

## **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:**

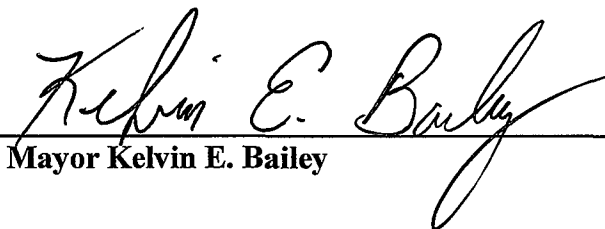
Not applicable.

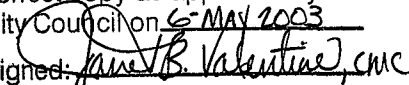
18. **Any Actions from the Closed Executive Session:**

None

19. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 10:00 PM.

APPROVAL:  DATE: 5-6-03  
Mayor Kelvin E. Bailey

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: , 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 26<sup>th</sup> 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 1<sup>st</sup>. 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 28<sup>th</sup>, 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

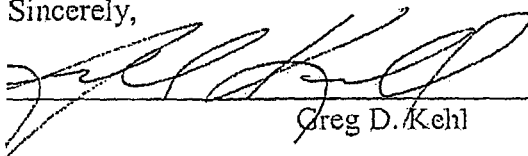
*"We are one town and we must be united no matter what part of town we are from if we are to ever solve the problems that confront us as a community."*


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.

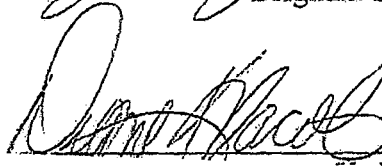
As council members, we are now concerned about the perception of our current administration. How can we expect the residents to trust that our city's relationship with other government agencies and developers will be taken seriously? What will the first thoughts be of our Mayor? Will these important 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