

Eagle Mountain City Council Minutes 2003

Dates of City Council Meetings:

- January 7, 2003
- January 21, 2003
- February 4, 2003
- February 18, 2003
 - March 4, 2003
 - March 18, 2003
 - March 26, 2003
 - March 28, 2003
- April 1, 2003
- April 15, 2003
- May 6, 2003
- May 20, 2003
- June 3, 2003
- June 17, 2003
- July 1, 2003
- July 15, 2003
- August 5, 2003
- August 19, 2003
- September 2, 2003
- September 16, 2003
- September 23, 2003
 - October 14, 2003
 - October 21, 2003
- November 11, 2003
- December 16, 2003
- December 19, 2003

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
January 7, 2003

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

1. Consent Agenda
2. Media Training
3. Items as Outlined on the Policy Session
4. **CLOSED EXECUTIVE SESSION**

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

MOTION: *Greg Kehl moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 5:45 PM. Diane Jacob seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

- b. Motion to close the Closed Executive Session and reconvene in to Work Session

MOTION: *Diane Jacob moved to close the Closed Executive Session and reconvene in to Work Session at 6:15 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

5. Other Business
6. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Fionnuala Kofoed.

POLICY SESSION – 7:00 PM

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

1. **Roll Call:**

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

City Staff:

City Attorney: Gerald Kinghorn (joined the meeting at 8:15 PM)
City Engineer: Korey Walker
City Administrator: Chris Hillman (joined the meeting at 8:15 PM)
Finance Director: Kent Parker
Planning Director: Shawn Warnke
Public Works Director: Mark Sovine
Telecom Administrator: Diane Bradshaw
City Recorder: Janet Valentine (Excused)
Deputy Recorder: Fionnuala Kofoed
Deputy Recorder: DeAnna Whitney
Utah County Sheriff: Sergeant Jo Murphy

Others Present: Alison Moore Smith, new chair of Pony Express Days, and her husband, Sam Smith; Bart Gardiner, local dentist; Scott Hazard, The Real Estate Group; Brian Haskell, The Ranches; Darrell Jackson, resident and Chair of the Library Board; Gordon Etter and Michael Brodsky, Hamlet Homes.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Amy Twitty.

3. **Approval of Minutes (December 17, 2002):**

MOTION: *Linn Strouse moved to approve the Minutes of December 17, 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:**

None

5. **Appointments:**

a. Pony Express Days Celebration Committee Chair

Mayor Bailey recommended the appointment of Alison Moore Smith as Chair of Pony Express Days for 2003. He introduced her to the Council and thanked her for her willingness to serve.

MOTION: *Brigham Morgan moved to ratify the appointment of Alison Moore Smith to Pony Express Days Chair. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

b. Telecommunications Board

The Mayor recommended that James Skinner be re-appointed to the Telecommunications Board with a term from January 1, 2003 to December 31, 2007.

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

c. Library Board

Mayor Bailey recommended the re-appointment of Darrell Jackson to the Library Board. He stated that the Library Board had approved Mr. Jackson as chair to fill the seat vacated by Brenda Park.

MOTION: *Greg Kehl moved to approve the re-appointment of Darrell Jackson to the Library Board. Brigham Morgan 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. Citizen of the Month for January 2003:

Linn Strouse recommended Eldon Fletcher, past chair of Pony Express Days, as Citizen of the Month for January 2003. She also acknowledged the service of Mr. Fletcher's wife, Jan. The Mayor read and signed the Recognition Resolution and presented it to Mr. Fletcher.

9. Mayor's Presentation:

This item was discussed after Item 20.

The Mayor made a presentation promoting teamwork.

10. Public Hearing (Ranches – Re-zoning of certain properties within The Ranches Master Development Plan):

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

Mayor Bailey opened the Public Hearing at 7:12 PM.

b. Receive Public Comment

Shawn Warnke explained the re-zoning proposal amendments to The Ranches Master Development Plan and answered questions from the Council.

There was no public comment.

c. Close Public Hearing

The Mayor closed the Public Hearing at 7:17 PM.

10. **Consider and Enact Ordinance Re-zoning Certain Property and Approving Amendments to The Ranches Master Development Plan:**

MOTION: *Brigham Morgan moved to approve Ordinance No. O 01-2003, an Ordinance of Eagle Mountain City, UT Amending The Ranches Master Development Plan as submitted, subject to the following condition: That the remaining property of R6 S1 be left as community open space and be deeded to the City. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. **Consideration and Approval of a Business Incentive Package:**

The Mayor explained the purpose of this business incentive package. He asked Korey Walker to explain which impact fees could be waived to benefit new businesses coming into the City.

Korey Walker discussed all impact fees and made recommendations for waivers. Mayor Bailey explained that all information would be presented to Council in written form at the meeting scheduled for February 4, 2003.

The Mayor discussed other incentives and received feedback from the Council and staff.

Bart Gardiner, a local dentist, stated that he would be willing to provide discount coupons for a local welcome packet to benefit new customers and advertise his business. He recommended that a low fee for advertising signs be charged for businesses and that these signs be installed along SR 73. He also suggested that he could set up a direct-reimbursement dental program for businesses moving into the City.

This discussion was resumed after Item 17.

Mayor Bailey stated that businesses may currently link to the City website at no charge.

The Mayor stated that the City is considering providing a long-distance phone card bearing the City business marketing logo. He stated the card could be used as a fundraiser or business incentive.

Mayor Bailey invited local businesses to contact City Administrator Chris Hillman with any other ideas for inclusion in this business incentive package.

13. **Consideration and Approval of an Ordinance Repealing Ordinance No. 99-16, an Ordinance to Add Non-residential Development Definition and Provisions for Waiver of Certain Impact Fees for Non-residential Developments:**

This item was tabled.

14. **Public Hearing: (Continuation of Public Hearing from the December 17, 2002 City Council Meeting on Telecommunications Fee Schedule to Add Rates for Business Lines):**

- a. Open Public Hearing (7:30 PM or soon thereafter as may be heard)

This Public Hearing was continued from December 17, 2002

b. Receive Public Comment

Diane Bradshaw continued her presentation from the previous meeting and presented information she obtained from Qwest relating to their business rate schedule. She requested that, if approved, the proposed new rates become effective January 1, 2003. She answered questions from the Council and the public in attendance.

Scott Hazard, The Real Estate Group, had questions regarding business rates. He expressed concern about clients that are leasing space in his building having to cut back on telephone business lines because of the expense. He asked why DSL rates were not increased as much as business rates, and the Mayor stated the City was trying to offset the increase in business rates by keeping DSL rates lower.

Bart Gardiner, dentist, stated he would like to see a multiple-line incentive package. He stated he would also like to see an increase in DSL rates to offset the business increase. Brigham Morgan stated that DSL is an option and does not guarantee income like a regular phone line.

Greg Kehl recommended that the City look at implementing a multiple-line discount.

Diane Bradshaw recommended the City implement package rates for businesses.

The Mayor recommended that staff produce a package rate plan and a multiple-line plan by the first City Council meeting in February.

c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 8:10 PM.

15. **Consideration to Approve a Resolution Amending the Eagle Mountain City Telecommunications Fee Schedule:**

MOTION: *Brigham Morgan moved to approve Resolution No. R 01-2003, a Resolution of the Governing Body of Eagle Mountain City Establishing the Eagle Mountain City Telecommunications Fee Schedule to be retroactive January 1, 2003, with the condition that this approval is subject to the board coming back by the first meeting in the month of February with recommendations for package and/or multi-line/multiple-user deals and specials. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. **Consideration and Approval to Re-Enact Resolution No. R 19-2002, 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:**

Mayor Bailey advised that this resolution needed to be re-enacted since it had expired.

MOTION: *Brigham Morgan moved to approve 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. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 1 – Diane Jacob. Motion passed.*

17. **Final Plat Approval:**

- a. North Smith Ranch Road Church Plat A

Shawn Warnke presented information on this plat and discussed conditions recommended by the Planning Commission. He and Korey Walker answered questions from the Council.

MOTION: *Greg Kehl moved to approve the North Smith Ranch Road Church, Plat A (R6 S1) final plat subject to the submitted conditions. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Mayor Bailey returned the discussion to Item 12 for further comments.

18. **Development Agreement and CC&R's Approvals:**

- a. Freemont Springs, Plats A & B, Hamlet Homes

Korey Walker explained the changes recommended by staff and the developer.

Gerald Kinghorn explained that the final development agreement combines Plats A and B and that the only significant element that changes is that Plats A & B will be constructed together, simplifying the phasing requirement.

MOTION: *Greg Kehl moved to approve the Development Agreement between Eagle Mountain City and Freemont Springs LLC and the CC&R's for Freemont Springs, Plats A and B. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. **Consideration to Approve an Interlocal Cooperation Agreement with Utah County for Law Enforcement Services:**

Chris Hillman stated this agreement was approved earlier but that Utah County changed the agreement to charge for dispatch services that were previously included. He also stated that as of January 1, 2004, the County will charge for investigation and evidence services. Mr. Hillman thanked Sergeant Jo Murphy for her efforts in behalf of the City regarding this agreement.

MOTION: *Linn Strouse moved to approve an Interlocal Cooperation Agreement for Law Enforcement Services with Utah County. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- a. Check Register
b. Change Orders
i. Pony Express Parkway Extension (CO No. 2), H.E. Davis
ii. Porter's Crossing & Golden Eagle Roadway Extension (CO No. 2), H.E. Davis
iii. Porter's Crossing & Golden Eagle Roadway Extension (CO No. 3), H.E. Davis
c. Partial Payments
i. Pony Express Parkway Extension (PP No. 4), H.E. Davis
ii. Porter's Crossing & Golden Eagle Roadway Extension (PP No. 5), H.E. Davis

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

The Council returned to Item 9.

21. Other Business:

Mark Sovine advised the Council that the contract with Murray Power is due to expire in the middle of February 2003. He stated there is a power purchase system coming available in July; however, plans need to be made to cover the interim period. He indicated he would be presenting possible options to the Public Works Board at their meeting on January 15. Mr. Sovine requested that the Council give him permission to accept the decision of the Public Works Board and have the new contract ratified by the City Council. The Council agreed with this proposal.

Korey Walker advised that originally Phases 1 and 2 of the Land Application were bid out. He stated Phase 1 is in place to be planted in April. He requested the Council approve an increase in funds to complete Phase 2. Mr. Walker received a bid from Arrow Engineering and requested that he be allowed to present a change order for this increase at the next City Council meeting on January 21, 2003.

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: *Brigham Morgan moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues and potential litigation at 9:20 PM. Greg Kehl seconded the motion. Ayes:5; Nays: 0. Motion passed.*

Mayor Bailey excused himself from the meeting before any discussion began and turned the meeting over to Mayor Pro Tem Greg Kehl.

23. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 9:37PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

24. Any Actions from the Closed Executive Session:

None

25. Adjournment

Diane Jacob moved to adjourn the meeting at 9:37 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: 2-4-03

This certifies that the minutes of
7-Jan 2003 are a true, full and
correct copy as approved by the
City Council on 4-Feb 2003

Signed: Jan B. Valentine, cmc
City Recorder

**MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
STATE OF THE CITY ADDRESS
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
January 21, 2003**

WORK SESSION - No Action or Minutes Taken – 6:30 PM to 7:00 PM

1. Consent Agenda
2. Review of Preliminary Conceptual Design of the new City Hall
3. Other Business
4. Adjourn Work Session at 7:00 PM

Prayer by Invitation of the Mayor

The prayer was offered by Linn Strouse.

POLICY SESSION – 7:00 PM

Mayor Pro Tem Greg Kehl called the meeting to order at 7:01 PM.

1. **Roll Call:**

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

City Staff:

City Attorney:	Gerald Kinghorn (Excused)
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:	Sergeant Jo Murphy
Fire Chief:	Robert DeKorver (Excused)

Others Present: Ryan Merrick, resident and Boy Scout; Leslie Montgomery, resident and appointee to the Planning Commission; Charlotte Ducos, resident and appointee to the Youth Advisory Board; Vincent Liddiard, resident and Mayor's Chief of Staff.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Boy Scout Ryan Merrick.

3. **Appointments:**

a. Library Board

This item was tabled at the request of the Library Board.

b. Planning Commission

Mayor Pro Tem Kehl recommended the appointment of Leslie Montgomery to fill the position on the Planning Commission vacated by Wendy Smith. He stated Ms. Montgomery's term would run from January 21, 2003 to December 31, 2004.

MOTION: *Diane Jacob moved to approve the appointment of Leslie Montgomery to the Planning Commission, to fill the position vacated by Wendy Smith, for a term to run from January 21, 2003 to December 31, 2004. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

Janet Valentine administered the Oath of Office to Leslie Montgomery.

c. Youth Council Advisory Board

Mayor Pro Tem Greg Kehl recommended the appointment of Charlotte Ducos to the Youth Council Advisory Board for a term from January 21, 2003 to December 31, 2005.

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

Janet Valentine administered the Oath of Office to Charlotte Ducos.

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

a. Check Register

b. Change Order

i. Saddlerock 2MG Reservoir SID 2000-1 (CO No. 1), Gerber Construction

c. Final Payments

i. Pony Express Parkway East SID 2000-1 (Final Payment), American Landscape

ii. Paul Evans Trailway SID 2000-1 (Final Payment), American Landscape

iii. Saddlerock 2MG Reservoir SID 2000-1 (Final Payment), Gerber Construction

d. Partial Bond Releases

i. Willow Springs, Phase 3 (Release No. 1), Summit Development

ii. Kiowa Valley, Plat A (Release No. 1), Sundance Homes

e. Amendment to Final Plat Application Approval for Eagle's Gate, Plat A, the Ranches, LC

MOTION: *Brigham Morgan moved to add Change Order, Order No. 2, date December 20, 2002, Contract for Eagle Mountain Land Application, as submitted, to the Consent Agenda.*

Diane Jacob seconded the motion. Ayes; 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.

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

5. State of the City Comments:

City Council Members

- a. Brigham Morgan
- b. Greg Kehl
- c. Linn Strouse
- d. Mark Madsen
- e. Diane Jacob

Each City Council member presented a State of the City address, and a written copy of each statement is attached as Exhibit 1.

6. State of the City Address - Mayor Kelvin Bailey:

Vincent Liddiard, the Mayor Bailey's Chief of Staff, read the State of the City Address from the Mayor, who was working out of town. A written copy of this statement is attached as Exhibit 2.

Mayor Pro Tem Greg Kehl offered closing remarks and thanked City Council members and City staff for all their efforts to ensure that the City functions in a well-organized manner.

Sheila Curtis, Emergency Preparedness Coordinator, reported she received a grant from the Division of Emergency Services and Homeland Security providing funds for CERT (\$3,067) and for the City's emergency plan (\$5,500). She stated a committee would be organized to create the emergency plan, which must be partially completed by December 2003.

7. Adjournment:

Diane Jacob moved to adjourn the meeting at 8:14 PM.

APPROVAL:


MAYOR KELVIN E. BAILEY

DATE:

2-4-03

This certifies that the minutes of
21-Jan-2003 are a true, full and
correct copy as approved by the
City Council on 4-Feb-2003

Signed: 
City Recorder

EXHIBIT 1

COUNCIL MEMBER BRIGHAM MORGAN'S COMMENTS – STATE OF THE CITY:

What is a dream? A dream is a hope for the future, a goal to achieve, a success to relish. In essence Eagle Mountain was and is a dream. And as with every dream there is a path or a history that is created along the way of achieving its reality. Six years ago this dream was set in motion, when the City of Eagle Mountain was incorporated in December of 1996. There were some specific challenges that had to be met. Perhaps the biggest was utility infrastructure and supply, which began even before the city was incorporated. The Master Developer went to the various utility providers and requested service. The response was very similar from each. "You build the infrastructure, put it in place and pay the costs and we'll provide the service." The developer realized that they could create their own utility companies for the same amount of money it would take to build the infrastructure. So they got together with the communities already here, Harvest Haven, Cedar Pass Ranch, Lake Mountain Road, etc. and together formed a city. The city then used a temporary funding mechanism called an RBAN, Revenue Bond Anticipation Note, to build the utility infrastructure and create the utility companies. An RBAN is a short-term method of financing. It could loosely be compared to a 5 year ARM often used in home mortgages. Once the RBANs were created the city had 5 years to build the utility systems to the point where they would be able to produce the revenues necessary to fund the permanent long term financing through Revenue Bonds. This solution set a course of challenges and successes for the future yet to come.

Another great challenge was to create an identity for the newly formed city. What is it that makes Eagle Mountain so special? Some of you may remember the phrase, "City of the future, Values of the Past." This theme was incorporated into the newly written and implemented development code shortly after incorporation. This city wasn't going to be just a slogan, but an integrated reality. Homes, streets, amenities were planned in such a way to foster friendly and inviting neighborhoods. Architectural guidelines were used to foster neighborhood interaction and friendships. A common theme was created to tie the city together with beautiful streetscapes, parks, trails, open space, and more. Creativity and imagination in design were encouraged and utilized while maintaining a continuity and common sense of appeal throughout the city.

I embraced this dream, moved out here in October of 1998, and began participating in the City Council Meetings, Planning Commission meetings, Board of Adjustments, and other city activities. As a resident I participated in the creation process of one of the earlier drafts of the Development Code, and also participated in the creation of the current development code. As homebuyers, many of us were given promises of Schools, Parks, Businesses, and so forth. Many residents bought their homes based on those promises. Others bought their homes based on the vision for the city as outlined in the General Plan and Development Codes. And still others bought their home because it was the only place where they could afford the home they wanted. But no matter the reason for moving here, once here we were united in our desires to see the dream of Eagle Mountain realized. Many residents and developers remember the struggles that arose when the schools, parks, and businesses didn't come as quickly as promised. Whose fault was this, the City's or the developers'? To many, the city officials appeared to be pointing fingers at the developers and the developers seemed to be pointing fingers at the city. This created a sense of frustration in me, and after attending almost a year of both City Council and Planning Commission meetings, I decided I wanted to have a more active role in bringing the vision of Eagle Mountain to fruition. I ran for and was elected to office with Greg Kehl and Mayor Paul Bond in November of 1999. My platform was simple. I desired to protect the integrity of the development code and make sure it was properly enforced so that Eagle Mountain would become what we all dreamed it could be. I also ran on the premise that developers should be held to their commitments. I believed it was time for the City and the Developers to stop pointing fingers and begin working together. Unfortunately, as is always the case, things never go as smoothly as we would like.

Prior to my election, the developers were unhappy with the impact fees, which they felt were too high and were discouraging growth. When I took office, the city was coming to the end of the RBANs five years and needed to put in place the required permanent financing. The citizens were angry. They were angry at the developers for failing to follow through on their promises and at the city for failing to enforce those same promises. The utility infrastructure was inferior, at best, and was unable to support the projected rate of growth. The city already had more subdivisions

approved than our infrastructure could support. The reliability and features of the utilities was sub-par. Residents frequently complained about power outages, phone outages, lack of options, and lack of services. When my term began, growth was already slowing down due to these issues. This is the environment the previous administration was faced with when we took office.

We were faced with these possibilities. If development continued to slow, we would not have the revenues needed to make the payments on the RBANs, and certainly could not convert the RBANs to the requisite permanent financing. If the City was unable to refinance the RBANs at the end of the five-year period, then it would be forced to pay the amount in full. If this happened, the Master Developer's property, which was entered as collateral, would have gone to foreclosure and been sold to pay off the RBANs. Due to the agreements that were put in place, the Master Developer would have then sued the city for breach of contract and eventually the City would have been forced to declare bankruptcy, causing it to un-incorporate back into Utah county. We, as the administration, didn't want this to happen, so in order to retire the RBANs we had to foster enough growth to enable us to fund the permanent financing. We were unable to achieve the necessary growth on the utility infrastructure that existed at the time because we lacked the capacity to service it. In order to provide service, the utility systems would have to be expanded and improved. This was the only way we could support the growth needed to refinance the RBANs, as selling them was not an option--they weren't worth the money we owed. This created another problem. Of necessity, these improvements and expansions cost money. The three ways the City could finance these improvements were to: raise rates outrageously high, which would stifle growth and defeat the purpose; make the developers pay for it, whether through impact fees, direct funding or other methods; or apply for additional funding while refinancing the RBANs, which is the course we chose.

The correlation between growth, supply, and financing is extremely complex, but I hope I've shared enough information so that we can continue with a common understanding. Why have I spent so much time on this history? Many individuals blame the previous City Council, of which I was a part, for the vast majority of problems that occur. This includes some members of the current administration. The history that I just related sets a foundation for understanding what I am going to share now. I firmly believe that, without the efforts of the previous city council and staff, Eagle Mountain would no longer exist. The success we currently experience is in direct relation to the state of the City as left by the previous administration.

What are some of the successes of the previous administration?

- 1.) We revised the development code which addressed developers' concerns about process, and requirements, as well as residents' concerns about enforcing developer promises and providing parks, trails and other amenities.
- 2.) We worked with developers to create and/or modify alternate design guidelines in an effort to help them be successful. These include alterations to the Ranches design guidelines and the creation of alternate design guidelines for Eagle Point subdivisions.
- 3.) We retired the RBANs with permanent long-term financing, which allowed the city to continue to grow and function.
- 4.) We expanded and improved the utilities to support the projected rate of growth in all areas of the city.
- 5.) We provided improvement, expansion, and upgrades to the telecom department which allowed for custom service offerings such as DSL, call waiting, voice mail, and caller ID, just to name a few. Incidentally it was these improvements that generated the solid interest of outside providers to purchase the telecom.
- 6.) We created and implemented the process to allow for bid and sale of Eagle Mountain Utilities.
- 7.) We opened negotiations and began the process of sale for the Telecom with Direct Communications.
- 8.) We worked with developers to approve an SID, which funded parks, trails, and landscape improvements.
- 9.) We worked with the State Trust Lands on a Master Development proposal for a large parcel of land between the Ranches and the City Center, which would provide a significant portion of the funding to complete Sweetwater road, connecting the entire city.
- 10.) We approved countless developments, fostering continued growth and development in the City. The number of rooftops nearly doubled to over 1600 homes.
- 11.) We improved relationships with developers to foster continued desire to develop in Eagle Mountain. Examples - Hubble Homes (now expanding into the City Center), Hamlet Homes, Willow Springs development, and more.

- 12.) We oversaw the first Eagle Mountain businesses used by residents – Morco/Main Street Market, Alpine Pediatrics, Family First Dentistry in addition to over 100 home-based businesses.
- 13.) We reviewed, revised, and modified the impact fee schedule to allow for developer-funded improvements, credits, and re-imburements.
- 14.) We oversaw the growth and expansion of the Fire Department to include a second station in the North end of Eagle Mountain.
- 15.) We created the Eagle Mountain First Responder including Ambulance Service and transport
- 16.) We worked with the Library Board to achieve state accreditation.
- 17.) We worked with the Arts Council to provide funding and resources for such activities as the Harvest Fest, Summer Musicals, Playwriting courses, Wild West Fest etc.
- 18.) We worked with the Youth Sports program to continue funding and provide resources for such programs as T-ball and youth soccer.
- 19.) We approved and began the expansion of the City Offices to their current size.

What influences did we have on the current administration through the past year? Just to name a few.

- 1.) The fire station in the North End has been completed.
- 2.) The expansion to the city offices was completed as planned.
- 3.) Developer Relations have continued to improve, and as such the city continues to grow (now over 2000 rooftops).
- 4.) Developers are more willing to make long-term investments in the community. (Examples – Club House in Willow Springs, Hubble Homes Expanding to the City Center)
- 5.) Continued growth and improvement in the Utilities.
- 6.) Passage of the Sale of Telecom referendum.
- 7.) Improved working relations among councilmember, council and staff.

What are our future challenges?

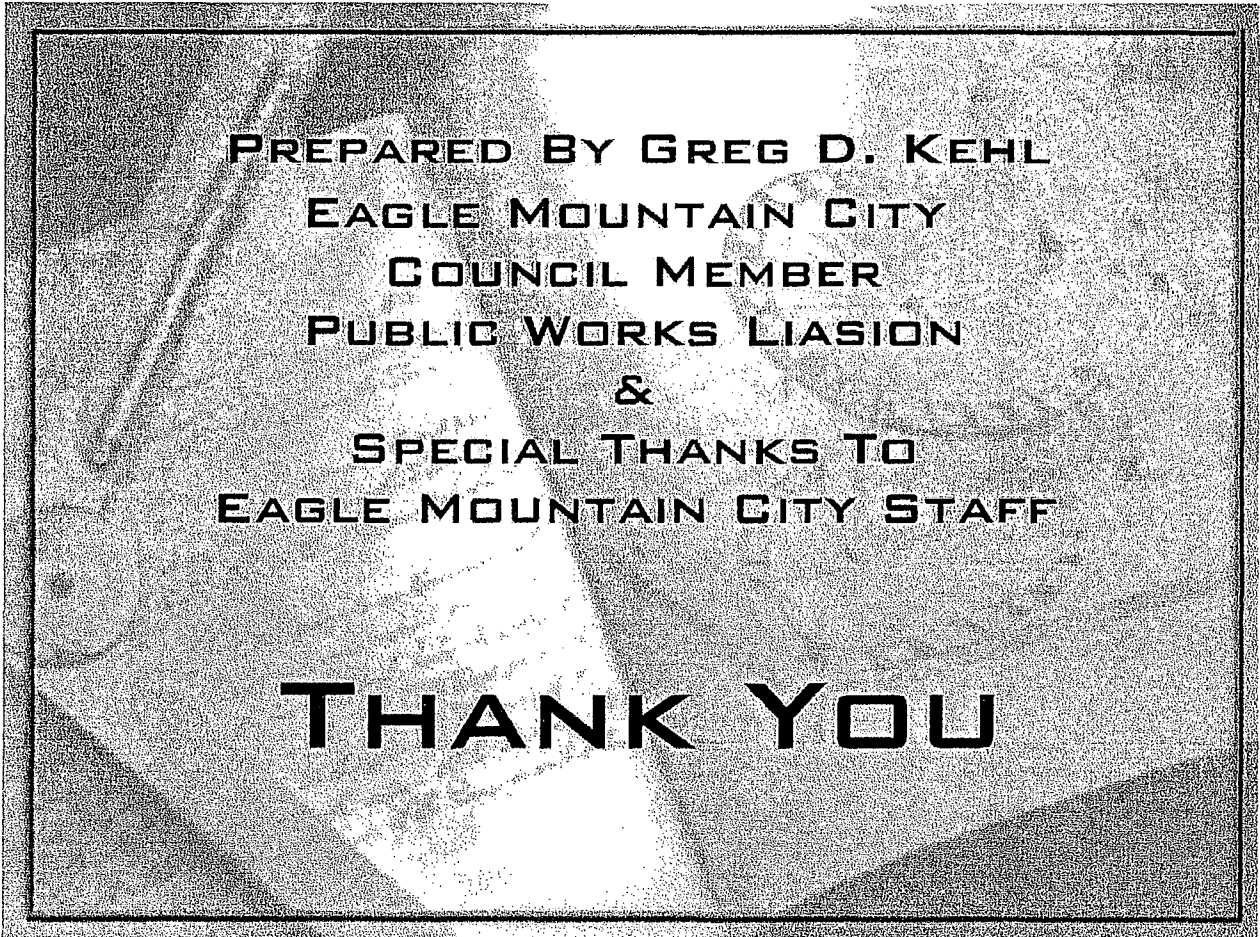
- 1.) Long-term supply contracts for Gas and Electricity.
- 2.) Sewer Expansion to handle future growth as well as upgrade the treatment levels of the water for re-use.
- 3.) Business Development, and growth.
- 4.) Growth, expansion, and interconnection of existing roadways, parks, trails, and other amenities.

The purpose of this list is to show two things:

- 1.) Each administration has its own challenges to face and as such they will have their own sets of successes and failures.
- 2.) No matter how much an administration works, they will always leave things unfinished that will need to be carried on by the next administration. This is the purpose for overlapping terms—so that those incumbents can help educate and unify the new council on the outstanding issues and begin the learning process for the next two years.

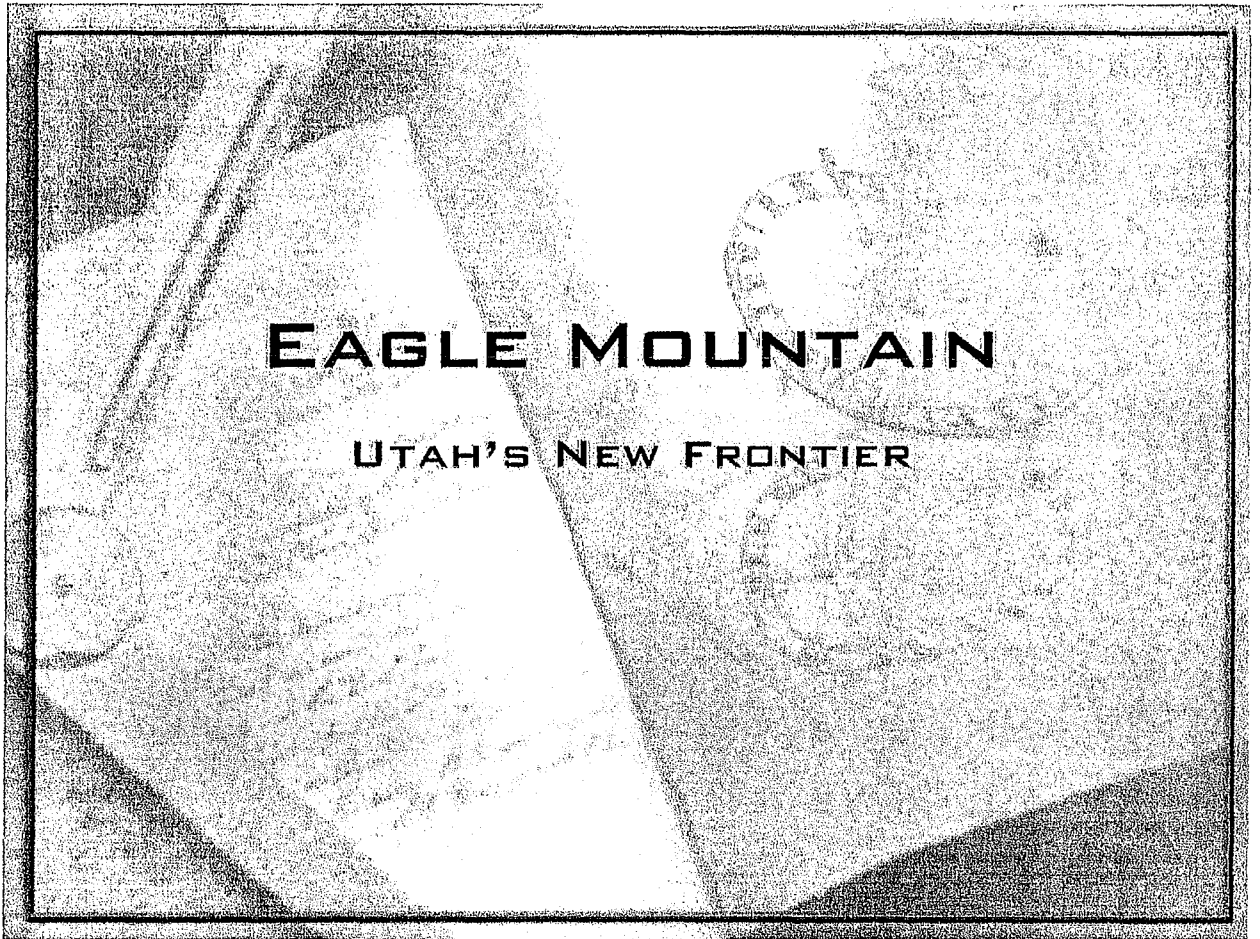
Each administration has had its challenges, and each has had great success in facing them. It is everyone's responsibility to work together to continue and improve this city. At times in the past, citizens have called for the resignation of their elected officials. I respect their opinions and can understand their frustrations. However, this is not the answer to making change and is not a positive contribution to the future of this city or its residents. It simply adds fuel to an already smoldering fire of mistrust, confusion, and anger. If any resident feels that something is amiss, or a change is needed, I encourage them to call us, your elected officials, to discuss your concerns. Feel free to ask questions and offer suggestions or ideas for solutions and attempt to be a positive influence for change. The best way to get what you don't want is to remain apathetic to the things around you and by not taking the time to be properly informed about the issues that are being addressed.

I remain optimistic about the future of this city. We have faced significant challenges in the past that have been met and conquered. We will yet face significant challenges. But as long as we remain united in our sincere desires to make this city a better place we will pull through. I'm not a "politician." I'm not in this for personal gain. I'm in this for the best interests of the city and the residents I serve and I look forward to continuing our efforts together to bring the dream that is Eagle Mountain to a reality. Thanks!



**PREPARED BY GREG D. KEHL
EAGLE MOUNTAIN CITY
COUNCIL MEMBER
PUBLIC WORKS LIASION
&
SPECIAL THANKS TO
EAGLE MOUNTAIN CITY STAFF**

THANK YOU



EAGLE MOUNTAIN CITY OWNS

FIVE UTILITIES

- ◆ POWER
- ◆ NATURAL GAS
- ◆ SEWER
- ◆ WATER
- ◆ TELECOM

PUBLIC WORKS

EMPLOYEES

MANAGEMENT	2
PUBLIC WORKS SECRETARY	1
NATURAL GAS TECHNICIANS	2
POWER TECHNICIANS	2
SEWER & WATER TECHNICIANS	4
STREETS	1
PARKS & RECREATION	2
TOTAL	14

FACILITIES & EQUIPMENT

BUILDINGS		1
OFFICE SPACE	900 SQF	
STORAGE SPACE	1,200 SQF	
TRUCKS		8
DUMP TRUCKS		1
UTILITY TRAILERS		2
EXCAVATION EQUIPMENT		1
RIDING MOWERS		1
WALK BEHIND MOWERS		2

UTILITY CONNECTIONS

AS OF JANUARY 1, 2003

WATER	1,955
SEWER	1,650
POWER	1,865
NATURAL GAS	1,951

INFRASTRUCTURE

POWER

NUMBER OF SUB STATIONS	1
NUMBER OF SWITCH YARDS	2
MILES OF MAIN POWER DISTRIBUTION LINE	85

INFRASTRUCTURE

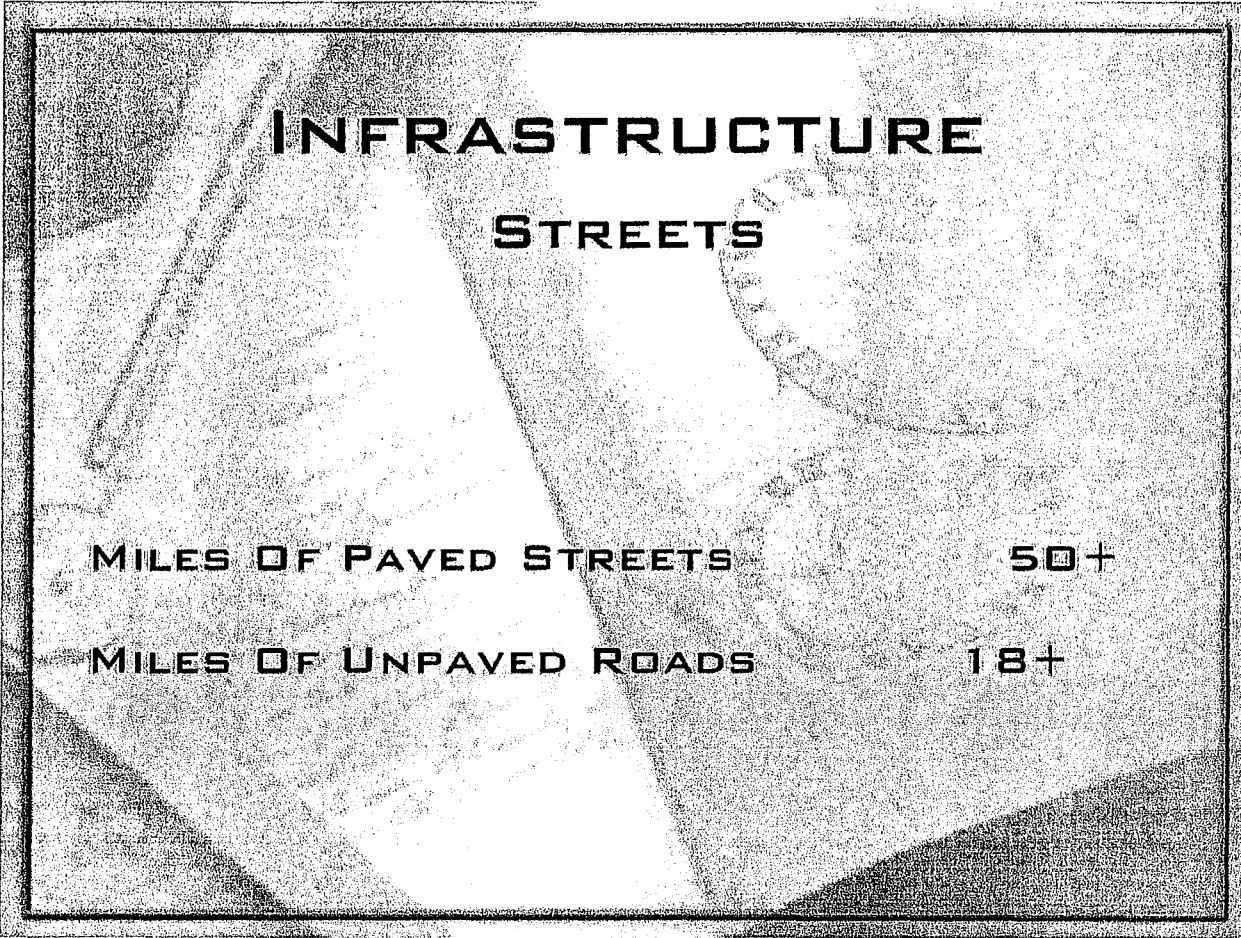
NATURAL GAS

MILES OF HIGH PRESSURE LINE	39+
FEET OF DISTRIBUTION LINE	9,755

INFRASTRUCTURE

Water

MILES OF MAIN LINE	50+
MILES OF DISTRIBUTION LINE	20+
POTABLE WATER WELLS	2
POTABLE WATER STORAGE TANKS	3
VOLUME OF POTABLE WATER STORAGE	4,000,000



INFRASTRUCTURE

PARKS

NUMBER OF PARKS 13

PARKS MAINTAINED BY CITY 5

AREA OF PARKS AND LANDSCAPE
MAINTAINED BY EAGLE MOUNTAIN CITY
NOT INCLUDING MEDIAS 50 ACRES

CITY WIDE CONCERNS

- **STREET REPAIR AND MAINTENANCE**
- **MAINTAINING PARKS & PARK STRIPS**
- **LONG TERM POWER CONTRACTS**
- **LONG TERM NATURAL GAS CONTRACTS**
- **SEWER SYSTEM UPGRADE**
- **DEVELOPMENT & DEVELOPER CONTRIBUTIONS**

COUNCIL MEMBER LINN STROUSE'S COMMENTS – STATE OF THE CITY:

We, your City Council, have progressively become a good team who works together at the process of representation in order to help meet the needs and goals of our Eagle Mountain citizens. My areas of special responsibility are as follows;

- 1) **Youth Council**: I am pleased to have initiated the ordinance which gave our youth an exceptional opportunity to learn and apply the principles and values that formed the bedrock of our democratic republic. We now have 15 participants on the youth council and staff. Besides their twice monthly meetings, they have attended a leadership retreat and have a youth dance scheduled which has given them an educational experience with government red tape along with positive interaction with our Eagle Mountain staff. Tomorrow most of our youth government will be going to the Local Officials' Day at the State Legislature with two of our Youth Council Advisors and my self attending seminars on leadership and communication as well as lunch with our state representatives.
- 2) **Sports and Recreation**: I am pleased to have initiated an ordinance which created an official recreation sports program for Eagle Mountain. These programs teach our youth sportsmanship, build self confidence and direct that boundless energy of youth into positive channels. Our board has worked diligently to stream line the organization communication and registration process according to official city regulations. You might say "it's a whole new ball game". Unforeseen challenges do occur, such as our big wooden soccer registration signs that disappeared from SR73. Thanks to the detective work by Darren Twede, we were able to get the signs back from UDOT before they were disposed of.
- 3) **Pony Express Days**: I have gradually learned "the ropes" of Pony Express Days. This series of major events require a masterful coordination of timing, communication, organization and resources that are still subject to the whims of Nature. Pony Express Riders carrying the Olympic Torch were greeted by a surprisingly large crowd despite very frigid temperatures.
- 4) **Neighborhood Watch**: This program, about neighbors banding together for the safety and protection of their family and property, has grown into a city wide network that has established a powerful deterrent to would be criminals. Presentations are being held regarding the dangers to our youth that cover everything from sexual predators on the internet to bicycle safety. C.E.R.T. training, our joint citizen and city wide response to disaster or terror is still on going.

I am sure I speak for all the council in expressing my heart felt gratitude to all of our citizen volunteers, the mayor, staff and sponsors who have given so much of their time and energy in order to make all these programs successful. At times the work load has been over whelming at break neck speed. So, I wish to extend a special thank you to the many who have taken the time to communicate their appreciation, support and concerns to me over this past year. We have a wonderful community that has worked hard with us to address the unique challenges of our young city, while holding firm to the Eagle Mountain vision that has inspired our achievements and continues to direct our goals.

01/21/03

Councilwoman Linn Strouse

COUNCIL MEMBER MARK MADSEN'S COMMENTS – STATE OF THE CITY:

SERVING THIS PAST YEAR ON THE EAGLE MOUNTAIN CITY COUNCIL HAS BEEN A WONDERFUL EXPERIENCE.. IT HAS BEEN INTERESTING, CHALLENGING AND FULFILLING.

COMING INTO A POSITION LIKE THIS PRESENTS ONE WITH A TREMENDOUSLY STEEP LEARNING CURVE. I HAVE COME TO UNDERSTAND MUCH ABOUT THE INNER WORKINGS OF THE CITY OF EAGLE MOUNTAIN AND THERE IS YET A GREAT DEAL I CAN LEARN.

SERVING IN OFFICE HAS GIVEN ME THE OPPORTUNITY TO ADVOCATE AND APPLY PRINCIPLES OF GOOD GOVERNMENT TO WHICH I HAVE LONG SUBSCRIBED, AND I THINK THIS MAY HAVE BEEN MY GREATEST SERVICE TO THE CITY THUS FAR.

WHEN I RAN FOR OFFICE I HAD NO IDEA THE BREDTH AND DEPTH OF THE PROBLEMS WITH WHICH THIS CITY WAS PLAGUED. IN FAR TOO MANY WAYS THE STATE OF THIS CITY A YEAR AGO WAS ABYSMAL AND I AM STILL AMAZED THAT A YEAR LATER WE CONTINUE TO UNCOVER CASES OF INCOMPETENT MISMAGEMENT AT BEST AND CORRUPT MALFEASANCE AT WORST UNDER PREVIUOS ADMINISTRATION.

I SAY THIS NOT TO INDICT INDIVIDUALS WHO WERE ELECTED OR APPOINTED TO OFFICE IN THE PAST RATHER TO IMPRESS UPON YOU JUST HOW FAR WE HAVE COME IN THIS LAST YEAR AND TO MAKE THE CITIZENS OF THIS FINE CITY AWARE THAT THERE ARE MANY SINS OF THE PAST FOR WHICH THE CITY IS STILL PAYING AND WHICH STILL REQUIRE VIGILANT ATTENTION AND DILIGENT EFFORT TO REPAIR.

BUT A NEW DAY HAS DAWNED IN THIS GREAT CITY AND ONE NEED NOT LOOK FAR TO SEE THE DIFFERENCE; THE IMPROVEMENT IS PALPABLE. ALL OF US WHO MAKE EAGLE MOUNTAIN OUR HOME AND THOSE WHO DO BUSINESS IN OUR CITY, CAN HOLD THEIR HEADS HIGH AND LOOK TO THE FUTURE WITH UNLIMITED OPTIMISM.

THE CITY HAS BEEN REBORN WITH A SPIRIT OF COOPERATION AND COMMON PURPOSE. CITY POLICIES REFLECT MORE AND MORE THE PRINCIPLES OF EQUITY AND RESPONSIBILITY. THE CITY GOVERNMENT IS NOW ADMINISTERED WITH PROFESSIONALISM AND CONSIDERATION.

TONIGHT I WOULD LIKE TO REVIEW WHAT I BELIEVE WERE THE FOUR MOST IMPORTANT VOTES AND ISSUES THE COUNCIL HAS DEALT WITH IN THE LAST YEAR:

FIRST, GETTING RID OF FORMER CITY ADMINISTRATOR JOHN NEWMAN AND OTHER PERSONNELL WHO ILL SERVED THE CITY. I WOULD LIKE TO OFFER A FEW ILLUSTRATIONS -- ONLY A FEW OF MANY -- OF WHY RIDDING THIS CITY OF THESE BAD APPLE EMPLOYEES WAS SO IMPORTANT. I WOULD ALSO ADD THAT SOME OF THESE FACTS CAME TO LIGHT ONLY AFTER THE EMPLOYEES IN QUESTION WERE GONE.

LUCRATIVE AND TOTALLY UNJUSTIFIABLE CITY CONTRACTS WERE AWARDED TO CRONYS OF THE FORMER CITY ADMINISTRATOR, REPORTS AND AUDITS REQUIRED BY LAW WERE NOT COMPLETED OR SUBMITTED TO THE STATE AS REQUIRED BY LAW, STATE SALES TAX REVENUES COLLECTED BY THE CITY HAD NOT BEEN PAID TO THE STATE, DEVELOPMENTS WERE HELD UP FOR REASONS NOT JUSTIFIED BY LAW OR BY THE INTERESTS OF THE CITY, INFORMATION WAS CONTROLLED SO AS TO LEAVE OFFICE HOLDERS IN THE DARK AS THEY MADE DECISIONS AFFECTING THE CITIZENS OF OUR CITY.

BY REMOVING BAD CITY EMPLOYEES WE HAVE CUT OUT A CANCER THAT WAS BLEEDING THE LIFE OUT OF THIS CITY.

NUMBER TWO. LAST YEAR WE LAID THE GROUNDWORK FOR THE REALIZATION OF JAKE GARN AIRPORT. AS I DISCUSS EAGLE MOUNTAIN WITH PEOPLE IN THE WASATCH FRONT BUSINESS COMMUNITY

-- IT SEEMS I AM PERPETUALLY ENGAGED IN PROMOTING EAGLE MOUNTAIN EVERY DAY TO VIRTUALLY EVERYONE WITH WHOM I COME IN CONTACT, AND I'M HAPPY AND PROUD TO DO IT

BUT AS I TALK ABOUT EAGLE MOUNTAIN, NOTHING CREATES MORE INTEREST OR EXCITEMENT THAN OUR YET UNCONSTRUCTED AIRPORT.

SINCE DAY ONE, THE VISION OF OUR CITY HAS HAD AS ITS CENTERPIECE AN AIRPORT DESIGNED TO MEET THE AVIATION NEEDS OF THE STATE AND TO SERVE AS A MAGNET FOR HIGH TECH BUSINESS DEVELOPMENT IN OUR CITY.

THIS PAST YEAR I HAD THE PRIVILEGE OF CASTING VOTES TO ESTABLISH THE AIRPORT PLANNING COMMISSION AND TO CREATE AN AIRPORT ECONOMIC DEVELOPMENT AGENCY. BOTH OF THESE ARE PREREQUISITES TO GETTING MAJOR INVESTORS AND GOVERNMENT AGENCIES AT THE STATE AND FEDERAL LEVEL TO MOVE AHEAD WITH APPROVAL AND DEVELOPMENT OF THE JAKE GARN AIRPORT.

IT IS HARD TO CONTAIN MY EXCITEMENT ABOUT WHAT THIS YEAR SHOULD BRING IN REGARDS TO THIS PROJECT, WHICH IS SO CRITICAL TO OUR CITY REACHING ITS FULL POTENTIAL.

NUMBER THREE. THE ISSUE THAT FIRST PLANTED THE SEED IN MY MIND TO RUN FOR CITY COUNCIL WAS MY UTTER EXASPERATION WITH THE CITY'S DEVELOPMENT CODE. THE PREVIOUS CODE WAS FULL OF VAGARIES AND, INCONSISTENCIES, AND WAS IN MANY WAYS VIOLATIVE OF CONSTITUTIONALLY PROTECTED INDIVIDUAL PROPERTY RIGHTS. IN SUM IT WAS BAD LAW.

IT WAS A DETERRENT TO DEVELOPMENT, IT WAS THE SOURCE OF TREMENDOUS CONFLICT BETWEEN DEVELOPERS AND THE CITY, AND IT WAS A BANE TO INDIVIDUAL HOMEOWNERS.

THE CREATION OF A NEW AND WORKABLE DEVELOPMENT CODE HAS, BY FAR TAKEN MORE OF MY TIME AND ENERGY THAN ANY OTHER CITY PROJECT.

SOON, VERY SOON, A CLEAR, INNOVATIVE, DEVELOPMENT CODE WILL BE AVAILABLE FOR PUBLIC COMMENT AND THEN SUBMITTED TO A VOTE OF THIS COUNCIL. I BELIEVE IT WILL MAKE EAGLE MOUNTAIN MORE ATTRACTIVE TO DEVELOPERS AND WILL RESULT IN DEVELOPMENT OF WHICH WE CAN ALL BE PROUD.

WHILE ON THE SUBJECT OF OUR CITY'S CODE, I WILL SAY THAT IN GENERAL THE CODE IS STILL CHOCK FULL OF BAD LAW -- LAW THAT IS MISDIRECTED, UNCLEAR, UNENFORCEABLE, UNCONSTITUTIONAL, AND IN SOME CASES OUTRIGHT DANGEROUS. WE HAVE A LONG WAY TO GO TO MAKE OUR CITY CODE RESPECTABLE.

TO CURE THIS ILL I WOULD LIKE TO INVITE THE ASSISTANCE OF EVERY CITIZEN IN THIS CITY. ALREADY THE COUNCIL HAS HEARD FROM BOLD AND CONSCIENTIOUS CITIZENS WHO HAVE COME FORWARD TO CHALLENGE WHAT THEY RECOGNIZE AS BAD LAW.

WHILE I COMMIT TO YOU TONIGHT THAT I WILL REVIEW AS MUCH OF THE CODE AS I CAN IN THE COMING YEAR FOR THE PURPOSE OF IDENTIFYING AND CHANGING BAD LAWS ON OUR BOOKS, I KNOW THERE IS A REPOSITORY OF PERCEPTION AND EXPERTISE AMONG THE CITIZENS OF THIS CITY THAT VASTLY EXCEEDS THAT OF THE MAYOR THE COUNCIL AND CITY EMPLOYEES COMBINED.

MY PLEA TO YOU, THE PEOPLE OF EAGLE MOUNTAIN, IS TO FAMILIARIZE YOURSELVES WITH THE LAWS UNDER WHICH YOU LIVE AND TO COME TO US WHEN YOU SEE BAD LAW OR PERHAPS LAW THAT COULD SIMPLY BE IMPROVED.

THE LAST ISSUE AND PERHAPS THE MOST IMPORTANT, IS THE ISSUE OF THE CITY'S FINANCES. IN DECEMBER OF 2001, WHEN I WAS JUST A COUNCILMAN ELECT, WE WERE GIVEN A SERIES OF PRESENTATIONS ABOUT VARIOUS ASPECTS OF THE CITY. DURING THE PRESENTATION ON CITY FINANCES I PICKED OUT -- JUST AT FIRST GLANCE -- HUGE, SIX FIGURE DISCREPANCIES FOR WHICH NO EXPLANATION COULD BE GIVEN.

AS IT TURNED OUT THAT WAS JUST THE TIP OF THE ICEBERG. I DON'T HAVE TIME TO REGALE YOU HERE TONIGHT WITH THE SEEMINGLY ENDLESS INCIDENTS OF FINANCIAL NEGLIGENCE WROUGHT UPON THIS CITY.

BUT I WILL SAY THAT AMONG THE MOST IMPORTANT STEWARDSHIPS OF PUBLIC OFFICE IS THE TAXPAYER'S MONEY --

AND THIS ADMINISTRATION RECOGNIZES THAT.

THE CITY AND ITS CITIZENS ARE INFINITELY BETTER OFF NOW THAN THEY WERE A YEAR AGO IN THIS REGARD, AND WE WILL CONTINUE TO COMMIT WHATEVER RESOURCES ARE NECESSARY TO COMPLETELY CURE THE DAMAGE DONE IN THE PAST. ENOUGH SAID ON THAT ISSUE.

NOW I WOULD LIKE TO GIVE SPECIAL RECOGNITION TO A FEW FOLKS WHO HAVE CONTRIBUTED GREATLY TO THE ASTONISHING SUCCESS OF THE LAST YEAR

FIRST KENT PARKER, THE CITY'S NEW FINANCE DIRECTOR. WHEN KENT REPLACED OUR OLD FINANCE DIRECTOR HE WAS FACED WITH THE HERCULEAN TASK OF GETTING THE CITY'S FINANCIAL HOUSE IN ORDER AND HE HAS DONE JUST THAT. KENT AND HIS STAFF HAVE BROUGHT THE CITY CURRENT ON FINANCIAL AUDITS, REPORTS AND PAYMENTS THAT WERE YEARS DELINQUENT. I HAVE GREAT CONFIDENCE IN AND APPRECIATION FOR MISTER KENT PARKER.

SECOND, CHRIS HILLMAN. CHRIS WAS CHOSEN FROM MANY CANDIDATES TO REPLACE THE OLD CITY ADMINISTRATOR. CHRIS CAME TO US WITH EXCELLENT EXPERIENCE IN CITY GOVERNMENT BUT THIS IS THE FIRST TIME HE HAS BEEN A CITY ADMINISTRATOR, HE'S STILL A ROOKIE, NEVERTHELESS, HIS CONTRIBUTION HAS BEEN TREMENDOUS IN LEADING THE CITY TO A MORE SOPHISTICATED AND PROFESSIONAL MANAGEMENT.

THE GREATEST THING CHRIS HAS BROUGHT TO THE POSITION HAS BEEN INTEGRITY AND AN UNDERSTANDING THAT HE WORKS FOR THE CITIZENS OF EAGLE MOUNTAIN NOT THE OTHER WAY AROUND.

NEXT, GREG KEHL, JUST BECAUSE I DISAGREE WITH SOMEONE SOMETIMES DOESN'T MEAN I DISLIKE THEM OR THAT I DON'T RESPECT AND APPRECIATE THEM. HIS POSITIONS ARE WELL THOUGHT OUT AND REFLECT THE FACT THAT GREG CONSISTENTLY CONSIDERES FIRST, THE BEST INTEREST OF THE CITY AND ITS CITIZENS. FROM TIME TO TIME PEOPLE POKE FUN BECAUSE OF GREG'S PHYSICAL STATURE -- NO ONE DOES THIS MORE THAN GREG HIMSELF -- BUT WHEN I LOOK AT GREG I SEE A GIANT, HE EMBODIES SO MUCH OF WHAT IS RIGHT ABOUT PUBLIC SERVICE.

FINALLY I CAN'T SAY ENOUGH ABOUT MAYOR KELVIN BAILEY -- AND I DON'T NEED TO SAY MUCH -- ANYONE WHO PAYS ANY ATTENTION TO THIS CITY ALREADY KNOWS. I ADMIRE KELVIN'S TECHNICAL KNOWLEDGE ABOUT THE MANAGEMENT OF THE CITY AND HIS WAY WITH PEOPLE BUT ABOVE ALL I ADMIRE HIS INTEGRITY.

SOMETIMES I WONDER AT HIS WILLINGNESS TO SACRIFICE HIS OWN WELLBEING FOR THIS CITY, BUT I NEVER WONDER WHETHER HE WOULD EVER SACRIFICE HIS PRINCIPLES, HE WON'T. I HOLD KELVIN IN THE HIGHEST ESTEEM AND EAGLE MOUNTAIN IS BLESSED TO HAVE HIM.

I BELIEVE THAT EAGLE MOUNTAIN IS COMING INTO ITS OWN, IT HAS MOVED BEYOND ITS INFANCY AND IS POISED TO FULFILL ITS DESTINY. A BIT OF TRIVIA AS AN EXAMPLE -- 2002 WAS THE FIRST FULL YEAR IN THE CITY'S HISTORY THAT ALL COUNCIL SEATS ALONG WITH THE MAYOR'S POSITION HAVE BEEN FILLED BY INDIVIDUALS ELECTED TO THEIR POSITIONS BY THE PEOPLE RATHER THAN APPOINTED.

THIS IS A VERY GOOD SIGN.

THIS CITY SEEMS TO HAVE A KNACK FOR ATTRACTING QUALITY PEOPLE TO LIVE HERE, AND THAT ALSO BODES WELL FOR THE FUTURE, I HAVE BEEN IMPRESSED BY THOSE OF YOU I HAVE MET, AND BY THINGS LIKE OUR VOTER TURN OUT AND THE MANY WHO ARE WILLING TO VOLUNTEER THEIR TIME TO SERVE THIS COMMUNITY; I AM HONORED TO SERVE YOU.

IN CONCLUSION I WOULD LIKE TO THANK A COUPLE OF PEOPLE WHO SUSTAIN AND INSPIRE ME AS I STRIVE TO REPRESENT THE PEOPLE OF EAGLE MOUNTAIN. FIRST, MY WIFE ERIN WHO --

IN ADDITION TO BEING SUPPORTIVE IN EVERY WAY IMAGINABLE -- IS EXPERT IN THE FIELD OF GOVERNMENT AND POLITICS AND WHO HELPS IMMENSELY WITH HER ASTUTE AND INSIGHTFUL OBSERVATIONS IN THIS REALM.

I'D ALSO LIKE TO THANK AND PAY TRIBUTE TO MY GRANDFATHER, WHO TAUGHT ME FROM MY EARLIEST DAYS THE PRINCIPLES OF GOOD GOVERNMENT AND THE IMPORTANCE OF GOOD MEN IN PUBLIC SERVICE. I ASPIRE TO LIVE UP TO HIS LEGACY.

FINALLY I THANK GOD FOR RAISING UP THIS GREAT COUNTRY FOR HIS HOLY PURPOSES, FOR INSPIRING THE FOUNDERS OF OUR NATION TO REVOLT AGAINST TYRANNICAL GOVERNMENT AND TO THEREAFTER FORM A GOVERNMENT BASED ON THE PRINCIPLES OF INDIVIDUAL RIGHTS, INDIVIDUAL AGENCY, INDIVIDUAL ACCOUNTABILITY, AND LIMITED GOVERNMENT.

WHEN I TOOK THE OATH OF OFFICE, I SWORE TO UPHOLD THE CONSTITUTION OF THE UNITED STATES. I DO NOT TAKE THIS OATH LIGHTLY AND I CAN STAND BEFORE YOU TODAY AND SAY THAT I HAVE LIVED TRUE TO THAT OATH DURING MY FIRST YEAR IN PUBLIC OFFICE

AND I WILL SWEAR TO YOU AGAIN TONIGHT THAT I WILL NOT BETRAY THAT PLEDGE.

MAY GOD BLESS EACH ONE OF YOU, MAY HE BLESS A RIGHTEOUS AMERICA AND MAY HE BLESS THE CITY OF EAGLE MOUNTAIN. THANK YOU

COUNCIL MEMBER DIANE JACOB'S COMMENTS – STATE OF THE CITY:

Mayor, Council Members, Staff;

I am honored to be able to address the citizens of Eagle Mountain this evening during my first State of the City address and want to thank past administrations for paving the way.

This has been an exciting year for the City Council and an exciting year for Eagle Mountain.

At this time last year, I was new, nervous and anxious to serve. Many things were new to me; but some were old hat, as I have been involved in the City since it's birth in December of 1996. I have attended citizen planner, Envision Utah and planning commission training workshops.

As a City Council Member, my responsibilities include being council liaison for the Planning Commission, Airport Advisory Board, and Airport Planning Commission.

As liaison, I am required to attend the Planning Commission meetings held on the 2nd and 4th Tuesdays. The Chairman for 2002 was Tom Maher, with acting Co-chair Chris Kemp. These two men have just been reinstated to head the Commission for 2003. The Commission is filled with dedicated members wanting to do the best for our City, both now and it's plans well into the future. The Planning Commission's role is to study subdivision plats, master plans, site plans, and conditional uses and then recommend them, with or without conditions, to the City Council for approval. The City Council has given final approval to the following subdivisions this past year (the following groups are divided only as a way to show which sewer treatment plant services the areas; this is the way I received the information):

In the South Service Area these subdivisions received final City Council approval:

Autumn Ridge phase 1
Eagle Point, Plats I and J
Cedar Trails, Phase 2 A

There were a total approved 451 lots for the year 2002, encompassing 149 acres. These bring the total of approved lots in the South Area to 2,692. With these subdivisions 29.36 acres of deeded open space were included.

It is interesting to note that in the previous year of 2001 the only development that received City Council approval in the SSA was a church site.

In the North Service Area, the city council gave final approval to these:

Mt. Airy Plat amendment
Friday's Station
O'Fallon's Bluff
Rock Creek Station
Lone Tree
Smith Ranch Church
Kiowa Valley, Plats A and B
Willow Springs, Phases 3 and 4
Freemont Springs, Plats A B &C

Total lots for this area were 551, encompassing 57.97 acres, bringing the total of approved lots to 2,468. The open space deeded to the City for this area included 29.798 acres.

In 2001, 319 lots were given final plat approval.

Added together, the total of current approved lots for the City is 5,160.

The additional acreage added to Eagle Mountain through annexations are: Carlton, with 74 acres, which sits by the north fire station; and Evans Ranch, with 483.7 acres, which is located west of Porter's crossing.

Two Master Plan approvals were granted, one for 20 acres south of Kiowa and the other to Evans Ranch. Also, The Ranches was granted two Master Plan amendments.

As Planning Commission liaison, I attend the Development Review Committee (DRC) meetings held weekly. The DRC as it is known comprises the Planning Director, City Administrator, City Engineer, and Public Works Director, and as needed, the Building Inspector and City Fire Chief. In these meetings we are able to see the beginning of both commercial and residential developments brought by various applicants. Here the City is able to communicate our needs and items required by the development, fire, and building codes.

Speaking of businesses, it would be interesting to note that Eagle Mountain presently has 119 business licenses, with 68 of those new in 2002. Most of these are home-based businesses, but commercial is on the horizon. The DRC is currently working with an applicant that wishes to develop a small grocery store, gas station and other small business at the corner of Pony Express and Ranches Parkway; an additional office building in the Ranches; a concept for a permanent office building in the city center in addition to the hoped for Fire Station/City office building.

With all their other duties, the Planning Department and staff are working on a revising the Development Code, The Planning Commission and City Council have worked together to change some things that just do not make sense, and we are incorporating those into the new code. This new version should be ready for public review sometime in Feb and likely ready for a City Council vote in March. I would like to publicly and personally give credit to Shawn Warnke and his staff along with Mark Madsen for their long hours of enduring countless rewrites and endless research.

Early this year our City Council met with Saratoga Springs to review and discuss common borders and how to best plan their land uses. We will soon be meeting with our neighbor to the west, Cedar Fort, to discuss the same items and form a good working relationship.

I am pleased to announce that as a City we pulled 389 building permits, excluding basements, in 2002. Saratoga Springs pulled 332.

My second area of duty is the Airport Planning Commission and Airport Advisory Board. These entities have jurisdiction over Eagle Mountain Properties airpark and subdivisions lying within 1,500 feet of airstrips. Presently, these include Sky Dive University, a small airstrip along Lake Mountain Road, and the planned Jake Garn Airport.

These bodies have met several times this year. Those serving on these boards have either airport or airplane knowledge. Jack Guthrie serves as Chairman of both. The Jake Garn Airpark is presently on hold but we anxiously look forward to the groundbreaking.

During this past year my

My Hardest Decision: was the Firing the former City Administrator.

My Best Decision: was the Hiring the present City Administrator and Financial staff.

My Hardest Moment, well that's a toss up between trying to get up to speed on the budget or the capital facilities plan.

But by far my Best Moment: was realizing that the Council, after several months, was no longer divided along former election allegiances but had jelled as a group to work our hardest for you.

I have thoroughly enjoyed getting to know other council members and staff. It has been my honor to serve the citizens of this wonderful City. It is my hope that those of us who do serve will continue to do so to the best of our ability. I am so proud of our 40+ City employees and all the hard work they do for us all. Thank you.

I love this City. There are so many good things about this place. It gets in your blood and under your skin. This City is not just a stopping place for me; this is where I want to live. Despite how the City is portrayed by outsiders and the press; we are a forward-thinking and unique City - a place I am proud to call home.

Thanks for your vote of confidence. I will do everything to make it a place you want to call home as well.

Diane Kimball Jacob
City Council

EXHIBIT 2

STATE OF THE CITY ADDRESS BY MAYOR KELVIN E. BAILEY:

My fellow Friends, Neighbors and Citizens:

It is my pleasure and honor to report the State of the City for the first time in Eagle Mountain's history and at the beginning of my second year in office.

First, let me briefly express my sincere appreciation for the trust and confidence you have granted to me and to each member of this Council. In addition, I am thankful for the opportunity to serve our City and especially for the support that many have rendered during my term thus far in office.

Without question this has been one of the most challenging and eventful years for our City since its inception only six years ago last month. Working together, we've accomplished much. Yet many more challenges still lie before us. While some challenges are easily solved, others take time and require difficult decisions that may greatly affect each of us. Through it all, we are becoming stronger, wiser, and better prepared for a marvelous future that begins as early as tomorrow.

Eagle Mountain in just six short years has grown from roughly 250 residents to over 8,000. We are the third largest geographic city in the state of Utah. These two facts alone have created one of our greatest challenges: growth.

What have we accomplished these past 12 months? With much-appreciated assistance from innumerable individuals and organizations we've completed and improved dozens of acres in parks, trails, and streetscapes. We have expanded and improved our power and water systems to handle our astonishing growth; expanded our police, fire, and medical services; improved our youth sports program and created a youth council program. We have grappled and brought under control our financial system; negotiated the sale of our telecom system with a 94% approval rating; revamped our development code and land use plan; expanded our library; launched our new website; created an exciting new marketing strategy; adopted a new city flag and installed new flag poles; dedicated a new elementary school; had property purchased for a second elementary school and we have made Eagle Mountain City the most customer-service oriented municipality in the state. All in all, I would say it has been a fun and challenging year.

We began with three newly elected council members and a mayor; each determined to help in making a difference. In the first two months we hired a new Finance Director, Kent Parker. Next, we let go of our City Administrator, John Newman, who had been serving as the City Administrator, Public Works Director and City Finance Director all in one. With his departure I was forced to accept those responsibilities except for Finance Director, this was without monetary compensation, and at the same time continued to serve as Mayor, which was supposed to be a part time job in and of itself. This was a difficult decision and some on the Council felt it was a major mistake. Even though this placed a tremendous burden on my family and myself, it was a necessary change to repair an enormous financial and organizational mess. I am so thankful for those Council members who supported this decision and their strong support during this transition. I am also appreciative for the cooperation of the two continuing council members. It started off a little rocky for the Council, but with time we have become a team and have worked well together over the remainder of the year. I look forward to a continued team effort from the entire council.

Kent Parker, the new Finance Director, was given the enormous challenge of not only making sure that all financial transactions of the city were maintained on a daily basis, but also, was required to bring the records of the past two financial years into current status.

Unfortunately, the former Administrator, City Treasurer, nor the Mayor or City Council had taken the appropriate action to avoid allowing our financial information to reach such a critical state. Not even the independent auditors, who were aware of the financial status along with the City Administrator and City Treasurer bothered to go directly to the Council about these problems. Naturally it was disappointing to find that these financial matters were not being addressed with the importance they deserved.

The heart and core of any organization are the financial records, without them it is difficult to make prudent and wise decisions, plan for the future, or have the ability to judge the effectiveness and productivity of various city departments and employees.

The City's overall financial status is now taking shape. After 10 long months of hard work by our Finance Department in piecing together two-year-old financial records (some of which couldn't even be found), the 2001 fiscal year audit was completed in October. What's more, the Finance Department now has the preliminary numbers in place for the 2002 fiscal year. What took ten months to accomplish for 2001 will likely only take four months for 2002. We all owe a great thanks to our Finance Department for not only keeping up with the current fiscal year but also finalizing two previous fiscal years at the same time. The 2002 numbers will likely be ready to go to our auditors next week and we anticipate a four-week turn around for the final audit to be completed. In sum, we hope the 2002 audit will be completed by the end of February – an eight-month improvement over last year!

These preliminary numbers which so far simply compare "cash in" to "cash out," show the City to be generally stable – more so than one might expect given the lack of important financial information. Some of our utility funds lost money. Others made a significant amount. The General Fund pretty much held its own. My goal is to have each utility fund pay for itself and not be reliant upon other funds for financial support. A more complete analysis will obviously be available once the audit is completed. Beginning next month, Council will be receiving monthly financial reports so they can keep up on the City's financial status.

One final financial note concerning our sales tax audit. The City does have the money available to pay the sales tax owed to the State. We are currently working with the state to finalize what penalties might be waved and are still trying to work out a deal on the interest.

Our search for a new city administrator ended when we hired Mr. Chris Hillman. With his unique skills in organization, marketing, budgeting and energetic dedication we have been better able to identify the problems and find solutions for them. He has been very instrumental in bringing order and focus to our staff. He is there to oversee the day- to-day operations and assure that things are running well. He has worked closely with me to improve our image inside and outside the city. His services have been invaluable, he is and will continue to be a tremendous asset to the future of Eagle Mountain City.

In July we hired Mark Sovine to be our new Public Works Director. Again we have been fortunate to be able to add his knowledge and skills to the many other talented individuals that have been serving in the Public Works Department. This department has literally kept the city physically together under the leadership of Bob Wren, our Public Works Supervisor, who has put countless hours into making it all happen when it comes to your utilities. Dan Valentine has done the same with our Telecommunications system. We are indebted to these two individuals and those who work directly with them.

Concurrently we have worked to improve our relations with our current developers and potentially new developers such as Centex Homes, Alpine Homes, Humble Homes, Ames Construction and others. This is essential to our City; developers are the future to our growth. We are in essence dependent upon having their business in more ways than one. The majority of our general funds are derived from their investment activities in Eagle Mountain. Their marketing efforts are the primary reason that new residents come to Eagle Mountain, which in turn results in more utility users to help fund the Enterprise Funds (our utilities) of the city. We need the revenues from developers to operate the city because very little revenues are derived from the residential tax base of homeowners and the profits in the Enterprise Funds are not there due to the operational expense and debt service on them.

We have worked feverishly with Eagle Mountain Properties in the City Center in a cooperative effort to create a Special Improvement District (SID) to obtain the necessary funds to expand the sewer system, improve roads, build new parks, drill a new well and more, all in an effort to stimulate growth in this area. Without this or other resources the City Center will not be able to continue to grow without interruption. On the contrary, it would become stagnant and unable to grow. We now have Patterson Construction moving forward again with over a hundred new homes going in this year, Humble Homes is also going to build new homes in the City Center. They are developing 160 acres, which will result in over 300 new homes. However, for this to happen we need to solve capacity deficiencies through this SID or other means.

This effort has cost the city thousands of dollars and would have with or without working on an SID. We would have still spent thousands of dollars in other areas in an attempt to find ways to stimulate the growth in the City Center. I can honestly say that of the incalculable hours that I have spent in the service of Eagle Mountain City, by far the majority has been spent in addressing the City Center area problems. However, to do less would be a disservice to the residents there. There are many reasons as to why growth has become stagnant in the South area, but regardless, it is essential that we solve this problem for the good of the entire City. I want to emphasize that there is no North or South, we are one city, with one objective and that is to grow as one. We must work together and draw development towards each other. Unfortunately, there are two specific circumstances that have created a wedge between the two parts of City. One is the lack of a road between the Master Planned Communities. I am pleased to announce that through much effort we now have a verbal commitment from the State Trust Lands to build their portion of that road, this year, which will create that geographic link we so desperately need, binding us closer to each other. The other is the fact that we have two separate sewer systems, which create an undesirable cost disparity between the North and South Service areas. Again, we are working on ways to join the two or to find ways to reduce the cost of debt service so that there will be less cost disparity between them.

Some are probably wondering what will happen to the utilities (When or even if they will ever sell)? As for the Telecom System, we are nearly there. We hope to close on the deal by July 2003. As for the Power and Gas Systems we have been in negotiations with UP&L and Questar for the past 7-8 months. Questar has finished with their analysis and are ready to move forward; however, without UP&L running concurrently with them we can not move any further forward with them due to the fact that the revenue bonds are tied to both utilities not just the one. In other words, we can not sell just one or the other; they have to be sold simultaneously. As of November UP&L contacted and informed me that they were no longer interested in purchasing our system for the time being. With that information I moved forward into looking at another idea. That was to look at finding a Rural Electric CO-OP to buy us out or to possibly form a CO-OP of our own. As of now that is a real possibility and we will continue to investigate further to know all the pros and cons of that path. I am confident that we will find ways to take the burden of the utilities off the backs of the city, but this will take some time given the debt service on them. With patience and persistence we will make things better.

As I reflect upon the challenges before us as a city I am reminded of a story shared with me by my close friend Rob Lee. He told me about an old farmer who had a mule that fell into the farmer's well. The water wasn't very deep, so the mule was able to stand on the bottom. The farmer heard the mule braying, or whatever mules do when they fall into a well, and went to investigate. After assessing the situation, the farmer sympathized with the mule, but decided that neither the mule nor the well were worth saving. The farmer called his neighbors together and told them what had happened and enlisted them to help haul dirt to bury the old mule in the well and put him out of his misery. Initially the mule was hysterical, but as the farmer and his neighbors continued to shovel dirt on his back a thought struck him. It dawned on the mule that every time a shovel load of dirt landed on his back he would shake it off and step up. This he did, blow after blow of dirt hitting his back. Shake it off and step up... shake it off and step up... shake it off and step up. The mule repeated this statement over and over to encourage himself no matter how painful the blows or distressing the situation seemed, the old mule fought panic and just kept on shaking it off and stepping up. It wasn't long before the old mule, battered and exhausted, stepped over the wall of the well. What had seemed would bury him actually saved him because of the manner in which he handled his adversity. That's life.

If we face our problems and respond to them positively and refuse to give into panic, bitterness or self-pity... the adversities that come along to bury us often have within them the very real potential to benefit us.

We, like the old mule, have fallen into a well. If we don't panic and if we continue to shake it off and step up, we will overcome our adversity. This adversity can be our ally, or our enemy. In the past it was our enemy, but I am pleased to report it has become our ally. We now have peace and hope where contention and despair once were. We have citizens with the right skills and expertise in positions to help improve our city and community. We now have elected officials very cognizant of our financial circumstances. We will rise above all these difficulties and challenges and be better for it.

More hope and improvement is in store for 2003. Not only will City services continue to improve, but also an additional 2,000 people will likely claim Eagle Mountain as their new home. Also, many new businesses throughout the city are making plans to join us. Eagle Mountain is a wonderful community with great potential and a bright future. It is a privilege to be a part of Eagle Mountain City, "Utah's *New* Frontier".

Thank you and God Bless.
Mayor Kelvin E. Bailey

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

February 4, 2003

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

1. Consent Agenda
2. Discussion regarding Current Policy for Utility Late Fees and Shut Offs
3. Discussion regarding Utility Damages With and Without Blue Staking
4. Discussion regarding Similar Named Roads within Eagle Mountain City
5. Discussion regarding Draft Citizen Survey
6. Discussion regarding Business Incentive Package
7. Items as Outlined on the Policy Session
8. Other Business
9. 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

The Mayor 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
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:	Sergeant Jo Murphy
Fire Department:	Chief Robert DeKorver

Others Present: David Lifferth, resident; Jackie Johnson, Bethany Williams, David Dresen, City flag contest participants; Joanna Williams, appointee to the Library Board; DeAnne Monson, appointee to the Youth Council Advisory Board; Brittany Monson, Youth Council Mayor; Trina Miller, resident; Wendi Baggaly, resident; Todd Royce, resident; Gary Himes, vice president of Hubble Homes; Mike Wren, Monte Vista Ranch; Rick Pierce, resident and member of the Planning Commission; Steve Young, Development Associates; Scott Kirkland, the Ranches; Darrell Jackson, resident; Rose Bonnell, resident, Sheryl Crawley, resident.

2. **Pledge of Allegiance:**

David Lifferth was invited to lead The Pledge of Allegiance.

3. **Approval of Minutes (January 7, 2003 and January 21, 2003) :**

MOTION: *Mark Madsen moved to approve the Minutes of January 7, 2003 and January 21, 2003. Linn Strouse 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 asked Mark Madsen to attend a transportation meeting with Mountainland Association of Governments on Thursday, February 6 in the absence of both Mayor Bailey and Mayor Pro Tem Greg Kehl.

The Mayor recognized all those who participated in the Eagle Mountain Flag Contest: David Dresen, Taelor Knudson, Craig Smith, Reagan Basset, Bryce Clyde, Garrett Marshall, Devin Perkin, Morgan Coffin, Jacob Burdick, Krystalen Erickson, Hayley Ford, Sydney Schroeder, Brianna Taylor, Miquelle Havens, Jessica Jolley, Bronwyn McDaniel, Alex Thompson, Jackie Johnson, and Bethany Williams. He presented a certificate to those in attendance and advised that David Dresen was the winner of the contest.

Mayor Bailey announced that there would be an official flag raising ceremony in city center on February 17, 2003 at 2:00 PM.

Chris Hillman announced that David Dresen did such an impressive job designing the city flag that the city hired him to create the city marketing logo.

Item 8 was discussed at this point in the meeting.

The Mayor read a letter from the Alpine School District announcing that a brick-and-mortar elementary school will be built in city center to open in all 2004. He thanked the local citizens and staff that assisted in presenting information to the school board justifying the need for the school.

Mayor Bailey referred to a letter he received from Governor Leavitt announcing a meeting on Monday, February 10, to discuss the transportation corridor issue. He presented plans from the State Transportation Department indicating that a passing lane is planned on SR 73 west of Highway 68 and improvements are scheduled during the summer of 2003 at the intersection of Ranches Parkway and SR 73.

The Mayor advised that the Eagle Mountain City web page continues to be updated and improved each day as information is added. He referred to the information contained on the web page: City Council Member Voting Records, City Council and Planning Commission Agendas and Minutes, City Ordinances and Resolutions, Development Application Forms, Building Permit Information, Utility Information and Rates, Business License Information, Links to the Eagle Mountain Fire Department, Eagle Mountain Library, Utah County Sheriff and other Government Web Sites.

5. **Appointments:**

a. Library Board

Mayor Bailey recommended Joanna Williams be appointed to the Library Board for a term from February 4, 2003 through December 31, 2005.

MOTION: *Greg Kehl moved to approve the appointment of Joanna Williams to the Library Board with a term from February 4, 2003 through December 31, 2005. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

b. Youth Council Advisory Board

The Mayor recommended that DeAnne Monson be appointed to the Youth Council Advisory Board to finish Sheila Curtis' term from February 4, 2003 through December 31, 2003.

MOTION: *Diane Jacob moved to approve the appointment of DeAnne Monson to the Youth Council Advisory Board for a term from February 4, 2003 through December 31, 2003. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Linn Strouse thanked DeAnne Monson for her efforts with the Youth Council thus far and welcomed her as an advisor.

City Recorder Janet Valentine administered the Oaths of Office to Joanna Williams and DeAnne Monson.

6. **Public Notices:**

Korey Walker announced that a public notice has been posted for the Ranches Parkway entry landscaping project and that bids will be accepted February 13, 2003.

Linn Strouse announced that there would be an organizational meeting for Pony Express Days on February 11, 2003 at 7:00 PM at 2427 E. Bobcat Way. She invited anyone interested in helping with Pony Express Days to attend this meeting.

7. **Public Comment:**

Trina Miller, resident, requested city support in getting a UTA bus stop location convenient to the city, possibly at Redwood Road and SR 73. The Mayor stated this has been looked into in the past without success; however, he advised that he would direct staff to work on presenting a plan to UTA. He invited Ms. Miller to get involved in this process.

Wendi Baggaly, resident, presented a handout to Council members regarding the Boy Scout Citizenship in the Community merit badge. She stated that other cities where she had lived produced a Citizenship in the Community merit badge booklet to help boy scouts fill this requirement. She and her husband, Michael, volunteered to put the booklet together for Eagle Mountain. She stated they would seek financial support from the Council to publish five permanent copies to be placed in the Library and 20-30 paper copies to be available in the city office. Mrs. Baggaly indicated they would then make local scout troops aware of this information. She stated she planned to meet with Chris Hillman soon to get information for this booklet. The Mayor stated the city would be supportive of this effort. Chris Hillman thanked Mrs. Baggaly for her willingness to serve in the community.

Todd Royce, resident and Highway Patrol officer, expressed his appreciation to the local Fire Department, which recently handled a crisis situation at his home in a very professional manner. He publicly thanked the Fire Department and asked the Council to give their full support to the Fire Department.

8. Citizen of the Month Award for February 2003:

This item was discussed during Item 4.

Mayor Bailey presented the Citizen of the Month Award for February 2003 to Brenda Park for her efforts as former chair of the Library Board and other community service.

9. Concept Review of Pioneer Addition for Eagle Mountain Properties and Hubble Homes:

Shawn Warnke explained this project to the Council.

Gary Himes, Vice President of Hubble Homes, Boise ID, presented information on the project, indicating that his company wants to present preliminary and final plats to the Planning Commission on March 25. He stated Hubble Homes is excited to be building in Eagle Mountain and requested comments from the Council regarding the concept plans. He answered questions from the public and Council regarding garage entrances, setbacks, lot sizes, landscaping, open space, transitioning from small lots to large lots, plans for parks, and deviations from City Code.

Mayor Bailey discussed sewer issues, and Mr. Himes indicated he was aware of sewer and water issues.

Mike Wren, Monte Vista Ranch, presented a concept for the courtyard homes planned by Monte Vista Ranch. He discussed this concept with the Council and answered questions. He indicated that the courtyard plan presents a safe play area because areas are completely fenced. He stated he wants to submit preliminary and final plans for this project within four weeks. Mr. Wren asked that Council submit any concerns they have with the project as soon as possible. Gerald Kinghorn requested that the CC&R's and water right calculations be submitted early for review.

Greg Kehl asked about the plans that Eagle Mountain Properties has to address sewer capacity issues. Mike Wren addressed this concern and stated Eagle Mountain Properties will work with the city to solve this concern.

The general consensus of the Council was supportive. The Mayor gave the go ahead to Hubble Homes to move forward with their plans.

Mayor Bailey acknowledged the presence of Youth Council Mayor Brittany Monson and asked her to address the Council.

Brittany Monson reported on recent activities of the Youth Council. She stated that January 22 was Day at the Legislature, where Youth Council members learned about government procedures and had lunch with legislators. She also reported that on January 31 the Youth Council held a dance; and even though they did not get the turnout they expected, this was a great learning experience. She thanked the Fire Department and Sheriff's Office for their participation with safety issues at the dance. She indicated that the Youth Council is working on parliamentary

procedures and will be voting on a seal and charter. Ms. Monson stated that the Youth Council would be discussing a recreation center and skate park for the city. She announced that some of the Youth Council would attend leadership training in March and that there would be fundraising activities planned to raise money for this event.

10. Consideration of Proposal to Modify Municipal Form of Government:

a. Presentation by Gerald Kinghorn, City Attorney

Gerald Kinghorn: "To begin with, I'd like to say that I don't think there is a specific proposal before you to modify the form of government in any particular way. What I've been asked to do is run through the forms that are available in the current organizational structure and answer your questions about those alternatives and give you a little bit of information about my experience dealing with each one of those; and then at the end, I'll give you some kind of recommendation and my judgment where I think we are, for what it's worth. As you know, the city is classified by population as a third-class city. We always object to that because we feel we're a first-class city, even though we're still growing fast. But by population class, we're a third-class city. It's a Mayor/Council Form. As you know, the mayor doesn't vote except in special circumstances, and we have five other council members. In this form of government, known as the Traditional Form, the mayor is the chief executive officer of the city and he's expected to execute or carry out the policies the city council adopts and to make sure that the city's ordinances and laws are faithfully executed and generally supervise the staff of personnel employed by the city. In this Traditional Form, there is also an option available to the mayor to appoint individual members of the council to be administrative heads of departments. Some very small cities that I've represented in the past and still do work for use this form of government; and for example, a council member like Brigham Morgan, might find himself appointed as the head of the Parks and Recreation Department and find himself out mowing the lawn in the park one day. This form is a form that is very, very difficult for staff to work with because you wind up having six people who are demanding priorities and trying to focus your time on their activities; and I've only seen it really work effectively in situations where the city council is larger than the staff of the city. The third option that's available to you is what's called Manager by Ordinance form. When John Newman was here, John was the administrator of the city but we never adopted an ordinance, we didn't have a true optional form of government to delegate specific responsibilities to him. It was a situation, as it is now, where the city administrator works under the direction of the mayor and pretty much does whatever the mayor asks him to do in terms of supervising the staff and carrying out day-to-day administrative activities of the city. In a Manager by Ordinance Form, it's a variation on the Traditional Form of government, where we would draft an ordinance, we would be very explicit about the duties of the administrator, we would delegate certain authority to the administrator. In this form, the mayor would remain the chief executive officer of the city, and the city manager would go to the mayor for the kind of direction that he's getting now, but the manager would have explicit direction and delegation of authority on certain issues from the city council. Let me just talk about these two Optional Forms because then I want to make some comments about them. There are two Optional Forms of government that are available to all municipalities. These are the Separation of Powers Strong Mayor/Council Form. This is a form where the executive and legislative are separated. The mayor does not sit with the council. It's much like you see on the state or federal level where they're two independent branches of government. That form is available. You see that in Salt Lake City and in other cities around the state, usually larger cities. The second Optional Form is the Mayor/Council/Manager Form where you would have the ability to hire a manager, and the manager would have all the executive functions of the city vested in that manager. The mayor would sit with the council as a legislative body and would pass policies, laws, and so forth, and the manager would be the chief executive officer of the city. The biggest failure with the Manager Forms, and I don't mean to downgrade what city managers do because there are some that are very successful in this state, although typically they're tenure is four years or less, but there are some very successful ones in the state. But the biggest downfall of the Manager Form is the manager always has to look above him to the city council or the mayor. If the manager gets out of step with the policies of the mayor or the council, they're in trouble; and the three or four really successful city managers that I've worked with over the years in the state, and I could name those cities, spend about 20 to 30 percent of their time contacting council members as they go through the day on issues that are coming up - people they are going to meet

with, the directions they intend to take in terms of moving certain projects forward within the city. It's a very time-consuming process for a manager to make sure that the manager is working within the legislative consensus that is there between the mayor and the council members. The manager always has to do that or the manager risks getting out of step with the legislative body and the real power base of the city, which is the mayor and council. It does work. You know, some cities - I dare say Park City, Moab, a few others around the state, West Valley City used to be very successful with the Manager Form - they work really well, but the manager needs to spend that time working with that consensus. The situation we have now with the mayor having executive functions, and the council the legislative functions, and the mayor sitting with the council, and the mayor directing the staff, and the mayor being responsible for the agenda, and kind of working through things with the council has some real advantages for a city of this size. As you know, I've worked with the city since I first met Debbie Hooze in 1997, and there was a mayor who spent, it seemed to me, 24 hours a day, seven days a week on the job for quite awhile, and I was amazed at the amount of time that it took to get this city up and running with its five utilities, with its growth rate, with the staffing coming on board, with all of the organizational and institutional things that had to happen with the city, it was really, in my view, a full-time job. As I watched the city over the years through the tenure of Mayor Hooze, Mayor Bateman, Mayor Bond, and now into Mayor Bailey's tenure, it seems to me that this is a very unusual, unique city. There is no city of its size, and I say that guardedly because our size keeps changing so rapidly - I mean when I look back to 1997, you know, we had like 200 people living in the city and now we've got like 8,000. For me working local government for 30 years, that kind of growth increase is just mind-boggling. The kind of institutional foundation you have to get under you to be stable, and keep a direction, and work with these two master developers who are always demanding time, always negotiating, always working with builders, this is a very unusual situation. No body is like us in this state. What Mayor Bailey has brought to this process is kind of unusual. In a lot of ways he reminds me of the time that Mayor Hooze used to put into the process; I mean, always there, always available to schedule meetings, always able to intercede on the very point with a builder, or a developer, or a staff member to resolve an issue up front. It's not a situation now where we have to, let's say, meet with a builder or developer, hear their problem, develop some alternatives, and then take it to the mayor. More often, the mayor is there. We can get some direction, we can get some understanding of where the consensus of the council might be on a particular issue. We don't have to have that other meeting that I think is expensive for the city. You know, when you pay me and you pay Corey, it takes time; and to have multiple meetings on a particular subject to resolve a problem, it's just expensive for the city and time-consuming. If the mayor is there up front to meet with the builder, to meet with the developer, to make that decision or give us some guidance about the direction they want to go, it saves the city time, it saves the city money. To some degree, we were able to do that with Mayor Bateman. We were able to do that to some degree with Mayor Bond. But mayors who had a full-time job had a real difficulty fitting themselves in to the kind of day-to-day schedule that we confront when we are dealing with people all of the time. It's not that we have to do this every day, but it does come up several times a week. This situation presents a real dilemma because I don't think this is a question of a form of government, this really isn't an issue of a form of government; this is an issue about what is the fair compensation for the mayor. What is a fair compensation for a person who is the chief executive officer of an entity that is growing as rapidly as we're growing, dealing with the kinds of development issues we have with the master developers? None of those issues are very much fun. They're all extremely troubling because we don't have the kind of institutional foundation under us that a lot of cities do. The mayor in this city, and I don't want to make this personal to this mayor, but the mayor in this city needs to deal with these utility issues. We have some critical long-term issues that face us month by month, and we are truly in a very, very unique situation. So, again, I don't think this is a issue of form of government - on the Agenda it says Proposition for a Form of Government - this is really a discussion about what is the fair compensation for a mayor who has to spend between three-quarters and full-time all the time, month by month, to keep up with these issues and stay proactive with things. I don't know what that fair compensation is. I can't recommend something to you. I can tell you that all of these other forms, the Council/Manager Form, the Manager by

Ordinance Form, the form where the mayor appoints each of you to an administrative position, these things don't work and they won't work for this city in my judgment and based on my experience. The only thing we can do right now, if we're going to maintain the kind of momentum and the kind of decision-making we have now, is to stick pretty much with what we've got; and I think the decision that you have to make is do you want to continue to do that, and do you want do that, and to what degree do you want to do that. It's a very, very tough pill to swallow. It's a very tough decision to make because it's a judgment call for each one of you. How much is this really worth to the city to have a person do this. Setting aside the personality of this mayor who... I've got to tell you I had real trepidation when Mr. Bailey was elected mayor because the only time I'd seen him was out in the audience being kind of a troublemaker, and I thought, well, I didn't get fired when Mayor Bond was elected, but I might get fired now. What I found was that this is a gentleman who is very open-minded, who's very willing to change his opinion on an issue when the facts support a change of opinion; and this isn't a campaign speech for him, I'm just saying that I think the service the city's received from this mayor has been worth the time that he's put into it. I hope that you'll weigh all of this in some fair way. You have to make that decision. I can't tell you and I don't know what the dollars are, I don't know what the dollars are worth to have a three-quarter to full-time mayor for the city; but I can tell you the city needs it because these comparisons to sister cities in Lehi, and Payson, and these other places – some of these places have municipal power systems but they don't have natural gas systems, telephone systems, many of them don't have to run this split problem we've got going all the time between the sewer system down in this part of town and something else up in the north part of town. This is a very unusual situation, and the only recommendation I can make to you in good conscience is to stick with the form you have and try to work out some fair compensation for the mayor that maintains the positive aspects to the management of the city that we've seen in the last year or so. That's really about all I have to say. I'll be happy to answer any questions you have.

Mayor Bailey: "My goal here was to try to enlighten you. I think a lot of times you don't realize what's involved. I think Debbie Hooge probably has more of an idea what's involved here in trying to take care of the day-to-day stuff, and not just from a city administrator perspective but the CEO end of it. By virtue of being elected to that position, it requires a lot. Is there a need for a full-time mayor or CEO for the city and are we satisfied with the direction we've been going for the past year as a city and a community. Those are two very important questions. I bring this to you because I've realized over the past year – last year we made a decision to recognize we needed to separate the city administrator's job from being public works administrator and finance director and we hired two individuals for that who have done a super job for us. And the fact that they've been there, the fact that I've been available, it really has made a big difference in how quickly we've been able to get information together to bring to you as a council so that you can make informed decisions and so that we can make the progress happen fast. That's an advantage you have. As Jerry mentioned earlier, if we take the time that it takes to fit into the schedule to do these things, a lot of time things get put off for two weeks because then you end up in a council meeting that drags on until midnight or one o'clock in the morning because so many decisions that could have been done were not done during the week that could have been. Frankly, I've found that the CEO part of this job really conflicts with a regular job. I've been fortunate in the last year that I've been able to squeeze a lot of my stuff in, but it's diminishing to my ability to perform because so many of the responsibilities that fall underneath, fall underneath the same hours of the day that I have to do my work. And so it makes it very conflicting in being able to do both jobs. If I had a midnight to eight o'clock in the morning job, that would be great, no problem. But that's not the case, and so it's very difficult to fill the role that I have to do underneath the full-time."

Mayor Bailey made a presentation regarding the need for a full-time mayor/CEO in the city, emphasizing the following points:

1. The responsibilities and duties require 160+ hours plus per month mostly during the workday
2. Volume of business requires a full time CEO for a multimillion dollar corporation this size

3. Ability to create a better environment for development and business relations
4. Time to work with developers and businesses is during the work day and work week
5. Ability to expedite matters rather than wait two weeks to the next council meeting or staff meeting
6. Ability to come up with creative ideas

Kent Parker stated that the financial complexity of Eagle Mountain is as complex, if not more so, than other cities because of the impact of the number of utilities involved.

Chris Hillman agreed with the assessment made by Mr. Kinghorn regarding the immense complexity of this unique city and agreed with the recommendation to compensate the Mayor. He also agreed that this is an issue of pay and not of changing the form of government. Mr. Hillman expressed his appreciation for having a Mayor who is so accessible. He stated that because the Mayor is the CEO of the city, his approval is necessary to move forward in many areas.

The Mayor asked the City Council to comment on the benefits and non-benefits of changing the current form of government or of having a mayor available full-time to run the city. The Council's comments follow:

Linn Strouse: "Could we get copies of all this information you just went over because I think that's something good for everybody to be able to study, not just hear one time. I agree with Jerry's assessment and Chris's assessment, and I look at this like Eagle Mountain is a wagon that's got halfway up the mountain and, due to the tremendous team effort by the staff and a lot of volunteer citizens and particularly the Mayor, who is just the right person for the right time, and to not make it possible for this person to continue in the capacity that he has and to be able to financially reward him for the time that he puts into it would be a tremendous disservice for our city, and that wagon would start going back down hill. You know, we've got to keep going. We've got a destination and we've got great things in store for us. We've got the momentum going and it is disturbing to think that it might even start going back down. Everybody has built up towards this, and I just think it's good to really look at what everybody is doing; and I know just from the many times I talk to Chris, how busy he is, and I am just going to reiterate what both of them said about what a unique and complex city we have and this is needed."

Mark Madsen: "I'm not sure I can draw a line between my comments four weeks ago and this conversation necessarily; but I did make some comments in a Closed Executive Session and I think now that we are in a public session I'd like to reiterate some of those. Four weeks ago we found out, after going through an evaluation of our employee compensation, that we had a \$30,000-\$25,000 windfall to the city into the general fund; and at that time I had understood that Kelvin was on his way to Texas and might not be around to perform his functions as CEO for some period of time. And what I had proposed to the rest of the Council at that time was that we take the windfall that had been presented to us, the \$25,000 that would see us through the end of the fiscal year in June of this year, and give some increased compensation to Kelvin to keep him here based on the fact that this city is really at a critical point. We have heard much discussion tonight about the demands the utilities place on the Mayor's time. Now, six months from now or five months from now, the city hopefully will no longer own at least some, and perhaps many, of the utilities that we currently own. The picture may be very different five months from now. But all of that has to happen in the next five months. It's a critical period of time. Kelvin is already hip-deep in all of this stuff, if not up to his eyeballs. There's no one else in the city that has the institutional knowledge on these particular deals – the sale of the telecom; the conversion of the city-owned utilities into a co-op; we still have to wrap up all of the audits, we're going back into years long before Kelvin came on the scene; we have at least two major developers that are proposing developments that rival anything that this city has seen so far. So, we have things confronting the city in the next six months that are monumental, and I would hate to see those things fall apart because Kelvin's not here. The fact of the matter is, Kelvin has the detailed institutional

knowledge to see these things through. Now, I think beyond six months for a regular situation, I don't know that the city would require a full-time mayor. I am not prepared to make a decision on that now; but I am going to reiterate what I had brought up four weeks ago, and that is I would suggest that, to see us through the end of the fiscal year with the money that fell into our laps, more or less, that we compensate Kelvin to keep him here to see these things through. Then, hopefully, five months from now we won't need a full-time mayor because we won't have the utilities. It will be a completely different analysis. My concern at that time was short-term. I am not prepared to comment on the grander considerations of forms of government or what have you; I am looking at the best interests of the city between now and six months from now. And I would simply encourage my fellow council members here to make a decision, not on the past – we've heard that Debbie Hooe could put in 24 hours a day, seven days a week when there were 200 people living in the city. Imagine how much more demand there is now. But this isn't about the past; this is about the present reality that we're faced with. The important thing to consider is what's best for the city. If we paid Kelvin \$25,000 over the next five months, will the city get the value back out of that money? I don't think there's even a debate about that personally; but I would challenge my fellow council members again to make the decision based on what's best for the city. If they have reasons – and I haven't thought of why having Kelvin on board full-time for the next five months and using this extra money that we have, if there are reasons why that wouldn't be best for the city, then I'd like to hear it. But I really don't think this is about the past, or how many hours other people put in, or other considerations, or the fact that we knew we had problems when we got elected into this office – that has nothing to do with it. The fact of the matter is, we need to make a decision as a council about what's best for the city. So I would hope that we would narrow the conversation to that, and I think it's best to have Kelvin here and then let's look five months from now in the new fiscal year, let's see what happens, and maybe I'll form a different opinion. But for now, short term, I think we need to have Kelvin here, and I'd be very curious to see any arguments as to why that wouldn't be best for the city.

Greg Kehl: "I think, as I've gone through this and looked at these issues, and like I said, this is difficult because of the fact that in reality there is a lot of things that's going to be taken personal, which I'm hoping is not going to be. Me and Mark, we agree on a lot of things and we disagree on a lot of things. One of the things I disagree with him on is the fact that the past has everything to do with what's going on right now. The growth of this city is directly related to the hard work and efforts of, not only this council, but the prior council, and the council before, and the council before that. We've got 7,500 people that were here before this administration came into play. So, what was happening during that time to make it that we were not being successful? Do I think that Kelvin's done a good job? I think he's done an excellent job. Has he been dedicated to this thing? Like a conviction! But the difference is that, regardless of what anybody says, these questions were asked to all of us when we first came in to make this decision 'Do you have the time to be able to put up to be able to do this?' Everyone of you guys were asked that question. I was asked that question, and I answered it yes. You answered yes, and everybody else up here answered yes. I told you guys that you'd be spending 40 hours plus a week in what we're doing. When I came into office into this position, I spent literally, literally 45-50 hours a week. I myself, a privately-owned business guy, was away from my office making decisions; and I'll tell you what, so far I haven't seen the stress level on this council that we had in the prior council, except for maybe the contention that we had in the beginning. Until you're sitting out there in the ball field with a cell phone on one end, and John Newman on the other line, sitting in front of a computer watching a ticker tape go across trying to decide whether or not you're going to be the one that makes the proper purchase price of that gas, that minute, that's going to affect every single person that put you in election, I'll tell you, you don't know what it's like to have your guts wrenching, and we did that every single day. And then when you've got the developer that walks in here and turns around and doesn't pay his portion of the SID, and now you're looking at all your residents saying, 'You know what, you guys are going to have to pay that out,' or try to figure out some creative way of doing it, and then pass \$23,000,000 worth of bonds. The stress level, let me tell you, you haven't tasted it yet. And so I'm looking at this thing and I'm saying, should he be compensated? Sure.

But the fact of the matter is, it's not the time yet. We're not a city that deserves to have a full-time mayor yet. Centerville doesn't have a full-time mayor. Bountiful doesn't have a full-time mayor. The only cities that I know that have one is Salt Lake City and Sandy – 35,000-40,000 people compared to 8,000 people. So, you know, this job isn't about the money.

Mayor Bailey: "Greg, you're right, it's not about the money."

Greg Kehl: "This job is about conviction for what you love and for the fact that you want to make a difference. That's the only reason I got involved in this because it was so unique and I like the challenge of it. And it has been a challenge."

Linn Strouse: "Sandy City is probably the only city that even comes close to going through the growth that we're experiencing and the uniqueness and complexity in that, I believe, it was 1966 when Sandy was about 2,500 people and then by the time I moved there in '90 or '91, I think they were up to about 72,000. That being the only one that even comes close, and even then, I think it was pointed out that it was not nearly as complex as what this city is. I think we need to take that into consideration. What does Eagle Mountain need right now, and what has Kelvin, this Mayor, been providing, and what we are not going to have if he's not able to continue that until at least for an interim period of time until he can get to a point where maybe it's not necessary."

Mayor Bailey: "Let me make a comment here because I appreciate Greg's comments. He's right in that a lot of people have spent a lot of time and sacrifice. Greg has done a lot, and I've always recognized that of Greg. And as a matter of fact maybe I wasn't able to compensate him in terms of money to him when I first came to office, but I recognized that and that is why I recommended we name a building after Greg because I recognize the dedication he has put to this town. And many others have, too. I mean, I'm not here to discuss how many hours everyone else has put into this town; they have, there's no question about it. Good, bad or indifferent, that's not the point here. The point is will I continue to be able to serve as Mayor? You bet I can. That's not an issue. Am I going to? You bet I am. Does my work take me out of town if we don't do something different? Sure it does. How will that impact the city? That's the question I have in mind here. It's not an issue of do I want to be paid by the Council or by the City of Eagle Mountain for this. I would do it for free if I still had my work sitting right here and I was still able to schedule myself as such. I can't. Do you still want that continuity going through as a temporary thing? What Mark's proposing here is a possible solution. It's up to you. I've got other work in the wings right now that in two to six months I'll probably have more that I can shake a stick at again, but it's going to be here locally again. I'm not looking for a full-time job with the City of Eagle Mountain. I never cared for it, never wanted it. I've worked for myself for 20-some-odd years. I don't work well having to work for somebody else. That's just not my nature. Diane can tell you that – I didn't stay with John. Of course, working with John's a different situation anyway. The point is, I like working for myself. I like the challenge of working and the ability to do other and different things all the time. I'm looking at what's best for the city at this point in time for an interim period of time. That's all I'm talking about here. If the city wants to do something different, that's okay. If you decide as a council you want to do something different, I'm not going to be upset with any of you over this issue. But I just want everyone to recognize where does that put the city in this interim. Greg, do you want to step in now? You did a great job of filling in those voids for me a couple of weeks ago as far as going to some meetings. I still was on the phone a lot. Chris can tell you I don't know what my long distance bill will be talking to all of you. I spend a lot of time on the phone. Can we continue in that manner? You bet. But that's going to have another impact that can't be solved on the phone. Just for the benefit of information, I see some developers out here. Scott, I don't want to put you on the spot or anything, but how has it affected you in having a CEO available, not just the Mayor – the Mayor is more of another responsibility – but having that CEO ability and those executive decisions being able to be made, how has that impacted you over the last year? Good, bad or indifferent? Feel free to say whatever."

Scott Kirkland deferred to Steve Young, Development Associates.

Steve Young, Development Associates, commented that he feels it is important to have someone in charge who understands the complexity of the city and who can quickly expedite matters important to the city.

Scott Kirkland, the Ranches, agreed with Greg Kehl that the past means a lot. He commented that it has been good to be able to move forward and get things done with the present Mayor, Council and staff. He stated that the Mayor has had a huge impact on the Ranches being able to move forward, negotiate quickly and work things out. He stated he feels the Mayor is concerned with finding solutions to problems to improve the city. He indicated he feels the future of Eagle Mountain during the next six months is critical and that continuity is imperative. He recommended the Council approve paying the Mayor on a full time basis during the next five months.

Greg Kehl: "The money thing to me is where I'm having a hard time understanding, because after working with you for as long as I have now – and I'll tell you, it's pretty difficult when you turn around with a guy you're running against and then just walk in the door and be able to drop all the curtains down and just start working together, which we've done. That doesn't always take place. But I don't think that with you, I don't see that it's going to make any difference with you if you are paid \$100,000 or \$5 because you were coming into this thing wanting to change something, to make a difference. It wasn't about the money."

Mayor Bailey: "It's still not."

Greg Kehl: "And yet now everyone's making it about the money. And the thing is, are we losing perspective on... You know, the utilities are pretty much taking care of themselves. We've done some changes, there's difficulties, but we've known the difficulties for years. We've always been striving to take care of these utilities. The telecom sale is nothing new; it's been going on for years that we've been trying to get this thing together. Has it been expedited in the last few? Absolutely. Has it been worked on more diligently? You bet. But, in all honesty, is \$26,000 going to make a difference for you? Is that going to make or break for what you're going to do in seven or eight months?"

Mark Madsen: "It keeps him here."

Greg Kehl: "But he would be here, anyway, is what I'm saying."

Mark Madsen: "I'm afraid he wouldn't be. I'm afraid we've tapped him. We've bled that dry. And let me ask you the question. It sounds like your saying if money were not a issue, you would say that the city would be better off with Kelvin here full-time, as he has been, versus in Texas. If money were not an issue, we're just talking about what's best for the city. Is it best to have him here for the next five months than to have him in Texas for part of that time? Is that safe to say?"

Greg Kehl: "Sure."

Mark Madsen: "So, it seems to me that I know there are other naturally ulterior concerns and the past is going to be a consideration whether I think it should be or not. But I would really like to focus on if we agree that the city's going to be better off with Kelvin here full-time versus Texas. Then the only remaining question is will the value that he brings to the city by being here be equivalent to what I propose to pay him. Will we get \$25,000 worth of value out of Kelvin over the next five months if he's here versus if he's gone?"

Greg Kehl: "I think you will get more, you'll probably get more than that."

Mark Madsen: "I agree."

Greg Kehl: "But the problem is not the money, it's the fact that a year and a half ago, as we're all standing out there with our stupid signs looking like a bunch of nimrods to come up here to do this position, the number one thing that you two gentlemen said is that you wanted to cut budgets, save money, and reduce government. So far, we've increased salaries, added more positions."

Mayor Bailey: "Wait a minute. We've cut budget. Just because we raised salaries doesn't mean we didn't cut budget. We've cut budget and raised salaries at the same time."

Mark Madsen: "I didn't know at the time that there really wasn't a legitimate budget because there was no accounting."

Greg Kehl: "I tried to forewarn all of you before you got into this thing. It's not as easy as you think. And that's my point is that, yes, we've cut some money down on the budget and we've got this surplus, but what happens at the end of six months when we bring in our new budget and we've got this ball rolling so fast, yet we don't have some commitments from a few of our developers and so forth and it doesn't go forward. Where are we going to get the money to pay the rest of the staff?"

Mark Madsen: "That's why I'm saying I'm not proposing anything beyond the end of this fiscal year. We know we have this chunk of money, we know we have critical things that have to happen in the next five months. I am hoping, I am anticipating that in five months, if we can keep Kelvin here, we will be divested of some of the utilities and some of these things will be wrapped up and put to bed."

Greg Kehl: "You'll never sell any of these utilities in five months. You'll be lucky to get the telecom sale done in five months."

Mark Madsen: "But the co-op. I'm talking about the co-op."

Greg Kehl: "The co-op is going to be a year away minimum. It just can't happen that fast because of the government."

Mayor Bailey: "The co-op will be a little bit different because the PSC is not going to have the same involvement in it as it is in the telecom sale."

Greg Kehl: "We'll be lucky if it takes eight months."

Mark Madsen: "Maybe it takes a year, but we know it's at least going to take the next five months. Now, all I'm proposing is short-term, in a sense kick the can down the road, do what's best for the city in the short term."

Brigham Morgan: "What I'm about to say is probably one of the hardest things I'll ever say sitting in this chair. I'll give you my personal struggle that I've had and I'll give you some personal observations that I've made over the last year. The first thing that came to my mind when the proposal was made to pay the mayor, and I'm not saying Kelvin, but the proposal made to pay the mayor, was the elections. The reason that came to mind is because there was a large number of people that were convinced that Kelvin and Mark were running to make the mayor a full-time position so that Kelvin would have a job."

Mayor Bailey: "The rumor I heard though, Brigham, was I was going to fire John Newman and take his job."

Brigham Morgan: "That was a whole other issue."

Mayor Bailey: "I did take his job. Then it was no he's not going to fire John Newman and take his job, he's going to fire John Newman and take the Public Works Director's job. But that didn't happen."

Brigham Morgan: "There were a whole variety of rumors. I will admit that during the election, and some of the interactions that I had were not favorable, and I had some tendencies to possibly believe that. Over the last year it hasn't been an issue. But one of the things that I have seen, and this is where the observations that I have seen are going to come into play and this is where my opinion is coming from. I understand what you say, Scott, and I lived it, I felt it, I experienced it. There was nothing more uncomfortable for the last two years than to sit in this chair, knowing the position the city was in, knowing that we had to somehow provide utilities, and for some reason, and I don't even know why and I'm not even conjecturing, we were forced to be the holder of a really big club. And you know what, that club caused a lot of damage. It also got some results. We worked to get over all of that. But one of the things that worked really well was, and I'm using Paul Bond because he was the mayor that I had a direct relationship with, when Paul had an issue or if he had something that he had to deal with and he knew he was going to be unavailable or there was concern that his physical presence or lack thereof would cause an issue, he was working close enough with Dave Albrecht, who was the mayor pro tem at the time, that Dave could step right in, fill the position, and it went smooth as silk. There were also relationships established with the council members and responsibilities and involvements on the council members that alleviated a lot of the stress and the time commitments of the mayor, and it was done intentionally. It was done to make sure that, and this is where life come in, anyone of us could die any minute or could be removed or could be thrown into a financial situation where we have to move out of this city, anything that could come up. And to put that much need or link or tie to one individual puts this city in a very compromising position as far as the ability of a council to work as a group and the mayor to work as a group to be able to fill in for each other's shoes. I have a history of being interrupted and I don't want to be interrupted here. I look through that list and I see a lot of things that..."

Mayor Bailey: "That list is not all inclusive."

Brigham Morgan: "I fully understand that. I see a lot of things that, yes, the Mayor has direct responsibility to, but I also see a lot of things that, to use cross terms, could be farmed out to council or to the city administrator. I think there's a very definite possibility of looking at, and this is based on the many, many times I've read the handbook and the discussions that Jerry's had, the option of assigning responsibilities to council members, of making the city manager an official position with delegated specific responsibilities as a manager by ordinance, and creating the environment that will foster this growth that will continue to foster the quick response, the cohesiveness of the group, the ability of the city to grow and respond quickly and still maintain the ability for any one of us to step in and pick things up if we needed to. And I think that's where we need to be."

Linn Strouse: "Are you saying council members sharing duties of the mayor? Is that what you're talking about?"

Brigham Morgan: "I'm saying is there's a development meeting that needs to be negotiated, Diane's the liaison to the Planning Commission, give her some of those responsibilities. Keep her up to date, fill her in on a lot of the negotiations and discussions that are going on, allow her to go to some of those meetings. Work with Greg. Greg's phenomenal with the utilities. Allow him to work directly with Mark Sovine and negotiating those contracts and establishing those prices. Build the group as a whole, because if we don't... You're talking about a CEO. As I watch my CEO at work and as I interact with a CEO at a previous company, there is a lot of this stuff that

they do, but there's a lot of this stuff that they're simply a signature, or an idea, or a direction, and it's the rest of their staff, which in this case would be the council, would be the city administrator, would be the engineer, would be the attorney, they're the ones that are doing the work. They're the ones out in the trenches everyday doing the work because that's the way it's set up. Now, the CEO, I admit, he puts in 40 hours a week; but the opportunity is there to alleviate the situation, alleviate the stress, and meet the needs, and still take away a lot of the stress and the frustration."

Mayor Bailey: "I understand what you're saying, Brigham, and you've got some valid points there and, hopefully, you're better off doing that with staff than you are dividing it out amongst the council, as we mentioned earlier and Jerry even mentioned it. The council assignments are something that I threw in there as one of the ideas that I put in my letter to you. The problem with it is, I don't see it working effectively. Can it get some things done and divide the load out? Sure, it can. But, let me give you a for instance. Greg went to these two meetings here while I was going out of town. He did a great job of representing us. I have no problem with that. The problem was that I talked to Greg later, and I didn't ask him, I was hoping he was going to tell me, and this is not anything negative, but Greg never said anything to me about how the meetings went and what happened. Now, I did find out. I talked to Mark and I talked to Chris and I actually talked to Durrant on it and found out how everything went so that I could continue to work directly with staff and help them stay coordinated on what was going on. If we divide it out, someone's going to forget to coordinate back to so-and-so and then staff is going to say now wait a minute, Brigham told me to go this way but Greg thought it was better to go this way, and then staff is sitting here wondering what way do I go. You're just going to create more problems dividing it out. You're better off to say okay, Greg, you've got the full responsibility. You be here 40 hours a week but you take it over. And I have no question that Greg's got the ability, that's not an issue to me. The issue is that in the transition, what does the city lose. Is it worth it to the council to lose that transition and what can happen? I don't know. I'm just saying we've got a situation. But when you say that you're fixing someone to be in a position that can't be replaced, I heard that when John Newman left – Oh, gee, the town's going to fall apart with John gone because he knows everything. It didn't fall apart, and I was trying to fill four roles at the same time. I felt like I had my toes and fingers in the dyke and all I was doing was keeping bandaids on it until we found Chris. Then he took a little bit, and I was able to take my toes out of the dyke. Then we were able to get Mark in and I took my fingers out of the dyke, but it didn't fall apart. And it isn't going to fall apart if I died tomorrow. Somebody would be able to come in, pick up the pieces, and go forward. Would we lose something? Possibly so. Maybe not. I don't know. You don't know, I don't know. But dispersing it out is going to make more complication for everybody. It's going to confuse staff, and it's not going to coordinate things well. Diane's going to meet with the developer on some issue they think they got hammered out; they're going to go back to somebody else and find out no, what about this, and you're going to get confusion in the process. So, it's not going to work that way."

Mark Madsen: "There's a history of conflict being created by exactly that kind of scenario where a council members goes out and thinks he has a deal and then it doesn't happen because of miscommunication. And I venture to say that your CEO does maybe more than you're giving him credit for. The role of the CEO is to be the chief executive officer and there are not many CEO's in your company, I would venture, and I think what is being proposed about divvying this up among the city council is just that, it's a divvied up CEO, miniature CEO's, and you have different people making executive decisions, and that's just unmanageable. I think that's an unmanageable scenario. I've never seen that operate in the business world. I don't know of any cities that have done that successfully. I think what we've heard here tonight from years of experience is that doesn't work. I'll even say maybe that's a possibility, but again we're faced with just a short-term transition period. What I'm focused on is what's going to happen in the next five months. I know Kelvin doesn't want to be full-time mayor. When I proposed this, I had mentioned it to Kelvin but I didn't realize what kind of a sacrifice I was asking him to make by staying in the city and taking

\$5,000 a month. And he shared with me a little bit of what he's making in Texas. We're asking him to open another vein for the city, more or less, by staying here for the next five months."

Greg Kehl: "What will happen in five months? What do you perceive is going to happen in five months to make the position credible?"

Mark Madsen: "I see that we have the telecom sale still has to go through. I see that we are going to venture into the co-op field in our utilities and we're going to explore that and start to, hopefully, bring about that transition. We have Hubble Homes, and we have Evans Ranch, and some other potential builders and developers coming in here that are going to be really larger than any other blocks of development that we've had before. And those are far from being consummated and completed. Those could walk away. You know, Development Associates told us about how they were ready to walk before they got involved with Kelvin and Kelvin came in and saved that deal. There's nothing to guarantee that any of these other deals may go south. And also what we get in five months is we buy time. We can do an analysis, we can look at what the best scenario is. Maybe we can start to try and shoulder some of the responsibilities and get up to speed. And then, in five months, if we re-evaluate this, if we want to change the form of government, or we want to do something else... I can't imagine the scenario where I would vote in five months to have a full-time paid mayor."

Greg Kehl: "Okay, so what happens after the five months, then? Now, all of a sudden, we've got Kelvin here full-time, the five months are up, we're right back to where we are right now, then what?"

Mark Madsen: "I don't think we are right back to where we are right now. I think we're five months down the road. We've accomplished some of the things that are..."

Greg Kehl: "You've doubled everything? We're now going like gangbusters. Now we need a CEO more than ever."

Mark Madsen: "And maybe over the ensuing five months, we will hit upon a permanent solution so Kelvin doesn't have to be full-time mayor and so we can meet the needs of a growing city."

Greg Kehl: "It's too much speculation. There's no guarantee."

Mark Madsen: "I'm not offering any guarantee. All I'm saying is we buy ourselves a little bit of time to accomplish some of the big things we know are going to happen and to work out what we may want to propose in five months and come up with a different form of government. We have a transition period. Right now, we're faced with a crisis. We're going to have to make a change..."

Greg Kehl: "What's the crisis?"

Mark Madsen: "That Kelvin's not going to be here and we're going to have to shoulder the responsibility and take on these duties, or somebody is."

Greg Kehl: "Isn't that what we're here for? Isn't that why we're on the city council?"

Mark Madsen: "Yes, I guess we could all buckle down, and we could all put in the time, and we may be able to assimilate a better part of the knowledge, and we would try to find time to go out and interact with the people that we would have to interact with to see these things through. Maybe we could do that. Talking about speculation, maybe we could. But we know that we have Kelvin who has the institutional knowledge and can deal with these things immediately and is going to be gone. Maybe crisis is too strong of a word, I mean, I don't know that anything slowed

down too terribly when he was gone for a couple of weeks; but an unnecessary challenge or unnecessary risk for the city is what we're faced with, I guess is what I would say."

Linn Strouse: "I'd like to point out that right from the beginning there was no guarantees, so why are we asking for guarantees now?"

Greg Kehl: "Exactly."

Linn Strouse: "It started out with a vision; and I think Scott and some of the other gentlemen pointed out that this is a very critical time for the city. We've had some input from several people that have a good perspective on this whole thing, and they understand that this is a critical time for the city. Speaking for myself, I already put in tons of hours. I knew that that was part of the job. I knew there were important things we needed to do, and I know some people might think, oh well, what you do is just the fun stuff; but there are a lot of hours and a lot of work that goes into it and it's not always fun. And to suggest that I could take on any more of a load is just unrealistic if you knew what I was doing. Why would we want to if Kelvin already knows this stuff inside and out. Kelvin already is the right man for this critical time period. The gentleman that came up here and spoke said it quite simply and gave us some very good analogies about what a difference it made in the city, between the two cities, when you had one that had a CEO that had the background, that had the knowledge, compared to another one that did not. And the one with the smaller population got all the business."

Greg Kehl: "But he also talked about the fact that he had Herriman's mayor, who's not a full-time paid mayor, and South Jordan City who has a city administrator who was aggressive."

Mayor Bailey: "You've got to remember too, as Jerry said earlier, we're not the same city as any of those cities. We can't compare ourselves with them. I mean, he brought some analogies up that there were no comparisons. Let's change the direction here because I think we really..."

Greg Kehl: "Diane needs to say something."

Linn Strouse: "Can I make one last comment? The most important thing that this gentleman said, I'm sorry, I forgot your name, was the fact that for wanting to spend a little more money, he got a heck of a lot more back in the investment. It can't get better than that, and that's what we've got here."

Brigham Morgan: "And I just want to make one more observation. Scott said it very nicely that it wasn't just the mayor. The Mayor's worked hard and is committed, I have no question or doubt on that, but the city is now in a position where we're no longer having to hold the really big club and beat developers upside the heads. We may find ourselves in that position again soon, I don't know, it depends on how the utility needs play out; but the fact is, the city as a whole has been able to make that next adjustment and the attitudes have changed a little bit, the relationship has improved, the responses in general as a whole in this city have improved. And it's that whole that is really the driving factor."

Mayor Bailey: "Why do you think the attitude has changed though, Brigham? I mean, is it because of the staff that's changed? Why has that attitude as a whole changed? I mean, the developer in the south – everyone could not go anywhere. It was all a stalemate. Okay. Now, granted I have some difficulty swallowing things that they want to do, as you well know; and I've stood my ground where I've needed to stand my ground with them. But, I've still been able to get them to move forward; and as a result of that, we've got Hubble coming in here now, which will, hopefully, buy ground from them and take them out of the picture. Sundance is going to take ground from them and buy them out of the picture, which we all want to see happen for them and for us. The point is, it wasn't happening before and it was because I was able to work with them in

a way that sometimes strained my patience but I was able to get through. I was told you're never going to get anywhere with these guys. You might as well forget your efforts, it's a waste of time. Well, it hasn't been a waste of time. It's taken a year to start seeing the fruits of it, but it has worked out. Do we still have some challenges? You bet we do. So, you know, there're things there. You know, you guys are not going to hurt my feelings whatever way you go. I just want you to know that. I'm just trying to provide you some alternatives. You pick the one you want; but the main thing I want to make clear here is that whatever decision you choose, you choose it; but I want you to accept the responsibility and the accountability for that decision – not, gee, things went south on us in the next five months, or whatever, and so who's to blame for that. I'm the ultimate buck right now. That's why I was suggesting, okay, if you don't want me to be here and do it for right now because I've got to take work out of state for awhile, that's fine. No hard feelings. I can make more money elsewhere. The problem is that I don't want to leave and just say sorry, Chris, it's yours, figure it out. Because then I'm setting him up to fail and look bad for what he's doing, and he's not bad, he's great. But put the tools into place that he can do his job that he's going to have to do and assume. If you want to disburse that between all of you, and you think you can handle it that way without losing transition, great; but I can promise it won't happen. I can guarantee you. I've worked in too many organizations. That will not work. You're going to have to pick somebody, I don't care who you pick, but they're going to have to be able to put in the same time to be able to make the transition. If you choose Greg because he's the mayor pro tem, fine. Choose him, and I take no offense to that because I think Greg's a great guy. But, I mean, is that going to create a problem in the transition I don't know. It's a big gamble. So, do you take the gamble or not?"

Greg Kehl: "See Kelvin, the letter that you wrote to us, which, I mean personally I took it as a slap in the face."

Mayor Bailey: "Why?"

Greg Kehl: "Well, it looked to me like it was more or less saying, you know, you as council members haven't done squat. I've saved the city. I've done everything, It's all about me. And that's the way I presumed it and that's the way I read it."

Linn Strouse: "I didn't take it that way."

Greg Kehl: "Well, that's great. And then, you know, it talked about the car and the drivers and stuff and that maybe one day we could maybe be fortunate enough to be the driver. Well, the fact of the matter is that I don't know what the rest of the council's doing or whatever, but I go to a lot of meetings. I'm talking with Mark three or four times a week on the phone. We're doing different deals here and stuff, and I've been in communication with you. It's like you're giving us an ultimatum that if you don't give me this money, I'm going to give it all to you guys, all the responsibility, and I'm not doing anything."

Mayor Bailey: "No, I didn't say any such thing."

Greg Kehl: "No, that's the way I'm perceiving it."

Mayor Bailey: "Okay. Well, I apologize you took it that way. That was not the intent."

Greg Kehl: "Okay. And I don't see.... I mean, you are the CEO, you are the mayor; and those jobs that you have said when you put your hand up to the square and said you were going to do, those are the tasks you said you were going to do and you've done a very good job at it. You've been an aggressive mayor. That's good leadership. That's a good mayor. I mean I don't know what the council is supposed to do. I don't think the city of Herriman turned around and gave that mayor a bonus."

Mayor Bailey: "I think there's a confusion here, Greg. I'm not sitting here demanding or trying to extort out of you any kind of money. I don't want money for the job I do. What I'm saying is my job responsibilities, just like Rob Bateman, you know, he had to go out of town a lot for his work. It wasn't a matter of choice. He raised his arm to the square and said I'm going to do all I can, but he had to pawn that responsibility off to someone else that didn't have the time to do all of it either. I don't want to do that to Chris. I want Chris to have the ability. If you are okay with me taking the work that I need to take out of town for the time being, I'm fine with that. But let's not leave Chris with the burden of figuring out how to do both my and his job. I'm not going to do that to him, and I want you to help him find another tool to help him do it. If you want to hire someone else temporarily even to help him, I'm good with that. If you want to pay the money somewhere else, that's okay with me. I'm not looking for you to pay me anything. The only thing paying me anything does is it keeps me from taking the project out of town versus the one in town. Do I stand to make more by taking the project out of town? You bet I do. Would I sacrifice it so I can continue to do the job I wanted to do for nothing? You bet I would. That's all it boils down to. Here this is not an issue to trying to acquire some job for myself."

Brigham Morgan: "I was actually...."

Diane Jacob: "I thought it was my turn. I've been sitting here very patiently waiting for my turn. I'm just trying to be polite. If you know my husband, you know he's the one that deals with confrontation and I don't do that very well. I'd like Janet to add the Mayor's letter that he sent to the Council members to the public record so that's in the minutes. That would be great."

Mayor Bailey: "Sure, anybody can have a copy, if they like."

Diane Jacob: "I agree with many of the points that have been made; but at the same time, why do we need 1,000 building permits a year? Why do we need that? What is the purpose?"

Mayor Bailey: "I think we got to make our utility bills."

Diane Jacob: "Can I talk, please? We already have 5,000 approved lots in this town. Why do we need more?"

Mark Madsen: "Where do we start cutting?"

Diane Jacob: "We put the beginning, before the impact fees were taken away, we had this Black and Veatch report that said we need this many building permits a year. Do we need to exceed that? Do we have to? And so the other cities mentioned here have tremendous tax bases. They have like Highway 89, North Salt Lake, running through the town. They've got the commercial to pay for this. My obligation is for the people that pay taxes; and some of you know that my husband and I own some property in this town, and we pay taxes. And the taxes are what is used to pay us, the general fund, whatever. Now, the taxpayer... When I came on this thing, I wasn't expecting anything. In fact, right now I'd like to say just take my money and give it to the library because I don't care. It's not for the money for me. Kelvin's doing an awesome job. I have no complaints about any job, any staff, anybody. And this is really jumbled because I had stuff written down, but it's sitting over there in my briefcase. The letter, you know, and Kelvin I have to agree with Greg, that was kind of a slap in the face to us."

Mayor Bailey: "I'm sorry if you took it that way."

Diane Jacob: "And I'm sure that that wasn't intentional for you to do that. But, if you look and read it in a different tone, then you see that. Any maybe, if you'd like, I can sit down and point those things out to you."

Mayor Bailey: "That'd be fine."

Diane Jacob: "At this time, I don't agree that I want to spend the taxpayers' money to do this. I don't have a logical explanation. I'm not as eloquent as other members on the council; but I know that this is what I feel and I don't think the people elected us to be paid, to be taxed to pay our salaries to raise them. The thing that's on the Agenda... I don't see anything on the Agenda that talks about the \$25,000. What's on the Agenda tonight is if we want to increase our salaries, double ours and almost double yours. That's what's on the Agenda, and I don't understand why we're talking about this other stuff because that was not presented to the council in our packets as something we could prepare for that we were going to discuss this evening."

Mayor Bailey: "That's because that's coming out of this discussion, Diane."

Mark Madsen: "Maybe that's my fault for bringing up what we talked about before."

Mayor Bailey: "What I proposed is what I'm still proposing, Diane. If this council in this discussion wants to do something different, that's their option. All I'm doing in this discussion is throwing out everything on the table for you to look at and consider. The fact that Mark brought up that one, that's not what I was proposing. You didn't see that in my letter that I gave you. I didn't propose to pay the mayor \$25,000. I'm saying, look we can look into a manager by council or council/manager form, we can look at dispersing it out and delegating the responsibilities out, those are the things I put in my letter to you. This discussion has brought this up. We're simply now focused on it because of other things. This is not what was proposed and that's why it's not there."

Diane Jacob: "I would propose that we put this item that's before us on the table, or table it, or put it on the table that goes to a vote."

Mayor Bailey: "Before we do that, I want to do one other thing. You brought up an interesting point, Diane. You mentioned that you feel like the people in this town don't want to do something. I don't know what they want to do either. I haven't gone out and taken a poll from the people. I know we've got some residents here. I have no problem whatsoever with anyone out here that would like to make a public comment, and I think Rick told me earlier he wanted to. I have no clue what Rick is going to say or not, but he's one of the general public and he has a right to say something. I would like some input from at least three or four people out here, if they would feel comfortable saying something. So, Rick, if you would come up."

Chris Hillman: "Mayor, do you want to officially open the Public Hearing then on the issue?"

Mayor Bailey: "No. I'm just asking for someone to come up because we're not talking salaries here. I'm just asking their opinions here on something."

Rick Pierce, resident, expressed that he came to Eagle Mountain to raise his family and get the best quality of life he could find. He stated he appreciates the aggressive leadership of the current Council and thinks that Greg Kehl could effectively act as mayor pro tem in the Mayor's absence. Mr. Pierce stated that the Council ultimately needs to do what is best for the residents. He indicated that if having Mayor Bailey here for five months and paying him \$25,000 is best for the city, the Council should go ahead and do that. He further stated, however, that he feels that Greg Kehl is perfectly capable of handling city business in the absence of the Mayor. He indicated he feels that any surplus in the budget could be used more wisely than paying it to the Mayor for full-time service on a temporary basis.

Darrell Jackson, resident, stated the Mayor, as an elected official, has a job to do whether he is paid or not.

Rose Bonnell, resident, stated she supports the Mayor because she feels that very valuable changes have come to the city under direction of the new administration. She stated she feels that the current communication and financial accountability should be maintained by doing whatever it takes to keep the Mayor in town.

Brigham Morgan: "Can I just ask a couple of questions? I think a lot of this comes down to perception or confusion. If you were to take a job out of state, you still have your cell phone, you'll still be accessible, people can still call you? So, that accessibility is still there."

Mayor Bailey: "It's more limited, but, yes."

Brigham Morgan: "You're still going to be working to fulfill what you can; and I think in that situation, then it's not as big of a critical issue as long as Greg and the rest of us step up and..."

Mayor Bailey: "As I tried, and obviously I failed in that, but I was trying to convey to you all in the letter I sent to you that I'm simply trying to apprise you of A) the demands that this requires, but B) that if I have to take the project out of town, then you need to be aware of how you want to deal with it as a council. I mean, I'm still going to do what I can within the abilities I have from that distance, but there's going to definitely be things lacking. So we need to figure out how we want to address it as a council and deal with it. That was what my whole purpose was here. The other issue came up just out of the discussion."

Brigham Morgan: "I think a lot of this arose out of the way it was presented as it was described."

Diane Jacob excused herself from the meeting at 9:55 AM and returned at 10:00 PM.

Scott Kirkland stated that the Mayor should not be made to feel guilty if he needs to take work to provide for his family. He advised he was aware that Mayor Bailey had turned down work locally because of the possibility of conflict of interest with his elected position.

Mark Madsen: "You made my point half way because I know you're not the only person or this is not the only time when Kelvin has been approached and offered employment with developers and people who have interests in the city; and because of his moral and ethical makeup, he has walked away from those because he does not want to walk into a position with a built-in conflict of interest. I think that is just one more reason why we should value this person as our Mayor and do everything we can to keep him here."

Mayor Bailey: "I appreciate everyone's comments, I do. Let's move on to Item 11. We'll just basically drop the other one then because obviously you want to go the other route, I think, from what I heard from your comments and we'll deal with it accordingly."

Mark Madsen: "I think we should have a vote on it at some point. I think it's important to go on the record; I think that we should be held accountable. "

Mayor Bailey: "We can do that in the next meeting."

11. Public Hearing (Increase Compensation for the Mayor and City Council):

a. Open Public Hearing

Mayor Bailey opened the Public Hearing at 10:00 PM.

b. Receive Public Comment

Chris Hillman explained the compensation plan for the city, which includes an increase in pay for the Mayor and Council. He explained how a salary savings had been realized through terminations of employees who were not replaced.

Sheryl Crawley, resident, asked the Council to consider the necessity of keeping the Mayor in town to maintain continuity in the city.

c. Close Public Hearing

The Mayor closed the Public Hearing at 10:08 PM.

12. Consideration and Approval of Compensation Schedule for the Eagle Mountain City Elected Officials:

Brigham Morgan stated he would recommend these amounts be approved to take effect in two years.

Mark Madsen stated he feels the raise is appropriate and would be an encouragement to others to run for public office in the future.

Diane Jacob stated that since the city does not have a good tax base, this increase should not be approved.

MOTION: *Mark Madsen moved to approve the Compensation Schedule for the Eagle Mountain City Elected Officials effective January 1, 2004. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob abstained. Motion passed.*

13. Ratify Approval of the Holbrook Farms Easement Purchase:

Gerald Kinghorn explained this easement purchase and recommended that the Council ratify approval.

MOTION: *Brigham Morgan moved to ratify the Holbrook Farms Easement Purchase Settlement, as submitted. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Linn Strouse was excused from the meeting at 10:18 PM.

14. Ratify Approval of the Power Purchase Agreement between Utah Municipal Power Agency and Eagle Mountain City:

Mark Sovine explained this agreement to the Council and asked for ratification. He stated there would be another power management agreement presented to Council at the next meeting.

MOTION: *Greg Kehl moved to ratify the Agreement between Utah Municipal Power Agency and Eagle Mountain City for a short-term power contract, as submitted. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

15. Ratify Approval of the Memorandum of Understanding among Utah National Guard and Camp W.G. Williams and Eagle Mountain City:

Gerald Kinghorn explained this agreement and the changes that were made and recommended that it be ratified by the Council.

Brigham Morgan had questions about the fees, which were explained by Mr. Kinghorn and Korey Walker.

Diane Jacob stated that she has no conflict of interest in this matter since the water was donated by her husband and there was no monetary compensation received.

MOTION: *Brigham Morgan moved to ratify the Memorandum of Understanding among Utah National Guard and Camp W. G. Williams and Eagle Mountain City and authorize the Mayor to sign the new agreement. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

16. Approval of Conceptual Design of the City Municipal Center:

Mayor Bailey explained that this design was previously presented to staff, and the Fire Department has a few unanswered issues with the design.

Diane Jacob and Greg Kehl stated that the first priority in the design should be to fill the needs of the Fire Department. The Mayor gave assurance that this would be done.

Darrell Jackson, Chair of the Library Board, asked if the building could be designed to include a library, and he was advised that the library would be housed in this new building.

MOTION: *Mark Madsen moved to approve the Conceptual Design of the City Municipal Center. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

17. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Partial Bond Releases
 - i. Rush Valley, Plat A, Sundance Homes
 - ii. Rush Valley, Plat B, Sundance Homes
 - iii. Rush Valley, Plat C, Sundance Homes
 - iv. Smith Ranch Road, Plat B, Sundance Homes
- c. Partial Payment
 - i. Pony Express Parkway Expansion (PP No. 5), H.E. Davis

MOTION: *Brigham Morgan moved to approve the Consent Agenda, as submitted. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

18. Other Business:

Chris Hillman presented information to the Council regarding the new entry monument planned at the east entrance to the City at Mr. Airey Drive and SR 73. He presented a preliminary drawing of the monument

and received input from the Council. He advised that the Ranches had agreed to deed land to the city for this project.

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

MOTION: *Brigham Morgan moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 10:39 PM. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 11:07 PM. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

None

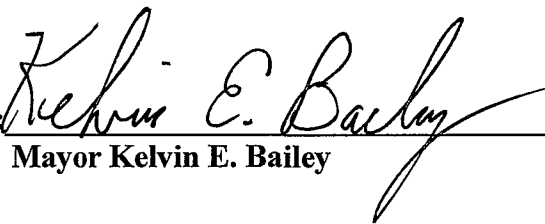
22. **Adjournment:**

Mark Madsen moved to adjourn the meeting at 11:07 PM.

NOTE: The original tapes of this meeting will be retained permanently and will be filed with the approved copy of these minutes

ATTACHMENT: Mayor Kelvin Bailey's letter to the City Council is attached as "Exhibit A" (instructed by Council Member Diane Jacob to include Mayor Bailey's letter with the minutes & become part of the official record)

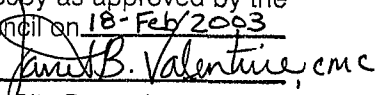
APPROVAL: _____


Mayor Kelvin E. Bailey

DATE: _____

3-4-03

This certifies that the minutes of
4-FEB 2003 are a true, full and
correct copy as approved by the
City Council on 18-Feb 2003

Signed: 
City Recorder

“EXHIBIT A”

January 29, 2003

Dear Council Members:

I have become aware of an effort being organized these past few weeks by several individuals to make the Eagle Mountain Mayor's office a fully paid position for at least a temporary period of time. In light of these efforts, I thought it prudent that I share my thoughts on the matter with you.

Foremost, I wish to make it perfectly clear that I am not requesting any additional compensation for either you or myself over and above the recommended compensation presented by staff earlier this month. As you recall, staff proposed an increase in monthly compensation for Council positions from \$200/month to \$350/month in addition to an increase from \$400/month to \$750/month for the mayoral position.

I believe these increases are appropriate. The study showed that our positions (and many staff positions throughout the city) are underpaid in comparison to our Sister Cities and other cities of our size and complexity throughout Utah. We work hard and this small increase in our monthly stipend is justified. Given current budget year salary savings realized by not rehiring certain vacated staff positions, the city can make the necessary adjustments to many positions' salaries and still remain under budget. In fact, even with these changes, the city is still realizing more than \$25,000 in overall savings while positioning ourselves more strategically in the employment market for all staff positions. Hiring good employees is critical to our success and this makes Eagle Mountain more marketable to good, quality employment candidates.

At A Crossroads

I believe Eagle Mountain City is now at a crossroads and important decisions need to be made about its future. For the past year I have spent a majority of my time fulfilling my elected role as Mayor in addition to filling the positions of City Administrator and Public Works Director for a few months. I have enjoyed the duties of Mayor and I feel an immense sense of accomplishment. I feel we have come far quickly and I hope you feel the same way. I strongly feel Eagle Mountain is beginning to emerge out of a deep financial and organizational quagmire and good decisions are being made to secure a wonderful future. This has taken a lot of hard work and long hours from me, numerous volunteers and a devoted staff. My goal is to *not* go backwards and slip back into that quagmire.

However, I can no longer afford to sacrifice as much time as I have fulfilling my role as Mayor this past year. I must out of necessity place the financial welfare of my family first and foremost. Offering to pay me or any other qualified Mayor to serve full time is not doing me a favor and or probably any other qualified individual. I, or any other individual with the same qualification, will make more money in the private sector than working as a full time Mayor, regardless of the amount paid. In addition, this is a position of limited time with no long term job benefits. Hence, I feel caught between a rock and a hard place. Our form of municipal government (the *Traditional* form) requires me to do what I've done, not to mention the complexity of managing a \$14 million organization complete with five fully operational utilities and a 25 percent growth rate. In spite of our population size this City is a multi-million dollar corporation like Orem and Provo are; and just having a City Administrator is not enough to run things in the businesslike manner required. The Mayor is the CEO (Chief Executive Officer) and he is where the buck stops for all major decisions that do not require council approval. The City Administrator is the COO (Chief Operations Officer) and he is the one that oversees the day-to-day operations and helps the CEO implement the decisions and direction given by the CEO; and under our current form of government the Mayor is that CEO and Chris Hillman is the COO.

Some may say that the City Administrator should handle much of what I have done. This is not the case for two reasons: (1) the law says that I am the Chief Executive Officer of the city and I am responsible to fulfill such duties whether on an overtime, full-time, part-time, or no-time status; and (2) no one individual, no matter how qualified, can adequately handle all of the duties. We have seen by sad experience of what can happen if this responsibility is abdicated as was done in the past and as evidenced by our previous administrator trying to do just that (along with fulfilling many of the Mayor's duties), which resulted in the city becoming generally mismanaged. To think that going back to the past by abdicating the responsibilities of the Mayor and placing them on the back of the City Administrator is worse than foolish. This makes about as much sense as attempting to save money on purchasing a defective car that you already know doesn't work rather than buying another one that does and have witnessed how it performs.

I rely heavily on Chris Hillman to help keep the city organized and I couldn't do this, even working overtime, without him. However, he is not the CEO. He is the COO (Chief Operating Officer). In other words, he and the staff serve as the pit crew in an automobile race by keeping the car well maintained, clean, and running smoothly. However, the Mayor is responsible for driving the car. The Mayor may be able to drive the car one, two or more hours a day, however, the more the Mayor is driving the car the faster and the quicker it will achieve its destination at the navigation of the Council. If we want the Administrator to be the CEO, the driver, then we need to change to either a *Manager by Ordinance* or a *Council-Manager* form of government. And in so doing he would then need to hire an assistant to work with him.

The Big Change

Even though I feel now is the time for the mayoral position to be paid a full-time salary, I cannot support the cost of such an increase at this time—or at least until the citizens and the council support the action and understand its advantages and the benefit it would be to the city and the citizens. At this time that attitude does not exist; therefore, I do not advocate paying for a full time Mayor regardless of its benefits to the city. Thus, I will not advocate this change.

Therefore, I am going to begin to assign Council members many of my duties so that I can devote more time to providing for my family than I have in the past. I have not been wasting my time micro managing, as some may think, this past year. My time commitment has been real and now it will have to be shared. This will require more significant time commitments from all of you. I do not want our city to stall at this important juncture and will expect significant contributions from each Council member. Many exciting and important issues are before us—from unprecedented growth to the sale of our utilities. All of you will now be more individually responsible to make sure our city doesn't stall but continues to move forward at its current fast pace. The law allows me to assign Council members certain responsibilities and I am now going to take advantage of that option and relieve myself of many burdens. I will hold each of you responsible and accountable for the duties assigned and expect prompt and effective action in the same manner that I have rendered over the past year. Remember, we're the ones who have been elected to run the city and we've promised the public we'd be up to the task. Neither they nor I will accommodate inaction or ineffectiveness. You have a wonderful and qualified staff to assist you in your efforts but our citizens are holding you and me ultimately responsible. We will discuss these significant changes in duties, responsibilities, and assignments at our meeting on February 4th.

I hope that gives you a better idea concerning my thoughts on the situation. We have momentum. Good change is taking place rapidly. Our developers, our citizens, and our staff members are more pleased with the city than at any time in the recent past. We will all need to share this burden collectively. Let's keep the ball rolling and not slip back into the quagmire.

Sincerely,
Kelvin Bailey, Mayor

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
February 18, 2003

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

1. Consent Agenda
2. ATV Training, Jo Murphy
3. Discussion regarding a Business Incentive Package
4. Discussion regarding Media Responses
5. Discussion regarding Changes in Open Space Requirements for Kiowa Valley
6. Items as Outlined on the Policy Session
7. 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**
8. Other Business
9. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Linn Strouse.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 6:59 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 (Excused)
Finance Director:	Kent Parker (Excused)
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy
Fire Department:	Chief Robert DeKorver (Excused)

Others Present: Greg Nash, University of Utah; Scott Hazard, The Real Estate Group; Kari Johnson, resident

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Scott Hazard.

3. **Approval of Minutes (February 4, 2003):**

Brigham Morgan requested that his comments during the Hubble Home presentation be added to the Minutes.

MOTION: *Diane Jacob moved to approve the Minutes dated February 4, 2003. 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 his wife recently suffered a stroke; therefore, he will not be taking a work project in Texas.

5. **Appointments:**

a. Employee Appeals Board

Mayor Bailey explained that the Employee Appeals Board is required by State statute. He recommended that he and Brigham Morgan be appointed to this board.

MOTION: *Greg Kehl moved to approve the appointments of Mayor Kelvin Bailey and Council Member Brigham Morgan to the Employee Appeals Board. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

Janet Valentine announced a Public Hearing for the Planning Commission on February 25 at 6:00 PM regarding two issues: 1) Eagle Mountain City land development regulations (Development Code), 2) and the General Plan. She also advised there will be a Public Hearing for the Airport District Planning Commission on February 26 at 6:00 PM on the same issues. Shawn Warnke advised he would provide information to the Council regarding these hearings.

7. **Public Comment:**

None

8. **Presentation regarding Updating the GIS Program:**

Greg Nash, University of Utah Geographic Information Systems (GIS) specialist, made a presentation to the Council regarding GIS mapping and discussed the advantage to the City to continue with this program. He stated it would be less expensive for the City to continue updating the current module rather than skipping versions and having to buy the system again. He recommended that between now and the end of the fiscal year, the Council consider a part-time GIS position that would act as liaison between City employees and the University of Utah. He also advised that the City would eventually need the services of a full-time GIS specialist.

The Mayor offered his support and stated the City needs this type of technology to keep up with growth. He advised that he and Mark Sovine have been working on bringing blue staking in house and that the money saved could be used to offset GIS expenses.

Shawn Warnke advised that the Planning Department budgeted \$26,000 for technical and professional services for FY 2003 and only \$8,000 had been expended.

Gerald Kinghorn asked if there would be a new contract from the University of Utah presented to the Council for approval. Mr. Nash assured Mr. Kinghorn that there would be a new contract.

The Council gave unanimous support for continuing this program.

Mayor Bailey asked Shawn Warnke if there had been any further action taken on renaming streets with similar names. Shawn Warnke stated he is working on this problem. The Mayor stated that the post office had advised him of confusion caused by a street in Willow Springs shown as Ridge South on the plat map but as South Ridge on the legend. Mayor Bailey asked Shawn Warnke to clear up this confusion and advise the residents so they can straighten this out with the post office.

Kari Johnson, local resident and realtor, expressed her concern that there is no street sign on Juniper Drive in The Landing. Mayor Bailey asked Korey Walker to follow up on this problem and requested that the Public Works Department get the street sign ordered and installed.

9. **Consideration and Approval to Extend GIS Contract with University of Utah:**

No action taken.

10. **Consideration and Approval of Parkway Crossroads, Phase 1 Site Plan:**

Shawn Warnke presented information on this site plan and recommended approval.

Scott Hazard, The Real Estate Group, explained the changes made to the site plan that were suggested by the traffic engineer. Mr. Hazard stated these changes have been submitted to the Planning Commission. He answered questions from the Council.

Korey Walker stated that the City does not have an easement description for utilities. Mr. Hazard stated he would provide the description. Mr. Walker indicated that bonding would only be provided for work in the right-of-way on Pony Express Parkway, work within the right-of-way on Ranches Parkway, and for the utilities that the City would own.

Gerald Kinghorn stated that if the landscaping has not been completed at time of occupancy, bonding would be required.

Korey Walker stated that bonding would need to be in place before any building permit is issued.

Korey Walker stated that the sump pump system would be maintained by the developer and must be in compliance with City storm water audits.

MOTION: *Linn Strouse moved to approve the site plan for the Parkway Crossroads, Phase 1 subject to the following conditions: 1) That engineer's estimates are submitted for the excavation permits and bonding for the asphalt cuts, 2) That a utility easement for the entire project be recorded, and 3) That the bond be placed before a building permit is issued. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Ayes: 0. Motion passed.*

11. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule for the purpose of revising the utility damage provision:**

Gerald Kinghorn explained the changes being made to the fee schedule in Items 11 and 12. He indicated that utility damage charges would be based on actual costs and would be determined on a case-by-case basis.

Mark Sovine stated that other cities base charges on actual costs.

MOTION: *Greg Kehl moved to approve Resolution No. R 02-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Telecommunication Fee Schedule:**

See comments under Item 11.

MOTION: *Greg Kehl moved to approve Resolution No. R 03-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. **Consideration and Approval of a Citizen Survey:**

Mayor Bailey explained that the Citizen Survey had been tested by city employees, and he recommended ratification.

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

14. **Consideration and Approval of the Eagle Mountain City Entry Monument Conceptual Design:**

The Council reviewed the concept drawing and recommended that the lettering be done in brass.

MOTION: *Diane Jacob moved to approve the Concept Design of the Eagle Mountain City Entry Monument, changing the lettering to a brass color. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

15. **Consideration and Approval of Bid for Ranches Entrance Project:**

This item was tabled.

16. **Consideration and Approval to Upgrade 750kv Line:**

Mark Sovine explained the necessity to upgrade the 750mcm line (not 750kv line). He stated the contractor for the developer of Eagle's Gate could upgrade this line while installing another line for their subdivision and that this would be an economical way for the City to upgrade the line. Mr. Sovine asked for the Council's approval.

MOTION: *Greg Kehl moved to approve to purchase materials directly for the proposed project and reimburse the developer for the contractor installing the materials to upgrade the*

line. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

17. **Ratify Approval of Wholesale Power Management Agreement with Eagle Mountain City, Heber City, and UAMPS:**

Mark Sovine explained the need for a power management contract. He indicated that this signed contract will take effect on March 1.

Gerald Kinghorn explained that there are two agreements to be signed and recommended approval

MOTION: *Greg Kehl moved to approve the UAMPS Power Exchange Member Risk Management Policy along with the Heber Light and Power/Eagle Mountain Wholesale Power Management Agreement as submitted. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- a. Check Register
- b. Partial Payment
 - i. Land Application, Phase II (PP No. 1), Arrow Engineering

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

19. **Other Business:**

None

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

No Closed Session was called.

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

Not applicable.

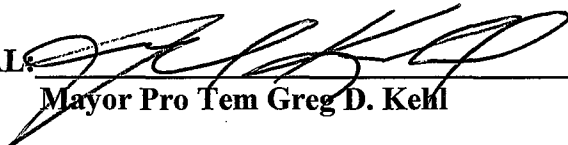
22. **Any Actions from the Closed Executive Session:**

None

23. **Adjournment:**

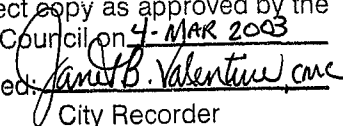
Greg Kehl moved to adjourn the meeting at 8:18 PM.

APPROVAL:


Mayor Pro Tem Greg D. Kehl

DATE: 3-4-2003

This certifies that the minutes of
18-FEB-2003 are a true, full and
correct copy as approved by the
City Council on 4-MAR-2003

Signed: 
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

March 4, 2003

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

1. Consent Agenda
2. Hubble Homes Development – Notice: Comments from the City Council will be Requested on Specific Concerns related to the Development
3. Discussion on Sign Ordinance
4. Discussion of Water Conservation Measures
5. Discussion regarding Construction of New Municipal Center
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 7:00 PM

Prayer by Invitation of the Mayor

The prayer was offered by Shawn Warnke.

POLICY SESSION – 7:00 PM

Mayor Pro Tem Greg Kehl called the meeting to order at 7:05 PM.

1. Roll Call:

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

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:	Sergeant Jo Murphy
Fire Chief:	Robert DeKorver (Excused)

Others Present: David Lifferth, resident; Dave Gifford and Ken Berg, Sundance Homes; Brenton and Brandon Webb, residents; Milton McLelland, resident; Monte Kingston, Ames Construction; Dave White.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Brenton Webb, Boy Scout from Troop 1085.

3. **Approval of Minutes (February 18, 2003):**

MOTION: *Linn Strouse moved to approve the Minutes of February 18, 2003. Brigham Morgan seconded the motion: Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

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

Brigham Morgan, Arts Council liaison, announced that there would be a general audition on March 15, 2003, for stage plays, a musical, readings, etc., planned for this year. He stated auditions for performers and interviews for technical crew and assistants would be conducted and that the Arts Council would select a core group from which to draw for upcoming performances.

a. Certificate of Appreciation

Mayor Pro Tem Kehl presented a Certificate of Appreciation to Milton D. McLelland for his service on the Youth Council Advisory Board.

5. **Appointments:**

None

6. **Public Notices:**

Janet Valentine announced a Special Planning Commission meeting to be held on March 5, 2003, to discuss the Development Code.

Shawn Warnke announced an Airport Planning Commission Continuation of a Public Hearing regarding the Development Code and General Plan to be held on March 12, 2003.

Janet Valentine announced a Public Hearing on March 26, 2003, for the City Council regarding the Development Code and the General Plan. She advised that these items would not be available for review until March 11.

7. **Public Comment:**

David Lifferth, resident, commented on the changes being made to the Development Code. He indicated he likes the current code, which provides for protection of open spaces. He expressed his concern that any changes planned to the Development Code should not eliminate the basics that are important to Eagle Mountain.

Brenton Webb, resident, asked why the playground equipment in the park by the former community center was taken down. Chris Hillman explained that the park is privately owned and that the owners removed the playground equipment for safety reasons.

8. **Consideration and Approval of a Resolution Proclaiming March 29, 2003 as Scouting for Food Day:**

Mayor Pro Tem Kehl read the resolution to those in attendance.

MOTION: *Brigham Morgan moved to approve Resolution No. R 04-2003, A Resolution Proclaiming March 29, 2003 as "Scouting For Food Day" in Eagle Mountain City, Utah. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

Mayor Pro Tem Kehl presented an official copy of the Resolution to Boy Scout Brandon Webb, representing Scout Troup 1085.

9. **Concept Plan Reviews:**

a. Plum Creek Subdivision, Sundance Homes

Shawn Warnke showed a vicinity map for the project and presented information regarding the concept plan. He stated the Planning Commission had reviewed the concept plan and made suggestions to the developer. Mr. Warnke advised that the City Council would need to address the future possibility of changing the Ranches Master Development Plan to change some open space acreage to developable acreage. He stated this would require a public hearing.

Korey Walker addressed concerns with intersections, roadways and entrances. He answered questions from the Council.

Mr. Warnke explained how common open space in condominium/town home projects counts toward open space requirements that have to be met by the developer. He answered questions from the Council regarding this matter.

Diane Jacob, Planning Commission liaison, reported on the recommendations from the Planning Commission regarding this concept plan.

Dave Gifford, representing the developer, asked about the road issue referred to by Mr. Walker. He wanted to know what the Council would like to see regarding access roads.

Gerald Kinghorn addressed the developer's question.

Linn Strouse raised the question of fire safety, and Shawn Warnke stated that Fire Chief Robert DeKorver is concerned about multi-level housing when there is no ladder truck available to service this type of building.

Brigham Morgan had questions about sewer drainage lines. Shawn Warnke and Korey Walker addressed his questions.

Mr. Morgan also had questions about safety issues for children living so close to Tickville Wash. Dave Gifford addressed this issue. Greg Kehl requested that the Planning Commission check into this safety issue.

Brigham Morgan asked about lack of parking around Building 18. Ken Berg, design engineer for Sundance Homes, stated this could be re-addressed to make parking more available to each unit.

Shawn Warnke asked the Council how they felt about possibly amending the Ranches Master Development Plan to change the open space and developable acreage requirements. He reminded the Council that a public hearing would have to be held before any such amendment could be approved.

Greg Kehl recommended that the City look into a fee to be charged to developers in lieu of having to improve open space. He directed staff to prepare a proposal with numbers to show what the validity of this plan might be.

David Gifford stated that the developer would rework the area around Building 18 to provide for more parking and keep the proposed accesses through the fire station and Rock Street.

Linn Strouse thanked the developer for designing an attractive development that would add value to the City.

Chris Hillman asked for clarification as to whether the Council was agreeable to the exploration of the idea of doing a land swap with the three acres of open space for another six acres of open space, with a consideration of a "fee in lieu of" for the improvements once the Council could preview information from staff.

The Council advised they would be agreeable to exploring this possibility but made it clear that the proposed land swap would apply only to Plum Creek.

b. Sweetwater Ranch Subdivision, Ames Construction

Shawn Warnke presented information for this concept plan. He indicated that the Planning Commission had reviewed the plan and made recommendations.

Korey Walker addressed utility issues and how utility stub points would be affected. He answered questions from the Council. He stated there were some transformer boxes on the developer's property line that would have to be dealt with.

Monte Kingston, Ames Construction, was available to answer questions. He stated that Ames would work with the City to reach a solution regarding the transformer boxes.

Brigham Morgan asked about length restrictions for cul-de-sacs. Korey Walker explained that utilities could be looped back into Friday's Station at the narrow entrance to the cul-de-sac.

Mr. Morgan asked if there were any fire safety issues caused by the cul-de-sacs. Shawn Warnke advised that the cul-de-sacs would have the required radius to meet requirements for fire trucks to turn around. Korey Walker stated the only minor fire issue he could foresee would be caused by an accident in the neck of the cul-de-sac preventing access by emergency vehicles.

Brigham Morgan expressed his concern that there be improved tot lots to keep children off the golf course. Mr. Kingston addressed the plans the developer has to create a pool, play area, and picnic area.

Mr. Morgan requested that the developer make every effort to leave the natural landscape undisturbed to protect native land and prevent weed problems. He stated he has noticed there is a weed problem only when the land is stripped.

Shawn Warnke explained to the developer that any change to open space in a public right-of-way would have to be presented in at a public hearing.

10. Review Proposal for Annexation Study:

Chris Hillman presented information on a proposed annexation study. He introduced Dave White who contacted the City with a proposal to annexation his property into Eagle Mountain. Mr. Hillman asked for direction from the Council as to whether to include Mr. White's annexation proposal in the City's annexation study proposal.

Mr. White offered further information regarding the proposed area he wants to annex. He stated his proposal could include the White Hills subdivision. He answered questions from the Council.

Mr. Hillman stated that nearby cities have been notified of Mr. White's desire to annex.

Gerald Kinghorn advised that the Council could direct staff to prepare information to be presented at a later City Council meeting for action.

11. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Repealing Ordinance No. 99-16 and Enacting Provisions for the Waiver of Certain Impact Fees and Creating a Business Incentive Program for New Business Development within Eagle Mountain City:**

Gerald Kinghorn presented information on this Ordinance. He answered questions from the Council.

Mr. Kinghorn read the revised Section 3: "Business customers will receive priority service to resolve telephone problems or service issues and, in the event of telephone service outage, business customers shall receive priority for the resumption of service. New business customers qualifying under the provisions of this Ordinance shall be charged for basic dial tone service and shall receive the first month of use of all other telecommunication features, other than basic dial tone service, without charge together with training for employees on the use of each telecommunication feature."

MOTION: *Brigham Morgan moved to approve Ordinance No. O 02-2003, An Ordinance of Eagle Mountain City, Utah Repealing Ordinance No. 99-16 and Enacting Provisions for the Waiver of Certain Impact Fees and Creating a Business Incentive Program for New Business Development within Eagle Mountain City. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

Brigham Morgan clarified that the approved Ordinance was the revised version read into the record by Mr. Kinghorn.

12. **Consideration and Approval of a Contract for Network Services:**

Chris Hillman presented information on the current services being provided to the City for IT support. He stated the contract before the Council would cost the City less than what was currently being spent for IT support. He stated the proposed contract would be with the currently used IT support firm. The City did not go out to bid on this contract because the current IT support personnel are completely familiar with the computer system of the City.

Brigham Morgan expressed concern that the contract does not contain any penalty clauses, City criteria, or definition of what constitutes an emergency service charge.

Gerald Kinghorn recommended this contract be tabled until it could be more fully reviewed.

This item was tabled.

13. **Consideration and Approval of Bid for Ranches Entrance Project:**

Korey Walker recommended that Council direct staff to negotiate with American Civil Constructors to reduce the items in the bid to a total bid of not to exceed \$150,000. Mr. Walker stated that if these negotiations could not be achieved, the City would go out for re-bid.

MOTION: *Brigham Morgan moved to authorize staff to negotiate the bid to a maximum cap of \$150,000 to complete this project. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

14. Consideration and Approval to Create the New Position of Utility Locator:

Mark Sovine explained the plan of the City to hire a blue stake locator. He stated this action would improve the quality of workmanship, provide more reliable locating, and be more cost effective. He presented written information on budget figures for the cost of this position and start up costs. Mr. Sovine advised that the Public Works Board has given their approval for this position. The Council discussed options for vehicle usage for this position.

MOTION: *Linn Strouse moved to approve the position of Utility Locator. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

15. Motion to approve Consent Agenda items as follows:

- a. Contract Change Order
 - i. Pony Express Parkway Extension (CO No. 3), H.E. Davis
- b. Bond Release
 - i. Land Application, Arrow Engineering

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

16. Other Business:

None

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

No Executive Session was called.

18. Motion to Reconvene in to Open Session:

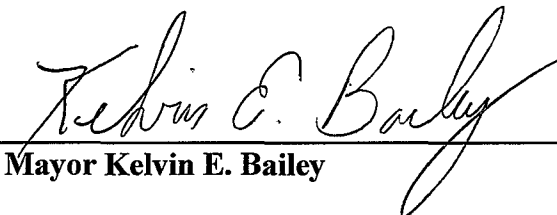
Not applicable.

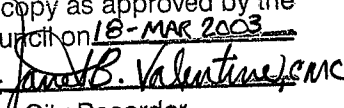
19. Any Actions from the Closed Executive Session

None

20. Adjournment:

Brigham Morgan moved to adjourn the meeting at 8:45 PM.

APPROVAL:  DATE: 3-18-03
Mayor Kelvin E. Bailey

This certifies that the minutes of
4-MAR 2003 are a true, full and
correct copy as approved by the
City Council on 18-MAR 2003
Signed: 
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
March 18, 2003

WORK SESSION - NO ACTION OR MINUTES TAKEN – 4:00 TO 6:30 PM

1. Consent Agenda
2. Review of Proposed Development Code
3. Question & Answer Session Regarding Conflict of Interest Opinion (No discussion)
4. Discussion of Temporary Waster Use Agreement
5. Other Business
6. Adjourn Work Session at 6:13 PM

Prayer by Invitation of the Mayor

The prayer was offered by Chris Hillman.

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

POLICY SESSION – 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
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
Fire Department:	Chief Robert DeKorver (Excused)

Others Present:

2. **Pledge of Allegiance:**

Mark Sovine led the Pledge of Allegiance.

3. **Approval of Minutes (March 4, 2003):**

MOTION: *Mark Madsen moved to approve the Minutes of March 4, 2003. Brigham Morgan 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 a special benefit fundraiser dinner would be held on Friday, March 21, at 6:30 PM at LDS Stake Center in the Ranches for Steve Seegmiller, who was involved in an ATV accident and was left a quadriplegic.

Sheila Curtis announced that CERT classes have been completed with 14 graduates. She also announced there would be CERT terrorist module training on April 10 at 7:00 PM in the Council Chambers. She indicated this class is open to everyone.

5. **Appointments:**

A. Employee Appeals Board

Mayor Bailey recommended the following City employees be appointed to the Employee Appeals Board: Glen Sexton, Kent Partridge, and Gayleen Pierce, with alternates Bob Wren and Jordan Harris.

MOTION: *Brigham Morgan moved to ratify the appointments of Glen Sexton, Kent Partridge, Gayleen Pierce as permanent members of the Employee Appeals Board and Bob Wren and Jordan Harris as alternate members to the Employee Appeals Board. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

A. Open Burn Season – April 12, 2003 through May 12, 2003
(Burn Permits will be available April 7, 2003 at Fire Station One in the City Center for \$10.00)

Mayor announced that Open Burn Season will be held from April 12 through May 12, 2003. He stated that burn permits will be available for \$10.00 starting April 7 at Fire Station #1 in the City Center.

City Recorder Janet Valentine announced there would be a Special City Council meeting held on Wednesday, March 26 at 7:00 PM for a Public Hearing regarding the Development Code and the General Plan for the City. She stated the meeting will begin at 4:00 PM, but the Public Hearing would not begin until 7:00 PM. Mrs. Valentine indicated the Development Code and General Plan would not be adopted until April 1, 2003 at the regularly scheduled City Council meeting.

Lieutenant Pickup, Salt Lake County Sheriff's Office, advised the Council that the Sheriff's Office is very committed to Eagle Mountain City. He stated the Sheriff's Office is pleased with the job their officers are doing in our City. He noted that thefts and burglaries went down when a third officer was added to the Eagle Mountain staff. Lieutenant Pickup requested that the Council plan to hire more officers as the population grows.

7. **Public Comment:**

Jason Astwood, Willow Springs condo resident, expressed concern about licensing for day care in condos. He stated his wife is educated and has degrees in the child care field. He wanted to know why City does not allow day care licensing in condos. Shawn Warnke explained that the City's current Development Code does not prohibit day care licensing in condos; however, the new Development Code would only allow for home office business in condos. He stated the City is concerned about the impact of increased noise, traffic and people coming and going. The Mayor requested that staff prepare a report for presentation at the City Council meeting on April 1 showing what other cities are doing in his area and what problems this type of business might cause. Mr. Warnke advised there is a licensed child care provider currently in the Willow Springs condos and that Mr. Astwood could apply for licensing under the current Development Code. The Mayor asked Mr. Astwood to get information on State licensing requirements to Mr. Warnke

Jeff Jones, Utah County Sheriff's Deputies Association, contact number 362-2960, requested permission to hold a fundraiser for Steve Seegmiller. He offered background information on the Seegmiller family and explained Mr. Seegmiller's current condition. He proposed that a "fun run" be held as a memorial to Mr. Seegmiller's father, who was a marathon runner. Officer Jones advised that all monies would go to Seegmiller family. He stated that in conjunction with the "fun run" there is an interest in holding a car show, which would include 30 to 50 cars. He requested approval from the Council to move forward in planning these events. Officer Jones indicated that the Sheriff's Office would provide vehicles for security. Linn Strouse offered to get him contact information for Jenny Richards, the coordinator for Pony Express Days races, so the events could be coordinated. The City Council gave their unanimous support.

8. **Citizen of the Month for March 2003:**

Linn Strouse introduced Jennifer Webb, the March Citizen of the Month, and thanked her for her faithful service as block captain for the City's Neighborhood Watch Program, as community involvement commissioner for the PTA, as secretary for her HOA, as education focus group leader, and as a room mother at Pony Express Elementary School.

Mayor Bailey presented the Citizen of the Month Resolution to Jennifer Webb.

9. **Presentation of Concept Plan of Master Development Plan and Master Plan Development Agreement for McKay Edwards & State of Utah Trust Lands:**

Rick McBrier, Assistant Director of School Trust Lands, opened a presentation regarding plans for Trust Lands property in Eagle Mountain City, specifically the extension of Sweetwater Road. He presented a handout to Council members regarding school trusts and introduced McKay Edwards, a consulting planner working on the SITLA properties in Eagle Mountain.

McKay Edwards explained his background in working with other municipalities. He made a visual presentation regarding SITLA and what they can provide to our community. The visual presentation showed plans for the Mid-Valley and Pony Express parcels, which include parks, school site, monument site, roadways and housing.

Mr. Edwards stated they would be proposing a fairly high-density entitlement for the Pony Express Parcel. He explained SITLA's ideas for long-range transportation planning in the Mid-Valley Parcel and indicated he had worked with Korey Walker and Shawn Warnke on this planning. Mr. Edwards stated that SITLA hoped to advance funding this year for phase one construction of Sweetwater Road to Pony Express Road this year, spanning funding from two fiscal year budgets.

Mr. Edwards discussed specifics of the proposed agreement. He stated that SITLA needs a strong commitment on the City's Master Plan as to where the major roads are going because their plans would be

based on these alignments. He also reiterated the request that the City accept the dedication of major parks and advanced funds for roads as a credit against impact fees.

Mr. Edwards referred to a timeline for the agreement asking for a draft agreement by mid April and a final approved agreement by mid to late May 2003. He asked for feedback from Council members and answered questions regarding densities, reimbursement requests and timing of dedications. The Council was generally very supportive of the plans for the Mid-Valley and Pony Express Parcels.

10. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (for the Purpose of Including Charges for Illegal Water Jumper Fees):**

Mayor Bailey explained that the illegal water jumper fees had been erroneously deleted from the schedule and needed to be reinstated.

MOTION: *Brigham Morgan moved to approve Resolution No. R 05-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule as submitted. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. **Consideration and Approval of a Resolution Amending the Eagle Mountain Telecommunications Fee Schedule:**

Diane Bradshaw, Telecommunications Administrator, explained the recommended changes to the Telecommunications Fee Schedule.

MOTION: *Brigham Morgan moved to approve Resolution No. R 06-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule as submitted and in possession of Janet Valentine. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. **Consideration and Approval of “Credit Card Agreement” with Wells Fargo Bank:**

Chris Hillman explained the benefit of this agreement. He advised that the Finance Department recommended choosing Zion’s Bank to provide this service because they would be located in the new Smiths, putting them physically closer to Eagle Mountain City.

MOTION: *Brigham Morgan moved to approve the recommendation of staff to approve a Credit Card Agreement with Zion’s Bank. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. **Consideration and Approval of “Master Natural Gas Supply Agreement” between Intermountain Municipal Gas Agency and Eagle Mountain City:**

Mark Sovine explained this agreement to the Council. He did not recommend signing this agreement because it would put IMGAs in charge of purchasing gas for the City.

MOTION: *Greg Kehl moved to disapprove a Master Natural Gas Supply Agreement between Intermountain Municipal Gas Agency 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.*

Linn Strouse was excused from the meeting at 8:45 PM.

14. **Consideration and Approval of "Temporary Water Use Agreement" with Eagle Mountain Links, LLC:**

Gerald Kinghorn explained that this agreement is for interim use of water for the golf course and would apply only to water that is surplus to the City's needs, putting a cap on the price. The Mayor advised that this is not a long-term agreement.

MOTION: *Mark Madsen moved to approve a Temporary Water Use Agreement with Eagle Mountain Links, LLC. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

15. **Consideration and Approval of a Resolution Authorizing Construction of Municipal Well and Temporary Occupancy for Well Construction and Related Purposes:**

This item was tabled.

16. **Consideration and Approval of USGS Northern Utah Ground Water Study Agreement:**

Korey Walker explained this agreement and recommended approval because north area will be added into a four-year study.

MOTION: *Greg Kehl moved to approve and authorize the Mayor to sign an Interlocal Cooperative Agreement for North Utah County Groundwater Study, as submitted, to include payment of \$1,813 for the first year. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

17. **Consideration and Approval of Amendment to Original Prototype "GIS Development Agreement (2001)":**

MOTION: *Brigham Morgan moved to approve an Amendment to Original Prototype GIS Development Agreement (2001). Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

18. **Motion to Approve Consent Agenda Items as follows:**

- A. Check Register
- B. Partial Payment
 - I. Pony Express Parkway Extension (PP No. 6), H.E. Davis
 - II. Porter's Crossing (PP No. 6), H.E. Davis

MOTION: *Brigham Morgan moved to approve the Consent Agenda. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

19. **Other Business:**

- A. Consideration and Approval of a Contract between XI Information Technology and Eagle Mountain City for Network Services

Chris Hillman explained this contract to the Council and reviewed the changes that were recommended at the last City Council meeting.

Diane Bradshaw explained the services that would be provided to Telecom through this contract.

Dave Loper and Dave Diaz, representatives of XI Information Technology, answered questions from the Council.

MOTION: *Brigham Morgan moved to approve a contract between XI Information Technology and Eagle Mountain City for Network Services. seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

20. **Motion to Recess in to a Closed Executive Session for the Purpose of Discussing Personnel Issues, Potential Litigation and/or Public Safety/Security:**

No Closed Executive Session was called.

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

Not applicable.

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

None.

23. **Adjournment:**

Mark Madsen moved to adjourn the meeting at 9:04 PM.

APPROVAL: _____

Greg D. Kehl
Greg D. Kehl, Mayor Pro tem

DATE: 4-1-03

This certifies that the minutes of
18-MAR 2003 are a true, full and
correct copy as approved by the
City Council on 1-APR 2003

Signed: *Janet B. Valentine, cwr*
City Recorder

**MINUTES OF THE EAGLE MOUNTAIN
SPECIAL CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
March 26, 2003**

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Bailey

POLICY SESSION – 4:00 PM

Mayor Kelvin Bailey called the meeting to order at 4:15 PM.

1. Roll Call:

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

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Planning Director:	Shawn Warnke
Finance Director:	Kent Parker (Arrived at 4:30 PM)
Public Works Director:	Mark Sovine
Utah County Sheriff:	Sergeant Jo Murphy
Fire Chief:	Robert DeKorver (Excused)

Others Present: Scott Kirkland, Ranches; Monte Kingston, Ames Construction; Steve Young, Development Associates; residents Dallas Bullock Ryan and Peggy Nazer, Bill Chipman, Dan Valentine, Mark and Kay Wallace, Brian Woolsey, David and Rebecca Loper, Carl and Cathie Faulkner, Chad Duncan, David Watson, Jody Hooley, Jana Cox, Darrin Brandt, Marcie Taylor, Candy Bateman, and Suzanne Lindsay.

2. Pledge of Allegiance:

Shawn Warnke led the Pledge of Allegiance.

3. Discussion regarding the Eagle Mountain City General Plan and Development Code:

Shawn Warnke made a presentation on the General Plan and the Development Code, both of which were previously reviewed by the Land Use Planning Commission and the Airport Planning Commission. He advised that the tentative adoption date for these documents was April 1, 2003. He answered questions from Council Members and developers.

The City Council discussed their concerns with the new Development Code regarding:

- a. The lack of standard design guidelines (porches, roof pitch, side load/rear load garages, elevation articulation ratio, etc.) and requiring developers to meet these standards
- b. The lack of requirements for phasing from high density to large lots
- c. Establishment of buffer zones
- d. Addressing the number of animals allowed on properties and how to deal with dust caused by having too many animals grazing on one property
- e. Restriction of the use of vinyl-coated chain link fencing along arterial and collector roads

Mayor Bailey recessed the meeting for a dinner break at 6:37 PM and reconvened the meeting at 7:10 PM.

PUBLIC HEARING – 7:00 PM or as soon thereafter as may be heard

4. Public Hearing (Eagle Mountain City General Plan and Land Development Regulations – Development Code):

Shawn Warnke made a presentation regarding the Development Code.

- a. Open Public Hearing

Mayor Bailey opened the Public Hearing at 7:50 PM

- b. Receive Public Comment

Dallas Bullock, resident of City Center, offered support for the changes to the Development Code. He expressed his gratitude for this community and emphasized that it is a developing community with change involved. He stated he feels the new code is a progressive change. He wanted to know who takes care of open space and how it is funded. Shawn Warnke explained the way open space is maintained in the City. Mr. Bullock wanted to know who controls the funds that are allocated for maintenance of open space. Mayor Bailey answered this question.

Ryan Nazer, resident of the Ranches, expressed disappointment with how things have gone in the community since he moved in. He feels that promises made when he decided to move out here have not been kept. He explained some of the specific problems in the area where he lives because of high density that causes neighbors live too close to each other.

Peggy Nazer, resident of the Ranches, asked for an explanation of tiers in Development Code. She stated her family loves Eagle Mountain and wants to be able to stay in the City and buy a larger home; however, she is not seeing a lot of larger homes being planned. She is concerned that some of the existing neighborhoods are too congested and that this causes dangerous conditions for children.

Monte Kingston, Ames Construction, asked if City would consider adding certain annexed properties to the General Plan. The Mayor advised Mr. Kingston that this had already been done in an annexation plan prepared by the City.

Jana Cox, resident of City Center and member of the Community Arts Board, commented that the current General Plan of 46 pages focuses heavily on the arts. She was concerned, however, that the proposed General Plan of about eight pages does not address the arts thoroughly. She stated she moved to Eagle Mountain because the arts element was so heavily emphasized in the General Plan. She indicated that the arts program includes pedestrian trails and open-space-required public places. She commented that lowering open space requirements would not allow enough open

Steve Young, Development Associates, stated that city councils and planning commissions in any city have a responsibility to protect lifestyle and to help citizens have what they "don't know they need," such as clean drinking water, roads without potholes, functioning road systems, safety of children. He referred to his experiences as a citizen of South Jordan and how much that city relied on growth from connecting cities. He advised that developers are not the enemy but are friends who want the good of the city and the people. He advised that cities should change codes to move forward and avoid becoming West Valley-type cities.

Mark Lofgren, resident of City Center, asked that if we allow for this much more density in our City, will there be enough water in 10 or 15 years. He stated he could not believe that the City is allowing this "developer friendly" code for developers who have not kept their promises in the past.

There were signs displayed by residents stating "Don't Take Away Our Parks and Open Space," "Vote No to Irresponsible Uncontrolled Growth in Eagle Mountain" and "Eagle Mountain Newspaper Biased and Unfair!!! Stop Bashing Honest Council Members Jacob, Kehl & Morgan!"

c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 9:00 PM

Mayor Bailey explained that the intent of the new Development Code was to integrate information from discussions over the past year. He stated that the intent was not to increase density and that the old code already allows for higher density. He advised that the Ranches Master Plan and Eagle Mountain Properties Master Plan would not be impacted by the new code. He stated there are some things that need to be addressed regarding the open space issue but explained what the new code is trying to accomplish by requiring improved open space. The Mayor stated the City wants to grow in a managed and productive way. He stated that City Council members met previously, discussed relative issues, and made suggested changes to the code. He advised the residents that their comments were heard by the Council and would be considered.

Brigham Morgan gave his home telephone number to those in attendance and invited anyone with concerns to call him anytime. He explained the reason Council does not answer questions during the Public Comment period. He reiterated that his job is to represent the citizens and that he will fight for the vision of Eagle Mountain City.

Linn Strouse expressed her appreciation for the public comment forum that allows citizens to express their concerns. She stated she moved to Eagle Mountain for the open spaces and the trails. She advised that she wants to see growth that is compatible with the original vision for the City. She invited anyone to contact her with problems or concerns. She expressed her gratitude for the quality of the people who are moving into the City.

Mark Madsen explained the approach and concerns that led to the open space issue. He discussed the problems caused by the old code and how it was used to the advantage of developers. He stated that the intent of the new code is to have more developed open space. He talked about the funds that will be required from developers to be used by the City to improve open space. He indicated that changes have already been made that will better control the actions of developers. He agreed that the Pony Express trail needs to be preserved and should be added to General Plan. He advised that he would not abandon those who voted for him.

Diane Jacob indicated that she has the best interests of the residents at heart. She stated she admires the citizens for coming out to express their concerns and agreed with the views of many citizens regarding the original vision for the City. She addressed the chain link fencing issue and stated this restriction would

space for the City. She recommended that the following items be added back in to the General Plan: 1) the City would utilize the advise of the Arts Council in it's development review process; 2) that downtown and parks planning and funding decisions related to recreation facilities, event planning and arts acquisitions would be handled by the Arts Council; 3) that the Arts Council would be provided with sufficient resources to carry out it's role of advocacy for the arts; 4) that the City Council would establish a budget line item to assist the Arts Council in their endeavors; 5) that Eagle Mountain would dedicate one percent of building construction projects for artistic elements; 6) that developers would be given incentives to make contributions to the arts programs; and 7) that Eagle Mountain would develop an outdoor music performing arts facility and an arts center as one of the first recreational and cultural service priorities for the Capital Facilities Plan. Mrs. Cox stated that these items are in the current General Plan and should be added to the proposed General Plan. She also commented that slashing the open space requirement from 20 percent to 5 percent is not adequate. She stated she moved to Eagle Mountain for the open space and does not want to see it reduced.

Rebecca Loper, resident of City Center and member of the Community Arts Board, expressed her concern that the proposed General Plan does not provide a reason for people to want to move to Eagle Mountain. She stated that by adding the high-density starter homes, there is no place for people who want to stay in Eagle Mountain to move up to a larger home. She indicated that the proposed General Plan offers nothing about parks and recreation, public safety, the arts, and sports to which citizens are entitled. She expressed her concern about the lack of open space and felt like the Council had lowered their expectations because of the difficulty the City has had in getting the developers to live up to their plans in their developments.

Carl Faulkner, resident of Cedar Pass, expressed his gratitude to the City Council for their diligence, efforts, and for the time they put into serving the community. He related his concerns about the proposed plan as it pertains to the safety of our children. He stated that the City has a chance to preserve open space; and that once this space is given up inch-by-inch and park-by-park, it is gone forever. He indicated that those living in Eagle Mountain moved here with a certain understanding about plans for the City and now those plans are being changed. He indicated he is concerned about the trails because he has horses and he wants to be able to ride those horses on the mountain. Mr. Faulkner expounded on the recent "Mr. Friendly" article in the local newspaper. He felt this article was a direct attack on anyone who owns more than one acre, that the premise of the article was unfounded and wrong, and that it did nothing to help neighbors appreciate neighbors. He expressed his hope that no one resents him because he lives on more than one acre because he does not dislike anyone who lives on less than one acre.

Kay Wallace, resident of City Center, expressed concern for disabled citizens in our community. She addressed the issue of fencing requirements stating that vinyl and wood fences are expensive and that wood fences are hard to maintain for disabled citizens. She agreed that chain link fences are unattractive, but can be beautified by allowing bushes to grow into the fencing to improve the aesthetics of a neighborhood. Mrs. Wallace stated she is in favor of consideration to allow chain link fencing. She would also like to see the City planners and officials to get the developers to do what they promised to finish open space parks for the safety of children. She expressed her appreciation to the Council being willing to take on their jobs and to listen to citizens' opinions.

Mark Wallace, resident of City Center, explained his concern about the current developers and the green spaces that we have. He stated that Eagle Park is 80 to 90 percent full. He explained that he sees people encroaching on the backside of the lots and using it as open space. He feels that if the developers would finish off those open space areas, as promised, problems of misuse would be eliminated. He also feels that the park strips need to be completed.

Darrin Brandt, resident of City Center, expressed appreciation to the Council for their service and their concern for City. He encouraged the City to stay with the current General Plan or look at

increasing the open space in the proposed plan. He feels the City needs to look out for the welfare of the community. He stated that comparing open space between the Ranches and City center is not a fair comparison. He stated that the proposed plan would not allow sufficient open space for City center residents. He indicated that current developers should not be allowed to come under the proposed Development Code but should be made to complete current open space requirements. He pleaded with the Council to not approve the proposed General Plan because it is biased toward the north area and is unfair to the residents in the City center. He stated a General Plan should show who we are and who we will become but the proposed plan leaves this open to the whims of the developers.

David Loper, resident of City Center and Chairman of the Community Arts Board, expressed his concerns about the proposed General Plan. He stated that many people moved to Eagle Mountain because of the idea of living in a master-planned community. He feels that the proposed plan has none of the elements that were previously represented to the population of this City. He stated the proposed plan attempts to fulfill the minimal requirement of the law by laying down the rules and entitlements only. He advised that this plan is the document of the residents, not the developers. He stated that the proposed plan snubs the arts and other aspects, such as public safety, economic development, education, recreation, and historic and cultural land space. He feels that even though these items may be added in the future, they should be in the plan now.

Chad Duncan, resident of City Center, stated he is excited to be part of a new and developing city. He indicated that one of the reasons he moved to Eagle Mountain was for the open spaces, and he wants the City to keep as much open space as possible. Mr. Duncan commented on a statement made by a developer in a previous meeting that no money could be made without squeezing more houses onto one-acre lots. He stated that as a citizen he does not feel the City should cater to developers' whims and should not underrate the value of the property in the south end. He would like to see developers held to their agreements to build parks and trails and have open spaces improved. Mr. Duncan appreciates the fact that the Council will take time to hear comments from residents and would appreciate prompt answers to questions.

Brian Woolsey, non-resident landowner in Eagle Mountain, addressed the new Development Code, referring to Title 2, Chapter 9, concerning lot splits. He proposed the option of being able to split the original property a third time, which would create four parcels without being subject to the requirements of a subdivision. He referred to the Triplett property on south Lake Mountain Road and explained how it had been previously split. He stated his proposed option would allow both his neighbor and himself to split their lots into two five-acre lots.

Jody Hooley, resident of Lake Mountain Road, referred to the original General Plan, which contains 46 pages, and stated that the new General Plan only contains eight pages. She asked what happened to all the information in the original document and who decided it was not important. She advised that the original General Plan talks about the vision, the basis for the City, and the things the City needs to preserve. She specifically mentioned the preservation of the Pony Express historical trail. Mrs. Hooley stated that there is no mention of the Pony Express trail in the proposed plan; therefore, she inquired as to why the City should have Pony Express Days if there are no plans to preserve the trail. She feels the proposed General Plan focuses only on what developers can do.

Cathie Faulkner, resident of Cedar Pass, expressed her concern about the proposed plan. She echoed the comments of other residents. She stated she hoped the current Council would not change the original vision for the City just so developers might have more density to meet their economic objectives at a time when the developers might perceive the City as vulnerable and at their mercy. She indicated that the developers should not be allowed to fill our City with urban sprawl to our detriment.

Dr. David Watson, resident of Cedar Pass, asked what happened to the golf course that was promised by Eagle Mountain Properties. He advised that he lives on a five-acre plot and cannot possibly keep the weeds off all of his open space. He stated he moved to Eagle Mountain to enjoy open space with tumbleweeds and all. He stated the developers have a very poor track record of improving open space. He indicated that the new code would encourage developers not to develop anything greater than a 6,000 square foot lot. Dr. Watson stated he does not want to see another West Valley City in Eagle Mountain.

Bill Chipman, resident of Cedar Pass, stated he is a former member of the Town Council, Planning Commission, and Public Works Board. He indicated that the Development Code should be the citizens' option and not the developers' option. He stated he thinks the new code is concerned more about developers' money than about the needs of the City. He expressed his concern about high-density subdivisions. He advised that developers would be encouraged to build only high-density units to avoid having to pay a \$1,500 fee per lot for open space improvements. Mr. Chipman stated the City needs homes that give citizens something to move up to. He stated developers have not kept their promises in the past and asked why the City would trust them to keep promises in the future.

Marcie Taylor, resident of Lake Mountain Road, explained the reasons she located in the area. She stated that the residents of Eagle Mountain are here because of the vision of the original General Plan. She expressed her feelings that if the City follows the new code, it will end up looking just like West Valley City, Dixie Valley, and Granger. She stated the citizens of Eagle Mountain entrusted the City Council to stand up for their campaign promises. She feels it is wrong to point fingers at past administrations that did their best to make developers clean up their developments. She stated the Council should focus on what the City needs to draw new residents here. She wants to be proud of this City and wants to stay here. Mrs. Taylor indicated the City needs the right kind of development and a good mix of home sizes.

Candy Bateman, resident of Cedar Pass, would like to see the citizens involved in writing the Development Code. She had some suggestions for the code, which included, 1) neighborhoods that put retail within biking and walking distance of single-family and multi-family housing; 2) having a variety of sizes and types of homes in the same subdivision; 3) preservation of hillsides and natural habitat for public enjoyment; 4) historical landmarks preserved and documented; 5) planned areas with larger lots and animal rights; 6) insured connectivity between pedestrian, bike and horse trails to transit and road facilities; and 7) "quality" housing for all income levels. She expressed her concern about open spaces including trails for all size subdivisions. She explained she does not want to see undeveloped open spaces fenced off to prevent use by the citizens. She also indicated that developers not putting in infrastructure, as agreed upon, should receive no further consideration until they are current.

Suzanne Lindsay, resident of Cedar Pass, stated she moved here before Eagle Mountain City was formed. She indicated that when the City was incorporated, she was pleased with the vision presented in the General Plan. She expressed her concern that the new code will allow too many small subdivisions and not enough diversity in housing. She advised she feels the new code has an "anything goes" attitude. She feels that developers are being favored over citizens and that masses of small homes will someday be abandoned, causing a ghost town.

Dan Valentine, resident of Lake Mountain Road, discussed the original plan for Eagle Mountain City. He stated that the General Plan should be kept intact and not changed. He stated that the only positive thing in the new Development Code is that the City would get better quality open space; however, he feels the negatives with the new code are many. He stated the new code favors developers and is developer friendly. He challenged the Council to leave a positive legacy for Eagle Mountain so that ownership, and not renting, is the norm. He stated that if the developers cannot make money in Eagle Mountain then do not let them build here.

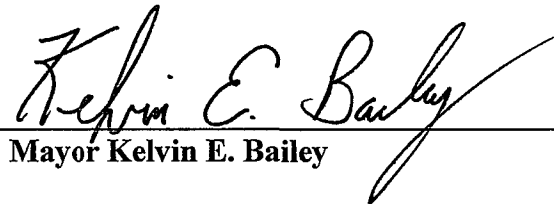
apply only to the perimeter fencing around a development. She stated that sagebrush and tumbleweeds can be just as beautiful as green space and asked the other Council members to take that into consideration.

Greg Kehl extended his appreciation to all in attendance and for their input. He stated he is not in favor of the proposed Development Code as it stands. He stated the City does not have to insure that developers make money. He stated, however, that it is the City's responsibility to treat developers fairly and to insure that both the developers and the City fulfill their promises. He stated that he is embarrassed that trails and parks are not finished and is tired of being lied to by developers.

5. **Adjournment:**

Mayor Bailey moved to adjourn the meeting at 9:23 PM.

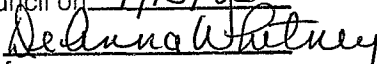
APPROVED: _____


Mayor Kelvin E. Bailey

DATE: _____

4/15/03

This certifies that the minutes of
3/26/03 are a true, full and
correct copy as approved by the
City Council on 4/15/03

Signed: 
DEPUTY City Recorder

**MINUTES OF THE EAGLE MOUNTAIN
CITY COUNCIL / ADMINISTRATION
2003 / 2004 FISCAL YEAR BUDGET RETREAT
Aspen Lodge Conference Center in Timpanogos Conference Room A
Aspen Grove (Located above Sundance Ski Resort in the North Fork of Provo Canyon)
March 28, 2003**

WORK SESSION – No Action Taken – 8:00 AM to 5:00 PM

1. Roll Call:

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

City Staff:

City Administrator:	Chris Hillman
City Building Official:	Kent Partridge
City Recorder:	Janet Valentine
Finance Director:	Kent Parker
Fire Chief:	Robert DeKorver
Librarian:	Michele Graves
Public Works Director:	Mark Sovine
Telecom Administrator:	Diane Bradshaw
Planning Manager:	Fionnuala Kofoed
Deputy Recorder:	DeAnna Whitney

Others Present: Bob Springmeyer, Bonneville Research Facilitator

2. Welcome:

Chris Hillman welcomed those in attendance and introduced Bob Springmeyer, Facilitator for Bonneville Research.

3. Citizen Survey Review and Discussion:

Mr. Hillman reviewed the results of the Eagle Mountain City Citizen Survey.

4. Group Discussions:

Mr. Springmeyer led a discussion on the key issues of Eagle Mountain City. He also requested that those present list the strengths and weaknesses of the City.

A. Key Issues:

1. Debt
2. Recreation
3. Transportation
4. Tax Base
5. Shopping Convenience
6. Public Safety – kids playing in the street, EMS, weeds/fire, Neighborhood Watch
7. Utility Rates
8. Sale of Utilities/Debt of Utilities
9. Weeds/Beautification
10. City Revenues
11. Homes – starter/move-up mix
12. Growth/Vision
13. Schools
14. Developer Agreements
15. City Image and Substance Thereof
16. City Offices – facilities, meeting areas
17. City Programs and Services – library, arts, recreation
18. Community Services

B. Strengths:

1. Beautiful Place – quiet, peaceful
2. Great Citizens – community pride, involved, engaged, articulate, active, volunteer
3. No Traffic Lights
4. Opportunity and Obligation to Create – open space, not land locked, plan for 20 years out
5. Variety of Lifestyle – cost of homes
6. Mix of Cultures
7. Safe Environment
8. Great City Staff
9. Community Progress
10. Public Services/Utilities

C. Weaknesses:

1. Debt
2. Transportation
3. Public Safety Services
4. Domestic Abuse
5. Facilities/Image
6. Geographic Challenges – isolation
7. Schools – over crowding
8. Limited Staff Resources
9. City-owned Utilities

5. **Proposals from Council:**

Mr. Springmeyer asked the Council Members to offer budget proposals for the upcoming 2003/2004 Fiscal Year. The Council Members responded as follows:

- A. Greg Kehl recommended that the Council not place so much focus on selling the utilities; however, he does favor looking into a co-op for the power utility. He stated he felt that the focus should be on the citizens and the original vision for Eagle Mountain. He expressed his concern that there should be

- more communication with citizens regarding what they want and how the City can provide for these wants. He also advised that developers need to complete amenity expectations up front and be confident that the City will provide professional working relationships. He indicated that citizens should not have to lose money when they sell a home in Eagle Mountain. Mr. Kehl advised that the Council take a look at the most recent budget figures and come up with a plan to address concerns.
- B. Mark Madsen recommended that the Council focus on selling the utilities. He indicated that the City would then be able to impose a franchise tax on utilities. He advised that the City should deal with the current debt and differentiate between services and luxuries. Mr. Madsen stated there might need to be some “upheavals” in the budget; however, he wanted to see more up-to-date information on budget figures before any action would be taken.
 - C. Linn Strouse stated that she would like to see the City go back to its original vision and emphasize a major marketing effort showing why people moved here in the first place. She listed some of the reasons for moving to Eagle Mountain – animal rights, golf courses, etc. She stated she would like to see better communication showing what the City offers.
 - D. Diane Jacob stated the City needs to tighten up on expenses and that each department would have to take a close look at what they really need. She stated that the City should not sell the utilities because they make money overall. Mrs. Jacob advised that the City needs to stabilize and manage what it has and tighten the belt on expenses, while allowing for essential services.
 - E. Brigham Morgan recommended the utilities not be sold because they are providing revenue and a profit to the City. He recommended the City stabilize and manage the utilities; however, he indicated the City might need to look into a co-op for the power utility. He feels that all the utilities will eventually start making money, a percentage of which could be used to improve open spaces and other facilities for use by citizens. He recommended that individual organizations, such as youth sports, arts council, etc., hold fundraisers to support their activities, with the City providing a stipend to help with expenses. He recommended raising property taxes or creating special districts to fund amenities.
 - F. Mr. Springmeyer advised that the fact that the utilities are competitive should be communicated to the citizens. He recommended that amenities be provided through 1) the City pursuing the direction of an SID or 2) the City requiring developers to complete amenities as part of the required development. He also stated that citizens need to see improvement if there is to be a tax increase.

6. Expenditures:

Mr. Springmeyer asked for comments from City Council members and City staff recommending ways to reduce expenditures.

- A. Linn Strouse recommended the use of organized volunteer-citizen groups to provide input on how to improve the City.
- B. Janet Valentine advised that citizens are very busy and do not want to have to volunteer for services that should be provided by the City.
- C. Brigham Morgan expressed that the City should offer planning and education. He stated the City should select two or three things to complete that will have high visibility and high positive impact. He suggested the City consider requiring developers to trade services for the funds they owe to the City.
- D. Mark Madsen suggested looking into downsizing personnel and supplies. He suggested we manage better, combine services, use less, investigate how monies are being spent, and find ways to spend more wisely. He feels the City needs to make honest projections regarding growth, indicating the City may be facing lower development. He recommended the City find ways to provide services if new development does not occur soon.
- E. Brigham Morgan advised that the City should become more efficient; however, he stated that citizens would still expect services to be provided. He feels strongly that residents could be relied upon to help with some projects.
- F. Fionnuala Kofoed advised that staff is spread thin already and works very hard to complete tasks. She explained how City departments are always helping each other and are striving to provide the best customer service possible.
- G. Mark Madsen stated that with good management, jobs might become less stressful. He advised that the City Council should find ways to make things better rather than just “throwing cash out”.

- H. Greg Kehl stated he feels there is a good working relationship between staff and Council. He asked why the workload is so heavy. He feels that developers should take more responsibility for the required paperwork when submitting information to the City.
- I. Mark Sovine recommended that the Council establish procedures for developers to follow and charge extra fees to developers who are abusing the current system. Mr. Sovine reminded the Council that property taxes are based on property values, which are currently low in Eagle Mountain. He suggested that the City plans ways to improve the area, therefore increasing property values.
- J. Robert DeKorver encouraged the City Council to determine what is essential to run the City, how to run things more efficiently, and where staff needs to improve.
- K. Kent Parker asked the Council to establish the level of service they expect the staff to provide. He feels Council needs to determine where staff can cut back and/or where services need to be added. He asked Council to establish priorities defining what they want the staff to do to move forward. Mr. Parker stated that current revenue relies heavily on building. He advised that if the City maintains this reliance, the builders might think they should be given special treatment.

7. Summary:

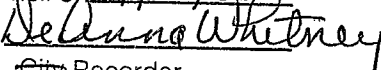
Mr. Springmeyer summarized the goals of the meeting as follows:

- A. Utilities – stabilize and manage; make them pay for themselves; do not divest
- B. Provide services that are consistent with the vision that brought residents to Eagle Mountain
- C. Shift funding
- D. Stay with one-time fees
- E. Decide whether special amenities should come from old or new SID funds
- F. Adjust property taxes, showing what residents will receive from the increase

7. Adjournment:

The meeting was adjourned at 4:15 PM.

APPROVAL:  DATE: 4/15/03
Mayor Kelvin E. Bailey

This certifies that the minutes of
3/28/03 are a true, full and
correct copy as approved by the
City Council on 4/15/03
Signed: 
DEPUTY City Recorder

EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
April 1, 2003

WORK SESSION - NO ACTION OR MINUTES TAKEN – 4:00 TO 6:30 PM

1. Consent Agenda
2. Discussion Regarding Enforcement Developers Slurry Seal Requirements for New Developments
3. Discussion Regarding Water Reuse Program
4. Items as Outlined on the Policy Session
5. Other Business
6. Adjourn Work Session at 6:30 PM

PRAYER BY INVITATION OF THE MAYOR

Greg Kehl offered the prayer.

POLICY SESSION – 7:00 PM

Mayor Pro Tem Greg Kehl called the meeting to order at 7:01 PM.

1. Roll Call:

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

City Staff:

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

Others Present: Residents Mark Ackerman, Desirent Astwood, David Brown, Wendi Baggaley, Darrin and Ruth Brandt, Dallas Bullock, Edith Cutrer, Eric and Charlotte Ducos, Dan Ford, Jessa Gagnon, Marcia Harwood, Jody Hooley, Vincent Liddiard, David Lifferth, Wendy Minks, Leslie Montgomery, Larry Nuttall, Marco Palacios, Jess Romrell, Dee Scott, Marcie Taylor, Dave Tomsick, Jennifer Webb, Janae Washschaffe, Len Whitney, Martin Johnson; Milt Shipp, Development Associates; Planning Commission member Rick Pierce, Youth Council Mayor Brittany Monson.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Brigham Morgan.

3. **Approval of Minutes (March 18, 2003):**

MOTION: *Diane Jacob moved to approve the Minutes of March 18, 2003. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

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

Shawn Warnke advised that the Planning Department has advertised a Public Hearing for April 22, 2003, on the State Trust Lands rezoning. Corey Walker explained the location of the property involved in this Public Hearing.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

Rick Pierce, resident of City center and member of Planning Commission, gave a "no confidence" vote to Mayor Bailey. Mr. Pierce stated that if the Mayor, who has the responsibility to guide and direct this City at this critical time, could lie to his wife and law enforcement, what is to say he has not lied before on public record. Mr. Pierce asked that the Mayor step down. He also addressed Mark Madsen stating he had voted for Mr. Madsen, does not feel Mr. Madsen represents him, and regrets his vote.

Vince Liddiard, resident of City center, Chairman of the Economic Development Board, and the Mayor's Chief of Staff, presented information on planned commercial development in the City. He advised that the Economic Development Board, due to the efforts of board member Mindi Barker, has produced a welcome packet for new move-ins. He advised that the Eagle Mountain website has been very successful through the efforts of the Economic Development Board to fund and launch the website, along with the efforts of City staff member Fionnuala Kofoed. He offered his support of revisions to the Development Code that would allow for responsible growth within the vision for Eagle Mountain.

Jody Hooley, resident of Lake Mountain Road, respectfully requested the resignation of Mayor Bailey because of way he dealt recently with stress in his life. She stated that the Mayor must address the well being of his family and the well being of the City. She advised that the City must have a mayor who is able to deal with issues and input on a professional level. She expressed her feelings that a mayor must be in control and not be overcome by personal feelings that might jeopardize family and the City. She referred to a circulated flier and advised that all citizens read the minutes of the March 26, 2003, City Council meeting before making any judgment.

Marcie Taylor, resident of Lake Mountain Road, referred to the March 26, 2003, City Council Meeting and stated she felt that comments made were in consideration of everyone in City and not meant as a personal attack on the Mayor. She advised that if the Mayor could not handle the stress, he should resign. Mrs. Taylor expressed her gratitude for what the Mayor and Council have done to date; however, she stated that the City should look to the future and not do things in a rush.

Milt Shipp, Development Associates, stated that his company has made significant investment in the City and commented on the positive dealings of his company with the Mayor. He advised that his experience with Eagle Mountain has been very agreeable. He indicated that Mayor Bailey has had an outgoing, active role in representing the City and explained that his experience with the Planning Commission and the City staff has also been positive and encouraging. He expressed his "thank you" for the attitude expressed toward his company to date.

Dallas Bullock, resident of City center, referred to conversations with other residents regarding the changes in the Development Code. He asked what it would take to make this community a prospering, developing community. He stated he would like to hear from the Council the reasons for not changing the code. He stated he thinks that change in the Development Code is progressive for the City. He expressed his hope that political posturing would not take place in this City and that the City could grow as a whole.

Dave Tomsick, resident of North Ranch, expressed his support of Mayor Bailey in whatever decision he makes. He indicated he hopes Mayor Bailey remains in office because he has been a very dedicated servant of the City. Mr. Tomsick advised that the Mayor did not create the problems the City faces, but he was willing to participate in local government to make the City a better place in which to live. He indicated that the Mayor communicates with residents and tries to bring the citizens of the City together. Mr. Tomsick stated he does not agree with everything the Mayor does, but he appreciates the fact that the Mayor always communicates with the citizens. He feels that the Mayor has tried to do the best job he could at his own expense.

Edith Cutrer, resident of City center, stated she is very impressed with the way things are developing in her neighborhood. She offered her support to Mayor Bailey and stated she hopes there will be more positive attention focused on our City so that others will want to move here.

Wendi Minks, resident of City center, expressed support for the new Development Code and stated it would help the City move forward. She indicated that the Development Code is not a finished work and would need tweaking. She expressed her feelings that if the City does not do something now towards quick growth, the financial situation of the City could be jeopardized. She advised that she is not interested in seeing more high-density developments but a diverse, well thought out plan that ensures that developers are held accountable for finishing projects. She offered her support for Mayor Bailey and feels that he is responsible for the positive direction the City is heading. She stated she is fearful that if there were to be a change in leadership, there would be a stumbling of the growth.

Mark Ackerman, resident of Meadow Ranch, offered support of Mayor Bailey staying in office. He advised that he was worried after moving to Eagle Mountain because of the political climate; however, he stated that Mayor Bailey changed his impressions because he communicated with citizens. He feels that Mayor Bailey is willing to take a stand, popular or not, and then explain why he takes that approach. Mr. Ackerman stated the Council and residents should forgive and move on.

Janae Wahnschaffe, resident of City center, commented that she was not judging Mayor Bailey and believes he has done a remarkable job while in office; however, she feels that as Mayor, he should be held up to higher standard. She indicated that his behavior has not constituted how a mayor should behave and that the City needs a different leader.

Charlotte Ducos, resident of North Ranch and advisor to the Eagle Mountain Youth Council, advised that the Youth Council has been taught that an individual can make a difference in the community. She expressed her concern about the City Council meeting of March 26, 2003, where there was booing, hissing, and interruptions. She indicated that this shows a lack of respect that teaches not only the youth but others who do not know our City how things get done in the City. Mrs. Ducos asked the Council to encourage order and not allow that type of meeting to take place. She expressed her feelings that Mayor Bailey did not run for office because he wanted to be a politician or because he wanted the title but because

he had ideas and changes for the City that he felt had been ignored by previous administrations. She stated the Mayor put his family, his time, and all of his energy on the line for this reason.

Wendi Baggaley, resident of City center, stated she thought the City Council meeting of March 26, 2003, went smoothly and professionally and did not see anything out of order. She expressed concerns about the Development Code because she does not understand all the planning that went into the recommended changes. She requested justification for the proposed changes and why the proposed code would solve the problems of the past. She suggested that the Planning Department put together a small document outlining the basic problems of the current code and how the new code would make things better. She stated she likes to know more so she can trust more. She encouraged the City to hold small neighborhood town meetings explaining such changes. She thinks that the Mayor needs to take some time away to get his private life together so that he can bring the skills and talents that this City needs to help the City achieve a public victory.

Leslie Montgomery, resident of Meadow Ranch and member of the Planning Commission, expressed appreciation to the Council members for all they do and for the hours spent in serving the City. She stated she feels that the events relating to the Mayor have been blown out of proportion and that he has made the ultimate sacrifice for the City. She indicated she would like to see the residents support him. She expressed that she would like to see all the residents work toward a common goal.

Dan Ford, resident of North Ranch, expressed his support for Mayor Bailey. He stated we would look foolish if we believed everything printed in the press. He believes in the vision the Mayor has for the City and that a tremendous asset would be lost if the Mayor resigned. Mr. Ford indicated he feels the Mayor has done a lot of good for City.

Darrin Brandt, resident of City center, expressed concerns about Mayor Bailey and stated he does not think service to the City is worth what has happened to him. He indicated that the stress level of the position of mayor would not diminish. Mr. Brandt stated that those who are asking the Mayor to step down are not sinister nor do they have political bents. He acknowledged that there are divisions in the community regarding whether or not the Mayor should stay in office. He further stated that the position of mayor is a high-pressure position, requiring good judgment to make important decisions. Mr. Brandt stated that the Mayor has not shown great judgment.

Brittany Monson, Youth Council Mayor, thanked the City Council and Mayor Bailey for their support in getting the Youth Council get off the ground. She offered her support for whatever decision Mayor Bailey makes.

Desirent Astwood, resident of the Ranches, referred to her petition at the last City Council meeting to have day care in her home. She indicated that her petition was turned down by the City because she lives in a condominium. She requested that her petition be renewed. She indicated that she spoke with the State of Utah and they would give her a day care license if she meets the space and health requirements. She indicated she wants to be able to provide trained day care service to those who need this service in the community.

David Brown, resident, offered his support of Mayor Kelvin Bailey. He stated that when he moved to Eagle Mountain he had many hopes and dreams; however, he was concerned about the City's debt and how it would be repaid, taxes on home, and utilities. He indicated that he thinks we need growth in the City to offset these concerns. He stated he would probably leave the City if the Mayor does not stay in office. He expressed his concern with rumors about people not wanting to work together in the City and stated we need to be a like a family, even though we have differences.

David Lifferth, resident of Cedar Pass Ranch, offered his support for Kelvin Bailey. He stated he feels that the Mayor has been very instrumental in supporting a positive change in the City over the past year and a half. Mr. Lifferth indicated that the Mayor made a mistake, but this does not demonstrate a pattern of

behavior that would indicate he is no longer able to hold the job of mayor. He expressed his belief that Kelvin Bailey will “bounce back and will be stronger and more determined than ever.”

Marco Palacios, resident of Meadow Ranch, echoed many of the comments regarding Mayor Bailey. He stated he appreciates his sacrifices and efforts on behalf of the City. He indicated the Council and residents have not shown enough support to the Mayor for his positive goals and objectives for the City. He advised that he does not want to see the positive momentum change, which he feels might happen if the Mayor resigns. Mr. Palacios stated the City should work together for the benefit of all.

Jessa Gagnon, resident of the Ranches, offered her support of the Mayor and stated that the things he has done for the City far outweigh the mistake he made. She indicated she truly believes the Mayor cares for the City and its residents would never intentionally do anything to harm the City. She expressed her full confidence in him and his ability to lead the City in the future.

Ruth Brandt, resident of City center, stated she supports and cares about Kelvin Bailey as a person. She advised that whatever the Mayor decides to do, the City would go forward just as it has been doing for years. She indicated that residents should not cast aspersions on one another because of the way they feel about the issue with the Mayor. She recommended that residents be supportive of whatever decision the Mayor makes.

Eric Ducos, resident of North Ranch, referred to the unfortunate circumstances of the past weekend and reminded everyone that we have all done things we would not want displayed to the public. He indicated that he feels Mayor Bailey should consider the welfare of his family above all else; however, he stated he would support the Mayor’s decision. Mr. Ducos suggested that the Council look at ways to make it equitable for a mayor to put in the hours required to handle the affairs of this unique City.

Jess Romrell, resident of Meadow Ranch, stated that good changes have taken place in the last year and a half due, in part, to the efforts of Mayor Bailey. He indicated he feels the Mayor has the ability to get people to work together. He advised that he thinks that Kelvin Bailey is the man for the job but that he should be able to make the decision for himself.

Marcia Harwood, resident of Meadow Ranch, discussed the plans of the City to change the name of her street and expressed her concern that street names should not be changed. She advised that there are six home businesses on her street that would have to spend a lot of money to have the street name changed on things pertaining to their businesses. She stated that there are street signs to direct emergency vehicles. Mrs. Harwood also offered her support for the Mayor and hopes he will stay in office.

Dee Scott, resident of City center, expressed her support for Mayor Bailey. She indicated she thinks the Mayor has made progress in keeping residents informed of what is going on in the City. She indicated that the Mayor always returned her calls when she had a question.

Larry Nuttall, resident of Meadow Ranch, discussed the reasons for the stress caused to Mayor Bailey (trying to provide for his family and still work so many hours for the City). Mr. Nuttall stated he thinks the City, which is large and complex, needs a full-time mayor and suggested that perhaps each household could contribute \$25 yearly to this salary.

Jennifer Webb, resident of the Ranches, voiced her support of Mayor Bailey. She indicated that anyone who fills the position of mayor would run into a high-stress job, and she suggested that the City appoint or elect a deputy mayor to take some of the pressure off the mayor. She stated she would like to see Mayor Bailey continue to serve the City.

Leonard Whitney, Jr., resident of City center, stated that all residents of Eagle Mountain have an equal stake in the future of the City. He expressed his feelings that we should all respect the opinions and choices of others. He indicated that he is excited about more development in the City. He added his support to the

Mayor and suggested that we should be forgiving and be willing to give the Mayor another chance, if the Mayor so chooses.

Martin Johnson, resident of the Ranches, stated he has had some good experiences with Mayor Bailey and that he has compassion for the Mayor and his family. He indicated, however, that he believes in honesty and that lying to law enforcement authorities and to family is not a trivial thing. He stated that we should expect our elected leaders to set a proper example for the citizens. He advised he hopes that the Mayor will resign or that the City Council will ask him to resign so that the residents of Eagle Mountain can have high standard of leadership.

Mayor Pro Tem Greg Kehl expressed appreciation to all those who expressed their opinions.

8. **Consideration for Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending Resolution No. 15-98 Adopted on August 11, 1998, which Created the Eagle Mountain, Utah, Special Improvement District No. 98-1 (The "District") for the Purpose of Adding Additional Properties to be Assessed within the District and Related Matters:**

This item was tabled.

9. **Consideration for Adoption of a Supplemental Ordinance of the City Council of Eagle Mountain City, Utah, Supplementing Assessment Ordinance No. 99-07 Adopted on May 10, 1999, which Levied an Assessment with Respect to Eagle Mountain City, Utah Special Improvement District No. 98-1 (The "District") for the Purpose of Adding Additional Properties to be Assessed within the District and Related Matters:**

This item was tabled.

10. **Final Plat Application Approvals:**

A. Pioneer Addition Subdivision, Phase I

This item was tabled.

B. Colonial Park Subdivision, Phase I

This item was tabled.

C. Mountain View Ranch Subdivision, Phase III

Shawn Warnke presented information regarding the final plat approval for this subdivision. He advised that the Planning Commission had reviewed the plat and recommended approval. Mr. Warnke indicated that the developer would bond for a park and would have one year or at 50 percent of occupancy of the third phase to construct the park. If the developer does not construct the park within that time, the City would have the ability to pull the bond to construct the park.

Mayor Pro Tem Kehl had a question regarding the trail on west corridor of this plat that would connect with the park. Mike Wren, Eagle Mountain Properties, stated they are in support of the idea of this plan. Mayor Pro Tem Kehl indicated that the trail could be addressed in the Development Agreement.

Brigham Morgan reiterated the fact that this plat is being approved under the current Development Code with the current design guidelines and standards.

Mayor Pro Tem Kehl verified that the completion of the trail to the east would be required under Plat G's approval. Brigham Morgan stated this trail has been required with Plat G. Mayor Pro Temp Kehl referred to an adjacent section that would be completed by Cedar Trail Villages.

MOTION: *Brigham Morgan moved to approve Mountain View Ranch Subdivision, Phase III, as submitted subject to staff recommendations and to the condition that the trail improvements be included in the Development Agreement, as stipulated. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

10. Motion to Approve Consent Agenda Items as Follows:

- A. Check Register
- B. Contract Change Orders
 - I. Ranches & Pony Express Landscaping-Area 2 SID 2000-1 (CO No. 3), Golden Landscaping
 - II. Pony Express Parkway Expansion (CO No. 4), H.E. Davis
- C. Final Payment
 - I. Ranches & Pony Express Landscaping-Area 2 SID 2001-1 (Final Payment), Golden Landscaping
- D. Partial Payments
 - I. Pony Express Parkway Expansion (PP No. 7), H.E. Davis
 - II. Land Application Phase II Project (PP No. 2), Arrow Engineering

MOTION: Brigham Morgan moved to remove the check register from the Consent Agenda to be discussed separately. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.

Brigham Morgan recused himself from the check register since it came to his attention that it contained a \$35.00 check made out to his wife's business (a home-based business doing secretarial and virtual systems) for some work done on a DSL customer information document for Telecom.

MOTION: *Mark Madsen moved to approve the check register. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Diane Jacob, Mark Madsen, Greg Kehl; Nays: 0. Motion passed. Brigham Morgan recused himself from the vote.*

MOTION: *Mark Madsen moved to approve the Consent Agenda Items B, C and D that heretofore had not been voted on. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Diane Jacob, Mark Madsen, Greg Kehl, Linn Strouse; Nays: 0. Motion passed.*

11. Other Business:

Brigham Morgan reminded all those present that anyone who did not take the opportunity to express an opinion during the Public Comment session could submit comments in writing or through e-mail to any member of the City Council and that these comments would be made part of the public record.

12. 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.

13. Motion to Reconvene in to Open Session:

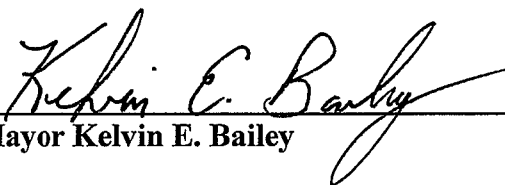
Not applicable.

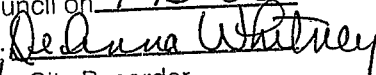
14. Any Actions from the Closed Executive Session:

None

15. Adjournment:

Brigham Morgan moved to adjourn the meeting at 8:30 PM.

APPROVAL:  DATE: 4/15/03
Mayor Kelvin E. Bailey

This certifies that the minutes of
4-1-03 are a true, full and
correct copy as approved by the
City Council on 4-15-03
Signed: 
DEPUTY City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

Tuesday, April 15, 2003

Joint Policy Session with Planning Commission at 5:00 PM

City Council Policy Session at 7:00 PM

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

1. Envision Utah Western Transport Corridor Presentation
2. Consent Agenda
3. Discussion regarding Parks and Fees in Lieu of
4. Presentation regarding Developer Costs for Road Construction and Resurfacing
5. Discussion concerning Economic Development Incentives for Potential Light Industrial Business
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 5:00 PM

JOINT POLICY SESSION WITH THE PLANNING COMMISSION – 5:00 to 6:30 PM

Mayor Bailey called the meeting to order at 5:15 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse. Diane Jacob excused herself because of a conflict of interest.

City Staff:

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

Planning Commission Members: Chairman Tom Maher, Chris Kemp, Jeff Love, Leslie Montgomery, Jennifer Rawlings, and Rick Pierce. Richard Steinkopf and Mike Jensen were excused.

Others Present: Milt Shipp, Nate Shipp, and Steve Young from Development Associates.

2. **Discussion with Planning Commission regarding Silver Lake Ranch Development Concept Plan:**

Shawn Warnke explained this concept plan and presented information regarding the proposed name change from Evans Ranch to Silver Lake Ranch and the request for increased density. Mr. Warnke advised that Public Hearings would be required before any rezoning could take place.

Milt and Nate Shipp and Steve Young, Development Associates, presented information on this concept plan and answered questions from the City Council and Planning Commission.

The members of the Planning Commission and the City Council gave a general consensus of approval for this concept plan.

3. **Adjourn Joint Policy Session at 6:30 PM:**

Mayor Bailey moved to adjourn the meeting at 6:08 PM.

Prayer by Invitation of the Mayor

Mark Madsen offered the prayer.

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, and Linn Strouse

City Staff:

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

Others Present: Residents Mark Lofgren, Dee Scott, Wendy Minks, Charlotte and Eric Ducos, James Taylor, David Loper, Darrin Brandt, Rick Pierce, Jason Astwood, Jody Hooley, Janece Sloan, and Eileen Thompson; Youth Council Mayor Brittany Monson; Sports Board Director Laurie Champagne; Gary Himes, Hubble Homes; Mike Wren, Eagle Mountain Properties; Scott Kirkland, the Ranches; BYU Survey Team.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Mark Sovine.

3. **Approval of Minutes (March 26, 2003 SCC Meeting, March 28, 2003 Budget Retreat Meeting, and April 1, 2003 CC Meeting:**

MOTION: *Mark Madsen moved to approve the Minutes of March 26, 2003 Special City Council Meeting, March 28, 2003 Budget Retreat Meeting, and April 1, 2003 City Council Meeting. 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 announced openings on the Planning Commission and invited interested citizens to contact her.

Mayor Bailey read a statement he provided to the news media, copy attached.

5. **Appointments:**

None

6. **Public Notices:**

Linn Strouse referred to the activities planned for the upcoming Pony Express Days and advised there is still a need for volunteers.

Mayor Bailey moved to Item 14, Other Business.

7. **Public Comment:**

Mark Lofgren, resident, read a statement acknowledging Eagle Mountain residents who are serving in the military and are away from home. He proposed that the Council create a resolution to instruct the Neighborhood Watch Organization to create a program of service for those families whose members are engaged in active military service. He stated this service would create a sense of solidarity among citizens as well as assist those in need. Mayor Bailey asked Mr. Lofgren to e-mail a copy of his statement to the City Administrator.

Dee Scott, resident, stated for the record that she likes the direction the City is moving. She offered her support of the Council and the Mayor. She stated she would like to see the City work toward developing ATV trails.

Wendy Minks, resident, expressed her support of the Mayor's decision to stay in office. She also offered support for the projects planned for the City Center and expressed her hope that the Council would approve these projects. She encouraged the Council to get back to work on the Development Code.

Charlotte Ducos, resident, read a statement in support of Mayor Bailey and his achievements in behalf of the City. She recommended that the City readdress the concept of hiring a full-time mayor.

James Taylor, resident, stated his strong opposition to Mayor Bailey staying in office and reprimanded the Mayor for going to the elementary school to present awards. He stated that growth is not progress and that he does not want a lot of small homes jammed into the City. He expressed his anger that the developers had so much input into the proposed code.

David Loper, resident, presented an update on the Arts Council. He discussed a new program implementing a readers' theater in on the fourth Friday of every month. He indicated this program would provide a good forum for residents to become involved by either being a performer or member of the audience. Mr. Loper stated this activity is free to the public and encouraged everyone in Eagle Mountain to become involved. He announced that the annual play, "You're a Good Man, Charlie Brown," will be presented on June 19, 20 and 21 at the Fitzgerald Park.

Darrin Brandt, resident, stated that he feels strongly that the Mayor needs to step down because of issues of integrity. He stated he thinks the City needs to heal and that this can only happen if the Mayor resigns. He expressed his concern that he has not been able to contact the Mayor to discuss this issue. He indicated his displeasure with the Mayor going to the elementary school to present awards and meeting with the children before he would meet with adults in a public setting. He stated that integrity begs for the Mayor to step down.

Rick Pierce, resident, expressed his disappointment and "no confidence" in the Mayor. He stated he was concerned because the Mayor lied to authorities and then "vanished" for two weeks. He stated he thought the Mayor acted inappropriately by going to the elementary school for the awards presentation. He stated he wanted the record to show that he had instructed his children to "boo" the Mayor at the school and that he would not punish them. Mr. Pierce stated that the actions of the Mayor set a poor example to others to shirk responsibility and break the law.

Jason Astwood, resident, requested further consideration regarding his wife's petition to provide day care at their Willow Springs condo. He stated that he had done some checking and found that Eagle Mountain City is the only City that does not allow day care in condos. He presented a letter from Child Care Resources stating that the space in the condo was sufficient for day care and asked if the City had done any research into this matter. Mr. Astwood expressed his feelings that his petition was not being heard. He asked for a status report on this situation, and Mayor Bailey advised Mr. Astwood that someone from the staff would get back with them on this matter.

Public Comment was ended by the Mayor and the Council moved to Item 8.

Public Comment, as follows, was resumed after Item 14.

Brigham Morgan presented an e-mail received from Derek Peterson stating his displeasure with the current situation and requesting the Mayor's resignation. This e-mail was made part of the public record.

Janece Sloan, resident, stated how impressed she has been with the Council members' actions in the six City Council meetings she has attended. She expressed her gratitude to the Council for the sacrifices they make. She requested that the Council seek the opinions of citizens in all things and indicated that citizens need to speak up and be heard. She referred to the uniqueness of this City and stated she is concerned about discord and lack of unity in the Council. She requested that the Council be more understanding of recent events.

Eileen Thompson, resident, stated that the Council should unite and support the Mayor. She suggested that there be a stop to all the negative letters and gossip.

Eric Ducos, resident, stated he has not seen the "rift" in Eagle Mountain referred to by others. He stated he feels that those who asked the Mayor to step down might have done so because they wanted Greg Kehl to fill the seat and be in a position of authority. Addressed issue of integrity.

Greg Kehl addressed the comments of Mr. Ducos by stating that if the Mayor resigned, he would be Mayor Pro Tem only until new mayor was appointed. He indicated he would not accept the position of mayor even if he were appointed.

Brigham Morgan explained his position on the matter of the Mayor resigning. He stated he made his decision based on discussions with residents in many areas of the City. He referred to a letter regarding conflict of interest recently faxed to Council members. He quoted the letter in part, as follows: "We believe the basic interest of everyone on the City Council and all City employees is that all City decisions be credible and reflect absolute integrity of the City's processes and all actions on the part of the members of the City Council, boards, commissions and City staff." Mr. Morgan further quoted the letter: "...because the overall goal of conflict of interest laws is to protect the credibility and integrity of decisions by the City, and each official should be aware that observing both the letter and spirit of the law and avoiding the appearance of impropriety will improve the perceived integrity and credibility of all the City's decisions." He referred to the past history of the City and stated the one thing that was constant was that, despite the fact that motives and/or political intent and direction were questioned, the integrity of the individual was never called into question. Mr. Morgan stated the Mayor could be called into question because of his past actions. He quoted a resident who stated: "The office requires a high level of professionalism, trust and respect and all three were broken and compromised." He stated he has nothing personal against the Mayor, who has worked hard for the City; however, he wants to protect the credibility and reputation of the office and the City.

Linn Strouse referred to e-mails and phone calls she received in support of Mayor Bailey staying in office and continuing to do the fine job he has done for months. She echoed other comments regarding how hard he has worked to unify the City Council and residents. She stated she thinks the Council needs to get on with the business of the people and work toward the vision of the City.

Brigham Morgan referred to an article in the Salt Lake Tribune, which stated: "This city is bigger than a man, this City is bigger than a Council." He acknowledged the countless volunteer hours by residents and the dedicated City staff. He stated that whether or not the Mayor resigns is irrelevant to the future of this City because this City is bigger than that.

Mark Madsen suggested it is time to accept the Mayor's decision to stay in office. He recommended the City move ahead, accept the Mayor's decision, and be constructive.

8. Public Statement from Council Member Diane Jacob:

Diane Jacob read a statement signed by Greg Kehl, Brigham Morgan and Diane Jacob requesting the resignation of the Mayor. A copy of this statement is attached.

9. Citizen Telephone Survey Results:

Chris Hillman explained the recently conducted citizen survey and introduced members of the Brigham Young University survey team. Members of this team explained how the survey was conducted and what questions were asked and presented the results of the survey. The team advised that copies of the report would be made available to the Council.

10. Consideration and Approval of an Ordinance Defining Prohibited Hours for Outdoor Sprinkler Irrigation Use in Eagle Mountain City:

Gerald Kinghorn explained this ordinance to the Council. Greg Kehl asked for input from the members of the Council, who expressed their concerns and suggested changes.

MOTION: *Mark Madsen moved to approve Ordinance No. 03-2003 with the change of including the fall months of the prior year for initial planting of a yard and allow watering within the hours of 10:00 AM and 6:00 PM in Section 1. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. **Consideration for Adoption of a Resolution of the City Council of Eagle Mountain City, Utah Amending Resolution No. 15-98 Adopted on August 11, 1998, which Created the Eagle Mountain, Utah Special Improvement District No. 98-1 (The "District") for the Purpose of Adding Additional Properties to be Assessed within the District and Related Matters:**

Gerald Kinghorn explained this formal amendment and recommended adoption.

MOTION: *Brigham Morgan moved to adopt Resolution No. R 07-2003, a Resolution of the City Council of Eagle Mountain City, Utah Amending Resolution No. 15-98 Adopted on August 11, 1998, which Created the Eagle Mountain, Utah Special Improvement District No. 98-1 (The "District") to Add Additional Properties within the District to the List of Properties to be Assessed with the District and Related Matters. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. **Consideration for Adoption of a Supplemental Ordinance of the City Council of Eagle Mountain City, Utah, Supplementing Assessment Ordinance No. 99-07 Adopted on May 10, 1999, which Levied an Assessment with Respect to Eagle Mountain City, Utah Special Improvement District No. 98-1 (The "District") for the Purpose of Adding Additional Properties to be Assessed within the District and Related Matters:**

Gerald Kinghorn explained this supplemental ordinance and recommended adoption.

MOTION: *Diane Jacob moved to approve Supplemental Ordinance No. O 04-2003, a Supplemental Ordinance of the City Council of Eagle Mountain City Supplementing Assessment Ordinance No. 99-07 Adopted on May 10, 1999, which Levied an Assessment with Respect to Eagle Mountain City, Utah Special Improvement District No. 98-1 (The "District") for the Purpose of Adding Additional Properties to be Assessed within the District and Related Matters. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. **Final Plat Application Approvals:**

A. Pioneer Addition Subdivision, Phase I

Shawn Warnke explained this project and described the location. He stated the final plat was reviewed by the Planning Commission and recommended for approval. He referred to the City requirements for buffering, which have been met by the developer. Mr. Warnke advised that the City's current zoning ordinances do not have specific compatibility standards.

Gary Himes, Hubble Homes, presented packets to the Council regarding this project. He discussed zoning, density, setbacks, side-entry garages, front porches, fenced buffering with landscaped walking trail, and an eight-phase three-to-four year development plan. Mr. Himes indicated that the HOA would manage the common areas and pinpointed the areas that would be turned over to the City for maintenance. He asked the Council to consider reducing the minimum roof pitch to 5:12. He answered questions from the Council.

Jody Hooley, resident of Lake Mountain Road, expressed her concerns about housing compatibility and proper phasing into the homes on five-acre lots on Lake Mountain Road that would be impacted by this development. She indicated that the Eagle Mountain Properties Development Agreement, under which this development would be built, allows three units to an acre and not the 3.4 or 3.6 units to an acre planned by the developer. She indicated that she wants to make sure the developer is meeting the requirements of the current Development Code. She suggested that the Council should do what is best for the community.

Diane Jacob referred to notes from a Public Hearing on this project. She expressed concern about compatibility with larger housing and requested that the developer consider enlarging the lots on the eastside of the development. She asked whether the land would be stripped of all vegetation before landscaping was done. Mr. Himes assured her this would not be done, but that the natural areas would be protected as much as possible. She asked about plans to landscape yards; and Mr. Himes indicated that front yards would be landscaped by the developer who would provide three to four different design choices to the homebuyer. Mrs. Jacob commended the developer on completing all outstanding requirements of the Planning Commission. She again asked if the developer would consider enlarging lots that would be built closer to the five-acre lots. Mr. Himes stated lots could be enlarged some, but they would still be single-family homes on small lots. He expressed his feeling that the planned buffering would address this issue.

Greg Kehl asked for clarification of what was to be approved at this meeting. Mr. Himes stated he was looking for approval of Phase 1 and the alternate building guidelines shown in the Staff Report.

Diane Jacob asked if approval meant that the Council was in agreement with the whole subdivision. Gerald Kinghorn indicated that the Planning Commission had approved the whole subdivision and that that approval was not appealed according to City ordinance.

Greg Kehl stated he likes the overall project but asked if there are any existing approved five-acre parcels within the 1,000-foot buffering radius on which homes could be built. Shawn Warnke stated there are such parcels, and he reminded the Council that all owners within 1000 feet of the project had been notified of the Public Hearing regarding this project.

Brigham Morgan stated he would like the developer to consider including in Phase 7 some half, third, three-quarter, and one-acre lots to transition into bigger homes

MOTION: *Mark Madsen moved to approve the Pioneer Addition, Final Plat, Phase 1, subject to a single condition as listed on the recommendations that street lights be added at the intersections. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to approve an alternative design guideline for Pioneer Addition listed under Alternative Design Guidelines in the Staff Report, the first one being that a porch is constructed on 50 percent of the lots (the size of the porch is not called out). Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION *Mark Madsen moved to approve an alternative design guideline for Pioneer Addition to the effect of No. 2 under Alternative Design Guidelines in the Staff Report that roof pitches are a minimum of 5:12. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse. Nays: 3 – Brigham Morgan, Greg Kehl, Diane Jacob. Motion failed*

Brigham Morgan asked what percentage of the homes would have the 5:12 roof pitch. Mr. Himes stated he assumed all the homes would likely have the 5:12 pitch.

MOTION *Mark Madsen moved to approve an alternative design guideline to the effect of No. 3 in the Staff Report that 15 percent of the homes have a side-load garage. Diane Jacob seconded the motion. Ayes – 4 Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 - Brigham Morgan Motion passed.*

Brigham Morgan indicated his concern that the 15 percent side-load garage requirement was too low for compatibility consistency. He stated he would like to see this requirement increased to at least 33 percent to be consistent.

Mayor Bailey called for a ten-minute recess at 9:08 PM and reconvened the meeting at 9:20 PM.

B. Colonial Park Subdivision, Phase I

Shawn Warnke presented information regarding the uniqueness of this plat and discussed the location.

Mike Wren, Eagle Mountain Properties, explained the courtyard home concept planned for the Colonial Park portion of the Pioneer Addition.

Greg Kehl asked Mr. Wren to explain plans for parking. Mr. Wren explained that residents will park in garages and guests will park on the main street.

Greg Kehl asked how traffic would be handled in this area. Mike Wren stated he had worked with Corey Walker on traffic issues, which Corey Walker further explained.

In response to a question from Brigham Morgan, Mike Wren clarified that approval was only being requested at this time for Phase 1.

MOTION: *Mark Madsen moved to approve the Final Plat for Colonial Park, Phase 1, subject to the following conditions: 1) that the slope and elevations be shown to extend the sewer and storm drain lines ten foot beyond the pavement and that an updated engineer's estimate be submitted for this item; 2) that the construction drawings for the pond need to be included that show a cross section detail; and 3) that the traffic island be constructed as recommended by the Traffic Engineer's memo. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 - Greg Kehl. Motion passed.*

C. Eagles Gate, Plat C

Shawn Warnke presented information for this final plat approval and described the location.

Scott Kirkland, the Ranches, presented further information on Eagles Gate, Plat C, and answered questions from the Council. He discussed plans for a power lines trail, a park, and tot lots (which would be HOA maintained).

MOTION: *Brigham Morgan moved to approve Eagle's Gate, Plat C, subject to staff recommendations. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob abstained since she had not declared her conflict of interest. Motion passed.*

14 Motion to approve Consent Agenda items as follows:

This item was tabled.

15. **Other Business:**

This item was discussed after Item 6.

Youth Council Mayor Brittany Monson addressed the Council regarding a mission statement (which she read to the Council) and a seal for the Youth Council. She requested approval by the Council for these items.

MOTION: *Diane Jacob moved to approve the mission statement and seal for the Eagle Mountain City Youth Council. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Laurie Champagne, Sports Board Director, presented a progress report on sports programs conducted in the City during the past year. She explained the sports programs that are planned for future and presented each Council member with a calendar of events.

Mayor Bailey moved to Item 7, Public Comment.

Shawn Warnke asked the Council if they had received a memo from the Planning Department regarding home businesses. Council members advised that none of them received the memo, and the Planning Department advised that the memo would be resent to all Council members.

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

No Closed Executive Session was called.

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

Not applicable.

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

None

19. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 10:00 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: 5-6-03

This certifies that the minutes of 15-APR 2003 are a true, full and correct copy as approved by the City Council on 6-MAY 2003

Signed: Janet B. Valentine, CMC
City Recorder

LETTER FROM MAYOR BAILEY

I am so grateful that honesty and integrity are not defined by a single event in one's life, but rather by a series of many events that cumulatively define one's moral character. I have always strived to make good honest decisions, but unfortunately under the pressures of an emotional breakdown I made a poor personal choice.

However, my actions over the past 15 months are an indication of my ability to make good solid decisions for the benefit of our community and that honesty and integrity are as much a part of my life as they have always been.

I am disappointed that some could think that this unfortunate decision was made with intention to deceive anyone. Why would anyone make such a decision knowingly and risk destroying his integrity and all that he has worked for and achieved.

I would like to reassure everyone that my family and I have taken these past two weeks to evaluate, prioritize, and restructure where necessary to allow for continued stability in handling all my family and civic responsibilities in the future.

Again, I would like to express my deepest thanks to the tremendous support I have received over the past few weeks. It has been amazing to say the least. Also, I want to thank the Council for stepping in after informing them that I would take a couple weeks leave of absence to evaluate the situation. My desire to serve the people of Eagle Mountain is the same as it was when I started this challenge. Thanks to the kind and overwhelming support of the people of our community, I would like to make it perfectly clear that I will remain at my post as Mayor of Eagle Mountain. We have made great progress over the past 15 months and we will continue to do so.

I recognize that there are some who may be disappointed with my decision to complete my term as mayor. To such I extend the same invitation for communication that has seemed to become my trademark as mayor: Please come talk with me and let us reason together. There may be differences that we cannot agree upon, but let us peacefully understand each other's concerns and ideas. Furthermore, I am determined to see that the positive outweighs the negative, the progress overshadows the weaknesses, and not dwell on the bad when there is so much good in motion and yet to be accomplished. We've come a long way since the election, and I will finish what I started.

I would invite all to join the community and work in a cooperative effort. I look forward to helping Eagle Mountain become "Utah's *New* Frontier" and be among the many other fine cities in Utah.

Thank you and God Bless,
Mayor Kelvin E. Bailey

As council members and residents, we are all pained and saddened that Kelvin went through the events of the past few weeks. We don't know of a single resident who wishes for the mayor or anyone else to break down under stress. However, this compassion for Kelvin does not negate the fact that in his Mayoral role, he MUST accept accountability for his actions.

Many individuals have made assumptions as to our position on Mayor Kelvin Bailey's decision to stay on as mayor and have publicly attacked our assumed opinions, despite our silence. We chose to remain silent out of respect for the mayor and his family. Now that Kelvin has publicly announced his decision, we feel the time for silence is past. There are numerous concerns that must be addressed. Many residents of Eagle Mountain have urged us to speak in their behalf. Their apprehension is real, and the trivial information that has been shared will not overcome it. They want their questions answered.

The Mayor indicated he was running away. Most residents want to know where he went, and why he ran from his executive responsibilities, supportive neighbors and church members, and even his own family. Residents of this city also want to know what would compel a mayor to place his constituents in a situation where they would rightly feel the need to police him, to question his decisions, and to wonder about the credibility of his statements and negotiations. They are concerned that we have a mayor who purportedly lied to authorities in a very public manner. It concerns them that we still are not hearing the full story, and we still have not received a full apology from our mayor.

In his letter of apology, The Mayor summarized what he had learned from the March 26th council meeting, where the Development Code was discussed:

"It had become obvious to me that our progress could come to screeching halt, which would likely compromise our future growth at what I would consider a critical juncture for us."

Had the Mayor communicated with all members of the council prior to this date, he would have quickly realized that the revised Development Code (that, incidentally most council members received for the first time three weeks before the scheduled vote) had unresolved issues. We could have then dealt with it appropriately. In our opinion, much of his stress he brought on himself. Kelvin discouraged developers from moving ahead with development under the existing code, and apparently made personal commitments to push the code through as quickly as possible--absolutely no later than April 1st. Had he not done this, the concerns expressed by both council members and residents would not have become the critical issue he created it to be.

Accounting for the events of March 28th, Kelvin explained:

"In exhaustion I concocted a story that I planned to tell only my wife that would explain where I had been until I could get a chance to talk to her in person. Unbeknownst to me she had already notified the authorities. In [sic] route home, I realized that the right thing to do was to go to the authorities and correct this error, which I did."

According to this statement, the only communication Kelvin had with law enforcement authorities was to clear up the missing persons report made by his wife. However, when Utah County Attorney Kay Bryson commented on the class B misdemeanor charge, he said, *"If he [meaning Kelvin] had not provided false information to police, we would not have filed this charge."*

Which version is the truth? Clearly the Mayor's statement to the press does not match his statement to the Utah County Sheriff. The "apology" that was printed in our local paper places accountability on others and fails to acknowledge the misdeeds in question.

Kelvin's campaign website he mentioned the importance of

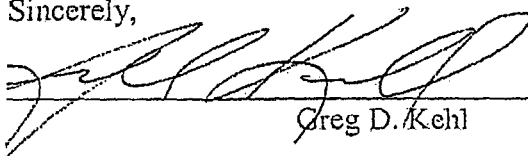
"We are one town and we must be united no matter what part of town we are from if we are to ever solve the problems that confront us as a community."


Unfortunately, his questionable, erratic actions have caused a major lack of unity in our city. It is not a geographical division, as referred to in his comment, but rather a large division of confidence or non-confidence in our mayor. Understandably, there is a lot of emotion on both sides of this issue. Many of our citizens support Kelvin and desire to see him remain in office. Unfortunately, many citizens feel that Kelvin has lost credibility and should not continue to serve as our mayor.

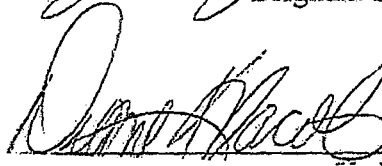
As council members, we are now concerned about the perception of our current administration. How can we expect the residents to trust that our city's relationship with other government agencies and developers will be taken seriously? What will the first thoughts be of our Mayor? Will these important contacts think of past accomplishments, or will they first remember that they are dealing with the "runaway mayor" who admittedly used poor judgment and apparently lied to such an extent that charges were filed? We are worried that council members, employees, and citizens of Eagle Mountain will continue to be looked upon as members of a city whose mayor couldn't handle everyday pressures, so he not just fled, but concocted a story as a cover. In our concerned opinion, this negative public perception combined with the mayor's reduced credibility will be an issue for the remainder of his mayoral term.

We implore the Mayor to set aside his own personal interests and desire to remain serving as mayor long enough to sincerely prioritize the needs of the citizens he serves, seriously considering the integrity of the office and the integrity of this council. We ask him to place these issues above his personal desires. It is the entreaty of the majority of this council that the Mayor fully acknowledges the mistakes he has made and their direct impact on the city. We expect him to actively seek restitution, to the full extent of his ability. In our opinion, this means submitting his resignation so the current negative perception can entirely be associated with Kelvin Bailey and will no longer reflect poorly on the office of Mayor, the residents and city of Eagle Mountain.

Sincerely,


4-15-03
Greg D. Kehl


4/15/2003
Brigham S. Morgan


4/15/2003

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
May 6, 2003

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

1. Consent Agenda
2. FY 2002 and 2003 Financial Update – Kent Parker (20minutes)
3. Distribution of FY 2003/2004 Budget
4. Presentation by South Valley Communications on Proposed Cable Television and Internet Services to the Residents of Eagle Mountain (10 minutes)
5. Discussion regarding a Home Business License for a Day Care at Willow Springs Condominiums
6. Items as Outlined on the Policy Session
7. Discussion regarding Enforcement Developers Slurry Seal Requirements for New Developments

CLOSED EXECUTIVE SESSION - 6:00 PM - Conference Room

8. Motion to Adjourn the Work Session at 6:00 PM and Convene 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 adjourn the Work Session and convene in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security at 5:45 PM. Brigham Morgan seconded the motion: Ayes: 5; Nays: 0. Motion passed.*

9. Motion to Adjourn the Closed Executive Session

MOTION: *Diane Jacob moved to adjourn the Closed Executive Session at 6:40 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Prayer by Invitation of the Mayor

Dallas Bullock offered the prayer.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:30 PM.

1. Roll Call:

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

City Staff:

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

Others Present: Residents Dallas Bullock, Vincent Liddiard, Mark Lofgren, Glade Berry, Martin Stocks, and Ryan Naser; Milt Shipp, Nate Shipp, Steve Young, Development Associates; Jessa Gagnon, the Ranches; Scott Hazard, The Real Estate Group; Mike Wren, Eagle Mountain Properties.

2. Pledge of Allegiance:

The Pledge of Allegiance was directed by Brigham Morgan.

3. Approval of Minutes (April 15, 2003):

MOTION: *Mark Madsen moved to approve the Minutes of April 5, 2003. 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. Mayoral Proclamation Declaring May 9, 2003, "Child Care Provider Recognition Day"

Mayor Bailey read letter from the Utah Valley State College proclaiming May 9, 2003 "Child Care Provider Recognition Day". The Mayor thanked all child care providers in the community for their efforts and sacrifices.

B. Grand Opening of Smith's Grocery Store (Hwy 73 & Redwood Rd.) on May 20th at 4:00 PM

Mayor Bailey stated that he had toured the new Smith's in Saratoga Springs and announced that the store's grand opening will be on May 20 at 4:00 PM. He invited everyone to attend. He advised that Smith's would participate with the PTA in our community to raise funds for our schools.

5. Appointments:

A. Sports Board

Mayor Bailey recommended that Melissa Bloxam be appointed for a two-year term as a member of the Sports Board and that Danae Anderson be appointed as secretary to the Sports Board.

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

B. Planning Commission

Mayor Bailey recommended that Vincent Liddiard be appointed as an alternate to the Planning Commission to replace Rick Pierce, who resigned.

Diane Jacob announced that there are still positions available on the Planning Commission.

MOTION: *Mark Madsen moved to ratify the appointment of Vincent Liddiard as an alternative member of the Planning Commission. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 3 – Diane Jacob, Brigham Morgan, Greg Kehl. Motion failed.*

6. **Public Notices:**

Janet Valentine announced that there are three public hearings scheduled for the May 20 City Council meeting regarding: 1) the rezoning of approximately 160 acres west of Pony Express Park from agricultural to a master planned area; 2) an application for the creation of an agricultural protection area – proposed area includes a mink ranch and crops; and 3) the rezoning of approximately 1,174 acres of State Trust Lands property from agricultural to a master planned area.

7. **Public Comment:**

Mark Lofgren, resident, read part of the Preamble to the U S. Constitution referring to the “people of the United States” and discussed the rights of the “people”. He stated that the Council should represent the people and that it was their job to “promote the general welfare and secure the blessings of liberty,” ensuring that there is enough water, sewer capacity and other amenities provided by the City to residents. He explained that building thousands of little homes could cause a shortage of these amenities in the near future. He stated that the City should seek buyers for the utilities but continue to run them as though they might never sell. He expressed his feeling that the Development Code should be “done right” for the benefit of the whole City.

W. Glade Berry, resident, discussed the new master planned roads, specifically referring to Lake Mountain Road. He expressed concern that there is a collector road crossing his property for about half a mile and another north/south road which would cross his property and Howard Ault’s property. He stated he has been trying to work with the City to upgrade Lake Mountain Road. He stated he thinks the City should upgrade the Lake Mountain Road, which already exists, rather than building another north/south road, which is planned to the east of his property. He indicated the improvement of Lake Mountain Road would allow him to sell some of his property along that road. Linn Strouse stated she would be in touch with Mr. Berry regarding his concerns.

Martin Stocks, resident, addressed the Council about his desire to open an auto repair shop in the City. He advised that he had information that the Utah State Department of Agriculture has grant programs that would provide funds to the City to be used as revolving loan accounts to help businesses get started. He asked for permission from the Council to pursue these funds. Mayor Bailey advised Mr. Stocks that he would contact him to get more information.

Vincent Liddiard, resident, spoke regarding public safety. He shared statistics regarding the number of law enforcement officers currently assigned to the City and asked what plans were being made to provide adequate law enforcement coverage. He offered public congratulations to Sergeant Jo Murphy who recently participated in an Advanced Chemical and Biological Integrated Response Course conducted by the Department of Homeland Security at Dugway Proving Grounds.

8. **Update on Pony Express Days 2003 by Dallas Bullock:**

This item was tabled.

9. **Public Hearing: (Zoning Amendment to the Master Development Plan for Evans Ranch now known as Silver Lake Ranch Development):**

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

Shawn Warnke presented information on the zoning amendment application that was previously approved by the Planning Commission. He explained what the developer was proposing as amenities to offset the request for higher densities and answered questions from the Council.

Milt Shipp, Nate Shipp and Steve Young, Development Associates, offered more detailed information on this development and explained how they have tried to meet the residents' needs discussed in prior meetings. Nate Shipp stressed the necessity to have some higher densities in order to provide amenities to the City. They answered questions from the Council

Mayor Bailey complimented the developer for the way they have worked with the City.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 8:55 PM.

B. Public Comment

Mark Lofgren, resident, asked how much it would cost the City to water and maintain the open space that the developer plans to donate.

C. Close Public Hearing

The Mayor closed the Public Hearing at 8:56 PM.

Members of the Council offered comments, in general, supporting this project.

MOTION: *Mark Madsen moved to approve the revised Master Development Plan for Silver Lake Ranch subject to staff recommendations as listed in the staff report that is part and parcel of the amendment, including the Findings in Fact. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused because of a conflict of interest. Motion passed.*

10. **Reconsideration and Approval of an Ordinance Amending the Master Development Plan and Agreement for Silver Lake Ranch Development, previously known as Evans Ranch:**

Gerald Kinghorn explained this ordinance, an exhibit that had been added, and changes made to the agreement regarding the land that would be donated for a school in the event the school district does not want to buy the property. He requested that the agreement regarding the property proposed for a school site include flexibility for another land use. Milt Shipp was agreeable as long as the developer would have input into the use of the land.

MOTION: *Mark Madsen moved to approve Ordinance O 05-2003, an Ordinance of Eagle Mountain City, Utah Adopting Amended Master Development Agreement and Rezoning for the Parcel known as the "Silver Lake Ranch Parcel (formerly known as Evans Ranch)" with the condition that a provision be inserted that, in the event that the*

school district does not desire to purchase the designated school site, it be used for compatible public improvement, non-utility and possibly mixed use including commercial with proper buffering, and that the tables and plans as provided be attached as exhibits to the ordinance. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused due to a conflict of interest. Motion passed.

11. **Public Hearing: (Zoning Amendment to the Master Development Plan for the Ranches Development):**

Shawn Warnke explained the three categories requested by the Ranches for amendment: 1) reallocating density; 2) amending open space acreage; and 3) re-labeling some properties. Mr. Warnke presented the conditions of approval.

Jessa Gagnon, the Ranches, stated that the Plum Creek developer requested that the open space in Eagle's Gate be added into his development, allowing him to spread units over more land and build town homes rather than condos.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 9:18 PM

B. Public Comment

Ryan Naser, resident, readdressed the comments he made in a previous meeting regarding high-density apartments. He stated he thinks the developers are turning more to high density, causing him to lose the vision he had for the future of the Ranches. He stated his concern that too much high density would lower his property values. He requested that the Council protect the citizens from over building of high-density units.

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:22 PM.

Greg Kehl expressed his agreement with Mr. Naser's comments and stated that the City needs to curtail high-density units in future developments.

Diane Jacob declared a conflict of interest because her husband has sold water rights to the Ranches.

12. **Consideration and Approval of an Ordinance to Amend the Ranches Master Development Plan which includes the Reallocation of Densities, Amendments to Open Space, and Re-labeling Several Parcels:**

MOTION: *Mark Madsen moved to approve Ordinance No. 0 06-2003, an Ordinance of Eagle Mountain City, Utah Amending the Master Development Plan for the Ranches and Rezoning Certain Parcels, Correcting Certain Mathematical Computations and Making Text Changes, subject to conditions in the staff report. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

13. Consideration to Approve a Temporary Archery Range for National Field Archer Association (NFAA) for the Event "Archery Golf at the Ranches" for April 26 & 27, 2003 and May 10 & 11, 2003:

Shawn Warnke explained the need for approval of this annual event.

MOTION: *Mark Madsen moved to approve a Temporary Archery Range subject to the conditions as listed on the staff memo. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

14. Consideration to Approve Parkway Crossroads, Phase 2 Site Plan:

Shawn Warnke described this site plan, containing a restaurant, day care, retail strip and car wash. He stated the site plan had been reviewed and approved by the Planning Commission.

Scott Hazard, The Real Estate Group, addressed the Council regarding this project, presented a drawing showing the planned design, and answered questions.

MOTION: *Linn Strouse moved to approve the Site Plan for the Parkway Crossroads, Phase 2, subject to the conditions as noted in the staff report including DRC comments. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

15. Consideration and Approval of a Resolution Amending the Eagle Mountain Telecommunications Fee Schedule:

Diane Bradshaw, Telecom Director, explained that a monthly charge in the amount of \$650 for Eagle Net access has been added to the fee schedule. She indicated that this fee would be charged to the City for DSL services.

MOTION: *Brigham Morgan moved to approve Resolution No. R 08-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule as submitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. Consideration for Adoption of a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah, to Construct Improvements within the 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 the Eagle Mountain City Special Improvement District, No. 2003-1 (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 Refund and Retire the City's Outstanding Special Assessment Bonds, Series 1997 and Special Assessment Bonds, Series 1998 (the "Prior Assessment bonds") by including the Assessments Levied with Respect to said Prior Assessment Bonds within the Assessments Proposed to be Levied with Respect to the District; to Provide Notice of Intention to Authorize such Improvements to Refund the City's Prior Assessment Bonds and to Fix a Time and Place for Protests against such Improvements, the Refunding of the Prior Assessment Bonds 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; to Amend and Restate the Notice of Intention and Creation Resolution Adopted by the City with Respect to the Creation of the Eagle Mountain City Special Improvement District 2002-1; and Related Matters:

Gerald Kinghorn explained that this item is a Notice of Intent to initiate a special improvement district that would supercede and amend the 2002 SID. He stated this Notice of Intent is necessary because changes are being made in improvements and the 1997-1 and 1998-3 SID bonds will be retired and refinanced through this process. He recommended adoption of this resolution

Korey Walker gave an overview of the improvements that would be impounded by this SID.

Diane Jacob asked for clarification of landscaping plans on the north side of Eagle Mountain Boulevard. Mike Wren, Eagle Mountain Properties, explained plans for this area.

MOTION *Brigham Morgan moved to approve Resolution No. R 09–2003, a Resolution declaring the intention of the City Council of Eagle Mountain City, Utah County, Utah, to construct improvements within the 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 the Eagle Mountain City Special Improvement District, No. 2003-1 (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 refund and retire the City’s outstanding Special Assessment Bonds, Series 1997 and Special Assessment Bonds, Series 1998 (the “Prior Assessment Bonds”) by including the assessments levied with respect to said prior assessment bonds within the assessments proposed to be levied with respect to the District; to provide Notice of Intention to authorize such improvements, to refund the City’s prior assessment bonds and to fix a time and place for protests against such improvements, the refunding of the prior assessment bonds 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; to amend and restate the Notice of Intention and Creation Resolution adopted by the City with respect to the creation of the Eagle Mountain City Special Improvement District 2002-1; and related matters. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

17. **Award of Bids:**

A. Eagle Mountain Entrance Sign

Korey Walker discussed the bids received for this project and recommended the bid be awarded to Ralph Wadsworth Construction Company in the amount of \$50,800.00.

Mark Sovine offered further information on the differences in the bids received.

Mark Lofgren, resident, asked about funding for this project and was advised by Mayor Bailey that monies would come from SID funds.

The Mayor explained that the Ranches was donating the property for this entrance monument and allowing their SID funds to be used for construction.

MOTION: *Greg Kehl moved to approve Ralph L. Wadsworth Construction proposal for the installation and creation of the Eagle Mountain Entrance Sign. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – present. Motion passed.*

B. Grant Smith Trail

Korey Walker explained this project and advised that it would be paid for out of SID funds. He recommended the Council approve the H.E. Davis bid in the amount of \$116,203.50.

MOTION: *Greg Kehl moved to approve the Eagle Mountain City Grant Smith Trailway and award the contract to H. E. Davis for \$116,203.50. Brigham Morgan seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

C. Bud Evans Stormwater Pond

Korey Walker explained this item and recommended the bid be awarded to Terry Messersmith.

The Council was concerned that they did not have a total bid amount on which to vote.

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

18. Consideration and Approval of a Water Rate Agreement between Ames Construction and Eagle Mountain City:

This item was tabled.

19. Consideration and Approval of a Well Development and Reimbursement Agreement between Ames Construction and Eagle Mountain City:

This item was tabled.

20. Consideration and Approval of an Amendment to the Ground Lease Agreement with Eagle Mountain Properties:

Gerald Kinghorn advised that this is an amendment of the irrigation site lease with Eagle Mountain Properties for the site used by the City for waste water reclamation and irrigation. He stated the property is located immediately west of the airport and that Arrow Engineering has been working on improving the site for some time. Mr. Kinghorn advised that the amendment allows the City to lease an additional parcel of land identical to property already leased.

MOTION: *Mark Madsen moved to approve an Amendment to the Ground Lease Agreement with Eagle Mountain Properties to the effect explained by the City Attorney. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

21. Consideration and Approval of the Full and Final Release for the H.E. Davis Construction Settlement Claim:

Gerald Kinghorn explained this settlement claim for full and final release.

MOTION: *Greg Kehl moved to approve the settlement claim and payment for the Final Release of the H. E. Davis Construction Settlement Claim, as submitted. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan – Present. Motion passed.*

22. Motion to approve Consent Agenda items as follows:

A. Check Register

MOTION: *Brigham Morgan moved to remove the Check Register from the Consent Agenda. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Ayes: 0. Motion passed.*

Brigham Morgan recused himself from discussion of the Check Register and from voting on the Consent Agenda.

B. Partial Payments

- I. Eagle Mountain Entrance Sign SID 2000-1 (PP No. 1), EA Lyman
- II. Land Application, Phase II (PP No. 3), Arrow Engineering

MOTION: *Greg Kehl moved to approve the Consent Agenda. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen. Nays: 0.*

23. 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.

24. Motion to Reconvene in to Open Session:

Not applicable.

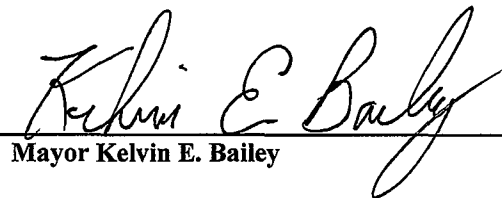
25. Any Actions from the Closed Executive Session:

None

26. Adjournment:

Mark Madsen moved to adjourn the meeting at 10:10PM.

APPROVAL:

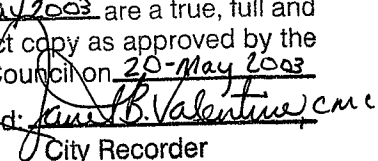


Mayor Kelvin E. Bailey

DATE:

5-20-03

This certifies that the minutes of
6-May 2003 are a true, full and
correct copy as approved by the
City Council on 20-May 2003

Signed: 

City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
May 20, 2003

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

1. Consent Agenda
2. Update on Pony Express Days 2003 by Dallas Bullock
3. Discussion regarding a Proposal to Change the City Council Meetings to the 1st and 3rd Thursdays of Each Month
4. Discussion regarding the FY 2003/2004 Budget
 - A. Finance Department – Kent Parker, Finance Director (45 minutes)
 - B. City Recorder's Office – Janet Valentine, City Recorder (10 minutes)
 - C. Planning Department – Shawn Warnke, Planning Director (10 minutes)
 - D. Fire Department – Robert DeKorver, Fire Chief (10 minutes)
 - E. Legislative Administration, Special Events, Boards & Commissions and Police Departments – Chris Hillman, City Administrator (10 minutes)
5. Discussion regarding Creating a Part-time Emergency Coordinator Position
6. Items as Outlined on the Policy Session
7. **CLOSED EXECUTIVE SESSION - Conference Room**
8. Motion to Adjourn the Work Session and Convene in to a Closed Executive Session for the purpose of discussing personnel issues (professional qualifications), potential litigation and/or public safety/security

No Closed Executive Session was called.
9. Motion to Adjourn the Closed Executive Session

Not applicable

Prayer by Invitation of the Mayor

Linn Strouse offered the prayer.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:23 PM.

1. Roll Call:

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

City Staff:

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

Others Present: Vincent Liddiard, Economic Development Board; Scott Kirkland, the Ranches; Dallas Bullock, resident; Dave Loper, Community Arts Council; Sheila Curtis, City Emergency Preparedness Coordinator; Keith Jonsson, landowner; Eric Jones and Mike Wren, Eagle Mountain Properties; McKay Edwards, SITLA; Bruce Champagne, police officer for West Valley City and resident of Eagle Mountain; Monte Kingston, Ames Construction; Mark Chesney, Utah Municipal Power Agency; Gary Himes, Hubble Homes.

2. **Pledge of Allegiance:**

Mayor Bailey invited Greg Kehl to lead the Pledge of Allegiance.

Mayor Bailey announced that Item 5 from the Work Session and Item 17 from the Policy Session would be presented prior to Item 9 on the Policy Session.

3. **Approval of Minutes (May 6, 2003) :**

MOTION: *Diane Jacob moved to approve the Minutes dated May 6, 2003. Greg Kehl seconded the motion. Ayes: 3 – Linn Strouse, Greg Kehl, Diane Jacob; Nays: 0. Motion passed.*

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

Vincent Liddiard, Economic Development Board, reported on the Smith's Food Store grand opening held on May 20. He advised that Smith's has pledged support to the local PTA at Pony Express School.

5. **Presentation by the Ranches regarding Pony Express Days Celebration:**

Scott Kirkland, the Ranches, explained that he had been asked to work with other developers and builders to raise funds for Pony Express Days. He presented \$7,000 to the City for this event and announced there would be another \$3,000 coming in a week or so.

Chris Hillman read the list of contributors: Prestige Homes - \$500, Hamlet Homes - \$500, Development Associates - \$2,000, Centex Homes - \$2,500, The Real Estate Group - \$500, and Eagle Mountain Holdings - \$1,000.

Scott Kirkland also advised that John D. Jacob Company would be contributing \$2,500 and the Ranches would be contributing \$500.

Mayor Bailey expressed his appreciation for Mr. Kirkland's efforts in behalf of Pony Express Days.

Chris Hillman acknowledged the efforts of Mr. Kirkland in acquiring the land through donation for the new city monument at the corner of SR 73 and Mr. Airey Blvd.

6. **Appointments:**

A. Planning Commission

Mayor Bailey recommended the appointment of Dallas Bullock as an alternate to the Planning Commission to replace Rick Pierce, who resigned.

Dallas Bullock introduced himself to the Council and explained his work experience that could be put to good use on the Planning Commission.

MOTION: *Linn Strouse moved to approve the appointment of Dallas Bullock to the Planning Commission. Diane Jacob seconded the motion. Ayes: 2 – Linn Strouse, Diane Jacob; Nays: 0. Greg Kehl abstained. Motion failed.*

7. **Public Notices:**

None

8. **Public Comment:**

David Loper, Community Arts Council, addressed his concern about changing City Council meetings from Tuesday to Thursday. He advised that this change would be a conflict with activities already planned by the Arts Council. He announced the Arts Council would present their annual play June 19, 20 and 21 and asked for volunteers who play violin, viola, or percussion.

Mayor Bailey announced there would be no change in the Council meeting schedule.

Sheila Curtis, City Emergency Preparedness Coordinator, handed out information on a Public Officials Conference to be conducted by Homeland Security in Park City on August 21 and 22, 2003. She invited all City Council members and their spouses to attend. She also made a presentation on disaster emergency management and discussed the necessity of training to minimize liability to the City. She recommended the City hire a part-time emergency manager to help protect the City. Greg Kehl asked about the cost of this position, and Mrs. Curtis recommended someone be hired to work 30 hours a month at an hourly wage of \$12 to \$15. She stated most of the necessary equipment is already available. She advised that outside funding is available for training programs on emergency preparedness if the City has a part-time paid emergency manager. She also recommended the City create a full-time grant writing position.

Linn Strouse offered her support for a part-time emergency manager and reminded everyone of the necessity of being prepared.

9. **Public Hearing: (Rezone of parcels 58:047:0035 and 58:047:0036 from Agricultural to Satellite Commercial, the two parcels are located on the east and west side of the intersection of Eagle Mountain Blvd. and State Road 73):**

Shawn Warnke presented information on the parcels (totaling approximately 25 acres) presented for rezoning from agricultural to satellite commercial. He explained the condition for this rezone and answered questions from the Council. He advised that Hubble Homes has been approved to place a welcome trailer at this site.

Korey Walker advised that there are no utilities extended to this area, except for a small electrical line and two or three available pairs of telephone lines. He advised that anyone coming in to improve the area would be responsible to extend utilities to service the project.

A. Open Public Hearing

The Mayor opened the Public Hearing at 7:55 PM.

B. Receive Public Comment

Gary Himes, Hubble Homes, presented an overview of the request for rezoning that would allow Hubble Homes to place a welcoming trailer on the subject property.

C. Close Public Hearing

Mayor Bailey closed the Public Hearing at 7:58 PM.

Mark Madsen arrived at 7:55 PM

10. **Consideration and Adoption of an Ordinance Rezoning Certain Land (Parcels 58:047:0036 and 58:0047:0036) at the request of the owner to Satellite Commercial:**

MOTION: *Diane Jacob moved to approve Ordinance No. O 07-2003, an Ordinance of Eagle Mountain City, Utah Rezoning Certain Land at the Intersection of S.R. 73 and Eagle Mountain Boulevard. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

11. **Public Hearing: (Creation of an Agricultural Protection Area for Cedar Valley Fur Farm for Mink Ranching & Crops):**

Shawn Warnke presented background information on the application for agricultural protection. He stated that the City Land Use Planning Commission had reviewed the application and passed it on to the Airport Planning Commission without a recommendation. He indicated that the Airport Planning Commission had reviewed the application and recommended denial because the City had vested Jake Garn Airport, to the west of the area of application, with the first phase of their project and rezoned it. The Airport Planning Commission felt it would be unfair to grant a property owner ongoing or protected status where there may be conflicts in the future. Mr. Warnke stated that Eagle Mountain Properties had written a letter protesting the application for these same reasons, stating that elevating one use above the other would be detrimental. He advised that the mink ranch owner, Keith Jonsson, would be able to continue his use of the property into the future even if the application were denied.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 8:05 PM.

B. Receive Public Comment

Keith Jonsson, landowner affected by this public hearing, explained that he purchased his land before the City was incorporated and that he originally agreed to become part of the City as long as he could build and run his mink ranch. He further stated he purchased water rights through the state. He stated he was never notified as a nearby landowner when Jake Garn Airport was implemented. He explained he could see no conflict between the mink ranch and the airport and that he would be interested in selling his property to the airport at some future date. He requested the Agricultural Protection application be approved. He answered questions from the Council and requested that if the application were denied, the City guarantee him they would not build a road through his property in the future.

Eric Jones, Eagle Mountain Properties and Jake Garn Airport Authority, objected to the application because he feels there is a direct conflict between the uses currently at the airport and

the mink ranch. He stated that if the Council disapproves the application, Mr. Jonsson's plans for the mink rancher would not be prevented; however, he stated approval of the application would establish a protection zone that would affect all land uses around him.

C. Close Public Hearing

The Mayor closed the Public Hearing at 8:29 PM.

Gerald Kinghorn explained the history behind the Agricultural Protection Act and advised that the law has ambiguities. He indicated that the City could assure Mr. Jonsson that the City would never build a road through his property. He recommended the application be denied because of the restrictions it would impose on the City. Mr. Kinghorn further stated that Mr. Jonsson has begun the process to disconnect from the City so that Utah Power and Light would provide power to his property.

Mark Madsen prefaced the motion by stating he hoped the City would aid Mr. Jonsson in getting power to his property through Utah Power and Light and to assure Mr. Jonsson that the City would not put a road through his property. Mr. Madsen further advised he would take the advice of the City attorney to deny the application due to the broad and ambiguous verbiage in the Agricultural Protection Law that might put the City and the airport at great risk

12. **Consideration to Approve Agricultural Protection Area:**

MOTION: *Mark Madsen moved to disapprove the Agricultural Protection area for the Cedar Valley Fur Farm/Mink Ranch and object to the granting of the application. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Mayor Bailey stated he would be willing to talk to the PSC and/or Utah Power and Light to help Mr. Jonsson get power to his property. The Mayor asked Mr. Kinghorn to check with the PSC to verify their policy on this matter.

13. **Public Hearing: (Mid Valley and Pony Express Master Development Plans - SITLA):**

Shawn Warnke described the parcels presented for rezoning and the planned land uses.

McKay Edwards, SITLA (School and Institutional Trust Lands), explained that the goal of his organization is to generate revenues for schools. He discussed SITLA's plans for the Mid Valley and Pony Express Parcels, which include roads, school sites, parks and preservation of Pony Express Trail, and answered questions from the Council.

Mayor Bailey asked Shawn Warnke to address the subject of animal rights (horses) being allowed only on Lake Mountain Road on lots that are one acre or larger.

Shawn Warnke stated, for the record, that his recommendation would disallow animal rights in Pony Express Parcel because of the lot sizes.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 9:30 PM.

B. Receive Public Comment

Vince Liddiard applauded this project and the developer for planning for the future of the City. He asked for copies of information on this project. He asked if SITLA would consider helping in a broader scheme with major transportation needs for City and County.

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:32 PM.

14. **Consideration to Approve a Master Development Plan between State Trust Lands Administration and Eagle Mountain City:**

MOTION: *Mark Madsen moved to approve the Mid-Valley and Pony Express Master Development Plan, proposed land use element, density cap as proposed in the staff report, the special architectural standards as listed in the conditions of approval, with the addition in Item 6 under Conditions of Approval that the word "masonry" be added to read "that attached housing be constructed of 100 percent masonry materials (including but not limited to stucco, hardy plank, brick, rock or stone) or other masonry materials that are acceptable to the City," and with the additional revision that animal rights be permitted in the Lake Mountain quadrant where the two and three and upwards acre lots are proposed. Linn Strouse seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen. Motion passed.*

Mayor Bailey called a five-minute recess at 9:35 PM and reconvened the meeting at 9:41 PM.

15. **Presentation on Criminal Prevention Program:**

Bruce Champagne, Eagle Mountain resident and police officer for West Valley City, discussed the concerns about crime he had noted in Eagle Mountain City. He offered crime prevention methods and asked for cooperation from the Council in adopting a plan to control crime in the City.

16. **Consideration to Approve Changing the City Council Meetings to the 1st and 3rd Thursdays of Each Month**

This item was tabled.

17. **Presentation of the Elementary School Site – Minor Development (the school site is located east of the Eagle Park Subdivision and west of Cedar Trail Villages, Phase 1):**

Shawn Warnke presented information on the location of the site and the design of the school.

18. **Consideration and Approval of a Golf Course Water Service Agreement between Ames Construction and Eagle Mountain City:**

Mark Sovine explained this agreement for temporary and permanent water rates for the golf course. He recommended a rate of \$.38 per every 1000 gallons, subject to change.

MOTION: *Greg Kehl moved to approve a Golf Course Water Service Agreement between Ames Construction and Eagle Mountain City, including the following: 1) a rate of \$.38 per thousand gallons will be charged until the City's cost of pumping the well increases or changes, at which time that rate will change; 2) the amount of water provided each day is limited to one million gallons; and 3) the amount of water the City will provide annually is 200 acre feet. Mark Madsen seconded the motion. Ayes: 4– Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. **Discussion regarding a Well Development and Reimbursement Agreement between Ames Construction and Eagle Mountain City:**

Korey Walker explained the negotiations with Ames Construction to drill a municipal well and how that well will benefit the City. He stated that Ames made the following changes to the agreement: 1) proposed that they not drill the well until next spring (Mr. Walker expressed his concern that if one of the other wells goes down, the City would not be able to service the needs of Ames Construction); 2) requested they be guaranteed that they can drill at the planned site (Mr. Walker advised that the City should consider using promised funds from Silver Lake Developers to drill this well if Ames Construction does not drill the well by November or December and that there be some monetary guarantee from Ames by November or December that they will proceed with the well); 3) cap the well at \$700,000 (the City Council previously recommended a cap of \$650,000 but Mr. Walker recommended the Council accept the \$700,000 cap); 4) increase the municipal well cost by \$53,000 to \$60,000 to cover administration and legal fees (Mr. Walker recommended these fees be added to Ames irrigation well which would raise their irrigation costs from \$308,000 to \$382,000). He stated that Ames had acknowledged the proposal that they would give the City three years to make up the \$320,000 difference in the cost of this well, but that after the three years, they would like to have six percent interest repayment.

Mark Sovine advised that in order to have the well on line by April 1, 2004, Ames would need to start drilling by December 1, 2003. He stated this schedule would also guarantee Ames the location of the well.

Monte Kingston, Ames Construction, asked how much water would be provided to the golf course at a rate of 200 acre feet of water a year. He was advised by Mark Sovine that 200 acre feet of water a year would provide him about one million gallons a day for 60 days. Korey Walker suggested that the City provide the maximum annual amount of water for which Ames has turned over the water rights. Mr. Kingston stated Ames may be able to start drilling the well in December. He expressed concern about increasing the irrigation well costs because of expenses already incurred by Ames.

The Council gave a consensus to present Mr. Walker's recommendations to Ames Construction for approval.

Linn Strouse was excused at 10:50 PM.

20. **Consideration and Approval of Terms and Authorize to Execute a Standard Agreement with Utah Municipal Power Agency (UMPA) :**

Mark Sovine advised that Flowell Co-op is no longer interested in acquiring our system. He presented information regarding an agreement with Utah Municipal Power Agency and explained possible options.

Mark Chesney, Utah Municipal Power Agency, presented information on options and answered questions.

MOTION: *Greg Kehl moved to approve Terms and Authorize to Execute a Standard Agreement with Utah Municipal Power Agency (UAMP). Diane Jacob seconded the motion. Ayes: 3 – Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

21. **Final Plat and Site Plan Approval for Plum Creek, Phase 2 (located east of Fire Station No. 2 on the north side of Pony Express Parkway:**

Shawn Warnke introduced this site plan to the Council and answered questions. He explained conditions of approval.

Korey Walker offered information regarding the road access.

Grant Gifford, Sundance Homes, explained his request regarding the road, and Mayor Bailey stated that the purchaser of the property should have to develop the road. The Mayor advised that the City is providing an

easement for the property to build a road but would not build the road. Mr. Gifford showed drawings of planned units.

Diane Jacob declared a conflict of interest because her husband had sold water rights to the Ranches.

MOTION: *Mark Madsen moved to approve the Site Plan and Final Plat for Plum Creek, Phase 1 subject to the following conditions: 1) that the Ranches Design Review committee review and approve the fence, entry monument, landscaping plan and that minimum landscaping improvement along the entryway for Pony Express Parkway and subdivision is completed; 2) that the storm drain pond outlet not be a bubble design; 3) that the improvements for the off-sites are added into the engineer's estimate for the dry utility plan; 4) that a deed for the Rock Creek road is submitted for Rock Creek Road along with an addition of ten-foot PUE on both sides of the road (for gas and electric); 5) that the subdivision monument sign be located along the frontage of Pony Express Parkway for greater visibility (the Fire Chief has requested that the monument sign is not placed in a median in the right of way); 6) that the elevations with stucco on all four sides be constructed at minimum as buildings F, G and H and that the elevations that are all siding be constructed in the interior of the project.. Greg Kehl seconded the motion. Ayes: 3 – Greg Kehl, Diane Jacob, Mark Madsen, Nays: 0. Motion passed.*

22. Revised Final Plat Approval for Horseshoe Station, Plat A:

Shawn Warnke explained the revisions to the final plat.

MOTION: *Mark Madsen moved to approve the Revised Final Plat for Horseshoe Station, Plat A, subject to the following conditions: 1) that the updated e-file for plat, construction drawings, and engineer's estimates be submitted; 2) that Dapple Lane is dedicated as a utility and surface easement; and 3) that the developer pays the fee in lieu of constructing a park for lots that are less than three acres in size. Diane Jacob seconded the motion. Ayes: 3 – Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

23. Development Agreement Approvals:

Gerald Kinghorn explained the following Development Agreements to Council.

A. Colonial Park, Phase I

Mike Wren, Eagle Mountain Properties, described the look of this project and the security the project would provide to resident families who live there.

Linn Strouse returned to the meeting at 11:40 PM.

MOTION: *Mark Madsen moved to approve the Development Agreement, including all exhibits, between Eagle Mountain City and Monte Vista Ranch, LC for Colonial Park, Phase 1. Diane Jacob seconded the motion. Ayes: 3- Linn Strouse, Mark Madsen, Diane Jacob; Nay: 1 - Greg Kehl. Motion passed.*

B. Mountain View, Phase III

There was a discussion with the Council, staff and the developer regarding timing for payment of impact fees for water and sewer. The Mayor requested that Mr. Kinghorn remove the wording in the Development Agreement requiring payment at recordation of impact fees for water and sewer.

MOTION: *Mark Madsen moved to approve the Mountain View, Phase III Development Agreement and attendant documents with the wording stricken as agreed by the parties. Diane Jacob seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

C. Pioneer Addition, Phase I

Gerald Kinghorn recommended this Development Agreement be modified in the same way as the Development Agreement for Mountain View, Phase III.

MOTION: *Mark Madsen moved to approve the Development Agreement for Pioneer Addition, Phase I, as modified. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

24. Notice of Award:

A. Bud Evans Parkway Pond

Korey Walker explained the bid and recommended the Notice of Award be approved for TNT General Contractors in the amount of \$22,926.00.

MOTION: *Mark Madsen moved to award Bud Evans Trail Parkway project to TNT General Contractors as determined in the agreement with the agenda. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

25. Consideration and Approval to Amend the Eagle Mountain City Policies & Procedures Manual and Employees Handbook:

Chris Hillman explained the recommended changes to Council.

MOTION: *Greg Kehl moved to approve the amendments to the Eagle Mountain City Policies and Procedures Manual and Employee Handbook. Mark Madsen seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

26. Motion to approve Consent Agenda items as follows:

- A. Check Registers (3-Apr 2003 to 15-May 2003)
- B. Final Bond Release
 - I. Land Application Project (Final Pmt), Arrow Engineering
 - II. Land Application Phase II Project (Final Pmt), Arrow Engineering
- C. Partial Bond Release
 - I. Kennekuk (PB Release No. 1), Ranches, LC

MOTION: *Mark Madsen moved to approve the Consent Agenda. Greg Kehl seconded the motion. Ayes: 4 – Linn Strouse, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

No Closed Executive Session was called.

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

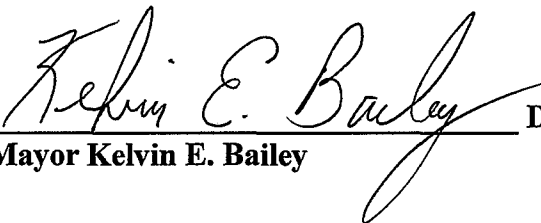
Not applicable.

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

None

30. **Adjournment**

Mark Madsen moved to adjourn the meeting at 11:47 PM.

APPROVAL:  DATE: 6-17-03
Mayor Kelvin E. Bailey

This certifies that the minutes of
20-MAY 2003 are a true, full and
correct copy as approved by the
City Council on 17-June 2003

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 3, 2003

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

1. Discussion regarding Fiscal Year July 1, 2003 to June 30, 2004 Budget
 - A. Planning Department – Shawn Warnke, Planning Director
 - B. Building Department – Kent Partridge, Building Official
 - C. Library Department – Michele Graves, Librarian
 - D. Telecommunications Department – Diane Bradshaw, Telecom Administrator
 - E. Public Works Department – Mark Sovine, Public Works Director
 - F. Legislative Administration, Special Events, Boards & Commissions and Police Departments – Chris Hillman, City Administrator
2. Update on Purchase of Eagle Mountain City Telecommunications System, Direct Communications
3. Items as Outlined on the Policy Session
4. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

Mayor Bailey offered an opening prayer.

POLICY SESSION – 7:00 PM

1. Roll Call:

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

City Staff:

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

Others Present: Gregory Bailey, resident; Dallas Bullock, resident; Brittany Monson, Youth Council Mayor; C. J. Wood, Youth Council Police Chief; Brian Haskell and Amy Twitty, the Ranches.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was directed by Gregory Bailey.

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

Mayor Bailey announced that additional donations had been received for Pony Express Days from General Contractors LLC (\$500), HE Davis (\$500), CJ Concrete (\$250), John Jacob (\$2,500), Rocky Mountain Enterprises (\$100), and TASC0 Engineering (\$500). He advised that a total of \$14,300 was donated by developers and businesses for Pony Express activities. The Mayor stated that Scott Kirkland, who organized the fundraising, requested that any funds not used for Pony Express Days be donated to the 5K race in the City, which was planned as a fundraiser for Steve Seegmiller who was paralyzed in an accident.

Chris Hillman acknowledged the efforts of Scott Kirkland in organizing the raising of these funds.

Mayor Bailey announced that he is creating two task forces to facilitate in collecting information and offer solutions regarding crime and transportation issues. He advised that the following individuals have volunteered to serve on these task forces: Crime Prevention Task Force – Sergeant Jo Murphy, Officer Bruce Champagne, Officer Bob Foote, Officer Jim Bingham, and Government Terrorist Expert Vince Liddiard; Transportation Task Force - Steve Monson, Dave Lifferth, UDOT Representative Marco Polasi, Chris Kemp, Linn Strouse, and a representative from MAG (Mountainland Association of Governments).

Youth Council Mayor Brittany Monson and Youth Council Police Chief C. J. Wood presented information on a fundraiser that will be held on June 14 in conjunction with Pony Express Days.

4. **Appointments:**

A. **Planning Commission**

Mayor Bailey recommended the appointment of Dallas Bullock as an alternate to the Planning Commission to replace Rick Pierce, who resigned.

Dallas Bullock introduced himself to the Council, explained his background, and answered questions from the Council.

Shawn Warnke explained that the City has created a handbook for planning commissioners and that there are other training opportunities for new commissioners.

MOTION: *Mark Madsen moved to ratify the appointment of Dallas Bullock as an alternate to the Planning Commission. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 2 - Brigham Morgan, Diane Jacob. Mayor Bailey voted aye to break the tie. Motion passed.*

5. **Public Notices:**

Janet Valentine announced there would be a Public Hearing on the Fiscal Year 2003-2004 Budget on June 17, 2003 at 7:00 PM or as soon thereafter as can be heard.

6. **Public Comment:**

None

7. **Eagle Mountain Police Department Update – Sergeant Jo Murphy:**

This item was discussed after Item 8.

Sergeant Murphy presented information regarding the crime rate, types of crime, etc., in Eagle Mountain City and offered comparisons with other cities. She acknowledged the effectiveness of Neighborhood Watch programs and other community involvement in preventing crime. Officer Murphy expressed her concern that there are not enough officers assigned to Eagle Mountain.

Mayor Bailey thanked Officer Bruce Champagne for his presentation at the last Council meeting, which raised Council and community awareness regarding crime.

8. **Consideration and Approval to Waive Excavation Permits for Hubble Homes for Landscaping Improvements:**

This item was discussed before Item 8.

Korey Walker explained the waiver request from Hubble Homes and recommended the fees be waived because of the scope of the project and the benefits to the City. He answered questions from Council.

MOTION: *Mark Madsen moved to waive the Excavation Permit Fees for Hubble Homes to do landscaping improvements in the roundabout. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Brigham Morgan requested that the Council be given a report regarding the City labor involved in this project.

9. **Consideration to Ratify Well Development, Irrigation Service and Reimbursement Agreement with Ames Construction Company:**

Gerald Kinghorn handed out a new draft of the subject agreement and explained the changes requested by Eagle Mountain Links regarding the interest rate after three years. He stated that approval of this item would send the agreement to Ames Construction/Eagle Mountain Links and their counsel for further refinement. He answered questions from the Council.

The Mayor explained the benefits the City would receive through this agreement.

Brigham Morgan expressed his concern about locking the City into having to pay interest after three years.

MOTION: *Diane Jacob moved to submit the approved draft to Ames and Eagle Mountain Links. Mark Madsen seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan abstained. Motion passed.*

Diane Jacob was excused from the meeting at 8:20 PM.

10. **Consideration and Approval of an Ordinance Defining Criteria for Public Open Space Disposal within the Boundaries of Eagle Mountain City, Utah:**

Gerald Kinghorn explained that the reason for this ordinance was to establish the process to be followed by persons who want to acquire City property. He referred to a State statute that became effective on May 5, 2003, making it necessary for each city to establish criteria for the disposal and defining of significant real property. He advised that the Planning Commission had reviewed the ordinance and recommended approval.

Shawn Warnke explained the criteria in the ordinance and the process the City will use to determine significant and insignificant property.

Mark Madsen recommended that certain terms in the ordinance be better defined and that the word "location" be removed.

Mayor Bailey asked Mr. Kinghorn to make the necessary changes in the ordinance to be presented for approval at the next City Council meeting.

MOTION: *Mark Madsen moved to table this item. Brigham Morgan seconded the motion. Ayes: 3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 0. Item tabled.*

11. Public Hearing: (Kiowa Valley, Plat A Amendment):

Shawn Warnke presented information on the proposed plat amendment and answered questions from the Council. He stated the Planning Commission had recommended approval.

A. Open Public Hearing

Mayor Bailey opened the Public Hearing at 8:57 PM.

B. Receive Public Comment

None

C. Close Public Hearing

The Mayor closed the Public Hearing at 8:58 PM.

Brigham Morgan expressed his concern that the City was not receiving the proper value transfer for the land.

Brian Haskell and Amy Twitty, the Ranches, clarified information on this amendment and answered questions.

12. Consideration and Approval of an Ordinance Amending Kiowa Valley, Plat A:

MOTION: *Linn Strouse moved to approve Ordinance No. O 08-2003, an Ordinance of the City of Eagle Mountain, Utah Amending the Record Plat of Kiowa Valley Plat A and Approving the Amended Plat of Kiowa Valley Plat A Subdivision, with conditions as stated in the staff report: 1) that Cherokee Street right-of-way is adjusted to accommodate a four-foot park strip and an eight-foot trail; 2) that the park requirement is satisfied through the payment of the fee in lieu, which is \$17,224 or as determined by the City Engineer, and is paid to the City with the recordation of Plat B; and 3) that the application complies with engineering requirements.. Mark Madsen seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion failed.*

13. Kiowa Valley, Plat B, Revised Final Plat Approval:

This item was discussed with Items 11 and 12.

MOTION: *Brigham Morgan moved to approve Kiowa Valley Subdivision (R-7 N-4) Plat B Revised Final Plat as submitted, subject to staff recommendations: 1) that the project meets the Ranches Design Review Committee's requirements for fencing and EAR;*

2) that the park requirement be satisfied through the payment of the fee in lieu which is \$17,244 or as determined by the City Engineer; 3) that Cherokee Street right-of-way is adjusted to accommodate a four-foot park strip and an eight-foot trail; and 4) that the application complies with engineering requirements. Mark Madsen seconded the motion. Ayes: 3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

14. Presentation of a Tentative Budget for Fiscal Year July 1, 2003 to June 30, 2004:

Chris Hillman explained the changes that were been made to the budget since the last meeting.

15. Approve Budget Fiscal Year July 1, 2003 to June 30, 2004 for a Public Hearing on June 17, 2003:

No motion was required.

16. Consideration and Approval of an Ordinance Amending the Eagle Mountain City Development Code Provisions for Home Occupation for Day Care in Multifamily Dwellings:

This item was discussed at previous meetings. Shawn Warnke answered questions from the Council.

MOTION: *Mark Madsen moved to approve Ordinance No. O 09-2003, an Ordinance of Eagle Mountain City, Utah Amending Chapters 11 and 27 of the Development Code to Include Certain Text Changes, Provide Additional Performance Standards and Add Qualified Home Business Uses to Allow Certain Childcare Use and Office Uses in Multi-family Residential Dwellings and Enact Conditional Requirements for Landscaping, Buffers and Fencing for Certain Large Scale Accessory Building Uses. Brigham Morgan seconded the motion. Ayes: 3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

No Closed Executive Session was called.

18. Motion to Reconvene in to Open Session:

Not applicable.

19. Any Actions from the Closed Executive Session:

None

20. Adjournment:

Mayor Bailey moved to adjourn the meeting at 9:27 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: _____

6-17-03

This certifies that the minutes of
3-June 2003 are a true, full and
correct copy as approved by the
City Council on 17-June 2003

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 17, 2003

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

1. Consent Agenda
2. Presentation regarding City Code by Linda Cobbs, Sterling Codifers
3. Discussion regarding the Pony Express Marker
4. Discussion regarding Fiscal Year July 1, 2003 to June 30, 2004 Budget
5. Items as Outlined on the Policy Session
6. Discussion regarding Special Improvement District 2003-1
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 7:04 PM.

1. **Roll Call:**

City Council Members: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Linn Strouse.
Brigham Morgan arrived at 7:06 PM.

City Staff:

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

Others Present: Ryan Bornaman, resident; Rebecca Loper, Community Arts Council; Monte Kingston, Ames Construction; Scott Kirkland, the Ranches.

2. **Pledge of Allegiance:**

Ryan Bonaman lead the Pledge of Allegiance.

3. **Approval of Minutes (May 20, 2003 and June 3, 2003) :**

MOTION: *Mark Madsen moved to approve the Minutes of May 20 and June 3, 2003. Diane Jacob seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed. Brigham Morgan was excused.*

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

None

5. **Appointments:**

None

6. **Public Notices:**

None

Brigham Morgan arrived at 7:06 PM

7. **Public Comment:**

Rebecca Loper, Community Arts, announced that their annual play, "You're a Good Man, Charlie Brown, would be presented on June 19, 20 and 21 at Fitzgerald Park. She requested that the Council consider allowing a larger budget for Community Arts for the coming fiscal year. The proposed budget would allow for only one musical play and not the other activities normally sponsored by the Community Arts. Mayor Bailey asked Mrs. Loper to provide more financial information, and she advised she would get in touch with their financial representative to get this information.

8. **Public Hearing - FY Budget for July 1, 2003 to June 30, 2004:**

Chris Hillman explained the proposed budget and indicated that if the budget passed, it would become effective July 1, 2003. He stated there are no utility rate increases planned because utility funds are balanced. He explained that the Council is considering raising property taxes and implementing a franchise/utility fee to help pay for an increase in costs for public safety.

A. **Open Public Hearing**

Mayor Bailey opened the Public Hearing at 7:20 PM.

B. **Receive Public Comment**

Jeff Love, resident, thanked the City Council for taking the pay increase planned for the Mayor and Council out of the budget and showing concern for the budget deficit.

C. **Close Public Hearing**

The Mayor closed the Public Hearing at 7:21 PM

Brigham Morgan, Arts Council liaison, advised that the Arts Council was funding itself, with the exception of the purchase of equipment for play productions. He requested that there be an adjustment made to the proposed budget to include expected revenues so that they have, at their disposal a \$5,000 budget -- \$2,000 of which cannot be spent unless the Community Arts brings in that amount of revenue. Mayor Bailey stated he would support this plan as long as the \$2,000 is generated by the Community Arts.

Wendy Minks, Pony Express committee, stated that funds for the Easter egg hunt were run through their budget this past year and not the Arts Council budget.

Mark Madsen stated for the record that it was the intention of the current City Council to apply any tax increase and franchise/utility fees to providing funding for public safety (sheriff's office and fire department) when grant money is no longer available.

Linn Strouse thanked Utah County Sheriff Sergeant Murphy and Fire Chief DeKorver for their efforts in requesting and receiving grants for their departments.

Brigham Morgan advised that when these proposed tax and fee increases exceed public safety expenses, the City should consider applying the excess to improving public parks.

Greg Kehl advised that the City should also look at ways to budget for the future maintenance of City roads.

9. Consideration and Approval of an Ordinance Adopting the Eagle Mountain Budget for the Fiscal Year July 1, 2003 to June 30, 2004:

MOTION: *Brigham Morgan moved to approve Ordinance No. O 09-2003, an Ordinance Adopting the Eagle Mountain City Fiscal Year 2003-2004 Annual Budget and Amending the Fiscal Year Budget for 2002-2003, subject to the changes as noted by the Finance Director: REVENUES - 1) tax increase of \$132,561.00; 2) public utility tax increase of 3% for water, electric, gas and telephone utilities; 3) an increase in revenues for the Arts Council of \$2,000; EXPENDITURES - 1) Fire Department funding for paramedic, EMT, 30 turnouts (90% coming from grants/10% from the City for a total project of \$117,000.00), radios (50/50 grant), training (50/50 grant), and 34 pagers; 2) matching funds necessary for the Homeland Security Grant of \$135,000.00 for police officers; 3) a \$2,000.00 increase in the proposed budget for the Arts Council (contingent on that amount being raised by the Arts Council). Greg Kehl seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. Consideration and Approval of a Resolution Setting Property Tax Rate in Eagle Mountain for Fiscal Year July 1, 2003 to June 30, 2004:

Kent Parker stated the proposed tax increase would be .001692 and that there would be a hearing held on August 5 regarding this increase. He stated there would be a public notice sent out and that Utah County would be responsible to send out with tax bills to notify every property owner involved.

MOTION: *Linn Strouse moved to adopt Resolution No. R 10-2003, a Resolution Approving and Adopting the Property Tax Rate for Fiscal Year 2003-2004 for Eagle Mountain City. Mark Madsen 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 Allowing Sales of Beer and Wine on Sundays:

Gerald Kinghorn explained that the City received an application from the Ranches Golf Course to implement a restaurant license to allow them to sell beer and wine on Sunday. He stated approval would necessitate the Council changing an existing ordinance that currently prohibits such sales. Mr. Kinghorn stated that any changes to the ordinance would apply to all businesses making the same request.

Linn Strouse read a statement, copy attached, from a resident requesting that the Council not make any changes to the existing ordinance.

MOTION: *Greg Kehl moved to approve Ordinance No. O 10 –2003, an Ordinance of Eagle Mountain City, Utah Amending the Provisions of Ordinance 98-8 to Delete from the Requirements that No Alcoholic Beverages May be Sold on Sunday. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1.- Brigham Morgan Motion passed.*

Item 14 was discussed at this time.

12. Final Plat Approval:

This item was discussed after item 14.

A. Anthem (R1 N18 N19), Phase 1

Shawn Warnke presented information on this final plat approval and stated the Planning Commission had reviewed it and recommended approval. He answered questions from Council. He indicated that the developer would be developing at a lower density than originally approved and explained the conditions of approval.

Monte Kingston, Ames Construction, presented drawings of the planned development and answered questions from Council.

Greg Kehl expressed his concern that garage setbacks are only 20 feet, which creates a safety hazard because large vehicles extend over the sidewalk area. Monte Kingston stated he would consider staggering home plans to allow for 25-foot setbacks on some homes. Mayor Bailey stated that the City should encourage the Ranches to amend their design guidelines to incorporate 25-foot garage setbacks. Brigham Morgan stated that shorter driveways encourage homeowners to park large vehicles in the street, which also causes a safety hazard.

Mr. Kingston requested that homeowners not be required to have wrought iron fencing on golf course lots since some of the other subdivisions have not installed this fencing, as currently required by the City.

Scott Kirkland, the Ranches, offered further information regarding garage setbacks and open space requirements.

Diane Jacob requested that the developer be required to pay a fee in lieu for open space acreage taken up by a private pool; however, the Council agreed that the pool would be used to benefit the residents of the subdivision, which would meet the City's requirements

Korey Walker addressed questions regarding monolithic sidewalks and recommended they be allowed in this subdivision.

MOTION: *Mark Madsen moved to approve the Final Plat for the Anthem at the Ranches subject to conditions 1 and 3 as listed in the staff report:: 1) that Lots 54 and 64-65 that surround the Community Center be full masonry; and 3) that the median in the Ranches parkway be altered to eliminate a turn pocket that does not coincide with any entryway; with the additional*

condition that 50% of homes will have a 25- foot driveway setback. Linn Strouse seconded the motion. Ayes:3 – Brigham Morgan, Mark Madsen, Linn Strouse; Nays: 1 – Diane Jacob. Greg Kehl abstained due to safety hazards caused by approved garage setbacks. Motion passed.

Gerald Kinghorn advised that this would have to come back to the Council with a Development Agreement that includes the above requirements.

13. Consideration and Approval to Waive Utility Bill Late Fees/Penalties for Deployed Military Personnel:

Mayor Bailey explained the background for this waiver. He stated that eligible residents must present a copy of military orders to the City to qualify for this waiver.

MOTION: *Linn Strouse moved to waiver the late penalty/fee for deployed military personnel upon demonstration of their military deployment records and application for waiver. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

14. Consideration and Approval of an Ordinance Defining Criteria for Public Open Space Disposal within the Boundaries of Eagle Mountain City, Utah:

Gerald Kinghorn explained that this item was discussed at the last Council meeting where he was requested to make changes to the ordinance to clarify the role of the Planning Commission.

Shawn Warnke offered more information regarding open space.

Mark Madsen requested that paragraph 1.3.2 be changed to reflect the wording “historical” and “historically” rather than “cultural” and “culturally” to make the ordinance more specific.

Linn Strouse agreed that this change would help provide better protection to historic sites.

MOTION: *Mark Madsen moved to approve Ordinance No. 0 11–2003, an Ordinance of Eagle Mountain City, Utah Providing for the Disposal of Certain Parcels of Real Property Owned by the City and Defining Land Considered Significant Real Property of the City; Providing a Definition of Reasonable Notice of Public Hearings for Disposal of Significant Parcels of Real Property and Other Matters, with the changes to paragraph 1.3.2 substituting the word “historic” for “cultural” and “historically” for “culturally” in that paragraph. Linn Strouse seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Greg Kehl recommended that open space, which belongs to the public, be handled carefully in future determinations.

Linn Strouse brought up the concern that the public is not always aware when a public hearing is held. Mayor Bailey agreed and stated that the staff needs to come up with ways to better inform the public when a public hearing occurs.

15. Consideration and Approval of an Ordinance of the City of Eagle Mountain, Utah Amending the Record Plat of Kiowa Valley Plat A and Approving the Amended Plat of Kiowa Valley Plat A Subdivision:

Shawn Warnke readdressed this item, which was discussed at the prior Council meeting.

Scott Kirkland, the Ranches, answered questions from the Council regarding the park area and presented a drawing. He explained this amendment and why he felt it would be in the best interest of the public.

Brigham Morgan expressed his concern that as the plat now stands, it is bonded and will be improved; however, if the plat is amended to remove a portion of land, that land would have no requirements for any kind of improvement.

Greg Kehl stated that if this item is approved, the City would end up with an approved park and Plats B and C would be finished.

Diane Jacob declared a conflict of interest since her husband sold water rights to the Ranches.

MOTION: *Greg Kehl moved to approve Ordinance No. O 12 –2003, an Ordinance of Eagle Mountain City, Utah Amending the Record Plat of Kiowa Valley Plat A and Approving the Amended Plat of Kiowa Valley Plat A Subdivision. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

16. Consideration and Approval of Construction Escrow Agreement for Sweetwater Road with the State of Utah, School and Institutional Trust Lands Administration:

Gerald Kinghorn explained that this agreement would make an arrangement with SITLA to deposit their funds for the fiscal year ending June 30, 2003, into a road construction escrow account to build Sweetwater Road. He recommended approval of the agreement.

MOTION: *Greg Kehl moved to approve a Construction Escrow Agreement for Sweetwater Road with the State of Utah, School and Institutional Trust Lands Administration. Brigham Morgan 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, the Council was made aware of the section in the Ranches Design Guidelines that requires golf course residential boundary fencing. The Mayor stated he would like the staff to go back to Ames Construction with these requirements and get their response.

17. Consideration and Approval of Water Banking Agreement with State of Utah, School and Institutional Trust Lands Administration:

Gerald Kinghorn explained this agreement and how it would be in best interest of the City. He recommended approval of agreement.

MOTION: *Greg Kehl moved to approve a Water Banking Agreement with State of Utah, School and Institutional Trust Lands Administration. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

18. Consideration to Ratify Temporary License for Use of Church Property:

The Mayor explained the use of this temporary license.

MOTION: *Greg Kehl moved to ratify a Temporary License for Use of Church Property. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. Motion to approve Consent Agenda items as follows:

- A. Check Register 04-02-2003 to 05-15-2003
- B. Change Order
 - I. Pony Express Parkway Extension (CO No. 5), H.E. Davis
- C. Final Bond Release
 - I. Ranches Parkway Off-sites for R6-N4, 5, Ranches, LC

- D. Partial Payment
 - I. Pony Express Extension (PP No. 9), H.E. Davis
- E. Partial Bond Releases
 - I. Freemont Springs, Plat A (PBR No. 1), Hamlet Homes
 - II. Freemont Springs, Plat B (PBR No.1), Hamlet Homes
 - III. Cold Springs at Red Hawk Ranch, Phase 1 (PBR No.3), Hamlet Homes
 - IV. Cold Springs at Red Hawk Ranch, Phase 2 (PBR No. 1), Hamlet Homes

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

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

MOTION: *Diane Jacob moved to approve the check register. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan recused himself from the vote. Motion passed.*

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

No Closed Executive Session was called.

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

Not applicable

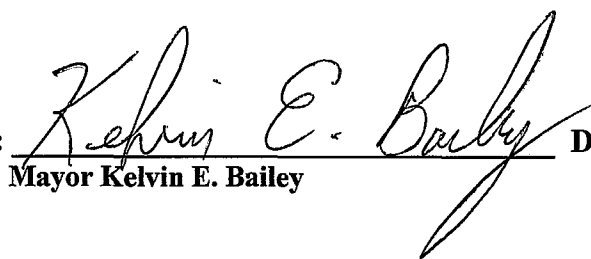
22. Any Actions from the Closed Executive Session:

None

23. Adjournment:

Mayor Bailey moved to adjourn the meeting at 9:35 PM.

APPROVAL:

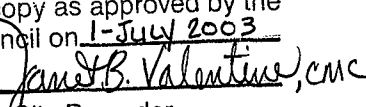


Mayor Kelvin E. Bailey

DATE:

7-01-03

This certifies that the minutes of
17-June 2003 are a true, full and
correct copy as approved by the
City Council on 1-July 2003

Signed: , cmc
City Recorder

Janet Valentine

From: Deanna Whitney
Sent: Monday, June 23, 2003 12:15 PM
To: Janet Valentine
Subject: E-mail from resident regarding wine and beer sales on Sunday

This e-mail should be an attachment to the Minutes for June 17, 2003.

-----Original Message-----

From: Linn Strouse [mailto:linns@emcity.net]
Sent: Monday, June 23, 2003 12:34 PM
To: deanna@emcity.org
Subject: Fw: Tues June 17th Agenda Items

-----Original Message-----

From: Spiffiecat@aol.com
Date: Tuesday, June 17, 2003 13:09:11
To: mmadsen@lhm.com; Linns@emcity.net; achocccocat@juno.com; gkehl@nationaltank.com; mayor@emcity.org
Subject: Tues June 17th Agenda Items

Hello Mayor and City Council,

I am writing you because I will be unable to attend and voice my opinion on the agenda items this evening. Hopefully some of my opinions can be taken into consideration. With the regards to the selling of wine/alcohol on Sunday, I would like to encourage that we maintain our dry Sunday status. I know this would hinder the golf course, but when looking at this issue over the long run, I felt it would be in the community's best interest to maintain it. It is funny to me. While this may not seem like a big deal, but I grew up in Nevada in a small town just like this. When they formed the town they outlawed gambling even though the State allowed it. Today because that law still stands, people are fighting to move there. The property values are sky high and the moral of the place is really good. While alcohol may not seem like a big deal, looking ahead, I feel it is best for our community to continue restricting it's use.

Second issue. With regards to the disposal of open space. I apologize for being unprepared to discuss this. I haven't had the opportunity yet to read this, but A couple point that may already exist, but if not to consider. I hope it is written who may purchase the open space, and what percentage they may. I live in Eagle Park where I have a nice easement behind me where "a jogging path will be build next year" (love them deceiving sales pitches) So I have ~100 ft of weeds behind me until my neighbors back yard. I hope that it is written that my-neighbor-may-not-go-and-race-out and purchase the whole land area not just behind me but all the way down behind all of the neighbors. Instead I hope that it will be written that it will be divided evenly among those whose property it touches. Also to consider is what if not everyone can afford to purchase the area now. How will the city be able to get to the areas not purchased to maintain them? Also hopefully it is written so a developer may not come in and purchase them and put a house on the "open spaces"

Last side thought: Since Eagle Park itself was a learning ground for the city. We missed out

on receiving an appropriate park, etc. There is a group that has formed consisting of 7 neighbors called the Eagle Park Neighborhood Watch Improvements Committee. This committee is working on designing and finding funding for improving the park to include a playground, basketball, and volleyball court. I would propose that money from any sale of any such land in Eagle Park be set aside into a special budget to be used to improve Eagle Park itself. Hopefully this summer this committee could bring their working plans into to the city to see if they would justify using the sale money to help fund some of this project. This would be a way for us to fund some of the park improvements that the developer didn't foresee to include in lot prices.

Thanks Tiffany Ulmer

7/2/2003

Deanna Whitney

From: Linn Strouse [linns@emcity.net]
Sent: Monday, June 23, 2003 12:34 PM
To: deanna@emcity.org
Subject: Fw: Tues June 17th Agenda Items

-----Original Message-----

From: Spiffiecat@aol.com
Date: Tuesday, June 17, 2003 13:09:11
To: mmadsen@lhm.com; Linns@emcity.net; achocccocat@juno.com; gkehl@nationaltank.com; mayor@emcity.org
Subject: Tues June 17th Agenda Items

Hello Mayor and City Council,

I am writing you because I will be unable to attend and voice my opinion on the agenda items this evening. Hopefully some of my opinions can be taken into consideration. With the regards to the selling of wine/alcohol on Sunday, I would like to encourage that we maintain our dry Sunday status. I know this would hinder the golf course, but when looking at this issue over the long run, I felt it would be in the community's best interest to maintain it. It is funny to me. While this may not seem like a big deal, but I grew up in Nevada in a small town just like this. When they formed the town they outlawed gambling even though the State allowed it. Today because that law still stands, people are fighting to move there. The property values are sky high and the moral of the place is really good. While alcohol may not seem like a big deal, looking ahead, I feel it is best for our community to continue restricting it's use.

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Last side thought: Since Eagle Park itself was a learning ground for the city. We missed out on receiving an appropriate park, etc. There is a group that has formed of consisting of 7 neighbors called the Eagle Park Neighborhood Watch Improvements Committee. This committee is working on designing and finding funding for improving the park to include a playground, basketball, and volleyball court. I would propose that money from any sale of any such land in Eagle Park be set aside into a special budget to be used to improve Eagle Park itself. Hopefully this summer this committee could bring their working plans into to the

city to see if they would justify using the sale money to help fund some of this project. This would be a way for us to fund some of the park improvements that the developer didn't foresee to include in lot prices.
Thanks Tiffany Ulmer

6/23/03



Deanna Whitney

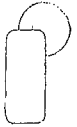
From: Linn Strouse [linns@emcity.net]
Sent: Monday, June 23, 2003 12:36 PM
To: deanna@emcity.org
Subject: Fw: Thank You Linn,

-----Original Message-----

From: Spiffiecat@aol.com
Date: Wednesday, June 18, 2003 09:20:07
To: Linns@emcity.net
Subject: Thank You Linn,

Thank You Linn,

Luckily for me, my babysitter made it home in time to catch just a little of the city council meeting. Thank you for being considerate of my point of view regarding the beer and wine ordinance ammendments.



Thanks
Tiffany Ulmer



MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
July 1, 2003

6:00 PM – Eagle Point Subdivision Park

RIBBON CUTTING CEREMONY FOR THE NEW PARK LOCATED IN THE EAGLE POINT SUBDIVISION

Prayer by Invitation of the Mayor

Mayor Kelvin Bailey offered the prayer.

POLICY SESSION – 7:00 PM

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

1. Roll Call:

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

City Staff:

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

Others Present: Dallas Bullock, Wendy Minks, Michelle DeKorver, Pony Express Days co-chairs; Paula Thacker, resident, Greg Nash, GIS specialist and local resident; Scott Hazard, the Ranches; Paul Evans, representative of the L.D.S. Church.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Paula Thacker.

3. **Approval of Minutes (June 17, 2003) :**

MOTION: *Linn Strouse moved to approve the Minutes of June 17, 2003. 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 a new newspaper starting up in Eagle Mountain. He handed out a copy of an email received from the editor and reminded the Council to ensure the accuracy of all information given to the newspaper.

Brigham Morgan announced that the Community Arts Council is making plans for their annual Wild West Fest. He stated this is a community event and invited all to attend. He stated there is no date set as yet but indicated this event is usually scheduled around the 24th of July celebration.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

None

8. **Citizen Recognition for 2003 second quarter – April, May & June**

This item was discussed after Item 9.

Mayor Bailey recognized Greg Nash as the Eagle Mountain City Citizen of the Quarter for the first quarter of 2003 and presented Mr. Nash with a recognition certificate.

Mr. Nash explained the Geographic Information System mapping process in which he has been involved for the City.

9. **Pony Express Days Board Report:**

This item was discussed prior to Item 8.

Wendy Minks, co-chair of Pony Express Days 2003, presented a report on Pony Express Days held June 7 through 14, 2003 and thanked all those who volunteered to help with this event. She reported on funding and expenditures, the success of events, problem areas, and offered recommendations for next year. Mrs. Minks passed out a copy of the Pony Express Days committee report. She requested that the current Pony Express Days Board be allowed to continue functioning and planning for next year's events. She indicated this board would like to submit a five-year plan for future Pony Express Days events.

Mayor Bailey thanked the board and gave approval, with the consensus of the Council, for them to continue.

Linn Strouse thanked Michelle DeKorver for her efforts towards improving Pony Express Park so that it would be ready as a location for next year's Pony Express Days events. She also acknowledged the efforts of all concerned in ensuring the success of the event this year.

Brigham Morgan recommended there be better advertising of events for next year.

Mayor Bailey presented appreciation awards to Co-chairs Dallas Bullock, Michelle DeKorver, and Wendy Minks. He also acknowledged the efforts of Jan and Eldon Fletcher for being chairmen of Pony Express Days 2001 and 2002.

10. Consideration and Approval of Disposal of City-Owned Property (previously designated as open space in Kiowa Valley, Plat A):

Shawn Warnke presented information on the land involved in this item, explained the four separate actions involved in this approval, and answered questions from the Council.

Scott Kirkland, the Ranches, gave further information and also answered questions from Council.

MOTION: *Mark Madsen moved that the City Council proceed with the disposal of the property known as the amended portion of Kiowa Valley, Plat A, that is now being proposed as Kiowa Valley, Plat C. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

MOTION: *Mark Madsen moved that the City Council classify the amended portion of Kiowa Valley, Plat A, that is now being proposed as Kiowa Valley, Plat C, as insignificant, as required by Ordinance No. O 11-2003 for the purpose of disposing of the property owned by the City. Greg Kehl seconded the motion. Ayes: 5 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse, Brigham Morgan; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved that the City Council approve the payment of the property formerly known as the amended portion of Kiowa Valley, Plat A that is now being proposed as Kiowa Valley, Plat C be the two acres, approximately, which is part of the Bud Evans Trailway between Rockwell Village and Diamond Springs. Greg Kehl seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

11. Final Plat Approvals including Approval of Development Agreement & CC&R's:

Gerald Kinghorn advised the Council that the Development Agreement had been updated and recommended approval of the new Development Agreement.

Scott Kirkland expressed concern that Porter's Parkway does not back up to Kiowa Valley and, therefore, the fencing requirement should not be included in the motion.

A. Kiowa Valley, Plat C, the Ranches, LC

MOTION: *Mark Madsen moved to approve the Final Plat application for Kiowa Valley, Plat C, including approval of the Development Agreement, subject to the following conditions as listed in the staff report, to wit, property acquisition, utility plan, right-of-way and DRC approval; that item 4 in the staff recommendations referencing the Ranches compliance with the Ranches Design Review Committee requirements eliminate the three requirements and implement the one requirement to have a privacy fence along the north end of Lot 160 and an increased EAR of .30 along the north elevation of the residence to be built on Lot 160; add a fifth clarifying condition that the new wording, as proposed by the City Attorney regarding vesting in the Development Agreement, be changed to the standard City wording that appears in all the other development agreements; and as a sixth condition for addition, the Mayor has the approval to execute the deed to transfer the*

property in question to the Ranches. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.

B. Eagle's Gate, Plat D, the Ranches, LC

Shawn Warnke presented information regarding this final plat approval and answered questions from Council.

Korey Walker discussed a tie-line issue and explained the negotiations agreed to between the City and Centex Homes.

Scott Kirkland, the Ranches, indicated that five lots would need to have 18-foot garage setbacks.

Linn Strouse asked questions about proposed streetlights. She referred to information received from a resident who was concerned that streetlights be installed that would not cause light pollution. The Mayor advised that all lights in Eagle Mountain are approved non-light pollution streetlights.

MOTION: *Brigham Morgan moved to approve Eagle's Gate, Plat D Final Plat subject to the staff recommendations as outlined in the staff report, adding to that requirement that the CC&R's associated with the Development Agreement specifically identify Lots 441 to 446 as adjusting the minimum front yard setback to garages to 18 feet to allow for the expansion of the PUE to 21 feet from the back; initiating a Waiver of Damages from the City for Centex Homes for any damages caused by the residents of the homes in the PUE; and eliminating the requirement for the park space to be dedicated. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. Approval of Development Agreement & CC&R's:

A. Kiowa Valley, Plat B, the Ranches, LC

MOTION: *Brigham Morgan moved to approve the standard Development Agreement between the City and Kiowa Valley, Plat B. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. Site Plan Approval:

A. Smith North Ranch Church, L.D.S. Church

Shawn Warnke explained this proposed site plan and recommended approval.

Paul Evans, representing the L.D.S. Church, answered questions from the Council.

MOTION: *Greg Kehl moved to approve the Site Plan for the North Smith Ranch Road L.D.S. Church as submitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

14. Consideration and Approval to Amend the Employee Handbook and Policies and Procedures Manual regarding Vacation Scheduling and Attendance Policy:

Mark Madsen recommended the second and third lines in the Vacation Scheduling Policy be reversed and that the sentence regarding quarterly and annual reviews be eliminated from the Attendance Policy. These changes were agreed to by the Council prior to the motion.

MOTION: *Greg Kehl moved to approve to Amend the Employee Handbook and Policies and Procedures Manual regarding Vacation Scheduling and Attendance Policy. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

15. Motion to approve Consent Agenda items as follows:

- A. Check Register
- B. Final Bond Releases
 - I. Kiowa Valley, Plat A, Sundance Homes

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

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:

None

19. Adjournment:

Greg Kehl moved to adjourn the meeting at 8:35 PM.

APPROVAL: _____

Kelvin E. Bailey
Kelvin E. Bailey, Mayor

DATE: _____

7-15-03

This certifies that the minutes of
1-July 2003 are a true, full and
correct copy as approved by the
City Council on 15-July 2003

Signed: *Janet B. Valentine, CMC*
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
July 15, 2003

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 7:00 PM.

1. Roll Call:

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

City Staff:

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

Others Present: Jana Cox, Arlene Erickson, Rebecca Loper, and Dave Loper, Community Arts Board members; Jennie Richards, Chairman of the Pony Express Days races; Michael Davis, resident; James Gilbert, Gilbert and Stewart CPA's; Monte Kingston, developer.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Mark Madsen.

3. Approval of Minutes (July 1, 2003):

MOTION: *Greg Kehl moved to approve the Minutes of July 1, 2003 as submitted. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse arrived at 7:05 PM.

4. General Discussion/Questions/Announcements:

Mayor Bailey read a memorandum from Fire Chief Robert DeKorver regarding restrictions for fireworks for the July 24th holiday.

Janet Valentine announced that anyone interested in running for public office may declare candidacy between July 15 and August 15, 2003. She advised that the necessary forms could be completed in the Recorder's office Monday through Thursday from 7:30 AM to 5:30 PM. She stated there would be an orientation meeting for those declaring candidacy on Wednesday, August 27 at 7:00 PM.

5. **Appointments:**

None

6. **Public Notices:**

Janet Valentine announced there would be a Truth in Taxation Public Hearing held on August 19, 2003 at 7:00 PM in the Council Chambers.

7. **Public Comment:**

Jana Cox, Community Arts Board, presented a report from the board on activities completed under the direction of the current board members. A copy of the report was given to the Council. She discussed the declining participation of community residents during the past three years even though the population has grown. She thanked Brigham Morgan, Community Arts Board liaison, for his support to the Arts Board.

Arlene Erickson, Community Arts Board, discussed the original goals of the board. She read a statement about the importance of the arts in the community.

Linn Strouse thanked the Community Arts Board for their float in the Pony Express Days parade.

Rebecca Loper, Community Arts Board, presented information on the history of the board in Eagle Mountain City. She expressed her concern that residents and the current Mayor and Council have not offered the support needed. She stated the current board could no longer expend the time necessary to serve on the Community Arts Board and presented resignation letters from all board members. She expressed her hope that other residents would step forward to serve on the Community Arts Board.

Linn Strouse thanked the board for all their efforts on behalf of the community.

Mayor Bailey expressed his surprise at the resignations but thanked the board for their many hours of service.

David Loper, Community Arts Board Chairman, presented information on the board's assets, which would need to be handed over to the next Community Arts Board chairman. He stated the board would see through to conclusion a licensing contract for the rights to the play. He volunteered his services to train anyone who might be interested in taking over the Community Arts Board.

Jennie Richards, Chairman of the Pony Express Days races, gave a report to the Council. She announced that the races were run as a fundraiser for the Steve Seegmiller family and that the outcome of the races allowed her to present a check to the Steve Seegmiller Recovery Fund in the amount of \$3,900.00. She read a list of sponsors and donation amounts and thanked Linn Strouse for her leadership. Ms. Richards stated that about 70% of the race participants were from outside the City.

Michael Davis, resident, addressed the Council requesting a waiver on the signage code so that he could advertise for his snow cone business in the Ranches. Gerald Kinghorn advised Mr. Davis to make a written application to the Council for this waiver. Linn Strouse stated that the Development Code should be amended to cover signage concerns such as this. Mayor Bailey instructed Shawn Warnke to address this matter in the sign ordinance and amend it as necessary for approval of the Council.

8. **Audit Report for Fiscal Year 2001/2002:**

James Gilbert, Gilbert and Stewart CPA's, presented the results of the audit for the period ending June 30, 2002, and answered questions from the Council. He discussed improvements made by the City during Fiscal Years 2002 and 2003.

Mayor Bailey asked the Council to review the audit and forward any questions to Gilbert and Stewart.

9. **Development Agreement/CC&R's Approvals:**

A. Anthem at the Ranches, Phase I, Eagle Mountain Links

Shawn Warnke explained this item to the Council and answered questions.

Monte Kingston, the developer, was also available to answer questions.

MOTION: *Mark Madsen moved to approve the Covenants, Conditions and Restrictions and the Development Agreement as submitted. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Greg Kehl abstained. Motion passed.*

B. Plum Creek Condominiums, Sundance Homes

Shawn Warnke presented this item to the Council and recommended approval.

Gerald Kinghorn referred to five special conditions applying to this approval and answered questions from the Council.

MOTION: *Mark Madsen moved to approve the Declaration of Condominium Covenants, Conditions and Restrictions and the Development Agreement as submitted for Plum Creek Condominiums. 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 the Night Hawk Lane Road Dedication Plat (Name Change Only)**

Shawn Warnke explained the basis for this street name change and discussed the process the Planning Commission used to determine if street names should be changed. He indicated that only one name change was being presented for approval.

The Mayor advised that any street name could be changed in the future if the majority of the residents on the street petition the Council to do so.

MOTION: *Linn Strouse moved to change the name from Black Hawk to Night Hawk. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. **Discussion on Annexation Policy:**

Chris Hillman and Shawn Warnke offered information regarding the City's proposed annexation plan. Mr. Warnke handed out a draft of this plan and explained the adoption process. Shawn Warnke asked the Council to review the plan and make any recommendations to him.

Mayor Bailey asked for a general consensus from the Council that this draft plan meets the needs of the City. The Council gave their consensus and Mayor Bailey advised staff to move forward.

12. **Consideration and Approval of an Ordinance Enacting and Repealing Ordinance No. 98-07, an Ordinance Enacting a Curfew for Juveniles within Eagle Mountain City:**

Gerald Kinghorn explained that the original ordinance was being amended to comply with a request of Utah County to better define curfew hours. He answered questions from the Council.

MOTION: *Greg Kehl moved to approve Ordinance No. O 13-2003, An Ordinance Enacting a Curfew for Juveniles within Eagle Mountain City, Utah. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- A. Check Register
- B. Contract Change Order:
 - I. Landscaping Entrance Monument at the Ranches, 2003-Site Grading (CO No.), American Civil Constructors
- C. Partial Payments:
 - I. Landscaping Entrance Monument at the Ranches, 2003 (PP No. 1), American Civil Constructors
 - II. Landscaping Entrance Monument at the Ranches, 2003-Site Grading (PP No. 1), American Civil Constructors
- D. Final Payment:
 - I. Landscaping Entrance Monument at the Ranches, 2003-Site Grading (Final Payment), American Civil Constructors

MOTION: *Greg Kehl moved to approve the Check Register and the Consent Agenda. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan abstained. Motion passed.*

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

MOTION: *Mark Madsen moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 8:35PM. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

MOTION: *Greg Kehl moved to Close the Closed Executive Session and Reconvene in to Open Session at 8:59 PM. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

None

17. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 8:59 PM.

APPROVAL: *Kelvin E. Bailey* **DATE:** 8-8-2003
Mayor Kelvin E. Bailey

This certifies that the minutes of
15 July 2003 are a true, full and
correct copy as approved by the
City Council on 5-Aug. 2003

Signed: *Janet B. Valentine* CMC
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

August 5, 2003

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken – 4:00 to 7:00 PM

1. Consent Agenda
2. Discussion to Allow Inflatable Signage
3. 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.**
4. Motion to reconvene in to Work Session
5. Discussion concerning Water Right Fees
6. Items as Outlined on the Policy Session
7. Dinner Meeting with Direct Communications (6:00 PM to 7:00 PM)
8. Adjourn Work Session at 7:00 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 7:00 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse (arrived at 7:03 PM)

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney (Excused)
Planning Assistant:	Angela Cox
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Utah County Sheriff:	Deputy Greg Knapp
Fire Department:	Chief Robert DeKorver (Excused)

Others Present: David Loper, resident; Harlow Clark, New Utah; Kent Burningham, Spectrum Development; Mark Lofgren, resident.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by David Loper.

3. **Approval of Minutes (July 15, 2003):**

MOTION: *Mark Madsen moved to approve the Minutes of July 15, 2003. 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:**

Shawn Warnke announced that a notice went out for a public meeting to be held on August 20 dealing with the Annexation Policy Plan.

Mayor Bailey advised that the City was working to complete the Annexation Policy Plan for inclusion in the General Plan revision.

Diane Jacob stated that two people had expressed interest in the open position of alternate planning commissioner. She stated she had received one application and is awaiting the other application. She advised consideration would be given to both applicants and a selection made as soon as possible.

Brigham Morgan announced that he had been contacted by several persons expressing interest in serving on the Arts Council. He advised that there is still a need for more persons to be involved.

Mayor Bailey stated that there had been some incorrect information printed in the newspapers recently indicating that the Arts Council budget is \$49,000 when in fact the amount is \$9,000, that the Sports Board has a budget of \$30,000 instead of the correct amount of \$20,000 which is generated by the Sports Board, and that the Library Board has a budget of \$40,000 instead of the actual \$52,500. Mayor Bailey also indicated that the papers reported that the property tax would be increased 63 percent rather than 57.7 percent.

Chris Hillman advised the Council that notice had been sent to all the local newspapers advising them to contact him or Council members for specific facts.

5. **Appointments:**

None

6. **Public Notices:**

Janet Valentine, City Recorder, announced there would be a Truth in Taxation Public Hearing on August 19, 2003, at 7:00 PM and a Public Hearing on the Proposed Amendment to the Impact Fee Ordinance immediately following the Truth in Taxation Public Hearing.

Janet Valentine also advised that anyone interested in running for public office could file a Declaration of Candidacy form until August 15, 2003, at 5:00 PM.

7. **Public Comment:**

None

8. **Final Plat Approvals:**

A. Jacob's Well, Plat A

B. Jacob's Well, Plat B

Shawn Warnke advised the Council that the preliminary plats for Jacob's Well, Plats A and B, were approved by the Planning Commission in 1999. He described the location of these plats and explained the problems with topography. He answered questions from the Council and recommended approval of the final plats.

Korey Walker explained problems with grading to prevent drainage problems and recommended the City impose a specific grading plan. He answered questions from the Council.

MOTION: *Mark Madsen moved to approve the Final Plats for Jacob's Well, Plats A and B, subject to the following conditions: 1) park fee – that the applicant pays a fee in lieu for the parks requirements; 2) trail – that a construction detail for the trail way be submitted; 3) driveways – that driveways in these subdivisions not exceed 12 percent; 4) grading plan – that if property owners are desirous to alter the approved grading plan then they will be required to have an individual grading plan approved for their lot; and 5) engineering requirements – that the City Engineer approves of the remaining engineering requirements upon submittal. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

9. Preliminary Plat Approval

A. The Woods (formerly known as the Links), Phase I, Spectrum Development

Shawn Warnke stated that this preliminary plat had been reviewed by the Planning Commission. He described some unique items related to this preliminary plat for review by the Council.

Korey Walker advised that the Planning Commission requested this plat be presented to the Council for review because of: 1) the number of items on the punch list; and 2) compatibility issues regarding safety of children and traffic flow or how to deal with pedestrian traffic.

Kent Burningham, Spectrum Development, addressed the Council and indicated that the homeowners in Overland Trails indicated they liked the plans for the subdivision. He discussed looping of utilities and a secondary access into the subdivision.

MOTION: *Diane Jacob moved to deny the application of The Woods preliminary plat and send it back to the Planning Commission for more clarification on the phasing compatibility and pedestrian safety. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Adopting a 3 % Energy Sales & Use Tax:

Kent Parker stated that the overall purpose of this ordinance is to insure that all residents of the City, including those who are not on City utilities, are paying the same three percent municipal energy sales and use tax. He answered questions from the Council.

Gerald Kinghorn offered more information on the ordinance and answered questions. The Council responded to questions from resident Mark Lofgren, as follows.

Mark Lofgren, resident: "Is that three percent on all utilities?"

Mayor Bailey: "No, on gas, electric, and water."

Mark Lofgren: "On all of them or three percent per?"

Mayor Bailey: "It's going to show up on all of them because each time your bill comes consolidated, you will have certain amount for your line item for gas, a certain amount for water, a certain amount for electric, or whatever. It'll be three percent of that, just like a sales tax."

Brigham Morgan: "Mark, whether it's three percent per or three percent on all of them, it's the same."

Mark Lofgren: "Okay, granted" (Remainder of sentence could not be understood on tape because Mr. Lofgren did not make his comments into the microphone.) "That's a three percent tax that, apparently, six people in the City are knowing what you guys are going to be doing."

Greg Kehl: "It's only six people that ever care."

Diane Jacob: "And those six are here."

Mark Lofgren: "Watch next meeting when 90 people pile in here because they are pissed off."

Greg Kehl: "It's been posted, we had budget hearings in June."

Mayor Bailey: "It was in the newspaper June 5, I believe it was."

Greg Kehl: "I'm as disappointed as you are."

Mark Madsen: "We commented that evening how disappointed we were that we were sitting here with so few people who paid attention enough to come."

Mark Lofgren: ".....you are not informing us."

Mark Madsen: "You need to read. We can't force you to pay attention."

Brigham Morgan: "I guess the comment is the effort has not been made to put it in the utility bills or in the commonly accessed monthly channel of information that has previously been used."

Mark Madsen: "Have we put notices in the bills before about public notices?"

Mayor Bailey: "No, we have never put public notices in the utility bills. We've had the Mayor's Newsletter and occasionally an event or something that advertises in there. Everything's always been done through the newspaper on public notices, when the agendas are posted and those kind of public notices."

Brigham Morgan: "I didn't mean to indicate we actually put public notices in, I meant to indicate that there were Mayor's Newsletters or updates that went out that referenced items of that nature."

Chris Hillman: "Just as a clarification, there have been articles about this in several newspapers."

Kent Parker: "So we know what's going on here, we're talking about the tax itself, but we're kind of ignoring what the purpose of it is for. When the budget was adopted, in order to fund the additional police officers and match the grant they got for the police officers, we planned to use the property tax increase to fund that. This franchise fee or utility fee was to fund the matches for the grant for the fire department. Without this revenue, we will not be able to meet those federal grants, which means we would not be able to have the increased paramedic service and the safety equipment."

Brigham Morgan: "And that was the real kicker for me. If we don't get that grant money, we will not be able to get the equipment we need, and our equipment is so outdated that we can no longer use a lot of it safely to the point where our service and ability to provide fire service and fire protection will degrade and decline."

Mark Madsen: "We were very adamant that these increased revenues would only be used for public safety for the most legitimate functions of municipal government, whereas other departments and other programs all had cuts."

Mark Lofgren: "You couldn't cut funding somewhere else?"

Mark Madsen: "We cut funding in all of the other departments."

Brigham Morgan: "Ask the Arts Council."

Mark Madsen: "Everybody else got cut except the most rudimentary functions of municipal government. We were way behind the curve. We're supposed to have nine law enforcement officers for a city our size."

Mark Lofgren: "I understand that, and you're right, that is totally what we should do with government, and I have no qualms in funding this. But I start wondering about other things when our sewer rates have gone up and our property tax went up, and now this tax. I mean we are being hit left and right. I'm starting to wonder where all this money is going."

Mark Madsen: "We're trying to cover these utilities that were running at a loss for so long."

Mark Lofgren: "Well, then, how come you haven't sold the utilities?"

Mayor Bailey: "We're trying to."

Mark Madsen: "We're working on it. We've gone further down that road in the last year, year and a half, than had ever been done before. If you know the Public Service Commission, they work on their own timeline. Hand them a piece of paper, and they keep it for sixty days before they even tell you they've got it."

Chris Hillman: "Just as a side note, if I may say, likely when Direct Communications takes over the phone system, it will probably be very likely that in the contract the Council will approve a six percent, what we are allowed to take up by law. Right now we are at three percent. So when Direct Com takes over, it will likely go to six percent."

Mark Lofgren: "Right, but our cost of running that system is going to go down so there is going to be more funding for the City."

Brigham Morgan: "No, no there won't be more funding because there will actually be a loss of revenue because a lot of the cost of utilities is being used to fund the administrative functions of the City."

Mark Lofgren: "It's just hard to be really happy....."

Greg Kehl: "Understand, too, Mark, that this affects all of us as well."

Mark Lofgren: "Oh, and I understand that."

Greg Kehl: "This isn't just something that we are proposing for everyone else but the Council, this is for every single one of us as well."

Mark Madsen: "We have to break from the tradition of just rolling over the debt and getting deeper in. We've got to break and start having things break even."

Mayor Bailey: "The other thing, too, is on these grants if we were to not get the money that we need in order to fund these police and fire grants that we have, we'll lose the opportunity to get the grants later because once you reject a grant, it's all over. It's difficult to get a grant anyway; and if you refuse to take a grant for whatever the reason, if you go back and try to get a grant again, it will be next to nil before you'll get it."

Mark Madsen: "We raised the Fire Department \$30,000 and that got \$90,000 for the Fire Department."

Mayor Bailey: "Okay, we need to move on here."

Brigham Morgan stated the only reason he voted aye on this item was because of the fire department and the sheriff's office.

MOTION: *Greg Kehl moved to approve Ordinance No. O 14-2003, an Ordinance of Eagle Mountain City, Utah Adopting a Municipal Energy Sales and Use Tax. Diane Jacob 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 and Enacting Certain Text Changes in Chapters 14, 15, and 18 of the Eagle Mountain Development Code allowing the City Council to Approve Planned Residential Developments in Master Development Planned Areas Exceeding Three (3) Units per Acre:**

Gerald Kinghorn advised that this ordinance is intended to provide the City Council, now and in the future, with discretion to set the maximum density ceiling in a master development plan area based on the circumstances and facts of each particular application, taking into consideration all relevant factors. He stated the current ceiling is arbitrary and difficult to enforce.

Greg Kehl expressed his concern about this ordinance but indicated he felt it could work if it is used correctly.

Brigham Morgan explained his concerns with density problems experienced by the City in the past and indicated he would prefer to leave the density at 2.6 per acre, except under specific circumstances

Mark Lofgren, resident, expressed his disapproval of this ordinance.

MOTION: *Mark Madsen moved to approve Ordinance No. O 15 –2003, an Ordinance of Eagle Mountain City, Utah Amending and Enacting Certain Text Changes in Chapters 14, 15 and 18 of the Eagle Mountain Development Code. Brigham Morgan seconded the motion. Ayes: 3 – Greg Kehl, Mark Madsen, Linn Strouse; Nays: 2 – Brigham Morgan, Diane Jacob. Motion passed.*

12. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending and Re-enacting Provisions for Processing Development Applications to the City:**

Mayor Bailey recommended this item be tabled until developers can be contacted about paying higher fees or extending processing times for development applications.

Shawn Warnke explained the needs of the Planning Office and answered questions from the Council.

The Council discussed the responsibilities of both the City and the developer in the development application process.

MOTION: *Greg Kehl moved to table the Ordinance of Eagle Mountain City, Utah Amending and Re-enacting Provisions for Processing Development Applications to the City. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. Information regarding Hubble Homes Donation to Place Water Tender in Service for Sales Trailer Site:

Gerald Kinghorn advised that motion on this item would designate the donated funds to the Fire Department budget for use as indicated.

Chris Hillman stated that the funds benefit the City and provides fire protection for the Hubble sales trailer.

MOTION: *Brigham Morgan moved to allocate the \$5,000 donation from Hubble Homes to the Fire Department budget for expenditure on the water tender to supply the equipment and repairs necessary to put that into service. Greg Kehl seconded the motion. Ayes: 4 - Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused. Motion passed.*

14. Consideration and Approval of a Resolution Amending the Eagle Mountain Telecommunications Fee Schedule:

Mayor Bailey advised this amendment was for minor changes to the fee schedule.

MOTION: *Brigham Morgan moved to approve Resolution No. R 11-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

15. Consideration and Approval to Amend the FY 2004 Budget to include Additional Grant Funds in the Amount of \$1,000 for the Fire Department:

MOTION: *Greg Kehl moved to approve to Amend the FY 2004 Budget to include Additional Grant Funds in the amount of \$1,000 for the Fire Department. 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 to Amend the Eagle Mountain City Employee Handbook to include After-Hour and On Call Policies and Compensation Procedures:

Mark Sovine explained that this change to the Employee Handbook would apply to the Public Works Department specifically.

MOTION: *Greg Kehl moved to approve to amend the Eagle Mountain City Employee Handbook to include After-Hour and On-Call Policies and Compensation Procedures. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

17. Motion to approve Consent Agenda items as follows:

A. Contract Change Orders

- I. Landscaping Entrance Monument at the Ranches, 2003 (CO No. 1), American Civil Constructors
- II. Grant Smith Trailway SID 2000-1 (CO No. 1), H.E. Davis

- III. Grant Smith Trailway SID 2000-1 (CO No. 2), H.E. Davis
- IV. Pony Express Parkway Extension (CO No. 6), H.E. Davis
- B. Final Payments
 - I. Pony Express Parkway Extension (Final Payment), H.E. Davis
 - II. Porters Crossing & Golden Eagle Roadway Extension (Final Payment), H.E. Davis
- C. Partial Payments
 - I. Grant Smith Trailway SID 2000-1 (PP No. 1), H.E. Davis
 - II. Grant Smith Trailway SID 2000-1 (PP No. 2), H.E. Davis

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

Greg Kehl moved to adjourn the meeting at 9:00 PM. Mayor Bailey reopened the meeting at 9:00 PM to address Item 18.

18. Award of Bid for the project "Porters Crossing Landscaping":

Korey Walker discussed the bids for the Porters Crossing Landscaping project and recommended the bid be awarded to H. E. Davis.

MOTION: *Greg Kehl moved to approve H. E. Davis for the contract for \$58,728 for Porters Crossing Parkway Landscaping Irrigation. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. Any Actions from the Closed Executive Session:

Not applicable.

20. Adjournment

Greg Kehl moved to adjourn the meeting at 9:02 PM.

APPROVAL: _____

Mayor Kelvin E. Bailey

DATE: _____

This certifies that the minutes of
8/5/03 are a true, full and
correct copy as approved by the
City Council on 9/2/03

Signed: Deborah H. Whitney
DEPUTY City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

August 19, 2003

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

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

1. Consent Agenda
2. Discussion on Development Processing Fees
3. Discussion regarding the Eagle Mountain City General Plan
4. Update on the SITLA Development Agreement
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. 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, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse. Diane Jacob was excused.

City Staff:

City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Utah County Sheriff:	Deputy Greg Knapp
Fire Department:	Chief Robert DeKorver

Others Present: Kathryn Fife and the Winward family, representing the Muscular Dystrophy Association; Paul Bond, resident and former mayor; Jeff Love, resident and volunteer firefighter; residents Tracy Ulmer, Mark Lofgren, Vincent Liddiard, Janiece Sloan, Wendy Minks, Dan Valentine, David Blackburn, Jody Hooley, Cindy Jones, Doug Detel, and Michelle DeKorver.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Mayor Bailey.

3. **Approval of Minutes:**

None

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

Brigham Morgan announced that he had received several inquiries regarding participation with the Arts Council. He indicted he is in the processing of contacting those individuals to get them together to reorganize the Arts Council. He invited anyone who might be interested in participating on the Arts Council to contact him.

Mayor Bailey announced rules for use of City facilities for campaign purposes and stated that all candidates must be given adequate time, at least one week, to allow them to participate. The Council discussed timelines for noticing for meetings and proper use of City facilities.

Mark Madsen recommended that the City sponsor a "Meet the Candidates Night". This item will be scheduled for discussion on the next agenda.

Chris Hillman announced there would be a training meeting for all declared candidates on Wednesday, August 27, at the City Office at 7:00 PM to present basic information on how the City operates, how finances are handled, and how the local government is set up. He advised that department heads would be available to answer questions.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Presentation to Eagle Mountain City Fire Department by the Muscular Dystrophy Association:**

Kathryn Fife, representative of the Muscular Dystrophy Association, announced the presentation of an award of appreciation to the Eagle Mountain City firefighters for their efforts in last year's MDA fundraiser. She introduced the Winward family, who made the presentation. Mrs. Winward thanked the firefighters for their contribution of \$1,133.00 and presented a plaque to Mayor Bailey. The Mayor in turn presented the plaque to Fire Chief Robert DeKorver.

8. **Public Comment:**

Mark Lofgren, resident, asked the Council to consider allowing the City office building to be used for meetings organized by local citizens. He also stated he feels the City is not meeting the needs of the citizens by letting them know when items of importance are being presented in City meetings. He asked the Council to consider ways to better inform the community of important matters.

9. **Citizen Spotlight:**

Linn Strouse announced that Shelley Colton had been nominated as August Citizen of the Month but was not able to attend the meeting due to prior commitments. Janet Valentine was directed to see that the recognition certificate was delivered to Mrs. Colton.

10. **Consideration to Approve the Proposal to Rename the Park in Eagle Park to "Eagle Park Commons":**

Tracy Ulmer, resident of Eagle Park subdivision, explained the proposal to rename the Eagle Park park. She explained that local residents had been invited to suggest new names for the park. The Eagle Park Improvements Committee narrowed the suggested names down to six, and those names were voted on by subdivision residents. She advised that the winning name was Eagle Park Commons and asked the City Council to approve the name change.

Linn Strouse acknowledged the participation of the residents in Eagle Park in changing the name of the park.

MOTION: *Linn Strouse moved to approve renaming the Park in Eagle Park to Eagle Park Commons. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. **Presentation by Fire Chief Robert DeKorver:**

Fire Chief Robert DeKorver presented information on the Eagle Mountain City Fire Department regarding services now provided, challenges caused by rapid growth, and plans for the future. Chief DeKorver discussed the need for better fire protection coverage during the daytime hours, and he showed how the proposed tax increase would allow for two part-time positions for the fire department for daytime hours. He talked about the need for paramedic services which are now limited in the City because of licensing restrictions. He discussed the need for new equipment and mentioned ways to raise money for this equipment, such as fundraisers, grants, and the proposed tax increase.

12. **Presentation by Sheriff Deputy Greg Knapp:**

This item was discussed after Item 13.

Deputy Greg Knapp presented information regarding the crime rate in Eagle Mountain City, what types of crime the Sheriff's Office is dealing with in the City, how Eagle Mountain compares with other cities in Utah County, current City resources, what is needed for better law enforcement, and who can help.

13. **Crime Task Force Report, Bruce Champagne:**

This item was discussed before Item 12.

Mr. Champagne was unable to attend the meeting. Mayor Bailey read Mr. Champagne's report, which addressed the plans for crime prevention in the City. Attached to these Minutes is a copy of this report, which details the issues being addressed by the Eagle Mountain City Crime Task Force headed up by Officer Champagne.

14. **Public Hearing: (Truth in Taxation Hearing – to Raise the Eagle Mountain City Property Tax):**

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

Mayor Bailey opened the Public Hearing at 8:08 PM.

Finance Director Kent Parker explained the proposed tax increase of \$132,560, which would be earmarked 100 percent for public safety (fire department and sheriffs office). He presented information on the tax structure of the City, including revenues and expenditures, and answered questions from the public.

Chris Hillman explained how a grant procured through the services of Utah County Sheriff Sergeant Jo Murphy would provide for the services of a detective, which would mean that the contract with the Utah County Sheriff's Office would not show extra charges for detective services. He advised that the grant would cover expenditures for three years, at which time the City would need to pick up all expenses.

B. Receive Public Comment

Paul Bond, resident and former mayor: "I think Deputy Knapp had to leave. He says we are starting to lose ground. I want to say we were starting to lose ground in 2000. Jo Murphy and I had many conversations on that. We have been losing ground for a number of years now. I want to also validate the presentation. Everything I saw there seemed to be right on track. My numbers are a little off right now, I'm thinking about a year and a half ago, but everything they said I would validate. I also want to agree with Mr. Hillman when he says that the county is kind of changing the way they do things because they started talking about that when I was in office, so that's definitely true. Violence is increasing, that was brought up. I want to talk about that a little bit. When I took office some of our biggest problems were pretty much petty theft, petty vandalism, and that kind of thing. When I left office we were seeing a great increase in domestic violence, a lot of domestic violence. We also saw, my last week in office, and I'll never forget this because I laid awake in bed all night, literally, we had a S.W.A.T. team in one of the north neighborhoods. That was unheard of until that time, and I thought 'Why couldn't it have just have been next week and let somebody else worry about it.' But it really brought home to me how Eagle Mountain is changing and I want to emphasize that. I also want to compliment Chief DeKorver on his presentation. Chief DeKorver and I had many conversations about the gear, how inadequate it is; and how, when he sent people into a burning building, he would debate whether just to let the building burn to the ground or send people in, which caused me a great deal of distress. I say all that because I want you to understand that I am very much in favor of public safety. Public safety was a very high focus of mine. Chief DeKorver and I had conversations while I was running for office and we discussed the ambulance, we discussed gear, we discussed a lot of these things. I discussed it with Jo Murphy and what was needed. I was involved in the onset of Neighborhood Watch. I was very involved in that before I even had an idea of running for office. So, public safety is extremely important to me, and I guess I say all of this because I want you to understand that. My concern is the tax, how we're going to pay for it. I'm concerned because Mr. Parker said that all of this money goes to public safety. There's no way you can guarantee that forever. There's no way that can be guaranteed; there's no way. I have seen this body here reverse things that I did. There is no guarantee that in five, six months from now when the next three members are here, the things that you do won't be reversed because three members can reverse things. I'm concerned about that. I want to call to attention the City of Phoenix had a temporary sales tax installed of one percent. That was in the 1950's; they still have it; it has actually grown. In 1980 something, 1982 or '83, Maricopa County, which Phoenix is a part of, had a temporary sales tax of one-half percent to build freeways. The freeways have been planned and built. They still have the sales tax. No tax is temporary. I want to also remind this Council that there has been criticism directed to me by some of you, as well as residents, with regard to the debt. What you're proposing here is a debt. It's a debt we will never get rid of. It's a debt we will always have. I favor public safety, but I'm concerned about how we're paying for it."

Mark Lofgren, resident: "I'm not trying to be a trouble maker today, and I may not be a trouble maker per se. I agree, I think this is something we need to do. I have no problems with this at all. Public safety is one of the functions, in fact, the most important function the government should do in my opinion. However, logically speaking, if you look at the charts and everything, sales tax,

obviously we're not making anything on sales tax. So, as retail businesses come in and other types of business as well come in, sales tax will increase. So I would propose, not that that means anything, but I would propose that written into this would be some type of a trigger point and/or some type of a sunset clause that once sales tax gets to the point to where the property tax can be eliminated, it would be. That way, the burden goes away from us living here and it goes to the businesses where it really should be, in my opinion."

Vincent Liddiard, resident: "I recognize Mark's and Mayor Bond's comments and I think that they are well put, and I appreciate them spending some time. I think this is a great idea. I think it's a 'pay-me-know or pay-me-later'. I really don't see that you have an option. I don't want to put it in those terms; but I feel strongly that you have an opportunity to make a decision here that provides for the safety of your wives, your children. The presence that you have here currently is obviously underwhelming. You have an opportunity to do the right thing and you won't get the chance to do it again. Some of the things that were said by the good man from West Valley—if you had to do it again, you're not going to get the chance to do it again. I was talking to Jo Murphy on her cell phone today. I had introduced her to a gentleman who works for the Department of Domestic Awareness of the Department of Homeland Security. I spent a week in meetings with him last week in Park City; and as we talked about the training that we provide them, there are supplemental bills to provide even training through a whole consortium of which members receive \$30,000,000 each in federal resources to provide training to emergency responders, such as firefighters and policemen. They even now have a supplemental bill so that as members, even from rural communities like ours who attend those training opportunities, can receive supplemental federal dollars to back fill them to pay for the officers who have to back fill that time while they are gone to receive that training. If we want to tap into these kinds of programs, we have to take advantage of the ones that are offered to us now. I think it's a great opportunity for us. I think as far as receiving federal dollars, you are not going to see a continual tide of being able to receive monies like this in the future. There is an effort to push federal dollars down to the states. There is opportunity to receive more state dollars through the Department of Homeland Security. There are avenues to get that money, most of which are going to be tied to having the City incur some financial obligation to provide for its own. I suggest that we become more self-reliant and do this thing. I know this tax may not forever be here, it may forever be here. If my children have to pay this, then at least hopefully my children will be around to pay for it."

Janiece Sloan, resident: "I hadn't planned on making a comment. I want you to know that I do fully support this. I'm very concerned about public safety that is here. There are probably no guarantees that this will forever remain this way, but that's the responsibility. Our government consists of checks and balances; and as citizens, it's our responsibility to make sure that future councils adhere to it as much as possible instead of blaming everyone. And I think it's the responsibility of council members to find out, you know, council members are the voice of the people and they need to find out what the voice of the people is. I support it and I just hope that we have an active, involved community that will make sure it stays where it's supposed to be and that we can have a safe community for my children to grow up in."

Wendy Minks, resident: "Just something really quick about the point that's been made about future councils being able to reverse decisions. The thought just struck me that the possibility of people making bad decisions in the future should not stop us from making a decision at all today, from making the right decision now. The right decision made now for a couple of years or a year or whatever we have, is not a risk that we should avoid taking because of what someone may choose down the future. If we planned our life and we planned our City based on all of the negative 'what-ifs' that are out there, we'd all sit there cowering in fear waiting for someone else to do something. I think we have to do something. We can't just sit and say, 'Oh, but somebody might abuse this later.' We need to do what we can within the realms of the law today and deal with the future as it comes and stay involved, as others have mentioned. I think that it's imperative that we do something preventative rather than reactionary."

Jeff Love, resident and fire fighter: "I just want to bring up some of the benefits that I see with this. I don't know enough about taxes, I just pay what I'm told. So, I don't want to comment on where the money should come from. But, on the police side, I have the opportunity many times as a fire fighter to work hand-in-hand with the police department. There are many times when I respond on calls with them and I worry for my family because I hear over the radio that the nearest deputy is in Spanish Fork. How long is it going to take that deputy to get from Spanish Fork to my house if something is to happen? It makes me worry for my family's safety when I'm away. A couple of weeks ago, there was a *USA Today* article about the failures of the EMS system. One of the reasons that it listed as a failure was in response times. We saw earlier some of the average response times for our department. The way that they rated success or failure was on full arrests, how many people were saved. They said that the best way to save someone in full arrest is to get defibrillation to them within five to ten minutes. As we saw in the response times, we're getting barely out of our house and to station during that amount of time. More and more police officers are carrying defibrillation equipment with them and are being trained on it and they're already in their vehicles. By having the extra police, we have that opportunity for them to get there within that time frame to go and to help us out to do our job. I have had the opportunity in this town to be on three full arrests; unfortunately, two of them resulted in deaths and one we were able to save. I attribute that save to Deputy Knapp and, I believe it was Deputy Bingham, arriving and being able to get defibrillation on that patient within a matter of minutes. I think if we can just get more police officers to do that, we can go and help save the lives of many more of our citizens. On the fire side, I am the quartermaster for the Fire Department, which means I'm in charge of all the turnouts for the Fire Department. With that opportunity, I actually see what our equipment is like and, I'm sorry to say, most of it is not able to be serviced. Most of it can't be used. We have firefighters who don't feel safe with their own equipment that they spend their own money to go and purchase equipment that they can feel safe in. We've also got some fire fighters who aren't able to fit into the equipment and, therefore, have no equipment; meaning if there was to be a fire, they would have to sit outside and just watch or help us in some other capacity without being able to go in and help put out that fire. I think we need to do what we can to get this money to the police and to the Fire Department."

Dan Valentine, resident: "As far as tax increases go, I think this is a good one. Most of the people that I have talked to all feel the same way. If it is going to go to public safety, this is the best thing, especially out here. I have a couple of questions though, and I don't know if you guys can answer but please consider it and see if you can. First one is what's going to happen to the additional 10 to 20 percent funds that will be received next year and after that because of the 20 to 40 building permits per month."

Mayor Bailey: "It will go towards it."

Dan Valentine: "Okay, so there is a commitment to make sure that that increases. Second of all, I was rather disturbed at, I don't remember whose presentation it was that indicated that Saratoga had approved their new deputies under a stipulation that they cannot respond here."

Chris Hillman: "Just some clarification. I talked with the City Manager who wanted to reassure Eagle Mountain that they will help us out when need be, as we will do them as well."

Dan Valentine: "Okay."

Mayor Bailey: "But they did want to focus that their officers did focus more there rather than responding to our calls because Sergeant Murphy came back with a report that their officers right now are responding to three or our one calls."

Dan Valentine: "Maybe it's just my unlucky days, but at least twice when I've had to have people come up because of shooters up in Hidden Valley, they've been over doing work in Saratoga, and I thought that was rather odd."

David Blackburn, resident: "I just had one question. Having some EMS experience myself, I know the firemen, paramedics and EMT's hate to have that responsibility, but has the City considered dual training firemen to be police officers so their firemen are POST certified? That way, with one person we cover the responsibilities of additional law enforcement."

Mayor Bailey: "I don't know if anyone's talked about that. No one's brought it up to me before."

David Blackburn: "I know Davis County has their officers certified in that manner."

Mayor Bailey: "We can look at that. It's a good idea."

David Blackburn: "The officers hate that because they have to shoot them, then fix them. But that obviously covers and maybe reduces some of the taxes. I'm all for the tax because it benefits all of us; but that might be an option, I don't know if it's been discussed, to maybe condense the impact of the overall taxes. As a taxpayer, I obviously don't like to pay taxes. I don't think any of us want to. So, are there stipulations or plans that could be spelled out to say 'x' amount of houses, 'x' amount of impact fee that goes into those houses to support the next officer needed for that next population of 1,000 people."

Chris Hillman: "In terms of impact fees, impact fees need to be used only for capital facilities programs."

David Blackburn: "Okay, developing some sort of program for 'x' amount of houses, figuring 'x' amount of population and 'x' amount goes to fund the next officer so it's not put on everybody past or future."

Mark Madsen: "It's probably only realistic to think we can do that when we can tap into a commercial tax base. That's coming down the road. Some funds are specialized and can't be used for broad purposes."

David Blackburn: "If we could somehow plan as a City..."

Mayor Bailey: "We're looking to do that but until we have another resource to work with, that's kind of where we are."

Chris Hillman: "I know that Orem City has actually applied to combine into one public safety department. I think the complications of having a contract with the sheriff and convincing them to run into a burning building may get a little complicated; but we should look into it in the future."

Kent Parker: "Keep in mind that as growth occurs we will generate more property tax because of this increase, and also at the end of three years we've got to pick up 100 percent of the cost for all of these officers. So by doing that now, we start building a base so we'll have that money so that that fourth year we will be able to be a lot closer to being able to cover that continuous service."

Mayor Bailey: "Actually, we will have a way. I don't know how, but we will because we don't have an option at that point."

Chris Hillman: "In relation to these increases, and these are rough estimates, this first year the City will need to come up with about \$132,000 to \$134,000; next year the City would not only have to cover the \$134,000, we'd have to cover an additional \$90,000; the third year we have to come up with an additional \$140,000; then the year after that we have to come up with an additional \$102,000. We are hoping that with the growth in homes and the growth in sales tax and these other issues, we will be able to have enough natural increase to pay for those increases."

Jody Hooley, resident: "I realize that we are kind of in a Catch 22 situation. Nobody likes taxes any more than anybody else, but I know there's a way we have to pay for things. Having said that, I think we need to.... Residential tax increases, property and other taxes, I mean we need to find a way to—I never thought I'd say this—we need to find a way for more commercial taxes. Those who know me know that I never thought I'd say that. But what I'm worried about right now is I'm sure you've all received your county tax evaluation. Hugh! Some people went up \$100 to \$200, some people went up \$1,000. Now we're talking about adding another tax on top of that, and I'm worried about how much that's going to deter the businesses."

Mayor Bailey: "Actually, the tax proposal you received in the mail is showing what that total increase would be with the proposal."

Chris Hillman: "It represents about a five percent increase."

Jody Hooley: "Okay, my question is are commercial places going to say, 'Whoa, are my taxes going to go up that percent every year?'"

Mayor Bailey: "Right now, our property tax, even with this proposed rate, is still under the 50 percentile in the County of Utah."

Jody Hooley: "I'm just saying we're a long way from a lot of other places, and to entice those commercial things, you know, another tax increase—I don't know if that's the way to get them here. Taxes never go away. I know this has already been said, but taxes never go away and I don't know of anyplace that's been able to say we're going to tax this long for this thing and once it's paid for we're not going to have it because I've never seen it happen. Somebody mentioned impact fees. I know when I was in Lindon, they talked about a safety impact fee that people coming in would need to pay for the impact they make on that city; and that would be like an impact fee for the water, sewer, roads and all that kind of thing. I know we are in a Catch 22."

Cindy Jones, resident: "I'm a concerned citizen because I have noticed increases in utilities, increase of \$45.00 for your sewer. I don't understand. Things are not getting explained that I think should be explained. With this tax increase, I hope that this is where it's going to go because this would really benefit everybody and I agree totally for this. I'm concerned that other things are going to go up in progress, and I'm concerned that other things are going to get taxed and we're not getting the City that we were told we were supposed to get when we first moved here three years ago. It hasn't happened and we're going to have to move because we can't afford it; and yet, I can't sell my home. I can't get what I paid for it. The person down the street is selling for half what we paid for ours, two doors down. I really like this City and everything, but I'm just afraid that everything's going to get taxed more and more. We're starting to lose and the economy is going down and what are we going to do? I thought we were a community, I thought we were here to be together, but everyone wants to pull away. We've had six people just in our neighborhood try to sell their homes and move. That's my concern. If I'm a day late on my utilities, I'm charged \$25.00. A day late! I think you should consider something because usually you get a ten-day grace period. I'm two days late; I'm charged \$25.00. Where's that going? That's a lot of money. I think the utilities and everything is frustrating. I've had my meter changed twice now."

Mayor Bailey: "I'd like to recommend that you come in and speak with Chris and Kent. I think a lot of the questions you have have been explained before in different forms."

Cindy Jones: "I've had three different answers. I'm not getting any answers."

Mayor Bailey: "If you would like, I'd be happy to meet with you, but right now we can't take that time."

Cindy Jones: "No, I understand, I got off on that. I was just trying to say I hope everything else doesn't go up in the progress that I've noticed since I've been here three years."

Mayor Bailey: "If you'll give me a call, we set up a time to sit down and make sure you get a straight answer, whatever it is."

Doug Detel, resident: "The impression that I get from what's been said is that everybody's confident, and correct me if I'm wrong, that in the next several years through the growth and due to commercial establishments coming in and building our sales tax base, that it will eventually eliminate the need for this additional tax. Right?"

Mayor Bailey: "That's what everyone would like to see."

Doug Detel: "Okay. Now is everybody confident that that's going to be the case?"

Mayor Bailey: "What the future of this City is is anybody's guess. We'd like to believe that, and I don't think there is anyone on the Council that wanted to raise taxes. I don't remember anybody telling me they wanted to. As a matter of fact, everyone was adamant they didn't want to, but we saw that we needed to. They also wanted to be able to repeal this tax as quickly as we possibly could. I have no one saying they wanted to do otherwise. I can assure you that no one on the Council, and they can correct me if I'm wrong, wants to do this other than the need for public safety is greater than our need to want to lower taxes right now."

Doug Detel: "I understand that. The impression that I received was that people were 90 percent sure that within a couple of years the growth of the town and the building of our commercial tax base would more than cover whatever this would take. So, what I'm saying is if that's the way everybody feels, and that's the impression that I'm getting, then why not write into this a sunset clause. Our income tax, which to some people now is over 50 percent of their earnings, started out back in war time at two percent and was voluntary."

Mark Madsen: "If I could just respond. A lot of the comments that we have had tonight are echoing the discussion that we had when this first came before the Council—isn't there some way that we can force the future people who sit in these chairs to spend the money where we want it spent. And the answer is just simply 'no.'" We have to rely on the people who come here to reflect the will of the people and to put it in the right place. There is essentially a natural sunset because we pass this rate every year. The property tax rate is reestablished and passed by ordinance every year. So every year the Council has the opportunity to, for better or for worse, to increase it or decrease it."

Doug Detel: "However, I don't think that the will of the people as far as the sunset clause in this will ever change."

Gerald Kinghorn: "This does sunset every year. The other thing that happens because of the way the Tax Commission operates the tax system, the tax rate is going to slowly, slowly, slowly decline because we're not allowed to maintain a tax rate that generates an exorbitant amount of money from natural growth. In other words, they're going to take into consideration natural growth up here, and there is a limit. What happens in these situations is you will start to see this tax rate, the allowable tax rate without going through a public hearing, will start to decline. Every year the City Council has to set a budget. They do a budget plan; they do a spending plan. There are public hearings for it. That's when the projected tax rate is established. Later on in the year if they're going to raise it above the allowable tax rate, they have to have a truth and taxation hearing like this one. This thing will sunset. The certification of tax rate sunsets every year. It can't continue without reenacting in a hearing each year."

Michelle DeKorver, resident: "I'm actually against a sunset. I am married to a full-time career firefighter; and because of that, I kind of understand how the fire department and public safety works. Those citizens who believe that there will be an end to the fire department's needs, it just doesn't make any sense. As the population goes up, the fire department's needs will go up. You'll have to go from one or two full-time firefighters or even part-time paid, which we're talking about now, to one or two full-time. Then you'll have to go to a full full-time fire department. When we get to the size of Sandy City, you're talking 30 firefighters per shift, three shifts, plus the administration, and you're talking five fire stations instead of one or two, and not just half fire stations with just bays, but we're talking offices, and kitchens, and sleeping quarters. If you see what I'm saying, as the population grows, I know the fire department needs will increase dramatically as well in order to keep our citizens safe. I'm sure it's going to be the same with the police."

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:00 PM

Mayor Bailey thanked the citizens for their comments and interest and reminded them that their comments are considered by Council.

14. Consideration and Approval of a Resolution Setting Property Tax Rate in Eagle Mountain for Fiscal Year July 1, 2003 to June 30, 2004:

Greg Kehl echoed the statement of Michelle DeKorver and stated that the residents should be responsible for paying for the public safety. He stated that a percentage of the property tax should be earmarked for the purpose of public safety, as it is intended, so that residents can remind future councils of the original intent of the increase.

Mark Madsen stated that the Council has gone as far as possible to express their will that this tax would be used specifically for public safety. He advised, however, that this Council could not determine the actions of future councils.

Brigham Morgan expressed his concern with the amount of funds the City will be responsible for in meeting the increased costs for the proposed increase in sheriff's officers in the future. He stated the Council should address now how to meet these increased expenses.

Mark Madsen stated the Council should make decisions that will foster growth in the City in order to meet the public safety needs. He stated he feels that public safety should take priority over any other needs of the City.

MOTION: *Mark Madsen moved to approve Resolution No. R 12-2003, a Resolution Approving and Adopting the Property Tax Rate for Fiscal Year 2003-2004 for Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. Public Hearing: (To Amend the Eagle Mountain City Impact Fee Ordinance):

A. Open Public Hearing (*Immediately Following the Truth and Taxation Hearing*)

Gerald Kinghorn explained that this amendment to the impact fee ordinance would move the payment of certain impact fees for electrical, sewer, and water in the South Service Area to the time of plat recordation. He answered questions from the Council.

Korey Walker explained that it has become critical to move the future facility portion of the impact fee to collection at recordation. He also noted that there is one portion of the fee on the sewer that

is an equity buy in that is collected to insure payment of the bond fee that should also be collected at recordation. He explained his recommendation that the North Service Area water fees also be collected at recordation.

Mayor Bailey opened the Public Hearing at 9:15 PM

B. Receive Public Comment

Harlow Clark, reporter for the New Utah, asked when plat recordation takes place.

Doug Detel, resident, expressed his concern about poorly controlled growth in the City. He stated he feels growth that causes devaluation to properties is not wise, such as when small tract homes are allowed to be built next to larger custom homes. He stated the Council should be concerned about the way growth is happening in the City. The Mayor asked Mr. Detel to meet individually with each member of the Council regarding his concerns.

Harry Bakken, resident, asked for clarification of the areas that would be affected by this ordinance. He was advised by Mr. Kinghorn that both the South and North Service Areas would be affected.

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:19 PM

17. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending Ordinance No. O 18-2002, Enacting Time Requirements for the Payment of Certain Impact Fees and Re-enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities:**

MOTION: *Greg Kehl moved to approve Ordinance No. O 16 -2003, an Ordinance of Eagle Mountain City, Utah, Amending Ordinance O 18-2002, Enacting Time Requirements for the Payment of Certain Impact Fees and Re-enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities, including the North Service Area for water only at plat recordation. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

18. **Consideration and Approval of a Master Development Agreement with Utah State Institutional and Trust Lands Administration:**

Mayor Bailey was excused at 9:35 PM.

Gerald Kinghorn explained the development agreement with SITLA, for which the land use element was previously approved by the Council. He explained that SITLA commits to invest in Sweetwater Road and dedicate significant lands to the City for parks, a civic center, and Pony Express Trail Park, and to participate with the City in the dedication of other roads that will provide a road network between the South Area and the North Area. He explained the agreement to the Council.

MOTION: *Mark Madsen moved to approve the Master Development Agreement between Eagle Mountain City, Utah and the Utah State Institutional and Trust Lands Administration, with the following changes: 1) with the revision of the Pony Express Trail Park from 52 to 42 acres; 2) clarify the refund of unspent construction funds to TLA after Sweetwater Road is finished; 3) add the requirement of an improvement cost to be planned for improving Pony Express Trail Park; 4) clarify the Airport Road right-of-way impact fee credits or transportation credits; 5) clarify a correction in the Staff Report that the width of the Pony Express Neighborhood Buffer Park is proposed to be 200 feet instead of 300 feet; and 6) the green space open space minimum in the Mid-*

Valley Regional Park be changed from 60 to 70 percent. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

The Mayor returned to the meeting at 9:40 PM.

19. Consideration For Adoption Of A Resolution Declaring The Intention Of The City Council Of Eagle Mountain City, Utah County, Utah, To Construct Improvements Within The 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 The Eagle Mountain City Special Improvement District, No. 2003-1 (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 Refund And Retire The City's Outstanding Special Assessment Bonds, Series 1997 And Special Assessment Bonds, Series 1998 (The "Prior Assessment Bonds") By Including The Assessments Levied With Respect To Said Prior Assessment Bonds Within The Assessments Proposed To Be Levied With Respect To The District; To Provide Notice Of Intention To Authorize Such Improvements, To Refund The City's Prior Assessment Bonds And To Fix A Time And Place For Protests Against Such Improvements, The Refunding Of The Prior Assessment Bonds 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; To Amend And Restate The Notice Of Intention And Creation Resolution Adopted By The City With Respect To The Creation Of Eagle Mountain City Special Improvement District No. 2002-1; And Related Matters:

Gerald Kinghorn stated that approval of this resolution would allow for announcement in the newspaper of a protest hearing on September 23 at 6:00 PM.

MOTION: *Brigham Morgan moved to approve Resolution No. R 13-2003, a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah, to Construct Improvements within the 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 the Eagle Mountain City Special Improvement District No. 2003-1 (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 Refund and Retire the City's Outstanding Special Assessment Bonds, Series 1997, and Special Assessment Bonds, Series 1998 (the "Prior Assessment Bonds") by including the Assessments Levied with Respect to Said Prior Assessment Bonds within the Assessments Proposed to be Levied with Respect to the District; to Provide Notice of Intention to Authorize Such Improvements, to Refund the City's Prior Assessment Bonds and to Fix a Time and Place for Protests against Such Improvements, the Refunding of the Prior Assessment Bonds 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; to Amend and Restate the Notice of Intention and Creation Resolution Adopted by the City with Respect to the Creation of Eagle Mountain City Special Improvement District No. 2002-1; and Related Matters. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

20. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending and Re-enacting Provisions for Processing Development Applications to the City:

This item was tabled.

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

- A. Jacob's Well, Plat A This item was tabled.
- B. Jacob's Well, Plat B. This item was tabled.
- C. North Smith Ranch Church Plat

MOTION: *Morgan Madsen moved to approve the Development Agreement for North Smith Ranch Church Plat. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

22. Consideration and Approval of a Resolution Amending the Eagle Mountain City Telecommunications Fee Schedule:

MOTION: *Brigham Morgan moved to approve Resolution No. R 14-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

23. Motion to approve Consent Agenda items as follows:

- A. Check Register for July 2003
- B. Partial Payment
 - i. Landscaping Entrance Monument (PP No. 1), American Civil Constructors, Inc.

MOTION: *Greg Kehl moved to approve the consent Agenda. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

No Closed Executive Session was called.

25. Motion to close the Closed Executive Session and reconvene in to Open Session:

Not applicable.

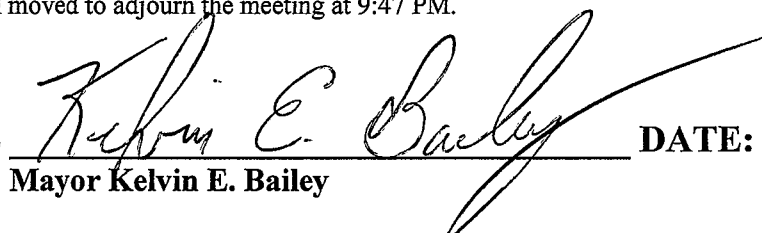
26. Any Actions from the Closed Executive Session:

None

27. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:47 PM.

APPROVAL

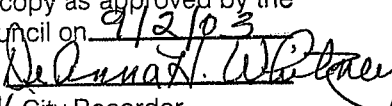


Mayor Kelvin E. Bailey

DATE:

9-2-03

This certifies that the minutes of
8/19/03 are a true, full and
correct copy as approved by the
City Council on 9/2/03

Signed: 
DEPUTY City Recorder

Item 16:

Doug Detel: “There was one phrase I just heard a couple of minutes ago and that was how the key to answering or addressing a lot of the problems that we have, I shouldn’t call them problems, I guess, they’re just issues of the reality of the growth of a new town, is growth, growth, growth, growth, growth, growth. And the question that I have is growth at what expense. My property tax evaluation that I received in the mail a year ago appraised my home at \$190-something. This year it was \$50,000 less. So, growth is wonderful; but if we’re going to grow by changing the original plans of the town to the point or to the effect that it devalues our properties, and basically has two effects on us-- it either shackles us to stay here if we can’t afford to take a \$50,000 loss in selling our home or it costs us \$50,000 in loss in selling your home. That’s just a real concern that I have. Now, I realize that there is other factors involved in property devaluation—the economy, etc., etc.; but looking at what interest rates are and the way the economy is right now, there’s only one thing that I can see that would devalue my home that greatly within one or two years’ period and that’s the fact that right next door somebody can buy a tract home, that used to be illegal to do in my neighborhood, and buy it for \$80,000 or \$90,000. Now, at the risk of sounding like somebody who is blaming the town or trying to put the responsibility for my financial welfare upon their shoulders, I hope that’s not the impression I’m giving; but the effect of growing at the rate that we’re growing, the way we’re growing, the way we’re going about it, has a real effect on real people. I hope that the Council really seriously considers that, because what’s the difference, really, if my house devalues \$50,000 or if you increase my taxes \$50,000, there’s no difference in my bottom line, there really isn’t. I’m all for growth and I believe that will come. I believe that will take longer than any of us want because I think of the old cliché of business, ‘Location, location, location.’ We’re just not in an ideal location, and many of us like that. Many of us like to see the stars at night; and I don’t know what the answer is, honestly. It may be partially increasing our property taxes, and I’d be happy to do that; but to do that and on top of that still have my investment devalued at that rate, based not on what’s happening in the country and things that we don’t have control of, but based on decisions that we do have control over, I can’t help but be concerned about that and I just hope that you are too.”

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
September 2, 2003
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

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

1. Consent Agenda
2. Discussion on Development Processing Fees
3. Discussion regarding the Eagle Mountain City General Plan
4. Discussion on Acquisition of City-owned Property
5. Discussion on Amending the Eagle Mountain City Employee Handbook
6. Items as Outlined on the Policy Session
7. Adjourn Work Session at 6:30 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 7:00 PM.

1. Roll Call:

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

City Staff:

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

Others Present: Vincent Liddiard, resident; Nate Shipp, Development Associates; Monte Kingston, Ames Construction.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Shawn Warnke.

3. **Approval of Minutes (August 5, 2003 & August 19, 2003):**

MOTION: *Diane Jacob moved to approve the Minutes of August 5, 2003. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to approve the Minutes of August 19, 2003. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob abstained because she was not present at the August 19 meeting.*

4. **Appointments:**

A. Election Judges

Mayor Bailey recommended appointment of the following residents as election judges for 2003: Precinct EM01 – Mary Steinkopf - Head Judge, Candace Bateman, Merlin Ballard, Media Burton - Alternate; Precinct EM02 – Eutona Dixon - Head Judge, Leland Dixon, Barbara Wren, Carol Boyd - Alternate; Precinct EM03 – Jaime Condie - Head Judge, Claudia Faught, Laura O’Conner, Karen (Lee) Harmer - Alternate.

MOTION: *Greg Kehl moved to appoint the recommended individuals to the position of election judge for the 2003 elections. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

5. **Public Notices:**

None

6. **Public Comment:**

None

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

Brigham Morgan referred to information he recently read in a newspaper stating that the Mayor was actively engaged in selling the gas and electric utilities. Mr. Morgan indicated he did not recall the Council expressing interest in selling both of these utilities. Mayor Bailey stated he did not remember such a conversation but advised there is currently no serious activity to sell either utility.

Mayor Bailey: “I wanted to mention, we had a couple of meetings back, we had some news releases that put some erroneous information and we corrected that information at this meeting so that people would be aware of the correct information. We’ve had some recent articles again with erroneous information, and I just wanted to make it for public notice so that they are aware of that correct information so that there is no confusion or misconceptions as to what the actual facts are. What I was going to do was read [a statement]. In our last two meetings on the 5th and the 19th, we had individuals that came in that asked specific questions about issues dealing with utilities and municipal use tax that the utilities have on the gas, electric, and water and telecom; and they were given some answers for it. And let me read the comments that were made. I don’t see Mark here; Mark Lofgren was the one that asked the questions.” Mayor Bailey then read comments made by Mr. Lofgren during the August 5th and August 19th meetings.

Mayor Bailey: “Those were comments that he made in this meeting and questions he asked, and we thought he clearly understood. So, we would like to make it clear again, because in an article that he contacted Deseret News on, he was mentioned saying there, as well as on KSL Radio, and I’ll just read you the part here where Mark is speaking, ‘Mark Lofgren who lives in the upstart Utah County city is uneasy about the

increases. They're raising taxes all over the place and then City officials sit and claim they have a balanced budget, said Mark Lofgren. What's with that? The increases will push his bills up around \$8.00 per utility and there are four of them, Lofgren said. The property tax increase puts it up another \$14.00 per month. The problem with this is not that he wasn't stating that there was a utility tax implemented, there was, but his facts are incorrect. It says \$8.00 per utility. He clearly was instructed that three percent per utility or three percent on those utilities, which amounts to if you average a utility bill for an average home here in Eagle Mountain is about \$207.00 a month. And at three percent, he's only looking at roughly a six percent and that was including the water into it, I mean the sewer into it, which we are not taxing. So, he wasn't looking at as much money as he was saying, because here he's saying \$8.00 per utility--that would have been \$32.00 on four utilities. That's not correct; we just want everyone to understand it's three percent on the total utility, excluding the sewer. The other thing he mentioned here, he says property tax increase costs him another \$14.00 a month. The \$14.00 per month was very inaccurate also. If you look on the County records, what his property was appraised for, his property tax would only be about \$4.00 to \$5.00 a month is what it would amount to instead of the \$14.00. So his numbers were quite a bit different than what the actual facts were."

Brigham Morgan: "Was that \$4.00 for the City?"

Mayor Bailey: "Yes. So, if he was including something different, I don't know. But he said the property tax increase was \$14.00 a month. Maybe he was referring to something else."

Brigham Morgan: "He may be referring to the total, because I know the total tax increase with the school board and everything else is close to \$12.00 or \$13.00 per month."

Mayor Bailey: "And that may be with the school board, but we have no control over that, and that was part of the comment. And that's not the way he stated it either. We're just trying to correct the facts. I don't know what he meant because he's not here to answer that. I'm just simply here to correct the facts so that no one misunderstands what the fact is. There was also a KSL Radio report, Mark had that on radio, and we'll just go over that one real quick."

Mark Madsen: "Well, I'll read that. Mark Lofgren again stood up during comment during last Council meeting and said one thing and then a different thing came out on the radio. Just to clarify again for the folks since there's been inconsistency." Mr. Madsen read Mr. Lofgren's entire statement regarding property tax increase from last Council meeting.

Mark Madsen: "Three days later, despite his comments before the Council supporting it—we had virtually unanimous support for the property tax increase. We would have entertained negative comments if somebody would have come to us and said I don't support it for whatever reason, or it's too much, or you've gone too far; but we took him at his word and then he was on the radio three days later saying something completely different."

Greg Kehl: "I'm not sure what this has to do with anything."

Brigham Morgan: "I'm curious as to why we're doing this."

Greg Kehl: "I mean, let's bring up the *Interactive* and bring up every article that's ever been written for the last five years and let's correct it."

Mark Madsen: "Well, this is a matter of somebody coming to the Council and representing one thing to us."

Greg Kehl: "If he wants to say those things to the press, that's his business. He's not a representative of the City."

Mark Madsen: "But he's misrepresented. This is starting to be a pattern of people coming to the Council and giving false..."

Greg Kehl: "We're out of line here."

Brigham Morgan: "I agree."

Mark Madsen: "I can't disagree more. But I'm going to just mention one other thing because somebody came in front of this body and told us something last time we had a Council meeting..."

Greg Kehl: "We don't even want to go there, Mark."

Mark Madsen: "I do."

Greg Kehl: "Are you sure?"

Mark Madsen: "Yeh, because this is important."

Greg Kehl: "You want to bring up all the past history of this Council and everyone who sits on this Council? I'd just leave it shut."

Mark Madsen: "If somebody came to this Council and made a comment that could give us concern as we're looking at SID's in the town center; somebody came to this Council and said that my property tax valuation I received in the mail a year ago appraised my home at \$190-something, this year it was \$50,000 less. We're looking at passing an SID, we're considering the valuation of land in this City; if we have property values dropping to that extent, it is of a concern to this Council."

Mark Madsen then read a statement from a resident discussing property devaluation. He then stated: "What happened with this particular individual is that the year he built his house, that was back in 2001, it was appraised at \$189,000. According to the Utah County, he went in to the Board of Equalization and protested and got \$50,000 knocked off, and that lower property value has been maintained for the last three years. So, the property value is not dropping. We were told something different, some people stood up and made major misrepresentation to Council. That's my concern. I don't think it's appropriate for people to come and feed us that information and then for us to take that at face value and make decisions based on it. And that's why it's important during this period of time for public comment that this gets out in Council. I think the public should not enlist the Council up here and make false statements to the Council."

Mayor Bailey: "Okay."

Greg Kehl: "Before we move on, are we going to do this every single Council meeting?"

Mayor Bailey: "No."

Greg Kehl: "We could go over corrections in everybody's statements for the last three or four meetings, and it just seems like it's just not our—what does that have to do with us? A guy can stand up there and say whatever he wants to say, and he can go talk to the press, and that's not our responsibility to take...."

Mayor Bailey: "It's not our responsibility to stop it, but it is our responsibility to make sure people are not confused in the information. "

Greg Kehl: "I'm not sticking up for the gentleman who's up there doing it, he's misrepresenting. I just don't see what it has to do with the Council."

Brigham Morgan: "(Unintelligible on tape) for the last three weeks, why are we suddenly....."

Mayor Bailey: "I actually did corrections the last three weeks."

Brigham Morgan: "I said over the last several weeks."

Mark Madsen: "Because somebody goes out and chases down media outlets and feeds them that information about the City."

Brigham Morgan: "So."

Greg Kehl: "Holy smokes. I could bring you four years of past history of people who are on the Mayor's council that has given out bad information."

Mark Madsen: "Given out bad information to the media?"

Greg Kehl: "Yeh. One of the reasons we don't have natural gas right now is because of one of those people. I mean, believe me, this is a can of worms that needs to just stay closed."

Linn Strouse: "I would like to make a comment. I think this is a serious issue to be considered every time somebody feeds, whether intentionally or not, false information to the outside media. It gives our town a black eye, it hurts our economic development, it hurts our image, it hurts our public relations. I work outside of this City and I know people all over half this state; and it's what's going on out there. I'm hearing another story again, and it just makes me sick to my stomach to see the misrepresentation of facts. Granted, people have a right to free speech, but at what point does it become a Council concern when they're damaging our City by continual misrepresentation. I think we need to weigh it carefully because free speech is a cornerstone of our democracy, but we also need to weigh--we have to act as responsible people on the Council, respond to those inaccuracies. I don't know if we necessarily need to be naming names, but we certainly do need to correct bad information. That's our responsibility."

Diane Jacob: "And so basically you're opening the door for anybody on the Council that reads anything that they don't agree with to now say, 'Well, I don't think this is right?' (the remainder of the statement could not be understood on the tape)"

Mayor Bailey: "All I'm saying is the facts. I'm not--this guy has an opinion, that guy has an opinion. They can have their opinions."

Linn Strouse: "It hurts every resident of Eagle Mountain when people do that. It is our responsibility to correct the information. We have, I think I was talking, [other members of the Council were speaking but it was unintelligible on the tape] Chris Hillman, our City Administrator, brought up several weeks ago that especially people on the Council and especially people that have been on the Council should know there is a certain channel. If they want accurate information about our finances, we have an expert financial advisor here. We have a City Manager that's expert. Why aren't these people being questioned or why aren't the people that are bringing this up, why don't they refer them to people that have the accurate information. That's our responsibility to do that. Then people can make a decision based on both sides."

Mayor Bailey: "Okay, let's go to Item 8. Let's get off this one because I don't want to make it a can of worms. I was just simply trying to correct some of the facts."

8. Presentation to Sergeant Jo Murphy and Deputy Gregg Knapp:

Vincent Liddiard presented letters to Sergeant Jo Murphy and Deputy Greg Knapp thanking them for their participation in the recently conducted advanced chemical and biological response force training. He explained the training they received and expressed his appreciation for their participation.

9. **Development Agreement including CC&R's Approvals:**

- A. Jacob's Well, Plat A, Point Asset Management, Inc.

Gerald Kinghorn explained the special features in the Development Agreements and recommended approval.

Diane Jacob stated she might have a possible conflict of interest because her husband may have sold water rights to the developer.

MOTION: *Mark Madsen moved to approve Jacob's Well, Plat A Development Agreement between Eagle Mountain City and Point Asset Management, Inc. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed*

- B. Jacob's Well, Plat B, Point Asset Management, Inc.

MOTION: *Mark Madsen moved to approve the Development Agreement between Eagle Mountain City and Point Asset Management for Jacob's Well, Plat B. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. **Final Plat Approvals including Approval of the Development Agreement and CC&R's:**

- A. Silver Lake, Plat One-A, Development Associates
B. Silver Lake, Plat One-B and C, Development Associates
C. Silver Lake, Plat Two-A, Development Associates
D. Silver Lake, Plat Three, Development Associates
E. Silver Lake, Park Plat Four-A, Development Associates
F. Silver Lake, Plat Four-B, Development Associates

Gerald Kinghorn advised that the Development Agreement for Silver Lake, Plat One-B had been left off the agenda and recommended the Council entertain a motion to add this plat to the agenda.

MOTION: *Greg Kehl moved to add Silver Lake, Plat One-B to the agenda. Mark Madsen seconded the motion. Ayes: Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob abstained. Motion passed.*

Diane Jacob recused herself from this portion of the meeting.

Shawn Warnke explained the land areas covered by the Silver Lake development. He stated this was the first phase, which represents approximately one third of the entire development. He explained the amenities agreed to by the developer.

Developer Nate Shipp provided phasing plans and stated this would be an HOA development managed by a national company.

Chris Hillman stated the City would propose that the open spaces be maintained according to the requirements shown in the Ranches HOA guidelines.

MOTION: *Greg Kehl moved to approve Silver Lake Plats One-A, One-C, Two-A, One-B, Plat Three, Park Plat Four-A and Plat Four-B and the Development Agreements between Eagle Mountain City and Development Associates. . Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Diane Jacob returned to the meeting.

11. Discussion regarding Colonial Park Subdivision:

This item was tabled.

12. Acquisition of City-Owned Property – the Anthem at the Ranches:

Shawn Warnke explained the separate actions required in this approval. He stated that the developer was proposing the increase in the parcel width for the benefit of the homeowners by acquiring a six-foot wide piece of City-owned property. He advised that the Planning Commission had reviewed the request and recommended approval.

Mark Sovine, Public Works Director, and Monte Kingston, developer, discussed the options regarding access to the three utility transformers located on this six-foot wide property and property values. They answered questions from the Council.

MOTION: *Mark Madsen moved to entertain the request to dispose of a six-foot strip (12,374.43 square feet) of The Ranches Parkway Pony Express Parkway Road Dedication Plat. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to classify a six-foot strip (12,374.43 square feet) of The Ranches Parkway Pony Express Parkway Road Dedication Plat as "insignificant," as required by Ordinance No. O 11-2003 for the purpose of disposing of property owned by the City, based upon the following findings of facts: 1) the strip is an isolated parcel because of the original right-of-way width of The Ranches Parkway and was not received originally as view-shed, required buffer, or required open space; 2) the City has no plans for improving the parcel; 3) the parcel is not defined as having cultural or ecological significance; and 4) the disposal of the land would not cause a violation of the standards in the Development Code by surrounding or adjacent lands. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Mark Madsen moved to dispose of a six-foot strip (12,374.43 square feet) of City-owned property deeded to the City as part of The Ranches Parkway Pony Express Parkway Road Dedication Plat subject to the following conditions: 1) that the land is subject to the SID as developable property and that these assessments are paid; 2) that the addition of the six-foot strip to Lots 1-16 would increase the water rights from 45.94 acre feet to 46.24 acre feet; and 3) that a satisfactory arrangement be made for access by the Public Works Department to all public utility above-ground structures that lie in the public utility easement that runs parallel to the six-foot strip. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. **Revised Final Plat Approval for the Anthem at the Ranches, Phase 1:**

MOTION: *Mark Madsen moved to approve the Revised Final Plat for the Anthem at The Ranches. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

14. **Discussion on Amending Ordinance on Conflict of Interest:**

Gerald Kinghorn referred to the original conflict of interest ordinance approved by the City and discussed the difference between the State Statute and the City Ordinance. He stated questions had arisen regarding more remote conflicts than those shown in the ordinance, and he recommended there be a discussion among Council members regarding this issue.

The discussion by the Council ensued as follows:

Mayor Bailey: "I had an example I was going to mention. I talked to Greg about this one earlier. I think there are situations, at times, that possibly either now or in the future that a Council person may have particular skills or a business or other interests that could benefit the City where they could possibly bid for a project; and I had told Greg some time ago, when we had some problems with our well that we were looking at, afterwards that we need to have some work done involving cathardic protection. In that particular case there's not very many companies, there are only three or four companies in the state of Utah or in this general area that would even be able to service us in that respect. Conflict of interest may exist or someone may perceive a conflict of interest if he were to even bid on the job just because he's on the Council. I understand that that may be a perception and maybe there can be some verbiage changed so that wouldn't be a problem; because if bids were submitted, and all sealed bids, and he doesn't have access to those bids to see them, then I don't know that it's a conflict of interest. I would support Greg in doing work for the City because it would actually benefit us if his bid was equal to or less than one of the other competitors out there. I know his company would do a better service than I would possibly get from one of the other companies. So, I would hate to preclude someone that has that expertise or an ability to do something for the City and lose that ability just because they happen to serve. They don't get paid for serving on this Council anyway, or a miniscule amount anyway. I don't know if there's some verbiage that we could put in there that would allow that and make it quite clear there's not a conflict of interest or preclude any possible conflict of interest."

Gerald Kinghorn: "It would be a conflict of interest. There is no way we can avoid that. What would be required is a disclosure. We have so many situations in this state where we have small communities and we have elected officials who perform services for municipalities and special districts that the legislature has to find a way to accommodate what happens here. So, that is why the disclosure rules are set up. What you want to do if you're contracting with an entity on your own governing board, you have to make a disclosure, you have to remove yourself from the selection process, and you have to basically to let the public know what's going on. And the thought is that some of the bad things that could happen in a conflict of interest are ameliorated if there is transactions fully So, you could do it. It could be in compliance with law, even though there is technically a conflict with the business arrangements."

Mayor Bailey: "Okay, because I don't want to put anyone in an awkward situation on this. If there's not a way to do it without possibly impugning one's character because he did work; it's just like I work as a consultant for developers and I have actually turned down work for developers within the City of Eagle Mountain, which actually hurts my business by doing it. I don't know any way to work that to where I could still do that, so I just choose not to. But, it's kind of disappointing that we don't have a way for people to be able to work within their own community and still serve in a fashion that no one questions their integrity because of it. If we can't do it, we can't do it. I'm just trying to look for some ways to do it. That's why I wanted to bring it to Council so that----because there's ways to make this thing work. But at the same time, I want to be sure that no one's integrity is in question; and if we need to change the

ordinance to where it protects that person from any accusations, then that's what I'd like to see happen. So, that's kind of what this is all about."

Gerald Kinghorn: "Last March when I wrote this letter, one of the recommendations I made was that we define personal interests or investments in such a way that it applies a little more broadly. I'm just looking through the letter; there were some recommendations I made about clarifying the ordinance to be a little more specific about when disclosures are required and the references to state law in here."

Greg Kehl: "I think I find one of the hardest things to do is the fact that regardless, I mean they brought me up as an example only because my company, I didn't bring this on the agenda, but there's been a lot of times when my company could have come out and done a service call for these guys like this (snap of the fingers) instead of turning around and bringing somebody else out, you know from Montana, and may even save the City thousands upon thousands of dollars in mobilization and demobilization. And I have not done or gone after any of the work in the City just because of the fact that I sit on this Council. And regardless, even if mine was the lowest bid, it's going to always look fishy. It's always going to look like, 'Wait a minute, something's not right here that a Council member ends up getting the work.'"

Gerald Kinghorn: "That's particularly true if somebody else was disqualified or"

Greg Kehl: "If I came in second and the guy was disqualified because he couldn't put in a performance bond, or something like that, it automatically, you small stink."

Mark Madsen: "Well, I respect that, Greg, and I know that to avoid that appearance and to make sure that process maintains its integrity, you have to make sacrifices and it may end up costing the City some money. I salute Kelvin for turning down work that would put himself in the same situation. I mean, and I'm the one that asked to have this put on the agenda because about a month after we got this letter from Mr. Kinghorn I had done some research and looked at some other states and noticed that Utah is a little bit out of whack with some of the other states on the conflict of interest, and I don't want to go through the history of that, but I don't want to say that it requires less integrity but it's just a lot more liberal in allowing things that would otherwise in other states be considered a conflict of interest. The scenario that I would most like to avoid is the hypothetical where you've got Mr. Albertson, who sits on the Council and he's got a store in town. And then Mr. Macys comes before the Council and says, 'I want to set up my grocery store in town,' and Mr. Albertson up there says, 'Well, maybe we can let you do that; of course, you have to have a gold-plated roof and have to do all these other things that puts his competition at a disadvantage. And I think that is the sort of thing that concerned me and that's a hole a mile wide that you could drive a truck through that I saw both in the Utah and in our City ordinance; and it's, unfortunately not that it's a bad thing, but it is the reality we live in that is this town is all about development and we have in the history of the City, and now we have folks with an interest in development that would be affected by the way their competition or potential competition is treated. And so we've got Mr. Albertson sitting up here, and the thing is Mr. Albertson may be a straight-up, good-hearted guy, but every time he weighs in on something when Mr. Smiths, or Mr. Macys, or Mr. Fred Meyer comes in here and wants to compete, anything that Mr. Albertson says is going to be tainted. And so, that's what my concern is for the integrity of the whole process to say if you're sitting up here and you're in business, and believe me we need people who are in the development business in the City, they're our life blood, but if you're in the development business and you're sitting up here on the Council seat and another project comes in that is essentially competition because they're going to be building homes on lots next to the lots and homes you're developing, then that should require recusal on that specific vote. Anything that affects the development of a competitor should merit recusal and abstention from the vote and not participating in the process, not trying to influence, so we don't run the risk of saying, 'Yeh, you can come do business here but you've got to put a group on, you've got to hire all PHD's for your checkers, and you gotta.....' So there's not a built in disadvantage, opportunity to build a disadvantage for your competition. These other things are interesting and I think we need to address them, but I'll step up since I'm the one that had it placed on the agenda. I asked it to be placed on the agenda back on June 20, so you know how long I have been waiting for this, but that's the scenario I would hope we would correct."

Brigham Morgan: "So, you are looking to make it more strict?"

Mark Madsen: "I am looking to make it more strict than the state statute and the statute that the City has, or the ordinance that the City has on the books. The way it is now, it allows the Albertsons/Macys type stuff that I used for illustration and so that's what I would like to eliminate."

Mayor Bailey: "Your Albertsons analogy was almost a reality in the recent Smiths that was built. Kohlers and Petersons over in Riverton, they both sit on the board for IGA or whatever it is that services them, and neither one of them wanted the store to go in at the corner because they didn't want to compete against themselves, so they voted not to put one there. They were going to put a store there, one of the two, that IGA was going to service, so IGA's board, not Kohlers or Petersons, wound up voting against it and so Smiths came in and took it. If they had been looking at IGA's interests, they would have said, 'We need to put a store here even if it may hurt my store, or may hurt Mr. Kohler's store.' IGA through their representatives should have looked out for their interests and they didn't and Smiths took it. And that's an exact example. In that case, though, it backfired."

Mark Madsen: "And that's the thing, because somebody could sit in this seat and bend over backwards and go the other direction and say, 'Well, I don't want to be perceived as giving a hard time to my competition so I'm going to bend over backwards and I'm going to vote for something that I wouldn't otherwise vote for. It just puts the person sitting up here in a terrible position if they have that type of conflict of interest because either way they go it just makes it very difficult for them and it calls into question the ultimate decision; so I think that the best way to preserve the process and keep integrity built into the process is just to have that individual recuse themselves and then nobody can complain, the competition cannot complain, the person is relieved from having to walk that fine line and involving themselves in that type of situation, and that's my kind of philosophy."

Greg Kehl: "Do you have a proposal?"

Mark Madsen: "I would be happy to draft something. There is language in other state statutes and so forth that I would like to poll and use as a sample ordinance for this exact thing. I'd be happy to work it out."

Greg Kehl: "Would you do it in layman terms so the average guy could read it?"

Mayor Bailey: "What I would like to propose, if you're all okay with it, is that Mark go ahead and draw up whatever he is proposing and let Jerry look at it and maybe give a copy of it to everybody and let them look at it. But I'm interested also in the recommendation that Jerry made in trying to clean up some of the details in this thing, so we also look at doing those things as well."

Greg Kehl: "I don't want to bring in anyone's name or anything else, but do you feel that that's happening now?"

Mark Madsen: "I don't necessarily know that it's happening now, but I know that people out there are perceiving that it's happening, and that's what brought this process into question. So I'm not going to sit in judgment and say whether it's happening or not. But I'm saying that that perception is out there and we have a responsibility to preserve the integrity of the process as best we can. When we have an opportunity like this, then we should take it."

Mayor Bailey: "Obviously, we're not adopting something tonight. I just simply wanted some feedback from you all to give back to staff and Jerry and Mark also, and I would like them to throw something out there and bring it back so you could look at it and see what you think."

Linn Strouse: "I think anytime we have a chance to improve our processes we should look at it."

Brigham Morgan: "I'm not opposed to looking at it, but I definitely wouldn't want to relax it."

At this point, several council members were speaking at the same time and it could not be understood.

Diane Jacob: "Well, since I seem to be pointed as Mrs. Albertsons, and, I don't know, I haven't weighed in on it. I'll have to. I contacted Jerry. He had no idea where this is going so I could prepare some sort of comment tonight because he wasn't given any specific...."

Mayor Bailey: "I wasn't given any specifics other than what I had in this."

Diane Jacob: "I wasn't either, so I can't basically say one thing or another right now. It's just kind of blindsided right now. I might as well just step down and resign."

Mark Madsen: "My reference here I used as the crux of this and started me thinking along the lines were the paragraphs on Page 3, bottom paragraph on Page 3 and then the three paragraphs on Page 4....."

Mayor Bailey: "Jerry, would you take your recommendations on this and work with Mark on what he's thinking and bring it back to Council and let everybody take a look at it, and we'll sort it out at that point."

15. Discussion regarding the City Sponsoring a "Meet the Candidates" Night:

The Mayor asked for feedback from the Council regarding the sponsoring of a "Meet the Candidates" night.

Diane Jacob suggested that the City sponsor the meeting and invite the League of Women Voters to run the meeting.

Brigham Morgan explained that since he is a candidate for office, he chose not to participate in this discussion.

The Council agreed that the elementary school would be a logical site for the meeting.

Chris Hillman was assigned the responsibility of organizing the meeting and was told to schedule one meeting before the primary election and one before the general election.

16. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending and Re-enacting Provisions for Processing Development Applications to the City:

This item was removed from the agenda.

17. Consideration and Approval to Amend the Eagle Mountain City Employee Handbook:

Chris Hillman explained the changes recommended to the Employee Handbook regarding holidays, jury duty, and medical leave payments.

MOTION: *Greg Kehl moved to amend the Eagle Mountain City Employee Handbook. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

18. Consideration and Approval of an Ordinance Amending the Standard Specifications and Operation Procedures Manual to include Requirement of the Use of Engineered Fill in Road Crossings:

Gerald Kinghorn and Korey Walker explained this ordinance and the recommended changes.

MOTION: *Greg Kehl moved to approve Ordinance No. O 17-2003, an Ordinance Amending the Standard Specifications and Operation Procedures Manual to include Requirement of the Use of Engineered Fill in Road Crossings, with the addition that all improvements that extend out one foot to the outside of the sidewalks plus any improvements underneath trailways are backfilled with A1 or A2 materials. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- A. Contract Change Order
 - I. Grant Smith Trailway (CO No. 3), H.E. Davis (This item was tabled.)
- B. Final Payments
 - I. 12.5 kV Underground Distribution Tie Circuit (Final Payment), Caribou Construction, Inc.
 - II. Ranches Water Line SID 2000-1 (Final Payment), Arrow Engineering
- C. Partial Payments
 - I. Grant Smith Trailway (PP No. 3), H.E. Davis (This item was tabled.)
 - II. Eagle Mountain Entrance Sign SID 2000-1 (PP No. 1), Ralph L. Wadsworth Construction Co., Inc

MOTION: *Diane Jacob moved to table items 19. A.I and 19.C.I. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

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

No Closed Executive Session was called.

21. **Motion to reconvene in to Open Session:**

Not applicable.

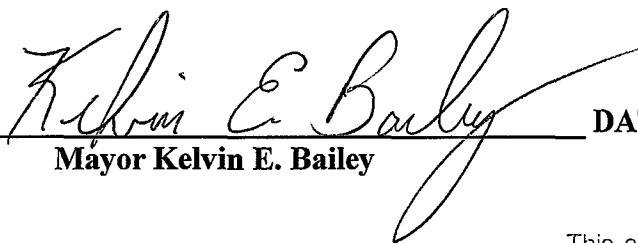
22. **Any Actions from the Closed Executive Session:**

None

23. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 8:40 PM.

APPROVAL: _____



Mayor Kelvin E. Bailey

DATE: _____

10-21-03

This certifies that the minutes of
2-SEP-2003 are a true, full and
correct copy as approved by the
City Council on 21-OCT-2003

Signed: 
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

September 16, 2003

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

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

1. Discussion of Parks and Roads Five-Year Plan
2. Presentation from Steve Jury on Economic Development
3. Discussion regarding Annexation Policy
4. Discussion regarding Leasing of City Center Office Building
5. Discussion regarding Potential Projects for the Disbursement of the Remaining 2000-1 SID Funds
6. Consent Agenda
7. Items as Outlined on the Policy Session
8. 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**
9. Other Business
10. 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 7:01 PM

1. Roll Call:

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

City Staff:

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

Others Present: Dave Loper, resident; Kelly Johnson, Lake Mountain Arts Guild; Ben Daniels, resident; Brian Berg, resident; Gene Carley, Director of the Utah County Housing Authority; Brian Woolsey, resident; Mike Wren, Eagle Mountain Properties.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Linn Strouse

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

The Mayor announced there was a Special City Council Meeting planned for September 23, 2003 to discuss a possible contract and possible SID. He advised that this meeting was subject to change.

Chris Hillman announced two different "Meet the Candidate Nights." He stated one meeting (not sponsored by the City but by a private organization in Eagle Mountain) would be held on September 18 at the Pony Express Elementary School at 7:00 PM, and the other meeting, which would be City-sponsored, would be held on Wednesday, October 22 at City Hall at 7:00 PM, organized and conducted by the League of Women Voters.

Mark Sovine advised the Council that Ames Construction has opted not to continue negotiations with the City to build a well but has decided to build their own well.

4. **Appointments:**

None

5. **Public Notices:**

Mark Madsen advised that the Library Board has two seats that will become vacant, one now and one on December 31, 2003. He recommended that anyone interested in serving on the Library Board call Chris Hillman or himself for information.

6. **Public Comment:**

This item was discussed after Item 7.

Dave Loper, resident, addressed the Council regarding his concerns about standards for housing. He stated that the original standards for home exteriors in his neighborhood have been changed since he moved in and that he fears there is a lack of enforcement of the current code. He answered questions from the Council regarding this issue.

Mayor Bailey asked Shawn Warnke to check into this matter, to follow up on recorded CC&R's, and report back to the Council.

7. **Presentation by Lake Mountain Arts Guild:**

This item was discussed before Item 6.

Kelly Johnson, president of the newly organized Lake Mountain Arts Guild, explained how the guild had been organized and announced the names of the board members: Paula Thacker, secretary, Jane Huynh, fine arts expert, Ryan Little, film and media arts expert, Jennifer Borneman, accountant, and Liza Gatica, music expert. She advised that this guild would not be supported by City funds but would be self supporting. She announced that the first planned event would be held in Nolen Park on October 11 at 4:00 PM. This will be a stage performance presented by the BYU Young Company, a group that has been performing since the early 70's and gears the performances towards elementary school age children. She advised that the event would be free to the public. Mrs. Johnson also indicated that the guild is in the process of filing papers to be a non-profit Utah corporation.

8. **Presentation from Residents of Kennekuk regarding Purchase of Open Space:**

This item was discussed after Item 6.

Ben Daniels and Brian Berg, residents of Kennekuk, acted as representatives for other residents in their neighborhood. Mr. Daniels passed out information to the Council and proposed that some of the residents in the Kennekuk subdivision be allowed to assume possession and responsibility for open space along the back of their properties. He stated that this request was being made to provide more privacy from the Willow Springs condos to the south. He explained what he considered to be the benefits to both the City and the residents and offered budget information.

The Council and staff asked questions, offered information regarding possible expenses that would be incurred by the residents, and addressed the City's plans for the property in question.

Linn Strouse expressed her concern that residents are often not properly notified of plans for other properties before they purchase homes.

Mayor Bailey asked the Council if they were interested in considering this petition.

Diane Jacob reminded the Council that this property is public open space and recommended that the Council act carefully to not set a precedent that might cause problems in the future.

Brigham Morgan recommended that this matter go to the Public Works Board and the Planning Commission before the Council makes a decision. He also stated that the City should review plats carefully in order not to place the City in this position again.

Janet Valentine was advised to put this item on the October 21 agenda.

9. **Consideration and Approval of a Resolution Authorizing and Directing Advertisement of a New Local Charge on the Gross Revenues of a Public Utility Providing Telephone Services and Electrical Services in Eagle Mountain City, Utah:**

Gerald Kinghorn explained that approval of this resolution would allow for the setting of a public hearing on this issue. He answered questions from the Council.

MOTION: *Mark Madsen moved to approve Resolution No. R 15-2003, a Resolution Authorizing and Directing Advertisement of a New Local Charge on the Gross Revenues of a Public Utility Providing Telephone Services and Electrical Services in Eagle Mountain City, Utah tentatively scheduled for October 21, 2003. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. Consideration and Approval of a Resolution Authorizing the Utah County Housing Authority to Administer Rental Assistance Programs in Eagle Mountain City:

Chris Hillman explained that the Utah County Housing Authority is currently providing rental assistance to residents in Eagle Mountain; however, the State Legislature has recently required that the Housing Authority receive permission from the City to continue this service.

The Mayor and members of the Council expressed concerns regarding the wording in the resolution and determined to table this item until more information could be obtained.

MOTION: *Greg Kehl moved to table this item. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

After Item 13 was discussed, the Mayor directed the Council to return to this item to allow Gene Carley, Director of the Housing Authority of Utah County, who had arrived late to the meeting, to address this issue.

Mr. Carley explained the necessity for the City to have an agreement with the Utah County Housing Authority to provide assistance to low-income families in the area. He advised that without a written agreement with the City, the Housing Authority would no longer be able to provide low-income assistance in the City. He advised that the original resolution was written by the Utah Legislature following guidelines in the Utah Code.

The Council questioned Mr. Carley regarding the wording in the resolution and asked if the City could draft their own resolution. Mr. Carley indicated this could be done; however, he could not guarantee that the rewritten resolution would be allowed by HUD's legal counsel, who would accept or reject the verbiage.

Gerald Kinghorn was given the assignment to rewrite the resolution to present to the Housing Authority.

11. Consideration and Approval of an Ordinance Amending Public Notice Requirements:

Shawn Warnke advised that this ordinance would streamline the processing of developer applications and allow the Planning Department time to more thoroughly review these applications.

MOTION: *Greg Kehl moved to approve Ordinance No. O 18-2003, an Ordinance of Eagle Mountain City, Utah Amending Certain Processing Notice Requirements in the Development Code of Eagle Mountain City. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. **Discussion regarding Lot Split Standards and Minimal Lot Size in Agriculture Zone in Development Code:**

Shawn Warnke provided background information on a proposal from two property owners to allow for lot splits. He advised that this change would be written into the Development Code to specify requirements and answered questions from the Council.

Brian Woolsey, resident and property owner, referred to previous comments made to the Council in March. He explained the lot split process that had occurred prior to his purchase of the property and proposed that the Council approve the splitting of his lot into two lots.

Greg Kehl advised that this matter should be handled carefully and done correctly from the onset.

Mayor Bailey requested that Shawn Warnke and Gerald Kinghorn draft changes to present to the Council at the next City Council meeting.

13. **Consideration and Approval of Colonial Park Alternative Design Guideline to Amend Porch Requirement:**

Shawn Warnke explained that a proposal had been received from the developer to amend the porch requirement to match the type of homes being built. He stated the Planning Commission had recommended that porches be no less than five feet.

Mike Wren, the developer, further explained the proposal and answered questions from the Council. He stated that this subdivision is totally different from any other subdivision and it was never planned that the original porch guidelines would be required. He requested that alternative porch guidelines be approved by the Council, even though he did not present this concept specifically to the Council prior to this time.

Brigham Morgan referred to comments he made in a previous meeting about this development being a new concept; however, he expressed his concern that this proposal varies from the original architectural guidelines for porches. He stated he did not feel there should be a deviation from these guidelines.

MOTION: *Diane Jacob moved to approve alternate porch guidelines that provide for six-foot porches on styles where the front porch extends the full width of the house and that the porch on the other type of model can remain at five feet. Mark Madsen seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 2 – Brigham Morgan, Greg Kehl. Motion passed.*

Brigham Morgan wanted to make it clear that he had no issue with the subdivision. He stated that when this subdivision came forth, he felt it would be the epitome of what Eagle Mountain should be in that residents could sit on the front porch and visit with neighbors and watch the children play. He stated he is uncomfortable with a compromise on porch guidelines.

Mayor Bailey returned to Item 10 to allow a representative from the Utah County Housing Authority to present information and answer questions from the Council.

14. **Discussion regarding Annexation Petition from Saratoga Springs:**

Shawn Warnke presented information pertaining to Saratoga Springs' plans to annex land that would overlap land included in annexation plans of Eagle Mountain City. He advised that Saratoga Springs and Eagle Mountain City officials met together to discuss these plans. Shawn Warnke stated that Eagle Mountain City is better able to service this parcel of land and that it would be in the best interest of the City to protest the petition. He requested that the Council authorize the City staff to proceed with a protest to the Saratoga Springs annexation plan.

Gerald Kinghorn advised that there are grounds to protest this petition and recommended that the Mayor send a letter to Saratoga Springs expressing the City's willingness to work with them on this issue. He further recommended that the Council direct him to prepare the protest. He advised that the official protest would be available for action at the City Council meeting on October 21, 2003.

The Council gave consensus to file the protest.

15. Consideration and Approval of Amended Conflict of Interest Ordinance:

Gerald Kinghorn: "You have before you a proposed amendment to the original Conflict of Interest Ordinance that was enacted in 1998, Ordinance 98-09. We've gone through and changed the nomenclature for the City and made some other applications for clarity and added two sub-sections to Paragraph 2, Sub-section E and F. The purpose of these sections, and I should say this is sort of a continuation of a subject that came up last March where a number of different facts and situations were presented and I wrote an opinion to the Mayor and the Council members describing the range of conflict of interest issues that were brought up in those factual situations and what needed to be done to address them. So, this amendment follows that opinion and adds two sub-sections to Paragraph 2, Sub-section E and Sub-section F; and the purpose and intent of this amendment is to provide disclosure to the public whenever a public official (a member of the Council, Planning Commission, or another public appointed public official) has a business interest or a member of their family has a business interest, which we defined as a household relationship in our ordinance, which is in competition with the development interest or business interest that is before the Council for some sort of consideration. Mr. Madsen's example of Mr. Macy who was sitting on the Council and owned the Macys store in Eagle Mountain and somebody else came along and had an application for a grocery store, would it be fair for Mr. Macy or the owner of the business to be in a position to vote against or place conditions on the approval of a direct competitive business. As I told the Council before, in my experience in most of those situations people normally just recognize that there is a conflict and they recuse themselves. This ordinance would define those relationships, and in those competitive relationships would require the public official to disclose their interest and recuse themselves from voting and under the provisions of Paragraph 3 not speak in the meeting, and I think that the language in the ordinance is that they would normally leave the meeting. This is a holdover from the old ordinance; this is what the Council in 1998 required people to do at that time. So, that's the primary thrust of this. It sets up two conditions, if you have an ownership interest in a business or property or if you have a business license or a place of business offering goods or services or products, or you use or develop property in Eagle Mountain City and the business you're affiliated with offers the same goods, products, or services or develops property in the same way as an applicant for the City, then you have what is defined as a conflict of interest. In other words, if there is an applicant before you that's a comparative competitor, you have a conflict under this ordinance and you have to disclose it and recuse yourself. The whole theory of this is that it is going to prevent claims that people are self-dealing on the City Council or the Planning Commission or in the administration of the City, somehow their decisions are colored by their economic or business interests rather than by public interests. We haven't had anybody come to the City Council and make accusations of anybody here, and I don't know of any specific accusations that have been made. I think maybe there are members of the Council or members of the staff that have had claims like that brought to their attention, but I personally don't know of any situations like that where there's been a claim of this sort. So, it's before you for your discussion and consideration. This is a significant expansion of State law, which isn't to say much because our State law is so rudimentary when it comes to conflict of interest that it really has some serious problems; but if you're concerned about this type of issue and want to foreclose criticism against the City or City Council or City officials, then this is the type of thing you can do to demonstrate you have a process of dealing with this.if it comes up, you deal with it by disclosure and go on your way to the next matter."

Greg Kehl: "I have a problem with it and my problem is that I don't understand where it's coming from. I've asked the Council. This thing just came up out of nowhere. It was brought up by somebody in order to create this and to change and expound on it. To me as I'm looking at it, I mean, I'm hoping if there's any hope left, the elected officials who are sitting on this Council have some integrity and some honesty that if there is a conflict of interest and they know it that they would divulge it. To turn around and force the Council and say, okay, everything that you do, you're going to need to divulge it to the public. I guess people don't have any integrity any longer. But the way I look at this is it's almost like a way of getting certain people on the Council not to be able to vote on certain issues so that certain developers can perceive certain developers. Now, if I'm wrong, correct me; but I haven't found anyone yet to tell me any different."

Mark Madsen: "I'll correct you."

Greg Kehl: "I'd like to know who it is then."

Mark Madsen: "The timing—we have actually tried to work the timing of this so that this will not impede anyone that's sitting on the Council from casting one vote. This does not affect—we have bent over backwards so that the planning of this, we've put it off, even the placement on the schedule..."

Greg Kehl: "Whose we?"

Mark Madsen: "As I've been talking to, Kelvin has asked me to put this on."

Greg Kehl: "So, this is your agenda?"

Mark Madsen: "This was something that. When I read Jerry's request, I said for purposes of new government and ... process, I believe we should adopt these concepts and put them into our Conflict of Interest Statute. You know full well that I have been driving this. I think this is a matter of good government. I think it is important for the people of our City..."

Greg Kehl: "You did it in secret..."

Mark Madsen: "I have been totally forthcoming with my advocacy on behalf of this issue. There's no secrets involved."

Greg Kehl: "What issue?"

Mark Madsen: "I'm sitting here once again as I did last Council meeting explaining why I feel this is important."

Greg Kehl: "Okay, what I'm curious is what created that draft? Jerry just didn't turn around one day and say, 'Oh, by the way, I think I'm bored. I'm going to do something with the conflict of interest.' Somebody came to somebody on this Council to create this document."

Mark Madsen: "And there's never been any denial of that whatsoever."

Greg Kehl: "And I want to know what it is, because when I look at this it looks as though this Council is being accused of some inappropriate things. That's how I'm interpreting this."

Mark Madsen: "You're entitled to your interpretation."

Greg Kehl: "Explain to me."

Mark Madsen: "Okay. I believe there are people who perceive that the process may be tainted."

Greg Kehl: "What people? Citizens, developers, who?"

Mark Madsen: "Yes, both. They came with their representatives and they asked them to deal with this. And so we went to our legal authority in the City and we asked for a legal opinion, which he issued back in March. Now we're trying to take the principles that are embodied in this recommendation and apply them to our ordinance in the City so that the people that complained or the people that sat there and perceived it and didn't complain, or the people that didn't say anything because they feared any other outcome or retribution or what have you. With this, the people that would suspect the process will have no reason to suspect it any longer; and, furthermore, so that we didn't step on any toes of anybody who is sitting up here now, the timing was made such that we bring this before the Council at a time when there is nobody will be affected by this improvement in the ordinance. Nobody sitting here now will be prohibited from making any vote and having to recuse themselves because of adding this language."

Greg Kehl: "My question is that if this was such a huge issue, why was the rest of the Council never informed of what the initial problem was to generate that letter. Why do we find out about it after the letter has been already initiated? How come the rest of this body wasn't brought up—hey, there's a potential conflict of interest, this is what it is, how shall we deal with this problem?"

Mayor Bailey: "There was never an issue that someone said it was a potential conflict."

Greg Kehl: "That's what I'm saying. Why in the world are we changing something..."

Mayor Bailey: "There was an issue that people were concerned about the perception that maybe there could be, and I said that I don't know of any cases where there are. But I said if the ordinance could be written in such a way that we eliminate anybody's suspicions, all the better for the Council and individuals on the Council. I am in a position that I have business that develops here that I have made quite public that I chose to decline from taking simply so I avoid similar perception."

Greg Kehl: "And so have I."

Mayor Bailey: "So that's what I'm saying. Nobody has done anything. This, as Mark said, is not taking away anybody's right to vote. It's simply clarifying the language so there's no perception from anybody nor can they accuse any member of this Council of tainting the vote because the process is set up for it."

Greg Kehl: "That's fine. I think that the way it was handled was wrong. I think that the whole secreticity, the whole thing's wrong."

Mayor Bailey: "Well, there's nothing secretive, Greg. You were given the letter months and months ago."

Greg Kehl: "I was given a letter, but my question to both of you is what created the letter? Somebody gave..."

Mark Madsen: "We answered the question."

Greg Kehl: "No, you said... What is the accusation?"

Mayor Bailey: "No accusation, a perception."

Greg Kehl: "Well, I can think of a thousand perceptions that this Council should change."

Mark Madsen: "That's our goal as representatives. If somebody wants to come to us, you or me, and say, 'I perceive a flaw in the process of government,' then it's our duty..."

Greg Kehl: "If that's the way you want to handle it, Mark, that's fine. There's three other of us that can do the same."

Mark Madsen: "That's fine, and we'll come here and we'll discuss it and we'll..."

Greg Kehl: "No, we'll do like what you've done."

Mark Madsen: "We're here discussing, aren't we?"

Greg Kehl: "You're missing the point."

Linn Strouse: "Jerry, may I have a clarification on something? It's just "E" that's changing? Everything else was already..."

Greg Kehl and Mayor Bailey, simultaneously: "E and F."

Linn Strouse: "E and F. Everything else has been in place since 1998?"

Mark Madsen: "Let me ask you this, Greg. If somehow this had been done differently and you felt comfortable that it had been..... Okay, the letter of March 25th wasn't enough. We should have asked you before we asked Jerry's advise?"

Greg Kehl: "Not asked me. Asked this Council."

Mark Madsen: "Okay, so we asked the Council before we asked Jerry to render a legal opinion on this and we'd gone through....the procedural thing would be no problem and had been handled differently? Do you have a substantive problem with the principles and the wording and the concepts that are embodied in this thing?"

Greg Kehl: "No, I don't; but the problem is, just like you're trying to tell me, it's all this better government. It's the procedure. You guys break the procedure all the time."

Linn Strouse: "Who's you guys?"

Greg Kehl: "Well, the guys who drafted this up. If you was in any part of these meetings, that includes you."

Mayor Bailey: "Greg, every time this Council gets something from staff, there's no procedure in which I come to the Council and say, 'Council I'm going to instruct.....'"

Greg Kehl: "Not when you carry it on, Kelvin. Not when you create law. That's the problem with this Council is it doesn't speak, it doesn't go through the things, it doesn't do the procedure. Yet you guys sit up here and bark about....."

Mayor Bailey: "That's what we're having now, a discussion."

Greg Kehl: "And we're going to adopt it or just decline it."

Mayor Bailey: "That's right."

Linn Strouse: "Greg, for the record I am not part of any of this, so I don't like you implying that I am."

Greg Kehl: "I asked if you were part of it, then you are. I didn't imply."

Linn Strouse: "I don't have any problem with any process that we want to take and look at to improve it that improves the lives of the citizens of the City and my responsibility."

Greg Kehl: "Wonderful, put that on the record. Let's vote."

Linn Strouse: "There's nothing wrong when people come together and discuss things....."

Greg Kehl: "You're missing the point, Linn."

Mark Madsen: "Okay, I want to make sure I make one point clear. You don't have a problem with the principles and you don't have a problem with the ordinance, you're..."

Greg Kehl: "I never had any problem with the ordinance the way it stood originally."

Mark Madsen: "Okay, okay. But you don't have any problem with the principles that, the additional clarification and the higher standard that this imposes?"

Greg Kehl: "If it was under different circumstances, no. But I know what's driving this, and that's the reason why..."

Mark Madsen: "What is it then, tell it, speak it."

Greg Kehl: "You know. The whole issue is sitting right here. Diane. That's what all this is about is Diane and whether or not she has influence on development."

Mayor Bailey: "I've had people accuse me as the Mayor of doing things to take advantage of my position as well. I want to make sure I'm clearly..."

Greg Kehl: "Is that going to clear it?"

Mayor Bailey: "Yes, it will."

Greg Kehl: "I mean, you had a question about it until you found out there was an..."

Mayor Bailey: "That's right. Because it was saying that nobody could do business in the town."

Greg Kehl: "What I'm against of is the fact that this whole thing is just done as a secret until it becomes a convenient time for this thing to drop, unload, come down."

Mark Madsen: "Hey, wait, it's not a matter of convenience. I wanted to do this earlier....."

Greg Kehl: "That's fine. We don't need to waste anymore time."

Mark Madsen: "You may not want to hear this, but I'm going to say it anyway. Okay, I wanted to bring it up earlier because I think it's a good government issue; but it was delayed so that it wouldn't. You said it's about Diane and I don't know when the original concerns were brought up, it was mentioned to me specifically who they were concerned about. But, the fact of the matter is, Diane is the only person that has had in the past an interest in a property that was being developed that would compete directly with other properties. But the arrangements were made and this was put off so that that was no longer an issue. Okay. By the time that the next vote on any kind of development is cast by this Council, there will be no ownership interests and this will not affect Diane at all. It was orchestrated so that it wouldn't hinder anybody on this Council, Diane in particular, from voting on anything. Okay. It was done and arranged for her sake, not against her. As far as the timing.."

Greg Kehl: "In prior meetings, Mark, you've been telling me you've been trying to get this on the agenda for weeks and weeks. So if it would have landed on that agenda, it would have taken place and we'd have voted before..."

Mark Madsen: "We would've, we would've."

Greg Kehl: "So, that's contradicting what you said."

Mark Madsen: "I'm telling you... I'm not saying that I was the one that wanted to arrange it this way, but when it was brought to my attention to do this so it wouldn't affect Diane, I said yes, fine. And the delay was made and I'm happy with it. I don't see a problem with it and so it is now on the agenda when it is not going to impede anyone on this Council's vote. And you can try as much as you want to flip it around and to make your implications and innuendos, but the fact of the matter is that your take on it is just wrong. Okay."

Greg Kehl: "Well, I'm glad that you are here to tell me that. So far, everybody here's wrong except for you."

Mark Madsen: This statement could not be heard on the tape due to clapping from the audience.

Greg Kehl: "Don't be a lawyer with me tonight, Mark. Okay, you're not an attorney and don't try to be one. Nor are you the City's attorney."

Mark Madsen: "I can tell you..."

Greg Kehl: "You can't tell me anything."

Mayor Bailey: "At this point the discussion is over. The discussion's over because at this point it's non-productive."

Brigham Morgan: "My concerns with this really come down to: A – We've never had a problem. It's never been an issue; what conflicts there were have been identified, but at the same time it still allowed any resident who lives here who has a vested interest in the future of this City to feel the desire to run without having any kind of impugning perception being infringed upon and simply to get down to business, whether they operate and have a business license or work for a developer or anything of that nature. It still allowed them the freedom to go before the people and knowing full well what those rights were without having to be legislated into a pair of handcuffs. And that has worked well for the last seven years. We haven't had any issues. People have declared conflict of interest in each of their roles, the residents got involved. They said, 'Hey, we have a concern about this.' The Council dealt with it and moved on. I look at this and, you know, I see some good things behind it. But my concern is that flipping the perception to the other side by putting this in place, are we then creating the perception that anyone who owns a business, anyone who has a business license, anyone who makes phone calls out of their home for a personal matter that has to do with anything of a financial benefit to them, we are now creating the perception that they will have a stereotype put on them if they try to get involved in public office because there's automatically a conflict of interest. I just look at this and I see sometimes there is such a thing as too much legislature and maybe this is one of those situations where right now we don't necessarily need it. It's not an issue, hasn't been an issue, and I don't foresee it being an issue and so at this point I don't necessarily think it's necessary."

Mayor Bailey: "Okay. Any other comments?"

MOTION: *Mark Madsen moved to approve Ordinance No. O 19-2003, an Ordinance Repealing Ordinance 98-09 and Enacting Conflict of Interest Standards, Definitions and Procedures for the Conduct of Municipal Officers of Eagle Mountain City, Utah. The motion was not seconded. Motion failed for lack of a second.*

16. Motion to approve Consent Agenda items as follows:

- A. Check Register – No Check register was available for approval.
- B. Contract Change Order
 - i. Porter’s Crossing Parkway Landscape and Irrigation (CO No. 1) – H. E. Davis
 - ii. Grant Smith Trailway (CO No. 3) – H. E. Davis
 - iii. Eagle Mountain Entrance (CO No. 2) – American Civil Constructors
- C. Final Payment
 - i. Porter’s Crossing Parkway Landscape and Irrigation (Final Payment) – H. E. Davis
 - ii. Eagle Mountain Entrance (Final Payment) – American Civil Constructors
 - iii. Grant Smith Trailway Design (Final Payment) – EA Lyman
- D. Partial Payment
 - i. Grant Smith Trail (PP No. 3) – H. E. Davis

MOTION: *Brigham Morgan moved to remove the Check Register, Item 16.A, and Item 16.C.ii, Eagle Mountain Entrance Final Payment, from the Consent Agenda. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

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

MOTION: *Greg Kehl moved to recess in to a Closed Executive Session for the purpose of discussing potential litigation at 9:18 PM. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Because of incidents during this meeting, Brigham Morgan asked the public to refrain from vocal outbursts or clapping during meetings.

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

MOTION: *Diane Jacob moved to Close the Closed Executive Session and Reconvene in to Open Session at 9:31 PM. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

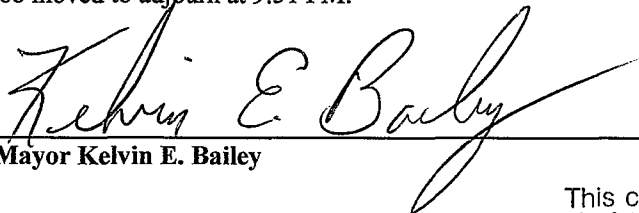
19. Any Actions from the Closed Executive Session:

None

20. Adjournment:

Diane Jacob moved to adjourn at 9:31 PM.

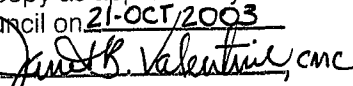
APPROVAL:



Mayor Kelvin E. Bailey

DATE: 10-21-03

This certifies that the minutes of 16-SEP-2003 are a true, full and correct copy as approved by the City Council on 21-OCT-2003

Signed: 

City Recorder

MINUTES OF THE EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING
Tuesday, September 23, 2003
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

Prayer by Invitation of the Mayor

The prayer was offered by DeAnna Whitney.

POLICY SESSION – 6:00 PM

Mayor Bailey called the meeting to order at 6:06 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse (arrived at 6:10 PM)

City Staff:

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

Others Present: None

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Mark Sovine.

Janet Valentine announced that there would be a Special City Council meeting on October 14 at 6:00 PM for the canvass of the primary election.

3. **Protest Hearing (Special Improvement District 2003-1):**

a. Open Protest Hearing

Mayor Bailey opened the Protest Hearing at 6:10 PM

Gerald Kinghorn acknowledged receipt of a hand-delivered letter dated September 23, which had been delivered to the City Recorder, on behalf of Glade Berry, Stephen G. Berry, and Zane Berry stating that their property is, by definition, not included in the district, and that this information is on the record. Mr. Kinghorn stated that since this property is not within the district, it need not show in the proceedings of the district as a protest. Mr. Kinghorn advised that no other protests were received by the filing deadline

b. Consideration of Protests

No protests for property in this district were received.

c. Close Protest Hearing

The Mayor closed the Protest Hearing at 6:12 PM

4. **A Resolution To Create The Eagle Mountain City, Utah Special Improvement District No. 2003-1 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:**

Gerald Kinghorn explained the processes the City had completed to date. He stated that the only property owners in this district are Monte Vista Ranch and, possibly, Eagle Mountain Properties and they have agreed to have their properties assessed for these improvements. He stated that if the Council votes to create the district, he would proceed to put together the official statement commissioning the bonds, the assessment ordinance, the general indenture, bond resolution and balance of the documents. He explained the difference between this district and other districts previously created and stated that the City would control repayment of assessments through the building permit process.

Diane Jacob asked to hear the list of improvements included in this district. Korey Walker listed those improvements as follows: 1) construction of a 3,000,000 gallon reservoir; 2) upgrades to the existing well, which will include a new deep well and an upgrade to the booster pump; 3) a new 16 inch line that will transfer the water from the well up to the new reservoir; 4) an overlay on Eagle Mountain Boulevard starting at the connection of the boulevard and SR 73 and extending to just south of the property line between Town Center East and The Landing; 5) widening of the street along the median out to the entryway and starting at the Pony Express intersection south along Eagle

Mountain Boulevard until it meets the property line between Town Center East and The Landing;

6) completion of the landscape improvements along Eagle Mountain Boulevard on the south side, which will include xeriscape around all the existing grass and trees and native vegetation, flowers, grass, etc. on the north side of the road; 7) completion of the park behind Colonial Park and south of Pioneer Addition/Cedar Trails south of the new school; 8) \$260,000 worth of improvements constructed at Pony Express Park, including paving, parking, restroom facilities, upgrade of playing fields; and 9) improvement to the wastewater treatment facility, including inlet structures, an oxidation ditch, clarifiers and outlet chlorination, and the solid handling portion of the facility, in addition to what is needed for land application for up to a half-million gallons per day.

Gerald Kinghorn and Korey Walker answered questions from the Council and agreed with the following changes in the Revised Notice of Intent: 1) the first phase of the wastewater treatment plant expansion be 20,000,000 gallons water storage; 2) 3,000,000 gallon water reservoir; 3) asphalt paved parking areas in the park improvements; 4) estimated ERU's to be assessed as 4,000 ERU's.

Gerald Kinghorn advised that the bond resolution should specifically list the projects to be covered in the SID.

Greg Kehl asked how funding would take place. Mr. Kinghorn advised the funds would be deposited in the U.S. Bank and that as the need for funding occurred, the City would requisition the funds from the trustee. He also advised the bond holder would be approving the projects when the bonds were purchased.

Mark Madsen asked if the developer had made timely payments on past SID's, and Mr. Kinghorn assured him that they had always made payments on time. He advised that this would be controlled by requiring payments be made at building permit.

MOTION: *Brigham Morgan moved to approve Resolution No. R 16-2003, a Resolution to Create the Eagle Mountain City, Utah Special Improvement District No. 2003-1 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 as amended to Create the District; and Related Matters, subject to changes by Jerry Kinghorn. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

5. **Consideration and Approval of Electrical Contract for Eagle Mountain Grade School:**

Mark Sovine explained the bids received for electric structures for the new school in the town center.

MOTION: *Greg Kehl moved to approve the Eagle Mountain Grade School Sweetwater Road South Service Area and award the contract to BMCI Electric, requiring staff to make fact of findings justifying the acceptance of the second-lowest bid. Diane Jacob seconded the motion. Ayes: 3 – Brigham Morgan, Greg Kehl, Diane Jacob; Nays: 2 – Mark Madsen and Linn Strouse. Motion passed.*

5. **Discussion regarding Mt. Saratoga Annexation Petition from Saratoga City:**

Shawn Warnke explained the annexation petition received from Saratoga Springs. He advised that the City met with officials from Saratoga Springs to discuss this petition. He stated that the City would protest this annexation due to the funds already expended for infrastructure and the ability to service this property. He also advised that this annexation would create a peninsula for Saratoga Springs, which is not allowed.

7. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 7:02 PM.

APPROVAL: _____

Kelvin E. Bailey
Mayor Kelvin E. Bailey

DATE: _____

10-21-03

This certifies that the minutes of
23-SEP 2003 are a true, full and
correct copy as approved by the
City Council on 21-OCT 2003

Signed: _____

James B. Valentine, civic
City Recorder

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
OF EAGLE MOUNTAIN CITY, UTAH
Eagle Mountain Council Chambers
1680 E. Heritage Drive
Eagle Mountain, UT 84043
October 14, 2003**

POLICY SESSION: 6:00 PM

Mayor Kelvin Bailey called the meeting to order at 6:01 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Greg Kehl, Mark Madsen, Brigham Morgan (arrived at 6:08 PM), Linn Strouse. Diane Jacob was excused.

City Staff:

City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Greg Kehl.

3. Canvass of Primary Election held on Tuesday, October 7, 2003:

Janet Valentine explained the responsibilities of the Board of Canvassers. She directed the count of the provisional ballots with Election Judges Eutona and Leland Dixon in the presence of the City Council and these votes were added to the official vote tally.

The Official Vote Count was as follows:

Total Registered Voters	2884
Total Ballots Received	2280
Percentage of Turnout	29%

Distribution of Official Ballots:

Ballots Voted	802
Provisional Ballots Voted	26
Absent-Voter Ballots Voted	6
Official Ballots (Unused)	1401
Spoiled Official Ballots	1
Absent-Voter Ballots (Unused)	44
Total Ballots Distributed	2280

THE VOTE COUNT IS AS FOLLOWS:

Harry Bakken	Received 287
David Blackburn	Received 392
Vincent Liddiard	Received 329
Brigham Morgan	Received 370
Brian Olsen	Received 320
James Skinner	Received 282
Linn Strouse	Received 444

Candidates in the General Election for the seat of four-year Council Member will be Harry Bakken, David Blackburn, Vincent Liddiard, Brigham Morgan, Brian Olsen, and Linn Strouse.

MOTION: *Greg Kehl moved that the City Council certify the election results and declare four-year term City Council candidates Harry Bakken, David Blackburn, Vincent Liddiard, Brigham Morgan, Brian Olsen, and Linn Strouse eligible to be nominated to the General Municipal Election on November 4, 2003. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused. Motion passed.*

4. Adjournment:

Greg Kehl moved to adjourn the meeting at 6:35 PM.

APPROVED: _____

Kelvin E. Bailey
Mayor Kelvin E. Bailey

DATE: _____

10-21-03

This certifies that the minutes of
14-OCT 2003 are a true, full and
correct copy as approved by the
City Council on 21-OCT 2003.

Signed: _____

Janell B. Valentine, cmc
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

October 21, 2003

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

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

1. Consent Agenda
2. Update on Direct Communication Contracts
3. Discussion on Capital Facilities Plan
4. Discussion of Sage Park Master Development Plan
5. Discussion concerning Physical Facility Options
6. Discussion of the decision of the Utah County Boundary Commission regarding Saratoga Springs Annexation
7. Items as Outlined on the Policy Session
8. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor Pro Tem

The prayer was offered by Linn Strouse

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, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse.

City Staff:

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

Others Present: Sheila Curtis, emergency preparedness coordinator; Carl Mellor, Lehi resident and tour guide for the Cedar Valley; David Blackburn, resident and city council candidate; David Loper, resident; Jody Hooley, resident; McKay Edwards, SITLA; Ryan Boneman, resident; Mayor Cook, Cedar Fort.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Mayor Kelvin Bailey

3. **Approval of Minutes (September 2, 2003, September 16, 2003, SCC Meeting on September 23, 2003, and SCC Meeting on October 14, 2003/Municipal Primary Election Results Canvass):**

MOTION: *Mark Madsen moved to approve the Minutes from City Council meetings of September 2, 2003 as submitted; the Minutes of September 16, 2003, which were emailed to the Council on October 20, 2003, subsequent to receiving the Agenda; the SCC Minutes of September 23, 2003 as submitted; and the Minutes of the SCC Meeting of October 14, 2003, changing the Council members present to indicate that Diane Jacob was excused. 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 he had been given Certificates of Appreciation for persons who had participated in the Neighborhood Watch program. He presented certificates to Sergeant Jo Murphy and City Councilwoman Linn Strouse and acknowledged certificates for Casey Colton, Deputy Wade Berry, Deputy Greg Knapp, Bruce Champagne, David Dresen, and Lynette Perkins who were not present.

Chris Hillman announced that there would be a "Meet the Candidates" night in the City Council Chambers on October 22, 2003, at 7:00 PM. He stated that the topics of discussion would be taken from the top five issues from the citizen survey conducted in March 2003. He also indicated that citizens would not be allowed to ask questions of the candidates in this meeting format.

Brigham Morgan announced that the annual Harvest Fest would be held on Saturday, October 25, 2003, beginning at 3:00 PM in Council Chambers with a trading card event. He advised that regular activities would begin at 5:00 PM and would include games, food, and a haunted hayride with the telling of true stories of the Cedar Valley.

Sheila Curtis, community emergency preparedness coordinator, advised that CERT training began two weeks ago. She advised, however, that anyone interested could still attend this training, which is held on Thursdays at 7:00 PM at the Willow Springs Club House.

5. **Eagle Mountain Historical Preservation Society Presentation to the City Council:**

Carl Mellor, resident of Lehi and tour guide for Cedar Valley, presented information on the importance of the establishment of a historical preservation society in Eagle Mountain City. He talked about the Pony Express Trail and the history and folklore behind it. He offered his services and experience in establishing this society.

Mayor Bailey advised Mr. Mellor of the actions already taken by the City to identify specific areas of the Pony Express Trail. He offered the cooperation of the City in preserving the history of the valley.

6. **Public Notices:**

Janet Valentine advised that there would be satellite voter registration in the City Council Chambers on Friday, October 24 and Monday, October 27 from 8:00 AM to 8:00 PM.

7. **Public Comment:**

David Blackburn, resident and candidate for city council, expressed his concern about the use of mailings in utility billings by candidates during the political campaign.

David Loper, resident, addressed his concern about traffic on SR 73 and the accidents and deaths that have occurred. He expressed his concern that rather than encouraging more homes, City leaders should be more concerned about building a business base, which would allow residents to work in their community. He stated his concern that adding more residents would only add to the congestion on SR 73 and that plans to widen this road are too far in the future.

The Mayor advised that First Construction would soon begin construction of an office building in City Center.

Brigham Morgan addressed the comment from David Blackburn and explained that his insert in the telecom utility billing was done in response to inquiries from citizens. He stated there was nothing political about this flier. He advised that the City Council should discuss this issue and establish a policy for inserts and other information that would be disseminated to citizens. Mayor Bailey asked Mr. Morgan to submit a written request to have this item placed on the Agenda.

8. **Public Hearing: (New Local Charge on the Gross Revenues of a Public Utility Providing Telephone Services and Electrical Services in Eagle Mountain City, Utah):**

Gerald Kinghorn explained that this was the second of two hearings involved in placing a utility charge on the Qwest and Utah Power and Light utility services in Eagle Mountain. He stated that the proposal is to levy a charge on those services equal to the same charge that was been levied on all of the telecommunication and power bills in other areas of the City. He indicated the objective is to have every utility user in the City pay a fair share of public safety costs budgeted by the Council.

A. Open Public Hearing:

Mayor Kelvin Bailey opened the Public Hearing at 7:35 PM

B. Receive Public Comment:

Jody Hooley, resident, expressed her concern that users of Qwest and Utah Power would be double charged. She was advised that she would not be paying any more than any other citizen in the City.

Mr. Kinghorn explained that this charge would be used for public safety.

Mrs. Hooley stated she objected to this charge.

Mayor Bailey closed the Public Hearing at 7:38 PM

Gerald Kinghorn stated that the establishment of this charge follows a process that is tightly regulated by State Statute and that the City must follow the format and the agreement provided by Statute. He indicated that the ordinance format was provided by the State Tax Commission for this purpose. He recommended adoption of the ordinance.

Mayor Bailey reminded everyone that passage of this ordinance simply provides that all those who are not on City utilities would pay the same fees charged for public safety as those who are on City utilities.

9. **Consideration and Enactment of an Ordinance providing for a Local Charge on Utilities Regulated by the Utah Public Service Commission and Regulating Utility Rights-Of-Way:**

MOTION: *Mark Madsen moved to approve Ordinance No. O 19-2003, an Ordinance of Eagle Mountain City Providing for a Local Charge on Telecommunications Pursuant to the Adoption of a Telecommunications Right-of-Way. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. **Public Hearing: (Proposed Revised Capital Facilities Plan):**

Korey Walker gave an overview of the proposed revised Capital Facilities Plan. He stated this was an annual look at the plan and provided the opportunity to identify improvements that need to be completed in the upcoming year. He stated this revision would also accommodate three changes: 1) changing of improvements in the funding mechanism for Eagle Mountain Properties, 2) the SITLA Master Development Plan; and 3) the Sage Park Master Development Plan. He presented an overview of the major improvements added to the plan and explained upcoming expenditures.

A. Open Public Hearing:

Mayor Bailey opened the Public Hearing at 8:05 PM.

B. Receive Public Comment:

McKay Edwards, representative of SITLA, stated the draft of the proposed revised Capital Facilities Plan had been reviewed by SITLA. He submitted a written statement, copy attached, with recommended updates and explained these updates to the Council.

Gerald Kinghorn explained to Mr. Edwards that Items 1, 2, 3 and 5 on SITLA's statement should legally appear in the Economic Analysis, not in the Capital Facilities Plan, according to law.

Linn Strouse asked when the parks committee could provide input. Korey Walker advised that this could be done on an annual basis as funds are allocated. Mr. Walker advised that costs for regional park plans, created previously in the City, should be reviewed by the current parks committee for possible additions or changes. Shawn Warnke advised he would work with the parks committee on this project.

C. Close Public Hearing:

Mayor Bailey closed the Public Hearing at 8:15 PM.

11. **Consideration and Approval of Eagle Mountain City, Utah Revised Capital Facilities Plan:**

MOTION: *Mark Madsen moved to approve the proposed Revised Capital Facilities Plan, subject to the changes proposed by SITLA, the clarifications proposed by Eagle Mountain Properties, and the requests made for updated wording by Council. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. Public Hearing: (Amend the Eagle Mountain City 2003-2004 Fiscal Year Budget):

Kent Parker explained that grant funds had been made available that were not anticipated in the original budget. He stated these funds must be presented at a Public Hearing before they can be added to the budget and that the funds are restricted for use under terms of the grant.

A. Open Public Hearing:

Mayor Bailey opened the Public Hearing at 8:18 PM

B. Receive Public Comment:

Ryan Borneman, resident, asked how the funds would be used.

Sheila Curtis explained the grants. She advised that the CERT grant was in the amount of approximately \$3,067 and must be used strictly for the CERT Program, equipment, training, building rental, teachers, etc. She stated that the second grant was for the Emergency Plan in the amount of \$5,500 to be used strictly to develop an emergency plan for the City, hazard and risk analysis, printing and distributing the plan, etc.

Close Public Hearing:

Mayor Bailey closed the Public Hearing at 8:20 PM

Mark Madsen asked if the grants were matching grants. Sheila Curtis explained that these are reimbursable grants, not matching grants.

The exhibit was not available from the Finance Department for inclusion with the Ordinance.

13. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending the 2003-2004 Fiscal Year Budget:

This item was tabled

14. Public Hearing: (Community Development Block Grant (CDBG) to fund potential projects):

Shawn Warnke and Fionnuala Kofoed, Planning Manager, explained the conditions of the subject grant. They proposed that the funds, if received, be used to provide safe passage for students attending the new elementary school in City center. They answered questions from the Council and asked for approval to move forward in applying for this grant.

Mark Madsen recommended that the City work with the public safety committee to address all areas of safety for children walking to school.

Brigham Morgan asked Gerald Kinghorn if there had been an exhibit presented for review by the public prior to the public hearing. Fionnuala Kofoed indicated that the City was required to hold a public hearing and present information and exhibits during the hearing. Mr. Kinghorn advised that the agency offering the grant sets the public hearing criteria and that the City had complied by disclosing any exhibits at the public hearing.

A. Open Public Hearing:

Mayor Bailey opened the Public Hearing at 8:41 PM

B. Receive Public Comment:

Jody Hooley, resident, suggested that trails be made with asphalt and not concrete so new trails would blend in with current trails. She expressed concern with the plan that shows a path crossing in the area where there is an island and no intersection. Mrs. Kofoed advised there are plans being worked out with the Streets and Roads Department to have flashing lights in this area.

Close Public Hearing:

Mayor Bailey closed the Public Hearing at 8:49 PM

15. Consideration and Approval of Community Development Block Grant Application:

No motion was required.

16. Public Hearing (Annexation Policy):

Shawn Warnke explained the state requirement for each city to declare an annexation policy, which would guide municipalities regarding decisions on future annexations. He referred to a map showing future annexation plans for the City and explained the primary plan elements in the proposed plan.

Mayor Cook, Cedar Fort, addressed the Council and advised that they agree to Eagle Mountain annexing the land immediately adjacent to Eagle Mountain Boulevard; however, she requested that the Council not annex sections 16 and 21 since Cedar Fort needs these land areas for drainage. She also referred to the Fairfield Sinks area and explained that, since Fairfield is currently trying to incorporate, Eagle Mountain's annexing of this area might confine Fairfield in their efforts for incorporation.

Mayor Bailey and Gerald Kinghorn assured everyone that the final decision for annexation depends on the desire of the property owner.

A. Open Public Hearing:

Mayor Bailey opened the Public Hearing at 8:57 PM

B. Receive Public Comment:

None

C. Close Public Hearing:

Mayor Bailey closed the Public Hearing at 8:57 PM

Brigham Morgan referred to Section 4, Page 5, which stated “this plan does prohibit other cities from annexing.” Shawn Warnke advised that this should read “does not” and that this would be corrected.

17. Consideration and Approval of a Resolution Adopting the 2003 Eagle Mountain City Annexation Policy:

MOTION: *Brigham Morgan moved to approve Resolution No. R 17-2003, a Resolution of the City Council of Eagle Mountain City, Utah Adopting an Annexation Policy Plan subject to the Planning Commission’s recommendations removing Sections 16 and 21. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

18. Consideration and Approval of the Eagle Mountain City Emergency Plan:

Sheila Curtis advised that the City Emergency Plan needed to be approved by the Council in order to qualify for the grant mentioned previously. She indicated this would be a plan that would be constantly changing and improving depending on the needs of the City.

The Council agreed they needed more time to review the complete plan.

MOTION: *Mark Madsen moved to table this item. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. Consideration and Approval of a Resolution Amending the Consolidated Fee Schedule Amending the Planning Fee Provisions:

Shawn Warnke explained that this amendment would allow the City to charge average costs for time spent by the Planning Department to process plans and would provide partial funding for the additional planner position. He listed the proposed changes: 1) change recordation fee; 2) remove the alternative processing fee which requires the City to

track charges for each application and charge those fees to the developer; 3) add clarifying language stating that revised approved plats be charged the same fee as recorded plats; 4) institute a new fee for Development Code amendments; 5) institute a new fee for General Plan amendments to text and map; 6) add a fee for the disposal of City property, which would include attorney and engineering fees; 7) add clarification to the Capital Facilities Plan; and 8) make changes to the Business License section to make it easier to administer and provide more equity.

Mayor Bailey recommended that the Resolution, Section 1.7.10, be worded to allow for the refunding of the \$1,500 fee for the disposal of public property under certain circumstances at the discretion of the Council.

Mark Madsen asked if the Capital Facilities Plan amendment fee would be applicable when a developer comes in and needs to have the City amend the plan in order to incorporate his development. Shawn Warnke explained that whenever there is an amendment to the Capital Facilities Plan, the developer would be charged that fee.

Mr. Madsen also had questions on fees for amendments to the General Plan and Development Code. Mr. Warnke stated that other cities charge for actual changes to the General Plan and Development Code. Mr. Madsen asked Mr. Warnke to clarify wording indicating that these fees would be charged when a developer would benefit by so doing; however, he recommended there be no fee charged when someone suggests there is a deficiency in the law or recommends an improvement.

Shawn Warnke presented an analysis of fees from other cities showing that Eagle Mountain fees are comparable.

Brigham Morgan further clarified Mr. Madsen's recommendations not to charge a fee to amend the General Plan and/or Development Code when the basic intent of a citizen or developer is to offer an improvement to either the General Plan or Development Code. He further stated that a fee would only be triggered when an applicant was actually seeking action on a business item of their choosing, which would result in a policy change to the General Plan and/or Development Code.

Greg Kehl recommended that the wording "at Council's discretion" be added to the motion.

Diane Jacob stated that if a policy level decision were required or if Council required staff reports, a fee should be charged.

MOTION: *Diane Jacob moved to approve Resolution No. R 18-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule, with the added wording of 1.7.10 may be returned at the discretion of the Council where it says about disposal of City property, and clarification of 1.7.11 to change the*

wording to indicate that, if someone is coming with the pure intent of offering an improvement to the Development Code or General Plan, there is not necessarily a fee associated, but the fee is actually triggered by an application for approval which results in an amendment to the General Plan and/or Development Code or requires a policy level decision requiring staff reports, etc., at the discretion of the Council. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

20. Motion to approve Consent Agenda items as follows:

- A. Check Register for August and September 2003
- B. Partial Payments
 - I. Eagle Mountain Entrance Sign SID 2000-1(PP No. 2), Ralph L. Wadsworth Construction Company
 - II. Paul Evans Trail Parkstrip Landscaping SID 2000-1 (PP No. 1), The Ranches
 - III. Smith Ranch Road Median Landscaping SID 2000-1 (PP No. 1), The Ranches
 - IV. Landscaping Entrance Monument at the Ranches, 2003 (PP No. 3), American Civil Constructors
- C. Final Payments
 - I. Landscaping Entrance Monument at the Ranches, 2003 (Final Payment and Acceptance), American Civil Constructors
 - II. Bud Evans and Parkway Pond SID 2000-1 (Final Payment), TNT General Contractors
 - III. Paul Evans Trail Parkstrip Landscaping SID 2000-1 (Final Payment), The Ranches
 - IV. Smith Ranch Road Median Landscaping SID 2000-1 (Final Payment), The Ranches
- D. Final Bond Release
 - I. Mountain View Subdivision Phase III
- E. Ratify Approval - Award of Bid to Sprint for the project "AFC Switch Upgrade for Eagle Mountain City Telecommunications
- F. Ratify Approval of Ruby Valley Phase A Partial Completion
- G. Approval of Purchase of Turn Out Gear for the Fire Department

MOTION: *Brigham Morgan moved to remove Items C.1, D.1 and G from the Consent Agenda for separate consideration. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Brigham Morgan 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.*

Korey Walker recommended that Item C.1 be tabled because American Civil Constructors had not completed the entryway and final payment should not be approved.

MOTION: *Brigham Morgan moved to table item C.1. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Korey Walker explained that Item D.1 should be a partial final bond release for Mountain View, Phase III. He stated the developer had finished everything, excluding the landscaping items. Mr. Walker further advised that due to the coming of the fall season and the inability to get the plants to grow adequately, the developer was requesting final acceptance and the beginning of the warranty period on the remainder of the improvements and permission to put the landscaping improvements on hold until spring. Mr. Walker recommended the Council give approval for the partial final bond release subject to the developer giving the City a cash bond for the outstanding improvements and making the developer responsible for completing the improvements as per the time frame in the original Development Agreement.

MOTION: *Mark Madsen moved to approve D.1 as a Partial Final Bond Release subject to the developer giving the City a cash bond for the outstanding improvements and making the developer responsible for completing the improvements as per the time frame in the original Development Agreement. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Linn Strouse, Mark Madsen; Nays: 0. Motion passed.*

Brigham Morgan inquired whether the Council had reached a consensus about not accepting the lowest bid on Item G and wanted to ensure that the reasons stated by the Fire Chief for not accepting the lowest bid were acceptable to the Council.

Gerald Kinghorn responded to Mr. Morgan and advised that the bid was properly approved on Item G because this was a classic example of a justified sole source provider.

MOTION: *Greg Kehl moved to approve Item G and include payment for SCBA's. Diane Jacob 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:

No Closed Executive Session was called

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

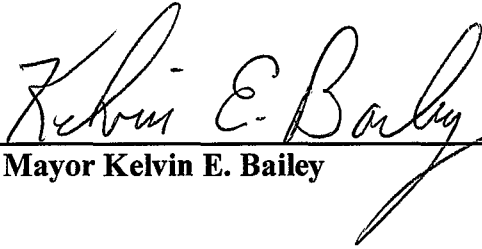
None

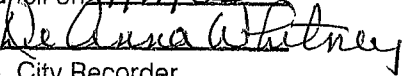
23. Any Actions from the Closed Executive Session:

None

24. Adjournment:

Greg Kehl moved to adjourn at 9:38 PM.

APPROVAL:  DATE: 11-11-2003
Mayor Kelvin E. Bailey

This certifies that the minutes of 10/21/03 are a true, full and correct copy as approved by the City Council on 11/11/03
Signed: 
Deputy City Recorder

SPECIAL CITY COUNCIL MEETING
CANVASS OF MUNICIPAL GENERAL ELECTION RETURNS
JOINT POLICY SESSION WITH CITY OF SARATOGA SPRINGS

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

November 11, 2003

WORK SESSION – No Action or Minutes Taken - 4:00 to 5:30 PM

1. Consent Agenda
2. Discussion on Contracts between Eagle Mountain City and Direct Communications for the Sale of the Telecommunications System
3. Discussion on the Future Roll of the Community Arts Board
4. Discuss the Establishment of a Formal Policy on the Use of Utility Billings for Mailings of Council Updates
5. Adjourn Work Session at 5:30 PM

JOINT POLICY SESSION WITH CITY OF SARATOGA SPRINGS – 5:30 to 6:30 PM

1. Call to Order:

Mayor Kelvin Bailey called the meeting to order at 5:50 PM.

Present from Eagle Mountain City:

Mayor:	Kelvin Bailey
Council Members:	Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse
City Administrator:	Chris Hillman
City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
Deputy Recorder:	DeAnna Whitney
Planning Manager:	Fionnuala Kofoed
Finance Director:	Kent Parker
Public Works Director:	Mark Sovine

Present from City of Saratoga Springs:

Mayor:	Tim Parker
Council Members:	Lynette Hubbard, Scott Kahn, John Kimball, Marsha Packet, Tim Taylor
City Manager:	Ken Lethem
City Attorney:	Richard Allen
City Engineer:	Larry Gelson
City Planner:	Dave Anderson

2. **Discussion on the Mt. Saratoga Annexation Petition and other Boundary Issues:**

Ken Lethem presented information on his city's annexation proposal. He described a land area between the west boundary of Saratoga Springs and the east boundary of Eagle Mountain and stated that Saratoga Springs and Eagle Mountain have both adopted Annexation Policy Declarations that overlap on this property. He explained that Saratoga Springs has a current annexation proposal by a development group to annex the property. He indicated that this joint meeting was being held so that the cities could discuss the annexation proposals and how to best accommodate the wishes of the property owners.

Chris Hillman explained that there was an original proposal brought forward by the developers of the Mt. Saratoga project requesting annexation into Saratoga Springs. He advised that Eagle Mountain City was not familiar with that annexation request until Saratoga Springs sent an official notice of concerned parties. Mr. Hillman stated that Eagle Mountain City filed a "friendly" protest in order to give the City enough time to talk with developers, Saratoga Springs, and the different landowners to get a better understanding of why the developers were choosing Saratoga Springs. He indicated that both cities have an interest in the land and desire that development take place in their city because of land use planning, financial issues, etc. He advised that there was a second proposal brought forward to Saratoga Springs City Council requesting annexation into Saratoga Springs. Mr. Hillman stated that before either city continued to move forward, it was determined advisable by the city planners and staff that council members from both cities should be brought together to discuss issues and come to a final conclusion as to where potential boundaries could be drawn that would satisfy the interests of all involved, if possible.

Mayor Bailey asked for clarification of the current actual proposed annexation area.

Mark Pales, sponsor of the annexation, explained that there were two separate annexations, one following the other. He used a map to explain the areas involved and indicated that owners of two of the parcels involved have chosen to remain uninvolved at this point. He expressed his desire that he be able to annex land so that his whole project would be located in one city. He stated that one-third of his project is already located in Saratoga Springs.

Mayor Bailey explained the concerns of Eagle Mountain City. He stated that Development Associates has a major development investment in Eagle Mountain City and that the Pony Express Parkway would actually become the dividing line between these projects, raising concerns with the roads, utilities, etc.

Korey Walker stated that the City is currently in the process of extending a four-lane road along Pony Express Parkway. He explained that MAG is looking at the alignment continuing along the section line to Pony Express as one of their future arterial routes; however, presently there is a County road that diagonals across the property. He described the road that Development Associates is looking to construct which would have the ability to tie in either way as the County and UDOT proceed with their improvements. He advised that Eagle Mountain City is bringing a sixteen-inch water line down to service this area and has planned the size of this line to be adequate to service developments on both sides of the road. He indicated that natural gas and electricity lines are planned that would stub down Pony Express with plans to service both sides of the road. He explained that one issue with the roadway is that the full width of the roadway is currently within Eagle Mountain City limits down to Evans Wash, and at Evans Wash this property jogs back in. He stated that the City is constructing the road up to the median and one lane up to that property line. He expressed his concern regarding maintenance issues for this road if it becomes split between two cities. He also addressed the issue of Class D and C funds that are dispersed as identified by lane miles. He asked how an agreement could be worked between both parties if the section line is split on the road, which will be used by both cities. Mr. Walker explained that in the Eagle Mountain Capital Facilities Agreement the developer is required to build more than what he is responsible to build (one lane and half a median) that would benefit the property to the north. He stated that in addition, the City is collecting impact fees to complete the road, which raises an equity issue with relation to the improvements of the road and how to deal with associated capital costs. He further explained that a significant concern is the timing of the road pressured by development.

Mr. Walker identified plans and locations for water tanks. Attorney Richard Allen advised that there are some cities that are downstream from other cities, requiring that a water tank be placed upstream for gravity feeding, and it is not uncommon to have a water line or tank in another city. He stated this could be a good project for both cities.

Ken Lethem referred to the issues in question and stated it is not uncommon for cities to negotiate these types of issues.

Mayor Bailey described a certain portion of Aaron Evans' property on the north side of Pony Express that he recommended be excluded from the annexation because of the economic impact on Eagle Mountain City. He pointed out this property on a map.

Linn Strouse asked how fire services would be addressed. Mayor Bailey advised that there is a current mutual aid agreement between the cities and the North Fire Station is in a good location to service the area in question. Ken Lethem advised that Saratoga Springs would be building a north end fire station.

Mark Pales referred to problems with developing some of the property because of major transmission line locations and 440 feet of useless property purchased by the developer because of an "all-or-nothing" sale. He indicated there is no commercial planned for the development. He explained that per a mutual agreement with Saratoga Springs there would be no homes on any ridgelines or hilltops, which is the prime property in the development. He referred to a commercial development that is not included in his project and presented information on the timeline for building.

Greg Kehl asked about the proposed density for the project and where the highest densities would be. Mr. Pales advised that the density is 2.9 throughout the entire project and pointed out areas where condominiums would be built. Mayor Bailey inquired about lot size, and Mr. Pales advised that the average lot size is approximately 10,000 square feet. Linn Strouse asked about minimum and maximum lot sizes, to which Mr. Pales replied that the minimum would be 8,000 square feet and the maximum would be 14,000 or 15,000 square feet.

Linn Strouse asked if the Mt. Saratoga development would be able to connect with established horse trails and bike trails in Eagle Mountain, and Mr. Pales stated they would be happy to accommodate that request.

Ken Lethem advised that the conceptual plan had not been approved by Saratoga Springs and that the process would require the developer to prepare a master development plan. He referred to the request of Mayor Bailey to leave a section of property out of the development and asked Mr. Pales to address this issue.

Mark Madsen asked what the potential loss would be to Eagle Mountain City if this annexation goes through for Saratoga Springs and the development ends up right next to Pony Express where the Eagle Mountain has already made an investment. Corey Walker advised that the greatest impact would come from the road and not from the utilities that are already in place.

Mark Pales stated that if he were allowed to develop, his company would be building the road. He advised that what usually happens when there is a common boundary, such as a road, is that the cities put their Class D and C monies together and do a contract.

Mark Madsen stated he would like to see a traffic study to determine how much of the traffic coming from the development will flow onto Pony Express Parkway. Mr. Pales explained his plans for traffic flow and the plans of DOT.

Mr. Pales advised that if his development had to tie in to a water line belonging to Eagle Mountain, there would customarily be a charge.

Diane Jacob raised the question of the impact on the Pony Express Elementary School, which would likely be used by students in this development until another school could be built.

Mayor Bailey raised the concern again of the economic impact this development would have on Eagle Mountain City, both short term and long term. He stated that if there were some way to address the economic disparities, he would like to hear suggestions.

Mark Pales stated that city staffs should be able to come up with equitable solutions to the concerns.

Council Member Tim Taylor stated that Saratoga Springs has a strong desire to extend Pony Express Parkway to the east to tie into Redwood Road, primarily for a public safety standpoint, and for the convenience to the residents of both cities. He stated the proposed development would help with the extension of that road, which would be good for everyone.

Brigham Morgan raised the concern that on the south side of the road Development Associates had planned larger lots with a diversity of density and transitioning throughout the subdivisions that does not fit with the layout of the Mr. Saratoga plan. He stated the development puts homes right up against the border, with no buffering or landscape separation or no planning to transition from one city to the other.

Mark Pales stated the transition would be from single family to single family with no high density; therefore, he did not think there would be a noticeable difference.

Diane Jacob stated that Eagle Mountain City has a right-of-way that includes and incorporates the old Pony Express Trail so there is an extra width. She asked if this would be carried through with future plans.

Korey Walker advised there is a 150-foot right-of-way for a corridor trail to the side of the road.

Marsha Packet explained that Aaron Evans called her and asked her to let everyone know that he wants his land to go to Saratoga Springs.

Ken Lethem indicated that he and Chris Hillman had talked about drawing up a boundary agreement between the two cities, which would be a non-binding agreement, but might address concerns of the County Boundary Commission regarding future plans for the land. Richard Allen advised that other cities do have boundary agreements and that the law contemplates that the landowner makes the final decision about which city his property is in. Mayor Bailey expressed concern that a boundary agreement might force a landowner to end up in a city he did not choose.

3. **Adjourn Joint Session at 6:30 PM:**

Mayor Bailey moved to adjourn the meeting at 6:40 PM.

Prayer by Invitation of the Mayor

The prayer was offered by Vincent Liddiard

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, Linn Strouse

City Staff:

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

Others Present: Vincent Liddiard, resident; Ken Hixson and Brad Morgan, residents and appointees to the Planning Commission; Rick Pierce, resident; Heather Miller, Lehi Chamber of Commerce; Kip Wilson and Jeremy Smith, Direct Communications; Doug McDougal, Eagle Top developer; Sheila Curtis, City Emergency Preparedness Coordinator;

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Ken Hixson.

Mayor Bailey recognized the presence of members of local Boy Scout Troop 1085.

3. Approval of Minutes (October 21, 2003):

Brigham Morgan asked that the following information be added to the Minutes: 1) reference to a Public Hearing in Item 14; 2) more detailed discussion information on Item 19; and 3) specific questions answered by Mr. Kinghorn in Item 20.

Diane Jacob asked that the Department Reports section be removed from the Work Session since department reports were not presented at the meeting.

MOTION: *Mark Madsen moved to approve the Minutes of October 21, 2003, with the addition of information requested by Brigham Morgan for Items 14, 19 and 20 and removal of Department Reports from the Work Session per Diane Jacob. 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:**

Korey Walker announced that there would be a public hearing on December 16, 2003, regarding the Economic Analysis Plan. He indicated this public hearing would be noticed 14 days prior to the meeting.

Brigham Morgan reported that the fifth annual Harvest Fest was held on October 25 and was a great success. He stated there were approximately 135 people who attended, 18 of whom attended the trading card event. He advised that all of the participating organizations made money that will go towards future events and activities for those organizations. He announced that there was no expense to the City.

5. **Appointments:**

A. Economic Development Board

Mayor Bailey recommended that Scot Hazard and Jorge Gatica be appointed to the Economic Development Board.

Brigham Morgan asked if there was any concern of a possible conflict of interest by appointing the main business developer in the City, Mr. Hazard, to sit on the Economic Development Board and solicit business on behalf of the City.

Mayor Bailey advised that Mr. Hazard would have no voting ability and that his influence would be no greater than it is currently with the Council as a regular citizen.

Gerald Kinghorn advised that Mr. Hazard would serve only in an advisory function as someone who is knowledgeable in commercial development and would not be making any decisions about City funds. He stated there would be no conflict of interest involved.

MOTION: *Diane Jacob moved to approve the appointments of Scot Hazard and Jorge Gatica to the Economic Development Board. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

B. Planning Commission

The Mayor recommended that Ken Hixson and Brad Morgan be appointed to the Planning Commission.

Diane Jacob expressed concern that with the appointment of Ken Hixson as the primary alternate and the planned reappointment of Tom Maher, three of the seven Planning Commission members would be from the North/Meadow Ranch area. She recommended that Ken Hixson be appointed to the position of second alternate and that Brad Morgan be appointed as the primary alternate to help with that inequity.

Mayor Bailey responded that the commission is made up of citizens and is not representative of the citizens of the City, even though there is an effort made to do so. He further stated that the alternates only vote in the absence of the regular commissioners.

MOTION: *Mark Madsen moved to approve the appointment of Ken Hixson to be the primary alternate on the Planning Commission. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Mayor Bailey instructed Planning Manager Fionnuala Kofoed to make the necessary information available to Mr. Hixson.

MOTION: *Greg Kehl moved to appoint Brad Morgan as the second alternate to the Planning Commission. Brigham Morgan 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:

Rick Pierce, resident, addressed the Council to publicly thank outgoing Council Members Greg Kehl and Brigham Morgan for their four years of service to the City. He thanked them for their integrity and knowledge. He also thanked Diane Jacob for her past service and her willingness to continue to serve for the next two years. He expressed his hope that the new Council members would keep the best interests of the residents in mind and follow the pattern of honesty and integrity left by Mr. Kehl and Mr. Morgan.

8. Canvass of Municipal General Election held on Tuesday, November 4, 2003:

In the absence of City Recorder Janet Valentine, Fionnuala Kofoed presented the Canvass information to the Council.

Total Active Registered Voters:	2436
Voter Turnout	1247
Absentee Ballots	19
Provisional Ballots	<u>8</u>
Total Voter Ballots Received:	1274
Percentage of Turnout:	52%

Absentee-Voter Ballots Received	19
Absentee-Voter Ballots Not Received	<u>6</u>

Total Absentee-Voter Ballots Distributed: 25

Provisional Ballots Received	23
PB Not Registered in Utah County	<u>15</u> (VOTES DO NOT COUNT)

Total Provisional Ballots: 8

Ballots Received:	
Official Ballots Received	2190
Absentee-Voter Ballots Received	<u>50</u>

Total Ballots Received: 2240

Distribution of Official Ballots:	
Ballots Voted	1247
Provisional Ballots	23
Absentee-Voter Ballots Voted	19
Absentee-Voter Ballots Not Returned	6
Spoiled Ballots	3
Official Ballots Unused	917
Absentee-Voter Ballots Unused	<u>25</u>

Total Ballots Distributed 2240

The Total Vote Count is as Follows:

Harry Bakken	588	46%
David Blackburn	732	57%
Vincent Liddiard	773	61%
Brigham Morgan	600	47%
Linn Strouse	842	66%

The following three candidates received the highest number of votes and will receive the oath of office on Monday, January 5, 2004, at noon in the Eagle Mountain City Council Chambers, 1680 E. Heritage Drive:

David Blackburn
Vincent Liddiard
Linn Strouse

MOTION: *Linn Strouse moved to approve the Canvass of the Municipal General Election of November 4, 2003. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

9. Presentation by Heather Miller, Lehi Chamber of Commerce on Lehi Family Week:

Heather Miller, Director of the Lehi Chamber of Commerce, addressed the Council and advised that she is the Chair of Lehi Family Week. She announced plans for a weeklong, citywide event focused around celebrating the family and strengthening the home. Mrs. Miller explained that President Bush had encouraged every city in the United States to set aside the week of Thanksgiving to celebrate families. She invited all Eagle Mountain residents to attend a special activity on the evening of Sunday, November 23, and provided posters with contact information. She also provided packets regarding plans for a Chamber of Commerce to be organized jointly with Saratoga Springs, Eagle Mountain City and Lehi.

10. Consideration and Approval of a Contract between Eagle Mountain City and Direct Communications for the Sale of the Telecommunications System Non-Regulated Assets:

Gerald Kinghorn explained that this agreement is for the sale of non-regulated assets, consisting of the DSL service and contracts and an empty conduit in the public utility easements. He indicated that these assets would be sold to Starwest, an entity of Direct Communications, which will be a non-regulated entity in that its services and charges are not subject to jurisdiction of the Public Service Commission of Utah. He

explained the modifications to the draft contract which the Council received which show that the City has agreed with the buyer that the consideration will be payable differently than shown in the contract in that the price will be raised to \$400,000 (\$200,000 payable in cash at closing and the unpaid balance due in 12 months at the rate of 4-1/2 % interest) in return for deleting the additional consideration in paragraph 2.6 showing a provision added late in the negotiations to try and recover part of the long distance access charges that accrued over the last two years. Mr. Kinghorn stated that those collections are speculative and contingent, and that if the City can get a firm price for the regulated assets of \$400,000 paid as proposed, it would be fair to both sides. He recommended approval of contract and stated he would be completing Exhibit A, which is a more detailed description of the DSL assets, after receiving direction from the consultant on the exact phrasing to avoid PSC jurisdiction. He recommended that paragraph 1.2 be changed to reflect the compensation of \$400,000 (payment as explained above) and the deletion of paragraph 2.6.

Brigham Morgan requested that approval be subject to receipt and acceptance by the Council of all exhibits. Mr. Kinghorn explained that all exhibits were available for review.

MOTION: *Greg Kehl moved to approve the contract between Eagle Mountain City and Direct Communications for the Sale of the Telecommunications System Non-Regulated Assets, changing paragraph 1.2 to reflect the compensation of \$400,000 (\$200,000 payable in cash at closing and the unpaid balance due in 12 months at the rate of 4-1/2% interest) and deleting paragraph 2.6. 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 a Contract between Eagle Mountain City and Direct Communications for the Sale of the Telecommunications System:**

Gerald Kinghorn explained that the Employee Contract exhibit was missing from the second agreement. He advised that this exhibit would be forwarded to the Council for review and that approval of the agreement should be subject to that review. He stated that the Employee Contract states: 1) that Direct Communications will employ the City's telecommunications employees at the same rates of pay currently received and will keep those rates of pay for at least one year, subject to demotion or termination for just cause; 2) that Direct Communications will cooperate in maintaining retirement benefits; and 3) that all health/medical benefits will be vested without precondition or waiting periods

Mr. Kinghorn explained that this agreement is for the sale of the telecommunications assets and for the Fire Station, with an option for the City to buy back the Fire Station. He advised that it is the intent of the City to exercise the option to buy back the Fire Station so that the net price paid will be the amount necessary to defease the City's telecommunications bonds and get the City completely out of telecommunications debt (currently about \$4.9 million with another \$35,000 to \$50,000 in closing costs for a special certified public accountant audit statement). He advised that the actual defeaseance (the money the City must place in escrow to pay off the bonds) is a little more than \$4.9 million, which is subject to a final price adjustment for any additional capital investment made by the City that has not already been recognized in the Public Service Commission rate base. He stated he is waiting for a legal description for the fire station. Mr. Kinghorn advised that Direct Communications must sign up for water, sewer, gas, etc., and provide separate utility connections, which do not currently exist. He recommended that the Council authorize the Mayor to execute the agreement when: 1) the final legal description for the fire station has been checked,; 2) when the Council has had the opportunity to review the Employee Contract exhibit; and 3) when there is a signed application from Direct Communications for water, sewer and natural gas and arrangements have been made to provide separate utility services to the building.

MOTION: *Greg Kehl moved to authorize the Mayor to execute the agreement between Eagle Mountain City and Direct Communications for the Sale of the Telecommunications System when the final legal description for the fire station has been checked, when the*

Council has had the opportunity to review the Employee Contract exhibit, and when there is a signed application from Direct Communications for water, sewer and natural gas and arrangements have been made to provide separate utility services to the building. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

Brigham Morgan asked about the contract price of \$6.3 million with no indication as to how much the re-acquisition of the fire station will subtract from that price. Mr. Kinghorn stated that the amount depends on the final defeasance price because the value of the fire station is the difference between the final defeasance and \$6.3 million.

Brigham Morgan stated that this information was not identified anywhere in the agreement. Mr. Kinghorn explained that the contract did address this issue in paragraph 1.4, Adjustments to Sale Price; however, he advised that for clarification he would add the wording "the value of the fire station is to be determined as the difference from the \$6.3 million to the actual defeasance cost."

Brigham Morgan referred to the missing Exhibit 1 and was advised by Mr. Kinghorn that the exhibit would be the description of the fire station referred to earlier.

Mayor Bailey asked the members of the Council to email him and Mr. Kinghorn an acknowledgement of the receipt and review of the Employee Contract with any comments.

Brigham Morgan also advised that per discussion in Work Session that Exhibit I, Franchise Contract, paragraph 8A be modified to remove the duplicate sentence and paragraph 10A be changed to add the missing word "will."

12. Consideration and Approval of a Contract with Starwest and Eagle Mountain City (Revised Ranches Broadband Contract):

Gerald Kinghorn explained that this is a broadband service contract with Starwest, which is a wholly owned subsidiary of Direct Communications. He advised this contract would provide DSL services in areas where no hard lines currently exist. He indicated that this contract was reviewed by the Telecom Board and that the contract needs to be approved by the Council.

Diane Bradshaw, Telecommunications Administrator, explained that as of April 1, 2004, Starwest would like to increase the amount for T-1 service from \$500 per month to \$850 per month.

Greg Kehl asked what areas of the City would be affected and was advised that the contract covers Cedar Pass Ranch. Diane Bradshaw advised the Council that Direct Communications would not be able to offer DSL services in the Cedar Pass area for probably two more years; therefore, Starwest will offer this service to that area.

MOTION: *Brigham Morgan moved to approve the Starwest Contract as submitted, subject to the increase in fees for the T-1 service. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Brigham Morgan referred to Section 11.1, Termination, and recommended that the sentence reading, "The City retains the right but not the obligation to restrict or terminate Starwest service at any time if the City, in its sole discretion, determines that Starwest is in violation of this agreement and continued service to Starwest jeopardizes the operations of the City or the services it provides" be changed to read, "...Starwest is in violation of this agreement and/or continued service to Starwest jeopardizes the operations..." Mr. Kinghorn indicated this change would be made.

Linn Strouse asked if the area at the east end of Meadow Ranch would be included in the Cedar Pass DSL Coverage. Jeremy Smith, Starwest, stated they would try to include this area in the coverage.

13. **Consideration and Approval of the Final Plat Including Development Agreement & CC&R's for the Eagle Top Subdivision:**

Korey Walker presented information regarding Eagle Top Subdivision and pointed out its location on a map. He explained the conditions of approval: 1) Utility Plans – that the dry utility plans are approved; that a streetlight is added at the intersection of Golden Eagle Road and Eagle Court; that the lot numbers match the civil plans; and that the engineer's estimate be updated for the dry utility; 2) Easements – that an off site storm water easement is provided through the Ranches property west of Lot 14; that an off site easement is provided for the looping of utilities through Lots 3 and 4 of Kiowa Valley, Plat A; 3) Gabin Basket – that gabin baskets are used to control storm water in the drainage swales rather than the straw bale method; and 4) Fire Hydrant – that a fire hydrant is added along the south side of Golden Eagle Road and that a hydrant is relocated to the side yard property lines of Lots 31 and 32; that all hydrants should be located in the park strip and have water valves.

Mr. Walker further explained that Eagle Top has a proposed agreement from Centex to construct the water line utility mentioned in Item 2) above. He indicated that Centex has advised they need \$10,000 to construct the water line plus \$2,500 for the easement. He stated that Centex desires to enter into an agreement with the City, rather than entering into an agreement with the developer. Centex wants to construct the water line immediately and have it stubbed out.

Mr. Walker referred to the developer's bond that covers the DLC that serves the development to the south of Kiowa Valley and that the developer is bonding for more improvements than they need. Mr. Walker advised that a reimbursement clause should be established in the Development Agreement that allows the developer to be reimbursed from future developments tying in to the DLC.

Doug McDougal, Eagle Top LLC, thanked the City staff for their cooperation on this project. He explained the efforts that have been made on the part of the developer to meet City requirements.

Brigham Morgan asked the intent of eleven acres to be retained by the developer. Mr. McDougal explained they are hoping for a land swap with the Ranches in order to finish developing that area.

Korey Walker explained that the eleven acres of open space is part of the plat and that the developer has retained private ownership. Brigham Morgan asked what was peculiar about this acreage. Mayor Bailey explained this would prevent any confusion to future councils because the property was clearly identified as being private ownership. He further indicated that this would allow the developer to make a swap and that there would be no confusion as to the ownership of the property.

Linn Strouse inquired if there was bonding in place to cover any possible drainage problems in the future. Korey Walker stated they have bonded for permanent improvements along the outside of both cul de sacs.

Brigham Morgan asked Gerald Kinghorn if he was comfortable putting in a reimbursement agreement without Council's review. Mr. Kinghorn explained that any reimbursement agreement would have to be brought to Council for approval.

Mr. Kinghorn advised that he was uncomfortable with the arrangement with Centex mentioned earlier. He stated the City has no firm agreement with Centex and stated it is not wise to take monies with a promise to complete an agreement and not be able to do so. Mr. Kinghorn advised that this easement situation should be worked out between Eagle Top and Centex.

Mr. McDougal recommended that Eagle Top put up \$15,000 as a bond to be held by the City to make sure everything is paid. Eagle Top would then pay Centex directly; therefore, freeing the bond to be released back to Eagle Top. Mr. Kinghorn advised that this would be an acceptable plan.

MOTION: *Mark Madsen moved to approve the Final Plat for the Eagle Top Subdivision subject to the conditions as listed in the staff report, namely utility plans, off site easements, construction details, HOA requirements, the bond for the easement construction with Centex Homes, and the fire hydrant required by the Fire Chief. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

14. Update on Revised Economic Analysis Plan for Eagle Mountain City:

This item was tabled.

15. Consideration and Approval of the Eagle Mountain City Emergency Plan:

Mark Madsen referred to the great amount of information contained in the Emergency Plan and stated he would like to see it put into a more user friendly format. He recommended that the plan should be made available on the website, making it accessible to citizens.

The Mayor stated that the concern over the amount of material presented in the plan was discussed at the last Crime Task Force meeting. He indicated that Vincent Liddiard offered to provide a checklist format for all departments to follow in the event of an emergency.

Sheila Curtis, City Emergency Coordinator, showed the Council a small pamphlet that would eventually be made available for use by citizens. She indicated that meetings would be held with City departments to explain their particular responsibilities during an emergency and that in about a year there would be a mock trial exercise for the departments. Mrs. Curtis announced that on Saturday, November 15, at 10:00 AM at the Ranches Fire Station there would be a CERT mock disaster and that the Council would receive personal invitations to participate.

Linn Strouse expressed her appreciation to Sheila Curtis for all her extra work, energy, and time put into emergency preparedness for the City.

Mrs. Curtis announced that she had been awarded another CERT grant for next year in the amount of \$2,800 and that an SLA grant, which is for the Emergency Manager position, was granted in the amount of \$2,500.

MOTION: *Brigham Morgan moved to approve the Eagle Mountain City Emergency Plan as submitted. Greg Kehl 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 Ordinance of Eagle Mountain City, Utah Amending the 2003-2004 Fiscal Year Budget:

Mayor Bailey explained that this item was discussed at the last Council meeting but that it was not approved because of a missing exhibit.

Kent Parker advised that whenever there are budget adjustments, such as grants, an amendment is required.

MOTION: *Diane Jacob moved to approve Ordinance No. O 20-2003, an Ordinance Amending the Eagle Mountain City, Utah Fiscal Year 2003-2004 Annual Budget. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

17. **Report of Certification of Annexation Petitions for "Parcel 1 - Glen E. Smith Limited Partnership", "Parcel 2 - Glen E. Smith Limited Partnerships", and "Parcel 3 - Eagle Mountain Holdings, LLC":**

Gerald Kinghorn explained that these annexation petitions had been received by the City Recorder and checked for ownership and compliance with state law. It is the duty of the City Recorder to report such certification of petitions to the Council. Mr. Kinghorn advised that the Council should approve the certification and that the City Recorder would move forward with the public notice process to inform affected entities. He stated there would eventually be hearings held, but that the City must first determine if anyone is going to protest these annexations. He stated these annexations would close up one of the anticipated illegal peninsulas on the north end of the annexation between Saratoga Springs and Eagle Mountain City.

MOTION: *Brigham Morgan moved to approve the certification of annexation petitions for Parcel 1 - Glen E. Smith Limited Partnership, Parcel 2 - Glen E. Smith Limited Partnerships", and Parcel 3 - Eagle Mountain Holdings, LLC. Mark Madsen seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- A. Check Register for October 2003
- B. Contract Change Orders
 - I. Eagle Mountain Entrance Sign (CO No. 1), Wadsworth Construction
 - II. Grant Smith Trailway (CO No. 4), H.E. Davis Construction
 - III. Eagle Mountain Fire Department Personal Protective Equipment (CO), LN Curtis & Sons
- C. Partial Bond Releases
 - I. Freemont Springs Plat A (Release No. 2), Hamlet Homes
 - II. Freemont Springs Plat B (Release No. 2), Hamlet Homes
 - III. Cold Springs Phase 2 (Release No. 2), Hamlet Homes
 - IV. Willow Springs Condos Phase 3 (Release No. 2), Summit Development
 - V. Smith Ranch Road Plat B (Release No. 3), Sundance Homes
 - VI. Porter's Crossing Plat A (Release No. 4), Sundance Homes
- D. Final Payments
 - I. Landscaping Entrance Monument at the Ranches, 2003 (Final Payment & Acceptance), American Civil Constructors (Tabled)
 - II. Eagle Mountain Entrance Sign (Final Payment), Wadsworth Construction
 - III. Grant Smith Trailway (Final Payment), H.E. Davis (Tabled)
- E. Consideration of Award of Bid for the Project "Sweet Water Road Contract" (Tabled)

MOTION: *Brigham Morgan moved to remove Items B.II, D.I, D.III, and E from the Consent Agenda. Mark Madsen seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

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

MOTION: *Greg Kehl moved to recess in to a Closed Executive Session for the purpose of discussing potential litigation at 8:05PM. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

MOTION: *Diane Jacob moved to close the Closed Executive Session and Reconvene in to Open Session at 8:29 PM. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

21. Any Actions from the Closed Executive Session:

None

22. Adjournment:

Diane Jacob moved to adjourn at 8:29 PM.

APPROVED: _____

Kelvin E. Bailey

Mayor Kelvin E. Bailey

DATE: _____

12-15-03

This certifies that the minutes of
11-Nov 2003 are a true, full and
correct copy as approved by the
City Council on 16-Dec 2003

Signed: _____

Jane B. Valentine, cmc
City Recorder

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

December 16, 2003

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

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

1. Discussion of Public Works Building
 - A. Field Trip to the Rocky Mountain GSE Building on Sweetwater Road
2. Economic Development Presentation by Steve Jury – This item was tabled.
3. Consent Agenda
4. Discussion regarding the 2003 Impact Fee Study (Economic Analysis) and Ordinance
5. Department Reports – Report from City Accountant Glen Sexton regarding Community Arts Council
6. Questions regarding Items on the Policy Session
7. Adjourn Work Session at 6:30 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 7:01 PM.

1. Roll Call:

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

City Staff:

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

Others Present:

Jana Cox, resident and former member of the Community Arts Council; Harry Bakken, resident; David Loper, resident and former chair of the Community Arts Council; Vincent Liddiard and David Blackburn, residents and Council members elect; McKay Edwards, SITLA

2. **Presentation of the Colors and Pledge of Allegiance by Boy Scout Troop 1085:**

Boy Scout Troop 1085 was unable to attend the meeting. Fionnuala Kofoed lead the Pledge of Allegiance.

3. **Approval of Minutes (November 11, 2003):**

MOTION: *Mark Madsen moved to approve the Minutes of the City Council meeting held on November 11. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

Janet Valentine announced there would be a Special City Council meeting on Friday, December 19, 2003, at 6:00 PM, which would be a Public Hearing to amend the Capital Facilities Plan and Impact Fee Ordinance.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

Jana Cox, resident and former member of the Arts Council, commented on the future of the Community Arts Council. She stated that actually dissolving the Arts Council and creating a new similar entity could handicap the new board, as well as other non-profit groups in the City, in that the vast majority of grants are only given to entities that have been in force for three to five years. She recommended that the Council considering amending the ordinance so that the Arts Council could remain the same entity.

Harry Bakken, resident, read a statement, which he requested become a part of the official record. That statement, referring to the Arts Council and Eagle Mountain Historical Preservation Society, is attached.

David Loper, resident and former chair of the Arts Council, asked how many members of the Council had read the original ordinance and by laws of Arts Council. He stated that those original documents created a road map by which the Arts Council would operate in the City and advised that part of that road map was not to be the defacto organization but to be a facilitator of the arts. He explained that one of the things the Arts Council had been able to accomplish over the past few years was to be able to work with other arts organizations within the City; and to date, the Eagle Mountain Community Arts Council has worked with four separate profit and non-profit entities to help produce, form and facilitate their operations in the City. Mr. Loper indicated he felt it was a waste of time to reorganize the Arts Council when it already has within it the organization to facilitate other organizations or be an enabler to those organizations. He recommended the Council appoint members under the existing structure, make amendments where necessary, and keep the operation going. He advised that volunteers working through the Arts Council could provide manpower to accomplish projects that would otherwise have to be performed by City employees.

Vincent Liddiard and David Blackburn, residents and Council members elect, thanked the current Council for their service. Mr. Blackburn asked if any current Council members or City staff have any records or information in their files pertaining to past finances of the City. Mr. Blackburn requested that if there are any records or files pertaining to the finances of the City, they be turned over to the City.

Mayor Bailey explained that Mr. Liddiard and Mr. Blackburn were referring to the financial records for the period of 1999 to 2000.

Brigham Morgan stated that he has budgets and audit reports received from the City; however, he stated he has recently heard some disturbing information that he would discuss later with the City Attorney.

8. **Presentation by Wendy Baggaley of Citizenship in the Community Merit Badge packet for Eagle Mountain City:**

Wendy Baggaley, resident, presented a Citizenship in the Community merit badge packet and explained its contents to the Council. She explained her personal motivation in preparing this packet and how it would motivate scouts to learn more about the City. She recommended the City create a one-page budget summary, which could be easily understood by boy scouts, and a computer-generated map that could be continually updated.. She advised that three copies of the packet would be kept in the City library, one for reference and two to be checked out. Mrs. Baggaley asked the Council to appropriate \$30.00 to help pay for supplies to make these packets available, and the Council approved this request. She thanked all those who helped provide information and prepare the packet.

Mayor Bailey acknowledged Mrs. Baggaley's efforts and indicated how helpful the packet would be to boy scouts and residents of the City. He recommended Mrs. Baggaley update her growth projection figures by contacting the Planning Department before she prints final copies.

9. **Consideration and Approval of Eagle Mountain City Council Meeting Schedule for the year 2004:**

MOTION: *Mark Madsen moved to approve the Eagle Mountain City Council Meeting Schedule for the year 2004. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. **Consideration and Approval of the Final Plat including the Development Agreement and CC&R's for South Pass Plat A at Lake Mountain Ranch:**

Fionnuala Kofoed advised that the Planning Commission recommended the plat be amended, which amendments were explained by Korey Walker.

Korey Walker explained that the Ranches originally planned to stub a road out to some church property that has an agricultural protection easement. Mr. Walker advised that the church would not grant an easement for a temporary turnaround. He stated that this left the Ranches with two choices: 1) put the temporary turnaround back on lots, which eliminates two lots to maintain the right-of-way in the future; or 2) rotate Lots 15 and 16 ninety degrees to face west. He stated the Ranches would widen out these lots along the eastside to accommodate the extra width. He advised the road would extend on to the south into that property for future development; however, there would not be a road in this phase that goes to the church.

Mr. Walker advised that the Ranches requested that the bond and water rights be done with this development plan, which were completed and handed out to the Council. He indicated that his review disclosed some minor issues that needed to be updated on the plans and that the Ranches was in the process of updating these issues. He recommended the Council give final approval to this plat.

Mr. Walker advised that Kiowa Valley, Phase B, is not yet being constructed so the off site roads would be constructed with the South Pass development and when Kiowa Valley, Phase B, is constructed the road would be finished.

Mayor Bailey asked if the water right requirements had changed. Gerald Kinghorn stated the standards have not been officially changed. Mr. Walker indicated the Mayor had given direction at a prior administration meeting that water right requirements should be increased slightly to accommodate the

present usage. Mr. Walker advised he would present that recommendation to the Council at one of the first meetings in January 2004.

Brigham Morgan asked Gerald Kinghorn to verify that the CC&R's and development agreement were the standard agreements for the Ranches. Mr. Kinghorn verified that these were standard agreements. He also advised there was a fee in lieu of parks in the amount of \$24,528.63. He recommended this fee in lieu be incorporated in the motion for approval. Mr. Walker advised that the Ranches was aware of this fee in lieu amount and had made no protest.

Mr. Walker explained that amended conditions of approval from the Planning Commission were: 1) the verbiage in item 2 of the staff conditions be changed to read: "Design Review Committee – that the Ranches Design Review Committee submit a letter of approval for house design themes for home construction as well as approval of street trees"; and 2) the addition of the amendment of the plat to show Lots 15 and 16 be rotated to face west.

There were questions from the Council about the addition of 1) above. Mr. Walker stated there has not been enough leverage in the past to ensure that the Design Review Committee has reviewed plans, and the above verbiage was added to clarify this requirement. Scott Kirkland, the Ranches, indicated that this verbiage had been requested by the Planning Director. Mayor Bailey stated that the Building Department should be requiring a letter from the HOA before a building permit is issued. Richard Steinkopf, Planning Commissioner, explained that his reasoning for adding this to the conditions was to be explicit because the CC&R's were vague.

Scott Kirkland indicated that an HOA Design Review Committee should approve items on both subdivisions and on buildings.

Brigham Morgan complimented Mr. Kirkland on the use of alleys in the subdivision, which promote friendliness and cooperation among neighbors, and Scott Kirkland indicated that the use of alleys creates a better street scene.

Mark Madsen advised Mr. Kirkland that the second and third paragraphs of the CC&R's were redundant. Mr. Kirkland advised the Council that the references to the golf course had been removed from the CC&R's.

MOTION: *Mark Madsen moved to approve the Final Plat for South Pass subject to the following conditions: 1) Verification – that the property owner consent be verified; that the correct water right information is supplied for verification; 2) Design Review Committee – that the Ranches Design Review committee submit a letter of approval for subdivision design and house design themes for home construction along with documentation for approval from city; that the Ranches Design Review committee ensure the continuation of street trees species from the Kiowa Valley, Plat B, to the South Pass Subdivision; 3) Off Site Easement – that off site easements are provided along Cherokee Street and the back lot lines in Kiowa Subdivision; 4) Dry Utilities – that the dry utility plans that are submitted be reviewed a second time for the electrical and gas (the applicants have resubmitted a plan based upon the original redline comments); that the drawings reflect that Lots 15 and 16 are reoriented; insert the amount of \$24,528.63 for the exact figure for the fee in lieu of parks; and approve the CC&R's without the wording relating to the golf course or parks. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Scott Kirkland expressed his thanks to Brigham Morgan for his service on the City Council.

11. Consideration and Approval of Eagle Park Commons Park Improvement Plan:

Tiffany Ulmer, resident of Eagle Park, addressed the Council regarding phasing plans for the Eagle Park Commons Park improvements, as follows: Phase 1 (which will be funded by residents and donations) – build a playground for toddlers under age four, build a volleyball court including the poles and net on a grass court, plant fast growing poplar trees for shade, landscape corners with drought-tolerant plants (she advised she has been working with City employee Jeff Weber who will oversee this planting); Phase 2 - build a larger playground for all ages of children that would be financed by donations and maintained by the City, improve the landscaping by adding more trees, add benches and a water fountain; Phase 3 – build a basketball court, adding additional landscaping as needed. Mrs. Ulmer asked for Council approval of the overall phasing.

Mayor Bailey thanked Mrs. Ulmer for her efforts on behalf of her neighborhood. He advised that the Public Works Director had authorized the use of City equipment as needed for this project.

Mrs. Ulmer indicated she would be going door to door in January and February to collect donations for this project and that the first phase would have to be completely paid for before it is built.

Brigham Morgan expressed his safety concerns with the basketball court being located so close to the road. He stated he feared that children would chase balls into the street. Tiffany Ulmer stated they would consider installing a fence or bushes to provide proper safety for the children.

Kent Parker advised the Council that when there is enough funding to begin work, the City would have to make a budget adjustment to appropriate the funds so they could be expended as needed.

MOTION: *Brigham Morgan moved to approve Eagle Park Commons Park Improvement Plan subject to the following conditions: 1) Project Manager – that the public works department serves as the project manager to the construction of the park; and 2) Volunteers – that all neighborhood residents that work on the project sign up as “official volunteers” for liability reasons; 3) that no construction on any phase be commenced until sufficient funds to complete that phase are registered with the City; and 4) that no subsequent phase be commenced until the previous phase is completed. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Mark Madsen recommended that the phasing not be required to be completed in order. Brigham Morgan indicated there had been no phase order required in the motion, and Mayor Bailey advised this would allow the phasing to be completed in any order.

12. Consideration and Approval Alternate Suggestions regarding Community Arts Board

Mayor Bailey explained that this item had been discussed at the previous City Council meeting and that three options had been suggested for discussion:

- A. Modified Ordinance for Creating an Arts Advisory Board
- B. Adopting Arts Liaison only
- C. Dissolving the Community Arts Council

Brigham Morgan stated he checked into responsibilities of arts councils in other communities and had determined that giving direction to the existing Arts Council would solve the concerns that the Council members might have about expending too many City funds or budgetary line items. He suggested that the Ordinance as it stands could be clarified to bring out the fact that the Arts Council is an advisory board. He stated this would meet the needs of the City, allow residents to provide community service to the City in an official capacity, and fulfill a need for an experienced and knowledgeable advisory council to the City

Council. He stated he sees no risk to City funds because the City Council would have to authorize the expenditure of any funds for activities.

Diane Jacob agreed with Brigham Morgan in that the Arts Council was originally intended to be an advisory board, but because there were no entities to step up and plan activities, the Arts Council filled that role. She stated she would support the Arts Council in the capacity of an advisory board.

Brigham Morgan referred to a presentation during Work Session by City Accountant Glen Sexton indicating the Arts Council had done very well with their budget by exceeding the revenues expected and staying below the expected budget for this year.

Mark Madsen stated he disagreed and felt the Arts Council was not necessary and should be dissolved.

MOTION: *Mark Madsen moved to dissolve the Community Arts Council and have the Mayor appoint a liaison from the Council to the arts community in the City. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 1 – Diane Jacob. Brigham Morgan abstained. Motion failed for lack of majority.*

13. **Consideration and Approval of an Ordinance Creating an Eagle Mountain City Community Arts Board As an Advisory Board to the City Council to be known as the "Eagle Mountain City Community Arts Board":**

Not required.

14. **Consideration and Approval to Purchase a Utility Vehicle:**

Mark Sovine explained the need for a utility vehicle that would aid in snow removal to provide access to utilities, remote switchyard, remote substation, and remote gas tap that must be accessible at all times. He indicated that the vehicles currently owned by the City are running at their maximum capabilities. He explained that the Salt Lake County Public Works has a snow plow vehicle for sale which is four years old and has 18,000 miles on it that could be purchased out of revenue bonds for gas and electric. He advised that an added benefit of this vehicle would be that as the access to the utilities is cleared, the roads become drivable to residents of the City and that this could be accomplished in a much shorter time frame.

Mayor Bailey further verified that the City is in need of another vehicle to provide proper utility access.

MOTION: *Brigham Morgan moved to approve the purchase of said vehicle for the purchase price as identified, recommending that prior to purchase the City have an independent mechanic audit the vehicle and inspect for any potential defects or previous harm come to the vehicle. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- A. Check Register (November 2003)
- B. Contract Change Order
 - 1. Grant Smith Trail (CO No. 4); H.E. Davis
- C. Final Payments
 - 1. Landscaping Entrance Monument at the Ranches, 2003; American Civil Constructors, Inc.
 - 2. Grant Smith Trail (Final Payment); H.E. Davis
 - 3. Landscaping Entrance Monument at the Ranches, 2003 - Rock Retaining Wall; Rocky Mountain II Enterprises

- D. Final Bond Releases
 - 1. Freemont Springs Plat A; Hamlet Homes
 - 2. Freemont Springs Plat B; Hamlet Homes
 - 3. Cold Springs at Red Hawk Ranch Phase 2; Hamlet Homes
- E. Final Warranty Bond Releases
 - 1. Sundance Subdivision; Sundance Homes
 - 2. Diamond Springs Plat A; Sundance Homes
 - 3. Diamond Springs Plat B; Sundance Homes
- F. Partial Bond Release
 - I. Lone Tree, Plat A (Release No. 1); the Ranches
- G. Ratify Purchase and Installation of Equipment to Upgrade the Nortel Switch to meet CALEA Compliance with Nortel Networks

MOTION: *Mark Madsen moved to approve the Consent Agenda. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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 called.

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

Not applicable.

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

None

19. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 8:00 PM.

APPROVED: _____

Mayor Kelvin E. Bailey

DATE: _____

1-5-04

This certifies that the minutes of
16-DEC-2003 are a true, full and
correct copy as approved by the
City Council on 6-JAN-2004

Signed: _____

City Recorder

Jane B. Valentine, CMC

Public comment, 12/16/03

Mr. Mayor and Council-

I want to make these comments for the record. I don't make them specifically to you, because there are some of you on this council who do not want to hear what I have to say and some of you are at the center of my comments.

The first issue is that of arts in our community. Admittedly, in the past I have not been a voice for protecting the Arts Council as I have watched the council force it into the annals of history. I hope to rectify that in my continued involvement in city issues. While people like me have slept, you have decimated the Arts Council for reasons that are shameful and desperate. There are some on this council who have sought the demise of the arts council for purely political reasons at the expense of residents and our community. Here are my observations that support my accusation:

First there is motive:

-The Arts Council was established and lead by people who are active in city issues and disagree with the prevailing ideologies and policies of this current mayor and council.

-Brigham Morgan has repeatedly asked this council to reorganize the arts council. Some of you have stone-walled any efforts do so and are pushing for its demise. This seems to take root from his bid for reelection. A successful Arts Council might be something Brigham could tout, though because of his character, I doubt he would. Now you say we have the Arts Guild. That is a wonderful addition to our city and neighboring cities. Perhaps organizations like that can help bridge rifts caused by our ad nauseum Annexation disputes. But the way certain members of this council have thrown support behind the arts guild after failing to support the city's arts council is appalling.

-Some of you have not supported the Arts Council in the form of participation and attendance at productions and activities they put on.

-The Lake Mountain Arts Guild was formed without involving political rivals of certain members of this council. That's of course perfectly fine, however the mayor and other members of this council were very aware of the group and what it was, yet the mayor lied to members of this council about what he knew of it. Moreover, the arts council liaison was not

afforded the courtesy of being made aware of its creation. Perhaps accords could have been made at that point that would involve more people in this important work. Also I have heard from two independent sources among the group that the mayor suggested to the organizers that no one say anything about the group until the formal unveiling. What were you seeking to hide? Good works do not need to be kept hidden.

Changing gears, the final issue I wish to touch on tonight is in regards to the EM Historical Preservation Society. I'm sure by now you have figured out that I am one of the incorporators. I am not surprised you do not embrace this group with the same enthusiasm you have embraced the Lake Mountain Arts Guild. It too was formed by political "enemies" and seeks to do good in the city without city funding and authority. I was shocked to learn recently that Linn Strouse contacted one of the group's advisors, Carl Mellor, and told him not to work with us in regards to historical issues in Eagle Mountain, rather that he should work with her personally. This is a disgusting abuse of power and an attempt to stifle an incorporated company's free-trade and commerce. Fortunately, Mr. Mellor has a good sense about him and is still working with us. Also of note, since Mrs. Strouse was given oversight of the Pony Express Days, the curators of the Camp Floyd State Park are no longer welcome to be involved in the event.

I ask for an end to these types of exclusionary tactics whether it be in the arts, sports, building department, or anything else in this city. There are many people who want to be involved but will cease to do so if this childish and abusive behavior does not cease.

Thank you.

MINUTES OF THE EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING
December 19, 2003
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

POLICY SESSION – 6:00 PM

Mayor Kelvin Bailey called the meeting to order at 6:02 PM.

1. Roll Call:

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

City Staff:

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

Others Present: McKay Edwards, SITLA.

2. Pledge of Allegiance

The Pledge of Allegiance was lead by Mark Madsen.

3. Public Hearing on Economic Analysis Plan:

A. Open Public Hearing (*6:10 PM. or as soon thereafter as may be heard*)

Mayor Kelvin Bailey opened the Public Hearing at 6:05 PM

B. Receive Public Comment

McKay Edwards, SITLA, addressed the Council and presented a letter thanking the City for the work performed on the master development agreement and the amendment presented for consideration at this meeting. The letter was accompanied by Exhibit A, which referenced Part II, Section B of the Master Development Agreement. He asked that the letter be adopted as part of the official record.

C. Close Public Hearing

The Mayor closed the Public Hearing at 6:08 PM.

Korey Walker addressed the Council explaining that the purpose for updating the Economic Analysis Plan was to: 1) accommodate the SITLA proposed master development plan and acknowledge receipt of money for the capital improvements on Sweetwater Road; 2) acknowledge the anticipated receipt of money for Silver Lake and identify the equity buy-ins associated with that development; 3) make modest changes in some of the improvements with relation to the Capital Facilities Plan; 4) evaluate extensively the City's sewer options, water supply options and ground water sources; 5) expand future facilities with regard to parks and recreation; and 6) recommend impact fees for public safety. Mr. Walker referred to the review by the City Council at the meeting on December 16, 2003. He referred to a sheet taken directly from the Capital Facilities Plan, which had been emailed to the Council, showing changes that removed from the water revenue bond costs the cost of issuance, interim interest, cost of interim funds, and capitalized interest. He stated by equating the cost for ERU, the cost was brought down from \$28.40 to \$14.32. He referred to the equity buy-ins for Sweetwater Road stating that costs were updated in accordance with SITLA because the water line had been changed from 16 inches to 12 inches. Mr. Walker also commented that the service area park and recreational equity buy-in had been changed from 5,000 to 10,000 ERU's because the original evaluation of the Mid-Valley Park and the Pony Express Trail was not adequate. He advised that SITLA had requested they be allowed to receive a credit for the impact fee rather than a reimbursement. He specified the recommended amounts as follows: 1) South Service Area recommended fee is \$12,223.00 per ERU; 2) North Service Area remains the same; 3) Eagle Mountain Properties area reduced to \$9,453.00; SITLA area fee increased to \$11,098.00; and 4) Silver Lake remains the same.

Gerald Kinghorn explained that all future facilities fees are payable at plat recordation and remaining fees are payable at building permit.

McKay Edwards asked for clarification of SITLA buy-in credits stating he calculated the amount should be \$110.00. Korey Walker recalculated the buy-in fees and determined that Mr. Edwards was correct. Mr. Walker stated this would change all buy-in fees for the South Service Area from \$138.00 to \$110.00.

4. **Consideration and Approval of Ordinance Adopting Economic Analysis Plan:**

MOTION: *Mark Madsen moved to approve the impact fee summary as proposed, with the changes attached to the Minutes and also with the correction of the South Service Areas parks and recreation equity buy-in to total \$110.00 instead of \$138.00 with credits; to approve the 2003 Capital Facilities Plan and adopt the Impact Fee Economic Analysis and amend Ordinance No. O 16-2003; to allow for correction of typographical errors; and to approve Ordinance No. O 21-2003. Diane Jacob seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

McKay Edwards presented a check to Mayor Bailey from SITLA to begin construction of Sweetwater Road.

5. **Consideration of Award of Bid for the Project "Sweetwater Road Contract":**

Korey Walker recommended that the Council award the contract for construction of Sweetwater Road to Terry Larsen Excavating in the amount of \$1,571,583.40.

MOTION: *Mark Madsen moved to award the bid for the project Sweetwater Road Construction Contract to Terry Larson Excavating in the amount of \$1,571,583.40. Diane Jacob*

seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

6. **Report of Certification of Annexation Petition for “Meadow Ranch Annexation” (located between Meadow and North Ranch):**

Janet Valentine explained that the subject petition for annexation was originally received on November 25, 2003; however, the petitioner did not submit the correct information with the plat map and the petition was rejected. The petition was resubmitted and the name was changed from Ranches II Annexation to Meadow Ranch, which was accepted by the Recorder’s Office. The petition was reviewed by Mike Jensen, Epic Engineering, who found errors that were corrected. Mrs. Valentine stated that the annexation petition before the Council was the corrected version. She indicated she verified landowner information at the Utah County Recorder’s Office and advised that the City owns some of the property.

MOTION: *Mark Madsen moved to certify the petition for annexation. Linn Strouse seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

7. **Adjournment:**

Mark Madsen moved to adjourn the meeting at 6:25 PM.

APPROVAL: *Kelvin E. Bailey* DATE: *1-20-04*
Mayor Kelvin E. Bailey

This certifies that the minutes of *19-Dec-2003* are a true, full and correct copy as approved by the City Council on *20-Jan-2004*
Signed: *Janet B. Valentine, CMC*
City Recorder

McKAY EDWARDS AICP

EDWARDS GROUP L.L.C.
1670 East 1300 South, #202
Salt Lake City, Utah 84105
(801)-588-0911 Fax (801)-588-0913
mckay@clubutah.com

19 December, 2003

Honorable Mayor Kelvin E. Bailey & City Council
Eagle Mountain City, Utah

RE: Capital Facility Plan, Economic Analysis and Impact Fee Ordinance Amendment of December 19, 2003 relative to the SITLA-Eagle Mountain Master Development Agreement

Dear Mayor & City Council;

First, let me acknowledge the tireless and excellent work that your staff, City Attorney and City Engineer have performed both on our Master Development Agreement and the Amendment being considered tonight. I believe we are on the brink of a mutually beneficial partnership that will take Eagle Mountain City and the SITLA lands forward.

On behalf of SITLA, I am making the following comments on the Amendment being considered at your December 19th meeting. As you are aware, the Amendment is material to the Master Development Agreement, and fulfills an important condition of the Agreement.

As some aspects of the Amendment could not be foreseen or assured at the time of the Master Development Agreement, we believe it is important to make a record of our understanding at this time. We would propose formalizing this understanding by having this letter adopted as part of tonight's official record. We would further propose a short Amendment to the Master Development Agreement early next year. For now, we are willing to proceed under the conditions contained herein and the Amendment being adopted in tonight's meeting.

I apologize for the formality of the following, but this is important enough to require as much clarity as possible.

1. Background:

Eagle Mountain City, Utah (the City) and The State of Utah, School and Institutional Trust Lands (TLA or SITLA), entered into a Master Development Agreement in September of 2003 (the MDA). In Section II of the MDA, the parties agreed to cooperate in the Amendment of the City's Capital Facilities Plan and Economic Analysis and the subsequent Impact Fee Ordinance (the Amendment).

As the Amendment is a legislative process, the outcome of which could not be assured at the time the MDA was entered into, the MDA is subject to the satisfactory outcome of the Amendment. The Amendment has gone through successive drafts and variations. We believe it is in both of our interests to make this record of our understanding of the effect of the Amendment and to accept the Amendment as consistent with the MDA.

2. Acceptance of the Capital Facilities Plan, Economic Analysis and Impact Fee Ordinance:

Subject to consistency with Exhibit A hereto, TLA accepts the Capital Facilities Plan, Economic Impact Analysis and Impact Fee Ordinance (the Amendment) as adopted by the City on December 19th, 2003, and, as consistent with the MDA.

We acknowledge that the Capital Facilities Plan, Economic Analysis and Impact Fee Ordinance may be amended from time to time by the City, and understand that there are limits to binding future legislative bodies. However, we wish to make a record that the Impact Fee credits and reimbursement commitments established by the MDA and the Amendment are material to the MDA.

3. Sweetwater Road Construction.

TLA, again subject to the Amendment being consistent with Exhibit A attached, consents to the City proceeding with construction of Sweetwater Road, a 12" water line and certain landscaping, as currently bid by Terry Larsen Excavating in bids opened by the City in November of 2003. TLA is prepared, upon the adoption of an Amendment consistent with the Exhibit A and agreement with this Letter, to place the remaining construction funds of \$730,000 with the City to be deposited into the Construction Escrow Account established with US Bank in June. Construction may proceed under the City's direction consistent with the applicable provisions of the MDA.

On behalf of SITLA:



McKay Edwards

EXHIBIT A

Note: The following items are referenced to Part II, Section B of the Master Development Agreement. Abbreviations: SSA is South Service Area, NSA is North Service Area. TLA is the same as SITLA.

1. Incorporation of Trust Lands into the SSA. The Amendment incorporates the Trust Lands into the SSA. The Trust Lands are defined as a Sub-Service Area called the SITLA Sub-Service area of the South Service Area (SSA). There is a further distinction, in #3 below, of the SITLA Mid-Valley Parcel as a Sub-Sub Service Area.

2. Adoption of Regional Parklands Contribution to the Parks and Recreation System. The Amendment adopts the contribution of the 58-Acre Regional Park/Civic Center Parcel and the 52-Acre Pony Express Trail Corridor Park as \$1.1 million in credit to TLA. The \$1.1 million contribution has a capacity of 10,000 ERU's, which results in an impact fee of \$110 per ERU for Equity Buy-In in the SSA, including the TLA lands, as to this contribution. The TLA Credit will offset the impact fee as to the TLA lands, up to the total number of ERU's constructed thereon. TLA will be reimbursed on an annual basis for the fee as collected from SSA lands outside the TLA boundaries. The combination of reimbursements and offsets will not, when totaled, exceed the total value of \$1.1 million.

3. Adoption of Bypass Road Impact Fee for Mid-Valley Parcel Sub-Service Area. The Amendment adopts an impact fee for the TLA Mid-Valley Parcel *only* of \$304 per ERU. The Road is estimated to cost \$1,063,000, is projected to be built in 2008, and has a capacity of 3,500 ERU's. It is noted that this Fee is imposed only on the Mid-Valley Parcel, not the Pony Express Parcel of TLA, and is therefore technically a Sub-Sub Service area.

4. Reimbursement of Sweetwater Road Construction Costs. The Amendment continues the Sweetwater Road Impact fee for both the SSA and NSA, but adjusts it for actual construction costs of Phase I. The Amendment adjusts the estimated Phase I project cost to \$1,303,092, which is divided 2/3rds to the SSA and 1/3 to the NSA. The capacity is 3,500 ERU's in each area, resulting in an impact fee of \$248 for the SSA and \$124 for the NSA. In accordance with the MDA, the impact fee will not be imposed on the TLA Sub-Service Area, and will be reimbursed to TLA as it is collected until TLA has been reimbursed the total actual cost of construction. TLA acknowledges that the City is contributing \$30,683 collected thus far under this Impact Fee, which amount will be subtracted from the total required for reimbursement.

5. Creation of South Service Area Roads. The Amendment creates a SSA future facility plan and impact fee for a network of streets servicing the entire service area and including, but not limited to, East-West Mid-Valley Road, Bobby-Wren Boulevard and Roundabout, Mid-Valley Pony Express Road and segments of Airport Road. The facilities total \$15,002,886. The capacity is 32,000 ERU's and the impact fee is \$469 per ERU. The fee will be charged on all South Service Area lands, including the TLA lands.

6. Water Facilities. The Amendment creates a credit of \$423,919 for construction of the 12" waterline in Sweetwater Road. The waterline has a capacity of 4,800 ERU's. The assessment for the line is split and 1/3 to the NSA as \$29.44 per ERU and 2/3rds to the SSA as \$58.88 per ERU. The impact fee will not be imposed on the TLA Sub-Service Area, and will be reimbursed to TLA as it is collected, up to the cost of the facility. The Amendment currently provides that TLA will not be charged the \$720 Impact Fee for the South Service Area EMP Well, unless TLA requires the use of the well, in which case SITLA may in the future be required to pay the impact fee. TLA's obligation under the MDA to provide an advance of \$750,000 against water impact fees during 2004 or 2005 remains unaltered.

7. Airport Road Right-of-Way. The Amendment establishes a value of \$233,669 for the TLA dedication of Airport Road Right-of-Way in excess of 90-feet. This has a capacity of 7,000 ERU's, resulting in an impact

Letter of December 19, 2003, to Eagle Mountain City, Utah on behalf of the State of Utah, School and Institutional Trust Lands.

fee of \$33 per ERU in the South Service Area. The impact fee will not be imposed on the TLA Sub-Service Area, and will be reimbursed to TLA as it is collected, up to the total credit amount.

Impact Fee Summary

		SSA	NSA	EMP	SITLA	Silver Lake
SEWER						
	South Service Area Sewer Improvements \$ 2,701	\$ 2,701		\$ 2,701	\$ 2,701	
WATER						
	North Ranch / Meadow Ranch Water Source Analysis \$ 205					
	South Service Area Water Source Analysis \$ 283	\$ 283		\$ 283	\$ 283	
	City Wide Water Source Analysis \$ 566	\$ 566	\$ 566	\$ 566	\$ 566	\$ 566
	North Ranch / Meadow Ranch Water Distribution Analysis \$ 164					
	North Ranch / Meadow Ranch Water Storage Analysis \$ 630					
	City Wide Water Storage Analysis \$ 890	\$ 890	\$ 890	\$ 890	\$ 890	\$ 890
	Silverlake Water Distribution Analysis \$ 31					\$ 31
STREET						
	Silver Lake Sub Service Area Street Analysis \$ 185					
	North Service Area Street Analysis \$ 205		\$ 205			\$ 205
	South Service Area Street Analysis \$ 469	\$ 469		\$ 469	\$ 469	
	SITLA Sub Service Area Street Analysis \$ 304				\$ 304	
PARKS AND REC						
	North Service Area Parks Analysis \$ 207		\$ 207			\$ 207
	South Service Area Parks Analysis \$ 280	\$ 280		\$ 280	\$ 280	
	City Wide Park Analysis \$ 635	\$ 635	\$ 635	\$ 635	\$ 635	\$ 635
POWER						
	City Wide Electrical Analysis \$ 172	\$ 172	\$ 172	\$ 172	\$ 172	\$ 172
	North Service Area Electrical Analysis \$ 30		\$ 30			\$ 30
STORM WATER						
	North Service Area Stormwater Analysis \$ 27		\$ 27			
PUBLIC SAFETY						
	City Wide Public Safety Facilities \$ 123	\$ 123	\$ 123	\$ 123	\$ 123	\$ 123
EQUITY BUY IN						
South Service Area Sewer Equity Buy-In						
	EMP Property \$ 114	\$ 114		\$ 114		
	Water & Sewer Revenue Bonds, Series 2000 (Sewer Principal Portion) \$ 820	\$ 820		\$ 820	\$ 820	
Sage Park Service Area Sewer Equity Buy-In						
	24" Trunk Line along Eagle Mountain Boulevard \$ 225					
North Service Area Sewer Equity Buy-In						
	Ranches Sewer 98-1 \$ 1		\$ 1			\$ 1
	Ranches Sewer 98-1 \$ 432		\$ 432			\$ 432
	TSSD \$ 2,480		\$ 2,480			\$ 2,480
North Service Area Street Equity Buy-In						
	Ranches Street (98-1SID) \$ 342		\$ 342			\$ 342
	Pony Express Parkway Extension (2000-1 SID) \$ 628		\$ 628			\$ 628
	Porters Crossing Parkway Extension (2000-1 SID) \$ 469		\$ 469			\$ 469
	Porters Crossing Parkway Landscape (2000-1 SID) \$ 35		\$ 35			\$ 35
	Sweetwater Road Connection (SITLA) \$ 124		\$ 124			\$ 124
	Pony Express Extension through Silverlake \$ 185		\$ 185			\$ 185
South Service Area Street Equity Buy-In						
	EMP Property \$ 348	\$ 348		\$ 348		
	EMP 97-1 SID \$ 887	\$ 887		\$ 887		
	EMP 98-3 SID \$ 443	\$ 443		\$ 443		
	Sweetwater North Extension (SITLA) \$ 248	\$ 248	\$ 248			
	Airport Road Right of Way (SITLA) \$ 33	\$ 33	\$ 33			
North Service Area Stormwater Equity Buy In						
	Ranches Stormwater 98-1 SID \$ 39		\$ 39			\$ 39
	Tickville Wash Culvert (CITY) \$ 43		\$ 43			\$ 43
South Service Area Stormwater Equity Buy In						
	98-3 EMP Sweetwater Road / SD Phase 1 \$ 230	\$ 230				
	EMP Property Per Agreement \$ 29	\$ 29				
North Service Area Parks and Recreation Equity Buy In						
	Ranches and Pony Express Parkway Landscape (2000-1 SID) \$ 197		\$ 197			\$ 197
	Paul Evans Trailway (2000-1 SID) \$ 49		\$ 49			\$ 49
	Grant Smith Trail (2000-1 SID) \$ 25		\$ 25			\$ 25
	Red Hawk Ranch Park (2000-1 SID) \$ 169		\$ 169			\$ 169
	Meadow Ranch Trailways and Parks (2000-1 SID) \$ 25		\$ 25			\$ 25
	Ranches Entrance Monument (2000-1 SID) \$ 25		\$ 25			\$ 25
	Eagle Mountain Entrance Sign (2000-1 SID) \$ 9		\$ 9			\$ 9
South Service Area Parks and Recreation Equity Buy In						
	Mid Valley Regional Land Park (SITLA) \$ 145 ⁷³	\$ 145 ⁷³		\$ 145 ⁷³		
	Pony Express Trail Corridor (SITLA) \$ 120 ⁶⁵	\$ 120 ⁶⁵		\$ 120 ⁶⁵	28	
North Service Area Electrical Equity Buy In						
	Ranches Electrical 98-1 SID \$ 183		\$ 183			\$ 183
Distributed Generation, Pacifcorp connection, professional fees. (Rev Bond)	\$ 28		\$ 28			\$ 28
South Service Area Electrical Equity Buy In						
	Electrical Distribution, fees, Professional Services (Rev Bond) \$ 158	\$ 158		\$ 158	\$ 158	
	Pacifcorp Connection, Contract, Distributed Generation (Rev Bond) \$ 9	\$ 9		\$ 9	\$ 9	
City Wide Electrical Equity Buy In						
	Gas & Electric Revenue Bonds \$ 346	\$ 346	\$ 346	\$ 346	\$ 346	\$ 346
North Service Public Safety Equity Buy In						
	1st Phase Public Safety Building (City) \$ 45		\$ 45			\$ 45
North Service Area Water Source & Distribution Equity Buy In						
	Ranches SID 98-1 \$ 286		\$ 286			\$ 286
	2 MG Reservoir (2000-1 SID) \$ 618		\$ 618			\$ 618
	Ranches Well (2000-1 SID) \$ 375		\$ 375			\$ 375
	12 inch waterline (SITLA - Sweetwater Road) \$ 29		\$ 29			\$ 29
	Silverlake Well & Well House \$ 91		\$ 91			\$ 91
South Service Area Water Source & Distribution Equity Buy In						
	Eagle Mountain Water Main and Tank (Rev Bond) \$ 1,432	\$ 1,432		\$ 1,432	\$ 1,432	
	EMP: Well \$ 720	\$ 720				
	12 inch waterline (SITLA - Sweetwater Road) \$ 59	\$ 59		\$ 59		
	Silverlake Well & Well House \$ 91	\$ 91		\$ 91	\$ 91	
Maximum Fee		\$ 12,300 12,223	\$ 10,134	\$ 9,590 9,453	\$ 14,070 11,098	\$ 9,863

MINUTES OF THE EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING
December 19, 2003
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

Prayer by Invitation of the Mayor

The prayer was offered by Mayor Kelvin Bailey.

POLICY SESSION – 6:00 PM

Mayor Kelvin Bailey called the meeting to order at 6:02 PM.

1. Roll Call:

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

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Public Works Director:	Mark Sovine (Excused)
Utah County Sheriff:	Deputy Jo Murphy (Excused)
Fire Chief:	Robert DeKorver (Excused)

Others Present: McKay Edwards, SITLA.

2. Pledge of Allegiance

The Pledge of Allegiance was lead by Mark Madsen.

3. Public Hearing on Economic Analysis Plan:

A. Open Public Hearing (*6:10 PM. or as soon thereafter as may be heard*)

Mayor Kelvin Bailey opened the Public Hearing at 6:05 PM

B. Receive Public Comment

McKay Edwards, SITLA, addressed the Council and presented a letter thanking the City for the work performed on the master development agreement and the amendment presented for consideration at this meeting. The letter was accompanied by Exhibit A, which referenced Part II, Section B of the Master Development Agreement. He asked that the letter be adopted as part of the official record.

C. Close Public Hearing

The Mayor closed the Public Hearing at 6:08 PM.

Korey Walker addressed the Council explaining that the purpose for updating the Economic Analysis Plan was to: 1) accommodate the SITLA proposed master development plan and acknowledge receipt of money for the capital improvements on Sweetwater Road; 2) acknowledge the anticipated receipt of money for Silver Lake and identify the equity buy-ins associated with that development; 3) make modest changes in some of the improvements with relation to the Capital Facilities Plan; 4) evaluate extensively the City's sewer options, water supply options and ground water sources; 5) expand future facilities with regard to parks and recreation; and 6) recommend impact fees for public safety. Mr. Walker referred to the review by the City Council at the meeting on December 16, 2003. He referred to a sheet taken directly from the Capital Facilities Plan, which had been emailed to the Council, showing changes that removed from the water revenue bond costs the cost of issuance, interim interest, cost of interim funds, and capitalized interest. He stated by equating the cost for ERU, the cost was brought down from \$28.40 to \$14.32. He referred to the equity buy-ins for Sweetwater Road stating that costs were updated in accordance with SITLA because the water line had been changed from 16 inches to 12 inches. Mr. Walker also commented that the service area park and recreational equity buy-in had been changed from 5,000 to 10,000 ERU's because the original evaluation of the Mid-Valley Park and the Pony Express Trail was not adequate. He advised that SITLA had requested they be allowed to receive a credit for the impact fee rather than a reimbursement. He specified the recommended amounts as follows: 1) South Service Area recommended fee is \$12,223.00 per ERU; 2) North Service Area remains the same; 3) Eagle Mountain Properties area reduced to \$9,453.00; SITLA area fee increased to \$11,098.00; and 4) Silver Lake remains the same.

Gerald Kinghorn explained that all future facilities fees are payable at plat recordation and remaining fees are payable at building permit.

McKay Edwards asked for clarification of SITLA buy-in credits stating he calculated the amount should be \$110.00. Korey Walker recalculated the buy-in fees and determined that Mr. Edwards was correct. Mr. Walker stated this would change all buy-in fees for the South Service Area from \$138.00 to \$110.00.

4. **Consideration and Approval of Ordinance Adopting Economic Analysis Plan:**

MOTION: *Mark Madsen moved to approve the impact fee summary as proposed, with the changes attached to the Minutes and also with the correction of the South Service Areas parks and recreation equity buy-in to total \$110.00 instead of \$138.00 with credits; to approve the 2003 Capital Facilities Plan and adopt the Impact Fee Economic Analysis and amend Ordinance No. O 16-2003; to allow for correction of typographical errors; and to approve Ordinance No. O 21-2003. Diane Jacob seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

McKay Edwards presented a check to Mayor Bailey from SITLA to begin construction of Sweetwater Road.

5. **Consideration of Award of Bid for the Project "Sweetwater Road Contract":**

Korey Walker recommended that the Council award the contract for construction of Sweetwater Road to Terry Larsen Excavating in the amount of \$1,571,583.40.

MOTION: *Mark Madsen moved to award the bid for the project Sweetwater Road Construction Contract to Terry Larson Excavating in the amount of \$1,571,583.40. Diane Jacob*

seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

6. Report of Certification of Annexation Petition for “Meadow Ranch Annexation” (located between Meadow and North Ranch):

Janet Valentine explained that the subject petition for annexation was originally received on November 25, 2003; however, the petitioner did not submit the correct information with the plat map and the petition was rejected. The petition was resubmitted and the name was changed from Ranches II Annexation to Meadow Ranch, which was accepted by the Recorder’s Office. The petition was reviewed by Mike Jensen, Epic Engineering, who found errors that were corrected. Mrs. Valentine stated that the annexation petition before the Council was the corrected version. She indicated she verified landowner information at the Utah County Recorder’s Office and advised that the City owns some of the property.

MOTION: *Mark Madsen moved to certify the petition for annexation. Linn Strouse seconded the motion. Ayes: 3 – Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

7. Adjournment:

Mark Madsen moved to adjourn the meeting at 6:25 PM.

APPROVAL: _____ DATE: _____
Mayor Kelvin E. Bailey