

Eagle Mountain City Council Minutes 2002

Dates of City Council Meetings:

- January 2, 2002
- January 7, 2002
- January 15, 2002
- January 29, 2002
- February 5, 2002
- February 19, 2002
- February 26, 2002
- February 28, 2002
- March 5, 2002
- March 19, 2002
- March 20, 2002
- April 2, 2002
- April 16, 2002
- May 7, 2002
- May 14, 2002
- May 21, 2002
- May 22, 2002
- June 4, 2002
- June 18, 2002
- July 2, 2002
- July 16, 2002
- August 6, 2002
- August 20, 2002
- September 3, 2002
- September 17, 2002
- October 1, 2002
- October 15, 2002
- October 30, 2002
- November 13, 2002
- November 19, 2002
- December 3, 2002
- December 17, 2002

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH**

**Eagle Mountain Community Center
1668 East Heritage Drive
Eagle Mountain, Utah 84043
January 2, 2002**

POLICY SESSION – 6:30 TO 10:30 PM

Mayor Bond called the meeting to order at 6:30 PM.

1. Roll Call:

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

City Staff Present:

City Administrator: John Newman
City Attorney: Gerald Kinghorn
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney

Others Present: Kelvin Bailey, mayor elect; Diane Jacob, council member elect; Rick Pierce, resident; Jody Hooley, resident; Chad Smith, resident; Mike Wren, Eagle Mountain Properties

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Paul Bond.

3. Approval of Minutes (December 4, 2001 & December 18, 2001):

MOTION: *Dave Albrecht moved to approve the Minutes of December 4, 2001. Bert Ankrom seconded the motion. Ayes: 3; Nays: 0. Bert Ankrom abstained. Motion passed*

MOTION: *Greg Kehl moved to approve the Minutes of December 18, 2001. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None

5. Appointments:

None

6. **Public Notices:**

Janet Valentine, City Recorder, stated the Oaths of Office for the new mayor and council members will be given January 7, 2002, at 12 Noon at the Community Center and that a Special City Council meeting will be held immediately thereafter.

7. **Public Comment:**

Rick Pierce, resident, expressed concern regarding the purchase of new vehicles for the City. He was advised to contact John Newman regarding this matter.

8. **Public Hearing Proposed Airport Planning Commission Ordinance:**

a. Open Public Hearing (6:50 pm)

b. Public Comment

Diane Jacob thanked the current City Council for the service they have rendered. She then expressed her concern that a master plan and master zoning are necessary for the planned airport. She would like to give Eagle Mountain Properties every opportunity to help the town center grow; however, she would like the City Council to have the ability to rescind the ordinance if no timely action is taken by Eagle Mountain Properties. She would also like to see a phasing plan for this project.

Kelvin Bailey stated he felt the Airport Planning Commission Ordinance was a good thing. However, he expressed his concerns about the number of positions on the commission and the requirement that some of the commission members live in the airport district. He was concerned the ordinance does not mention how a person who does not act in the best interest of city may be removed as a member of the commission.

c. Recess Public Hearing at 6:55 PM

d. Reopen Public Hearing at 7:20 PM

Jody Hooley, resident and member of Planning Commission, expressed her concerns about the airport community. She shared information she had received when she checked with another city having a similar airport. She feels the current Airport Advisory Board should be utilized to handle this airport without another governing body being installed.

Vincent Liddiard, resident, expressed his approval of an airport planning commission, even if it were temporary, that could narrowly focus on special aspects of airport planning

Rick Pierce, resident, supports a separate planning commission for the airport district. He feels a special airport commission could relieve the City Planning Commission to focus on other matters. He would like to see a commission comprised of members with planning and/or aviation experience. He feels the airport would bring in needed tax dollars to the City.

Chad Smith, resident, stated he was concerned how well a separate commission would work with the other City Planning Commission and wondered if the plans of both commissions would be cohesive.

- e. Recess Public Hearing 7:30 PM

COMMENTS OF COUNCIL MEMBERS:

Council member Bert Ankrom has served on the Airport Advisory Board. He stated there has been a map drawn up showing commercial and industrial property to be handled by an airport planning commission. He asked Mike Wren, Eagle Mountain Properties, about a master plan. Mike Wren replied there is a master plan, but he feels there needs to be flexibility in the plan. Mr. Ankrom stated the airport will bring a much needed tax base and is in favor of an airport planning commission.

Mayor Bond stated he has some concerns about the airport planning commission. He feels there is a need for a definite code, plan, etc. He feels a phasing plan would be good but that it needs to be flexible for change. The Mayor is concerned that the requirements for board membership need to be addressed. He recommended that we not compare Eagle Mountain to another city when making a decision about an airport planning commission. He advised that the ordinance be revised before it is approved.

Dave Albrecht stated he feels one planning commission in a city is adequate. He recommended there be an advisory board with a council member. He is supportive of an airport for the City.

Greg Kehl reserved his comments until public hearing is completed at the City Council Meeting scheduled for January 15, 2002.

Mark Lofgren reserved his comments for the January 15, 2002, City Council Meeting.

9. Consideration and Approval of an Ordinance Establishing the Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for the Airport District:

MOTION: *Mark Lofgren moved to table Item 9 until the next regularly scheduled City Council Meeting on January 15, 2002. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

10. Telecommunications Draft Study Results and Authorization to Negotiate Sale:

Jerry Kinghorn recommended this item be discussed during a Closed Executive Session which would include any newly elected officials present.

The City Council agreed with this recommendation.

11. Consideration and Approval of a Guaranty given by the City of Hildale, Utah and Eagle Mountain City, Utah to act as Guarantors for Intermountain Municipal Gas Agency's (IMGA) performance of the Questline Access Agreement dated August 1, 2001:

Jerry Kinghorn explained this agreement to the City Council. He stated the City needs to initiate a guarantee for this agreement which covers the gas line already in existence

MOTION: *Dave Albrecht moved to approve a guaranty given by the City of Hildale, Utah and Eagle Mountain City, Utah to act as guarantors for Intermountain Municipal Gas Agency's (IMGA) performance of the Questline (Questar) Access Agreement dated August 1, 2001. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

12. Consideration and Adoption of an Ordinance Adopting Required Building and Residential Codes and a Schedule of Fees and Charges for Issuance of Permits:

Jerry Kinghorn explained this code to the council and the need to include a fee schedule as presently stands.

MOTION: *Greg Kehl moved to adopt Ordinance O 01-2002, an Ordinance Adopting Required Building and Residential Codes and a Schedule of Fees and Charges for Issuance of Permits. Marl Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

13. Motion to approve Warrant Register:

John Newman added a supplement and an additional bill to the Warrant Register.

MOTION: *Mark Lofgren moved to approve the Warrant Register, including the supplement and additional bill. Dave Albrecht seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

14. Other Business:

John Newman discussed a grant which can be applied for only by permission of the City Council. Funds would be used for the Red Hawk Ranch Park and Pony Express Park.

MOTION: *Bert Ankrom moved to authorize the submission of the grant application. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

15. 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 7:00 PM. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

City Council Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl and Mark Lofgren.

City Staff Present: John Newman, Administrator; Gerald Kinghorn, City Attorney;
Janet Valentine, City Recorder; DeAnna Whitney, Deputy Recorder

Elected Officials: Mayor Elect Kelvin Bailey and Council Elect Diane Jacob

16. Motion to Reconvene in to Open Session:

MOTION: *Mark Lofgren moved to close the Closed Executive Session and reconvene in to Open Session at 7:20 PM. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

17. Any Actions from the Closed Executive Session:

None

18. Adjournment:

MOTION: *Mark Lofgren moved to adjourn the meeting at 7:40PM.*

APPROVAL: *Kevin E. Bailey* **DATE:** 1-18-2002
Mayor Kelvin E. Bailey

This certifies that the minutes of
1-2-2002 are a true, full and
correct copy as approved by the
City Council on JAN. 15, 2002
Signed: *Janet B. Valentine*
City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center
1668 East Heritage Drive
Eagle Mountain City, Utah 84043
January 7, 2002**

OATH OF OFFICE – 12:00 NOON

Kelvin Bailey, Mayor elect, called the meeting to order at 12:07 PM.

City Recorder Janet Valentine administered the Oaths of Office to newly elected Mayor Kelvin Bailey and Council Members Diane Jacob, Mark Madsen, and Linn Strouse.

Mayor Bailey recessed the meeting at 12:10 PM.

POLICY SESSION – 12:30 P.M.

Mayor Kelvin Bailey reopened the meeting at 12:30 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse. Brigham Morgan was excused.

City Staff:

City Administrator:	John Newman
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney

Others Present: No one signed the roll; however, family members and friends of the newly elected mayor and council members were present, along with Wendy Smith and Mark Lofgren who were appointed to a board and/or commission.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by John Jacob.

3. City Council Assignments:

Mayor Bailey assigned Diane Jacob as liaison and member of the Airport Advisory Board.

MOTION: *Greg Kehl moved to approve the assignment of Diane Jacob as liaison and member of the Airport Advisory Board. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Mayor Bailey recommended retaining Greg Kehl as liaison and member of the Public Works Board.

MOTION: *Diane Jacob moved to approve the recommendation to retain Greg Kehl as liaison and member of the Public Works Board. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Mayor Bailey assigned Mark Madsen as liaison to the Economic Development Board and the Library Board.

MOTION: *Linn Strouse moved to approve the assignment of Mark Madsen as liaison to the Economic Development Board and the Library Board. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Mayor Bailey recommended retaining Brigham Morgan as liaison and member of the Planning Commission and assigned Brigham Morgan as liaison to the Community Arts Board.

MOTION: *Linn Strouse moved to approve the recommendation to retain Brigham Morgan as liaison and member of the Planning Commission and the assignment of Brigham Morgan as liaison to the Community Arts Board. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

The Mayor assigned Linn Strouse as liaison and member of the Telecommunications Board and as liaison to Pony Express Days, Recreation, Neighborhood Watch, and Youth Sports.

MOTION: *Greg Kehl moved to approve the assignment of Linn Strouse as liaison and member of the Telecommunications Board and as liaison to Pony Express Days, Recreation, Neighborhood Watch, and Youth Sports. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

4. Appointments to Boards/Commissions:

The appointments of the Mayor to the Airport Advisory Board were retracted by the Mayor for clarification.

The Mayor reappointed Karyn Larson and Gayleen Pierce to the Library Board with terms ending January 2005.

MOTION: *Diane Jacob moved to approve the reappointment of Karyn Larson and Gayleen Pierce to the Library Board with terms ending January 2005. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

The Mayor reappointed Rebecca Loper to the Community Arts Board with a term ending January 2005.

MOTION: *Greg Kehl moved to approve the reappointment of Rebecca Loper to the Community Arts Board with a term ending January 2005. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

The Mayor appointed Carl Minks to the Economic Development Board to fill the position vacated by Mindi Christensen with a term ending June 5, 2003, and appointed Paul Jerome as Secretary to the Economic Development Board.

MOTION: *Greg Kehl moved to approve the appointment of Carl Minks to the Economic Development Board to fill the position vacated by Mindi Christensen with a term ending June 5, 2003, and to approve the appointment of Paul Jerome as Secretary to the Economic Development Board. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

The Mayor appointed Chris Kemp to the Planning Commission to fill the position vacated by Diane Jacob with a term ending January 2007; appointed Wendy Smith to the Planning Commission to fill the position vacated by Diane Bradshaw with a term ending January 2005; and appointed Richard Steinkopf as second alternate to the Planning Commission with a term ending January 2006.

MOTION: *Linn Strouse moved to approve the appointment of Chris Kemp to the Planning Commission to fill the position vacated by Diane Jacob with a term ending January 2007; moved to approve the appointment of Wendy Smith to the Planning Commission to fill the position vacated by Diane Bradshaw with a term ending January 2005; and moved to approve the appointment of Richard Steinkopf as second alternate to the Planning Commission with a term ending January 2006. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

The Mayor appointed Mark Lofgren to the Telecommunications Utility Board with a term ending January 2007.

MOTION: *Greg Kehl moved to approve the appointment of Mark Lofgren to the Telecommunications Utility Board with a term ending January 2007. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

5. **Other Business:**

None

6. **Adjournment:**

The Mayor moved to adjourn the meeting at 12:40 PM.

APPROVAL: Kevin E. Bailey **DATE:** 1-18-2002
Mayor Kelvin E. Bailey

This certifies that the minutes of Jan. 7, 2002 are a true, full and correct copy as approved by the City Council on JAN. 15, 2002
Signed: Janet B. Valentine
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
January 15, 2002**

WORK SESSION - No Action or Minutes Taken – 3:00 to 6:30 p.m.

1. Continuation of Transition Seminar
 - a. "Public Safety" presented by Sergeant Jo Murphy (3:00 pm)
 - b. "Bonds & Borrowing" presented by Laura Lewis (3:30 pm)
 - c. "Fire Department" presented by Fire Chief Robert DeKorver (5:00 pm)
2. Items as Outlined on the Policy Session
3. Other Business
4. Adjourn Work Session at 6:45 p.m.

POLICY SESSION – 7:00

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff:

City Administrator:	John Newman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
Planning Consultant:	Ken Leetham
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Sergeant:	Jo Murphy

Others Present: Sheila Curtis, resident; Kapree Roberts, Miss Teen Eagle Mountain; Dave Lifferth, resident; Carl Minks, resident; Vincent Liddiard, resident; Jessa Schlich, The Ranches; Darrin Brandt, resident.

2. Prayer by Invitation of the Mayor:

The prayer was offered by Mark Madsen.

3. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Diane Jacob.

4. **Approval of Minutes (SCC Meeting-January 2, 2002 & SCC Meeting- January 7, 2002):**

MOTION: *Greg Kehl moved to approve the Minutes of January 2, 2002. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to approve the Minutes of January 7, 2002, as amended. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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

Linn Strouse updated the City Council on her interest in and plans for an Eagle Mountain Youth Council. She expressed her gratitude to all residents of the community who have served with the youth. She particularly acknowledged Milt McLelland, Sheila Curtis, and Carolina Herrin for their efforts to establish a youth council.

Sheila Curtis addressed the City Council commenting on her past experience with youth council activities in another community. She explained her efforts to establish a youth council in Eagle Mountain. She has received five applications for council members, and these applications were turned over to the previous Mayor and City Council for review.

Miss Teen Eagle Mountain Kapree Roberts shared her interest in forming an Eagle Mountain Youth Council. After much effort on the part of Miss Roberts and her mother, she has received an invitation to start an Eagle Mountain charter to establish a youth council. This charter requires the support and approval of the Mayor and City Council. She would like to help the youth become involved in service and learning projects.

Mayor Bailey thanked Miss Roberts for her comments and offered the support of the City Council. He advised that the Council would be in touch with her about this program.

The Mayor stated he is organizing a mayoral advisory staff to assist in accomplishing the goals he has for the City. The staff will consist of three positions: Chief of Staff Vincent Liddiard; Public Relations Secretary Carl Minks; Presentation Research Secretary Dave Lifferth. These individuals will work under the express direction of the Mayor and will have no authority in the City. He advised all City Council members that they might also want to organize their own advisory staffs.

Mayor Bailey presented Community in Action Awards to John Benson and Craig Erickson for their assistance in apprehending a suspect by tackling and detaining him, thus keeping him from doing greater harm to the public.

6. **Appointments:**

a. Mayor Pro Tem

Brigham Morgan nominated Greg Kehl for the position of mayor pro tem. Linn Strouse nominated Mark Madsen for the position of mayor pro tem. A majority vote of the City Council elected Greg Kehl as Mayor Pro Tem.

b. Reconfirmation of Dates of Planning Commissioners' Terms of Office

The Mayor explained the reasons for the reconfirmation of dates of Planning Commission appointments and reconfirmed terms for:

Chris Kemp – Term 01-07-2002 through 12-31-2003

Tom Maher – Term 04-10-2001 through 12-31-2003

Wendy Smith - Term 01-01-2002 through 12-31-2004

The reconfirmation of the term for Jody Hooley was not made because further clarification was needed from the Chairman of the Planning Commission. Brigham Morgan recommended the City Council be included in any discussion of this term.

MOTION: *Greg Kehl moved to reconfirm the dates of Planning Commissioners' Terms of Office. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

c. Mayor Bailey appointed Darrin Brandt to the Planning Commission to finish the term of Jeff Love. The term will run from January 15, 2002, through December 31, 2002.

MOTION: *Greg Kehl moved to appoint Darrin Brandt to the Planning Commission from January 15, 2002, to December 31, 2002, to finish the term of Jeff Love. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

d. The Mayor asked for reconfirmation of Richard Steinkopf as an alternate to the Planning Commission from January 7, 2002, through December 31, 2004.

MOTION: *Brigham Morgan moved to reconfirm Richard Steinkopf as an alternate to the Planning Commission from January 7, 2002, through December 31, 2004. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

7. **Public Notices:**

None

8. **Public Comment:**

Jessa Schalich, The Ranches, made comment regarding icy conditions on Ranches Parkway. Her office has received complaints about the problem and she wanted to make the City Council aware of the situation.

John Newman advised the snow removal concern has been presented to the Public Works Board for their recommendation.

Linn Strouse asked who has the responsibility for clearing the icy roads. John Newman stated the responsibility is his since Utah County no longer has a contract for snow removal as of December 31, 2001. Mr. Newman stated the City refers all problems with snow/ice removal to Mr. Bob Wren, Public Works Department, who initiates contact with persons willing to provide snow removal services on an as-needed basis. This process will continue until the City Council decides whether to contract for snow removal services or to buy equipment to attach to City vehicles. The City has gone out to bid for both options. The bids have been received and will be presented to the Public Works Board for approval on January 23, 2002. The Public Works Board will make a recommendation to the City Council on January 29, 2002.

9. **Presentation of Committee to the City Council regarding Establishing Communication Districts:**

The Mayor explained that a committee, consisting of Dave Lifferth, Darrin Brandt, Mark Madsen, Carl Minks, and Diane Jacob, was formed after the election with a purpose to establish districts within the community for more effective bi-directional communication between citizens and the City Council. The committee has worked to find ways to district the city. This is not a voting district idea but is strictly a communication district idea. Districting will enable the Mayor to hold council members accountable for certain geographical districts.

Dave Lifferth handed out a written presentation to the City Council and staff. Mr. Lifferth presented the findings of the committee and recommend that the City Council establish two geographic districts to facilitate communications between elected representatives and citizens of each district. The committee recommended one City Council member be assigned to represent the needs and interests of the north district and one member be assigned to represent the south district. The districts should equate to the North Service District and South Service District as currently defined for city-owned utilities. The committee further recommended that an alternate council member be assigned to each district in the event the primary council member is not available or if other communication problems exist. Any unassigned council member will act as an "at large" member. Mr. Lifferth stated the two goals of the committee are (1) to improve the communications between the City Council and the residents of Eagle Mountain, and (2) to promote true representation districts where eventually a member of the City Council is elected by the district members. The committee recommended actual voting districts be set up before the next election in 2003.

Mayor Bailey asked the committee why two districts were suggested rather than five. Mr. Lifferth stated the committee felt too many districts would be confusing for residents.

Darrin Brandt explained that the committee was asked to come up with a districting plan that would enhance communication between residents and the City Council. He stated it quickly became apparent that City Council members should be elected by district members and that this process should be implemented as quickly as possible.

Mark Madsen stated setting up voting districts should be dealt with as soon as possible through the necessary legal process. Initially this would not be based on population but on demographics with an eye toward using population numbers in the future.

Carl Minks expressed that early on the committee discovered that districting will not solve all problems with communication. He feels a committee needs to be convened to facilitate the communication issue. He stated other actions and research into this area are needed.

Mayor Bailey stated he has asked Council Member Diane Jacob to form a committee to address mediums of communication.

Brigham Morgan stated all residents should have access to email and phone numbers of City Council members. There is nothing keeping anyone from contacting a member of the City Council about any concern. The districting would narrow the number of people to contact from five to one.

Carl Minks stated currently the City Council gets calls about diverse problems. The committee might be able to fine tune issues before they are presented to City Council.

Greg Kehl asked what the main goal of a district representative would be. He feels the current liaison assignments of City Council answer the question of whom to call with a problem. He feels the districting assignment would take the responsibility away from a Council member to do his job. Mr. Kehl stated he thinks a larger population is required before redistricting is necessary.

Mayor Bailey asked Attorney Jerry Kinghorn for clarification of legalities of redistricting. Mr. Kinghorn stated he has never created voting districts in a municipality without going to an optional form of government. He stated the State Statute is silent in terms of granting third-class cities the right to designate various representative districts for council members. The statute does provide procedures in the optional form of government to allow council members to be elected for designated voting districts. All of this is done on the basis of population so that each council member represents, as closely as possible, an equal number of people and is based on constitutional principles.

The Mayor stated this item had been placed on the Agenda to let the public at large know their concerns regarding communication are being heard. He advised this issue will be looked into further.

10. Continuation of Public Hearing - Proposed Airport Planning Commission Ordinance:

- a. Reconvene Public Hearing (7:55 pm)
- b. Public Comment

John Newman stated that no written comments were received by the City
No public comment was received.

- c. Closed Public Hearing at 7:56 PM.

11. Consideration and Approval of an Ordinance Establishing an Airport Planning District; Establishing a Planning Commission; Zoning Regulations and Other Matters for an Airport District:

Jerry Kinghorn advised that on January 15, 2002, he had talked with Eric Jones and Bruce Baird, representatives for Eagle Mountain Properties. They indicated they would be doing more review of the subject ordinance and requested more time for this review.

Mayor Bailey felt this delay would be appropriate since some City Council members also had concerns about how the ordinance was written and wanted more time to review it. He requested this item be added to the Work Session portion of the Agenda for January 29, 2002.

Brigham Morgan requested the City Council do all possible not to delay this matter any longer than reasonably necessary for proper discussion since this is an important future development for the City.

Mayor Bailey advised that any City Council members who have issues with the ordinance submit comments and recommendations in writing to Jerry Kinghorn by the end of the week. Mr. Kinghorn will then be able to address the issues and rewrite the ordinance for approval at the meeting on January 29, 2002.

This item was tabled.

12. Proposal to Amend the Airport Advisory Board:

- a. Consideration and Approval of an Ordinance Amending the Airport Advisory Board

John Newman explained this ordinance amends the enabling of a document creating an Airport Advisory Board. Presently there are five positions on this board -- three individuals representing the aeronautic industry, one individual representing the Planning Commission, and one member of the City Council. It has been recommended there be representation on this board from the public at large. The Mayor

recommended there be representation from the public at large, therefore expanding the board from five to seven positions.

Jerry Kinghorn advised that the only change to the ordinance is the number of positions on the board.

MOTION: *Greg Kehl moved to approve Ordinance No. O 02-2002, an Ordinance of the City Council of Eagle Mountain Enacting an Ordinance Creating an Airport Advisory Board. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

b. Appointments to the Advisory Board

Mayor Bailey reappointed Craig Thomas for a term ending December 31, 2005, and appointed Doug Gwilliam for a term ending December 31, 2004, and Bert Ankrom for a term ending December 31, 2004.

MOTION: *Mark Madsen moved to approve the reappointment to the Airport Advisory Board of Craig Thomas for a term ending December 31, 2005, and the appointments of Doug Gwilliam for a term ending December 31, 2004, and Bert Ankrom for a term ending December 31, 2004. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. **Notice of Award to American Landscape for the project – “Meadow Ranch Trails and Parks Landscape Development (SID 2000-1)”:**

Korey Walker explained this award to the Council and indicated there were five bids received. The low bidder on the project was American Landscape for a total price of \$154,866.68. Mr. Walker's office was originally concerned about a couple of items on the bid which were substantially lower than the other bids, the most significant of which was for culvert crossings. His office contacted the contractor by telephone and went through each item individually, making the contractor aware of City's interpretation of the plans and of the substantial difference between his bid and the other bids. Based on the facts that Nuszer Kopatz, the design architect for this project, recommended American Landscape be awarded this contract and that the bid from American Landscape is lower than the budgeted amount, Mr. Walker recommended the award be given to American Landscape. The contractor will provide the City the requisite bonds required for the project, at which time an agreement will be signed and they will be given a notice to proceed. The contractor anticipates completion of the project by the end of May 2002.

Greg Kehl asked Mr. Walker if he had any experience with American Landscape. Mr. Walker has not previously worked with American Landscape.

Brigham Morgan wanted to know the basis for Nuszer Kopatz's recommendation to use American Landscape. Mr. Walker stated Nuszer Kopatz recommended them because of their prices and experience in working with them in the past.

The Mayor asked for clarification of the areas covered by this project, and Korey Walker provided that information.

MOTION: *Brigham Morgan moved to approve the Notice of Award to American Landscape for the Meadow Ranch Trails and Parks Landscape Development Project (SID 2000-1) subject to receiving email verification to conditions specified by the City Engineer's points of concern. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

14. **Notice of Award to Bratt, Inc. for the project – “Red Hawk Ranch Landscape Development (SID 2000-1):**

Korey Walker stated there were nine bids received. Bratt, Inc., submitted the lowest bid at \$334,186.58. Bratt, Inc., has a good reputation, having completed other large landscaping projects, and was recommended by Nuszer Kopatz. A representative from Bratt, Inc., who was present, stated his firm would stand by their bid unless there were changes made by the City.

MOTION: *Brigham Morgan moved to approve the Notice of Award to Bratt, Inc., for the Red Hawk Ranch Landscape Development Project (SID 2000-1). Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

15. **Notice of Award to Sowby and Berg for the project – “Porter’s Crossing Extension”:**

Korey Walker advised the City Council that he had just received a title report from The Ranches showing that they have acquired the property in question. His office will review the title report and the contract.

This item was tabled.

16. **Notice of Award to Peterson Company for the project – “138 Transmission Line Equipment Purchase of Ten (10) Polymer Insulators”:**

Korey Walker stated this Notice of Award is for materials for 138kV transmission line.

MOTION: *Greg Kehl moved to approve the Notice of Award to Peterson Company for the 138kV Transmission Line Equipment Purchase of Ten (10) Polymer Post Insulators. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

17. **Notice of Award to Stoddard Steed for the project – “UP&L Interconnection Substation”:**

Korey Walker explained that this award needs immediate approval in order not to delay construction.

Brigham Morgan asked if Stoddard Steel is still comfortable with their original bid price.

Korey Walker indicated Stoddard Steel is still comfortable with original bid price. He stated Les Bell will have some changes to the designs subject to conversations with UP&L and concerns found in the first substation. The actual changes cannot be determined at this time.

Mayor Bailey asked for information relating to the acquisition of the right-of-ways for this project.

Jerry Kinghorn stated the Order of Immediate Occupancy for the parcel connected to the substation interconnect should be available within ten days, along with the two Holbrook segments which are the next two segments going south out of the switchyard. We are still in negotiation with the landowner for the largest piece of property because an unexpected property owner was discovered. Property rights are being determined, but Mr. Kinghorn feels the occupancy for this property should be secure within the next ten days.

MOTION: *Greg Kehl moved to approve the Notice of Award to Stoddard Steed for the UP&L Interconnection Substation Project for the poles. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

18. Consideration of Approval for Awarding the Construction of the Street Monument at Eagle Mountain Boulevard and Sweetwater Road:

Brigham Morgan explained this project has been in the works for some time. No action was taken previously because funds were not available. The original vision for Eagle Mountain entailed numerous public monuments, public art, and beautification. This monument would act as a street marker for Sweetwater Road and Eagle Mountain Boulevard and also contain a removable plaque recognizing an individual or organization responsible for maintaining the cleanliness of the roadside.

Korey Walker described the bids received for this project. He received three, which showed different types of monument designs. Mr. Walker stated all three bids are acceptable, but Roundy Masonry was recommended.

Mark Madsen inquired about private funding. Brigham Morgan stated that private funding is basically a process of going to developers and asking for help. There was a time when developers were asked for many donations at same time, so this project was turned over to the City for payment. There are currently funds in the budget that could be used for this project; however, there is always the option of seeking private funding in the future.

Linn Strouse stated she likes the idea of a monument; however, she is concerned that the Fire Department does not have adequate equipment. She feels the City might want to reevaluate its priorities before expending funds for a monument.

MOTION: *Brigham Morgan moved to approve the monument project for the roundabout at the intersection of Eagle Mountain Boulevard and Sweetwater Road and award the bid to JW masonry to build a monument with a concrete cap for the amount of \$4,735 and, in so doing, authorize John Newman to expend the funds. Motion dies for lack of second.*

This item was tabled.

19. Discussion of Eagle Mountain City Sign Requirements:

Ken Leetham, Planning Consultant for Eagle Mountain, asked the City Council what they want to do with signage in the City, what they want to allow, and how they would like the signage requirements amended.

The Mayor requested information about what is appropriate for signage in the City.

Shawn Warnke, City Planner, explained the present sign ordinance and the three categories now existing for city signage,

Mayor Bailey stated this item was placed on the Agenda because developers and businesses are concerned about current signage regulations and their ability to advertise.

Greg Kehl expressed his concerns that some of the City's sign regulations are very strict and do not allow products and businesses to be advertised properly. He recommended the City look at other communities to see what they have done and ask developers what they would like to see implemented. He recommended keeping a theme for signs while benefiting those who post the signs.

Mark Madsen recommended a sunset provision be implemented in the ordinance since the community may evolve to a point where developers may not need signage in certain areas.

The Mayor recommended this item be tabled until the City Council meeting scheduled for January 29, 2002. He directed the staff to check with other communities regarding their signage requirements and to get input from developers and builders. Mayor Bailey has invited to the next City Council Meeting an Eagle Mountain resident, who owns a sign company not doing business in Eagle Mountain, to provide input about signage.

20. Consideration to Approve Changing Approval Process for Partial Payment Requests:

John Newman stated approval of this item will allow the staff to process partial payment requests as a staff action rather than a City Council approval action. The staff will review the work and make sure it has been completed before a release is given, taking into account the dollar amount that needs to be retained. Partial payment requests would then be placed on the Agenda for City Council ratification rather than approval.

MOTION: *Mark Madsen moved to approve changing the Approval Process for Partial Payment Requests. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

21. Consideration to Approve Changing Approval Process for Partial Bond Releases:

John Newman stated approval of this item will allow the staff to process partial bond releases as a staff action rather than a City Council approval action. The staff will review the work and make sure it has been completed before a release is given, taking into account the dollar amount that needs to be retained. Partial bond releases would then be placed on the Agenda for City Council ratification rather than approval.

MOTION: *Mark Madsen moved to approve changing the Approval Process for Partial Bond Releases. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders
 - i. 4th Generating Unit (CO No. 3), Simpson Power Products LTD
 - ii. North Substation (CO No. 4), RME
 - iii. Road Repair & Overlay of Ranches & Pony Express Parkway (CO No. 5), Valley Asphalt
 - iv. Meadow Ranch Park West © No. 2), Nuszer Kopatz
 - v. Red Hawk Ranch Park (CO No. 1), Nuszer Kopatz
- c. Partial Payment Requests
 - i. Road Repair & Overlay of Ranches & Pony Express Parkways (PP No. 8), Valley Asphalt
 - ii. Paul Evans Trailway (SID2000-1) (PP No. 5), Nuszer Kopatz
- d. Final Payment Requests
 - i. 138 kV Current Transformers, Trench Limited
 - ii. NSA Water Line, Tycon, Inc
 - iii. Red Hawk Ranch Park (SID 2000-1), Nuszer Kopatz
 - iv. Meadow Ranch Park West (SID 2000-1), Nuszer Kopatz
 - v. Pony Express Parkway East (SID 2000-1), Nuszer Kopatz
 - vi. 138kV Steel Poles and Anchor Bolt Cages, Valmont Industries, Inc.

MOTION: *Greg Kehl moved to approve the Consent Agenda. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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: *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 8:44 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff Present: John Newman, Jerry Kinghorn, Korey Walker, Janet Valentine, DeAnna Whitney.

Others Present: None

25. Motion to Reconvene in to Open Session:

MOTION: *Greg Kehl moved to reconvene in to Open Session at 9:10 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

26. Any Actions from the Closed Executive Session:

None

27. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:10 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: _____

2-8-2002

This certifies that the minutes of
1-15-02 are a true, full and
correct copy as approved by the
City Council on 1-29-02
Signed: Janet B. Valentine, CMC
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY
Eagle Mountain Community Center
1668 East Heritage Drive
Eagle Mountain, Utah 84043
Tuesday, January 29, 2002**

WORK SESSION - No Action or Minutes Taken – 5:00 p.m. to 6:00 p.m.

1. Discussion of an Ordinance Establishing an Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for an Airport District (*tabled at the 01-15-02 CC Mtg*)
2. Boards & Committees “Goals Report to the City Council”
3. Presentation to the City Council on the Youth Council/Carolina Herrin, Sheila Curtis and Milton McLelland
4. Presentation to the City Council on the Payson Power Project
5. Discussion of Changing the Planning Commission Structure
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 6:00 p.m.

CLOSED EXECUTIVE SESSION – No Action or Minutes Taken – 6:00 PM to 7:00 PM

1. **Motion to recess in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), 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 (professional qualifications), potential litigation and/or public safety/security at 6:35 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

PRESENT: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse, City Administrator John Newman, City Attorney Gerald Kinghorn, City Recorder Janet Valentine, and Deputy Recorder DeAnna Whitney.

2. **Motion to adjourn the Closed Executive Session:**

MOTION: *Greg Kehl moved to adjourn the Closed Executive Session at 7:12 PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

POLICY SESSION – 7:00 p.m.

Mayor Bailey called the meeting to order at 7:20 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff Present:

City Administrator: John Newman
 City Attorney: Gerald Kinghorn
 City Engineer: Korey Walker
 City Planner: Shawn Warnke
 City Recorder: Janet Valentine
 Deputy Recorder: DeAnna Whitney
 Sergeant: Jo Murphy

Others Present: Dan Ford, Republic Outdoor Signs; Mike Wren and Eric Jones, Eagle Mountain Properties; Sheila Curtis, Carolina Herrin and Milton McLelland, residents and representatives for youth council; Gary Sessions, President of the Association of Youth Councils for the State of Utah; Sherrey Cowley, Telecom.

2. Prayer by Invitation of the Mayor:

The prayer was offered by Mayor Kelvin Bailey.

3. Pledge of Allegiance:

The Pledge of Allegiance was led by Boy Scout Patrol Leader Travis Scown.

4. Approval of Minutes (January 15, 2002):

MOTION: *Greg Kehl moved to approve the Minutes of January 15, 2002. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

Mayor Bailey acknowledged the Boy Scout troops attending the meeting and asked a representative of each troop to introduce their troop and explain the purpose for their visit.

The Mayor announced that there is a Neighborhood Watch meeting scheduled on January 31, 2002, at 7:00 PM at the Eagle Mountain Stake Center in The Ranches. All those who are interested in the Neighborhood Watch Program are invited to attend.

6. Appointments:**a. Planning Commission**

The Mayor appointed John Nielson to the Planning Commission to complete the term vacated by Bill Chipman. This term begins January 29, 2002, and runs through December 31, 2002.

MOTION: *Diane Jacob moved to approve the appointment of John Nielson to the Planning Commission with a term ending December 31, 2002. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

7. **Public Notices:**

None

8. **Public Comment:**

Milton McLelland, an Eagle Mountain resident who is interested in creating a youth council, introduced Gary Sessions, President of the Association of Youth Councils for the State of Utah.

Gary Sessions presented information on youth councils. He explained the goals of youth councils and shared the positive influence youth councils have on young people. He indicated that city youth council organizations should mirror the positions in City government as closely possible. He invited the City to participate in the March Leadership Institute held March 21 – 23, 2002, at Utah State University. The cost for each delegate is approximately \$100. He advised there should be an annual budget for a youth council; however, the youth council can apply for grants and hold fundraisers to help offset expenses.

Linn Strouse added her support to this program and stated this is a positive peer pressure opportunity for the youth of Eagle Mountain.

The Mayor stated he and the City Council are in favor of and support this youth council program.

MOTION: *Linn Strouse moved to direct the City's legal council to create an ordinance establishing an Eagle Mountain Youth Board comprised of three advisors to be appointed to four-year staggered terms to advise the City Council on specific youth council activities and programs and recommended the nomination of Milton McLelland, Carolina Herrin, and Sheila Curtis as advisors to the Youth Council. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

9. **Consideration and Approval to Hire a Financial Director for Eagle Mountain City:**

No action was taken.

10. **Consideration and Approval to Change the Days the City Offices are Open to the Public from Monday through Thursday, 7:30 AM to 5:30 PM, to Monday through Friday, 7:30 AM to 5:30 PM:**

The Mayor explained the reasons for this change and how City staff will alternate workdays to accommodate this change.

MOTION: *Linn Strouse moved to approve changing the days the City offices are open to the public from Monday through Thursday, 7:30 AM to 5:30 PM, to Monday through Friday, 7:30 AM to 5:30 PM. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

11. **Consideration and Approval of an Ordinance Establishing an Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for an Airport District:**

All Council members expressed their concerns, questions, and/or recommendations for this Ordinance and a discussion ensued.

Gerald Kinghorn, City Attorney, answered questions and explained the reasons for the Ordinance.

Mike Wren, Eagle Mountain Properties, expressed his concerns that his company does not want to move forward with investors/developers unless there is in force an Airport Planning Commission consisting of experts in airport planning. He feels that establishment of this commission shows support from the Mayor and City Council.

MOTION: *Mark Madsen moved to approve Ordinance No. O 03-2002, an Ordinance Establishing an Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for an Airport District pending ratification on February 5, 2002, with specific changes reducing terms from four to three years, and stating Sections 6.1.1 and 6.1.2 must be completed within two years and Sections 6.1.3 and 6.1.4 must be completed in the remaining third year. Brigham Morgan seconded the motion. Ayes: 4; Nays: 1. Motion passed.*

12. Notice of Award to Sowby and Berg for the Project – “Porter’s Crossing Extension:

Mr. Kinghorn previously reviewed the contract with Sowby and Berg, and the revised contract was presented to the City Council. He stated the price was increased by \$4,500, which includes time for their utility consultant to make sure all standards and specifications are understood. He recommended this award be approved. Mr. Kinghorn stated ownership of the property is still being verified, and this verification will have to be completed before any work starts.

MOTION: *Brigham Morgan moved to approve the Notice of Award to Sowby and Berg for the Porter’s Crossing Extension Project, said award not to be let until such time as the property ownership can be verified by the City Attorney. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. Discussion of Eagle Mountain City Sign Requirements (tabled at the 01-15-02 CC Mtg):

Dan Ford, Eagle Mountain resident and general manager of Republic Outdoor Advertising, expressed his concerns about advertising in Eagle Mountain. He stated that generally sign ordinances are divided into two sections: 1) on-premise advertising signs – those being attached to a building; and (2) off-premise advertising signs – those being signs along roadways. He stated he believes off-premise advertising is most desirable because it is affordable and directional. He expressed his desire to be involved in any ordinance the City creates regulating signage.

Mike Wren, Eagle Mountain Properties, requested that height consideration be given to signs. He feels signs currently allowed are too small to be read from a moving automobile and that the size of signs needs to be enlarged so the wording is legible.

Chris Kemp, resident and builder, stated off-premise signs need to be closer to the road so they are easier to read.

The Mayor advised that continued discussion on this matter will be scheduled during Work Session on February 5, 2002, at which time Shawn Warnke, Planning Director, will address the Council.

14. Consideration and Approval of a Resolution Authorizing the Execution and Delivery of the Payson Power Project Power Sales Contract with Utah Municipal Power Systems and Related Matters:

John Newman explained this project to the City Council. He indicated this resolution was considered by the Public Works Board and the previous City Council, who gave a positive recommendation. Mr. Newman recommended approving this contract to insure a good and cheap source of power to meet power peaking needs. He stated this contract does not require the City to come up with capital costs.

The Mayor expressed his feelings regarding this item and turned time over to the City Council for discussion.

MOTION: *Linn Strouse moved to table this item. Mark Madsen seconded the motion. Ayes: 2; Nays: 3. Motion failed.*

MOTION: *Brigham Morgan moved to approve Resolution No.R 01-2002, a Resolution Authorizing the Execution and Delivery of the Payson Power Project Power Sales Contract with Utah Municipal Power Systems and Related Matters subject to correction of basic spelling and grammatical errors and approval of the City Attorney. Greg Kehl seconded the motion. Ayes: 2; Nays: 2. Diane Jacob abstained. The Mayor voted due to a tie and voted Nay. Motion failed.*

15. Consideration to Approve a Home Energy Assistance Target (HEAT) Program Agreement between the State of Utah, Department of Community and Economic Development, Division of Community Development and Eagle Mountain City:

John Newman explained this is a program to help pay energy bills for families who cannot make payments because of low income or family emergencies.

Gerald Kinghorn stated this is a standard contract with the Utah Department of Community and Economic Development. It is a whole energy assistance target program to aid low income individuals and individuals with family emergencies to pay their utility bills. Mr. Kinghorn recommended we participate in this program and indicated the contract will be negotiated as rapidly as possible, if approved by Council.

Sherrey Cowley, Telecom Department, stated there is a similar program called TAP (Telephone Assistance Program) to help pay telephone bills. Mrs. Cowley stated she will get materials to Janet Valentine, City Recorder, so that the item may be placed on a future Agenda.

Mark Madsen asked where funding comes from and was advised by Mr. Kinghorn that funding comes through federal assistance programs.

MOTION: *Brigham Morgan moved to approve a Home Energy Assistance Target (HEAT) Program Agreement Between the State of Utah, Department of Community and Economic Development, Division of Community Development and Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 4; Nays 1. Motion passed.*

16. Snow Removal:

John Newman explained the options the City has for snow removal. He also explained our current snow removal agreement. Mr. Newman stated that the ideal decision for the future would to purchase City equipment backed up by contract services.

The Mayor explained that new snow removal equipment will not be available before this winter season ends. He, therefore, recommends that snow removal services be contracted out this winter season.

Mark Lofgren, resident, expressed his concerns about the condition of Eagle Mountain Boulevard after the snow falls. He feels this road needs to be sanded to eliminate ice.

Mayor Bailey stated that Bob Wren of the Public Works Department lists Eagle Mountain Boulevard and Ranches Parkway as priorities for snow removal and de-icing.

- a. Consideration to Approve Contract for Snow Removal Services for Eagle Mountain City (If not approved go to b)
- b. Consideration To Approve the Purchase of Snow Removal Equipment for Eagle Mountain City

MOTION: *Greg Kehl moved to enter into a contract with Arrow Engineering and Forever Construction for Snow Removal Services for Eagle Mountain City, authorize the purchase of a Myer sander/spreader, and allow staff to negotiate pricing of a C-9 snow plow in the spring. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

17. Motion to approve Consent Agenda items as follows:

a. Warrant Register

MOTION: *Greg Kehl moved to approve the Warrant Register, as submitted. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

b. Final Payment Requests

- i. North Substation – 2000 Gas and Electric Revenue Bond, Even Grade Construction, LLC (Even Grade 2)
- ii. North Substation – 2000 Gas and Electric Revenue Bond, Sunbelt Transformer, Inc. (Sunbelt 2)

MOTION: *Brigham Morgan moved to approve Final Payment Requests, as submitted. Greg Kehl seconded the motion. Ayes 5; Nays 0. Motion passed.*

18. City Council's Ratification for Partial Payments:

a. Partial Payment Requests

- i. Fire Station (PP No. 1) Bonneville Builders, LC (Bonneville Builders 2)
- ii. 12.5 kV Underground Distribution Tie Circuit (PP No. 4), Caribou Construction, Inc. (Caribou Construction 2)

MOTION: *Greg Kehl moved to ratify Partial Payment Requests, as submitted. Mark Madsen seconded the motion. Ayes: 5; Nays 0. Motion passed.*

19. Other Business:

Brigham Morgan asked for re-discussion on the Payson Power Project decision; however, the prevailing side of the motion was not willing to re-discuss this item.

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: *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 9:37 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

PRESENT: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse, City Administrator John Newman, City Attorney Gerald Kinghorn, City Recorder Janet Valentine, and Deputy Recorder DeAnna Whitney.

21. Motion to Reconvene in to Open Session:

MOTION: *Greg Kehl moved to reconvene in to Open Session at 11:04 PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. Any Actions from the Closed Executive Session:

None

23. Adjournment:

Brigham Morgan moved to adjourn the meeting at 11:04 PM.

APPROVAL: *Kelvin E. Bailey* DATE: 2-8-2002
Kelvin E. Bailey, Mayor

This certifies that the minutes of 1-29-02 are a true, full and correct copy as approved by the City Council on 2-9-02
Signed: *Janet B. Valentine, me*
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY**

**Eagle Mountain Community Center
1668 East Heritage Drive
Eagle Mountain, Utah 84043
Tuesday, February 5, 2002**

WORK SESSION - No Action or Minutes Taken – 5:00 to 6:30 p.m.

1. Review of the Airpark Planning District Map
2. Discussion on Leasing Eagle Mountain City Public Open Space
3. Discussion regarding amending the Tree Ordinance
4. Discussion regarding amending the Sign Ordinance
5. Discussion on Eagle Mountain City Providing Health Insurance for the City Council
6. Discussion regarding the Eagle Mountain City Web Site
7. Items as Outlined on the Policy Session
8. CLOSED EXECUTIVE SESSION

- a. Motion to recess in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security

MOTION: *Diane Jacob moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security at 6:55 PM. Linn Strouse seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

PRESENT: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse, City Administrator John Newman, City Attorney Gerald Kinghorn, City Recorder Janet Valentine, and Deputy Recorder DeAnna Whitney.

- b. Motion to Adjourn the Closed Executive Session

MOTION: *Brigham Morgan moved to adjourn the Closed Executive Session at 7:16 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

9. Other Business
10. Presentation on Evans Ranch Annexation
11. Adjourn Work Session at 6:55 PM

POLICY SESSION – 7:00 PM

Mayor Bailey called the meeting to order at 7:24 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff Present:

City Administrator:	John Newman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Deputy Sheriff:	James Bingham
Fire Chief:	Robert DeKorver

Others Present: Mike Wren and Eric Jones, Eagle Mountain Properties; John Meyer and Randy Freeman, guest presenters for Jake Garn Airpark Project; Milton McLelland, Carolina Herrin, and Sheila Curtis, residents and nominees for Youth Council Advisory Board; Mark Lofgren, resident; Erin Madsen, resident and inaugural ball chair; Michelle DeKorver, Fire Fighters Auxiliary.

2. Prayer by Invitation of the Mayor:

The prayer was offered by Linn Strouse.

3. Pledge of Allegiance:

The Pledge of Allegiance was led by Gerald Kinghorn.

4. Approval of Minutes (January 29, 2002):

MOTION: *Diane Jacob moved to approve the Minutes of January 29, 2002. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

5. General Discussion/Questions/Announcements:

None

6. Appointments:

a. Finance Director

No action was taken.

7. Public Notices:

None

8. **Public Comment:**

Mark Lofgren, resident, discussed the Olympic torch relay run and plans for the City celebration. He stated the activities will begin at 7:45 AM on February 6, 2002, at Pony Express Park.

Carolina Herrin stated SR 73 will be closed at 7:00 AM on February 6, 2002 for the Olympic torch run.

Erin Madsen, chair of the recently held inaugural ball, presented a check in the amount of \$4,100 to Michelle DeKorver of the Fire Fighters Auxiliary. The \$4,100 was the balance after expenses. Carolina Herrin also presented Mrs. DeKorver with signed pictures from Utah Governor Mike Leavitt and President George W. Bush. Michelle DeKorver stated this money will be used to purchase winter coats for the fire fighters.

9. **Eagle Mountain Properties (EMP) Jake Garn Airport Presentation:**

Mike Wren, Eagle Mountain Properties, introduced special guests John Meyer, owner and manager of Airport Property Specialists at Scottsdale, AZ Airport, and Randy Freeman, a pilot and member of the Utah Civil Air Patrol.

Mr. Meyer made a presentation regarding plans for the Jake Garn Airport. He explained general aviation airports and referred to them as "gateways to the community and from the community to the world". He stated that statistics and substantive data are imperative to draw valid conclusions and presented statistics from NASA for airports throughout the country. He also discussed airport activity at Utah airports. Mr. Meyer talked about the growth that takes place in a city near an airport. He indicated the owners of the property designated for the Jake Garn Airpark have done quality and intelligent research into this project.

Mike Wren showed and explained visual plans for the Jake Garn Airpark.

Eric Jones, Eagle Mountain Properties, talked about gridlock at airports.

Mayor Bailey thanked Eagle Mountain Properties for the presentation and offered the support of the Council.

Brigham Morgan asked Mike Wren for verification of boundaries for this project. Mr. Wren advised he will provide updated maps to the City Council for information.

10. **Consideration and Approval of an Ordinance Establishing an Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for an Airport District:**

Brigham Morgan presented information to the City Council and the public about the area designated for this airpark.

John Newman explained traffic patterns planned for the airpark.

Gerald Kinghorn stated there is a question about ownership of some of the property.

John Newman stated all landowners should be notified and invited to address the City Council.

MOTION: *Linn Strouse moved to approve Ordinance No. O 03-2002, an Ordinance of Eagle Mountain City, Utah Establishing the Jake Garn Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for the*

Jake Garn Airport District, pending ratification by the City Council of Exhibit A, the map designated by Eagle Mountain Properties. Mark Madsen seconded the motion. Ayes: 4 Nays: 0. Greg Kehl abstained. Motion passed.

11. Eagle Mountain City Youth Council:

- a. Consideration and Approval of an Ordinance Creating a Youth Council, Advisory Board, and Providing for the Organization of the Eagle Mountain City Youth Council.

Gerald Kinghorn explained the process used to draft the ordinance to create a three-member advisory board and establish a youth council.

A discussion among council members ensued regarding questions about the ordinance.

Milton McLelland, Carolina Herrin, and Sheila Curtis, nominees for the Youth Council Advisory Board, answered questions. They were given a copy of the ordinance to review.

Mayor Bailey recommended this ordinance be tabled until it can be modified to answer the concerns of Council members.

- b. Appointments - Youth Council Board of Advisors

No appointments were made.

- c. **Consideration and Approval to Amend Cedar Trail Villages Trails Plan:**

Korey Walker explained this amendment, the reasons for the requested changes, and bonding requirements for the developer.

Brigham Morgan discussed the decisions of the Planning Commission regarding this issue and answered questions from the Council.

MOTION: *Brigham Morgan moved to approve the amendment to Cedar Trail Villages Trails Plan, as submitted. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

12. Consideration and Approval of a Fire Service Mutual Aid Agreement between Eagle Mountain City and the Town of Cedar Fort:

John Newman invited Fire Chief Robert DeKorver to explain this agreement. Chief DeKorver answered questions from the Council regarding equipment owned by Cedar Fort.

MOTION: *Greg Kehl moved to approve and authorize the Mayor to sign a Fire Service Mutual Aid Agreement between Eagle Mountain City and the Town of Cedar Fort. Linn Strouse seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. Consideration and Approval of an Ordinance Amending and Re-enacting the Development Code of Eagle Mountain City, Utah and Providing for a Five (5) Member Planning Commission:

Gerry Kinghorn explained this ordinance to the Council.

Brigham Morgan expressed his concern that the City Council liaison is not allowed to vote in case of a tie.

MOTION: *Mark Madsen moved to approve Ordinance O 05-2002, An Ordinance Amending and Re-enacting the Development Code of Eagle Mountain City, Utah and Providing for a Five (5) Member Planning Commission. Linn Strouse seconded the motion. Ayes: 3; Nays: 0. Brigham Morgan and Greg Kehl abstained. Motion passed.*

14. Notice of Bid Awards:

Korey Walker explained these awards and discussed the geographic areas covered. He answered questions from the Council and recommended American Landscape be awarded the bids.

- a. Notice of Award to American Landscape for the project "Pony Express Parkway East Landscape (SID 2000-1)
- b. Notice of Award to American Landscape for the project "Paul Evans Trailway Landscaping Development" (SID 2000-1)

MOTION: *Greg Kehl moved to approve the Notice of Awards to American Landscape for the Pony Express Parkway East Landscape Project (SID 2000-1) and the Paul Evans Trailway Landscaping Development Project (SID 2000-1). Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

15. Final Bond Release Approval:

- a. Ash Point, Salisbury Homes

Korey Walker stated his company completed the final walk-through inspection. Salisbury Homes has provided the necessary electronic as-builts. He stated the ten percent guarantee will be held for the two-year warranty period.

MOTION: *Greg Kehl moved to approve the Final Bond Release for Ash Point, Salisbury Homes, as submitted. Linn Strouse seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

16. Other Business:

Gerald Kinghorn explained the necessity of passing an ordinance for designating an area for the conduct of public speech, demonstrations and protests in connection with the activities of the 2002 Winter Olympics. He answered questions from the City Council.

MOTION: *Greg Kehl moved to approve Ordinance No. O 06-2002, an Ordinance of Eagle Mountain City, Utah Designating an Area for the Conduct of Public Speech, Demonstrations and Protests in Connection with the Activities of the 2002 Winter Olympics. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Mayor Bailey stated he has started a newsletter and invited all City Council members to participate.

Diane Jacob requested that Work Sessions begin earlier to provide for sufficient discussion time. The Mayor agreed and indicated that Work Sessions will begin at 4:00 PM effective with the City Council meeting scheduled for February 19, 2002.

The Mayor discussed the possibility of setting specific times for discussion of Work Session items. Mr. Kinghorn stated this had been tried in the past, and the Council found they were often waiting around before a discussion could begin. The Mayor stated he would discuss this matter further with Mr. Newman.

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

MOTION: *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 8:55 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

PRESENT: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse, City Administrator John Newman, City Attorney Gerald Kinghorn, City Recorder Janet Valentine, and Deputy Recorder DeAnna Whitney.

18. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to Reconvene in to Open Session at 9:10 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

19. Any Actions from the Closed Executive Session:

None

20. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:10 PM.

APPROVAL: *Kelvin E. Bailey* DATE: *2/19/2002*
Kelvin E. Bailey, Mayor

This certifies that the minutes of
Feb. 5, 2002 are a true, full and
correct copy as approved by the
City Council on Feb. 19, 2002

Signed: *Janet B. Valentine, cr/c*
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY
Eagle Mountain Community Center
1668 East Heritage Drive
Eagle Mountain, Utah 84043
Tuesday, February 19, 2002**

CLOSED EXECUTIVE SESSION – No Action or Detailed Minutes Taken – 4:00 PM

1. Motion to recess in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security:

MOTION: *Mark Madsen moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security at 4:15 PM. Diane Jacob seconded the motion. Ayes: 4, Nays: 0. Brigham Morgan was excused. Motion passed.*

2. Motion to Adjourn the Closed Executive Session and go in to Work Session

MOTION: *Diane Jacob moved to adjourn the Closed Executive Session and go in to Work Session at 5:18 PM. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

PRESENT: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse, Attorney Gerald Kinghorn, and John Newman.

**WORK SESSION - No Action or Minutes Taken –
Immediately following the Closed Executive Session**

1. Discussion of the Pre-Application Review for Sky Ranch Master Development Plan (formerly known as the Hindley Master Development Plan) (Sky Ranch 1) (Sky Ranch 2)
2. Discussion regarding Enforcement of Design Guidelines in the Eagle Mountain City Development Code
3. Discussion regarding Draft Sign Ordinance
4. Items as Outlined on the Policy Session
5. Other Business
6. Department Reports
 - a. Administration/Personnel/All City Departments/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board – **Diane Jacob**
 - c. Public Works Dept. (Water, Wastewater, Natural Gas, Electric) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Planning Commission/Community Arts Board – **Brigham Morgan**
 - f. Telecommunications Board/Pony Express Days/Recreation/Neighborhood Watch/Youth Sports – **Linn Strouse**
7. Adjourn Work Session at 6:52 PM

Prayer by Invitation of the Mayor

The prayer was offered by Kelvin Bailey.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse. Brigham Morgan was excused.

City Staff Present:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Finance Director:	Kent Parker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Deputy Sheriff:	Dale Lea

Others Present: Milton McLelland and Carolina Herrin, residents and nominees for Youth Council Advisory Board; Mike Wren, Eagle Mountain Properties; Scott Kirkland and Jessa Schalich, The Ranches; Sherrey Cowley, Telecom Department; Vincent Liddiard, Economic Development Board;

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Mark Madsen.

3. Approval of Minutes (February 5, 2002):

MOTION: *Mark Madsen moved to approve the Minutes of February 5, 2002. Linn Strouse seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Diane Jacob presented the Mayor with a Park City Olympic Commemorative Medallion and certificate and a special Park City Olympic pin that she received while attending a special 2002 Olympic event hosted by the Mayor of Park City. Mayor Bailey accepted these items on behalf of the City.

5. Appointments:

a. Finance Director

Mayor Bailey recommended the appointment of Kent W. Parker to the position of Finance Director.

MOTION: *Diane Jacob moved to approve the appointment of Kent W. Parker to the position of Finance Director for Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

b. Council Assignments

No action was taken.

6. **Public Notices:**

Korey Walker stated the bid for the Saddlerock 2MG Reservoir had been posted.

7. **Public Comment:**

There was no public comment.

8. **Consideration and Approval of a business plan for Eagle Mountain City's official web page (Web Page 1) (Web Page 2):**

Mayor Bailey introduced Vincent Liddiard, Chairman of the Economic Development Board, and asked him to address the Council regarding an official web page for the City. Mr. Liddiard stated he had previously spoken with Mark Madsen, Council liaison to the Economic Development Board, regarding this matter. He stated the Economic Development Board has a budget of \$5,000 and would like to allocate approximately \$2,000 of that budget toward design of a City web page. The Board would like to see a website that would service both local business owners and those outside the City who might be attracted to this area. The Board is very concerned that the website be as up to date as possible. He stated the Telecom Department has already done some research and study regarding hosting a website and moving it forward. The Economic Development Board will work concurrently with them.

Sherrey Cowley, Telecom Department, stated their office is not concerned whether a website is in house or outside, but she explained some of the legalities and security issues of having a website run outside of the City. She answered questions about moving the City server if Telecom is sold. She also raised the question of who will pay for maintenance of any system selected. She advised that Telecom has designed a website to be previewed by the Council and members of the Economic Development Board.

Greg Kehl explained the positives of the City having an in-house website. He stated this type of website could eventually be expanded to be used by developers to submit plat approvals, to take out building permits, etc.

Mike Wren, Eagle Mountain Properties, expressed his concern that this website be done professionally and asked about the qualifications of the Telecom staff to design and maintain a professional website. Sherrey Cowley answered his questions.

The Mayor recommended this item be tabled so that a better business plan can be presented to the Council at the next meeting.

9. **Evans Ranch Annexation Master Development Plan:**

Diane Jacob recused herself from this discussion due to a conflict of interest.

Shawn Warnke explained this annexation is planned for the most eastern boundary of the City. He explained that a land use plan and some financial elements have been submitted to the Council for review and consideration.

Korey Walker handed out a written summary explaining how The Ranches proposes to fund their improvements. He also explained changes to be made in the summary.

Scott Kirkland, The Ranches, presented the master plan for Evans Ranch. He stated the proposed plan meets the current code requirements and provides thirty acres for a future junior high school. He made a commitment to the City not to have any detached lots smaller than 6,000 square feet on this project.

Jessa Schalich, The Ranches, answered questions about bonus density requirements.

Korey explained bonus density requirements.

Greg Kehl recommended eliminating or revamping bonus density requirements because they are very complicated.

MOTION: *Greg Kehl moved to approve the Evans Ranch Annexation and the proposed Master Development Plan and instruct counsel to prepare an appropriate annexation ordinance, master development and annexation agreement, and all related exhibits and materials for review at a Council meeting within 14 to 30 days. Mark Madsen seconded the motion. Ayes: 3: Nays: 0. Motion passed.*

Diane Jacob was invited to rejoin the Council.

10. Final Plat Approvals (Includes Development Agreement and CCR's):

- a. Eagle Point Plat I, Patterson Construction
- b. Eagle Point Plat J, Patterson Construction

This item was tabled.

11. Consideration and Approval of an Excavation Permit Ordinance Establishing Requirements for Excavation on Public Property and Rights-of-Way, Requiring Permits for Excavation and Defining Standards, Requirements and Other Related Matters in Connection with Excavation on Public Property:

Korey Walker explained this ordinance amending the existing utility ordinance and doing away with excavation permit requirements. He stated this ordinance brings the City in compliance with State guidelines. The ordinance was reviewed by the Public Works Board and the Public Works Department prior to presentation to the Council.

Greg Kehl recommended more stringent trenching requirements be put in place as soon as possible to protect the existing roads.

Mayor Bailey directed Korey Walker to gather information to present to the Public Works Board regarding the trenching requirements. The Public Works Board should then make their recommendation to the Council.

MOTION: *Greg Kehl moved to approve Ordinance No. O 07-2002, an Ordinance of Eagle Mountain City Establishing Requirements for Excavation on Public Property and Rights-of-Way, Requiring Permits for Excavation and Defining Standards, Requirements and Other Related Matters in Connection with Excavation on Public Property. Linn Strouse seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

12. Eagle Mountain City Youth Council:

- a. Consideration and Approval of an Ordinance Creating a Youth Council Advisory Board and Providing for the Organization of the Eagle Mountain City Youth Council.

Gerald Kinghorn stated he has made the changes the Council recommended to this ordinance. There will likely be other changes proposed by the Youth Council Board of Advisors after they are organized and have a chance to look at the ordinance and consider organizational concerns.

Carolina Herrin and Milton McLelland, nominees to the Advisory Board, answered questions from the Council and explained upcoming events and a proposed budget.

MOTION: *Linn Strouse moved to adopt Ordinance No. O 04-2002, an Ordinance Creating a Youth Council Advisory Board and Providing for the Organization of the Eagle Mountain City Youth Council. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

- b. Appointments - Youth Council Board of Advisors

MOTION: *Greg Kehl moved to approve the appointments of Milton McLelland, Carolina Herrin, and Sheila Curtis to the Youth Council Board of Advisors. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

13. Airport Planning District Commission:

- a. Consideration and Approval of Ordinance No. O 03-2001 Establishing an Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for an Airport District

Gerald Kinghorn stated the City still needs the legal description for this area. Mike Wren, Eagle Mountain Properties, was requested to get this information to City Recorder Janet Valentine.

MOTION: *Mark Madsen moved to approve Ordinance No. O 03-2002, an Ordinance Establishing an Airport Planning District, Establishing a Planning Commission; Zoning Regulations and Other Matters for an Airport District. Linn Strouse seconded the motion. Ayes: 3; Nays: 1 Motion passed.*

- b. Appointments – Airport Planning Commission

Mayor Bailey recommended the following appointments to the Airport Planning Commission: Diane Jacob, Council Member Liaison; Jack Guthrie, Sky Dive University and resident of Eagle Mountain, to a three-year position; Melvin McQuarrie, a pilot who is a professional engineer and land surveyor and a resident of Heber City, to a one-year term; Jim Boes, Air Transportation Director, Wasatch Front Regional Council, to a two-year term; Richard Steinkopf, currently serving as an alternate on the City Planning Commission, to a three-year term; and Cody Fowler, resident and a pilot instructor for Utah Valley State College, to a one-year term.

MOTION: *Mark Madsen moved to approve the following appointments to the Airport Planning Commission: Diane Jacob, Council Member Liaison; Jack Guthrie to a three-year term; Melvin McQuarrie to a one-year term; Jim Boes to a two-year term; Richard Steinkopf to a three-year term; and Cody Fowler to a one-year term. Linn Strouse seconded the motion. Ayes: 3; Nays: 0. Greg Kehl abstained. Motion passed.*

14. Consideration of award of the Land Application Contract:

Korey Walker explained the bids for this contract to the Council. He stated the low bid was from Arrow Engineering in the amount of \$140,145.00. Bob Wren, Public Works Department, wanted to include in this award the conduit that would allow him to electronically communicate with the control valve. Arrow Engineering submitted a cost of \$4,550.00 for this item.

MOTION: *Greg Kehl moved to approve the award of the Land Application Contract dated January 2002 to Arrow Engineering. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

15. Consideration and Approval of a Contract between Eagle Mountain City and Lewis Young Robertson & Burningham regarding an Impact Fee Study for Eagle Mountain City:

Korey Walker explained this contract to the Council. He stated that the City's cost of updating the Capital Facilities Plan and updating an Impact Fee needs to be included in the impact fee calculations.

MOTION: *Greg Kehl moved to approve a Contract between Eagle Mountain City and Lewis Young Robertson & Burningham regarding an Impact Fee Study for Eagle Mountain City. Linn Strouse seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

16. Telecommunications Department running a promotion on their DSL product from March 15th to May 15th, 2002:

Sherrey Cowley explained this promotion to the Council.

MOTION: *Linn Strouse moved to approve the promotion of the Telecommunications Department for the DSL product from March 15 to May 15, 2002. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

17. Consideration and Approval of the purchase of a vehicle for the Fire Department to replace the Ford Explorer:

Fire Chief DeKorver checked pricing for vehicles and submitted his findings to the Council for review.

Mayor Bailey asked Mark Madsen to check his sources for used vehicles and report back to the Council.

This item was tabled.

18. Notice of Award to General Electric Canada, Inc. for the SCADA RTU Unit - \$24,955.00:

Korey Walker stated the total for this Award has been increased to \$28,956.00 to include innerface and estimated shipping charges. He answered questions from the Council.

MOTION: *Greg Kehl moved to approve the Notice of Award to General Electric Canada, Inc., for the SCADA RTU Unit in the amount of \$28,956.00. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

a. Warrant Register

MOTION: *Diane Jacob moved to approve the Warrant Register dated February 19, 2002. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

b. Amendment to Declaration & Termination of Declaration of Covenants, Conditions and Restrictions for Lot #1 in Ruby Valley Subdivision

Shawn Warnke explained this amendment to the Council.

MOTION: *Greg Kehl moved to approve the Amendment to the Declaration & Termination of Declaration of Covenants, Conditions and Restrictions for Lot #1 in Ruby Valley Subdivision. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

c. Final Payment

i. 138 kV Transmission Line, NGK-Locke, Inc.

Korey Walker stated he had submitted a Change Order for shipping charges. This item can be ratified at the next City Council meeting.

MOTION: *Mark Madsen moved to approve the Final Payment for NGK-Locke, Inc., for the 138 kV Transmission Line. Linn Strouse seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

20. City Council's Ratification for Partial Payments & Partial Bond Releases:

a. Partial Bond Releases

i. Rush Valley, Plat A, Sundance Homes

MOTION: *Diane Jacob moved to ratify the Partial Bond Release to Rush Valley Plat A, Sundance Homes. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

21. Other Business:

Korey Walker explained R-pots cards for telephone lines and the problems the City is having with The Ranches purchasing the necessary number of cards. He stated this has caused some new residents to wait up to two weeks for telephone service. The Ranches want to borrow cards from Willow Springs to be replaced later.

Carolina Herrin, Telecom, explained the urgency of this matter.

Gerald Kinghorn stated there is surplus equipment in the Telecom Department that needs to be sold. These funds could be used to purchase extra R-pots cards to have in reserve.

The Council recommended that the Telecommunications Department be authorized to purchase an R-pots card to be used as a loaner to assist developers in emergency situations.

MOTION: *Greg Kehl moved to authorize the Telecommunications Department to purchase an R-pots card to be used as a loaner to assist developers in emergency situations. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

The Mayor indicated that the City Council and John Newman reached a mutual resignation agreement this date. The Mayor extended appreciation from the Council for the dedicated service Mr. Newman showed to the City in the past years.

MOTION: *Mark Madsen moved to authorize the Mayor to execute the Release of Waiver Agreement that Mr. Newman executed and placed with Mr. Kinghorn. Linn Strouse seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Gerald Kinghorn stated the appraisal of Telecom has been completed and the results were delivered to the City. Mr. Kinghorn handed out copies of this report for review of the Council, and he explained the City should hear back within a week regarding negotiations for acquiring the telecom system.

MOTION: *Greg Kehl moved to accept the Eagle Mountain Telecommunications Appraisal Report dated November 30, 2001. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

No Closed Executive Session was called at this time.

23. Motion to Reconvene in to Open Session:

No motion.

24. Any Actions from the Closed Executive Session:

None

25. Adjournment:

Linn Strouse moved to adjourn the meeting at 9:00 PM.

APPROVAL:

Kelvin E. Bailey
Kelvin E. Bailey, Mayor

03 gsv
DATE: *2-5-02*

This certifies that the minutes of
FEB. 19, 2002 are a true, full and
correct copy as approved by the
City Council on MARCH 5, 2002
Signed: *Judith B. Valentine, CRC*
City Recorder

**CITY OF SARATOGA SPRINGS &
EAGLE MOUNTAIN CITY
JOINT CITY COUNCILS MEETING**

Tuesday, February 26, 2002

Meeting held at the City of Saratoga Springs City Office
2015 S. Redwood Road, Saratoga Springs, Utah 84043

MINUTES

Meeting Commencing at 6:05 P.M.

Present:

Saratoga Springs Councilmembers: Mayor Tim Parker, Scott Kahn, Marsha Paskett, Lynette Hubbard, Tim Taylor, John Kimball (arrived at 6:50 p.m.)

Eagle Mountain Councilmembers: Mayor Kelvin Bailey, Diane Jacob, Mark Madsen, Brigham Morgan, Linn Strouse, Absent Greg Kehl

Saratoga Springs Staff: Alyson Alger, Dave Anderson, Dave Vickers, Ken Leetham, Alan Frisby

Eagle Mountain Staff: Janet Valentine, Robert Dekorver

Others: Shad Barnes, Sharon Haddock (Deseret News), Mary Ellen Evans, Aaron Evans, Darvell Hunt (New Utah), Shawn Elliott (MAG), Wendy Smith (EM Planning Commission Member), Jim Peterson, Josh Elledge (Lake Mountain Interactive), Shauna Brown (Lake Mountain Interactive)

- Call to Order by Mayor Tim Parker.
- Roll Call.
- Invocation / Reverence by Scott Kahn.
- Pledge of Allegiance.
- Introduction of Elected Officials and City Employees.

REVIEW AND DISCUSSION OF MUTUAL ISSUES

1. Annexation Policies and Shared Boundaries.

Introduction by Mayor Tim Parker about the State requirement of adopting an annexation policy.

Ken Leetham discussed the several major projects that Saratoga Springs has been working on such as Transportation Master Plan and Annexation Policy, etc. Ken showed a map of what areas have been discussed in regards to annexation for planning purposes only.

Ken discussed the potential boundaries that Saratoga Springs has with Eagle Mountain. The delivery of public utilities should be one of the main items of discussion when discussing potential annexation boundaries. Islands and Peninsulas-need to make sure that each city's declaration does not create an island or a peninsula of land.

Tim Taylor-Each city should put together its own proposed boundaries and in a couple of months meet again to discuss them.

Lynette Hubbard-Priorities for annexation areas should include natural boundaries, where services can be provided (utilities and public safety), and accommodate landowners rights and desires.

Diane Jacob-Boundaries are along section lines which generally represent landowner boundary lines.

2. Long-Range Transportation Master Plans and Traffic Circulation.

Mayor Bailey-MAG proposed corridors for the East-West Study (2100 North is #4 on the priority list of MAG's transportation improvement plan)

There are no funds for any of these projects. It is choking all of the cities that are affected by these corridors. With all the growth that is happening in Saratoga Springs and Eagle Mountain there is no way that only one corridor can service all of these residents. By the time there is funding it may be almost six or seven years away and we will need all three of the corridors.

Dave Anderson discussed the work that Saratoga Springs has done on their Transportation Master Plan including having future developments preserve the corridors on that plan.

Shawn Elliott-discussed the funding issues and the lack of funding to Utah County for the projects that need to be completed. (Utah DOT Region Three receives approx. \$25 million a year for both road projects and maintenance-each of the three East-West Corridors costs \$45 million, \$68 million, and \$74 million respectively)

Discussion of the possible route through Eagle Mountain. The Eagle Mountain City Council expressed their desire to have the Legacy Highway go through Cedar Valley to accommodate the airport.

3. Public Safety.

Ken discussed briefly the status of public safety with respect to both cities. Then asked Dave Vickers to further comment on the status.

Dave Vickers discussed the Automatic Aid Agreement between Saratoga Springs and Eagle Mountain. Which allows for both departments to respond to calls in either city.

Linn Strouse-do we have enough people to provide full-time coverage?

Eagle Mountain Fire Chief Robert Dekorver stated that daytime coverage is where both cities are lacking in public safety.

Discussion of justice court and the possibility of a joint justice district that would cover both cities.

4. Sanitary Sewer Services.

Ken discussed concerns with the increase in the capital facilities fee.

5. Questions/discussion of any other issues.

Mayor Parker-School district meeting held this afternoon to discuss the \$200 million bond. Problem is that the school district is planning on pouring out a lot of money into the current Lehi High School. Lehi City, Saratoga Springs, and Eagle Mountain believe a new school would be a better option than spending \$8 million in renovations to the existing school.

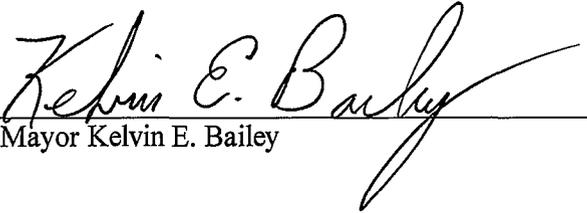
Linn Strouse is very glad that this topic was brought up and she is very concerned about getting more schools out in the western area. She stated that there is an open School Board position available.

Linn Strouse discussed the creation of the youth council in Eagle Mountain.

6. Adjourned at 8:40 p.m.

Mar. 19, 2002
This certifies that the minutes of
Date of Approval FEB. 26, 2002 are a true, full and
correct copy as approved by the
City Council on MAR. 19, 2002

Signed: Janet B. Valentine, cmc
City Recorder



Mayor Kelvin E. Bailey

**MINUTES OF SPECIAL CITY COUNCIL AND
PLANNING COMMISSION JOINT WORK SESSION
OF EAGLE MOUNTAIN CITY, UTAH**

**Best Western Inn
195 South 850 East
Lehi, Utah 84042
February 28, 2002**

Mayor Kelvin Bailey called the Work Session to order at 6:10 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Mark Madsen and Brigham Morgan. Greg Kehl and Linn Strouse were excused.

Planning Commission Member Present: Chairman Tom Maher, John Nielson, Wendy Smith, Darrin Brandt, and Richard Steinkopf

City Staff:

Planning Consultant: Ken Leetham
City Planner: Shawn Warnke
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney

2. Discussion of proposed General Plan and Land Development Code Amendments:

Ken Leetham, Planning Consultant, presented an overview of and project objectives for the General Plan and Code for Eagle Mountain City. He led a discussion of existing and proposed issues, answered questions, and took note of changes the City Council and Planning Commission want incorporated in the General Plan and Code.

The Mayor asked about plans for major roadways. Mr. Leetham advised the Transportation Master Plan needs to be continually updated and that by adopting the General Plan, the City is committing to continually updating the Transportation Master Plan. Mr. Leetham suggested the City get back to a traditional Capital Facilities Plan for roads (a five-year plan, a ten-year plan, maybe even a two year-plan) and start collecting impact fees to generate income to build some of the roads.

Mayor Bailey assigned Darrin Brandt, Planning Commission, to form a committee to work on a transportation plan for roadways in the City regarding location, scheduling, etc. Mr. Brandt accepted this assignment.

Mr. Leetham was given recommendations from the Council and Commission for changes to the Signage section. Mr. Leetham will make the necessary changes.

Mr. Leetham discussed provisions for public noticing. He asked for and received suggestions from those in attendance. It was recommended that Subdivision Section 4.4.7 be changed to read "500 feet of the boundaries of the proposed preliminary plat" and that the "14 days" in the last sentence be changed to read "at least 7 days before the hearing." The 28-day requirement shown in Section 4.4 Approval Process was discussed, and it was decided this was a reasonable time for the approval process.

Diane Jacob, City Council, stated she feels 20 percent is too high of a requirement for open space because of the upkeep requirement for the City. Several developers have expressed their concerns to the Mayor that the 20 percent open space requirement places a hardship on them. Ken Leetham made some recommendations to change this requirement.

Mixed-use overlay was explained by Ken Leetham through use of graphics. He also explained the bonus density system that can be gained by a developer who adds amenities and features to a development.

It was agreed that the minimum lot size should be 6,500 square feet, down from the 8,000 originally discussed.

The current design guidelines were discussed. Some members felt these guidelines are difficult to enforce and might be something that should not be controlled by the City but rather through CC&R's. Others felt that strict guidelines should be enforced. Mayor Bailey requested Ken Leetham to break down the individual design guidelines for future discussion.

Mayor Bailey requested that another joint meeting be held on March 14, 2002, to further discuss general plan items. The March 14 meeting will replace Planning Commission meeting scheduled for March 12, 2002. Mayor Bailey requested all comments from City Council and Planning Commission members should be emailed to Ken Leetham at kenleetham@qwest.net as soon as possible.

3. **Adjournment:**

The meeting was adjourned at 9:30 PM.

APPROVAL: Kevin E. Bailey DATE: 3-19-02
Mayor Kelvin E. Bailey

This certifies that the minutes of
FEB. 28, 2002 are a true, full and
correct copy as approved by the
City Council on MAR. 19, 2002

Signed: Janet B. Valentine, cmc
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
March 5, 2002**

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

1. Presentation on Community Emergency Response Training (CERT) by Sheila Curtis (30 min. presentation)
2. Drainage Issues in the Meadow Ranch Subdivision
3. Jessica Grow Slope Easement
4. Discuss advertising policy for mailers in Utility Bills
5. Items as Outlined on the Policy Session
6. Other Business
7. Adjourn Work Session at 6:30 p.m.

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

POLICY SESSION – 7:00 PM

Mayor Bailey called the meeting to order at 7:10 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Finance Director:	Kent Parker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Sergeant:	Jo Murphy

Others Present:

Josh Elledge, resident and local newspaper editor; Sherrey Cowley, Telecom Department; Mike Wren, Eagle Mountain Properties; Darrell Jackson, Library Board; Debra Hart, New Utah Lehi Free Press

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Boy Scout Charlie Robinson.

3. Approval of Minutes (February 19, 2002):

MOTION: *Greg Kehl moved to approve the Minutes of February 19, 2002. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bailey announced Community Emergency Response Team (CERT) training will be held on Thursday, March 7, 2002, at 7:00 PM at the Community Center. Brigham Morgan explained this training and encouraged residents to take advantage of it for the benefit of the community and their families.

Linn Strouse announced there is a youth sports organization meeting scheduled for Wednesday, March 6, at 7:00 PM. She also announced there will be an education focus group meeting on March 13 at her home.

The Pony Express Days planning meeting will be held March 13 at 7:00 PM at Eldon Fletcher's home.

The Mayor announced there is a joint City Council and Planning Commission meeting planned for Wednesday, March 20, 2002, at 6:00 PM. The location will be announced.

Brigham Morgan announced a meeting of the Community Arts Board to be held Wednesday March 6, at David Loper's house, at 6:00 PM.

Brigham Morgan brought up the possibility of having a joint justice court with Saratoga Springs to handle traffic tickets, etc. Linn Strouse was assigned to follow up with Saratoga Springs City Manager Ken Leetham on this matter.

5. Appointments:

- a. Council Assignment
- b. Planning Commission
- c. Airport District Planning Commission
- d. Airport Advisory Board

This item was tabled.

6. Public Notices:

None

7. **Public Comment:**

Mike Wren, Eagle Mountain Properties, presented information concerning the use of a sign that is larger than the current code allows to advertise the valley center area. He recommended a sign that is 24 feet wide and 16 feet high, and he feels the sign needs to be this large in order for the sign to be readable from the road. He recommended the Eagle Mountain City Sign Ordinance be changed to accommodate this size sign. He will present this recommendation to the Planning Commission asking for permission to build this sign.

Darrell Jackson, Library Board, asked about land that was to be deeded to the library. Mike Wren, Eagle Mountain Properties, stated this land will be deeded to the City for restricted use by the library only. The Mayor and Gerald Kinghorn will follow up on this matter.

8. **Consideration to Approve Removal of the Telecommunications Section from the Eagle Mountain Consolidated Fee Schedule:**

Gerald Kinghorn explained the reasons for separating Telecom fees from other City consolidated fees.

MOTION: *Brigham Morgan moved to authorize the separation of the Telecommunications fee schedule from the Eagle Mountain Consolidated Fee Schedule. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

9. **Consideration to Approve the Telecommunications Department to begin the public noticing process for the proposed Telecommunications Fee Schedule:**

MOTION: *Greg Kehl moved to approve the Telecommunications Department to begin the public noticing process for the proposed Telecommunications Fee Schedule. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

10. **Consideration and Approval of a business plan for Eagle Mountain City's Official Website:**

This item was tabled.

11. **Consideration and Approval for Transworld Systems, Inc. to handle the collection of delinquent utility accounts for Eagle Mountain City:**

Gerald Kinghorn explained this item to the Council. He stated he has reviewed all materials for compliance and found them to be appropriate. He answered questions from the Council.

Kent Parker, Finance Director, further explained the need for this service that would handle delinquent accounts of non-current users who have moved from the City.

MOTION: *Mark Madsen moved to approve Transworld Systems, Inc., to handle the collection of delinquent utility accounts for Eagle Mountain City. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

12. **Consideration and Approval of an Agreement for an Off-line Medical Director for Eagle Mountain City Fire Department:**

Gerry Kinghorn explained the necessity of having an agreement for an off-line medical director for the EMT's of the Eagle Mountain City Fire Department. He stated he will review the agreement for legalities before it is signed.

Fire Chief Robert DeKorver will be invited to give a report on this service at the next City Council meeting.

MOTION: *Linn Strouse moved to approve an Agreement for an Off-line Medical Director for Eagle Mountain City Fire Department. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. Consideration and Approval of the purchase of a vehicle for the Fire Department:

Mayor Bailey stated this purchase is to replace the Fire Chief's City vehicle that was totaled in an accident. The City received insurance payments of \$15,444.13 for the damaged vehicle. The Mayor indicated there was a bid placed on a 1999 vehicle for \$13,500.

MOTION: *Linn Strouse moved to approve the purchase of a vehicle for the Fire Department for \$13,500 to be paid from the insurance refund of \$15,444.13, with the balance to be used to cover taxes, registration, etc., up to a maximum of \$15,444.13. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

14. Drainage Issues in the Meadow Ranch Subdivision:

Korey Walker presented information on this item. He indicated a plan was in place by the developer to correct two of the problems by March 31. The developer will resubmit a plan to correct the remainder of the problems. The Council requested that Mr. Walker convey to the developer the need to correct these items in an expeditious manner. Mr. Kinghorn advised that all homeowners with drainage issues need to be included on a list to present to the developer. Linn Strouse will collect the information for this list.

15. Notice of Award for the project "Saddlerock 2 MG Reservoir - 2002":

Korey Walker explained the bids received for this project. He discussed some items that the Council might want to add to the project and answered questions regarding security of the tank. He presented the pros and cons of fencing around tank. Mr. Walker recommended the City accept the bid from Gerber Construction, Inc., which is currently building two other tanks for the City and is meeting all expectations.

MOTION: *Greg Kehl moved to approve the Notice of Award for the Saddlerock 2 MG Reservoir - 2002 project to Gerber Construction Inc, for total base price of \$984,050. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

16. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders
 - i. Area No. 2 Landscaping for 2000-1 SID (CO No. 1), Golden Landscaping

MOTION: *Brigham Morgan moved to approve the Consent Agenda. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

17. **City Council's Ratification for Partial Payment Requests:**

- a. Partial Payment Requests
 - i. Ranches & Pony Express Parkway Landscaping – Area 2 (PP No. 3), Golden Landscaping
 - ii. Ranches & Pony Express Overlay (PP No. 9), Valley Asphalt

MOTION: *Brigham Morgan moved to approve the partial payments as submitted. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

18. **Other Business:**

None

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

No Closed Executive Session was held.

20. **Motion to Reconvene in to Open Session:**

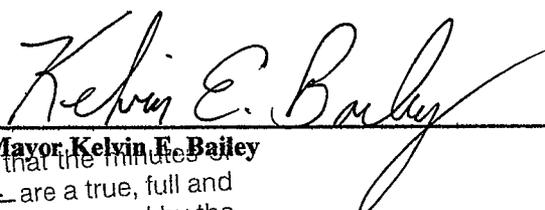
Not applicable.

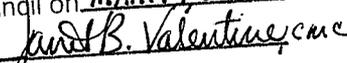
21. **Any Actions from the Closed Executive Session:**

None

22. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 8:20 PM.

APPROVAL:  **DATE:** 3-19-02

This certifies that the minutes of **MAR. 5, 2002** are a true, full and correct copy as approved by the City Council on **MAR. 19, 2002**
Signed: 
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center
1668 East Heritage Drive
Eagle Mountain, Utah 84043
Tuesday, March 19, 2002**

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

1. Discussion on land deeded to the City
2. Discussion regarding a Justice Court
3. Discussion regarding Billing Information in the Eagle Mountain City Consolidated Fee Schedule
4. Items as Outlined on the Policy Session
5. Other Business
6. Department Reports
 - a. Administration/Personnel/All City Departments/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport District Planning Commission – **Diane Jacob**
 - c. Public Works Dept. (Water, Wastewater, Natural Gas, Electric) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Planning Commission/Community Arts Board – **Brigham Morgan**
 - f. Telecommunications Board/Pony Express Days/Recreation/Neighborhood Watch/Youth Sports – **Linn Strouse**
7. Adjourn Work Session at 6:30 p.m.

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Finance Director:	Kent Parker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Fire Chief:	Robert DeKorver
Sergeant:	Jo Murphy

Others Present:

Josh Elledge, resident and editor of Interactive; Jamie Condie, Interactive; Debra Hart, New Utah Lehi Free Press; Lee and Eutona Dixon, residents; Jennifer Webb, resident; Rick Pierce, resident.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Diane Jacob.

3. Approval of Minutes (February 26, 2002-Joint Mtg with Saratoga Springs) (February 28, 2002-Joint Work Session with EM Planning Commission) (March 5, 2002- CC Mtg)

MOTION: *Diane Jacob moved to approve the Minutes of the Joint Meeting with Saratoga Springs dated February 26, 2002. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Greg Kehl abstained. Motion passed.*

MOTION: *Mark Madsen moved to approve the Minutes of the Joint Work Session with the Eagle Mountain Planning Commission dated February 28, 2002. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Greg Kehl abstained. Motion passed.*

MOTION: *Greg Kehl moved to approve the Minutes of March 5, 2002 Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

The Mayor announced that David Lifferth has resigned from the mayoral staff. Mayor Bailey will be seeking a replacement for this position.

Janet Valentine, City Recorder, advised that Open Burn Season is scheduled from March 30, 2002, to April 29, 2002. A burn permit is required and may be purchased at the City Office for \$10.00.

Brigham Morgan announced the birth of his daughter, Hannah Elisabeth, on March 8, 2002.

Diane Jacob announced the School Name Selection Committee was meeting this evening, March 19, 2002, from 6:30 to 7:30 PM at Snow Springs Elementary and needed public input.

5. Appointments:

a. Council Assignment

The Mayor recommended the appointment of Diane Jacob to replace Brigham Morgan as the liaison to the Planning Commission. He stated Diane Jacob is available to attend DRC meetings held during the day and also attend Airport District Planning Commission and Planning Commission meetings.

MOTION: *Mark Madsen moved to approve the appointment of Diane Jacob as liaison to the Planning Commission. Diane Jacob seconded the motion. Ayes: 2; Nays: 1. Brigham Morgan and Greg Kehl abstained. Motion failed.*

b. Planning Commission

The Mayor recommended the appointment of Missy Rudy as an alternate to the Planning Commission.

Brigham Morgan expressed concern that the two current alternates live in the north end of town and that the south end will not be represented. The Mayor indicated he had tried to find a representative from the South end but could not find anyone willing to take the time to serve in this capacity. He indicated he was open for suggestions.

MOTION: *Mark Madsen moved to approve the appointment of Missy Rudy as an alternate to the Planning Commission effective March 19, 2002. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

c. Airport District Planning Commission

The Mayor recommended the appointment of Kerry Beus, an air traffic controller for Salt Lake International Airport and has worked for the airport for close to 16 years.

MOTION: *Diane Jacob moved to approve the appointment of Kerry Beus as an alternate to the Airport District Planning Commission effective March 19, 2002. Linn Strouse seconded the motion. Ayes: 4; Nays: 0. Greg Kehl abstained. Motion passed.*

d. Airport Advisory Board

The Mayor recommended the appointment of Kerry Beus to the Airport Advisory Board.

MOTION: *Brigham Morgan moved to approve the appointment of Kerry Beus to the Airport Advisory Board beginning March 19, 2002. Linn Strouse seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

6. **Public Notices:**

None

7. **Public Comment:**

None

8. **Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule:**

It was recommended this item be tabled; however, Greg Kehl recommended the Council entertain a motion to approve the fees for the Public Works section of the Consolidated Fee Schedule.

MOTION: *Greg Kehl moved to approve Resolution R 01-2002, a Resolution of the Governing Body of Eagle Mountain City amending the Eagle Mountain City Consolidated Fee Schedule approving an increase in connection fees for natural gas, water, and electric, as submitted. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

9. **Consideration to Approve a Business Plan for the Eagle Mountain City's Official Website:**

The Mayor stated David Asay, a local resident, has been very involved in creating a business plan to be adopted for an Eagle Mountain website. This plan will be staged in three phases: Phase 1 will make the website a professional operating system that will serve as an informational and advertising website for the City; Phase 2 will make it possible to apply for building permits, etc., available through the City; and Phase 3 will make it possible for citizens to be able to pay on-line.

A discussion ensued regarding advertising and the legality of internal service charges. All questions were answered by Mayor Bailey and Attorney Kinghorn. The Mayor indicated all Council members will have an opportunity to review the website for approval. The Mayor explained that the Economic Development Board has pledged \$2,000 for seed capital, and the City is trying to get grants to help with set up.

Brigham Morgan recommended that the bid process be used to determine who will develop the website.

MOTION: *Brigham Morgan moved to approve a Business Plan for the Eagle Mountain City's Official Website, as submitted, with the following conditions: (1) the \$2,000 seed money come from the Economic Development Board budget; and (2) that bids be taken for development of the website and presented to the Council for approval. Linn Strouse seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

10. Consideration to Authorize the Use of General Fund-Fire Department Funds designated for the Lease Purchase of a Fire Engine for the Outright Purchase of a Fire Engine for Eagle Mountain City:

Kent Parker, Finance Director, explained this proposal to the public.

MOTION: *Linn Strouse moved to authorize Fire Chief Robert DeKorver to negotiate the purchase of a fire engine by using the General Fund-Fire Department Funds designated for the lease purchase of a fire engine for the outright purchase of a fire engine for Eagle Mountain City. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

11. Consideration to Approve Eagle Point Condominiums, Plat A Extension of Approval:

This item was tabled.

12. Consideration to Adopt a City Vehicle Policy:

Greg Kehl explained the need for a City Vehicle Policy that would set a standard for use of City vehicles. He stated that the Public Works Board recommended that vehicles in the Public Works Department be numbered for identification purposes. Mr. Kehl recommended the Public Works Vehicle Policy be approved as submitted and that staff be authorized to work on an amended policy to include vehicles driven by the Fire Department and administration employees.

MOTION: *Brigham Morgan moved to adopt a Public Works Vehicle Policy, as submitted. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. Motion to approve Consent Agenda items as follows:

a. Warrant Register

Korey Walker explained the final payment requests to the Council.

b. Final Payment Requests

- i. Meadow Ranch Park Equipment, Ranches, LC
- ii. Red Hawk Ranch Park Equipment, Ranches, LC

MOTION: *Brigham Morgan moved to approve the Consent Agenda, as submitted. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

The Mayor asked Mr. Walker to explain the present status of the North Ranch playground equipment. Mr. Walker explained a proposal presented in writing to The Ranches to pay for this equipment. The Written proposal has been in the possession of The Ranches for approximately three weeks, but they have not acted on it.

14. **Other Business:**

None

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

MOTION: *Diane Jacob moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

16. **Motion to Reconvene in to Open Session:**

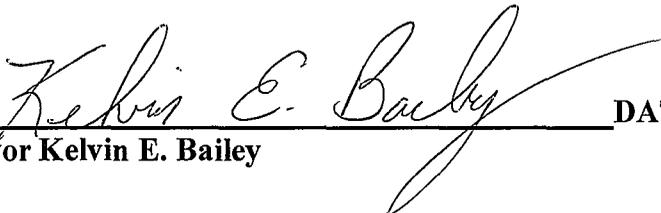
MOTION: *Diane Jacob moved to reconvene in to Open Session. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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

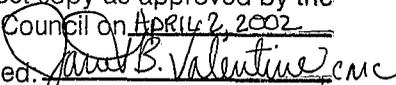
None

18. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 8:07 PM.

APPROVAL:  DATE: 4/2/02
Mayor Kelvin E. Bailey

This certifies that the minutes of
MARCH 19, 2002 are a true, full and
correct copy as approved by the
City Council on APRIL 2, 2002

Signed: 
City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL
AND PLANNING COMMISSION
JOINT WORK SESSION MEETING**
Best Western Inn
195 South 850 East
Lehi, Utah 84043
Wednesday, March 20, 2002

WORK SESSION - No Action Taken

Mayor Kelvin Bailey called the meeting to order at 6:20 PM.

1. Roll Call:

City Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

Planning Commission Members Present: Chairman Tom Maher, Co-chair Chris Kemp, Darrin Brandt, Wendy Smith, and Richard Steinkopf.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Planning Consultant:	Ken Leetham
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney

2. Discussion of proposed General Plan and Land Development Code Amendments:

A. Lot Size, Clustering and Amenities Incentives

Ken Leetham gave the City Council and Planning Commission members written comments from Scott Kirkland, The Ranches, raising concerns about the current draft of the General Plan and Development Code. These concerns regarding lot size and clustering were discussed extensively. Ken Leetham also discussed the benefits to the City of clustering.

Ken Leetham expressed his concern that the mixed use overlay has a minimum lot size of 8,000 SF. He feels this restriction will have a negative financial impact on the City's long term goals.

Gerald Kinghorn stated he feels that if the City is going to allow bonus densities, there needs to be a standardization for qualifying these bonus densities to avoid the appearance of unfairness. He stated, in his opinion, there has been too much discretion in the past on the part of the City Council, Planning Commission, and City staff over these issues whereby it appears the City is not uniformly applying standards and rules.

The Mayor recommended that staff determine some quantifying numbers for densities that could then be discussed in another meeting.

Korey Walker recommended developers be asked to make proposals to the City showing what they consider to be sensible incentives and percentages for issuing bonus densities.

B. Architectural Guidelines

The Mayor explained his concern about the ability of the City to enforce architectural guidelines.

The legal aspects of architectural design guidelines were explained by Mr. Kinghorn. He referred to specific sections of the current architectural guidelines indicating how difficult they are to enforce. He thinks the City should set minimum, important architectural standards, taking into consideration that we cannot enforce personal taste. Mr. Kinghorn recommended that clearer definitions be added to the code.

Scott Kirkland suggested there needs to be guidelines on roof pitch, mandated colors, two-car garages, and minimum square footage on a single family detached home.

Mayor Bailey requested that members of the City Council and the Planning Commission recommend some practical minimum architectural guidelines to be adopted by the City.

Shawn Warnke was given the assignment to check with other cities about their basic architectural guidelines.

C. Zero Lot Lines

Zero lot line provisions were discussed. Korey Walker explained the utility problems that have been experienced in Eagle Mountain. He stated the current design needs to be corrected to eliminate these utility problems.

D. Land Use Development

Ken Leetham explained the land use development process to new council and commission members.

3. Adjournment:

Meeting was adjourned at 8:40 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: _____

4/2/02

This certifies that the minutes of
20-MAR 2002 are a true, full and
correct copy as approved by the
City Council on 2-APR 2002.

Signed: _____

City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Community Center
1668 East Heritage Drive
Eagle Mountain, Utah 84043
Tuesday, April 2, 2002**

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

1. Discussion regarding Woodside Home Master Development Plan
2. Discussion on Reconsideration of Vote on Planning Commission Liaison
3. Discussion regarding amending the Eagle Mountain City Consolidated Fee Schedule
4. Discussion over water for open spaces
5. Discussion of Rock Creek Condominiums Concept Plan
6. Report on Alleyways
7. Items as outlined on the Policy Session
8. Other Business
9. The meeting was adjourned at 6:50 PM.

Prayer by Invitation of the Mayor

The prayer was offered by Mark Madsen.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney

Others Present: Bill Edens, resident and appointee to Telecommunications Board; Juanita Christiansen, resident; Laurie Champagne, resident and appointee to the Youth Sports Board; Jessa Schalich and Brian Haskell, The Ranches; Wayne Patterson, Patterson Construction.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Kelvin Bailey.

3. **Approval of Minutes (March 19, 2002-CC Meeting) (March 20, 2002-Joint Work Session with Eagle Mountain Planning Commission)**

MOTION: *Diane Jacob moved to approve the Minutes of the City Council Meeting of March 19, 2002. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

(The vote on Item 5.a was recorded inaccurately. Refer to Item 8 of the Minutes dated April 2, 2002, for reconsideration of this item.)

MOTION: *Greg Kehl moved to approve the Minutes of the Joint Work Session with Eagle Mountain Planning Commission of March 20, 2002. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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

Mayor Bailey announced that Civic Pride Day is scheduled for Saturday, April 20, 2002. He also advised the City will be asking for volunteers to help beautify the berms between the roundabout at Sweetwater Road and Pony Express Park on Saturday, May 11, and Saturday, May 18. All materials will be donated by Eagle Mountain Properties. Volunteer participants should contact Carl Minks at 789-3592 or Mayor Bailey at 789-5990.

5. **Appointments:**

a. Airport District Planning Commission

Mayor Bailey recommended the appointment of Todd Tanner as an alternate to the Airport District Planning Commission. Mr. Tanner currently works in developing airports. Brigham Morgan and Mark Madsen highly recommended Mr. Tanner for this appointment.

MOTION: *Diane Jacob moved to approve the appointment of Todd Tanner as an alternate member of the Airport District Planning Commission. Linn Strouse seconded the motion. Ayes: 4 – Mark Madsen, Diane Jacob, Brigham Morgan, Linn Strouse; Nays: 1 – Greg Kehl. Motion passed.*

Greg Kehl explained that his vote was not personally against Mr. Tanner but was against the Airport District Planning Commission.

b. Telecommunications Board

Mayor Bailey introduced Bill Edens and recommended he be appointed to the Telecommunications Board. The Mayor stated Mr. Edens presently works for a telecommunications company and will bring extensive experience to the Board.

MOTION: *Mark Madsen moved to approve the appointment of Bill Edens to the Telecommunications Board. Greg Kehl seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

None

7. **Public Comment:**

None

8. **Reconsideration of Vote on Planning Commission Liaison:**

Mayor Bailey explained the reason for reconsideration of this vote.

MOTION: *Linn Strouse moved to reconsider the vote of March 19, 2002, to appointment Diane Jacob as liaison to the Planning Commission. Mark Madsen seconded the motion. Ayes: 3 – Mark Madsen, Diane Jacob, Linn Strouse; Nays: 2 – Greg Kehl, Brigham Morgan. Motion passed.*

MOTION: *Linn Strouse moved to approve the appointment of Diane Jacob as Council Liaison to the Planning Commission. Mark Madsen seconded the motion. Ayes: 3 - Mark Madsen, Diane Jacob, Linn Strouse; Nays: 2 – Brigham Morgan, Greg Kehl. Motion passed.*

Brigham Morgan stated he based his campaign on planning and zoning for the City. He stated it is not his desire to be released from this appointment. He has tried to tailor his time and abilities to meet the needs of the Planning Commission and the City Council. He stated he feels it is in the best interest of the City for him to remain as liaison to the Planning Commission as he has no ties to developers and no conflict of interest. He answered questions from other Council members.

Mayor Bailey explained his reason for making the change was due mostly to Diane Jacob's availability to attend the meetings necessary to effectively represent the Planning Commission. He thanked Brigham Morgan for a job well done.

9. **Decision regarding Parcel of Land (Serial No. 59:006:0048; 2.52 acres) that was Deeded to the City:**

Gerald Kinghorn explained the liability concerns for the City due to ownership of this unimproved parcel of land. He indicated the City staff recommended that the City physically barricade the area to keep the public out until the land is improved.

Korey Walker recommended the use of jersey barriers.

MOTION: *Mark Madsen moved to authorize the City to barricade this parcel of land until improvements can be made. Greg Kehl seconded the motion. Ayes: 4 – Mark Madsen, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Diane Jacob abstained. Motion passed.*

10. **Recreation Sports Council:**

- a. Consideration and Approval of an Ordinance Creating the Eagle Mountain City Recreation Sports Council.

Gerald Kinghorn indicated the word "Council" should be corrected to read "Board" and explained this Ordinance to the Council. He discussed budgeting issues and stated the main source of funds will come from registration fees for specific sports.

The Mayor thanked Juanita Christiansen, former director of youth sports, for her efforts in past years.

Mrs. Christiansen explained the original financial goals for youth sports and offered her support to the new Recreation Sports Board chair appointee.

Greg Kehl offered his support for a recreation program. He recommended there be a phasing schedule, with a goal towards the program becoming self-sufficient.

Gerald Kinghorn and Kent Parker discussed budgeting and funding concerns.

Mark Madsen stated he would like to see the sports program eventually become a free-standing entity.

MOTION: *Linn Strouse moved to adopt Ordinance No. O 08-2002, an Ordinance of Eagle Mountain City Creating the Eagle Mountain City Recreation Sports Board, Providing for Membership on the Board, Program Requirements, and Budget Expenditure Standards. Brigham Morgan seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

b. Appointment of a Recreation Sports Board Chair

Mayor Bailey recommended the appointment of Laurie Champagne as Chair of the Recreation Sports Board. He introduced Mrs. Champagne and asked her to address the Council.

Laurie Champagne was introduced to the Council. She related her prior experience with youth sports and other community programs. She explained her goals for the Recreation Sports Board and expressed her desire to serve Eagle Mountain City.

Mr. Kinghorn advised the Council that all the Recreation Sports Board volunteers needed to be appointed by the Council. He requested their names be collected so this action could be handled at the next Council Meeting.

MOTION: *Brigham Morgan moved to approve the appointment of Laurie Champagne as the Recreation Sports Board Chair. Greg Kehl seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

11. Consideration to Approve Eagle Point Condominiums, Plat A Extension of Approval:

Shawn Warnke explained the recommendations of the Planning Commission regarding this item. He answered questions from the Council.

Wayne Patterson, developer of this project, discussed plans for the project and answered questions.

Gerald Kinghorn explained the extension agreement process and stated he has drafted an extension agreement to show the Council as information.

The Mayor directed Shawn Warnke to get all information to the Council for evaluation at the next Work Session.

This item was tabled.

12. Consideration to Approve Maintenance Facility Site for Golf Course, Site Plan Review:

Shawn Warnke presented this item to the Council, explaining special conditions that need to be met and Planning Commission recommendations.

Representatives from The Ranches were present and answered questions from the Council.

The Council did not have time to review all the information and asked that this item be moved to a future meeting.

This item was tabled.

13. Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule to Clarify Certain Collection Procedures, Building Permit and Planning Review and Processing Fees:

MOTION: *Greg Kehl moved to approve Resolution No. R 02-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule, with the following changes: 1) Section 1.4.7, Fast Track Program, be eliminated; 2) Section 1.4.13, Residential Buildings with basements (in addition to regular building permit fees), be eliminated; and 3) that a regular building permit be required to finish a basement. Diane Jacob seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

14. Consideration to Adopt a City Vehicle Policy for the Administrative Offices:

The Mayor explained this policy to the Council.

MOTION: *Brigham Morgan moved to adopt a City Vehicle Policy for the Administrative Offices. Linn Strouse seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

15. Motion to Approve Consent Agenda items as follows:

a. Warrant Register

Mayor Bailey directed Staff that anyone in default to the City will not be included for consideration on future agendas.

MOTION: *Brigham Morgan moved to approve the Warrant Register, as submitted. Greg Kehl seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

b. Contract Change Orders

- i. Road Repair & Overlay of Ranches & Pony Express Parkway (CO No. 6), Valley Asphalt
- ii. Pony Express Parkway Extension-Design SID 2000-1 (CO No. 1), FJ Clark & Associates

Korey Walker explained the contract change orders to the Council and answered questions.

MOTION: *Mark Madsen moved to approve the Contract Change Orders as specified. Diane Jacob seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

16. City Council's Ratification for Partial Payments:

Korey Walker explained the partial payment requests to the Council.

- a. Road Repair & Overlay of Ranches and Pony Express Parkways (PP No. 10), Valley Asphalt
- b. North Substation – 2000 Gas & Electric Revenue Bond (PP No. 8) RME
- c. Porter's Crossing Roadway Extension – SID 2000-1 (PP No. 1), Sowby & Berg Consultants
- d. Pony Express Parkway Extension-Design SID 2000-1 (PP No. 1) FJ Clark & Associates
- e. Fire Station (PP No. 2), Bonneville Builders, L.C.

MOTION: *Brigham Morgan moved to ratify partial payment requests as submitted. Greg Kehl seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

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

MOTION: *Brigham Morgan moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 8:53 PM. Linn Strouse seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

18. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 9:26 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

19. Any Actions from the Closed Executive Session:

None

20. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:26 PM.

APPROVAL: _____

Kelvin Bailey
Mayor Kelvin E. Bailey

DATE: _____

4/30/02

This certifies that the minutes of
Apr. 2, 2002 are a true, full and
correct copy as approved by the
City Council on Apr. 16, 2002

Signed: *Jean B. Valentine, civic*
City Recorder

**MINUTES OF THE CITY COUNCIL
OF EAGLE MOUNTAIN CITY, UTAH**

**Eagle Mountain City Council Chambers
1680 E. Heritage Drive
Eagle Mountain City, Utah 84043
April 16, 2002**

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

1. Consent Agenda
2. Discussion Regarding Employee Health Insurance Premium Increases for FY 2002-2003
3. Discussion Regarding Converting Public Property to Private Property
4. Discussion Regarding Water for Open Spaces in The Ranches Development
5. Discussion Regarding The Ranches Master Development Plan Amendment (Carlton Amendment)
6. Discussion Regarding Orientation of Garages on Alley Ways
7. Discussion on Saddleback, Plat A & B Bonding, Warranty and Drainage Issues
8. Items as Outlined on the Policy Session
9. Other Business
10. Department Reports
 - a. Administration/City Departments/Personnel, Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission – **Diane Jacob**
 - c. Public Works Dept. (Electric, Gas, Wastewater & Water) – **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Community Arts Board – **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/ports Recreation Board/Telecommunications Board – **Linn Strouse**
11. Adjourn Work Session at 6:30 PM.

Prayer by Invitation of the Mayor

The prayer was offered by Shawn Warnke

POLICY SESSION – 7:00 PM

Mayor pro tempore Greg Kehl called the meeting to order at 7:00 PM.

1. Roll Call:

Council Members Present: Mayor pro tempore Greg Kehl, Diane Jacob, Mark Madsen, Brigham Morgan, and Linn Strouse. Mayor Kelvin Bailey was excused.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Excused
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Deputy Recorder:	Fionnuala Kofoed

Others Present:

Carolina Herrin, resident; Mark Lofgren, resident; Gregory Neff, Aimes Construction; Chris Hillman, Alan Grindstaff and Jerry Medina, candidates for City Administrator position; Vikie Grindstaff; Leeann Bottman, Lake Mountain Interactive; Vincent Liddiard, Economic Development Board; Barbara Wren, resident; Scot Hazard, resident; Shelia & Dave Curtis, residents.

2. Pledge of Allegiance:

Mark Lofgren led the Pledge of Allegiance.

3. Approval of Minutes (April 2, 2002):

MOTION: *Mark Madsen moved to approve the Minutes of April 2, 2002, as amended. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None

5. Appointments:

A. Deputy Recorder

Greg Kehl recommended the appointment of Jody Harris, Planning Assistant, as a Deputy Recorder to enable her to give the oath of office to members of the Planning Commission.

MOTION: *Brigham Morgan moved to approve the appointment of Jody Harris, Planning Assistant, to be a Deputy Recorder. Linn Strouse seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

B. Sports Recreation Board

Greg Kehl recommended the appointments of Darren Twede and Bea Twede as Assistant Directors, Vivian Morrison as Treasurer, Kristy Ellers as Assistant Treasurer, and Audrey Lee as Secretary of the Sports Recreation Board. The Council decided to wait on the appointment of Bea Twede until further information was gathered with respect to having a husband and wife team appointed as Assistant Directors.

MOTION: *Diane Jacob moved to approve the appointments of Darren Twede as Assistant Director, Vivian Morrison as Treasurer, Kristy Ellers as Assistant Treasurer, and Audrey Lee as Secretary of the Sports Recreation Board. Brigham Morgan seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

6. Public Notices:

None

7. **Public Comment:**

Carolina Herrin, resident, discussed the unfinished trail between The Landing and Mountain View Subdivisions. Mrs. Herrin also commented on the trash that had collected between the berms and the subdivisions along Eagle Mountain Boulevard.

Greg Kehl stated that he would bring up the issue of the trail at the Public Works Meeting. Mr. Kehl also noted that the City had scheduled a cleanup for April 13, 2002.

Mark Lofgren, resident, commented on Mayor Bailey's recent letter published in the Eagle Mountain Interactive and stated that he was upset that the Mayor had used the title of Eagle Mountain City Administrator. Mr. Lofgren also commented that he appreciated that the City had experienced no power outages during the recent storm.

Scot Hazard, resident, commended Mayor Kelvin Bailey for a job well done while acting as City Administrator until the position was filled. Mr. Hazard further recommended that the Council consider hiring the Mayor to act as a full time Mayor/Administrator.

Josh Elledge, Eagle Mountain Interactive, stated that he had been working closely with potential businesses and it was his opinion that Eagle Mountain City's reputation was beginning to change. Mr. Elledge expressed his excitement about the things that were in store for the City and thanked the Mayor and Council for doing a good job. Mr. Elledge also believed that the Mayor should be compensated for the time he had put in acting as Administrator for the City.

8. **Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues:**

MOTION: *Linn Strouse moved to recess in to a Closed Executive Session for the purpose of discussing Personnel Issues and potential litigation at 7:30 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Present: Mayor pro tempore Greg Kehl, Diane Jacob, Mark Madsen, Brigham Morgan, Linn Strouse, Gerald Kinghorn and Fionnuala Kofoed..

9. **Interviews for the Eagle Mountain City Manager Position:**

The City Council interviewed Alan Grindstaff, Chris Hillman and Jerry Medina for the position of City Manager.

10. **Motion to Reconvene in to Open Session:**

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 9:00 PM. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

11. **Appointment of Eagle Mountain City Manager:**

There was no decision made in regard to the appointment of a City Administrator. This item was tabled.

12. **Final Plat Approval:**

a. Smith Ranch Church Final Plat

MOTION: *Brigham Morgan moved to authorize the Final Plat Approval for the Smith Ranch Church as submitted. Linn Strouse seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

13. Consideration to Approve a Maintenance Facility Site for Golf Course, Site Plan Review:

The Council considered the Maintenance Facility Site for The Ranches Golf Course.

MOTION: *Brigham Morgan moved to approve a Maintenance Facility Site for a Golf Course, Site Plan Review subject to the receipt of a letter from The Ranches Design Review Committee stating their approval, and that the facility meets the Architectural Design Guidelines. Diane Jacob seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

14. Consideration to Approve The Ranches Design Guidelines Amendment:

Mayor pro tempore Greg Kehl explained the amendments to the guidelines. The Council considered the amendments and recommended approval of the Design Guidelines regarding the wrapping of materials at outside corners.

MOTION: *Diane Jacob moved to approve The Ranches Design Guidelines Amendment. Brigham Morgan seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

15. Consideration to Terminate Access to the Howard Ault Property:

This item was tabled.

16. Engineer's Report on Substation Completions & R-pot Compliance for the following Subdivisions: Rockwell Village; Crittenden Corner; Castle Rock; Saddleback Plats A, B & C; Saddleback Offsite Storm Water; Diamond Springs Plats A & B; and Sundance Subdivisions:

Discussion ensued regarding a telephone card deficiency that had been established before the completion of the subdivisions. Mark Lofgren, Telecom Board Chair, believed that there were issues regarding the cards that needed to be rectified prior to final acceptance. Jessa Schalich, The Ranches, stated that the necessary items for the subdivisions had been secured and, therefore, should be released. City Attorney Gerald Kinghorn recommended that the Council approve the City Engineer's proposal.

MOTION *Brigham Morgan moved to approve the final acceptance for the Saddleback Subdivision Plats A, B & C only. Linn Strouse seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

Brigham Morgan moved to approve the final acceptance for Crittenden Corner, Castle Rock, Saddleback Offsite Storm Water, Diamond Springs Plats A & B, and Sundance Subdivisions subject to verification of the bond being in place for the R-Pot cards. Diane Jacob seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Nays: 0. Motion passed.

17. Consideration to Approve an Ordinance Creating the Redevelopment Agency of Eagle Mountain City:

Mark Lofgren questioned why the Economic Development Board is not responsible for the Redevelopment Agency. Mark Madsen responded that this Agency would work in conjunction with the Economic Development Board; however, the establishment of the Agency within the City would allow for government funding.

MOTION: *Linn Strouse moved to approve and adopt Ordinance No. 09-2002, An Ordinance of Eagle Mountain City, Utah, Creating and Establishing the Redevelopment Agency of*

Eagle Mountain City and Designating the City Council to be the Governing Body of the Redevelopment Agency of Eagle Mountain City, Pursuant to the Redevelopment Agencies Act (Utah Code annotated 17B-4-101, ET.SEQ) and Granting the Said Agency Authority as Provided by State Law and Providing for an Effective Date. Brigham Morgan seconded the motion. Ayes: 5 - Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.

18. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. Interconnection Substation (CO No. 1), Caribou Construction
 - ii. Eagle Mountain City Loan Application Project (CO No. 1), Arrow Engineering

MOTION: *Brigham Morgan moved to table item 18 B from the Consent Agenda, as submitted. Linn Strouse seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to approve the Consent Agenda, as amended. Brigham Morgan seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

19. City Council's Ratification for Partial Bond Releases & Partial Payments:

- a. Partial Payments
 - i. Red Hawk Ranch Landscape Development – SID 2000-1 (PP No. 1), Bratt Landscape
 - ii. Saddlerock 2MG Reservoir SID 2000-1 (PP No. 1), Gerber Construction, Inc.
 - iii. Eagle Mountain City Loan Application Project (PP No. 1), Arrow Engineering

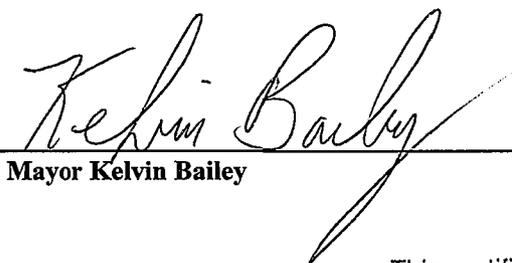
MOTION: *Brigham Morgan moved to ratify the Partial Bond Releases and Partial Payments, as submitted. Diane Jacob seconded the motion. Ayes: 5 – Mark Madsen, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

20. Other Business:

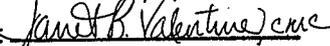
There was no other business.

21. Adjournment:

Brigham Morgan moved to adjourn the meeting at 9:35 PM.

APPROVAL:  DATE: 5-7-02
Mayor Kelvin Bailey

This certifies that the minutes of Apr. 16, 2002 are a true, full and correct copy as approved by the City Council on MAY 7, 2002

Signed: 
City Recorder

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain City Council Chambers
1680 E. Heritage Drive
Eagle Mountain, Utah 84043
May 7, 2002**

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

1. Consent Agenda
2. Items as Outlined on the Policy Session
3. Other Business
 - a. Discussion on Funding for City Cleanup (Debris on Sidewalks)
4. Department Reports
 - a. Administration/City Departments/Personnel/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission – **Diane Jacob**
 - c. Public Works Dept. (Electric, Natural Gas, Wastewater & Water) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Community Arts Board – **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/Sports Recreation Board/Telecommunications Board – **Linn Strouse**
5. Adjourn Work Session at 6:30 PM

**6 : 5 0 P M – R I B B O N - C U T T I N G C E R E M O N Y F O R
N E W C I T Y C O U N C I L C H A M B E R S**

Mayor Bailey and the City Council joined with the citizens of Eagle Mountain City in a ribbon-cutting ceremony to celebrate the opening of the new City Council Chambers.

Prayer by Invitation of the Mayor

The prayer was offered by Mark Madsen.

POLICY SESSION – 7:00 PM

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

1. **Roll Call**

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse. Brigham Morgan was excused.

City Staff:

City Attorney: Gerald Kinghorn
City Engineer: Korey Walker
City Administrator: Chris Hillman
Finance Director: Kent Parker
Planning Director: Shawn Warnke
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney

Others Present: Sheila Curtis, Carolina Herrin, and Milt McLelland, Youth Council Advisory Board; Brittany Monson, Alan Champagne, Brad Whitney, Kevin Koopmeiners, Ryan Turner, C. J. Wood, McKenna Lindsay, Erick Pierce, and Kapree Roberts, appointees to the Youth Council; Chris Lipscombe, resident; Josh Elledge and Rebecca Naylor, Lake Mountain Interactive.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Greg Kehl.

3. **Approval of Minutes (April 16, 2002):**

MOTION: *Diane Jacob moved to approve the Minutes of April 16, 2002. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

Mayor Bailey introduced Mr. Chris Hillman, the new City Administrator for Eagle Mountain City.

The Mayor recognized the presence of leaders of the new Youth Council.

Sheila Curtis announced that a Neighborhood Watch/Homeland Security meeting is scheduled for Thursday, May 9, 2002, at 7:00 PM in the LDS Church building on Sparrow Hawk in The Ranches. There will be a special speaker from the State of Utah discussing how to prepare our homes and families against acts of terrorism. Everyone is invited.

Mrs. Curtis also announced she will begin CERT classes on Wednesday, May 8, 2002. One class was just concluded with five graduates.

5. **Appointments:**

The Mayor introduced the newly selected members of the Youth Council – Brittany Monson, Mayor; Alan Champagne, Council Member; McKenna Lindsay, Council Member; Erick Pierce, Council Member; Kapree Roberts, Council Member; Angela Routson, City Recorder; LaChelle Wood, City Administrator; Cody Smith, City Attorney; Kevin Koopmeiners, Finance Director; Ryan Turner, Parks and Recreation Superintendent; Brad Whitney, Fire Chief; and C. J. Wood, Police Chief. All Youth Council terms will be for one year.

City Recorder Janet Valentine gave the Oath of Office to Brittany Monson, Mayor; Alan Champagne, Council Member; McKenna Lindsay, Council Member; Erick Pierce, Council Member; and Kapree Roberts, Council Member.

Mayor Bailey assigned the Youth Council members to work with the City Council, as follows:

Brittany Monson, Mayor, assigned to Mayor Kelvin Bailey
Alan Champagne, Council Member, assigned to Council Member Greg Kehl
McKenna Lindsay, Council Member, assigned to Council Member Diane Jacob
Erick Pierce, Council Member, assigned to Council Member Linn Strouse
Kapree Roberts, Council Member, assigned to Council Member Mark Madsen

Deputy Recorder DeAnna Whitney gave the Oath of Office to C. J. Wood, Police Chief, and Brad Whitney, Fire Chief.

Ryan Turner, Youth Council Parks and Recreation Superintendent, shared information regarding his efforts to have a skate park built in the City.

6. Public Notices:

None

7. Public Comment:

None

8. Open Public Hearing (the Ranches Master Development Plan - Zoning Change - Increase in Densities in Prairie Gate Ranch & Lake Mountain Ranch):

a. Open Public Hearing at 8:07 PM

Shawn Warnke, Planning Director, explained the three amendments before the Council. He answered questions from the Council regarding the maps they were presented, going through each proposed area individually. He also presented the recommendations of the Planning Commission.

Gerald Kinghorn explained the relevance of the Master Development Plan amendment as it applies to the Carlton Annexation that will be presented to the Council at a future date.

Chris Lipscombe, Red Hawk Ranch resident, asked questions regarding the planned densities. Her questions were addressed by Jessa Schalich representing The Ranches. Ms. Lipscombe expressed her disapproval with the architectural design of the Willow Springs condos and stated she hoped that any other planned condos will be architecturally appealing.

Jessa Schalich described the vision of The Ranches for the subject properties.

b. Close Public Hearing at 8:47 PM

- c. Consideration to Approve Amending the Ranches Master Development Plan to increase the densities within the following areas:
- i. Prairie Gate Ranch (Ranch 1, Neighborhood 4)
 - ii. Prairie Gate Ranch (Ranch 1, Neighborhood 18)
 - iii. Prairie Gate Ranch (Ranch 1, Neighborhood 19)
 - iv. Prairie Gate Ranch (Ranch 1, Neighborhood 22)
 - v. Prairie Gate Ranch (Ranch 1, Neighborhood 25)
 - vi. Lake Mountain Ranch (Ranch 7, Neighborhood 7)
 - vii. Lake Mountain Ranch (Ranch 7, Neighborhood 3)

MOTION: *Greg Kehl moved to table The Ranches Master Development Plan Amendment Zoning Change until May 21, 2002. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

9. Consideration to Approve Archery Golf at the Ranches:

The Mayor explained that this request is from a non-profit organization that holds an annual archery golf tournament at The Ranches.

Shawn Warnke stated the organization has submitted all necessary documents except the permission from the property owner. He does not foresee any problem obtaining this permission since this event has taken place on the property the past two years.

MOTION: *Greg Kehl moved to approve the temporary permit for Archery Golf at The Ranches subject to the conditions submitted by staff. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

10. Consideration of Tasco Engineering Settlement Agreement Debarment Provision:

The Mayor explained this Agreement to the Council. He invited Gary Tassainer, owner of Tasco Engineering, to address the Council regarding the settlement agreement.

Mr. Tassainer requested that the Settlement Agreement be amended to enable Tasco Engineering to do work for the City and stated his reasons for this request.

Gerald Kinghorn explained the City's past experience with Tasco and the reasons for the issuance of the Settlement Agreement. He talked about past controversies between Tasco and the City and between Tasco and citizens in the City. He advised that the Council does have the discretion to amend the agreement.

Mr. Tassainer answered questions from members of the Council. He stated he feels Tasco would be able to save the City thousands of dollars if they were allowed to bid on City projects.

Mike Wren, Eagle Mountain Properties, offered his support for Tasco. He stated Eagle Mountain Properties has been very pleased with the work Tasco has done for them. Mr. Wren feels Tasco's experience with current systems in the City has been very helpful.

Korey Walker stated the quality of work from Tasco during the past year to year and a half has been satisfactory.

Mark Madsen asked Mr. Kinghorn if there were any parts of the agreement that might be amended, and Mr. Kinghorn indicated possible modifications.

MOTION: *Greg Kehl moved that the Settlement Agreement between Eagle Mountain City and Tasco Engineering dated May 15, 2001, stands as is. Motion failed for lack of a second.*

MOTION: *Mark Madsen moved that the debarment provision in the Tasco Engineering Settlement Agreement dated May 15, 2001, be lifted to enable Tasco Engineering to do business with the City and with subcontractors in the City; that the wording about "disparagement" be quantified to allow legitimate criticism; that Tasco Engineering be prohibited from doing engineering and building on same project - must be either/or; that there be a provision to re-invoke disbarment with a simple vote of the Council at any time. Linn Strouse seconded the motion. Ayes: 3 – Linn Strouse, Mark Madsen, Diane Jacob; Nays: 1 – Greg Kehl. Motion passed.*

11. Consideration to Rescind Patterson Subdivision Improvement Default Sanctions:

Mayor Bailey explained this item to the Council and asked for their support to rescind the default sanctions against Patterson Construction to enable them to pull permits.

Shawn Warnke answered questions from the Council.

Past problems experienced by the City while working with Patterson Construction were discussed by the Council.

MOTION: *Mark Madsen moved to rescind the Patterson Subdivision Improvement Default Sanction as imposed June 19, 2001. Linn Strouse seconded the motion. Ayes: 2 – Linn Strouse and Mark Madsen; Nays: 2 – Greg Kehl and Diane Jacob. Mayor Bailey voted Aye to break the tie vote. Motion passed.*

12. Consideration to Approve an Ordinance Amending Neighborhood and Community Design Standards (to clarify the orientation of garages on alleyways):

Shawn Warnke explained this Ordinance to the Council.

The Mayor stated this Ordinance should eliminate future concerns with alleyways.

MOTION: *Greg Kehl moved to adopt Ordinance No. O 10-2002, An Ordinance of Eagle Mountain City, Utah, Amending Neighborhood and Community Design Standards (to clarify the orientation of garages on alley ways). Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

13. Consideration to Amend Meadow Ranch, Phases 1, 2 & 3 Covenants, Conditions & Restrictions:

MOTION: *Greg Kehl moved to amend the Meadow Ranch, Phases 1, 2 & 3 Covenants, Conditions & Restrictions. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

14. Consideration of Cost Sharing for Increase in Health Premiums:

Kent Parker, Finance Director, offered some alternatives to the current cost sharing plan for health care.

The Council discussed several options and decided to postpone a decision on health care costs pending presentation of the Fiscal Year 2002-2003 budget.

15. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders
 - i. Interconnection Substation (CO No. 1), Caribou Construction
 - ii. Eagle Mountain City Land Application Project (CO No. 1), Arrow Engineering
 - iii. Red Hawk Park Landscape Development SID 2000-1 (CO No. 1), Bratt Landscape
 - iv. Red Hawk Park Landscape Development SID 2000-1 (CO No. 2), Bratt Landscape
 - v. NSA Fire Station (CO No. 1), Bonneville Builders
 - vi. Pony Express East Landscape Development (CO No. 1), American Landscape
 - vii. Pony Express East Landscape Development (CO No. 2), American Landscape

MOTION: *Greg Kehl moved to approve the Warrant Register, as submitted, including 15.b, 16.a and 16.b. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

16. City Council's Ratification for Partial Bond Releases & Partial Payments:

- a. Partial Bond Releases
 - i. Chimney Rock, Plat A (Release No. 7), Ranches, LC
 - ii. Meadow Ranch, Plat 4 Reduced Bond (Release No. 2), Ranches, LC
 - iii. Ruby Valley, Plat B Revised (Release No. 2), Ranches, LC
 - iv. Ranches Parkway Offsites (Release No. 1), Ranches, LC
- b. Partial Payments
 - i. Red Hawk Park Landscape Development SID 2000-1 (PP No. 2), Bratt Landscaping
 - ii. Red Hawk Park Landscaping Project SID 2000-1 (PP No. 1), Nuszer Kopatz
 - iii. Meadow Ranch Trails SID 2000-1 (PP No. 1), American Landscape
 - iv. Meadow Ranch Trails SID 2000-1 (PP No. 1), Nuszer Kopatz
 - v. Pony Express Park East SID 2000-1 (PP No. 1), American Landscape
 - vi. Pony Express Park East SID 2000-1 (PP No. 1), Nuszer KopaPaul Evans Trailway SID 2000-1 (PP No. 1), American Landscape
 - vii. Paul Evans Trailway SID 2000-1 (PP No. 1), Nuszer Kopatz
 - viii. Porter's Crossing Roadway Extension Design (PP No. 2), Sowby & Berg Consultants

MOTION: *See Motion for Item 15.*

17. Other Business:

The Mayor presented for ratification the contract for City Administrator Chris Hillman.

MOTION: *Greg Kehl moved to ratify the Employment Agreement between Chris Hillman and the City. Linn Strouse seconded the motion. Ayes 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

Greg Kehl asked about the status of budget for Fiscal Year 2002-2003. Mr. Hillman stated the budget should be presented at the first council meeting in June. Discussion ensued regarding the timing of noticing for this budget. Mr. Kinghorn recommended there be a presentation of a proposed budget at the City Council meeting scheduled for May 21.

Carolina Herrin, resident, presented the idea of having a City flag. She recommended there be a city-wide contest for flag design and a new city logo. She recommended installing flagpoles in the roundabout at Eagle Mountain Boulevard and Sweetwater Road. The Council advised Mrs. Herrin that The Ranches have two flagpoles they will donate to the City for this purpose. Mrs. Herrin checked prices and found the least expensive flag would cost \$250.

a. Award of Bid for the Eagle Mountain City Web Page

Mayor Bailey presented the Council with two bids for a City web site. He recommended the bid be awarded to Les Eldredge and Isaac Strack.

MOTION: *Mark Madsen moved to approve the Award of Bid for the Eagle Mountain City Web Page to Les Eldredge and Isaac Strack. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

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

No Closed Executive Session was called.

19. **Motion to Reconvene in to Open Session:**

No applicable.

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

Not applicable.

21. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 9:50 PM.

APPROVAL: _____

Mayor Kelvin Bailey

DATE: _____

5-21-02

This certifies that the minutes of
7-May 2002 are a true, full and
correct copy as approved by the
City Council on 21-May 2002

Signed: Janet B. Valentine, cmc
City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH**

**Eagle Mountain City Council Chambers
1680 E. Heritage Drive, Eagle Mountain, Utah 84043
May 14, 2002**

POLICY SESSION – 7:30 to 8:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:33 PM

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Mark Madsen, Brigham Morgan, and Linn Strouse. Greg Kehl was excused.

City Staff:

Planning Director: Shawn Warnke
Deputy Recorder: DeAnna Whitney
Fire Chief: Robert DeKorver

Others Present:

Scott Kirkland and Jessa Schalich, The Ranches; Mike Wren, Eagle Mountain Properties.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Kelvin Bailey

3. Consideration to Approve Amending The Ranches Master Development Plan to Increase the Densities Within the Following Areas:

- a. Prairie Gate Ranch (Ranch 1, Neighborhood 4)
- b. Prairie Gate Ranch (Ranch 1, Neighborhood 18)
- c. Prairie Gate Ranch (Ranch 1, Neighborhood 19)
- d. Prairie Gate Ranch (Ranch 1, Neighborhood 22)
- e. Prairie Gate Ranch (Ranch 1, Neighborhood 25)
- f. Lake Mountain Ranch (Ranch 7, Neighborhood 7)
- g. Lake Mountain Ranch (Ranch 7, Neighborhood 3)

Shawn Warnke explained the four aspects of the requested density changes: 1) re-allocating densities; 2) density transfer areas; 3) adding additional property to the Master Development area; 4) increase to the business park on the west side of Ranches Parkway.

Scott Kirkland, The Ranches, reiterated some of the architectural guidelines that will be followed during new construction.

Brigham Morgan brought up the concern that the Council has no authority to approve anything for property that has not been annexed into the City.

Gerald Kinghorn, City Attorney, was contacted by telephone to clarify this matter. He stated that passing the Master Development Plan Amendment does not approve anything regarding property yet to be annexed. He stated, however, that it is best to let the public know about the annexation intentions that could take place if the amendment is passed.

Shawn Warnke clarified that the item before the Council was to approve the Master Development Plan Amendment and that the annexation ordinance will come before the Council for approval at a later date.

Brigham Morgan stated there would be a future compatibility issue with the Mt. Airey, Plat B, as currently platted and brought this matter to the attention of the developer.

Mr. Morgan asked the developer if it is intended that the five areas marked in yellow on the map are the only receiver zones in the Master Development Plan. He questioned whether any areas formerly appointed as receiver zones have been eliminated.

Scott Kirkland, The Ranches, replied that the five areas referred to by Mr. Morgan are the only receiver zones in the Master Plan and that any previous receiver zones no longer exist.

Diane Jacob declared a conflict of interest due to her husband selling water rights to The Ranches in the past.

MOTION: *Mark Madsen moved to amend The Ranches Master Development Plan to increase the densities as listed on the Agenda with the conditions and qualifications discussed in the May 7, 2002, City Council Meeting as submitted on the staff report. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

4. **Consideration to Authorize that All Developable Projects Must Be Assessable by the SID:**

The Mayor explained this item to the Council and developers.

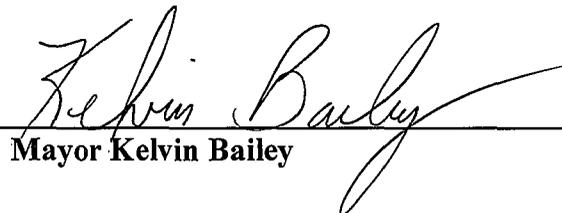
Scott Kirkland explained SID assessments to the Council and answered questions.

MOTION: *Brigham Morgan moved to amend The Ranches Master Development Plan as proposed, subject to the requirement that any new parcels approved for residential or commercial use be subject to the Special Improvement District assessments for the District where the new parcel approved for residential or commercial development is located. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

5. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 8:15 PM.

APPROVED:



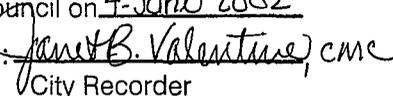
Mayor Kelvin Bailey

DATE:

6-04-02

This certifies that the minutes of
14-May 2002 are a true, full and
correct copy as approved by the
City Council on 4-June 2002

Signed:


City Recorder

**MINUTES OF THE CITY COUNCIL
OF EAGLE MOUNTAIN CITY, UTAH**

**Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
May 21, 2002**

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

1. Consent Agenda
2. Evans Ranch Annexation Agreement (*30 minute discussion*)
3. Items as Outlined on the Policy Session
4. Other Business
5. Adjourn Work Session at 6:45 PM

Prayer by Invitation of the Mayor

The prayer was offered by Chris Hillman.

POLICY SESSION – 7:00 PM

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

1. **Roll Call:**

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Fire Chief:	Robert DeKorver
Utah County Sheriff:	Sergeant Jo Murphy

Others Present:

Scott Kirkland, Jessa Schalich, and Brian Haskell of The Ranches; Grant Gifford, Sundance Homes; Kent Berg, Sowby and Berg;

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Shawn Warnke

The Pledge of Allegiance was led by Shawn Warnke

3. **Approval of Minutes (May 7, 2002, and May 14, 2002):**

MOTION: *Mark Madsen moved to approve the Minutes of May 7, 2002. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Brigham Morgan abstained since he did not attend the May 7, 2002 meeting. Motion passed.*

The Minutes for May 14, 2002, were tabled for further clarification.

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

The Mayor announced a Joint City Council and Planning Commission Meeting scheduled at 6:00 PM on Wednesday, May 22, 2002, in the Council Chambers.

5. **Appointment:**

a. Community Arts Board

Mayor Bailey recommended the appointment of Trina Miller to the Community Arts Board to replace Karen Nielson.

MOTION: *Brigham Morgan moved to approve the appointment of Trina Miller to the Community Arts Board to fill the position recently vacated by Karen Nielson. Linn Strouse seconded the motion. Ayes 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl: Nays: 0. Motion passed.*

6. **Public Notices:**

None

7. **Public Comment:**

None

8. **Public Hearing (Amending Mt. Airey, Plat A Subdivision to increase the size of Lots 28-31 and add three new lots adjacent to Lot 31):**

a. Open Public Hearing at 7:20 PM

Shawn Warnke explained this subdivision amendment to the public and referred to a map showing the area involved. He discussed staff recommendations that there be criteria established whereby the City Council and Planning Commission can make recommendations on conversion of public open space to private ownership.

Gerald Kinghorn recommended that the criteria recommended by staff be presented to the Council in the form of a resolution that would include a statement that evaluation should be made on a case-by-case basis.

Mr. Kinghorn asked whether there had been any written objections received from property owners, and Mr. Warnke advised there had been no written objections received.

- b. Public Comment

None
- c. Close Public Hearing at 7:30 PM

Mayor Bailey instructed staff to prepare a resolution for the criteria discussed and to bring the resolution back to the Council for approval.

9. **Consideration to Approve Mt. Airey, Plat A Subdivision Plat Amendment:**

Brigham Morgan questioned why there were only six signatures presented with the petition when there were eleven residents living in the area. Brian Haskell, The Ranches, stated he would get the answer to this question and advise Council.

This item was tabled.

10. **Consideration to Approve a Resolution Amending Resolution No. 27-00, and Re-enacting Standards for the Consideration of Requests to Extend Development Approval:**

This item was tabled.

11. **Jake Garn Airport, Phase 1 - Extension of Development Approval:**

Shawn Warnke explained this item to the Council. The airport was originally approved in early 1999 and allowed the developer three years to record the project before expiration of the approval. The developer is requesting extension of approval in accordance with a current Resolution establishing criteria for granting extensions of approval. The developer presented all necessary information to the Airport Planning Commission. The Airport Planning Commission and the DRC have reviewed the information and made a recommendation regarding each of the requirements that need to be completed by the developer.

Brigham Morgan was concerned about the Council taking action where such a long list of conditions exists. He feels the conditions should be met before an extension is presented to the Council for approval. He recommended extensions be allowed for the period of one year.

Korey Walker explained to the Council the items on the conditions list and addressed the ones that have been met.

The Mayor requested that Janet Valentine put conditions for all developments in her recordation log to make sure all items are completed before recordation. Mrs. Valentine stated she would make the conditions part of her log.

Greg Kehl asked if giving approval for this extension would be in accordance with the current Development Code or in accordance with the new Development Code in the process of being written.

Korey Walker stated if this extension were approved at this meeting, it would be in accordance with the current Development Code.

The Mayor explained that the new Development Code would not change anything within the airport zone.

Brigham Morgan stated that not approving the extension before the new Development Code is complete would not keep the developer from moving forward. He stated that the fact the developer has applied for the extension allows them to move forward pending approval of the extension.

Mayor Bailey stated non-approval of the extension could cause problems with investors.

MOTION: *Mark Madsen moved to approve the Jake Garn Airport, Phase 1, Request of Extension of Approval for three years from this date, subject to conditions listed in the staff report. Diane Jacob seconded the motion. Ayes: 3 – Linn Strouse, Mark Madsen, Diane Jacob; Nays: 2 - Brigham Morgan, Greg Kehl. Motion passed. Brigham Morgan stated he is not objecting to the airport extension but to the outstanding list of conditions and the extension time frame.*

12. Sage Park - Extension of Master Development Plan Approval:

Attorney Gerald Kinghorn explained this extension proposal, answered questions from the Council, and recommended approval.

MOTION: *Mark Madsen moved to approve extension of the density and land use elements of the Master Development Plan for Sage Park for one year. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

13. Meadow Ranch, Phase 4 – Amendments to Covenants, Conditions & Restrictions (CC&R's):

Shawn Warnke stated the original CC&R's for Meadow Ranch, Phase 4, were drafted from a template used for subdivisions contained within The Ranches Master Development and referenced standards contained in The Ranches Community Design Guidelines. Mr. Warnke further stated that since Meadow Ranch, Phase 4, is not in The Ranches Master Development Plan, this subdivision is not eligible for the architectural standards contained in these design guidelines. Therefore, the amended CC&R's are submitted to rectify this matter.

The Mayor recommended that Meadow Ranch, Phase 4, adopt the new CC&R's of the Meadow Ranch areas so they are coherent with the rest of the Meadow Ranches phases.

MOTION: *Diane Jacob moved to adopt the Amendments to Meadow Ranch, Phase 4, Covenants, Conditions, and Restrictions (CC&R's) in accordance with CC&R's recorded for Meadow Ranch, Phases 1, 2 and 3. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

14. Meadow Ranch, Phase 4 – Street Lights:

Korey Walker explained there is a request from residents that streetlights be removed from Meadow Ranch, Phase 4. He stated that no engineering, safety, or compatibility issues would result from removing the streetlights.

The Mayor indicated there are no objections from any residents in Meadow Ranch, Phase 4, regarding removal of the streetlights.

MOTION: *Brigham Morgan moved to approve the immediate removal of streetlights in Meadow Ranch, Phase 4. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

The Mayor left the meeting at 8:05 PM to address a resident's concerns. He turned the meeting over to Mayor Pro Tem Greg Kehl.

15. Kiowa Valley Subdivision (Ranch 7, Neighborhood 4) - Final Plat Approval:

Shawn Warnke described this area to the Council and discussed the layout.

Korey Walker discussed the concerns of staff regarding this plat approval. He stated traffic and soil studies need to be completed.

Gerald Kinghorn stated the developer should have a time frame for use of the property as road access. Grant Gifford, developer, stated he would follow up on this concern. Mr. Gifford answered questions from the Council.

Gerald Kinghorn advised there must be a development agreement approved for this property; therefore, this item will be coming before the Council for approval.

Kent Berg, Sowby and Berg, commented that some of the items on the conditions list have been completed.

Brigham Morgan again expressed his concerns about a long list of conditions that need to be met. He recommended the Council run through the list and discuss each item individually. It was determined that several items had been completed: Item 2, copies of dry utilities have been received and verified that they meet City specifications; Item 6, off-site sewer lift system has been taken care of per Korey Walker; The engineer's report Item 3 can be stricken from report; and Item 4 has been completed.

Greg Kehl expressed his concerns that the Council should not be approving plats that have so many incomplete conditions.

The Mayor instructed staff that incomplete conditions should be handled by the Planning Commission before plats are presented to the Council for approval. He directed that in the future, all conditional items must be presented by staff at the Thursday staff meetings.

Brian Haskell requested that adequate and complete communication be conducted between the developers and the City so developers know what criteria to follow.

Linn Strouse asked Gerald Kinghorn why homeowners do not understand their subdivision CC&R's. Mr. Kinghorn stated it is not the City's responsibility to explain CC&R's to residents. It is the responsibility of each resident to read the paperwork. Mr. Kinghorn stated that whoever signs the plat needs to be the declarant on the CC&R's.

Diane Jacob declared her conflict of interest due to her husband selling water rights to the developer.

MOTION: *Greg Kehl moved to approve the final plat approval of Kiowa Valley Ranch 7, Neighborhood 4, subject to the submitted conditions, with condition that Lot 4 be recorded as a future right-of-way for the 20-acre parcel to the north for a specific time of one year or for 60 days from an option on that lot. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 1 - Brigham Morgan. Motion passed.*

The Mayor returned to the meeting at 8:20 PM.

16. **Site Plan Approvals:**

a. K & J Pizzeria Site Plan Approval

Shawn Warnke explained this site plan application. He stated the Development Agreement requires that the facility must provide a handicapped-parking stall on a hard surface. The applicants were advised they need to identify where the stall will be located and that if the stall is located on someone else's property, a permission letter is required.

MOTION: *Brigham Morgan moved to approve the Site Plan for K & J Pizzeria subject to staff recommendations, with clarification that the temporary site plan be limited to one year. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

b. Main Street Market, Extension of Site Plan Approval

Shawn Warnke explained that this site plan approval is presented for a second one-year extension.

MOTION: *Brigham Morgan moved to approve the Extension of Approval for the Site Plan for the Main Street Market (formerly known as Morco) through December 31, 2002, subject to staff recommendations. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

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

a. Warrant Register

b. Contract Change Orders

- i. Red Hawk Ranch Park Landscaping Project SID 2000-1 (CO No. 2), Nuszer Kopatz
- ii. Red Hawk Ranch Park Landscaping Project SID 2000-1 (CO No. 3), Nuszer Kopatz
- iii. Pony Express Park East SID 2000-1 (CO No. 1), Nuszer Kopatz
- iv. Pony Express Park East SID 2000-1 (CO No. 2), Nuszer Kopatz
- v. Paul Evans Trailway SID 2000-1 (CO No. 1), Nuszer Kopatz
- vi. Paul Evans Trailway SID 2000-1 (CO No. 2), Nuszer Kopatz
- vii. Meadow Ranch Trails (CO No. 3), Nuszer Kopatz
- viii. Meadow Ranch Trails (CO No. 4), Nuszer Kopatz
- ix. Pony Express Park East SID 2000-1 (CO No. 3), American Landscape
- x. Paul Evans Trailway SID 2000-1 (CO No. 1), American Landscape
- xi. Paul Evans Trailway SID 2000-1 (CO No. 2), American Landscape
- xii. Paul Evans Trailway SID 2000-1 (CO No. 3), American Landscape
- xiii. Meadow Ranch Trails (CO No. 1), American Landscape
- xiv. 138 kV Transmission Line (CO No. 1), Par Electric

c. Final Bond Release

- i. Three Crossings, Plat A

d. Final Payment

- i. Ranches & Pony Express Landscaping, Area No. 1 Landscaping Design, Nuszer Kopatz

MOTION: *Diane Jacob moved to approve the Consent Agenda, subject to removal of Item 17.b.xiv. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 1- Brigham Morgan. Motion passed.*

18. City Council's Ratification for Partial Bond Releases & Partial Payments:

- a. Partial Payments
 - i. NSA Fire Station (PP No. 3), Bonneville Builders
 - ii. Saddlerock 2MG Reservoir SID 2000-1 (PP No. 2), Gerber Construction, Inc.
 - iii. Land Application Project (PP No. 2), Arrow Engineering
 - iv. Meadow Ranch Trails SID 2000-1 (PP No. 2), American Landscape
 - v. Pony Express Parkway East SID 2000-1 (PP No. 2), American Landscape
 - vi. Paul Evans Trailway SID 2000-1 (PP No. 2), American Landscape
 - vii. Red Hawk Ranch Park SID 2000-1 (PP No. 7), Nuszer Kopatz
 - viii. Paul Evans Trailway SID 2000-1 (PP No. 7), Nuszer Kopatz
 - ix. Pony Express Parkway East SID 2000-1 (PP No. 7), Nuszer Kopatz
 - x. Meadow Ranch Trails SID 2000-1 (PP No. 5), Nuszer Kopatz
 - xi. 138 kV Transmission Line (PP No. 1), Par Electric
 - xii. UPL Interconnect Substation (PP No. 1), Caribou Construction
- b. Partial Bond Release
 - i. Friday's Station (BR No. 1), Wells Fargo

Korey Walker explained the current status of each project.

MOVED: *Brigham Morgan moved to ratify Partial Bond Releases and Partial Payments, as submitted. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

19. Notice of Award to HE Davis for the project "Porter's Crossing Parkway Extension & Golden Eagle Roadway Extension":

Korey Walker explained the two bids received for this project. He recommended the bid be awarded to the low bidder, HE Davis.

MOTION: *Brigham Morgan moved to award the bid to HE Davis for the project Porter's Crossing Parkway Extension and Golden Eagle Roadway Extension, subject to the submitted bid price of \$734,149.97. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

20. Commercial Meter Rates and Multi-family Units – Sewer & Water

Korey Walker explained the reason for a request to increase fees for sewer and water for commercial and multi-family units.

The Mayor requested that Janet Valentine prepare a resolution amending the Consolidated Fee Schedule to incorporate requested increases to sewer and water fees for commercial and multi-family units.

21. Other Business:

- a. PacifiCorp Agreements

Larry Ellertson, Contracts and Projects Director for the City, explained two agreements with PacifiCorp presented to the Council for approval.

Gerald Kinghorn stated there were minor changes that needed to be made to the agreements.

The Mayor indicated the City is currently working without an agreement. Gerald Kinghorn recommended these agreements be reviewed by the Council and presented for approval at the next City Council meeting. No one on the Council had any objections to the agreements.

b. Appointments

Due to the resignation of the City Treasurer, Mayor Bailey recommended that Finance Director Kent Parker be appointed Treasurer and City Administrator Chris Hillman be appointed as Deputy Treasurer.

MOTION: *Greg Kehl moved to approve the appointments of Kent Parker as Treasurer and Chris Hillman as Deputy Treasurer. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

c. Cemetery Board

Brigham Morgan stated he has been approached by local residents regarding the establishment of a cemetery board to look into establishing a cemetery within the City. The Mayor asked Brigham Morgan to oversee this project and he accepted this assignment.

d. Cedar Pass Road Study

Greg Kehl stated he has received a preliminary report from Korey Walker on the road study that was done for Cedar Pass. Mr. Kehl indicated the cost report should be available by the next Council meeting.

22. 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 6:24 PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed*

23. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 6:45 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

24. Any Actions from the Closed Executive Session:

None

25. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:45 PM

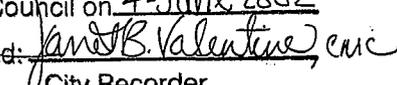
APPROVAL:


MAYOR KELVIN BAILEY

DATE:

6-04-02

This certifies that the minutes of
5-21-2002 are a true, full and
correct copy as approved by the
City Council on 4-June, 2002

Signed: 
City Recorder

**MINUTES OF THE EAGLE MOUNTAIN SPECIAL CITY COUNCIL
AND PLANNING COMMISSION JOINT WORK SESSION MEETING**
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
May 22, 2002

WORK SESSION - No Action Taken

1. Called to Order:

Mayor Kelvin Bailey called the meeting to order at 6:20 PM.

Present:

City Council Members: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse. Linn Strouse was excused from the meeting at 7:20 PM.

Planning Commission Members: Tom Maher, Chris Kemp, John Nielson, Wendy Smith, Richard Steinkopf.

City Staff: Chris Hillman, City Administrator; Korey Walker, City Engineer; Shawn Warnke, Planning Director; Ken Leetham, Planning Consultant; DeAnna Whitney, Deputy Recorder.

Others Present: Scott Kirkland, The Ranches; Mr. and Mrs. Glade Berry, residents.

2. Discussion of Proposed General Plan and Land Development Code Amendments:

A. Bonus Density System

1. Ken Leetham advised that Attorney Gerald Kinghorn recommends that the affordable housing bonus density criteria be put back into the new code. Mr. Kinghorn feels that the City is obligated by law to provide opportunity for the creation of affordable housing. This does not mean a specific quantity of affordable housing is being offered but that the opportunity is there for a developer to provide this type of housing and receive a credit for it. Mr. Kinghorn believes this is a benefit to the City, and Mr. Leetham will add affordable housing to the new code.
2. Ken Leetham stated that Mr. Kinghorn advised the City to create a list showing credit percentages for amenities so that developers know ahead of time how much an item will count toward a bonus density. Ken Leetham indicated the chapter on Mixed Use would be changed to include this list so that everyone knows what percentages will be granted for amenities.
3. It was recommended that bonus density be granted to a developer for front yard landscaping and an even higher density for full yard landscaping.

B. Residential Design Standards

1. Roofs

The Mayor recommended the City allow exceptions to roof pitch standards if there is a theme involved in a development plan. The Mayor requested that language showing "exceptions to" be incorporated into the code. Ken Leetham stated he would add this language.

2. Garages

Shawn Warnke stated the new ordinance regarding alleys should be added to this section.

It was agreed to change the set back for a front-load garage to 30 feet from the back of the sidewalk or property line and to change the set back for the front of a house to 15 feet.

3. Front doors

The Council and Planning Commission agreed it is no longer necessary to have an entrance on the front of a house.

4. Porches

The Council and Planning Commission agreed that front porches are no longer required.

5. Point System

Mayor Bailey recommended the City adopt a point system to allow developers to be creative. This point system will be required, and developers must reach 100 points to comply. The value of the points must be determined before a building permit is issued. Greg Kehl recommended that a panel of builders, architects and staff be established to identify point items and values. Scott Kirkland stated this would be very good for the creativity of developers and builders. The point system will be required as soon as the panel can meet and set standards. Shawn Warnke was asked to form this panel, consisting of six to eight builder/developers, to set standards for points and a menu of bonus densities. Scott Kirkland recommended Milt Durham, an architect, be considered as a member of this panel. Mark Madsen stated that builders should also be able to recommend items to be added to the point list.

6. Street Trees

The Council and Planning Commission agreed that they all want to require trees. Production builders will be required to complete front yard landscaping that includes one tree, with work to be finished by receipt of certificate of occupancy. An exception to this requirement would be given when a home is completed in the winter months. The bond would then be held for a reasonable time to allow for completion of landscaping. Xeriscaping would be encouraged through the point system.

Chris Hillman was asked to check with Sandy City to see what they would do about street trees requirements after 30 years as a City.

C. Transfer of Density Rights (TDR's)

The Council and Planning Commission agreed to eliminate the ability to do transfer of development rights from a property within the preservation zone to other properties suitable for development.

D. Mixed Use Zone

The Council and Planning Commission recommended that any lot size below 60 feet wide must be presented with a proposal before approval. They agreed to require minimum side set backs of 5 feet and 10 feet from the house.

E. Rural Residential Zone

The Council and Planning Commission agreed to allow a 1.5 density with a minimum of Half-acre lots in a rural residential zone subject to approval of the Council. It was also proposed there be a trail with a buffer zone provided for children to get to the bus stop safely.

F. Site Plan Review

It was recommended that along with noticing residents within 300 feet from a proposed industrial, commercial, institutional, or multiple-unit residential site that signage be posted at the proposed site

G. General Plan Document

Ken Leetham stated that Gerald Kinghorn advised that the General Plan needs to be adopted prior to the Development Code. Mr. Kinghorn advised that both the General Plan and the Development Code may be adopted at the same City Council meeting as long as the General Plan is adopted first. Mr. Kinghorn needs to be present when the General Plan is discussed so that he can appropriately answer questions.

H. The Development Code will be noticed for adoption at the Planning Commission Meeting on June 11, 2002. Ken Leetham reminded the Council and Planning Commission that the Development Code can be amended at any time.

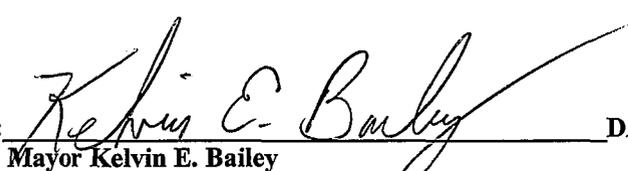
I. Public Open Space

The Mayor assigned staff to come back to the Council and the Planning Commission with three recommendations showing how to handle the public open space formula.

3. **Adjournment:**

Mayor Bailey moved to adjourn the meeting at 9:35 PM

APPROVAL:

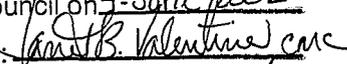

Mayor Kelvin E. Bailey

DATE:

6-6-02

This certifies that the minutes of
22-May 2002 are a true, full and
correct copy as approved by the
City Council on 4-June 2002

Signed:


City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
June 4, 2002

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

1. Consent Agenda
2. Discussion Regarding the Eagle Mountain Development Code
3. Discussion on Expirations of Conditional Use Permits & Temporary Site Plans
4. Other Business
5. Adjourn Work Session at 6:30 p.m.

Prayer by Invitation of the Mayor

The prayer was offered by Kelvin Bailey.

POLICY SESSION - 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Mark Madsen, Brigham Morgan, and Linn Strouse. Greg Kehl was excused.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Fire Chief:	Robert DeKorver

Others Present: Scott Kirkland, The Ranches; Dan Valentine, Telecom Department; Mark Lofgren, resident and Telecom Board member; Mike Wren, Eagle Mountain Properties; Sheila Curtis, City Emergency Program Coordinator; two representatives from Ames Construction; Wayne Palmer, Autumn Ridge Subdivision.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Mark Madsen.

3. **Approval of Minutes (May 14, 2002, May 21, 2002 & May 22, 2002 - Joint Work Session)**

MOTION: *Diane Jacob moved to approve the minutes of May 14, 2002. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to approve the minutes of May 21, 2002, with the change discussed during Work Session. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to approve the minutes of the May 22, 2002 Joint Work Session. Linn Strouse seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

The Mayor announced the upcoming Pony Express Days and thanked all those who have spent time preparing for this event.

Janet Valentine announced there will be public hearings on June 18, 2002, for the Evans Ranch (Redle, Inc.) Annexation and for Ranches 4 (Carlton) Annexation.

Linn Strouse reported that a School Board debate will be held on Thursday, June 20, 2002, at 7:00 PM, in the City Council Chambers. There will be more information forthcoming in the newspapers.

Diane Jacob announced the Airport Planning Commission will meet on Thursday, June 20, 2002, in the City Conference Room.

Sheila Curtis, Emergency Program Coordinator for the City, announced she would like to meet on a Saturday with the Council, fire department, and the LDS Stake to present a course on emergency preparedness. This course will be presented by the State of Utah, Division of Emergency Services, Homeland Security. This course takes approximately four to six hours and will cover an Emergency Operation Center and Incident Command System to provide awareness of the process and procedures to be followed during an emergency. She recommended this course be presented sometime in mid-September. Mayor Bailey thanked Mrs. Curtis for her service to the community.

Linn Strouse advised that names for CPR classes should be forwarded to Fire Chief Robert DeKorver.

5. **Appointments:**

a. Council Assignment – Brigham Morgan as Liaison to the Telecommunications Board

Mayor Bailey recommended the assignment of Brigham Morgan as Council liaison to the Telecommunications Board and voting member of the Telecom Board.

MOTION: *Diane Jacob moved to approve the assignment of Brigham Morgan as Council liaison and voting board member of the Telecommunications Board. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

6. **Public Notices:**

Refer to Item 4 above.

7. **Public Comment:**

None

8. **Presentation of a Tentative Budget for Fiscal Year July 1 2002 to June 30, 2003:**

Finance Director Kent Parker explained the tentative budget. He recommended that extended time be allotted during the City Council Work Session on June 18, 2002, for further discussion of the budget. He explained the changes he made in procedures for figuring the budget. Mr. Parker stated that the City needs to decide how to finance an ongoing capital improvements budget.

The Mayor asked Mr. Parker to explain property tax increase deadlines and procedures. Mr. Parker stated that any property tax increase could be handled after: 1) approving the tentative budget on June 18, 2002; 2) adopting the proposed tax rate which must be submitted to the County; 3) holding a Truth in Taxation Hearing on August 20, 2002 (this date has been scheduled with the County); 4) adopting a final budget and final tax rate. Mr. Parker stated there is no referendum vote required.

The Mayor stated he is not advocating a tax rate increase; however, he wanted everyone on the Council to understand the process involved.

The Mayor directed Mr. Parker to add funds to the budget for the position of Public Works Director. Mr. Parker stated he would make this addition.

Mr. Parker indicated he had included an option to cover the expense of another sheriff's deputy. The Mayor advised that he and Sergeant Jo Murphy have applied for a grant to pay for services of other sheriff's deputies for the period of three years.

Mayor Bailey directed the Council that any questions about the budget or recommended changes to the budget must be directed to Kent Parker by Wednesday, June 12, 2002.

9. **Approve Budget FY July 1, 2002 to June 2003 for a Public Hearing on June 18, 2002:**

MOTION: *Brigham Morgan moved to approve the proposed Budget for FY July 1, 2002 to June 2003 for a Public Hearing on June 18, 2002. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

10. **Consideration to Approve a Resolution Amending Resolution No. 27-00, and Re-enacting Standards for the Consideration of Requests to Extend Development Approval:**

Shawn Warnke explained that this item was presented to amend some of the defined criteria for standards for consideration of requests to extend development approvals.

Mark Madsen stated he would like to change the wording in Section 3.2.1 to state "Ensure that the development plan complies with current health, safety or utility specifications..." Brigham Morgan stated he felt the wording should be left as is to cover all situations. Mr. Madsen also recommended that expiration dates on development approvals be eliminated to conform to other cities.

Dan Valentine, a former Council member, explained the reasons for the wording in the original resolution.

Mark Madsen also expressed concern over Section 3.4. He stated it is the City's responsibility to ensure they have approved something that is compatible to something already approved.

Wayne Palmer, purchaser of Autumn Ridge, expressed his concerns as a developer regarding re-applying for approval and having to comply with new criteria that have nothing to do with health or safety.

Scott Kirkland, The Ranches, expressed his concerns about the current wording of the Resolution.

Gerald Kinghorn stated that if the expiration date is removed from the Resolution, there needs to be something in the Resolution to ensure that basic public approval standards are met.

MOTION: *Mark Madsen moved that new language be inserted into Resolution No. R 03-2002 in Section 3.2.1 to read, "Ensure that the development plan complies with current construction standards, utility construction codes or fire codes". Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to delete Section 3.4 from Resolution No. R 03-2002. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 1 – Diane Jacob; Brigham Morgan abstained to avoid a tie vote with the knowledge that the absent fifth council member would vote nay. Motion failed.*

MOTION: *Mark Madsen moved to approve Resolution No. R 03-2002, A Resolution of the City Council of Eagle Mountain City, Utah Amending Resolution 27-00 and Re-enacting Standards for the Consideration of Requests to Extend Development Approval with the amendment to Section 3.2.1 as approved by prior vote. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

11. Consideration to Approve a Resolution of the City Council of Eagle Mountain City, Utah Defining Criteria for Evaluating Requests to Convert Public Open Space to Private Use:

Shawn Warnke explained that the Planning Commission has reviewed the issue of converting public open space to private use. He stated that the Planning Commission has recommended that there be some criteria established whereby the Council can evaluate conversion proposals to avoid arbitrary decisions.

Mark Madsen explained the changes he would recommend to this Resolution and handed out a written copy showing these changes.

Brigham Morgan stated he feels the developer needs to present reasons for converting public open space to private use.

THIS ITEM WAS TABLED.

12. Consideration to Approve a Development Agreement for Kiowa Valley Subdivision:

Shawn Warnke explained this development agreement approval. He stated he and Korey Walker have been working with the developer to meet all outstanding conditions. Mr. Walker indicated there are still five items that need to be met and that there has been progression made to complete these conditions.

Diane Jacob declared a conflict of interest because her husband has sold water rights to The Ranches.

MOTION: *Mark Madsen moved to approve a Development Agreement for Kiowa Valley Subdivision. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

13. Autumn Ridge, Phase 1 – Final Plat Approval:

Shawn Warnke explained the location of this subdivision and stated that the Planning Commission has recommended approval of this final plat, subject to the completion of one condition.

MOTION: *Brigham Morgan moved to approve the final plat for Autumn Ridge, Phase 1, as submitted, with one condition - that the landscaping improvements in the roundabout are constructed at the same time as the required (infrastructure) improvements. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

14. Friday's Station, Plat B – Final Plat Approval:

Shawn Warnke pointed out this plat on the city map and explained the plat to the Council. He also explained the developer's proposal for use of the open space in this plat. Scott Kirkland, The Ranches, expounded on his plans for the open space.

Gerald Kinghorn requested that Scott Kirkland get a legal description of the land for the proposed open space plat.

Diane Jacob declared a conflict of interest because her husband sold water rights to The Ranches.

MOTION: *Mark Madsen moved to approve the Final Plat for Friday's Station, Plat B, subject to conditions on the staff report. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

15. Mt. Airey, Plat A Amendment Approval:

Shawn Warnke described this plat and explained the changes to the plat which have necessitated an amendment approval. Mr. Warnke stated the Planning Commission recommended approval of this amendment pending completion of conditions.

Diane Jacob declared her conflict of interest because her husband has sold water rights to The Ranches.

Korey Walker suggested that in Item 3 under Recommended Motion the word "resolved" be changed to "get the consent of lien holder." Gerald Kinghorn agreed with this change.

MOTION: *Linn Strouse moved to approve the Mt. Airey, Plat A amendment, with the conditions as stated. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

16. Ranches Golf Course Clubhouse – Site Plan Approval:

Shawn Warnke explained this site approval application to build a temporary clubhouse facility that will be replaced with a permanent site in the future. Mr. Warnke stated that the Planning Commission reviewed the conditional use permit and recommended approval of the site plan.

Korey Walker explained the conditions that need to be completed. There are some off-site improvements that will be constructed and/or repaired by The Ranches and/or Ames Construction. There is a current bond to cover these improvements.

Representatives from Ames Construction answered questions from the Council regarding landscaping.

MOTION: *Diane Jacob moved to approve the site plan for the Golf Course Clubhouse, subject to conditions stated in the staff report. Mark Madsen seconded the motion. Ayes: 4 - Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

17. Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule regarding Commercial Meter Rates and Multi-family Units Water & Sewer Rates:

Gerald Kinghorn stated the Council approved the recommendation of the Public Works Board at the last City Council meeting and the approved language has been written into the Consolidated Fee Schedule. He recommended this Resolution be approved.

MOTION: *Mark Madsen moved to approve Resolution No. R 04-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule changing commercial and multi-family rates for water and sewer. Diane Jacob seconded the motion. Ayes: 4 - Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

18. Consideration and Approval of an Agreement between Eagle Mountain City, Kern River Gas Transmission Company, Patterson Construction, Inc., and Eagle Point Properties L.L.P. to clarify issues with respect to Kern River's proposed easement and its affect on individual lots within Patterson's Eagle Point Subdivision, Plats D, E, G and H:

Gerald Kinghorn explained this agreement to the Council. He recommended that the Council approve this agreement and authorize Mayor Bailey to sign the agreement after it has been executed by Patterson and Kern River.

MOTION: *Mark Madsen moved to authorize the Mayor to sign the Agreement between Eagle Mountain City, Kern River Gas Transmission Company, Patterson Construction, Inc., and Eagle Point Properties L.L.P after it has been properly endorsed by the other parties. Linn Strouse seconded the motion. Ayes: 4 - Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

19. Consideration and Approval of a Service Agreement under PacifiCorp's FERC Electric Tariff Third Revised Volume No. 12 (Market Based Power Sales Tariff):

Gerald Kinghorn and the Mayor explained this Service Agreement to the Council.

MOTION: *Mark Madsen moved to approve a Service Agreement under PacifiCorp's FERC Electric Tariff Third Revised Volume No. 12 (Market Based Power Sales Tariff). Linn Strouse seconded the motion. Ayes: 4 - Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

20. Consideration and Approval of Amendment No. 4 to the Revised Supplemental Distribution Interconnection Agreement with PacifiCorp:

Gerald Kinghorn explained the need to extend this agreement and recommended approval.

MOVED: *Linn Strouse moved to approve Amendment No. 4 to the Revised Supplemental Distribution Interconnection Agreement with PacifiCorp. Brigham Morgan seconded the motion. Ayes: 4 - Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

21. Consideration and Approval of Settlement Agreement for Power Easements with Collins Brothers Oil Company and Union Pacific Railroad:

Gerald Kinghorn explained that this agreement was discussed at the last City Council meeting. He stated he anticipated closing this settlement by Friday, June 7, 2002.

MOTION: *Diane Jacob moved to approve the Settlement Agreement for Power Easement with Collins Brothers Oil Company and Union Pacific Railroad. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

22. Consideration to have Epic Engineering update the 1999 Wastewater Treatment Criteria Analysis:

Korey Walker explained the necessity of updating the wastewater treatment criteria analysis. He stated this needs to be done so that the Public Works Board can proceed with future plans. Mr. Walker stated he felt the cost for the analysis would be between \$4,000 and \$6,000. He stated he will work in conjunction with Santec and the City of Saratoga Springs and make his recommendations to the Public Works Board.

Mike Wren, Eagle Mountain Properties, wanted to know how any changes might impact currently planned projects. Mr. Wren's concerns were addressed by Korey Walker.

MOTION: *Mark Madsen moved to authorize Epic Engineering to update the 1999 Wastewater Treatment Criteria Analysis in time to be presented at the next Public Works Board meeting. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

23. Consideration to amend Eagle Mountain Properties Developer's Capital Facility Funding Requirements:

Korey Walker explained that this is a recommendation from the Public Works Board to amend Eagle Mountain Properties Capital Facility Funding Requirements

Brigham Morgan had questions that were addressed by Mr. Walker and Mike Wren, Eagle Mountain Properties.

Mike Wren addressed his company's view on the past impact fee concerns.

MOTION: *Mark Madsen moved to amend Eagle Mountain Properties Developer's Capital Facility Funding Requirements as outlined in the Public Works Board recommendation. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

24. Consideration to approve Aaron Allred's Independent Secondary Water System:

Gerald Kinghorn expressed concern regarding to whom the permit was being issued.

Korey Walker stated he will submit a letter to Mr. Allred listing the criteria which needs to be met before approval can be given.

THIS ITEM WAS TABLED.

25. **Consideration to Award the Bid for the Project "Landscape Architectural Services – Eagle Mountain Power Line Trail":**

Korey Walker discussed the list of bidders and recommended the bid be awarded to E. A. Lyman Architecture.

MOTION: *Diane Jacob moved to Award the Bid for the Landscape Architectural Services project to E. A. Lyman Architecture for the total amount of \$9,750, all services included, and authorizing the Mayor to sign the Award of Bid when completed by Gerald Kinghorn. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

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

- a. Warrant Register
- b. Change Orders
 - i. 138 kV Transmission Line (CO No. 1), Par Electric

MOTION: *Brigham Morgan moved to approve the Consent Agenda as submitted. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Motion passed.*

27. **City Council's Ratification for Partial Payments:**

None

28. **Other Business:**

Brigham Morgan stated he checked and found that the City has the authority to set up a cemetery. He indicated the next step is to find property. Mr. Kinghorn verified that this property can be open space. Mr. Kinghorn advised that Shawn Warnke be assigned to check on available open space.

Brigham Morgan advised he needs to be excused from the City Council meeting on June 18, 2002.

Diane Jacob advised that the Library has received a grant to purchase a new computer system

Brigham Morgan indicated that the Arts Council is pursuing grants to provide a facility for performances. Mayor Bailey stated that some developers are planning to develop an amphitheater.

29. **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 6:15 PM. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Present: Council Members Mayor Kelvin Bailey, Diane Jacob, Mark Madsen, Brigham Morgan, Linn Strouse; Attorney Gerald Kinghorn; City Engineer Korey Walker; Finance Director Kent Parker; City Recorder Janet Valentine; Deputy Recorder DeAnna Whitney.

30. Motion to Reconvene in to Open Session:

MOTION: *Diane Jacob moved to reconvene in to Open Session at 6:40 PM. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

31. Any Actions from the Closed Executive Session:

None

32. Adjournment:

Diane Jacob moved to adjourn the meeting at 10:30 PM.

APPROVAL: _____

Kevin E. Bailey
Mayor Kelvin E. Bailey

DATE: 6-18-02

This certifies that the minutes of
4-June 2002 are a true, full and
correct copy as approved by the
City Council on 18-June 2002

Signed: *Diana B. Valentini, cne*

City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
June 18, 2002

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

1. Consent Agenda
2. Discussion on FY Budget for July 1, 2002 to June 30, 2003
3. Discussion regarding "Special Events" Ordinance
4. Proposed Special Improvement District (SID) for the South Service Area; Mike Wren, Eagle Mountain Properties
5. Discussion on Impact Fee Study
6. Discussion on Eagle Mountain City Development Code
7. Discussion on Eagle Mountain City General Plan
8. Items as Outlined on the Policy Session
9. Department Reports
 - a. Administration/City Departments/Personnel/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission – **Diane Jacob**
 - c. Public Works Department (Electric, Natural Gas, Wastewater & Water) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Community Arts Board/Telecommunications Board – **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/Sports Recreation Board/Youth Council – **Linn Strouse**
10. Other Business
11. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by DeAnna Whitney

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:24 PM.

1. **Roll Call:**

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse. Brigham Morgan was excused.

City Staff:

City Attorney: Gerald Kinghorn
City Engineer: Korey Walker
City Administrator: Chris Hillman
Finance Director: Kent Parker
Planning Director: Shawn Warnke
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney
Fire Chief: Robert DeKorver
Utah County Sheriff: Jo Murphy

Others Present: Terry Barney, resident; Scott Kirkland, The Ranches; Developers Milt Shipp and Nate Shipp; Mike Wren, Eagle Mountain Properties; Roger Knell, representative of The Church of Jesus Christ of Latter-day Saints

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Kelvin Bailey

3. Approval of Minutes (June 4, 2002):

MOTION: *Diane Jacob moved to approve the Minutes of June 4, 2002. Mark Madsen seconded the motion. Ayes: 3 – Linn Strouse, Mark Madsen, Diane Jacob; Nays: 0. Greg Kehl abstained because he was excused from the June 4, 2002, meeting. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bailey explained Brigham Morgan's absence from the meeting.

Korey Walker stated he needs all comments from the Council regarding the impact fees analysis by June 28, 2002.

Diane Jacob announced that there are two vacancies on the Planning Commission, one permanent and one alternate, due to the resignations of Darrin Brandt and Missy Rudy.

5. Appointments:

None

6. Public Notices:

Janet Valentine announced there is a Public Hearing on July 2, 2002, in the City Council Chambers at 7:00 PM for the General Plan and Development Code for City.

7. Public Comment:

The Mayor acknowledged a written public comment sheet regarding regulations about fencing around swimming pools. Mayor Bailey assigned Shawn Warnke to investigate whether the City has a current policy regarding this issue.

Mayor Bailey stated he received letter from the White House in May 2002 declining an invitation for President Bush to attend the City's Pony Express Days barbeque.

Terry Barney, resident of North Ranch, 789-3362, expressed his appreciation to the Mayor and Council for a job well done and for their spirit of cooperation and communication. He stated that he is concerned that the members of the Council are not duly compensated for the time involved to run the City. Mr. Barney offered to spearhead a citizens' petition to have salaries increased. The Mayor stated that if there is a general interest on the part of the citizens regarding this issue, a petition could be in order. Linn Strouse stated she feels there are other issues that need to be addressed before an increase of compensation for the City Council should be considered.

8. Public Hearing: FY Budget for July 1, 2002 to June 30, 2003

a. Open Public Hearing (7:10 PM)

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

b. Receive Public Comment

No public comment was received.

Mayor Bailey asked the Council if they would like staff to do an analysis on the rate structure so that each utility can subsidize itself. It was the consensus of the Council that this would be a good idea; therefore, the Mayor instructed staff to perform this analysis.

Korey Walker stated that staff could perform a rate structure analysis based on the current budget. This analysis may have to be changed slightly when the new budget figures are finalized. Mayor Bailey requested that, if possible, Mr. Walker have the analysis prepared to present to the Public Works Board on July 23.

Mike Wren, Eagle Mountain Properties, had questions regarding connection fees. His questions were addressed by the Mayor and staff.

Mark Madsen thanked the staff for their unprecedented efforts to prepare budget figures. He expressed his appreciation for staff's suggestions to improve accounting procedures for the City.

c. Close Public Hearing

The Mayor closed the Public Hearing at 7:45 PM.

9. Consideration and Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year July 1, 2002 to June 30, 2003:

Mayor Bailey stated that the budget being adopted will be re-evaluated and possibly amended as complete figures are made available.

Greg Kehl recommended that time be scheduled at the next work session to address budget concerns.

MOTION: *Diane Jacob moved to approve Ordinance No. O 11-2002, an Ordinance Adopting the Eagle Mountain City Fiscal Year 2002-2003 Annual Budget and Amending the Fiscal Year Budget for 2001-2002. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

10. **Consideration and Approval of a Resolution Setting Property Tax Rate in Eagle Mountain for Fiscal Year July 1, 2002 to June 30, 2003:**

Kent Parker stated that the proposed rate is a no-tax-increase rate certified by Utah County; therefore, the budget is being adopted without a tax increase. Mr. Parker stated that Eagle Mountain City has a very low tax rate when compared with other cities.

MOTION: *Greg Kehl moved to approve Resolution No. R 05-2002, a Resolution Approving and Adopting the Property Tax Rate for Fiscal Year 2002-2003 for Eagle Mountain City. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

11. **Public Hearing: Consideration to Grant the Evans Ranch Redle, Inc. Annexation, Carson Parcel Rezoning, and Master Plan Zoning:**

Diane Jacob recused herself because her husband has a one-third interest in this property; however, she was not required to leave the meeting

a. Open Public Hearing

The Mayor opened the Public Hearing at 7:50 PM

b. Public Comment

There was no public comment.

Shawn Warnke explained the areas involved in these projects. He stated all other required public hearings have been held and state statutes have been followed for these annexations.

Gerald Kinghorn further explained plans for the proposed annexed properties.

c. Close Public Hearing

The Mayor closed the Public Hearing at 7:55 PM.

Mayor Bailey asked how the buy-in component would be handled. Gerald Kinghorn stated there is a provision in the agreement that developers will pay all impact fees required by the City. Mr. Kinghorn stated he is comfortable with this agreement.

Greg Kehl wanted to be sure all persons involved in this agreement are comfortable with the preliminary figures.

Developers Scott Kirkland, Milt Shipp, and Nate Shipp had questions regarding the impact fee analysis report. Corey Walker and Gerald Kinghorn addressed their concerns. Gerald Kinghorn stated that there were no impact fees proposed for approval at this meeting.

d. Consideration and Approval of an Ordinance Annexing An Area of Approximately 482.715 Acres Commonly Known as the Evans Ranch Annexation Parcel to Eagle Mountain City, Utah (Previously Known as Redle, Inc. Annexation) and approving Master Development Plan.

MOTION: *Greg Kehl moved to adopt Ordinance No. O 12-2002, an Ordinance Annexing an Area of Approximately 482.715 Acres Commonly Known as the Evans Ranch Parcel to Eagle Mountain City, Utah and Establishing Zoning for the Annexed Land and Adjoining Land. Mark Madsen seconded the motion. Ayes: 3 – Linn Strouse, Mark Madsen, Greg Kehl; Nays: 0. Diane Jacob abstained. Motion passed.*

e. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116

f. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain, Utah

MOTION: *Greg Kehl moved to authorize the Mayor to execute a Notice of Boundary Change, the Certification of the Ordinance, and the Articles of Amendment for the Evans Ranch Annexation. Mark Madsen seconded the motion. Ayes: 3 – Greg Kehl, Linn Strouse. Nays: 0. Diane Jacob abstained. Motion passed.*

g. Approval of Master Development Plan and Agreement.

MOTION: *Greg Kehl moved to authorize the Mayor to execute the Master Development Plan and Agreement for the Evans Ranch Annexation. Mark Madsen seconded the motion. Ayes: 3 – Linn Strouse, Mark Madsen, Greg Kehl; Nays: 0. Diane Jacob abstained. Motion passed.*

12. Public Hearing: Consideration to Grant the Ranches IV Carlton Annexation and Master Plan Zoning:

a. Open Public Hearing

Mayor Bailey opened the Public Hearing at 8:10 PM.

b. Public Comment

There was no public comment.

Gerald Kinghorn explained this proposed annexation, explaining that it excludes the area previously annexed for the north fire station. He stated he would not recommend that the Mayor execute the agreement for the annexation until all zoning information on the map is correct.

Shawn Warnke stated that there had been some approved minor changes made to other parcels.

c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 8:15 PM

d. Consideration and Approval of an Ordinance Annexing An Area of Approximately 71.6519 Acres, Commonly Known as The Ranches IV Annexation Parcel, to Eagle Mountain City, Utah (Sometimes Known as the Carlton Annexation) and approving Master Development Plan

Diane Jacob declared a conflict of interest because her husband has sold water rights to the developer.

MOTION: *Mark Madsen moved to adopt Ordinance No. O 13-2002, an Ordinance Annexing an Area of Approximately 71.6519 Acres, Commonly Known as The Carlton Parcel, to Eagle Mountain City, Utah and Establishing Zoning for the Annexed Land and Adjoining Land. Greg Kehl seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

e. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116

f. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain City, Utah

MOTION: *Mark Madsen moved to authorize the Mayor to execute the Certification of Ordinance, the Notice of Boundary Change Pursuant to Utah Code, ANN. Section 10-1-116, and the Articles of Amendment to the Articles of Incorporation for Eagle Mountain City, Utah. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl. Nays: 0. Motion passed.*

Gerald Kinghorn advised that the Articles of Incorporation were previously amended to show Eagle Mountain City, Utah; therefore, the motion was changed from Town of Eagle Mountain to Eagle Mountain City.

g. Approval of Master Development Plan and Agreement

MOTION: *Mark Madsen moved to approve the Master Development Plan and Agreement for the Carlton Annexation. Greg Kehl seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl. Nays: 0. Motion passed.*

13. Consideration to Approve a Development Agreement for Friday's Station, Plat B:

Shawn Warnke explained this development agreement.

Gerald Kinghorn stated that this is the standard development agreement for The Ranches.

Linn Strouse inquired how storm drainage can be controlled and monitored. Korey Walker answered this question.

Greg Kehl had concerns about setbacks. Scott Kirkland, The Ranches, stated he would submit amended CC&R's to rectify these concerns.

MOTION: *Mark Madsen moved to approve a Development Agreement for Friday's Station, Plat B, and amended CC&R's. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

14. Site Plan Review – Cedar Pass Ranch 5 Church Site (formerly known as Smith Ranch Church):

Diane Jacob declared a conflict of interest because her husband has sold water rights to the developer.

Shawn Warnke pinpointed this site on a map and explained the application and site plan that were previously approved by the Planning Commission. He addressed the condition that must be met regarding wildflower landscaping on the north side of the property.

Greg Kehl asked about this landscaping decision. Roger Knell, representing the LDS Church, answered this question stating that this was a Planning Commission decision and that the church is willing to comply.

MOTION: *Diane Jacob moved to approve the site plan for the Cedar Pass Ranches 5, subject to conditions of staff. Greg Kehl seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

15. Consideration to Approve The Ranches, LC Maintenance of Parks & Open Space:

Korey Walker explained this maintenance agreement. He stated there has been some disagreement with The Ranches in determining what constitutes maintenance for open space. Mr. Walker referred to an outstanding bill owed for water in the amount of \$45,000. Korey Walker explained The Ranches Home Owner's Association (HOA) proposal for maintenance of open space. The Public Works Board reviewed recommendations from the HOA and the City staff. It was the decision of the Public Works Board that the developer will own and maintain the vest pocket parks indefinitely and maintain the regional and neighborhood parks and right-of-ways for three years, at which time the City will take over maintenance.

Scott Kirkland, The Ranches, wanted to know if the past due monies were to be forgiven. Korey Walker stated the Public Works Board was not comfortable forgiving this debt. Greg Kehl was under impression from Carl Allred that the HOA was going to pay this money back to City. Scott Kirkland was not aware of this agreement.

Scott Kirkland indicated The Ranches might be willing to trade some property in lieu of paying back past due water bills. The Mayor asked him to come back to the Council with a proposal.

MOTION: *Greg Kehl moved to create an addendum to The Ranches, LC, Maintenance of Park and Open Space proposal that the developer maintain vest pocket parks indefinitely and that the City maintain all regional parks, neighborhood parks, and right-of-ways after the developer maintains these areas for three years after acceptance. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

16. Consideration to Approve a Resolution Amending the Eagle Mountain Consolidated Fee Schedule:

Shawn Warnke explained the two changes the staff proposed to the Consolidated Fee Schedule.

MOTION: *Greg Kehl moved to adopt Resolution No. R 06-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule as submitted. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

17. Consideration to Ratify Approval of the Mutual Netting/Settlement Agreement with PacifiCorp:

The Mayor explained this agreement to the Council.

MOTION: *Mark Madsen moved to ratify the Mutual Netting/Settlement Agreement with PacifiCorps as executed by Mayor. Greg Kehl seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

18. Consideration to Approve a Confidentiality & Exclusivity Agreement with Direct Communications, Inc:

Gerald Kinghorn explained this agreement and indicated that time periods were added to agreement. He stated the agreement creates a relationship whereby the City will not negotiate with anyone else for the sale of Telecom for a period of 30 days. Mr. Kinghorn recommended approval of agreement because it protects the City's interests and the interests of Direct Communications, Inc. He stated that the Council needs to designate individuals who can communicate with and negotiate the terms of sale with Direct Communications under this agreement. He recommended the designees be Mayor Bailey, Dan Valentine and himself.

MOTION: *Linn Strouse moved to approve a Confidentiality and Exclusivity Agreement with Direct Communications, Inc., and Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders
 - i. UP & L Interconnect Substation (CO No. 1), Stoddard Steel – PULLED FROM CONSENT AGENDA DUE TO LACK OF SIGNATURE.
 - ii. 138 kV Transmission Line (CO No. 3), Par Electric
 - iii. NSA Fire Station Offsite Utility Project (CO No. 1), Arrow Engineering/Willy B. Miller
- c. Final Payments
 - i. Porter's Crossing Roadway Extension SID 2000-1 (Final Payment), Sowby & Berg Consultants
 - ii. Red Hawk Ranch Park SID 2000-1 (Final Payment), Nuszer Kopatz
 - iii. Meadow Ranch Trails SID 2000-1 (Final Payment), Nuszer Kopatz
 - iv. UP & L Interconnect Substation, 2000 Gas & Electric Revenue Bond (Final Payment), Stoddard Steel – THIS ITEM WAS MOVED FROM PARTIAL PAYMENTS ITEM 20.b.i.
- d. Final Bond Releases
 - i. Porter's Crossing, Plat A, Sundance Homes
 - ii. Porter's Crossing, Plat B, Sundance Homes
 - iii. Porter's Crossing, Plat C, Sundance Homes
 - iv. Three Crossings, Plat B, Sundance Homes

MOTION: *Mark Madsen moved to approve the Consent Agenda, with the exception that Item 19.c.i, Porter's Crossing Roadway Extension, be removed and Item 20.b.i be moved to the Final Payments to become Item 19.c.iv. Greg Kehl seconded the motion. Ayes: 4 – Linn Strouse, Mark Madsen, Diane Jacob, Greg Kehl; Nays: 0. Motion passed.*

20. City Council's Ratification for Partial Bond Releases & Partial Payments:

- a. Partial Bond Releases
 - i. Smith Ranch Road, Plat B (Release No. 1), Sundance Homes
- b. Partial Payments
 - i. UP&L Interconnect Substation, 2000 Gas & Electric Revenue Bond (PP No. 1), Stoddard Steel – MOVED TO FINAL PAYMENTS SECTION FOR APPROVAL.
 - ii. Meadow Ranch Trails SID 2000-1 (PP No. 3), American Landscape
 - iii. Paul Evans Trailway SID 2000-1 (PP No. 3), American Landscape
 - iv. Pony Express Park East SID 2000-1 (PP No. 3), American Landscape
 - v. Paul Evans Trailway SID 2000-1 (PP No. 8), Nuszer Kopatz
 - vi. Pony Express Parkway East SID 2000-1 (PP No. 8), Nuszer Kopatz
 - vii. Fire Station (PP No. 4), Bonneville Builders, L.C.
 - viii. UP & L Interconnect Substation (PP No. 2), Caribou Construction
 - ix. Fire Station Utility (PP No. 1), Arrow Engineering/Willy B. Miller
 - x. Red Hawk Park Landscape Development SID 2000-1 (PP No. 3), Bratt Landscape
Saddlerock 2MG Reservoir SID 2000-1 (PP No. 3), Gerber Construction, Inc.

MOTION: *See the motion for Item 19.*

21. Other Business:

Mayor Bailey stated he was approached by a landowner who presented a proposal to annex the land west of Valley Asphalt. He asked the Council if they wanted him to pursue this matter, and the Council gave their support to this proposal. The Mayor indicated he can provide the Council with maps for this proposed land.

22. 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 9:10 PM. Diane Jacob seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Present: Council Members - Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse; City Staff - Attorney Gerald Kinghorn; City Recorder Janet Valentine, Deputy Recorder DeAnna Whitney.

23. Motion to Reconvene in to Open Session:

MOTION: *Diane Jacob moved to reconvene in to Open Session at 9:30 PM. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

24. Any Actions from the Closed Executive Session:

None

25. **Adjournment**

Linn Strouse moved to adjourn the meeting at 9:30PM.

APPROVAL: *Kelvin E. Bailey* DATE: 7-2-02
Mayor Kelvin E. Bailey

This certifies that the minutes of
18-June 2002 are a true, full and
correct copy as approved by the
City Council on 2-July 2002

Signed: *James B. Valentine, Sr.*
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

July 2, 2002

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

1. Consent Agenda
2. Discussion on Economic Analysis - Lewis, Young, Robertson & Burningham
3. Discussion on a City Welcome Committee - Council Member Linn Strouse
4. Discussion on Fencing around City Water Tanks
5. Discussion on an Ordinance to Repeal & Re-enact Ordinance No. O 13-2001, an Ordinance Regulating Large Public Assemblies
6. Discussion on the Eagle Mountain City Budget Fiscal Year 2002-2003
7. Discussion on Changes to the Eagle Mountain City Policies & Procedures Manual
8. Items as Outlined on the Policy Session
9. Other Business
10. Adjourn Work Session at 6:30 p.m.

Prayer by Invitation of the Mayor

The prayer was offered by Greg Kehl.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy

Others Present: Mike Wren, Eagle Mountain Properties; Brian Haskell, The Ranches; Mark Lofgren, resident; Kathy Barney, resident; Carolina Herrin, resident.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Linn Strouse.

3. **Approval of Minutes (June 18, 2002):**

MOTION: *Diane Jacob moved to approve the Minutes of June 18, 2002. Greg Kehl seconded the motion. Aye: 5; Nays: 0. Motion passed.*

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

None

5. **Appointments:**

a. Planning Commission

Mayor Bailey recommended moving Planning Commission alternate Richard Steinkopf to the position of regular commissioner, appointing Jeff Love, a former planning commissioner, to replace Mr. Steinkopf as primary alternate, and appointing Jennifer Rawlings to the position of second alternate on the Planning Commission.

MOTION: *Linn Strouse moved to approve the appointments of Richard Steinkopf as a Planning Commissioner, Jeff Love as Primary Alternate Member, and Jennifer Rawlings as Second Alternate Member of the Planning Commission. Greg Kehl seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

The Mayor asked Janet Valentine to notify the new Planning Commission members of the changes and requested that City Administrator Chris Hillman send meeting schedules to the new commissioners.

6. **Public Notices:**

Janet Valentine, City Recorder, announced that there will be a Public Hearing on an Economic Analysis for the Proposed Impact Fees and Proposed Amendment of the Impact Fee Ordinance at the next City Council meeting on July 16, 2002.

7. **Public Comment:**

Mayor Bailey read a written comment from residents Carolina and Tom Herrin regarding the status of the Mountain View Subdivision Trail. The Mayor stated the Public Works Department will be scheduling time in the near future to remove the debris on the trail. Mayor Bailey stated there is no funding currently in place to extend the trail; however, the City will work toward this end.

Kathy Barney, resident, addressed the Council regarding a prior recommendation from her husband that there be an increase in the monies paid to Mayor Bailey and the City Council for the many hours of service they give to the City. She presented a petition signed by local residents supporting the pay increase. Mrs. Barney stated that she received no objections from any residents regarding the signing of the petition. The petition was given to City Recorder Janet Valentine.

8. **Public Hearing: General Plan for Eagle Mountain City:**

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

Mayor Bailey opened the Public Hearing at 7:14 PM.

- b. Receive Public Comment

There was no public comment.

- c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 7:15 PM.

9. **Public Hearing: Development Code (Land Development Regulations):**

- a. Open Public Hearing (Directly following Public Hearing on the General Plan)

The Mayor opened the Public Hearing at 7:15 PM

- b. Receive Public Comment

Brian Haskell, The Ranches, stated his company has gone through the Development Code and will present a written list of comments to the City Council by July 3, 2002.

Mark Lofgren, resident, wanted to know what changes are being recommended to Development Code. The Mayor stated plan has been available for review at the City office; however, he asked Shawn Warnke to explain the proposed changes.

David Loper, chairman of the Community Arts Council, expressed his concerns that the arts have not been included in the proposed Development Code as a key component to the vision of Eagle Mountain. He indicated that the original Development Code includes a whole section devoted to how art will play a major role in both the economic development and the intrinsic value of the City.

- c. Close Public Hearing

The Mayor closed the Public Hearing at 7:22 PM

10. **Consideration to Approve Memorandum of Understanding Among Utah National Guard & Camp W.G. Williams & Eagle Mountain City (regarding a Two-inch Water-service Hookup from Tickville Gulch to Eagle Mountain):**

Gerald Kinghorn advised this agreement does not represent a final understanding because there are changes that need to be made. He explained the responsibilities of each partner listed in the agreement. He recommended he be allowed to change the amounts in the current agreement and present the re-drafted agreement to personnel at Camp Williams for review.

Korey Walker stated he had given the changes to the amounts to Colonel Hansen at Camp Williams.

MOTION: *Greg Kehl moved to authorize the Memorandum of Understanding among Utah National Guard and Camp Williams and Eagle Mountain City for review, with the change in Section C to reflect a dollar amount of \$8,300. Diane Jacob seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

Mark Madsen had questions regarding the wording of the memorandum. These questions were addressed by Gerald Kinghorn and Korey Walker.

Mike Wren, Eagle Mountain Properties, asked if the City will have any controls on this system. His concerns were addressed by Gerald Kinghorn.

11. Consideration to Approve the Site Plan Review for the Town Center East Commercial Building #1:

Shawn Warnke presented this site plan and pointed out the designated property. He explained the two conditions that need to be met before approval.

Brigham Morgan had questions that were explained by Korey Walker, Shawn Warnke, and Mike Wren, the builder.

MOTION: *Greg Kehl moved to approve the site plan for the Town Center East Commercial Building No. 1, subject to the following conditions: 1) that the utility plan complies with the engineering requirements; and 2) that the necessary easements (both on and off site) be submitted. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

12. Consideration to Approve a Resolution Amending the Eagle Mountain City Policies and Procedures Manual:

This item was tabled.

13. Consideration to Approve a Resolution Adopting an Eagle Mountain City Employee's Manual:

This item was tabled.

14. Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (for the purpose of implementing fees for ambulance service):

Chris Hillman explained the necessity of adding previously approved ambulance service fees to the Consolidated Fee Schedule.

MOTION: *Brigham Morgan moved to approve Resolution No. R 07-2002, A Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule as submitted. Linn Strouse seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

15. Consideration to Approve Secondary Access for Ghost Rider II, a Utah County Development:

Korey Walker explained this request from a developer that the City provide secondary access to a piece of property being developed. Mr. Walker pointed out the proposed areas on a map. He explained the three conditions that have been recommended by the Public Works Board.

Mayor Bailey suggested that the developer be requested to hook up to utilities for the benefit of the City. Korey Walker stated this option had been presented to the developer, who stated he would have to give this consideration.

The Council had a discussion regarding their concerns that this secondary access might become a primary access.

MOTION: *Linn Strouse moved to give conceptual approval of secondary access for Ghost Rider II, a Utah County Development, with reservation of final approval pending the submission of approved engineering studies demonstrating that this is, in fact, a true secondary access to the development. Greg Kehl seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

16. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Change Orders
 - i. Pony Express East Landscape Development SID 2000-1 (CO No. 4), American Landscape
- c. Final Payment
 - i. Porter's Crossing Roadway Extension SID 2000-1 (Final Payment), Sowby & Berg Consultants
 - ii. Red Hawk Ranch Park (Final Payment), Bratt, Inc.
- d. Partial Payments
 - i. 138 kV Transmission Line (PP No. 3), Par Electric Contractors
 - ii. Ranches & Pony Express Landscaping Improvements SID 2000-1, Area No. 1 (PP No. 5), Golden Landscaping
 - iii. Ranches & Pony Express Landscaping Improvements SID 2000-1, Area No. 3 (PP No. 3), Golden Landscaping

MOTION: *Brigham Morgan moved to approve the Consent Agenda as submitted. Greg Kehl seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

17. Other Business:

- a. Consideration to Approve a Name for the Eagle Mountain Substation
- b. Consideration to Approve a Name for the Eagle Mountain Switch Yard

MOTION: *Greg Kehl moved to approve the name of Eagle Mountain North Substation for the Eagle Mountain Substation and the name of The Sovine Switch Yard for the Eagle Mountain Switch Yard. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

Chris Hillman advised the Council that the Lone Peak Fire Department has a 1978 E-1 fire engine for sale for about \$15,000 to \$18,000. He stated this engine has only 19,000 street miles. Mr. Hillman indicated that \$20,000 was approved in the new budget to refurbish the currently-owned LaFrance engine. He

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
July 16, 2002

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

1. Consent Agenda
2. Report on status of Impact Fees Decision
3. Discussion on sick and vacation leave for Eagle Mountain City Employees

MOTION: *Greg Kehl moved to recess in to 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: 5; Nays: 0. Motion passed.*

Present: Mayor Kelvin Bailey; Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse; City Attorney Gerald Kinghorn; City Engineer Korey Walker; City Administrator Chris Hillman; Finance Director Kent Parker; Planning Director Shawn Warnke; City Recorder Janet Valentine; Deputy Recorder DeAnna Whitney.

MOTION: *Brigham Morgan moved to reconvene in to Work Session at 6:10 PM. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

4. Discussion on forming a committee to address the petition submitted to the City Council at the July 2, 2002 City Council Meeting
5. Items as Outlined on the Policy Session
6. Department Reports
 - a. Administration/City Departments/Personnel/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission – **Diane Jacob**
 - c. Public Works Dept. (Electric, Natural Gas, Wastewater & Water) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Community Arts Board/Telecommunications Board – **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/Sports Recreation Board/Youth Council – **Linn Strouse**
7. Other Business
8. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Korey Walker

POLICY SESSION – 7:00 PM

Mayor Bailey called the meeting to order at 7:07 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Planning Director:	Shawn Warnke
Finance Director:	Kent Parker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy

Others Present: David Loper, resident and Chairman of the Community Arts Board; Angie Ferre and Juanita Butler, city employees; Mike Sorensen, resident; Mark Sovine, Public Works Board.

Mayor Bailey introduced a visiting Boy Scout troop and invited a scout to lead the Pledge of Allegiance.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Andrew Bond.

3. Approval of Minutes (July 2, 2002):

MOTION: *Mark Madsen moved to approve the Minutes of July 2, 2002. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

None

5. Appointments:

Mayor Bailey recommended the re-appointment of Reed Fisher to the Public Works Board.

MOTION: *Greg Kehl moved to approve the re-appointment of Reed Fisher as member of the Public Works Board. Linn Strouse seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

6. Public Notices:

Linn Strouse announced that the flag contest is being extended through August 14, 2002. She also stated she will be looking for someone to head up a Welcome Committee for the City.

7. **Public Comment:**

David Loper, resident and Chairman of the Community Arts Board, expressed his concern that so many homes in Eagle Mountain are for sale. He stated he feels people are leaving the area because the City is not a visionary community and that the proposed General Plan fails to provide this vision. He referred to specific areas of the General Plan that he feels need to be addressed.

Sheila Curtis, Youth Council Advisor, reported that the Youth Council has regrouped and is moving forward. The Mayor asked Mrs. Curtis to set up a time when Youth Council members can sit in with their counterparts at a City Council meeting. Sheila stated that the Neighborhood Watch Program will sponsor a meeting on child safety issues in August and advised that an exact date will be announced later.

8. **Public Hearing: *Economic Analysis of proposed impact fees and approved Capital Facilities Plan and Proposed Impact Fee Ordinance***

PUBLIC HEARING HAS BEEN CANCELLED – WILL BE RESCHEDULED AT A LATER DATE.

9. **Consideration to Approve a Resolution Amending and Adopting the Eagle Mountain City Policies and Procedures Manual:**

This item was tabled.

10. **Consideration to Approve a Resolution Defining the Duties of the Eagle Mountain City Employees:**

This item was tabled.

11. **Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (to provide for certain fees for the operation of the City Library and to clarify the basis for monthly charges for sewer use):**

Brigham Morgan asked for clarification of the sewer monthly charge. Gerald Kinghorn and Korey Walker stated wording was being added to clarify multi-family unit sewer charges.

MOTION: *Brigham Morgan moved to approve Resolution No. R 08-2002, A Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule as submitted. Diane Jacob seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

12. **Consideration and Enactment of an Ordinance Setting Mandatory Watering Hours Restrictions:**

Korey Walker explained this ordinance and stated that the Public Works Board has requested that the Council adopt this ordinance to make it mandatory that no outdoor sprinkler irrigation be allowed between 10:00 AM and 6:00 PM. Mr. Walker advised that the primary concern is that pumps need time during the day to refill the water tanks and meet storage capacity to fill demands when irrigation needs kick in. He indicated that if the tanks are not given time to refill, the pumps are over exercised and tanks run low on water storage.

Greg Kehl addressed safety issues, such as fighting fires, which can arise if pumps are not given time to refill the water tanks.

Linn Strouse stated that citizens need to be educated about water use. Mayor Bailey asked Chris Hillman to have water usage information posted on the internet and in the newspaper and that a copy of this ordinance be mailed to each home.

The Mayor emphasized that the City does not have a shortage of water but a shortage of pumps to keep the tanks filled.

The Council discussed appropriate enforcement options for this ordinance. Comments were received from City employees and residents regarding enforcement options.

MOTION: *Greg Kehl moved to adopt Ordinance No. O 14-2002, An Ordinance of Eagle Mountain City, Utah Defining Prohibited Hours for Outdoor Sprinkler Irrigation Use in Eagle Mountain City effective 07-16-2002 through 09-30-2002, with the following amendments: 1) that Section 2.1 will read "First Offense is a Written Warning; Second Offense is a Termination of Water Service with a \$100 fine", and eliminating the third offense. Diane Jacob seconded the motion. Ayes: 4 – Diane Jacob, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

13. Notice of Award for the Project "Pony Express Parkway Extension":

Korey Walker explained this project to the Council and recommended approval of the Notice of Award, including the electrical and fiber line and excluding street lights. Mr. Walker answered questions from the Council.

MOTION: *Brigham Morgan moved to approve the Notice of Award for the project "Pony Express Parkway Extension" to HE Davis for the total amount of \$1,990,754.25. Greg Kehl seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

14. Consideration to Approve a Name for the Eagle Mountain Public Works Building:

Mayor Bailey recommended the Eagle Mountain Public Works Building be officially named the Greg D. Kehl Public Works Building.

MOTION: *Brigham Morgan moved to approve the recommendation to name the Public Works Building the "Greg D. Kehl Public Works Building". Diane Jacob seconded the motion. Ayes: 4 – Diane Jacob, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Greg Kehl abstained. Motion passed.*

15. Consideration to Approve a Name for the Eagle Mountain Wastewater Treatment Plant:

The Mayor recommended the Eagle Mountain Wastewater Treatment Plant be officially named the Reed Fisher Wastewater Treatment Plant.

MOTION: *Diane Jacob moved to approve the recommendation to name the Wastewater Treatment Plant the "Reed Fisher Wastewater Treatment Plant". Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

16. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Order
 - i. Pony Express Parkway East Landscaping Development SID 2000-1 (CO No. 3), Nuszer Kopatz
- c. Final Payments
 - i. Pony Express Parkway East SID 2000-1 (Final Payment), Nuszer Kopatz
 - ii. Red Hawk Park Landscape Development SID 2000-1 (Final Payment), Bratt Landscape
- d. Partial Bond Release
 - i. Friday's Station, Plat A (Release No. 2), Wells Fargo Bank
- e. Partial Payments
 - i. Paul Evans Trailway SID 2000-1 (PP No. 9), Nuszer Kopatz
 - ii. Paul Evans Trailway SID 2000-1 (PP No. 4), American Landscape
 - iii. Pony Express Park East SID 2000-1 (PP No. 4), American Landscape
 - iv. Saddlerock 2MG Reservoir SID 2000-1 (PP No. 4), Gerber Construction, Inc.
 - v. Pony Express Parkway Extension-Design SID 2000-1 (PP No. 1), FJ Clark & Associates
 - vi. Ranches & Pony Express Parkway Landscaping-Area 1 SID 2000-1 (PP No. 5), Golden Landscaping
 - vii. Ranches & Pony Express Parkway Landscaping-Area 2 SID 2000-1 (PP No. 3), Golden Landscaping
 - viii. Ranches & Pony Express Parkway Landscaping-Area 3 SID 2000-1 (PP No. 3), Golden Landscaping

MOTION: *Brigham Morgan moved to remove items c.ii, d.i, e.vi, e-vii and e- viii from the Consent Agenda and correct the math in b.i to reflect the Change Order. Greg Kehl seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Brigham Morgan moved to approve the Consent Agenda. Greg Kehl seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

17. Other Business:

Gerald Kinghorn explained the need to add the following item to the Agenda: Consideration and Approval of an Agreement with PacifiCorp for the Interconnect with the City's 138 kV line. Mr. Kinghorn indicated that the agreement packet was received from PacifiCorp late Friday, July 12, 2002. He explained the agreement to the Council.

MOTION: *Brigham Morgan moved to add the contract agreement between PacifiCorp and Eagle Mountain City to the Agenda. Mark Madsen seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Greg Kehl moved to approve the Interconnection Agreement between PacifiCorp and the City of Eagle Mountain and to authorize the Mayor to execute the Agreement on behalf of the City. Diane Jacob seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

Mayor Bailey advised that he is anticipating a proposal of an offer to purchase our electrical system.

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

MOTION: *Mark Madsen moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 8:15 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Present: Mayor Kelvin Bailey; Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; City Administrator Chris Hillman; City Recorder Janet Valentine; Deputy Recorder DeAnna Whitney.

19. **Motion to Reconvene in to Open Session:**

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 9:43 PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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

- a. Appointment of Eagle Mountain City Public Works Director

No appointment was made.

21. **Adjournment:**

Mark Madsen moved to adjourn the meeting at 9:43 PM.

APPROVAL: _____

Mayor Kelvin Bailey

DATE: _____

8-9-02

This certifies that the minutes of 16-July 2002 are a true, full and correct copy as approved by the City Council on 6-Aug 2002
Signed: Janet B. Valentine
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
August 6, 2002

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

1. Consent Agenda
2. Discussion regarding Utility Analysis
3. Discussion on reduction of fees and requirements for the recording of Eagle Point, Plats E, G, H and Eagle Point Condominiums, Phase 1, Patterson Construction
4. Presentation on Engineering Evaluation of Cedar Pass Ranch Existing Roadways - Korey Walker
5. Discussion concerning the nominees for the proposed formation of the Elected Officials Compensation Committee
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 6:30 PM

CLOSED EXECUTIVE SESSION -

1. **Motion to convene 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 convene in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 6:35 PM. Mark Madsen seconded the motion. Ayes: 4; Nays: 0. Diane Jacob was excused. Motion passed.*

Present: Mayor Kelvin Bailey; Council Members Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse; City Attorney Gerald Kinghorn (Mr. Kinghorn presented information and then excused himself before a litigation discussion); City Engineer Korey Walker (Mr. Walker entered the meeting when Mr. Kinghorn left); City Administrator Chris Hillman; Finance Director Kent Parker; City Recorder Janet Valentine; Deputy Recorder DeAnna Whitney; Sunrise Builders Owners Derk and Robert Palfreyman (the Palfreymans entered the meeting after Mr. Kinghorn left).

2. **Motion to adjourn Closed Executive Session:**

MOTION: *Greg Kehl moved to adjourn the Closed Executive Session at 7:08 PM. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Bailey.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:10 PM.

1. **Roll Call:**

Council Members Present: Mayor Kelvin Bailey, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse. Diane Jacob was excused.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy

Others Present:

David and Rebecca Loper, residents; Nate Shipp, Development Associates.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Mark Sovine.

3. **Approval of Minutes (July 16, 2002):**

MOTION: *Mark Madsen moved to approve the Minutes of July 16, 2002, as submitted. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

None

5. **Appointments:**

a. Public Works Director

Mayor Bailey recommended ratification of the appointment of Mark Sovine as Public Works Director.

MOTION: *Brigham Morgan moved to ratify the appointment of Mark Sovine as the Public Works Director. Greg Kehl seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

Mayor Bailey recommended Mark Sovine be appointed to the Timpanogos Special Service District Board.

MOTION: *Brigham Morgan moved to recommend the appointment of Mark Sovine to the Timpanogos Special Service District Board. Greg Kehl seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

Mayor Bailey advised that HE Davis Company will be blasting in Porter's Crossing between Liberty Farms and Kiowa Valley within the next two weeks.

Linn Strouse stated there will be training for Neighborhood Watch captains and any other interested persons on Thursday, August 8, 2002 at 7:00 PM in the Council Chambers

Council Member Strouse also advised that on Thursday, August 29, 2002 in the Council Chambers there will be a special speaker presenting information on keeping our kids safe in lieu of the recent rash of abductions.

Linn Strouse indicated she was considering extending the flag contest since advertising had not been done in a timely manner. She stated she would contact the Community Arts Board to coordinate the judging of contest entries.

Mayor Bailey asked for a report on the Wild West Fest. Community Arts Board members Dave and Rebecca Roper reported on this activity and stated it was a great success.

7. **Public Comment:**

Dave Loper, resident, commented on the Proposed General Plan and shared his feelings that the Plan is incomplete and lacks vision and goals. He presented the Council with copies of General Plans from other cities showing elements normally included in general plans. He commented on some of the items contained in those plans and recommended the City follow the plans from other cities to ensure Eagle Mountain City's plan is more comprehensive.

8. **Consideration to Approve a Temporary Working Space Agreement with Kern River Gas Transmission Company:**

Gerald Kinghorn explained that this agreement is one of two that are proposed. Exhibits were presented to more clearly explain the areas involved.

Greg Kehl further explained the areas on the exhibit maps. He recommended that a representative from Telecom be on site while the work is being done. Korey Walker stated Kern River has acquired an excavation permit, which is currently being revised, that includes funds to have someone on site the entire time. He will make sure that funds are included in the permit to cover the cost of a telephone inspector.

MOTION: *Greg Kehl moved to authorize the Mayor to execute the work space permits and deliver them to Kern River in exchange for payment as indicated on the permits themselves. Brigham Morgan seconded the motion. Ayes: 4 - Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

9. **Consideration and Approval of a Wire Transfer Agreement with the Bank of American Fork:**

Kent Parker explained that the Bank of American Fork does not have a current agreement on file authorizing them to do wire transfers. The bank has requested this agreement in order to continue offering wire transfer services to the City.

MOTION: *Greg Kehl moved to approve a Wire Transfer Agreement with the Bank of American Fork, as submitted. Brigham Morgan seconded the motion. Ayes: 4 - Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

10. **Consideration and Approval of an Ordinance Establishing the Requirements for Public Notice of, and Conduct of, a Binding Referendum Election of Registered Voters Concerning Approval of the Sale of any City-Owned Utility:**

This item was discussed after Item 11.

Gerald Kinghorn stated this ordinance was requested by Council to establish the process and rules for conducting an election concerning the approval of the sale of a city-owned utility. He explained how the process for the election would take place and answered questions from the Council.

Mr. Kinghorn stated there is an interested buyer for the Telecom utility. He explained that this buyer would like to meet with the Council to discuss their offer so they can have a binding contract in place before a referendum is presented for vote.

Mayor Bailey requested the buyer be invited to attend the Work Session on August 20, 2002.

Linn Strouse inquired about the cost of this special election. Janet Valentine stated the cost would be approximately \$3,000.00.

Mark Madsen brought to the attention of the Council some wording and typographical errors in the ordinance and recommended the errors be changed. Gerald Kinghorn noted the changes.

MOTION: *Brigham Morgan moved to approve Ordinance No. O 15-2002, an Ordinance of Eagle Mountain City, Utah Establishing the Requirements for Public Notice Of, and Conduct Of, a Binding Referendum Election of Registered Voters Concerning Approval of the Sale of Any City-Owned Utility. Greg Kehl seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

11. **Consideration and Approval of an Ordinance Amending Chapter 13, Section 9 of the Eagle Mountain City Development Code Concerning Master Development Plan Requirements:**

This item was discussed after Item 9.

Gerald Kinghorn explained the necessity of this amendment. He stated that this amendment does not change any overall density or park dedications but simply distributes density.

Nate Shipp, Development Associates, answered questions from the Council regarding lot size.

Korey Walker further explained the theory behind amending lot sizes to eliminate extremes in both large and small lots.

Linn Strouse was concerned about critical environment zones. Mr. Kinghorn advised there were no such zones in the areas involved in this amendment.

MOTION: *Greg Kehl moved to approve Ordinance No. O 16-2002, an Ordinance of Eagle Mountain City, Utah Amending Chapter 13, Section 9 of the Development Code of Eagle Mountain City. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

12. **Consideration to Approve a Resolution Amending and Adopting the Eagle Mountain City Policies and Procedures Manual:**

Mayor Bailey referred to prior discussions on this item.

Mark Madsen shared his concern that there were more "for cause" statements than "at will" statements in the manual. Gerald Kinghorn and Chris Hillman advised they will reword the manual to ensure "at will" is understood by all employees.

MOTION: *Linn Strouse moved to approve Resolution No. R 09-2002, a Resolution of Eagle Mountain City, Utah Amending and Adopting the Eagle Mountain City Policies and Procedures Manual. Brigham Morgan seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

13. **Consideration to Approve a Resolution Defining the Duties of the Eagle Mountain City Employees:**

MOTION: *Brigham Morgan moved to approve Resolution No. R 10-2002, a Resolution of the City Council of Eagle Mountain City, Utah Defining the Duties of Eagle Mountain City Employees. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

14. **Consideration to Approve a Resolution Amending the Eagle Mountain Consolidated Fee Schedule (for the purpose of additional impact fees for Timpanogos Special Service District for the use of wastewater treatment facilities):**

Mayor Bailey explained that this resolution was presented to adopt additional impact fees already changed by TSSD.

MOTION: *Brigham Morgan moved to approve Resolution No. R 11-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule, as submitted. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed*

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

- a. Warrant Register
- b. Change Order
 - i. Meadow Ranch Trails (CO No. 2), American Landscape
- c. Final Payments
 - i. Red Hawk Park Landscape Development SID 2000-1 (Final Payment), Bratt Landscape
 - ii. Meadow Ranch Trails SID 2000-1 (Final Payment), American Landscape
 - iii. UP&L Interconnect Substation (Final Payment), Clark Control Systems
- d. Partial Payments
 - i. Ranches & Pony Express Parkway Landscaping-Area 1 SID 2000-1 (PP No. 5), Golden Landscaping
 - ii. Ranches & Pony Express Parkway Landscaping-Area 2 SID 2000-1 (PP No. 3), Golden Landscaping
 - iii. Ranches & Pony Express Parkway Landscaping-Area 3 SID 2000-1 (PP No. 3), Golden Landscaping
 - iv. Fire Station (PP No. 5), Bonneville Builder, L.C.
- e. Partial Bond Releases
 - i. Friday's Station, Plat A (Release No. 2), Wells Fargo Bank
 - ii. Friday's Station, Plat A (Release No. 3), Wells Fargo Bank
- f. Final Bond Release
 - i. Chimney Rock, Plat A (Final Bond Release), Ranches, LC

MOTION: *Brigham Morgan moved to approve the Consent Agenda. Greg Kehl seconded the motion. Ayes: 4 – Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

16. **Other Business:**

Chris Hillman explained the City's need for a new copy machine. He priced different options and determined that a new machine will cost approximately \$11,000, excluding a service contract. He requested approval of Council to move forward on this purchase. He recommended the old machine be given to the Library so they can generate revenue by charging the public for copies.

The Council gave approval to move forward and asked Mr. Hillman to determine how the machine will be financed.

Brigham Morgan gave an update on creating a cemetery committee. He explained there are several citizens who are interested in serving on this committee. The Mayor asked if there were any sites for a cemetery and recommended using open space on a hillside. Mr. Morgan stated sites have not yet been considered.

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

MOTION: *Mark Madsen moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 8:15 PM. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Present: Mayor Kelvin Bailey; Council Members Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse; City Administrator Chris Hillman.

18. **Motion to Reconvene in to Open Session:**

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 8:10 PM. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

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

None

20. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 8:10 PM.

APPROVAL: _____

Kevin Bailey
Mayor Kelvin Bailey

DATE: 20 AUG 02

This certifies that the minutes of
6-AUG-2002 are a true, full and
correct copy as approved by the
City Council on 20-AUG-2002

Signed: *Paul B. Valentine,cmc*
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
August 20, 2002

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

1. Discussion regarding proposal to purchase Eagle Mountain Telecommunications by Direct Communications
(4:00 PM)
2. Consent Agenda
3. Discussion on Wastewater Capital Facilities Plan (South Service Area)
4. Discussion on Water & Sewer Rate Analysis
5. Items as Outlined on the Policy Session
6. Department Reports
 - a. Administration/City Departments/Personnel/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission –
Diane Jacob
 - c. Public Works Dept. (Electric, Natural Gas, Wastewater & Water) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Community Arts Board/Telecommunications Board – **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/Sports Recreation Board/Youth Council – **Linn Strouse**
7. Other Business
8. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Mark Madsen.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Deputy Dale Lea

Others Present: Kendle Salisbury, resident; Marcie Taylor, resident; Jody Hooley, resident; Sumner Swaner, representing Timpanogos Vision; Mike Wren, Eagle Mountain Properties.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Mayor Bailey.

3. **Approval of Minutes (August 6, 2002):**

MOTION: *Mark Madsen moved to approve the Minutes of August 6, 2002. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Diane Jacob abstained because she was not present at the August 6, 2002 meeting. Motion passed.*

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

This item was discussed after Item 7.

Mayor Bailey announced that the Miss Eagle Mountain Pageant was held August 17, 2002. He introduced the winners of the pageant – Miss Eagle Mountain Katie Faulkner; First Attendant Lisa Bailey, Miss Teen Eagle Mountain Michelle Vanderhoef, First Attendant McKenna Lindsay, and Second Attendant Kylee Neilson. He explained that all the winners would be involved in representing Eagle Mountain City during the coming year. The Mayor also introduced Natalie Kershaw, who planned the pageant, and thanked her for her service to the community.

5. **Appointments:**

- a. Appointment of Mark Sovine to serve as Eagle Mountain City's Representative to UAMPS

Mayor Bailey recommended the appointment of Mark Sovine to serve as Eagle Mountain City's representative to UAMPS.

- b. Appointment of Mark Sovine to serve as Eagle Mountain City's Representative to IMGA

Mayor Bailey recommended the appointment of Mark Sovine to serve as Eagle Mountain City's representative to IMGA.

- c. Ratify Appointment of Mark Sovine to serve as Eagle Mountain City's Representative to TSSD

Mayor Bailey recommended ratification of the appointment of Mark Sovine to serve as Eagle Mountain City's representative to TSSD.

MOTION: *Greg Kehl moved to appoint Mark Sovine to serve as Eagle Mountain City's representative to UAMPS, to appoint Mark Sovine to serve as Eagle Mountain City's representative to IMGA, and to ratify the appointment of Mark Sovine to serve as Eagle Mountain City's representative to TSSD. Diane Jacob seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

Janet Valentine announced that there was previously no City Council meeting scheduled for September 3, 2002 because of the Labor Day holiday. However, a Special City Council meeting has now been scheduled for September 3, 2002 to hold a public hearing for the Capital Facilities Plan.

7. **Public Comment:**

Kendle Salisbury, resident of Chimney Rock at The Ranches and delegate for her homeowner's association, stated her property backs up to The Ranches fence into the pavilion area of the public park. She expressed her concern regarding plans to plant native seed grass along the fence line between her property and the bike path. She stated most of the area residents are concerned about fire hazards, weeds, snakes and rodents, etc. that present dangers to children who will be playing around area. She presented suggestions to use bark or rock to prevent these problems. The Mayor stated staff would follow up and get back to Mrs. Salisbury.

Marcie Taylor, Lake Mountain Road resident, expressed concerns about the dumping going on between The Ranches and Lake Mountain Road. She stated she made complaint last year about The Ranches dumping weeds in the gully. She indicated the promised clean up was never done and there is now a huge pile of tumbleweeds and debris. She also stated that people traveling the road are throwing garbage out of car windows. Mayor Bailey stated he would have the Code Enforcement Officer follow up on this and contact Mrs. Taylor. She also advised there is a property owner on Lake Mountain Road hauling in old tires and old wood and storing these items at the back of their property. The Mayor will have the Code Enforcement Officer follow up on this issue.

Jody Hooley, Lake Mountain Road resident, has the same issues as Mrs. Taylor about illegal dumping. She also made complaint last year and was told the Code Enforcement Officer would take care of the problem; however, the tumbleweeds are still in the gully. She stated she had been advised to write down license plate numbers and turn them in to the Sheriff's Office. She advised she has done this but has never been contacted by anyone for follow up. She was advised to forward any license plate numbers directly to the City Office for follow up. Mayor Bailey stated he would have staff check on this matter and have someone get back to Mrs. Hooley.

Summer Swaner, representing Timpanogos Vision, stated he wanted to acquaint the Council with a project that Mountainland Area Government is starting that will culminate in a series of workshops on October 2, 2002. He indicated the hope of his organization is to get citizens (educators, real estate developers, etc.) from our community to share their input on open space and transportation. He indicated that annexation will be a third component discussed because the State of Utah is requiring all communities to have their annexation lines drawn by the end of the year. He solicited support and handed out packets to Council members regarding this program.

8. **Consideration to Approve a Development Agreement with the Church of Jesus Christ of Latter-Day Saints for the Smith Ranch Road Church:**

Gerald Kinghorn stated the LDS Church plat was previously approved and that the Development Agreement was now being presented for approval.

MOTION: *Greg Kehl moved to approve a Development Agreement between Eagle Mountain City, UT and the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints for the Smith Ranch Road Church. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

9. **Consideration to Approve a Development Agreement including CC&R's with Homeland Holding, Inc., for Autumn Ridge Phase 1:**

Shawn Warnke explained that the plat for this development was previously reviewed and approved by the City Council. He indicated staff had reviewed the Development Agreement and the CC&R's and recommended them for approval by the Council.

Linn Strouse wanted clarification on the process for naming streets. She was concerned about the confusion caused when street names are similar. Shawn Warnke explained the street naming process of the City and indicated that the Fire Chief ultimately approves street names.

The Mayor asked that there be a method developed to change street names which may be found to be confusing during an emergency.

Brigham Morgan stated that traditionally along Eagle Mountain Boulevard the open space between the development and the boulevard has been bermed. He inquired whether this berming would be continued. Korey Walker explained this would not be done in the future in Autumn Ridge because disturbing the soil causes weed growth.

Mark Madsen pointed out typographical errors in the Development Code and Shawn Warnke stated he will make the necessary corrections.

Diane Jacob asked if there was a homeowners association for this area and was informed there was no homeowners association. She inquired about enforcement of CC&R's and was advised that any homeowner can enforce against another.

MOTION: *Brigham Morgan moved to approve the Development Agreement with Eagle Mountain City, UT and Homeland Holding, Inc., for Autumn Ridge, Phase 1. Mark Madsen seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

10. **Consideration to Amend Subdivision Bonding Requirements:**

a. Requirement of widening of Eagle Mountain Blvd

Korey Walker discussed three items that developer Patterson Construction has requested be amended. Mr. Walker recommended that Gerald Kinghorn be directed to incorporate these three items into the Development Agreement. Korey Walker and Gerald Kinghorn answered questions from Council.

MOTION: *Mark Madsen moved to amend the Subdivision Bonding Requirements to eliminate the requirement for the widening of Eagle Mountain Boulevard for the proposed development and for other developments that apply to Eagle Mountain Boulevard in the future. Linn Strouse seconded the motion. Ayes: 4 – Diane Jacob, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 1 – Greg Kehl. Motion passed.*

b. Requirement of offsite utilities

Gerald Kinghorn explained this request to the Council. He recommended there be a time limit established with this amendment to avoid future problems. Mayor Bailey and Korey Walker stated that ten years is the typical time limit. Korey Walker answered questions from the Council.

MOTION: *Mark Madsen moved to amend the Subdivision Bonding Requirements for offsite utilities to allow for reimbursement to the original developer who over sizes utilities to allow him to recoup his expenses, with a ten-year sunset provision. Linn Strouse seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

c. Inspection fees (amend to have any excess costs reimbursed back to the developer)

Korey Walker explained this request. He answered questions from the Council and explained how the accounting of these fees would be handled. Kent Parker was concerned about the maintenance of this account.

Greg Kehl recommended this item be tabled and referred to the Public Works Board. He stated the Council could then request input from engineering, accounting and the Public Works Board (making this item retroactive for this specific case, if decided by the Council) so this reimbursement would be fair for all developers.

THIS ITEM WAS TABLED.

11. Ratify purchase of a trailer for the City's Public Works Department:

This purchase was brought before the Council for ratification rather than approval because the trailer was needed immediately. The Mayor stated this purchase was made in violation of a City Ordinance but was pre-approved by him. He recommended that the Ordinance be amended for future purchases.

Mark Sovine presented information regarding this purchase and explained how City employee Zachery Hilton was able to talk the seller into lowering the price by \$500.

MOTION: *Mark Madsen moved to ratify the purchase of a trailer for the City's Public Works Department. Diane Jacob seconded the motion. Ayes: 4 – Diane Jacob, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

12. Ratify purchase of a copy machine for the City 's Main Office:

Mayor Bailey stated that this purchase was discussed with the Council at the prior meeting at which time a general consensus was given to proceed.

MOTION: *Mark Mark Madsen moved to ratify the purchase of a copy machine for the City's Main Office. Greg Kehl seconded the motion. Ayes: 4 – Diane Jacob, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

13. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Partial Payments
 - i. UP&L Interconnect Substation (PP No. 3), Caribou Construction
 - ii. Fire Station Utility (PP No. 2), Arrow Engineering
 - iii. 138 Transmission Line (PP No. 2), Par Electric Contractors
- c. Final Payment
 - i. Fire Station Utility (Final Payment), Arrow Engineering
- d. Partial Bond Release
 - i. Friday's Station (Release No. 4), Wells Fargo

MOTION: *Greg Kehl moved to approve the Consent Agenda as submitted. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

14. Other Business:

Mayor Bailey presented information on Cedar Trails, Phase II-A. Gerald Kinghorn explained that the current plat has changed from the original plat brought before the City Council. He asked Mike Wren, Eagle Mountain Properties, to explain the differences between the revised plat and the originally-submitted plat so that the revised plat could be placed on the agenda for approval. The Mayor explained that approval of the amended plat had been removed from the agenda because the City did not have a development agreement and CC&R's. Mr. Wren explained he was not aware the development agreement

and CC&R's had to be presented when the plat was brought in for approval. He recommended the Council make changes in this requirement and explained his reasoning for this requested change. The Council was polled regarding this change, resulting in Diane Jacob, Mark Madsen and Linn Strouse being in favor and Brigham Morgan and Greg Kehl having concerns. Mike Wren stated that M & J is the property owner on this plat.

Linn Strouse wants to show appreciation to the citizens of Eagle Mountain City who have volunteered many hours of service. She asked the Council for suggestions on how the City might honor outstanding citizens. Chris Hillman stated that some cities pass a resolution to recognize a particular citizen or organization and present a memento to that individual/organization. Linn Strouse also recommended the newspapers could take pictures of these presentations. Chris Hillman was requested to present samples from other cities at next Council meeting.

Mayor Bailey stated that The Ranches has submitted a proposal to donate a plot of land of approximately five to ten acres for use as a cemetery. He advised it was proposed that this land be donated in exchange for the outstanding water bill owed the City by The Ranches. The Mayor directed Brigham Morgan to have his Cemetery Committee look at the proposal. He requested that this item be added to the agenda for the next City Council meeting.

Chris Hillman stated that UDOT has approved a request for freeway exit signs directing drivers to Eagle Mountain. He indicated the signs should be installed within 60 days and that there is no charge to the City.

Greg Kehl stated he was advised by UDOT that there is a truck lane being proposed for SR 73. He recommended that Korey Walker draft a letter to UDOT, for signature of the Mayor and Council, emphasizing the priority of this issue because of safety issues. Mayor Bailey directed Korey Walker to draft said letter.

The Mayor announced that he received a check for \$30,000 from Wayne Patterson, Patterson Construction, for improvements to the park in Eagle Point.

a. Consideration to Approve Water & Sewer Rates

Korey Walker explained to the Council the basis for the recommended water rates and presented a draft with alternative rate settings. He stated rate analysis has been before the Public Works Board at least twice. He recommended that the City should educate the public regarding water use and conservation and set rates according to water availability. He answered questions from the Council. Korey Walker recommended that the City Council select a service fee and an overage rate.

The Mayor indicated that the new water rates would be effective with the billing for period July 20 to August 19, 2002. He recommended that the Public Works Board and the Finance Office re-evaluate water rates in six months.

MOTION: *Greg Kehl moved to approve the base rate overage rate summary as submitted as Alternate No. 4, which is a service fee of \$20, an overage rate for a thousand gallons of \$.76, and an overage rate over the maximum allowable amount, as per the enclosed table, of \$2.50 per thousand. Diane Jacob seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

Korey Walker referred to two specific issues – the sewer rate and what should be done with sewer treatment. He recommended the Council pass new sewer rates and delay an impact fee decision until a later date. He answered questions from Council.

Mr. Walker proposed sewer rates for the North Service Area and for the South Service Area and recommended the City work steadily to set an impact fee for South Service Area.

Mayor Bailey indicated the new sewer rates will be effective with the July 20 through August 19, 2002 billing.

MOTION: *Mark Madsen moved to approve sewer rates of \$28.56 for the North Service Area and \$45.00 for South Service Area. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse. Motion passed.*

15. 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 and/or potential litigation at 9:20 PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Present: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse, City Administrator Chris Hillman, and City Attorney Gerald Kinghorn.

16. Motion to Reconvene in to Open Session:

MOTION: *Greg Kehl moved to reconvene in to Open Session at 9:45 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

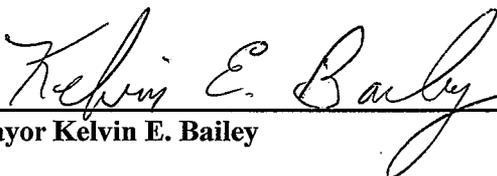
17. Any Actions from the Closed Executive Session:

None

18. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:45 PM.

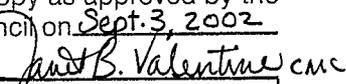
APPROVAL:


Mayor Kelvin E. Bailey

DATE:

9-3-02

This certifies that the minutes of
Aug. 20, 2002 are a true, full and
correct copy as approved by the
City Council on Sept. 3, 2002

Signed: 
City Recorder

**MINUTES OF THE EAGLE MOUNTAIN
SPECIAL CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
September 3, 2002**

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

P O L I C Y S E S S I O N - 7 : 0 0 P M

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

He acknowledged a Boy Scout Troop from the Eagle Mountain 2nd LDS Ward and invited a scout to lead the Pledge of Allegiance.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse.

City Staff:

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

Others Present: Paul Bond, resident and former Mayor of Eagle Mountain; Hollie and Brandon Ballard, residents; Janet Back, resident; Scott Kirkland, The Ranches; David Loper, chairman of the Community Arts Board; Eldon Fletcher, chairman of Pony Express Days for 2002; Mike Wren, Eagle Mountain; Properties; Mel McQuarrie, MCM Engineering; Grant Gifford, Sundance Homes; Dan Van Woerkom, counsel for Frandsen Construction; Zane Powell, Summit Development.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Boy Scout Brandon Blacka.

3. Approval of Minutes (August 20, 2002):

MOTION: *Mark Madsen moved to approve the Minutes of August 20, 2002. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Diane Jacob advised that Sheila Curtis has requested City Council participation in an Incident Command System (ICS) meeting scheduled for October 26, 2002, from 9:00 AM to 3:00 PM. Council Member Jacob stated that Mrs. Curtis will be providing study materials to the Council before the meeting.

5. Appointments:

None

6. Public Notices:

- a. There will be a hose cutting ceremony on Saturday, September 14, 2002 at 10:00 AM for the Eagle Mountain City Fire Station No. 2.

7. Public Comment:

David Loper, representing Community Arts Board, invited members of the City Council and local residents to volunteer to participate in the Eagle Mountain City Harvest Fest scheduled for October 4, 2002. He stated that help is needed to prepare food, run games and arts and crafts, and perform during the haunted hayride. He advised that anyone interested in participating should contact Dave or Rebecca Loper at 789-5915.

Paul Bond, resident, stated that he is in favor of the final plat approval for Cedar Trail Villages. However, he expressed his concern that the road connecting Mountain View to the church site has never been paved, even though the original plan indicated it would be. He stated he would like to see this road paved.

Hollie and Brandon Ballard, residents, expressed their concern about fencing codes. Mrs. Ballard stated that her son was hit by a car because the driver's vision was blocked by a wood fence. She requested that chain link fencing be allowed in back yards on alleyways. She presented the Council with pictures of examples of unsafe fencing. Mayor Bailey stated that he has recently talked with about ten residents who have requested that chain link fencing be allowed in the City Code. He advised that the City Council and the Planning Commission both need to look at changing this part of the code.

Eldon Fletcher, resident and chairman of Pony Express Days, reported on the event for 2002. He stated that the success of this year's Pony Express Days was due to the support of the Mayor and Council in approving a budget and getting power to the park. He also expressed thanks for the cooperation of employees of the Parks and Recreation Department. Mr. Fletcher stated that there were hundreds of volunteers who spent many hours of service for Pony Express Days. He also thanked Eagle Mountain Properties for their financial contributions. He referred to the Mission Statement for Pony Express Days, which is to provide for the residents of Eagle Mountain a celebration and entertainment at a reasonable cost. He believes this mission statement was accomplished. He stated the crowning influence of the whole event was that residents of Eagle Mountain were brought together working, playing, relaxing, and having a good time in a positive atmosphere. He explained the reasons behind the scheduling for this event. He stated he would give Linn Strouse a summary and evaluation of the event, which came in under budget.

8. **Presentation to the Eagle Mountain Fire Department by the Muscular Dystrophy Association:**

Lauren Platt's, representative of the Muscular Dystrophy Association in Utah, presented a plaque to the Eagle Mountain Fire Department to show appreciation for their fund-raising efforts. Fire Chief Robert DeKorver announced that his department raised \$1,133 this year for muscular dystrophy.

9. **Public Hearing: (Amend Capital Facilities Plan and Adopt Economic Analysis Plan and Impact Fee Ordinance):**

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

The Public Hearing was opened by Mayor Bailey at 7:20 PM.

- b. Receive Public Comment

Paul Bond, resident and former Mayor of Eagle Mountain, commented that he has become very familiar with capital facilities and the reasons for the City's debt. He is not opposed to higher sewer rates if they are needed; however, he is concerned that the rate increase is unique to the south end. He suggested lowering the impact fee in the north and raising the user rate to pay off the TSSD debt. He stated he supports impact fees charged to developers. He does not support raising user rates to pay for developer problems. He feels he should not be paying for new residents because he has already paid his impact fees.

Scott Kirkland, The Ranches, wanted to address some concerns. He referred to items contained in the ordinance which he feels are not accurate, specifically amounts shown on Pages 11, 12 and 13. He had questions on the timing of impact fee collection and expressed concern that the fees are significantly rising, which puts a burden on developers to finance projects.

In response to Mr. Kirkland's concerns, Gerald Kinghorn advised that there are two areas (wastewater and electrical) where the proposed fee is higher than the advertised fee. He recommended to the Council that, if the ordinance is adopted, they not adopt the higher fees but defer those until the City goes through the required advertising period.

Janet Back, resident, shared her concerns about the increase in sewer rates. She feels that all homeowners in the city should pay for increases in sewer.

- c. Close Public Hearing

The Public Hearing was closed by Mayor Bailey at 7:32 PM.

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

Matt Lewis, an analyst with Lewis Young Robertson and Burningham, gave the Council a revised copy of the Analysis on Impact Fees and made a slide presentation on this analysis. He answered questions from the Council and developers.

Gerald Kinghorn stated this is a complicated impact fees system and further explained the analysis to the Council. He explained three numbers that need to be changed; however, he indicated that changing the numbers must be done in accordance with public notice requirements. He recommended the Council approve the analysis, with the exception of electrical and sewer impact fees.

A discussion among Council, staff and developers ensued regarding plat recordation/building permit fees. The developers would like to see as many fees as possible moved to building permit.

Korey Walker stated that the City might be able to defer some fees for collection at building permit due to the delay between the time the plat is recorded and the subdivision is built. The Mayor asked Mr. Walker to look into this matter and come back to the Council with recommendations.

Brigham Morgan expressed his concern about the timely completion of a road to connect The Ranches with Town Center. He stated this road is very important to the development of business in Town Center. Korey Walker addressed the funding issues of building this road.

Mayor Bailey directed Janet Valentine to get the information she needs from staff to post a public notice for changes to be made to Economic Analysis. He also directed Chris Hillman to get with the Building Department to notify all builders in the City regarding the timeline

MOTION: *Greg Kehl moved to adopt the Economic Analysis, with the exception of the recommended fee for sewer in the South Service Area and the public safety fire station issue. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending the Requirements for Final Plat Submittals:

Gerald Kinghorn stated that the original requirement for final plat submittals was established by a motion of the Council and not as a resolution or ordinance. He indicated that there is no requirement for an ordinance in this matter. He explained the reasoning behind the original motion, and stated that another motion by the Council is sufficient to change the original motion.

Mr. Kinghorn showed the Council a checklist used by the Recorder's Office to ensure that all required information is submitted before a plat is presented for recordation.

Two options for processing recordation of plats by developers were discussed. Mayor Bailey stated that a developer would have to declare the choice of option at the beginning of the process. He recommended there be a statement signed by the developer at the beginning of the process to declare which process he would follow. Mayor Bailey stated there would be a form created for this process.

Mark Madsen wanted to ensure that required checklists are adequate to inform developers of all necessary information needed before plat approval is submitted.

The Mayor requested that Shawn Warnke prepare a checklist showing what needs to be done to get a plat approved. Mayor Bailey requested that a copy of this checklist be presented to the Council for review.

MOTION: *Brigham Morgan moved to modify previous Council direction, as given, requiring a development approval and final plat approval be submitted at the same time, to allow for two options: 1) that the development approval and the final plat approval be submitted at the same time, at the developer's request (if this option is selected and initialed, then the developer must follow this option through to the end); 2) the developer can choose to present final plat approval and then development agreement at a later date (this option does not prohibit them from coming with both at the same time). Conditions to this are that in order to get final approval on the agenda for City Council, all checklist items, as defined by Development Code and the City Planner, must be resolved prior to being put on the agenda. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. Consideration to Rescind Resolution No. R 03-2002, a Resolution Enacting Standards for the consideration of requests to Extend Development Approvals and Approval of an Ordinance Amending Chapter 3, Section 11 of the Development Code of Eagle Mountain City:

THIS ITEM WAS TABLED.

13. **Consideration to Approve a Development Agreement between Eagle Mountain City, Utah and Patterson Construction, Inc. for the Extension of the Development Approval for Eagle Point Condominiums, Phase 1:**

Shawn Warnke explained that this item is a request to extend approval for Eagle Point Condos located just south of The Landing.

MOTION: *Mark Madsen moved to approve a Development Agreement between Eagle Mountain City, Utah and Patterson Construction, Inc. for the extension of the development approval for Eagle Point Condominiums, Phase 1. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

14. **Final Plat Approvals: (Includes Approval of the Development Agreements & CC&R's):**

Gerald Kinghorn brought up some legal concerns about Plats I and J. Mr. Dan Van Woerkom, legal representative for Frandsen Construction, discussed these issues.

- a. Eagle Point, Plat I, Patterson Construction

THIS ITEM WAS TABLED. (This item was discussed further after Item 14.e and a new motion was made.)

- b. Eagle Point, Plat J, Patterson Construction

THIS ITEM WAS TABLED. (This item was discussed further after Item 14.e and a new motion was made.)

For the public record, Greg Kehl asked Gerald Kinghorn to clarify building permit fees. Mr. Kinghorn stated that when a building permit expires and a builder reapplies, he would have to pay the fees (including impact fees) that are in effect at that time.

- c. Cedar Trail Villages, Phase II-A, Salisbury Development, LLC

Shawn Warnke explained the location of this subdivision and stated it received prior approval from the Council. He indicated that the applicant has decided to change the plat configuration, which requires re-approval of the Planning Commission and City Council. He advised that the Planning Commission recommends approval.

Diane Jacob asked for clarification of a road mentioned earlier in the meeting by Paul Bond. Corey Walker identified this road on a map and stated that paving of this road was delayed until construction of Phase II. He stated that the builder has requested that the road be improved to gravel status now and paved at a later date.

MOTION: *Mark Madsen moved to approve Cedar Trail Villages, Phase II-A, specifically delineating any conditions and subject-to's included in the staff report and previous requirements on the approval of that subdivision, specifically the inclusion of the hard surface completion of the secondary access through to the Mountain View Subdivision. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

d. Rock Creek Condominiums, Sundance Homes

Shawn Warnke explained to Council that this item is an application to approve a site plan for the condos and the final plat for the first phase. He stated this project is located in The Ranches. Mr. Warnke explained the three conditions listed on the staff report and indicated that the Planning Commission recommends approval.

Grant Gifford, Sundance Homes, explained this project to the Council, presented a rendering of the building, and answered questions.

Linn Strouse asked if the Fire Chief had approved this project and was advised that he had reviewed the application and was comfortable with the plans.

Fire Chief DeKorver expressed his concern regarding potential fires in high-rise buildings since the City does not currently have ladder trucks. Mr. Gifford stated that all the condos are fully sprinkled.

Diane Jacob declared a conflict of interest because her husband has sold water to the developer.

MOTION: *Brigham Morgan moved to approve Rock Creek Condominiums, Phase 1 Record of Survey (Final Plat) for Phase 1 and site plan as submitted, subject to the recommendations of the Planning Commission, those being: 1) the clubhouse be constructed upon completion of half of Phase 1; 2) the project is constructed in compliance with The Ranches approval letter, as submitted; and 3) that the offsite easements (Carlton Sewer Line, Pond Detention Line, Carnoustie Road) be recorded. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Greg Kehl addressed the issue of access to the condos by large vehicles. He recommended that either approaches need to be widened or the medians need to be eliminated so that failure in these areas does not occur.

Mayor Bailey advised Diane Jacob and Shawn Warnke to address Mr. Kehl's concern at the next Planning Commission meeting.

e. Willow Springs, Phases 3 and 4, Summit Development

Shawn Warnke explained that Phases 3 and 4 would complete the condo phase of this project.

Zane Powell, Summit Development, answered questions from the Council.

MOTION: *Brigham Morgan moved to approve Willow Springs, Phases 3 and 4, final plat as submitted subject to the three recommendations of Planning Commission. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Gerald Kinghorn referred the Council back to Items 14.a and b for Eagle Point Plats I and J. He stated he spoke with Mr Van Woerkom, counsel for Frandsen Construction. Mr. Kinghorn and advised Mr. Van Woerkom that to resolve the dispute that has arisen because of a letter received from Mr. Frandsen's counsel, Mr. Kinghorn proposed to add some language to the Development Agreement stating that the developer must pay all impact fees required by the City. Mr. Kinghorn stated that Mr. Van Woerkom was not certain if his client would accept that condition. Mr. Kinghorn recommended that the agreements be amended to add said language to the "whereas clause" and Section 2.2 and that the City offer both agreements to Mr. Frandsen with the approval of the subdivision. Mr. Kinghorn stated that if this language is acceptable to Mr. Frandsen, the agreements could be signed and the project could move forward.

Shawn Warnke answered questions from the Council.

MOTION: *Brigham Morgan moved to table Patterson Plats I and J subject to requirements established in previous motion of this Council in that we are missing specific items from the checklist and that we do not have final wording for the Development Agreement as submitted. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Mark Madsen abstained. Motion passed.*

The Mayor directed Shawn Warnke to send a letter to the developer letting him know what has transpired.

15. Consideration to Approve Counteroffer and Addendum from Direct Communications for the purchase of the Eagle Mountain City Telecommunications System:

Gerald Kinghorn explained that this item is presented to consider the counteroffer to Direct Communications. He stated that the offer had been reviewed by the Telecom Board.

MOTION: *Greg Kehl moved to authorize the Mayor to execute the counteroffer so that the City can send it to Direct Communications to prepare the contract. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. Consideration to Approve a Resolution Amending the Eagle Mountain Consolidated Fee Schedule (to clarify the basis for monthly charges for sewer and water use):

Mayor Bailey explained that this amendment was necessary so that fees adopted at the last meeting could be included in the Consolidated Fee Schedule.

The Mayor stated that staff is reviewing water rates on smaller lots because the actual numbers shown under the new rates are higher throughout the year for smaller lots.

MOTION: *Brigham Morgan moved to approve Resolution No. R 12-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule with the following amendments: 1) that the rates per thousand gallons be rounded up to the higher thousand; 2) that Item 9 of 1.8.4 be amended to remove the dollar sign from 70,900. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

17. Presentation on Recognition Resolution for outstanding citizens, Chris Hillman City Administrator:

Chris Hillman explained his plans for honoring outstanding citizens by presenting them with a printed resolution adopted by the Council.

The Mayor asked Mr. Hillman to present the Council with a sample of this resolution.

Linn Strouse suggested that local citizens be informed of this new program and have the opportunity to recommend citizens for this recognition.

18. Report on proposed property for a cemetery in Eagle Mountain City, Council Member Brigham Morgan:

Brigham Morgan stated that Ron Wood, a local citizen, is making phenomenal progress in gathering information for a creating a local cemetery. Mr. Morgan stated that Mr. Wood presented him with a packet of information from the Lehi cemetery, which includes all rates, resolutions and ordinances.

The Council discussed the land proposed by The Ranches for use as a cemetery. Mayor Bailey recommended that the proposed land is not suitable for a cemetery because of the rocky soil.

19. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Partial Payments
 - i. 138 Transmission Line (PP No. 4), Par Electric Contractors
 - ii. Saddlerock 2MG Reservoir-2002 (PP No.), Gerber Construction
 - iii. Pony Express Park East SID 2000-1 (PP No. 5), American Landscape
 - iv. Paul Evans Trailway SID 2000-1 (PP No. 5), American Landscape
- c. Partial Bond Release
 - i. Cold Springs, Phase 1 (PB Release No. 1), Hamlet Homes

MOTION: *Brigham Morgan moved to table this item. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

20. Other Business:

- a. Proclamation proclaiming August 17 to September 17, 2002 "Utah Fire Fighter/Muscular Dystrophy Month".

MOTION: Greg Kehl moved a to approve a Proclamation proclaiming August 17 to September 17, 2002 "Utah Fire Fighter/Muscular Dystrophy Month". Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

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

There was no Closed Executive Session held.

22. Motion to Reconvene in to Open Session:

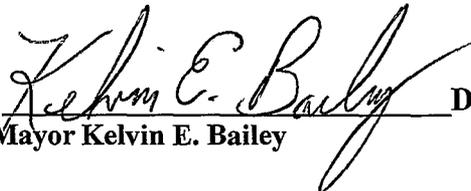
Not applicable.

23. Any Actions from the Closed Executive Session:

Not applicable.

24. Adjournment:

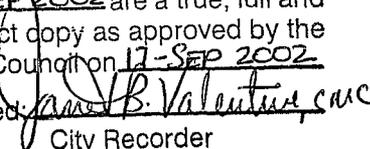
Brigham Morgan moved to adjourn the meeting at 10:15 PM.

APPROVAL: 

Mayor Kelvin E. Bailey

DATE: 9-17-02

This certifies that the minutes of 3-SEP 2002 are a true, full and correct copy as approved by the City Council on 17-SEP 2002

Signed: 

City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
September 17, 2002

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

1. Presentation by Ann Smith with Babb Technologies, Inc. on a proposed Recreational Facility for Eagle Mountain City (15 to 20 minutes)
2. Consent Agenda
3. Discussion on Contracting and Purchasing Policy for Eagle Mountain City
4. Discussion on Eagle Mountain City Marketing Strategies
5. Items as Outlined on the Policy Session
6. Department Reports
 - a. Administration/City Departments/Personnel/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission – **Diane Jacob**
 - c. Public Works Dept. (Electric, Natural Gas, Wastewater & Water) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Community Arts Board/Telecommunications Board – **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/Sports Recreation Board/Youth Council – **Linn Strouse**
7. Other Business
8. Adjourn Work Session at 6:30 PM.

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse

City Staff:

City Attorney: Gerald Kinghorn
City Engineer: Korey Walker
City Administrator: Chris Hillman
Finance Director: Kent Parker
Planning Director: Shawn Warnke
Public Works Director: Mark Sovine
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney
Utah County Sheriff: Deputy Dale Lea

Others Present: Israel Patterson, Isaac Construction; Isaac Hao, resident; Jennifer Hunt, resident; Bert Ankrom, resident; David Lifferth, resident; Chris Kofoed, resident; Adam Huff, Epic Engineering; Jeff Coons, M & J Construction.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Brigham Morgan.

3. Approval of Minutes (September 3, 2002):

MOTION: *Linn Strouse moved to approve the Minutes of September 3, 2002. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

Mayor Bailey announced there would be mock disaster training presented by CSEPP (Chemical Stockpile Emergency Preparedness Program) on September 18, 2002, from 9:00 AM to 1:00 PM in Fairfield.

The Mayor also announced there is a golf tournament scheduled for September 28, 2002, starting at 9:00 AM at the new golf course in Eagle Mountain.

Linn Strouse announced that there is a bike rodeo scheduled at Pony Express Elementary on September 28, 2002, at 1:00 PM to promote bike safety.

5. Appointments:

a. Economic Development Board

Mayor Bailey recommended the appointment of Dallas Bullock (term beginning September 17, 2002, and ending December 31, 2002 to complete Craig Erickson's term) and the re-appointment of Wendy Komoroskpi to the Economic Development Board.

MOTION: *Diane Jacob moved to appoint Dallas Bullock and Wendy Komoroskpi to the Economic Development Board. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

Janet Valentine reported there would be a Public Hearing on October 1, 2002 regarding the proposal to amend the City's Capital Facilities Plan and amend the Economic Analysis for Impact Fees and to increase Impact Fees for certain public facilities. She stated there would be copies of the Impact Fee Ordinance and Impact Fee Analysis available for public review.

7. **Public Comment:**

None

8. **Public Hearing: (Amend the Eagle Mountain City 2002-2003 Fiscal Year Budget)**

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

The Mayor opened the Public Hearing at 7:10 PM.

- b. Receive Public Comment

There was no public comment.

- c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 7:11 PM.

9. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending the 2002-2002 Fiscal Year Budget:**

Kent Parker explained that the adjustment to the budget is necessary to recognize a contribution by a developer for park improvements and allow the City to use the funds for that purpose.

MOTION: *Greg Kehl moved to adopt Ordinance No. O 17-2002, an Ordinance Amending the Eagle Mountain City, Utah Fiscal Year 2002-2003 Annual Budget. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. **Consideration and Approval of Wholesale Purchase of Natural Gas for the Eagle Mountain City Power System:**

Mark Sovine explained this purchase to the Council and answered questions regarding the City's current policy.

MOTION: *Brigham Morgan moved that the City adopt a policy to allow the Eagle Mountain Electric Utility to purchase natural gas at actual cost. Linn Strouse seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. Consideration of Public Works Board Recommendation Regarding the South Service Area Wastewater Treatment Plant:

Mark Sovine explained this recommendation to the Council and stated there would be no costs incurred by the City.

MOTION: *Brigham Morgan moved that the City approve and accept the recommendation of the Public Works Board regarding the South Service Area Wastewater Treatment Plant, as submitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. Ratify Approval of a one (1) year Contract for Cellular Phone Service between Nextel Communications and Eagle Mountain City:

Chris Hillman explained the necessity of changing the City's cell phone provider due to high costs and poor coverage. He advised that rates should be lowered considerably with the new provider. Mr. Hillman indicated that phones were purchased at a government rate of \$.99 each.

MOTION: *Diane Jacob moved to ratify the approval of a one-year contract for cellular phone service between Nextel Communications and Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. Concept Plan Review:

- a. Eagle Village Living Center, Isaac Construction, Inc.

Shawn Warnke explained this plan review is for a 138-unit proposed development. He explained the two different plans being proposed by the builder and showed these plans to the Council and residents. He answered questions from the Council.

Israel Patterson, representing the applicant, asked for feedback from the Council regarding a preference of plans.

The Council discussed both plans, asked questions of Mr. Patterson, and recommended Plan 1 as being the most acceptable for this project.

14. Final Plat Approvals:

- a. Eagle Point, Plat I, Patterson Construction
b. Eagle Point, Plat J, Patterson Construction

Shawn Warnke identified these projects on a city map. He stated the builder had complied with the necessary conditions. Mr. Warnke explained that the Planning Commission has reviewed the plats and recommends approval.

MOTION: *Mark Madsen moved to give final plat approval to Eagle Point, Plat I, and Eagle Point, Plat J. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

- c. Willow Springs Phase 3 - Development Agreement & CC&R's (Final Plat previously approved)
- d. Willow Springs Phase 4 - Development Agreement & CC&R's (Final Plat previously approved)

Shawn Warnke explained these items and answered questions from the Council.

MOTION: *Brigham Morgan moved to approve the Development Agreements and CC&R's for Willow Springs, Phase 3, and Willow Springs, Phase 4. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

15. Consideration and Approval of a Resolution for a Referendum Election in the City on the question of whether or not to sell the Telecommunications System:

Gerald Kinghorn explained that this Resolution must be adopted to approve an offer for purchase of Telecom and to set the offer for referendum election. He proposed some minor changes and recommended that the Council accept the Addendum to the Counter Offer for the Mayor's signature.

MOTION: *Greg Kehl moved to adopt Resolution No. R 13-2002, a Resolution of the City Council of Eagle Mountain City, Utah Approving an Offer to Purchase the City Telecommunications Utility and Scheduling a Public Referendum Election, along with the approval and acceptance of the addendum as submitted, instructing staff to correct property line easements and define the property boundary for parking. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

The Mayor stated that the City staff would be preparing data for inclusion with the October utility bills listing the pros and cons of the proposed sale of Telecom .

16. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending Chapter 3, Section 11 of the Development Code of Eagle Mountain City:

Gerald Kinghorn explained that this Ordinance would do away with the automatic expiration of approvals, making approvals good until a subdivision is recorded. He indicated that the staff would make sure that construction plans were up to date and that current engineering standards were being used in all subdivisions and projects. The Mayor, Shawn Warnke, and Gerald Kinghorn answered questions from the Council.

MOTION: *Mark Madsen moved to approve Ordinance No. O 18-2002, an Ordinance of Eagle Mountain City, Utah Amending Chapter 3, Section 11, of the Development Code of Eagle Mountain City. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 3 - Brigham Morgan, Greg Kehl, Diane Jacob. Motion failed.*

The Council and staff further discussed this item.

17. Consideration to Approve the Application for the Federal Surplus Property Program:

Gerald Kinghorn explained this State program and indicated that the Council needs to approve the application on order for the City to remain in this program.

Mark Sovine shared his experience with this program and recommended the City continue participation.

MOTION: *Brigham Morgan moved to approve the Application for the Federal Surplus Property Program participation. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

18. Consideration to Approve a Resolution Amending the Eagle Mountain Consolidated Fee Schedule (to clarify the basis for monthly water use fees & construction water service):

Korey Walker and Adam Huff presented background information on the previous water rate increase and submitted some options for the Council's consideration.

The Council discussed all options presented and addressed questions from residents.

Residents Isaac Hao, Bert Ankrom, Chris Kofoed, Jennifer Hunt, and David Lifferth expressed their concerns about perceived inequities in the water rates. Jeff Coons, M & J Construction, commented on this matter.

MOTION: *Mark Madsen moved to leave the base rate as is, to charge \$.80 per thousand gallons, to lift the \$2.50 cap for one year effective with the next billing, to educate residents, and to review rates quarterly by the Public Works Board and twice a year by the City Council. Linn Strouse seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

Korey Walker asked for clarification on construction use rates. He stated that previously this rate was based on the overage rate. He stated that secondary water is cheaper and can be used for construction purposes, and he recommended this rate be set at \$2.08. He also asked for clarification on the open space rate and recommended it be set at \$.80.

MOTION: *Brigham Morgan moved to set the construction water rate at \$2.08 and open space rate at \$.80. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Greg Kehl recommended that staff conduct a rate analysis to determine incoming and outgoing revenue. Korey Walker stated these projections could be made for the next six months from information he already has. Korey Walker stated he would use the past twelve-months' use data.

The Mayor directed staff to provide the above-mentioned data to the Public Works Board for analysis.

MOTION: *Mark Madsen moved to approve Resolution No. R 14-2002, a Resolution Amending the Eagle Mountain Consolidated Fee Schedule, per prior motions. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Contract Change Orders
 - i. UP&L Interconnect Substation (CO No. 3), Caribou Construction
 - ii. North Substation (CO No. 5), RME

- c. Partial Payments
 - i. 138 Transmission Line (PP No. 4), Par Electric Contractors
 - ii. Saddlerock 2MG Reservoir-2002 (PP No.), Gerber Construction
 - iii. Pony Express Park East SID 2000-1 (PP No. 5), American Landscape
 - iv. Paul Evans Trailway SID 2000-1 (PP No. 5), American Landscape
 - v. Porters Crossing and Golden Eagle Roadway Extension (PP No. 1), HE Davis
- d. Partial Bond Release
 - i. Cold Springs, Phase 1 (PB Release No. 1), Hamlet Homes
- e. Final Bond Release
 - i. Friday Station Plat A, Wells Fargo Bank
- f. Final Payments:
 - i. North Substation, RME
 - ii. Installation of New VFD for Well No. 1, ID Electric

MOTION: *Brigham Morgan moved to approve the Consent Agenda as submitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

20. Consideration to Approve Aaron Allred's Secondary Water System

Korey Walker explained this approval is for a small secondary water system in Harvest Haven. Mr. Walker indicated he is waiting for the names on the lots that will be serviced by this system. He stated copies of insurance forms have been received; however, these insurance forms need to be finalized before construction begins so that the City has protection for the infrastructure.

Gerald Kinghorn provided further information to the Council.

MOTION: *Mark Madsen moved to approve Aaron Allred's Secondary Water System contingent on the submission of: 1) a deed showing that they have adequate water rights; 2) a certificate of insurance showing they have adequate insurance; 3) a list showing members of the organization that are congruent with the lots they plan to serve; and 4) completion of their excavation application. Diane Jacob seconded the motion. Ayes: 3 - Greg Kehl, Diane Jacob, Mark Madsen; Nays: 2 - Brigham Morgan, Linn Strouse. Motion passed.*

21. Other Business:

Greg Kehl expressed his concerns regarding the length of time extensions allowed on building permits. He stated he feels the City is being taken advantage of and that the times should be shortened. He requested the Council look into this matter.

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

No Closed Executive Session was called.

23. Motion to Reconvene in to Open Session:

Not applicable.

24. Any Actions from the Closed Executive Session:

None

25. Adjournment

Greg Kehl moved to adjourn at 9:55 PM.

APPROVAL: *Kelvin E. Bailey* DATE: OCT. 1, 2002
Kelvin E. Bailey

This certifies that the minutes of
17-SEPT. 2002 are a true, full and
correct copy as approved by the
City Council on 1-OCT-2002
Signed: *Jane B. Valentine, cmc*
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

October 1, 2002

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

1. Consent Agenda
2. Discussion on Eagle Mountain City Marketing Strategies
3. Items as Outlined on the Policy Session
4. Other Business
5. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Bailey.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Mark Madsen, Brigham Morgan, and Linn Strouse.
Diane Jacob was excused to arrive later. Greg Kehl was excused.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy (arrived at 7:45 PM)

Others Present: Jennifer Hunt, resident; Mike Wren, Eagle Mountain Properties; Scott Hazard, The Ranches; John Wallace, Prestige Homes; Sheila Curtis, resident.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Mark Sovine.

3. Approval of Minutes (September 17, 2002):

MOTION: *Mark Madsen moved to approve the Minutes of September 17, 2002. Linn Strouse seconded the motion. Ayes:3 - Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

4. General Discussion/Questions/Announcements:

The Mayor announced that there would be no City Council meeting on November 5, 2002, due to the general election.

Brigham Morgan announced that the Harvest Fest is scheduled for Friday, October 4 at 6:00 PM in the Town Center.

5. Appointments:

None

6. Public Notices:

None

7. Public Comment:

Sheila Curtis addressed the Council regarding the Bike Rodeo that was held at Pony Express Elementary School on September 28. She thanked those who helped with the rodeo and indicated it was a great success. She advised that there is another bike rodeo planned for the Town Center in the spring.

Mrs. Curtis indicated that FEMA has made funds available for CERT training. She stated that these funds would be distributed by the State.

Sheila Curtis reminded the City department heads and members of the City Council of the Incident Command System (ICS) training scheduled for November 2.

8. Public Hearing: (City Proposal to Amend Its Capital Facilities Plan, Amend the Economic Analysis for Impact Fees and Increase Impact Fees for Certain Public Facilities):

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

Mayor Bailey opened the Public Hearing at 7:10 PM.

- b. Receive Public Comment

The Mayor acknowledged receipt of a written comment from Wayne Patterson, Patterson Construction.

Jennifer Hunt, resident, asked for an explanation of impact fees. Mayor Bailey and the Council explained these fees. Ms. Hunt was advised that the Council has done everything possible to keep these fees low to remain competitive with other cities.

- c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 7:14 PM.

Korey Walker reviewed the Economic Analysis Report and explained impact fees listed in the Ordinance.

Mike Wren, Eagle Mountain Properties, had questions about fees and asked for specific calculations, which Korey Walker provided.

Gerald Kinghorn answered questions from the Council regarding SID's.

9. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Adopting an Impact Fee Analysis and Amending and Enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities:**

MOTION: *Brigham Morgan moved to approve Ordinance No. O 18-2002, an Ordinance of Eagle Mountain City, Utah Adopting an Impact Fee Analysis and Amending and Enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities as submitted, with stated change to Page 6 of the document, Subsection 3.2.2.2, reducing the Equity Buy-in fee to \$999.83, for the total South Area wastewater impact fee maximum to be reduced to \$3000.00. Linn Strouse seconded the motion. Ayes: 3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. **Resolution recognizing Carolina Herrin as October's Citizen of the Month:**

This item was tabled.

11. **Re-consideration to Approve an Ordinance of Eagle Mountain City, Utah Amending Chapter 3, Section 11 of the Development Code of Eagle Mountain City (concerning eliminating the extension requirements for approved subdivisions):**

This item was discussed after Item 13.

MOTION: *Mark Madsen moved to approve Ordinance No. O 20-2002, an Ordinance of Eagle Mountain City, Utah Amending Chapter 3, Section 11 of the Development Code of Eagle Mountain City. Diane Jacob seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

12. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Repealing Section 9.1.5 of the Development Code of Eagle Mountain City (concerning the planting of street trees):**

John Wallace with Prestige Homes expressed his concerns and those of other developers about inconsistencies in the Development Code with regard to street tree requirements.

Mayor Bailey read a memo from Kent Partridge, Eagle Mountain City Chief Building Official, regarding concerns of the Building Department relating to street tree requirements.

Linn Strouse shared the comments she had received from residents regarding the street tree requirement.

MOTION: *Linn Strouse moved to approve Ordinance No. O 19-2002, an Ordinance of Eagle Mountain City, Utah Repealing Section 9.1.5 of the Development Code of Eagle Mountain City. Mark Madsen seconded the motion. Ayes: 3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. **Final Plat Approvals:**

- a. O Fallon's Bluff, Plat A (includes Development Agreement & CC&R's), Mortgage Investment Trust of Utah

Shawn Warnke presented slides to describe this item. He answered questions from the Council and recommended approval, with conditions required by the Planning Commission.

Linn Strouse asked for clarification on the drainage swell, which Korey Walker explained.

MOTION: *Brigham Morgan moved to approve the final plat of O'Fallon's Bluff, Plat A, subject to staff's recommendations 1, 2 and 3, as submitted. Mark Madsen seconded the motion. Ayes: 3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

b. Lone Tree, Plat A (includes Development Agreement & CC&R's), KHM Lone Tree, LC

Shawn Warnke continued his slide presentation explaining this subdivision. He recommended final plat approval per conditions required by the Planning Commission.

Diane Jacob arrived at 8:05 PM.

Diane Jacob declared a conflict of interest because her husband has sold water rights to the developer.

MOTION: *Brigham Morgan moved to approve Lone Tree, R-3 and 4, Plat A, final plat subject to staff's recommendations, modifying recommendation No. 6 to read that the developer provide either full-yard landscaping or a master-grading plan as part of recordation on the plat, and adding an Item 7 that the utility easements also be marked as storm water drainage easements so that drainage can be adequately controlled. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

14. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Change Orders
 - i. Porters Crossing and Golden Eagle Roadway Extension (CO No. 1), H.E. Davis
 - ii. Ranches & Pony Express Parkway Landscaping Area No. 1 2000-1 SID (CO No. 2), Golden Landscaping
 - iii. Ranches & Pony Express Parkway Landscaping Area No. 2 2000-1 SID (CO No.2), Golden Landscaping
- c. Final Payments
 - i. Fire Station (Final Payment), Bonneville Builders
 - ii. Ranches & Pony Express Parkway Landscaping Area No. 3 2000-1 SID (Final Payment), Golden Landscaping
 - iii. Porters Crossing and Golden Eagle Roadway Extension PRV Station (Final Payment), Mitchell Excavation
- d. Partial Payments
 - i. Land Application Project (PP No. 3), Arrow Engineering
 - ii. Porters Crossing and Golden Eagle Roadway Extension (PP No. 2), H.E. Davis
 - iii. Ranches & Pony Express Parkway Landscaping Area No. 1 2000-1 SID (PP No. 6), Golden Landscaping
 - iv. Ranches & Pony Express Parkway Landscaping Area No. 2 2000-1 SID (PP No. 4), Golden Landscaping

Korey Walker asked the Council to remove Item 14.c.ii from the Consent Agenda.

MOTION: *Brigham Morgan moved to remove Item 14.c.ii from the Consent Agenda. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Brigham Morgan moved to approve the Consent Agenda as submitted. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

15. Other Business:

Korey Walker explained a grant that provides partial funding that could be used for improvements to the pavilion and restroom facilities at the Red Hawk Ranch Park and improvements to Pony Express Memorial Park. He stated this grant would be greatly accentuated by having a 50-percent match of funds from the City. He advised that the estimated cost would be approximately \$120,000 to \$150,000, requiring a match from the City amounting to \$60,000 to \$75,000. Mr. Walker asked for City Council approval to submit the grant application. It was the general consensus of Council to proceed with the grant application.

Diane Jacob addressed driving safety issues in the Town Center caused by the lack of clear lines on the roadway. She stated that lines needed to be repainted. She also advised that the glow-in-the-dark paint at the roundabout in Town Center needs to be reapplied.

Mark Sovine replied that the City is aware of these issues and appropriate steps will be taken. He also advised that streetlights are being planned for the main entrances in the City.

Mayor Bailey indicated that Diane Bradshaw, Telecom Administrator, had advised him there is an open position on the Telecom Board. Brigham Morgan, Telecom Council liaison, was not aware of any opening on the board and stated he would follow up on the matter.

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

No Closed Executive session was called.

17. Motion to Reconvene in to Open Session:

Not applicable

18. Any Actions from the Closed Executive Session:

Not applicable.

19. Adjournment:

Brigham Morgan moved to adjourn the meeting at 8:20 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: _____

10-15-02

This certifies that the minutes of
1-OCT. 2002 are a true, full and
correct copy as approved by the
City Council on 15-OCT. 2002

Signed: _____

City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
October 15, 2002

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

1. Consent Agenda
2. Discussion regarding Special Improvement District 2002-1
3. Discussion on Contracting & Purchasing Policy for Eagle Mountain City
4. Discussion regarding Waiver or Reduction of Certain Impact Fees to Offer Incentives to New Businesses
5. Items as Outlined on the Policy Session
6. **CLOSED EXECUTIVE SESSION**

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

MOTION: *Diane Jacob moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 5:45 PM. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan was excused. Motion passed.*

Present: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse, City Administrator Chris Hillman, City Attorney Gerald Kinghorn, City Engineer Korey Walker, Finance Director Kent Parker; Public Works Director Mark Sovine.

MOTION: *Greg Kehl moved to reconvene in to Work Session at 7:02 PM. Mark Madsen seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

- c. Any actions from the Closed Executive Session

None

7. Other Business
8. Adjourn Work Session at 7: 02 PM

Prayer by Invitation of the Mayor

The prayer was offered by Chris Hillman.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse. Brigham Morgan was excused.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Jo Murphy

Others Present: Youth Council Members Brittany Monson, Brad Whitney, CJ Wood, McKenna Lindsey, Alan Champagne, and Kevin Koopmeiners; Youth Council Advisor Milt McLelland; Mindi Barker, Assistant to the Chair of the Economic Development Board; Thomas Anderton, resident; Shane Jones, resident; Jeff Densley, resident; Carma Scott, resident; David Loper, Chair of the Community Arts Council; Carolina Herrin, former resident.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Brittany Monson.

3. Approval of Minutes (October 1, 2002)

MOTION: *Mark Madsen moved to approve the Minutes of October 1, 2002. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

The Mayor welcomed members of the Youth Council and invited them to sit with their Council or staff counterparts.

Mayor Bailey announced that the flag contest, shown below as Item No. 13, would be postponed to allow the Arts Council more time for judging the entries.

4. General Discussion/Questions/Announcements:

Janet Valentine announced that the referendum election to allow residents to vote on whether or not to sell Telecom would be held in conjunction with the general election on November 5, 2002. She explained precinct locations.

In conjunction with Veteran's Day, Linn Strouse publicly acknowledged the contributions of all veterans, particularly those residing in the City, for the freedoms enjoyed by Americans today.

Mayor Bailey announced that two flagpoles would be installed at the roundabout on November 17 or 18, 2002, by Silver Dollar Construction. The flagpoles were donated to the City by The Ranches.

Sheila Curtis reminded the Council of training scheduled on November 2, 2002, at 9:00 AM at the City Office Building.

5. **Appointments:**

- a. Election Judges for the Referendum Election on November 5, 2002

Janet Valentine recommended the following individuals be appointed as Election Judges for Voting Precincts 1 and 3 - Cathie Faulkner, Head Judge, Dana Neth and Ilene Thompson and that the following individuals be appointed as Election Judges for Voting Precinct 2 - Eldon Fletcher, Head Judge, Jan Fletcher, and Marie Ortiz.

MOTION: *Greg Kehl moved to approve the appointment of Cathie Faulkner, Head Judge, Dana Neth and Ilene Thompson as Election Judges for Precincts 1 and 3. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Greg Kehl moved to approve the appointments of Eldon Fletcher, Head Judge, Jan Fletcher, and Marie Ortiz as Election Judges for Precinct 2. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

- b. Airport Advisory Board

Mayor Bailey recommended the appointment of Thomas Anderton to the Airport Advisory Board for a term from October 15, 2002 to December 31, 2005, to fill the seat vacated by Kerry Beus. Janet Valentine administered the Oath of Office to Mr. Anderton following his appointment.

- c. Airport District Planning Commission

Mayor Bailey recommended the appointment of Thomas Anderton as an alternate member of the Airport District Planning Commission with no term requirement to fill the seat vacated by Kerry Beus. Janet Valentine administered the Oath of Office to Mr. Anderton following his appointment.

MOTION: *Greg Kehl moved to approve the appointment of Thomas Anderton to the Airport Advisory Board and as an alternate member of the Airport Planning Commission. Diane Jacob seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

- d. Public Works Board

The Mayor recommended the appointment of Shane Jones to the Public Works Board. Janet Valentine administered the Oath of Office to Mr. Jones following his appointment.

MOTION: *Greg Kehl moved to approve the appointment of Shane Jones to the Public Works Board. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

6. **Acknowledge Assignment of Mindi Barker as Assistant to the Chair of the Economic Development Board to Oversee New-Resident Contact Program:**

Mayor Bailey acknowledged the assignment of Mindi Barker to act as Assistant to the Chair of the Economic Development Board to oversee the New-Resident Contact Program.

Linn Strouse asked Mrs. Barker to address the Council and thanked her for her willingness to fill this position.

Mrs. Barker addressed the Council and presented her plans for new-resident packets, which would contain coupons for local and Lehi businesses and important information about the City.

7. **Public Notices:**

None

8. **Public Comment:**

Jeff Densley, resident, expressed the concerns of residents in the Mountain View Subdivision and presented a signed petition regarding restrictions for constructing dog runs on small lots. The Mayor indicated he would bring this to the attention of the staff. Mr. Densley also read a statement regarding laws regulating pets on private property. He asked the Council to readdress this law. Mr. Densley stated he feels the laws are too vague to be observed and need to be more practical. The Mayor indicated he would have the staff look into this matter.

Mr. Densley asked for clarification of ATV laws in the City. Sergeant Jo Murphy addressed this question. Mayor Bailey stated a citizen had volunteered to provide him with ordinances from other cities allowing the use of ATV's. He stated that when these ordinances were received, the Council would look at possibly modifying the laws.

A motion for appointments for election judges and the swearing in of new appointees was completed at this time.

David Loper, Chair of the Community Arts Council, thanked all those who attended the Harvest Fest on October 4, 2002. He stated that the Fire Department and the Library were involved in the activity and that funds were raised for all three organizations. He advised that the Arts Council would be purchasing a storage container for \$3,600 to store items that are currently being housed in the Telecommunications building. He indicated that this container could also be used for storage of equipment by other auxiliary councils. He requested that the City approve a location for placement of the storage container and suggested that the Council consider property by the Sewer Treatment Plant. He advised that the container is approximately the size of a railroad car. Mr. Loper indicated that there is money in the Arts Council budget to purchase the container and pay shipping costs. The Mayor advised that the staff would work on selecting a location.

Mr. Loper announced that the Arts Council is getting ready to start the Christmas lighting project. He indicated that this activity expands every year and requires more manpower and lights. He invited the Youth Council to assist in putting up the lights this year. Diane Jacob recommended that each member of the Council donate lights for this purpose. David Loper stated that any donations, including used lighting, would be appreciated.

Mat Jaquier, resident, expressed his concerns about the length of time it takes the Sheriff's Office to respond to 911 calls. He referred to a recent incident when he called 911 at 1:00 AM to report people shooting rabbits and stated that an officer never responded. He wanted to know how important the protection of citizens is to the Council and indicated he feels there is not adequate law enforcement

coverage. Mayor Bailey advised that the current budget contains funding for another officer and that the City is working with Utah County to procure these services. Sergeant Jo Murphy responded to Mr. Jaquier's concerns. She explained how a third deputy would help with coverage but encouraged citizens to be more aware of their surroundings and to be better witnesses. Linn Strouse brought up the advantage of Neighborhood Watch groups that can train citizens regarding safety. The Mayor acknowledged there is a need for more officers but also feels that citizens can do a lot to protect themselves. Sergeant Murphy stated that even though there are several law enforcement officers who live in Eagle Mountain, there is currently no policy that would allow these officers to be used in the City when they are off duty. However, she stated that the Utah County Sheriff is looking into changing the law so that these officers could be used on a volunteer basis. Mr. Jaquier also commented on the lack of areas designated for discharging firearms and shooting bows. He further expressed concerns about speeders and reckless drivers along Eagle Mountain Boulevard.

Brigham Morgan arrived at 7:55 PM.

Carma Scott, resident, addressed the problems of people illegally removing rocks and boulders from hillsides and of contractors dumping debris in undesignated areas. She also complained about receiving no response to a 911 call she placed. She is concerned about the lack of law enforcement protection in the City. She stated she has volunteered to be a Neighborhood Watch coordinator for her area but feels that the Neighborhood Watch program will fail if there is no support from City officials. Sergeant Murphy advised that the Highway Patrol, Lehi Police Department, and American Fork Police Department have offered back up in emergency situations. She stated she is scheduled to meet with the Utah County dispatch sergeant to emphasize the importance of responding to 911 calls in Eagle Mountain. Mayor Bailey stated that the City would work with Utah County on these concerns.

9. **Resolution Recognizing Carolina Herrin as October's Citizen of the Month:**

Mayor Bailey recognized Carolina Herrin for her service to the community and presented her with an official resolution certificate.

Linn Strouse expressed her appreciation to Mrs. Herrin for her sacrifice of time and energy and her commitment to the City.

Milt McLelland, Youth Council Advisor, also expressed his appreciation for Mrs. Herrin's work with the Youth Council.

10. **Consideration for Adoption of a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah to Construct Improvements within Eagle Mountain City Consisting of Road Improvements, Water Improvements, Wastewater Improvements, Park Improvements and All Other Miscellaneous Work Necessary to Complete the Improvements in a Proper Workmanlike Manner; to Create Eagle Mountain City Special Improvement District No. 2002-1 (The "District"); to Pay the Cost and Expenses of Said Improvements by Special Assessments to be Levied Against the Property Benefited by Such Improvements; to Provide Notice of Intention to Authorize Such Improvements and to Fix a Time and Place for Protests Against Such Improvements or the Creation of the District; to Declare Its Official Intent to Reimburse Itself for Expenditures Paid by It Prior to the Sale of Bonds; to Declare Its Intention to Fund a Reserve Fund in Lieu of a Guaranty Fund; and Related Matters:**

This item was tabled.

11. **Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (to provide for certain fees for Home Construction Water Use):**

The Mayor explained that a change is proposed to cover fees for builders to tap into water. He stated that every homebuilder would be charged a \$60 fee at building permit to allow the City to install a jumper on the

water line. He indicated that the jumper would be removed by the City when the meter is set. Mayor Bailey advised that the builder would have to sign a statement guaranteeing responsibility for the meter and that a charge for any damage would be deducted from the bond posted with the City.

MOTION: *Mark Madsen moved to approve Resolution No. R 15-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule to allow for a fee to be charged for jumper use for homes under construction. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. Notice of Award for the project "Installation of High Pressure Gas Regulation Stations":

Mark Sovine explained this item and indicated this project would be paid for with SID funds. Korey Walker answered questions from the Council regarding change orders and stated that Niels Fugal Sons Company has a very good reputation for doing quality work.

MOTION: *Greg Kehl moved to approve Niels Fugal Sons Company for the installation of the high pressure gas regulation stations for the sum of \$68,457.50. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. Consideration to Select and Approve a Winning Entry in the Eagle Mountain City Flag Contest:

The Mayor made reference to this item after Item 3.

This item was tabled.

14. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Contract Change Orders
 - i. Paul Evans Trailway (CO No. 4), American Landscape
 - ii. Paul Evans Trailway (CO No. 5), American Landscape
 - iii. Pony Express Parkway East (CO No. 5), American Landscape
 - iv. Ranches and Pony Express Parkway Landscaping, Area 3 (CO No. 1), Golden Landscaping
- c. Final Payments
 - i. Ranches & Pony Express Parkway Landscaping Area 3 SID 2000-1 (Final Payment), Golden Landscaping (*tabled at the Oct. 1, 2002 CC Mtg*)
 - ii. UP & L Interconnect Substation (Final Payment), Caribou Construction, Inc.
 - iii. Pony Express Parkway Extension SID 2001 (Final Payment), Hegerhorst Power
- d. Final Bond Releases
 - i. Cold Springs Phase 1
- e. Partial Payments
 - i. Ranches and Pony Express Parkway Landscaping Area 1 SID 2000-1 (PP No. 6), Golden Landscaping
 - ii. Ranches & Pony Express Parkway Landscaping Area 1 SID 2000-1 (PP No. 7), Golden Landscaping
 - iii. Porters Crossing Roadway Extension (PP No. 3), HE Davis
 - iv. Paul Evans Trailway (PP No. 6), American Landscape
 - v. Pony Express Parkway East (PP No. 6), American Landscape
 - vi. Pony Express Parkway Extension (PP No. 1), HE Davis

MOTION: *Mark Madsen moved to approve the Consent Agenda less the check register, which was not available. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; 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:**

No Closed Session was held.

17. **Motion to Reconvene in to Open Session:**

Not applicable.

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

None

19. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 8:25 PM.

APPROVAL: _____

Kelvin E. Bailey

Mayor Kelvin E. Bailey

DATE: _____

11-19-02

This certifies that the minutes of
~~15-OCT 2002~~ are a true, full and
correct copy as approved by the
City Council on ~~19-NOV 2002~~

Signed: *Janet B. Valentine, emc*

City Recorder

**MINUTES OF THE EAGLE MOUNTAIN CITY
SPECIAL COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
October 30, 2002**

POLICY SESSION – 7:00 PM

Mayor Bailey called the meeting to order at 7:04 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan. Linn Strouse was excused.

City Staff:

City Attorney:	Gerald Kinghorn
City Administrator:	Chris Hillman
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney

Others Present: Nate Shipp, Development Associates; Justin Jones, representative of City of Saratoga Springs; Mike Wren, Eagle Mountain Properties.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Bailey.

Item 6 was discussed before Item 3.

3. Consideration for Adoption of a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah to Construct Improvements within Eagle Mountain City Consisting of Road Improvements, Water Improvements, Wastewater Improvements, Park Improvements and All Other Miscellaneous Work Necessary to Complete the Improvements in a Proper Workmanlike Manner; to Create Eagle Mountain City Special Improvement District No. 2002-1 (The "District"); to Pay the Cost and Expenses of Said Improvements by Special Assessments to be Levied Against the Property Benefited by Such Improvements; to Provide Notice of Intention to Authorize Such Improvements and to Fix a Time and Place for Protests against Such Improvements or the Creation of The District; to Declare Its Official Intent to Reimburse Itself for Expenditures Paid by It Prior to the Sale of Bonds; to Declare Its Intention to Fund a Reserve Fund in Lieu of a Guaranty Fund; and Related Matters:

Gerald Kinghorn explained this item to the Council. He stated that the first step in the process is to authorize official notice of intent to create the District. Mr. Kinghorn explained how the SID would benefit the City by providing much needed improvements, such as expansion of the wastewater

treatment plant, digging an additional well, and building parks and roads, etc. Mr. Kinghorn answered questions from the Council and recommended that the City move forward to approve the District.

Mike Wren, Eagle Mountain Properties, answered the Council's questions.

Greg Kehl stated he would like to know what the administrative costs would be, and the Mayor explained that efforts are already being made to compile this information.

MOTION: *Brigham Morgan moved to adopt Resolution No. R 16-2002, a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah to Construct Improvements within Eagle Mountain City Consisting of Road Improvements, Water Improvements, Wastewater Improvements, Park Improvements and All Other Miscellaneous Work Necessary to Complete the Improvements in a Proper Workmanlike Manner; to Create Eagle Mountain City Special Improvement District No. 2002-1 (The "District"); to Pay the Cost and Expenses of Said Improvements by Special Assessments to be Levied against the Property Benefited by Such Improvements; to Provide Notice of Intention to Authorize Such Improvements and to Fix a Time and Place for Protests against Such Improvements or the Creation of the District; to Declare Its Official Intent to Reimburse Itself for Expenditures Paid by It Prior to the Sale of Bonds; to Declare Its Intention to Fund a Reserve Fund in Lieu of a Guaranty Fund; and Related Matters. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

4. Consideration to Approve a Temporary Working Space Agreement with Kern River Gas Transmission Company:

This item was discussed after Item 5.

The Mayor explained this agreement to the Council. He presented a recommendation from Greg Kehl that would require further negotiation with Kern River Gas Transmission Company before an agreement could be approved.

MOTION: *Greg Kehl moved to authorize the Mayor to negotiate a Temporary Working Space Agreement with Kern River Gas Transmission Company. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Mark Sovine presented another agreement with Kern River Gas. He indicated that Mr. Kinghorn had received a copy of this agreement via fax and had made adjustments. Mr. Sovine advised that Kern River had concerns with one adjustment involving not-to-exceed costs.

Mr. Kinghorn advised that this agreement was not on the Agenda and, therefore, could not be approved at this Council meeting. He indicated that if the Mayor is able to negotiate the compensation for the Temporary Working Space Agreement, he could then be authorized to sign the agreement subject to its being ratified at the next Council meeting.

5. Road Repair and Overlay of Ranches and Pony Express Parkways (Final Payment), Valley Asphalt:

This item was presented to the Council before Item 4.

MOTION: *Brigham Morgan moved to approve the road repair and overlay of Ranches and Pony Express Parkways final payment to Valley Asphalt. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

6. Evans Ranch Concept Plan (Master Development Plan – Subdivision Plan):

This item was discussed before Item 3.

Nate Shipp, Development Associates, presented information on this concept plan.

Greg Kehl expressed his concerns about the inability of snowplows and fire trucks to maneuver around the small roundabouts in the cul-de-sacs. He asked Mr. Shipp to take this concern under advisement during the final planning process. Mr. Kehl indicated Mr. Shipp should contact Fire Chief DeKorver for input into this matter.

Mr. Shipp addressed two concerns of the Planning Commission: 1) a connector road to Pony Express Parkway, and 2) changing access to T-lots. Mr. Shipp stated he was still exploring solutions to these concerns.

Gerald Kinghorn had questions about phasing plans, and Mr. Shipp responded to these questions.

Justin Jones, representing Saratoga Springs, explained the problem his city was experiencing with a planned arterial roadway. He stated that the property owner will not allow his city access to their property for the building of this roadway, unless the roadway swings out and around their property. He explained that Saratoga Springs is requesting from Eagle Mountain a half width of right-of-way of 60 feet in order to secure the roadway. Mr. Jones answered questions from the Council.

Mayor Bailey advised Mr. Jones that the City would discuss this request with the landowner.

The Mayor asked for an official consensus from the Council regarding the Evans Ranch concept plan.

Brigham Morgan stated he likes the overall layout but had hoped to see a larger-lot buffer around the outside perimeter. He also expressed concerns with the turning radius around the roundabouts.

Greg Kehl advised that he feels the plan has a good mix, even though he favors larger lots. He indicated that the problem with access into cul-de-sacs needs to be addressed. He recommended the developer talk to City Engineer Korey Walker to discuss ways to prevent road failure in the right-of-way section.

Mark Madsen indicated he likes the layout and is looking forward to seeing the final plans for the parks.

Mayor Bailey also expressed his concerns about access in cul-de-sacs but stated that the overall concept plan looks good.

7. Adjournment:

Mayor Bailey moved to adjourn the meeting at 7:54 PM.

APPROVAL: _____

Kelvin E. Bailey
Kelvin E. Bailey, Mayor

DATE: 11-19-2002

This certifies that the minutes of
~~30-OCT 2002~~ are a true, full and
correct copy as approved by the
City Council on 19-Nov 2002

Signed: _____

Janet B. Valentine, cmc
City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
CANVASS OF REFERENDUM ELECTION RETURNS
Eagle Mountain City Council Chambers
1680 E. Heritage Drive
Eagle Mountain, UT 84043
November 13, 2002**

POLICY SESSION – 6:45 PM

Mayor Kelvin Bailey called the meeting to order at 6:46 PM

1. **Roll Call:**

Council Members Present: Mayor Kelvin Bailey, Greg Kehl, Mark Madsen and Linn Strouse.
Diane Jacob and Brigham Morgan were excused.

City Staff:

City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney
Utah County Sheriff: Sergeant Jo Murphy

Others Present: None

2. **Pledge of Allegiance:**

The Pledge of Allegiance as led by Greg Kehl.

3. **Canvass of Referendum Election held on Tuesday, November 5, 2002:**

Proposition on Ballot:

“Shall the Eagle Mountain City Telecommunications Utility, including the attached fire station building and parking area, be sold to Direct Communications, Inc., based on an appraised value of \$6,699,000.00 subject to final valuation, but in no event for a single payment price less than \$6,300,000.00.”

Precincts EM01 & EM03:

Total Registered Voters:	1462
Number of People Voting:	721
Number of Absent-Voter Ballots:	<u>3</u>
Total of Ballots Voted:	724
Percentage of Turnout	50%

Precinct EM02:

Total Registered Voters: 786

Number of People Voting: 396

Number of Absent-Voter Ballots: 7

Total Ballots Voted: 403

Percentage of Turnout: 51%

Combined Precincts Totals:

Total Registered Voters: 2248

Number of People Voting: 1117

Number of Absent-Voter Ballots: 10

Total of Ballots Voted: 1127

Percentage of Turnout: 50%

City Recorder Janet Valentine presented the official canvass to the City Council and answered questions.

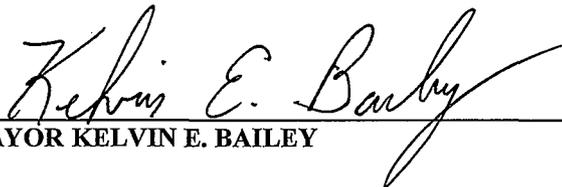
MOTION: *Greg Kehl moved to approve and accept the canvass of the Referendum Election of November 5, 2002, as presented by the City Recorder. Mark Madsen seconded the motion. Ayes: 3; Nays: 0. Motion passed.*

4. **Adjournment:**

Mark Madsen moved to adjourn the meeting at 6:50 PM.

APPROVAL: _____

MAYOR KELVIN E. BAILEY



DATE: 11-19-02

This certifies that the minutes of 11-13-02 are a true, full and correct copy as approved by the City Council on 11-19-02

Signed: Janet B. Valentine, emc
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

**1680 East Heritage Drive
Eagle Mountain, Utah 84043**

November 19, 2002

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

1. Consent Agenda
2. A presentation on Gas, Electric, Water & Sewer Projects by Korey Walker, City Engineer (20 minutes)
3. Discussion on Contracting & Purchasing Policy for Eagle Mountain City
4. Items as Outlined on the Policy Session
5. Discussion on the Eagle Mountain Properties Master Development Plan
6. Other Business
7. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

POLICY SESSION – 7:00 PM

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

Mayor Bailey welcomed Boy Scouts from Troop 1082 and asked for a volunteer to lead the Pledge of Allegiance.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse

City Staff:

City Attorney:	Gerald Kinghorn
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Telecom Administrator:	Diane Bradshaw
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy

Others Present: Andrew Tuttle, resident; Dave Loper, resident; Heidi Neal, resident; Suzanne Lindsay, resident; Glen Sexton, City Accountant

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Cameron Rodabough, a Boy Scout from Troop 1082.

3. **Approval of Minutes (October 15, 2002, October 30, 2002 SCC Mtg. and November 13, 2002 SCC Mtg):**

MOTION: *Mark Madsen moved to approve the Minutes of October 15, 2002, October 30, 2002, and November 13, 2002. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- a. Proclamation "Feed America Thursday, November 21, 2002"

The Mayor presented information on the "Feed America Thursday, November 21, 2002" Proclamation, which he read to the public and recommended for adoption.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

Mayor Bailey asked that only one person address each issue, unless there is additional information to be provided.

Suzanne Lindsay, Cedar Pass Ranch Homeowners Association, presented a letter to the Council and stated that residents are concerned about drivers speeding in their neighborhood. She asked how they might go about installing speed bumps. The Mayor explained that this item should be handled through the Public Works Department. Greg Kehl recommended this problem be presented to the Public Works Board for discussion and possible solution. Linn Strouse recommended considering an educational program for residents. Mayor Bailey advised Mrs. Lindsay that her letter would be forwarded to the Public Works Board for consideration.

Item 12.a was discussed at this point in the meeting.

8. **Public Hearing -Telecommunications Rate Changes:**

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

Mayor Bailey opened the Public Hearing at 7:13 PM.

- b. Receive Public Comment

David Loper, resident, expressed his opinion that the proposed rate change is a necessary evil that needs the support of the community. He stated that in the event the sale of the telecommunications department does not take place, the City would be adversely affected financially without an increase due to the large debt.

Heidi Neal, resident, expressed her concern that rates should only be raised on extra features and not on the regular dial tone.

c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 7:21 PM

Diane Bradshaw, Telecommunications Administrator, presented information regarding rate increases. She explained how rate increases were determined and why they are necessary. She indicated that even with the rate increases, there would be unmet debt. She answered questions from the Council and recommended the rates become effective December 1, 2002

The Mayor indicated that the telecommunication debt amount cannot be totally determined until December 13 when budget figures for 2002 would be available.

Mayor Bailey recommended that when a customer wants to add an additional line, the customer should be able to do so without paying a deposit if good credit has been established with Telecom. He asked that the Consolidated Fee Schedule be changed to reflect that no deposit is required for such customers.

9. **Consideration to Approve a Resolution for Telecommunication Rate Changes proposed in the Telecommunications Consolidated Fee Schedule:**

MOTION: *Brigham Morgan moved to approve Resolution No. R 17-2002, a Resolution of the Governing Body of Eagle Mountain City Establishing the Eagle Mountain City Telecommunications Fee Schedule, with the amendment that any secondary line will not be required to pay a deposit in the case that the existing line has good credit standing with the City. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Glen Sexton, Accountant, addressed the Council regarding the current status of the sales tax audit. He explained how information would be established since no hard copies could be found and discussed penalties and fees due from the City. Mr. Sexton indicated the auditors hope to have complete information by Christmas. The Mayor stated there would probably be an amount due of approximately \$3,000,000.00.

10. **Public Hearing - Rezoning a 20-acre parcel from Agricultural to Town Core Residential (Parcel located North of Kiowa Valley, West of proposed Freemont Springs Subdivision, and South of Porter's Crossing):**

a. Open Public Hearing (*following Public Hearing on Telecom Rate Changes or as soon thereafter as may be heard*)

Mayor Bailey opened the Public Hearing at 7:45 PM.

b. Receive Public Comment

Shawn Warnke identified the area presented for rezoning and explained the reason rezoning is necessary.

Andrew Tuttle, resident, asked how the center portion of the property would be platted. Shawn Warnke advised that this area would be open space. Mr. Warnke stated that the homes would be built on the perimeter and be on smaller lots

Brandon Maughan, resident, stated he does not like houses going up on the hill and is concerned about the possibility of drainage problems that may be created. He stated he purchased his lot with the assumption that this land would remain open space. He asked what benefit he and the City would receive by rezoning the land. Shawn Warnke stated the City benefits from an increase in utility connections. He also stated that the developer has the right to develop his own property. Diane Jacob advised that the Planning Commission visited the site twice and was pleased with the way the developer laid out the lots. The Mayor indicated that the developer would be required to deal with drainage issues so that existing residents would have no problems.

Dustin O'Brien, resident, asked for an explanation of the rezoning process. Shawn Warnke explained that there are several steps that need to take place and that residents would be publicly noticed at each step. Mr. O'Brien had questions that the developer addressed. Mr. O'Brien firmly disagrees with this proposed development and feels the whole concept is not feasible.

Greg Kehl reiterated that the City cannot tell a property owner how to develop his own property as long as proper guidelines are met.

Brigham Morgan further explained the City's planning and approval process.

c. Close Public Hearing

The Mayor closed the Public Hearing at 8:10 PM

11. **Consideration to Approve an Ordinance Rezoning a 20-acre Parcel, located North of Kiowa Valley, West of proposed Freemont Springs Subdivision, and South of Porter's Crossing, from Agricultural to Town Core Residential:**

MOTION: *Brigham Morgan moved to approve Ordinance No. O 21-2002, an Ordinance of Eagle Mountain City, Utah Rezoning Certain Land in the North Service Area from Agricultural to Town Core Residential according to exhibits, as submitted. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. **Final Plat Approval:**

This item was discussed after Public Comment

a. Cold Springs, Phase 2 Final Plat (Including Development Agreement and CC&R's)

Shawn Warnke presented information on this final plat approval, explaining the plans for Phase 2. He listed the approval conditions recommended by the Planning Commission and answered questions from the Council.

Greg Kehl expressed his appreciation to the developer for the way the project has been handled.

MOTION: *Brigham Morgan moved to approve Cold Springs Phase 2 Final Plat as submitted, with the conditions as stated. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

At this point in the meeting, Mayor Bailey referred to a letter prepared by staff and directed to UDOT requesting the enlargement of SR 73. He requested that each member of the Council sign the letter.

The discussion then moved to Item 8.

13. **Consideration to Enact an Ordinance Annexing an Area of Approximately 482.715 Acres Commonly Known as the Evans Ranch Annexation Parcel to Eagle Mountain City, Utah (Previously Known as Redle, Inc. Annexation) and approving Master Development Plan:**

- a. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116
- b. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain, Utah

Diane Jacob excused herself from this discussion and vote.

Gerald Kinghorn stated that this is a re-enactment of an annexation ordinance that was approved by the Council several months ago. He indicated that it took time to circulate all the agreements and have them signed by all parties and that during that time the ordinance expired; therefore, it is necessary to enact this ordinance.

MOTION: *Brigham Morgan moved to approve Ordinance No. O 22-2002, an Ordinance Annexing an Area of Approximately 482.715 Acres Commonly Known as the Evans Ranch Parcel to Eagle Mountain City, Utah and Establishing Zoning for the Annexed Land and Adjoining Land, with submitted exhibits. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused. Motion passed.*

14. **Consideration to Enact an Ordinance Annexing an Area of Approximately 68.1658 Acres Commonly Known as the Ranches IV Annexation Parcel to Eagle Mountain City, Utah (Sometimes Known as the Carlton Annexation) and approving Master Development Plan:**

- a. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116
- b. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain, Utah

Gerald Kinghorn advised that the same information applies to this item as to Item 13.

MOTION: *Greg Kehl moved to approve Ordinance No. O 23-2002, an Ordinance Annexing an Area of Approximately 68.1658 Acres Commonly Known as the Carlton Parcel to Eagle Mountain City, Utah and Establishing Zoning for the Annexed Land, together with the Boundary Change and Articles of Amendment. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob abstained. Motion passed.*

15. **Consider proposed Cedar Fort Annexation and Approve Filing Annexation Protest with Utah County Boundary Commission:**

Gerald Kinghorn explained the areas proposed by Cedar Fort for annexation. He asked the Council for authorize to file a protest of this annexation. He advised that Eagle Mountain City is currently in the process of considering its own annexation policy to incorporate some of these sections into the City. The Council discussed the sections of property they would like to see annexed for the benefit of the City.

MOTION: *Mark Madsen moved to approve the filing of an annexation protest with Utah County Boundary Commission to protest the annexation by Cedar Fort of the sections circled on Exhibit 1 of the map and reference to any technical issues and/or other deficiencies in the petition itself. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. **Consideration and Approval of an Agreement between Utah Retirement Systems/Public Employees Health Program and Eagle Mountain City for Employee Group Benefits for Fiscal Year July 1, 2002 to June 30, 2003:**

MOTION: *Brigham Morgan moved to approve and authorize the Mayor to execute the Agreement between Utah Retirement Systems/Public Employees Health Program and Eagle Mountain City for Employee Group Benefits for Fiscal Year July 1, 2002 to June 30, 2003. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

17. **Consideration and Approval of an Ordinance Enacting a Contract and Purchase Policy for Eagle Mountain City:**

This item was tabled.

18. **Consideration and Approval of a Law Enforcement Contract with Utah County Sheriff's Department to Provide One Additional Sheriff's Deputy for the City:**

Sergeant Jo Murphy addressed the Council regarding this contract. She answered questions and stated she anticipated the new deputy should be in place by mid December.

Gerald Kinghorn indicated he had reviewed the contract and recommended approval.

Chris Hillman advised the Council that funding for this position is in the budget. He also stated that funds not used to date have been used to pay school crossing guards.

MOTION: *Brigham Morgan moved to approve the Interlocal Cooperation Agreement for Law Enforcement Services between Utah County Sheriff and the City of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. **Consideration to Approve a Name for the Red Hawk Ranch Park:**

The Mayor explained that this proposal was submitted by The Ranches to recommend changing the name of Red Hawk Ranch Park to Nolen Park.

MOTION: *Greg Kehl moved to approve changing the name of Red Hawk Ranch Park to Nolen Park. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

20. **Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (to provide costs for water hydrant meter rentals):**

Mayor Bailey stated that approval of this item would reinstate previously approved rates that were inadvertently left out of the Consolidated Fee Schedule.

The Council discussed the \$1,000 meter deposit and whether this amount is excessive.

Mayor Bailey asked to go on record indicating he feels the \$1,000 meter deposit is too high.

MOTION: *Greg Kehl moved to approve Resolution No. R 18-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule, reinstating as submitted, with the alteration of \$1,000.00 moved to \$500.00 for the purpose of providing costs for water hydrant meter rentals. Diane Jacob seconded the motion. Ayes: 3 – Greg Kehl, Mark Madsen, Linn Strouse; Nays: 2 – Brigham Morgan and Diane Jacob. Motion passed.*

Greg Kehl requested that this item be placed on the next Public Works Board Agenda for discussion.

21. Ratify Approval of the Kern River Facilities Agreement:

MOTION: *Mark Madsen moved to ratify approval of the Kern River Facilities Agreement. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

22. Consideration to approve an Amendment to City Employee's Manual to Add a Policy Outlining a Minimum Dress Code:

Chris Hillman explained the reasons for this amendment to the City Employee's Manual.

Brigham Morgan recommended that "shorts" be added to this policy.

MOTION: *Brigham Morgan moved to approve an Amendment to the City Employee's Manual to Add a Policy Outlining a Minimum Dress Code, adding the line item "shorts" to the items not permitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

23. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Contract Change Orders
 - i. Ranches & Pony Express Parkway Landscaping SID 2001-1, Area 3 (CO No. 2), Golden Landscaping
 - ii. Road Repair & Overlay of Ranches & Pony Express Parkway (CO No. 7), Valley Asphalt
 - iii. Porter's Crossing Roadway Extension (CO No. 2), H.E. Davis
 - iv. Pony Express Parkway Extension (CO No. 1), H.E. Davis
 - v. 138 kV Transmission Line (CO No. 5), Par Electric
- c. Final Payments
 - i. Ranches & Pony Express Parkway Landscaping SID 2001-1, Area 3 (Final Payment), Golden Landscaping
 - ii. 138 kV Transmission Line (Final Payment), Par Electric
- d. Partial Payments
 - i. Grant Smith Trailway Design SID 2001-1 (PP No. 1), EA Lyman
 - ii. Paul Evans Trailway SID 2000-1 (PP No. 7), American Landscape
 - iii. Pony Express Parkway East SID 2000-1 (PP No. 7), American Landscape

MOTION: *Greg Kehl moved to approve the Consent Agenda, as submitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

24. **Other Business:**

None

25. **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 8:50 PM. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

26. **Motion to Reconvene in to Open Session:**

MOTION: *Brigham Morgan moved to Reconvene in to Open Session at 8:55PM. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

MOTION: *Brigham Morgan moved to approve the Settlement Agreement with Glen E. Smith Partnership for the sum of \$48,200.00 in compliance with guidelines established for acquiring right-of-way. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Mayor Bailey explained a contract that the City needed to sign with Kern River for the backhaul transportation.

MOTION: *Brigham Morgan moved to authorize the Mayor to execute the Kern River Firm Transportation Agreement, as submitted. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Chris Hillman announced that the City would hold it's annual Christmas dinner at Pony Express Elementary School on Wednesday, December 11. He invited the Council to serve at the dinner and to donate \$20 each towards a grand prize.

28. **Adjournment:**

Mark Madsen moved to adjourn the meeting at 9:00 PM.

APPROVAL: *Kevin E. Bailey* **DATE:** *12-03-02*
Mayor Kelvin E. Bailey

This certifies that the minutes of
19-Nov-2002 are a true, full and
correct copy as approved by the
City Council on 3-DEC-2002
Signed: *Janet B. Valentine*
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
December 3, 2002

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

1. Consent Agenda
2. Discussion on Contracting & Purchasing Policy for Eagle Mountain City
3. Discussion on the Eagle Mountain Properties Master Development Plan
4. Discussion regarding the Eagle Mountain City Telecommunications Board
5. Discussion regarding the Eagle Mountain City Parks and Recreation Facilities Plan
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Mark Madsen

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy

Others Present: James Gilbert, partner with Gilbert and Stewart.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Brigham Morgan.

3. **Approval of Minutes (November 19, 2002):**

MOTION: *Diane Jacob moved to approve the Minutes of November 19, 2002. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

Mayor Bailey announced that the City lighting ceremony would be held Friday, December 6, 2002, at 6:00 PM at Main Street Market.

5. **Appointments:**

The Mayor advised that the Library Board requested that Holly Thomas be appointed to replace Karyn Larson, who is resigning.

MOTION: *Linn Strouse moved to ratify the appointment of Holly Thomas to the Library Board. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

None

7. **Public Comment:**

None

8. **Consideration and approval of an Ordinance Enacting a Contract and Purchase Policy for Eagle Mountain City:**

Gerald Kinghorn explained this ordinance creating a new purchasing system for the City.

MOTION: *Greg Kehl moved to approve Ordinance No. O 24-2002, an Ordinance Revising and Establishing Purchasing Policy and Procedures for Eagle Mountain City as submitted and revised by Council. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

9. **Consideration to approve the purchase of two (2) 12-foot enclosed trailers for the Public Works Department:**

Mark Sovine explained that three bids were received for purchasing the subject trailers. He recommended the Council approve the lowest bid from Hallmark in the amount of \$3,570 per trailer. Mr. Sovine stated that funds are in the budget for these trailers.

MOTION: *Brigham Morgan moved to approve the purchase of two 12-foot enclosed trailers for the Public Works Department, accepting the bid by Hallmark for \$3,570 per trailer. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. Consideration to approve the purchase of storage containers for the Public Works Department:

Mark Sovine explained the need for extra storage space at the Public Works Department. He discussed the two bids received and recommended the Council approve the bid in the amount of \$2500 plus delivery from Mobile Mini, Inc. Mr. Sovine stated that funds are in the budget for this purchase. He answered questions from the Council.

MOTION: *Brigham Morgan moved to approve the purchase of storage containers for the Public Works Department, accepting the bid for the containers from Mobile Mini, Inc. for the price of \$2,500 for a 40-foot trailer with a \$75 delivery fee. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. Ratify purchase of playground equipment for the Eagle Point Subdivision Plats A & C Park:

Mark Sovine explained the purchase of playground equipment for use in Eagle Point Subdivision Plats A and C. He asked the Council for ratification of this purchase that was funded by a \$30,000 gift from Patterson Construction. Mr. Sovine indicated that the residents of these plats would assemble the equipment under the direction of the City. He advised that the assembly would be inspected by the City during construction and upon completion. He stated that any monies left over would be used for other improvements at the park.

Gerald Kinghorn expressed concern about liability issues involved in assembling the equipment and advised that volunteers need to sign release. He stated that his office would provide this release form.

Mr. Sovine advised that the residents planned on assembling the playground equipment in the spring; however, the Mayor suggested that the work be done immediately.

MOTION: *Mark Madsen moved to ratify the purchase of playground equipment for the Eagle Point Subdivision Plats A & C Park. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. Ratify approval of the Kern River Firm Transportation Service Agreement:

Mark Sovine explained this backhaul agreement with Kern River to haul natural gas from Goshen to Eagle Mountain.

MOTION: *Greg Kehl moved to ratify approval of the Firm Transportation Service Agreement Contract between Kern River Gas Transmission Company and Eagle Mountain City. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Before discussing Item 13, the Council moved to "Other Business".

13. Consideration to approve an agreement with The Ranches, LC for the exchange of water:

Gerald Kinghorn stated that The Ranches has been delinquent for some time in the payment of a significant amount of water bills. He indicated that The Ranches want to settle all outstanding delinquent water bills by donating two acres of land to the City. Mr. Kinghorn recommended the value of the properties be appraised before Council approval is given. He recommended the City use the same appraiser previously used for the power line right-of-ways. He explained that this land would be utilized for a utility building used in conjunction with the operation of the power transmission system. He answered questions from the Council.

Mayor Bailey asked Chris Hillman to get the name of appraiser recommended by Mr. Kinghorn and forward this information to The Ranches.

The Council suggested that enough land be required from The Ranches to cover all outstanding debt.

14. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Change Order
 - i. Pony Express East Landscape Development (CO No. 6), American Landscape
- c. Final Payment
 - i. SSA Regional Storm Drain Pond Inlet Reconstruction (Final Payment), Arrow Engineering
 - ii. WWTP Construction Water Delivery Tower (Final Payment), Arrow Engineering
- d. Partial Payments
 - i. Pony Express Parkway Extension (PP No. 2), H.E. Davis
 - ii. Porters Crossing & Golden Eagle Roadway Ext (PP No. 4), H.E. Davis

MOTION: *Mark Madsen moved to approve the Consent Agenda. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

15. Other Business:

This item was discussed before Item 13.

Mr. James Gilbert, partner with Gilbert and Stewart, presented information regarding the recent audit and answered questions from the Council. He presented the Council with a written copy of the results of the audit and explained the findings. He recommended changes that should be addressed by the City staff. Mayor Bailey requested that Mr. Gilbert search for information regarding sales taxes billed out for 1999 and 2000.

MOTION: *Greg Kehl moved to accept the submitted audit by Gilbert and Stewart for the year ending June 30,2001. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

After Item 14, Chris Hillman announced that Public Works Supervisor Bob Wren's mother passed away and that Public Works Office Manager Jordan Harris' wife had a baby boy who is experiencing problems. He also announced that Administrative Assistant Barbara Wren would be retiring at the end of the year.

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: *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 7:54 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

17. Motion to Reconvene in to Open Session:

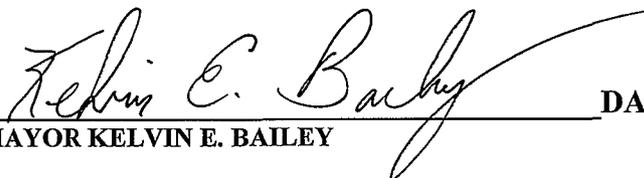
MOTION: *Brigham Morgan moved to reconvene in to Open Session at 8:05 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

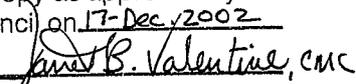
18. Any Actions from the Closed Executive Session:

None

19. Adjournment:

Greg Kehl moved to adjourn the meeting at 8:05 PM.

APPROVAL:  DATE: 12-17-02
MAYOR KELVIN E. BAILEY

This certifies that the minutes of
3-Dec-2002 are a true, full and
correct copy as approved by the
City Council on 17-Dec-2002
Signed: 
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
December 17, 2002

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

1. Consent Agenda
2. Discussion on Commercial Development Incentives
3. Report of Boundary Commission Finding and Land Owner's Meeting regarding the Cedar Fort Town Proposed Annexation
4. Items as Outlined on the Policy Session
5. Department Reports
 - a. Administration/City Departments/Personnel/Newsletter – **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission – **Diane Jacob**
 - c. Public Works Department (Electric, Natural Gas, Wastewater & Water) - **Greg Kehl**
 - d. Economic Development Board/Library Board – **Mark Madsen**
 - e. Community Arts Board/Telecommunications Board – **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/Sports Recreation Board/Youth Council – **Linn Strouse**
6. Other Business
7. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Shawn Warnke.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Brigham Morgan, Linn Strouse.
Mark Madsen was excused.

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Telecommunications Director:	Diane Bradshaw
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney

Others Present: Eldon Fletcher, resident; Mark Trotter, Park Manager at Camp Floyd State Park; David Loper, resident; Dr. Bart Gardiner, local dentist; Debbie Hooge, resident; Scott Kirkland, The Ranches; Chris Kemp, resident; Grant Gifford, Sundance Homes; Gordon Etter and Mike Brodsky, Hamlet Homes; Don Hubble, Tom Justice and Wayne Forrey, Hubble Homes; Mike Wren, Eagle Mountain Properties; Vincent Liddiard, Economic Development Board.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Eldon Fletcher.

3. **Approval of Minutes (December 3, 2002):**

MOTION: *Linn Strouse moved to approve the minutes of December 3, 2002. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

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

None

5. **Appointments:**

a. Telecommunications Board

Mayor Bailey recommended the following appointments to the Telecommunications Board: Joseph D. Hart to be appointed for a term from December 17, 2002 to December 31, 2006 to fill the seat vacated by Mark Lofgren and Sherrey Cowley to be appointed for a term from December 17, 2002 to December 31, 2006 to fill the seat vacated by Rob Smith.

MOTION: *Brigham Morgan moved to ratify the appointments of Sherry Cowley and Joe Hart to the Telecom Board. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

b. Planning Commission

The Mayor recommended the following appointments to the Planning Commission: Richard Steinkopf to be re-appointed to a new term from January 1, 2003 to December 31, 2005; Jeff Love to be appointed to a new term from January 1, 2003 to December 31, 2005 to fill the seat vacated by John Nielson; Jennifer Rawlings to be appointed as the primary alternate with a term from December 17, 2002 to December 31, 2004 to fill the seat vacated by Jeff Love; and Rick Pierce to be appointed as the second alternate with a term from December 17, 2002 to December 31, 2004 to fill the seat vacated by Jennifer Rawlings.

MOTION: *Diane Jacob moved to appoint Jeff Love and Richard Steinkopf to new terms on the Planning Commission, with Jennifer Rawlings moving up to the primary alternate position and Rick Pierce serving as second alternate. Greg Kehl seconded the motion. Aye: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

- c. Pony Express Days Chairman

This item was tabled.

6. **Public Notices:**

- a. Public Hearing is scheduled for January 7, 2003 on the proposed rezoning of certain areas within The Ranches Master Development Plan

7. **Public Comment:**

Mark Trotter, Park Manager at Camp Floyd State Park, introduced himself to the Council. He thanked the Mayor for a letter he received via Pony Express rider during the last Pony Express Days. Mr. Trotter invited Eagle Mountain City to be involved in a program established by the State Parks Director to put more emphasis on historic state parks. He indicated the state is willing to supply funds for marketing and advertising of an event held in conjunction with a city or town close to Camp Floyd State Park. Mr. Trotter proposed that they be allowed to be involved with Pony Express Days activities, both at Camp Floyd and within Eagle Mountain City. He indicated that the state funds could then be used to advertise Pony Express Days. The Mayor and Council were very receptive to this invitation. Mr. Trotter announced that Eldon Fletcher, resident of Eagle Mountain and former Pony Express Days chairman, has been hired to work at the Camp Floyd State Park. He invited the Mayor and Council to visit Camp Floyd State Park for a personal tour and provided brochures and business cards for the Council.

David Loper, resident, had questions regarding the previous raise in telecom rates and the ongoing audit that was due to be completed by December 13. He asked if any telecom deficit had been determined. He was advised by the Mayor that the audit deadline had not been met but that the audit should be completed by the end of December 2003. Kent Parker provided further information on the current status of the audit.

8. **Eagle Mountain City Citizen of the Month for December 2002:**

Chris Hillman announced that David Loper was nominated and approved by Council as the December 2002 Citizen of the Month for the extraordinary service he has rendered to the City. Mr. Hillman read the resolution to those in attendance. Linn Strouse also recognized the service rendered by Mr. Loper's wife, Rebecca.

9. **Eagle Mountain City Flag Contest:**

Mayor Bailey presented the three finalist entries in the City flag contest. Brigham Morgan stated that the Council needed to decide on the final design for the flag. The Mayor stated that Mark Madsen had contacted him and recommended that the year of the City's incorporation be included on the flag. Linn Strouse expressed gratitude to Carolina Herrin, former resident, for her efforts in conducting this contest. Mrs. Strouse also announced that there would be a city-wide flag ceremony held when the new flag is raised for the first time. David Loper, Community Arts Council, asked if the City wanted the Arts Council to provide activities in conjunction with the flag raising ceremony, and he was advised to do so. A flag design was selected by the Council.

Mayor Bailey asked David Loper to invite the three finalists in the flag contest to attend the next City Council meeting so they could be recognized for their efforts.

MOTION: *Diane Jacob moved to accept the entry chosen by Council for the flag for Eagle Mountain City, with the exception of adding the date when the City was incorporated. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

Chris Hillman presented the new city marketing logo to the Council. The Mayor described how the logo would be presented, and Chris Hillman explained how the logo was developed. The Council agreed to move forward with the city logo.

Linn Strouse announced that the Sports Board is looking for a new secretary, that there is a vacancy on the Planning Commission, and that volunteers are being sought for Pony Express Days.

10. **Consideration and Approval of Eagle Mountain City Council Meeting Schedule for the year 2003:**

MOTION: *Brigham Morgan moved to approve the Eagle Mountain City Council Meeting Schedule for the year 2003, as submitted. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

11. **Presentation on Telecommunication Rates for Residential and Business Lines, Diane Bradshaw, Telecommunications Administrator:**

Mayor Bailey asked if anyone in attendance was interested in listening to the presentation given at the last meeting on telecom rates. There was no response from the audience; therefore, no presentation was made.

12. **Public Comment regarding Telecommunication Residential Rates:**

None

13. **Public Hearing: Telecommunications Fee Schedule to Add Rates for Business Lines:**

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

Mayor Bailey opened the Public Hearing at 7:35PM.

Diane Bradshaw presented information regarding business line rate increases and explained the necessity for raising the rates. She recommended the new rates become effective January 1, 2003. She stated she was unable to get accurate comparative rates because tax rates in other areas were not available. She answered questions from the Council.

- b. Receive Public Comment

Doctor Bart Gardiner, local dentist, expressed his concern that these increases would not encourage new business in our City. He stated he does not agree with the increases and feels they will place a hardship on business owners. He wanted to know how rates would be affected if the Telecommunications Department is sold to Direct Communications, Inc. The Mayor responded that residential rates will drop, but he has no information on business rates. Gerald Kinghorn explained that Direct Communications would have rates which are set by the Public Service Commission.

The Mayor stated the City is interested in attracting new businesses; however, there is a telecom deficit that needs to be met. He advised that the City does not charge the numerous taxes charged by other telephone companies.

Debbie Hooge, resident, advised that the new proposed rates are competitive with business rates she pays in another city.

Mayor Bailey stated this item should not be decided until exact comparison figures could be determined.

Greg Kehl stated he would furnish Mrs. Bradshaw with the business rates he is charged for his company business lines.

Scott Kirkland asked questions regarding the telecom deficit and suggested that a rebate be offered to local businesses if the sale of the Telecom Department goes through. The Mayor indicated this proposal would depend upon the actual selling price.

Mayor Bailey indicated this hearing should be extended so that comparative rates could be determined.

c. Close Public Hearing

The Mayor extended the Public Hearing until the January 7, 2003 City Council meeting.

14. **Consideration to Approve a Resolution Amending the Eagle Mountain City Telecommunications Fee Schedule:**

This item was tabled.

15. **Protest Hearing: Creation of the Eagle Mountain City Special Improvement District No. 2002-1:**

Gerald Kinghorn explained that this hearing is for the creation of Special Improvement District No. 2002-1 sponsored by Eagle Mountain Properties and Monte Vista Ranches to pay the costs of certain improvements in the City. He indicated that the assessments for the repayment of the bonds issued by this district would fall on the land owned by Monte Vista Ranches and Eagle Mountain Properties. He stated the City has received protests from property owners whose property is located within the district; however, these property owners have been advised that it was never intended to assess their properties. Mr. Kinghorn indicated that these properties would be explicitly removed from the legal description of the district.

a. Open Protest Hearing: *(7:20 PM or as soon thereafter as may be heard)*

Mayor Bailey opened the Protest Hearing at 8:00 PM.

b. Receive Public Protests

Mike Wren, Eagle Mountain Properties, showed Mr. Kinghorn the location of the required tax parcel identification numbers in the title reports.

Chris Kemp, resident, asked Mayor Bailey to identify specific improvements that would be made through this SID. The Mayor stated the funds would provide a park by the city center chapel, complete an overlay of Eagle Mountain Boulevard, provide another well for the city center, improve capacity on the sewer system, and provide additional landscaping improvements along Eagle Mountain Boulevard.

David Loper wanted to know the land area of the proposed park. Korey Walker advised that the park would cover seven acres.

Mr. Kinghorn recommended the resolution be approved to create this SID.

- c. Close Protest Hearing

Mayor Bailey closed the Protect Hearing at 8:08 PM.

16. **Consideration for Adoption of a Resolution to Create the Eagle Mountain City, Utah Special Improvement District No. 2002-1 described in the Notice of Intention concerning the district and authorizing the City Officials to proceed to make improvements as set forth in the Notice of Intention to create the district; and related matters:**

MOTION: *Brigham Morgan moved to adopt Resolution No. R 19-2002, a Resolution to Create the Eagle Mountain City, Utah Special Improvement District No. 2002-1 described in the Notice of Intention concerning the district and authorizing the City Officials to proceed to make improvements as set forth in the Notice of Intention to create the district, and related matters, adding to the approval the conditions that the parcels outlined in detail in the protest letters would be specifically excluded from the SID boundaries and legal descriptions, and that the legal descriptions would be updated to properly reflect the tax parcel numbers prior to publication. Linn Strouse seconded the motion. Ayes: 3 – Brigham Morgan, Greg Kehl, Linn Strouse; Nays: 1 - Diane Jacob. Motion passed.*

17. **Final Plat Approvals:**

- a. Kiowa Valley, Plat B (Final Plat Only)

Shawn Warnke presented information on this plat and discussed conditions that need to be met. He stated the Planning Commission recommended the addition of a second access into a 20-acre parcel that is proposed in The Ranches Master Development Plan. Mr. Warnke stated the developer modified the plat to allow for that access. He answered questions from the Council.

Korey Walker explained the storm water concerns of the City and stated he is working with the developer to correct these concerns. He recommended approval of this final plat.

Diane Jacob declared a conflict of interest because her husband has sold water rights to the developer.

MOTION: *Greg Kehl moved to approve the Final Plat application for Kiowa Valley, (R7 N4) Plat B, subject to the proposed and submitted conditions that the minor storm water issues be verified and worked out with the City Engineer. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

- b. Freemont Springs, Plats A, B, C & D (Includes approval of Development Agreement & CC&R's)

Shawn Warnke presented information on this plat. He stated the Planning Commission recommended the developer be allowed to construct Plats A and B together, which is an exception to the Development Code. He explained the four conditions that need to be met by developer. Mr. Warnke indicated that the developer had requested that the Development Agreement not be approved at this time.

Korey Walker advised that Craig Larsen from the LDS Church had contacted him regarding getting a Development Agreement that would allow them to have a two-year construction window on the church planned for this area.

Gordon Etter and Mike Brodsky, Hamlet Homes, asked for clarification on the responsibility for building roads. Scott Kirkland, The Ranches, answered their questions.

MOTION: *Diane Jacob moved to approve the Final Plat for Freemont Springs, Plats A, B, C and D, with the conditions stated in the staff report (striking Condition 4), without approving the Development Agreement. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

18. Consideration to Approve a Settlement Agreement between The Ranches, LC, The Ranches Master Homeowners Association and Eagle Mountain City:

Gerald Kinghorn explained this agreement to the Council.

Mayor Bailey acknowledged the donation by The Ranches of a 3,600 square feet piece of property valued at \$10,000 to be used for the placement of a city entrance marker.

MOTION: *Greg Kehl moved to approve a Settlement Agreement between The Ranches, L.C., The Ranches Master Homeowners Association, and Eagle Mountain City as submitted. Diane Jacob seconded the motion. Ayes: 3 - Greg Kehl, Diane Jacob, Linn Strouse; Nays: 1- Brigham Morgan. Motion passed.*

19. Consideration to Approve a Resolution Implementing Authority to Conduct Electronic Meetings and Providing Procedures for Participation in Electronic Meetings of the City Council:

Gerald Kinghorn explained that under the Open Public Meetings Act, the city is authorized to adopt procedures for conducting telephonic meetings. He indicated that approving the resolution would allow the city the flexibility to have this type of telephonic meeting in the future in the event members of the Council are absent but desire to participate in the meeting.

MOTION: *Brigham Morgan moved to approve Resolution No. R 20-2002, a Resolution of Eagle Mountain City, Utah Implementing Authority to Conduct Electronic Meetings and Providing Procedures for Participation in Electronic Meetings of the City Council. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

20. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Final Bond Release
 - a. Mountain View, Phase 2 (Final Bond Release), Sunrise Building Company
- c. Partial Payment
 - i. Pony Express Parkway Extension (PP No. 3), H.E. Davis

MOTION: *Brigham Morgan moved to approve the Consent Agenda. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse; Nays: 0. Motion passed.*

21. Other Business:

Vincent Liddiard, Economic Development Board, updated the Council on the activities of the board. He indicated that many of the business requests received by the board are for existing buildings, and he

explained what space is currently available. Mr. Liddiard stated that the Economic Development Board is encouraging new business and is working with all interested parties. Mr. Liddiard explained some

personnel changes in economic development on a state level. He stated that the board is encouraged by the final steps being taken to provide a city website. He indicated that the next Board meeting would be held on Wednesday, January 8, 2003 at 7:30 PM.

Wayne Forrey, Hubble Homes, introduced himself and stated his company is making an investment in the community. He presented Hubble Homes' plans to build in Eagle Mountain and stated they have already purchased 23 lots in Eagle Park 1 and 2. Mr. Forrey introduced Don Hubble, owner of Hubble Homes, and Tom Justice, Marketing Director of Hubble Homes.

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

No Closed Executive session was called

23. Motion to Reconvene in to Open Session:

Not applicable.

24. Any Actions from the Closed Executive Session:

None

25. Adjournment:

Greg Kehl moved to adjourn the meeting at 8:46 PM.

APPROVAL: _____

Kevin E. Bailey
Mayor Kelvin E. Bailey

DATE: _____

1-7-03

This certifies that the minutes of
~~17-Dec-2002~~ are a true, full and
correct copy as approved by the
City Council on ~~7-JAN-2003~~

Signed: James B. Valentine, cmc
City Recorder