please?"

Mayor Bailey: "Yes, would you come up to the mike, please."

Mark Madsen: "I would like these folks to stay and stay involved."

Mayor Bailey gave a copy of the organization chart to Clint Chidester for his review.

Mayor Bailey: "There's not a lot of major change in your structure there, Clint, just so you can look at that."

Clint Chidester: "I have been acting as the assistant director. The two comments that I would like make is I feel it's very unfortunate that the Council's going to vote on this when I know I have not personally spoken to anyone in regards to this. No one has called to ask what they thought, or what I thought, any potential..."

Diane Jacob: "We did emails back and forth."

Clint Chidester: "Yeah, I did converse via email, but as far as, you know, call me on the phone, 'Hey, what's your take, what would you like to see happen, what do you think about this?' I feel like that probably wasn't the best course of action that the Council could have taken. In regards to the discussion of timing, I cannot speak for anybody else who is on the board, but I feel like the sooner the better because I feel like at this point in time, we were sworn in four months ago, just over four months ago. It's a new program. New administration. I'm assuming everybody here can relate to the fact that when you've got new coming in with the old, there is a transition period. I don't feel like we've been given the opportunity to work through that transition period. I know myself and the board members basically feel like the rug's been pulled out from underneath us. And so, my personal opinion, I can't speak for anybody that was here before, although I think I know what their feelings are, would be wipe the slate clean, the sooner the better, and invite whoever it is that you would like to participate to participate and then let them make the decision as far as whether or not they would like to be involved with your revamped organization."

Mayor Bailey: "Just so everyone understands, Clint's the one that was over the Junior Jazz that has done such a phenomenal job and he's done a great job. And I would hope that, Clint, you'd love to still be involved. I think you do a wonderful job and I apologize if any of this comes across as personal or wrong, I really do. I mean, my intentions were to try to help fix the problem, and I know that you all tried, I do. I mean we had that meeting for two hours, I guess it was..."

Clint Chidester: "Well, unfortunately, I think some of the issues that we were having have, I mean, I was at baseball tryouts Saturday. I anticipate having probably the best season that we've ever had out here this year because I think that people are starting to reach their stride, being able to work together. We've been in contact with Jade with the soccer, and everything else. I feel like we haven't been given the opportunity to work through some of the issues that we've had that has come with this administration or organizational change."

Mayor Bailey: "I hope that you'll understand one thing is that it is not an issue of, and I know you maybe feel this way and maybe the others do to and that may be part of the problem, is I do not feel that this current board has failed in any way shape or form. I realize you've had some struggles in the transition, and, frankly, I think that some of the problems are not because the board has failed in any way, but it's only

brought to the light the need of a transition needing to be made in any organization as it succeeds and grows. It's really a growth issue and not because I, in my eyes, think that this board has failed in some way. You've been shorthanded, for one thing, you haven't had a full board since probably February, I guess it was, so you've been shorthanded anyways."

Clint Chidester: "No we haven't. We're minus one person. Unfortunately, Sherrie quit about the middle of March, and then with some of the recent turmoil, Kristie decided that she did not want to participate anymore."

Mayor Bailey: "In any case, the thing I was trying to get across here is it's not an issue of whether the board has failed or succeeded or wasn't given an opportunity to fail or succeed. It's really an issue that these were just signs and symptoms that there was a growth situation here that needed change. And I felt like the proposal here is, if you'll look at the chart it doesn't change the organization tremendously, but it changes and streamlines it to where it can function better with the City as far as finances go, as far as organization and direction to make it quicker for you all to be able to respond to issues, and that was hard to do on meeting with the board all the time. I think it will make the whole organization function better; but it's not an issue whether the board failed, it was just an issue that things came up that made it like that, yes, we do need some changes here. So, I want you to know I appreciate what you are doing. I hope you will continue to because you've done a great job."

Mark Madsen: "Could I ask you a couple of questions so I can understand this better? You said that, in your opinion, the best thing was to wipe the slate clean and the sooner, the better."

Clint Chidester: "Correct."

Mark Madsen: "So, are you basically saying that you believe that we should do away with the old organization and start with something new, the sooner the better? Is that, or what do you mean by wiping the slate clean?"

Clint Chidester: "Speaking for myself and having witnessed what has taken place, I am going to probably resign my efforts to coaching my son. I don't know that I want to be involved at this level anymore."

Mark Madsen: "Okay, so you're saying personally you want to wipe the slate clean as far as your involvement?"

Clint Chidester: "Correct."

Mark Madsen: "Okay."

Clint Chidester: "And I think I would echo the feelings of the other people involved. To try to have us sit and make a smooth transition into something, because I don't feel like we were given that opportunity. I don't think that myself or the other members of the board would be willing to put forward the same courtesy."

Mark Madsen: "Okay, so do you think if we were to take your comments under advisement, now that we've heard your perspective, and create an opportunity where we could get you to weigh in on this and look at the organizational chart and cooperate and consult with the City on how to move beyond the current structure that's having so much difficulty into a better organization, do you think personally, do you think the other people involved would be cooperative and would help us to go through that process?"

Clint Chidester: "I cannot speak for anybody other than myself. Myself, you know I haven't seen this. I don't have time to sit and look at it while I'm standing here. I don't feel like the Council is acting, in whatever decision they take, with all the information. And so, I feel like that it's reached this juncture. I feel like to try to say, 'Let's transition into something. Let's try to.' What I'm saying is, it's come this far, you know, get rid of the ordinance, or whatever it is that put us all into place, and go ahead and build whatever it is that you're going to build from scratch, is what I'm saying. That's my personal opinion."

Mark Madsen: "You're suggesting that's the best course of action?"

Clint Chidester: "For me. I cannot speak for anybody else."

Mark Madsen: "Okay, but you don't want to be involved in the upgrade?"

Vincent Liddiard: "I think Mark's saying if they don't take any action tonight, table this until a future time, would you want to participate?"

Clint Chidester: "I think the damage has already been done because it's gotten this far. Why we couldn't all get together and discuss it before it reached this point, I don't understand. Why it even got to this point, I don't understand."

Mark Madsen: "You've been involved for four months now?"

Clint Chidester: "Officially. I've actually been involved for a little over a year now. But I was sworn in in January."

Mark Madsen: "Okay. My understanding, and correct me if I'm wrong, I mean, this is kind of, tonight's discussion is the culmination of several months of struggling with issues, trying to find solutions, trying to work it out. You know, offers to and encouragement to come up with solutions and work it out, and it's kind of been unsuccessful over time. Have you observed that same thing? That's kind of what I was lead to understand."

Clint Chidester: "Yeah, and I'm, again, not going to make this any sort of a personal issue. The observation that I've seen is that the board had, whether it was personality conflicts or whatever, had some conflicts with some other individuals in the program. And, when the board moved to try to correct said issues, people outside of the board decided to involve themselves into what was going on. And from there it snowballed to the point that we now stand at this juncture. And so, I don't think it ever should have got to this point."

Mark Madsen: "Okay. So, when you say people outside the board, is it people from the City, the people who..."

Clint Chidester: "Former members. I believe that former members of the board, the Mayor became involved."

Mayor Bailey: "Which he didn't want to be."

Clint Chidester: "Whether that was by invitation or his initiation, I don't know."

Mayor Bailey: "By invitation."

Clint Chidester: "I wasn't privy to that particular conversation. But once it reached that point, the board was basically a useless tool to handle money and keep track of equipment because the other people's attitude was we didn't have to abide by deadlines that were set and we didn't have to do what the board asked of us because now we know we just go to the Mayor. And there was a tremendous amount of conversation that took place that the Mayor was included on that I don't feel like, no offense, he should have been bothered with. I think it was sports issues that should have been handled at the board level through, I mean, through involvement of all of you, if necessary, but it never should have gotten to the point that we're at now."

Mark Madsen: "Okay, so, I mean, you understand the position we're in, right? We have to exercise oversight. We're the ones that appoint the board and have to monitor this."

Clint Chidester: "Correct. Correct."

Mark Madsen: "And if citizens come, or people involved come with concerns or what have you, then we have to do something to try and address that. You understand the position we're in?"

Clint Chidester: "I do understand the position you're in. And so...."

Mark Madsen: "I'm pained to hear that you're thinking about not staying involved because I've heard great things about what you've done."

Vincent Liddiard: "It was mentioned actually in Work Session, but not here, that the Junior Jazz Program was, I don't remember the exact title."

David Blackburn: "Second in the State."

Mayor Bailey: "That's a great achievement from the first year."

Clint Chidester: "Thank you. We had some coaches and everybody that was involved that was...."

Mark Madsen: "As a Council, I think, that we had really hoped that this would be an opportunity just to upgrade, to take some of things that we had been told were causing difficulties and address the growth issues, and the organization and the management of the programs so that we could move up and, obviously, the intended effect has not happened now because we've had folks that have taken offense; and, obviously, we haven't handled things well with you because you're feeling slighted, and that makes me very sad."

Clint Chidester: "No, I'm not feeling slighted. What I'm saying is, I wish we had been given the amount of time to work through our issues that we needed to work through in order to accomplish the same things that you're trying to accomplish here. I mean, we're all on the same page and we're all working towards the same thing."

David Blackburn: "I agree with that and I think what this organizational chart and the purpose of this conversation was is that, using a sports analogy, is that you as the team or players on the team could maybe benefit by a little more coaching or management by this form, by this type of a chart. And so to have mass resignation or walk out of a team of what we feel is a very competent and capable group of individuals in the first place is a bit of a shock. And so, you know, I would like to say, you know, please stay."

Clint Chidester: "Well, I understand. But as I understand, repealing the ordinance means you no longer have a board."

Mayor Bailey: "No, but the positions are available just as you're currently serving under this organizational chart. Nothing changes except for the legal title to it. That's all that changes."

Clint Chidester: "Right."

Mayor Bailey: "The responsibility and the role you would play in it is much same, it's just streamlined for communication reasons. It's streamlined to function better with the City, to integrate for growth."

Mark Madsen: "What we wanted to do is get a structure so that somebody involved in the sports program is integrated more tightly with the City and staff and the operations and is involved with the City Administrator and is right there and is brought up to a level, not just as a peripheral organization, but as an organization that is integrated with the City operations. And it's reached a point now where we've got to move from the adolescent stage into the adult stage. You've got a participation level that requires an integration with the City and with the parks and the facilities and all the things that are happening and a more streamlined flow of budgets and allocations. We talked about this in the Work Session, and so we wanted to see that happen; and, obviously, we didn't handle the diplomatic part of it very well, but that was the intent. I mean, you say that the board's being done away with, but we're trying to create a situation where the City is serving sports better. Does that make sense?"

Clint Chidester: "I truly hope that that is what ends up happening."

David Blackburn: "What we're doing today, I mean, if any action were to be modified right now, it will be modified in the future into what's called a Parks and Recreation Department. And so what we effect today, you know, who ever takes the roles of what's put out on this chart could stay in this organization to be modified again, but it would be an official position. So, like, the other individuals you see here, it'll be Parks and Recreation; and the same situations, emotions, or whatever will be here as people say, 'Hey, I've been doing a good job as slot B on line 3 or whatever.'" And we're just trying to help move things along and...."

Linn Strouse: "I wanted to make...."

Mark Madsen: "If you look at, just look at. I know you can't digest this whole thing, but if you look at the basketball program supervisor, there's a direct link to the recreation and events director, who's the department head. I mean, you're one step away from a City department head."

Mayor Bailey: "Your decision-making process is shortened leaps and bounds. When there's a problem you have on a committee level. Sorry, for interrupting you, Mark."

Mark Madsen: "No, that's all right."

Mayor Bailey: "When you go from the committee level, you go immediately to your director there who can get into any resources that are needed within the City and can do it just like that for you. Instead of having to go have a special meeting or call a meeting to call the board together to get a consensus, then everybody vote on it, and hopefully we all agree on it and don't have to come back in another meeting and discuss it further. The decisions can be made so much quicker and accommodate the growth and accommodate the circumstances so much faster."

Diane Jacob: "Can I just make one comment then I'll turn my time to Chris. I just know that for the record that I contacted all the remaining board members and spoke with them; and I know that their sentiments are very similar to Clint's. And what he said, we don't have all the information, we weren't given all the information that we probably needed to have, and that they felt it could have been handled in a better way, and they didn't know what was going to be happening. So."

Clint Chidester: "Lastly, I would like to say that I believe, I hope we have the best intentions here. Financially I don't think there's funds there to hire a person in that capacity; and so I believe, personally, from what I've seen with trying to get volunteers, to try to keep volunteers, we're two years away from this and to try to implement this now, I think, is you're going to watch everything stumble and fall on its face. Because, I guarantee you, to be able to find a special projects coordinator or a facility coordinator, and stuff, I wish you the best of luck. But, I witnessed what people have available as far as volunteers and what they're willing to, time wise, commit, and so on and so forth. So, I mean, to get six of us together twice a month to meet was, you know, a fairly major undertaking, and, when it happened, it was a good thing and good things happened. So."

Chris Hillman: "Just a staff comment. As staff, we have absolutely no plan of action for this. This is really the first it's come up really to staff as well, and we have no plan of action at this point."

Mayor Bailey: "Chris, how can that be?"

Diane Jacob: "So, if you can't invent a better wheel, you know, just push the one you have along a little ways, you know."

Chris Hillman: "We'll figure it out, but, I mean, as staff, we're just, come tomorrow we're going to be, 'Okay, what are we doing?'"

Linn Strouse: "I want to reiterate when we went from a community sports program to an official City sports program, there were some hurt feelings there, too, and some people feeling slighted. And that wasn't intended at all by a new board and a new sports program at that time. What they did was very commendable, and we just built on it. And so, this is taking it to the next level again with growing pains, and I think it can be a great thing for the community. Just in State Trustlands, we've got, what, 15,000 more residents going to come in there? We need to be thinking long-term, not just the present."

Clint Chidester: "The one problem, or the one thing I can see that this lacks that we did have, call it what you want, but there was a checks-and-balances system where the heads went to the board, the board tried to make a decision as far as what they felt with that program was in the best interest. It's like I made the example, I don't know if you got this particular email, but if the soccer guy showed up and wanted to do fluorescent pink and yellow uniforms..."

Mayor Bailey: "I remember that example."

Clint Chidester: "I don't see anywhere here taking into account the best interests of the City."

Diane Jacob: "And that's where I felt you guys needed more time."

Mayor Bailey: "The director..."

Clint Chidester: "And that's what I felt like was the board's responsibility."

David Blackburn: "But type of input, the checks-and-balances, is something we hadn't. I've got checkmarks on this already as far as modifications."

Mayor Bailey: "That ultimately is going to anyway as a purchasing issue."

Clint Chidester: "But what I'm saying is here we are. You've got nothing in place, no way to pay for it, and, so."

Diane Jacob: "And they just walked out on us. Fine how-do-you-do."

Vincent Liddiard: "And yet, what sticks in my mind is that, you've mentioned, that now here we are. We've mixed the white and red paint."

Clint Chidester: "That's why I made the suggestion that you do whatever it is that you're going to do if you're going to do something, which at this point in time I feel you are going to have to do something."

Vincent Liddiard: "Because you can't go back again."

Clint Chidester: "You do it as quickly as what you can because I don't think there's any going back from this position. Like I said, I feel like as the assistant director and the only member that stuck around to say anything that we were in a position where we were really starting to hit on all eight cylinders. I mean, we were there. Thank you."

Mayor Bailey: "Okay, anybody else have any questions? Clint, I would like to say one last thing to you, just so you know publicly, if I've offended you in any way, I do apologize. That was not my intention."

Clint Chidester: "I have not taken any personal offense."

Mayor Bailey: "I will convey that same message to the other board members. I understand they definitely feel hurt here. I feel bad that I had to get involved, as I said in the meeting we had together. But, in looking at it, like I said, this is not an issue where I feel there's a failure here. I feel like it's just a growth issue and we're dealing with it the way that is best. And I apologize if there's any hurt feelings here because I do not want that. I do appreciate you."

Clint Chidester: "I appreciate your comment and I will admit we all see things from different perspectives and I would just like to say that from my perspective, I think that this has been a mistake."

Mayor Bailey: "Okay. Thanks very much. I have a motion and I had a comment from Dave about modifying your motion a bit."

Mark Madsen: "Well, I think that we need to take this to heart. I mean, I think that the die wasn't cast tonight, it was mainly cast three weeks ago, or whatever. It seems like this has been on the slope for awhile, or maybe we just discovered it all this evening; but, we've gotta make an administrative decision and we've got to take into consideration the future of this thing. And it sounds like, you know, that those who have walked have walked. So, we've gotta, I mean, I don't know if we can do anything...."

Mayor Bailey: "Brigham's got one comment and what's your comment in relation to, Brigham?"

Brigham Morgan: "It's related to the Sports Board."

Mayor Bailey: "Okay."

Brigham Morgan: "Actually, I have three comments. First, and they'll be quick, I heard the comments made and their walk in disgust was they felt like they had no voice and the decision was already made and so there was no reason to stick around, because the decision was already made. I agree the damage has been done. I don't think it's irreparable at this point, but it's definitely been done. Two observations, and it's based on the fact that I make a living bringing together requirements on very little information and then pointing out the flaws. The first one is, I've read through the packet information that was provided. It was very one-sided. There was a very obvious slant, a very obvious direction where those emails were headed and the intention of where individuals wanted to achieve. And when those achievements were not made, those individuals then stirred the waters and made trouble. Very obvious to me as I read those emails. I find it very sad that the Council did not do their due diligence in calling the board members, and doing the research, and finding out what the different sides were, and getting information. I think that was a failure to perform the function of a City Council in doing your due diligence and getting the information needed. The second piece has to do with the organization itself, and it comes down to exactly what Clint said. You are trying to fix their problem for them. That will never work. Again, I make a career out of building and managing teams. You can never walk in and fix somebody else's problem if the solution does not involve that group or organization and does not originate from that group or organization, because all you're doing then is imposing your solution on their problem. And, those two points right there, I think they're two major points of failure in the information that is being discussed and the decision and proposal that was made. The organization was not involved. It didn't, this solution, this plan did not originate from the board. The board was not given any input, was not given an opportunity to even come together with their own solution or their own proposal. And then the failure to give them the due diligence necessary to make a proper decision."

Mayor Bailey: "Actually, Brigham, they did come with a proposal. Tina presented it in the Work Session. So they did come up with a proposal."

Brigham Morgan: "Okay. That's one proposal the day of."

Mayor Bailey: "Right."

Mark Madsen: "I thought that you had given the, over the last several months...."

Mayor Bailey: "Well, I gave them. It's been three months ago I informed them that they had problems and they needed to fix them. They've been working on them, but they only got worse as of three weeks ago when I had a meeting with them."

Brigham Morgan: "Okay. Again, that's your perception."

Mayor Bailey: "Right."

Brigham Morgan: "According to Clint, they were just starting to hit on all cylinders."

Mayor Bailey: "Okay. Thank you, Brigham."

Diane Jacob: "And, I'd like to echo Brigham's comments because I did speak with all board members, except Clint I emailed back and forth. But...."

Linn Strouse: "Then I'd like to comment it's not just a board problem. When something affects the whole community sports then it's also the City's problem, as well as the community's problem. And I'd rather change that to challenge because moving it to the next level is a challenge and it's something that's going to turn out very good for the whole community, if we all work together and pull together."

David Blackburn: "The repercussions of acting on this tonight, if something were to happen, what's the end result to the current active sports program in the sense of the teams, the scheduling, and everything else?"

Mayor Bailey: "Nothing changes there, unless everybody resigns."

Diane Jacob: "I know that Laurie had a three-year-old soccer activity planned for this Saturday. I can probably tell you it's pretty much a surety that that will not happen."

Linn Strouse: "Why?"

Mayor Bailey: "Clint."

Clint Chidester: "Baseball still hasn't got their uniforms ordered yet. Someone's going to have to...."

Mayor Bailey: "Okay. Linn, would you get in touch with the baseball program and let them know to go directly to Chris with what they're needing there? Thank you, Clint."

Linn Strouse: "I will. Thank you, Clint."

Mayor Bailey: "Okay. You've got a motion. Just tell me what you want to do or not do."

Linn Strouse: "I seconded it."

Mayor Bailey: "Okay."

Diane Jacob: "Call for a vote, then."

Mayor Bailey: "Roll call."

David Blackburn: "Clarification. What was seconded?"

Mayor Bailey: "Well, the time frame was, Mark had proposed May 1, was it not, Mark, in your motion?"

Vincent Liddiard: "It was midnight on the 30th of April."

Linn Strouse: "And Clint suggested it been sooner, is that, I'm not sure but I think May 1st is what we should stick with."

Mark Madsen: "Yeah, I mean, I, you know, we could debate forever whether a mistake has been made. It's water under the bridge. If we're going to repair things, we're going to have to go individual by individual and get them back involved in the program. Help them come to an understanding what the

intentions were. But, as far as the administrative process, I think we need to do it and do it now and find out quickly who's going to be involved and who's not going to be involved, to get people that were involved before back in. If we need to fill gaps, get new people involved. Just do whatever it takes. I mean, if we've done damage, we need to take responsibility to repair it and repair it quickly and keep things going in continuity for the people. That's what it's all about."

Linn Strouse: "Well, I know a lot of those people and I have full confidence that the sports program will not only continue but it's going to flourish, and we'll get past this challenge, too, just like we have others."

Mark Madsen: "And I, Linn, I know you've been involved in this probably more intimately than anybody, and I appreciate your sentiments on that. I put a lot of stock in what you have to say on this because I know you're...."

Mayor Bailey: "Okay, roll call vote."

Linn Strouse: "Aye."

Mayor Bailey: "David."

.David Blackburn: "I'm still unsure as to what date we're dealing with."

Mayor Bailey: "May 1st."

Mark Madsen: "April 30."

Diane Jacob: "April 30th midnight."

David Blackburn: "Because, Vince, I suggested...."

Vincent Liddiard: "His movement was April 30 at midnight. You suggested April. I asked Mark if he would amend his motion."

David Blackburn: "I said end of June."

Vincent Liddiard: "End of June. I asked Mark if he would consider...."

Mark Madsen: "Before we had this last interchange, I would have gone to a later date for...."

Vincent Liddiard: "But based on Clint's comments...."

Mark Madsen: "I think that, you know, we have to take that at face value, and Clint's given us his wisdom, and so I say do it quick and start working on a solution instead of going on the past."

David Blackburn: "Well, Aye."

Mayor Bailey: "Vincent."

Vincent Liddiard: "You know, I think what Clint said is unfortunately very true. We're at a crossroads, which, I don't know, I just keep thinking 'rock and a hard place.' There's not a nice way out of this in any direction. Tabling it, voting no, voting yes; in any regards we owe something to the people who have volunteered and participated. And, whether it's apologies, appreciation, whatever, we need to extend a hand to them in gratitude and a hand of participation. I think on Chris's comments, he's made some very, I think, plain comments of, you know, there needs to be something take place in communication with staff now. We have elevated some issues, not necessarily solved them; and there are some budgetary repercussions; so, I'm cautious of those. However, I also, and I know this is getting long, want to support

Linn in her efforts and, as the Councilman directly responsible for and maintaining these, I'm going to support her and, despite my somewhat reservations and some of my concerns, I'll vote yes in support of it."

Mayor Bailey: "Diane."

Diane Jacob: "I'm gonna vote nay due to the comments I've made, and I hope all those comments I've made are entered into the record."

Mark Madsen: "Aye."

Mayor Bailey: "Okay, motion carries. Thank you, Clint. We'll be getting in touch with you and trying to make some transitions and get information from you, if you'd help on that."

Clint Chidester: "Sure."

22. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (to Reflect the TASC0 Utility Trenching Contract – 3% Administration Charge):**

MOTION: *Vincent Liddiard moved to adopt Resolution No. R 05-2004, a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule to reflect the TASC0 utility trenching Contract – 3% Administration Charge. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

23. **Consideration and Approval of a Resolution Amending the Eagle Mountain Telecom Fee Schedule (to Reflect the TASC0 Utility Trenching Contract – 3% Administration Charge):**

MOTION: *Vincent Liddiard moved to accept the amendment for Resolution No. R 06-2004, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule to reflect the TASC0 Utility Trenching Contract - 3% Administrative Charge. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

24. **Consent Agenda:**

- A. Contract Change Order
 - 1. Sweetwater Road Extension (CO No. 3), Terry Larson Excavating
- B. Final Payment Request
 - 1. Eagle Top Waterline Extension (Final Payment), Arrow Engineering
- C. Partial Payment Request
 - 1. Sweetwater Road Extension (PP Mo. 3), Terry Larson Excavating

MOTION: *Mark Madsen 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.*

25. **Other Business:**

Diane Jacob stated she was reminded during the discussion of Item 17 regarding landscape issues at Meadow Ranch of a dirt road that comes out through the property east of Meadow Ranch, Phase 1, that is used as an access for the residents who do not want to drive farther. She expressed her concern about safety issues caused by this road.

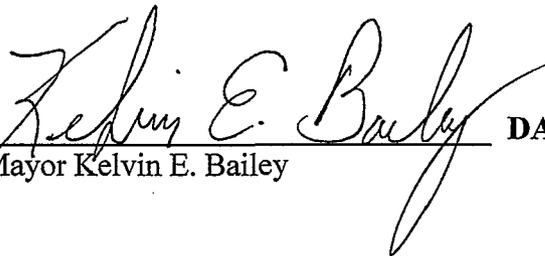
Korey Walker responded that UDOT had been contacting everyone about dirt accesses. He stated he was not aware what was discussed.

Diane Jacob asked Mr. Walker to follow through on this concern and report back to her.

26. **Adjournment:**

Diane Jacob moved to adjourn the meeting at 11:00 PM.

APPROVAL: _____

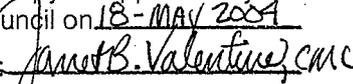

Mayor Kelvin E. Bailey

DATE: _____

5/18/04

This certifies that the minutes of
~~20-Apr 2004~~ are a true, full and
correct copy as approved by the
City Council on ~~18-MAY 2004~~

Signed: _____


City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
Tuesday, May 4, 2004

WORK SESSION – No Action or Minutes Taken – 4:00 to 6:30 PM

1. Consent Agenda
2. Discussion on the General Plan
3. Discussion on Staff's Proposal regarding Meadow Ranch Landscaping
4. Discussion concerning Bonding for Road Fund
5. Adjourn Work Session at 6:49 PM

Prayer by Invitation of the Mayor

The prayer was offered by Chris Hillman

POLICY SESSION – 7:00 PM

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

Mayor Kelvin Bailey called the meeting to order at 7:08 PM.

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Vincent Liddiard, Mark Madsen, Linn Strouse. Diane Jacob was excused.

City Staff:

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

Others Present: Residents Bonnie Jeppson, Marcie Taylor, Robert Lee, Jody Hooley, David Cast, Brigham Morgan; landowners Glade Berry, Loretta Wilcox, Howard Ault; developers Monte Kingston and Scott Kirkland; builder Joel Harris from Highland Homes.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Mayor Bailey.

3. **Approval of City Council Minutes (April 6, 2004 & April 20, 2004):**

This item was addressed after Item 5.

MOTION: *David Blackburn moved to approve the Minutes of April 6, 2004. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

The Minutes for the April 20, 2004, City Council meeting were tabled until the next City Council meeting.

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

Mayor Bailey excused Diane Jacob from the meeting and read a statement from her regarding her participation as a moderator for a women's forum and debate with all gubernatorial candidates. A copy of this statement is filed with the Minutes.

5. **Appointments:**

Janet Valentine administered the Oath of Office to Jack Scott who was appointed to the Airport Planning Commission at the City Council meeting on April 20, 2004.

6. **Public Comment:**

Bonnie Jeppson, resident of Lake Mountain Road, addressed the Council to update them on her ongoing issues with the Friends-In-Need Animal Shelter. She stated she had called the City numerous times to report that dogs were outside barking and had also reported this information Utah County Sheriff's Office and Animal Control. She stated there are generally no dogs outside around 4:00 PM or 5:00 PM; however, between 7:00 PM and 9:00 PM there are four to six dogs out at one time. She advised she was unable to enjoy her yard because the dogs bark at her family. She indicated she could hear the barking even when the dogs were inside the house. She expressed her concern about the soundproofing planned for new building and stated she hoped it would be adequate. She addressed her concern about the number of dogs at the shelter, which had reached 13. She stated she was not asking that the shelter leave the area but that any decisions that are made be reasonable and compatible for everyone involved.

Mrs. Jeppson requested that speed signs be posted on Lake Mountain Road so that the Sheriff's Office has legal grounds when they stop speeders. Mayor Bailey asked Shawn Warnke to follow up with Mark Sovine on this request.

Mayor Bailey referred to a statement signed by residents of Lake Mountain Road and asked Mrs. Jeppson what had been said to give her the idea that "the Mayor and a few City employees" were biased on the subject of the animal shelter. Mrs. Jeppson stated that comments on the news had given some of the residents that opinion, but she did not address any specific comments. Mayor Bailey explained that he has taken no position on this issue and would not until all information was available to make an objective decision.

7. **Council Comments:**

None

8. **Consideration for Adoption of a Second Supplemental Assessment Ordinance Amending and Supplementing Supplemental Assessment Ordinance No. 99-07 Adopted on May 10, 1999 Confirming and Approving a New Assessment List and Reaffirming the Levying of an Assessment Against Certain Properties in Eagle Mountain City, Utah Special Improvement District No. 98-1, Utah County, Utah for the Purpose of Refinancing the Costs of Constructing Roads, Acquiring Easements and Installing Sewer, Water, Telecommunications, Electrical and Gas Utility Improvements, Constructing Park and Landscaping Improvements, Replacing Above-ground Electric Transmission Lines with Underground Electric Transmission Lines, and Completing Any Miscellaneous Work Necessary to Complete the Improvements in a Proper and Workmanlike Manner (The "Improvements"); Amending the Assessment Prepayment Provisions; Reaffirming the Establishment of a Reserve Fund and Stabilization Reserve Fund; Establishing the Effective Date of this Second Supplemental Assessment Ordinance; and related Matters:**

This item was tabled.

9. **Public Hearing: (General Plan):**

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 7:22 PM.

Adam Lenhard presented the proposed General Plan by explaining its characteristics. He stated that a general plan serves as a guide for future development and would probably need a comprehensive rewrite every five to seven years. He explained the difference between a general plan, which is very broad, and a development code, which is very specific.

Shawn Warnke presented the Future Land Use and Transportation Corridor Map, which is a precursor to the City's zoning map that would be part of the City's Development Code. He stated that all owners of property in excess 160 acres had received a copy of the map to inform them of the General Plan policies for the City.

B. Receive Public Comment

Glade Berry, property owner on Lake Mountain Road, expressed his concern that Lake Mountain Road was not given decent maintenance nor any long-term identification on the Land Use Map. He inquired about future plans for Lake Mountain Road and asked the City for consideration to allow input from property owners who would be affected by the General Plan. Mr. Berry asked about the power lines along the property and why the property owners had been told they could not use them.

Mayor Bailey stated that the owners of property along the UP&L power line should be able to use that line.

Mark Madsen asked what the constraint would be on the use of the power lines. Mayor Bailey stated that the City would allow a resident already living on Lake Mountain Road to tie into UP&L; but, he stated that they would have to tie into the City's system if they wanted to develop a subdivision.

Gerald Kinghorn stated there are a number of different arrangements that the City could make to allow the property owners to use the UP&L line.

Mark Sovine stated that the high voltage of the lines could present a problem and that the bond covenants require any development within the City to connect to the City system.

Gerald Kinghorn advised that the City could wheel through the UP&L system to provide power, if there were sufficient capacity.

Mark Madsen wanted to know when Mr. Berry had been told he could not use the lines. Mr. Berry responded that he received this information when the City built its own power system. Mayor Bailey recommended that Mr. Berry contact Korey Walker and Mark Sovine to work on proposal to use the UP&L power.

Mr. Berry asked if Lake Mountain Road would be a permanent fixture in the City or if it would be done away with.

Shawn Warnke stated that Lake Mountain Road was originally a County road, which existed prior to the City's incorporation, and would remain a road by "prescriptive use" meaning that it has not been dedicated but is a road by virtue of use. He stated that the road shown on the Future Land Use and Transportation Corridor Map was an arterial road that would run parallel to Lake Mountain Road, with the idea that Lake Mountain Road would maintain its rural characteristic and that the arterial road would carry traffic volume for the City.

David Blackburn asked how far the arterial road would be from Lake Mountain Road.

Shawn Warnke stated that the City should establish an alignment because development was starting to occur along Lake Mountain Road.

Mayor Bailey asked if the proposed plan for Lake Mountain Road was intended to maintain the road as a rural subdivision road or to avoid using the road at all.

Shawn Warnke stated the plan for the road was to maintain it as a rural residential road and that there had never been any discussion about eliminating Lake Mountain Road.

Mr. Berry then asked if landowners could develop along Lake Mountain Road.

Mr. Warnke responded that if the landowners created development that would have large traffic volumes, the traffic impact study might show that Lake Mountain Road would not be sufficient to handle the traffic.

Mayor Bailey explained that there was a road west of Lake Mountain Road to allow traffic from the houses on Lake Mountain Road to filter out without causing traffic hazards. He stated that Lake Mountain Road could be developed as a subdivision road that would filter onto the collector road to the west. He indicated this plan could change as development occurs.

Brigham Morgan, resident and former City Council member, stated that to the best of his recollection the agreement for Lake Mountain Road, as addressed in the previous Development Code, was that the road would be maintained as an unimproved rural road with the intent to protect the lifestyle of the residents and keep major traffic flow off of that road.

Mr. Morgan thanked Planning Department employees for the format of the proposed General Plan. He stated he appreciated the fact there was much more information included in this plan than in the last revision. He stated he had talked with Diane Jacob and referred to her written comments, copy filed with the Minutes.

Mayor Bailey stated Mrs. Jacob's comments were discussed during Work Session.

Mr. Morgan stated he had expressed some of his concerns to her so she could make sure they would be incorporated. He requested that those written comments from Mrs. Jacob be included in the Public Hearing and become part of the record.

Mr. Morgan stated he was somewhat disappointed to see there was no mission or vision statement specifically outlined in the General Plan. He said there were many references to the vision of the City in the plan, but there was no outline of the specific vision of the City. He also noted that

specific references to open space percentages, density references, etc., had been taken out. He specifically referred to the Land Use Map that referenced types of housing (mixed use residential, mixed use commercial, rural residential) and stated that since that map was an appendix to the General Plan, there should be a definition in the plan explaining those types of housing.

David Blackburn stated this information was in the General Plan on page 5.1 under "Housing."

Adam Lenhard stated that the designations on the Future Land Use map were not housing or zones but were broad designations for land use.

Brigham Morgan expressed appreciation that the proposed General Plan does call out protection of sensitive land and agriculture, integration and use of parks and trails, and maintains the "peace" that was in the original General Plan. He stated he would be very intrigued to see how well the General Plan is implemented in the Development Code.

Jody Hooley, resident of Lake Mountain Road, expressed her appreciation for the proposed General Plan. She shared her concern that there were not more specifics listed, such as protection of native vegetation.

Mayor Bailey stated that specifics would be addressed in the Development Code.

Mrs. Hooley echoed the comments from Brigham Morgan in that she would like to see part of the original vision statement incorporated in the proposed General Plan to give it more "teeth."

Loretta Wilcox, property owner on Lake Mountain Road, addressed the concern of power usage brought up by Glade Berry. She stated her family wanted to develop their 40 acres and had previously been told to contact UP&L to hook up to power. She also wanted to know when they would have access to the arterial road mentioned earlier.

Shawn Warnke stated that the City's infrastructure would be extended as development occurred and that a specific timeframe was unknown.

Mayor Bailey told Mrs. Wilcox she could work with Korey Walker and Mark Sovine to see whether UP&L would allow the City could wheel power through them.

Mrs. Wilcox asked if taxes would be increased because of the General Plan and she was told the plan had no impact on taxes. She requested colored copies of the Land Use Map. She asked if there were plans to enlarge the Jake Garn Airport.

Mayor Bailey stated there were no plans to enlarge the airport, but at this point in time it was hard to determine exactly what would happen with the airport.

Howard Ault, owner of a sod farm on Lake Mountain Road, asked about the proposed arterial road and wanted to know when it might be completed.

Mayor Bailey responded that if Mr. Ault decided to develop his land, the City would ask him to preserve the planned area for a road; however, he reminded Mr. Ault that the City had no current plan to develop the road.

Monte Kingston, developer with Eagle Mountain Holdings and Ames Construction, spoke regarding the property recently annexed into the City along the east side along SR 73. He stated the Land Use Map shows plans for mixed use commercial and stated it looked as though the City "was approving something that is yet to be approved."

Mayor Bailey reminded Mr. Kingston that the map was for general land use and did not define specific uses for the land.

Mr. Kingston stated that the General Plan would drive the City plans for use of the land and that he was still unclear as to a good definition of mixed use commercial. He stated that his firm did not anticipate having 70 or so acres of commercial land.

Mayor Bailey assured Mr. Kingston he would have input into the use of the land in question.

Mr. Kingston stated there were various parts of the General Plan that appeared to be very specific as far as what the City would like to see regarding park strips, connecting paths from community to community, parks based on acreage, etc. He expressed his hope that the General Plan would be "forgiving" when his firm presented projects with unique situations and cited as an example The Anthem project, which has been very successful and has unique amenities. He also addressed his concern that many items in the General Plan were very vague and hoped there would not be problems in the future because of interpretation. He stated he looked forward to seeing the Development Code that would show specifics.

Scott Kirkland, developer at the Ranches, stated when he originally looked at the Land Use Map he misinterpreted the color scheme on a couple of parcels and was questioning the logic. He referred to the 120-acre piece between Silver Lake and the Ranches that does not seem to be prime for 120 acres of mixed use commercial. He stated the land was not sitting on one of the major collector roads but was "off the beaten path."

Mayor Bailey asked Shawn Warnke what the thinking had been when zoning the land for mixed use commercial.

Mr. Warnke stated there was a misconception that if an area was shown in red that the entire parcel was commercial. He stated the red was to show a higher intensity of uses, whether it be commercial or higher residential use; however, the map could be changed to show an orange color that would be less restrictive.

Vincent Liddiard clarified that the red map area was originally meant to show there could be a broad variety of applications.

Mayor Bailey reiterated that the map simply showed an idea that could be revised as the area was developed.

Scott Kirkland stated that as a developer in this City he was concerned that the City might allow down zoning from commercial to residential, losing some of the potential commercial land.

Mayor Bailey explained that the land was currently zoned agriculture.

Brigham Morgan stated some of the land uses in the General Plan were not clearly defined since there was no definition as to what was going to be included in mixed use commercial versus mixed use residential. He stated he was not concerned that lot sizes, design architecture, etc. were not specifically called out, only that mixed use residential was not clearly defined.

Gerald Kinghorn reminded Mr. Morgan that all this information would be defined in the Development Code.

C. Close Public Hearing

The Mayor closed the Public Hearing at 7:58 PM.

Mayor Bailey asked if the Council had any questions or comments.

Linn Strouse stated that the Council had discussed this item in great detail during Work Session.

David Blackburn reminded all those present that this was a General Plan, not a document containing specifics, and that it would be reviewed and upgraded every five to seven years or as needed.

Vincent Liddiard stated that some of the public comments echoed what the Council talked about in Work Session. He called out one part of the Introduction that reads: "There are three main perspectives that a municipality must consider when enacting land use policies and regulations – 1) health, safety, welfare, 2) individual property rights, and 3) collective property rights. He expressed his thoughts that the body of the document intends to follow those policies and regulations; and that the vision of the plan allowed specific issues to be addressed in very general terms to allow the City to operate within the plan and then to codify those issues at a later time.

Mark Madsen stated he was inclined to agree with public comments showing anxiety over designations on the map showing terms listed in the body of the General Plan and definitions. He stated he feels that most definitions are adequate, and even though they are very general. However, he stated he would like to see a short, two-sentence definition of the land uses to avoid confusion.

Adam Lenhard asked for clarification that what was wanted was a definition of each designation but not a definition of the zones. He stated that the most relevant place to show those definitions would be in Chapter 2, "Land Use."

Mark Madsen stated he would call it a general description rather than a definition. He stated he felt it would be appropriate to articulate that during Work Session the Council went over technical terms and clarifying language. He advised that the Council had discussed eliminating Chapter 6 because they agreed it was superfluous and inappropriate for a document like the General Plan. Mr. Madsen reminded those present that by its nature, the General Plan was intended not to have "teeth." He expressed concern that people would think the General Plan was a binding document creating entitlements when, in fact, it was designed not to have "teeth" and was not a mandatory document. He stated the document was designed to be easily amended, and he hoped the City would build into plan a presumption in favor of the landowner to enable him to determine how his property would be used.

Vincent Liddiard stated that the City intends for this document to expire.

Linn Strouse asked for clarification for the general public so they understood that the Land Use Map and Future Transportation Corridors are legal requirements in the General Plan. The public was advised that they were, indeed, legal requirements. She also stated that the plan mentioned talks about the surveys conducted with residents showing that there was feedback from the community.

10. Consideration and Approval of an Ordinance Amending the Eagle Mountain City General Plan:

Gerald Kinghorn explained there were technical changes in the General Plan that needed to be made in the Introduction regarding sources of law, that some of the map exhibits would require boundary adjustments or text corrections, that the word "vision" should be described as a "goal," and that there should be an additional statement in the Introduction of the City Services Chapter stating that "City public facilities may be located in any of the areas shown on the map, with the approval of City Council," because there is a specific statutory provision that the City has to make provision for public facilities. He recommended enactment of the Ordinance approving the General Plan with those corrections.

MOTION: *Mark Madsen moved to approve Ordinance No. O 10-2004, an Ordinance of Eagle Mountain City, Utah Adopting an Amended General Plan for Eagle Mountain City to be known as the 2004 General Plan of Eagle Mountain City, with the following adjustments: That Chapter 6 in the noticed copies will be entirely eliminated; that throughout the document, the word "vision" be replaced with "plan" or "goal" as is appropriate in the text; that in Chapter 4 there be wording inserted to comply with the statutory requirements that allows public facilities to be located anywhere within City limits with approval of the City Council; that other technical changes and adjustments be made as discussed and itemized during the Work Session; that land use descriptions*

be created that are no more than two sentences long; that technical adjustments be made on the map so that Annexation Plan plans are clearly identified as not being in the City; that there be a change to the land use talked about by Scott Kirkland from Mixed Use: Commercial (red) to Mixed Use: Residential (orange); as well as the presumption in deference to the landowner to allow the landowner to determine use of his property. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.

11. Report and Approval of Staff Recommendations regarding Meadow Ranch Entry Way Landscaping:

Korey Walker stated he had been directed at the last meeting to map out the existing berm locations and provide a quantity showing what is City property and what is private property. He reported that based on all the berm, both that located in front of Short Road and that located on Cyril Watts' property, there was approximately 28 percent located on City property (or on just the three lots being discussed, there was about 35 percent on City property). He advised he set up a meeting with Carl Allred, who was representing the homeowners at the last meeting, and discussed some alternatives to dealing with the property. He indicated they were not able to come up with any solid solution regarding the situation. Mr. Walker stated that Mr. Allred recommended Mr. Walker meet with the individual homeowners. Mr. Walker had attempted to set up a meeting on May 4, was unable to do so, and advised he would meet with the homeowners later in the week or the first part of next week.

Mr. Walker stated the proposal presented to the homeowners was that the City property would be deeded to them so they would have the right and ability to maintain the property anyway they chose. He stated that the homeowners were not willing to accept that proposal according to Mr. Allred.

Mayor Bailey asked for suggestions from the Council as to how staff should be directed to handle this matter. He recommended that the Council not decide anything that would set a precedent of the City taking care of private property.

Linn Strouse asked for clarification as to whether Carl Allred no longer represented the homeowners, and she was advised that he no longer represented them. She recommended Korey Walker report back to Council after he talked with the homeowners directly and also to the HOA president.

Vincent Liddiard stated he would like to see some consolidation of the property so there was no split stewardship.

Korey Walker asked if it was a reasonable solution for the City to accept the property and, thereby, accept the responsibility of the maintenance?

Mayor Bailey stated the concern he had with that option was the possibility of forcing the HOA to maintain the property.

Linn Strouse asked if the fact that the homeowners were up to date on paying their dues would be an influence on the HOA's desire to maintain the property?

David Cast, homeowners association, stated the maintenance had never been so much a financial issue as much as taking on the responsibility. He stated the homeowners were realizing what the maintenance burden to them would be and they did not want to take that on. He understood from his last conversation with Carl Allred that the homeowners wanted their land back; however, this apparently had changed. He stated the HOA would be willing to re-landscape the berm so it would be a more easily maintained area, but the HOA was not willing to maintain the area as it now stands. He recommended the option of giving Cyril Watts and Allen Thompson back their land, which is 100 percent private, and then making an agreement with the other three homeowners on Short Road.

Linn Strouse stated the City would not know where it stands until the homeowners meet with Korey Walker.

Mr. Cast stated there was a public meeting at the park in Meadow Ranch after the last Council meeting where the option of the homeowners taking back their property was discussed; however, it appears that option was reversed.

Mayor Bailey asked for recommendations from Council and they agreed to have Korey Walker talk with the homeowners and report back to Council.

The Mayor addressed the proposal from the HOA to put a gravel driveway from the road to their park. He asked Mr. Cast if the homeowners on the boundary of the park had been contacted about this proposal, and Mr. Cast stated they had not been contacted. Mayor Bailed asked Mr. Cast to get a signed statement from 100 percent of the homeowners involved stating this proposal met with their approval and to then present that statement to the Council.

MOTION: *David Blackburn moved to approve the construction of a gravel driveway from the road to the park in Meadow Ranch, subject to the submission of the approvals from the adjacent landowners being submitted to staff. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

David Blackburn asked how vehicles would be kept off the asphalt path. Mayor Bailey asked Mr. Cast to post a sign telling drivers to not drive on the asphalt.

Mr. Cast asked the Council if they could hold a contest to name their park, and Council gave approval for this idea and asked Mr. Cast to present a proposal for a name to the Council.

Linn Strouse recommended that a rope or similar barrier could be placed along the paved walkway to keep vehicles off the asphalt.

The Mayor moved to Item 16.

12. Consideration and Approval of an Ordinance Amending Ordinance No. 00-08 to Permit the Use of Off-highway Vehicles in Certain Areas within Eagle Mountain City:

Shawn Warnke stated the ordinance was created to allow off highway vehicles to navigate through subdivisions to get to trails on BLM land. He stated the ordinance would have the following restrictions: 1) maximum 20 mile per hour speed limit; 2) drivers must be licensed by the State; 3) the ATV must have a four-stroke engine and a muffler; and 4) the ATV must be easily identified. Mr. Warnke showed a map identifying BLM trails and explained the proposed trails and trailheads. He stated the City would need to work with private property owners to gain access through their properties to some of the trail corridors.

Mayor Bailey stated if the ordinance were approved effective of June 1, the staff could determine what landowners would be affected so that the map could be modified accordingly. He stated the City did not plan on letting anyone have access to private property. He indicated this map would be made available to everyone who registered to ride an ATV in the City.

Shawn Warnke advised that the proposed ordinance had been adapted from a similar ordinance in force in the Town of Mantua, Utah.

Jody Hooley, resident of Lake Mountain Road, expressed her concern that almost daily her family chases people on ATV's off their property. She stated she feared this ordinance would increase this problem ten fold.

Mayor Bailey advised that this ordinance should mitigate this problem for residents along Lake Mountain Road because those registering to ride the ATV's would be given a map showing designated areas for riding.

Mrs. Hooley stated that people she confronts on her property do not care that they are on private property.

Mayor Bailey stated that being able to identify the vehicle by a number on a flag attached to the ATV would permit Mrs. Hooley to report these incidents.

Mayor Bailey asked Sergeant Murphy to address Mrs. Hooley's concerns.

Linn Strouse advised she had received numerous calls about problems with ATV's that are being driven in unauthorized areas. She stated part of the problem was that residents had been told by salesmen that ATV's could be ridden anywhere in the City.

Mayor Bailey stated the City would help ATV riders understand that this was not a right but a privilege. He hoped this ordinance would help ATV riders act responsibly while enjoying their vehicles.

Sergeant Murphy advised that people riding ATV's on private property are violating the law. She stated her department would respond to calls from property owners when these incidents occurred.

Mark Madsen asked Mrs. Hooley how long it had been since she reported such incidents to the Sheriff's Office.

Mrs. Hooley stated it had been over a year ago.

Mark Madsen advised Mrs. Hooley that the City now had three times as many law enforcement officers compared to a year ago. He recommended she call the Sheriff's Office the next time she has trouble with ATV riders on her property.

Scott Kirkland echoed Mrs. Hooley's concerns and referred to property in the Ranches, which is not posted, that has been taken over by ATV users. He stated that the City also has property that is not posted where ATV riders have created scars on the hillsides. He advised that some effort should be made on the part of the City and developers to call the Sheriff's Office when these incidents occur.

Mayor Bailey emphasized that approving this ordinance would allow the City to provide maps of non-restricted areas to ATV users who would then have no excuse about not knowing where they could ride.

Gerald Kinghorn stated that the City should post signs in areas where ATV's would and would not be allowed. He stated that the ordinance would put people on notice that there are only certain areas where ATV's are allowed in the City, and then the City could post those areas that are not allowed. He advised that the ordinance specifically addresses restrictions on private property. He indicated enforcement would always be a problem whether there is an ordinance or not, but this ordinance would give the City some leverage in dealing with offenders.

There were comments from the audience regarding the possibility of fires sparked by ATV's.

Mayor Bailey asked Gerald Kinghorn to modify the ordinance to add the requirement of muffler/spark arrester

David Blackburn stated that when he bought a home in the Ranches, he was told by his developer and sales agents that he could ride his ATV's in the Ranches without permits. He advised he has neighbors who ride their ATV's without a permit.

Scott Kirkland stated he personally had never addressed the approval of ATV's in the Ranches. He indicated he could not remember what the CC&R's said about ATV's and that he could not answer for other developers in the Ranches.

Robert Lee, resident of North Ranch, stated he is a homeowner and ATV enthusiast. He stated he believes there should be a clear definition of ATV because Jeeps are becoming more like ATV's.

Janet Valentine, Lake Mountain Road resident, asked who would pay the cost for posting signs on private property.

Mayor Bailey stated there would be no designated trails on private property. He indicated that trails would be identified by signs as ATV trails and the maps provided by the City would identify these trails.

Mark Madsen stated that each private property owner should post signs on their own property.

Mrs. Valentine asked what the fines would be for offenders.

Mayor Bailey stated the fines were \$25.00 for the first offense, \$50.00 for second offense, and so forth, and that the offense was a Class B Misdemeanor.

Linn Strouse asked if the ordinance included dirt bikes and motor cross bikes.

Gerald Kinghorn answered that the definition was any all-terrain type of vehicle or motorcycle.

Vincent Liddiard stated he would like to see more clarification of the types of vehicles allowed on the trails.

David Blackburn expressed some concern that flags might not be the most logical way to identify the registered ATV's. He asked who would benefit from the fines collected and was told that, with the current contract with Utah County, all fines would go to the County.

Vincent Liddiard recommended there be additional wording in the ordinance specifying there would be no ATV travel on pedestrian walkways/trails.

Linn Strouse brought up the use of small motorized scooters on City streets. Sergeant Murphy advised that due to the size of the engine and the allowable speed, these vehicles are allowed on City Streets. Linn Strouse suggested it might be time to reevaluate motorized vehicles and change the laws regarding their use. She stated she would suggest more review of this item before the ordinance was passed.

Sergeant Murphy stated that currently the misuse of ATV's could only be addressed when a private property owner contacted the Sheriff's Office. She stated there was a benefit to posting "No Trespassing" signs on private property because it gave more impetus when a fine was imposed. She stated the taking of pictures of violators could be helpful in court. She advised that her biggest concern with the ordinance was the liability.

Gerald Kinghorn advised it might be a good idea to require that ATV's have liability insurance before they could be registered with the City.

Sergeant Murphy stated that creating definition through an ordinance would increase the Sheriff Department's necessity for response. She indicated she would like to set a precedent at the beginning that ATV users should comply with all rules. She recommended there be a trial period to see if the ordinance would work or if it would bring up problems not anticipated.

David Blackburn asked how the Sheriff's Office was set up to respond to an accident on an ATV trail.

Sergeant Murphy stated that could get complicated; however, she indicated there are available on an occasional basis some ATV's through the Search and Rescue Unit. She expressed her concern about getting vehicles to accident sites.

Linn Strouse asked if an ATV club might be able to aid in this concern.

Sergeant Murphy stated that that type of aid would have to be set up under very strict parameters to prevent people from behaving like law enforcement and not having the necessary skills.

Linn Strouse asked the residents of Lake Mountain Road if they understood the land areas set out in the map.

Bonnie Jeppson stated they were aware of the areas involved; however, their real concerns were about those persons who drive up their driveways to get to the BLM land. She indicated their property was posted, but ATV riders tear down the signs or shoot at them. She stated she thinks the ordinance would not keep irresponsible ATV users off private property. She indicated there were trails throughout the cedar trees and people naturally follow those trails and do not consider whether they might be on private property.

Linn Strouse recommended that the private property owners continue to notify the Sheriff's Department every time there is an offense.

Linn Strouse asked Sergeant Murphy what she would consider to be a fair trial period for this ordinance.

Sergeant Murphy recommended the trial period last through the end of fall 2004.

Gerald Kinghorn stated it was imperative that good signage be provided everywhere to notify all ATV users of the trails.

Marcie Taylor, resident of Lake Mountain Road, recommended that the map be color coded to clearly show the restricted areas.

There was a discussion regarding the registration fee of \$50.00 for the first year being too high. It was recommended that local residents pay a \$10.00 registration fee per vehicle and non-residents pay a \$50.00 registration fee per vehicle.

This item was tabled.

13. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (for the purpose of including a registration fee for off-road vehicles):**

This item was tabled.

14. **Consideration and Approval of Time Extension for Telecommunications Local Number Portability Requirement:**

MOTION: *Vincent Liddiard moved to approve the time extension for Telecommunications Local Number Portability Requirement for one year to May 25, 2005. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

15. **Final Plat and Development Agreement Approvals:**

A. Kiowa Valley Plat E

Adam Lenhard explained that this development was formerly known as South Pass. He stated the preliminary plat for Kiowa Valley, Plat E, was approved May 13, 2003 and provided information on lot numbers, lot sizes, and densities. He addressed the conditions that had been discussed with the developer.

Scott Kirkland advised that the side yards had been increased to seven feet per the Planning Commission recommendation.

MOTION: *Mark Madsen moved to approve the Final Plat and Development Agreement for Kiowa Valley, Plat E, subject to staff recommendations: 1) Water Rights – that the correct water right information is supplied for verification; 2) Fee in Lieu – that the Development Agreement states that the applicant pays the fee in lieu for the parks requirements and that the open space is identified for the project; 3) Storm Drainage – that gabion baskets are installed prior to entering the road; that additional engineering calculations are provided to demonstrate that the erosion protection measures are adequate; and 4) Elevations – that elevations are shown at 25-foot intervals; acknowledging seven feet side set backs; and Exhibit B be changed to propose black mailboxes. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

David Blackburn addressed the requirement for homeowners to install brown mailboxes. He stated resources for brown mailboxes are limited and recommended that the mailbox color be changed to black.

B. Showdown at Eagle's Gate Plat A (formerly known as Eagle's Gate Plat B)

Adam Lenhard presented information on this development. He explained the conditions of approval and stated the developer was willing to meet those conditions.

Scott Kirkland advised that the Ranches was getting new builders who were willing to “do some nicer things” and shared some background information on the builders. He stated that the developer/builder would install the golf course fence. He indicated that the builder would also install privacy fence against the Centex homes to separate the subdivisions.

MOTION: *David Blackburn moved to approve the Final Plat for Showdown at Eagle's Gate, Plat A, subject to staff recommendations: 1) Timing of Improvements – that the off site improvements to be constructed are called out on the plans; that improvements in Plat E are shown as existing but have not been constructed; 2) E-files – that e-files be received for the civil and dry utility plans; 3) Feeder Line – that the electrical plan receives a feeder line approval from the City's Electrical Engineer; 4) Telecommunications Plans – that the channel bank assignment for the subdivision is identified and fuses are installed for all channel banks that will be used (telecommunication plans); 5) Signage Plan – that the landscaping plan signage conforms to the signage called out in the construction drawings; and 6) Landscaping – that the lawn area in the roundabout is required to have an impervious liner and drain to the storm water collection system, and five feet side lot setbacks. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nay: 0. Motion passed.*

MOTION: *Vincent Liddiard moved to approve the Development Agreement for Showdown at Eagle's Gate, Plat A, and to change the mailbox color requirement to black. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

16. **Final Plat Approval:**

A. Spring Valley, Plat A

Shawn Warnke stated that Spring Valley, Plat A, had been before the Planning Commission and received approval. He explained the concern of the Planning Commission was the view of the

subdivision from the main corridor to Eagle Mountain City. He stated the Planning Commission recommended the developer change the landscaping plan to increase the berming along SR 73.

David Blackburn asked to see drawings of the planned elevations.

Scott Kirkland, the Sage Group, presented drawings of the plans for Spring Valley. He discussed the process of meeting the recommendations from the Planning Commission and stated those recommendations were: 1) preserving a view corridor to the golf course; and 2) providing golf course fencing (wrought iron) on the highway, open rail fencing bordering the project for aesthetics, and privacy fencing around the buildings. He stated that all fencing and landscaping would be installed jointly by The Sage Group and the builder, Highland Homes. Mr. Kirkland stated this subdivision contains step-up town homes. He explained there would be an internal eight-foot trail system.

Linn Strouse asked if this trail system could connect to other trail systems in the future.

Mr. Kirkland stated that would depend entirely on future approvals. He provided drawings of the elevations and explained that the units would be 100 percent stucco, with some cedar and stone,

Gerald Kinghorn asked Mr. Kirkland about road connectivity, which Mr. Kirkland explained. Mr. Kinghorn reminded Mr. Kirkland that the City had not yet received the Development Agreement.

Mark Madsen asked about provisions for restricting storage of items in the backyards and hanging items on the railings. Mr. Kirkland stated these items would be addressed in the CC&R's.

MOTION: *Mark Madsen moved to approve the Final Plat for Spring Valley, Plat A, subject to the following staff conditions: 1) Easements – that an easement for the off site sewer line is submitted; that easements for the off site for the sewer and water through future phases be shown; 2) Dry Utilities – that the location for the dry utilities be identified; 4) Vertical Curves – that k values meet ASSHTO requirements; and 5) Trail Width – that trails be upsized to eight feet in width. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Mayor Bailey returned to Item 12.

17. Development Agreement Approval:

A. The Woods, Phase 1

Mayor Bailey stated this had come to Council for approval previously; however, the bonding letter and water rights were not available at that time. He indicated both items had been received.

MOTION: *Mark Madsen moved to approve the Development Agreement for the Woods, Phase 1. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

18. Report and Recommendation on Sundance Homes Claim:

Gerald Kinghorn advised that Council should entertain a motion to approve the report and advise Sundance Homes that their claim had been denied.

MOTION: *Vincent Liddiard moved to approve the report and advise Sundance Homes that their claim had been denied. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

19. **Consent Agenda:**

Vincent Liddiard asked Mark Sovine to report on the cathodic protection maintenance and repairs completed on Well #2 on April 30, 2004. Mr. Sovine stated the well had received the contracted maintenance and repairs and was currently functioning as designed.

- A. Check Register April 2004
- B. Partial Payment Request
 - 1. Well #2 Cathodic Protection (PP No. 1), Lang Exploratory Drilling

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

20. **Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Potential Litigation**

No Closed Executive Session was called.

21. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable.

22. **Any Actions from the Closed Executive Session:**

None

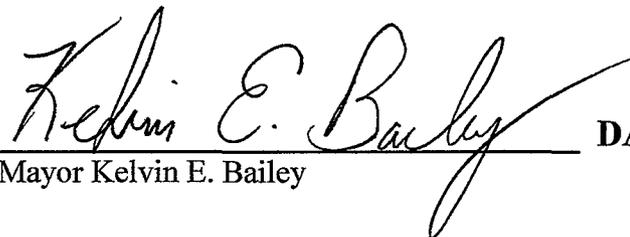
23. **Other Business:**

None

24. **Adjournment:**

Vincent Liddiard moved to adjourn the meeting at 10:00 PM.

APPROVAL:

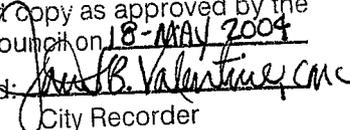


Mayor Kelvin E. Bailey

DATE:

5/18/04

This certifies that the minutes of
4-MAY 2004 are a true, full and
correct copy as approved by the
City Council on 18-MAY 2004

Signed: 
City Recorder

ATTACHMENT TO
EM CITY COUNCIL MTG MINUTES MAY 4, 2004**Shawn Warnke**

From: Snowman6@aol.com
Sent: Monday, May 03, 2004 10:58 PM
To: Shawn Warnke
Subject: General Plan

Shawn:

Here are a few comments about the proposed General Plan. I will not be in attendance on Tues. evening so I would hope this comments help.

Chapter 2

I liked the fact that you explain in the plan that the overlay of the trans/land use is not hard core and absolute, this allows for the needed flexibility and allows the PC and CC room to maneuver land uses to fit the needs and wishes of the community.

I realize that transitioning will be a hot topic and I don't think you can ever totally avoid it but this seems to be explained well and I know the DC will more clearly define this potential problem.

Just a comment about the airpark. I know that there is currently a sunset clause that disbands the airport Planning Commission and revert control back to the Land PC. Just a thought. Do the 2 commissions need to be mentioned in the General Plan?

Ranches and Eagle Mtn Properties MDP State Trust Lands and Sliver Lake > Last paragraph, last sentence. I do not like the reference that previous administrations caused problems. This implies that decisions made in the past were wrong. While some on the current council agree with this statement, I don't feel this is constructive and in the best interest of the community to say the any past administration made mistakes. While we may not agree with their decisions they based those decisions on the information that they had at the time. Hindsight is always 20/20. I believe this could be construed as finger pointing.

Chapter 3

Thank you for not ruling out cul-de-sacs.

Chapter 4

Streets- Sidewalks are required..... would this also be applicable to country residential neighborhoods? I know this will be called out in the DC but does it need to be mentioned here in pasting?

Chapter 5 Housing

Accessory apt. While an ordinance might clearly define this better. Are there areas of the town that will not allow this use. Will we zone for this use with an overlay?

Chapter 6 Identity

I believe entryway and street-scape features should be mandatory and if a density bonus feature that weight be placed to almost always require an adequate feature. Should the entryways to the city i.e. East corridor require a stronger "look" in housing and commercial as EM will ultimately in some ways be defined but their entry areas?

Weed barriers **MUST** be required. This will save the city money in the long run and must be a certain "mil" and type as per the city engineer.

Add word- strongly for water-wise landscaping.

Chapter 7 open spaces:

I believe that the city cannot afford to miss out on the ground floor of acquiring open space. Many cities regret and expend millions to gather open space at a later date. Even if the space has no water or plans and it just sits for several years it will be very valuable for future generations.

All in all I found the plan to be inline with what I believe the citizens of the community have asked for. Thanks for all you hard work and sorry this may be getting to you at this late date.

Thanks

Diane

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, UT 84043
Tuesday, May 18, 2004

WORK SESSION – No Action or Minutes Taken – 4:00 PM to 6:30 PM

1. Consent Agenda
2. Review and Discussion of the Proposed Budgets for Fiscal Year Ending June 30, 2005, Hearing Date, Schedule for Adoption and Approval
3. Discussion on Amendments to the Development Code regarding Signage and Home Business Licenses
4. Discussion on the Alignment of Airport Road
5. Discussion on Revisions to Youth Council Ordinance and Advisory Board
6. Items as Outlined on the Policy Session
7. Other Business (this item was discussed after Item 2)
8. Adjourn Work Session 6:30 PM.

CLOSED EXECUTIVE SESSION

1. Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues, Potential Litigation and/or Public Safety

MOTION: *Vincent Liddiard moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety at 6:15 PM. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

2. Motion to Adjourn the Closed Executive Session

MOTION: *Diane Jacob moved to adjourn the Closed Executive Session at 6:53 PM. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, Davis Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen. Motion passed.*

Prayer by Invitation of the Mayor

The prayer was offered by Mark Madsen.

POLICY SESSION – 7:00 PM

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

Mayor Kelvin Bailey called the meeting to order at 7:04 PM.

City Council Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

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

Others Present: Leah Woodard and Sherry Gallagher, Sports Board; Janiece Sloan and Charlotte Ducos, advisors to the Youth City Council; Marcie Taylor, Jennifer Edwards, Jody Hooley, residents; Cheryl Johnson, Victoria Cramer, Holly Hardy, Kirsten Harris, Friends In Need Animal Shelter; Jeremy Evans and Jacob Weber, returning military personnel; Cindy Arnold, Mr. Rock, school choir from Pony Express Elementary School; Angela Cox, Planning Coordinator and Business License Representative for the City; Scott Hazard, developer; Isaac Patterson, developer.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Mayor Bailey.

3. **Approval of City Council Minutes (April 20, 2004 and May 4, 2004):**

MOTION: *Diane Jacob moved to approve the Minutes for April 20, 2004. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

MOTION: *Linn Strouse moved to approve the Minutes for May 4, 2004, subject to the insertion of her comments on page 7 to clarify for the general public that the Land Use Map and Future Transportation Corridors were legal requirements. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed. Since Diane Jacob was not present at the May 4, 2004, meeting, she abstained from the vote.*

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

A. Update to City Council on Eagle Mountain Recreation and Events Division

Leah Woodard, Recreation and Special Events Director, reported that spring soccer and the three-year-old soccer camp were complete and were both very successful. She stated registration for fall soccer was in progress with the anticipation of approximately 400 participants. She advised that baseball started the previous weekend. She reported that the City parks are in good shape and that a discussion with Jeff Weber, Public Works Department, disclosed that Pony Express Park should be available for use by fall. Mrs. Woodard explained that the sports committee was discussing the possibility of starting an adult flag football league in the fall and adult scrimmage soccer that would not be a league but would be held one night a week.

Sherry Gallagher, Sports Transition Team Equipment and Facilities Coordinator, advised that adult flag football had been going on in the City for approximately two years. She stated the Sports Transition Team was in the process of locating a field that would provide the appropriate facilities for flag football.

David Blackburn asked if there was a cutoff date for soccer registration. Mrs. Woodard stated that registrations would be accepted until around July 16 and that there would be no late fees or early fee discounts.

B. Governor Olene S. Walker declares the week of June 12-19 as Utah Military Appreciation Week

Mayor Bailey read a resolution from Governor Walker declaring June 12-19 as Utah Military Appreciation Week. A copy of the Resolution is filed with the Minutes. Mayor Bailey stated that Eagle Mountain City would also recognize the same week as Military Appreciation Week.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

This item was discussed after Item 10.

Marcie Taylor, resident of Lake Mountain Road, addressed the Council regarding the Friends in Need Animal Shelter. She expressed her hope that the Council would consider that the shelter was set up before it received a permit. She explained that she and her neighbors on Lake Mountain Road have enjoyed their quiet surroundings; however, she stated, "We don't mind and we've never said we have minded this being here and I would like that to be publicly note because of the accusations made against us on the Channel 4 News that made the neighbors that they don't even know or know who or what has done with no proof or no evidence shown to anyone of us what we were accused of doing. To me this is an insult, it is slander, and I think they need to be very careful the way they point the fingers at those living around them that they don't even know, where we've all been here all these years." She stated the decision of the Council would set a precedent to invite other businesses who want to come into the City to "just move in, set up, and then come. If we want structure here, it needs to be done in the rightful way." Mrs. Taylor stated, "We know the areas that you all live in are very carefully looked at, considered what goes in, what's put in because of your property values, cause of what might affect you, and I'm just hoping that you will really look at this matter so we can get this over with and all go on for a better future."

Mrs. Taylor stated the City should be careful with the registration fees imposed for ATV registration and not make them too high. She stated the proposed ATV ordinance should provide protection to residents of Lake Mountain Road from persons riding ATV's on their private property.

Jennifer Edwards, resident of Lake Mountain Road, expressed her concerns regarding the safety issues presented by the dogs being housed at the Friends In Need Animal Shelter. She stated she and her daughter had to jump into their truck a few weeks ago to prevent being attacked by one of the dogs being walked by a "kid." She referred to the conditions already imposed on the shelter that were not being enforced, specifically dogs out after curfew, the number of dogs, etc.

Jody Hooley, resident of Lake Mountain Road, presented photos taken of dogs at the shelter being out after curfew and a list of calls made to the City regarding violations of conditions. She asked the Council to carefully consider prior incidents where conditions have been violated.

Mrs. Hooley asked about plans for a left-hand turn lane onto Lake Mountain Road off the new Pony Express Road. The Council explained that there would be a left-hand turn lane provided. Mrs. Hooley expressed her appreciation for the time the Council had taken to make a decision on the Friends In Need Animal Shelter.

Cheryl Johnson, Friends in Need Animal Shelter, addressed some of the concerns mentioned previously and brought to her attention by the Sheriff's Office. She stated in the incident with Mrs. Edwards mentioned above that the dog was not out of control but was being run by a young man and the dog never left the road.

Victoria Cramer, attorney for Friends in Need Animal Shelter, advised she had submitted her opinion to the Council. She expressed her concern that allegations, mostly based on unproven complaints, should have to be substantiated in order to impose some of the recommended conditions. She referred to the conditions that the dogs cannot be out between 6:00 PM and 7:00 AM and stated there is no evidence to prove that if the dogs are outside until 7:00 PM there would be any harm done. She asked why there was a limit of three to four dogs and not five. She also inquired why Mrs. McDonald would not be allowed to have horses on her property. Ms. Cramer referred to the efforts of Mrs. McDonald to provide shelter for the dogs and stated the shelter could become a thing of pride for the community.

Holly Hardy, volunteer for Friends In Need Animal Shelter, stated the shelter performs a "noble cause" by taking care of dogs. She agreed that the rules should be followed but that issues should not be blown out of proportion.

Kirsten Harris stated that she and her little sister volunteer at the shelter to walk dogs. She advised that big dogs need to run and might look like they are out of control when they are not. She stated the dogs are friendly and like to play, and she does not feel any of the dogs would attack a human.

8. Council Comments:

Linn Strouse referred to the comment made during Public Comment that Council members only care about their own particular areas. She stated she hoped nobody believed that statement. She explained that her record shows that she cares about all the citizens and goes above and beyond her duty in every area of the City.

Mayor Bailey moved to Item 12.

9. Recognition of Military Service:

This item was discussed after Item 11.

The Mayor explained the program started by the City to honor returning military personnel. He presented Certificates of Appreciation to Jeremy J. Evans and Jacob M. Weber and their families.

10. Musical Performance by the Pony Express Elementary School Students:

Mayor Bailey introduced Cindy Arnold, music teacher, Mr. Rock, 4th grade teacher, and the students from the Pony Express Elementary School who performed two patriotic songs.

The Mayor thanked Ms. Arnold, Mr. Rock and the students for their performance.

Linn Strouse asked for all those who had served their country in any war to stand and be recognized.

The Mayor moved to Item 7.

11. Eagle Mountain City Youth Council Presentation:

This item was discussed after Item 6.

Janiece Sloan, advisor for the Youth City Council, addressed the City Council to advise that the Youth Council and some citizens met at City Hall on Thursday, May 13, to discuss the foundations of American government and duty to our country. She presented a pocket-size copy of the Constitution to the Council

and staff and challenged them to read and study the Constitution and the Declaration of Independence. She stated she would like to see Eagle Mountain City celebrate Independence Day by having a public reading of the Declaration of Independence as was done in towns many years ago. She read and presented a framed copy of a Constitution pledge as a gift from the 2003-2004 Eagle Mountain Youth City Council to be hung in a conspicuous place. She recommended that the City officially designate September 17 each year as Citizenship Day to commemorate the signing of the Constitution of the United States which occurred on September 17, 1787.

Mayor Bailey thanked Janiece Sloan, Charlotte Ducos, and the members of the Youth City Council for their hard work and dedication.

Linn Strouse also expressed thanks to Wendy Baggaley, Shane Gallagher, and several others who have supported the Youth Council.

Mayor Bailey asked Charlotte Ducos to contact Gerald Attorney regarding revisions to the Youth Council Ordinance.

Charlotte Ducos, advisor to the Youth Council, presented a packet to the Mayor and Council showing a concept plan for a skate park in the City. She stated the Youth Council previously met with the Planning Commission and City staff concerning the skate park, discussing sites and possible sources of funding. Mrs. Ducos presented a financial update to the Council and stated that the Youth City Council was doing all they could to become self sufficient and advised that the Youth Council would be holding a fund raiser at Pony Express Days. She explained the revisions being recommended to the Youth Council Ordinance to be presented at a later date. Mrs. Ducos read her official resignation as an advisor to the Youth City Council stating personal reasons, copy filed with Minutes. She stated that Christine Ishmael and Wendy Baggaley had agreed to stay on as advisors to the Youth City Council and recommended they be officially appointed by the Council.

Linn Strouse expressed her appreciation to Charlotte Ducos for her efforts with the Youth City Council and thanked her for the talents and skills she brought to her position. Ms. Strouse referred to the upcoming changes planned for the Youth City Council Ordinance which were tailored to meet the unique qualities of Eagle Mountain City.

12. **Appeal of Planning Commission's Action regarding a Conditional Use for the Friends In Need Animal Rescue Center:**

Discussed after Item 8.

Mayor Bailey stated that the Council had reviewed this case based only on the facts submitted.

Gerald Kinghorn explained that the appeal of the Friends In Need Animal Rescue Center was heard by the City Council earlier, that the appeal was deliberated and voted on at that time. He read the decision.

"The decision of the Council is as follows: The decision of the Planning Commission of Eagle Mountain City is sustained, with the following revisions, modifications, and additions:

"Condition No. 2 is revised to read, The number of dogs permitted in the existing facility is limited to a total of nine. The existing animals may remain at the facility until the number is reduced by attrition to a total of nine. After the number is reduced to nine, no more dogs shall be allowed in the existing facility. When the proposed facility is completed, no more than 30 dogs will be allowed.

"Condition No. 6 stating, 'No dogs are outside between the hours of 6:00 PM and 7:00 AM,' is deleted.

"Condition No. 7 is revised to provide that only the horses owned by the applicant are allowed to be kept on the property. No horse boarding is allowed.

“Condition No. 8 is revised to allow six dogs allowed outside at one time.

“Condition No. 13 is revised to provide for liability insurance in an amount comparable to similar facilities in other areas.

“The following additional conditions are supported by the record: 1) No dogs are allowed outside unless fitted with a working bark collar to prevent nuisance barking; 2) the applicant shall obtain a kennel permit from Eagle Mountain City within ten days after kennel permits are available from the City, which will include a prohibition on the burial of dogs on the property; 3) all dogs must remain on the property of the applicant and shall be kept on a leash under the control of a person over 18 years of age when outside the fenced area; and 4) all construction on the property shall be submitted for architectural review to retain the existing residential character of the property.”

MOTION: *Linn Strouse moved to approve the decision, as follows: The decision of the Planning Commission of Eagle Mountain City is sustained, with the following revisions, modifications, and additions: 1) Condition No. 2 is revised to read, The number of dogs permitted in the existing facility is limited to a total of nine, including rescue dogs and personal dogs. The existing animals may remain at the facility until the number is reduced by attrition to a total of nine. After the number is reduced to nine, no more dogs shall be allowed in the existing facility. When the proposed facility is completed, no more than 30 dogs will be allowed; 2) Condition No. 6 stating no dogs are outside between the hours of 6:00 PM and 7:00 AM is deleted; 3) Condition No. 7 is revised to provide that only the horses owned by the applicant are allowed to be kept on the property. No horse boarding is allowed; 4) Condition No. 8 is revised to allow six dogs allowed outside at one time; 5) Condition No. 13 is revised to provide for liability insurance in an amount comparable to similar facilities in other areas. The following additional conditions are supported by the record: 1) No dogs are allowed outside unless fitted with a working bark collar to prevent nuisance barking; 2) the applicant shall obtain a kennel permit from Eagle Mountain City within ten days after kennel permits are available from the City, which will include a prohibition on the burial of dogs on the property; 3) all dogs must remain on the property of the applicant and shall be kept on a leash under the control of a person over 12 years of age when outside the fenced area; and 4) all construction on the property shall be submitted for architectural review to retain the existing residential character of the property. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

David Blackburn recommended that Item 6, which was deleted, be fully listed in the motion.

Vincent Liddiard asked for clarification of Condition 3 shown under additional conditions asking if it meant that the dogs must remain on the shelter property. Mr. Kinghorn verified that that was a correct interpretation.

Linn Strouse asked why there was an age restriction for walking the dogs when the dogs were required to remain on the shelter property.

Mr. Kinghorn stated it was his understanding that the Council wanted to make sure the dogs were under control of someone who could physically control them. He stated the Council could change the age if they so desired.

Linn Strouse stated that her children had volunteered at the Humane Society when they were younger and were able to handle the dogs as long as they were on that property.

David Blackburn referred to the stipulation that the shelter be required to get a kennel permit from the City and asked what the City's time frame would be to make these permits available.

Gerald Kinghorn stated that there would be a proposal to amend the animal control ordinance to provide for two types of permits, a hobby breeders license and a kennel permit.

The members of the Council discussed the age requirement for those walking the dogs and agreed to an age of 12 years, knowing that if a dog got off the property the animal shelter would be in violation of the Conditional Use Permit.

Diane Jacob asked for clarification of the number of nine dogs being allowed on the property until the proposed facilities are built.

Gerald Kinghorn stated that the number of dogs permitted was limited to a total of nine, including rescue dogs and personal dogs. He advised that the number of dogs allowed when the facility was built would be up to 30 if the facility was designed to handle that number.

David Blackburn advised that this was not an easy decision for any of the Council members. He reminded everyone that the City took on additional expense to have manual transcription of the Planning Commission meeting minutes pertaining to this issue. He stated this would be a growing experience for all involved and there would be some who would not be happy with the decision.

Mayor Bailey stated that because of this issue, the new Development Code would hopefully eliminate this type of conditional use in the future; however, the new Code would not affect the animal shelter.

Vincent Liddiard expressed his appreciation to the Planning Commission for their diligent service to the community on this and many other projects. He reminded everyone that this was an appeal on the issuance of a Conditional Use Permit by the Planning Commission. He stated that any issues regarding enforcement, violations, etc., would be handled if they occurred in the future. He referred to a comment in the Planning Commission minutes from Commissioner Chris Kemp on January 27, 2004, stating: "There's also a process for them to appeal any review or any decision by the Planning Commission as well. That appeal process would go to the City Council. The decision you should make should be based upon findings of fact relevant to those types of health, safety and welfare." Mr. Liddiard stated this was the guide he used in making his decision.

Diane Jacob echoed Mr. Liddiard's comments. She commented she would have liked to see Condition 6 remain intact.

Vincent Liddiard stated he felt a dusk to dusk time period for Condition 6 might have been appropriate due to the residential character of the area.

Gerald Kinghorn stated the decision would be written up and presented to the Friends In Need Animal Shelter.

13. **Consideration and Approval of Alpine School District Request for Waiver of Impact Fees on the New Eagle Valley Elementary School:**

Mayor Bailey explained this item was brought up because of the prior impact fee waivers given to the Ranches Charter School and the Pony Express Elementary School. He stated the City had received a similar request from the Alpine School District to waive the impact fees for the new Eagle Valley Elementary School.

MOTION: *Mark Madsen moved to approve the request from Alpine School District for a waiver of impact fees on the new Eagle Valley Elementary School. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Vincent Liddiard asked what the final value of the specific waived fees would be, and Mayor Bailey asked Corey Walker to prepare those numbers.

Diane Jacob suggested those figures should have been provided to Council before a decision was made. She stated she would have liked to see the staff recommended figures included in the Council packet and requested that this type of information always be included in the future.

David Blackburn advised that the fees had been discussed at a previous meeting and the decision was made at that time to give the same consideration to the new Eagle Valley Elementary School.

14. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Requiring the Registration of Off-Highway Vehicles and the Regulation of Operation of Off-Highway Vehicles on the Streets and Roads of Eagle Mountain City:**

The Mayor explained there had been discussion on this subject at the previous Council meeting and that suggestions had been incorporated into the ordinance. He explained that the suggestion of issuing permits to non residents was dismissed so as not to encourage non residents to use the City streets and trails since this ordinance was proposed as an amenity for the residents of the City. He said the ordinance proposed a \$10 annual fee and a \$50 one-time fee on each machine to cover the initial costs to set up signs designating trails and to provide brochures showing trails and directions to reach BLM land. He explained that this fee could hopefully be eliminated as those costs were covered.

Diane Jacob asked why the proposed map was not included in the packet.

Shawn Warnke stated the map was produced as a working map to show the staff which property owners the City would need to work with in producing a final map.

Mayor Bailey stated the map was not a defined finished trail map. He stated that even if the ordinance were adopted it would not become effective now because the City would need time to order signs, set up the designated ATV areas within City Limits, and work out clearance with landowners. He stated the map could change depending upon need and that the ordinance was not conditioned on the map.

Diane Jacob asked if the City had talked with the BLM regarding use of ATV's on their property and who would be responsible for the scarring caused to the land since the dirt and flora are very sensitive. She expressed concern that this ordinance might cause an increase in illegal ATV's which are very difficult to track by law enforcement officers and private residents.

Mayor Bailey explained that the City was not trying to control what happens on BLM land.

Mark Madsen asked if there was a budget to cover the cost of the trailhead markers, flags, etc. and if there had been any information gathered regarding costs.

Mayor Bailey stated that staff had determined the initial set up charges would run between \$4,000 and \$5,000 and that the recommended \$50 fee per ATV would be used to cover those charges.

Mark Madsen asked if there was a business plan set up to show that the \$50 fee would cover all set-up expenses.

Mayor Bailey stated the City anticipated there would be 100 registrations the first year. He indicated that if there were other expenses, the one-time fee would be continued.

Mark Madsen stated that the City should be certain that costs would be covered. He suggested there be a sign up of persons interested in registering to determine the amount of interest in this plan. He stated this would be a good indicator of the amount that would need to be set for an initial fee.

The Mayor recommended the ordinance be tabled and that the City conduct a survey to determine the interest in this plan.

Vincent Liddiard recommended that, since the City was sponsoring this program, the fee for the first year be \$75, with a renewal fee of \$25, to help cover the increased costs for public safety. He stated that the increased costs should be paid for by those who would be participating in the ATV program. He expressed his concern that the City would not be able to respond properly to emergency calls because there are no law enforcement vehicles readily available to cover such terrain.

Mayor Bailey stated that law officers would only be enforcing the ordinance within City limits.

Vincent Liddiard referred to the ordinance and stated it skips from Section 1 to Section 3, with no Section 2. He recommended that in Section 7 the "20" miles per hour be changed to "10" miles per hour on City streets and that the fees in Section 12 be raised to \$50 for the first violation, \$75 for the second violation, and \$100 for the next.

Linn Strouse stated she was surprised to find out how many residents own ATV's and had received many inquiries regarding ATV trails. She indicated that those residents stated that as responsible ATV owners they were embarrassed by the behavior of some ATV riders in the community. She advised that residents had indicated they would be willing to pay higher fees to cover the costs mentioned above so they could have trails on which to ride. She asked about the reference in Section 3 to City residents only and wanted to know what would happen to visitors who wanted to ride ATV's in the City.

Mayor Bailey stated the visitors would have to ride ATV's registered to residents in the City.

The Council discussed the idea of issuing one-day passes to non residents and determined this could create problems and should not be considered.

Linn Strouse referred to Page 3, Section 8, of the proposed ordinance and asked how those restrictions would be measured.

Mayor Bailey responded that if the driver of an ATV did not stay on the trail he would be in violation of the items listed in that section. He explained that the intent of the ordinance was to provide specific routes for residents to ride ATV's through the City to designated trails outside of the City.

Linn Strouse stated that the regulations in this ordinance would provide good safety standards.

This item was tabled.

15. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule for the Purpose of Including a Registration Fee for Off-Highway Vehicles:**

This item was tabled.

16. **Consideration and Approval of Recommendation to Provide for Maintenance of Meadow Ranch East Entrance:**

Korey Walker explained that he met with residents/landowners at Harvest Haven to present the alternatives discussed by the City Council at the previous meeting. He stated the landowners were concerned about the alternatives; however, two of the landowners were fairly agreeable to the ideas from City Council. Mr. Walker advised that the landowners submitted their proposal requesting: 1) the City pay for 38 percent of the maintenance cost for the City's portion of the berm; 2) the City pay for watering all of the berm; 3) the City pay for the maintenance of the sprinkling system, keeping it as one system; and 4) the City pay to replace all the dead trees on the berm in the area south of Short Road. Mr. Walker stated the landowners requested that the Meadow Ranch HOA maintain the remaining 62 percent of the berm, using monies from the City and the balance from the HOA. He stated the landowners were not interested in having the property deeded back to them. Mr. Walker stated that the homeowners felt they had done their part when they gave the property to the City and had not received anything in return.

Mr. Walker further explained that the landowners stated that if the above suggestion did not meet the approval of the Council, that the City: 1) deed back the portion of the berm for Lots 142, 143 and 144; 2) appraise and pay for the land on Short Road between SR 73 and the berm; 3) pay for all the watering, maintaining the sprinkling system to keep it as one system; and 4) replace the dead trees, fixtures, and any other problems before the berm is turned over to the landowners.

Korey Walker stated he had advised the Mayor of these ideas and was told to present two other alternatives to the landowners: 1) the City would put meters on each side of Cyril Watts berm and on the entryway monument on SR 73 to separate the watering systems; and 2) the HOA maintain the City side of the berm and the residents maintain their part of the berm.

Mr. Walker stated that the Mayor advised that if that idea was not acceptable, the City deed the land on the south side, which is the 38 percent, to the residents and provide the water right needed for that side. He said the City could then separate the meters to provide one for the berm, one for the landscaping on SR 73, and one for Cyril Watts.

Gerald Kinghorn stated the City could provide the water right because that was constitutionally prohibited. He stated they could continue to purchase water on the water rights they previously submitted.

Mr. Walker stated he presented these options to the Harvest Haven residents. He advised that Harry Bonnell expressed frustration with the proposal because it offered no recognition of their willingness to deed the land over to the City. Mr. Walker stated that the Thompsons were fine with the original recommendation but they were concerned because they would lose some of the things they had received in the past.

Mayor Bailey asked Mr. Walker if he had emphasized to the residents that for five years the berm had been taken care of and had been designed, built and landscaped at no cost to them. He asked Mr. Kinghorn to explain the lack of any agreement on the berm.

Mr. Kinghorn advised there had been no agreement on the berm. He stated there were a number of proposals made that were never reduced to writing. He stated that the berm was actually built as part of a project in the Ranches to spruce up the area and accommodate the privacy of the residents of Harvest Haven. He indicated that the berm was built on City property, but the City never approved any construction plans, a project was never brought in and displayed to the City Council as is commonly done, and an agreement was never proposed to the City. He stated that former Mayor Hooge talked to the Harvest Haven residents about an agreement a couple of times, but an agreement was never brought to the Council for approval.

Mayor Bailey asked the Council to consider the suggestions mentioned above and reminded the Council they should not commit the City in a way that might cause future problems with citizens expecting the City to maintain other areas of the City.

Diane Jacob asked if the City would still need to separate the systems if the City deeded the property back to the residents with an allocation of water rights.

Korey Walker stated the City would have to separate the system into four meters so the property owners would be billed properly.

Diane Jacob asked what would prevent a property owner from not watering their property, and Mayor Bailey stated that would be their choice.

Mark Madsen was concerned that the Meadow Ranch HOA was an innocent party in this matter because they had no part in the berm being built and yet they were being asked to maintain it. He recommended that the City maintain the portion owned by the City, that the water be separated by individual meters, and that each property owner maintain his portion of the berm.

Linn Strouse stated that one of the problems from the many conversations she had had was that at that time Carl Allred was an intermediary for the landowners who negotiated the building of the berm and there was a possibility that there were things lost in going back and forth between different parties involved. She asked if Cyril Watts, one of the homeowners, was a member of the City Council at that time. She was advised that he was a previous member of the City Council but may not have been on the Council during that time; however, Mayor Bailey indicated Mr. Watts had not shed any new light on this subject.

MOTION: *Mark Madsen moved to meter all property separately, leave the ownership as is (the City owns its property and the individual property owners own their property), the City waters its property and maintains its property, sparing the HOA, and that the other individuals are responsible for watering and maintaining their property, with the stipulation that if any documentation comes to light showing an actual agreement, that this item would be readdressed. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse stated she would like to add a stipulation that if by some chance any documentation comes to light showing that there was any actual agreement, that this item could be readdressed.

Mark Madsen stated that unless a written document was produced, there would be nothing to change the findings of the Council; however, he agreed to place Linn Strouse's stipulation in the motion.

Mayor Bailey asked Korey Walker to notify the residents of Harvest Haven of the decision of the Council and to inform Mark Sovine of the meter changes that needed to be made and the requirement to maintain the City portion of the berm.

David Blackburn recommended that the residents receive a written copy of the decision of the Council.

The Mayor asked Linn Strouse to get in touch with Dave Cast, Meadow Ranch HOA, and inform him that the HOA needed to replace the sod they removed on the berm and replace the sprinkler system they damaged.

17. Parkway Crossroads Approvals:

A. Consideration and Approval of Disposal and Acquisition of Public Property

Adam Lenhard explained the issues that were up for discussion on this project. He stated the City had received an amended site plan for the retail building and that the developer had requested approval to subdivide the whole development. He stated that the City would have to consider the disposal of public property and explained the area involved, indicating that the developer was requesting a land swap of parcels since the City was presently encroaching on the developer's property. He advised that the parcel owned by the City was considered "insignificant" and that it would be in the best interest of the City to approve the disposal of this property and the acquisition of the developer's property. He stated that the Council could set a processing fee for the disposal of property; however, since this would benefit the City, no fee would need to be imposed.

Adam Lenhard stated he did not want to gloss over the right-of-way issue and stated that any concerns could be directed to Korey Walker.

Korey Walker stated there were some utility lines underneath the City property which would require a utility easement. He stated the applicant had been advised that when the property was transferred that the City would need to retain the public utilities.

Scott Hazard, developer, stated the C-store pad, the bank site, and the car wash pad were not being considered at this time for the amended site plan. He explained that as his company sold pads or decided to build, he would come before Council with another site plan for that specific pad.

Mayor Bailey stated that the Council would only be approving the retail section and the subdivision with this motion.

Adam Lenhard listed the conditions on this approval: 1) that the developer grants easements for the utilities and that the boxes are relocated; 2) that the application fee be paid as determined by the City Council; 3) that the legal descriptions and water rights be verified by the engineer and attorney for both parcels to be swapped; and 4) that the disposal of this property was based on circumstances deemed to be in the best interests of the City.

MOTION: *Vincent Liddiard moved that the property is deemed insignificant. Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 - Diane Jacob. Motion passed.*

Diane Jacob explained that the right-of-way had been originally created at a 300 foot width to preserve the historical district for the Pony Express Trail. She further stated that the interior islands within Pony Express Parkway were set up to accommodate light rail service, if needed in the future. She expressed her concern about deeding 30 feet to the developer because of the negative affect that might have on future transportation.

Korey Walker stated that the right of way was originally 300 feet but had been narrowed to 206 feet. He indicated there was approximately 50 feet between the edge of the road and the edge of parking, which would allow enough space for another lane.

Diane Jacob asked if there would be sufficient room for an acceleration lane since Pony Express Parkway would become a major collector road.

Korey Walker stated there would be enough room for an acceleration lane.

Mayor Bailey recommended the light rail run along the north side of the road.

Korey Walker stated it would not be a valid plan to run the light rail down the middle of the road because of the turn lanes along the road.

Diane Jacob stated she was opposed to giving away right-of-way property.

Linn Strouse stated that Eagle Mountain is a community of a variety of lot sizes and that she did not foresee a community of small lots that would create high density. She stated that UDOT and MAG had withdrawn services from Alpine and other areas because they were not dense enough. She questioned whether the City would ever consider light rail because of the lack of population.

Mayor Bailey advised there would be sufficient room to add lanes even if 30 feet were deeded to the developer.

Diane Jacob said that there had been forethought when the right-of-way was first put in place and that the Council should not discount that forethought. She asked if there were another option for the developer such as lessening his parking requirements.

Mayor Bailey asked why there was still a concern when there would be sufficient space to widen the road and put in a light rail even if the developer was deeded 30 feet.

Diane Jacob stated that that space was part of the original open space in the Master Development Agreement and the Master Development Plan, and she was concerned that the City was giving away open space a little bit at a time and wondered where it would stop.

The Mayor asked Mrs. Jacob what would be a fair agreement for the developer since the City was encroaching on his property.

Diane Jacob stated the City could give the developer fair market value for the property and negotiate the parking requirements.

Korey Walker stated the City would not be able to change the parking requirements because the developer needed access into the retail site.

Diane Jacob stated she thought the swapping of the properties was short sighted and again expressed her concern that "insignificant space" would continue to be given away when open space was set aside for a purpose. She advised that the City should retain open space.

Mark Madsen asked how the citizens would benefit from having a patch of open space in this area. He asked if the space could be used by citizens for recreational activities.

Diane Jacob stated retaining this open space would provide a consistent right-of-way all along the road.

Mark Madsen asked when the original 300 feet was cut down to 206 feet.

Korey Walker stated that when the golf course was built around 1998 or 1999, some of the right-of-way on Ranches Parkway was lost.

Mark Madsen stated that there had been a change by a previous Council to reduce the right-of-way from 300 feet to 206 feet and that the current Council should deal with that reality.

Linn Strouse asked for clarification of a previous statement regarding the golf course and open space.

Korey Walker stated that the question had been asked if there was a consistent right-of-way, and he had advised that on Ranches Parkway the golf course had expanded into that right-of-way.

Linn Strouse asked if the expansion of the golf course had expanded the City's open space.

Mayor Bailey stated the expansion of the golf course had reduced the City's open space and expanded the golf course open space, but that the open space was still there.

Linn Strouse stated it appeared that the community had gained open space; however, Mayor Bailey advised that open space had stayed the same but had changed hands.

Korey Walker advised that if the City deeded the 30 feet of open space to the developer, the remaining space would give room for four traffic lanes, a turn lane, and retention of the trail.

Vincent Liddiard asked the developer if he would be willing to make adjustments so that the 30 feet of property was not an issue.

The developer, Scott Hazard, stated that he proposed the plan the way he felt the development would work best. He advised that the City was not losing open space but was swapping it for another area. He stated he did not want to lease or use the 30 foot property but wanted to swap it.

David Blackburn stated he was voting aye on this motion “because we made the mistake and encroached upon property, we have to pay the price in this case, and it’s a lesson to us so we won’t do that in the future.”

MOTION: *Vincent Liddiard moved to dispose of the property that has been found to be insignificant and acquire the property that has been tendered by Scott Hazard, with the conditions recommended by the staff, and to waive the fee. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

B. Consideration and Approval of the Final Plat

Adam Lenhard explained that now that the condition of final approval for the land swap had been approved by the Council, that the surveys would have to be verified as a condition to approval of the final plat. He stated that the conditions on the amended site plan were: 1) Handicapped Stalls – that two handicapped stalls are located “pad site,” that the handicap stalls are to be clearly marked with sign posts displaying the international symbol for accessibility, that the handicap stall be ten feet in width with five-foot-wide aisle; 2) Berming – that the landscaped berms shall be at least 3.5 feet (except in the clear vision triangle) in height and maintain a 2.5:2 slope; 3) Bike Rack – that a bicycle rack with four parking stalls be provided; 4) Utility – that revised utility demands are submitted; 5) Parking Stalls – that the parking stalls meet the City’s standards of nine feet by twenty feet, that landscaping is required to break parking stalls every 100 feet; 6) Traffic Calculations – that traffic calculations be revised for the proposed layout and land uses; and 7) Dumpster Orientation – that the dumpster is relocated from the intersection of Pony Express and Ranches Parkway, that the dumpster for the daycare is accessible, that there are concerns with the storm drain line being constructed under the dumpster enclosure.

Linn Strouse stated she thought the Council had seen this plan previously.

Scott Hazard stated the Council had seen the building in concept plan and explained the changes made by the developer.

Mayor Bailey left the meeting at 9:15 PM and assigned Mark Madsen to act as Mayor Pro Tem.

MOTION: *David Blackburn moved to approve the Final Plat for Parkway Crossroads, subject to staff conditions. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Diane Jacob stated she voted nay because she was opposed to the land swap.

C. Consideration and Approval of Site Plan Amendment

MOTION: *Vincent Liddiard moved to approve the amendment to the site plan, subject to the conditions on the staff report. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 Diane Jacob. Motion passed.*

Diane Jacob stated she voted nay because she was opposed to the land swap.

18. Consideration and Approval of the Final Plat for Eagle Village Town Homes Plats A – G:

Adam Lenhard explained the location of this final plat and stated that the preliminary plat had been approved approximately one year ago. He referred to the conditions of approval: 1) Easements – that Plats B and C have the required offsite utility easements recorded prior to recordation of these plats, that the offsite gas line that connects to the pressure reducer lateral to the north be contained in a recorded easement

(need to obtain an easement), that the existing irrigation line on the south side of the project be relocated in an easement prior to the issuing of permits; 2) Street Lights – that street lights are added at the entryways of the park and that they correlate between the civil and dry utility plans; 3) Buffering – that there is adequate buffering between this project (residential) and the ongoing agricultural operation to separate uses in accordance with the City's development standards - privacy fencing and major trees (trees with a spread of 30 feet at maturity) be placed every forty feet apart; 4) Park – that the proposed project meets the City's neighborhood park requirements for acreage, equipment, and trails, that the park area be constructed at fifty percent of the building permits being issued; 5) Fee – that the remainder of the application fee is paid in full; and 6) County Book and Page – that Plats D, F and G have the recorded gas line and storm drain showing (county book and page).

Mayor Bailey returned to the meeting at 9:20 PM

Isaac Patterson, developer, addressed the Council on the issue of perimeter privacy fencing. He stated he was planning to plant extra trees to provide shade, buffer the wind, and provide blocking from the other project. He stated this would allow a more open feel by not having perimeter fencing.

Mayor Bailey asked what type of fencing was originally planned for this project, and Mr. Patterson advised that vinyl privacy fencing had been planned.

Linn Strouse asked why that type of fencing had been required when it was not required for other townhouses in the City.

Shawn Warnke stated the current code lists different buffering requirements and the fencing requirement was placed because the project would be next to ongoing agricultural use with truck traffic.

Mayor Bailey stated that the truck traffic problem had been eliminated and should no longer be a concern.

Mr. Patterson stated it would be up to the Council to decide if the trees provided a large enough buffer.

Korey Walker stated that the property line on the southwest quarter would lie over the top of the present access to the sod farm, eliminating that entrance.

Gerald Kinghorn stated that the two property owners involved would have to work out that concern.

Mayor Bailey asked Mr. Patterson if he was aware of that problem and advised that he would have to deal with this issue.

Mr. Patterson stated he was aware of this concern and would work it out with the other property owner.

The Council discussed the use of trees versus fencing on the south side of the project, the types of trees planned, and the proper placement of trees for best buffering at maturity.

MOTION: *Vincent Liddiard moved to approve the Final Plat for Eagle Village Town Homes, Plats A-G, subject to conditions recommended by staff, and that the south side fence be removed in lieu of additional trees being planted per the landscaping design spaced not more than 20 feet apart. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard asked what the price range would be for the town homes, and Mr. Patterson responded that the prices would be between \$100,000 and \$110,000. Mr. Liddiard asked what amenities would be planned for the park, and Adam Lenhard stated the standard amenities would be included.

19. Consideration and Enactment of an Ordinance Amending the Eagle Mountain City Sign Ordinance:

Mayor Bailey stated this item had been discussed previously by the Council.

MOTION: *Vincent Liddiard moved to approve Ordinance No. O 11-2004, an Ordinance of Eagle Mountain City Amending Title 1, Chapter 19, of the Development Code pertaining to Sign Regulations and Sign Permit, with the change stating that City regulations apply on City rights-of-way and HOA's are not allowed the option of being more restrictive in these areas. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard stated that the passing of this ordinance did not override sign approval by a homeowners association. He encouraged staff to inform citizens that the City ordinance did not supercede the rights of the homeowners association which could pass more restrictive regulations but not less restrictive regulations.

Mr. Liddiard advised that some citizens see this ordinance as being rather lengthy and arduous for a small homeowner type of business and that he did not personally like this ordinance.

Mayor Bailey stated that the ordinance was written to provide clarity.

Mr. Liddiard recommended that the City work with business owners to make the process as easy to comply with as possible.

David Blackburn addressed the issue of HOA's having more restrictive policies and stated that to an extent that had been somewhat cumbersome and prohibitive to doing business in the City. He was concerned that the City would allow HOA's to have tighter restrictions when the business owner was paying the City for a business license

Mark Madsen advised that the HOA is a private contract which could not be encroached on by the City.

Mayor Bailey stated the HOA could only control signs on HOA areas and not on City rights-of-way.

Shawn Warnke stated that HOA's have adopted design guidelines approved by the City, which include signage.

Mark Madsen recommended that the ordinance be changed to show that City regulations apply on City rights-of-way and not allow an HOA the option of being more restrictive in these areas.

Linn Strouse recommended that citizens who are frustrated with their HOA get involved and make changes.

20. Consideration and Enactment of Ordinances:

1. Amending the Eagle Mountain City Business License Ordinance

Mark Madsen stated he was opposed to running background checks on business owners and would like to see the ordinance rewritten to be more business friendly.

Angela Cox, Planning Coordinator and Business License Representative for the City, reported to the Council regarding her research on background checks for business licenses. She stated her research included cities comparable to Eagle Mountain and other mainstream cities that are progressive and innovative. She advised that all cities are looking for better ways to complete background checks, especially for pre-schools since there is no state licensing available for these businesses that have small children in their care. She described the current process the City uses

to run background checks for free. She stated that cities are most interested in completing background checks on businesses that have access to financial records, that provide care for small children, or send repairmen into homes.

David Blackburn asked if the City would be liable if a crime were committed by someone holding a City-owned business license.

Mayor Bailey stated the City would not be liable under those circumstances and expressed his feelings that business licensing was unwarranted since a license did not make a better business owner.

Mark Madsen suggested that the City make business licensing optional, allowing businesses who want the legitimacy of a business license to acquire one.

Gerald Kinghorn stated there are some businesses that the City should want to regulate with licenses.

Mayor Bailey asked the members of the Council to submit issues and concerns with this ordinance to staff for consideration.

This item was tabled.

2. Amending the Provisions of the Eagle Mountain City Development Code regulating Home Businesses

Vincent Liddiard suggested that the staff consider ways to minimize fees for small home business owners.

The Mayor explained that the staff had determined the actual costs of administering the licensing process to be around \$42.00.

This item was tabled.

21. Consideration and Approval for the City to Pay the Delinquent Taxes on Red Hawk Ranch Park (now known as Nolan Park):

David Blackburn asked if the City would be in a bartering position on the delinquent taxes.

Gerald Kinghorn stated the City was not notified of these taxes until after the fact because tax notices had been mailed to the Ranches.

MOTION: *Vincent Liddiard moved to accept the recommendation of the staff in regards to a letter from Gerald Kinghorn recommending payment of delinquent taxes on Red Hawk Ranch Park (now known as Nolan Park). Mark Madsen seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

David Blackburn asked why the City had not been notified of this tax notice on a timely basis.

Gerald Kinghorn stated that Utah County refused to retroactively change the address and the owner on this plat even though it was clear that the plat recording changed the ownership on the plat.

Linn Strouse asked if the City could do anything to eliminate or lower penalties and interest.

Mr. Kinghorn stated the penalties and interest were as low as the City could get them.

Mayor Bailey asked if the City had any recourse against the Ranches for not forwarding the tax notices to the City.

Mr. Kinghorn stated there was no obligation for anyone to forward an erroneous tax notice. He also advised that there would be more tax notices forthcoming that the City would try to abate. The City would have to decide if it would be less expensive to fight the notices or pay them.

Janet Valentine stated that most of the tax problems occurred because Utah County interpreted the plats to show that open spaces would be dedicated to the City at a later date instead of when the plats were recorded.

Mr. Kinghorn stated the City changed the plat language to eliminate further problems.

22. Consider Adoption of Tentative Budget, 2004-05 Fiscal Year:

- A. Set Public Hearing date of June 15, 2004 at 7:15 p.m. or as soon thereafter as may be heard to reopen 2003-04 Budget
- B. Set Public Hearing date of June 15, 2004 at 7:30 p.m. to or as soon thereafter as may be heard to consider 2004-05 Budget

MOTION: *Vincent Liddiard moved to adopt the tentative budget for the 2004-2005 Fiscal Year and set a Public Hearing date of June 15, 2004, at 7:15 PM or as soon thereafter as may be heard, and to reopen the 2003-2004 budget at the same date and time. 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. Contract Change Order
 - 1. Sweetwater Road extension, 2004 (co no. 4), Terry Larson Excavating, Inc.
- B. Partial Payment
 - 1. Sweetwater Road extension, 2004 (pp no. 4), Terry Larson Excavating, Inc.

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

24. Consideration and Approval of Selection of Design Team for the Eagle Mountain Utilities Operation Building:

Korey Walker explained that three bids received for the design team for the Eagle Mountain Utilities Operation Building and recommended the project be awarded to Rimrock Construction for \$299,450. Mr. Walker stated this was a design/build project. He stated that if the Council approved the bid, an agreement would be sent to Mr. Kinghorn for approval, bonds would be received, and work would begin on the four phases of construction: Phase 1 - concept design, Phase 2 - approval process through the Council, Phases 3 and 4 - construction and acceptance of the building. He stated the anticipated completion would be October 1, 2004.

MOTION: *Diane Jacob moved to award the design/build project for the Eagle Mountain Utilities Operation Building to Rimrock Construction for \$299,450. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

25. Consideration and Approval of Changes to the Policies and Procedures Manual and the Employee Handbook to Clarify "Immediate" Family Members Covered Under Sick Leave:

The Council voted to strike the reference to "live in significant other" from the wording.

MOTION: *Vincent Liddiard moved to approve the modifications to the Policies and Procedures Manual and the Employee Handbook to clarify "immediate" family members covered under sick leave, with the exception that the words "live in significant other" are stricken from the document. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

26. Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues, Potential Litigation and/or Public Safety:

None

27. Motion to Close the Closed Executive Session and Reconvene in to Open Session:

Not applicable

28. Any Actions from the Closed Executive Session:

None

29. Other Business:

Diane Jacob asked if the City had a dust abatement policy with Evans Ranch.

Korey Walker stated that air pollution was governed and controlled by the State of Utah.

Gerald Kinghorn stated the State would have to be contacted so they could site the developer and require them to spray the area with water. He stated that agricultural lands are exempt.

30. Adjournment:

Diane Jacob moved to adjourn the meeting at 10:15 PM

APPROVED: _____

Mark B. Madsen

**Mark B. Madsen
Mayor Pro Tem**

DATE: _____

6/15/04

This certifies that the minutes of
18-MAY 2004 are a true, full and
correct copy as approved by the
City Council on 15-JUNE 2004

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

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, UT 84043
Tuesday, June 1, 2004

WORK SESSION – No Action or Minutes Taken – 4:00 to 6:30 PM

1. Consent Agenda
2. Presentation to Council regarding Citizen Corps, Kathy Hyde, Program Manager, Utah Commission on Volunteers and Presentation on Citizen Corps Grant, Sheila Curtis
3. Discussion regarding Agreement for Economic Development with U 'n Utah L.P.
4. Discussion on Budget for Fiscal Year 2004-2005
5. Discussion on Amendments to the Development Code regarding Lot Splits
6. Other Business
7. Adjourn Work Session at 6:44 PM

Prayer by Invitation of the Mayor

Gordon Burt offered a prayer.

POLICY SESSION – 7:00 PM

1. Call to Order - Roll Call:

Mayor Kelvin Bailey called the meeting to order at 7:13 PM.

City Council Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
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: Fionnuala Kofoed, Planning Manager for the City; Janet Frank and Blair Kent, Intermountain Health Care; Sheila Curtis, City Emergency Preparedness Coordinator

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Mark Sovine.

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

No Minutes were available for approval

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

Janet Valentine announced there would be a Public Hearing at the City Council Meeting on June 15 regarding the FY 2004-2005 budget.

Janet Valentine advised that the Primary Election would be held on Tuesday, June 22 and announced the three polling locations.

Mayor Bailey announced the Pony Express Days all-day activities on June 12. He advised that in conjunction with Pony Express Days there would be a family picnic at Camp Floyd on June 10 at 6:00 PM.

5. **Appointments:**

None

6. **Public Comment:**

None

7. **Council Comments:**

David Blackburn reported on his participation in the Utah Transportation Committee meeting held in Orem on Thursday, May 27. He stated the committee discussed the inter-regional improvements and suggestions. He stated the City's concerns regarding SR 73 were being addressed and that construction was underway on that road and will continue through to the Cedar Pass entrances. He advised he felt that the concerns for the other transportation problems would be accelerated by continued contacts with State representatives.

Linn Strouse advised she had all the Utah State Senator and Representative addresses on her email and recommended that everyone email her with their concerns so she could forward the information.

8. **Recognition of Military Service:**

None

9. **Presentation of Easy Beer Handlers Ordinance by the Utah County Department of Substance Abuse:**

Fionnuala Kofoed, City Planning Manager, referred to a previous Council meeting where representatives from Utah County discussed beer handler's permit requirements. She stated that Utah County was trying to get all retail businesses in the county to require that their employees have a beer handler's permit for the retail sale of beer. She advised that the City ordinance had provisions requiring any Eagle Mountain businesses selling beer to have a beer handler's permit. Mrs. Kofoed indicated that the County would require any retail sales businesses to get in touch with them to obtain the permit and that each individual working for the business who was old enough to sell beer would have to display their beer handler's permit. She advised that the County had requested that all cities in Utah County adopt an ordinance to require a beer handler's permit for anyone selling beer and to list the consequences if they were caught selling beer to underage drinkers.

10. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Regulating Persons Selling Beer:**

Gerald Kinghorn explained that this ordinance contained the agreed upon language worked out with the Utah County Health Department providing for the training and licensing of beer handlers. He stated he had modified the ordinance to fit Eagle Mountain City and advised that if the City wanted to participate in the beer handler's permit program, the Council should adopt the ordinance.

MOTION: *Mark Madsen moved to adopt Ordinance No. O 12-2004, an Ordinance of Eagle Mountain City, Utah Regulating Persons Selling Beer. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard asked how current businesses would be transitioned into compliance with the ordinance.

Gerald Kinghorn stated there would be a thirty-day period allowed to transition and that the County would provide applications to employees.

Fionnuala Kofoed advised that the City did not currently have anyone selling beer on a retail basis. She stated that the County would cover the costs of the training.

Mayor Bailey asked for verification that this ordinance covered beer only and not other types of alcohol, and Mrs. Kofoed affirmed this.

11. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah, Amending and Re-enacting Ordinance No. O 04-2002 Providing for the Organization of the Eagle Mountain City Youth Council:**

Mayor Bailey explained that this amendment would incorporate changes presented by the Youth Council to modify the ordinance and make it more functional for the organization.

Linn Strouse expressed some concern on the wording in Section 5.1, which stated, "to provide an opportunity for the youth of Eagle Mountain to acquire a greater knowledge of and appreciation for the political system through active participation in the system." She recommended that "political system" be changed to "our representative form of government." She also referred to Section 5.3.3 and questioned the wording regarding "to instill a feeling of positive self worth and esteem." She stated that self worth and esteem were accomplished by deeds and values and how those were incorporated into a person's life. She recommended that the wording be changed to "provide the opportunity for positive self worth and esteem through various activities."

Mark Madsen referred to the next sentence and recommended it be changed to read "to teach awareness of fundamental individual rights and respect for the rights and property of others." He stated it was important to know what your own rights are. He asked why ninth grade was shown at the cutoff for participation in the Youth Council.

Gerald Kinghorn responded that the original model ordinance had been adopted to make the City Youth Council the same as other city youth councils.

Mayor Bailey stated some of the Youth Council advisors had indicated it was difficult to work with youth who had not reached a certain maturity level.

Sheila Curtis advised that when youth councils were first organized, it was decided that age 14 was a more mature level.

The Mayor indicated that other youth councils organized State wide were operating with this age limit.

Sheila Curtis further advised that the Youth Council is a State wide program and the ordinance originated with the State.

Mark Madsen referred to Section 5.14.1 which appeared to limit participation to those attending government public schools. He stated this opportunity should be made available to all youth whether they were home schooled or enrolled in private or charter schools.

David Blackburn stated that Section 5.14.2 should also be changed so that notification of Youth Council activities and meetings would be available to all youth, not just those attending government public schools.

Mark Madsen noted that the ordinance limited the position of mayor to an eleventh grader; however, it stated that when the ballots were filed, a person could announce their candidacy and whoever received the greatest number of votes would be the mayor. He wanted a provision placed in the ordinance to prevent the possibility of a tenth grader not becoming mayor if he received the most votes. Mayor Bailey asked Mr. Madsen to note the recommended changes and forward them to Mr. Kinghorn, who would incorporate the suggested changes into the ordinance.

Mr. Madsen stated that the wording regarding election dates would have to be changed so that the youth council elections would offset general elections.

Linn Strouse stated she would also forward her suggested changes to Mr. Kinghorn.

This item was tabled

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

This item was tabled.

13. Consideration and Approval of a Resolution Amending the Official Eagle Mountain City Logo:

Chris Hillman stated that the marketing logo for the City was being presented for approval as the official city logo.

Diane Jacob asked if the new logo would be changed on the city vehicles, and Mayor Bailey stated that would happen as vehicles were replaced.

Chris Hillman stated the new logo would eventually be placed on street signs, plat maps, new letterhead, etc.

MOTION: *Vincent Liddiard moved to approve Resolution No. R 07-2004, a Resolution of Eagle Mountain City, Utah Adopting an Official Logo. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

David Blackburn asked if the entrance monument would be changed, and Mayor Bailey stated the monument would remain the same.

14. IHC Insta-Care Facility Update:

Janet Frank, IHC representative in Utah County, presented plans for future facilities in the Eagle Mountain/Saratoga Springs area. She advised that a facility would be built on a 22-acre plot on SR 73 within three to five years. She stated the decision had been made to open an InstaCare facility this fall in a strip mall located on the north side of SR 73 east of Redwood Road with the goal to have extended hours from 8:00 AM to 8:00 PM seven days a week. She indicated that the recruitment process had begun for a physician and staff. She stated the InstaCare would be a walk-in facility which would have on-site radiology and laboratory equipment.

Vincent Liddiard asked if the time frame for completion of the larger facility could be accelerated if the need indicated.

Ms. Frank stated that was always a possibility. She stated that because IHC was a non-profit organization they would be able to access the community needs and accelerate the original plans for a facility. She stated that this facility would not be a hospital but would be an expanded health center-type facility with InstaCare services and health care services. She indicated there were no plans to have an emergency room at the facility.

Linn Strouse referred to the research of a resident regarding emergencies in the City and advised that that resident had been told by someone in the IHC marketing department to get signed petitions to present to IHC showing the interest in the community. Ms. Strouse stated that the petitions were currently in the Library and would be passed out at Pony Express Days.

Ms. Frank stated that those petitions would help with the InstaCare and with the plans for the larger facility.

Linn Strouse stated that in order to facilitate emergency service in the City, transportation improvement must also be addressed. She advised she felt that IHC might have a lot of "clout" to help with the transportation issues.

Ms. Frank stated that as IHC partners with communities, they like to be able to help on all issues. She indicated they had been promoting the Mountainlands study in another area and that they would like to keep abreast of issues in the community to try to help wherever possible.

Linn Strouse advised that she is employed by IHC and stated that IHC would bring quality service to the community.

Ms. Frank stated that IHC would be participating in Pony Express Days with activities and information. She advised that as the InstaCare is opened, they would hope for community involvement, suggestions or ideas. She indicated that IHC was anxious to get involved with health-related topics in the local schools and the City.

Vincent Liddiard advised that there were a high number of young people with juvenile diabetes in our City and neighboring cities, and he suggested that IHC make treatment information available for juvenile diabetes and food allergies at Pony Express Days and at the local public schools.

Ms. Frank stated that IHC was interested in providing information that would be useful to families and citizens of Eagle Mountain.

Linn Strouse stated she would like to see a partnering with IHC for a health fair in Eagle Mountain City and asked how that could be accomplished.

Ms. Frank stated that once IHC was established with a staff in the Eagle Mountain/Saratoga Springs area that type of activity could be accomplished.

Ms. Frank introduced Blair Kent, Operations Director for the Physicians Group at IHC. Mr. Kent reiterated the plans for the IHC facility on the 22-acre parcel on SR 73.

Vincent Liddiard again mentioned his hope that plans for the larger facility might be accelerated as conditions require.

Mr. Kent stated IHC would be willing to expand the hours of the InstaCare facility to meet demands of the citizens. Mr. Kent asked the Council to contact him directly with any questions or concerns and requested he be allowed to address the Council at a future date with a schematic of the design of the clinic and additional information.

Vincent Liddiard advised Mr. Kent that the Lehi Area Chamber of Commerce included Eagle Mountain and Saratoga Springs and suggested that Mr. Kent get in touch with them.

Mark Madsen asked what the arrangement would be for treating persons without IHC health coverage.

Mr. Kent advised that IHC accepts the majority of health insurances. He stated that anyone coming for treatment would receive that treatment, regardless of whether or not they have health insurance coverage. He indicated that part of the mission of statement of IHC was that regardless of the patient's capacity or ability to pay, the patient would be treated.

Linn Strouse asked if IHC interfaced with emergency services, ambulances, etc.

Mr. Kent stated the InstaCare facilities do not pretend to be emergency rooms but they do have the capacity to stabilize a patient and call 911 to transport to a hospital. He said that appointments could be made at the InstaCare facility to accommodate a patient's schedule.

15. Consideration and Enactment of Ordinances:

1. Amending the Eagle Mountain City Business License Ordinance

This item was tabled.

2. Amending the Provisions of the Eagle Mountain City Development Code regulating Home Businesses

This item was tabled.

16. Consent Agenda:

- A. Check Register for May 2004
- B. Final Payment
 1. Well #2 Cathodic Protection (Final Payment), Lang Exploratory Drilling

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

No Closed Executive Session was called.

18. Motion to Close the Closed Executive Session and Reconvene in to Open Session:

Not applicable.

19. Any Actions from the Closed Executive Session:

None

20. Other Business:

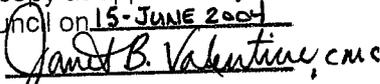
None

21. **Adjournment:**

Vincent Liddiard moved to adjourn the meeting at 7:51 PM.

APPROVAL:  DATE: 6/15/04
Mark B. Madsen
Mayor Pro Tem

This certifies that the minutes of
1-June 2004 are a true, full and
correct copy as approved by the
City Council on 15-JUNE 2004

Signed: 
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, UT 84043
Tuesday, June 15, 2004

WORK SESSION – No Action or Minutes Taken – 4:00 to 6:30 PM

1. Consent Agenda
2. Discussion on Budget for Fiscal Year 2004-2005
3. Discussion on City Utility Administration Building
4. Discussion regarding Planning Commission Appeal of Denial of Preliminary Plat Approval for Pioneer Addition, Phases IV, V-A, and VI
5. Items as Outlined on the Policy Session
6. Other Business
7. Adjourn Work Session at 6:45 PM

Prayer by Invitation of the Mayor

The prayer was offered by Vincent Liddiard.

POLICY SESSION – TELEPHONIC MEETING - 7:00 PM

1. Call to Order - Roll Call:

Mayor Pro Tem Mark Madsen called the meeting to order at 7:12 PM.

City Council Present: David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse.
Mayor Kelvin Bailey was excused.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver
Utah County Sheriff:	Deputy John Mulder

Others Present: Residents Ryan Borneman, Greg Jeppson, Jody Hooley, Marcie Taylor, Brigham Morgan, Leonard Whitney, Jennifer Edwards, Ben Daniels; Public Works Board Appointee Bob Stadel; Eagle Mountain Properties Representative Eric Jones; Fieldstone Homes Representatives Griffin Johnson and Ross Hansen

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Ryan Borneman

3. **Approval of City Council Minutes (May 18, 2004 and June 1, 2004):**

MOTION: *Vincent Liddiard moved to approve the Minutes of May 18 and June 1, 2004. Diane Jacob 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:**

A. Public Works Board

Mayor Pro Tem Mark Madsen recommended the appointment of Bob Stadel to the Public Works Board for a term from June 15 through December 31, 2004, to fill the remainder of Keith Cowan's term.

Mr. Stadel introduced himself to the Council and expressed his willingness to serve the community.

MOTION: *Vincent Liddiard moved to appoint Bob Stadel to the Public Works Board to fill the remainder of Keith Cowan's term. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Janet Valentine administered the Oath of Office to Mr. Stadel following the Public Comment portion of the meeting.

6. **Public Notices:**

Shawn Warnke announced there would be a Planning Commission Public Hearing on July 6, 2004, for Title 2 of the Development Code, the subdivision element.

Mayor Pro Tem Madsen moved to Item 9.

7. **Public Comment:**

Greg Jeppson, resident of Lake Mountain Road, expressed his concerns about the plans for Pioneer Addition and the incompatibility of the small lots with the larger lots of the Lake Mountain Road property owners. He stated the City had an abundance of low cost or starter homes and he would like to see larger lots being cut out for some of the new subdivisions so there would be a better transitioning into the five-acre lots along Lake Mountain Road, as discussed in the original General Plan.

Jody Hooley, resident of Lake Mountain Road, explained her issues with plans for Pioneer Addition. She stated she had attended several meetings on this subject and expressed her concern about 40 foot lots not being compatible with the five-acre lots nearby. She also discussed the safety issues caused by the increased traffic from more housing in the City Center. She referred to the new General Plan which states, "The City has already granted density for the construction of 33,538 units" and stated that the City is already over the requirement for low-income or starter-home housing. She advised that the City should have more diversity to avoid problems in the future.

Marcie Taylor, resident of Lake Mountain Road, stated she agreed with everything said by Greg Jeppson and Jody Hooley about Pioneer Addition. She explained that in her travels as a school bus driver she sees homes of all different sizes being sold. She indicated that the "look" of City Center needs to be improved to entice people to move here. She discussed the fact that John Walden had contributed to the campaigns of some of the current Council members and asked if they would be able to make an unbiased decision when they voted on any of his projects. She asked Mark Madsen if he would have any conflict of interest since Mr. Walden was a contributor to his current bid for state senator. She referred to Mr. Walden's past record with the City and asked the Council to remember that he does not live in the City and that the rights and considerations of the citizens should be considered.

Brigham Morgan, resident of The Landing, shared that the campaign contribution issue "is part of the general local buzz." He stated he had personally received numerous telephone calls from residents expressing concern over this issue. He stated he does not feel that the Pioneer Addition development would be conducive to solving the growth problems in City Center but was another example of going from a larger, more expansive General Plan to a much smaller higher-density solution. He advised that Eagle Mountain had lost its edge because it was no longer unique in having a master plan theme concept for the community. He stated that building smaller lots would cause the City to lose any ability to bring in the amenities needed to get back into that edge. Mr. Morgan expressed his concern that Eagle Mountain would become the cheap housing, small housing, or the easy housing market of Utah County. He stated that would not be in the best interest of the City Center. He referred to the alternate design guidelines regarding small lot widths and said that small lots have worked in other areas of the City because the guidelines of the City were followed regarding front porches, setbacks, amenities, alleyways, etc. He stated that because the Pioneer Addition does not follow those guidelines the City would be "creating a parking lot." He addressed transitioning from small lots into larger lots and stated this would not be the "last chance" to get good developers to build in City Center. He stated the community should be planned for the future and not just to get something done "fast, quick and easy."

Leonard R. Whitney, Jr., resident of Mountain View, offered his support for the Pioneer Addition development and for responsible builders that are willing to invest in City Center. He explained he had researched Fieldstone, the proposed builder of Pioneer Addition, and found them to be a reputable builder with a great track record. He stated the City needed growth in population to ensure the growth of parks, recreation centers, etc. He referred to plans of Fieldstone to build homes of various sizes. He asked the Council to consider the best interests of the whole City.

Jennifer Edwards, resident of Lake Mountain Road, asked when the conditions would be enforced for the Friends In Need dog kennel. She stated the barking condition had not been addressed because she was awakened around midnight the previous night by the barking. She indicated she reported this incident to the City. She also expressed her concerns about the Pioneer Addition and stated this development would come close to her five-acre property. She stated there should be better transitioning from smaller to larger lots. She asked the Council to ensure that John Walden be required to place smaller lots away from the five-acre lots on Lake Mountain Road.

8. **Council Comments:**

Mayor Pro Tem Madsen returned to Item 5 in order for Janet Valentine to administer the Oath of Office to Mr. Stadel.

Mark Madsen advised that all conditions for the Friends In Need Kennel should be in force. He recommended that residents affected by problems with the kennel develop some evidence (telephone calls to staff, video recordings, etc.) regarding complaints to facilitate enforcement by the City.

Mr. Madsen referred to a statement during Public Comment regarding campaign contributions. He stated that campaign contributions are generally received from persons who are of like-mind and agree with the principles the candidate publicly expresses. He stated that the integrity of the Council members had been challenged and assured everyone that his vote was "not for sale."

Linn Strouse responded to the statement during Public Comment regarding campaign contributions. She indicated that she accepted no campaign contributions during her first campaign and felt that she had proven her record during that time. She advised she did accept campaign contributions during her second campaign in order to meet the expenses involved. She stated that all candidates received monies from developers, special interest groups, and/or builders as indicated in the public campaign contribution records. She stated she would stand on her record and reminded everyone that she was overwhelmingly re-elected during the last election. She advised that she always voted her conscience.

Vincent Liddiard expressed appreciation to all those who volunteered to help with Pony Express Days and for the general spirit of volunteerism in the community.

Linn Strouse stated "we have an incredibly wonderful community and the volunteer spirit and uniqueness of this community is what's made so many successes for us so far." She indicated that citizens of this community know they have an opportunity to get involved and to have a say in what goes on in the City. She stated Eagle Mountain is a pioneer community, a new frontier that offers a future for our children and grandchildren. She thanked the volunteers for Pony Express Days and stated she was already looking forward to next year's events.

9. Award of Design Build Contract for the City Utility Administration Building:

This item was discussed after Item 6.

Vincent Liddiard asked that the Council be allowed time to review all information received from the bidders before a motion was made.

Korey Walker asked that staff be notified when this item was rescheduled so that all bidders could be notified.

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

Mayor Pro Tem Madsen moved to Item 15.

10. Public Hearing (FY Budget for July 1, 2004 to June 30, 2005):

A. Open Public Hearing

Mayor Pro Tem Madsen opened the Public Hearing at 7:45 PM

B. Receive Public Comment

None

C. Close Public Hearing

The Mayor Pro Tem closed the Public Hearing at 7:45 PM

Mark Madsen explained that the Council had carefully considered the entire budget over the past several months.

Chris Hillman presented a general overview of the budget, stating it would control the spending of over \$21,000,000 during the next fiscal year. He referred to a memorandum to the Council showing adjustments to the budget, copy attached with the Minutes. He explained that the budget was open to review by the public at any time. He stated that the new budget specifically addressed the concerns of public safety and explained that the budget was very conservative.

Mark Madsen stated that the Council was committed to being a good steward of public funds. He advised that the previous fiscal year budget had produced a surplus.

Chris Hillman stated that the budget would need to be changed to reflect an expenditure of \$35,000 from the 2001-SID.

Mark Sovine explained that the \$35,000 would be for a tie-in to the pressurized irrigation systems for Ranches Parkway and Pony Express Parkway. He stated this tie-in would allow an increase in flow so that more stations could be watered at the same time.

Chris Hillman stated that the \$35,000 was already in the bond proceeds in the 2001-SID. He advised that the budget allowed for reserves for a surplus for debt service, etc.

Linn Strouse thanked the staff for their efforts in compiling the budget. She advised that the Youth Council had willingly declined their budget because their goal was to be self supporting.

Diane Jacob asked what had happened to the money previously raised by the Youth Council for a speed trailer.

Vincent Liddiard stated there were not sufficient funds raised for a speed trailer but that additional efforts would be made to raise all the funds.

Diane Jacob stated she thought the monies were going to be put toward a skate park.

Linn Strouse advised the Youth Council wanted to build a skate park and that fundraising and a grant application would be involved in that project.

Chris Hillman stated he would check on the status of the funds previously raised for speed trailer.

11. **Consideration and Approval of an Ordinance Adopting the Eagle Mountain City Fiscal Year 2004-2005 Annual Budget and Amending the Fiscal Year 2003-2004 Annual Budget to Define Final Budget Adjustments:**

MOTION: *Vincent Liddiard moved to approve Ordinance No. O 13-2004, an Ordinance Adopting the Eagle Mountain City Fiscal Year 2004-2005 Annual Budget and Amending the Fiscal Year Budget for 2003-2004, with the staff recommendations outlined in the memo from Chris Hillman, and the of \$35,000 from 2001-SID bonds. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Diane Jacob stated that she did not agree with the proposed increase in pay for the positions of mayor and city council members shown in Mr. Hillman's memo. She indicated there was already a burden on citizens from taxing for new schools and public safety, increases in the electric rates, and decatherm rates for gas. She advised that the issue of raising salaries for the council would come up for review at a future date, but she wanted the public to know that she opposed that increase.

Chris Hillman stated during this meeting the Council would be approving budget monies; however, a Public Hearing would be required to approve an increase in salaries for the positions of mayor and city council.

12. **Consideration and Approval of a Resolution Approving and Adopting the Property Tax Rate for Fiscal Year 2004-2005 for Eagle Mountain City:**

Mark Madsen stated the adoption of a property tax rate for the fiscal year was a required yearly action. He advised there were no changes in property taxes being proposed.

MOTION: *Vincent Liddiard moved to approve Resolution No. R 08-2004, a Resolution Approving and Adopting the Property Tax Rate for Fiscal Year 2004-2005 for Eagle Mountain City. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

13. Reconsideration and Approval of Recommendation to Provide for Maintenance of Meadow Ranch East Entrance:

Mark Madsen advised that the residents involved in this maintenance issue were not in agreement with the recommendations made previously by Council.

Mark Sovine stated that residents, not including Cyril Watts, had agreed to deed their portions of the berm to the City and have the City maintain such.

Vincent Liddiard stated he understood that the residents wanted to hold the City in perpetuity to maintain the entrance as it currently stands.

Mark Sovine stated he felt the City should make every effort to maintain the area as is; however, he did not know how the City could commit to that agreement indefinitely since another council could change the agreement.

Vincent Liddiard stated his understanding was that if the residents donated the property to the City and expected the City to maintain it, that the City would maintain the property as it saw fit.

Mark Sovine said he agreed with Mr. Liddiard because the City does not know what the future holds.

Diane Jacob referred to the joint decision made by the Council at a previous meeting and stated she hoped the Council would stay with that decision.

Vincent Liddiard asked Mr. Sovine if water meters had been installed.

Mark Sovine advised that installation of water meters had begun but that his department was waiting on the final negotiations on the property.

Gerald Kinghorn stated he wanted to hear from the residents involved regarding their proposal.

Diane Jacob recommended this item be tabled until all information was made available.

Mark Madsen stated it appeared that the residents had made a decision to accept the initial offer made by the City, which was different from the most recent proposal. He asked for a consensus from the Council regarding the action to be taken on this item.

Gerald Kinghorn advised there were some fundamental fiscal procedures and constitutional requirements about only structuring expenditures for the next fiscal year. He stated when the budget was adopted, funding could be budgeted to maintain the area for the next fiscal year, but no promise could be made to maintain the property beyond that time.

Mark Madsen recommended that staff be directed to advise residents of the limitations the City had on committing to any long term financial proposal and to agree to a year-by-year basis.

MOTION: *Vincent Liddiard moved to table this item until the proponents of the recommendation could be present to deliberate their point of view and to instruct staff to relay to the residents the limitations the City has on committing to any long term financial proposal, and to agree to a year-by-year basis. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Diane Jacob stated she voted against the motion because she was in favor of the proposal made by Council previously which was not accepted by the residents.

14. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah, Amending and Re-enacting Ordinance No. O 04-2002 Providing for the Organization of the Eagle Mountain City Youth Council:

Linn Strouse asked if the “equivalent academic level” mentioned in Section 5.14 would include home schooled children.

Gerald Kinghorn stated that wording would include home schooled children and would maintain the age equivalency stated in the general statewide program.

Linn Strouse asked that Section 5.3.3 be changed to state, “to provide the opportunity to develop, through their ideas and accomplishments, positive self worth and esteem.” She referred to Section 5.11.3 and asked for clarification of the requirement that the youth council mayor must be an eleventh grader, even if a tenth grader received the most votes.

Mark Madsen stated there needed to be a change in the way the votes were counted to include the possibility of anyone who was not an eleventh grader receiving the greater number of votes.

Gerald Kinghorn advised that Section 5.14.2 of the ordinance stated that to be considered for mayor, the candidate must be in the eleventh grade.

MOTION: *Diane Jacob moved to approve Ordinance No. O 14-2004, an Ordinance of Eagle Mountain City, Utah, Amending and Re-enacting Ordinance O 04-2002 Providing for the Organization of the Eagle Mountain City Youth Council, with the amended changes. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

15. Consideration and Approval of an Economic Development Agreement with U ‘n Utah L.P. :

This item was discussed after Item 9.

Mayor Pro Tem Madsen explained that recommended changes to this agreement had not been incorporated into the document and that the item would be tabled until the next regularly scheduled meeting.

This item was tabled.

Mayor Pro Tem Madsen returned to Item 7.

16. Consideration and Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule (for the Purpose of Adding Fee for Concept Capital Facility Plan Amendment):

Mark Madsen explained that this issue was presented by staff because of the costs incurred to meet the requests of potential developers for capital facilities estimates. He stated this resolution proposed that a fee be attached to anyone making such an inquiry requiring more than a brief meeting with staff. He related his concern about setting a fee too far up front that might dissuade someone from developing in the City. He agreed that the City needed to recapture monies expended on these estimates; however, he was

concerned that if the original applicant walked away from the project, the next applicant would be seeking the same information on the same land and would have to pay another fee for the same information with no additional work by the City. He proposed that these fees be recaptured on the back end of the project.

Shawn Warnke mentioned two ideas for the Council to consider: 1) This fee would allow the City Engineer and Electrical Engineer to calculate and estimate the capacity in the system and determine what the City would need to do to facilitate this capacity; and 2) the services of the City Engineer and the Electrical Engineer were contracted by the City and must be paid on a timely basis. He stated that applying the information to future applications was not feasible because calculations would only be estimates. He advised that the recommended application fee of \$1,000 was well below the actual cost of performing a complete capital facility plan.

Mark Madsen asked if all information and estimates would have to be updated for a new applicant.

Shawn Warnke stated that about 20 percent of the original information could be used for a new applicant, but most of the work would have to be redone.

Mark Madsen suggested the fee be determined on the information that could not be used at a later date so the developers were paying for what they got.

The Council discussed how to properly set the fee for the staff time expended for filling applications for concept capital facility information and determined that the fee recommended by staff was appropriate.

MOTION: *Vincent Liddiard moved to approve Resolution No. R 09-2004, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

17. Planning Commission Appeal of Denial of Preliminary Plat Approval for Pioneer Addition, Phases IV, V-A, and VI:

Shawn Warnke stated this item had been reviewed by the Planning Commission, which had denied the preliminary plat; therefore, the developer had filed an appeal of the denial to the City Council. He stated if the Planning Commission denial was overturned by the Council, the matter would go back to the Planning Commission for consideration of final plat approval. He presented information on the proposed development and the changes to the original plats that were being requested by the developer. He addressed the issues of the requirement for alleyways, storm water, open space and parks. He advised that the applicant would be meeting the open space requirements. Mr. Warnke referred to other projects in the City which were approved for high density and advised that all but one (which had an alternative design for off street parking) had alleyways and full lot landscaping. He stated that the Development Code required alleys at this lot width; however, the City Council could approve an alternate proposal to alleys. He advised that the applicant had proposed as an alternate to alleys to increase the asphalt area of the right of way to approximately 36 feet. He recommended that the Council abide by the Development Code and require alleys because it would allow for more efficient storm water drainage, separate some of the parking from the front to the rear yards, eliminate vehicular conflicts with driveways and pedestrians using the sidewalk, and eliminate the need for the alternative design guidelines of the Development Code.

Korey Walker addressed the issue of storm water. He stated the primary purpose of the City with relation to storm water was to protect homes from flooding and the damage associated with storm water and to insure that homeowners do not change the storm water flow, meaning they do not change the quantity, quality or composition of water ending up on a neighboring lot or the point of discharge. He indicated that, based on the lot sizes and the layouts, he was recommending that the water be transferred along the side lot lines of each lot out to the front of the road so it was within the public right of way and part of the storm water collection system for the subdivision. He advised that, in order to do this and be able to protect the individual homes, it must be assured that the channels being constructed along the side lot lines stay intact

and do not settle to create ponding, thereby influencing or flooding the neighboring lot. He recommended that: 1) the area between the two foundations and around the foundations within ten feet are compacted to at least 88 percent of soil compaction; 2) that the soil brought in to grade the backyards and front yards to allow the water to flow at two percent be compacted to a minimum of 85 percent; and 3) that the drainage swells running down the lot lines immediately adjacent to the homes be improved to a standard that would deter the homeowner from changing the layout and design of those channels (the developer proposed that they place a membrane down in the channel and put a rock lining within that section adjacent to the homes). He expressed concern with the fence posts located along the property lines advising they must have the membrane wrapped around and adhered to those posts so that a hole would not be created for water saturation. He stated the City had not been able to come to an agreement with the developer regarding the channels from the back of the home to the back of the lot. He advised that if no water was being drained off the neighboring lot to the rear, this would not be a problem unless a homeowner altered that channel, thereby causing storm water ponding; however, he stated that if the neighboring lot drained into the lots he would recommend that some type of permanent landscaping feature be constructed along the side lot lines to allow the water to enter into that channel and flow out the front of the lots. He stated the idea had been discussed to not allow basements on those homes that would be receiving water so there would be no concern of the storm water flooding the basements.

Vincent Liddiard asked if the storm water issues were affected by the lot width.

Korey Walker responded that a wider lot allows a larger area for the storm water to get between the two homes. He stated that the developer was proposing ten feet between two homes and that the narrow space requiring a steep slope to allow for drainage might be a concern for the homeowner and could be problematic when getting the water out to the public right of way. He advised that the outstanding issue for the Council to decide was how to treat the side yards in the rear of the home and the difference from receiving or not receiving water from neighboring lots.

Shawn Warnke presented the Alternate Design Guidelines requested by the developer: 1) change garage orientation from rear load or side load to front load; 2) eliminate the requirement of the side yard elevation to have a chimney or bay window every 40 feet; 3) reduce the size requirement for porches (currently 8 feet deep for 100 square feet or 6 feet deep for 200 square feet) to allow 14 to 21 square feet of porch area with no minimum depth; and 4) change side yard setback to five feet.

Eric Jones, representative for the applicant, addressed his confusion that the Council would only be addressing the appeal of the denial of the preliminary plat. He expressed his concern that the applicant was under the impression that both the preliminary and final plats would be addressed under the appeal.

Gerald Kinghorn addressed this issue and stated that the way the appeal was written left the City to assume that only the preliminary plat approval was being appealed since the Planning Commission did not act on the final plat approval during their meeting of June 8, 2004. He stated that since the approval on the Agenda was only for the preliminary plat, no action could be taken on the final plat approval at this meeting.

Mark Madsen, Council liaison with the Planning Commission, stated it was clearly his intention when he directed staff to place this item on the City Council Agenda that both the preliminary and final plat approvals would be addressed together under the filed appeal. He proposed that there be a Special City Council meeting called to address the issue of the final plat approval.

Gerald Kinghorn explained that after the Work Session and the break, he reread the record and found that both the items for the Planning Commission were on the agenda together and the vote was to deny the preliminary plat approval and recommend denial of the final plat. He stated that if the decision had been appealed that way and the City had acknowledged the appeal that way, the Council would have been able to make a decision on both of the items at this meeting. He stated the City Recorder would need to be able to give a 24-hour notice of a special meeting.

Mayor Pro Tem Madsen recommended that because of the miscommunication in this matter a Special City Council meeting be called for Thursday, June 17, to consider the approval of the final plat for Pioneer Addition, Phases IV, V (a), and VI.

Griffin Johnson, representative of Fieldstone Homes, explained the efforts of his company to meet the needs of the residents. He addressed the plans of Fieldstone Homes to build in Eagle Mountain, explaining the research they put into their decision, and asked those that opposed their development to research Fieldstone Homes to determine what they could bring to the City. He stated that their research in the community had determined that most residents do not like alleys and would rather have a large backyard, which their plans provide. He stated that Fieldstone Homes was planning on building homes of various sizes and would provide 14 model homes and a sales office that would be turned into a home when it was no longer needed. He went through the packet which had been presented to all Council members.

Vincent Liddiard asked Mr. Johnson about the average square footage of the homes.

Mr. Johnson stated the average square footage was approximately 2,700 square feet above ground and that the basement option would add another 1,400 to 1,800 square feet.

Vincent Liddiard explained that Fieldstone Homes did not come up with the plans they were requesting to amend but had "inherited" them from another builder. He asked why Fieldstone Homes had made the choice to pursue a different lot width size than originally approved by the City.

Mr. Johnson advised that the side elevations of the homes were not attractive and that the narrower the lot the more the focus was placed on the front of the home. He stated that the homes are 30 feet wide which, in their experience, makes a five-foot side setback a normal setback. He stated that the ten feet between the homes met the requirement of not having to double the drywall and provide special types of windows to meet fire codes.

Shawn Warnke asked Mr. Johnson to comment on the representation that Fieldstone Homes was reworking the home elevations.

Mr. Johnson stated they had become aware that the City wanted a theme incorporated into the plan and that Fieldstone was looking into three different themes.

Shawn Warnke referred to the City requirement that materials, such as stone or brick, wrap the outside corners at two feet as previously approved for Pioneer Addition. He stated that this item needed to be discussed and asked Mr. Johnson if it were Fieldstone's proposal to stay with the two foot requirement.

Mr. Johnson stated they agreed that when rock or brick was selected it would be wrapped two feet around the outside of the house, which was not addressed in their application but had been previously approved with the original application. He also explained that on an inside transition the rock or brick would go all the way to the inside corner.

Mr. Johnson addressed the drainage issues presented earlier and stated that their civil engineer and soils engineer both agreed that with the proposed grading of the lots, there would not be a drainage concern. He stated that Fieldstone had proposed for the benefit of the City "that other things be added to that. Fieldstone's proposal is the combination of a lot of things. It is different from the staff's proposal. Our proposal is that at the time we seek occupancy, the time the house is completed, the building inspector will inspect our grading and they will sign off on the grading, that it was done correctly at the time the house was occupied. That way, when there is some kind of a complaint, or what not, that someone calls the City and says, 'Hey, we've got flooding in our backyard or our basement is flooding,' the City can come out there and look at it and make a recommendation but they can also say to the individual, make an official statement that that grading was passed off before you moved into the home. It was done correctly so it was either altered by someone you hired or yourself and that's your responsibility. That puts the liability back to that homeowner. Whether you landscape or put cement down on the person's backyard, if that's what you're going to do, that's not going to stop the person from altering the way the water drains in their yard.

We've designed it so that each lot takes care of itself so the neighbor can't screw up the drainage of his neighbor. We've also said in our CC&R's, which we do in every subdivision by the way, is that the grading is established at the time you move into your home. This is nothing new for Fieldstone. The grading is established at the time you move into your home and you are not allowed to alter that grading in any way because, and we specifically say in there and I could point you to the place in the CC&R's where it talks about this, but it actually says that they are not allowed to do that and we actually have a homebuyers' orientation with the homeowner, we go over all that information with them and how if they change those things it does affect their neighbors. Another thing that we're doing is we are requiring the homeowners to have their full yard landscaping in within six months of occupancy, which is quicker than we normally require our homeowners to do it. But, also, we've found if our homeowners put in landscaping, they take more pride in it and they want to keep it alive and take care of it and groom it and communities end up looking better in the long run." He stated that Fieldstone Homes was negotiating a five-year deal in Eagle Mountain involving many lots and three product types.

David Blackburn inquired about the plan to use one of the lots in the model home complex as a recreation area and asked if this was a long term plan.

Griffin Johnson stated the current plan was not to make that lot a permanent recreation area.

Mr. Blackburn asked if the lot designated as a tot lot could be given more space to allow for the time when a home would actually be built on that lot. He also referred to contradictions in the CC&R's and was advised by Mr. Johnson that the CC&R's were only in draft form and would be subject to final review.

Mr. Blackburn stated for the record that the City Council was somewhat at odds to the requirement of alleyways because of funding for alleyway maintenance; therefore, he advised that if the City required the use of alleyways, it was essentially causing a future burden on the City for the maintenance of those same alleyways.

Vincent Liddiard stated the burden was either on the City or on the private citizen who must maintain the private drive on their own. He stated, "We don't like alleyways and I don't think you like them either."

Mr. Johnson agreed that Mr. Blackburn's and Mr. Liddiard's statements confirmed everything he had heard about alleyways. He stated that Fieldstone Homes would not build alleyways because people do not want them. He stated that Fieldstone would be building in Eagle Mountain at a velocity not done before. He presented information explaining how Fieldstone schedules the building of homes.

Linn Strouse asked when the landscaping was completed after the house was built.

Mr. Johnson stated that the front yard landscaping would be completed prior to occupancy, except in the winter months when the deadline would be June 15.

David Blackburn stated he thought the proposal was for front and side yard landscaping to be completed by Fieldstone Homes.

Mr. Johnson responded that that was the City Engineer's recommendation but that Fieldstone's civil engineer and soils engineer did not require side yard landscaping.

Vincent Liddiard asked Mr. Johnson if Fieldstone would be willing to do the gravel membrane on the side lots.

Mr. Johnson stated Fieldstone did not feel that would help the grading because people could still go in and change it. He stated completing the gravel membrane would produce some surety for the City and an added cost to the homebuyer; therefore, Fieldstone's position was they did not want to do the side yards.

Korey Walker asked Mr. Johnson how he would represent the previous facts sent to the City by Fieldstone to do the side yards.

Mr. Johnson stated that if completing the side yards was required to get the project approved, Fieldstone would do it; but they were not volunteering to do it and their official position was that they do not want to do it because they do not feel it is necessary.

Mark Madsen asked if there was a difference in price between gravel and grass.

Mr. Johnson stated the cost would hopefully be about the same but that grass brings warranty issues. Mr. Johnson advised, "It is contradictive, and I think you guys talked about this today. Jason, who's our construction guy, we finally were able to get our crew together with some of the City staff today, and I think you guys came out, you know, basically, correct me when I'm wrong, Korey, but it's counterintuitive because here you have what is deemed as collapsible soils that we're properly addressing and you're saying you add moisture to these soils and they collapse. Well, why would we want sprinkler systems down the sides of the houses, I guess that was the point that was made. So maybe it's better to put gravel down there. They do that in a lot of other communities. It's not as aesthetically pleasing, but it does handle the issues that have been brought up. Our professionals are telling us you don't need either of the two to make it drain right. I think the issue is the homebuyer altering the grade."

Vincent Liddiard asked Mr. Johnson if, in his opinion, the homeowner would put in grass.

Mr. Johnson stated the homebuyer could put in many alternatives but as long as the grading was not changed, the area would properly drain if Fieldstone had properly compacted the soil.

John Walden told Mr. Johnson that Jason from Fieldstone had told Korey Walker they would agree to put the gravel down on the side yards.

Mr. Johnson stated that Fieldstone would commit to doing the gravel in the side yards if the City required it, but the position of Fieldstone was they did not want to do that because it was not necessary. He left this matter to the discretion of the Council.

Mark Madsen stated that this item incorporated the approval of the preliminary plat and the alternate design guidelines. He suggested those design guidelines be discussed. He mentioned that the parks had become a non-issue, no one on the Council wanted alleyways, and it was the understanding that the streets would be widened to accommodate the parking of traffic.

Shawn Warnke asked for clarification that the width of the streets would be 36 feet.

Ross Hansen, Fieldstone representative, stated that the streets had been increased from 31 feet to 36 feet.

Mark Madsen asked if Fieldstone was willing to adhere to the soil compaction of 88 percent minimum, and Mr. Johnson advised "if Brenden and Jason were saying we could do it, we could do it."

Vincent Liddiard stated the 88 percent minimum compaction would only apply around the home, with an 85 percent soil compaction requirement on the backyards.

Mark Madsen stated that the only difference between the City and Fieldstone appeared to be in the side lot treatments and that this needed to be addressed in the motion.

Vincent Liddiard suggested that the term "landscaped" be used for the side lots to avoid leaving that area in dirt.

Mark Madsen stated that Fieldstone's hallmark would be in letting homebuyers choose the landscaping for the side lots. He asked if there could be alternatives that would be made available that were acceptable to the engineering drainage concerns that would add value to the homes.

Mr. Johnson stated that if the City was taking the position that there would have to be something other than just the grading, he felt that Fieldstone could come up with several options that could be made available to the homebuyer.

Vincent Liddiard stated that this would also benefit Fieldstone because they could offer an option to the homebuyer as long as there was some type of landscaping taking place.

Mr. Johnson stated that Fieldstone would want City staff to feel comfortable with the final decision in this regard but that Fieldstone's official position was that the grading was sufficient.

Mark Madsen continued to go through the alternate guidelines with Fieldstone to ascertain their agreement.

John Walden stated that the developer was requesting that Bobby Wren Boulevard only be required to be finished to the entrance of Phase VI.

Korey Walker asked when Fieldstone would plan to extent Bobby Wren Boulevard to the end of their property.

Mr. Walden stated the road would be extended with the construction of Phases VII and VIII. He stated the land would be dedicated to the City with Phases IV and VI, but they would not want to construct the road beyond that point until Phases VII and VIII were constructed.

Korey Walker stated that the typical City response to this issue would be that roads are extended to the property line and then would be extended onto the next phase. He recommended that he would accept the road being completed to the entrance of Phase IV and VI because it would be prudent not to extend all the improvements to the property line. He stated he felt that from a procedural standpoint that it should be bonded for such that if something occurred and the property was transferred to another builder, that road could be extended. He indicated there would be a question regarding the landscaping along the road or whether homebuyers would have to deal with natural open space in the back of their yards.

David Blackburn asked about plans for construction traffic on the roads during development to prevent heavy construction traffic on residential roads.

Mr. Johnson stated it would be logical to bring in construction traffic from the north of the development. He felt this condition could be worked out with staff.

Linn Strouse stated there had been a problem in the Ranches with heavy construction traffic causing safety issues for children walking to school.

Mark Madsen listed the alternate design guidelines that had been proposed: 1) the elimination of the requirement of a jog or some kind of other architectural feature on elevations of 40 feet so that the sides of the homes could be straight for purely aesthetic reasons; 2) front facing garage; 3) substantially smaller porches than required by the Code; 4) proposing the same standard approved for the previous developer regarding wrap around of material; and 5) five-foot side setbacks.

Mr. Johnson stated the five-foot setbacks were not addressed in the guidelines.

Shawn Warnke advised that the setbacks are addressed in the Development Code and the five-foot side setbacks would have to be shown in the alternate guidelines.

Mark Madsen advised there might be some items that had been approved for the previous developer, of which Fieldstone would not have been aware, and those items would have to be incorporated into the alternate design guidelines for the benefit of the City since those items were alternative to the code requirements.

Shawn Warnke referred to the suggestion of Fieldstone to alter the window well requirement.

Mr. Johnson stated that that would also speak to the drainage issue and was brought up by the City's building official. He stated that where basements were selected on lots next to each other, that the homes would be staggered so that the window wells would be staggered.

Vincent Liddiard referred to a drawing from Fieldstone showing a drainage swell existing from the rear of the home to the back of the property.

Mr. Johnson stated the drawing does not vary from the information presented to Council previously and that the swell was always planned to go up and down the property. He stated the only change would be what would be done with area from the front to the rear on the side of the house.

Korey Walker referred to his previous recommendation that if a rear lot drains onto a lot, the City might want to require a permanent improvement on the swell from the home to the back lot line to handle the water draining onto the lot from the rear.

Vincent Liddiard explained that part of the earlier discussion related to making sure that there would be something that would be semi-permanent that would be less likely to be altered. He stated that another concern had been drainage from the back of one lot to the back of another lot and the recommendation was that those homes not have basements.

Mr. Johnson stated that Fieldstone had designed the lot drainage so that would not be an issue. He stated the houses would have a "five percent slope ten feet back and then two percent going all the way from the house creating those swells and bringing all that water out to the street."

Mark Madsen asked Mr. Johnson what the average lot size would be for this project, and Mr. Johnson stated the lot size would average out at 5,227 square feet, with the smallest lot being approximately 4,500 square feet.

Mark Madsen asked Mr. Johnson to explain the market Fieldstone would be trying to capture with the smaller lots and homes.

Mr. Johnson stated that the base priced home would be competitive with the bottom unit of a stacked flat condominium with a detached carport in the Saratoga Springs area. He continued that for the same price Fieldstone would offer a large detached home, garage, and a yard with the front landscaped.

Diane Jacob asked Korey Walker what percentage of homes would have no basements due to storm water drainage issues.

Mr. Walker advised that the home builder represented that approximately 40 percent of the lots would be receiving water.

Vincent Liddiard stated that Mr. Walker's recommendation would be that lots receiving water from an adjacent lot not be allowed to have a basement.

Mr. Walker stated those homes would either have to have improved swells in the backyards or raised window wells.

Mr. Johnson stated that Fieldstone's application did not allow for 40 percent of the homes to be left without basements and "that's not what we want to do. We don't think it's necessary. With all the other precautions that we've taken, Fieldstone does not take the position of wanting to eliminate that choice on that number of lots."

Vincent Liddiard stated that Fieldstone's response to this concern was that the swells would be adequate to handle the water drainage. He asked Mr. Johnson about warranty information and how it would be provided to home builders.

Diane Jacob agreed that Fieldstone is a great developer and stated that she was glad to see them want to come into Eagle Mountain to make it "some rising Phoenix from the dust, so to speak." She asked Fieldstone to re-envision the whole development and have it be planned by a land planner so that it would be comparable to other developments within the City. She stated she was aware that money was a concern because of the cost of reengineering the development. She said "why can't we just erase it all and start from scratch? That was a question I had. I think that because you want the narrow lots, I think you want narrow lots because you have ugly sides. I think that's a very sorry excuse, I'm sorry. My big concern with granting preliminary plat, basically, is that the density is granted with that preliminary plat. We've had builder after builder after builder leave City center for one reason or another, not necessarily the City's or the developer's fault, sometimes a combination of both, sometimes one or the other. I'm concerned that when we grant this density, if the builder so decides and Mr. Walden so decides to split in some fashion, that that density has been then granted." She expressed her concern that there be a signed contract to ensure that this development would be completed because "every other thing that you've (Mr. Walden) started in this town has never gone to completion; and so that's a concern I have as a City Council member that this, once it starts, is going to finish."

Diane Jacob further stated that comments had been made earlier today about the Planning Commission makeup that made this decision. She advised that the commissioners had been recommended by the Mayor to sit on the Planning Commission; and she stated she felt that the makeup of the Planning Commission on the night the preliminary plat was denied had no influence on the decision. She stated, "The same thing could be said if there was a different makeup on the City Council this evening, we wouldn't be sitting here tonight. I want to make sure that when the Council gets to the final plat that there is some sort of theme, that we do have that intact, and that we do have an idea of what these specific homes particularly are going to be looking like." She referred to numerous conversations she had with Mr. Himes from Hubble Homes who made promises to her that "when he came back for final plat approval for these Pioneer Addition plats that he would be able to guarantee me that there would be some transitioning between these homes - that there would be a transition."

Diane Jacob advised that she did not care for alleys and that previous alternate design guidelines for this development had eliminated the use of alleys. She stated she did not feel that this development was well thought out and that the product was unproven in our State. She compared this development with Colonial Park and the fact that those homes had not sold, as far as she knew. She asked the developer what percent of the total homes would be the small product.

Mr. Johnson advised that the small product would represent about 25 percent. He stated that Fieldstone wanted to continue with that product but that the land planning would change and other product types would also be incorporated in other pods. He stated that Fieldstone also wanted to contribute to larger more significant open spaces. He advised that the lot design did not have to be 40 feet by 123 feet deep but could be altered with the small product type to make it better. He asked the Council to provide "some level of comfort that going forward there's going to be, not just this and not just large, because if we tried to do just large, no, it wouldn't make sense. We do want to plan a mix of product types," including the largest model. Mr. Johnson stated, "We would like to know that, generally speaking, we can do these things longer term. We're negotiating on 2,500 lots. As soon as we sign the contract, we're committed to begin closings. We will be acquiring it (the property) in phases." Mr. Johnson continued, "We haven't built this product in Utah yet, but it's been studied a lot and it doesn't take a whole lot of brain damage to compare what you're getting for the dollar versus what you could get down the street."

John Walden asked Diane Jacob to address her comments regarding "failed developments or what I started. I don't think you'll find my name on anything. When I come up I'm the applicant because I'm the owner of the land, but I don't really develop. I'm not developing these lots. What I'm doing is finishing out Phase II and III that I started for Hubble Homes and they're going to buy those as finished lots. In the rest of the phases, they're doing their own development. I'm the largest land holder here in the town. I'm not a developer." He addressed the comments regarding Colonial Park, which was Mike Wren's project, and stated that some of his family members have purchased the existing homes. He stated he did not know why

that subdivision “didn’t go over.” Mr. Walden stated, “I hate for people, you, to say and other folks to say it’s my fault because of different things. Why is all this my fault? All I’m doing is trying to bring people out here.”

Diane Jacob stated, “I just don’t understand the motivation when the price paid for the land, its cheap land, it was \$80 an acre, and I just don’t understand the motivation to cram more density in something that we don’t really need.”

Linn Strouse asked Shawn Warnke to address the transitioning issue brought up by Diane Jacob. Mr. Warnke stated there was no standard in the Code to address transitioning from different products. He advised that the Ranches had transitioned through their land use plan by setting certain densities. He indicated that the Eagle Mountain Properties’ master plan was structured differently where there were so many units over so many acres. He advised it was at the discretion of the Planning Commission and City Council to work with the applicant on this issue.

Mark Madsen advised that the plan was to draft transition requirements into the new Development Code so builders would know the standards. He clarified that Hubble Homes had spoken with Diane Jacob and committed to transition.

Linn Strouse asked Shawn Warnke to clarify what the buffering would be against because it was not clear on her paperwork. Mr. Warnke explained the area in question.

MOTION: *Vincent Liddiard moved to approve the preliminary plat for Pioneer Addition, Phases IV, V (a), and VI, subject to the discussed conditions, including the staff Common Conditions for all Phases with changes to Conditions 1 and 2 as shown: 1) That alleys are not required and that the developer will increase the asphalt portion of the right-of-way to approximately 36 feet to accommodate on street parking on each side as the alternative to alleys; 2) that residential lots be graded to slow the flows associated with storm drainage runoff, that disturbed areas are required to be compacted at 88 percent minimum soil compaction around the home and 85 percent minimum soil compaction on the swells as agreed by the applicant and the City Engineer, that the front of the property be landscaped per the developer’s proposal, that side lots to the back of the house pad be landscaped with gravel, grass or another alternative that does not leave bare dirt allowing the homebuyer to have a choice of that landscaping material; 3) that the project has two functional off street parking spaces per lot with 12’ X 20’ garages and driveways having a minimum depth of 24 feet which would fulfill this requirement; 4) that a traffic analysis be provided to ensure that each of the neighborhood intersections operate at a minimum of a Level C during peak hour traffic volumes; 5) that the engineer’s estimates for the dry utilities are divided between Phases IV and VI; 6) that the project meets fire flow – this may require that an off site water line be constructed; 7) that the updated water rights be identified; 8) that phase improvements need to be clearly labeled on the construction plans for Phases IV and VI; 9) that the electrical engineer’s comments are complied with; 10) that the final storm calculations are approved by the engineer; 11) that the applicant submits evidence that 80 percent of the parks shown on the master development plan are dedicated to the public; 12) that Bobby Wren Boulevard is constructed with the appropriate cross section; and 13) that .55 acres of improved neighborhood park be added to the development as required by the Development Code; adopt the Proposed Amendments or Alternate Design Guidelines to the Development Code, copy attached; approve the brick wraparounds of two feet on the outside and to the inside corner on the insides; that basements be eliminated on the lower lots receiving water from other lots, unless some type of rear lot landscaping is provided in the swell area or perimeter area to prevent basement flooding. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 1 – Diane Jacob. Motion passed.*

Griffin Johnson: "I think we're hurting our homebuyers by requiring no basements on certain lots or requiring a higher price to landscape the backyard if a basement is built. Maybe between now and final we can address this more."

Ross Hansen: "I just need to clarify it myself, here. You stated in your motion that if there is a basement, it has to have this landscaping?"

Vincent Liddiard: "No. If I can use this...."

Ross Hansen: "The lower lot needs to have this landscaping in the swells? If there is no basement, it does not have to be landscaped in the swells?"

Vincent Liddiard: "That was my motion."

Diane Jacob voted nay with the following comment: "I just think this product could have been built on the existing approved plats."

Diane Jacob asked to be excused at 10:35 PM.

18. Alternate Design Guidelines Approval:

Adam Lenhard stated that Pioneer Addition, Phase I, II and III, were originally approved for Hubble Homes. He indicated that since Fieldstone had purchased some of the lots, they were requesting Alternate Design Guidelines to be more compatible with the product they were planning to build. Mr. Lenhard addressed the proposed amendments, copy attached.

David Blackburn asked how the amendments would work with the existing homes in the area.

Mr. Lenhard explained that there had not been any homes built in this area to date. He explained that Richmond Homes would also be buying some of the lots and that, if the amendments were approved, they would also apply to the homes built by Richmond.

Adam Lenhard advised that Phase I had been recorded and Phases II and III had been approved but not recorded. He stated that the Planning Commission had approved the Alternate Design Guidelines at their last meeting with reservations because they had not been presented with the amendments prior to the meeting; however, they felt confident that the City Council could thoroughly review them.

Griffin Johnson, Fieldstone Homes, stated that the Planning Commission had made a change to allow the five-foot setbacks on the third car garage plans only.

David Blackburn indicated that Phase II showed an average lot size of just over 7,000 feet but that the same dimensions were not shown in Phases I and III. He stated he felt that the Council was in favor of lots between 52 and 60 feet wide. He asked if there were average lot sizes for Phases I and III.

Griffin Johnson stated the average lot widths would 66 and 56 feet. He stated that the Planning Commission had also taken out the minimum square footage on the lots because Fieldstone would not be changing the lots from what had previously been approved.

A. Pioneer Addition Phases I, II, and III

MOTION: *David Blackburn moved to approve the Alternate Design Guidelines for the lots owned by Fieldstone Homes in Pioneer Addition Phase I and for all of Phases II and III, subject to the condition that evidence is provided that Fieldstone Homes is sponsoring the Alternative Design Guidelines. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

The Council and staff discussed the effect of these amendments on any other builders. Mr. Johnson stated that Fieldstone would only sign for the amendments on the properties they own.

Gerald Kinghorn stated that the City would be willing to approve the Alternate Design Guidelines for Phase I.

Mr. Johnson stated that other buyers of properties would have to sign the amended CC&R's because their CC&R's would also be amended. He stated that Fieldstone would have to work that out.

David Blackburn asked whether the modification were for Phases I, II and III and whether those would be compatible to other property owners.

Gerald Kinghorn: "In so far as they can be made applicable to Phase I, they would be approved and they would be approved for Phases II and III under your motion.

19. Site Plan Review

A. Public Works Building

Adam Lenhard explained that the site plan review would be for the new Public Works building planned just north of the existing facility. He explained the open floor plan and outside elevation.

Mark Sovine explained the position of the fence lines which had been adjusted for parking clearances and utility easements.

MOTION: *David Blackburn moved to approve the Site Plan for the Eagle Mountain City Public Works Building subject to the following conditions: 1) That a light plan is approved according to City standard; 2) that there is only one entrance to the site for both (proposed and existing) Public Works Buildings; 3) that street trees are planted every 40 feet, per review of a landscape architect, along Pony Express Parkway adjacent to the site; and 4) that parking stalls are labeled correctly with dimensions of 9'x20'. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

20. Consideration and Approval of Disposal of Open Space in Kennekuk Subdivision:

Shawn Warnke explained some residents of the Kennekuk Subdivision were requesting they be allowed to extend their rear fences to be parallel with the trail. He reminded the Council of the two actions that Council must take to approve this request: 1) declare the land to be significant or insignificant; 2) identify an equitable sales amount for the property. Mr. Warnke stated there was discussion during Planning Commission to include lot 30; however, Mr. Warnke recommended not including that lot. He recommended that the HOA and applicant determine the actual alignment of the fence to meet their design guidelines.

Ben Daniels, applicant and resident of Kennekuk, agreed that Lot 30 did not need to be included in this discussion. He explained that the Planning Commission had recommended continuing the fence where the power box sits and installing a gate for access. He discussed the plans of the residents for the proposed open space, stating that the residents would be responsible for moving the fence.

Vincent Liddiard: "I see this as somewhat of a precedent setting event, correct me if I'm wrong. Previously, this is a little bit different twist on it than what we've done with public property before in that disposal of public property before has had a slightly different twist to a commercial or somewhat. This is actually homeowners acquiring public property and there's an interest for this type of thing in more than just your area of town."

David Blackburn indicated that if Diane Jacob were present she would comment that this was going against the open space aspect of what the Ranches was planned for. He stated he would agree with that comment; however, he stated he thought the current use of the open space was very poor. He expressed concern that the opposite side of the street be planned to be compatible with changes to this open space, if the Council voted to approve the application.

Shawn Warnke stated that a commercial site was planned for the opposite side of the street and there would be an opportunity to address that concern with the site plan.

David Blackburn asked if this land would have to be sold or if there was an option for the homeowners to maintain the property for the City.

Gerald Kinghorn stated that the open space would become the property of the homeowners if the Council approved this item.

Shawn Warnke stated that the City ordinance dealing with disposal of open space required the Council to determine an equitable price.

Mark Madsen stated that the Council should consider that the homeowners were proposing a plan that would relieve the City of a perpetual burden and ongoing cost to take care of the open space.

Ben Daniels advised that he spoke with Carl Allred of the HOA and stated they determined this was an oversight that may have been caused because of the placement of the power box. He stated that weeds and brush have overgrown half of the equestrian trail. He recommended that the equitable cost of the land be used for materials to improve the space currently located behind the fence. He said that Mr. Allred stated there was no rule about the setback from the equestrian trail but that it would have to be wooded for four feet. He stated the residents planned to put in grass and move their sprinkler systems back so the grass could be watered.

Mark Madsen asked Mr. Daniels if he had a cost for the recommended changes to the open space.

David Blackburn asked Mr. Daniels if he had considered extending the equestrian trail up to the fence line, and Mr. Daniels stated that could be done.

Mark Madsen recommended matching up the monies for improvements with the equitable purchase price.

Vincent Liddiard referred to the Expense Findings in the staff report, and David Blackburn asked for clarification of the "warning sign" shown therein.

Korey Walker stated that because of the PUE in the middle of the backyard, it had been recommended that it be signed in an unobtrusive manner.

David Blackburn asked why this request had been declined originally.

Gerald Kinghorn stated there was no disposal ordinance in place at that time that would have allowed for this type of property disposal.

MOTION: *Vincent Liddiard moved to approve the classification of the amended portion of the Kennekuk Subdivision as "insignificant" as required by Ordinance O 11-2003 for the purpose of disposing of property owned by the City, based upon the following findings of facts: That the proposed land is an "unimproved isolated or remnant parcel" to the constructed trail. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

MOTION: *Vincent Liddiard moved to dispose of a 19' to 20' strip of land identified on the Kennekuk Plat as part of an equestrian trail along lots 30-34 subject to the following conditions: 1) that the SID payments totaling \$2,400 be made; 2) that the price of \$1,600 (\$400 per lot owner) be accessed the property owners for Lots 31, 32, 33 and 34; 3) that those funds be returned to the property owners upon completion of all of the agreed upon improvements to move and reinstall the fence and install landscaping and warning signage; 4) that the property owners bear the burden of the cost for the survey and deed transfer; and 5) that staff fees be waived; and 6) that the City maintain all existing easements and have access in perpetuity to the power box. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse; David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

21. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Regulating Alternate Day Use and Defining Prohibited Hours for Outdoor Sprinkler Irrigation Use in Eagle Mountain City:

Gerald Kinghorn advised that he had corrected the wording in this ordinance and given it to the City Recorder as the official copy.

Vincent Liddiard stated there should be a correction of the date shown on the last page of the ordinance from 2002 to 2004.

MOTION: *Vincent Liddiard moved to adopt Ordinance No. O 15-2004, an Ordinance of Eagle Mountain City, Utah Regulating Alternate Day Use and Defining Prohibited Hours for Outdoor Sprinkler Irrigation Use in Eagle Mountain City as proposed, with a minor correction in the date change. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard recommended that the information in the ordinance be shown on every utility bill during the prescribed watering period.

Mark Sovine advised that the City would be sending a letter to homeowners advising them of watering restrictions.

David Blackburn addressed enforcement issues and recommended that the City not be watering areas of natural vegetation.

Mark Sovine stated the City is working with the Ranches to address this concern.

22. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Establishing a Tax on the Gross Receipts of Telecommunications Service Providers; Setting the Rate for Such Tax; and Establishing the Effective Date of the Tax:

MOTION: *Vincent Liddiard moved to adopt Ordinance No. O 16-2004, an Ordinance of Eagle Mountain City, Utah Establishing a Tax on the Gross Receipts of Telecommunications Service Providers; Setting the Rate for Such Tax, and Establishing the Effective Date of the Tax. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

23. Consideration and Approval of a Resolution of Eagle Mountain City, Utah Approving an Interlocal Cooperative Agreement with the Utah State Tax Commission:

MOTION: *Vincent Liddiard moved to adopt Resolution No. R 10-2004, a Resolution of Eagle Mountain, Utah Approving an Interlocal Cooperative Agreement with the Utah State Tax Commission. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

24. Consideration and Approval of a Uniform Interlocal Agreement Between the Utah State Tax Commission and Eagle Mountain City that has Imposed the Municipal Telecommunications License Tax:

MOTION: *Vincent Liddiard moved to adopt a Uniform Interlocal Agreement between the Utah State Tax Commission and Eagle Mountain City that has Imposed the Municipal Telecommunications License Tax. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

25. Consideration for Adoption of a Resolution Authorizing the Issuance and Sale of Not More than \$1,500,000 Aggregate Principal Amount of Excise Tax Road Bonds, Series 2004 of Eagle Mountain City, Utah County, Utah, for the Purpose of Financing the Construction of Class C Roads and Related Improvements; Calling a Public Hearing and Establishing a Time, Place and Location for said Public Hearing; Providing for Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for a Pledge of Excise Tax Revenues for Repayment of the Bonds; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years over which the Bonds may Mature, the Maximum Interest Rate which the Bonds may Bear, and the Maximum Discount from Par at which the Bonds may be Sold; Providing for the Running of a Contest Period; and Related Matters:

Gerald Kinghorn advised this was the parameters resolution on the excise tax fund that begins the contestability period and communicates the City's intent in the future to issue a bond resolution.

Mark Madsen stated he had reservations regarding the issue but realized there would be adequate opportunity to visit those issues in the future.

MOTION: *David Blackburn moved to adopt Resolution No. R 11-2004, a Resolution Authorizing the Issuance and Sale of Not More than \$1,500,000 Aggregate Principal Amount of Excise Tax Road Bonds, Series 2004 of Eagle Mountain City, Utah County, Utah, for the Purpose of Financing the Construction of Class C Roads and Related Improvements; Calling a Public Hearing and Establishing a Time, Place and Location for said Public Hearing; Providing for Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for a Pledge of Excise Tax Revenues for Repayment of the Bonds; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years over which the Bonds may Mature, the Maximum Interest Rate which the Bonds may Bear, and the Maximum Discount from Par at which the Bonds may be Sold; Providing for the Running of a Contest Period; and Related Matters. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Vincent Liddiard recommended that this item be placed on the Agenda for the July 6 meeting for further discussion.

26. Consent Agenda:

- A. Contract Change Order
 - 1. Sweetwater Road Extension 2004 (CO No. 5), Terry Larson Excavating, Inc.
- B. Partial payment
 - 1. Sweetwater Road Extension 2004 (PP No. 5), Terry Larson Excavating, Inc.

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

27. **Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues, Potential Litigation and/or Public Safety:**

No Closed Executive Session was called.

28. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable.

29. **Any Actions from the Closed Executive Session:**

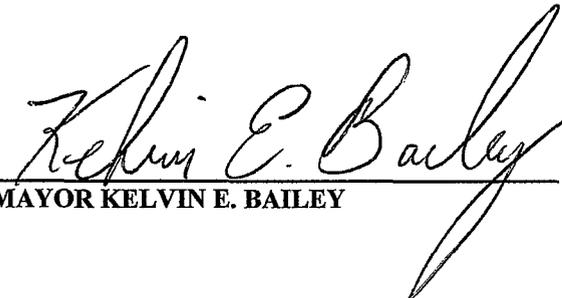
None

30. **Other Business:**

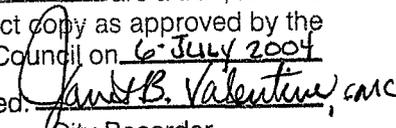
None

31. **Adjournment:**

Vincent Liddiard moved to adjourn at 11:30 PM.

APPROVAL:  DATE: July 6, 2004
MAYOR KELVIN E. BAILEY

This certifies that the minutes of 15-June 2004 are a true, full and correct copy as approved by the City Council on 6-July 2004

Signed: 
City Recorder

ATTACHMENT TO 06-15-2004 CITY COUNCIL MEETING MINUTES
ADJUSTMENTS TO FY BUDGET 7/01/2003 TO 6/30/2004
APPROVAL OF FY BUDGET 7/01/2004 TO 6/30/2005

MEMORANDUM

TO: Kelvin Bailey, Mayor
Council Members
FROM: Chris Hillman, City Administrator
DATE: June 11, 2004

RE: Adjusted FY 04 Budget & FY 05 Budget

Attached you will find the revised FY 05 budget as well as the Adjusted FY 04 budget. What follows is a summary of the adjustments to the FY 04 budget you approved last year as well as a summary of changes you requested to the proposed FY 05 budget.

Changes in FY 05 Proposed Budget:

1. General Fund Revenue Detail: Added the word "Fee" to water, electric, gas, and telephone charges.
2. General Fund Legislative Department: Increased travel and training from \$2,000 to \$3,000; added \$2,500 for computer equipment; increased Council pay from \$200 to \$400/month as well as increased Mayor pay from \$400 to \$800/month; increased professional services from \$2,000 to \$4,000 for outsource recording of minutes.
3. General Fund Special Events Department: Increased Pony Express Days budget from \$12,000 to \$18,000.
4. General Fund Youth Sports Department: Changed name from Youth Sports Department to Recreation Department.
5. General Fund Youth Council Department: Zeroed-out entire Youth Council budget of \$2,000.
6. General Fund Streets Department: Corrected typos in "Significant Changes" summary on top by correcting \$140,246 transferred to Road Bond Fund to \$141,246 as well as correcting \$113,000 to \$83,000 transferred to Capital Projects Fund; renamed "General Taxes & Revenues" in finance sources summary section to "Class B&C Road Funds."
7. General Fund Non-Departmental: Increased utilities by \$10,000 to \$25,000.
8. General Fund Police Department: Added \$1,000 for animal control dog run construction; added \$1,200 for emergency management funding.
9. General Fund Library Department: Renamed "Vehicle Fuel & Maintenance" to "Mileage Reimbursement."
10. Overall available leftover unreserved General Fund balance dropped from just over \$49,000 to just over \$10,000 with the above changes.

11. Water Fund: Added \$720,000 for new Pony Express Well (paid for by Silver Lake Developers) and \$150,000 for exploratory well paid for by impact fees.
12. Telecom Fund: Zeroed-out \$75,000 administrative charge transfer to General Fund and reduced expected dial tone revenue by same amount.
13. Capital Projects Fund: Increased PW Operations Building expense by \$100,000 to \$400,000 and increased Gas & Electric bond proceeds by same amount to match the increase.

Adjustments to FY 04 Approved Budget:

1. Electric Fund: Added \$462,000 for capital projects expenses already approved by Council but not reflected in budget (PW Building property purchase, fleet purchases, etc.) and balanced those expenses with \$462,000 in Gas & Electric Bond proceeds; added \$135,000 to principal payment and balanced that increase with Gas & Electric Capitalized Interest bond proceeds.
2. Gas Fund: Added \$153,000 in capital project expenses already approved by Council but not reflected in budget (fleet purchases, AMR, etc.) and balanced out those expenses with \$153,000 in Gas & Electric bond proceeds.
3. Water Fund: Added \$40,000 in capital project expenses already approved by Council but not reflected in budget (cathodic protection for well) and balanced out those expenses with \$40,000 in Water & Sewer bond proceeds; increased principal payment in debt service by \$50,000 and balanced that increase with an increase in expected billing revenue of \$50,000.
4. Capital Projects Fund: Included \$1,700,000 for Sweetwater Road/Pony Express Road extension being paid for by \$1,700,000 in developer-provided funds.

**ATTACHMENT TO JUNE 15, 2004 CITY COUNCIL MEETING MINUTES
PIONEER ADDITION ALTERNATE DESIGN GUIDELINE PHASES I, II AND III**

ITEMS	DEVELOPMENT CODE	CURRENTLY APPROVED	PROPOSED AMENDMENTS
BUILDING HEIGHT	Building height is 35 feet or less	Maximum height 28'	Maximum height 35'
PORCHES	The minimum square footage for any porch shall be 100 square feet. Minimum porch depth shall be 8 feet for all porches under 200 square feet in size. Porches in excess of 200 square feet in size shall have a minimum depth of 6 feet.	Single family homes shall have front porches oriented to the street. The minimum square footage for any porch shall be 100 square feet. Minimum porch depth shall be 8 feet for all porches under 200 square feet in size. Porches in excess of 200 square feet in size shall have a minimum depth of 6 feet.	<ul style="list-style-type: none"> • Single family homes shall have front porches oriented to the street. • A Porch is defined as a covered entryway and must be a minimum of 14 square feet in Phases I and III, and 24 square feet in Phase II.
PLANE CHANGE	Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane to avoid monotony. Materials and colors of walls shall change only at inside corners created by a minimum 18 inch plane change. Veneer treatment that terminates at a front corner will not be allowed. Decorative corner pilasters must return a minimum of 24".	Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane or plane height to avoid monotony.	Any front-facing wall elevation exceeding 40 feet in length shall have changes in surface plane or plane height to avoid monotony.
SETBACKS	Front setback: 15 feet; rear setback: 20 feet (garages with access on alleys may be set back 15 feet from the rear property line); side setback: 10 feet;	Minimum 12 foot side setbacks required (5'+7') between houses.	<i>On lots 60 feet or wider with a three car garage a 10 foot total side setback (5'+5') may be used.</i>
SHINGLES	Asphalt shingles shall have 'dimensional offsets' and weigh a minimum of 300 pounds per 100 square feet.	25 year 300lb shingles in Phase I (recorded CCR's);	25 year, 3 tab shingles
GARAGE DOORS	Garage doors shall not face the street unless the garage is set back 50 feet or more from the front property line and the front of the garage is set back at least 20 feet from the front of the dwelling.	Garage doors shall not face the street unless the garage is set back 50 feet or more from the front property line and the front of the garage is set back at least 20 feet from the front of the dwelling.	Garage doors may face the street and extend beyond the front elevation. The garage should be setback 24 feet or more from the sidewalk. Detached garages are permitted and shall conform to all setbacks, except that such garages shall not be closer than 15 feet from the rear property line.

GARAGE DOORS	See standard noted above	Minimum 15% side-loaded garages required.	No side-loaded garages required.
LANDSCAPING		2 trees and five bushes required in the front yard.	Front Yard landscaping is required including grass, irrigation system and one tree of minimum 2" caliper.
GARAGE SIZES	Not applicable- need two off street parking areas	Garages shall be a minimum 400 sq. feet enclosed.	In Phase 3, garages may be a minimum capacity for one car with an option for multiple cars.
PARKING			Lots 91 and 92 may be used as a temporary parking lot for the Fieldstone Model Home Complex.

**ATTACHMENT TO JUNE 15, 2004 CITY COUNCIL MEETING MINUTES
PIONEER ADDITION PHASES VI, V-A AND VI**

ITEMS	DEVELOPMENT CODE	PROPOSED AMENDMENTS
BUILDING HEIGHT	Building height is 35 feet or less	Maximum height 35'
PORCHES	The minimum square footage for any porch shall be 100 square feet. Minimum porch depth shall be 8 feet for all porches under 200 square feet in size. Porches in excess of 200 square feet in size shall have a minimum depth of 6 feet. Any exterior wall elevation exceeding 40 feet in length shall have changes in surface plane to avoid monotony. Materials and colors of walls shall change only at inside corners created by a minimum 18 inch plane change. Veneer treatment that terminates at a front corner will not be allowed. Decorative corner pilasters must return a minimum of 24".	<ul style="list-style-type: none"> • Single family homes shall have front porches oriented to the street. • A Porch is defined as a covered entryway and must be a minimum of 14 square feet with no required minimum depth
PLANE CHANGE	Front setback: 15 feet; rear setback: 20 feet (garages with access on alleys may be set back 15 feet from the rear property line); side setback: 10 feet;	Any front-facing wall elevation exceeding 40 feet in length shall have changes in surface plane or plane height to avoid monotony.
SETBACKS	Asphalt shingles shall have 'dimensional offsets' and weigh a minimum of 300 pounds per 100 square feet.	10 foot total side setback (5'+5') may be used.
SHINGLES	Garage doors shall not face the street unless the garage is set back 50 feet or more from the front property line and the front of the garage is set back at least 20 feet from the front of the dwelling.	25 year, 3 tab shingles
GARAGE DOORS	See standard noted above	Garage doors may face the street and extend beyond the front elevation. The garage should be setback 24 feet or more from the sidewalk. Detached garages are permitted and shall conform to all setbacks, except that such garages shall not be closer than 15 feet from the rear property line.
GARAGE DOORS	Not applicable- need two off street parking areas	No side-loaded garages required.
LANDSCAPING		Front Yard landscaping is required including grass, irrigation system and one tree of minimum 2" caliper.
GARAGE SIZES		Garages may have a minimum capacity for one care with options for multiple cars
WINDOW WELLS		No two egress window wells (on neighboring lots) may be within 6 feet of another as measured diagonally across lot-lines

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Council Members
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4. Capital Projects Fund: Included \$1,700,000 for Sweetwater Road/Pony Express Road extension being paid for by \$1,700,000 in developer-provided funds.

**MINUTES OF THE EAGLE MOUNTAIN, UTAH
SPECIAL CITY COUNCIL TELEPHONIC MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, UT 84043
Thursday, June 17, 2004**

Prayer by Invitation of the Mayor

The Prayer was offered by Vincent Liddiard.

POLICY SESSION – 7:00 PM

1. Call to Order - Roll Call:

Mayor Kelvin Bailey called the meeting to order at 7:21 PM.

Council Members Present: Mayor Kelvin Bailey, David Blackburn, Vincent Liddiard, Mark Madsen. Linn Strouse was connected to the meeting telephonically. Diane Jacob was excused.

City Staff:

City Administrator:	Chris Hillman (Excused)
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Finance Director:	Gordon Burt (Excused)
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard (Excused)
Public Works Director:	Mark Sovine
Fire Chief:	Robert DeKorver (Excused)

Others Present: Ross Hansen, SR Hansen Engineering; Sterling Stoddard, Fieldstone Land Development Manager; Ralph Rupp, Ellsworth Paulsen representative.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by David Blackburn.

3. Planning Commission Appeal of Denial of Final Plat Approval for Pioneer Addition, Phases IV, V (a), and VI:

Mayor Bailey explained that the preliminary plat had been approved at the meeting on June 15 and discussed the decisions made at that meeting.

Shawn Warnke addressed the condition of storm water and compaction of soils.

Vincent Liddiard asked that Item 4 under the Common Conditions recommended by staff be changed from "approximately" 36 feet for street parking to "a minimum" of 36 feet for street parking.

Shawn Warnke advised that Fieldstone had submitted new plats that show the overall right of way would be 59 feet, allowing for the 36 feet.

Vincent Liddiard asked about the storm water conditions approved with the preliminary plat requiring that lots having back property that drains into the back of the home to the south have swells on the exterior of the back and side lots that are landscaped in some way or that the home receiving water not have a basement.

Mr. Warnke stated that that requirement would be addressed in the CC&R's.

Mark Madsen stated that the CC&R's would be subject to a final review after the motion from the Minutes of the June 5 meeting had been reviewed.

Mayor Bailey advised that the bond letters were completed that day and had been reviewed by Korey Walker.

Mr. Walker advised that Fieldstone indicated that the changes submitted by the utility department would be made to the utility drawings. He stated that the water right requirements were high because the submitted landscaping plan did not separate the acreage between native irrigation and green irrigation. He advised that to avoid having the staff spend time calculating those areas, all open space would be required to provide irrigable water. He indicated that if Fieldstone wanted to submit documentation showing what would and would not be irrigated, the staff would review the water right requirements.

Mayor Bailey indicated that the plats would not be recorded until the water rights were verified.

MOTION: *Vincent Liddiard moved to approve the Final Plat for Pioneer Addition, Phases IV, V (a), and VI subject to the following conditions as recommended in the staff report:*
Common Conditions for all Phases: 1) *Traffic - that a traffic analysis be provided to ensure that each of the neighborhood intersections operate at a minimum of a Level C during peak hour traffic volumes;* 2) *Phasing - that phase improvements need to be clearly labeled on the construction plans for Phases 4 and 6;* 3) *Dry Utilities - that the dry utility plans are approved (telecommunications and electrical plans);* 4) *Increase Row - that the asphalt portion of the right-of-way be increased to a minimum of 36' to accommodate on-street parking on each side as the alternative to alleys;* 5) *Storm Water - that there is installation of front and side yard landscaping (the type of landscaping in the side yards is to be determined by the homeowners), that disturbed areas are compacted with a minimum of 88 percent adjacent to the homes, that a subdivision grading plan is submitted, that the grading of the site is to be done within 6 inches of the final grade, that there is 85 percent compaction in disturbed areas, and that the compaction testing is to be done by an independent inspector with reports submitted to the Building Official and City Engineer;* ***Phase V-A -*** 6) *that the Church Street will have an all weather secondary access and looping of utilities if required by the Public Works Department;* ***Phase VI -*** 7) *that the setback of typical needs to match those in the CC&RS;* 8) *that Phase 4 is constructed before Phase 6; and* 9) *that Bobby Wren Boulevard is constructed with the appropriate cross section; and that the storm water reflect the CC&R's from the previous preliminary approval. Mark Madsen seconded the motion. Ayes: 4 - Vincent Liddiard, David Blackburn, Linn Strouse, Mark Madsen; Nays: 0. Motion passed.*

4. Consideration and Approval of a Development Agreement including CC&R's for Pioneer Addition, Phases IV, V (a), and VI:

Gerald Kinghorn advised that the Development Agreements had been reviewed by his office, including the CC&R's. He stated he had just received the bond letters and required improvement letters. He indicated that, with respect to the CC&R's, the alternate design guideline for porches was not written in. He recommended that the Development Agreements be approved with the CC&R's with the understanding that the City may allow the developer to conform the CC&R's to the approved architectural guidelines. He requested that the Council approve a special condition on each Development Agreement that reads as follows: "Each requirement approved by the City Council of Eagle Mountain City in the preliminary and final plat approval of the project shall be completed or fully bonded prior to occupancy of any of the homes in the project." He stated the recommendation was made so that staff would have sufficient time to check the Minutes of June 15 to ensure that all items in the motion had been incorporated in the Development Agreements and CC&R's. Mr. Kinghorn said, "If you (the Council) were to incorporate these conditions that Shawn's spelled out in your approval, they would be captured by the language in the Special Conditions."

Mayor Bailey asked for a definition of "the appropriate cross section."

Shawn Warnke advised that the City was revising the cross sections and that Fieldstone's design engineer, Ross Hansen, had been given the correct cross section.

Ross Hansen, SR Hansen Engineering, asked for clarification of Item 9 of the conditions, which reads: "That Bobby Wren Boulevard is constructed with the appropriate cross section." He recommended that it read: "That Bobby Wren Boulevard is constructed with appropriate cross section before occupancy in Phase 6 can be given." He explained that the developer should be able to complete Phases 5(a) and 4 before Bobby Wren Boulevard was constructed.

Korey Walker acknowledged that that was a correct statement because "Phase 4 does not go up to the roundabout at the top of Phase 6."

Vincent Liddiard asked "what's the timing for them to be able to do construction of Phase 6? The road needs to be completed at the time that it's completed, it has to be completed before?"

Korey Walker answered that the road would have to be completed before any building permits were issued.

Mayor Bailey indicated that Mr. Hansen had recommended construction be completed before any occupancy permits were issued.

Mr. Hansen stated that it sounded fair to have the road completed before any building permits were issued.

Korey Walker indicated that it was discussed at the last meeting that Fieldstone proposed to provide a construction access to the site for construction vehicles. He recommended that that issue be noted in the conditions also.

Vincent Liddiard stated he remembered a discussion regarding construction access but that there was no decision reached on this matter.

Mr. Hansen stated the Griffin Johnson had pinpointed the most logical site to get construction traffic into the subdivision. He stated he did not remember any agreement with the City; however, he stated, "I don't see it as that big of a deal myself if you'd allow them to just grub the top soil off and tell them to use that to enter into the subdivision."

Mayor Bailey stated he preferred that and that he did not care if a road was built for the construction traffic.

Vincent Liddiard emphasized that that was not a condition of the preliminary approval. Mr. Hansen explained to Fieldstone Land Development Manager Sterling Stoddard the prior conversation with Council regarding construction traffic. Mr. Stoddard agreed with the prior recommendation.

Korey Walker indicated that he and Ross Hansen had previously discussed bringing the back lot lines up to grade, having them compacted, and putting the fill from digging the basements or footings into the front yards. He stated that this information was not included in any of the conditions.

Ross Hansen indicated that all the material coming out of the road would be put on the back lot lines. He stated that the reasoning for this decision was that the amount of dirt coming from digging a basement would provide enough fill for two lots.

Mr. Hansen referred to Bobby Wren Boulevard, which was to be built by John Walden, and asked the Council to further discuss how far that road must be completed.

Vincent Liddiard explained that Mark Madsen had suggested that if Bobby Wren Boulevard were not completed to the end of the property line, the applicant would be required to bond for its completion. He stated this would provide the developer with the options to complete the road to the end of the property boundary prior to receiving any building permits or to bond for completion of the road.

Mayor Bailey agreed with this proposal to bond for the road or have it completed prior to building permit issuance.

Korey Walker asked the Council if they would prefer to put a time frame on completion of the road if the applicant chose to bond for the road.

David Blackburn stated that since the equipment would be readily available when the first part of the road was completed, it would be cheaper to complete the remainder of the road at the same time rather than bond for it. He further stated that if the City did not bond for the road and for some reason the project was not completed, there would be no recourse to finish the road.

Mayor Bailey stated there should be a time frame incorporated with the bond.

David Blackburn recommended the road completion time frame be set at six months after 80 percent of the homes had been occupied.

Ross Hansen stated that the applicant did not want to build the road but that it would make logical sense to complete the road.

Mayor Bailey recommended that the completion of the road should not exceed three years or 80 percent of occupancy, which ever came first.

Shawn Warnke advised he had been reviewing the CC&R's to ensure that everything approved by the Council was contained therein. He indicated there were some verbiage changes that needed to be made and that he would work with the applicant to make those changes.

Gerald Kinghorn stated there should already be a margin built in to account for inflation costs to finish the road.

Sterling Stoddard stated: "From Fieldstone's standpoint, I'm not sure what CC&R's are being approved at this point. Are they the ones..? Well, there's been three different sets, and so I'm..."

Mayor Bailey explained that the CC&R's being approved were the ones that were subject to the recommendations by Council from the June 15 meeting.

Shawn Warnke indicated that, at the end of the meeting on June 15, he talked with the applicant regarding which CC&R's he wanted to submit for review. He stated that the applicant used their template and included the verbiage approved for the alternate design guidelines.

The Mayor explained that he previously told the applicant that he could submit the currently approved CC&R's subject to changes made by Council on June 15 and that those CC&R's could be amended.

Mark Madsen stated that his impression after looking at the sample CC&R's was that they are probably more stringent than what the City was passing.

David Blackburn suggested that the HOA and CC&R's be actively marketed as part of the sales process so that the City did not have to explain later that they could not enforce those restrictions.

MOTION: *Mark Madsen moved to Approve the Development Agreement, including CC&R's, for Pioneer Addition, Phases IV, V (a), and VI, with the changes as discussed: 1) that approval was subject to non-substantive text changes that Shawn Warnke would present; 2) that the staff recommendation be included stating that each requirement approved by the City Council of Eagle Mountain City in the preliminary and final plat approval of the project shall be completed or fully bonded prior to occupancy of any of the homes in the project; 3) that the construction access be implemented as discussed; 4) that the bonding for the part of Bobby Wren Boulevard that extends beyond the entrance to the subdivision be either completed or bonded for with a completion schedule of three years or 90 days after 80 percent occupancy was reached, which ever comes first. David Blackburn seconded the motion. Ayes: 4 – Vincent Liddiard, David Blackburn, Linn Strouse, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse asked for clarification that the City had received bonding letters, and Mayor Bailey advised that the bonding letters for each subdivision had been received and reviewed by Corey Walker.

Corey Walker explained that the developer would have to bond for Bobby Wren Boulevard whether he constructed it or not if he wanted to record.

5. Award of Design Build Contract for the City Utility Administration Building:

Corey Walker explained that his office made an effort to notify all of the contractors who made proposals on the project regarding the City Council meeting on June 15 and that the approval had been moved to June 17. He explained that a representative from Ellsworth Paulsen was present to answer questions from the Council. Mr. Walker stated that the recommendation of the selection committee was positive for two of the applicants, Ellsworth Paulsen and C & A Construction. He advised that the selection committee determined that 1) Ellsworth Paulsen provided a strong construction team, even though there was concern over their two-story design, and 2) that C & A Construction had provided a good vision and building layout to meet the design ideas of the City, but there was some concern regarding the team's experience. He explained that Ellsworth Paulsen brought a single-story office building exterior design to show the Council as an alternative to their two-story design.

Mayor Bailey explained that making the selection of a design build team did not bind the City into accepting any of the designs presented.

Corey Walker explained the three phases of a design build process: 1) approval of a concept plan, meaning that the selection committee and a representative(s) of the City Council would meet with the selected team and work over the submitted interior and exterior design to work out a concept that the City found acceptable; 2) incorporation of the concept design into a set of plans to be approved by the City Council and the Building Department; and 3) actual construction of the building.

Vincent Liddiard stated, in coming to a decision, he was leaning toward the actual floor plans and how they would work for the City and the comparables with other projects completed by the design build teams.

Ralph Rupp, representing Ellsworth Paulsen, encouraged the Council to consider the references from people who had worked with both teams before. He stated it was critical to have a team that you could work well with and would still be "your friends" when the project was complete. He stated Ellsworth Paulsen received references from previous customers verifying that their projects were completed on time, on budget, and they "liked what they got." Mr. Rupp stated he realized there were a lot of changes the City would want to make to the design and that his company would accommodate those changes.

David Blackburn asked if there had been consideration in the design for future use of the building, since it would not be the permanent city hall.

Korey Walker indicated that the direction given during the pre-bid process was that the building would eventually become either a public safety building or library.

Mark Madsen explained that he felt that the selection of a good team was critical on a design build project

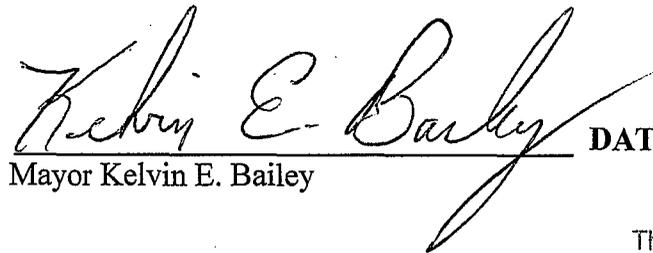
Gerald Kinghorn stated that the reputation and skill of the team were more important than the drawings.

MOTION: *Linn Strouse moved to award the Design Build Contract for the City Utility Administration Building to Ellsworth Paulsen. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

6. **Adjournment:**

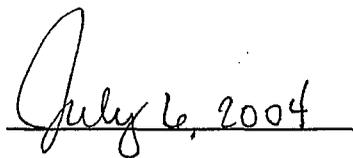
Vincent Liddiard moved to adjourn the meeting at 8:13 PM.

APPROVAL:



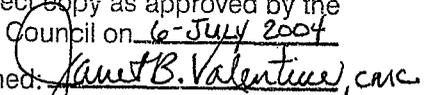
Mayor Kelvin E. Bailey

DATE:



July 6, 2004

This certifies that the minutes of
sec 17-June 04 are a true, full and
correct copy as approved by the
City Council on 6-July 2004

Signed: 

City Recorder

ATTACHMENT TO 06-17-2004 SCC MTG MINUTES
COUNCIL MEMBER DIANE JACOB'S COMMENTS ON PIONEER ADDITION, PHASES IV, V(A) AND VI

Mayor and Council members:

First I apologize for having to leave the meeting early the other night do to my headache and because of such I don't believe I was able to adequately articulate my position on development in the city center. First, let me say I'm excited for development to happen in the city center. A well-planned development is always a plus for any area of town. Having said that, these are my concerns with the Pioneer Addition. First while the CC certainly has every right to over-ride both the PC and the staff recommendations I would strongly encourage the CC to look at why the staff placed conditions for the approval and why the PC voted the way it did. As I stated on Tues. night, it's my belief that had the makeup of the PC been different the outcome would have been the same. As I also said that night, the makeup of the PC should have no bearing on the fact as all PC members were interviewed and brought forward by the mayor and voted on by the council. Please let's not make this a political agenda item when it does not need to be.

In speaking to the members later I was told they would have gladly passed the plat IF the developer had been willing to give and take on the points they felt strongly about.

It's important to remember that this plat had already been approved with no alleys with a mix of lots sizes minimum 50 feet frontage. The applicant has asked for a new min. frontage of 41 feet. We had already approved fewer porches, less side and front yard set backs and less garage square footage and with the new plat more has been asked for.

The current code allows for the developer to propose alternate guidelines. When the CC and the PC look at these new guidelines they need to carefully weight in on what the city and the citizens GET from the variation to the current code. (Yes, Mark as bad as it currently is.)

If all we get is more density with no extras just for density's sake then the reasoning is flawed. With the city looking at the Alternate guidelines it is within the city's right to negotiate and while not hold the developer hostage the city is given latitude to gain more, in looks, landscaping, or whatever as basically it's a new way to negotiate. It is also within the city's right to refuse the proposed guidelines as we are not legally bound to accept them. Please look carefully at these and compare them with what was granted previously. We are gaining .5 acre of park but because of the poor layout we are not getting interior trails that both the staff and the PC wanted. While these are not required we can ask for them as a way to give and take. Please think not only rooftops but quality of life for those living within the city center.

We are also losing 1 tree per lot; the roof pitch is going from 5/12 to 4/12. With this low-end product I believe these would greatly offset the "look" (sorry Mark) of the product. We also need to have a variety of front set backs to give variety to the streetscape. Remember, the lots have to be narrow to "hide the ugly sides", which I believe was a poor excuse for the council to narrow the lots. This product would have worked on the already approved plat with some modifications.

The density was granted with the preliminary plat and now we need to make sure that if the builder pulls out for some reason that it goes back to the previous plated way. Kelvin you will need to figure out the best way to do this.

I would hope that the council would give some weight to the comments I have made and I look forward to meeting with you again when I return.

Thanks
Diane Kimball Jacob
City Council

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, UT 84043
Tuesday, July 6, 2004

WORK SESSION -

1. Consent Agenda
2. Discussion regarding proposal and agreement for Meadow Ranch East Entrance Landscaping
3. Discussion on a joint test well with Silver Lake
4. Discussion regarding the Jake Garn Airport Planning District Planning Commission
5. Discussion regarding amending the Eagle Mountain City Business License Ordinance and amending the provisions of the Eagle Mountain City Development Code regulating home businesses
6. Discussion regarding alternate members to the Planning Commission
7. Items as outlined on the policy session
8. Other business
9. Adjourn work session at 6:40p.m.

I N T E R M I S S I O N

Prayer by Invitation of the Mayor

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 Members Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse.

City Staff:

City Administrator: Chris Hillman
City Attorney: Gerald Kinghorn
City Engineer: Korey Walker
City Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Planning Director: Shawn Warnke
City Planner: Adam Lenhard
Public Works Director: Mark Sovine
Utah County Sheriff: Sergeant JoAnn Murphy

Others Present:

Harry Bakken, resident; Maritza Bailey, resident; Nick & Robin Spor, residents; Paul & Shane Spor, residents; Jennifer Borneman, Crossroads Journal; Dee Scott, resident; Brian & Debbie Woolley, resident; Jason Brockett, resident; Jason & Janet Back, resident; Pat Hoffman, resident; Rob Healey, resident; Kathy & Larry Nuttal, residents; Jennifer Konold, resident; Janice Sloan, resident; Mike Risenmay, resident; Brigham Morgan, resident; Ray McCumber, resident; Elizabeth, Dailey Herald.

2. **Pledge of Allegiance:**

Mayor Bailey led the Pledge of Allegiance.

3. **Approval of City Council Minutes June 15, 2004 & SCC Mtg on June 17, 2004:**

MOTION *Mark Madsen moved to approve the minutes of June 15, 2004. Vincent Liddiard seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Mark Madsen moved to approve the minutes of June 17, 2004. Vincent Liddiard seconded the motion. Ayes: 4, Nays: 0. Motion passed. Diane Jacob abstained as she was excused from the meeting.*

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

Mayor Bailey announced that Shelia Curtis, Emergency Preparedness Co-coordinator, had secured a \$6,500 reimbursement grant for the City.

Mayor Bailey noted that the City Council would hold a Special Meeting on Tuesday July 13, 2004 at 7:00 p.m. to discuss Section 2 of the Development Code.

5. **Appointments:**

MOTION *Diane Jacob moved to approve the appointment of Fionnuala B. Kofoed as Deputy Recorder for Eagle Mountain City. Vincent Liddiard seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public notices:**

Mayor Bailey discussed the use of fireworks within Eagle Mountain City stating that they would be permitted from July 21st through July 27th, 2004.

7. **Public comment:**

Harry Bakken, resident addressed the proposed Off Highway Vehicle (OHV) ordinance. Mr. Bakken believed that the City Council was acting too hastily and that the matter needed further investigation before an informed decision could be made. Mr. Bakken also stated that the matter needed additional input from the residents.

Robin Skor, resident indicated that she was in support of the OHV ordinance and believed that, if regulated, the use of OHV in the City would be easier to manage. Use of the trails would be a great benefit to the community.

8. **Council comments:**

Mayor Bailey advised Mr. Bakken that the OHV ordinance had been before the Council for discussion on several occasions and that any decisions that were made were based upon findings of fact. There was still some additional investigation being conducted by the Planning Department and no final decision had been made regarding the adoption of the ordinance. The Mayor added that interested individuals could pre-register at the City Offices; this would also indicate how much interest there was regarding the matter. Mayor Bailey went on to say that there would be specific regulations such as minimum age requirements and only 4 stoke engines would be eligible to utilize the trails. A draft copy of the ordinance was available for review at the City Offices. All costs for the program would be covered by the registration fees.

Linn Strouse commented that, as per Sergeant Murphy, the law would help curtail the problems associated with OHV. Initially, it would take more work to enforce but with time it would save the deputies time and effort.

Diane Jacob addressed concerns she had regarding private property owners and whether they would be impacted.

Mayor Bailey noted that no private property would be used and that all property owners along the route would be contacted and made aware of the City's intentions regarding the trail.

9. **Recognition of Military Service:**

None

10. **Public Hearing on Compensation Plan for the Elected Officials of Eagle Mountain City:**

Mayor Bailey: "There was a report that was put out that was established and shows the parameters of what other cities the size of Eagle Mountain City are currently compensating through a stipend; understand that a stipend is nothing more than nominal fee that is paid to the council and mayor in order to offset some of the cost involved in doing the job. We had that done and that's on the report here, it came up with what the average were which were a little higher than what the Council is proposing. Also attached to your packets was a petition from citizens that was requesting this, actually requesting this over two years ago, actually almost two years ago to the date wasn't it? But at that time the City wasn't in a position to honor that request or do anything about it because of the financial situation of the City. Since then may things have changed and so that petition is attached - also so that Council can see that there was support from over two hundred citizens in the City that signed that petition, so that's what's on the table here that was approved in the budget but we still need to have a public hearing for it and I would open up for a public hearing now at this time."

Jerry Kinghorn: "Mayor, you need to state the current compensation vs. the proposed compensation."

Mayor Bailey: "Oh, I'm sorry. The proposed compensation, the proposed compensation or stipend that is being paid is \$200 per council person each month, which amounts to \$2400 per year and the stipend for the mayor is \$400 per month for twelve months, which is \$4800. It is being proposed that the council be increase from \$200 to \$400 and the mayor be increased from \$400 to \$800 and that's the proposal on the budget. And now to open up the public hearing I have one from Pat Hoffman but anyone else that would like to comment on the public hearing just raise your hand when Pat gets through."

Pat Hoffman: "Is there anyone that would like to go first?"

Mayor Bailey: "Is there anyone that would like to get up and make a public comment?"

Harry Bakken: "I apologize I'm going to read this so I don't miss anything and I have a copy for each of you. While I appreciate the hours that of service any many sacrifices you all make for the benefit of the City, I so not understand why you feel it would be appropriate or honorable to grant pay raises to yourselves, or even the next council given the current financial situation of the City. Here are a few reasons I believe this to be a poor decision at this time:

- You gave recently raised taxes on utilities and property to meet budgetary demands. How do we have the money for raises?
- The base rate on our utilities is going up. While these funds are separate, I don't understand how you can in good conscience accept a raise given this and the tax increase.
- You recently disbanded the volunteer sports board and replaced it with a paid position. That money will have to come from tax payers where revenues from sports participation can not cover the costs.

- Mr. Madsen has balked at spending \$500 for the Easter Egg Hunt in the name of good government. Is it good government to pay yourselves more while taxpayers pay more? You're all tax payers (I think), don't you want to see your tax money managed well?
- The Fire Department still lacks critical equipment necessary to save lives in Eagle Mountain and is poorly rewarded for their sacrifices to the City.
- The telecom deal has not closed and will likely linger several more months. I imagine that will require rate increases and expenditures the City is not planning for.
- It is likely that you will approve your OHV registration plan. How will this not cost the City more money? This signage, enforcement, and legal fees will likely outpace the revenue this program will bring in. Again, where does the money come from?
- You have repeatedly sounded the alarm among residents of the burgeoning City debt and the perils it brings. You will discuss tonight adding to that debt. How can you in good conscience accept a raise?

Bottom line, City financial issues aside, what did you take this office for? Why did you seek the office of Mayor or Council member? Many of you gave grandiose speeches on the campaign trail about giving back to the community and practicing democracy. All the while, you knew the pay, for lack of a better phrase, sucked. You knew then that you would have to put up with critics, long meetings, public appearances, e-mails and all the rest of it. Did you do it to serve or did you do it for a pay check? Again, I can't say this enough, and I really do mean it, thank you for your service. If things were better financially, I would wholeheartedly support this. However, if I were on that side of the podium, I could not in good conscience pass such self-serving legislation. Thank you."

Chris Hillman: "Please no clapping, we would like to maintain proper decorum and also proper respect for maybe some different views, so please thank you for your respect of others and not applauding or making other comments. Thank you."

Mayor Bailey: "Ok, is there anyone else that would like to get up?"

Pat Hoffman: "I really would like to because I feel strongly about it. I did write this down because the grayer my hair becomes, the less in harmony my tongue and brain seem to function. I have lived in the town for about a year and a half now. I love it out here. I have children and grandchildren who live here and wonderful (very young) friends who live here. I am, however, concerned about the financial management. I have seen and am observing. I realize this is a new town, and therefore may have some less experienced town officials, none the less I appreciate the effort and service that is being rendered in our behalf and I thank you for it. I am, however, concerned that in addition to already comparatively high utility increase our taxes are being increased and in addition to those increases there is talk of significant salary increase for our elected officials.

In my opinion, the demographics of our town simply do not and can not support such an increase. We were employed by the same corporation for 40 years – a corporation which is also a service oriented business, which employees tens of thousands of people and as a corporation has always kept itself in line pay-wise with the demographics surrounding it. I can recall three or four times during our 4 decades of employment when our, albeit modest salaries, were frozen because the economic situation in the state or country was in a depressed condition and they remained frozen until the economy improved. That is exactly what should happen in the case of any company that is in a public service mode. They should have in the forefront of their motives those whom they are there to serve. That is the responsible way to run a company, a town or a family. That is the modis-operendi that will foster and generate success and achievement.

I would certainly be supportive of any increase that was in harmony with other demographically compatible increases. I would guess that would probably be about 2-3%. My social security last year increased by \$12 per month, which is roughly 2% of what I receive. I don't remember ever in our 40 year employment history receiving a salary increase of more than about 2%. I would guess that is pretty much the norm in most companies.

It certainly does not make sense for our elected officials to increase their salaries out of harmony with their constituents. With all the foreclosures and vacant properties in our town, I would guess that it goes without saying that any increases are going to present a hardship on the members of the community and that hardship should be shared proportionately with all the community members elected and non-elected. The phrase "public servant" carries with it a significant responsibility, service being the key word not "self".

I understand that there were some comments made to the effect that a pay raise would bring in more qualified council members. Surely this doesn't mean that those who are now sitting on the council are not qualified. Or that we should be looking for people to serve on the council who are doing it for monetary reasons. I hope not. Surely the intent of public service is just that, to serve the public. History has shown over and over that societies or communities for that matter have become entangled in serious problems when personal interest becomes more important than serving others, especially those for whom they have responsibility.

I would hope that our elected officials, our public servants, will keep in mind the service aspect and keep salary increase in harmony with what the rest of us receive and with the demographics of those whom they have been elected to serve. Thank you."

Mayor Bailey: "Any other public comments?"

Ray McCumber: "I also would like to echo the sentiments or some of the sentiments that have been voiced already and I don't believe that anybody in the community is saying that they are not grateful to the service of the Council and the Mayor. I believe that all of us our grateful for the time that you guys put in. However, in the last eight days, last Monday to be specific, Mr. Blackburn and Mr. Hillman both e-mailed me explaining that the flag of our City was not able to be flown at half staff in honor of President Reagan for fear that the flag would need to be replaced. I was told that the flag would cost approximately \$400 if it was replaced. Now I know that going from \$200 a month to \$400 a month is not a huge increase. I suppose as a percentage it's quite large but as an actual dollar amount it's not much. But if the City does not have in its ability the budget to replace a flag to honor one of our great presidents, then I propose that there is not enough money in the budget to increase the stipend at this time. That's all."

Mayor Bailey: "Any more comments?"

Larry Nuttal: "I didn't plan on doing this but I have a different opinion than the three that have been expressed so far. I feel, first of all, as the last person said that the increase is not applicable, not really if you increase 50 cents by up to \$10 you got a huge increase, it doesn't make any sense, what you need to talk about is a dollar amount. When I look at the total dollars that we're talking about here it looks to me like, doing quick figures using about 2000 residents in our City it amounts to about \$15 per household per year in taxes. I don't think that that is going to break anybody's budget. What I do think is what we do get is what we pay for and I've never seen a greater service minded group of people than these here. I don't know any of us who would like to work for 40 hours a week, which I know some of these people have done for \$800, previously for \$400. If that's not service, I don't know what is. Anyway, I can't see, they've done their homework they're asking for an increase that is comparable to other cities of comparable size it makes no sense to me that we wouldn't compensate these people in the same way; it costs us \$15 per year. I think we get what we pay for, if we do anything less well be sad for it. Thank you."

Mayor Bailey: "Any other comments?"

Mark Cray: "I would like to see, actually, rather than doubling the income or the salary for this position, which is not much anyway, more city council members. We would have greater community involvement and the workload would be distributed among more people as well. If you keep the emphasis on service and let more people get involved. That's my two cents, thanks."

Mayor Bailey: "Thank you. Any other comments?"

Veronica Detel: "I have a list here of about 20 names, unfortunately I didn't know about this until a couple of hours ago. These are from people in the neighborhood who are absolutely opposed to the pay raises of any kind for the Mayor or the City Council. I don't know if you want it submitted?"

Mayor Bailey: "Yes that would be fine."

Veronica Detel: "This is just a small amount of people. When they saw that I was trying to get them together they were like, why didn't you let me know sooner. Everyone is against it, especially for this administration. It's kind of self serving to be paying yourselves instead of oncoming and with the amount of taxes that we're already paying for increased utilities, increased everything. It just seems unfair, people are loosing their homes and aren't able to afford it. It would be nice if I could give myself a raise as much as I want to. We are against it."

Mayor Bailey: "Thank you. Any more comments before I close? OK, I'm going to close the public hearing and go back to the Council and allow the Council to discuss this if they wish."

Diane Jacob: "I'll go ahead Kelvin if that's ok?"

Mayor Bailey: "That would be fine Diane."

Diane Jacob: "The petition that's included in our packet was a jumping off point from a memorandum put together by Chris Hillman, which formed basically an Elected Officials Compensation Committee and this was formed in August of 2002. This committee got together and actually met over a series of weeks because this has been brought up before to increase our salaries. At that time everyone, except me, voted to increase salaries beginning in January 2004. However, we weren't able to do that because of budgetary concerns which we mentioned earlier. I have a copy of the Compensation Report and the memo from Chris Hillman forming the committee and I was concerned that those items weren't in the packet because they were the impetuses to why. I would like to submit those at this time to be included in the record."

Mayor Bailey: "Part of the reason, Diane, is because that study was not done accurately. The study that was done recently was more accurate with what other cities are doing."

Diane Jacob: "It was still a report and it was a jumping off point."

Mayor Bailey: "An accurate report is more is more appropriate."

Diane Jacob: "That's true."

Linn Strouse: "That was the previous Council by the way - just to clarify - they voted on that."

Mayor Bailey: "Right."

Diane Jacob: "They voted on what?"

Linn Strouse: "What you were just talking about."

Mayor Bailey: "Right, previous Council all except Diane voted on it."

Diane Jacob: "It was myself, Linn, Mark, Greg and Brigham that voted for the pay increase to begin and the subsequent...."

Mayor Bailey: "And the reason that it wasn't implemented is because we still didn't have our audits done, we didn't know absolutely for sure where we were so we chose not to do it."

Diane Jacob: "And that's what I said, that's what I said and I just wanted those to be a matter of the record...."

Mayor Bailey: "Sure."

Diane Jacob: "We did, as a Council, discuss this at great length - those of you who would like to can access the minutes dated February 4, 2003 on the web site - there are some verbatim there that we went through as well. I am opposed to granting myself a raise, I don't believe in it. You want to grant subsequent council a raise and let them deal with it then that's fine but just to let you know that if this is enacted I will be donating the money, the extra money that I would receive, to the Fire Department."

Mayor Bailey: "Anyone else?"

Mark Madsen: "I would like to make a couple of comments. The question was asked why did we run for office. For myself I can speak and I can say I ran for office because I do believe in public service. Now, much was made out of the word service - it is public service not public slavery and serving in public office is demanding and requires not only out of pocket expenses but it requires a lot of time away from other things that all of us could be doing with our time. Some people who have young families who are working to make ends meet who haven't had a lifetime to accumulate wealth or have an inherited wealth may have a lot to offer our community but it's not viable for them to serve in public office because they need to be spending their time elsewhere and so really what the question is, is how much do we try and mitigate the sacrifice that we expect for people who run for public office and how many people do we drive off just because it's not financially viable for them? I'd like to open the door wider, I could pass this and not get the money myself and pass it for future folks or for other folks that are on this Council I'd do it in a heart beat but I have to do the politically incorrect thing and vote for a pay raise for myself if I want to see the other people in this City who might have a lot to offer to public service to get some kind of fair compensation. I'm happy to spearhead this, I'm happy to do it. I'm pleased that Diane..., there's always the alternative that if we get more money and we're in a position to where we don't need it we can donate it to a good cause. I really believe in making charitable contributions I think that's a very noble thing of you to offer to do Diane.

I think that the comments were made about surrounding demographics and we've nailed the surrounding demographics - we've studied the surrounding cities - we've gotten a legitimate source of information not a report that was just a conglomeration of feelings and opinions and personal beefs but an objective report that was consolidated and brought together from comparative municipalities. I'm happy to sponsor this - I think that it's good for public service and the comment was made about good government, I think that this does speak to good government. This opens the door for people from not just from certain classes but from all classes to look at public service and say "I might be able to do this and still make ends meet for my family, still have the time for my family". This is often the choice of "do I get to spend time with my family and interact with them or am I going to mow my lawn?" It's as simple as that. "Am I going to change my own spark plugs or am I going to be able to afford to pay someone else to do it while I spend a little more time with my family?" This is a decision that will be made in a more family friendly way if we allow our public servants to get a little more just on par with what other municipalities receive in our stipend - so if I could vote for it for other folks and not get any myself, I would but I think that this is the right thing to do - I think that we should be on par with everybody else. I don't think that people out here in Eagle Mountain City should be penalized just because they serve in Eagle Mountain."

Linn Strouse: "I'd like to make a point, first of all, I don't think that Saratoga Springs is on our list but Saratoga Springs pays....."

Mayor Bailey: "The population doesn't match, it's based on population and they don't match our population."

Linn Strouse: "Right, they're smaller but they pay more."

Chris Hillman: "Actually, Saratoga Springs is not part of the compensation survey system, they don't actually participate."

Diane Jacob: "They have not increased their salaries since they incorporated."

Linn Strouse: "Theirs was higher to begin with so I think that's worth pointing out. Also, when that study was done last year one of the participants mentioned that he didn't think that the Council should get much compensation because they really didn't do anything. I was quite disappointed to see a former public official make that statement especially in light of the fact that in the last four years everybody on this Council has worked extremely hard – I know that I have personally sacrificed about two years of my life and I'm not complaining because I intended to do that – the job needed to be done – I did the job – was it a great sacrifice – you bet it was but we're a better community for it because we have people will to go above and beyond the call of duty – we are a much better community for it. I talked to one lady who came from a small town – she was a council person and I said "do your meetings go late into the night" and she said "golly, we get board we have to close them early because there is nothing going on". Eagle Mountain City is very unique along with Saratoga Springs and some of these other communities – we're extremely busy. Challenges - just because we are a new City – the work load is just phenomenal compared to a lot of Cities in Utah – so it would be nice if we could just divvy up the responsibilities but you're talking about a community that being a brand new City with all of its challenges and some of the complications along the way – we have our own utilities – there's just so much more time demanded in this position. I am very concerned also that people act discouraged from running because of financial reasons – it should just not be the rich that represent us – we have too much of that going on in this country and that's part of the problem – a major challenge in this country is people with the money making the decisions and that should not be the case. I would also like to point out that since the Lake Mountain Arts Guild has done such a wonderful job filling the void of the Arts Council – it has saved over \$11,000 that the citizens do not have to pay any longer because they are doing it through donations. The Youth Council is no longer going to have a \$2000 budget because part of their goal was to be self sufficient. Let's see, I think that I have covered everything."

Vincent Liddiard: "I think that it's been interesting - quite a few things have been said regarding demographics – the salary started in 1998. One of the things that I've had the unique opportunity is to work a lot with and see the Mayor's involvement – and as much effort that he's put in and the things that he's done – it's not about the person, it's about the position. Our expectations about whomever might sit in that chair and to be honest, I'd like to see the Mayor's compensation go up a lot more than \$800 a month. I'd like to see it increase quite a bit because of the kinds of efforts we expect whoever sits here to put forth – the kinds of labors that we expect for them to sacrifice from their employment to come here. Now, my own position is a little bit different – I'm not seeking funds for this – it's not the kind of thing that I have gone about to get rich rewards – I can get paid a lot better if I spent this much time doing my regular job – I certainly don't do this for the money. It's interesting to look at the comparisons from the different cities and to kind of be taken seriously as a City Government – to come up to an average – I'm reminded of a story.... the last time we talked about this I think it was leaning more towards the \$300 mark than the \$400 but I would have much rather supported the difference of the funds to go towards the Mayor's office to allow them to participate in a way that they can be able to do these things. The financial health of the City – I know that there has been a lot of concern just getting the audit report done – getting it done on time – knowing where we were financially – a lot of things have changed in our City financially – at the end of last year we were hundreds of thousands of dollars in the red. We'll complete this year in a much better situation. Hopefully, soon all of that will be completed and we'll know what that will be but our overall health of the City in how things are being done are very encouraging. I have actually spent a lot of time thinking and wondering and wanting to do this and in my comments I would only compare it to what Mark said – I would like this to provide an opportunity to those people that come after us – I think you Linn will be the longest standing member of the City Council if you complete both terms of six years – that's quite an accomplishment. No-one here has been beyond four years so I think that there is going to be continued turn over. I would hope that in a few years they'll raise the Council salary again and our City will continue to grow and make allowances for everyone to participate. This is not something that I have gone about lightly – it's been something that I've been thinking a lot about."

David Blackburn: "I should note for the record that when the City approved the Compensation Committee back in the summer of '02 my name was actually on the position to say "consider increasing compensation for mayor and city council members" – I didn't quite realize the impact of staring history in the face. This

is not an easy situation and I'm not comfortable making this decision either. My wife would be more than happy to see a little bit more come home for me not being home. Depending on who you talk to you'll find and you'll hear various comments at any particular time. You'll hear people say "you get paid too much - it's a public service" - "you volunteered for it" etc. etc. and you'll have other people who say "I wouldn't touch that job with a ten foot pole and you're getting paid how much?" "I wouldn't even touch it with a twenty foot pole" after that point.

Finding that balance where people think - where we get the consensus where it's an appropriate quantity or an inappropriate quantity is a very hard thing to do - I would second the words of Vince that the position of mayor in what this town is going through and has had to go through is literally a fulltime job and we're paying, essentially, a teenagers wages for professional management of a \$21,000,000 corporation and in that sense and scope I do believe we need to address some increases in that regard. As for the value for my own time and effort, that's hard to put a price on and I can't say that I agree that this is enough or too much - that's a hard decision - if we had it on a ballot to say how much I'm worth or how much we're worth as a Council - depending how we voted that particular last meeting they paid attention to or the news article - this is how they'd say "good" or "bad". Compensation is always going to be an aspect of whether it happens now or whether it happens later. As to the comments made about how we've increased taxes or utility rates

or things of that nature - if you'll review our utility structures and payments we know those fees are nothing that go towards the City Council. Our fees are based on open rates - I agree the principle and timing stinks - I mean I brought that up last time I said "this is the complete opposite to say oh we've got to raise the rates and oh, by the way we want another \$200 a month..."

Voice from audience: "Then why are you doing it?"

David Blackburn: "I haven't voted on it yet."

Mayor Bailey: "Excuse me, no comments please."

David Blackburn: "I also agree with more inline compensation."

Linn Strouse: "I'd like to make a correction - the recent tax increase was over a year ago and it still put us as one of the lowest cities in Utah County - just for the record".

Diane Jacob: "I think that Mrs. Strouse mentioned the fact that - you know - she felt only the wealthy presently could now serve on City Council - I think that if she look over all past City Council she'd find a wide variety of income levels that did serve in that capacity - and also we've talked about the complexity of our City because we own our own utilities but also with that complexity of our City we also have an increased employee load that we have to share the work load. Mark Sovine who is over our utilities and under him he has countless employees that work for him and so he basically runs that department and so to say that utilities falls mainly - squarely on the Councilmen's shoulders is not correct because Mark Sovine does shoulder much of that responsibility and we pay him a salary to do so - and so the work load is not for that particular aspect is not carried on all our shoulders."

Mark Madsen: "I would like to correct something that Vince said - last year we weren't in the red - two years ago we were in the red. Last year there was a significant reversal in the management of the City and the City finances."

Vincent Liddiard: "I'm sorry - we passed the year mark - my apologies."

Mark Madsen: "And we're almost completed with the most recent fiscal year - that I guess, we are completed with the most recent fiscal year, and that's yet another story of how much better things were managed and we have a responsible budget going into the future and we're not going to repeat the things that were done in the past - we're not going to have other years in the red so comments about management of the City are taken to heart and the City is being much better managed now then at some times in the past. I think that's really the main point, I mean as far as us, we do have staff and we have a staff that's

proportionate to the load of the City and we're not asking to be, to receive twice as much as cities of similar size – there maybe more things that the City Council is involved in because we do have utilities – we have some other things and it may take a little bit of additional burden on our time if we are inclined to put the time into the job that we have but we're not asking for more than other cities – we're just asking to be put on par with other cities of our size and the study is here it's for everybody to see – actually we come a little bit under average but I didn't want people to walk away and say that the City wasn't being managed well and we hadn't made great strides in that direction or that we were looking for more than other comparable cities.”

Mayor Bailey: “I'll make a few closing comments and I'll also respond to a few of the comments made by some of the public comments. On a little lighter note, I noticed in the newspaper that the newspaper apparently has us in a different proposed increase – they show this list of cities here and they show the budget for last year and what their proposed budget is for the following year and then they have out here to the side what you can't see from out there the reason why for the increase in budget – like for instance they'll say Orem's budget went from so many million to so many million because they're doing a new bond on the sewer or water system or whatever. Well, the interesting thing here on Eagle Mountain's it says that the Eagle Mountain budget went from \$17,700,000 to \$21,100,000 and the reason for it was the Mayor and City Council pay increase – so you guys have messed up here, you should be paying the Mayor about a million and each of the Council persons about \$600,000 each.”

Mark Madsen: “That's the Michael Moore School of Journalism...”

Mayor Bailey: “Oh is that what it is?”

Diane Jacob: “And this was the Deseret News by the way.”

Mayor Bailey: “I thought that is was interesting and funny. I would like to address a few things – first off the City is doing much better financially, just because you haven't seen the final reports is simply because the audits are not officially audited and done. We got the draft audit from 2002-2003 – I'm still not at liberty to tell you what those numbers are other than they're substantially better than what they were in 2002, which was a deficit year. We've done some major, dramatic changes in the way we manage the City financially and it's a world of difference than where it was. As far as tax increase on utilities, we didn't raise the utility rates by taxes – we did raise the taxes here recently starting this month – not anything to do with what you pay the Mayor or Council or anybody else in the City – that has to deal with the debt structure on those utilities and that debt structure required that we had to increase it – it had nothing else to do with it, whether you increase this pay here or increase Chris Hillman's pay or someone else's pay it wouldn't have made a bit of difference in what that increase was on the utilities – it had to happen because we can't take the General Funds to pay for it – it's got to come from out of the utility to pay the bonds back.

The comment was made how sports was being paid by tax payers now – it's not being paid any different then it was before, which was not being paid. You take the revenues from the revenues generated by those who participate in the sports and whatever the revenues can support, that's what can get paid in that position – so it's not taken out of the General Fund in the sense that everyone else's taxes are having to pay for that person, it will come from those – if there's not enough money to support the program and pay the person then the program doesn't work – so that's not happening. The Fire Department is compensated – unfortunately we can't compensate them much but we have a part-time fireman who does a supper job – he works part-time but much like the Council, he works full-time but we do pay him twenty sum odd thousand dollars a year even though he's part-time – he's a public servant. The City debt is much better, we have reduced the debt – we've got Telecom being sold – so that's going to change. No-one on this Council that I'm aware of, and you can correct me if I'm wrong, sought this position because of \$200 or \$400 or \$400 or \$800 – that doesn't begin to compensate anybody. If you took any respective career that any individual has on this Council I can guarantee you it doesn't begin to even compensate them for their time – all this stipend does is help offset the cost they incur – they don't get paid travel and mileage or anything for their cars for all the trips or meetings they go to but this stipend that they get helps compensate for those kinds of costs. This is simply an increase to help them offset those costs – some may or may not need it, others may

- let's see what do I want to address here – as far as money for the flag that was brought up – it wasn't an issue that there wasn't money for the flag, we were trying to be conscientious and not spend money – or the Staff was and that's what they have been trained to do – and so rather than risk losing \$300, \$400, not that they couldn't have turned around and bought another one, that wasn't the issue – they simply wanted to avoid losing money if they didn't have to, which they have been very good at this past two, two and a half years. I don't disagree that we shouldn't leave it up to respect President Reagan; however the flag protocol didn't require municipalities to leave it up for 30 days even though we were trying to do that – it was only federal buildings that were required to do it, however there was no problem doing it.

As far as the petition that was submitted earlier, she had 20 signatures, maybe she could have gotten 100 maybe 200, I don't know – there's a petition submitted two years ago that was in support of doing this that has over 200 signatures on it – so there's going to be, as Dave mentioned, those that are for and against it but what it really boils down to is what's fair and right to do – and it doesn't matter if any one of these Council members are here tomorrow or not, it's a fair thing to compensate the Mayor and to pay our Council to be par with what other cities are. No-one's going to be here tomorrow if they don't approve it or if they do approve it, they're still going to be here because they're here to serve this community. That little stipend is not what makes the difference and anyone who thinks that's the reason they're serving is sadly mistaken – so I have nothing else to say. Council has said their part on it – I'd entertain a motion on it.”

Vincent Liddiard: “I'd like to move that the Mayor's compensation be changed from \$400 a month to \$1000 a month and that the City Councilman's salary be changed from \$200 a month to \$300 a month.....you know right where I stand.”

Janet Valentine: “Mayor, this needs to be done by ordinance.”

Vincent Liddiard: “Ordinance number....”

David Blackburn: “O 17- 2004....”

Mayor Bailey: “Well, before anyone puts a second on that – frankly, I appreciate that Vincent – I think that everyone here deserves a little bit of a stipend to help them offset their costs – so y'all do whatever y'all want to do.”

Vincent Liddiard: “Sorry, the ordinance number, Janet can you read that to me?”

Janet Valentine: “O 17-2004”

Vincent Liddiard: “I move that we adopt Ordinance number O 17-2004 and the following - \$325 for the City Council members and \$1000 for the Mayor as a change from the current ordinance”.

Linn Strouse: “I second that”.

Mayor Bailey: “Discussion?”

David Blackburn: “Why \$325?”

Vincent Liddiard: “An arbitrary sum in difference to the Mayor's comment.....do you have a suggestion?”

David Blackburn: “No, I don't – it's just that.....”

Vincent Liddiard: “I'm trying to be the ever artful compromise”.

David Blackburn: “It's artful.”

Vincent Liddiard: "Dave, you're a peer and respected gentleman – I'm anticipating your comments."

Mayor Bailey: "Any other comments? Role call vote.....Linn".

Linn Strouse: "Aye."

Mayor Bailey: "David."

David Blackburn: ".....Aye."

Mayor Bailey: "Vincent."

Vincent Liddiard: "Aye."

Mayor Bailey: "Diane."

Diane Jacob: "Nay."

Mayor Bailey: "Mark."

Mark Madsen: "Aye."

Diane Jacob: "Could I then add in evidence of that I'd like to read this and submit this to the public for public record.....Mayor and City Council, the purpose of this letter is to inform the Mayor, Council and public of my intentions in the event Ordinance O 17-2004 is enacted. It is my position that no elected official should vote themselves a pay raise nor would it be in the best interest of the citizens of the City, particularly with the additional taxes, utility increases present and future currently placed upon its residents. Therefore, I will not be accepting this raise. I ask that the financial staff work with myself and the Fire Department in setting a location for any extra monies as I will be donating my extra pay to this City Department. I would also request that there be no decrease in their present budget and that my donation be given in addition to monies already allocated."

Mayor Bailey: "Ok."

Diane Jacob: "Janet, will you add that to the record?"

11. **Consideration and approval of an Ordinance of Eagle Mountain City, Utah repealing Resolution No. 16-98 and enacting a compensation plan for the elected officials of Eagle Mountain City:**

MOTION *Vincent Liddiard moved to approve Ordinance O 17-2004, an Ordinance of Eagle Mountain City, Utah Repealing Resolution 16-98 and Enacting a Compensation Plan for the Elected Officials of Eagle Mountain City. The Mayor's compensation would be set at \$1000 per month and the City Council Members compensation set at \$325 per month. Linn Strouse seconded the motion. Ayes: 4, Nays: 1. Motion passed. (Diane Jacob voted nay)*

12. **Public Hearing to allow public input regarding the issuance and sale of not more than \$1,500,000 aggregate principal amount of Excise Tax Road Bonds, Series 2004 of Eagle Mountain City, Utah County, Utah, for the purpose of financing the construction of Class C Roads and related improvements:**

City Attorney Jerry Kinghorn stated that this was a noticed Public Hearing for the Excise Road Bonds that the City had proposed to issue. It was not an action item but before the Council for discussion. The necessary road work would be financed by the Excise Road Taxes; there would be no tax increases and the bonds would be repaid from gas tax moneys that the city receives from the state over a period of ten years.

Mayor Bailey opened the Public Hearing at 8:05 p.m.

Brigham Morgan, resident expressed his concern with the use of future road funds for this project. Mr. Morgan believed that the City Council was setting the City up with a burdensome debt.

Harry Bakken, resident stated that he wasn't opposed to the bond; however it was the principle of the matter. Mr. Bakken noted that the City Council had chastised a previous council for the same practice; it was his opinion that the Council ought to apologize as they were proposing the same practice. Mr. Bakken recommended that the Council work with the developers to investigate other methods to create revenue to fund such projects.

Mayor Bailey closed the Public Hearing at 8:07 p.m.

Mayor Bailey stated that Eagle Mountain Properties paid for Eagle Mountain Boulevard and that the current projections would pay for the necessary improvements. The Mayor went on to say that if the improvements weren't taken care of this year the City would be faced with redoing the entire road and not just an overlay. The item was not open for discussion and action would be taken at a later date.

13. **Public Hearing on the issue on whether or not to amend and re-enact Title II of the Development Code of Eagle Mountain City concerning subdivision approval processes, standards, and related matters:**

Shawn Warnke discussed the proposed Title II of the Development Code. The following amendments were discussed and recommended by Staff and Council:

- Notice requirements set at 600 feet including the 25 closest property owners rather than the proposed 300 feet.
- A sign will be posted on the respective property during the Public Hearing period
- The number of plans (electronic and hard copies) for all applications will be determined by the Planning Director
- Cross references will be added to direct the reader to other chapters as necessary for clarification
- Removal of technical jargon related to wastewater disposal
- Cul-de-sacs and temporary turnarounds must have a minimum radius of 50' instead of the proposed 60'
- Minor changes made to the Right of Way classifications table in chapter 7
- Street lighting required at all subdivision entrances but not in Country Residential development
- A one time lot split is permitted (resulting parcels must be 5 acres each); subsequent splits require the subdivision process

Mayor Bailey opened the Public Hearing at 8:15 p.m.

Brigham Morgan, resident expressed his concern regarding the reduction of the noticing requirement from 1000 feet to 600 feet. Mr. Morgan believed that the change would be an issue for some residents and the 1000 foot standard helped keep people informed of development and other issues.

David Liffreth, resident echoed Mr. Morgan's comments. Mr. Liffreth also inquired about lot splits and their process.

Shawn Warnke stated that resulting parcels in a lot split must be at least 5 acres. An application with maps needed to be submitted to initiate the process of a lot split.

Vincent Liddiard mentioned, with respect to noticing requirements, that noticing the closest 25 property owners would mitigate the issue keeping people informed.

Mayor Bailey closed the Public Hearing at 8:25 p.m.

14. **CONSIDERATION FOR ADOPTION OF A SECOND SUPPLEMENTAL ASSESSMENT ORDINANCE amending and supplementing Supplemental Assessment Ordinance No. 99-07 adopted on May 10, 1999; confirming and approving a new assessment list and reaffirming the levying of an assessment against certain properties in Eagle Mountain City, Utah Special Improvement District No. 98-1, Utah County, Utah for the purpose of refinancing the costs of constructing roads, acquiring easements and installing sewer, water, telecommunications, electrical and gas utility improvements, constructing park and landscaping improvements, replacing above ground electric transmission lines with underground electric transmission lines, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (the "Improvements"); amending the assessment prepayment provisions; reaffirming the establishment of a Reserve Fund and Stabilization Reserve Fund; establishing the effective date of this Second Supplemental Assessment Ordinance; and related matters:**

This item was tabled.

15. **Consideration and approval of proposal and agreement for Meadow Ranch East Entrance Landscaping:**

Discussion ensued regarding the maintenance of the berm at the east entrance of Meadow Ranch. The Council considered the agreement and recommended that the three residents needed to deed the property to the City and the City would maintain both sides of the berm.

MOTION *Vincent Liddiard moved to approve the agreement for Meadow Ranch East Entrance Landscaping. Dave Blackburn seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bailey requested that Jerry Kinghorn draft an agreement that could be sent to the landowners to sign.

16. **Consideration and approval of Agreement for Silver Lake Test Well:**

The Council considered the Agreement for the Silver Lake Test Well and recommended approval. Mayor Bailey noted that it was an agreement that the City intended to enter into with Silver Lake to do a test well on their property. The City needed to do a test well and was able to negotiate with Development Associates and BTS to go ahead with the project, which would save the City money in the long run.

Dave Blackburn asked if there would be a defined cost that the City's fee would not go above \$35,000. The Mayor responded that they could do that if it was requested.

Jerry Kinghorn added that, if approved, the agreement would limit the City's participation in terms of payment for the well drill. If the City wanted to take responsibility for some lab tests that was ok. It would be about \$1,200 for the lab work. In addition to this, the City anticipated that they would retain a geologist to read the cuttings and do the evaluations; however the costs would not be paid to Silver Lake to reimburse them for the line contract.

Mayor Bailey stated that he was working with the State on the lab test. The State was interested in paying for that expense as they wanted the same data. There was no finalized agreement at this time.

Jerry Kinghorn commented that, at the direction of Council, he had added a paragraph to the Agreement that provided that if the City elected to use the test well site or another site based upon the information collected, the City would notify Development Associates of their intentions.

MOTION *Vincent Liddiard moved to approve an Agreement for Silver Lake Test Well. Linn Strouse seconded the motion. Ayes: 4, Nays: 0. Motion passed. (Diane Jacob abstained as her husband may transfer water into this well site in the future)*

17. Consideration and approval of Trophy Homes Settlement Agreement and release of claims for Saddleback subdivision improvements:

Mayor Bailey stated that this item had been discussed at an earlier date during a Closed Session. It was an agreement that settled some issues with Trophy Homes.

Jerry Kinghorn noted that there were a couple of changes that the City wanted to propose in the Agreement. There were some items that were not part of the negotiations with Trophy and the document ought to conform to the arrangement that Korey Walker had made when it was negotiated with Trophy Homes' engineer. The City would propose that Shane Sorensen, Alpine City Engineer, be the third party engineer to inspect the work.

Korey Walker added that it was his understanding that if there was a discrepancy or dispute with respect to their performance of work, a third party would be brought in. The question remained who would be responsible for the third party's time?

Jerry Kinghorn responded that, in the event that a third party was brought in, the cost would be shared with Trophy Homes. Also, that no money should be released until the work was completed and with respect to item 7 under Chilton Road, it should read "the asphalt south north of the cross gutter should be filled with asphalt." With those three changes, Mr. Kinghorn recommended approval of the Agreement.

MOTION *Mark Madsen moved to approve the Trophy Homes Settlement Agreement and release of claims for Saddleback subdivision improvements, including the amendments. Diane Jacob seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. Consideration and approval of Education Affiliation Agreement for Eagle Mountain City Fire Department with IHC Health Services, Inc.:

Jerry Kinghorn recommended approval of the Education Affiliation Agreement stating that it provides for training for the Fire Department. It was a standard agreement including an indemnification agreement in the event that any liabilities were to arise.

MOTION *Diane Jacob moved to approve the Education Affiliation Agreement for Eagle Mountain City Fire Department with IHC Health Services, Inc. Vincent Liddiard seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Consideration and approval of Addendum No. 2 extension of time to Contract for Transfer of Telecommunications System with Direct Communications Rockland, Inc.:

Kipp Wilson, Direct Communications, gave the City Council an update with respect to the Contract for the sale of the telecommunications system. Mr. Wilson stated that they had filed a docket with the Utah Public Service Commission (UPSC) to be recognized as a telephone company. The process was winding down and the hearing process would begin the following day. A Public Hearing was scheduled at City Hall at 6:00 p.m. discussing the sale of the telecommunications system.

Mr. Wilson estimated that within two weeks they would receive their order from the UPSC and that it would be favorable towards Direct Communications. It was their opinion that it was in the public's interest to get an expedited waiver from the FCC, which would take 135 day to tie it up. They were hoping to receive support from some of the States representatives to put the pressure on the FCC to expedite the case.

Mayor Bailey stated that he, Kipp and Mark Madsen had met with Senator Hatch seeking assistance in expediting the process with the FCC. The information that they received was passed on to Jerry Kinghorn who will follow up and keep in touch with the Senators staff members. Mayor Bailey stated that they needed to have individuals attend the meeting the following evening to support the issue.

Linn Strouse asked how resident could help in the process.

Mr. Wilson replied that interested individuals could contact their elected representative, either Senators Hatch and Bennett or Congressman Cannon.

Linn Strouse noted that all those addresses were available on the City's web page.

MOTION *Vincent Liddiard moved to approve Addendum No. 2 extension of time to Contract for Transfer of Telecommunications System with Direct Communications Rockland, Inc. Mark Madsen seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

20. **Consideration and approval of to close Non-regulated Telecom Asset Sale to Direct Communications Star West Inc.:**

MOTION *Vincent Liddiard moved to approve to close Non-regulated Telecom Asses Sale to Direct Communications Star West Inc. David Blackburn seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

21. **Consideration and approval to renew the Transworld Systems Contract for telecommunication and utility billing collections:**

Diane Bradshaw explained the contracts for telecommunications and utility billing. Both Finance and Telecom recommended approval of the contracts for collection of debts for those departments. Telecom had approximately 189 accounts for collection and the Finance has over 200. Transworld would be used for accounts under 6 months as they were cheaper per account. All other accounts over 6 months delinquent would go to AFS.

MOTION *Linn Strouse moved to approve the Transworld Systems Contract for telecommunications and utility billing collections. Mark Madsen seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

22. **Consideration and approval of a Collection Agreement & a Return Check Service Agreement with AFS for utility billing collections: DB VL 5 ayes**

MOTION *Dave Blackburn moved to approve the collection Agreement and Return Check Service Agreement with AFS for utility billing Collections. Vincent Liddiard seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

23. **Notice of award for the Ranches Irrigation Line Project:**

Mark Sovine discussed the notice of award for the Ranches Irrigation line project. Mr. Sovine stated that the Ranches HOA had an outstanding water bill; with this in mind, Mr. Sovine inquired whether the Ranches would be willing to do the Irrigation Line Project and offset some of the bill they owed to the City for water.

Mayor Bailey stated that regardless of whether the HOA would agree to do the project the City had the necessary funds for the project out of the SID.

Chris Hillman recommended opening the budget to increase the cost for the project as only \$35,000 had been set aside to complete the project.

Dave Blackburn commented on the re-vegetation and whether it was feasible to use xeriscape when the repairs were completed.

Korey Walker noted that the area where the repairs were taking place would not be conducive to that type of landscaping. One was located in the middle of Nolan Park, the other by Friday's Station were there was nothing to tie into.

MOTION *Mark Madsen moved to approve a Notice of Award for The Ranches Irrigation Line Project and that a budget amendment be brought back to the Council increasing the project to \$40,000 Vincent Liddiard seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

24. Consideration and approval of Water Conservation Plan:

This item was tabled.

25. Consideration and approval to amend the Eagle Mountain City Vehicle Use Policy and incorporate it into the Employee Handbook and Policies and Procedures Manual:

MOTION *Vincent Liddiard moved to amend the Eagle Mountain City Vehicle Use Policy as submitted and incorporate it into the Employee Handbook and Policies and Procedures Manual and proposed changes. Linn Strouse seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

26. Consideration and approval of changes to the Employee Handbook and to the Policies and Procedures Manual:

MOTION *Vincent Liddiard moved to approve the changes to the Employee Handbook and to the Policies and Procedures Manual and changes on call. Diane Jacob seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

27. Consideration and approval to change the name of Hickory Road located in the Lone Tree Subdivision to Lone Tree Parkway:

Shawn Warnke stated that this was a request by the developer to amend the name of Hickory Road to Lone Tree Parkway

MOTION *Diane Jacob moved to approve the name change of Hickory Road located in the Lone Tree Subdivision to Lone Tree Parkway. Mark Madsen seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

28. Consent Agenda:

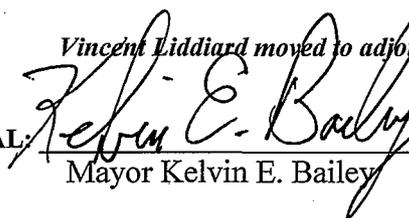
- A. Check register for June 2004
- B. Partial payment
 - 1. Public Works Building-Maintenance Shop, Rimrock Construction

MOTION *Vincent Liddiard moved to approve the Consent Agenda. Linn Strouse seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

33. Adjournment:

MOTION *Vincent Liddiard moved to adjourn the meeting at 9:00 p.m.*

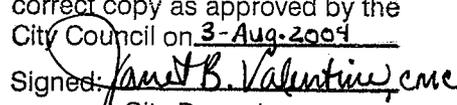
APPROVAL:


Mayor Kelvin E. Bailey

DATE:

8-03-04

This certifies that the minutes of
6-July 2004 are a true, full and
correct copy as approved by the
City Council on 3-Aug-2004

Signed: 
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
TUESDAY, JULY 20, 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. Audit Report for 2003 by Gilbert & Stewart, CPA
2. Presentation of membership in the Master Municipal Clerk Academy to Janet Valentine, City Recorder by the Utah Municipal Clerk Association Board
3. Consent agenda
4. Discussion regarding agreement for economic development with U ‘n Utah L.P.
5. Discussion on Water Conservation Plan
6. Discussion regarding the Zoning Ordinance of the Eagle Mountain City Development Code
7. Discussion regarding amending the Eagle Mountain City Business License Ordinance and amending the provisions of the Eagle Mountain City Development Code regulating home businesses
8. Items as outlined on the policy session
9. Other business
10. 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 Chris Hillman

POLICY SESSION – 7:00 p.m.

1. Call to order - roll call

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

City Council Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Vincent Liddiard, Mark Madsen, Linn Strouse.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Finance Director:	Gordon Burt
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Christie Buxton, resident; Jen Borneman, Crossroads Journal; Jeff Black, resident; Ryan Borneman, resident; Ken Hixson, resident; Russ & Nancy Taylor, residents; Stephan Breles, resident; Rob Healey, resident; Seana Johnson, resident; Jim & Sandy Paoy, residents; Norella Kennedy, resident; David Assay, resident; Teresa Whitlock, resident; Cindy Morris, resident; Mark Zitting, resident; Greg & Bonnie

Jeppson, residents; Marty & Wendy Nabhan, residents; Janiece Sloan, resident; Jim & Chris Smith, residents; Wendi Baggeley, resident; Julie Wallace, resident; Carma Scott, resident.

2. **Led the Pledge of allegiance:**

Fionnuala Kofoed led the Pledge of Allegiance.

3. **Approval of City Council Minutes (July 6, 2004):**

This item was tabled.

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

Dana Pollard and Virginia Loader presented Eagle Mountain City Recorder Janet Valentine for fulfilling the requirements in obtaining membership in the Master Municipal Clerk's Academy.

Mayor Bailey advised resident of the Fire Works restrictions within the City.

5. **Appointments:**

None

6. **Public notices:**

Janet Valentine stated that there was a public notice for the Valley View Annexation. The property is located between North and Meadow Ranch along SR73.

Janet Valentine also stated that there was a public notice for Title I of the Eagle Mountain City Development Code.

7. **Public comment:**

Wendy Bagley, resident commented on the pay increase for the Mayor and City Council that had been approved at the previous City Council. Mrs. Bagley was initially concerned with the increase but after further investigation realized that the increase wasn't that significant given all the facts and circumstances. Mrs. Bagley requested that, in the future, residents be given more notice regarding significant issues. It was her opinion that the timing was off as it was a holiday weekend and not enough people had been informed about the issue.

Jeff Black, resident addressed the Council concerning his chain link fence. Mr. Black had received a verbal notice from the City to remove the fence as chain link fence is prohibited within residential zone in Eagle Mountain. Mr. Black provided the Council with a list of name of resident in his neighborhood indicating that they weren't opposed to the chain link fence. Mr. Black also submitted several pictures of cedar fences within the vicinity that were in disrepair. It was his opinion that his fence was more esthetically pleasing than the cedar fences. Mr. Black asked that the Council consider his predicament; his main concern was for the safety of his children and he couldn't afford a vinyl fence.

Mayor Bailey stated that one of the staff members would get back to Mr. Black concerning the fence.

Brian Mortimer resident commented on the Utah Corridor Transportation concepts and encouraged the City Council to push for the southern east-west option.

Marylynn Christiansen, resident asked about the weeds that were adjacent to her property and wanted to know when the City would clean them up. Ms. Christiansen also questioned why the Pony Express Parade had started 15 minutes late; it was her understanding that the Mayor was late and that was the cause for the delay. Mayor Bailey responded that there was a ribbon cutting ceremony that may have delayed the

Parade; the Mayor, however, was not late and was not responsible for the schedule of events for Pony Express Days.

8. Council comments:

Mayor Bailey gave a brief update on the Mountain View Corridor project stating that there were seven different proposals. Alternative 7 was the one that was being considered; there was a Public Hearing that evening to discuss the matter and the Mayor had sent a representative from Eagle Mountain to attend the meeting. Mayor Bailey also suggested that residents contact UDOT and voice their concerns regarding the transportation issues.

Linn Strouse added that it was the state legislatures that held the purse strings and that she had the e-mail and web addresses if residents wanted to contact the Legislatures and Congressmen.

Vincent Liddiard stated that residents could also call UDOT at 1-800-596-2556 to voice their opinion.

Mayor Bailey responded to Jeff Black regarding chain link stating that the Development Code was under revision and that vinyl coated chain link fence would be allowed in the future. The Mayor recommended Mr. Black apply for a variance as that may be the course of action that he needed to take in order to keep his chain link fence.

9. Recognition of Military Service:

Mayor Bailey recognized Scott Jennings and Don Web for their military service. The Mayor also acknowledged their families and presented them with a certificate of appreciation.

10. Consideration and approval to amend Ordinance No. O 15-2004, an Ordinance regulating alternate day use and defining prohibited hours for outdoor sprinkler irrigation use in Eagle Mountain City:

City Attorney Jerry Kinghorn discussed the Ordinance defining the hours for outdoor sprinkler irrigation in Eagle Mountain. Residents with even street addresses would water on Sunday, Tuesday and Thursday; residents with odd street addresses would water Monday, Wednesday and Friday. Residents with new lawns would be exempt from the restrictions while their lawns were in the process of being established.

MOTION *Dave Blackburn moved to approve Ordinance No. O 18-2004, an Ordinance regulating alternate day use and defining prohibited hours for outdoor sprinkler irrigation use in Eagle Mountain City. Vincent Liddiard seconded the motion. Ayes: 5– Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen Nays: 0. Motion passed.*

11. Public Hearing on the General Plan Amendments including Future Land Use Plan:

Shawn Warnke discussed the Valley View Annexation that was located between North and Meadow Ranch. It was necessary to identify the future land use for this parcel as it was outside the city limits and The Planning Department and Planning Commission had recommended that the land use be Country residential.

Mayor Bailey opened the Public Hearing at 8:00 pm and invited the public to comment on the topic.

Shauna Johnson, resident commented on the zone change and that didn't believe that the proposed zone would be compatible with the existing subdivisions.

Mayor Bailey announced that there was an extreme storm with hail and flash flooding. Residents were welcome to stay and comment on the future land use; however, the Public Hearing would be continued until the next meeting and resident could reserve their comments until that time.

Rick Knolton, resident expressed his concern regarding the zoning of Valley View and the impact that it would have on Tickville Wash. It was his opinion that if the wash became part of resident's property and yards it would have a negative impact on wild life and possibly affect the natural flow of water if it was altered. Mr. Knolton asked that the Council consider placing a restriction on the gulch not allowing it to become part of residential lots.

Mayor Bailey responded that there already existed a number of lots that were part of the gulch which had restrictions on them.

Mr. Knolton briefly discussed the history of Tickville Wash. Linn Strouse stated that she would like to know more about the history of the Wash.

Wendy Naphan stated that is was interesting that a zone was being established for the development rather than the conforming to the existing zoning. Mrs. Naphan didn't approve of the development and believed that it wasn't compatible.

Jim Smith, resident commented on the lot sizes and asked that the Council consider requiring larger lots for the Valley View project as 1/3 acre was too small and didn't fit in with the feeling of the other developments in that area. Mr. Smith recommended maintaining the same zoning and a 1/2 acre minimum lot size.

Ken Hixson, resident stated that he was well informed with development and the zoning but suggested explaining the zoning for the other residents.

Mayor Bailey commented that the zoning was Country Residential which was not new zone.

Discussion ensued regarding the zoning for the Valley View development. Jerry Kinghorn recommended closing the current Public Hearing opening the hearing for the Valley View Annexation.

Mayor Bailey closed the Public Hearing at 8:40 p.m.

12. **Public Hearing on Zoning of property being proposed for the Valley View Annexation (Previously known as Meadow View Ranch Annexation) and Master Development Plan:**

Mayor Bailey opened the Public Hearing at 8:40 p.m.

Seana Johnson, resident stated that she represented the residents in North Ranch and it was there opinion that the development needed to be reasonable and sensible. The majority of North Ranch residents were opposed to the development and believed that it would change the rural nature of there subdivision. Mrs. Johnson requested that her comments be entered into the record. (Copy attached)

Bandon Reall, resident discussed his concern regarding animal rights. Mr. Reall maintained steer on his property and didn't want the worries of encroachment caused by the higher density that was proposed in the new development.

Ken Hixson, resident commented on the building materials for the Valley View project. It was his opinion that the development agreement was ambiguous and encouraged the City Council to obtain a contractual form from the developer articulating their intentions for the project.

David Assay and Julie Wallace, residents echoed Seana Johnson comments.

Mark Zitting , resident discussed the additional traffic that would be generated by the new project and the negative impact it would have on the residents in that location.

Wendy Naphan read a letter on behalf of resident Charlotte Ducos. Mrs. Ducos expressed her concerns regarding the increased density requested that the Council consider a reasonable buffer for the existing community. Mrs. Ducos also addressed the water pressure issue in North Ranch.

Christy Buxton, resident stated that she didn't want the City to make any variances or concessions made for the developer of the Valley View development.

Bonnie Jeppson- resident expressed her support for the residents in North and Meadow Ranch. Mrs. Jeppson believed that large lots should be protected by other larger lots and that an adequate buffer needed to be maintained between subdivisions with smaller lots. It was her opinion that the City Council had a "reputation for cramming in junk" and that the City needed to act now not later to avoid Eagle Mountain City from looking like other cities with inadequate buffering. Mrs. Jeppson asked that the residents of North and Meadow Ranch support the residents of Lake Mountain Road if and when similar situations, with respect to development, arise.

Mayor Bailey adjourned the hearing at 8:40 p.m.

Linn Strouse stated that she would like to have more information regarding the 45' lots that Mrs. Jeppson referenced in her comments.

Mayor Bailey thanked the audience for their civil and respectful behavior during the hearing.

13. **Consideration and approval of Water Conservation Plan for Eagle Mountain City:**

This item was tabled.

14. **Consideration and approval of an Ordinance amending the Subdivision Ordinance of the Eagle Mountain Development Code:**

Shawn Warnke discussed the amendments to the Subdivision Ordinance of the Development Code. The Council considered the amendments and recommended approval.

MOTION *Vincent Liddiard moved to approve Ordinance No.O 19-2004 an Ordinance amending the subdivision Ordinance of the Eagle Mountain City Development Code. This Ordinance is to be adopted and not enacted at this time and that the text in Title II is approved as drafted. Diane Jacob seconded the motion. Ayes: 4- Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob Nays: 0. Motion passed. Mark Madsen was not present to vote.*

15. **Consideration and approval of a Resolution amending the Eagle Mountain City Consolidated Fee Schedule for the purpose of establishing rate change for the gas and electric utilities and fees for as-builts due at time of excavation and inspection fees:**

Mark Sovine presented the recommended rate changes for gas and electric utilities. Mayor Bailey noted that the as-built fees were being tabled, however the other changes were recommended in the budget. The recommended increase for the electrical base fee was from \$5 to \$10 per month, the user rate would remain the same. The gas rate would increase from \$5.91 to \$6.50 per month.

MOTION *Vincent Liddiard moved to approve Resolution R 13-2004 amending the Eagle Mountain City Consolidated Fee Schedule for the purpose of establishing rate change for the gas and electric utilities; \$6.50/decatherm for gas and \$10 base rate plus .0911 cents per kilowatt hour. Dave Blackburn seconded the motions. Ayes: 4- Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.*

Dave Blackburn requested that the change be noted in a new letter to the residents also indicating that the City rates were cheaper than other cities. Mayor Bailey stated that he was working on it. Mark Sovine noted that the rates were not cheaper but comparable to other rates.

16. Consideration and approval of an Ordinance repealing Ordinance No. O 05-2001, sections 2.3.1.1, 2.3.1.2 and 2.1.1.3 of Eagle Mountain City Development Code regarding alternate members to the Planning Commission:

Shawn Warnke explained the purpose of this ordinance.

MOTION *Linn Strouse moved to approve an Ordinance repealing Ordinance No. 05-2001, 2.3.1.1, 2.3.1.2 and 2.3.1.3 of Eagle Mountain City Development Code regarding alternate members to the Planning Commission. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Nays: 0. Motion passed. Mark Madsen was not present to vote.*

17. Consideration and approval to waive the impact fees for the Ranches Charter School:

Mayor Bailey stated that this item had been before the Council at a previous meeting but hadn't been acted on. The intention was that all impact fees would be waived for public schools but the Charter School wasn't included in a motion that formalized the City's objective.

MOTION *Vincent Liddiard moved to approve the waiver of impact fees for the Ranches Charter School. Linn Strouse seconded the motion. Ayes: 3 – Linn Strouse, David Blackburn, Vincent Liddiard; Nays: 1 – Diane Jacob. Motion passed. Mark Madsen was not present to vote.*

Diane Jacob voted nay and requested that her comments from a previous meeting be added to this record:

Diane Jacob suggested those figures should have been provided to Council before a decision was made. She stated she would have liked to see the staff recommended figures included in the Council packet and requested that this type of information always be included in the future. Since there will be some impact on the community she believes that some of the impact fees should not be waived.

18. CONSIDERATION FOR ADOPTION OF A SECOND SUPPLEMENTAL ASSESSMENT ORDINANCE amending and supplementing Supplemental Assessment Ordinance No. 99-07 adopted on May 10, 1999; confirming and approving a new assessment list and reaffirming the levying of an assessment against certain properties in Eagle Mountain City, Utah Special Improvement District No. 98-1, Utah County, Utah for the purpose of refinancing the costs of constructing roads, acquiring easements and installing sewer, water, telecommunications, electrical and gas utility improvements, constructing park and landscaping improvements, replacing above ground electric transmission lines with underground electric transmission lines, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (the "Improvements"); amending the assessment prepayment provisions; reaffirming the establishment of a Reserve Fund and Stabilization Reserve Fund; establishing the effective date of this Second Supplemental Assessment Ordinance; and related matters:

Jerry Kinghorn advised the Council that if they approved the Assessment Ordinance that the City would not accept any prepayments for the assessment between July 15 and September, 2004. The title company would escrow the prepayments and send them to the City after September 1, 2004 after the bonds closed. The staff had also been advised not to accept any prepayments until the bonds had closed.

MOTION *Dave Blackburn moved to approve Ordinance No. O 20-2004, a Second Supplemental Assessment Ordinance amending and supplementing Supplemental Assessment Ordinance No. 99-07 adopted on May 10, 1999; confirming and approving a new*

assessment list and reaffirming the levying of an assessment against certain properties in Eagle Mountain City, Utah Special Improvement District No. 98-1, Utah County, Utah for the purpose of refinancing the costs of constructing roads, acquiring easements and installing sewer, water, telecommunications, electrical and gas utility improvements, constructing park and landscaping improvements, replacing above ground electric transmission lines with underground electric transmission lines, and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner (the "Improvements"); amending the assessment prepayment provisions; reaffirming the establishment of a Reserve Fund and Stabilization Reserve Fund; establishing the effective date of this Second Supplemental Assessment Ordinance; and related matters. Vincent Liddiard seconded the motion. Ayes: 4— Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.

19. **Consideration and approval of the General Floor Plan Design and Elevations for the Utility Administration Building:**

Korey Walker discussed the general floor plan design and elevations for the Utility Administration Building. Mr. Walker stated that the contract was for phase 1 which includes the concept plan layout; phase 2 will be the design of the building and phase 3 will be the construction of the building.

Dave Blackburn expressed his concern regarding the placement of the elevator and its close proximity to the basement stairs. It was his opinion that this was a safety issue that needed to be addressed.

Korey Walker stated that they would look into altering the placement of the elevator.

Diane Jacob asked whether the outside reading area for the library would be covered.

Korey Walker responded that it wouldn't be covered but would have some landscape design that would prevent small children from running into the parking area.

MOTION *Dave Blackburn moved to approve the General Floor Plan Design and Elevation for the Utility Administration Building. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.*

20. **Consideration and approval of a Resolution recognizing the flag of the former South Vietnam as the official flag representing the Vietnamese-American Community in Eagle Mountain City:**

This item was discussed after item 10.

Thuan Huynh commented on the South Vietnamese Flag stating that it represents the people who left Vietnam and they had nothing else to share but their flag.

Jerry Kinghorn added that the resolution is symbolic in that it recognizes these Vietnamese individuals and that there were no binding commitments; many other cities have similar resolutions.

Mayor Bailey stated that the City would recognize any flag.

Linn Strouse stated that Eagle Mountain City had a rich tapestry of cultures and that recognizing the South Vietnamese flag is a great way to honor these people. Mrs. Strouse also thanked the Vietnamese Community for participating in the Pony Express Parade.

Harry Bakken, resident expressed his concern regarding any repercussions that this would cause and wondered what the City was getting into by recognizing this or any other flag.

Mayor Bailey stated that the City would recognize any flag and that the City wasn't committing itself to anything other than acknowledging it.

Mark Madsen: "I certainly support this. The list of Cities that have already adopted something along these lines... fifty Cities through out the Country. And I... Frankly, I will speak just for myself, and I don't want to taint anything that Tom is doing or his group is doing, but I wish we could take a shot at the North Vietnamese government cause I, there is a socialist, communist socialist government that has enslaved that country for 30 year and the facts are that the people that left during that period of time were escaping tyranny and it is proper to identify the United States as a place where people in complete tyranny can come and find refuge and find a life and make a life for.. become Americans and I really want to applaud those people who have come and made the American dream there and commiserate with them for what was done to their country by communists and if we can't call a spade a spade if we're going to run away because some we have a tendency in this city to have disgruntle folks run to the media and try and turn up some kind of dissension. I for one I don't think the Council should run away from that and I for one would never run away from that and I just want to put my comments on the record that I have a great deal of respect for the people that have opposed the socialist regime there many of them were U.S. soldiers who went over to fight that battle and many were fighting on their own land. I think they should be honored; I think this is the least that we can do, this is the most benign way we can show respect to the Vietnamese American community in our City.

MOTION *Diane Jacob moved to approve Resolution R14 – 2004 recognizing the flag of the former South Vietnam as the official flag representing the Vietnamese-American Community in Eagle Mountain City. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen, Nays: 0. Motion passed.*

21. **Consent agenda:**

A. Contract change order

1. Sweetwater Road Extension, 2004 (CO No. 6), Terry Larson Excavating

B. Partial payment

1. Sweetwater Road Extension, 2004 (PP No. 6), Terry Larson Excavating
2. Ranches Irrigation Line, 2001 SID, Landscape Architect

MOTION *Diane Jacob moved to approve the consent agenda. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed. Mark Madsen was not present to vote.*

22. **Motion to recess in to a closed executive session for the purpose of discussing personnel issues, potential litigation and/or public safety:** Not Applicable

23. **Motion to close the closed executive session and reconvene in to open session:** Not Applicable

24. **Any actions from the closed executive session:** None

25. **Other business:**

Mayor Kelvin Bailey stated that Korey Walker and Mark Sovine have created a list for the Bond to improve Eagle Mountain Blvd. They have identified a number of projects to be completed. Mayor Bailey stated that Council is to take action and approve or deny this list of projects. All projects may not be completed depending on the outcome of the bids.

Jerry Kinghorn stated that this will need to be noticed and put on the August 3, 2004 agenda.

Mayor Bailey stated that the Meadow Ranch east entrance settlement will not be deeded. Mr. Kinghorn stated that the wording on the easement deed agreement has been changed and is in the process of being executed by the property owners.

26. **Adjournment:**

MOTION: Vincent Liddiard moved to adjourn the meeting at 10:00 p.m.

APPROVAL: Mark Madsen DATE: 9/7/04
Mayor Pro-Tem Mark Madsen

This certifies that the minutes of
20-July 2004 are a true, full and
correct copy as approved by the
City Council on 24-AUG-2004 SCC.Mtg.
Signed: Paul B. Valentine, cmc
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, UT 84043
Tuesday, August 3, 2004

WORK SESSION – No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Consent Agenda
2. Discussion on Cedar Valley Airport
3. Discussion on Water Conservation Plan
4. Discussion on Development Code
5. Adjourn Work Session at 6:50 p.m.

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 Kelvin Bailey called the meeting to order at 7:10 P.M.

City Council Present: Mayor Kelvin Bailey, David Blackburn, Diane Jacob, Linn Strouse, Mark Madsen, Vincent Liddiard

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
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine

Others Present:

Residents: Edith Scott, Maritza Bailey, Christie Buxton, Wendy Ford, Bonnie Jeppson, Charlotte Ducos, Ryan Boreman, Jeff Black, Cindy Morris, Steve Briles, Traci Schroeder, Janice Sloan, Jennifer Konold, Jack and Carma Scott, Julie Wallace, Dustin and Jodi Reid, Fionnuala Kofoed Scot Hazard, developer; Dab Ford, ERA; Cathy Allred, Pony Express; G.J. LaBonte, UTA; Matt Sibil, UDOT

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by David Blackburn

3. **Approval of City Council Minutes (July 6, 2004):**

MOTION: *Diane Jacob moved to approve the Minutes of July 6, 2004. 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:**

Mayor Kelvin Bailey read a statement submitted by David Strouse thanking Eagle Mountain's Fire Chief Robert DeKorver and his medical assistants for their quick and professional response to his 911 call.

5. **Appointments:**

A. Deputy Recorder

MOTION: *Diane Jacob moved to appoint Angela Cox to the position of Deputy Recorder. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

6. **Public Notices:**

None.

7. **Public Comment:**

Jeff Black submitted pictures of his chain link fence in the Mountain View subdivision. He stated that he stood before the Council concerning his chain link fence a couple of weeks ago and continued in explaining the placing of his chain link fence. Mr. Black stated that he had been asked to take this chain link fence down. He wanted to explain the four reasons he wants to keep this chain link fence in his yard. First of all are financial reasons in being that he can not afford a vinyl fence. Second being property rights, third being that they had no previous knowledge of the stipulations of fencing, and fourth is the safety and security of his children. He stated that if chain link is good enough for the elementary school it should be good enough for his home.

Janise Sloan stated that if regulatory laws enable government to dictate the purposes for and the manner in which private property may be used it possess many of the powers which ownership would give. She stated that people own property so that they can use it for their own purposes, but if government has the power to dictate what those purposes are and how they shall be achieved she feels that private ownership is largely denied. To the extent government regulations exist the constitution will guarantee that no person shall be deprived of life liberty or property with out due process. Government constitutes one of the greatest threats to human freedom on earth and one of the easiest ways of bringing citizens into bondage is by regulating and controlling their property. Ms. Sloan stated that she was shocked at the last City Council meeting to hear that it is against the law in Eagle Mountain City to have a chain link fence. She feels that this is not only outrageous but scary. She asked each Council Member if they believe that the government has the right to prohibit these fences on private property, if so what is the justification for such a law. She stated her feelings that it is not a health safety or welfare issue; in fact she believes it interferes with the health safety and welfare of families if that is all they can afford to do. Government gets its power from the people and therefore can only have what the people have to give. In her opinion this totally undermines her God given freedom and she feels this standard should be totally deleted. She understands that there is a vision for this City and there are some standards that need to be in place that defines us as a City but she feels this is crossing the line. Now if a Home Owners Association wants to prohibit certain fences in there CC&R's then that is in their right to do so.

She doesn't have a problem with the City encouraging certain fences or encouraging the Home Owners Association to have such provisions. She is apposed to the City prohibiting them based on a look they want the City to have. She reminded the City Council that each of them took an oath to obey and defend the constitution of the United States. She believes this law violates the Constitution of the United States and urges the Council to take immediate action to get rid of this law and any that resembles it.

8. **Council Comments:**

Mayor Bailey responded to the comments on the chain link fences. He stated that the Development Code passed in 1999 is where the regulation comes from. The proposed Development Code that is in the works allows for chain link fence. Previously a compromise was made between the Council to allow for vinyl coated chain link fence, but he believes that this Council will support chain link fence. That is why no action, other than notification of the regulation as taken place. The City is bound by the laws that are currently in place. The final outcome will depend on this Council, but the recommendation will be to allow chain link fence.

Vincent Liddiard stated that tonight is the Neighborhood Watch National Night Out. He stated that there is an active Neighborhood Watch and encouraged anyone interested in being involved in Neighborhood Watch to contact Sergeant Jo Murphy.

Linn Strouse commended the resident, Jeff Black; on putting in a chain link fence to protect is children. Mrs. Strouse stated that when she had young children she to put up a chain link fence to protect her children. She believes that if it is in the backyard and to protect their children, she believes that it is wrong for the government to interfere with their efforts. The government's role is supposed to be safety and security of the community.

Vincent Liddiard stated that White Hills has had a lot of problems with water recently, and a lot of residents of our community have assisted these people. He thinks that is great and those people should be thanked and congratulated for their efforts. However, along the same lines the White Hills community has expressed a desire to be incorporated in Cedar Fort and avoid being incorporated into Eagle Mountain. This subdivision is not anywhere near the Annexation Policy Plan and Eagle Mountain City has no desire to incorporate Whit Hills into our City.

9. **Recognition of Military Service:**

None.

10. **Presentation to City Council on Mountain View Corridor:**

Matt Sibil presented the City Council and audience with plans for the proposed Mountain View Corridor and welcomed any comments. He continued in giving a brief overview of what the Mountain View corridor is. He stated that the project is approximately a three and a half year project.

Vincent Liddiard questioned whether this plan is seeking to be reactive to current situation or proactive to a foreseeable future. Mr. Liddiard stated that he prefers the Southern Freeway concept plan. Mr. Sibil responded that it intends to do both.

Ryan Boreman stated that his comment is directed to the people of Mountain View Corridor. He explained his feelings concerning the proposed plans of the Mountain View Corridor. Mr. Boreman stated that he prefers the Porter Rockwell concept of the two southern concepts, because of its shorter distance and it provides access to I-15.

Mr. Liddiard addressed concerns of emergency response on Main Street in Lehi.

G.J. LaBonte, Strategic Planner with UTA, expressed his understanding with traffic concerns. Explained phasing of the project and addressed concerns of emergency vehicle access.

David Blackburn questioned the likelihood of a mass transit coming to Eagle Mountain City. Discussion ensued. Mr. LaBonte stated that the City will need to be a member of the Transit Authority.

Mark Madsen stated that he agrees with Mr. Boreman's analysis. The Porter Rockwell concept is the strong first choice for our community.

11. **Acceptance of Audit Report for Fiscal Year 2002/2003:**

MOTION: *David Blackburn moved to approve the Audit Report for Fiscal Year 2002/2003. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

12. **Public Hearing on the City's proposed Development Code with respect to the Zoning Ordinance and Development Standards:**

Adam Lenhard explained the Zoning Ordinance and Development Standards. He stated that this has been in the works for approximately two year. Mr. Lenhard explained that Title II was adopted at the previous City Council meeting and this evening Title I is on the agenda for consideration. He continued in giving a brief summary of the differences between this proposed Development Code and the current Development Code including zoning and densities in the bonus density program. He explained that the proposed Development Code allows more flexibility and creativity in development. It also improves buffers and transitions, creates more amenities, more orderly developments, the application and development processes are greatly simplified, more organization and consistency, and he feels it is good for the future of the City.

Mayor Bailey explained the process of the approval of the Development Code and the benefits of the proposed Development Code in comparison with the existing Development Code. He stated that he believes that this Development Code will become one of the most innovative Codes. He expressed his appreciation to the amount of time staff has spent working on it.

A. Open Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 8:13 P.M.

B. Receive Public Comments

Charlotte Ducos asked who tells the developer how many tiers they can go through. She stated that she has been in support of the proposed Development Code and wants this answered to know if she is still in support.

Mayor Bailey explained that as long as the developer meets the buffer and transition requirements they can go through as many tiers as they wish.

Mark Madsen further explained the buffering and transitioning requirements.

Fionnuala Kofoed stated that this proposed Development Code as been going on for years. She stated that the Planning Department has worked very hard on this project, and has worked very well in trying to find a happy medium. Mrs. Kofoed stated that she wanted to pat the Planning Department and City Council on the back.

Monte Kingston questioned the open space requirements. Mayor Bailey responded and explained the current standards and the proposed standards.

C. Close Public Hearing

Mayor Kelvin Bailey closed the Public Hearing at 8:24 P.M.

13. **Consideration and Enactment of a new Title 1 and Title 2 of the Development Code of Eagle Mountain City and to repeal and amend all sections of the Development Code in conflict therewith:**

This item was tabled.

14. **Public Hearing continued on the General Plan Amendments including Future Land Use Plan:**

Adam Lenhard explained that this item is an amendment to the Land Use map, which is required before annexation. The amendment to the Land Use plan designates land with a specific land use category that is defined in the General Plan. That designation will serve as a basis for official zoning after designation. Mr. Lenhard displayed the current Land Use Plan and the proposed land use plan.

a. Reconvene Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 8:26 p.m.

b. Receive Public Hearing

No comments received.

c. Close Public Hearing

Mayor Kelvin Bailey closed the Public Hearing at 8:26 p.m.

15. **Public Hearing continued from CC Mtg July 20, 2004 on Zoning of property being proposed for the Valley View Annexation (Previously known as Meadow View Ranch Annexation) and Master Development Plan:**

Brian Haskell briefed the Public and City Council on the Prior proposals, history and current proposal for this area. He continued in explaining transitioning and buffering. Mr. Haskell believes that they are doing all they can to match the current characteristics of the neighborhood in making this development have a more rural feel. He briefly explained the project features including parks, open space, roads and entry features. Mr. Haskell stated what he believes are the benefits of this project. He explained the water tank proposal and storm drainage. He believes that they are meeting compatibility and it improves the overall community to have diversity. He urged the City Council to review this proposal, consider all of the options and give them specific items of detail that can be used in completing the development.

Mayor Kelvin Bailey highlighted a couple of items of value. First of all, the number of lots; the decrease in open space in the linear park, and size descriptions; the proposal states that for purposes of development a one acre lot is defined as minimum of full acre or 43,560 sq. ft. This is fine; however, half acre lots are defined as a minimum of 20,000 sq. ft. Mayor Bailey stated that plus or minus ten percent was discussed, but that was only for extenuating circumstances, only in rare exceptions, also the one third acre lots, which were allowed plus or minus five percent variance. This would reduce the 370 lots down to 347 making the density 1.13 dwelling units per acre.

Mayor Bailey also addressed the lots adjacent to the Southern end of North Ranch. He stated that after the last meeting he physically examined this area and discussed the proposal with the Planning Department and the City Engineer. He stated that he initially did not have concerns with the lot size including Tickville Gulch; however, after reviewing the fact that Tickville Gulch is a major drainage basin for the City to maintain and service he feels that this would be a burden on future land owners. Mayor Bailey stated that he believes that the lots should start on the east end of Tickville Gulch and the City Engineer has agreed.

Mr. Haskell apologized for not addressing this issue in his initial presentation. He stated that some of the requests of the Planning Commission was accommodated which he reviewed. The primary recommendations from the Planning Commission was to reduce the total number of third acre lots from 47% of the project down to 25% of the project. That has been accommodated by reducing the size of the linear park. They also recommended that siding only be allowed on no more than 30% of all of the homes. Mr. Haskell is requesting that the Covenants around Meadow 4 and all of the perimeter homes have 100% masonry materials on the exterior. Interior lots only 50% be allowed to use vinyl or aluminum siding.

A. Reconvene Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 8:43 P.M.

B. Receive Public Comment

Brandon Reial stated that his comments are on the Tickville Gulch. He submitted handouts on the Tickville Gulch. He discussed rain fall in previous years. He stated his concerns with homes being built along the Gulch.

Mark Zitting questioned if the homes along the collector road will load onto the collector road. Mayor Bailey responded that they will have circular drives.

Julie Wallace thanked the City Council for the time and attention they have devoted to this project. She addressed the CC&R's and staff recommendations. She asked that the City Council follow the recommendations in the Staff Report. She asked that no tract homes be allowed.

Shauna Johnson displayed a presentation on the number of homes in the proposed Valley View Ranch and the existing Meadow and North Ranch. She feels that there is no way to determine how much of the land is developable due to lack of time and lack of information. She explained the acreage and number of lots in the subdivisions. She thanked Mr. Haskell and the City Council. She believes that this area is so unique that the standards should be different. She stated that the residents do not want any one third acre lots.

Carma Scott said that she feels that third acre lots will ruin the characteristics of Meadow and North Ranch. She believes that people in this area will leave because of this development. She feels that we need to be good neighbors to Camp Williams because they were here far before the City. She would like to see all the lots be half acre lots.

Gary McDougal stated that he is one of the partners of this project. He expressed his concern of not allowing Tickville Wash to be included in the lot acreage. He feels that this is getting to the point of coveting. He understands that there needs to be restrictions, but that will add value to the future property owner's lots.

Ken Olsen stated that he is also one of the partners in this project. He stated it is hard to make the numbers work with all of the improvements. He feels that the reason this land

has been foreclosed on and keeps changing hands is because of all of the restrictions that is virtually making the land worthless. He feels that they are trying to work with everybody and that this project will be compatible. These are all custom home lots. Mr. Olsen stated that this project is getting dangerously close to not being a viable project. He asked the Council to approve this project as it is.

Charlotte Ducos addressed the issue of density. The one third acre lots have decreased; however, the number of homes has not changed. She feels that the issues of compatibility and density have not been addressed by the developer. She does not believe that there is adequate buffering. She requested that one third acre lots be eliminated.

Christie Buxton stated that she wanted to address the changes made in the linear park. She stated that the linear park is not more than a trail. She feels that there should be no one third acre lots.

Cindy Morris questioned if they would be getting a new bubble map. Mayor Bailey responded. She also questioned if they would get a copy of the Development Agreement.

Fionnuala Kofoed stated that she felt strongly and wanted to share her point of view. She was excited to see Brian Haskell working on this project. She believes that this project is a good use of the property. Mrs. Kofoed stated that the city is in need of move up homes. She stated that people need to look at there own neighborhoods and communities to improve the character. She believes that smaller lots can create a nice development. Mrs. Kofoed stated that she is in support of this development.

Wendy Ford stated that her concern is that her street name is Valley View and she would like to have the developments name reconsidered. Mayor Bailey responded and asked Chief DeKorver to elaborate. She commented on the trails. She would like to see connectivity and uninterrupted trails throughout the communities.

Chief Robert DeKorver responded stating that when they are dispatched off a call they go off street names and not subdivisions.

Jennifer Knold stated that she moved to Meadow Ranch because of the larger lots and rural feel. She stated her concerns with the increased traffic and the safety concerns of children. She requested that the lots be wider to space the homes out further. She is concerned that the homes are going to be at higher elevation and will be able to look down on her property.

Mayor Kelvin Bailey read comments submitted by Jacob and Clarissa Jensen.

Rick West stated that he is the Facilities Manager at Camp Williams. He stated that their main concern is the road network. He encouraged the City Council to vote for a wider direct route and to not have the houses facing the main traffic corridor. He encouraged wider streets for health and safety reasons.

C. Close Public Hearing

Mayor Kelvin Bailey closed the Public Hearing at 9:43 p.m.

Linn Strouse stated that she spoke to Greg Nash, Professor of Geology at the University of Utah. She discussed the different soils and weather patterns. She wanted to gather more information. Mayor Bailey stated that the developer will be required to have a Geotechnical Study prior to platting this area.

David Blackburn thanked the audience for their rationalism and educated comments with information to back it up.

Vincent Liddiard stated that the City Council has legal criteria for which they have to comply with when coming to a conclusion on this project.

Diane Jacob commended the audience for the manner in which the public hearing was handled. Mrs. Jacob explained a compromise on the lots that abut Tickville Gulch. She stated that animal rights can not be taken away. She stated her feelings on a half acre and third acre lots. Mrs. Jacob stated that she believes that the City needs a medium product to provide for move up product.

Mark Madsen requested that his comments be entered into the record verbatim.

“First I would just like to say how pleased and grateful I am to be part of the community that is represented here in mass today. I really appreciate the demeanor the civility the level of respect that has been illustrated as you come up and presented your arguments and concerns to the Council. It’s very refreshing experience to have gone through this with this group over the last several meetings in the Planning Commission and in the City Council and I am doubly grateful because I know that in the end I am probably going to be voting for something to approve something that frankly I don’t want. I am not talking about something that is going to be a thousand feet away from my home, it is going to be a couple hundred feet off my back yard and I am in a position that I have to set my personal interests aside largely and abide by the law and try to come to a fair and equitable arrangement with the people that have rights that come before, this Council. So I know that I am going to be voting in favor of something that I don’t want in my backyard and I am going to be voting in favor of something that the folks in my neighborhood want one acre lots and we’re not going to get it. But I am especially grateful that I am not going to be lynched when I walk back into my neighborhood. I am not going to be abused by people I am not going to have my character called in to question I think that people in my neighborhood respect that we have to make principle decisions here and so I am doubly grateful to be part of the community where I live. I do want to make some comments about the new zone that is going to be created because I have had conversations with people about this and I was operating under a certain confusion. I have been involved in I have been trying to grasp the new code for so long that I had confused certain provisions of the new code with the existing code and we really do in this case need to come up with a new zone otherwise everybody involved is just going to get scraped. We have got to have North and Meadow don’t fit into a zone under the current code that is one of the many, many flaws of the current code it is just bad law and we have got to come up with something that accommodates this property because we can’t even hold them to even if we wanted to do one acres there is no zone that even says one acre so what ever it comes down to if its minimum lot size or half acre or whatever we need to spell it out we need to create a new zone so I know you are concerned and I know the appearance is and I have been concerned and the appearance is that we’re cutting a deal to make a special accommodation but everybody involved if we want to do anything that is going to preserve any kind of the character of our neighborhoods we really need to go into this new zone and think it through and do it well but we have got to create this thing and I have said things differently in the past and I just wanted to explain that I was not operating with full possession or full understanding of all of the aspects of the current code that we have to bear with until we can get something better on the books. I really would differ with Diane on one point, I was raised on a half acre and it is all managed and manicured and taken care of, we don’t have weeds my folks have a nice lot it’s a half acre so I don’t know that a half acre is to unwieldy but a I just will probably leave it at that it is a dilemma we are facing because we have had this mentioned a couple times, very eloquently, tonight that the people, the citizens can not delegate to their government authority that they don’t have and the fact of the matter is

that everybody, every entity, whether it is an individual, a corporation or a partnership, everybody that owns property is entitled to certain rights on how that property is used and the community can assert itself and you can negotiate with developers and you enter into things in good faith, but the bottom line is the people that own property have a right to do with it what they want and we have to respect that. We can't just walk over somebody's property rights. You haven't delegated that authority to me so I can't exercise that authority. My personal preferences aside and as much as I love my neighbors and I am sympathetic and I want the same things they want I am limited in what in the power that I can exercise as a City Council person, that is a matter of principle and I hope that the folks understand that. That said we're going to work towards getting a solution that everybody can with that does preserve the character of the neighborhood because we can go and regulate to an extent to preserve the existing character and we are going to find out how we can best do that and so we are going to be sitting down with... our City Attorney and having a dialogue with him so you know I just appreciate everyone being here and participating and I would encourage you to keep tuned in on this, I guess I don't have to encourage you to do that I know you are going to do that. Keep track on this, keep giving your input, keep pushing for what you want I think a lot of what has been accomplished has been accomplished beyond the exercise of the power of government. It's been just the force of dialogue and negotiation people getting together sitting across the table and hammering it out and I have got to give a lot of... credit to Brian, you look actually beat. I just think lets keep on track, let's keep doing this, let's exhaust ourselves at finding the very best solution to this.

Mayor Bailey explained process of the approval of this development.

16. **Consideration of Development Agreement Criteria:**

This item was tabled.

17. **Consideration and Approval of Water Conservation Plan for Eagle Mountain City:**

This item was tabled.

18. **Consideration and Approval of Anthem on the Green, Phases 1 & 2:**

Adam Lenhard explained the location and the proposal. He highlighted some of the differences between the development and the Anthem subdivision.

Shawn Warnke discussed the parking.

Discussion ensued on the lot sizes.

Monte Kingston stated that this subdivision will be a step above the Anthem subdivision. He continued in answering staff and Council's questions.

Linn Strouse was excused at 10:36 p.m.

Diane Jacob stated a possible conflict on this project.

A. Final Plat

MOTION: *Vincent Liddiard moved to approve the Final Plat of Anthem on the Green, phases 1 & 2 subject to the conditions made by the staff. David Blackburn seconded the motion. Ayes: 4 –David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

B. Development Agreement including the CC&R's

MOTION: *Mark Madsen moved to approve the Development Agreement including the CC&R's for Anthem on the Green, phases 1 & 2. Vincent Liddiard seconded the motion subject to the conditions made by the staff. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

19. Consideration For Adoption Of A Resolution Authorizing The Issuance And Confirming The Sale Of Eagle Mountain City, Utah Excise Tax Revenue Road Bonds, Series 2004, In An Aggregate Principal Amount Of \$1,500,000 For The Purpose Of Defraying A Part Of The Cost Of Constructing Additions And Improvements To Certain Class C Roads Within The City, Funding A Debt Service Reserve Fund And Paying The Costs Of Issuing Said Bonds; Fixing The Form Of Bonds And Other Details And Confirming The Sale Thereof; Providing For The Collection, Handling And Disposition Of Certain Excise Tax Revenues; Approving The Execution And Delivery Of A Bond Purchase Agreement In Connection With The Issuance Of Said Bonds And Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transaction Contemplated By This Resolution; And Related Matters.

MOTION: *Mark Madsen moved to approve Resolution R 16-2004. Diane Jacob seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

20. Consideration and Approval of Street Projects Planned for the Excise Tax Road Bonds, Series 2004:

MOTION: *Vincent Liddiard moved to approve the Excise Tax Road Bonds, Series 2004. David Blackburn seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

21. Consideration and Approval of a Resolution Providing Provisions of Removal of Board and Commission Members:

Mayor Kelvin Bailey and Jerry Kinghorn explained the proposed resolution. The Council discussed the criteria of removing a board or commission member.

Mayor Bailey stated that he would like the Council to review the proposed resolution and come back with any questions or concerns.

MOTION: *Vincent Liddiard moved to table Resolution Providing of Removal of Board and Commission Members. David Blackburn seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

22. Consideration and Approval of a Co-Location Lease Agreement for Site Use with Golden State Towers:

MOTION: *Mark Madsen moved to approve the Co-Location Lease Agreement for Site Use with Golden State Towers. Vincent Liddiard seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed*

23. Consideration and Approval to Amend the Policies and Procedures Manual and Employee Handbook:

Chris Hillman explained the purpose of this proposal.

MOTION: *Vincent Liddiard moved to Amend the Policies and Procedures Manual and Employee Handbook. David Blackburn seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

24. **Consideration to Authorize the Mayor to sign the Award of Bid for the project "Construction of sidewalk/trail to the new elementary school (Eagle Valley Elementary School):**

Korey Walker explained the proposed project and the plan layout.

MOTION: *Vincent Liddiard moved to authorize the Mayor to sign the Award of Bid for the project "Construction of sidewalk/trail to the new elementary school (Eagle Valley Elementary School). Diane Jacob seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

25. **Consent Agenda:**

- A. Check Register for July 2004
- B. Partial Bond Release
 - 1. Parkway Crossroads (PB Rel No. 1), Legacy Realtors

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

26. **Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues, Potential Litigation and/or Public Safety:**

Not applicable

27. **Motion to Close the Closed Executive Session and Reconvene in to Open Session:**

Not applicable

28. **Any actions from the Closed Executive Session:**

Not applicable

29. **Other Business:**

None

30. **Adjournment:**

MOTION: *David Blackburn moved to adjourn at 11:15 p.m.*

APPROVAL: *Mark Madsen*
Mark B. Madsen, Mayor Pro Tem

DATE: 9/15/04

This certifies that the minutes of 3-AUG 2004 are a true, full and correct copy as approved by the City Council on 24-AUG 2004 SCC Mtg.
Signed: *Janet B. Valentine, cmc*
City Recorder

MINUTES
EAGLE MOUNTAIN SPECIAL CITY COUNCIL
TELEPHONIC MEETING
TUESDAY, AUGUST 24, 2004
WORK SESSION 4:00 P.M. • POLICY SESSION 7:00 P.M.
Eagle Mountain City Council Chambers

TELEPHONIC WORK SESSION – No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Consent Agenda
2. Discussion on Title 1 of the Eagle Mountain City Development Code
3. Discussion regarding Development Criteria for Valley View Annexation Master Development
4. Discussion regarding Animal Control and Code Enforcement
5. Discussion on dissolving the Telecommunications and Airport Advisory Boards
6. Items as outlined on the policy session
7. Other business
8. 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 Pro-Tem

The prayer was offered by Adam Lenhard.

TELEPHONIC POLICY SESSION – 7:00 p.m.

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

Mayor Pro-Tem Mark Madsen called the meeting to order at 7:12 p.m.

City Council Present: Mayor Pro-Tem Mark Madsen, Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	Angela Cox
Planning Director:	Shawn Warnke
City Planner:	Adam Lenhard

Others Present:

Residents: Rob Healy, Michelle DeKorver, Tiffany Ulmer, Jim & Chris Smith, Cindy Morris, Jeff Black, Becky Oakley, Pat Hoffman, Jim Konold, Janiece Sloan; Laura Lewis, Eagle Mountain Financial Advisor; Janet Burningham, The Crossroads Journal; Wendy Nabhan, North Ranch HOA; Gary Bertagnole, Meadow Ranch

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Jerry Kinghorn

3. **Approval of City Council Minutes (July 20, 2004 and August 3, 2004):**

MOTION: *Diane Jacob moved to approve the minutes of July 20, 2004 and August 3, 2004 as amended. David Blackburn 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:**

A. Library Board

MOTION: *Linn Strouse moved to appoint Brenda Park to the Library Board to a term ending on December 31, 2005 to fill the vacancy created by the resignation of Darrell Jackson. Diane Jacob seconded the motion. Ayes: 5 - Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen. Nays: 0. Motion passed.*

6. **Public Notices:**

None.

7. **Public Comment:**

Cindy Morris of North Ranch stated that she is concerned with the set backs in Valley View Ranch. She would like to see 175' rather than the proposed 100'. She also stated that she would like the Council to consider the proposal of allowing the same home every four lots. She feels this is to close.

Tiffany Ulmer of Eagle Park recognized and thanked Wal-Mart for sponsoring and supporting the Eagle Park Commons park improvements.

Wendy Nabham of North Ranch Home Owners Association is concerned with the standard of allowing the same house every four lots. She would like the Council to think about how a tract home subdivision would look between the two beautiful custom home subdivisions. She also stated that she believes that 100' lots are to narrow and she would like to see larger.

Rick Knowlton of Canyon Wash Drive stated his concern with homes being built to close to Tickville Wash. He believes that flash floods will be a concern. He also stated his concern with Valley View subdivision looking like a tract home subdivision.

Pat Hoffman a resident of Eagle Park asked if there were plans to discuss the paths and the safety of the children walking to the new school.

Chris Hillman responded that the City is currently addressing the issue. He explained the Alpine School Districts strategic placement of the elementary school... CDBG...

Korey Walker stated that he believes that the improvements should be completed in approximately fifteen days.

Mark Madsen...

Chris Hillman stated that some of the trails going to the school may not be the most direct route to the school...

Linn Strouse stated that The Ranches had a similar situation when Pony Express Elementary was first opened.

Mark Madsen ...

Lisa Amendola of Overland Trails stated that she walked he children to school this morning...

Mr. Hillman responded in explaining

8. Council Comments:

Vincent Liddiard stated that the School District was proposing a possible split. The County Commission voted as to whether the split would be put on the ballot. The County Commission voted two to one to not allow...

9. Recognition of Military Service:

None.

10. Consideration of Development Agreement Criteria for Valley View Annexation Master Development:

Mark Madsen...

Brian Haskell explained that the investor group on this project has conceded to have a minimum lot size of one half acre in this project, provided, however, that there is a maximum density allowed of 1.1 units per acre which totals approximately 335 units. That would be the maximum density allowed. They are proposing the minimum lot width be 100' No more than 50% of the homes to be built with exterior materials of vinyl siding, not repeating any elevation more than once every four homes. The linear park with the trail system going through the interior back lot lines is eliminated to make room for the half acre lots; economically there would be no requirement for sewer and no requirement for curb and gutter. A park will be built totaling up to 3.5 acres. The project originally proposed 16.8 total acres of developed open space, now there would be approximately 6-7 acres of developed open space.

Discussion ensued on the minimum lot width and the standard of allowing the same elevations in the development.

Mark Madsen asked Mr. Haskell if the Wash would be included in the acre lots and if there would be a fifty foot easement along the wash. Mr. Haskell stated that the acre lots would not include the wash; however he feels that a fifty foot easement is excessive and arbitrary.

Mr. Madsen read Mayor Bailey's comments.

Mr. Haskell explained the proposed trail system.

Discussion ensued on a fifty foot easement along the wash and a rear lot setback. Mr. Haskell stated that he would like to have a study completed to evaluate the wash and ensure safety. The City Council felt that a fifty foot rear set back including a twenty foot easement would be sufficient, and asked staff to provide a recommendation.

Korey Walker stated that a drainage analysis will be completed that will identify what improvements along the wash that will need to be made to ensure non-erosion.

Mr. Madsen stated that the developer is proposing 50% siding. The intent is to match the existing neighborhoods. He stated that he believes that this is a fair standard. He addressed the proposal of not repeating elevations more than every five homes. The Mayor had made a recommendation of not more than three times in the whole subdivision. The City Council felt that a little steep.

Linn Strouse asked Mr. Haskell what he could do to ensure the City Council that the homes would have a unique look. Mr. Haskell stated that it is impossible to ensure that at this time because they don't have builders in place at this time.

Mr. Madsen stated that he believes there are other standards in place the will derive individuals from building cookie cutter homes. He also stated the proposal that the half acre lots can have small animal rights. This will also be the standard in the new Code.

The City Council had a consensus on waiving the standard on curb and gutter unless the engineer stated it was needed for storm drain purposes.

Jim Smith of North Ranch questioned whether the CC&R's would remain the same as the existing lots that they are adjacent to.

Vincent Liddiard stated that they may not be identical but they will at least conform to the major issues such as animal rights, exterior materials, and minimum square footages. Discussion ensued on lot size requirements for animal rights.

Mr. Madsen explained that the half acre lots could, because of topographical or alignment challenges that require adjustment, be reduced up to 10%, only allowing 12% of the lots to be adjusted.

Gary Bertagnolli of Meadow Ranch asked for clarification on the standard of + or - 10% on lot sizes and questioned if that would affect animal rights. Mr. Madsen explained the proposed standard and when it would apply. He also stated that the small animal rights on the half acre lots would not be affected.

Mr. Bertagnolli also stated that both Meadow and North Ranch are custom home neighborhoods and he is concerned that the Valley View Ranch will not be consistent with the existing neighborhood. He feels that the standard of allowing an elevation to be repeated every fifth home is inconsistent with the existing neighborhoods.

Mr. Haskell stated that in Meadow and North Ranch the elevations are repeated very infrequently if at all; however there are no restrictions of that nature. He believes that the market is what determined that and the market is what will drive this project also.

1. Consideration and Approval of an Ordinance Amending Title I and Title II of Eagle Mountain City Development Code:

This item was tabled.

12. City Utility Administration Building, Site Plan Review:

Shawn Warnke explained the proposed location and presented the plan and layout of the floor plan. He presented the exterior elevations and the materials. He continued in explaining the conditions.

Adam Lenhard explained the grading and berming.

Vincent Liddiard stated that a location for a flag pole needed to be identified. He also asked that parking stall be removed at each of the entry ways to the building and have cement bollards installed to block vehicle entry into the building.

Discussion ensued on landscape islands in the parking area. Mark Madsen wanted to do away with the landscape islands and increase the parking area. Diane Jacob would like the landscape islands left, unless there is not a sufficient amount of parking.

David Blackburn suggested the center of the courtyard for the flag.

MOTION: *Vincent Liddiard moved to approve the Utility Administration Building Site Plan with the following conditions:*

- 1. That bollards are placed in the entrances to the building from the parking lot.*
- 2. That adequate parking is provided that complies with the Development Code.*
- 3. That a location for displaying the flag be determined.*

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

13. Silver Lake Village, Final Plat Approval:

Shawn Warnke explained the location and proposal. He displayed an overview map of the proposed project and explained the area that will be privately owned and commonly owned.

Jerry Kinghorn explained that this is an unusual zero lot line subdivision. It is a planned unit development. The CC&R's will have to be modified considerably to make sure the Home Owners Association has the ability to take care of the common area, which is the area around all of the building pad lots.

Linn Strouse requested that potential buyers are made aware of the Home Owners Association prior to closing on the home.

Korey Walker addressed the Tickville Wash along the subdivision. He requested the engineers evaluating this provide calculations for him to review.

MOTION: *Vincent Liddiard moved to approve the Silver Lake Village Final Plat subject to the recommendations of the staff and the plat modifications. David Blackburn seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

14. Spring Valley Plat A, Development Agreement Including CC&R's Approval:

This item was tabled.

15. Consideration and Approval of a Resolution Providing Provisions of Removal of Board and Commission Members:

Vincent Liddiard stated that his concern is if this provides protection for individuals who are willing to volunteer and if it provides protection to the City to move forward.

Diane Jacob stated that her concern is that the removal is not because of a conflict with a Council Person.

Mark Madsen agreed that a removal should be because the duties of the position are not being carried out.

MOTION: *Vincent Liddiard moved to adopt Resolution R15 – 2001. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

16. Consideration And Approval Of A Resolution Of The City Council Of Eagle Mountain City, Utah (The "Issuer"), Finalizing The Terms And Conditions Of The Issuance And Sale By The Issuer Of Its Special Assessment Refunding Bonds, Series 2004A (Special Improvement District No. 98-1) In The Aggregate Principal Amount Of \$6,295,000 (The "Series 2004A Bonds"); Awarding And Confirming The Sale Of Said Series 2004A Bonds; Authorizing The Execution By The Issuer Of A General Indenture Of Trust, And Other Documents Required In Connection Therewith; Authorizing And Approving A Bond Purchase Contract; And Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transaction Contemplated By This Resolution; Providing A Severability Clause; Repealing Resolutions And Orders In Conflict; Providing An Effective Date; And Related Matters:

MOTION: *Diane Jacob moved to adopt Resolution R17 – 2004. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

17. Ratify Notice of Award for the Project "2004 Trail Improvements, 2004":

MOTION: *Vincent Liddiard moved to award the bid of the 2004 Trail Improvements, 2004 to Arrow Engineering. Diane Jacob seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

18. Consideration to Award the Bid for Ruby Valley Completion:

Korey Walker explained that this approval was required at the 98-1 SID refunding to be able to act upon this. We received a bid from Terry Messersmith to complete this project. The estimate is high to cover the rock excavation on this project.

MOTION: *Vincent Liddiard moved to allow the Mayor to sign the Award Bid for Ruby Valley Completion. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

19. Consideration to Approve Contract to Drill Pony Express Well:

MOTION: *Mark Madsen moved to approve the Contract to Drill Pony Express Well to Lang Exploratory Drilling. Linn Strouse seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

20. Consent Agenda

- :**
- A. Contract Change Order
 - 1. Ranches Irrigation Line (CO No.1), Arrow Engineering
 - B. Partial Payments
 - 1. Ranches Irrigation Line (PP No. 1), Arrow Engineering
 - 2. Sweetwater Roadway Extension, 2004 (PP No. 7), Terry Larson Excavating, Inc.
 - 3. Maintenance Shop, 2004 (PP No. 2), Rimrock Construction
 - C. Partial Bond Releases
 - 1. Freemont Springs Plat C (PBR No. 1), Sundance Homes
 - 2. Freemont Springs Plat D (PBR No. 1), Church of Jesus Christ of Latter-Day Saints
 - 3. Rush Valley Plat A (PBR No. 5), Sundance Homes
 - 4. Rush Valley Plat B (PBR No. 2), Sundance Homes
 - 5. Rush Valley Plat C (PBR No. 2), Sundance Homes
 - 6. Willow Springs Condos Phase 3 (PBR No. 4), Summit Development
 - D. Final Bond Release
 - 1. The Anthem Phase 1 (FBR), EM Links

MOTION: *Linn Strouse 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.*

- 21. 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:
- 25. Adjournment:

MOTION: Mayor Bailey moved to adjourn the meeting at 9:15 p.m.

APPROVAL: *Mark B. Madsen* **DATE:** *10/5/04*
Mark B. Madsen, Mayor Pro Tem

This certifies that the minutes of
24-Aug-09 SCC are a true, full and
correct copy as approved by the
City Council on 5-OCT-2009

Signed: *Janet B. Valentini, civic*
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL
MEETING

TUESDAY, SEPTEMBER 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. Consent Agenda
2. Discussion regarding Agreement for Economic Development with U 'n Utah, L.P.
3. Discussion on the Enactment of Ordinances:
 - A. Amending the Eagle Mountain City Business License Ordinance
 - B. Amending the provisions of the Eagle Mountain City Development Code regulating home businesses
4. Items as outlined on the policy session
5. Other business
6. 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

Adam Lenhard offered the Prayer.

POLICY SESSION – 7:00 p.m.

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

Mayor Pro-Tem Mark Madsen called the meeting to order at 7:12 p.m.

City Council Present: Mayor Kelvin Bailey, David Blackburn, Linn Strouse, Mark Madsen, Vincent Liddiard.

Council Member Diane Jacob excused from meeting due to serious family illness

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	Angela Cox
City Planner:	Adam Lenhard

Others Present:

Janice Sloan, resident; Elizabeth Nardi, Daily Herald; Amy Twitty, The Sage Group; Janet Burningham, Crossroads Journal

1. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Sergeant Jo Murphy.

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

None.

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

None.

4. **Appointments:**

None.

5. **Public Notices:**

Adam Lenhard stated that a Public Hearing on the Development Code will be held on September 21, 2004.

6. **Public Comment:**

Janice Sloan stated that since Mayor Bailey has taken office both she and her husband have been very pleased; a lot of the positive changes that have taken place in the City. She also stated that they are grateful for his leadership. The financial status improvements are amazing. Very few people have the quality of public virtue that is lost these days and stated that Mayor Bailey is a great example of that to the citizens. She previously wrote a letter to the editor stating that; however, it was never printed.

Vincent Liddiard read comments emailed from Tiffany Ulmer concerning motorized scooters.

Mayor Bailey stated that he agrees and that needs to be addressed.

Linn Strouse stated her concerns.

Discussion ensued.

7. **Council Comments:**

Linn Strouse stated that she hopes that all residents read the monthly newsletter as it has a wealth of information. She stated that the Eagle Mountain Family Medicine and the Physical Therapist are not leaving the Eagle Mountain City.

Vincent Liddiard stated that November is the National Diabetes Awareness Month. There is a Diabetes Walk that is taking place in Salt Lake this week. He continued in providing information on contacting the organization.

Mayor Bailey stated that the City had the groundbreaking for the New City Hall today at 3:00. It will be completed in April or May, 2005. He stated that the City Center area is turning around. He thanked everyone who attended the groundbreaking.

8. **U.S. Department of Homeland Security Declaration of the Month of September as "National Preparedness Month":**

Mayor Bailey stated that a declaration has been requested by Homeland Security to declare September as National Preparedness Month. He continued in reading the declaration. Mayor Bailey encouraged everyone to re-evaluate their personal situations and to prepare for whatever may happen.

Sheila Curtis explained that this declaration was put out by FEMA (Homeland Security). The Governor will also make a declaration on September 9th at 9:00 a.m. at the State office building. She further explained the events following.

9. **Spring Valley Plat A, Development Agreement Including CC&R's Approval:**

Jerry Kinghorn stated that an additional special condition has been added which is the architectural elevation. He continued in explaining the CC&R's and exhibits.

Linn Strouse questioned why they would not be able to have an above ground pool.

Mayor Bailey explained that these are town homes and the yards are maintained by the Home Owners Association.

MOTION: *Linn Strouse moved to approve Spring Valley Plat A, Development Agreement including CC&R's with the changes recommended by Jerry Kinghorn. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

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

This item was tabled.

11. **Consideration and Approval of Epic Engineering Contract to Provide the Concept Planning and Funding Application Work for Pony Express Extension to the Future Mountain View Corridor in Conjunction with Saratoga Springs:**

Korey Walker stated that Eagle Mountain staff has met with Saratoga Springs staff discussing the options of connecting Pony Express Parkway with SR 68 and identify the alignment. He stated that funding will not be available until 2009. He continued in explaining what needs to happen to complete this project.

Linn Strouse questioned if stating that this is a secondary evacuation route for the City would assist in getting funding.

Mayor Bailey explained how important this is to the City and the benefits it would have.

MOTION: *Vincent Liddiard moved to approve Epic Engineering Contract to Provide the Concept Planning and Funding Application Work for Pony Express Extension to the Future Mountain View Corridor in Conjunction with Saratoga Springs. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

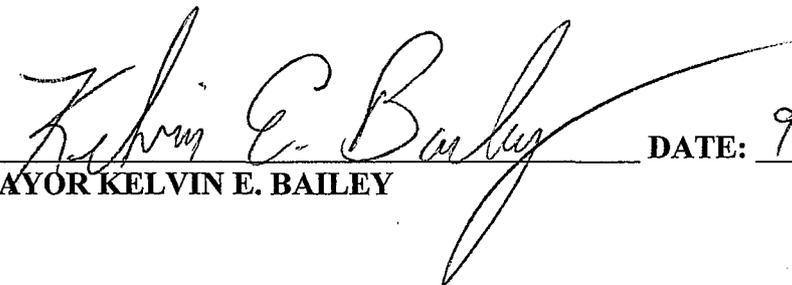
12. **Consent Agenda:**

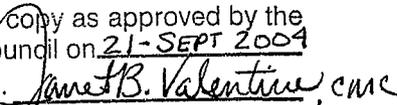
- A. Check register for August 2004
- B. Partial bond release
 - 1. Showdown at Eagle's Gate Plat A (PBR No. 1), Tall Maple Development, LLC
- C. Partial payment
 - 1. Maintenance Shop, 2004 (PP No. 3), Rimrock Construction
 - 2. Utility Administration Building (PP No. 1), Ellsworth Paulson

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

13. Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues, Potential Litigation and/or Public Safety:
15. Motion to Close the Closed Executive Session and Reconvene in to Open Session:
16. Any Actions From the Closed Executive Session:
17. Other Business:
18. Adjournment:

MOTION: *Mayor Bailey moved to adjourn the meeting at 7:35 p.m.*

APPROVED:  DATE: 9-21-04
MAYOR KELVIN E. BAILEY

This certifies that the minutes of
7-SEPT 2004 are a true, full and
correct copy as approved by the
City Council on 21-SEPT 2004
Signed: , cmc
City Recorder

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

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 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: _____

Kelvin E. Bailey

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

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL MEETING
TUESDAY, OCTOBER 19, 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 concerning the name of the street for the New City Hall
4. Discussion on Arial Photography Contract
5. Discussion on Sign Ordinance
6. Discussion on the Enactment Business License Ordinance
 - A. Amending the Eagle Mountain City Business License Ordinance
 - B. Amending the provisions of the Eagle Mountain City Development Code regulating home businesses
 - C. Discussion on Peddler's licensing
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

David Blackburn offered the prayer.

POLICY SESSION - 7:00 p.m.

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

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

City Council Present: David Blackburn, Diane Jacob, Vincent Liddiard, Linn Strouse, Mark Madsen was excused.

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
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Maritza Bailey, resident, Joshua Benuck, resident

2. **Pledge of Allegiance:**

Vincent Liddiard led the Pledge of Allegiance.

3. **Consideration to Accept a Petition of Annexation for the proposed Talon Cove Annexation:**

MOTION: *Diane Jacob moved to accept the petition of annexation for the proposed Talon Cove Annexation. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

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

Lieutenant Jerry Monson stated that he appreciates the opportunity to meet here tonight. He stated that Sergeant Mike Brower is with the Sheriff's office and specifically with the Utah County Sex Crimes Task Force. He emphasized the Sheriff Departments commitment to Eagle Mountain City. His position is to deal with the administrative needs and the issues that have come up with the managing of contract cities. Eagle Mountain City is the largest contract city with the Utah County Sheriff's Office and one of the top priorities. One of his personal goals is to become aware of all of the issues and concerns that the City may have.

Mike Brower thanked the City Council for their time. He continued in explaining what the Sex Crimes Task Force does. He stated that multi disciplinary task forces through out the country run the way this one does. A multi-disciplinary task force consists of Law Enforcement, child protective services (a division of child and family services), the Children's Justice Center, medical professionals, the County Attorney's Office and Victim Advocates. This task force is to best suite the children of our communities and to not re-victimize them through multiple interviews. He continued in explaining the procedure in which a case is processed. Mr. Brower stated that Eagle Mountain City in 2003 had 12 reported cases of sexual abuse against children, 9 of those cases were adult perpetrators. In 2004 Eagle Mountain City had over 17 cases, with 4 pending cases of sexual abuse against a child, 13 cases were juvenile perpetrators and the remainder was adult perpetrators. The task force also works with the FBI on the internet crimes against children. They only do it one night a week, getting on local chat rooms they do undercover stings. This year they have made 15 arrests, 2 of those arrests were out of Eagle Mountain City. He explained the benefits to Eagle Mountain City of having a task force to Eagle Mountain City.

5. **Appointments:**

A. **Youth Council**

MOTION: *Vincent Liddiard moved to approve the appointments of Shane Gallagher and Christine Ishmael to the Youth City Council. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

Janet Valentine administered the oath of office to Shane Gallagher and Christine Ishmael for the Youth Council.

Linn Strouse stated that she enjoys and appreciates working with these citizens.

6. **Public Notices:**

Janet Valentine stated that there are no Public Notices at this time.

7. **Public Comment:**

Mark Lofgren stated that his father-in-law was involved in an accident on Sweetwater Road the other day. He would like to give his thanks and admiration to the Fire Department and the Sheriff's Department, for their quick response and their professionalism. He feels it is amazing to have such a quick response in Eagle Mountain City. He expressed his appreciation to the Fire Department and Sheriff Department.

Mayor Bailey explained that the response times are due to the increase in tax increase that so many opposed last year.

8. Council Comments:

David Blackburn stated that he works for Fidelity Investments. Fidelity Investments sponsored the 2004 – 2005 reflections program for the P.T.A. To fund the program Fidelity Investments will donate \$25.00 to the P.T.A. of the school the child is attending, every time a college savings account is opened. All accounts must be opened by November 15 to receive the benefit. Interested people should call Fidelity Investments at (800) 544-5586.

9. Recognition of Military Service:

None.

10. Public Hearing to consider potential projects for which funding may be applied under the Community Development Block Grant (CDBG) Small Cities Program for Program Year 2004-2005:

Adam Lenhard explained the approval process of CDBG. He continued in presenting the recommended projects. He stated that the Planning Department is recommending a neighborhood street lights project in the South Service Area. The City may also submit other projects.

A. Open public hearing

Mayor Kelvin Bailey opened the Public Hearing at 7:22 p.m.

B. Receive public comment

Kevin Graves questioned if there is a way to find out what projects M.A.G. has funded in the past.

Mr. Lenhard stated that we do have record of that.

C. Close public hearing

Mayor Bailey closed the Public Hearing at 7:24 p.m.

11. Consideration and approval of application for the Community Development Block Grant:

MOTION: *Vincent Liddiard moved to approve the application for the Community Development Block Grant. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

12. Final Plat Approval:

A. Autumn Ridge Phase 2

Adam Lenhard explained the location and proposal of the project. He also explained the previous approvals.

The City Council asked if the component was present. Discussion ensued on landscaping.

MOTION: *Vincent Liddiard moved to table Autumn Ridge phase 2 until the component can be present. David Blackburn seconded the motion.*

Mayor Bailey questioned Vincent Liddiard as to why he wanted to table this item.

Mr. Liddiard stated that he would love the project move forward; however, he would like to have them answer the City Council's questions.

Mayor Bailey stated that we can say what they have to do and it could be put in the agreement, because the component is not here to defend himself.

Mr. Lenhard explained the conditions the Planning Commission recommended.

Korey Walker discussed the engineering issues including sewer capacity in the South Service Area.

Mr. Liddiard asked for clarification on the trail system. He stated his concern with leaving the open space as native vegetation in that it typically ends up being noxious weeds. He stated that he would like to see a landscape buffer, or a transition between the road, sidewalk and native vegetation.

Discussion ensued on street names and coordination with emergency response.

Mr. Liddiard expressed his frustration with the developer or a representative not being present.

Discussion ensued on the open space and trail system.

MOTION: *Vincent Liddiard moved to approve the final plat of Autumn Ridge phase 2 according to staff's recommendations and that the sidewalk by finished to the plat line, landscaping between the road and the sidewalk be completed, that a minimum of eight feet of landscaping extend from the sidewalk into the open space, that street naming be subject to the recommendation of the Fire Chief and Sergeant Murphy, that entry way and monument signage be installed, and that areas of native vegetation be fenced off during construction. Ayes: 3 – Linn Strouse, David Blackburn, Mayor Bailey; Nays: 2 – Vincent Liddiard, Diane Jacob. Motion passed.*

Mr. Liddiard stated that in good conscience he could not perpetuate the myth of the open space.

Diane Jacob stated that she voted nay because of inadequate sewer capacity.

13. Consideration and approval of Water Conservation Plan for Eagle Mountain City:

MOTION: *Vincent Liddiard moved to approve the policy of Water Conservation Plan for Eagle Mountain City. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob. Motion passed.*

14. Consideration and approval of recommended changes to Policies and Procedure Handbook and Employee Handbook:

MOTION: *Diane Jacob moved to approve the recommended changes to the Policies and Procedure Handbook and the Employee Handbook. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

15. Notice of Award for the "Eagle Mountain 2004 Landscape Improvement Project":

MOTION: *David Blackburn moved to accept the award for the "Eagle Mountain 2004 Landscape Improvement Project". Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

16. Consideration and approval of Arial Photography Contract:

MOTION: *Diane Jacob moved to award the bid of Arial Photography contract to Arial Graphics in the amount of \$20,245.00. Vincent Liddiard seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

17. Discussion regarding City Web Site Upgrade:

Mayor Bailey stated that our web site is doing great and that we get a lot of response to the web site; however the city would like to upgrade the web site.

Kevin Graves presented a comparison sheet of the different web page editors and explained his research. He continued in explaining the pros and cons of the different options. Discussion ensued.

18. Consent Agenda:

- A. Partial bond releases
 - 1. Parkway Crossroads Project (PBR No. 2), Legacy Realtors
 - 2. Willow Springs, Phase 3 Summit Development
- B. Warranty bond releases
 - 1. Willow Springs Phase 1, Summit Development
 - 2. Willow Springs Phase 2, Summit Development
- C. Partial Payment
 - 1. Maintenance Shop, 2004 (PP No. 4), Rimrock Construction

MOTION: *David Blackburn moved to amend the Consent Agenda and remove Item B. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

MOTION: *Diane Jacob moved to approve the Consent Agenda. David Blackburn seconded the motion. Ayes: 4 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob; Nays: 0. Motion passed.*

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

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

21. Any actions from the closed executive session:

22. Other Business:

23. Adjournment:

MOTION: *David Blackburn moved to adjourn the meeting at 8:15 p.m.*

APPROVED: _____

Mayor Kelvin Bailey

DATE: 11/14/04

This certifies that the minutes of 10.19.2004 are a true, full and correct copy as approved by the City Council on 11.16.2004

Signed: [Signature]
Acting City Recorder

MINUTES OF THE
EAGLE MOUNTAIN CITY COUNCIL TELEPHONIC MEETING
TUESDAY, NOVEMBER 16, 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.

Consent Agenda
Discussion concerning the creation of a new Road Maintenance Laborer Position
Discussion concerning the Sewer Impact Fee and Treatment Options
Discussion on City Web Site
Items as outlined on the policy session
Other business
Adjourn work session at 6:00 p.m.

EAGLE VALLEY ELEMENTARY SCHOOL DEDICATION – 6:00 to 6:30 p.m.

DINNER – 6:30 to 7:00 p.m.

POLICY SESSION – 7:00 p.m.

Call to Order - Roll Call:

Mayor Kelvin Bailey called the meeting to order at 7:15 p.m.

City Council Present: Mayor Kelvin Bailey, Linn Strouse, David Blackburn, Vincent Liddiard, and Mark Madsen. Diane Jacob was excused for her daughters wedding.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Engineer:	Chris Trusty
Deputy Recorder:	Angela Cox
Recording Secretary:	Jenalee Cheever
Finance Director:	Gordon Burt
City Planner:	Adam Lenhard
Public Works Director:	Mark Sovine
Utah County Sheriff:	Sergeant JoAnn Murphy

Others Present: Cathy Allred, Pony Express, Elizabeth Nardi, Daily Herald, Jody Hooley, resident, Bonnie Jeppson, resident, Janet Burningham, Crossroads Journal, Janiece Sloan, resident

Pledge of Allegiance:

Adam Lenhard led the Pledge of Allegiance.

Approval of City Council Minutes (October 5, 2004 & October 19, 2004):

MOTION: *Vincent Liddiard moved to approve the minutes of October 5, 2004 & October 19, 2004. Linn Strouse seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

General discussion/questions/announcements:

Mayor Kelvin Bailey stated that at the last MAG (Mountainland Association of Governments) meeting the Mayors had a celebration supporting the repeal of the oxy fuel in Utah County.

Linn Strouse stated that she received a letter from Intermountain Health Care dated November 10, 2004 updating the progress of the IHC Saratoga Springs Instacare. Currently interior design work is taking place in the building which includes 6 exam rooms, an x-ray room, a laboratory, as well as office space and a welcoming lobby area. Everything is on schedule to open the facility prior to Christmas. They have a doctor, Glen Teffalon from Arizona.

Vincent Liddiard stated that there is a training program for all Neighborhood Watch Coordinators Block Captains on Wednesday December 8, 2004 7:00 p.m. in the City Office. Mr. Liddiard also congratulated Shawn Warnke on his recent marriage.

Detective Sergeant Wally Pershawn introduced himself and stated that he is over investigations. He stated that they try to put their best officers in Eagle Mountain City. He also stated that Detective Knapp is well trained and will do a good job in Eagle Mountain City. He stated that in 2003 to 2004 he stated that the projections are that the numbers are going to double on the following classifications of cases, info only, and assigned cases.

Mayor Bailey stated that Mark Madsen is a Senator elect for district number 13. He stated that he has been a great asset to the City and he will be missed.

Appointments:

Mayor Bailey recommended appointing Angela Cox as the Acting City Recorder.

MOTION: *Vincent Liddiard moved to appoint Angela Cox as the Acting City Recorder. David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Public notices:

December 7, 2004 - Public Hearing on Impact Fees
December 7, 2004 - Public Hearing on Amendment to the General Plan
December 7, 2004 - Public Hearing on Zoning Ordinance for Animals

Public comment:

Marion Bingham a resident of Lake Mountain Road stated his concern with the maintenance of Lake Mountain Road. Mayor Bailey stated that this issue will be addressed at the meeting on December 7, 2004. He offered to grade the road if the City would bring in material.

Bonnie Jeppson of Lake Mountain Road stated her concern with the turn from Sweetwater Road to Lake Mountain Road having no turn lane. She stated that this is a safety issue that needs to be addressed as soon as possible.

Mark Sovine explained that the City is working on a proposal to solve the problem.

Mrs. Jeppson stated that Lake Mountain Road needs a road sign. She also expressed her concern that stray dogs are being dropped off on Lake Mountain Road. She was directed to work with animal control to solve the problem.

Jody Hooley of Lake Mountain Road expressed her concern that a left hand turn lane is needed on Sweetwater to Lake Mountain Road. She stated that water is being wasted on Pony Express Parkway and Ranches Parkway. The Mayor has

stated that that has been addressed and will be taken care of. Mrs. Hooley stated that in the animal control the issue needs to be addressed of lot sizing and animal rights on adjacent properties.

Council comments:

Linn Strouse stated that November 11th was Veterans Day. She commented on how grateful she is for the military. She encouraged everyone to go home and think about what that means to us that somebody is sacrificing their life and or health for our freedoms or liberties as we speak. She would like to see something spear headed out here where we can honor the troops and keep that awareness going on.

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

This item was tabled.

Consideration and adoption of an Ordinance amending Title 1 Chapter 15 of the Development Code to revise and amend regulations for signs:

Shawn Warnke highlighted the major changes in the Sign Ordinance. Discussion ensued.

MOTION: *Mark Madsen moved to adopt an Ordinance amending Title 1 Chapter 15 of the Development Code to revise and amend regulations for signs. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0.*

Consideration and enactment of an Ordinance amending the Eagle Mountain City Business License Ordinance:

Shawn Warnke stated that this Ordinance will make obtaining a business license easier.

MOTION: *Mark Madsen moved to enact an Ordinance amending the Eagle Mountain City Business License Ordinance. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

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

This item was tabled.

Consideration and approval of a Resolution adopting the Mountainland Association of Governments Pre-disaster Hazard Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000:

Sheila Curtis stated that the purpose of the Resolution is to fulfill federal, state and local hazardous mitigation planning responsibilities. This resolution will allow us federal funding in the event of a disaster.

MOTION: *Linn Strouse moved to approve a Resolution adopting the Mountainland Association of Governments Pre-disaster Hazard Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Consideration and approval of a Resolution amending the Eagle Mountain Consolidated Fee Schedule for the purpose of including a fee for as builts and institute fees as required by revised Development Code:

Shawn Warnke stated that this is will update the Consolidated Fee Schedule to put it inline with the new Development Code. The City Council felt that it was in the best interest of all parties involved to re-evaluate the fee for as builts and involve the developers in this process prior to approving that portion of the Consolidated Fee Schedule.

MOTION: *Mark Madsen moved to approve the Consolidated Fee Schedule for the purpose of including a fee for the purpose of amending the business license fees.. Linn Strouse seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Consideration and approval of a Resolution adopting the Eagle Mountain Water Conservation Plan:

MOTION: *Mark Madsen moved to approve a Resolution adopting the Eagle Mountain Water Conservation Plan. David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Pony Express Days Celebration:

Mayor Kelvin Bailey explained the proposal to accept an agreement to hire Blackhawk to perform at the Silver Lake amphitheater.

Consideration and approval of an Agreement with TBA Entertainment for Booking of musical group for Pony Express Days

Consideration and approval of Performance Agreement with Wing It Inc. for the musical group "Blackhawk" for Pony Express Days Celebration

MOTION: *Mark Madsen moved to approve an Agreement with TBA Entertainment for Booking musical group for Pony Express Days and Agreement with Wing It Inc. for the musical group "Blackhawk" for Pony Express Days Celebration. Linn Strouse seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Consideration and approval to amend the Eagle Mountain Policies Procedures Manual and Employee Handbook to include employee benefits of a reduced fee for ambulance service:

Chris Hillman explained that this is clarification of an already existing ordinance.

MOTION: *Vincent Liddiard moved to approve to amend the Eagle Mountain Policies Procedures Manual and Employee Handbook to include employee benefits of a reduced fee for ambulance service. David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Final Plat Approval:

Kiowa Valley Plats D&E

Shawn Warnke explained that these plats were formerly known as South Pass A & B. The Applicant is proposing that this subdivision be revised to eliminate alleys to service lots on the Kiowa Valley Parkway (a collector road). As you know homes that have frontage on collector roads are not allowed to have direct driveway access onto a collector road. The Applicant is proposing that the plats be amended to have a vest pocket park access rather than an alley way.

MOTION: *David Blackburn moved to approve the final plats of Kiowa Valley Plats D & E subject to using xeriscape landscaping in the islands of the vest pocket parks. Linn Strouse seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Pioneer Addition Phase 3

Shawn Warnke stated that the proposed project is 220.75 acres in size and is north of Mt. View and The Landing subdivisions and surrounds Cedar Trails Villages Phase 1. He then presented the layout to the City Council. Mr. Warnke explained the Planning Commissions recommendations.

The developer is proposing that this subdivision will have a HOA that may not necessarily maintain all areas. Discussion ensued on what areas will be maintained by the City. The City Council

- MOTION:** *Vincent Liddiard moved that the City Council approve the Pioneer Addition Phase 3 Final Plat subject to the following conditions:*
- 1. That open space B, C, & D be improved by the developer and maintained by the City. That the language is amended as per the City Attorney's instructions.*
 - 2. That the revised dry utility plan is approved.*
 - 3. That sidewalks are constructed to the fronts of the attached housing that fronts onto the open space areas of concrete.*
 - 4. That irrigated open space is installed for the following open space parcels: A, B, C, and D.*
 - 5. That the properties located on the east side of the plat which are 75- 84, lot lines continued east to the area of public open space J and the open space is eliminated and any commensurate loss of open space be waived.*
- David Blackburn seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Silver Lake 2B

Shawn Warnke explained that Silver Lake is located east of Smith Ranch on the South Side of Pony Express Parkway (as it is extended). This Master Development Plan has approved 348 units as a density ceiling; the applicant is proposing 333 dwelling units for this plat. Development Associates made the commitment that the project will use the following standards for single-family lot requirements: a minimum lot size of 6,000 square feet; an average lot size of 7,500 square feet; and have lot frontage no less than 60 feet. The developer has complied with these standards.

- MOTION:** *Vincent Liddiard moved that the City Council approve the Final Plat for Silver Lake Phase 1 subject to the following conditions:*
- 1. TEMPORARY TURNAROUNDS. That lots 179 and 180 are not eligible for building permits until the road is extended over Tickville Wash since a temporary turnaround cannot be constructed.*
 - 2. DRIVEWAYS. That there is no driveway entrances from Silver Lake Parkway. That all single-family housing has a driveway length of 20 feet.*
 - 3. NEIGHBORHOOD PARK REQUIREMENTS. That the applicant demonstrates how the neighborhood park requirements are satisfied.*
 - 4. LANDSCAPING PLAN. That the landscaping plans meet the requirements of the Development Code.*
 - 5. CONSTRUCTION PLAN. That the construction plans meet the requirements of the Development Code.*
 - 6. PLAT. That the plat meets the requirements of the Development Code.*
- Linn Strouse seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Site Plan Approval:

Eagle Gate LDS Church

Shawn Warnke stated the proposed church is located at the intersection of Nairn Road and Rose Hearty Lane in the Eagle's Gate Subdivision.

- MOTION:** *David Blackburn moved that the City Council Planning approves the Site Plan for the Eagle's Gate LDS Church subject to the following conditions:*
1. **STORM DRAINAGE.** *That the subdivision storm drain pond be sized to detain the storm water (need to know if the excess capacity called out in the storm drain calculations if the excess is current capacity or build out capacity). That storm water is collected at the most eastern access before the water runs into Rose Hearty Road.*
 2. **DESIGN GUIDELINES.** *That the Applicant receives The Ranches' approval in accordance with their Design Guidelines.*
 3. **ROSE HEARTY LANE.** *That the remainder of the road be constructed and bonded.*
 4. **DRIVE APPROACH.** *That the drive approach has a minimum of 6" of road base (please see detail B on sheet C5.2).*
 5. **UTILITY DEMANDS.** *That the utility demands for this building are submitted.*
 6. **PHONE.** *That the Telecommunication Department's comments be incorporated into the plan.*
- Mark Madsen seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Report of Certification of Annexation Petition for Talon Cove Annexation:

This item was tabled at the request of the petitioners.

Consideration of amendment to the Eagle Mountain Development Code Title I, Section 11.13 regarding chain link fencing:

This item was tabled.

Consent agenda:

- A. Check register for October 2004
- B. Contract change orders
 1. Ranches Irrigation Water Line-SID 2000-1 (CO No. 2), Arrow Engineering
 2. Utility Administration Building (CO No. 2), Ellsworth Paulsen
 3. Utility Administration Building (CO No. 1), Terry Larson Excavating
 4. Public Works Building (CO No. 1), Rimrock Construction
- C. Final payments
 1. Ranches Irrigation Water Line-SID 2000-1 (Final Pmt), Arrow Engineering
- D. Partial payments
 1. Utility Administration Building (PP No. 2), Ellsworth Paulsen
 2. City Wide Trail System (PP No. 2), Arrow Engineering
 3. Utility Administration Building Landscaping (PP No. 1), Terry Larsen Excavating
- E. Partial bond release
 1. Showdown at Eagle's Gate Plat A (PBR No. 3), Tall Maple Development
- F. Final bond release
 1. Nextel Cedar Pass Cell Site (Final BR), Nextel
- G. Final warranty bond release
 1. Cold Springs at Red Hawk Ranch Phase 1 (Final WBR), Hamlet Homes

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

Other Business:

Mayor Kelvin Bailey explained that the fees on natural gas are going to need to be raised because of the price on the open market. He stated that this will be reviewed and noticed for another meeting.

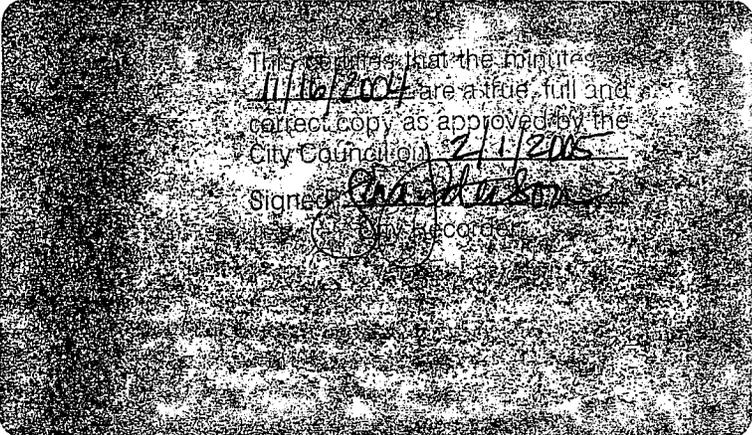
Adjournment:

MOTION: *Vincent Liddiard moved to adjourn the meeting at 9:29 p.m.*

APPROVED: *Kelvin Bailey*
Mayor Kelvin Bailey

DATE: 02-01-2005

11/16/2004 *11/16/2004* *11/16*
Signature



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 7th 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 4th grade students at the Pony Express and the 5th 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:

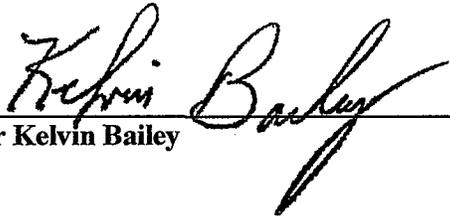
Vincent Liddiard stated that he has been looking into the firearms ordinance. He would like to have an actual fire range and allow firearms to be fired in some areas of the City. Discussion ensued.

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

MINUTES
TELEPHONIC EAGLE MOUNTAIN CITY COUNCIL MEETING
TUESDAY, DECEMBER 23, 2004
POLICY SESSION 6:00 P.M.
Eagle Mountain City Council Chambers
1680 East Heritage Drive, Eagle Mountain, UT 84043

POLICY SESSION -- 6:00 p.m.

Call to order - roll call:

Mayor Kelvin Bailey called the meeting to order at 6:19 p.m.

City Council: Mayor Kelvin Bailey, Mark Madsen, Vincent Liddiard, David Blackburn, and Linn Strouse joined the meeting telephonically.

City Staff:

City Administrator: Chris Hillman
City Attorney: Gerald Kinghorn
Finance Director: Gordon Burt
Acting City Recorder: Angela Cox

Others Present: Janiece Sloan, Dean O. Earl, Rich Steinkopf, Mary Steinkopf, Bob Stadel, Marni Stadel, Isaac I. Ha'o III, Jennifer Webb, Darren Beck, Darrell Jackson

Pledge of allegiance:

Gordon Burt led the Pledge of allegiance.

Appointments:

A. City Recorder

Mayor Kelvin Bailey recommended the appointment of Gina Peterson to the position of City Recorder effective December 28, 2004.

MOTION: *Vincent Liddiard moved to approve the appointment of Gina Peterson to the position of City Recorder effective December 28, 2004. David Blackburn seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Consideration and approval of Settlement Agreement with Wells Fargo Bank for improvements completion and warranty on Mt. Airey Plat A subdivision:

Jerry Kinghorn explained that Wells Fargo would like to conclude the settlement before year end to resolve some of their financial issues. Mr. Kinghorn stated that we have been after them for months to deliver cash to us to complete the improvements and pay the warranty deposit for the Mt. Airey plat A subdivision. He stated that this is a settlement agreement and that the Council also has a punch list prepared by Chris Trusty which stated that it is going to take \$129,000 to complete the improvements, warranty the improvements, take care of construction administration contingencies, and so forth. Wells Fargo negotiated with some of the amounts and offered to settle at \$125,000. Mr. Kinghorn stated that he has no hesitancy to recommend that the City Council approve this settlement agreement.

MOTION: *David Blackburn moved to approve the settlement Agreement with Wells Fargo Bank for improvements completion and warranty on Mt. Airey Plat A subdivision. Mark Madsen seconded the motion. Motion passed.*

Consideration and acceptance of the 2004 audit:

Gordon Burt presented the City Council with the fiscal year 2004 audit.

Mayor Kelvin Bailey stated that he has a goal for the Finance Department. He would like them to have their records reconciled on a monthly basis. On top of that he would like them to submit the records prior to any other municipality in the state.

MOTION: *Mark Madsen moved to accept the 2004 audit. Vincent Liddiard seconded the motion. Ayes: 3, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Interviews and appointment of City Council person to fill the vacancy of Diane Jacob:

Mayor Kelvin Bailey explained the process of interviewing the candidates and the appointments.

Isaac I. Ha'o III introduced himself to the Council. The City Council questioned Mr. Ha'o concerning his qualifications for the vacant position on the City Council.

Janiece Sloan introduced herself to the Council. The City Council questioned Ms. Sloan concerning her qualifications for the vacant position on the City Council.

Richard Steinkopf introduced himself to the Council. The City Council questioned Mr. Steinkopf concerning his qualifications for the vacant position on the City Council.

Jennifer Webb introduced herself to the Council. The City Council questioned Ms. Webb concerning her qualifications for the vacant position on the City Council.

Dean O. Earl introduced himself to the Council. The City Council questioned Mr. Earl concerning his qualifications for the vacant position on the City Council.

Darren Beck introduced himself to the Council. The City Council questioned Mr. Beck concerning his qualifications for the vacant position on the City Council.

Robert Stadel introduced himself to the Council. The City Council questioned Mr. Stadel concerning his qualifications for the vacant position on the City Council.

Darrell Jackson introduced himself to the Council. The City Council questioned Mr. Jackson concerning his qualification for the vacant position on the City Council.

Mark A. Smith and Steven B. Berg submitted a letter of interest, but were not in attendance at the meeting to speak with the Council.

The Council was given an opportunity to rank each candidate. The ranking sheets were then handed to the Mayor. Mayor Bailey stated that there was a majority for one of the candidates and stated that he would entertain a motion to select Janiece Sloan as the new Council meeting.

MOTION: *Mark Madsen moved to appoint Janiece Sloan to fill the vacancy on the City Council of Diane Jacob. Vincent Liddiard seconded the motion. Ayes: 4, Linn Strouse, David Blackburn, Vincent Liddiard, Mark Madsen; Nays: 0. Motion passed.*

Mayor Bailey thanked all for the candidates.

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

None.

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

Not applicable.

Any actions from the closed executive session:

Not applicable.

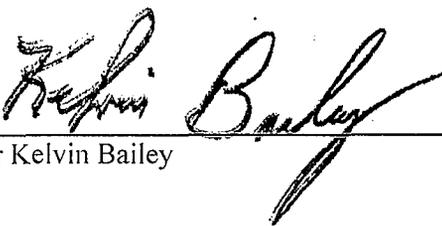
Other business:

Mark Madsen presented a letter of resignation effective at the close of this meeting. He then read the letter.

Adjournment:

MOTION: *Vincent Liddiard moved to close the meeting at 7:56 p.m.*

APPROVAL:



Mayor Kelvin Bailey

DATE: 01.18.2005

This certifies that the minutes of
~~12/23/2004~~ are a true, full and
correct copy as approved by the
City Council on 1/18/2005

Signed: 
City Recorder

Handwritten signature or initials, possibly "J. P. [unclear]".

Faint handwritten text, possibly a date or reference number.