

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
July 15, 2003

Prayer by Invitation of the Mayor

The prayer was offered by DeAnna Whitney.

POLICY SESSION – 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:00 PM.

1. Roll Call:

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

City Staff:

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

Others Present: Jana Cox, Arlene Erickson, Rebecca Loper, and Dave Loper, Community Arts Board members; Jennie Richards, Chairman of the Pony Express Days races; Michael Davis, resident; James Gilbert, Gilbert and Stewart CPA's; Monte Kingston, developer.

2. Pledge of Allegiance:

The Pledge of Allegiance was lead by Mark Madsen.

3. Approval of Minutes (July 1, 2003):

MOTION: *Greg Kehl moved to approve the Minutes of July 1, 2003 as submitted. Diane Jacob seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen; Nays: 0. Motion passed.*

Linn Strouse arrived at 7:05 PM.

4. General Discussion/Questions/Announcements:

Mayor Bailey read a memorandum from Fire Chief Robert DeKorver regarding restrictions for fireworks for the July 24th holiday.

Janet Valentine announced that anyone interested in running for public office may declare candidacy between July 15 and August 15, 2003. She advised that the necessary forms could be completed in the Recorder's office Monday through Thursday from 7:30 AM to 5:30 PM. She stated there would be an orientation meeting for those declaring candidacy on Wednesday, August 27 at 7:00 PM.

5. **Appointments:**

None

6. **Public Notices:**

Janet Valentine announced there would be a Truth in Taxation Public Hearing held on August 19, 2003 at 7:00 PM in the Council Chambers.

7. **Public Comment:**

Jana Cox, Community Arts Board, presented a report from the board on activities completed under the direction of the current board members. A copy of the report was given to the Council. She discussed the declining participation of community residents during the past three years even though the population has grown. She thanked Brigham Morgan, Community Arts Board liaison, for his support to the Arts Board.

Arlene Erickson, Community Arts Board, discussed the original goals of the board. She read a statement about the importance of the arts in the community.

Linn Strouse thanked the Community Arts Board for their float in the Pony Express Days parade.

Rebecca Loper, Community Arts Board, presented information on the history of the board in Eagle Mountain City. She expressed her concern that residents and the current Mayor and Council have not offered the support needed. She stated the current board could no longer expend the time necessary to serve on the Community Arts Board and presented resignation letters from all board members. She expressed her hope that other residents would step forward to serve on the Community Arts Board.

Linn Strouse thanked the board for all their efforts on behalf of the community.

Mayor Bailey expressed his surprise at the resignations but thanked the board for their many hours of service.

David Loper, Community Arts Board Chairman, presented information on the board's assets, which would need to be handed over to the next Community Arts Board chairman. He stated the board would see through to conclusion a licensing contract for the rights to the play. He volunteered his services to train anyone who might be interested in taking over the Community Arts Board.

Jennie Richards, Chairman of the Pony Express Days races, gave a report to the Council. She announced that the races were run as a fundraiser for the Steve Seegmiller family and that the outcome of the races allowed her to present a check to the Steve Seegmiller Recovery Fund in the amount of \$3,900.00. She read a list of sponsors and donation amounts and thanked Linn Strouse for her leadership. Ms. Richards stated that about 70% of the race participants were from outside the City.

Michael Davis, resident, addressed the Council requesting a waiver on the signage code so that he could advertise for his snow cone business in the Ranches. Gerald Kinghorn advised Mr. Davis to make a written application to the Council for this waiver. Linn Strouse stated that the Development Code should be amended to cover signage concerns such as this. Mayor Bailey instructed Shawn Warnke to address this matter in the sign ordinance and amend it as necessary for approval of the Council.

8. **Audit Report for Fiscal Year 2001/2002:**

James Gilbert, Gilbert and Stewart CPA's, presented the results of the audit for the period ending June 30, 2002, and answered questions from the Council. He discussed improvements made by the City during Fiscal Years 2002 and 2003.

Mayor Bailey asked the Council to review the audit and forward any questions to Gilbert and Stewart.

9. **Development Agreement/CC&R's Approvals:**

A. Anthem at the Ranches, Phase I, Eagle Mountain Links

Shawn Warnke explained this item to the Council and answered questions.

Monte Kingston, the developer, was also available to answer questions.

MOTION: *Mark Madsen moved to approve the Covenants, Conditions and Restrictions and the Development Agreement as submitted. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Greg Kehl abstained. Motion passed.*

B. Plum Creek Condominiums, Sundance Homes

Shawn Warnke presented this item to the Council and recommended approval.

Gerald Kinghorn referred to five special conditions applying to this approval and answered questions from the Council.

MOTION: *Mark Madsen moved to approve the Declaration of Condominium Covenants, Conditions and Restrictions and the Development Agreement as submitted for Plum Creek Condominiums. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. **Consideration and Approval of the Night Hawk Lane Road Dedication Plat (Name Change Only)**

Shawn Warnke explained the basis for this street name change and discussed the process the Planning Commission used to determine if street names should be changed. He indicated that only one name change was being presented for approval.

The Mayor advised that any street name could be changed in the future if the majority of the residents on the street petition the Council to do so.

MOTION: *Linn Strouse moved to change the name from Black Hawk to Night Hawk. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. **Discussion on Annexation Policy:**

Chris Hillman and Shawn Warnke offered information regarding the City's proposed annexation plan. Mr. Warnke handed out a draft of this plan and explained the adoption process. Shawn Warnke asked the Council to review the plan and make any recommendations to him.

Mayor Bailey asked for a general consensus from the Council that this draft plan meets the needs of the City. The Council gave their consensus and Mayor Bailey advised staff to move forward.

12. **Consideration and Approval of an Ordinance Enacting and Repealing Ordinance No. 98-07, an Ordinance Enacting a Curfew for Juveniles within Eagle Mountain City:**

Gerald Kinghorn explained that the original ordinance was being amended to comply with a request of Utah County to better define curfew hours. He answered questions from the Council.

MOTION: *Greg Kehl moved to approve Ordinance No. O 13-2003, An Ordinance Enacting a Curfew for Juveniles within Eagle Mountain City, Utah. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

- A. Check Register
- B. Contract Change Order:
 - I. Landscaping Entrance Monument at the Ranches, 2003-Site Grading (CO No.), American Civil Constructors
- C. Partial Payments:
 - I. Landscaping Entrance Monument at the Ranches, 2003 (PP No. 1), American Civil Constructors
 - II. Landscaping Entrance Monument at the Ranches, 2003-Site Grading (PP No. 1), American Civil Constructors
- D. Final Payment:
 - I. Landscaping Entrance Monument at the Ranches, 2003-Site Grading (Final Payment), American Civil Constructors

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

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

MOTION: *Mark Madsen moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 8:35PM. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

MOTION: *Greg Kehl moved to Close the Closed Executive Session and Reconvene in to Open Session at 8:59 PM. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

None

17. **Adjournment:**

Greg Kehl moved to adjourn the meeting at 8:59 PM.

APPROVAL: *Kelvin E. Bailey* **DATE:** 8-8-2003
Mayor Kelvin E. Bailey

This certifies that the minutes of
15 July 2003 are a true, full and
correct copy as approved by the
City Council on 5-Aug. 2003

Signed: *Janet B. Valentine* CMC
City Recorder