

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

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

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

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

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

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

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

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

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

POLICY SESSION – 7:00 p.m.

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

1. Roll Call:

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

City Staff Present:

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

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

2. Prayer by Invitation of the Mayor:

The prayer was offered by Mayor Kelvin Bailey.

3. Pledge of Allegiance:

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

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

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

5. General Discussion/Questions/Announcements:

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

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

6. Appointments:

a. Planning Commission

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

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

7. **Public Notices:**

None

8. **Public Comment:**

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

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

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

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

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

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

No action was taken.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Snow Removal:

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

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

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

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

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

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

17. Motion to approve Consent Agenda items as follows:

a. Warrant Register

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

b. Final Payment Requests

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

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

18. City Council's Ratification for Partial Payments:

a. Partial Payment Requests

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

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

19. Other Business:

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

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

MOTION: *Greg Kehl moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 9:37 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

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

21. Motion to Reconvene in to Open Session:

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

22. Any Actions from the Closed Executive Session:

None

23. Adjournment:

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

APPROVAL: _____

Kelvin E. Bailey
Kelvin E. Bailey, Mayor

DATE: 2-8-2002

This certifies that the minutes of
1-29-02 are a true, full and
correct copy as approved by the
City Council on 2-9-02

Signed: *James B. Valentine, cmc*
City Recorder