

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, UT 84043
Tuesday, August 3, 2004

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

1. Consent Agenda
2. Discussion on Cedar Valley Airport
3. Discussion on Water Conservation Plan
4. Discussion on Development Code
5. Adjourn Work Session at 6:50 p.m.

Prayer by Invitation of the Mayor

The Prayer was offered by Vincent Liddiard

POLICY SESSION – 7:00 p.m.

1. **Call to Order - Roll Call:**

Mayor Kelvin Bailey called the meeting to order at 7:10 P.M.

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

City Staff:

| | |
|------------------------|-----------------|
| City Administrator: | Chris Hillman |
| City Attorney: | Gerald Kinghorn |
| City Engineer: | Korey Walker |
| City Recorder: | Janet Valentine |
| Deputy Recorder: | Angela Cox |
| Finance Director: | Gordon Burt |
| Planning Director: | Shawn Warnke |
| City Planner: | Adam Lenhard |
| Public Works Director: | Mark Sovine |

Others Present:

Residents: Edith Scott, Maritza Bailey, Christie Buxton, Wendy Ford, Bonnie Jeppson, Charlotte Ducos, Ryan Boreman, Jeff Black, Cindy Morris, Steve Briles, Traci Schroeder, Janice Sloan, Jennifer Konold, Jack and Carma Scott, Julie Wallace, Dustin and Jodi Reid, Fionnuala Kofoed Scot Hazard, developer; Dab Ford, ERA; Cathy Allred, Pony Express; G.J. LaBonte, UTA; Matt Sibil, UDOT

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by David Blackburn

3. **Approval of City Council Minutes (July 6, 2004):**

MOTION: *Diane Jacob moved to approve the Minutes of July 6, 2004. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

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

Mayor Kelvin Bailey read a statement submitted by David Strouse thanking Eagle Mountain's Fire Chief Robert DeKorver and his medical assistants for their quick and professional response to his 911 call.

5. **Appointments:**

A. Deputy Recorder

MOTION: *Diane Jacob moved to appoint Angela Cox to the position of Deputy Recorder. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

6. **Public Notices:**

None.

7. **Public Comment:**

Jeff Black submitted pictures of his chain link fence in the Mountain View subdivision. He stated that he stood before the Council concerning his chain link fence a couple of weeks ago and continued in explaining the placing of his chain link fence. Mr. Black stated that he had been asked to take this chain link fence down. He wanted to explain the four reasons he wants to keep this chain link fence in his yard. First of all are financial reasons in being that he can not afford a vinyl fence. Second being property rights, third being that they had no previous knowledge of the stipulations of fencing, and fourth is the safety and security of his children. He stated that if chain link is good enough for the elementary school it should be good enough for his home.

Janise Sloan stated that if regulatory laws enable government to dictate the purposes for and the manner in which private property may be used it possess many of the powers which ownership would give. She stated that people own property so that they can use it for their own purposes, but if government has the power to dictate what those purposes are and how they shall be achieved she feels that private ownership is largely denied. To the extent government regulations exist the constitution will guarantee that no person shall be deprived of life liberty or property with out due process. Government constitutes one of the greatest threats to human freedom on earth and one of the easiest ways of bringing citizens into bondage is by regulating and controlling their property. Ms. Sloan stated that she was shocked at the last City Council meeting to hear that it is against the law in Eagle Mountain City to have a chain link fence. She feels that this is not only outrageous but scary. She asked each Council Member if they believe that the government has the right to prohibit these fences on private property, if so what is the justification for such a law. She stated her feelings that it is not a health safety or welfare issue; in fact she believes it interferes with the health safety and welfare of families if that is all they can afford to do. Government gets its power from the people and therefore can only have what the people have to give. In her opinion this totally undermines her God given freedom and she feels this standard should be totally deleted. She understands that there is a vision for this City and there are some standards that need to be in place that defines us as a City but she feels this is crossing the line. Now if a Home Owners Association wants to prohibit certain fences in there CC&R's then that is in their right to do so.

She doesn't have a problem with the City encouraging certain fences or encouraging the Home Owners Association to have such provisions. She is apposed to the City prohibiting them based on a look they want the City to have. She reminded the City Council that each of them took an oath to obey and defend the constitution of the United States. She believes this law violates the Constitution of the United States and urges the Council to take immediate action to get rid of this law and any that resembles it.

8. **Council Comments:**

Mayor Bailey responded to the comments on the chain link fences. He stated that the Development Code passed in 1999 is where the regulation comes from. The proposed Development Code that is in the works allows for chain link fence. Previously a compromise was made between the Council to allow for vinyl coated chain link fence, but he believes that this Council will support chain link fence. That is why no action, other than notification of the regulation as taken place. The City is bound by the laws that are currently in place. The final outcome will depend on this Council, but the recommendation will be to allow chain link fence.

Vincent Liddiard stated that tonight is the Neighborhood Watch National Night Out. He stated that there is an active Neighborhood Watch and encouraged anyone interested in being involved in Neighborhood Watch to contact Sergeant Jo Murphy.

Linn Strouse commended the resident, Jeff Black; on putting in a chain link fence to protect is children. Mrs. Strouse stated that when she had young children she to put up a chain link fence to protect her children. She believes that if it is in the backyard and to protect their children, she believes that it is wrong for the government to interfere with their efforts. The government's role is supposed to be safety and security of the community.

Vincent Liddiard stated that White Hills has had a lot of problems with water recently, and a lot of residents of our community have assisted these people. He thinks that is great and those people should be thanked and congratulated for their efforts. However, along the same lines the White Hills community has expressed a desire to be incorporated in Cedar Fort and avoid being incorporated into Eagle Mountain. This subdivision is not anywhere near the Annexation Policy Plan and Eagle Mountain City has no desire to incorporate Whit Hills into our City.

9. **Recognition of Military Service:**

None.

10. **Presentation to City Council on Mountain View Corridor:**

Matt Sibil presented the City Council and audience with plans for the proposed Mountain View Corridor and welcomed any comments. He continued in giving a brief overview of what the Mountain View corridor is. He stated that the project is approximately a three and a half year project.

Vincent Liddiard questioned whether this plan is seeking to be reactive to current situation or proactive to a foreseeable future. Mr. Liddiard stated that he prefers the Southern Freeway concept plan. Mr. Sibil responded that it intends to do both.

Ryan Boreman stated that his comment is directed to the people of Mountain View Corridor. He explained his feelings concerning the proposed plans of the Mountain View Corridor. Mr. Boreman stated that he prefers the Porter Rockwell concept of the two southern concepts, because of its shorter distance and it provides access to I-15.

Mr. Liddiard addressed concerns of emergency response on Main Street in Lehi.

G.J. LaBonte, Strategic Planner with UTA, expressed his understanding with traffic concerns. Explained phasing of the project and addressed concerns of emergency vehicle access.

David Blackburn questioned the likelihood of a mass transit coming to Eagle Mountain City. Discussion ensued. Mr. LaBonte stated that the City will need to be a member of the Transit Authority.

Mark Madsen stated that he agrees with Mr. Boreman's analysis. The Porter Rockwell concept is the strong first choice for our community.

11. **Acceptance of Audit Report for Fiscal Year 2002/2003:**

MOTION: *David Blackburn moved to approve the Audit Report for Fiscal Year 2002/2003. Vincent Liddiard seconded the motion. Ayes: 5 – Linn Strouse, David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

12. **Public Hearing on the City's proposed Development Code with respect to the Zoning Ordinance and Development Standards:**

Adam Lenhard explained the Zoning Ordinance and Development Standards. He stated that this has been in the works for approximately two year. Mr. Lenhard explained that Title II was adopted at the previous City Council meeting and this evening Title I is on the agenda for consideration. He continued in giving a brief summary of the differences between this proposed Development Code and the current Development Code including zoning and densities in the bonus density program. He explained that the proposed Development Code allows more flexibility and creativity in development. It also improves buffers and transitions, creates more amenities, more orderly developments, the application and development processes are greatly simplified, more organization and consistency, and he feels it is good for the future of the City.

Mayor Bailey explained the process of the approval of the Development Code and the benefits of the proposed Development Code in comparison with the existing Development Code. He stated that he believes that this Development Code will become one of the most innovative Codes. He expressed his appreciation to the amount of time staff has spent working on it.

A. Open Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 8:13 P.M.

B. Receive Public Comments

Charlotte Ducos asked who tells the developer how many tiers they can go through. She stated that she has been in support of the proposed Development Code and wants this answered to know if she is still in support.

Mayor Bailey explained that as long as the developer meets the buffer and transition requirements they can go through as many tiers as they wish.

Mark Madsen further explained the buffering and transitioning requirements.

Fionnuala Kofoed stated that this proposed Development Code as been going on for years. She stated that the Planning Department has worked very hard on this project, and has worked very well in trying to find a happy medium. Mrs. Kofoed stated that she wanted to pat the Planning Department and City Council on the back.

Monte Kingston questioned the open space requirements. Mayor Bailey responded and explained the current standards and the proposed standards.

C. Close Public Hearing

Mayor Kelvin Bailey closed the Public Hearing at 8:24 P.M.

13. **Consideration and Enactment of a new Title 1 and Title 2 of the Development Code of Eagle Mountain City and to repeal and amend all sections of the Development Code in conflict therewith:**

This item was tabled.

14. **Public Hearing continued on the General Plan Amendments including Future Land Use Plan:**

Adam Lenhard explained that this item is an amendment to the Land Use map, which is required before annexation. The amendment to the Land Use plan designates land with a specific land use category that is defined in the General Plan. That designation will serve as a basis for official zoning after designation. Mr. Lenhard displayed the current Land Use Plan and the proposed land use plan.

a. Reconvene Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 8:26 p.m.

b. Receive Public Hearing

No comments received.

c. Close Public Hearing

Mayor Kelvin Bailey closed the Public Hearing at 8:26 p.m.

15. **Public Hearing continued from CC Mtg July 20, 2004 on Zoning of property being proposed for the Valley View Annexation (Previously known as Meadow View Ranch Annexation) and Master Development Plan:**

Brian Haskell briefed the Public and City Council on the Prior proposals, history and current proposal for this area. He continued in explaining transitioning and buffering. Mr. Haskell believes that they are doing all they can to match the current characteristics of the neighborhood in making this development have a more rural feel. He briefly explained the project features including parks, open space, roads and entry features. Mr. Haskell stated what he believes are the benefits of this project. He explained the water tank proposal and storm drainage. He believes that they are meeting compatibility and it improves the overall community to have diversity. He urged the City Council to review this proposal, consider all of the options and give them specific items of detail that can be used in completing the development.

Mayor Kelvin Bailey highlighted a couple of items of value. First of all, the number of lots; the decrease in open space in the linear park, and size descriptions; the proposal states that for purposes of development a one acre lot is defined as minimum of full acre or 43,560 sq. ft. This is fine; however, half acre lots are defined as a minimum of 20,000 sq. ft. Mayor Bailey stated that plus or minus ten percent was discussed, but that was only for extenuating circumstances, only in rare exceptions, also the one third acre lots, which were allowed plus or minus five percent variance. This would reduce the 370 lots down to 347 making the density 1.13 dwelling units per acre.

Mayor Bailey also addressed the lots adjacent to the Southern end of North Ranch. He stated that after the last meeting he physically examined this area and discussed the proposal with the Planning Department and the City Engineer. He stated that he initially did not have concerns with the lot size including Tickville Gulch; however, after reviewing the fact that Tickville Gulch is a major drainage basin for the City to maintain and service he feels that this would be a burden on future land owners. Mayor Bailey stated that he believes that the lots should start on the east end of Tickville Gulch and the City Engineer has agreed.

Mr. Haskell apologized for not addressing this issue in his initial presentation. He stated that some of the requests of the Planning Commission was accommodated which he reviewed. The primary recommendations from the Planning Commission was to reduce the total number of third acre lots from 47% of the project down to 25% of the project. That has been accommodated by reducing the size of the linear park. They also recommended that siding only be allowed on no more than 30% of all of the homes. Mr. Haskell is requesting that the Covenants around Meadow 4 and all of the perimeter homes have 100% masonry materials on the exterior. Interior lots only 50% be allowed to use vinyl or aluminum siding.

A. Reconvene Public Hearing

Mayor Kelvin Bailey opened the Public Hearing at 8:43 P.M.

B. Receive Public Comment

Brandon Reial stated that his comments are on the Tickville Gulch. He submitted handouts on the Tickville Gulch. He discussed rain fall in previous years. He stated his concerns with homes being built along the Gulch.

Mark Zitting questioned if the homes along the collector road will load onto the collector road. Mayor Bailey responded that they will have circular drives.

Julie Wallace thanked the City Council for the time and attention they have devoted to this project. She addressed the CC&R's and staff recommendations. She asked that the City Council follow the recommendations in the Staff Report. She asked that no tract homes be allowed.

Shauna Johnson displayed a presentation on the number of homes in the proposed Valley View Ranch and the existing Meadow and North Ranch. She feels that there is no way to determine how much of the land is developable due to lack of time and lack of information. She explained the acreage and number of lots in the subdivisions. She thanked Mr. Haskell and the City Council. She believes that this area is so unique that the standards should be different. She stated that the residents do not want any one third acre lots.

Carma Scott said that she feels that third acre lots will ruin the characteristics of Meadow and North Ranch. She believes that people in this area will leave because of this development. She feels that we need to be good neighbors to Camp Williams because they were here far before the City. She would like to see all the lots be half acre lots.

Gary McDougal stated that he is one of the partners of this project. He expressed his concern of not allowing Tickville Wash to be included in the lot acreage. He feels that this is getting to the point of coveting. He understands that there needs to be restrictions, but that will add value to the future property owner's lots.

Ken Olsen stated that he is also one of the partners in this project. He stated it is hard to make the numbers work with all of the improvements. He feels that the reason this land

has been foreclosed on and keeps changing hands is because of all of the restrictions that is virtually making the land worthless. He feels that they are trying to work with everybody and that this project will be compatible. These are all custom home lots. Mr. Olsen stated that this project is getting dangerously close to not being a viable project. He asked the Council to approve this project as it is.

Charlotte Ducos addressed the issue of density. The one third acre lots have decreased; however, the number of homes has not changed. She feels that the issues of compatibility and density have not been addressed by the developer. She does not believe that there is adequate buffering. She requested that one third acre lots be eliminated.

Christie Buxston stated that she wanted to address the changes made in the linear park. She stated that the linear park is not more than a trail. She feels that there should be no one third acre lots.

Cindy Morris questioned if they would be getting a new bubble map. Mayor Bailey responded. She also questioned if they would get a copy of the Development Agreement.

Fionnuala Kofoed stated that she felt strongly and wanted to share her point of view. She was excited to see Brian Haskell working on this project. She believes that this project is a good use of the property. Mrs. Kofoed stated that the city is in need of move up homes. She stated that people need to look at there own neighborhoods and communities to improve the character. She believes that smaller lots can create a nice development. Mrs. Kofoed stated that she is in support of this development.

Wendy Ford stated that her concern is that her street name is Valley View and she would like to have the developments name reconsidered. Mayor Bailey responded and asked Chief DeKorver to elaborate. She commented on the trails. She would like to see connectivity and uninterrupted trails throughout the communities.

Chief Robert DeKorver responded stating that when they are dispatched off a call they go off street names and not subdivisions.

Jennifer Knold stated that she moved to Meadow Ranch because of the larger lots and rural feel. She stated her concerns with the increased traffic and the safety concerns of children. She requested that the lots be wider to space the homes out further. She is concerned that the homes are going to be at higher elevation and will be able to look down on her property.

Mayor Kelvin Bailey read comments submitted by Jacob and Clarissa Jensen.

Rick West stated that he is the Facilities Manager at Camp Williams. He stated that their main concern is the road network. He encouraged the City Council to vote for a wider direct route and to not have the houses facing the main traffic corridor. He encouraged wider streets for health and safety reasons.

C. Close Public Hearing

Mayor Kelvin Bailey closed the Public Hearing at 9:43 p.m.

Linn Strouse stated that she spoke to Greg Nash, Professor of Geology at the University of Utah. She discussed the different soils and weather patterns. She wanted to gather more information. Mayor Bailey stated that the developer will be required to have a Geotechnical Study prior to platting this area.

David Blackburn thanked the audience for their rationalism and educated comments with information to back it up.

Vincent Liddiard stated that the City Council has legal criteria for which they have to comply with when coming to a conclusion on this project.

Diane Jacob commended the audience for the manner in which the public hearing was handled. Mrs. Jacob explained a compromise on the lots that abut Tickville Gulch. She stated that animal rights can not be taken away. She stated her feelings on a half acre and third acre lots. Mrs. Jacob stated that she believes that the City needs a medium product to provide for move up product.

Mark Madsen requested that his comments be entered into the record verbatim.

“First I would just like to say how pleased and grateful I am to be part of the community that is represented here in mass today. I really appreciate the demeanor the civility the level of respect that has been illustrated as you come up and presented your arguments and concerns to the Council. It’s very refreshing experience to have gone through this with this group over the last several meetings in the Planning Commission and in the City Council and I am doubly grateful because I know that in the end I am probably going to be voting for something to approve something that frankly I don’t want. I am not talking about something that is going to be a thousand feet away from my home, it is going to be a couple hundred feet off my back yard and I am in a position that I have to set my personal interests aside largely and abide by the law and try to come to a fair and equitable arrangement with the people that have rights that come before, this Council. So I know that I am going to be voting in favor of something that I don’t want in my backyard and I am going to be voting in favor of something that the folks in my neighborhood want one acre lots and we’re not going to get it. But I am especially grateful that I am not going to be lynched when I walk back into my neighborhood. I am not going to be abused by people I am not going to have my character called in to question I think that people in my neighborhood respect that we have to make principle decisions here and so I am doubly grateful to be part of the community where I live. I do want to make some comments about the new zone that is going to be created because I have had conversations with people about this and I was operating under a certain confusion. I have been involved in I have been trying to grasp the new code for so long that I had confused certain provisions of the new code with the existing code and we really do in this case need to come up with a new zone otherwise everybody involved is just going to get scraped. We have got to have North and Meadow don’t fit into a zone under the current code that is one of the many, many flaws of the current code it is just bad law and we have got to come up with something that accommodates this property because we can’t even hold them to even if we wanted to do one acres there is no zone that even says one acre so what ever it comes down to if its minimum lot size or half acre or whatever we need to spell it out we need to create a new zone so I know you are concerned and I know the appearance is and I have been concerned and the appearance is that we’re cutting a deal to make a special accommodation but everybody involved if we want to do anything that is going to preserve any kind of the character of our neighborhoods we really need to go into this new zone and think it through and do it well but we have got to create this thing and I have said things differently in the past and I just wanted to explain that I was not operating with full possession or full understanding of all of the aspects of the current code that we have to bear with until we can get something better on the books. I really would differ with Diane on one point, I was raised on a half acre and it is all managed and manicured and taken care of, we don’t have weeds my folks have a nice lot it’s a half acre so I don’t know that a half acre is to unwieldy but a I just will probably leave it at that it is a dilemma we are facing because we have had this mentioned a couple times, very eloquently, tonight that the people, the citizens can not delegate to their government authority that they don’t have and the fact of the matter is

that everybody, every entity, whether it is an individual, a corporation or a partnership, everybody that owns property is entitled to certain rights on how that property is used and the community can assert itself and you can negotiate with developers and you enter into things in good faith, but the bottom line is the people that own property have a right to do with it what they want and we have to respect that. We can't just walk over somebody's property rights. You haven't delegated that authority to me so I can't exercise that authority. My personal preferences aside and as much as I love my neighbors and I am sympathetic and I want the same things they want I am limited in what in the power that I can exercise as a City Council person, that is a matter of principle and I hope that the folks understand that. That said we're going to work towards getting a solution that everybody can with that does preserve the character of the neighborhood because we can go and regulate to an extent to preserve the existing character and we are going to find out how we can best do that and so we are going to be sitting down with... our City Attorney and having a dialogue with him so you know I just appreciate everyone being here and participating and I would encourage you to keep tuned in on this, I guess I don't have to encourage you to do that I know you are going to do that. Keep track on this, keep giving your input, keep pushing for what you want I think a lot of what has been accomplished has been accomplished beyond the exercise of the power of government. It's been just the force of dialogue and negotiation people getting together sitting across the table and hammering it out and I have got to give a lot of... credit to Brian, you look actually beat. I just think lets keep on track, let's keep doing this, let's exhaust ourselves at finding the very best solution to this.

Mayor Bailey explained process of the approval of this development.

16. **Consideration of Development Agreement Criteria:**

This item was tabled.

17. **Consideration and Approval of Water Conservation Plan for Eagle Mountain City:**

This item was tabled.

18. **Consideration and Approval of Anthem on the Green, Phases 1 & 2:**

Adam Lenhard explained the location and the proposal. He highlighted some of the differences between the development and the Anthem subdivision.

Shawn Warnke discussed the parking.

Discussion ensued on the lot sizes.

Monte Kingston stated that this subdivision will be a step above the Anthem subdivision. He continued in answering staff and Council's questions.

Linn Strouse was excused at 10:36 p.m.

Diane Jacob stated a possible conflict on this project.

A. Final Plat

MOTION: *Vincent Liddiard moved to approve the Final Plat of Anthem on the Green, phases 1 & 2 subject to the conditions made by the staff. David Blackburn seconded the motion. Ayes: 4 –David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

B. Development Agreement including the CC&R's

MOTION: *Mark Madsen moved to approve the Development Agreement including the CC&R's for Anthem on the Green, phases 1 & 2. Vincent Liddiard seconded the motion subject to the conditions made by the staff. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

19. Consideration For Adoption Of A Resolution Authorizing The Issuance And Confirming The Sale Of Eagle Mountain City, Utah Excise Tax Revenue Road Bonds, Series 2004, In An Aggregate Principal Amount Of \$1,500,000 For The Purpose Of Defraying A Part Of The Cost Of Constructing Additions And Improvements To Certain Class C Roads Within The City, Funding A Debt Service Reserve Fund And Paying The Costs Of Issuing Said Bonds; Fixing The Form Of Bonds And Other Details And Confirming The Sale Thereof; Providing For The Collection, Handling And Disposition Of Certain Excise Tax Revenues; Approving The Execution And Delivery Of A Bond Purchase Agreement In Connection With The Issuance Of Said Bonds And Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transaction Contemplated By This Resolution; And Related Matters.

MOTION: *Mark Madsen moved to approve Resolution R 16-2004. Diane Jacob seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

20. Consideration and Approval of Street Projects Planned for the Excise Tax Road Bonds, Series 2004:

MOTION: *Vincent Liddiard moved to approve the Excise Tax Road Bonds, Series 2004. David Blackburn seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

21. Consideration and Approval of a Resolution Providing Provisions of Removal of Board and Commission Members:

Mayor Kelvin Bailey and Jerry Kinghorn explained the proposed resolution. The Council discussed the criteria of removing a board or commission member.

Mayor Bailey stated that he would like the Council to review the proposed resolution and come back with any questions or concerns.

MOTION: *Vincent Liddiard moved to table Resolution Providing of Removal of Board and Commission Members. David Blackburn seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

22. Consideration and Approval of a Co-Location Lease Agreement for Site Use with Golden State Towers:

MOTION: *Mark Madsen moved to approve the Co-Location Lease Agreement for Site Use with Golden State Towers. Vincent Liddiard seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed*

23. Consideration and Approval to Amend the Policies and Procedures Manual and Employee Handbook:

Chris Hillman explained the purpose of this proposal.

MOTION: *Vincent Liddiard moved to Amend the Policies and Procedures Manual and Employee Handbook. David Blackburn seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

24. **Consideration to Authorize the Mayor to sign the Award of Bid for the project "Construction of sidewalk/trail to the new elementary school (Eagle Valley Elementary School):**

Korey Walker explained the proposed project and the plan layout.

MOTION: *Vincent Liddiard moved to authorize the Mayor to sign the Award of Bid for the project "Construction of sidewalk/trail to the new elementary school (Eagle Valley Elementary School). Diane Jacob seconded the motion. Ayes: 4 – David Blackburn, Vincent Liddiard, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

25. **Consent Agenda:**

- A. Check Register for July 2004
- B. Partial Bond Release
 - 1. Parkway Crossroads (PB Rel No. 1), Legacy Realtors

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

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

Not applicable

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

Not applicable

28. **Any actions from the Closed Executive Session:**

Not applicable

29. **Other Business:**

None

30. **Adjournment:**

MOTION: *David Blackburn moved to adjourn at 11:15 p.m.*

APPROVAL: *Mark Madsen*
Mark B. Madsen, Mayor Pro Tem

DATE: 9/15/04

This certifies that the minutes of 3-AUG 2004 are a true, full and correct copy as approved by the City Council on 24-AUG 2004 SCC Mtg.
Signed: *Janet B. Valentine, cmc*
City Recorder