

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

**Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain City, Utah 84043
January 15, 2002**

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

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

POLICY SESSION – 7:00

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

1. Roll Call:

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

City Staff:

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

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

2. Prayer by Invitation of the Mayor:

The prayer was offered by Mark Madsen.

3. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Diane Jacob.

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

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

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

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

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

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

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

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

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

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

6. **Appointments:**

a. Mayor Pro Tem

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

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

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

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

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

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

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

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

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

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

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

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

7. **Public Notices:**

None

8. **Public Comment:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This item was tabled.

12. Proposal to Amend the Airport Advisory Board:

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

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

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

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

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

b. Appointments to the Advisory Board

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

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

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

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

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

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

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

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

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

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

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

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

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

This item was tabled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This item was tabled.

19. Discussion of Eagle Mountain City Sign Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

22. Motion to approve Consent Agenda items as follows:

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

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

23. **Other Business:**

None

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

MOTION: *Brigham Morgan moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 8:44 PM. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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

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

Others Present: None

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

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

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

None

27. **Adjournment:**

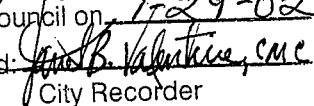
Greg Kehl moved to adjourn the meeting at 9:10 PM.

APPROVAL:


Mayor Kelvin E. Bailey

DATE:

2-8-2002

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