

Eagle Mountain City Council Minutes 2001

Dates of City Council Meetings:

- January 2, 2001
- January 16, 2001
- January 30, 2001
- February 3, 2001
- February 6, 2001
- February 20, 2001
- March 6, 2001
- March 20, 2001
- April 3, 2001
- April 17, 2001
- April 25, 2001
- May 1, 2001
- May 15, 2001
- June 5, 2001
- June 19, 2001
- June 28, 2001
- July 3, 2001
- July 17, 2001
- August 7, 2001
- August 21, 2001
- August 23, 2001
- September 4, 2001
- September 14, 2001
- September 18, 2001
- October 9, 2001
- October 16, 2001
- October 30, 2001
- November 13, 2001
- November 20, 2001
- December 4, 2001
- December 18, 2001

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
January 2, 2001**

POLICY SESSION – 7:00 TO 10:30 p.m. – Eagle Mtn. Community, 1668 E. Heritage Dr., Eagle Mtn.

1. Roll Call:

Mayor Bond called the meeting to order @ 7:05 p.m.

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Corey Walker
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Fire Chief: Robert DeKorver

Others present:

2. Pledge of Allegiance:

Robert DeKorver led the pledge of Allegiance.

3. Approval of Minutes:

The minutes of December 5, 2000 were tabled.

December 21, 2000.

MOTION *Bert Ankrom moved to approve the minutes of December 21, 2000 as amended. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None.

5. Appointments:

There were no appointments.

6. Public Notices:

There were no notices.

TC Mtg
1-16-01
BM DA Approved
(5) Ayes

7. **Public Comment:**

There were no comments from the public.

8. **Consideration for Approval of an Amendment to the Law Enforcement Services Agreement with Utah County:**

Jerry Kinghorn explained that the Amendment provided the Town with an additional deputy sheriff and extended the term of the contract.

MOTION *Dave Albrecht moved to approve an Amendment to the Law Enforcement Services Agreement. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed*

9. **Grant Gifford, Sundance Homes Appeal to the Town Council regarding disputes of fees paid for Chimney Rock, Plat A & Plat C:**

There was no representation from Sundance Homes with respect to an appeal for the fees that the developer was disputing for Chimney Rock, Plat A and Plat C.

Mayor Bond stated that Grant Gifford, Sundance Homes, had commented in a letter to John Newman that neither Sundance Homes nor the Town Inspectors discovered the lot line error until after completion of the home. Mayor Bond clarified that Sundance Homes noticed the error prior to the completion of the home and approached the Town Inspectors regarding a timeline for inspections of lot lines. Two inspections of the lot lines would take place, one at the footings and one at final inspection. Upon investigation by the Town it was noted that the surveyor had placed stakes marking the lot lines. At the time of excavation, Sundance personnel accidentally covered or removed one of the stakes causing the lot line error to occur.

Due to fast tracking, the inspector didn't have an approved site plan from the builder when he went to do the footings inspection and so the error went undetected. The Town's policy has since changed requiring an approved site plan to avoid the problem from happening in the future. It was the opinion of the Council that the responsibility of the incident fell upon the developer and therefore denied the appeal.

MOTION *Brigham Morgan moved to decline the appeal regarding fees incurred for Chimney Rock, Plat A & Plat C. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. **Confirmation and Ratification of Transaction: Subordinated Electric Revenue Bond Anticipation Notes Series 2000 and Equipment Lease Purchase Agreement with First National Bank of Layton:**

Jerry Kinghorn explained the transaction.

MOTION *Greg Kehl moved to Confirm and Ratify of the Subordinated Electric Revenue Bond Anticipation Notes with First National Bank of Layton in the amount of \$348,348.00 and that all of the proceeds of the sale of the note be approved for right-of-way acquisition for the electric power transmission system. Also, the confirmation and ratification of the Equipment Lease-Purchase Agreement with First National Bank of Layton in the amount of \$1,619,430.00 with \$1,357,194.00 used to purchase the equipment described on Exhibit A as submitted, and that the balance of the funds be used and approved as follows: \$174,174.00 to engineering design and related matters for the power transmission line and related electric systems improvement projects and \$78,062.00 for additional funds for right-of-way acquisition. The total right-of way acquisition budget will then total \$416,410.00. Brigham Morgan seconded the motion. Ayes: 5, Nay: 0. Motion passed.*

11. **Development Item:**

- a. Amendment to The Ranches Community Design Guidelines.

The Council reviewed the proposed revisions to The Ranches Community Design Guidelines. Greg Kehl expressed concerns with respect to a change on page 45, item K that addressed the use of carports. Mr. Kehl believed that the amendment should only refer to multi-housing units (condos) and should be indicated as such to avoid any misunderstandings.

Discussion ensued.

Due to the lack of clarity and to avoid any potential problems, the Town Council requested that the Town Staff propose additional language to the Planning Commission, for their review, in order to clarify when covered parking may be used and the prohibition of carports in single family areas.

MOTION *Brigham Morgan moved to approve the Amendments to The Ranches Community Design Guidelines as presented excluding changes referenced on page 45. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **EMS Inter-local Agreement:**

Jerry Kinghorn explained that the EMS Inter-local Agreement was a reciprocal agreement with Lehi City. There would be a separate agreement for all communities involved, Salt Lake County Fire Department, Tooele County Ambulance, Juab County Ambulance, Lone Peak Fire/EMS and American Fork Ambulance.

MOTION *Bert Ankrom moved to approve the Reciprocal Emergency Ambulance Service Agreement between the Town of Eagle Mountain and Lehi City and authorize the Mayor to execute identical agreements with Salt Lake County Fire Department, Tooele County Ambulance, Juab County Ambulance, Lone Peak Fire District and American Fork Ambulance. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **Consideration of an Ordinance of the Town of Eagle Mountain, Utah Amending the Record plat of Chimney Rock Plat A, and Approving the Amended Plat of Chimney Rock:**

The Council considered Ordinance # O 01-2001.

MOTION *Dave Albrecht moved to approve Ordinance # O 01-2001, an Ordinance of the Town of Eagle Mountain, Utah Amending the Record Plat of Chimney Rock Plat A and Approving the Amended Plat of Chimney Rock Plat A. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Consideration of an Ordinance of the Town of Eagle Mountain, Utah Adopting the 1997 Uniform Fire Code and to Enact More Restrictive Fire Hydrant Placement Requirements for the Fire Department Connections and More Restrictive Minimum Requirements for Installing Fire Suppression Systems in the Town of Eagle Mountain, Utah:**

Fire Chief Robert DeKorver addressed the Council regarding Ordinance # 01-2001 which would upgrade the Town's current Fire Code to the 1997 Uniform Fire Code.

Dave Albrecht requested that the Fire Chief research other towns and cities to compare standards regarding the issues and present the information at the next Town Council meeting.

Discussion ensued.

Mayor Bond commented that, in his opinion, Eagle Mountain needed to do what was in the best interest of the Town and it's residents. The Mayor believed that this ordinance was too vague.

Fire Chief DeKorver said that he would find out what other communities are doing and do a comparison on the ISO ratings.

Greg Kehl requested a copy of Table A 111-A-I.

Approval of the Ordinance was tabled until there was more information available.

15. **Motion to approve Consent Agenda items as follows:**

- a. Warrant Register
- b. Contract Change Orders
- c. Partial Payment Requests
- d. Partial Bond Releases

MOTION *Dave Albrecht moved to approve the Consent Agenda Items with the exception of the Booster Pump Station and Well No. 2, 2000 Partial Payment Request. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the Partial Payment of the Booster Pump Station Well No. 2, 2000 based upon The Ranches making a payment of \$4,102.50. Greg Kehl seconded the motion. Ayes 5, Nays: 0. Motion passed.*

16. **Other Business:**

There was no other business to discuss.

17. **There was no Executive Session:**

18. N/A

19. N/A

20. **Adjournment:**

MOTION *Greg Kehl moved to adjourn the meeting @ 8:50 p.m.*

APPROVAL: _____ **DATE:** _____
 Mayor Paul R. Bond, Jr.

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
January 16, 2001**

POLICY SESSION – 7:00 TO 10:30 p.m. – Eagle Mtn. Community Center, 1668 E. Heritage Dr., Eagle Mtn.

1. Roll Call:

Mayor Bond called the meeting to order @ 7:05 p.m.

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Planner: Ken Leetham
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Fire Chief: Robert DeKorver
Deputy Fire Chief: Kevin McCarthy

Others present: Robert Smith, resident; Rob Nielson, The Interactive; Mark Lofgren, resident; Spencer & Traci Johnson, residents; Jim Watkins, Sundance Homes; Josh Elledge, resident.

2. Pledge of Allegiance:

Shelia Curtis led the pledge of Allegiance.

3. Approval of Minutes (December 5, 2000 & January 2, 2001):

MOTION *Dave Albrecht moved to approve the minutes of December 5, 2000 as stated. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the minutes of January 2, 2001 as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bond announced that the Town Council would hold a special meeting at 7 p.m. January 30, 2001. This meeting was scheduled to provide residents of Eagle Mountain an opportunity to discuss any items of concern.

5. Appointments:

There were no appointments.

6. Public Notices:

None

7. **Public Comment (7:10 p.m.; 3 minute limit per person, overall time allotted 30 minutes)**
(Items listed on agenda – 2 minutes per person; overall time – 10 minutes):

There were no comments from the public.

8. **Tasco Engineering Representative Request to Address the Town Council:**

Gary Tassainer, Tasco Engineering, addressed the Council with respect to a lawsuit the Town had filed against Tasco Engineering. Mr. Tassainer was anxious to get into mediation with the Town concerning the suit in order to find some resolution, however, he had yet to hear from the Town Attorney Jerry Kinghorn.

Mr. Tassainer also discussed payments that he believed the Town owed Tasco three of which had already been approved, Crittenden Corner, Mount Aire and Chimney Rock.

Mr. Tassainer mentioned that he had married children in the community who had been approached by Town employees regarding unfinished Tasco projects. Mr. Tassainer stated that he was unaware of any unfinished work that involved his company.

Mayor Bond stated that he would look into Mr. Tassainer's claims.

9. **Sunrise Development Dig In Rehearing Request:**

Tabled

10. **Sunrise Development Trail Amendment Request:**

Tabled

11. **Public Works Board recommendation to the Town Council regarding Amendment to the 138 Kv Transmission Line Alignment:**

MOTION *Brigham Morgan moved to approve the Public Works Board recommendation for an alternate alignment for the Transmission Line, including an additional 3400 linear feet of transmission line and a potential increase cost of \$85,000 for right-of-way construction. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Amendment to Developer's Capital Facility Funding Requirements/Korey Walker:**

Korey Walker explained the amendments to the Developer's Capital Facility Funding Requirements. The following changes were recommended:

1. Land transfer for substation site, transmission line easement, and fire station property be extended to February 28, 2001.
2. Construction funding for a 2 million gallon reservoir be extended until February 15, 2001.

MOTION *Greg Kehl moved to approve the extension of time for the Capital Facility Funding as submitted by Epic Engineering dated January 11, 2001. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. **EMS Vehicle Purchase Proposal:**

Fire Chief Robert DeKorver explained the proposal to purchase an additional Brush Truck for First Response under the lease agreement that was approved in November 1999. The vehicle would allow EMS response as well as Fire Response within the Town. The vehicle is a 1997 Chevrolet C/K 3500 pickup with 1,481 miles and a purchase price of \$30,849.

MOTION *Bert Ankrom moved to approve the purchase of a 1997 Chevrolet C/K 3500 Brush Truck for the purchase price not to exceed \$30,849, with the stipulation that the vehicle is checked for solvency by an independent mechanic, and that the service and maintenance records also be reviewed. The vehicle is to be purchased under the previously approved lease purchase agreement. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Consideration of an Ordinance of the Town of Eagle Mountain, Utah adopting the 1997 Uniform Fire Code and to enact more restrictive hydrant placement requirements for fire department connections and more restrictive minimum requirements for installing fire suppression systems in the Town of Eagle Mountain, Utah (tabled at TC Mtg on 01-02-01):**

The Council considered Ordinance # O-02-01.

MOTION *Bert Ankrom moved to adopt Ordinance # O 02-2001, an Ordinance of the Town of Eagle Mountain, Utah adopting the 1997 Uniform Fire Code and To enact more restrictive Hydrant Placement requirements for Fire Department Connections and more restrictive minimum requirements for installing fire suppression systems in the Town of Eagle Mountain. Brigham Morgan seconded the motion.*

Discussion ensued.

Mark Lofgren, resident, expressed his concern that this ordinance would make it more difficult for developers to build in Eagle Mountain.

Josh Elledge, resident, also believed that if the ordinance were adopted it would curtail commercial development.

Jerry Kinghorn stated that the fire sprinkler requirement was the issue and it was necessary to find realistic ways to protect buildings from fire.

Scot Hazard, The Ranches, explained that the cost of his building would be significantly higher if they had to install a sprinkler system. It was his opinion that occupants of the office building would have sufficient time to safely exit in the event of a fire; therefore, sprinklers weren't necessary. It would be more cost effective for him to rebuild the building if it burned than install sprinklers. Mr. Hazard wasn't ignoring the fire safety issue with regards to his project, however, he would much rather help fund a fire impact fee than install a sprinkler system in a building that he believed didn't need it.

Greg Kehl commented that the ordinance needed to be refined and that the use of buildings needed to be considered with respect to fire safety requirements. It was also his opinion that the developer needed to have the freedom to decide what their loss would be in the case of a fire.

Dave Albrecht was inclined to weigh in favor of safety by requiring the installation of the sprinklers.

Brigham Morgan believed that it was a good ordinance and that it would protect the Town in the future. It was his opinion that the ordinance wouldn't have the negative impact on commercial development that some individuals anticipated. Bert Ankrom agreed with Mr. Morgan.

Greg Kehl recommended adopting the fire code and tabling the ordinance, as there were issues that had not yet been addressed.

MOTION *Ayes: 1, Nays: 2. Mayor Bond and Bert Ankrom abstained. Motion failed.*

MOTION *Dave Albrecht moved to approve Ordinance # O-02-2001 (removing section 3) an Ordinance of the Town of Eagle Mountain, Utah Adopting the 1997 Uniform Fire Code and to Enact More Restrictive Hydrant Placement Requirements for Fire Department Connections. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan abstained, as he was opposed to the removal of section three. Motion passed.*

Mayor Bond requested that Mr. Hazard work with the Fire Chief to find a solution for the sprinkler solution by the next Town Council Meeting. Mayor Bond stated that the ordinance would be presented and approved in three weeks time unless Mr. Hazard could convince the Council and Fire Chief that it wasn't necessary.

15. DSL BETA Test:

John Newman stated that there had been several requests for the Town to conduct a DSL BETA test. Until now, time and cost had prevented the Town from scheduling the test. The DSL is a component of the Nortel system and the test would allow several residents to experiment with the product before the Town offered it as a service. The Telecom Board recommended conducting the test which would cost approximately \$7500-\$10,000 over a three month period. The funds for the project were available in the budget.

MOTION *Brigham moved to approve the DSL BETA test not to exceed \$10,000 over a 3-month period. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. Major Development Approvals:

a. Willow Springs Condo, Phase II Final Approval (Includes Development Agreement & Declaration of CC&R's).

MOTION *Brigham Morgan moved to approve the Final Approval for Willow Springs Condos, Phase 2, subject to the DRC recommendations and amending item 5 to include a reference to a memo from Fire Chief Robert Dekorver to Zane Powell dated January 16, 2001 items I-4 deleting item #5.*

DRC Recommendations:

1. *That the swimming pool and clubhouse be completed when 48 units in Phase 11 are completed and occupied.*
2. *That the light poles meet the approved Ranches model and requirements of the Town Engineer.*
3. *That bicycle racks that can accommodate 10 bicycles be added to the site.*
4. *That all parking stalls be 20' in length and that a 24' distance be maintained between the parking rows.*
5. *That the buildings of Phase 11 be constructed with fire protection measures required by the Fire Chief.*
6. *That the project meets all requirements of the Town Engineer.*
7. *That the master developer provide water right documentation showing sufficient water right capacity or proposed water rights to be turned over to the Town.*
8. *That no occupancy for the subdivision is allowed until there is sufficient capacity available in the utility systems; and that the developers and lot owners/builders sign an agreement acknowledging a potential utility capacity problem.*
9. *The Public Works Board requires that all new subdivisions install conduit to each lot for future fiber optic installation.*

Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.

b. Chimney Rock, Plat B (L.D.S. Church Site) Development Agreement.

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and the presiding Bishop of the Church of Jesus Christ of Latter-Day Saints for Chimney Rock, Plat B Church Site. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

a. Prairie Gate Professional Center Final Site Plan Review.

Discussion ensued.

Jerry Kinghorn recommended that the building permit not be issued until the easement in the parking lot is recorded.

Fire Chief Robert Dekorver was concerned with the lack of adequate fire protection for the building. The Council suggested that Scot Hazard, the applicant, work with the Fire Chief and Kent Partridge to resolve the fire safety issues.

The Council discussed the DRC requirements with the applicant and proposed that item 7 be amended and an agreement be drafted and signed by the developer stating that the building be constructed consistent with the fire flow requirement of 2000 gpm or below. Mr. Hazard stated that if the requirement couldn't be met then he would install sprinklers.

MOTION *Brigham Morgan moved to approve The Prairie Gate Professional Center Final Site Plan subject to the DRC recommendations items 1-7, amending item 7 to state that prior to building permit issuance, Scot Hazard or company must enter into an agreement with the Town to work with the Fire Chief and Building Official to bring the building's fire flow requirements to the level at or below 2000 gallons per minute. If this requirement is not met then the building must have a sprinkling system. Also, that condition # 8 be added to the recommendation.*

DRC Recommendations:

1. *That the site be enlarged sufficiently to accommodate the required parking stalls.*
 2. *That there be no mirrored glass used on the elevations.*
 3. *That the applicant complies with all conditions contained in the Town Engineer's report.*
 4. *That landscaped berms be used along all frontages to screen the parking areas.*
 5. *That the light poles installed are The Ranches approved model and that there be building lights to increase the illumination in the parking areas. Up lighting of buildings, signs, or landscaped features is prohibited.*
 6. *That a sidewalk be constructed on the southeast side of the future building.*
 7. *That the project be built in compliance with the requirements of the Fire Chief and that, prior to building permit issuance, Scot Hazard (or company) must enter into an agreement with the Town to work with the Fire Chief and Building Official to bring the building's fire flow requirement to the level at or below 2000 gpm. If this requirement is not met then the building must have a sprinkling system.*
 8. *That the easement must be executed before building permit issuance.*
- Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. Development Items:

- a. **Amendments to the Ranches Community Design Guidelines, page 45.**

MOTION *Dave Albrecht moved to approve the Amendments to the Ranches Community Design Guidelines as stated in the memo from the Planning Department dated January 16, 2001. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

- b. **Amending Street Names in Cedar Trail Villages, Phases 1 & 2.**

MOTION *Greg Kehl moved to approve the Amendments to the Street Names in Cedar Trail Villages, Phases I & II, as submitted January 16, 2001. Bert seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. Motion to approve Consent Agenda items as follows: (Refer to Work Session):

- a. **Warrant Register**
- b. **Contract Change Orders**

- c. Final Payment Request
- d. Partial Bond Releases
- e. Partial Payment Request

MOTION *Brigham Morgan moved to approve the Consent Agenda Items except for the Contract Change Order # 4 dated January 10, 2001 for the Booster Station and Well No. 2. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Discussion ensued regarding the booster station.

MOTION *Bert Ankrom moved to approve the Change Order for the Booster Station and Well No. 2 with the stipulation that allows Korey Walker to negotiate a lower price with the intent of getting the material cost only. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. **Other Business:**

None

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

There was no closed session.

21. **Motion to adjourn closed executive session and return to open session:**

None.

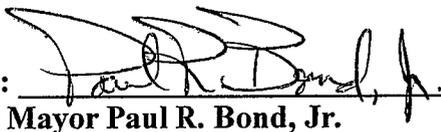
22. **Any Actions from the Closed Executive Session:**

None.

23. **Adjournment:**

MOTION *Greg Kehl moved to adjourn the meeting @ 9:25 p.m.*

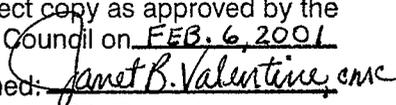
APPROVAL: _____


Mayor Paul R. Bond, Jr.

DATE: _____

2/7/01

This certifies that the minutes of
JAN. 16, 2001 are a true, full and
correct copy as approved by the
City Council on FEB. 6, 2001

Signed: 
City Recorder

**MINUTES OF THE SPECIALTOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
January 30, 2001**

OPEN SESSION – 7:00 TO 10:30 p.m. – Eagle Mtn. Community, 1668 E. Heritage Dr., Eagle Mtn.

1. Roll Call:

Mayor Bond called the meeting to order @ 7:05 p.m.

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert DeKorver
Deputy Fire Chief: Kevin McCarthy

Others present: Michelle DeKorver, resident; Cathy Allred, Lehi Free Press; Josh Elledge, resident; Kelvin Bailey, resident; Shelia Curtis, resident; Juanita Christiansen, resident; Eldon Fletcher, resident; Jeanne & Jeff Wolfe, residents; John Wallace, resident; Jell Romrell, resident; David Brown, resident; Bryan & Jeni Hansen, residents; Brice Pettibone, resident; Leland and Eutona Dixon, residents; Darren Nawahine, resident; Arlene Erickson, resident; Mark & Anjanette Lofgren, residents; Chris & Ken Sears, residents; Jess & Shelly Colton, residents; Colby & Cameron Brown, residents; Lisa Gabaldon, resident; Emily Vimahi, resident; Darrell Jackson, resident; Christyl Huaraque, resident; Scott Williams, resident; Den Anderson, resident; David Lifferth, resident; Scott Romrell, resident; Charles Brochhauser, resident; Dan Garity, resident; Mary Summerhays, resident; Isaac Wardle, resident; Bart Gardiner, business owner; Brett Gardiner, visitor; James Bingham, resident; Bob Foote, resident; Jannifer & Jeremy Heiner, residents; Carl Allred, The Ranches; Jan & Millie Otis, residents; Cathy & Terry Barney, residents; Craig Erickson, resident; Brian Gardner, resident; Ray Orbin, resident; Lee Adams, resident.

2. Pledge of Allegiance:

James Skinner led the pledge of Allegiance.

3. General Discussion/Questions/Announcements:

- Kelvin Bailey, resident, commented on the utility rates and petitioned the Town Council to sell the Town's utilities. The Town Council stated that they would consider the option if an offer was made. Mr. Bailey also commented on the Black and Veatch report with respect to higher rates that Eagle Mountain residents may be charged for utilities in the future.

Greg Kehl stated that if an offer were made to purchase the utilities it would be brought to the citizens for a vote.

- Ginny Wolf, resident, discussed the problems that she had encountered with the utilities since moving to Eagle Mountain. Mrs. Wolf also asked what cellular services were available in the valley and when the Town's new phone system would be operational. John Newman explained that the Telecom Department was waiting for the trunk capacity and class features before they could be offered to the residents. AT&T and Nextel had a cellular tower in the valley.

- David Brown, resident, echoed Kelvin Bailey's remarks.
- Juanita Christiansen, resident, commented on the Cedar Valley Sports Program. The program was looking for volunteers within the community.
- Deputy Sheriff Jo Murphy commented on behalf of Shelia Curtis regarding the Neighborhood Watch program. Mrs. Curtis was looking to recruit new block captains in the Town.
- Jess Romrell, resident, commented on the utility issues and asked the Council to keep the residents informed if an offer was made to purchase the systems.
- Crystal H, resident, wanted to know how to get her business number in the DEX Directory. John Newman stated that the publication of Eagle Mountain numbers was included in the Interconnect Agreement.
- Brian Hansen, resident, asked John Newman what his yearly salary was. John Newman stated that he earned \$85,000 a year. Mayor Bond commented on the many roles that Mr. Newman played as an administrator. Mr. Newman was considered an expert in his field and an asset to Eagle Mountain.
- Josh Elledge, resident, stated that Eagle Mountain was fortunate to have John Newman as the Administrator. Mr. Elledge also commented on the landfill that was planned for construction debris within the valley and wanted residents to be aware of it. Senator Wright would be in Town February 1, 2001 to discuss the issue.
- Scott Romrell, resident, stated that he couldn't afford the utilities that he was being charged and feared losing his home if the rates continued to increase. Greg Kehl encouraged residents to contact the Governor regarding the issue.
- Craig Erickson, resident, commented that there was no agenda posted in The Ranches location. Mr. Erickson also discussed the need for a fire station in the North Service Area. An additional concern was having a Council representative attend the Economic Development Board and the need to promote commercial growth in the Town. Brigham Morgan stated that the Development Code and General Plan were under revision and development fees would be addressed. Greg Kehl said that the Economic Development Board needed to present a proposal to the Council regarding the promotion of commercial growth in the Town.
- Mike Davis, resident, discussed the road damage on Ruby Valley Drive and Pony Express Parkway and wanted to know when it would be repaired. John Newman said that he would look into it. Mr. Davis inquired whether there was battery back up on the switch. He also expressed his concern that the phone department didn't offer the enhanced 911 service.
- Mark Lofgren, resident, commented on the need to attend the meeting with Senator Wright regarding the landfill issue. Mr. Lofgren also discussed commercial growth in Eagle Mountain and how the Council needed to work with the Economic Development Board to get things moving.
- Fire Chief Robert DeKorver stated that the Fire Department and the Town Council were actively pursuing the development of a fire station in the North Service Area. Chief DeKorver also commented on the need for residents to provide the dispatches with adequate information when they called 911 so the EMS could provide a quick response.
- Kevin Hiatt, resident, thanked the Council for the good job they were doing. Mr. Hiatt commented on the need to protect the integrity of the Town and not make hasty decisions with respect to the sale of the utilities, however, he did believe that the Town should look toward the sale of the utilities.
- Rob Nielson, resident, discussed the need for residents to find out for themselves what is happening in the Town and attend the meetings. The Eagle Mountain Interactive was a good source of information for what is happening in the Town.

- Dr. Bart Gardiner, commented on the problems he dealt with opening his dentist practice in Eagle Mountain. John Newman suggested that Mr. Gardiner request a refund for the impact fees he paid. Dr. Gardiner also discussed the problem he encountered placing a sign on his facility. Brigham Morgan stated that business signage was one issue that was under review in the Development Code. Mr. Morgan invited Dr. Gardiner to attend a Planning Commission Meeting to address the issues that he faced getting his business open and running.
- James Skinner, resident, discussed the problems that the Telecom Department was working to correct.
- Charles Brockhouser, resident, suggested the distribution of the Town's Emergency numbers on magnets. He also discussed the need for streetlights in the Town Center subdivisions, Eagle Mountain Boulevard and Sweet Water Road. Bert Ankrom commented that Eagle Mountain Boulevard would have lighting if Eagle Mountain Properties' SID went through.
- Brigham Morgan commented on the future use of utilities revenue to make improvements within the Town once they turned a profit. That was one major benefit of keeping the utilities.

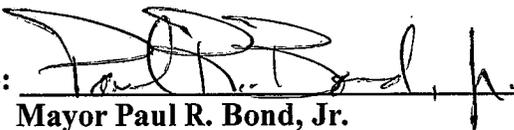
19. **Other Business:**

There was no business.

23. **Adjournment:**

MOTION *Greg Kehl moved to adjourn the meeting @ 10:27 p.m.*

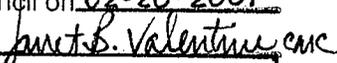
APPROVAL:



Mayor Paul R. Bond, Jr.

DATE: 2/21/01

This certifies that the minutes of
01-30-2001 are a true, full and
correct copy as approved by the
City Council on 02-20-2001

Signed: 
City Recorder

**MINUTES OF THE EAGLE MOUNTAIN
SPECIALTOWN COUNCIL
STRATEGIC PLANNING MEETING
Alpine City Hall Council Chambers
20 North Main, Alpine, Utah
Saturday, February 3, 2001**

1. Roll Call:

Town Council in attendance:

Mayor	Paul R. Bond, Jr.
Council member	David A. Albrecht
Council member	Bert E. Ankrom
Council member	Greg D. Kehl
Council member	Brigham S. Morgan

Town Staff in attendance:

Administrator:	John Newman
Recorder:	Janet Valentine
Treasurer:	Stephan Gabrielson
Attorney:	Gerald Kinghorn
Fire Chief	Robert DeKorver
Engineer:	Korey Walker
Planner:	Ken Leetham
Planner:	Shawn Warnke
Building Official:	Kent Partridge
Public Works Supervisor:	Robert Wren
Telecom Administrator:	Daniel Valentine

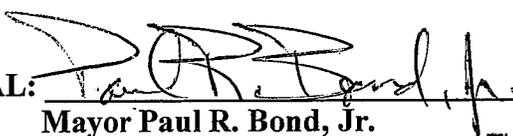
2. Strategic Planning Session:

John Newman conducted the meeting. The town staff was separated into three groups. Each group was assigned to create a Town Mission Statement, a Vision Statement and Six Objectives they would like to see accomplished.

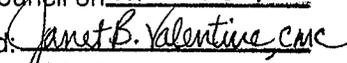
The three groups were then brought together and each group's Mission Statement, Vision Statement, and Objectives were discussed in detail.

3. Adjournment:

The meeting ended at 3:00 p.m.

APPROVAL:  DATE: 2/21/01
Mayor Paul R. Bond, Jr.

This certifies that the minutes of 02-03-2001 are a true, full and correct copy as approved by the City Council on 02-20-2001

Signed: 
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
February 6, 2001**

POLICY SESSION – 7:00 TO 10:30 p.m. – Eagle Mtn. Community, 1668 E. Heritage Dr., Eagle Mtn.

1. Roll Call:

Mayor Bond called the meeting to order @ 7:00 p.m.

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Fire Chief: Robert DeKorver
Deputy Fire Chief: Kevin McCarthy

Others present: Marcie Taylor, resident; Jared Pedroza & Juanita Christiansen, Youth Sports; Cathy Allred, Lehi Free Press; Dave & Shelia Curtis, residents; Mark Lofgren, resident; Jody Hooley, resident; Leland & Eutona Dixon, residents; Scott Romrell, resident; Karyn Larson, Library Board; Kelvin Bailey, resident; Jess Romrell, resident; Vincent Liddiard, resident; Robert Smith, resident; Josh Elledge, resident; Charles Bruchhauser, resident; Travis & Kari Jensen, Youth Sports.

2. Pledge of Allegiance:

Marcie Taylor led the pledge of Allegiance.

3. Approval of Minutes:

January 16, 2001

MOTION *Dave Albrecht moved to approve the minutes of January 16, 2001 as stated. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

January 30, 2001 – Tabled.

4. General Discussion/Questions/Announcements:

Janet Valentine stated that a Public Hearing was scheduled for February 20, 2001 to open the Budget.

Mayor Bond briefly discussed a retreat that the Town Council and the Town Supervisors had attended. The purpose of the retreat was to discuss suggestions that the Council had received from the public meeting that was held January 30, 2001. Also discussed at the meeting were goals for the Town.

5. Appointments:

There were no appointments.

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

Lee Dixon, resident, requested that the curbing at the entrance to Eagle Mountain Boulevard be painted so as to be more visible at night. Mayor Bond responded that he would look into it. Mr. Dixon also offered his appreciation and support to the Town Council for the job they were doing.

Juanita Christiansen, Cedar Valley Sports, stated that the sports committee was actively preparing for the upcoming season. The program was in need of volunteers and Mrs. Christiansen encouraged all residents to participate in making the season a success. Mrs. Christiansen also presented several examples of signs that they were working on. The Council advised that all signs would have to be approved by the Town.

Jared Pedroza, Cedar Valley Sports, provided the Council with a handout that included a survey that outlined the various interests of the youth in the community. Also included was a five-year plan and recent changes to the sports web site, which is found at CedarValleySports.org.

Gordon & Ann Nielson, residents, discussed their frustration with the noise caused by the construction workers in their neighborhood. Jerry Kinghorn stated that he would prepare a draft for an ordinance that would address the issue and bring it before the Council for their review at the next meeting. Mr. Nielson also commented on damage to the sidewalk in the Eagle Park subdivision. Korey Walker said that he would follow up on it and find out why it hadn't been repaired.

Josh Elledge announced that a state representative would be present at a meeting held on February 1, at 7 p.m. at the community center. Mr. Elledge urged all residents to attend. The topic of discussion was a landfill that was proposed for the Cedar Valley area.

Jess Romrell expressed his concerns regarding the landfill issue. Councilman Bert Ankrom was scheduled to attend the meeting at the state senate as a representative of Eagle Mountain.

8. **Acceptance of FY 1999/2000 Budget Audit:**

A representative of Gilbert & Stewart, Certified Public Accountants, commented on the Budget Audit. The results of the audit demonstrated that the Town was in compliance with the Government Auditing Standards.

MOTION *Greg Kehl moved to accept the 1999/2000 Budget Audit as submitted. Dave Albrecht seconded the motion. Ayes: 5, Nays 0. Motion passed.*

9. **Consideration and Approval of an Ordinance Enacting more Restrictive Minimum Requirements for Installing Fire Suppression Systems in the Town of Eagle Mountain, Utah:**

Shelia Curtis, resident, asked why the ordinance was necessary. Fire Chief Robert DeKorver addressed the audience discussing the need for a more restrictive fire ordinance stating that inadequate fire protection existed in the North Service Area of Town. The new ordinance would provide protection for the citizens and occupants of the buildings constructed within the Town. Furthermore, it would grant the Fire Department a safer working environment.

Josh Elledge, resident, believed that investors would be penalized by the ordinance by having to install sprinklers. Mr. Elledge asserted that the Town should focus on the lack of fire coverage, as that was the real issue.

Mark Lofgren, resident, agreed with Mr. Elledge.

Kelvin Bailey, resident, inquired whether use of the building was covered in the ordinance. Fire Chief Dekorver responded that the ordinance referred to section 904.4 of the 1997 Uniform Fire Code, which outlined the requirements and standards for building size and type of structure. Mr. Bailey was concerned that the ordinance would discourage potential commercial businesses from developing in Eagle Mountain.

Vincent Liddiard, resident, asked how the South Service Area would be affected by the adoption of the ordinance. Fire Chief DeKorver stated that the ordinance would encompass all of Eagle Mountain; however, a building's size would determine whether it required sprinklers.

Mayor Bond explained that the Town had been trying to negotiate a station in the North Service Area. It was just going to take time before it transpired. In the meantime, it was the intention of the Town to insure the safety of its residents.

Bert Ankrom stated that safety was the first priority and that the ordinance was necessary to protect lives. Brigham Morgan thought that while the ordinance provided adequate safety it was not too restrictive.

Greg Kehl felt there was merit in protecting the freedom of businessmen to make the decision of whether or not to install sprinklers.

MOTION *Bert Ankrom moved to approve Ordinance # O 03-2001, an Ordinance of the Town of Eagle Mountain, Utah enhancing more restrictive minimum requirements for installing Fire Suppression Systems in the Town of Eagle Mountain, Utah. Brigham Morgan seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

10. Amendment to Construction Specifications – Electrical:

The Council considered the Amendments to the Electrical Construction Specifications.

MOTION *Dave Albrecht moved to approve the Amendment to the Electrical Construction Specifications as outlined. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Ranches Engineering Proposal:

This item was stricken from the agenda.

12. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders

MOTION *Brigham Morgan moved to approve the Consent Agenda items as submitted. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Other Business:

John Newman discussed the sale of the Gas and Electrical Bonds to bring power into the valley. Mr. Newman had been in negotiations with BNP who stated that they would offer a letter of credit allowing the Town to sell the bonds. This would save up to 2% points on the bonds making them more saleable.

MOTION *Greg Kehl moved to add the item 13.1 to the agenda. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13.1 Consideration of a Commitment Letter for a Letter of Credit from BNP Paribas Bank San Francisco Branch in connection with the Gas and Electricity Bonds:

The Town Council considered a Commitment Letter for a letter of credit from BNP Paribas Bank.

MOTION *Greg Kehl moved to approve and authorize the Mayor to execute a term sheet with a letter of credit with BNP Paribas Bank, San Francisco Branch. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security:

MOTION *Bert Ankrom moved to adjourn into a Closed Executive Session at 8:03 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, John Newman, Janet Valentine and Korey Walker.

15. Motion to adjourn the Closed Executive Session and Return to Open Session:

MOTION *Brigham Morgan moved to adjourn the Closed Executive Session and return to Open Session at 8:45 p.m. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

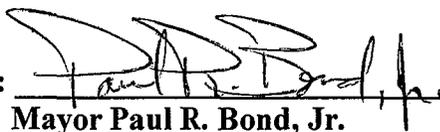
16. Any Actions from the Closed Executive Session:

None.

20. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 8:45 p.m.*

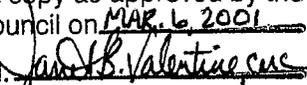
APPROVAL:



Mayor Paul R. Bond, Jr.

DATE:

3/7/01

This certifies that the minutes of
FEB. 6, 2001 are a true, full and
correct copy as approved by the
City Council on MAR. 6, 2001
Signed: 
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
February 20, 2001**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planners:	Ken Leetham Shawn Warnke
Town Recorder:	Janet Valentine
Deputy Town Clerk:	Fionnuala Kofoed
Fire Chief:	Robert DeKorver

Others present: Diane Jacob, resident; Paul Evans, Butler & Evans; Mark Lofgren, resident; Michele Graves, resident; Charles Bruchhauser, resident; Karyn Larson, resident; Shelia & Dave Curtis, residents; Brenda Park, resident; Bill Chipman, Planning Commission; Chris & Fred Finlinson, Saratoga; Scott Romrell, resident; Jody Hooley, resident; Marcie Taylor, resident; Josh Elledge, resident; Vincent Liddiard, resident; Rob Nielson, The Interactive; Carl & Catherine Faulkner, LDS Church.

2. Pledge of Allegiance:

Diane Jacob led the town in the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Greg Kehl moved to approve the minutes of January 30, 2001 as submitted. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the minutes of February 3, 2001 as submitted. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None

5. Appointments:

A. Economic Development Board –Reappointment of Vincent Liddiard for a 3-year term and appointment of Craig Erickson.

MOTION *Dave Albrecht moved to approve Vincent Liddiard and Craig Erickson to the Economic Development Board for the Town of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

There were no Public Notices.

7. **Public Comment:**

Diane Jacob, Planning Commission, commented on the need to appoint an alternate member to the Planning Commission. Doug Gwilliam had submitted his resignation and there was a possibility that a second commissioner would be resigning in the near future. Mrs. Jacob emphasized the urgency for the appointment, as there would be issues that would come before the Planning Commission that she would have to remove herself from due to a conflict of interest.

Josh Elledge stated that he had attended the legislative session that should have addressed the proposed landfill within the Cedar Valley, however it wasn't on the agenda. Mr. Elledge stated that there had been a reversal of direction regarding the issue of the landfill. The topic was rescheduled for discussion the following Thursday at 8:00 a.m. February 22, 2001. Mr. Elledge also wanted to bring to the Town Council's attention the illegal items that were being dumped in construction dumpsters around the Town. These construction dumpsters would eventually end up in landfills similar to the one that was proposed for the Cedar Valley location.

8. **Mr. & Mrs. Finlinson's request to hook in to the Eagle Mountain Sewer System (the Finlinsons are in the process of building a home between the boundaries of Eagle Mountain & Saratoga Springs):**

Mayor Bond recommended that rather than the Council voting on the Finlinson's request to hook into the Eagle Mountain Sewer System, that the Public Works Board address the issue as there were many details that needed to be worked out.

Mr. Finlinson addressed the Town Council and requested that the Town Council consider allowing them to hook on to the Sewer System. Mr. Finlinson stated that he was willing to pay any fees that would be incurred.

Greg Kehl recommended that the hook in be approved subject to the Public Works Board approval. The Board would meet the following week and would review the item.

Bert Ankrom concurred with Mayor Bond.

Brigham Morgan agreed with Greg Kehl.

Korey Walker questioned what precedent the Town was setting by allowing people outside the Town to hook up to the system. Mr. Walker commented that the Town needed to look into a non-residential user fee. An additional concern was how much of the line would be allocated to outside non-residential connections.

Jerry Kinghorn stated that it should be looked at on a case-by-case contractual basis. The Public Works Board would set the terms and conditions.

Dave Albrecht asked whether it would be a simple procedure. Korey Walker stated that it would require a manhole approximately 20 ft deep. Dave Albrecht had no concerns approving the hook up subject to the Public Works Board recommendations.

MOTION *Greg Kehl moved to approve the Finlinson's proposal to connect into the Eagle Mountain Sewer System and that the request be referred to the Public Works Board for recommendation and approval acknowledging that the Public Works Board and Town Council have yet to establish a fee for hook up. The request would be placed on the Public Works Board Agenda February 28, 2001. Dave Albrecht seconded the motion. Ayes: 3, Nays: 2. Motion passed.*

Mayor Bond stated for the record that he wasn't opposed to approving the hook up, however, he was uncomfortable approving the request because of the rapidity of the process.

9. **Public Hearing: FY 2000/2001 Budget Opening:**

The Public Hearing opened at 7:28 p.m.

Public Comment

David Loper, resident, asked what changes were being made to the Budget. John Newman stated that there were several items that needed to be amended and the public was welcome to pick up a copy of the amended Budget at the Town offices. The purchase of the ambulance was a major change.

Scot Romrell, resident, commented on the need for parks in the Town Center. Mr. Romrell also mentioned the need for streetlights in the subdivisions.

Diane Jacob, resident, stated that the Draper Fire Department got rid of their ambulance, as it was too costly to maintain. Mrs. Jacob wanted to make sure that the Town knew what they were getting into purchasing the ambulance.

The Public Hearing closed at 7:30 p.m.

10. **Consideration and Approval of an Ordinance to Amend the FY 2000/2001 Budget:**

The Council considered an Ordinance to Amend the FY 2000/2001 Budget.

MOTION *Brigham Morgan moved to approve Ordinance # O 04-2001, an Ordinance Amending the Eagle Mountain Town Fiscal Year 2000/2001 Annual Budget with Exhibit A displaying the amendment reducing the Youth Sports Fund by \$12,750 and increasing The General Fund by the same amount. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

John Newman noted that the Youth Sports Program was not being reduced. The program used their own checking account so the funds were transferred to the General Fund. The Town would continue to subsidize the program.

11. **Consideration and Approval of a Resolution Authorizing the Execution and Delivery of an Equipment Lease-Purchase Agreement For the Purpose of Financing the Acquisition of an EMS Vehicle & Related Equipment and an Ambulance & Related Equipment:**

MOTION *Bert Ankrom moved to discuss item 11 later in the meeting, as the Fire Chief had and issue he wanted to resolve and he requested that Deputy Fire Chief Kevin McCarthy be present. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Consideration for Approval of a Resolution authorizing extension of the termination date of the Equipment-Lease Purchase Agreement dated as of September 1, 2000 between the Town of Eagle Mountain and First National Bank of Layton relating to certain electrical power equipment; and related matters:**

The Council considered Resolution # R 01-2001.

MOTION *Brigham Morgan moved to approve Resolution # R 01-2001, a Resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah Authorizing the Execution and Delivery of an Amendment to an Equipment Lease-Purchase Agreement (The Agreement) with first National Bank of Layton for the Purpose of Extending the*

Termination Date of the Agreement; and Related Matters with the specified time not to exceed 90 days. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.

13. **Consideration for Approval of a Resolution authorizing the extension of the maturity date of the Town's \$348,348. Subordinated Electric Revenue Bond Anticipation Notes, Series 2000:**

The Council considered Resolution # R 02-2001

MOTION *Dave Albrecht moved to approve Resolution # R 02-2001, a Resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah (The Issuer) Authorizing the Extension of Maturity of Its Subordinated Electric Revenue Bond Anticipation Notes, Series 2000 (The Notes); Authorizing the Taking of all other actions necessary to the Consummation of the Transactions Contemplated by this Resolution; and Related Matters not to exceed 90 days. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Consideration to Approve an Agreement for Software Purchase between Springbrook Software, Inc. and the Town of Eagle Mountain:**

Greg Kehl explained that the Town wanted to purchase the new software to eliminate several problems that exist with the current system. The new software offered many features that would enhance the Town's billing abilities.

MOTION *Greg Kehl moved to approve an Agreement for the Software Purchase between Springbrook Software, Inc. and the Town of Eagle Mountain allowing the Mayor to enter into a License Agreement, Maintenance Agreement, and Software Purchase Agreement. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. **SID Design for Pony Express extension (Prairie Gate Loop Road was stricken from the Agenda:**

Korey Walker discussed the SID improvement costs for Pony Express Parkway. The improvement was important for the North Service Area, as it would be the access to the Lone Tree subdivision. Mr. Walker recommended that the Council award the contract to Fred Clark & Associates as the Design Engineer for the completion of the Pony Express Parkway. The completion of the road was critical for additional developments in The Ranches.

MOTION *Dave Albrecht moved to approve FJ Clark & Associates as the engineering firm for the extension of Pony Express Parkway in the amount of \$15,600.00. The Ranches would be responsible for the payment. The plans are to be submitted to the Town and the scope of work is to also be approved by the Town. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained from voting.*

16. **Major Developments:**

a. **Cedar Pass 1, LDS Church Site Plan.**

Ken Leetham presented Cedar Pass 1, LDS Church Site Plan and discussed the DRC recommendations. The storm drainage plan needed to be finished and submitted to the Town Engineer, Korey Walker.

Bert Ankrom inquired whether the lighting for the project was different from the standard requirement. Korey Walker stated that the lighting was different, however, it was located in a private area, and therefore, was not subject to the required standards. The Ranches had reviewed and approved the lighting plan.

MOTION *Greg Kehl moved to approve the Cedar Pass 1, LDS Church Site Plan as submitted. DRC recommendations:*

1. *Additional storm drain calculations need to be submitted to determine how the existing 12" storm drain line will affect the required 10 year, 24 hour storm handling capacity.*
 2. *A Traffic report must be submitted showing the traffic generated by this site and the peak daily trips (completed).*
 3. *Daily peak utility usage demands must be submitted (completed).*
 4. *That the lighting is approved by ICPE, the Town's Electrical Engineer (completed).*
 5. *That the Ranches' Architectural Review Committee review and approve the project (completed).*
- Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

b. Eagle Mountain 1, LDS Church Site Plan.

Ken Leatham presented Eagle Mountain 1, LDS Church Site Plan and discussed the DRC recommendations. The storm drainage plan for this site also needed to be submitted. The details needed to be reviewed and approved by Corey Walker.

- MOTION** *Brigham Morgan moved to approve the Eagle Mountain 1, LDS Church Site Plan as submitted.*
1. *Storm Drain Calculations need to be submitted for the proposed storm drain system and off-sites that has replaced the originally proposed series of sumps.*
 2. *Storm drain improvements need to be shown for connection to the proposed Cedar Trail Villages storm Pond (completed).*
 3. *Calculations must be provided to determine the additional sizing required for the offsite Cedar Trail Villages' storm pond.*
 4. *An agreement must be provided for the construction of the offsite Cedar Trial Villages' Storm Pond and must be completed prior to occupancy.*
 5. *Traffic report must be submitted showing the traffic generated by this site and the peak daily trips (Traffic Engineer to do additional modeling).*
 6. *Daily peak utility usage demands must be submitted (completed).*
 7. *That the lighting plan be approved by ICPE, the Town's Electrical Engineer (completed)*
 8. *That the Architectural Review Committee review and approve the project (completed).*
- Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Consideration and Approval of a Resolution Authorizing the Execution and Delivery of an Equipment Lease-Purchase Agreement For the Purpose of Financing the Acquisition of an EMS Vehicle & Related Equipment and an Ambulance & Related Equipment:

The Council considered the Lease Purchase Agreement with Banc One.

- MOTION** *Dave Albrecht moved to approve the Lease Purchase Agreement with Banc One for the Purposed of Financing the Acquisition of an EMS Vehicle & Related Equipment and an Ambulance & Related Equipment. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

- MOTION** *Bert Ankrom moved to authorize the Mayor to execute the Final Lease Agreement with Banc One. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. Motion to approve Consent Agenda items as follows:

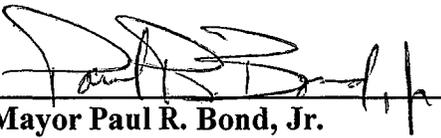
- a. **Warrant Register**
- b. **Contract Change Order**
- c. **Partial Payment Requests**
- d. **Partial Bond Releases**

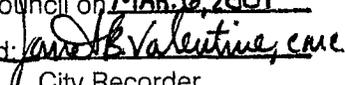
MOTION Bert Ankrom moved to approve the Consent Agenda Items as stated. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.

18. Other Business:

There was no other business.

MOTION Greg Kehl moved to adjourn the meeting at 8:00 p.m.

APPROVAL:  DATE: 3/7/01
Mayor Paul R. Bond, Jr.

This certifies that the minutes of FEB. 20, 2001 are a true, full and correct copy as approved by the City Council on MAR. 6, 2001
Signed: 
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
March 6, 2001**

JOINT SESSION WITH THE PLANNING COMMISSION - 5:30 To 6:30 p.m.

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Bill Chipman, Steve Gabrielson, Jody Hooley, Diane Jacob, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Ken Leetham, Brigham Morgan, John Newman, Janet Valentine and Shawn Warnke.

1. Call to Order:

Mayor Paul Bond called the meeting to order at 5:30 p.m.

2. Basement Apartments:

The Commissioners discussed the issue of single-family dwellings being occupied by two or more families that are not related. It was clearly a violation of the CC&R's, however, it was being violated and the Planning Commission wanted to know how it could be controlled. According to the Planning Department, the Development Code was nebulous with respect to single-family homes being used as duplexes and basements being rented out. It was difficult to monitor and establish whether individuals within the units were related. Currently the Planning Department noted any design that they suspected would or could be built to accommodate more than one family. Owners of the suspicious plans are advised that it is a single-family dwelling and sign an affidavit acknowledging such.

Jerry Kinghorn explained that homes that are in violation are usually identified when neighbors call to complain. Most cities don't enforce the code, as it is very difficult to establish how many families reside in the house.

3. Alternate Planning Commissioner:

Mayor Bond advised the Planning Commission that the issue of an alternate Planning Commission was on the Agenda that evening. Bill Chipman stated that at the last joint session, the Planning Commission had requested to be involved in the selection of an alternate commissioner. Mayor Bond commented that it had been an over sight.

Bill Chipman inquired regarding the committees that had been established the last time the Planning Commission met with the Town Council. Mr. Chipman was concerned, as the Planning Commissioners appointed to the General Plan and Development committees had had no contact from the Town Council. Brigham Morgan stated that it was his understanding that because the Development Code was being fast tracked the committees were holding off until that was taken care of.

Ken Leetham stated that his intentions were to start work on the General Plan and when the general objectives had been identified he would commence work on the Development Code. Once the Development Code was completed he would return to the General Plan to finish up its amendments.

Bill Chipman noted that whatever amendments were made to the Development Code and the General Plan they would only affect new contractors as the Town was obligated to honor contracts already established with The Ranches and Eagle Mountain Properties.

Ken Leetham believed that most developers would be willing to go along with the new changes.

Bill Chipman requested written comments from the Town Council identifying areas of concern.

Bill Chipman asked Ken Leetham if he knew what differed from building in Eagle Mountain as opposed to places like Saratoga Springs. Mr. Leetham stated that one developer had commented that he couldn't tolerate the requirements at The Ranches. It was Mr. Leetham's opinion that once the Town got out of the Architectural Design designated by the Master Plan, and returned the architectural choice to the private entities, the Town would be in a better position.

Bill Chipman believed that if the Town were more developer friendly it would enable the Town to be more self-sufficient by generating more revenue.

Discussion ensued regarding the number of parks within the Town and how they would be cared for. Greg Kehl discussed the use of regional parks.

Bill Chipman requested that the Planning Commission Liaison meet with the Mayor on a regular basis to discuss certain issues and not leave them unresolved for long periods of time. Mayor Bond stated that The Ranches had requested to meet in a joint session. The Planning Commission agreed to meet at 6:00 p.m. on March 27, 2001 at their regularly scheduled meeting.

4. **Adjournment:**

The meeting was adjourned at 6:35 p.m.

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. **Roll Call:**

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Planner:	Ken Leetham Shawn Warnke
Town Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy

Korey Walker was excused.

Others present: Jody Hooley, resident; Trish Austin, resident; Rob Smith, resident; Vincent Liddiard, Economic Development Board; Carl Allred, The Ranches; Josh Elledge, resident; Lee & Eutona Dixon, residents; Mont Beckstead, resident; Shelia & Dave Curtis, residents; Bob Babcock, Tasco Attorney; Gary Tassainer, Tasco Engineering; Charles Bruchhauser, resident; Brian Larson, Library Board; Craig Erickson, Jon Holland & Michael Wilson, Fire Department.

2. **Pledge of Allegiance:**

Mont Beckstead led the town in the Pledge of Allegiance.

3. **Approval of Minutes:**

MOTION *Bert Ankrom moved to approve the minutes of February 6, 2000 as stated. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the minutes of February 20, 2001 as stated. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

None.

5. **Appointments:**

a. Planning Commission

MOTION *Bert Ankrom moved to approve the Mayor's appointment of Jeff Love to the Planning Commission to replace the position vacated by Doug Gwilliam. The appointment will expire January 1, 2005. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

b. Economic Development Board

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Sam Shapiro to the Economic Development Board to replace the position vacated by Darrin Brandt. The appointment will expire March 3, 2003. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

c. Public Works Board

MOTION *Greg Kehl moved to approve the Mayor's appointment of Mont Beckstead to the Public Works Board. The position will expire July 1, 2003. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

There were no Public Notices.

7. **Public Comment:**

None

8. **Tasco Engineering Request to Address the Town Council/Gary Tassainer, President:**

Gary Tassainer, Tasco Engineering, and Bob Babcock, Attorney, addressed the Council regarding grievances that Tasco had with the Town. (See Attachment.)

Mr. Babcock asked whether he would receive a response to his questions. Mayor Bond stated that he would respond, however, the meeting was not an appropriate place for the discussion as the Town was in litigation with Tasco Engineering.

9. **Consideration to Approve a Resolution Amending the Consolidated Fee Schedule for sewer connections outside Town Limits:**

The Council considered the resolution.

Bert Ankrom asked how the Town would handle the situation of nonpayment of fees to an outside hook up to the sewer system. Jerry Kinghorn stated that the applicant would sign an agreement acknowledging responsibility of payment. Any unpaid charges that were not paid for would result in a lien being placed, by agreement, on the resident's property.

MOTION *Greg Kehl moved to approve Resolution # R 04 -2001, a Resolution of the Governing Body of the Town of Eagle Mountain Amending the Town of Eagle Mountain Consolidated Fee Schedule striking the existing third and fourth paragraph and replacing them with the statement, "Where as the Town Council has received a recommendation form the Public Works Board for the establishment of certain fees and charges for extraterritorial sewer service using the facilities of the North Service Area of the Town, and whereas the Town Council finds that it is in the public's interest to accept the recommendations of the Public Works Board and enact extraterritorial sewer service fees and charges for using facilities of the North Service Area of the Town. Also, inserting on page 5, sections 5, E, F, G, and H, which are descriptions of the North Service Area Facilities, North Service Line Capacity, The Timpanogos Special Improvement District Fees and the North Service monthly use fee as submitted. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

10. **Mr. & Mrs. Finlinson's request to hook-in to the Eagle Mountain Sewer System (the Finlinsons are in the process of building a home between the boundaries of Eagle Mountain & Saratoga Springs):**

MOTION *Brigham Morgan moved to ratify the Public Works Board's Policy regarding connections to the Towns Outfall Sewer Line. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. **Consideration to Approve Certified Natural Gas testing and inspection Agreement:**

John Newman requested the Council's approval of the Gas Testing and Inspection Agreement. The Council considered the agreement.

MOTION *Brigham Morgan moved to approve and authorize the Mayor to sign the agreement as submitted subject to the review by Council Member Greg Kehl prior to the Mayor signing the document. Also, that leeway be given on the length of the contract. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. **Consideration to Approve Pacificorp Agreement to upgrade Saratoga Substation:**

This item was moved to after item 19.

13. **Consideration to Approve an Ordinance enacting new sections to Chapter 2 of the Town of Eagle Mountain Development Code providing for alternate members of the Town of Eagle Mountain Planning Commission:**

The Council considered Ordinance # O 05-2001.

MOVED *Brigham Morgan moved to approve Ordinance # O 05-2001, an Ordinance Enacting New Sections to Chapter 2 of the Town of Eagle Mountain Development Code Providing for Alternate members of the Town of Eagle Mountain Planning Commission. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. **Major Development Approvals:**

a. **Patterson Construction Design Guidelines for Eagle Point Subdivisions Plats A-J**

Doug Monson presented the proposed Design Guidelines for the Patterson's Eagle Point Subdivisions Plats A-J and requested that the Council consider the amendments.

Jeff Love, resident, commented that he was in approval of the amendments, however, he believed that Patterson Construction should clean up the existing subdivisions upon ratification of the proposed Guidelines.

Mark Lofgren, resident, spoke on behalf of Jennifer Morgan. Mrs. Morgan was opposed to any modification of the Development Code that would alter the unique nature of Eagle Mountain and the "vision" that many residents moved to Eagle Mountain for. Changes to the guidelines wouldn't make the developments any more or less marketable.

Robert Jenkins, potential homeowner, discussed the massive growth in The Ranches in comparison to the stagnant development in the Town Center. He believed that the stringent standard requirements had a major impact on the lack of growth. The amendments were necessary to create a viable community and allow for the future resale of homes and the general success of the Town.

Trish Austin, resident, had the same concerns. Mrs. Austin wanted to be able to resell there home but felt that this was not an option. Those who were selling were losing money. Mrs. Austin believed that Patterson Construction could revive development and promote economic viability in the Town if the Council approved the Guidelines.

Josh Elledge, resident, stated that while he was sympathetic to Patterson Construction, the Town needed to plan for the long term and avoid urban sprawl.

Vincent Liddiard, resident, cautioned that we needed to distinguish between changes in the building code that may just affect the buildings and not translate into the impact of growth in the Town Center.

Eric Jones, EMP, stated that they were the Original Master Developer and he supported the existing design guidelines, as it makes Eagle Mountain a better place to live. Mr. Jones believed that the general idea needed to be maintained, however, there was room for some flexibility.

The Council Members discussed several concerns they had with Patterson's proposal. John Newman recommended that the councilors table the Design Guidelines and make written notes for the staff to review.

Dave Albrecht stated that he believed that Patterson's proposal wasn't realistic and the small lots limited the design that could be placed on the lot.

Brigham Morgan didn't believe that changes to the guidelines would impact the growth in the Town Center. The Town was designed to be different and those who have complied with the standard requirements have been successful. If the porches, rear and side loading garages are not required, then the original design of the Development Code is lost. Mr. Morgan wanted to prevent mistakes. And just because The Ranches was permitted to have alternate design guidelines the Town doesn't have to allow others to follow suit.

Bert Ankrom stated that he was flexible with regards to the garages; however, he didn't want the garages flush with the front of the house. Mr. Ankrom moved to Eagle Mountain because the General Plan made it different from other cities and hesitated to make any changes that would affect the uniqueness of the Town. Mr. Ankrom also commented on the price list of Patterson's homes and how the cost remained somewhat similar without the proposed guidelines. Patterson Construction had commented with the new guidelines the homes would be more cost effective. Mr. Ankrom wasn't opposed to alternate design guideline but any changes should be made prior to recordation

Mayor Bond was inclined to move slowly with respect to any changes and protect the "vision" of those who moved out to Eagle Mountain. The Mayor stressed that the developer needed to clean up the Patterson subdivisions.

It was Greg Kehl's opinion that the reason this area was stagnant was due to empty promises. Integrity was what it came down to and if the Town Center was to grow, the developers needed to follow through and finish

their projects. It was necessary to maintain the uniqueness of Eagle Mountain, however, Patterson Construction had some valid points.

Doug Monson, Patterson representative, stated earlier in the meeting that the developer was willing to clean up the subdivision by March 16, upon approval. Dave Albrecht noted that by tabling the approval it would go beyond the clean up date. Mr. Albrecht expected the developer to follow through and clean up the subdivisions. If it wasn't completed Mr. Albrecht wouldn't look favorably upon the approval of the guidelines. The Council supported Mr. Albrecht. All items in violation of the Development Code or Town ordinances needed to be rectified.

MOTION *Greg Kehl moved to table the Patterson Design Guidelines for two weeks.*

Brigham Morgan was excused at 9:20 p.m.

15. Motion to approve Consent Agenda items as follows:

- a. **Warrant Register dated 03-01-01 as amended**
- b. **Contract Change Order**
 - 1. **Installation of Three New Generating Units (CO No. 1), Lamb Engineering & Construction Co.**
 - 2. **Installation of Two New Generating Units (CO No. 2), Lamb Engineering & Construction Co.**

MOTION *Bert Ankrom moved to approve the Consent Agenda as stated. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

16. Other Business:

Development Agreements for the Access Road and the Cedar Trails LDS Church Site.

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain Utah and Eagle Mountain Properties LC for the Cedar Trails Village Access Road. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain Utah and Eagle Mountain Properties LC for the Cedar Trails Village LDS Church Site. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

MOTION *Dave Albrecht moved to adjourn into a Closed Executive Session at 9:30 p.m. for the purpose of discussing personnel issues, potential litigation/and or public safety/security. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, Janet Valentine, Fionnuala Kofoed, John Newman and Shawn Warnke.

18. Motion to adjourn the Closed Executive Session and Return to Open Session:

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session at 9:45 p.m. and Return into the Open Session. Seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

19. Any Actions from the Closed Executive Session:

Item 12 was discussed after the Closed Executive Session.

12. Consideration to Approve Pacificorp Agreement to upgrade Saratoga Substation:

The Council considered the Pacificorp Agreement.

MOTION *Greg Kehl moved to proceed with the upgrade to the Saratoga Substation under the following conditions:*

1. *Proceed with the upgrade proposed to the Saratoga Substation.*
 2. *Tender Payment of \$260,000 contingent on closing the Revenue Bonds anticipated by 4-15-01, or if funds are in Interim Budget, Payable by 3-20-01.*
 3. *Balance in dispute subject to a resolution of dispute by the Federal Energy Regulatory Commission*
 4. *Interconnect Service remain in place until the 138kV line is completed and in Service.*
- Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

20. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 8:30 p.m.*

APPROVAL: _____

Paul R. Bond, Jr.
Mayor Paul R. Bond, Jr.

DATE: _____

3/21/01

This certifies that the minutes of
Mar. 6, 2001 are a true, full and
correct copy as approved by the
City Council on Mar. 20, 2001

Signed: _____

James B. Valentine, cmc
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
March 20, 2001**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Attorney:	Jerry Kinghorn
Town Engineer:	Korey Walker
Town Planners:	Ken Leetham Shawn Warnke
Town Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy
Fire Chief:	Robert DeKorver

John Newman was excused.

Others present: Jody Hooley, resident; Jim Bolser, Mountainland AOG; Terry Johnson, resident; Charles Bruchhauser, resident; Lee & Eutona Dixon, residents; Janae Wahnschaffe, Library Board; Robert Smith, resident; Tom & Carolina Herrin, residents.

2. Pledge of Allegiance:

Mark Lofgren led the Pledge of Allegiance.

3. Approval of Minutes (May 2, 2000, June 20, 2000, July 5, 2000, July 18, 2000, & March 6, 2001):

MOTION *Brigham Morgan moved to approve the minutes of May 2, 2000, as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained.*

MOTION *Greg Kehl moved to approve the minutes of June 20, 2000, as stated. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Dave Albrecht moved to approve the minutes of July 5, 2000 as stated. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the minutes of July 18, 2000, as amended. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to approve the minutes of March 6, 2001 as amended. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

Mayor Bond announced the resignation of Doug Gwilliam from the Planning Commission. Jeff Love was appointed to carry out Mr. Gwilliam's term.

Open burn permits would be available the following week at the Town Offices. The open burn season would run from April 7- May 6, 2001.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

Josh Elledge, resident, discussed the Take Pride in Utah Month that spans from April 7, May 12, 2001. Many LDS wards would participate in cleaning subdivisions and roads in Eagle Mountain. Mr. Elledge asked the Council if they would approve a Take Pride in Eagle Mountain Day during the Take Pride in Utah Month. Mayor Bond stated that the Town had already arranged to have a clean up in preparation for the Pony Express Days and couldn't give an answer that night. Mayor Bond stated that they would discuss the issue at the next Town Council meeting.

8. **Recycling Program proposed by the Lehi High School, Mrs. Russell's Biology Class:**

Gretchen Jacob and Ryan Miller, on behalf of their biology class, requested permission to go ahead with a trial run recycling program through Waste Management Utah. The associated cost for a residential collection bin was estimated at \$3 per month, per household. Waste Management would cover the cost for the first three months.

While the class didn't need permission for the program, Town Attorney, Jerry Kinghorn stated that he would draft a resolution encouraging residents to participate in the program. The resolution would be placed on the next Town Council Agenda for review.

9. **Award presentation of the Puck for the 21st Century Communities by Mountainland Association of Governments:**

Jim Boulser, Mountainlands of Local Government 21st Century Program, presented the Mayor and Town Council with a silver puck from Governor Mike Leavitt for completion of the second step in the 21st Century Communities program.

10. **Award of Bid - North Substation Grading, Foundations and Fence to Intermountain Consumer Professional Engineers, Inc:**

Discussed after item 11.

Korey Walker discussed the recommendation for a bid for the North Substation at The Ranches for the 138 kV transmission line. Timing of the bid was estimated at 21 days and it was necessary to have the site prepared for the transformers that would be delivered. One item that needed to be addressed was payment of the contract. The Gas and Electric Revenue Bonds that would pay for the construction were not scheduled to fund until the end of April. Because of the timing of the funding, Mr. Walker requested approval of the award of the bid contingent upon identifying alternate funds for payment of the contract.

MOTION *Brigham Morgan move to award the bid for the North Substation Grading, Foundation and Fence to Even Grade Construction subject to funding through the Gas and Electric Revenue Bonds, or alternate funding being identified. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Terry Johnson's appeal for the removal of a stop sign:

Discussed before item 10.

Terry Johnson discussed his appeal for the removal of a stop sign located at the front of his home. The request to move the sign to the other side of the street resulted as the sign was placed directly in front of Mr. Johnson's front door. It was his opinion that the sign obstructed his view and ruined the aesthetics of his home.

Korey Walker stated that he had taken some traffic counts on a Friday and Saturday by Mr. Johnson's home. Based upon the layout of the subdivision, Mr. Walker recommended that the sign should remain in that location. Deputy Jo Murphy concurred with Mr. Walker, as it was a public safety issue.

The Council discussed several options regarding the placement of the sign. The item was tabled and Mayor Bond requested that the Councilors drive by the location before a formal decision was made.

12. Temporary Dentist Office Trailer (The Ranches Little Business Park)-Impact Fees and TSSD Facility Fee:

John Jacob, developer, discussed the fees paid by local dentist Bart Gardiner for his temporary facility. Mr. Jacob requested, on behalf of Dr. Gardiner, that the Town credit or refund some of the fees paid by the doctor.

Dave Albrecht stated that impact fees were waived for Gerry Gaskin, owner of Morco grocery store, and a similar waiver should be given to the dentist.

Brigham Morgan stated that there were other common fees that could be duplicated, and therefore, could be carried over to a permanent facility. Mr. Morgan recommended refunding the Impact Fees.

Greg Kehl stated that any future applicants should be shown the cost of processing a temporary facility and the associated Impact Fees. Furthermore, because of the unique situation, the Town would consider the waiver of Impact Fees for future commercial developments upon request.

Ken Leetham stated that the Planning Department had amended the applicant's fees and that the Staff and Council had been sensitive to reducing fees, however, there was no formal application process. This was something that the Planning Commission could work on.

MOTION *Brigham Morgan moved to refund Impact Fees to Dr. Bart Gardiner in the amount of \$2503.32. Also, that the Planning Department identifies any remaining fees that could be credited to the new structure. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Consideration and Approval of the Sewer Treatment Services Contract with Timpanogos Special Service District:

Town Attorney Jerry Kinghorn stated that a contract had been approved in 1999 with the Timpanogos Special Service District. Recently, however, the Timpanogos Special Service District proposed some modifications to the contract, which, upon review, were acceptable to the Town. Their bond financing required the changes that were proposed.

MOTION *Dave Albrecht moved to authorize the Mayor to execute the Sewer Treatment Service Contract between Timpanogos Special Service District and the Town of Eagle Mountain. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

14. Dump Passes for Spring Cleanup:

Mayor Bond briefly commented on the dump passes that would be issued by the Town for residents to remove any junk or debris and take it to the county landfill. Jerry Kinghorn stated that the Town would only pay for the passes that were actually used.

MOTION *Bert Ankrom moved to authorize John Newman to obtain the dump passes and implement the program, and that the cost shall not exceed \$2500.00. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Consideration and Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule to include the following:

- a. **Illegal use of Water**
- b. **Telecommunication Rates**
- c. **Burn Permits**

The Council considered the amendments to the Consolidated Fee Schedule.

MOTION *Greg Kehl moved to approve Resolution # R 05-2001, a Resolution of the Governing Body of the Town of Eagle Mountain Consolidated Fee Schedule, as amended, also including the following changes:*

1. *Page 1 of the proposed rate changes on Residential First Line Installation Fee, amending it from \$25 to \$20. The Residential Second line is also \$20.*
2. *Approval to submit the PSC for information purposes only for the Telecommunication Rates.*
3. *That the Staff, Council and a representative from the Telecommunications Board, preferably Mr. Lofgren, review the changes before they are published.*

Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.

15.1 Proposal to change the Eagle Mountain Fire Department's Logo:

Fire Chief Robert Dekorver presented a proposal for a new Eagle Mountain Fire Department logo. The Fire Department believed that the current logo was generic and they wanted to implement a logo that was unique to Eagle Mountain. The logo would be placed on the new fire apparatus. Window stickers with the logo would identify fire fighters vehicles permitting them to park in the emergency-parking zone.

The Council discussed the new logo and the cost associated with its implementation. It was an appropriate time to change the logo, as the Fire Department had made no significant purchases that displayed the old logo.

Brigham Morgan liked the logo, however, he believed that the additional mountains detracted from the original "Town logo". Mayor Bond agreed with Mr. Morgan.

MOTION *Bert Ankrom moved to authorize the Fire Department to modify their logo as submitted. The cost of the logo needs to be covered by the existing Fire Department budget. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan abstained. Motion passed.*

16. **Credit Card Payment Capability/Bank Merchant Services:**

The Council considered the purchase of a credit card bank merchant service that would provide customers with the option of credit card payments. The service would be provided through the Bank of American Fork.

MOTION *Greg Kehl moved to approve the implementation of the Credit Card Payment Capability/Bank Merchant Services and authorize the purchase of a terminal for a total cost of \$450. Also, that the Staff and Council established a fee to handle the surcharges that will be associated with the service, and that the Staff will research the additional cost for the use of Discover Card, American Express and a Debit Card. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. **Resolution Authorizing the Extension of the Termination Date and Increasing the Principal Amount of the Equipment-Lease Purchase Agreement Dated as of December 1, 2000 Between the Town of Eagle Mountain and First National Bank of Layton Relating to Certain Telecommunications Equipment; and Related Matters/Jerry Kinghorn:**

The Council considered Resolution # R 06-2001, an extension of a lease agreement with First National Bank.

MOTION *Bert Ankrom moved to approve Resolution # R 06-2001, a resolution of the Town Council of the Town of Eagle Mountain, Utah County, Utah Authorizing the Execution and Delivery of an Amendment to an Equipment Lease-Purchase Agreement (The "Agreement") with First National Bank of Layton for the Purpose of Extending the Termination date of the Agreement and Increasing the Principle Amount of the Lease; and Related Matters. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. **Consideration and Approval of a Resolution Authorizing the Issuance and Sale of Not More Than \$22,000,000 Aggregate Principal Amount of Gas and Electric Revenue Bonds, Series 2001, of the Town of Eagle Mountain, Utah County, Utah; 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 Publication of a Notice Of Bonds To Be Issued; Providing for the Running of a Contest Period; and Related Matters:**

The Council considered the Resolution # R 07-2001, a Resolution that addressed the issuance of the Gas and Electric Revenue Bonds.

MOTION *Greg Kehl moved to approve Resolution # R 07-2001, a resolution Authorizing the Issuance and Sale of not more than \$22,000,000 Aggregate Principal amount of Gas and Electric Revenue Bonds, Series 2001, of the Town of Eagle Mountain, Utah County, Utah; 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 Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters. Also, the authorization to accept a letter of credit from BNP Parabus, and that the Mayor is authorized to execute the document to be submitted on Friday March 23, 2001. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Partial Payment Request
 - 1. Installation of Two New Generating Units (Partial Payment 1), Lamb Engineering & Construction Company.
 - 2. Installation of Two New Generating Units (Partial Payment 2), Lamb Engineering & Construction Company.
- c. Bond Release
 - 1. Three Crossings, Plat B – M&T Mortgage Corporation Bond Release; "Recommendation and Acceptance of the Employers Mutual Casualty Company Replacement Bond, Sundance Homes.

MOTION *Brigham Morgan moved to approve the Consent Agenda items as submitted. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

20. Other Business:

None.

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

MOTION *Bert Ankrom moved to adjourn into a Closed Executive Session at 8:45 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Dave Albrecht seconded the motion. Ayes: 5, Nay: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, Corey Walker and Janet Valentine.

22. Motion to adjourn Closed Executive Session and return to Open Session:

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session at 9:15 p.m. and return into Open Session. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

23. Any Actions from the Closed Executive Session:

There was no action from the Closed Executive Session.

24. Adjournment:

MOTION *Dave Albrecht moved to adjourn the meeting at 9:15 p.m.*

APPROVAL: _____ DATE: _____

Mayor Paul R. Bond, Jr.

This certifies that the minutes of
20-Mar-2001 are a true, full and
correct copy as approved by the
City Council on 3-APR-2001

Signed: Janet B. Valentine, *car*

City Recorder

Deputy Recorder [Signature]

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
April 3, 2001**

POLICY SESSION 7:00 p.m.

Mayor pro tem Dave Albrecht called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor pro tem Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.
Mayor Bond was excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planners: Ken Leetham
Shawn Warnke
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert DeKorver

Others present: Jody Hooley, resident; Josh Elledge, resident; Lance Raver, resident; Sandy Bastian, resident; Phillip & Candice Pratt, residents; Karyn Larson, resident; Mark Lofgren, resident; Scott Romrell, resident, Tim Jones, resident; Sandra Wardle, resident; Kim Brown, resident; Tom & Carolina Herrin, residents, Gary Tassainer, Tasco Engineering; Scot Hazard, The Ranches.

2. Pledge of Allegiance:

Josh Elledge led the Pledge of Allegiance.

3. Approval of Minutes (February 9, 2000, June 6, 2000 & March 20, 2001):

MOTION *Greg Kehl moved to approve the minutes of February 9, 2000 as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the minutes of June 6, 2000, as amended. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the minutes for March 20, 2001 as amended. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

None

5. **Appointments:**

a. **Planning Commission/ Tom Maher:**

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Tom Maher to the Planning Commission as an Alternate Member for a four- year term. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

b. **Community Arts Board**

MOTION *Greg Kehl moved to approve the Mayor's appointment of David Loper to the Community Arts Board as the Board Member Chair, Jana Lynne Cox as a Board Member Secretary, Karen Nielson as the Board Member-Treasurer, and Arlene Erickson as a Board Member. Also, that the terms be staggered, one member shall be appointed for one year, two members shall be appointed for two years and two shall be appointed for three years, as dictated by the Mayor. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

6. **Public Notices:**

None.

7. **Public Comment:**

Garry Tassainer commented with respect to setting a date for mediation between the Town of Eagle Mountain and Tasco Engineering. Jerry Kinghorn stated that he hadn't heard anything regarding the mediation and would follow up on it.

8. **Terry Johnson's appeal for the removal of a stop sign:**

The Council discussed several options regarding the removal of the stop sign next to Mr. Johnson's property. It was their recommendation that the stop sign remain in the same position for public safety; however, the size of the post would be reduced. In addition to this, the street sign would be relocated to the other side of the street in an effort to accommodate Mr. Johnson. The Council noted that the posts that The Ranches had installed were not what they had anticipated and the wood was warping. John Newman stated that he would contact the Master Developer and request that they come up with some alternative solutions regarding the posts, which the Planning Commission could review and pass on a recommendation to the Town Council.

MOTION *Bert Ankrom moved to instruct the Town Staff to remove the street sign and relocate it to the opposite side of the street. The stop sign will remain in its present location and must be altered to comply with the current State Standards including minimum height and size. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

9. **Public Hearing: Amending The Ranches Master Development Plan (Terry Bland Parcel):**

Open Public Hearing (7:25 p.m.).

Shawn Warnke commented on lot 66, plat F in Cedar Pass Ranch. The Ranches had sold a one-acre parcel to Terry Bland who intended building an accessory building on the property. The Building Department determined that the sale of the property had not been processed in the correct manner, and furthermore, was in violation of The Ranches Master Development Plan. The Ranches needed to amend the Master Development Plan by reducing the plan by one-acre. This would rectify the error.

There were no comments from the public and the Pubic Hearing was closed at 7:27 p.m.

Jerry Kinghorn stated that he had prepared a Resolution and recommended approval of the amendment contingent on the receipt of an exhibit, which was the legal description of the parcel of property.

MOTION *Brigham Morgan moved to approve the amendment to The Ranches Master Development Plan Agreement for the Terry Bland one-acre parcel subject to the DRC Recommendations as follows:*

1. *That one unit is deducted from The Ranches Master Development Plan in the respective Ranch Neighborhood.*
 2. *That all fees applicable to the processing of this application be paid including the SID payment associated with the sale of the one-acre parcel.*
 3. *That the one-acre parcel be added to lot 66 of Cedar Pass Ranch Subdivision Plat F and the lot line be adjusted to form a single lot for a single dwelling unit.*
- Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

10. Consideration and Approval of a Resolution Amending the Ranches Master Development Plan:

The Council considered Resolution # R 08-2001.

MOTION *Brigham Morgan moved to approve Resolution # R 08-2001, a Resolution of the Town Council of the Town of Eagle Mountain, Utah amending The Ranches Master Development Plan subject to the inclusion of the legal description of the property, as Exhibit 1. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. Consideration to Approve a Temporary Archery Range in the Ranches:

Scot Hazard stated that the Planning Commission had made a recommendation to have additional security to control access to the archery range. Mr. Hazard commented that The Ranches had submitted a safety plan last year and intended on using the same plan at this year's event. The previous year had experienced no injuries or issues and was well managed and controlled. Based upon the good record, Mr. Hazard requested that the Council reconsider the Planning Commission's recommendation, as it was his opinion that the additional security was not necessary.

The Council considered The Ranches' request and recommended approval of the Temporary Archery Range for the specified dates.

MOTION *Brigham Morgan moved to approve the National Field Archer's Association, Archery at The Ranches for the specified dates, and subject to the DRC Recommendations with modifications made to condition # 7 removing reference to The Ranches providing additional security around the perimeter of the range.*

DRC Recommendations

1. *That the temporary archery range be permitted for April 21-22, 2001, May 5-6, 2001 and June 2-3, 2001.*
2. *That the insurance certificate be corrected to state that The Ranches are the insured, as directed by the Town Attorney.*
3. *That The Ranches obtain special burn permits for any campfires and comply with all requirements outlined by the Fire Chief.*
4. *That The Ranches comply with the standards and conditions stated in a memo dated April 6, 2000 for the event this year.*
5. *That the site be returned to its precondition state following the event.*
6. *That if the special event creates an increase in the demands for public safety services that those services shall be provided by The Ranches.*
7. *That the archery range complies with safety standards for Utah County Sheriff's Office and the National field Archery's Association.*

8. *That road base or gravel is used at the connection of dirt roads and paved roads as required by the Town Engineer.*
9. *That there be sufficient public facilities such as restrooms.*
Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.

12. **Set Date for Eagle Mountain Pride Day:**

Mayor pro tem Dave Albrecht stated that the Council had designated May 26, 2001 as a clean up day within the community to prepare for Pony Express Days. Additionally, many LDS wards planned on taking part in Utah Pride week by participating in a community clean up set for April 21, 2001.

13. **Consideration and Approval of a Resolution encouraging a Waste Recycling Program:**

The Council considered Resolution # R 09-2001.

MOTION *Greg Kehl moved to adopt Resolution # R 09-2001, a Resolution of the Town Council of the Town of Eagle Mountain encouraging participation in Solid Waste Recycling Program. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

14. **Consideration and Approval of a Resolution Amending the Noticing & Restating the Notice of Intent for Eagle Mountain, Utah Special Improvement District No. 2000-1:**

The Council considered Resolution # R 10-2001.

MOTION *Brigham Morgan moved to adopt Resolution # R 10-2001, a Resolution Amending the Notice of Intention Adopted by the Town Council of Eagle Mountain, Utah County, State of Utah, on June 20, 2000, and Creation Resolution Adopted on August 1, 2000, with respect to Eagle Mountain, Utah Special Improvement District NO. 2000-1, to Delete Certain Improvements to be Constructed within said District and to Adjust Accordingly the Total Estimated Costs of the Remaining Improvements to be Constructed; Reaffirming the Creation of said District and the Construction of the Improvements to be Constructed therein; and related matters. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. **Consideration of a Resolution of Intent to Create Special Improvement District 2001-1; to Finance Certain Infrastructure Improvements and Related Matters:**

This item was stricken from the agenda.

16. **Consideration and Approval of Revised Supplemental Distribution Interconnect Agreement with Pacificorp:**

The Council considered the Approval of the Revised Supplemental Distribution Interconnect Agreement with Pacificorp.

MOTION *Greg Kehl moved to authorize the Mayor pro tem to enter into an agreement dated April 3, 2001, Amendment # 2 of the Revised Supplemental Distribution Interconnect Agreement between the Town of Eagle Mountain Utah and Pacificorp. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

17. **Patterson construction Design Guidelines for Eagle Point Subdivisions Plats A-J:**

Doug Monson addressed the Council and stated that he had performed the tasks that he had agreed to, however, he had received no formal response from the Town. Mr. Monson believed that Patterson Construction needed the flexibility proposed in the design guidelines and he was anxious to report to his client. Mr. Monson added that he was willing to continue to perform as he had indicated to the Council.

Public Comment:

The following is a list of Eagle Point residents that commented in favor of the Paterson Construction Design Guidelines: Lance Raven, Sandy Bastian, Phillip & Candice Pratt, Karen Larson, Scott Romrell, Tim Jones, Sandra Wardle and Kim Brown. The residents believed that the amendments would promote growth in the Town Center of Eagle Mountain.

Mark Lofgren, resident, was opposed to the amendments.

Residents Josh Elledge and Carolina Herrin believed that the key to success in the Town Center was effective marketing.

Greg Kehl stated that he had discussed the amendments with several people and he was concerned that the plans didn't fit with the proposed lot sizes. It was his opinion that appeal was the main factor that affected growth. Mr. Kehl made a comparison between The Ranches and the Town Center and pointed out the master developer's lack of effort to follow through on their commitments. Mr. Kehl stated that he was more concerned with the quality of the homes that were being constructed and not the location of garages and whether the homes had a porch or not. Mr. Kehl commented on Patterson's commitment to clean up certain areas of their development. The deadline had passed and the work wasn't completed. Mr. Kehl believed that the issues regarding the proposed guidelines could be worked through, however, there were commitments that needed to be taken care of first.

Brigham Morgan stated that the proposed design guidelines were not a catalyst for the growth. Mr. Morgan commented on Impact Fees and the requests by the developers in the Town Center to reduce them in order to impact growth in the south end of town. The Council reduced the fees and the developers didn't follow through with their responsibilities. There were too many broken promises, which had created a negative image of Eagle Mountain. The slow growth was not related to the guidelines but was due to empty promises of behalf of the developers. Mr. Morgan added that the future construction of a church and grocery store were two factors that would help boost growth in the Town Center.

Bert Ankrom discussed the homeowner's responsibility to beautify their surroundings and comply with the contracts they had signed when the homes were purchased. Mr. Ankrom was opposed to the changes that Patterson Construction had proposed, as he believed that it was in fact a breach of contract on Patterson's behalf. Mr. Ankrom was in support of side and rear loading garages and front porches. Mr. Ankrom estimated that the homeowner's cost for a porch was \$12/month for the term of the loan. It was his opinion that Patterson Construction needed to live up to their previous commitments and that the proposed changes didn't seem to have an affect on the price of the homes. Mr. Ankrom believed that what was most important was good responsible growth in an effort to maintain property values.

Mayor pro tem Dave Albrecht stated that he had no major concerns with the guidelines but what he was concerned with was the beautification of the subdivisions and construction of trails. Mr. Albrecht understood the need for variety; however, he wasn't prepared to make a decision on what he had been presented.

John Newman recommended that the guidelines be tabled and that Shawn Warnke creates a matrix that would encompass the Council's concerns. This would allow each concern to be addressed individually and be solved section by section. Mayor pro tem directed Mr. Warnke to go ahead with the matrix. A deadline was set for Friday April 6, 2001 to have the information received from the Councilors so it could be placed on the agenda for the next Town Council Meeting.

MOTION *Greg Kehl moved to table Patterson Construction Design Guidelines for Eagle Point Subdivisions Plats A-J. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Bert Ankrom stated that he was willing to compromise regarding the guidelines and was looking forward to a resolution.

18. The Ranches Request for Golden Landscaping to Construct SID 2000-1 Landscaping Improvements:

Discussed before item 17.

Korey Walker commented on The Ranches request to have Golden Landscaping complete several landscaping projects and commence work on some additional projects that were proposed in The Ranches SID 2000-1.

Brigham Morgan inquired with respect to liability of payment if the SID failed. Scott Kirkland stated that The Ranches would sign an agreement claiming all liability if the SID failed and the Town would have no accountability.

MOTION *Greg Kehl moved to approve The Ranches proposal with reference to the extension of contract in conjunction with SID 2000-1, as submitted, with the understanding that the conditions are to be satisfied as per EPIC Engineering submittals, including landscaping proposals. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Bert Ankrom abstained. Motion passed.*

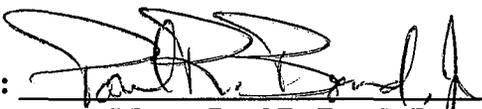
19. Motion to approve Consent Agenda items as follows:

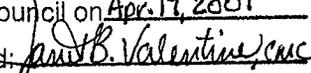
- a. **Warrant Register**
- b. **Partial Payment Request**
 - i. **Installation of Two New Generating Units, (Partial Pmt 3), Lamb Engineering & Construction Company**

MOTION *Bert Ankrom moved to approve the Consent Agenda items as submitted. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

20. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 9:15 p.m.*

APPROVAL:  DATE: 4/30/01
Mayor Paul R. Bond, Jr.

This certifies that the minutes of APR. 3, 2001 are a true, full and correct copy as approved by the City Council on Apr. 17, 2001
Signed: 
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
April 17, 2001**

POLICY SESSION 7:00 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor pro tempore Dave Albrecht, Greg Kehl and Brigham Morgan.
Mayor Bond and Bert Ankrom were excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Planners: Ken Leetham
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert DeKorver

Others present: David Blackburn, resident; Jon Biesinger, resident; Kim Southworth, resident; Katherine Faulkner, resident; David & Ann Watson, residents; David Lifferth, resident; Steve & Janet Cattani, residents; Tracy & Rob Durrant, residents; Matt Stocks, residents; Lee & Eutona Dixon, residents; Michael & Shari Davis, residents; Louis Weinberg, resident; Media Burton, resident; Rob Smith, resident; Mark Lofgren, resident; Michelle Jones, resident; Devin & Danette Stone, residents; Vincent Liddiard, resident; Suzanne Lindsay, resident; Becky Kehl, resident; Sam Garith, resident; Wendy Sigmler, resident; Scott Kirkland & Jessa Schalich, The Ranches.

2. Pledge of Allegiance:

Mark Lofgren led the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Greg Kehl moved to approve the minutes of April 3, 2001 as amended. Brigham Morgan Seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None.

5. Appointments:

None.

6. **Public Notices:**

None.

7. **Public Comment:**

None.

8. **Public Hearing: Plat Amendment for Ruby Valley, Plat B, The Ranches, L.C.:**

a. **Open Public Hearing (7:15 p.m.)**

Ken Leetham presented The Ranches proposed amendment for Ruby Valley, Plat B and briefly discussed the DRC Recommendations. Mr. Leetham noted that the changes to the plat included the addition of 22 lots, some larger lots sizes and modification of some streets, specifically Ruby Valley Drive. Mr. Leetham advised the Planning Commission to consider the compatibility of the respective lots and whether it was an appropriate level of transition.

Jessa Schalich, The Ranches, commented on the two major changes to the plat: Ruby Valley Drive and the changes in lot sizes. It was the position of The Ranches that the new lot sizes would provide a more effective transition with the entry-level lots. Ms. Schalich stated that the road was originally approved in The Ranches Master Development Plan.

b. **Receive Public Comment**

Michele Jones; Matt Stocks; Matt Cattani; Tracy Durant; David Lifferth; David Blackburn; Jonathon Biesinger; Nathan Yates; Shari Davis; Wendy Sigmiller and David Watson, all residents of The Ranches, commented on the amendments for Ruby Valley. The residents were opposed to the slope grade, the lack of buffing and incompatibility of the lot sizes. Several residents commented that they had been promised that no development would occur at the proposed Ruby Valley location. The access road was also a major concern to the residents as it would be, in their opinion, an imposition and a safety issue with the additional traffic that would be generated. The homeowners requested that The Ranches fulfill their commitments before they started another project.

Scott Kirkland, The Ranches, stated that the homes on the hilltop and the access road were included in the approval of the original Master Plan. The Ranches had plans to complete several parks and trails, including seeding the golf course, which was scheduled to be open for business in the spring of 2002. The Ranches would have to comply with the Town standard of 25% or less than with respect to grading.

Greg Kehl asked whether the Council should even consider the approval as the applicant was in capital facilities default. John Newman recommended tabling the item until the Public Works Board made a recommendation.

Brigham Morgan suggested that the increased traffic was just a facet of living in a subdivision. It was common in most subdivisions and somewhat unavoidable. Mr. Morgan stated that the previously approved subdivision provided a more effective lot transition and phasing plan. While Mr. Morgan was sympathetic to the residents' concerns regarding the grade of the lots the Town was bound to approve the grading if The Ranches complied with the 25% standard enacted by a previous Council.

Mayor pro tempore Dave Albrecht thanked the public for voicing their concerns, which, in his opinion, would have an impact on the Council's decision. Mr. Albrecht stated that it was a no win situation, however, a decision wouldn't be made that night.

MOTION *Brigham Morgan moved to table Ruby Valley subject to a recommendation from the Public Works Board. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

9. Consideration and Approval of an Ordinance Amending Ruby Valley, Plat B Subdivision:

This item was tabled.

10. Consideration of a Resolution of Intent to Create Special Improvement District 2001-1; to Finance Certain Infrastructure Improvements and Related Matters:

This item was stricken from the agenda.

11. Consideration and approval of Remarketing Agreement with A.G. Edwards and Company:

Items 11, 12, 13 and 14 were discussed and approved simultaneously as agenda item #13.

12. Consideration and approval of Letter of Credit Reimbursement Agreement between the Town of Eagle Mountain and BNP Paribas (ISDA Master Agreement):

Discussed as item #13.

13. Consideration And Approval of a Resolution Of The Town Of Eagle Mountain, Utah (The "Issuer") Authorizing The Execution And Delivery By The Issuer Of A Gas And Electric General Indenture Of Trust And A First Supplemental Gas And Electric Indenture Of Trust (Collectively, The "Indenture") Each Dated As Of May 1, 2001, By And Between The Issuer And U.S. Bank National Association; Authorizing The Issuance And Confirming The Sale Pursuant To The Indenture Of The Issuer's Gas And Electric Revenue Bonds, Series 2001; Authorizing The Execution And Delivery By The Issuer Of A Bond Purchase Agreement, An Official Statement, A Remarketing Agreement, A Letter Of Credit Reimbursement Agreement, And Other Documents Required In Connection With The Issuance Of Said Bonds; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters: (Official Statement) (General Indenture of Trust) (First Supplemental Indenture of Trust) (Resolution authorizing the execution and delivery by the issuer of a gas & electric general indenture of trust, etc.):

Jerry Kinghorn discussed the agreement that was presented to the Council and recommend its approval. The Council considered Resolution # R 11-2001.

MOTION *Greg Kehl moved to adopt Resolution # R 11-2001, a Resolution Of The Town Of Eagle Mountain, Utah (The "Issuer") Authorizing The Execution And Delivery By The Issuer Of A Gas And Electric General Indenture Of Trust And A First Supplemental Gas And Electric Indenture Of Trust (Collectively, The "Indenture") Each Dated As Of May 1, 2001, By And Between The Issuer And U.S. Bank National Association; Authorizing The Issuance And Confirming The Sale Pursuant To The Indenture Of The Issuer's Gas And Electric Revenue Bonds, Series 2001; Authorizing The Execution And Delivery By The Issuer Of A Bond Purchase Agreement, An Official Statement, A Remarketing Agreement, A Letter Of Credit, Reimbursement Agreement, And Other Documents Required In Connection With The Issuance Of Said Bonds; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters and authorize the Mayor to execute the document. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

14. Consideration and approval of Bond Purchase Agreement between the Town of Eagle Mountain and A.G. Edwards, Inc:

Approved as part of item #13.

15. Major Development Approvals: (Discussed after item #6)

a. Consideration and Approval of Rush Valley, Plat A Development Agreement including CC&R's

Ken Leetham recommended approval of the Development Agreement and CC&R's for Rush Valley, Plat A. The Agreement required the Town Council's approval, as there was a change in the developers. The subdivision plats and CC&R's would remain the same. The change would only reflect that Sundance Homes had taken over the development.

MOTION *Greg Kehl moved to approve the Development Agreement between the Town of Eagle Mountain, Utah and Sundance Homes for Rush Valley, Plat A at Smith Ranch. The only change in the Agreement refers to the Developer noted in the motion. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Motion to approve Consent Agenda items as follows: (Discussed after item 7)

- a. **Warrant Register**
- b. **Final Payment Requests**

MOTION *Brigham Morgan moved to approve the Consent Agreement as submitted. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

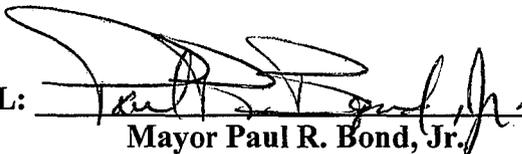
17. Other Business:

There was no other business to discuss.

18. Adjournment:

MOTION *Brigham Morgan moved to adjourn the meeting at 8:00 p.m.*

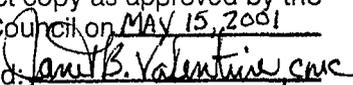
APPROVAL:



Mayor Paul R. Bond, Jr.

DATE: 5/31/01

This certifies that the minutes of April 17, 2001 are a true, full and correct copy as approved by the City Council on MAY 15, 2001

Signed: 
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
April 25, 2001**

POLICY SESSION 6:00 p.m.

Mayor Paul Bond called the meeting to order at 6:05 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht and Bert Ankrom. Greg Kehl and Brigham Morgan were excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed
Finance Consultant: Laura Lewis

Others present: Josh Elledge, resident; Brain Haskell, The Ranches; Jalaire Taylor, Town employee.

2. Pledge of Allegiance:

Brian Haskell led the Pledge of Allegiance.

3. Consider Resolution revising Notice of Intention with respect to Eagle Mountain, Utah Special Improvement District No. 2000-1:

Jerry Kinghorn recommended the approval of the revisions to the Notice of Intention regarding Special Improvement District No. 2000-1. The Council considered Resolution # R 12-2001 and voted for it's approval.

MOTION *Bert Ankrom moved to adopt Resolution # R 12-2001 amending the Notice of Intention adopted by the Town Council of Eagle Mountain, Utah, State of Utah on June 20, 2000 and Creation Resolution adopted August 1, 2000 with respect to Eagle Mountain Utah Special Improvement District No. 2000-1, each as subsequently amended on April 13, 2001 to delete certain additional improvements to be constructed within said district and to adjust accordingly the total estimated costs of the remaining improvements to be constructed, reaffirming the creation of said district and the construction of the improvements to be constructed therein; and related matters. Dave Albrecht seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

4. Consider assessment ordinance confirming the assessment rolls and levying an assessment against certain properties in Eagle Mountain, Utah Special Improvement District No. 2000-1, Utah County, Utah for the purpose of paying the costs of acquiring, constructing and installing irrigation, landscaping, trails, wells, fencing, utilities, curb and gutter, roads a gas regulator station and a water storage tank and other related improvements and completing any miscellaneous work necessary to complete the improvements

in a proper and workmanlike manner; establishing a Reserve Fund; establishing the effective date of the Assessment Ordinance, and related matters:

Jerry Kinghorn recommended the approval of the assessment ordinance. The Council considered Ordinance # O 06-2001.

MOTION *Dave Albrecht moved to adopt Ordinance # O 06-2001, an assessment ordinance confirming the assessment rolls and levying an assessment against certain properties in Eagle Mountain, Utah Special Improvement District No. 2000-1, Utah County, Utah for the purpose of paying the costs of acquiring, constructing and installing irrigation, landscaping, trails, wells, fencing, utilities, curb and gutter, roads, a gas regulator station and a water storage tank and other related improvements and completing any miscellaneous work necessary to complete the improvements in a proper and workmanlike manner; establishing a Reserve Fund; establishing the effective date of the Assessment Ordinance, and related. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

5. **Consider bond resolution authorizing the issuance and providing for the sale of \$11,935,000 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 2001 (Special Improvement District No. 2000-1), fixing the maximum interest rates to be borne thereby, prescribing the form of bonds, maturity and denomination of said bonds; creating a reserve fund as provided by statute and a stabilizing reserve fund, a bond fund, and a construction fund; and related matters:**

Jerry Kinghorn and Laura Lewis explained the bond resolution and the reserve funds for Special Improvement District No. 2000-1. The Council considered Resolution # R 13-2001.

MOTION *Bert Ankrom moved to adopt Resolution # R 13-2001, a Bond Resolution authorizing the issuance and providing for the sale of \$11,935,000 Town of Eagle Mountain, Utah Special Assessment Bonds, Series 2001, fixing the maximum interest rates to be borne thereby, prescribing the form of bonds, maturity and denomination of said bonds: creating a reserve fund as provided by statute and stabilizing reserve fund, a bond fund, and a construction fund; and related matters. Dave Albrecht seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

6. **Adjournment:**

MOTION *Dave Albrecht moved to adjourn the meeting at 6:42 p.m.*

APPROVAL: _____

David A. Albrecht, Mayor Pro tem

DATE: _____

6-28-01

This certifies that the minutes of
Apr. 25, 2001 are a true, full and
correct copy as approved by the
City Council on June 19, 2001

Signed: _____

City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
May 1, 2001**

POLICY SESSION 7:12 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Bert Ankrom and Brigham Morgan. Dave Albrecht and Greg Kehl were excused.

Town Staff:

Town Administrator:	John Newman
Town Attorney:	Jerry Kinghorn
Town Planners:	Ken Leetham
Town Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy
Fire Chief:	Robert DeKorver

Others present: Mark Lofgren, resident; David Blackburn, resident; Jody Hooley, resident; Jeff Love, resident; Josh Elledge, resident; Rob Smith, resident; Candice Pratt, resident; Scott Romrell, resident; Mark Elmer, resident and Tiffany Shappiro, resident.

2. Pledge of Allegiance:

Brigham Morgan led the Pledge of Allegiance.

3. Approval of Minutes:

Tabled

4. General Discussion/Questions/Announcements:

Mayor Bond briefly discussed the upcoming bond for the Alpine School District and encouraged all residents to support the issue. The Mayor also mentioned that a young boy had been hit by a vehicle at The Ranches and reminded parents to teach their children road safety to help avoid any further incidents. Motorists also needed to be mindful and watch out for children playing in the community.

The Mayor, on behalf of the Town Council, expressed gratitude to Darrin Brandt and Jamie Mooring for their service as members of the Economic Development Board. A plaque would be presented to Mr. Brandt and Mr. Mooring at a later date, as they were not in attendance.

Mayor bond presented a plaque to Tiffany Shappiro in appreciation for her assistance with the Mayor's monthly newsletter. Mrs. Shappiro was in the process of relocating and could no longer volunteer her services.

5. **Appointments:**

None.

6. **Public Notices:**

None.

7. **Public Comment:**

Chris Kemp, resident, discussed damages in Overland Trails caused by construction workers. Mr. Kemp stated that while a quote to repair the damage had been received and notice to proceed was given, the damage hadn't been repaired. John Newman responded that it was the developer's responsibility to repair the damage, as final acceptance of the subdivision had not taken place. Once the developer had completed a punch list of requirements that were not in compliance the Town would assume the responsibility of the subdivision.

8. **Adoption of a Tentative Budget for Fiscal Year 2001-2002:**

Mayor Bond stated that a copy of the tentative budget would be available at the Town Records office the following day. The Mayor encouraged residents to get a copy of the budget and have all questions answered before the public hearing, as it wouldn't be a question and answer period.

MOTION *Brigham Morgan moved to approve the Tentative Budget and set a Public Hearing for June 5, 2001 and directed the Town Clerk to assure proper publication for the June 5th Budget Public Hearing. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

9. **Patterson Construction Design Guidelines for Eagle Point Subdivisions Plats A – J:**

Mayor Bond requested that the Design Guidelines be tabled, as Councilors Albrecht and Kehl were absent.

Bert Ankrom and Brigham Morgan requested that the item be discussed.

Brigham Morgan stated that he was not in favor of the design guidelines as presented specifically the standards for porches and garages.

Bert Ankrom commented on the "No Recourse Statement" and that it should be removed from the document. Mr. Ankrom also discussed previous contracts that residents had entered into with Patterson Construction. Mr. Ankrom believed that the new design guideline would violate the original contract and CC&R's that had been established.

Mayor Bond read a letter that Councilman Kehl had written regarding the proposed Patterson Design Guidelines. While Mr. Kehl felt that it was important to work with Patterson to promote growth in the Town Center there were several issues that needed to be resolved. Mr. Kehl recommended approval of the guidelines with the following stipulations.

1. Minimum setback of any structure be 25' or greater.
2. Minimum setbacks on future unapproved lots be – front 25', rear 45' and side 15'.
3. All noted violations are corrected before commencement of any project.
4. All open space, pocket parks and trails are completed in each related development that the proposed guidelines effect before building permits can be issued.
5. Requirements of masonry, stucco and/or stone wraps not be reduced.

Discussion ensued.

MOTION *Brigham Morgan moved to deny Patterson Construction Proposed Community Guidelines. Bert Ankrom seconded the motion. Ayes: 2, Nays: 0. Motion failed. Mayor Bond abstained from voting.*

Discussion ensued.

MOTION *Brigham Morgan moved to approve Patterson Construction Proposed Community Guidelines as submitted. Bert Ankrom seconded the motion. Ayes:0, Nays: 2. Motion failed. Mayor Bond abstained from voting.*

John Newman explained that the Council had three options. They could, by majority, have the item placed on the next Town Council Agenda, second, a motion could be made to table the item, and finally the Mayor, having control of the Agenda, could place the item on a future agenda for consideration. At that time, the Council could vote to have the item removed from the agenda.

Mayor Bond stated that the Patterson Design Guidelines would be placed on the next Town Council Agenda.

10. Transmission Line Interconnection Agreement with PacifiCorp:

Jerry Kinghorn discussed the Interconnection Agreement with PacifiCorp and stated that the construction of the line was in the first stage of construction. Funds were available for the project from the gas and electric revenue bonds. The Agreement was before the Council to receive authorization for the expenditure of up to \$20,000 to get the project under way.

MOTION *Bert Ankrom moved to approve the Transmission Line Interconnection Agreement between the Town of Eagle Mountain and PacifiCorp, and authorize the Mayor to disperse a \$20,000 deposit. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

11. Consideration and Approval of a Resolution Amending the Personnel Policies and Procedures Manual for the Town Staff of Eagle Mountain:

John Newman explained the amendment to the Personnel Policies and Procedures Manual for the Staff of Eagle Mountain that would allow employees to transfer of accrued sick leave to other Town employees.

The Council considered Resolution # R 14-2001 Amending the Personnel Policies and Procedures Manual for the Town Staff of Eagle Mountain.

MOTION *Bert Ankrom moved to approve Resolution # R 14-2001, a Resolution of the Town Council of the Town of Eagle Mountain, Utah Amending the Personnel Policies and Procedures Manual for the Town Staff of Eagle Mountain. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

12. Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain Properties:

John Newman stated that Eagle Mountain Properties had submitted a request for a one-year extension of the preliminary plat approval to complete the final phase of the Mountain View subdivision. All phases of the subdivision had received preliminary plat approval approximately 3 years ago and the approval had since expired. Mr. Newman advised the Town Council that the developer was in default for the payment of design fees that were due April 15, 2001 and, therefore, could tabled the request or approve the extension.

MOTION *Brigham Morgan moved to table the Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain Properties until the next Town Council Meeting. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

13. Ranches/Pony Express Road Repairs:

Korey Walker addressed the roadway repairs to The Ranches and Pony Express Parkway and recommended that the Council approve that the Staff to negotiate a Time and Materials Contract with R.A. Makell Contractors to perform work on The Ranches and Pony Express Parkway in an amount not to exceed \$10,000.

MOTION *Bert Ankrom moved to authorize the disbursement of funds, not to exceed \$10,000, to R.A. Makell for the repairs of The Ranches and Pony Express Parkway on a Time and Materials Contract. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

14. Airport Planning District:

John Newman reported to the Council that the Airport Board was given the duty to create airport authority. Since that time the Board discovered that the Airport Authority status was only granted to 1st Class Cities. The Board changed their focus to provide for and Airport Planning District. Town Attorney Jerry Kinghorn drafted an Ordinance for the Council's review. The Airport Board requested that the Town Council forward the proposal to the Planning Commission for their review and recommendation by June 15, 2001.

Nick Berg, Jake Garn Airport, added that the Eagle Mountain Properties proposed SID included improvements along Sweet Water Road heading south. Mr. Berg was concerned that the beautification to this area wouldn't occur until next year and requested that the Council explain the developer's position. Jerry Kinghorn stated that the Town hadn't heard from EMP regarding the SID and, therefore, was waiting to hear from them.

MOTION *Bert Ankrom moved to refer the Airport Board's recommendation to the Planning Commission for their recommendation and comments. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

15. Ordinance Amending Ruby Valley, Plat B Subdivision:

This item was tabled due to accounts receivable default.

MOTION *Brigham Morgan moved to table the Ordinance Amending Ruby Valley, Plat B subdivision due to default. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Approval of Bids for Wood Poles, Conduit, and 138 kV Line Material:

Korey Walker briefly discussed the bids for wood poles, conduit, and a 138 kV Line Material and recommended approval of the bids. Mr. Walker noted that \$5,000,000.00 had been budgeted for this portion of the project under the Revenue Bonds. The cost estimate based on the proposed bids was \$4.7 million. There was a possibility that there would be some adjustment in the cost, however, the remaining funds would cover any amendments.

MOTION *Brigham Morgan moved to accept the following bids:*

1. *Stoddard Steel for the total of \$99,580.00 for the Substation Steel.*
2. *Caribou Inc. for the alternative # 1 for a total of \$508,518.00 for the 12.47 kV Underground Tie Circuit.*
3. *R.M. Enterprises for a total of \$309,678.00 for the North Substation.*
4. *Caribou, Inc. for a total of \$469,150.00 for the Interconnection Substation.*
5. *Par Electrical Contractors for a total of \$331,807.15 for the 138 kV Transmission Line.*

Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.

Mayor Bond opened up the meeting to Scout Troop 856 and allowed the Scouts to address the Council with several questions.

Mark Martinez inquired regarding the golf course at The Ranches. Brigham Morgan stated that The Ranches would have the course seeded by the end of May 2001 and expected that it would be open to the public in the Spring of 2002.

Ryan Turner discussed the possibilities of a skate park for the youth of Eagle Mountain. The Council informed the Scouts that they had already discussed the possibility of such a park. Ryan offered to present a design for the park, which the Council noted would be approximately 1 acre in size.

Scout Master Mark Westra, commented that the Scouts were looking for service projects and the Town could contact him if something came up that was suitable for the Scouts to be involved in.

Bert Ankrom asked what could be done to clean the strip of land from the Landing to the Town Center.

John Newman recommended that the clean up be placed on a Work Session to be discussed.

17. Motion to approve Consent Agenda items as follows:

- a. **Warrant Register**
- b. **Contract Change Order**
 - i. **NSA Water Line-Change No. 2, Tycon, Inc.**
- c. **Final Payment Request**
 - i. **NSA Water Line, Tycon, Inc.**
 - ii. **Booster Pump Station and Well No. 2, 2000, Nelson Brothers Construction Co.**
- d. **Partial Bond Release**
 - i. **Willow Springs, Phase 1**
 - ii. **Willow Springs, Phase 2**
 - iii. **Willow Springs Sales Trailer**
- e. **Partial Payment Request**
 - i. **Generator No. 3, Simpson Power**

MOTION *Brigham Morgan moved to remove items 17cii, Booster Pump Station and Well No. 2, 2000, Nelson Brothers Construction Co., and 17ei, Generator No. 3, Simpson Power from the Consent Agenda. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the Amended Consent Agenda. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to table the Booster Pump Station and Well No. 2, 2000 Final Payment Request until the next Town Council meeting. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve payment of \$64,200.00 for an 1100 kW Generation Unit and 480 Volt Switchgear to Simpson Power Products. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

17. Other Business:

Korey Walker stated that The Ranches had requested a Capital Facilities Plan amendment for the Carlton parcel. Epic Engineering would provide a draft Capital Facilities Annexation at the next Town Council Meeting for the Council's review. At that time the Town Recorder would advertise a Public Hearing for June 5, 2001 for the Capital Facilities Plan Amendment.

MOTION *Brigham Morgan moved to direct the Town Engineer to provide the Town Council with a draft copy of a Capital Facilities Amendment Plan for the Carlton Annexation at the next Town Council Meeting, and if approved the Recorder would be required to advertise a Public Hearing. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to instruct the Town Planner to revisit and specifically review the setbacks assigned to garages within the Development Code. Setback issues needed to be reviewed as a whole and the garage setback as it currently exists. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

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

MOTION *Brigham Morgan moved to recess into a Closed Executive Session at 8:26 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Bert Ankrom, Jerry Kinghorn, Brigham Morgan, John Newman and Korey Walker.

20. Motion to adjourn the Closed Executive Session and Return to Open Session:

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session at 9:30 p.m. and return to the Open Session. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

21. Any Actions from the Closed Executive Session:

There was no action.

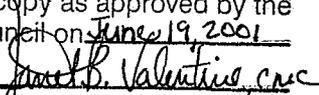
22. Adjournment:

MOTION *Bert Ankrom moved to adjourn the meeting at 9:30 p.m.*

APPROVAL: 
David A. Albrecht, Mayor Pro tem

DATE: 6-28-01

This certifies that the minutes of
May 1, 2001 are a true, full and
correct copy as approved by the
City Council on June 19, 2001

Signed: 
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
May 15, 2001**

POLICY SESSION 7:12 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Planners: Ken Leetham
Shawn Warnke
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy
Fire Chief: Robert DeKorver

Others present: David Lifferth, resident; Brenda Park, Library Board; Eric Carper, residents; Les Miller, resident; Mark Elmer, resident; Juanita Christiansen, Sports Program; Rick Pierce, resident; Kim Southworth, resident; Jodie & David Blackburn, residents; Jonathon Biesinger, resident; David Loper, Eagle Mountain Community Arts; Michele Graves, Library; Michael & Shari Davis, residents; Cathie Faulkner, resident; David & Ann Watson; Jody Hooley, resident; Josh Elledge, resident; Rob Smith, resident; Karyn Larsen, Library Board; Wayne Patterson, Patterson Construction; Scott Price, resident; Jessa Schlich, The Ranches.

2. Pledge of Allegiance:

David Blackburn led the Pledge of Allegiance.

3. Approval of Minutes:

MOTION *Dave Albrecht moved to approve the minutes of April 17, 2001 as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bound announced that the Council would hold a special meeting on May 29, 2001 at 7:00 pm. at the Community Center. The meeting would be an open forum for residents to voice their questions or concerns. No Town business would be conducted.

Eagle Mountain Pride Day was scheduled for May 26, 2001. There would be several clean up projects conducted around the Town. Residents were encouraged to contact the Mayor or Shawn Warnke at the Town Offices if they had any suggestions.

Mayor Bond read a letter of thanks that he had received from the Alpine School District regarding the bond election. The School District stated that they were looking forward to breaking ground for a school in Eagle Mountain in the near future.

5. **Appointments:**

a. Library Board

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Mark Elmer to the Library Board. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

Janet Valentine noted that there would be a Public Hearing for the FY Budget for 2001-2002. The Hearing was scheduled for June 5, 2001 at 7:15 p.m. at the Community Center.

7. **Public Comment:**

- Kim Southworth, Cedar Pass Ranch resident, requested that notification sent to residents advising them of new construction in The Ranches should have the minimum distance from the project increased because of the larger lot sizes.
- Eric Harper and Less Miller, both residents of Overland Trails, voiced their concern with respect to the entrance at Major Street off Eagle Mountain Boulevard. They believed that the entrance was a safety issue and requested that the speed limit sign be moved further North on the Boulevard to help slow traffic through that area. The residents also requested that a turning lane be constructed to avoid any traffic accidents. Korey Walker stated that the issue would be on the agenda at the next Public Works Meeting for a recommendation.

Item 10 was discussed next.

8. **Consideration to Approve Patterson Construction Design Guidelines for Eagle Point Subdivisions, Plats A-J:**

Mayor Bond opened the meeting for public comment with respect to the proposed Patterson Construction Design Guidelines.

The following residents commented in favor of Patterson's proposal: Mark Elmer; Gerald Fesser; Sandy Bastian and Rick Pierce. Sandy Bastian presented the signatures of approximately 90 residents who supported the amendments and believed that it would help boost development in the Town Center.

Linda Bryanholt, Patterson Construction Sales Agent, commented on the proposal. It was her opinion that the restrictions were responsible for the lack of development and slow growth in this end of the Town.

Bert Ankrom stated that he, along with other residents, had signed a contract with Patterson Construction acknowledging that they would uphold the CC&R's and now Patterson Construction wanted to change things. Mr. Ankrom believed that this was unethical and Patterson Construction should uphold their end of the contract.

Greg Kehl commented on several issues that the Councilors had concerns with. The Council was opposed to the "No Recourse" clause. Wayne Patterson stated that he would concede with the Town if Town Attorney Jerry Kinghorn recommended removing it.

A discussion ensued regarding porches, setbacks and lot sizes.

Greg Kehl stated that from this point on the lots sizes would have to change, as they were too narrow. The short setbacks also created a public safety issue. Mr. Kehl explained that the Council was trying to increase the

quality of the design in Eagle Mountain and to provide for move ups for residents to upgrade their homes in the future. An effort needed to be made to finish the trails and entrances and it needed to be a win-win situation.

Mr. Patterson stated that park equipment would be installed once the Council approved the Guidelines.

Mayor Bond requested that the remaining lots in the existing subdivisions were completed with front landscaping including sprinklers. An additional request was that trees be planted in the parks strips, which would help enhance the subdivision.

Brigham Morgan asked Mr. Patterson what marketing techniques the company had used over the last 18 months. Mr. Patterson stated that word of mouth was a very effective way to sell homes. They had also advertised using locator maps on the Internet and the newspaper. Mr. Patterson added that they intended to place a model home off SR73 in an effort to boost sales.

Mr. Morgan commented on the "Vision" in Eagle Mountain, which promoted a different approach to life that had attracted many people to the area. It was important to focus on the landscaping and aesthetics of the home to promote growth. It was his opinion that The Ranches had been successful, as they had used an aggressive advertising campaign and followed through on the beautification of the subdivisions. Mr. Morgan expressed his frustration with Patterson Construction as it was his opinion that their marketing had been stagnant and put on hold in Eagle Mountain. With respect to the Guidelines, Mr. Morgan stated that he had no problem approving some front-loading garages, however, the front porches needed to be maintained as a standard, as it was a part motif in Eagle Mountain.

The Council discussed the items that needed to be amended within the Patterson proposal.

MOTION *Greg Kehl moved to approve the Patterson Design Guidelines dated May 7, 2001 as submitted eliminating the entire "No Recourse" clause on page 2 of 17. Also, on page 15, illustration D.4b only five homes are to be approved with this lot configuration. Dave Albrecht seconded the motion. Ayes: 3, Nays: 2. Motion passed.*

9. Consideration to Approve an Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain Properties:

MOTION *Brigham Morgan moved to table the Extension of the Preliminary Plat Approval for Mountain View, Eagle Mountain, as the developer was in default. Greg Kehl seconded the motion. Ayes: 5. Motion passed.*

10. Consideration to approve an Ordinance Amending Ruby Valley, Plat B: (discussed after item 7)

Mayor Bond opened up the meeting to receive public comments.

David Lifferth, resident, stated that the Ruby Valley project needed to be halted at some point. Residents were concerned that the development was currently under construction.

Mayor Bond stated that the item wouldn't be discussed as the developer was in default of payment of fees. Mayor Bond added that the ordinance shouldn't have been placed on the agenda because of the default. The Mayor noted that he had discussed the Ruby Valley development with many residents in Ash Point and he assured the residents that their concerns hadn't fallen on deaf ears.

Korey Walker stated that the only construction in that location that he was aware of was on was a cul-de-sac, which had no effect on the subdivision.

Greg Kehl noted that the location fell under The Ranches Master Development plan. The focus of concern should be placed on the road, the phasing of the plats and lot size. If the developer chose to proceed they were doing it at their own risk. There were specific issues that needed to be addressed and they were being looked

into. Mr. Kehl went on to say that the item was tabled for specific reasons and it was the Council position to protect the developer as well as the residents.

David Blackburn, resident, asked why the developers were permitted to install the infrastructure if they were in default. Corey Walker responded that the infrastructure wouldn't affect the subdivision only the lot sets.

David Lifferth requested that residents be contacted when the developers were out of default. Mayor Bond stated that the Town would do what they could to make residents aware when the fees were paid and the amendment was ready for consideration.

MOTION *Brigham Morgan moved to table the Ordinance Amending Ruby Valley, Plat B due to default in payment of fees. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

11. Consideration to approve a Draft of the Capital Facilities Fund Amendment to include the Carlton Annexation and to schedule the public hearing:

The Council considered the draft of the Capital Facilities Plan Amendment to include the Carlton Annexation.

MOTION *Brigham Morgan moved to accept the Draft of the Capital Facilities Plan Amendment to include the Carlton Annexation. A Public Hearing would be scheduled for the following Town Council meeting on June 5, 2001. The item would be placed on public record for review. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

12. Consideration and approval of a 401K Investment Plan for employees through the Utah Retirement Systems:

The Council considered the approval of a 401K Investment Plan for Eagle Mountain Employees through the Utah Retirement Systems. The contribution rate had changed for FY 2001-2002 from 10.32% to 8.20%. Town Recorder Janet Valentine proposed that the difference of 2.12% be placed in a 401K Plan for each employee. As elected officials, the Town Council had the option to participate in the program, however, they chose not to.

MOTION *Bert Ankrom moved to approve the 401K Investment Plan for Eagle Mountain Employees through the Utah Retirement Systems, as submitted. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Consideration of Settlement Agreement with Tasco Engineering, Tasco Construction and Gary Tassainer:

Jerry Kinghorn discussed the settlement agreement between the Town of Eagle Mountain and Tasco Engineering stating that both parties had reached a tentative agreement. The Town would pay Tasco for a portion of work that Tasco had completed for the Town and Tasco would release the Town of all claims and would clean up the zoning violation by the airport. There was a mutual dismissal of all claims and the Town would appropriate the funds noted in the agreement in the amount of \$100,000.00 on or before May 24, 2001. Mr. Kinghorn noted that the Agreement was a public document.

MOTION *Brigham Morgan moved to approve the Settlement Agreement as presented between the Town of Eagle Mountain and Gary Tassainer, Tasco Engineering, Inc. as submitted, and authorize the Mayor to sign the Agreement. Also, that the funds are appropriated, as stipulated in the Agreement, in the amount of \$100,000.00 to settle all claims with Tasco Engineering from the Un-appropriated Surplus Funds. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained from voting. Motion passed.*

14. Motion to approve Consent Agenda items as follows:

- a. Warrant Register

14. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. 138 kV Breaker and Added CT's (Change Order No. 1), Western States Electric
- c. Partial Payment Requests
 - i. 138kV Breaker and Added CT's, Western States Electric
 - ii. 138kV Circuit Switcher, Peterson Company
 - iii. 12.47kV Metal-clad Switchgear, Powell Electrical Mfg. Co.
- d. Partial Bond Releases
 - i. Rush Valley, Plat A, Sundance Homes, Inc.
 - ii. Saddleback, Plat A, Trophy Homes
 - iii. Saddleback, Plat B, Trophy Homes
 - iv. Saddleback, Plat C, Trophy Homes
- e. Final Payment Request
 - i. Booster Pump Station and Well No. 2, 2000, Nelson Brothers Construction Co.

MOTION *Bert Ankrom moved to remove item 14e, Final Payment Request for the Booster Pump Station and Well No. 2, 2000 from the Consent Agenda. Brigham Morgan seconded the Motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the Consent Agenda as amended. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Other Business:

Greg Kehl discussed the purchase of a tractor brush hog in lieu of a dump truck that was included in the budget.

MOTION *Greg Kehl moved to approve the purchase of a Caboda Tractor, Model # L4610 HST for the sum of \$21,990.00. Also, a 72" Mower Deck Land Pride for the sum of \$1,818.00 from Valley Caboda. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

16. Any Actions from the Closed Executive Session:

There was no Executive Session

17. Adjournment:

MOTION **Dave Albrecht moved to adjourn the meeting at 9:40 p.m.**

APPROVAL: _____

David A. Albrecht
David A. Albrecht, Mayor Pro tem

DATE: _____

6-28-01

This certifies that the minutes of
May 15, 2001 are a true, full and
correct copy as approved by the
City Council on June 19, 2001

Signed: *Janet B. Valentino, CRC*
City Recorder

**MINUTES OF THE TOWN COUNCIL MEETING
TOWN OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
June 5, 2001**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Greg Kehl and Brigham Morgan. Bert Ankrom was excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Engineer: Korey Walker
Town Planner: Shawn Warnke
Deputy Recorder: Fionnuala Kofoed
Deputy Sheriff: Jo Murphy

Others present: Mark Sovine, resident; Kim Brown, Eagle Mountain Fire Department (EMFD); Juanita Christiansen, Youth Sports; Brian Haskell, The Ranches; Craig Erickson, EMFD; David Loper, Arts Council; Michele Graves, Library; Rob Smith, resident; Jana Cox, Arts Council; Dan Valentine, Telecom; Kristen Johnson, resident; Adam Ulmer, resident; Steve Gabrielson, Town Treasurer; Vincent Liddiard, resident.

2. Pledge of Allegiance:

David Loper led the Pledge of Allegiance.

3. Approval of Minutes:

Tabled

4. General Discussion/Questions/Announcements:

Mayor Bond announced that 2001 was a Municipal Election Year with three open positions: mayor and two council seats. Janet Valentine noted that the date to declare candidacy for the upcoming election was between July 15 and August 15. All applicants must meet the candidacy requirements.

5. Appointments:

Appointment of Mindy Christensen to the Economic Development Board.

MOTION *Dave Albrecht moved to approve the Mayor's Appointment of Mindy Christensen to the Economic Development Board. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed. Mrs. Christensen would be appointed to the position that had the longest term.*

6. **Public Notices:**

The current year's budget adjustments would be discussed at the next Town Council meeting.

6a. **Public Comment:**

Brian Haskell, The Ranches, stated that The Ranches was in default for payment of fees for the Fire Station in the North Service Area. The property had already been deeded to the Town and The Ranches was requesting that their payment be postponed until the building goes out to bid or construction on the building is imminent. It was The Ranches opinion that the funds were designated specifically for the construction of the building.

The Council believed that construction included the design fees and not specifically just construction of the building.

Greg Kehl advised Mr. Haskell that the issue should have been addressed before the fees were delinquent, as the funds were needed now.

Dave Albrecht stated that it would be inappropriate to remove the default. Mr. Albrecht also requested that he would like the staff to look into the definition of construction.

John Newman added that The Ranches annexation request would require sufficient funds to complete the first phase of the fire station. The Staff would look into the request as soon as the developer provided the information.

7. **Public Hearing: FY Budget for July 1, 2001 to June 30, 2002**

The Public Hearing opened at 7:39 p.m. There were no comments and the hearing was closed

8. **Public Hearing: Amend the Capital Facilities Plan for the North Service Area:**

Open Public Hearing 7:40 p.m.

Mayor Bond commented that the Amended Capital Facilities Plan for the North Service Area included the property for the fire station.

There were no comments and the hearing was closed at 7:42 p.m.

9. **Notice to Proceed-12.47 kV Underground Tie Line, Caribou Construction Inc:**

Korey Walker discussed the notice to proceed for the Tie Line that would take the line from the switch gear at the entrance of Eagle Park up to the substation at The Ranches.

MOTION *Greg Kehl moved to approve the Notice to Proceed for a 12.47 kV Underground Tie Line with Caribou Construction, Inc. and authorized the Mayor to sign the document. Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

10. **Award of Bid-15 kV Mounted Switchgear for North Interconnection Point:**

Korey Walker commented on the bid for the Switchgear for the North Interconnection Point.

MOTION *Greg Kehl moved to approve the bid for the 15 kV Mounted Switchgear for the North Interconnection Point with Northern Power Equipment for the total of \$20,940. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

11. **Consideration and Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year July 1, 2001 to June 30, 2002:**

Brigham Morgan discussed page 6 of 14 in the budget and inquired why the Arts Council hadn't received their requested increase. Mr. Morgan recommended that the Arts Council get the funds that they had requested. John Newman stated that the Arts Council submitted their budget after the deadline. If the Council wanted to make the amendment it was their prerogative. Mr. Newman advised the Council how to amend the budget to reflect the funds for the Arts Council. On page 1 of 14, the Revenue for the Arts Council would show \$4875. Community Arts Expenditure on page 6 of 14 would reflect \$1025.

MOTION *Brigham Morgan moved to approve Ordinance # O 07-2001, an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year July 1, 2001 to June 30, 2002 as amended Changing the expected revenues from the Arts Council from \$100 to \$4875. Also, adjusting the Expenditures for the Arts Council from \$7328 to \$1025. Additionally, the approval of revenues and expenditures for the Municipal Court in the amount of \$53,600 for revenues and \$53,600 for expenditures. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Discussion ensued regarding the funding of community programs within Eagle Mountain. The Council agreed that it was necessary to obtain a record from the various groups showing the revenue and expenditures for the year. It was anticipated that the organizations would eventually become self-sufficient and not require subsidies from the Town.

12. **Amendment of the Eagle Mountain Capital Facilities Plan for the North Service Area only for the purpose of providing for the annexation of certain property to the Town and to the Ranches Master Development Plan:**

Jerry Kinghorn addressed the Amendment to the Capital Facilities Plan. The Council considered the Amendment and recommended approval.

MOTION *Dave Albrecht moved to approve the Eagle Mountain Capital Facilities Plan for the North Service Area only for the purpose of providing for the annexation of certain property (the Carlton parcel) to the Town and to The Ranches Master Development Plan. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

13. **Consideration and Approval of a Resolution Setting the Property Tax Rate in Eagle Mountain for Fiscal Year 2001-2002:**

The Council discussed the property tax rate. The rate had not yet been established, however, the Town was still required by the State to adopt a resolution setting a tax rate.

MOTION *Greg Kehl moved to adopt Resolution # R 15-2001, a Resolution approving and adopting a property tax rate for the FY 2001-2002 for the Town of Eagle Mountain. The Town Council of Eagle Mountain Town approves and adopts a certified property tax rate approved by the Utah State Tax Commission and authorizes the Mayor to execute the documents comparing the certified tax rate with the Resolution. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

14. **Consideration and Approval of an Ordinance Regulating Large Public Assemblies, requiring licensing of and providing regulation of outdoor public assemblies of thirty persons or more in the Town of Eagle Mountain:**

This item was tabled.

MOTION *Dave Albrecht moved to table the Ordinance Regulating Large Public Assemblies. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

15. **Consideration and Approval of an Ordinance Prohibiting Noise Disturbance and regulating unwanted sound in the Town of Eagle Mountain:**

Mayor Bond explained that this ordinance had been drafted as a result of complaints by residents regarding noise created by construction workers in early morning hours. The ordinance would limit the time of construction from 7 am to 10 pm.

Mark Lofgren, David Loper and Jana Cox, residents, expressed their concerns with respect to the ordinance and how it would affect other residents and possibly the plays performed by the Arts Council. John Newman explained that the ordinance would protect residents from unwanted noise and was not intended to restrict residents from normal, everyday activities.

Discussion ensued regarding courtesy licenses.

MOTION *Brigham Morgan moved to adopt Ordinance # O 08- 2001, an Ordinance prohibiting noise disturbance and regulating unwanted sound in the Town of Eagle Mountain, Utah deleting in section 9.5. , the words "for" and "a license" to read, "permitted by law which has been approved by the Town." Dave Albrecht seconded the motion. Ayes: 4, Nay: 0. Motion passed.*

16. **Eagle Mountain Boulevard Speed Study:**

Korey Walker presented the Eagle Mountain Speed Study. The study recommended that the speed limit remain 55 MPH along Eagle Mountain Boulevard. The 35 MPH speed sign heading into the City should be placed 150 ft. west of Major Street, as its current position was a safety issue.

MOTION *Dave Albrecht moved to approve the Eagle Mountain Speed Studies recommendation as submitted. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

17. **Resolution to Establish a Justice of the Peace Court:**

MOTION *Brigham Morgan moved to table the Resolution to Establish a Justice of the Peace Court. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

18. **Inter-local Cooperation Agreement with IMGA:**

John Newman commented on the Inter-local Agreement with IMGA stating that the project was for the new gas pipeline expansion and entering into the agreement formally acknowledged the Town of Eagle Mountain as a member of IMGA. The Council considered the Inter-local Cooperation Agreement with IMGA.

MOTION *Brigham Morgan moved to approve Resolution No. R 16-2001, a Resolution amending the Inter Local Cooperation Agreement Establishing Intermountain Municipal Gas Agency and authorize the Mayor to execute the agreement. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

19. **Project (Service) Agreement With IMGA:**

The Council considered the Project Service Agreement with IMGA.

MOTION *Dave Albrecht moved to approve the Project Service Agreement between the Town of Eagle Mountain and IMGA and authorize the Mayor to execute the document. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

20. Guarantee Payment of Natural Gas Transportation:

The Council considered the Guarantee Payment of Natural Gas Transportation.

MOTION *Brigham Morgan moved to approve the Guarantee Agreement between the Town of Eagle Mountain Utah, the City of Hilldale and Colorado Interstate Gas Resource Incorporated and authorize the Mayor to execute the document to participate in the 104-pipeline project. Greg Kehl seconded the motion. Ayes: 4. Nays: 0. Motion passed.*

21. Letter of Intent-Telecommunications Board:

Jerry Kinghorn stated that Mr. Newman had executed a Letter of Intent with respect to the Telecommunications Revenue Bonds, Series 2001 and BNP Paribas. The item was before the Council to ratify Mr. Newman's execution of the document on behalf of the Town.

MOTION *Brigham Morgan moved to ratify the actions taken by Town Administrator John Newman in executing a Letter of Intent with BNP Paribas in regards to the Telecommunication Revenue Bonds. Dave Albrecht seconded the motion. Ayes: 4, Nays:0. Motion passed.*

22. DSL Beta Test-Decision:

Dan Valentine discussed the DSL Beta test results. Mr. Valentine was very satisfied with the results of the project and requested that the Council give him further direction regarding the service.

Marcell, David Loper, Christine Johnson and Mark Lofgren, residents of Eagle Mountain, participated in the DSL Beta Test. The residents who participated in the project were also very pleased with the end result and encouraged the Council to continue to offer DSL as a service provided by Telco, the Town's telecom system.

Discussion ensued regarding residents in The Ranches who had phone services provided by Quest and whether the Town could provide DSL to them.

Josh Elledge, resident, expressed his concern with the Town moving ahead with the DSL and the cost associated with the system. Mr. Elledge believed that the Council should take more time to research the issue before making any decisions.

Brigham Morgan stated that, from a business point, residents would not be concerned with who they purchased DSL from once it was available. It was his opinion that it would be a good move for the Town to offer the service.

Greg Kehl stated that the figures that had been provided by Telco showed that it would be a positive move for the Town. Mr. Kehl believed that the Town owed it to the residents to provide DSL to the residents of Eagle Mountain.

Jack Scott, resident, stated that he was anxiously awaiting the DSL service. Mr. Scott lived in The Ranches and commented that the service that would be offered there wouldn't meet his needs.

MOTION *Brigham Morgan moved to approve the implementation of the DSL as a feature provided by Telco and authorize the expenditures from the budget to fund the project. Also, that the basic fees are set at \$39.95 per month with a \$250 installation fee. \$150 will be due upon installation and \$100 can be financed over a 6-month period. These fees will be included in the Consolidated Fee Schedule and the Town Attorney will provide a contract agreement. A buy back incentive would be offered after a minimum of 1 year's service to customers who wished to discontinue the service. The modem must be returned in a functional and good cosmetic condition in order to receive the incentive. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

23. Consideration and Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

The Resolution Amending the Consolidated Fee Schedule was tabled so that the fees associated with the DSL service could be included in the schedule.

Tabled

24. Major Development Approvals:

- a. Rush Valley Plats B & C, Final Plats

Shawn Warnke stated that this was the final application for Rush Valley Plats B & C. There were several items that needed to be addressed, specifically item # 6 covering the use of a school facility as a public park.

Brian Haskell commented on the issue of the park and stated that The Ranches would provide a tot lot that could be used while school was in session.

Greg Kehl recommended taking more time to review the parks plan, as he wanted to study it a little further.

Mayor Bond was concerned that The Ranches was permitting the public use of the School District playground. Jessa Schalich stated that she had discussed the matter with Keith Bradshaw, who had granted the public use of the playground. It was a common practice for families to use the facilities after hours.

Discussion ensued regarding the regional parks and promises that residents believed had been made to them by developers.

The Council was not prepared to vote on the issue and wanted to consider the proposal.

Greg Kehl and Mayor Bond commented on the 50 ft. setback. It appeared that the lots were getting smaller. Mr. Kehl also discussed the growing concern regarding the lack of move up homes being built.

Dave Albrecht stated that he would like to see a letter from the school district allowing the residents to use the park. Mr. Albrecht also requested a plan of the tot lot and its location.

John Newman wondered what would be expected by the school district in return for the use of the park?

The Council recommended that Rush Valley Plats B & C be tabled until their concerns were satisfied by the developer.

MOTION *Dave Albrecht moved to table Rush Valley Plats B and C, Final Plats. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

25. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. 138 Transmission Line Equipment Purchase (Installation of Three New 1000:5 Hi-Acc-Ext Current Transformers)-Change Order No. 3, Peterson Company
 - ii. Chip Seal and Roadway Improvement Project-Change Order No. 1, Valley Asphalt, Inc.
- c. Partial Payment Request/Korey Walker
 - i. Control Panel, Simpson Power Products LTD.
 - ii. 12.47 kV Metal-clad Switchgear, Rogers Strong & Associates
 - iii. 138 kV Transmission Line, Western States Electric

- iv. Installation of Two New Generating Units, Lamb Engineering & Construction Co.
- v. 138 kV Disconnect Switches, Western States Electric
- d. Final Payment Request/Korey Walker
 - i. Chip Seal and Roadway Improvement Project, Valley Asphalt, Inc.
 - ii. Booster Pump Station and Well No. 2, 2000 Nelson Brother's Construction Co.

MOTION *Dave Albrecht moved to approve the Consent Agenda as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

26. Other Business:

None

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

MOTION *Brigham Morgan moved to recess into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

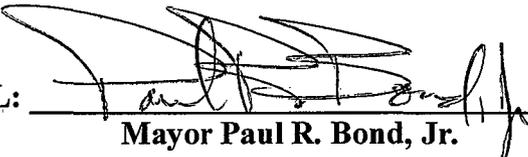
Present: Mayor Paul Bond; Dave Albrecht; Greg Kehl; Jerry Kinghorn, Brigham Morgan and John Newman.

MOTION *Brigham Morgan moved to reconvene into Open Session at 11:42 p.m. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

28. Adjournment:

MOTION *Greg Kehl moved to adjourn the meeting at 11:42 p.m.*

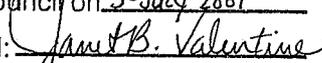
APPROVAL: _____


Mayor Paul R. Bond, Jr.

DATE: _____

7/9/01

This certifies that the minutes of
5-June 2001 are a true, full and
correct copy as approved by the
City Council on 3-July 2001

Signed: 
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
June 19, 2001**

POLICY SESSION 7:00 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor pro tempore Dave Albrecht, Bert Ankrom, and Greg Kehl. Mayor Paul Bond and Brigham Morgan were excused.

Town Staff:

City Administrator: John Newman
City Attorney: Jerry Kinghorn (arrived at 845 p.m.)
City Engineer: Korey Walker
City Planner: Shawn Warnke
City Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed

Others present:

2. Pledge of Allegiance:

Scot Hazard led the Pledge of Allegiance.

3. Approval of Minutes: (April 25, 2001, May 1, 2001 & May 15, 2001)

MOTION *Bert Ankrom moved to approve the minutes of April 25, May 1 & May 15, 2001 as amended. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None

5. Appointments:

- a. Appointing an alternate representative to UAMPS
- b. Public Works Board

MOTION *Greg Kehl moved to approve the Mayor's appointment of Larry Ellertson as an alternate representative to UAMPS, and instructed the Recorder to advise UAMPS of the appointment. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Greg Kehl moved to approve the Mayor's re-appointment of Mark Sovine to the Public Works Board. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

6. Public Notices:

Janet Valentine noted that a special meeting would be held on June 28, 2001 to amend the Budget for the FY 2000-2001.

7. Public Comment:

Josh Elledge stated that a proposed landfill for Cedar Valley had been placed on the Legislative Agenda at the Capital for June 20, 2001. Mr. Elledge requested, if possible, to have some representation from Eagle Mountain City.

8. Public Hearing (Ruby Valley Plat, B Amendment):

Mayor pro tempore opened the Public Hearing at 7:22 p.m.

Shawn Warnke presented the amendment to Ruby Valley, Plat B.

Scott Kirkland stated that The Ranches had tried to address the items residents had brought to their concern regarding the subdivision. Several lots had been removed other lots had been increased to ½ acre lots.

Jody Hooley, resident, commented that the changes to the plat had, in effect, allowed The Ranches to have smaller lots, which was to their Advantage. This transition was beneficial to The Ranches.

Steve Catoni, resident, questioned the need for the number of small lots in The Ranches. It was his opinion that the small lots ruined the aesthetics of the area and The Ranches needed to maintain the residential country affect that they had marketed to existing residents.

Greg Kehl was concerned with the net gain of 18 lots and was opposed to approving the amendment as submitted.

Bert Ankrom stated that he had no problem with small lots however; the road to the subdivision created a problem.

Dave Albrecht commented that he liked the original Plat and if The Ranches were to present it in its original condition he wouldn't have had a problem with it.

Bert Ankrom asked whether the road could be restored if the subdivision wasn't approved. Corey Walker responded that the road could be backhoed in. Mr. Walker added that he had sent a letter to The Ranches advising them to hold off on the road. The Ranches was taking on the liability if the subdivision was not approved as the Development Code allows it.

The Council was concerned that The Ranches had noticed a Public Hearing for the subdivision even though they were in default of payment of fees. The developer should have approached the City prior to the default to discuss the possibility of an extension for the Capital Facilities Funding for the fire station in the North Service Area of Eagle Mountain.

Scott Kirkland explained that The Ranches was stuck with a 200 acre parcel of developable land that has no access. Greg Kehl noted that there was no road noted on the approved plat.

Mayor pro tempore Dave Albrecht requested that the Staff consult with City Attorney Jerry Kinghorn and return a recommendation to the City Council regarding the matter.

The Public Hearing closed at 7:41 p.m.

9. Consideration and Approval of an Ordinance Amending Ruby Valley, Plat B:

The Council considered approval of the Amendment to Ruby Valley, Plat B.

MOTION *Bert Ankrom moved to deny the Ordinance Amending Ruby Valley, Plat B.*

Motion died for lack of second.

John Newman advised the Council that they could revisit the Plat in its original form or the amended version at a future date.

Dave Albrecht stated that the Plat would remain as originally approved.

Greg Kehl stated, for the record, that if a mistake has been made then it needed to be resolved. Mr. Kehl added that if The Ranches could amend Ruby Valley so it wouldn't affect the density or cheapen the area in any way, then he would be willing to approve the Plat.

Mayor pro tempore Dave Albrecht directed the Staff to meet with the developer and resolve the default issue. Upon resolution of the fees the Staff was directed to bring a recommendation back to the Council for review and consideration.

10. State of Utah Certification of Eagle Mountain change of Class from a Town to a City of the Third Class:

Mayor pro tempore Dave Albrecht announced that the Town of Eagle Mountain had received a change of classification and officially become a City of the Third Class. The City was now authorized to have an additional member added to the Council. The Recorder would notice the vacancy and applicants could then submit a letter of interest at the City Offices.

MOTION *Greg Kehl moved to direct the City Recorder, under the direction of the City Attorney, to notice the council seat vacancy. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to rename the Town of Eagle Mountain to Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

11. Consideration and Approval of an Ordinance Regulating Large Public Assemblies, requiring licensing of and providing regulation of outdoor public assemblies of thirty persons or more in Eagle Mountain City:

This item was tabled.

12. Consideration and Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

John Newman presented an amendment to the Consolidated Fee Schedule stating that fees for telecommunications had been added in an attempt to offer competitive rates to residents. The OC3 line was being installed and once testing had taken place the packets would be available. John Newman noted that the date and time on the adoption of the Resolution needed to be corrected. Also, that the document reflect the change in classification from Town to City.

The Council considered the approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule.

MOTION *Bert Ankrom moved to approve Resolution # R 17-2001, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain Consolidated Fee Schedule including the changes with reference to the City, dates and time the resolution was effective. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

13. Town Fees for Commercial Buildings/Scot Hazard:

Scot Hazard, independent developer, addressed the Council regarding fees assessed for the construction of an office building in the Ranches Business Park. Mr. Hazard requested that the fees be reviewed in consideration of reducing the costs.

Mayor pro tempore Dave Albrecht stated that this was a new process for the City and requested the staff to review the fees to see what recommendation could be made for the request.

Mr. Hazard stated that he had not yet paid the fees in question and requested that he be permitted to continue with construction until the fees are adjusted.

John Newman noted that the developer had processed his request in a timely manner. It took some time, however, to get to the Council for their recommendation. Mr. Newman recommended that Mr. Hazard be permitted to continue construction while the fees were under consideration advising Mr. Hazard that if the fees were not paid that no inspections would be done.

The Council requested that the connection, impact and plan check fees be reviewed and that the Staff have a recommendation for the next City Council Meeting.

Bert Ankrom stated that if the fees were calculated per ERU he would like the Staff to review fees.

John Newman advised the Council that the City was due to make a bond payment for and losses to impact fees would have to be recouped either by raising utility rates or taxes.

Jody Hooley, resident, commented that the development shouldn't continue until the fees are paid.

Mayor pro tempore Dave Albrecht believed that the risk fell upon the developer and he wasn't opposed to permitting the development to continue.

MOTION *Greg Kehl moved to allow Mr. Hazard to continue with his development while the fees were under review. No inspection would take place until the fees were paid.*

Motion dies for lack of second. The developer would have to hold off construction until the fees were resolved.

14. Issue of grading between the Landing and Mountain View Subdivisions/Derk Palfreyman, Sunrise Building Company, LLC:

Korey Walker noted that a certified letter had been sent to Mr. Palfreyman with respect to the grading of a trail between The Landing and Mountain View subdivisions and that the item would be discussed at the June 19, 2001 City Council Meeting. (The letter was later returned, however, Mr. Walker had a phone conversation with Mr. Palfreyman and advised him of the meeting.) Mr. Walker stated that while he was inspecting the trail completed by Sunrise Development he advised the developer that the grading wasn't completed to specifications. It was the developer's opinion that the grading requirement had been negated when he had agreed to complete the trail in an effort to correct fees incurred for blue staking errors in the Mountain View Subdivision. Mr. Walker requested that Mr. Palfreyman represent to him, in writing, what he understood he was agreeing to when the issue of the blue staking cuts was before the City Council.

There was no representation from Sunrise Development.

MOTION *Greg Kehl moved that staff notify Mr. Palfreyman in writing that the grading and rough grading be completed within 15 days of receipt of the letter. In the event that the grading is not completed by the 15th day the Staff is authorized to execute the bond seizure. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

15. Eagle Points B & C Street Trees, Patterson Construction:

Bert Ankrom stated that the Town had been lenient with Patterson Construction regarding the installation of trees in Plats B & C and that all building permits be halted until the trees have been installed.

Discussion ensued regarding the installation of the trees.

MOTION *Bert Ankrom moved to instruct the Staff to no longer process building permits and plat approvals unless a cash bond is placed to cover the installation of the trees in Plats B & C. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Major Development Approvals:

- a. Rush Valley, Plats B & C Final Approval, Grant Gifford –Staff Reports
- b. Cold Springs (Traveler’s Rest) Final Approval, Hamlet Homes

These items were stricken from the Agenda.

17. Notice of Award to Par Electrical Contractors for the project “138 kV Transmission Line”:

Korey Walker recommended that the Council award the bid submitted by Par Electrical Contractors for the installation of a 138kV Transmission Line and begin negotiations on the change order request.

MOTION *Bert Ankrom moved to approve the Notice of Award to Par Electrical Contractors for the project “138 kV Transmission Line” in the amount of \$331,870.15. Also, that City Engineer Korey Walker enter into negotiations regarding the potential cost of a change order at a reduced amount. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

18. Consideration and Approval of a Resolution to Establish a Justice Court:

John Newman recommended that the Council approve a Resolution that would allow the City to make an application for a Justice of the Peace service. The City needed to focus on code enforcement and until a Justice of the Peace was established no citations could be acted on.

MOTION *Greg Kehl moved to approve Resolution # R 18-2001, a Resolution of the City Council of Eagle Mountain City, Utah to Establish a Justice Court. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- a. Contract Change Order
 - i. Mountain View Subdivision Landscaping, CO #1, Decorative Landscaping
 - ii. 1100 kW Generation Unit #2 & 480 Volt Switchgear, Simpson Power Products LTD
- b. Partial Bond Releases
 - i. Willow Springs, Phase 1, Summit Development
 - ii. Willow Springs, Phase 2, Summit Development
 - iii. Willow Springs Sales Trailer, Summit Development
 - iv. Mt. Airey, Plat A, The Ranches, LC
 - v. Meadow Ranch, Phase 4, The Ranches, LC
 - vi. Meadow Ranch, Phase 4 Sewer System, The Ranches, LC
 - vii. Rush Valley, Plat A, Sundance Homes
 - viii. Porter’s Crossing, Plat B, Sundance Homes
 - ix. Porter’s Crossing, Plat C, Sundance Homes
 - x. Three Crossing, Plat B, Sundance Homes

- d. Final Payment Request
 - i. Mountain View Subdivision Landscaping, Decorative Landscaping
 - ii. Materials for the 12.5kV Electrical Line, 2001, Northern Power

MOTION Bert Ankrom moved to approve the Consent Agenda Items as submitted, omitting \$888.40 to Workforce Services for unemployment for Jason Boren from the Warrant Register. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.

20. Other Business:

Jerry Kinghorn presented some additional information regarding the change in classification from the Town of Eagle Mountain to Eagle Mountain City. It was necessary to submit a Campaign Disclosure Law by August 1, 2001. As previously noted, a sixth member would be added to the Council and the Mayor would only vote in a tie situation. Three members of the Council would constitute a quorum. The change was in effect as of May 31, 2001.

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

MOTION Bert Ankrom moved to recess into a Closed Executive Session at 9:23 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.

Present: Dave Albrecht, Bert Ankrom, Greg Kehl, Jerry Kinghorn and John Newman.

22. Motion to Reconvene in to Open Session:

MOTION Bert Ankrom moved to reconvene into Open Session. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.

23. Any Actions from the Closed Executive Session:

There was no action.

24. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:35 p.m.

APPROVAL: _____

Mayor Paul R. Bond, Jr.

DATE: _____

7/9/01

This certifies that the minutes of
19-June 2001 are a true, full and
correct copy as approved by the
City Council on 3-July 2001

Signed: _____

City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
June 28, 2001**

POLICY SESSION 6:00 p.m.

Mayor pro tempore Dave Albrecht called the meeting to order at 6:08 p.m.

1. Roll Call:

Council Members present: Mayor pro tempore Dave Albrecht, Bert Ankrom, Greg Kehl and Brigham Morgan. Mayor Paul Bond was excused.

Town Staff:

Town Administrator: John Newman
Town Attorney: Jerry Kinghorn
Town Recorder: Janet Valentine
Deputy Recorder: Fionnuala Kofoed

Others present: Juanita Christiansen, resident; The Kehl brothers!

2. Pledge of Allegiance:

Dallin Kehl led the Pledge of Allegiance.

3. Public Hearing: (Amending Fiscal Year 2000-2001 Annual Budget:

The Public Hearing Opened at 6:10 p.m. There were no comments and the hearing was closed.

4. Consideration and Approval of an Ordinance Amending the Eagle Mountain City fiscal Year 2000-2001 budget:

The Council considered the Ordinance and recommended approval.

MOTION *Bert Ankrom moved to approve Ordinance #O 09-2001, an Ordinance Amending the Eagle Mountain City Fiscal Year 2000-2001 Annual Budget as submitted and amended by the City Treasurer. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

5. Adjournment:

MOTION *Bert Ankrom moved to adjourn the meeting at 6:18 p.m.*

APPROVAL:

Mayor Paul R. Bond, Jr.

DATE:

This certifies that the minutes of
~~28 June 2001~~ are a true, full and
correct copy as approved by the
City Council on ~~17 July 2002~~

Signed: *Janet B. Valentine* ¹

City Recorder

Deputy Recorder Fionnuala Kofoed

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
July 3, 2001**

WORK SESSION – No Action Taken or Minutes Recorded 4:00 p.m. to 6:30 p.m.

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

MOTION *Bert Ankrom moved to recess into a closed Executive Session at 5:00 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Bert Ankrom, Fire Chief Robert Dekorver, Larry Ellertson, Steve Gabrielson, Greg Kehl, Jerry Kinghorn, Fionnuala Kofoed, Brigham Morgan, Deputy Jo Murphy, John Newman, Jalaire Taylor, Korey Walker, Shawn Warnke, Korey Walker.

MOTION *Greg Kehl moved to reconvene into Work Session at 6:12 p.m. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:05 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Bert Ankrom, Greg Kehl and Brigham Morgan. Dave Albrecht was excused.

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy

Others present: Brian Haskell, Scott Kirkland and Jessa Schlich, The Ranches; Gordon Etter, Mike Brodsky and BJ Ryan, Hamlet Homes; Josh Elledge, resident; Rick Pierce, resident; Dave and Grant Gifford, Sundance Homes; Vincent Liddiard, resident; Jason Brockett, resident; Jeanaie and Jeff Wolfe, residents; Camie Patterson, Saratoga Springs resident; Scot Hazard, resident; Darrell Jackson, resident; Len Whitney, resident; Harold Johnson, resident.

2. Pledge of Allegiance:

Scot Hazard led the Pledge of Allegiance.

3. **Approval of Minutes (June 5, 2001 & June 19, 2001)**

MOTION *Brigham Morgan moved to approve the minutes of June 5, as amended. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

MOTION *Bert Ankrom moved to approve the minutes of June 19, as amended. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

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

Deputy Recorder Fionnuala Kofoed announced that residents interested in filling the vacancy on the City Council needed to submit a letter of intent to the city officials no later than noon on July 11, 2001.

5. **Appointments:**

a. County Solid Waste Board

MOTION *Brigham Morgan moved to ratify the Mayor's recommendation of Monte Beckstead to the County Solid Waste Board to be appointed by the County Commission as a member of that board. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

6. **Public Notices**

None

7. **Public Comment:**

Rick Pearce commented on the Public Gathering Ordinance and recommended that the Council not act on it as there were more important issues that the Council needed to take care of.

8. **Public Works Directors Action to give a Notice of Award for the project, 'Road Repair and Overlay for Ranches and Pony Express Parkways' effective 28, June 2001':**

MOTION *Brigham Morgan moved to award the bid for the road overlay and repair work to Valley Asphalt in the amount of \$422,564.00. Also, that Greg Kehl be assigned to oversee other various options for completion of this project. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed*

9. **Notice of Award for the project, 'Wood Poles' to J.H. Baxter & Company:**

MOTION *Greg Kehl move approve the Notice of Award to J. H. Baxter & Company for the purchase of wood poles for the 138 kV line project as submitted. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

10. **Consideration and Approval of an Agreement with Utah County for Law Enforcement:**

The Council considered the Agreement between Eagle Mountain City and Utah Council for Law Enforcement. This agreement was for a second deputy to work in Eagle Mountain.

MOTION *Bert Ankrom moved to approve the Amended Agreement for Interlocal Cooperation for Law Enforcement Services between the City of Eagle Mountain and Utah County. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

11. **Consideration and Approval of an Ordinance Regulating Large Public Assemblies, requiring licensing of and providing regulation of outdoor public assemblies of thirty persons or more in Eagle Mountain City:**

This item was tabled until the August 7, 2001 Work Session meeting.

12. Consideration and Approval of an Amendment to the Telecommunication Equipment Lease with First National Bank of Layton:

The Council considered an amendment to the Telecommunication Equipment Lease with First National Bank of Layton. This amendment would extend the lease purchase agreement until September 1, 2001.

MOTION *Bert Ankrom moved to approve Resolution # R 19-2001, a Resolution of the City Council of Eagle Mountain City, Utah County, Utah authorizing the execution and delivery of an a amendment of an Equipment Lease Purchase Agreement with First National Bank of Layton for the purpose of extending the termination date of the Agreement and modifying the interest rate with the respect of the Agreement; and related matters. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

(Item 19 was discussed next)

13. Consideration and Approval of an Ordinance Enacting provisions regarding removal of weeds, refuse and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City:

The Council considered an Ordinance enacting provisions regarding removal of weeds, junk and disabled vehicles. Mayor Bond was uncomfortable approving the ordinance, as it was his opinion that it needed further review. Greg Kehl recommended approval of the ordinance and suggested that if the Mayor wanted to amend the ordinance on August 7, 2001.

MOTION *Greg Kehl moved to adopt Ordinance #O 10-2001 Ordinance Enacting Provisions Regarding Removal of Weeds, Refuse and Structures; Junk; Disabled Vehicles on Private Property; and Construction Trash and Debris; and Providing for Abatement of the same in Eagle Mountain City, Utah. Also, that the item be placed on the August 7, 2001 Work Session for review. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

14. City connection and building permit fees for commercial buildings; Scot Hazard:

John Newman discussed the reduction of fees for Scot Hazard for his commercial building in The Ranches.

Discussion ensued regarding the reduction of connection, building and impact fees. The Council considered the reduction of the connection and building fees. Impact fees would be considered after the ordinance that addressed the waiver of certain fees for the development of unique businesses in Eagle Mountain was reviewed.

Brigham Morgan commented that while the sliding scale would benefit Mr. Hazard it would have a stifling effect on larger buildings. However, Mayor Bond noted that the Development Code discouraged the construction of larger buildings in Eagle Mountain and catered more towards the facility that Mr. Hazard was building.

John Newman stated that when comparing Eagle Mountain to other cities it was necessary to keep in mind how unique our city was. There was no other community in the lower 48 that offered telephone service. Secondly, Eagle Mountain was one of eight communities in the State of Utah that offered natural gas. Based upon these factors, no meaningful comparisons could be made. Mr. Newman explained that if the fees were calculated to reflect time and materials plus 15% it would be the fairest offer that the city could provide the developers. Making comparisons to other cities' fees created problems, as the demands were different in every situation.

Mr. Newman went on to say that one problem that the Council would have to address was when a developer with a high electrical demand makes an application to build within the city he will question who made the decision to have a sliding scale with respect to fees as he will now have to pay twice what the old scale was as

the city tries to average things out. Mr. Newman added that they would then have to explain that the fees are not averaged out but based upon time and materials.

MOTION *Brigham Morgan moved to approve the reduction in fees and cost to actual cost plus 15% as submitted by City Staff and that a post completion audit and evaluation of costs be done on this particular project. Greg Kehl seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Mayor Bond stated that the Consolidated Fee Schedule would have to be amended to reflect the fees. The Council also requested to see how Prairie Gate Professional Center was unique to the city. Discussion ensued regarding impact fees and how the city would recoup the fees in order to repay other obligations.

MOTION *Brigham Morgan moved to authorize the City Administrator to issue a building permit in conjunction with the new fees that were approved that evening and impact fees would be discussed in further detail on July 17, 2001. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Bert Ankrom requested that the ordinance relating to Impact Fees have clear definitions so that there is no confusion with respect to the kind of business that would qualify for the waiver or reduction of fees.

John Newman recommended that the Council credit Mr. Hazard the difference between the old and new site plan review fees that had been paid. The Council agreed.

15. The Ranches Capital Facilities Funding Amendment for the first phase of NSA Fire Station:

John Newman requested that the Council amend the due date of \$250,000 for the first phase of the NSA Fire Station from May 1, 2001 to August 1, 2001.

Greg Kehl noted that there was nothing in place to hold The Ranches to their commitment, as other approvals would be approved after the deadline was extended. Would the City be left in the same position in August or could other developments be held if The Ranches were to default on the agreement.

Jerry Kinghorn stated that if the extension was approved and no payment was made then the City would be back to square one.

The Council was not opposed to the extension; however, they were concerned that The Ranches would not keep their commitment and, consequently, adversely affect the dire need for a fire station in that area of the City. The design build contract would be ready for action in August and the funds had to be available.

Greg Kehl stated that the longer the City waited the longer it would be before revenues would be generated. Mr. Kehl added that if The Ranches fell into the same situation in August he would not approve an additional extension. Mr. Kehl suggested that the Council owed it to other developers who were being held up due to default in payment of fees by the Master Developers and they also owed it to the residents.

Scott Kirkland commented that he was never under the impression that the funding was for the first phase of the fire station and wasn't aware that their contribution was holding up the construction. John Newman confirmed that the City would be moving forward with construction if the funds had been made available and it was always the City's understanding that the \$250,000 was allocated for getting the first phase of the fire station up and running.

MOTION *Greg Kehl moved to approve the extension of The Ranches deadline of The Ranches Capital Facilities Funding for the first phase of the NSA fire station from May 1, 2001 to August 1, 2001. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

16. Ruby Valley, Plat B Amendment – Consideration and Approval of an Ordinance Amending Ruby Valley, Plat B: (Discussed after item 21)

Discussion ensued regarding the amendment to Ruby Valley Plat B. No action was taken, as there weren't enough Council members present to vote.

Greg Kehl stated that there were no changes to the Plat and the Council questioned whether the proposed road was the only access to the site. The Ranches believed that it was the only access to Ruby Valley. Mr. Kehl challenged the developer to prove to the Council that it was.

The developer discussed the lot sizes. Greg Kehl stated that he was concerned with all the small lots and the perception existed that all that Eagle Mountain consisted of was small lots. For this reason, Mr. Kehl was opposed to the amendment in the density. Mr. Kirkland addressed the issue and stated that the market dictated the demand and it was The Ranches' opinion that smaller lots attracted potential buyers. The Ranches had only sold 12 of their larger lots (9,000 to 10,000 sq ft) within the past two years.

Bert Ankrom had no major concerns with the size of the lots once it was a quality product. There were many well-built communities that existed consisting of small lot sizes.

17. Golden Landscaping: Discussed after item 15

- a. Golden Landscaping contract approval
- b. Golden Landscaping bond approval for phase 1
- c. Golden Landscaping partial payment for phase 1

MOTION *Brigham Morgan moved to authorize the Mayor to enter into an agreement with Golden Landscaping for phase 1, 2 & 3 for the improvements as submitted. Greg Kehl seconded the motion. Ayes: 3, Nays: 0.*

MOTION *Greg Kehl moved to authorize the Mayor to sign the agreement with Golden Landscaping as the bonds are in place. Brigham Morgan seconded the motion. Ayes: 3 Nays: 0. Motion passed.*

18. Major Development Approvals:

- a. **Rush Valley, Plats B & C Final Approval; Sundance Homes (discussed first)**

Korey Walker discussed the DRC recommendations. Mr. Walker noted that the neighborhood park would be by Eldorado Village, a concept plan, and would serve for daytime use when the school was in session. Scott Kirkland stated that Eldorado Village was only contingent on the approval of the Master Plan Amendment. Equipment requirements would be made for the parks, and it will also be bonded for.

MOTION *Greg Kehl moved to approve Rush Valley, Plats B & C Final approval subject to the DRC recommendations:*

1. *That the City's adopted parks and recreation standards be satisfied.*
2. *That the developer bond for roto-milling and overlaying for the disturbed sections of Smith Ranch Road and Saddleback Drive prior to completion of the two year warranty period.*
3. *That the developer bond for spillway improvements for the storm water pond located in Plat D and the improvement of this pond be completed prior to the issuance of building permits for plats B & C.*
4. *That the roadway portion of Plat B that will serve as the secondary access for Plat C must be properly completed to a minimum of an all weather road (approved sub-grade preparation, sub-base and base course installed) prior to the initiation of construction in Plat C.*

5. *That there be a resolution to the concerns regarding proper site distance at the radius of lot 130 (Resolved with the submission of new construction drawings).*
 6. *That nine fault indicators be added to the electrical construction drawings.*
 1. *That the City Attorney and Engineer complete the development agreement and bond letter once the City Council makes a final decision regarding the proposed park and recreation amenities.*
 2. *That a switchgear be installed prior to building permits being issued.*
- Additional City Council Recommendation:*
1. *That the homes are built with a minimum 25' from the face of garage to the sidewalk. Brigham Morgan seconded the motion. Aye: 3, Nays: 0. Motion passed.*

b. Cold Springs Final Approval; Hamlet Homes (discussed 2nd)

Brigham Morgan was familiar with this development, as he had reviewed it several times at the Planning Commission. Mr. Morgan briefly discussed the development and was excused from the meeting at 8:47 p.m. The remaining Councilors discussed the development with the builder and Mr. Morgan was present to vote when he returned at 8:57 p.m.

Shawn Warnke presented Cold Springs and discussed the DRC Recommendations.

Greg Kehl expressed his concerns regarding the storage of toys and bikes, as residents wouldn't have any garages.

The developer requested that the development be approved without covered parking to add to the aesthetics of the project.

Discussion ensued with respect to two feet wrapping on the corners of the buildings.

Greg Kehl also commented that the fencing and decking would weather and detract from the homes. Mike Broadsky, Hamlet Homes, stated that the decks would have a good coating and would be well maintained and uniform.

- MOTION** *Bert Ankrom moved to approve Cold Springs Final Approval, Phase 1 subject to the DRC Recommendation as follows:*
- DRC Recommendations:*
3. *That the surrounding open space and recreational amenities meet the City Code.*
 4. *That at least 20% of the units qualify for affordable housing suitable for households with a gross income equal to or less than 80% of the median income as specified in the City Attorney's letter dated April 5, 2001 (completed).*
 5. *That a hard copy of the utility plans be submitted for review and approval by the Telecommunication Department.*
 6. *That an engineer's estimate is provided for piping of the proposed temporary storm channel, and a temporary easement is also provided (completed).*
 7. *That the plats with the correct owner dedication language be submitted to the Planning Department.*
 8. *That the Public Works Board requirements are met.*
- City Council Recommendations:*
1. *That an ornamental post be used on the corners of the buildings rather than a 2' wrap. Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

Brigham Morgan was excused at 9:35 p.m.

c. Eagle's Gate, Plat A Final Approval

This item was tabled, as there weren't enough Council members present to vote.

19. **Consideration and Approval of a Resolution authorizing the acquisition by condemnation of an easement across, or fee title to, certain real property located in Utah County, Utah: (discussed after item 12)**

Jerry Kinghorn discussed the resolution that addressed the acquisition by condemnation of an easement. Eagle Mountain had received approval from Saratoga Springs and tentative approval from Utah County to proceed with the Transmission Line. The Council considered the resolution.

MOTION *Greg Kehl moved to adopt Resolution # R 20-2001, a Resolution authorizing the Acquisition by Condemnation of an Easement across, or Fee Title To, Certain Real Property Located in Utah County, Utah. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

20. **Motion to approve Consent Agenda items as follows: (discussed after item 19)**

- a. Warrant Register
- b. Contract Change Orders
 - i. Installation of Three New Generating Units, Change Order No. 1, Lamb Engineering & Construction Co.
- c. Partial Payment Requests
 - i. 138 kV Interconnection Substation, Northern Power
 - ii. 138 kV Transmission Line Phase Conductor and Insulators, Western States Electric
 - iii. Generator Unit No. 4 and 480 Switchgear, Simpson Power Products LTD

MOTION *Brigham Morgan moved to approve the Consent Agenda as submitted. Bert Ankrom seconded the motion. Ayes: 3, Nays: 0. Motion passed.*

(item 13 was discussed next)

21. **Street Cleaning Requirements Report: (discussed after 18a)**

John Newman requested that Jerry Kinghorn review the memo with respect to street cleaning and propose an ordinance that would address it. The item would be ready for placement on the August 7, 2001 Council Agenda. The Council authorized Mr. Kinghorn to proceed with the ordinance.

22. **Other Business:**

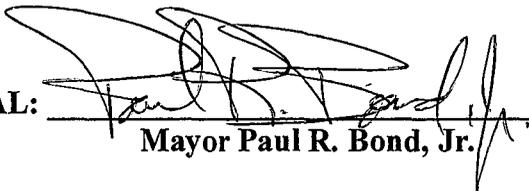
There was no other business.

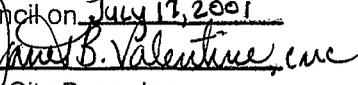
23. **Any Actions from the Closed Executive Session:**

There was no action.

24. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 9:58 p.m.

APPROVAL:  DATE: 8/28/01
Mayor Paul R. Bond, Jr.

This certifies that the minutes of July 3, 2001 are a true, full and correct copy as approved by the City Council on July 17, 2001
Signed: 
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
July 17, 2001**

CLOSED EXECUTIVE SESSION 6:00 P.M.

MOTION *Brigham Morgan moved to recess into a Closed Executive Session @ 6:05 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan, Greg Kehl, John Newman, Janet Valentine and Fionnuala Kofoed.

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session and recess into the Work Session @ 6:32 p.m.*

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan and Greg Kehl.

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy
Fire Chief:	Robert DeKorver

Others present: Bret Olsen, resident; Mark Lofgren, resident; Mark Madsen, resident; Linn Strouse, resident; Vincent Liddiard, resident; Scot Hazard, Scott Kirkland, Jessa Schlich, The Ranches; Miriam and Amanda Bond; Robert McNair, resident and John Hanson.

2. Pledge of Allegiance:

Amanda Bond led the Pledge of Allegiance.

3. Approval of Minutes: (June 28, 2001, July 3, 2001)

MOTION *Greg Kehl moved to approve the minutes of June 28, 2001 as amended. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the minutes of July 3, 2001 as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

Mayor Bond recognized Eldon Fletcher for his contribution to the Annual Pony Express Days celebration.

5. **Recess from Policy Session at 7:10 p.m. for "Ambulance Inauguration Ceremony and Ribbon Cutting":**

The meeting recessed for the Ambulance Inauguration Ceremony and Ribbon Cutting at 7:13 p.m.

6. **Reconvene Policy Session at 7:30 p.m.:**

The meeting reconvened to Open Policy Session at 7:34 p.m.

7. **Public interviews with City Resident's interested in filling the Council Seat:**

Linn Strouse, Vincent Liddiard, Bret Olsen, Mark Lofgren, Mark Madsen and John Nielson, residents of Eagle Mountain, submitted written statements of interest for the appointment to fill the vacancy on the City Council. John Nielson requested that his name be withdrawn from consideration in filling the seat prior to the meeting.

Each applicant gave a brief introduction and commented on their reasons for wanting to fill the vacancy.

The Council voted and Mark Lofgren was chosen for the chosen for the position.

8. **Appointments:**

a. City Council Member

MOTION *Brigham Morgan moved to appoint Mark Lofgren to the newly created council seat. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Janet Valentine administered the Oath of Office to Mark Lofgren. Mr. Lofgren took his seat with the Council.

b. Planning Commission

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Tom Maher to the Planning Commission to fill the vacancy created by the resignation of Jennifer Wright-Thulin. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

9. **Public Notices:**

Mayor Bond announced that the Council would hold a City Hall meeting on July 31, 2001. The Planning Commission meeting was scheduled to meet at 6 p.m. the same evening and wanted to hold a joint session with the Town Council.

10. **Public Comment:**

Josh Elledge, resident, commented on the current Impact Fees charged by the City. It was his opinion that there was a sentiment of frustration among residents with respect to the stagnant growth within the City Center. Mr. Elledge urged the City Council to find a workable solution with developers to promote development in Eagle Mountain.

Robert McNair, resident, also commented on the Impact Fees and fees owed to the City by EMP. Mr. McNair questioned the negative effect that forgiving the debt would have on the City.

Mayor Bond commented on the questions posed by Mr. McNair regarding Impact Fees.

John Hanson cautioned the City on behalf of several residents to move carefully with respect to the Impact Fees.

11. Consideration and Approval of a Campaign Disclosure Ordinance:

The Council considered the approval of a Campaign Disclosure Ordinance changing the contribution amount in Section 1.1. to \$50 and Section 2.1. to \$50.

MOTION *Greg Kehl moved to approve Ordinance # O 11-2001, a Campaign Disclosure Ordinance of Eagle Mountain City, Utah Regulating Campaign Financial Disclosures as amended. Bert Ankrom seconded the motion. The Council also requested that Jerry Kinghorn review the Ordinance. Ayes: 5, Nays: 0. Motion passed.*

12. Eagle Mountain Fire Dept.-Ambulance Service Fees – Billing Fees Schedule for Ambulance and/or EMS services:

The Council considered Fire Chief Robert Dekorver's recommendation to approve Option 1 Proposal for the Fire Departments Ambulance Service Fees with recommended changes that would bring the costs comparable to other Cities within Utah County. The changes are as follows:

1. Power Extrication - \$292.80
2. IV - \$25
3. OB Care - \$15

MOTION *Bert Ankrom moved to approve The Fire Department Ambulance Service Fee Schedule, Option 1, with the added changes. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Eagle Mountain Fire Dept.-Contract for Medical Billing Service:

The Council considered the contract for medical billing service.

MOTION *Bert Ankrom moved to approve the contract for Medical Billing Services with corrections contingent upon Jerry Kinghorn's approval. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Mark Lofgren abstained. Motion passed.*

14. North Service Area (NSA) Fire Station:

John Newman commented on the need for a NSA Fire Station and requested that the Council authorize the go ahead for the design build. Mr. Newman noted the need to maintain a similar design for the building that would be compatible with The Ranches.

MOTION *Brigham Morgan moved to approve the design build for the NSA Fire Station recommending the form concept and that the staff make an additional recommendation with respect to a construction manager. Also, that the project be done in phasing. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Major Development Approvals:

- a. Eagle's Gate, Plat A, Final Approval (*tabled at the 07-03-01 CC Mtg*)

Jessa Schalich, The Ranches presented Eagle's Gate, Plat A, Final Approval and briefly commented on the landscaping in the trail and park area. The park was located in the power line corridor.

The Council discussed their concerns regarding the location of the park. Scott Kirkland stated that it was not necessarily a play area but a walking and horse trail.

Discussion ensued with respect to the location of fire hydrants in the development. Fire Chief Robert Dekorver explained that the vest pocket created a problem for accessing the homes directly behind it in the event of a fire, as there wasn't enough room to navigate the corners.

Greg Kehl recommended that the front setback be changed from 22 to 25 feet.

Mayor Bond inquired about the parks and questioned whether the parks should be constructed before any building permits were issued. Mayor Bond requested that the concept be brought to the Planning Commission for review and that the idea be implemented as a new policy. Scott Kirkland believed that this would create problems, as it was difficult to install parks in the winter months.

Fire Chief Dekorver suggested that the Council approve Eagle's Gate and then allow him to resolve the vest pocket issues with the developer.

MOTION *Dave Albrecht moved to approve Eagle's Gate (R1 N20-21) Plat A, Final Plat subject to the DRC Recommendations, specifically item # 3, and that the Fire Chief and City Engineer submit written approval for the vest pocket, and that it also be submitted to the Mayor for his signature.*

DRC Recommendations:

1. *That the City's adopted parks and recreation standards be satisfied. The Planning Commission recommended that a park be constructed on lot 151 (that is if the park that is scheduled for development in a future phase and part of the Carlton Annexation is not approved) at either 50 percent occupancy of the subdivision or on year after the recordation of the plat which ever occurs first. Additionally, that a bond be placed for the construction of the park in the event that the developer does not fill the requirement.*
 2. *That permission for crossing the Kern River and UP&L Corridors be obtained for the offsite sewer line.*
 3. *That the City Engineer verify that the fire truck will be able to negotiate through the vest pocket park on Murifield Street (as requested by the Fire Chief).*
 4. *That the landscaping plan signage conforms to the signage called out in the construction drawings.*
 5. *That hard copies of the revised Utility Plans (Tasco drawings) be submitted.*
 6. *That an easement be provided for the south section of the Carlton Sewer Line*
- Additional Town Council Recommendations:**
1. *That the Fire Chief and City Engineer submit written approval for the vest pocket and that it also be submitted to the Mayor for his signature.*
 2. *That the curb street section on both sides of the vest pocket be painted red before any building permit are issued.*
 3. *That the minimum setback from the garage be 25'.*

Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Mark Lofgren and Bert Ankrom abstained. Motion passed.

16. Ruby Valley Plat B Amendment - Consideration to Approve an Ordinance Amending Ruby Valley, Plat B (tabled at the 07-03-01 CC Mtg.):

Jessa Schalich stated that The Ranches had submitted four possibilities for access to Ruby Valley, Plat B. Two of the options were not viable as there were too many cuts just below the proposed road. The two other alternatives would scar the hill.

Korey Walker commented on the alternative accesses to the proposed development. The second alternative accesses maintained a 10% slope.

Greg Kehl stated that the Council needed to have a map showing all developable locations. It was Mr. Kehl's opinion that the Council couldn't make a proper decision based upon what had been presented. Mr. Kehl added

that he had advised The Ranches in a previous meeting that he wouldn't approve the subdivision if additional lots were added. Dave Albrecht agreed with Mr. Kehl and stated that he liked the plat as it was originally approved.

Bert Ankrom commented on the approved plat for Ruby Valley and then discussed the proposed ordinance stating that the density issue provided The Ranches with a just cause to amend it, as the density was provided for in their Master Development. Mr. Ankrom added that no concrete information had been provided proving that the plat would damage existing properties in the area. Additionally, the road wouldn't create material damage to the surrounding homes on five-acre lots.

Brigham Morgan stated that the density could be made up else where, however, the issue was that The Ranches wanted more density and could they transfer it? It was his opinion that the City wasn't obligated to approve the density in that location.

Mayor Bond noted that he too like the recorded approved plat.

MOTION *Brigham Morgan moved to approve Ordinance # O 12-2001, an Ordinance of the City of Eagle Mountain, Utah Amending the Record Plat of Ruby Valley, Plat B and approving the Amended Plat of Ruby Valley, Plat B subdivision. Motion died for lack of second.*

MOTION *Bert Ankrom moved to approve Ordinance # O 12-2001, an Ordinance of the City of Eagle Mountain, Utah Amending the Record Plat of Ruby Valley, Plat B and approving the Amended Plat of Ruby Valley, Plat B Subdivision. Brigham Morgan seconded the motion. Ayes: 2, Nays: 2. Mark Lofgren abstained. Mayor's vote created by the tied vote: Aye. Motion passed.*

17. Consideration and Approval for a Waiver of Certain Impact Fees for the Prairie Gate Professional Building. (Memo from Scot Hazard):

The Council considered the approval for a Waiver of Certain Impact Fees for the Prairie Gate Professional Building. Mayor Bond quoted Ordinance # 99-16, an ordinance addressing provisions for waiver of certain impact fees for non-residential developments. Mayor Bond question where the funds, that were necessary to repay bonds, would be made up if they were not received through Impact fees.

Discussion ensued.

MOTION *Dave Albrecht moved to table the consideration for a waiver of certain Impact Fees for the Prairie Gate Professional Building, as there wasn't enough information presented to make a decision. Also, that the Economic Development Board be assigned to do the staff work and report to Mr. Newman with regards to a recommendation for a percentage reduction fee based upon unique businesses of a medical nature. Specifically, how much would be waived and what the economic impact of the potential tenants would be. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

18. Notice of Award/Agreement to Clark Control Systems for the project "Control and Relay Panel":

MOTION *Brigham Morgan moved to approve a Notice of Award Agreement to Clark Control Systems for the Control and Relay Panel Project subject to the Public Works Board approval. Dave Albrecht seconded the motion. Ayes: 3, Nays: 0. Motion passed. Bert Ankrom and Mark Lofgren abstained.*

19. Independent Study of the Capital Facilities Plan for the South Service Area:

John Newman commented that an agreement had been reached between the City and EMP to do an independent study of the Capital Facilities Plan for the South Service Area of Eagle Mountain. The City

proposed Lewis & Young, however, EMP requested that a different financial company be used. The Council considered Lewis & Young to be the most professional and would present an unbiased study.

MOTION *Brigham Morgan moved to authorize the independent study of Impact Fees recommending the use of Lewis & Young to conduct the Capital Facilities and Impact Fee Analysis. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to authorize the use of unanticipated revenues to contract for services at a future. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

20. Eagle Mountain Properties – SID 2001-1 Proposal and Capital Facilities Funding Recommendations:

The Council briefly discussed SID 2001. EMP was anxious to move forward on the airpark project but they had been held up due to their nonpayment of capital facilities funding.

Brigham Morgan stated that the Council couldn't act upon the item that night, as additional information was needed. City Attorney Jerry Kinghorn was also absent from the meeting and needed to be present to direct the Council.

MOTION *Bert Ankrom moved to direct the Staff to prepare the documents and incorporate the parks and recreation amenities that would be necessary for the SID. Also, that trees, restrooms, a water fountains and the trails within the city be included in the SID and that the staff be given the task to go through the SID with the possibility of moving forward in haste. Ayes: 4, Nays: 0. Motion passed. Mark Lofgren abstained from voting.*

MOTION *Brigham Morgan moved to table the Capital Facilities Funding based upon there being insufficient information to act upon the item. Also, that the staff be instructed to accumulate the information and bring it back to the Council for their review. Bert Ankrom seconded the motion. Ayes: 3, Nays: 2. Motion passed.*

21. Airpark Plat Processing Approval:

MOTION *Brigham Morgan moved to table the Airpark Plat processing approval due to Capital Facilities default. Ayes: 5, Nays: 0. Motion passed.*

22. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Partial Payment Requests
 - i. North Substation-2000 Gas & Electric Revenue Bond/Even Grade Construction, LLC
 - ii. Installation of Three New generating Units/Lamb Engineering & Construction Co.
 - iii. Ranches and Pony Express Parkway Landscaping – Area 1-2000-1 SID/Golden Landscaping
 - iv. North Substation-2000 Gas and Electric Revenue Bond/RME
 - v. Ranches and Pony Express Landscaping-2000-1 SID/Nuszer Kopatz
- c. Partial Bond Releases
 - i. Willow Springs, Phase 2/Summit Development
 - ii. Ruby Valley, Plat B (Revised)/The Ranches
 - iii. Porter's Crossing, Plat A/Sundance Homes
- d. Ratify the following items approved at the Eagle Mountain City council meeting on 07-03-01
 - i. Agreement with Utah County for Law Enforcement
 - ii. Resolution No. R 19-2001 - Amendment to the Telecommunication Equipment Lease with First National Bank of Layton
 - iii. Resolution No. R 20-2001 - Authorizing the acquisition by condemnation of an easement across, or fee title to, certain real property located in Utah County, Utah

- iv. Ordinance No. O 10-2001 – Enacting Provisions Regarding Removal of Weeds, Refuse and Structures; Junk; Disabled Vehicles on Private Property; and Construction Trash and Debris; and Providing for Abatement of the Same in Eagle Mountain City, Utah
- v. Golden Landscaping contract & notice of awards for phases 1, 2, & 3 approval

MOTION *Greg Kehl moved to approve the Consent Agenda items as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Mark Lofgren abstained. Motion passed.*

23. Processing of Elementary School Site:

MOTION *Dave Albrecht moved to approve the meets and bounds subdivision as submitted by the School District and that the Council issues a Certificate Of Approval to the County for recordation and that the City Engineer verifies that everything is in order. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed. Mark Lofgren abstained.*

24. Other Business:

Mayor Bond stated that this was an emergency situation that came before Council prohibiting the required 24 - hour notice to take place.

MOTION *Greg Kehl moved to approve the purchase of 2 wooden poles from Volrose Industries for a total of \$31,708.00 and that the action be ratified by the Public Works Board. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

MOTION *Greg Kehl moved to recess into a Closed Executive Session at 11:27 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Mark Lofgren, Brigham Morgan, John Newman and Janet Valentine.

25. Motion to Reconvene in to Open Session:

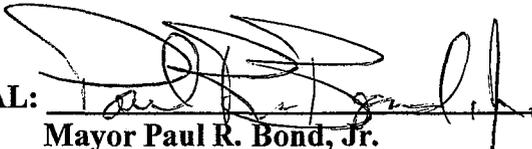
MOTION *Bert Ankrom moved to Reconvene into Open Session @ 12:35 a.m. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed*

26. Any Actions from the Closed Executive Session:

There was no action.

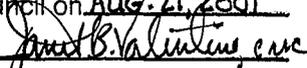
27. Adjournment:

Dave Albrecht moved to adjourn the meeting @ 12:35 a.m.

APPROVAL: 
Mayor Paul R. Bond, Jr.

DATE: 8/22/01

This certifies that the minutes of July 17, 2001 are a true, full and correct copy as approved by the City Council on AUG. 21, 2001

Signed: 
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
August 7, 2001**

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:15 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Mark Lofgren and Brigham Morgan.

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy

Others present: Brian Haskell, Scott Kirkland and Jessa Schlich, The Ranches; Gordon Etter, Mike Brodsky and BJ Ryan, Hamlet Homes; Josh Elledge, resident; Rick Pierce, resident; Dave and Grant Gifford, Sundance Homes; Vincent Liddiard, resident; Jason Brockett, resident; Jeanaie and Jeff Wolfe, residents; Camie Patterson, Saratoga Springs resident; Scot Hazard, resident; Darrell Jackson, resident; Len Whitney, resident; Harold Johnson, resident.

2. Pledge of Allegiance:

Becky Kehl led the Pledge of Allegiance.

3. Approval of Minutes:

There were no minutes to approve.

4. General Discussion/Questions/Announcements:

Mayor Bond announced that there was a job vacancy as Deputy Recorder for the City. Individuals interested in position could submit their application at the Recorders Office.

Mayor Bond presented Jennifer Wright-Thulin with a plaque in recognition for her service to the community as a member of the Planning Commission.

5. Appointments:

- a. Economic Development Board-There was no appointment
- b. Planning Commission 1st alternative-John Nielson, Diamond Springs
- c. Council Liaison to the Telecom Board-Mark Lofgren

MOTION *Dave Albrecht moved to approve the Mayor's appointment of John Nielson as a 1st alternate to the Planning Commission. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Mayor Bond announced his resignation from the Telecom Board.

MOTION *Bert Ankrom moved to approve the Mayor's appointment of Mark Lofgren to the Telecom Board as a liaison to the City Council. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

6. **Public Notices:**

There were no public notices.

7. **Public Comment:**

David Watson, resident of The Ranches commented on the Ruby Valley Amendment that the Council had approved at the previous Council meeting. Mr. Watson believed that the public comments and opinions had had no influence on the Council's decision. The motion to approve the Ruby Valley Amendment passed on a three to 2 vote.

8. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule:**

The Council considered Resolution # R 21-2001.

MOTION *Bert Ankrom moved to approve Resolution # R 21-2001, a Resolution of the Governing body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

9. **Consideration and Approval of an Ordinance Regulating Large Public Assemblies, requiring licensing of and providing regulation of outdoor public assemblies of thirty persons or more in Eagle Mountain City:**

This item was tabled.

10. **Review of Ordinance No. O 10-2001, An Ordinance Enacting provisions regarding removal of weeds, refuse and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City:**

MOTION *Brigham Morgan moved to table item 10. Dave Albrecht seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained.*

11. **Ruby Valley, Plat B:**

This item was tabled.

- a. Parks/Trails/Open Space
- b. Set Backs
- c. Roads

12. **Consideration and Approval of a Waiver of Certain Impact Fees for the Prairie Gate Professional Building (tabled at the CC Mtg held on 07-17-001):**

The Council discussed the proposed reduction of fees that the Economic Development Board had recommended to them. The Mayor questioned on how the City would recoup the funds if they were to approve the waiver of certain fees.

Scot Hazard stated that he appreciated the reductions that had been approved. Any additional fees that the Council was willing to grant him would also be valued. Mr. Hazard stated that all of the office space had been filled for the first building in the Prairie Gate facility. The developer had started to lease space in the second building.

The impact fee for the building was calculated at \$9546 and the reduction that the Economic Development Board had recommended was 75% totaling approximately \$3000.

Dave Albrecht suggested a compromise and recommended a 50% reduction. Greg Kehl stated that the revenue resource needed to be addressed.

Mr. Hazard stated that the property tax generated by the building would recoup all fees within one-year.

Mayor bond-requested that Korey Walker calculate the ERU's for the building. It was Mr. Walker's opinion that it would take 4-years to recoup the proposed reduction.

MOTION *Dave Albrecht moved to abate 50% of the Impact Fees for the Prairie Gate Professional Building and that the fees are refunded to the builder. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed. Bert Ankrom abstained.*

13. **Eagle Mountain Properties – Capital Facilities Funding Recommendations (tabled at the CC Mtg held on 07-17-01):**

This item was deleted from the agenda.

14. **Airpark Plat Processing Approval (tabled at the CC Mtg held on 07-17-01):**

This item was deleted from the agenda.

15. **Consideration and Approval of an Agreement for Off-line Medical Director for Eagle Mountain Fire Department:**

This item was tabled.

16. **Consideration and Approval of an annual cost increase of \$6,814.00 with Utah County for Law Enforcement Services Agreement:**

The Council considered an annual cost increase agreement for Law Enforcement Services.

MOTION *Brigham Morgan moved to authorize the renegotiation of the Agreement between Eagle Mountain City and Utah County and approve the annual cost increase of \$6,814.00 with Utah County for Law Enforcement Services Agreement. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. Office Building Options Selection and Approval:

John Newman discussed the need to expand the City Offices and discussed options that were available. Mr. Newman recommended that the City could lease for 3.4 years or less. A second alternative was the purchase of an additional modular.

Brigham Morgan stated that the Council needed to make a decision and set a goal to be in a permanent facility within three years. Mr. Morgan recommended the lease option.

MOTION *Greg Kehl moved to approve the second option 2 with Advanced Modular for a 3-year lease and directed the staff to pursue a plan for a permanent structure. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

18. Notice of Award to Caribou Construction, Inc. for the project "Interconnection Substation":

Korey Walker stated that this project had been postponed for the purpose of acquiring the property. They will get the bonds then notice to proceed.

MOTION *Greg Kehl moved to approve the Notice of Award as submitted. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

19. Review of Ordinance No. O 11-2001 an Ordinance regulating campaign financial disclosures (requested by the City Council at their meeting held on 07-17-01):

This item was stricken from the agenda.

20. Landscaping at Eagle Monument:

Korey Walker discussed several options with respect to the landscaping at the Eagle Monument.

The Council considered the options presented by the City Engineer.

Dave Albrecht recommended that the landscaping be maintained for the next year at which time it could be repaired. Currently, there weren't sufficient funds in the budget to undertake the repairs.

Greg Kehl agreed with Mr. Albrecht and suggested adding some vines around the top of the wall to cover the imperfections. It was Mr. Walker's opinion that there shouldn't be any further failure of the wall as the ground in that location had settled.

MOTION *Dave Albrecht moved to maintain the existing wall at the Eagle Monument and authorized the expenditure, of not more than \$400, to add plants to the existing wall. Mark Lofgren seconded the motion. Ayes: 5, Nays: 0. Motion passed*

21. Street Sign Location – Eagle Point, Plat A/Bert Ankrom:

Korey Walker briefly discussed a request by residents in Eagle Point to make a 4-way stop at the intersection of Winter Way and Spring Street.

The Council agreed that they needed additional information to make an informed decision.

MOTION *Dave Albrecht moved to table item 21 and directed Deputy Jo Murphy to do a traffic study and return a recommendation to the Council. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

22. Water Service Agreement between Eagle Mountain City and The Ranches, L.C:

Korey Walker stated that The Ranches had submitted an agreement to pay for the installation and construction of a North Service Well. The Ranches had proposed that they would also pay for the water and the cost of generation when they used the service.

The Council considered the agreement.

MOTION *Greg Kehl moved to approve the Water Service Agreement between Eagle Mountain City and The Ranches subject to the Public Works review and approval. Also, that section 7 be rewritten, striking the reference to natural gas from that section. Mark Lofgren seconded the motion. Ayes: 4, Nays: 1. Motion passed.*

23. Consideration of Release of Cold Springs Utility Disclosure Requirements: discussed after item 12

Korey Walker commented on The Ranches request for the release of a utility disclosure for Cold Springs. Mr. Walker stated that The Ranches was current with their capital facilities funding and that the necessary capacity would be available when the development was ready. The majority of the Public Works Board had agreed that the release of the disclosure wouldn't be problematic.

Jerry Kinghorn stated that the developer had suggested the deletion of exhibit 4 from the development agreement.

MOTION *Brigham Morgan moved to approve the release of the Utility Disclosure Requirement, specifically for Cold Springs, subject to the Public Works Board approval. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

24. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders
 - i. North Substation 15kV Metal-Clad Switchgear Interim Funding Revenue Bond/Powell Electrical Manufacturing Company
- c. Partial Payment Requests
 - i. 2000 Gas and Electric Revenue Bond - North Substation/RME
 - ii. 2000 Gas and Electric Revenue Bond - North Substation/Even Grade Construction, LLC
 - iii. 2000 Gas and Electric Revenue Bond - North Substation/Sunbelt Transformer Inc.

MOTION *Dave Albrecht moved to approve the Consent Agenda as submitted. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

25. Other Business:

There was no other business.

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

MOTION *Greg Kehl moved to recess into a Closed Executive Session @ 8:50 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Fionnuala Kofoed, Jerry Kinghorn Mark Lofgren, Brigham Morgan, John Newman, Janet Valentine, Shawn Warnke.

At 9:25 p.m. John Newman, Jerry Kinghorn, Shawn Warnke and Fionnuala Kofoed left the Closed Session.

27. Motion to Reconvene in to Open Session:

MOTION *Mark Lofgren moved to reconvene into Open Session @ 10:05 p.m. . Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

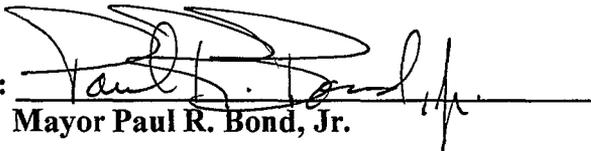
28. Any Actions from the Closed Executive Session:

There was no action.

30. Adjournment:

MOTION *Greg Kehl moved to adjourn @ 10:05 p.m.*

APPROVAL:

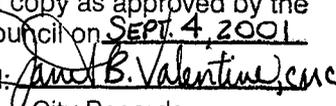


Mayor Paul R. Bond, Jr.

DATE:

9/5/01

This certifies that the minutes of
AUG. 7, 2001 are a true, full and
correct copy as approved by the
City Council on SEPT. 4, 2001

Signed: 
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
August 21, 2001**

CLOSED EXECUTIVE SESSION 4:00 P.M.

MOTION *Dave Albrecht moved to recess into a Closed Executive Session @ 5:46 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Mark Lofgren, Brigham Morgan, John Newman and Janet Valentine.

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session and recess into the Work Session @ 6:32 p.m.*

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. **Roll Call:**

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan and Mark Lofgren.

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	Fionnuala Kofoed
Deputy Sheriff:	Jo Murphy
Fire Chief:	Robert DeKorver

Others present: Grant Gifford, Sundance Homes; Brian Haskell & Jessa Schalich, The Ranches; Chris Kofoed, resident, Tracy Grover, resident; Marcie Taylor, resident; Doug Gwilliam, resident; Jody Hooley, resident; Josh Elledge, resident.

2. **Pledge of Allegiance:**

Grant Gifford led the Pledge of Allegiance.

3. **Approval of Minutes:**

MOTION *Brigham Morgan moved to approve the minutes of July 31, 2001 as amended. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

None.

5. **Appointments:**

None.

6. **Public Notices:**

None.

7. **Public Comment:**

None.

8. **Consideration and Approval of an Ordinance Regulating Large Public Assemblies, requiring licensing of and providing regulation of outdoor public assemblies in Eagle Mountain City:**

The Council considered Ordinance # O 13-2001.

MOTION *Brigham Morgan moved to approve Ordinance # O 13-2001, an Ordinance Regulating Large Public Assemblies, Requiring Licensing of and Providing Regulation of Outdoor Public Assemblies of Thirty Persons or More; Stating the Purpose of the Ordinance, Requiring a License; Requiring that the Application for a License Contain Certain Fact Disclosures, Insurance and a Cash Deposit; Regulating Alcoholic Beverages and Containers; Providing Enforcement Measures; Declaring Severability of Provisions; and Providing an Effective Date. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

9. **Review and possible revisions of Ordinance No. O 10-2001, An Ordinance Enacting provisions regarding removal of weeds, refuse and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City:**

The Council considered the revisions to Ordinance # O 10-2001.

Mayor Paul Bond and Mark Lofgren were opposed to the approval of the Ordinance as presented. It was their opinion that the ordinance had been rushed through and not given enough deliberation and needed additional modifications.

Jody Hooley, resident, questioned the reference to "weeds" in the ordinance and stated that a definition needed to be added to the motion or included in the ordinance. Mrs. Hooley also expressed concern with respect to the definition of "Junk" outlined in the ordinance. Mrs. Hooley inquired whether people would be restricted from recycling, as the storage of certain materials would be prohibited. It was her opinion that the ordinance was an infringement of the residents' property rights.

Mayor Paul Bond stated that this ordinance was passed with too much haste, which he considered to be bad judgment on behalf of the Council.

Brigham Morgan commented on the success and positive changes that had transpired since the ordinance had been enacted. It was his opinion that it was necessary to acknowledge these facts.

Marcie Taylor, resident, recognized the need for clean up within the city, however, CC&R's were in place to deal with beautification. Mrs. Taylor agreed with Mrs. Hooley regarding the definition of weeds. It was necessary to distinguish between weeds and natural vegetation.

John Newman commented on the designated open spaces in the South Service Area that were in need of attention and explained that the original intent, as per the master developers, was that the locations would be landscaped and maintained by residents. This premise was a frustration for the City as the City would

eventually have to take care of the problem and the necessary funds weren't available. The City would need to solicit the help of the residents to clean up and maintain the open spaces.

Dave Albrecht recommended tabling the revisions to the ordinance and directed the City Attorney to make any necessary additions.

MOTION *Dave Albrecht moved to table the Ordinance until the Staff can revisit and redefine issues that had not been identified. Brigham Morgan seconded the motion. Ayes: 3, Nays: 1. Motion passed.*

10. El Dorado Village Concept and Density Transfer:

Shawn Warnke commented on the El Dorado Village Concept Plan. The Ranches were proposing an amendment to their Master Development Agreement that would allow them to transfer densities to the proposed elementary school and park area. The density transfer would require the site to be rezoned from open space to a residential zone.

Brian Haskell, The Ranches, commented on the proposal. The Ranches requested that the Council consider the plan first then address the transfer once all other issues were addressed. Mr. Haskell added that the roads in the development would be private, however, they wouldn't be gated.

John Newman questioned the lost density and whether it was a result of City action or developer decision. Brian Haskell responded that it was a little of both. Mr. Newman noted that if the City had mandated the change and caused the development to amend the density, then it wouldn't be necessary to transfer the density. Mr. Newman added that the original plan was for 15 acres with residential units. The new proposal added more units in the power corridor. It was his understanding that there would be 45 units. The City wanted to make The Ranches whole for the donation of the land for the Fire Station; however, they were unaware that The Ranches had changed the number of units to 200.

Mr. Haskell stated that it was a great location to add the density and they had no doubt that it would be lower than what was approved in the Master Development plan. Mr. Haskell noted that the Fire Station and the park would surround the subdivision.

Discussion ensued regarding density and what was proposed in the surrounding areas. The Ranches did not own some of the land in the surrounding areas and the landowners were not interested in selling the property.

Mayor Bond expressed his concern with the high density and questioned where and when it would end? The increased density would also create additional traffic in that location. Mayor Bond also inquired whether future residents would be sold property based upon what was represented in The Ranches Master Plan.

Grant Gifford, Sundance Homes, stated that residents had been advised that there was a possibility that this development would take place. Brian Haskell stated that The Ranches would meet with existing homeowners to discuss the development. Mr. Haskell was aware that some of the residents would be opposed to the project. Property owners within 1000 feet would be noticed. Jessa Schalich, The Ranches, added that some people would just miss the 1000 feet requirement and wouldn't be notified.

Mayor Bond was opposed to the density and the number of people it would generate in a small location.

Jerry Kinghorn noted that the City had a moral obligation to see that The Ranches received the density they expected, however, they needed to make it compatible.

Jody Hooley, resident, commented on the compatibility issue and that all of the developments needed to be well suited, both agricultural and residential. It was her opinion that this was not a compatible project.

Brian Haskell stated that residents in Rush Valley were aware of the proposed density for that location.

Mayor Bond commented that residents generally got upset when developers changed their plans and amended their Master Plans. Mayor Bond wanted to know if the developer would be willing to have community meetings prior to the approval process. Mr. Haskell responded that they would and that they would be willing to add buffering, which would have to be determined. Mr. Haskell also stated that The Ranches was not trying to take advantage of the situation. The Ranches was interested in getting the density that had been approved and this location was originally designated for high density.

Mark Lofgren believed that the issue would need to be revisited.

Dave Albrecht stated that credibility was an issue. Most individuals looked at the maps in the developer's sales offices and that all conversions and amendment should be noted as such to avoid misconceptions. When this was not done it affected the developer's credibility. It was also his opinion that The Ranches should notice far beyond the required 1000 feet to insure that all residents were aware of the changes. Mr. Albrecht had no problem with the development once it was done properly and had sufficient buffering.

Bert Ankrom agreed with Mr. Albrecht.

Brigham Morgan questioned whether it was an appropriate use of density. The location of the mink ranch was an additional concern as it would be located next to high density housing without a buffer zone.

Brian Haskell stated that the owner of the mink farm had agreed to relocate the farm. It had always been his intention to move once the development was underway.

Brigham Morgan requested that the agreement referred to by Mr. Haskell be verified.

Mayor Bond stated that he would like to see additional parks.

Mr. Haskell stated that The Ranches believed that it was a good use of density in that location. The Ranches would notice the public in that area and solve any issues prior to their application. However, they wouldn't change their maps, as they didn't know what they could have approved in some of the locations.

11. Consideration to approve Amended CC&R's for the Kennekuk Subdivision:

MOTION *Brigham Morgan moved to table the Amendments to the CC&R's for the Kennekuk Subdivision as the developer wasn't present for the discussion. Mark Lofgren seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

12. Ruby Valley, Plat B: This item was tabled.

- a. Parks/Trails/Open Space
- b. Set Backs
- c. Roads

13. Eagle Mountain Properties – Capital Facilities: This item was stricken from the agenda.

14. Tickville Wash Repair Bid:

Korey Walker discussed a bid for the installation of a box culvert at Tickville Wash under Ranches Parkway. Mr. Walker stated that The Ranches intended to borrow the funds from the City to repair the Wash and then repay the debt over a two-year period as per Scott Kirkland. It was necessary to make the repairs now and a letter would be sent to the City from The Ranches stating their intentions. The bid would be awarded to Valley Asphalt, which would include landscaping completed by Golden Landscaping.

MOTION *Brigham Morgan moved to award the bid to Valley Asphalt for a total of \$101,500, contingent on the receipt of a letter from The Ranches stating that the debt would be paid back in two-years. Mark Lofgren seconded the motion. Ayes: 3, Nays: 1. Motion passed.*

15. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. North Interconnection Substation 1000 kV Transformer (Order No. 1), Royal Utilities Supply
- c. Partial Payment Requests
 - i. North Substation-2000 Gas & Electric Revenue Bond, Even Grade Construction, LLC
 - ii. Ranches & Pony Express Parkway Landscaping – Area 1-2000-1 SID, Golden Landscaping
 - iii. Meadow Ranch Park West-2000-1 SID, Nuszer Kopatz
 - iv. Paul Evans Trailway-2000-1 SID, Nuszer Kopatz
 - v. Pony Express Parkway East-2000-1 SID, Nuszer Kopatz
 - vi. Ranches & Pony Express Landscaping-2000-1 SID, Nuszer Kopatz
 - vii. Red Hawk Ranch Park-2000-1 SID, Nuszer Kopatz
 - viii. North Substation-2000 Gas & Electric Revenue Bond, RME
- d. Partial Bond Releases
 - i. Liberty Farms Subdivision (Release No. 3), Dakota Homes
 - ii. Ash Point Subdivision (Release No. 2), Salisbury Homes

MOTION *Dave Albrecht moved to approve the Consent Agenda items as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

16. Other Business:

- a. Partial Payment Request for Installation of Three New Generating Units, Lamb Engineering.

MOTION *Brigham Morgan moved to approve a Partial Payment Request for the Installation of Three New Generation Units from Lamb Engineering. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

- b. Change Order for Wood Poles for 13kV Transmission Line, JH Baxter & Co.

MOTION *Dave Albrecht moved to approve the Change Order for Wood Poles for a 13kV Transmission Line for JH Baxter & Co. Brigham Morgan seconded the motion. Ayes: 4, 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/security:

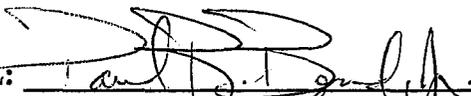
There was no executive session.

18. Motion to Reconvene in to Open Session: NA

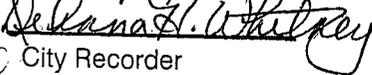
19. Any Actions from the Closed Executive Session: NA

20. Adjournment:

Brigham Morgan moved to adjourn the meeting @ 9 p.m.

APPROVAL: 
Mayor Paul R. Bond, Jr.

DATE: 9/19/01
This certifies that the minutes of 8/21/01 are a true, full and correct copy as approved by the City Council on 9/18/01

Signed: 
Deputy City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center, 1668 E. Heritage Dr
Eagle Mountain, UT 84043
August 23 2001**

POLICY SESSION 6:00 p.m.

Mayor Paul R. Bond, Jr. called the meeting to order at 6:00 p.m.

1. Roll Call:

City Council:

Mayor: Paul R. Bond, Jr.
Council: David Albrecht
Greg Kehl
Mark Lofgren
Brigham Morgan

City Staff:

Administrator: John Newman
Attorney: Jerry Kinghorn
Recorder: Janet Valentine
Treasurer: Stephan Gabrielson

2. Pledge of Allegiance:

Stephan Gabrielson led the Pledge of Allegiance.

3. Consideration For Adoption Of A Resolution Of The City Council Of Eagle Mountain City, Utah County, Utah Authorizing The Issuance And Sale Of Its Telecommunications Revenue Bonds, Series 2001; Authorizing The Execution By The City Of A Telecommunications General Indenture Of Trust And A First Supplemental Telecommunications Indenture Of Trust (Collectively, The "Indenture"), And Other Documents Required In Connection Therewith; And Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution And The Indenture; Providing A Severability Clause; Repealing Resolutions In Conflict; Providing An Effective Date; And Related Matters.

Jerry Kinghorn, City Attorney, addressed the Council and explained the Telecommunications Revenue Bonds Resolution; Telecommunications Indenture of Trust and First Supplemental Telecommunications Indenture of Trust to the Mayor and City Council.

MOTION: *Mark Lofgren moved to approve Resolution No. R 22-2001, a Resolution of the City Council of Eagle Mountain City, Utah County, Utah, authorizing the issuance and sale of its Telecommunications Revenue Bonds, Series 2001; authorizing the execution by the City of a Telecommunications General Indenture of Trust and a First Supplemental Telecommunications Indenture of Trust (collectively, The "Indenture"); and other documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution and the indenture; providing a Severability Clause; repealing resolutions in conflict; providing an effective date; and related matters. Greg Kehl seconded the motion. Motion passed.*

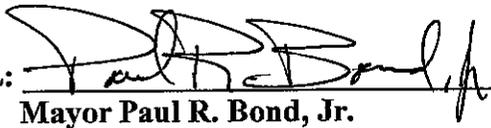
4. **Other Business**

There was no other business.

5. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 6:20 p.m.

APPROVAL: _____

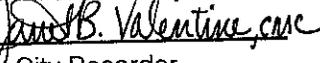

Mayor Paul R. Bond, Jr.

DATE: _____

9/5/01

This certifies that the minutes of
AUG. 23, 2001 are a true, full and
correct copy as approved by the
City Council on SEPT. 4, 2001

Signed: _____


City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
September 4, 2001**

CLOSED EXECUTIVE SESSION 6:00 P.M.

MOTION Dave Albrecht moved to recess into a Closed Executive Session at 6:11 PM for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 5, Nay: 0. Motion passed.

Present: Mayor Paul Bond, Bert Ankrom, Dave Albrecht, Greg Kehl, Mark Lofgren, Jerry Kinghorn,, John Newman, Janet Valentine, DeAnna Whitney.

MOTION Dave Albrecht moved to adjourn the Closed Executive Session and recess into the Work Session at 6:54 P.M.

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:05 p.m.

1. **Roll Call:**

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Mark Lofgren

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Deputy Sheriff:	Jo Murphy
Deputy Sheriff:	Dale Lea
Fire Chief	Robert DeKorver

Others present: Craig and Lisa Wilcox, residents; Rick Pierce, resident; Darren and Ruth Brandt, residents; Diane Jacob, resident; Anjanette Lofgren, resident; Darrell Jackson, resident; Jody Hooley, resident; Roger and Patty Condon, residents; Joshua Elledge, resident; Arnold Johnson, resident; Dave and Sheila Curtis, residents; Jeff Love, resident; Miriam Bond, resident; Glade Berry, Lehi resident; Leland and Eutona Dixon, residents; Vincent Liddiard, resident; Bobbie Ek, resident; Karen Nuila, resident; Cathy Allred and Debra Hart, New Utah; Zane Powell, Summit Development; Scott Kirkland, Jessa Schalich, Brian Haskell, The Ranches;

2. **Pledge of Allegiance:**

Mayor Paul Bond led the Pledge of Allegiance.

3. Approval of Minutes (August 7, 2001, and August 23, 2001 Special Meeting)

MOTION Bert Ankrom moved to approve the minutes of August 7, 2001, as amended. Mark Lofgren seconded the motion. Ayes: 4, Nays: 0. Motion passed.

MOTION Mark Lofgren moved to approve the minutes of the August 23, 2001 Special Meeting, as amended. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.

4. General Discussion/Questions/Announcements

There was no general discussion, questions, or announcements.

5. Appointments:

There were no appointments

6. Public Notices:

There were no public notices.

7. Public Comments:

Craig Wilcox, resident, commented on his frustration in trying to obtain a business license and a building permit. He indicated he had paid the necessary fees and completed the necessary paperwork for these items but was told his file had been misplaced and there was no payment had been made. Administrator John Newman advised Mr. Wilcox to contact him personally to have this matter resolved.

Rick Pierce, resident, spoke to the Council on behalf of Juanita Christiansen who commented she had been asked by the Mayor not to discuss youth sports at Council meetings. Mayor Bond responded he had never made such a comment and wondered why Mrs. Christiansen had never contacted him or any member of the Council regarding this matter. Mayor Bond indicated he would contact Mrs. Christiansen.

Darren Brandt, resident, inquired whether a contract has been established for gas prices for this winter season. John Newman responded that everything has been arranged, except for the backhaul on the Kern River Pipeline. The base load has been established; the load following it has not. This arrangement for pricing was locked in about two to three weeks ago. The paperwork is available for review in Mr. Newman's office.

Diane Jacob, resident, appeared in behalf of an older couple living in Ash Point. The couple drives out of their area in the early morning hours a couple of days a week. They have noted a total of 18 street lights which are out between their area and SR 73 along Ranches Parkway. Korey Walker stated the City is responsible for this. He received a notice about this on Friday, August 31, 2001, and will contact Bob Wren to see that these lights are replaced.

Anjanette Lofgren, resident, commented on her opposition to Item 12 of this agenda which states it would be illegal to pass out fliers and newspapers at City Council meetings. She feels it would be unconstitutional if a law were passed forbidding such activity. She feels anyone attending Council meetings is entitled to have access to any information available on any issues. She feels that the majority should not be punished for the actions of a few.

8. Introduction of new Deputy Recorder:

a. Oath of Office

New Deputy Recorder DeAnna Whitney was introduced by and sworn into office by Eagle Mountain City Recorder Janet Valentine.

9. **Discussion & possible action regarding - Primary Election Day & General Election Day conflict with scheduled City Council Meetings:**

MOTION Dave Albrecht moved that the City Council does not hold meetings on October 2, 2001, and November 6, 2001, but does hold a meeting on October 30, 2001. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.

10. **New Fire Station in the Ranches:**

- a. Consideration and Approval of an Ordinance 0-14-2001 Annexing An Area of Approximately 2.99 Acres Commonly Known as the North Fire Station Parcel to Eagle Mountain City, Utah.

Jerry Kinghorn explained this ordinance to annex property in unincorporated Utah County. This property is part of a parcel known as the Carlton Parcel that was in a Petition for Annexation filed by The Ranches. It is requested this parcel be annexed so that the fire station can be built and the City have control of the building permit process, construction, site approval, etc. All required public notices were posted and there were no protests to the annexation of this parcel. Mr. Kinghorn recommended the Council consider and enact Ordinance 0-14-2001.

MOTION Greg Kehl moved to approve Ordinance 0-14-2001, an ordinance annexing an area of approximately 2.99 acres commonly known as the North Fire Station Parcel to Eagle Mountain City, Utah. Mark Lofgren seconded the motion. Ayes: 4, Nays: 0. Motion passed.

- b. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116
c. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain, Utah - Janet has corrected these articles to show that we received the notice on May 31, 2001, from the Lieutenant Governor changing us from a town to a third-class city.

Jerry Kinghorn requested the Council consider authorizing the Mayor to execute the Articles of Amendment which indicate the change of the name to Eagle Mountain City and change of boundary to reflect the new boundary of the City around the area that is subject to the annexation. Also, that the Council authorize the City Recorder to execute the certification to the County Recorder and authorize the Mayor to execute the Notice of Boundary Change.

MOTION Dave Albrecht moved to authorize the Mayor to execute the Articles of Amendment and the Notice of Boundary Change and the City Recorder to execute the certification of the Ordinance. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.

11. **Consideration and Approval to Amend Ordinance No. O 10-2001, An Ordinance Enacting provisions regarding removal of weeds, refuse and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City:**

Jody Hooley, resident, asked if there were any revisions to the ordinance from the last City Council meeting and, if so, what those revisions were? Mayor Bond indicated there were revisions which would be discussed. Jerry Kinghorn furnished Ms. Hooley a red-lined version of the ordinance showing what was added and deleted.

The Mayor described the revisions as being more descriptive regarding fire hazards and health issues. The revisions also changed the position in the ordinance from an appointed one to an employed position which would take an oath of office. Revisions indicate the necessity of probable cause before entering property; removal of term "all real property in the City" from the section regarding weeds; allows for certain things to be stored properly for recycling purposes; rewording of junk vehicle Section 3.2.2.

The Mayor indicated he would like to see the amendment placed on hold for reworking.

Mark Lofgren stated he would like to amend Section 2.2 to include the names of weeds shown in Utah Noxious Weed Act, the specific weeds listed by Utah County, and weeds which exist in Eagle Mountain in unusual amounts which are causing problems in this area. Jerry Kinghorn would also like to specifically add these to the list. Mark Lofgren also referred to Section 2.3 stating that the enforcement officer could not enter private property without probable cause and suggested this also apply to Section 3.3.

Mayor Bond requested Jerry Kinghorn take the recommendations of the Council and have them ready for the next meeting. This item was tabled until that time.

12. Consideration and Approval of an Ordinance prohibiting flyers, newspapers, etc. to be dispersed at City Council Meetings and in City Offices:

Joshua Elledge, resident, requested some background on this ordinance. The Mayor read the Ordinance, indicating he would recommend this item be tabled for revision. This ordinance was brought about because of an incident two or three years ago where items were passed out at a City Council meeting, leading to a disruptive atmosphere. Mr. Elledge agreed with the comments made earlier by Ms. Lofgren, that those who would be disruptive should be handled individually, and the well-intentioned should be allowed to pass out information.

Rick Pierce, resident, also agreed with Ms. Lofgren's comments. He feels this ordinance is an attempt to control individual speech, which is a right protected by the U.S. Constitution.

Bert Ankrom stated this ordinance would not limit anyone's free speech. Any literature could be distributed outside of the building. The ordinance is designed to keep a certain level of order because citizens deserve to come to a peaceful meeting. This is not an uncommon precedent and is done in other places.

Dave Albrecht stated he had determined prior to this meeting that this ordinance is premature since he has been on the Council for almost two years and has yet to see any disruptive activities caused by flyers, newspapers, or advertisements. He was at the previously mentioned meeting which was disrupted because of some flyers; however, he feels there would have to be a trend towards this type of action before he would recommend passing this type of ordinance.

Mark Lofgren echoed the comments of the residents listed above. He feels this ordinance could not be constitutional in this environment and is premature. He moved to strike this ordinance from the agenda.

MOTION Mark Lofgren moved to strike from the agenda the Ordinance prohibiting flyers, newspapers, etc. to be dispersed at City Council Meetings and in City Offices. Dave Albrecht seconded the motion. Ayes: 3, Nays: 0. Bert Ankrom abstained. Motion passed.

13. Willow Springs, Phase 5 Final Plat, DRC Recommendation, and Development Agreement Approval:

Mayor Bond indicated this plat has been approved by the Planning Commission.

Greg Kehl asked to see a rendering of twin homes planned for this phase. The Council was supplied with a rendering. Mr. Kehl asked questions regarding garages, siding, and narrowness of turnabouts and islands in entryways. He was concerned that any RV's driven in these areas will be going over the curbs and that it will be difficult to bring in snow removal equipment. He recommended that these areas be eliminated or widened on future plats. Phase 5 should already meet these needs; Phases 3 and 4 have gone back to the drawing board for changes regarding these concerns.

MOTION Dave Albrecht moved to approve the Final Plat for Willow Springs, Phase 5, with the DRC Recommendation and the Development Agreement. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.

14. Meadow Ranch Business Center (Phase 6) Site Plan Approval

Mayor Bond brought up the City's concerns that the water pressure is inadequate in this area, leaving homes unprotected. Testing by the Eagle Mountain Fire Department has disclosed problems in the system. When these problems are identified, a booster pump can be installed.

Patty Condron, resident, requested she be able to make comment. Mr. and Mrs. Condron are currently building in Meadows Ranch Phase 4. The lot was sold to them as an improved lot; however, they are still waiting for utilities to be put in. After they started construction, they were shut down because there was no way any fire protection could be guaranteed. They signed a waiver to the City and continued to build because they have nowhere to live. They were told they could live on the property; however, the covenants for Phase 4 do not allow them to live on the property. They cannot get any satisfaction from The Ranches on this matter.

The Fire Chief DeKorver and Korey Walker were requested to call the Mayor by September 11 to report on this matter. The Mayor stated he would then contact Mrs. Condron with a report.

Discussion then ensued about the need of a water tank in the North Ranch area.

Scott Kirkland, The Ranches, made presentation for the Meadow Ranch Business Center and answered questions from the Council concerning proper vehicle access, phasing, and landscaping, and security.

MOTION Greg Kehl moved to approve Meadow Ranch Business Center (Phase 6) Site Plan based on submittal by DRC recommendations and that the water problems in reference to the fire flow issue in Meadow Ranch and North Ranch be corrected. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.

15. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders -
 - i. 795 KCMIL ACSR Conductor (CO No. 1), Western States Electric
 - ii. 138 kV Line Disconnect Switches (CO No. 1), Western States Electric
This item was stricken without objection.
 - iii. 138 kV Line Disconnect Switches (CO No. 2), Western States Electric
This item was stricken without objection.
 - iv. 12.5 kV Distribution Line, Caribou Construction, Inc.
- c. Partial Payment Requests
 - i. 138 kV Interconnection Substation (Final Payment), Northern Power
 - ii. SCADA Project, 2000 (Payment No. 4-Final Payment), Remote Control Systems
 - iii. Generator Unit No. 4 & 480 Volt Switchgear (2000 Gas & Electric Revenue Bond) (Payment No. 3), Simpson Power Products LTD.
 - iv. Road Repair & Overlay of Ranches & Pony Express Parkways (Payment No. 1), Valley Asphalt
 - v. North Substation (2000 Gas & Electric Revenue Bond) (Payment No. 4), RME

MOTION Dave Albrecht moved to approve Consent Agenda, with the exception of Items 15.b.ii. and 15.b.iii. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.

16. Other Business:

John Newman stated that in a council meeting several months ago, the Council make a deal with Sunrise Development that if they completed the trail that certain bills would be forgiven that were in dispute. The City has made inspection, and it is the opinion of Mr. Newman and Korey Walker that Sunrise has fulfilled their obligation made with the Council. Mr. Newman stated if the Council concurs with this finding, the City will remove the obligation on that subdivision for payment of utility diggi

There were no objections from the Council.

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

MOTION Dave Albrecht moved to recess into a Closed Executive Session @ 8:55 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Mark Lofgren, Janet Valentine.

18. Motion to Reconvene in to Open Session:

MOTION Dave Albrecht moved to reconvene into Open Session @ 9:40 p.m. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed

19. Any Actions from the Closed Executive Session:

There were no actions taken.

20. Adjournment:

MOTION Greg Kehl moved to adjourn @ 9:40 p.m.

APPROVAL: _____

Mayor Paul R. Bond, Jr.

DATE: _____

9/19/01

This certifies that the minutes of
9/4/01 are a true, full and
correct copy as approved by the
City Council on 9/18/01

Signed: DeAnna S. Whitney
Deputy City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center, 1668 E. Heritage Drive
Eagle Mountain, UT 84043
September 14, 2001**

Mayor Paul Bond called the meeting to order at 6:00 PM

1. Roll Call

Council Members Present: Mayor Paul Bond, Greg Kehl, Dave Albrecht, Mark Lofgren. Brigham Morgan arrived at 6:05 PM. Bert Ankrom was absent.

Staff Present

Janet Valentine Recorder
DeAnna Whitney Deputy Recorder

2. Pledge of Allegiance

Leland Dixon led the Pledge of Allegiance.

3. Appointments:

- a. Election Judges for 2001 Primary & General Elections
 - i. Cathie Faulkner, Head Judge
 - ii. Dana Neth, Election Judge
 - iii. Gayleen Pierce, Election Judge
 - iv. Eutona Dixon, Election Judge

Eutona Dixon and Gayleen Pierce were present and were sworn in as election judges by Deputy Recorder DeAnna Whitney.

MOTION: *Greg Kehl moved to ratify the appointment of Election Judges for 2001 Primary and General Elections: Kathy Faulkner, Head Judge; Dana Neth, Gayleen Pierce, Eutona Dixon, Judges. Mark Lofgren seconded the motion. Ayes: 3; Nays: 0. Brigham Morgan arrived late. Motion passed.*

4. Other Business

There was no other business.

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

MOTION: *Brigham Morgan moved to recess in to a Closed Executive Session at 6:05 PM for the purpose of discussing personnel issues, potential litigation, and/or public safety/security. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

6. Motion to Reconvene in to Open Session

MOTION: *Greg Kehl moved to reconvene into Open Session at 6:20 PM. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

7. Any Actions from the Closed Executive Session

None.

8. Adjournment

MOTION: *Mark Lofgren moved to adjourn the meeting at 6:20 PM.*

APPROVED: _____

Paul R. Bond, Jr.
Mayor Paul R. Bond, Jr.

DATE: 10/17/01

This certifies that the minutes of
Sept. 14, 2001 are a true, full and
correct copy as approved by the
City Council on OCT. 16, 2001

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

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain, UT 84043
September 18, 2001**

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Goals/Mayor Paul R. Bond, Jr. - Called to order 4:15 PM.
2. Street Safety Issues in Cedar Pass Ranch
3. Time Limit for Waiver/Reduction(s) of Impact Fees
THIS ITEM IS TO BE PLACED ON POLICY SESSION FOR NEXT CITY COUNCIL MEETING, PER REQUEST OF MAYOR BOND.
4. Items as Outlined on the Policy Session
5. Council Liaison Reports:
 - a. Administration/Personnel/Finances/Newsletter – **Mayor Paul R. Bond, Jr.**
 - b. Parks & Recreation/Library/Youth Services/Economic Development Board- **David Albrecht**
 - c. Public Works Dept. (Water, Wastewater, Natural Gas, Electric) - **Greg Kehl**
 - d. Planning & Zoning/Planning Commission/Building Permits – **Brigham Morgan**
 - e. Public Safety/Community Arts/Airport Advisory Board – **Bert Ankrom**
 - f. Telecommunications Utility Board - **Mark Lofgren**
6. Other Business
7. Adjourn Work Session at 6:45 p.m.

POLICY SESSION – 7:00 TO 10:30 p.m.

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

1. Roll Call

Council Members Present: Mayor Paul Bond, Dave Albrecht, Greg Kehl, Mark Lofgren, Brigham Morgan.

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Sergeant:	Jo Murphy
Fire Chief:	Robert DeKorver

Others Present: Rick Pierce, resident; Chris and Fionnuala Kofoed, residents; Joshua and Jenny Elledge, residents; Diane Jacob, resident; Carolina Herrin, resident; Arnold Johnson, resident; Becky and Sarah Oakley, residents; Rebecca Naylor, resident; Dennis Thompson, resident; Cleifton Rawson, resident; Darrell Jackson, resident; Jody Hooley, resident; Lee and Eutona Dixon, residents; Juanita Christiansen, resident; Darrin Brandt, resident; Shari Gleed, resident; Debra Hart, New Utah; Doug Monson, Patterson Construction; Jessa Schalich and Brian Haskell, The Ranches.

2. **Pledge of Allegiance**

Dave Albrecht led the Pledge of Allegiance.

3. **Approval of Minutes (August 21, 2001, September 4, 2001)**

MOTION: *Dave Albrecht moved to approve the minutes of August 21, 2001, as amended. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION: *Mark Lofgren moved to approve the minutes of September 4, 2001, as amended. Dave Albrecht seconded the motion. Ayes: 3, Nays: 0. Brigham Morgan abstained. Motion passed.*

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

None

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comments:**

Rick Pierce made comment regarding an email he received regarding some statements made by Mark Lofgren. He also expressed concern that Pony Express Park may no longer be maintained by the City.

Sarah Oakley had also heard about the possibility of the Pony Express Park no longer being maintained by the city and wanted clarification.

Becky Oakley made comment regarding maintenance of Pony Express Park. She stated she thinks the combined efforts of the City and residents can eliminate this concern.

Juanita Christiansen, volunteer director of the sports program in Eagle Mountain, stated she will quit her position and take all sports equipment to the City Council if the City opts not to take care of the soccer fields at Pony Express Park.

Jody Hooley expressed her concerns regarding safety along Ranches Parkway since a large construction trailer is often parked in the left-hand turn lane. She also feels that items left on Ranches Parkway by construction crews make driving totally unsafe. The constant shifting of open lanes is very confusing to residents. This problem seems keep getting worse.

8. Recognition of Sergeant Murphy:

Mayor Bond recognized the promotion of Deputy Jo Murphy to the position of sergeant and congratulated her on the promotion effective September 15, 2001.

9. Consideration and Approval of Ordinance No. O 15-2001 to Amend Ordinance No. O 10-2001, An Ordinance Enacting provisions regarding removal of weeds, refuse and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City:

Jody Hooley asked for clarification of the changes to this ordinance. Jerry Kinghorn stated weed control standards were revised, specifically stating the noxious weeds which need to be controlled; exclusions were given to landscaping, zeroscaping, or native plant landscaping from the definition of weeds; junk definition was changed to provide a more liberal exception in terms of storage of cars on properties, in that so long as they are covered or out of public view, they can be stored for a period of two years; and probable cause requirements were added to the "junk" section.

MOTION: *Dave Albrecht moved to approve Ordinance No. O 15-2001, an ordinance amending and re-enacting Ordinance No. O 10-2001, and provisions regarding removal of weeds, refuse and structures; junk, disabled vehicles on private property; and construction trash and debris; and providing for abatement of the same in Eagle Mountain City, Utah. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

After comments from the Mayor regarding areas the City is responsible to clean up, Greg Kehl stated his concern that the City clean up these areas before any enforcement of this ordinance is enacted upon the citizens. The Mayor stated he would like to make the cleanup of Eagle Park Trail a first priority. Mr. Kehl suggested that during her regular rounds, the Code Enforcement Officer take note of areas needing cleanup. John Newman stated he would compile a report for the next City Council meeting showing which areas are the responsibility of the City. Mr. Newman indicated the Code Enforcement Officer has already identified many areas owned by the City that need to be corrected. Mr. Newman requested he be allowed to hire another person in the Parks Department to aid in this cleanup. Mr. Newman stated since the mowing season is coming to an end, more of the manpower of the Parks Department will be allocated to this cleanup.

MOTION: *Brigham Morgan moved to authorize an additional head allocated to the Parks and Recreation Department for the remainder of this calendar year with the intent to clean up specific areas throughout the City. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

10. Consideration and Approval of an Ordinance amending certain provisions of the Eagle Mountain City Development Code concerning planting of street trees:

Jerry Kinghorn feels this ordinance will create a more consistent application of street tree plantings. He recommends the Development Code be changed to amend the obligation for planting street trees to the building permit applicant instead of the subdivision developer.

MOTION: *Brigham Morgan moved to approve Ordinance O 16-2001, an ordinance of Eagle Mountain, Utah, amending certain provisions of the Eagle Mountain City Development Code concerning planting of street trees. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

11. North Fire Station:

This item was tabled.

12. Consideration to approve Amended CCR's for the Kennekuk Subdivision:

Greg Kehl brought up concerns about the approach on this subdivision, changing the direction of the homes to be rear loading, fencing along Half Mile Road., and dropping the size of the footprint. Jessa Schalich and Brian Haskell of The Ranches addressed these issues.

MOTION: *Brigham Morgan moved to approve Kennekuk and Prairie Gate Ranch First Amendment to the Declaration of Covenants, Conditions, and Restrictions, subject to the following conditions: (1) that Section 3.26, Front Entries, be deleted from the proposed amendments to the CC&R's as it deviates from Section 12.11.2.7 Development Code; (2) that the proposed amendment to Section 3.04, Property Lines, be deleted and replaced with the original language reported in the CC&R's for this Section indicating that there will be no ten-foot setbacks on corner lots; (3) stipulating that the fence running the length of Half Mile Road on the rear property lines be specified as six-foot privacy fence; (4) leaving the footprint as per original recordation. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

13. Rush Valley, Plat D Final Approval:

This is an open space retention basin.

MOTION: *Brigham Morgan moved to approve Rush Valley Plat D, Final Plat Application, (Open Space Plat), as recommended by the Planning Commission, specifically noting: (1) that bonding for the required improvements is met; and (2) subject to DRC recommendations. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

14. Meadow Ranch, Plat 6 Approval of Development Agreement:

Jessa Schalich and Brian Haskell represented The Ranches. Brian Haskell met previously with the homeowners' president of Meadow Ranch for input. Suggestion was made that eight-foot walls be used in place of planned six-foot walls. Residents were concerned about maintenance of disturbed areas. The Ranches has assured residents that restoration will be made to any disturbed areas, bringing them back to a natural landscape.

The Mayor indicated a resident of Meadow Ranch had expressed concerns about the gravel planned for the boat and RV storage areas. The Ranches stated the gravel would be used for economic reasons, but the soil would be sterilized and weed barrier materials would be used to mitigate weeds in this area.

Mr. Bailey, homeowners' president, expressed his satisfaction with the terms shown above. Greg Kehl stated he felt trees should be included when the curbing is completed. Brian Haskell agreed to this idea. The Mayor stated entry landscaping would have to be done with completion of the first phase. The Ranches indicated the self-storage area will be the first phase completed.

Brigham Morgan brought up concerns about an area of land that will be rendered unusable by this construction. Jessa Schalich explained The Ranches has approached the owner of the land and offered to purchase the property. The owner is not interested in selling. Scott Kirkland, The Ranches, has indicated if the owner comes back wanting to put something on the property, The Ranches is willing to work with him. The property owner was notified of the plans and has received a map. Jerry Kinghorn stated he had looked into this matter. The development of this project will cause no legal ramifications to the City of Eagle Mountain. Every opportunity has been given to property owner to make comment on this project. There is nothing being done physically to the parcel which changes its configuration or its utility. The land was previously rendered unusable by the construction of the highway, which cut this small parcel off from a larger parcel.

MOTION: *Dave Albrecht moved to approve the Development Agreement between Eagle Mountain City, Utah, and Meadow Ranch, LC, for the Meadow Ranch Business Center, with the following changes: (1) the fence be changed from six feet in height to eight feet; (2) the gravel in the boat and RV storage include a weed-abatement plan that would include sterilization of the soil plus a weed barrier; (3) the trees in the Business Campus Phase 1, be included in Phase 1, south side of the semi-circle; and (4) that the entrance be included as part of the Business Campus Phase 1, including the curbing in Phase 1, stipulated in the exhibit. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

15. Consideration and Approval of a Resolution Amending the Eagle Mountain Consolidated Fee Schedule to include additions and changes to the telecommunication rates and fees (Proposed Additions)

MOTION: *Mark Lofgren moved to approve Resolution R-23-2001, a Resolution of the governing body of Eagle Mountain City amending the Eagle Mountain City Consolidated Fee Schedule. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

16. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Partial Payment Requests
 - i. Installation of Three New Generating Units/Gas & Electric Revenue Bond (Pmt #7), Lamb Engineering & Construction Company **(THIS IS A FINAL PAYMENT)**
 - ii. 12.5 kV Underground Distribution Tie Circuit (Pmt #1), Caribou Construction, Inc.
 - iii. 12.5 kV Underground Distribution Tie Circuit (Pmt #2), Caribou Construction, Inc.
 - iv. Road Repair & Overlay of Ranches & Pony Express Parkways (Pmt #2), Valley Asphalt
 - v. Paul Evans Trailway/2000-1 SID (Pmt #2), Nuszer Kopatz
 - vi. Meadow Ranch Park East/2000-1 SID (Pmt #1), Nuszer Kopatz
 - vii. Pony Express Parkway East/2000-1 SID (Pmt #2), Nuszer Kopatz
 - viii. Ranches & Pony Express Landscaping/2000-1 SID (Pmt #2), Nuszer Kopatz
 - ix. Red Hawk Ranch Park/2000-1 SID (Pmt #4), Nuszer Kopatz
 - x. Meadow Ranch Park West/2000-1 SID (Pmt #1), Nuszer Kopatz
 - xi. Ranches and Pony Express Parkway Landscaping – Area 1/2000-1 SID (Pmt #3), Golden Landscaping
 - xii. North Substation/2000 Gas and Electric Revenue Bond (Pmt #1), Stoddard Steel
- c. Final Bond Release
 - i. Mountain View Final Bond Release

This project has not been completed and deadline has not been met.

MOTION: *Brigham Morgan moved to remove Item c.i., Final Bond Release for Mountain View Subdivision, from Consent Agenda. Dave Albrecht seconded the motion Ayes: 4; Nays: 0. Motion passed.*

MOTION: *Brigham Morgan moved to approve Consent Agenda as amended. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

17. **Consideration and approval of Williams Backhaul Agreement:**

This is a backhaul agreement for natural gas.

MOTION: *Brigham Morgan moved to ratify the bid for backhaul transportation and authorize the mayor to sign and enter into an agreement for transportation services. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

18. **Other Business:**

There was no other business.

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

MOTION: *Greg Kehl moved to recess into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation, and/or public safety/security at 8:05 PM. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passes.*

20. **Motion to Reconvene in to Open Session:**

MOTION: *Brigham Morgan moved to reconvene into Open Session at 8:50 PM. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

None

22. **Adjournment:**

MOTION: *Greg Kehl moved to adjourn the meeting at 8:50 PM.*

APPROVED: _____

Mayor Paul R. Bond, Jr.

DATE: _____

10/17/01

This certifies that the minutes of
Sept. 18, 2001 are a true, full and
correct copy as approved by the
City Council on OCT. 16, 2001

Signed: _____

City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center, 1668 E. Heritage Drive
Eagle Mountain, Utah 84043
OCTOBER 9, 2001**

POLICY SESSION 5:30 PM

Mayor Paul R. Bond, Jr., called the meeting to order at 5:30 PM.

1. Roll Call:

Council Members Present:

Mayor Paul R. Bond, Jr., Bert Ankrom, Dave Albrecht, Mark Lofgren.

Council Members Absent:

Greg D. Kehl and Brigham S. Morgan

City Staff Present:

City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney

2. Pledge of Allegiance:

Bert Ankrom led the Pledge of Allegiance:

3. Canvass of Primary Election Held on Tuesday, October 2, 2001:

Janet Valentine, Recorder, explained the responsibilities of the Board of Canvassers. She presented the official canvass to the City Council.

The Official Vote Count was as Follows:

Total Registered Voters:	1694
Total Ballots Received:	744
Percentage of Turnout:	44%

Ballots Received:

Official Ballots Received	800
Absent-Voter Ballots Received	9
Total Ballots Received	809

Distribution of Official Ballots:

Ballots Voted	744
Official Ballots Left Over (unused)	61
Spoiled Official Ballots	4
Absent-Voter Ballots not processed	0
Total Ballots Distributed	809

Absent-Voter Ballots mailed but never received: 2

Blank Ballot Count: 1

Mayor Four-Year Term:

Kelvin E. Bailey	received 313 votes
Greg D. Kehl	received 240 votes
Vincent M. Liddiard	received 178 votes
Gordon L. Nelson	received 10 votes

Candidates in the General Election for the seat of Mayor will be:

Kelvin E. Bailey and Greg D. Kehl

Council Member Two-Year Term:

Glenn J. Burns received 50 votes
Chris A. Kofoed received 271 votes
Linn Strouse received 335 votes

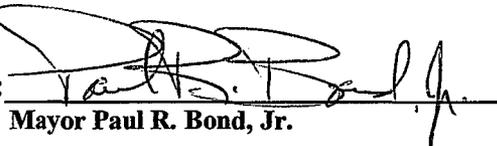
**Candidates in the General Election for the seat of 2-yr term Council Member will be:
Chris A. Kofoed and Linn Strouse**

MOTION: *Mark Lofgren moved to approve and accept the canvass of the Primary Election of October 2, 2001. Dave Albrecht seconded the motion. Ayes: 3; Nays: 0. Motion passed.*

4. **Adjournment:**

MOTION: *Bert Ankrom moved to adjourn the meeting at 5:40 PM.*

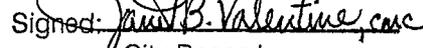
APPROVAL: _____


Mayor Paul R. Bond, Jr.

DATE: _____

10/17/01

This certifies that the minutes of
OCT. 9, 2001 are a true, full and
correct copy as approved by the
City Council on OCT. 16, 2001

Signed: 
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain, UT 84043
October 16, 2001**

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Goals/Mayor Paul R. Bond, Jr. – Called to order at 4:13 PM
2. Library Board Presentation to the City Council

Brenda Park gave a review of the library goals of the previous board and a presentation of the revised goals of the current Library Board. The possibility of hiring a library assistant to work with the librarian was presented, including a breakdown of the costs for this position. Darrell Jackson explained the options open to the Library Board regarding a new facility/location. Copies of all backup materials were presented to the City Council.

3. Items as Outlined on the Policy Session
4. Council Liaison Reports:
 - a. Administration/Personnel/Finances/Newsletter – **Mayor Paul R. Bond, Jr.**
 - b. Parks & Recreation/Library/Youth Services/Economic Development Board- **David Albrecht**
 - c. Public Works Dept. (Water, Wastewater, Natural Gas, Electric) - **Greg Kehl**
 - d. Planning & Zoning/Planning Commission/Building Permits – **Brigham Morgan**
 - e. Public Safety/Community Arts/Airport Advisory Board – **Bert Ankrom**
 - f. Telecommunications Utility Board - **Mark Lofgren**
5. Other Business
6. Adjourn Work Session at 6:55 p.m.

POLICY SESSION – 7:00 TO 10:30 p.m.

Mayor Bond called the meeting to order at 7:09 PM

1. **Roll Call:**

Council Members Present: Mayor Paul Bond, Brigham Morgan, Bert Ankrom, Dave Albrecht, Greg Kehl, and Mark Lofgren.

City Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Sergeant:	Jo Murphy
Fire Chief:	Robert DeKorver

Others Present: Brenda Park, Karyn Larson, Michele Graves, Darrell Jackson and Gayleen Pierce, Library Board; Jody Hooley, resident; Wendy Swain, Friends of the Library; Melanie Webb, resident; Kim Brown, Eagle Mountain Fire Department; Ruth Brandt, resident; Becky Oakley, resident; Chad and Wendy Smith, residents; Juanita Christiansen, resident; Kelvin Bailey, Meadow Ranch Homeowners Association; Jeff Love, resident; Cory Talbot, resident; Diane Lowder, resident; Jessa Schlich, Kent Berg, and Brian Haskell, The Ranches; Debra Hart, New Utah Lehi Free Press.

2. **Pledge of Allegiance:**

Brigham Morgan led the Pledge of Allegiance.

3. **Approval of Minutes (September 14, 2001, September 18, 2001 & October 9, 2001):**

MOTION: *Dave Albrecht moved to approve the minutes of September 14, 2001. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Bert Ankrom abstained. Motion passed.*

MOTION: *Greg Kehl moved to approve the minutes of September 18, 2001. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Bert Ankrom abstained. Motion passed.*

MOTION: *Bert Ankrom moved to approve the minutes of October 9, 2001. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Brigham Morgan abstained. Motion passed.*

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

None

5. **Appointments:**

a. Library Board

The Mayor recommended the appointments of Darrell Jackson and Gayleen Pierce to the Library Board to complete the terms of Becky Oakley and Janae Wahnschaffe, respectively.

MOTION: *Greg Kehl moved to approve Darrell Jackson and Gayleen Pierce to the Library Board, to complete the terms of Becky Oakley and Janae Wahnschaffe, respectively. Dave Albrecht seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

b. Economic Development Board

The Mayor recommended the appointment of Wendy Komoroskpi to the Economic Development Board.

MOTION: *Mark Lofgren moved to appoint Wendy Komoroskpi to the Economic Development Board. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

6. **Public Notices:**

None

7. **Public Comment:**

Before Public Comment was opened, Mayor Bond assured the residents that the Library has no immediate plans to change location. The Library Board is currently looking in to moving to a larger facility, which is greatly needed, but no decision has been reached. He explained that when any location change is recommended by the Library Board, it will appear on the City Council Agenda for approval.

Mayor Bond shared that the Library Board attended the City Council Work Session to discuss their goals and how they want to proceed. The Board explained why some goals have not yet been achieved and what the plans are to achieve these goals.

Brenda Park, Library Board Chair, made a public statement on behalf of the Library Board. She stated the Library Board welcomes opinions of local residents and is always willing to discuss what the Board does. She reiterated the Board has made no proposal to the City Council regarding a change of location. The Board is still looking in to several options, which have been shared with the City Council. The Library Board will be discussing all options currently available at their next board meeting on October 25 at the Library. The public is welcome to attend, and there will be a public comment session held from 7:10 PM to 7:20 PM. The Board's mission is to further the progress and programs of the Library. In so doing, the Library will benefit the entire community no matter where it is located. They realize any move will be inconvenient to some residents; therefore, they have discussed the possibility of a satellite library. Brenda Park requested any questions or concerns be directed to the Library Board or the Librarian.

Wendy Swain, Chair for Friends of the Library, commented regarding location and certification of the library. Plans are already in place to amplify library services to The Ranches. She feels there needs to be some type of library facility located in The Ranches; however, many residents of town center have put in untold hours to make library what it is today. Greg Kehl asked Mrs. Swain, as a favor to the City Council, to make public statement or post information on web that this is not an item that is meant to divide the community.

Ruth Brandt, resident, expressed approval of the efforts of the City Council toward accepting Pony Express Park. She expressed her concerns regarding the future location of the library. She supports all efforts to keep the library in the town center for the convenience of most library patrons. She requested that all relocation options be explored before a decision is made.

Juanita Christiansen thanked the City Council for efforts to accept Pony Express Park. She requested the help of the City Council to ensure the park grounds will be ready for the sports program next season. She also expressed concerns about a new location for the library. She expressed her appreciation to all the volunteers who give of their time to make local programs work.

The Mayor clarified that the Library Board will make recommendations to the City Council regarding relocation of the library. He encouraged concerned residents to voice their opinions at the Library Board meeting on Thursday, October 25 at 7:00 PM in the library.

Darrell Jackson asked for clarification regarding recommendations from the Library Board which are submitted to the City Council for approval. He was told any recommendations must be placed on the City Council Agenda, which is posted as a public notice 24 hours prior to the City Council Meeting.

8. **Acceptance of Pony Express Park:**

Jerry Kinghorn explained that the legal description of the property to be deeded to the City shows it is not fully owned by Eagle Mountain Properties. Some of the property is owned by Monte Vista Ranch, some by the U. S. government, and the rest by Eagle Mountain Properties. Therefore, the property cannot be accepted until Eagle Mountain Properties straightens out the legal description. Also, there are currently no water rights for this parcel.

MOTION: *Greg Kehl moved to authorize Epic Engineering to stake the legal description in the field; that Jerry Kinghorn be authorized to respond to Eagle Mountain Properties, indicating the things that need to be clarified or resolved. Brigham Morgan seconded the motion. Ayes; 5, Nays: 0. Motion passed.*

9. **Public Hearing:** *(Zoning Amendment for 19.1810 Acres in the Ranches Master Development Plan from Open Space to Residential Village Core)*

- a. Open Public Hearing (7:40 p.m.)
- b. Receive Public Comment

Jody Hooley, resident, expressed concerns about density numbers for this area. She stated the residents bought their properties around this area expecting this property to be open space. She feels this area is not appropriate for this type of residential density zoning and would not be compatible with existing homes.

Chad and Wendy Smith, residents of Saddleback in Smith Ranch, are very much against this type of high-density development. They were expecting open spaces and green spaces near their property, as indicated on the maps of they were shown for the master planned community. They are concerned how this will impact their property values and feel it will only benefit the developers and those who might live in this high-density project. They stated there must be other locations where this zoning would be better suited.

Cory Talbot, resident of Porter's Crossing, bought a small lot anticipating he could rely on open space areas where his children could safely play. He would not have moved in to the area if he had known parks would not be built. He also complained about the lift station located near the school and homes. He stated this was built without approval of or notification to residents. He requested there be some type of privacy fence built to replace the existing chain link fence to hide the lift station and make it safe for children. He complained about open spaces being used for off road vehicles and dumpsites. He was advised by the Mayor that off road vehicles are illegal in these areas and the Sheriff's Office should be contacted when this occurs.

Diana Lowder, resident, expressed the same concerns as Mr. Talbot. She was promised open space areas when she and her husband purchased their home. She is concerned about losing the view from their home and suffering a decrease in property value if the high-density development is approved.

Jeff Love, resident and member of the Planning Commission, stated the Planning Commission felt they did need to accommodate The Ranches in this matter because the City was accepting a piece of land and should, in return, give them something. However, he feels The Ranches are taking advantage of the trade by requesting a high-density site on this property. He feels the Council should make sure The Ranches provide the open spaces originally promised to homeowners.

c. Close Public Hearing (7:50 p.m.)

The Mayor asked Brian Haskell of The Ranches if they had met with the residents to discuss this project. Mr. Haskell stated there was a meeting held but none of the residents showed up. He indicated prospective residents are being advised that condos are planned for this space. Brian also stated the current plan is to develop open space and park facilities adjacent to and in conjunction with the new fire station.

The Mayor expressed his concerns that children will have to cross a busy street in order to play at a park built adjacent to the fire station. He also expressed concerns that current residents are not going to have the open spaces they were promised when they purchased their homes.

Brian Haskell stated this is the first time The Ranches has requested approval to convert to residential any open space or park area that was designated on the master plan as such.

Jerry Kinghorn stated this whole matter is complicated by the request this be designated as a receiver zone and a density transfer because without that there would be enough room to leave some open space along the street adjacent to the park to accommodate what the residents saw on the master plan.

Mr. Kinghorn stated the Council could grant The Ranches request in part and deny it in part. One of the problems he has with the request is the exact 19 acres is not defined in the map. There is a need to designate the 19 acres formally by a boundary—either an accurate boundary on a map or by metes and bounds description. It is difficult to think about the comments the public has made and think about what has happened with the fire station and find something that is equitable without being able to draw those lines in a way that makes sense. He feels there is a way to accommodate residents and The Ranches, but it will not allow the Council to involve the density transfer. The City needs to have a specific definition of these 19 acres before they can formally act on this.

Greg Kehl recommended this be returned to Planning Commission for reworking before Council moves to approve or deny.

Bert Ankrom stated he has no problem with high density. He asked what the benefits and drawbacks are for residents.

Brian Haskell explained the benefits and felt there are no drawbacks.

The Mayor expressed his concern about the future of condos that look like apartments. These units may eventually become rentals that will not be maintained properly, thus lowering property values. He recommended attached single-level units with basements instead of multi-level condos.

Brigham Morgan stated the Planning Commission believed they were designating this area as residential without a specified density number. They were under the impression they could identify it as a receiver zone and then come back and negotiate densities and plats, etc. According to Mr. Kinghorn, the motion that was made and approved in the Planning Commission is an invalid motion because they did not specify a zone. He recommended this item be returned to the Planning Commission to identify a zone, density, and identify the legal boundaries.

Brian Haskell stated The Ranches is just planning on using the density originally given to them. They have lost a significant amount of density in the trade of these properties.

Brigham explained this is new density to this parcel, even though it is not new density to the master plan for The Ranches.

MOTION: *Brigham Morgan moved to remand the Ranches Master Development Plan Amendment back to the Planning Commission, with the specific items of identifying a specific density associated with a residential rezone; identifying the specific and legal boundaries as specified by the metes and bounds for a legal description of property; and to address the phasing issue, as well as potential for developed park and open space. Dave Albrecht seconded the motion. Ayes: 3; Nays: 1. Bert Ankrom abstained. Motion passed.*

10. **Public Hearing:** *(Zoning Amendment for 4.2715 Acres in the Ranches Master Development Plan from Open Space to Residential Church Site)*
- a. Open Public Hearing (8:37 p.m.)
 - b. Receive Public Comment

Jody Hooley, resident, asked to see the actual site plan. She was shown the plan by The Ranches. She is concerned that open space is being used for another purpose.

Brigham Morgan was concerned that the City Council had not received a legal description of the property. Jessa Schalich, The Ranches, stated the legal work was submitted to the City. Shawn Warnke of the Planning Office stated he had received the legal description but did not get it in the packet.

Chad Smith, resident, stated they are willing to work with The Ranches on the church site because it is a small amount of acreage. He was originally told this area would be designated for schools and/or parks.

Close Public Hearing (8:40 p.m.)

MOTION: *Dave Albrecht moved to approve 4.27 acres from open space to country residential with the record stating it is planned for a church site. Greg Kehl seconded the motion. Ayes: 3; Nays: 1 Bert Ankrom abstained. Motion passed.*

11. **Consideration and Approval of a Resolution Amending the Ranches Master Development Plan:**

MOTION: *Brigham Morgan moved to adopt Resolution No. R 24-2001, a Resolution of the City Council of Eagle Mountain City, Utah Amending The Ranches Master Development Plan, Rezoning 4.27 Acres from Open Space to Country Residential. Greg Kehl seconded the motion. Ayes: 4; Nays:1 (Mark Lofgren). Motion passed.*

12. **Consideration and Approval of a Design/Build Construction Contract for the North Service Area Fire Station:**

John Newman asked Kim Brown, fire fighter for the Eagle Mountain Fire Department, to show a rendering of the new fire station building. Mr. Newman requested confirmation from the City Council that the City staff is heading in right direction and asked for the City Council's approval to move forward with the plans.

The City Council had questions regarding the "barn look" of the rendering. Kim Brown stated the design is compatible with other buildings in the area.

Brigham Morgan stated he likes the preliminary design and feels the City is heading in the right direction. Bert Ankrom stated the building is what the City can afford and he is okay with the design.

Dave Albrecht gave his recommendation that the City proceed with plans; but he would like the City to check into any savings that might be realized by building a conventional roof vs. a barn roof.

Mark Lofgren stated he likes the look and wants to move ahead.

Mr. Newman advised the City Council to contact Mr. Kinghorn if they have any questions regarding this project.

13 Public Works Building Addition:

Bob Wren explained the need for the 30' x 30' extension to the Utilities Building. All the utilities are presently housed in the Waste Water Treatment Building and it has become very overcrowded. The Public Works Department will be taking over the water responsibilities as of January 1, 2002. Mr. Wren presented the three bids received and recommended Eagle Nest be awarded the bid for \$33,627. A copy of the proposed building layout, including roof pitch, was submitted to the City Council for review.

MOTION: *Mark Lofgren moved to accept the bid from Eagle Nest in the amount of \$33,627 for construction of the utility building extension as proposed. Bert Ankrom seconded the motion. Ayes:5; Nays: 0. Motion passed*

14. Consideration and Approval of an Amendment to the Site Plan for Rocky Mountain GSE Site Plan:

Greg Kehl explained the building expansion to the City Council and addressed any concerns presented.

Jerry Kinghorn stated that water right information is needed for this property.

The Mayor recommended that Kent Partridge work with Jack Elwell, President of Rocky Mountain GSE, to get a temporary building permit.

The drawings accompanying the amendment were marked Exhibit A (drawing amended July 2001) and Exhibit B (original dated January 1998).

MOTION: *Greg Kehl moved to accept the revision of the amendments to the site plan for the Rocky Mountain GSE Building, with the stipulation that all measurements be reviewed by the City Engineer, that all landscaping be completed as per the revised site plan, that a privacy fence is required on the front side only, and that the requirement for an asphalt parking lot be waived at this time. Brigham Morgan seconded the motion. Ayes:5; Nays: 0. Motion passed.*

15. Consideration to Rescind one Condition of Approval of the Amended Kennekuk Subdivision CC & R's that were approved at the Sept. 28, 2001 City Council Meeting:

Brian Haskell stated when The Ranches agreed to the six-foot fencing running the length of Half Mile Road on the rear property lines, he was unaware there was an existing open rail fence in that location.

MOTION: *Mark Lofgren moved to rescind condition number 3 of the September 18, 2001, City Council's approval of the amended Kennekuk CC&R's stipulating that the fence running the length of Half Mile Road on the rear property lines be specified as six-foot privacy fence. Dave Albrecht seconded the motion. Ayes: 5; Nays: 0. Motion passed*

16. Consideration and Approval of Amendments to the Meadow Ranch Subdivision CC & R's, Plats 1, 2, & 3:

Kelvin Bailey, President of the Homeowners Association, stated there had been neighborhood meetings to approve changes to CC&R's. Residents are concerned that some roof pitches and the lack of porches and gutters on some existing homes do not meet current CC&R's. He stated the changes are requested to protect the homeowners of the existing homes and to prevent any conflicts with future homebuilders.

The City Council stated they will stand by and enforce the current City Development Code for new construction and will offer a grandfather clause to existing homes.

Mr. Bailey was advised to go back to the homeowners and get a vote. He is to get signatures of residents indicating they understand the changes to the CC&R's recommended by the Planning Commission. He is to advise the City Council what percentage of residents signed the petition.

17. Time Limit for Waiver/Reduction(s) of Impact Fees:

Brigham Morgan was asked to voice his concerns. He stated that in the past there have been some waivers of impact fees given to businesses that have not followed through with their plans. He is concerned that if a waiver goes too long, the business may no longer be considered unique and no longer fit the requirements to be eligible to receive waiver of impact fees. He recommends there be a time limit or expiration date placed on waivers of impact fees to give businesses a timeline during which they must go forth with their business plans. He recommends the timeline be no longer than one year.

Greg Kehl stated these waivers will automatically take care of themselves. He feels any business receiving a waiver of impact fees should be advised that the waiver will be invalidated if the business does not begin construction before a like business comes to Eagle Mountain.

Mayor Bond does not feel this matter would take care of itself and suggested the ordinance be changed to reflect what would invalidate a waiver of impact fees.

Mayor Bond requested the Mr. Kinghorn review the ordinance and make recommendations to be considered by the City Council by their October 30 meeting.

18. Transportation Service Agreement Contract No. 1602:

John Newman stated this agreement is for backhaul from Elberta to Eagle Mountain. The backhaul is for 350 dTm per day during the winter at \$0.225 and 100 dTm per day during the shoulder and summer months at \$0.20. The City can backhaul further to any other site during that time upstream, except for the West Valley site, and can forward haul to any other site on the Kern River System for the maximum transportation rate, which is 50% of whatever profit we make (as of 10/16/01 this figure is \$0.67 a dTm and moves with current approval prices).

Brigham Morgan asked if he understood correctly that for the City to re-sell gas, it is 50% of profits plus \$0.67 a dTm. Mr. Newman stated these figures are to re-sell our transportation rights on backhaul, not the gas.

Mr. Newman stated IMGA now has a complete move—we have product, transportation, and backhaul on the Kern River line. The Public Works Board will have a recommendation on new rates for the City Council Meeting of October 30, 2001.

MOTION: *Brigham Morgan moved to approve the contract. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

19. Eagle Mountain City Capital Facilities Amendment:

Jerry Kinghorn stated this is a proposed Capital Facilities Plan for review. If the Council approves this amendment, it will be posted for Public Hearing. He recommended the Council set a date for Korey Walker to meet with a representative of Eagle Mountain Properties to give them an opportunity to review the amendment and make comment. A Work Session will then be scheduled so the City Council can make comments to be incorporated into the amendment. There will then be a 14-day notice period so that a formal hearing can be held on the amendment on November 20. The developers will be requested to have their comments back to Korey Walker for discussion at City Council Work Session on October 30.

The Mayor recommended all candidates for public office be invited to this work session so the new administration will be aware of this Work Session beginning at 4:00 p.m. The City will pay for candidates' meals for that night. We need an RSVP from the candidates in order to plan for food.

20. Expansion of Eagle Mountain City Office Site:

John Newman requested authorization from the City Council to move forward with the expansion of the City offices.

MOTION: *Brigham Morgan moved to authorize the city administrator and the City staff to move forward with the expansion of the City offices, subscribing to Option 1 as cited in the October 10, 2001, letter from Eagle Mountain Properties to Mayor Bond, in that we get a secondary bid option to include a price for additional space for the library. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

21. R-Pot cards and CBA expansion kits (Telephone System Fiber Optic Cabinet Cards and Slots):

Mark Lofgren explained that The Ranches wants to continue their current working relationship with Eagle Mountain City.

Brigham Morgan asked if the Development Agreement needed to be modified to approve this matter.

Korey Walker stated there were some subdivision bonds to be approved during this meeting. Before these bonds are actually sent to the bank, The Ranches would provide replacement bonds.

MOTION: *Greg Kehl moved to approve the deferral of the current installation and require The Ranches to bond to the required telephone order and to extend the deadline for completion of the telephone card improvements to two years, according to the Valentine memorandum, with the provision that the bond be structured to allow the City to call the bond anytime during the two- year period if the requested cards are not delivered to the Telecom Department within five days of notice that the cards are required. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. Motion to approve Consent Agenda:

- a. Warrant Register

- b. Contract Change Order
 - i. 138 Transmission Line Equipment Purchase-Installation of Three New 100:5 Hi-Acc-.Ext Current Transformers, Trench Company (C.O. No. 4)
 - ii. Golden Landscaping Area No. 1
 - iii. Road Repair & Overlay of Ranches & Pony Express Parkway, Valley Asphalt (C.O. No. 1)
 - iv. Road Repair & Overlay of Ranches & Pony Express Parkway, Valley Asphalt (C.O. No. 2)
 - v. 12.5kV Distribution, Caribou Construction (C.O. No. 2)
- c. Partial Payment Requests
 - i. Road Repair and Overlay of Ranches & Pony Express Parkway (Pmt No. 3), Valley Asphalt
 - ii. Road Repair and Overlay of Ranches & Pony Express Parkway (Pmt No. 4), Valley Asphalt
 - iii. North Substation 2000 Gas & Electric Revenue Bond (Pmt No. 5), RME
 - iv. Ranches and Pony Express Landscaping 2000-1 SID, Area 1 (Pmt No. 4)
 - v. Meadow Ranch Park East 2000-1 SID (Pmt No. 2), Nuszer Kopatz
 - vi. Meadow Ranch Park West 2000-1 SID (Pmt No. 3), Nuszer Kopatz
 - vii. Red Hawk Ranch Park 2000-1 SID (Pmt No. 3), Nuszer Kopatz
 - viii. Meadow Ranch Trails 2000-2 SID (Pmt No. 1), Nuszer Kopatz
 - ix. Meadow Ranch Trails 2000-1 SID (Pmt No. 2), Nuszer Kopatz
 - x. Pony Express Parkway Landscaping – Area 1 2000-1 SID (Pmt No. 4), Nuszer Kopatz
 - xi. Pony Express Parkway Landscaping – Area 2 2000-1 SID (Pmt No. 1), Nuszer Kopatz
 - xii. Pony Express Parkway Landscaping – Area 3 2000-1 SID (Pmt No. 1), Nuszer Kopatz
 - xiii. Paul Evans Trailway 2000-1 SID (Pmt No. 3), Nuszer Kopatz
 - xiv. Pony Express Parkway East 2000-1 SID (Pmt No. 3), Nuszer Kopatz
 - xv. 12.5 kV Underground Distribution Tie Circuit (Pmt No. 1), Caribou Construction, Inc.
- d. Final Payment Requests
 - i. North Culinary Pump House Temporary Generator, Ames Construction
- e. Final Bond Releases
 - i. Saddleback Subdivision, Plat A, Trophy Homes
 - ii. Saddleback Subdivision, Plat B, Trophy Homes
 - iii. Saddleback Subdivision, Plat C, Trophy Homes
 - iv. Saddleback, Plat A – Offsite Storm Drain Improvements, Trophy Homes
 - v. Diamond Springs Subdivision Plat A, Sundance Homes
 - vi. Diamond Springs Subdivision Plat B, Sundance Homes
 - vii. Sundance Subdivision, Sundance Homes

Korey Walker recommended that Items 22.c.viii, 22.c.ix, and 22.c.xv be removed from the Consent Agenda.

MOTION: *Brigham Morgan moved to remove Items 22.c.viii, 22.c.ix, and 22.c.xv from the Consent Agenda. Mark Lofgren seconded the motion. Ayes:5; Nays: 0. Motion passed.*

MOTION: *Brigham Morgan moved to approve the Consent Agenda, as amended. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0.*

23. Other Business:

None

24. 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 Lofgren moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation, and/or public safety/security at 10:15 PM. Dave Albrecht seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

25. Motion to Reconvene in to Open Session:

MOTION: *Bert Ankrom moved to reconvene into Open Session at 11:30 p.m. Mark Lofgren seconded the motion. Ayes:5; Nays:0. Motion passed.*

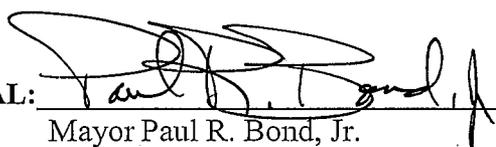
26. Any Actions from the Closed Executive Session:

None

27. Adjournment:

MOTION: *Bert Ankrom moved to adjourn the meeting at 11:30 p.m.*

APPROVAL: _____

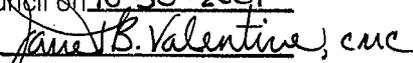

Mayor Paul R. Bond, Jr.

DATE: _____

10/31/01

This certifies that the minutes of
10-16-2001 are a true, full and
correct copy as approved by the
City Council on 10-30-2001

Signed: _____


City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain, UT 84043
October 30, 2001**

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:45 p.m.

1. Goals/Mayor Paul R. Bond, Jr. – Called to order at 4:03 PM
2. Morco Presentation/Discussion
3. Eagle Mountain City Capital Facilities Amendment/Discussion

All candidates for public office were invited to attend this portion of the Work Session. In attendance were: Kelvin Bailey, Darrin Brandt, Diane Jacob, Greg Kehl, Chris Kofoed, Mark Madsen, and Linn Strouse. Jessa Schalich and Brian Haskell from The Ranches also were in attendance.

4. Mayor Bond asked to be excused for the remainder of Work Session and requested Greg Kehl be appointed temporary mayor pro tem during his absence.

MOTION: *Bert Ankrom moved to appoint Greg Kehl as temporary mayor pro tem during the Mayor's absence. Mark Lofgren seconded the motion. Ayes: 3; Nays: 0. Brigham Morgan and Dave Albrecht were absent. Motion passed.*

5. Draft Ordinance defining non-residential development definition and provisions waiver of certain impact fees and allowing the processing of development applications for property owners who are not in financial good standing with the city for certain non-residential developments. Discussion Only.
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 6:55 p.m.

POLICY SESSION – 7:00 TO 10:30 p.m.

Mayor Pro Tem Greg Kehl called the meeting to order at 7:05 pm

1. **Roll Call:**

Council Members Present: Temporary Mayor Pro Tem Greg Kehl, Mark Lofgren, Bert Ankrom, and Brigham Morgan. Mayor Paul Bond and Dave Albrecht were absent.

City Staff:

City Administrator: John Newman
City Engineer: Korey Walker
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney
Sergeant: Jo Murphy

Others Present:

Leland and Eutona Dixon, residents, Bobbie Ek, resident; Gina Morgan, resident; Diane Jacob, resident; Wendy Smith, resident, Sheila and Dave Curtis, residents; Vince Liddiard, resident; Zane Powell, Summit Development; Debra Hart, New Utah.

2. Pledge of Allegiance:

Bobbie Ek led the Pledge of Allegiance.

3. Approval of Minutes (October 16, 2001):

MOTION: *Bert Ankrom moved to approve the minutes of October 16, 2001, as amended. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Dave Albrecht was absent. Motion passed.*

Mayor Paul Bond returned to the meeting at 7:10 PM.

4. General Discussion/Questions/Announcements:

None

5. Appointments

None

6. Public Notices:

a. Capital Facilities and Budget

John Newman explained that the Capital Facilities Plan and setting up the new Water Division will go before the Public Works Board on November 14, 2001. The Public Works Board will render a report to the City Council on the Capital Facilities Plan for consideration at the Council Public Hearing on November 20. On December 4, 2001, a Public Hearing will be advertised to open the FY 2001-2002 Budget. The reason for this being done a month earlier than normal is that Water Pro cancelled their contract effective December 31, 2001, so we need to staff and fund a Water Division by that date. Bob Wren has spent considerable time putting together a Water Division. By November 20, Mr. Newman hopes to have an advance copy of Bob Wren's report showing the effect on the budget. On December 4, the mid-year budget opening will include this issue, as well as all other needed financial adjustments.

7. Public Comment:

None

8. **Consideration and Approval of the Payson Power Project Power Sales Contract between UAMPS and Eagle Mountain City:**

John Newman recommended the City Council approve this issue giving him the latitude to exercise the approval at the very last minute.

Greg Kehl stated the Public Works Board has reviewed this contract and has indicated the City does not want to lose the opportunity to use this option if needed; however, the Board is also concerned that the City not expend any monies until absolutely necessary.

MOTION: *Bert Ankrom moved to approve and authorize the Mayor to execute, at the last possible minute, the Payson Power Project Power Sales Contract with UAMPS. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

9. **Consideration and Approval of an Agreement between Eagle Mountain City and University of Utah to provide services regarding a Geographic Information System (GIS):**

John Newman recommended approval of this agreement.

MOTION: *Brigham Morgan moved to approve the Revised Agreement between Eagle Mountain City and the University of Utah to provide services regarding a Geographic Information System (GIS). Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

10. **Consideration and Approval to Amend the Eagle Mountain City Policies and Procedures Manual:**

John Newman recommended this item be tabled for further study.

MOTION: *Greg Kehl moved to table this item for further study. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

11. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule to provide for Telecommunication Access Rates:**

Mark Lofgren stated Section 1.9.62 of the Consolidated Fee Schedule adds the document entitled "Eagle Mountain Telecommunication Access Rates".

John Newman stated there is a specific reason why the information in this document should not be incorporated into the Consolidated Fee Schedule. This document must be filed with the two regulatory agencies that supervise state and federal telecommunications. This document also shows access charges which are available to everyone and so must be in its own form. The document will be changed from time to time.

Mark Lofgren discussed a Telecom proposal for a DSL promotion beginning November 20 and running through December 20, 2001. This promotion will be coupled with advertising explaining that a current customer will be given one month of free service for every person referred to the DSL who actually signs up.

Mark Lofgren expressed his appreciation to the Telecom Office for the quality of their service to the community. John Newman has received comments from residents praising the low rates and good service.

MOTION: *Bert Ankrom moved to approve Resolution No. R 25-2002, A Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

MOTION: *Mark Lofgren moved to authorize the Telecommunications Department to run a special DSL promotion between the dates of November 20, 2001, and December 20, 2001; the promotion being that any current DSL customer will be given one month of free service for every person referred to the DSL who actually signs up. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

12. Motion to approve Consent Agenda:

- a. Warrant Register
- b. Contract Change Order
 - i. 12.kV Distribution Line CO No. 3, Caribou Construction, Inc.
 - ii. North Substation CO No. 1, RME
- c. Partial Payment Requests
 - i. North Substation 2000 Gas & Electric Revenue Bond PP No. 6, RME
 - ii. 138kV Transmission Line PP No. 1, J.H. Baxter Company
- d. Final Bond Releases
 - i. Willow Springs, Phase 1, Summit Development
 - ii. Willow Springs, Phase 2, Summit Development
 - iii. Mountain View, Phase 2, Sunrise Building Company

MOTION: *Brigham Morgan moved to approve the Consent Agenda. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

13. Parking Stalls in Willow Springs Subdivision regarding specifications:

MOTION: *Brigham Morgan moved to accept the recommendation of Summit Development to leave the Willow Springs, Phases 1 and 2, parking stalls as they are currently installed, and that the Council specify the remaining phases of Willow Springs development be brought up to the current development standard of 20 feet. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

14. Final Acceptance of Willow Springs Subdivision, Phase 1, Summit Development:

MOTION: *Brigham Morgan moved to approve the final acceptance of Willow Springs, Phase 1, with the understanding that the Mayor not be required to sign the acceptance until he has received a memo from Mr. Valentine, Telecom Office, that he has the R-Pots cards in his possession, and that a copy of said memo accompany the final signoff. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

15. Final Acceptance of Willow Springs Subdivision, Phase 2, Summit Development:

MOTION: *Brigham Morgan moved to approve the final acceptance of Willow Springs, Phase 2, with the understanding that the Mayor not be required to sign the acceptance until he has received a memo from Mr. Valentine, Telecom Office, that he has the R-Pots cards in his possession, and that a copy of said memo accompany the final signoff. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Greg Kehl led the City Council in expressing appreciation to Summit Development for keeping the Council up to date and for following through on projects and agreements.

16. Final Acceptance of Mountain View Subdivision, Phase 2, Sunrise Building Company:

Korey Walker stated the street sign has been installed. Sunrise Building Company has expressed concern that there has been a delay in placing them on the agenda; however, the street sign was installed three weeks ago, which was too late to have the Final Acceptance placed on the agenda. They are requesting that due to that perceived delay, the warranty period be reduced from two years to one year.

MOTION *Greg Kehl moved to approve the final acceptance of Mountain View Subdivision, Phase 2, Sunrise Building Company, denying the request for the reduction of warranty period, and the warranty stands at two years. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

17. Costs regarding City Office Expansion plus the Library:

This item was tabled.

18. Other Business:

a. Natural gas rates

Greg Kehl explained the Public Works Board has met and examined natural gas rates for this year. The Public Works Board is recommending that effective December 1, 2001, natural gas rates would be at base rate of \$16.00, with a decatherm rate of \$5.91, a reduction from \$9.68.

MOTION: *Greg Kehl moved to approve the recommendation of the Public Works Board and adopt the natural gas rates of \$16.00 base, with \$5.91 a decatherm, effective December 1, 2001. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

b. Morco presentation

Mayor Bond referred to a presentation made during the Work Session by Jerry Gaskin, owner of Morco. Mr. Gaskin stated his concerns about the lack of growth in his business. He stated he is currently getting a 20% share of the market; however, he needs a 30% share to stay in business. Mr. Gaskin indicated he would have to close the store by year's end if business did not improve. There was a general consensus at the meeting that the residents and the City Council want to keep Morco in the community.

Mr. Gaskin mentioned using a "Welcome Wagon" approach to new residents, with the store distributing coupons and/or gift certificates to bring newcomers into the store. He wondered if he could regularly receive an email list from the Building Department showing Certificate of Occupancy names and addresses of City Center residents. This information is currently available only through completing a Government Records Access and Management Act (GRAMA) request. The Mayor stated there could be immediate action taken in the form of a motion to change the GRAMA requirement since this is an emergency situation. This item would then appear on the next City Council Agenda to generate public discussion. This motion could then be denied or ratified.

MOTION: *Greg Kehl moved to rescind the requirement for a Government Records Access and Management Act (GRAMA) request for name and address information contained on Certificate of Occupancy records. Brigham Morgan seconded the motion. Ayes: 4; 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/security:

MOTION: *Brigham Morgan moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation, and/or public safety/security at 7:45 PM. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

20. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 8:28 PM. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

21. Any Actions from the Closed Executive Session:

None

22. Adjournment:

MOTION: *Mark Lofgren moved to adjourn the meeting at 8:28 PM.*

APPROVAL: _____

Paul R. Bond, Jr.
Mayor Paul R. Bond, Jr.

DATE: _____

11/27/01

This certifies that the minutes of
10-30-01 are a true, full and
correct copy as approved by the
City Council on 11-27-01

Signed: *DeAnna Whitney*
DEPUTY City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center, 1668 E. Heritage Drive
Eagle Mountain, Utah 84043
NOVEMBER 13, 2001**

POLICY SESSION 5:30 PM

Mayor Paul R. Bond, Jr., called the meeting to order at 5:30 PM.

1. **Roll Call:**

Council Members Present:

Mayor Paul R. Bond, Jr., Greg Kehl, Brigham Morgan, Bert Ankrom, and Dave Albrecht. Mark Lofgren was absent.

City Staff Present:

John Newman City Administrator
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney

2. **Pledge of Allegiance:**

Mayor Paul Bond led the Pledge of Allegiance:

3. **Canvass of General Election Held on Tuesday, November 6, 2001:**

Janet Valentine, Recorder, explained the responsibilities of the Board of Canvassers. She presented the official canvass to the City Council.

Greg Kehl indicated he had noted several duplicated names in the Official Voter Register. Janet Valentine stated she would follow up on this information and adjust the Total Registered Voters number as necessary.

Janet Valentine did discover several duplications of names in the Official Voter Register and changed the Total Registered Voters from 1961 to 1958.

The Official Vote Count was as Follows:

Total Registered Voters:	1958
Total Ballots Received:	1071
Percentage of Turnout:	55%

Ballots Received:

Official Ballots Received	1961
Absent-Voter Ballots Received	<u>16</u>
Total Ballots Received	1977

Distribution of Official Ballots:

Ballots Voted With No Write-Ins	1067
Ballots Voted With Write-Ins	3
Official Ballots Left Over (unused)	898
Spoiled Official Ballots	8
Absent-Voter Ballots not processed	<u>1</u>
Total Ballots Distributed	1977

Blank Ballot Count: 0

THE VOTE COUNT IS AS FOLLOWS:

Mayor Four-Year Term:

Kelvin E. Bailey received 572 votes
Greg D. Kehl received 494 votes

Council Member Four-year Term:

Darrin Brandt received 448 votes
Isaac I. Hao III received 390 votes
Diane K. Jacob received 571 votes
Mark Benson Madsen received 602 votes
Vincent M. Liddiard received 3 write-in votes

Diane K. Jacob and Mark Benson Madsen will serve as council members for the four-year term.

Council Member Two-Year Term:

Chris A. Kofoed received 503 votes
Linn Strouse received 560 votes

MOTION: *Dave Albrecht moved to approve and accept the canvass of the General Election of November 6, 2001, as amended. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

MOTION: *Bert Ankrom moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 5:40 PM. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

5. Motion to Reconvene in to Open Session.

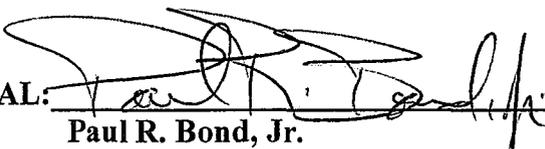
MOTION: *Dave Albrecht moved to reconvene in to Open Session at 5:50 PM. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

6. Any Actions from the Closed Executive Session:

None

7. Adjournment:

MOTION: *Bert Ankrom moved to adjourn the meeting at 5:55 PM.*

APPROVAL:  DATE: 11/27/01
Paul R. Bond, Jr.

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH**
Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain, UT 84043
November 20, 2001

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Central Utah Water Conservatory District Study/ Dave Pitcher
2. Goals/Mayor Paul R. Bond, Jr.
3. Discussion on the Budget Opening (Scheduled on the Policy Session - Dec. 4, 2001 CC Mtg)
4. Discussion on Initiation of Water Division – Accepting Duties and Responsibilities from Water Pro,
Revising Public Works Department's Work Force
5. Discussion on Relationship of Eagle Mountain City Code Enforcement and Home Owners Associations
6. Items as Outlined on the Policy Session
7. Council Liaison Reports:
 - a. Administration/Personnel/Finances/Newsletter – **Mayor Paul R. Bond, Jr.**
 - b. Parks & Recreation/Library/Youth Services/Economic Development Board- **David Albrecht**
 - c. Public Works Dept. (Water, Wastewater, Natural Gas, Electric) - **Greg Kehl**
 - d. Planning & Zoning/Planning Commission/Building Permits – **Brigham Morgan**
 - e. Public Safety/Community Arts/Airport Advisory Board – **Bert Ankrom**
 - f. Telecommunications Utility Board - **Mark Lofgren**
8. Other Business
9. Adjourn Work Session at 6:45 p.m.

POLICY SESSION – 7:00 TO 10:30 p.m.

Mayor Bond called the meeting to order at 7:04 PM

1. Roll Call:

Council Members Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan, Greg Kehl, and Mark Lofgren.

City Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
Deputy Recorder:	DeAnna Whitney
Code Enf. Officer:	Fionnuala Kofoed
Sergeant:	Jo Murphy
Deputy Sheriff:	Dale Lea
Fire Chief:	Robert DeKorver

Others Present: Mayor Elect Kelvin Bailey; Council Members Elect Linn Strouse and Diane Jacob; Wendy and Chad Smith, residents; Lee and Eutona Dixon, residents; Paul Evans, Butler and Evans Architects; Darin Garrett, resident; Darrell Jackson, Library Board.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Darrell Jackson.

3. **Approval of Minutes (October 30, 2001 and November 13, 2001 Special CC Mtg)**

MOTION: *Mark Lofgren moved to approve the minutes of October 30, 2001, as amended. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

MOTION: *Dave Albrecht moved to approve the minutes of November 13, 2001. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Mark Lofgren abstained. Motion passed.*

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

None

5. **Appointments:**

None

6. **Public Notices:**

John Newman referred to Public Notice for Budget Opening scheduled for the Policy Session at City Council Meeting December 4, 2001.

The Mayor explained that budget information is available in the City Office and encouraged the public to get a copy for review.

7. **Public Comment:**

There were no notices for public comment.

The Mayor stated the Council received a written letter from Patterson Construction with a request it be read during City Council Meeting. The Mayor indicated this letter was received just prior to the meeting and they had not had time to read it. This letter will be made part of the record.

8. **Public Hearing: (Eagle Mountain City Capital Facilities Amendment)**

a. Open Public Hearing (7:10 PM)

The Mayor explained that a developer had requested there be an amendment to the Capital Facilities Plan to bring it in line with impact fees because of the difficulties they were experiencing.

The Mayor broke from the session schedule in order to welcome a Boy Scout Troop from Overland Trails.

- b. Receive Public Comment

Let the record show no person made verbal comments. However, the letter referred to in Item 7 will become record of this public hearing.

- c. Close Public Hearing (7:12 PM)

9. **Consideration and Approval of an Ordinance Amending the Eagle Mountain City Capital Facilities Plan:**

Jerry Kinghorn explained that when a Capital Facilities Plan has been finally approved it is done with an Impact Fee Enactment. He recommended the Council direct the City Engineer to include the Addendum presented to the council and proceed to preparation of the economic analysis and the impact fee enactment drafts.

John Newman stated the City Staff is proceeding with the economic analysis and impact fee analysis as per prior decision of the Council. An independent firm, Lewis Young, has been employed to perform these studies.

The Mayor stated an independent firm was requested by the developers to have a more objective view.

MOTION: *Greg Kehl moved to direct the City Engineer to include the Addendum to the Capital Facilities Plan, which was presented to the Council, and proceed to preparation of the economic analysis and the impact fee enactment drafts. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

The visiting Boy Scout Troop was again recognized by the Mayor. The troop leader stated the reason for their visit was to complete merit badges started at the Boy Scout Pow Wow. A copy of the budget was requested by and given to the troop by the Mayor. The Mayor invited the scouts to ask questions of council.

10. **Restaurant Tax Money Distribution:**

The Mayor explained there is a sales tax levied which goes directly to the County, and the County distributes this money to individual cities for specific items related to tourism and recreation. The City staff recommended these funds be used to purchase bleachers for Pony Express Park. These bleachers are 15 feet in length, have five rows each with a galvanized frame, and weigh approximately 700 pounds.

Brigham Morgan made a request for the purchase of informational kiosks to be placed in various areas of the City. His felt if all the Restaurant Tax monies were used to fund bleachers, the Council should allocate funds elsewhere to install kiosks for general city information.

MOTION: *Dave Albrecht moved to approve the City staff's recommendation to purchase three bleachers for Pony Express Park. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

11. **Considerations and Approval to Amend the Eagle Mountain City Policies and Procedures Manual:**

MOTION: *Brigham Morgan moved to approve the amended Eagle Mountain City Policies and Procedures Manual as submitted. Bert Ankrom seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

12. **Costs regarding City Office Expansion including a space for the Eagle Mountain City Library:**

The Mayor indicated the City Staff was recommending the 56 x 70 foot building expansion with a three-year lease.

Mark Lofgren brought to the public's attention that this expansion would include space for the library. Darrell Jackson of the Library Board asked questions about this space. He was told Michele Graves, Librarian, had approved the expansion plans.

John Newman anticipates occupancy of the building expansion by February 1, 2002, if all goes as planned.

MOTION: *Brigham Morgan moved to authorize a 36-month lease, with an option to buy out, of a 56 x 70 foot City Office expansion as proposed. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. **Consideration and approval of an Ordinance defining non-residential development definition and provisions for waiver of certain impact fees and allowing the processing of development applications for property owners who are delinquent or in default regarding obligations and payments to the city for certain non-residential developments:**

The Mayor stated this ordinance will allow the processing on a case-by-case basis of plats and property to be used for churches, schools, commercial, manufacturing, wholesale, retail and storage facilities which generate sales tax and/or commercial property tax, or provide other important cultural, educational or social benefits to the population of the City

MOTION: *Greg Kehl moved to adopt Ordinance O 17-2001, an Ordinance of Eagle Mountain City, Utah Providing a Non-residential Development Definition and Provisions for Waiver of Certain Impact Fees and Allowing the Processing of Development Applications for Property Owners Who are Delinquent or in Default Regarding Obligations and Payments to the City for Certain Non-residential Developments. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

14. **Eagle Mountain Stake Center Final Plat & Site Plan Approval:**

Mayor Bond asked Korey Walker, City Engineer, if there is utility capacity for the stake center. Mr. Walker stated there is utility capacity at present.

Paul Evans, Butler and Evans Architects, representing the LDS Church, offered to answer any questions.

Mayor Bond excused himself and turned the meeting over to Mayor Pro Tem Dave Albrecht. Mr. Albrecht then gave the floor to Attorney Jerry Kinghorn for questions. Mr. Kinghorn asked Mr. Evans what the proposed use of this building would be and if the building would substantially benefit the existing residents of the City. Mr. Evans stated the purpose of the building is for religious worship and would benefit the existing residents.

Mayor Bond spoke to the Council representing the Church answering questions regarding the need for this building. He indicated that due to his local position in the LDS Church, he is aware of the future proposed growth of the Church. He indicated that the current building under construction will be used to capacity when it is completed. The stake center will take approximately eleven months to complete and will be greatly needed by the community even before it is finished.

Dave Albrecht asked Mr. Evans to explain the location of building. Mr. Evans stated the stake center site is on the corner of Ira Hodges Scenic Driveway and Aqua Avenue in the Overland Trails development.

Mr. Albrecht asked how soon construction could begin if this matter is approved. Mr. Evans said the decision to begin construction is not his to make.

Brigham Morgan asked what benefits would come to the community, what the plans were to meet the requirements for berming around the church, and stated his concerns regarding traffic patterns. Mr. Evans addressed all these issues.

MOTION: *Greg Kehl moved to approve the Eagle Mountain Stake Center final plat and site plan for the Eagle Mountain Stake Center based on the facts of finding that it would benefit the community immediately, there are ERU values for utilities, and that it is a special benefit for the community. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Dave Albrecht did not vote in his capacity as Mayor Pro Tem. Motion passed.*

Dave Albrecht invited the Mayor to take his seat at the head of room.

15. Eagle Mountain City Center Clean-up and Landscaping Cost Estimates:

The Mayor recognized the cleanup efforts of the City staff, particularly those of Code Enforcement Officer Fionnuala Kofoed. He indicated that much has been done to beautify the City and there is more to do. He recommended the City staff continues regular monitoring of weeds.

Bert Ankrom asked if the enforcement of residential property will begin again, and the Mayor indicated it would. Bert Ankrom also requested that when residents see violations, they contact the City by writing or calling the Planning Office.

The Mayor recommended the use of volunteers to keep the City cleaned up. Mr. Newman stated the Mayor's recommendation would be taken under consideration.

16. Consideration and Approval of a Resolution Amending and Restating Resolution No. R 18-2001 to Establish a Justice Court:

This resolution is recommended to start the process to establish a Justice Court.

MOTION: *Dave Albrecht moved to approve Resolution No. R 26-2001, a Resolution of the City Council of Eagle Mountain City, Utah, Amending and Restating Resolution No. R 18-2001 of Eagle Mountain City to Establish a Justice Court. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

17. Consideration and Approval of a Natural Gas Sales Agreement with Wasatch Energy through IMGA:

MOTION: *Mark Lofgren moved to approve the Natural Gas Sales Agreement with Wasatch Energy through IMGA as submitted. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

18. Consideration and Approval of a Mutual Aid Agreement between Eagle Mountain & Saratoga Springs Fire Departments:

The Mayor explained this is an agreement between Eagle Mountain City and Saratoga Springs whereby each of the parties may assist the other party by supplying fire protection and fire fighting services upon request.

MOTION: *Greg Kehl moved to approve the Mutual Aid Agreement between Eagle Mountain and Saratoga Springs Fire Department as submitted. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

19. Award of Bid for Meadow Ranch Park and Trails Project:

City Engineer Korey Walker asked if Items 19 and 20 could be handled together, and Attorney Kinghorn said this would be acceptable.

Mr. Walker explained that bids have been received for the Meadow Ranch Park and Trails Project and for The Red Hawk Ranch Project for landscaping of the trails and park. Both of the bids are over budget; therefore, the City has two options. The first option would be to rebid the projects and delete some items from the bid schedule to bring the bid within budget. The second option would be to go through the bids as they appear and delete items that could be funded some other way and award the projects to Bland Brothers, who is the apparent low bidder.

The Mayor asked about comments made during Work Session that The Ranches is willing to pay for the equipment. Mr. Walker stated if the City wanted to follow the second option above, The Ranches has agreed to pay for the park equipment in both of the parks. If they followed through, the projects presented would fall within budget.

Bert Ankrom asked why drinking fountains are not included in plans for parks. Mr. Walker stated that parks identified in the Capital Facilities Plan are equipped with drinking fountains and restrooms. If this plan is adopted, the City would be able to install these items. The proposal of the Capital Facilities Plan is to bring all parks up to this level.

Darren Garrett, resident of The Ranches, asked about the confidence in The Ranches' ability to meet the above-mentioned obligation. The Mayor indicated if they did not agree to keep their end of the obligation, the projects would go out for rebid.

MOTION: *Mark Lofgren moved to send this item out for rebid, modifying the bid to remove items to bring it within budget. Brigham Morgan seconded the motion: Ayes: 4; Nays: 0. Greg Kehl abstained. Motion passed.*

20. Award of Bid for Red Hawk Ranch Project:

MOTION: *Mark Lofgren moved to send this item out for rebid, modifying the bid to remove items to bring it within budget. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Greg Kehl abstained. Motion passed.*

21. **Mt. Airey Entrance Repair:**

MOTION: *Dave Albrecht moved to accept the bid from Hilltop Landscaping to make repairs to the Mt. Airey entrance. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. **Motion to approve Consent Agenda:**

- a. Warrant Register
- b. Contract Change Order
 - i. Road Repair and Overlay of Ranches and Pony Express Parkway, CO #3/Valley Asphalt
- c. Partial Payment Requests
 - i. Road Repair and Overlay of Ranches and Pony Express Parkway, PP#5/Valley Asphalt
 - ii. Ranches and Pony Express Parkway Landscaping – Area 2/2000-1 SID/Golden Landscaping
 - iii. Ranches and Pony Express Parkway Landscaping – Area 3/2000-1 SID/Golden Landscaping
 - iv. 12.5 kV Underground Distribution Tie Circuit, PP No. 3 – 2000 Gas and Electric Revenue Bond/Caribou Construction
 - v. Meadow Ranch Park West, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - vi. Meadow Ranch Park East, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - vii. Meadow Ranch Trails, PP No. 3 – 2000-1 SID/Nuszer Kopatz **REMOVED BY MOTION**
 - viii. Ranches and Pony Express Landscaping, PP No. 5 – 2000-1 SID/Nuszer Kopatz
 - ix. Red Hawk Ranch Park, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - x. Pony Express Parkway East, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - xi. Paul Evans Trailway, PP No. 4 – 2000-1 SID/Nuszer Kopatz
- d. Final Payment Requests
 - i. 15 kV Metal Clad Switchgear, Pmt No. 2 - Interim Funding Revenue Bond/Powell Electric
- e.
 - i. Ratify the following item approved at the Eagle Mountain City Council Meeting on 10-30-01:
Rescind the requirement for Jerry Gaskin, Morco Express Owner to fill out an official records request through the Government Records Access and Management Act (GRAMA) for the name and address information contained on Certificate of Occupancy records
 - ii. Ratify payments to the court and the land owners for the 138 transmission line project right of way
- e. Approval of Construction Agreement for NSA Fire Station

MOTION: *Brigham Morgan moved to remove Item 22.c.vii from the Consent Agenda. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

MOTION: *Greg Kehl moved to approve the amended Consent Agenda. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. **Other Business:**

The Mayor explained The Ranches has made a request that they be allowed to phase Ruby Valley Plat B. The Mayor recommended this be approved and that the City staff be directed to work with The Ranches to determine how this phasing is to be done.

Bert Ankrom asked if the City would be accepting any liabilities by approving this phasing. He was assured by John Newman, Korey Walker, and Jerry Kinghorn that phasing is normal with subdivisions and that this can be accomplished without any issues

MOTION: *Dave Albrecht moved to approve the phasing of Ruby Valley Plat B and direct the City staff to work with The Ranches to determine how this phasing is to be done, with an amendment specifically stating that Phase 1 includes Lots 2, 5-30, 38-40, and 61-75 and that the issuance of building permits within Phase 1 would be authorized at the discretion of staff. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Bert Ankrom abstained. Motion passed.*

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

MOTION: *Greg Kehl moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 8:15 PM. Bert Ankrom seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Chad and Wendy Smith, residents from Smith Ranch, requested they be allowed to submit a packet to the Mayor and Council for review and addition to the Agenda for City Council Meeting on December 4, 2001. The Mayor gave his approval.

24. Motion to Reconvene in to Open Session:

MOTION: *Mark Lofgren moved to reconvene in to Open Session at 8:29 PM. Bert Ankrom seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

25. Any Actions from the Closed Executive Session:

None

27. Adjournment:

MOTION: *Bert Ankrom moved to adjourn the meeting at 8:29 PM.*

APPROVAL: _____

Mayor Paul R. Bond, Jr.

DATE: _____

12/4/01

This certifies that the minutes of
11-20-01 are a true, full and
correct copy as approved by the
City Council on 12-04-01

Signed: DeAnna Whitney
DEPUTY City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH**

Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain City, Utah 84043
December 4, 2001

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Goals/Mayor Paul R. Bond, Jr.
3. Victims Advocate Presentation – Diana Anderson (Contact at 768-7117 x 318)
2. Gold Puck Award Presentation, 21st Century Community Program (Jim Bolser – MAG)
4. Items as Outlined on the Policy Session
5. Other Business
6. Adjourn Work Session at 6:45 p.m.

POLICY SESSION – 7:00 TO 10:30 p.m.

Mayor Bond called the meeting to order at 7:04 PM.

1. **Roll Call:**

Council Members Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan, Greg Kehl, and Mark Lofgren.

City Staff:

City Administrator:	John Newman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
Deputy Recorder:	DeAnna Whitney
Code Enforcement Officer:	Fionnuala Kofoed
Sergeant:	Jo Murphy
Fire Chief:	Robert DeKorver

Others Present: Diane Jacob, council member elect; Wendy Smith, resident; Lee and Eutona Dixon, residents, Darrell Jackson, Michele Graves, and Gayleen Pierce, Library Board; Mark Sovine, Public Works Board; Debra Hart, New Utah.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Eutona Dixon.

3. **Approval of Minutes (November 20, 2001):**

MOTION: *Bert Ankrom moved to approve the minutes of November 20, 2001. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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

None

5. **Appointments:**

None

6. **Public Notices:**

a. Capital Facilities Plan

Korey Walker explained the two updates to the Capital Facilities Plan: (1) a public safety facility component has been added, and (2) population projections have been reevaluated and updated due to public announcement that the country is in the midst of a recession.

b. Finance Director Job Opening

7. **Public Comment:**

Darrell Jackson brought up his concerns regarding setbacks for property shown in the Development Code. He would like to see side-yard setbacks increased. He stated he had spoken to Korey Walker and was informed this matter was currently under review.

8. **Discussion of Cancellation of City Council Meeting which Conflicts with Scheduled Holiday:**

MOTION: *Greg Kehl moved to eliminate the January 1, 2002, City Council Meeting, with the option to hold a special City Council Meeting if necessary. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

9. **Public Hearing: FY 2001-02 Budget Opening:**

a. Open Public Hearing (7:10 PM)

b. Receive Public Comment

None

c. Close Public Hearing (7:12 PM)

10. **Consideration and Approval of an Ordinance Amending the Eagle Mountain City FY 2001-02 Budget:**

MOTION: *Brigham Morgan moved to approve Ordinance O 19-2001 an Ordinance Amending the Eagle Mountain City FY 2001-01 Annual Budget. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

11. **Consideration and Approval of Bid for Janitorial Services:**

John Newman stated there were three inquiries on this bid, but only one bid was received.

MOTION: *Mark Lofgren moved to approve the bid for janitorial services as submitted. Brigham Morgan seconded the motion: Ayes:5; Nays: 0. Motion passed.*

12. **Consideration and Approval or Discussion of Bid for Vehicle Purchase:**

The Mayor explained to the public the bid for additional vehicles for use by the City.

One bid was received from Doug Smith Dodge in American Fork.

John Newman requested that one of the Dodge Neons be placed on hold until spring when there is a possibility of hiring another building inspector. He requested he be authorized to order the other vehicles as soon as possible.

Mr. Newman stated Doug Smith Dodge had made an offer to provide a replacement vehicle when any of the vehicles need servicing.

MOTION: *Bert Ankrom moved to authorize the City Administer to purchase seven vehicles as submitted, to try to negotiate a hold-over bid on one Dodge Neon, to get the replacement-vehicle offer in writing, and to order the dump truck as a diesel. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. **Consideration and Approval to enter in to a Unit Three Study Participation Agreement with Intermountain Power Agency (IPA) & Los Angeles Department of Water and Power (LADWP):**

MOTION: *Dave Albrecht moved to authorize the City Administrator to submit a response to the IPA Unit Three Study Participation Agreement, but that the City Administrator, in conjunction with Mr.Sovine, a member of the Public Works Board, evaluate all other options available up to the last minute the bid needs to be submitted. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

14. **Consideration and Approval of City Automatic Meter Reading (AMR):**

During Work Session, Bob Wren explained AMR to the Council and answered questions. He recommended the City accept the bid shown in Item 4 of his memorandum.

This paperwork will be forwarded to members of the Public Works Board for questions and approval.

Mr. Newman stated this project will come in under budget and will save many manhours.

In response to a resident's question, the Mayor explained the City will bear the costs of this program.

MOTION: *Brigham Morgan moved to authorize Itron but direct the City staff to poll the Public Works Board members as to any observations or recommendations they may have before actually placing the order. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

15. Consideration and Approval of City Ordinance on Animal Control:

Mr. Kinghorn explained this is a new animal control ordinance which has been reviewed by Sergeant Murphy. This ordinance is substantially the same as the Utah County ordinance for animal control and allows stronger animal control enforcement in the City.

MOTION: *Brigham Morgan moved to approve Ordinance No. O 18-2001 an Ordinance of Eagle Mountain City, Utah, repealing Ordinance No. 99-13 and Enacting Comprehensive Provisions for Animal Control. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

16. Consideration and Approval of Specifications and Cost Breakdown for Fire Station #2:

John Tebbs, Bonneville Builders, showed plans for Fire Station #2 to the Council, explained the design, and answered questions.

MOTION: *Bert Ankrom moved to approve the revised Fire Station #2 contract as submitted and authorize the expenditure of funds in the amount of \$285,000 for construction. Mark Lofgren seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

17. Consideration and Approval of Changes to the Consolidated Fee Schedule:

This item was tabled pending more information from City staff.

18. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. North Substation Grading, Foundations, Fence, CO #1/Even Grade Construction, LLC
 - ii. North Substation Grading, Foundations, Fence, CO #2/Even Grade Construction, LLC
 - iii. North Substation, CO #2/RME
 - iv. North Substation, CO #3/RME
 - v. Meadow Ranch Park West, CO #1/Nuszer Kopatz
 - vi. NSA Waterline, CO #1/Tycon
- c. Partial Payment Request
 - i. North Substation, PP #7/RME
 - ii. Meadow Ranch Trails, PP #1/Nuszer Kopatz
 - iii. Road Repair and Overlay of Ranches and Pony Express Parkways, PP #6/Valley Asphalt
 - iv. NSA Waterline – Bid Schedule 3, PP #1/Tycon
- d. Partial Bond Releases
- e. Ratification of Phasing for Ruby Valley, Plat B, contained in Exhibit to Development Agreement

MOTION: *Mark Lofgren moved to approve the Consent Agenda. Dave Albrecht seconded the motion. Ayes: 5; 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, potential litigation and/or public safety/security:

MOTION: *Dave Albrecht moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 6:18 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

21. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 6:54 PM. Bert Ankrom seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. Any Actions from the Closed Executive Session:

None

22. Adjournment:

The meeting was adjourned at 7:38 PM.

APPROVAL: _____

Paul R. Bond, Jr.
Mayor Paul R. Bond, Jr.

DATE: 1/3/02

This certifies that the minutes of
12-04-01 are a true, full and
correct copy as approved by the
City Council on 01-02-2002

Signed: *Paul B. Valentine, cmc*
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH**

**Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain, Utah 84043
December 18, 2001**

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Goals/Mayor Paul R. Bond, Jr.
2. Items on Policy Session
3. Council Liaison Reports:
 - a. Administration/Personnel/Finances/Telecommunications/Newsletter – **Mayor Paul R. Bond, Jr.**
 - b. Parks & Recreation/Library/Youth Services/Economic Development Board- **David Albrecht**
 - c. Public Works Dept. (Water, Wastewater, Natural Gas, Electric) - **Greg Kehl**
 - d. Planning & Zoning/Planning Commission/Building Permits – **Brigham Morgan**
 - e. Public Safety/Community Arts/Airport Advisory Board – **Bert Ankrom**
4. Other Business
5. Adjourn Work Session at 5:50 PM

POLICY SESSION – 7:00 TO 10:30 p.m.

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

1. Roll Call:

Council Members Present: Mayor Paul Bond, Dave Albrecht, Brigham Morgan, Greg Kehl, and Mark Lofgren. Bert Ankrom was absent.

City Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Sergeant:	Jo Murphy
Deputy Sheriff:	Dale Lea

Others Present: Mike Wren, Eagle Mountain Properties; Jessa Schalich, The Ranches.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Staci Bond.

3. **Approval of Minutes: (December 4, 2001)**

MOTION: *Mark Lofgren moved to table the Minutes of the City Council Meeting of December 4, 2001. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

None

5. **Appointments:**

This item was tabled.

6. **Public Notices:**

Janet Valentine, City Recorder, read the Public Notice stating there will be a Public Hearing at a Special City Council Meeting on January 2, 2001, at 6:30 PM, at the Community Center to receive public input on a Proposed Airport Planning Commission Ordinance.

7. **Public Comment:**

None

8. **Public Hearing: Proposed Revised Capital Facilities Plan:**

a. Open Public Hearing (7:12 PM)

b. Receive Public Comment

There was no public comment.

c. Close Public Hearing (7:13 PM)

9. **Consideration and Approval of Revised Capital Facilities Plan with Appendix:**

MOTION: *Greg Kehl moved to approve the Capital Facilities Plan update as submitted. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

10. **Consideration and Approval of City Council Meeting Schedule for 2002:**

The Mayor verified that Mayor Elect Kelvin Bailey helped to set this schedule and approved it.

MOTION: *Mark Lofgren moved to approve the City Council Meeting Schedule for 2002 as set forth. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

11. Consideration and Approval of Amendments to The Ranches Community Design Guidelines:

Greg Kehl had questions that were answered by Shawn Warnke, Planning Department.

MOTION: *Brigham Morgan moved to approve the Amendments to The Ranches Community Design Guidelines as submitted. Mark Lofgren seconded the motion. Ayes: 3; Nays: 0. Greg Kehl abstained. Motion passed.*

12. Consideration and Approval of Occupancy of Homes in Cedar Trail Villages:

The Mayor has requested the City Engineer to draft a letter to the developer itemizing things that need to be completed. The Mayor requested copies of this letter be made available to all City Council members, City staff, and newly elected officials.

The Mayor had a question regarding the retention pond, the temporary access road, and Certificates of Occupancy for currently occupied homes. The City Engineer and Mike Wren, Eagle Mountain Properties, answered these questions.

Mike Wren stated there are no existing safety issues. He requested occupancy permits be issued for three new homes.

Jerry Kinghorn stated this subdivision is substantially complete and the City still holds a bond to get things completed.

The Mayor recommended approval of this item on the following conditions: 1) the access road compaction be done next spring; 2) the retention pond be finished as soon as possible in the spring; 3) a flooding test be done by the Fire Department and a sewer video be completed within four weeks to be followed up by the City Engineer.

MOTION: *Dave Albrecht moved to approve occupancy permits for Cedar Trail Villages I based on stipulations stated by Mayor Bond. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

13. Consideration and Approval of Revision of Motion of 10-16-01 Regarding R-pots Cards;

The request for a change in motion was explained by Jessa Schalich, The Ranches. She also answered questions from Council members.

MOTION: *Mark Lofgren moved to allow The Ranches to purchase and give the City Telecom Department the needed R-pots cards in the amount of 45 and bond for the balance of the cards that need to be delivered. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

14. Motion to Approve Consent Agenda Items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. 4th Generating Unit, CO #1/Simpson Power Products LTD
 - ii. North Substation 2000-1 Gas and Revenue Bond, CO#1/Sunbelt Transformer
 - iii. Road Repair and Overlay of Ranches and Pony Express Parkway, CO#4/Valley Asphalt

- c. Partial Payment Requests
 - i. North Substation, PP#2/Sunbelt Transformer
 - ii. Road Repair and Overlay of Ranches and Pony Express Parkway, PP#7/Valley Asphalt
- d. Partial Bond Releases/Korey Walker
 - i. Three Crossings Plat B, Sundance Homes
 - ii. Porter's Crossing Plat A, Sundance Homes
 - iii. Porter's Crossing Plat B, Sundance Homes
 - iv. Porter's Crossing Plat C, Sundance Homes
- e. Final Bond Releases
 - i. Liberty Farms, Dakota Homes
 - ii. Crittenden Corner, The Ranches
 - iii. Rockwell Village, The Ranches
 - iv. Castle Rock, The Ranches

MOTION: *Brigham Morgan moved to approve the Consent Agenda as submitted. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

15. Other Business

None

16. 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 Lofgren moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 5:50PM. Greg Kehl seconded the motion. Ayes: 3; Nays: 0. Brigham Morgan was absent. Motion passed.*

17. Motion to Reconvene in to Open Session:

MOTION: *Mark Lofgren moved to reconvene in to Open Session at 6:00 PM. Greg Kehl seconded the motion: Ayes: 4; Nays: 0. Motion passed.*

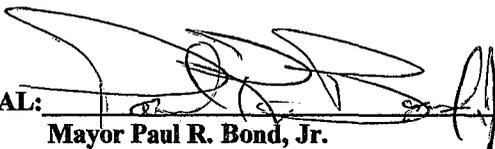
18. Any Actions from the Closed Executive Session:

None

19. Adjournment:

MOTION: *Greg Kehl moved to adjourn the meeting at 7:25 PM*

APPROVAL:

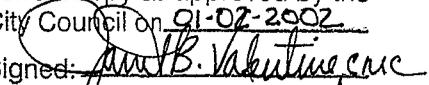

Mayor Paul R. Bond, Jr.

DATE:

1/3/02

This certifies that the minutes of
12-18-2001 are a true, full and
correct copy as approved by the
City Council on 01-02-2002

Signed:


City Recorder