

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
July 17, 2001**

CLOSED EXECUTIVE SESSION 6:00 P.M.

MOTION *Brigham Morgan moved to recess into a Closed Executive Session @ 6:05 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan, Greg Kehl, John Newman, Janet Valentine and Fionnuala Kofoed.

MOTION *Bert Ankrom moved to adjourn the Closed Executive Session and recess into the Work Session @ 6:32 p.m.*

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:00 p.m.

1. Roll Call:

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Brigham Morgan and Greg Kehl.

Town Staff:

| | |
|---------------------|------------------|
| City Administrator: | John Newman |
| City Attorney: | Jerry Kinghorn |
| City Engineer: | Korey Walker |
| City Planner: | Shawn Warnke |
| City Recorder: | Janet Valentine |
| Deputy Recorder: | Fionnuala Kofoed |
| Deputy Sheriff: | Jo Murphy |
| Fire Chief: | Robert DeKorver |

Others present: Bret Olsen, resident; Mark Lofgren, resident; Mark Madsen, resident; Linn Strouse, resident; Vincent Liddiard, resident; Scot Hazard, Scott Kirkland, Jessa Schlich, The Ranches; Miriam and Amanda Bond; Robert McNair, resident and John Hanson.

2. Pledge of Allegiance:

Amanda Bond led the Pledge of Allegiance.

3. Approval of Minutes: (June 28, 2001, July 3, 2001)

MOTION *Greg Kehl moved to approve the minutes of June 28, 2001 as amended. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to approve the minutes of July 3, 2001 as amended. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

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

Mayor Bond recognized Eldon Fletcher for his contribution to the Annual Pony Express Days celebration.

5. **Recess from Policy Session at 7:10 p.m. for "Ambulance Inauguration Ceremony and Ribbon Cutting":**

The meeting recessed for the Ambulance Inauguration Ceremony and Ribbon Cutting at 7:13 p.m.

6. **Reconvene Policy Session at 7:30 p.m.:**

The meeting reconvened to Open Policy Session at 7:34 p.m.

7. **Public interviews with City Resident's interested in filling the Council Seat:**

Linn Strouse, Vincent Liddiard, Bret Olsen, Mark Lofgren, Mark Madsen and John Nielson, residents of Eagle Mountain, submitted written statements of interest for the appointment to fill the vacancy on the City Council. John Nielson requested that his name be withdrawn from consideration in filling the seat prior to the meeting.

Each applicant gave a brief introduction and commented on their reasons for wanting to fill the vacancy.

The Council voted and Mark Lofgren was chosen for the chosen for the position.

8. **Appointments:**

a. City Council Member

MOTION *Brigham Morgan moved to appoint Mark Lofgren to the newly created council seat. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.*

Janet Valentine administered the Oath of Office to Mark Lofgren. Mr. Lofgren took his seat with the Council.

b. Planning Commission

MOTION *Brigham Morgan moved to approve the Mayor's appointment of Tom Maher to the Planning Commission to fill the vacancy created by the resignation of Jennifer Wright-Thulin. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

9. **Public Notices:**

Mayor Bond announced that the Council would hold a City Hall meeting on July 31, 2001. The Planning Commission meeting was scheduled to meet at 6 p.m. the same evening and wanted to hold a joint session with the Town Council.

10. **Public Comment:**

Josh Elledge, resident, commented on the current Impact Fees charged by the City. It was his opinion that there was a sentiment of frustration among residents with respect to the stagnant growth within the City Center. Mr. Elledge urged the City Council to find a workable solution with developers to promote development in Eagle Mountain.

Robert McNair, resident, also commented on the Impact Fees and fees owed to the City by EMP. Mr. McNair questioned the negative effect that forgiving the debt would have on the City.

Mayor Bond commented on the questions posed by Mr. McNair regarding Impact Fees.

John Hanson cautioned the City on behalf of several residents to move carefully with respect to the Impact Fees.

11. Consideration and Approval of a Campaign Disclosure Ordinance:

The Council considered the approval of a Campaign Disclosure Ordinance changing the contribution amount in Section 1.1. to \$50 and Section 2.1. to \$50.

MOTION *Greg Kehl moved to approve Ordinance # O 11-2001, a Campaign Disclosure Ordinance of Eagle Mountain City, Utah Regulating Campaign Financial Disclosures as amended. Bert Ankrom seconded the motion. The Council also requested that Jerry Kinghorn review the Ordinance. Ayes: 5, Nays: 0. Motion passed.*

12. Eagle Mountain Fire Dept.-Ambulance Service Fees – Billing Fees Schedule for Ambulance and/or EMS services:

The Council considered Fire Chief Robert Dekorver's recommendation to approve Option 1 Proposal for the Fire Departments Ambulance Service Fees with recommended changes that would bring the costs comparable to other Cities within Utah County. The changes are as follows:

1. Power Extrication - \$292.80
2. IV - \$25
3. OB Care - \$15

MOTION *Bert Ankrom moved to approve The Fire Department Ambulance Service Fee Schedule, Option 1, with the added changes. Greg Kehl seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

13. Eagle Mountain Fire Dept.-Contract for Medical Billing Service:

The Council considered the contract for medical billing service.

MOTION *Bert Ankrom moved to approve the contract for Medical Billing Services with corrections contingent upon Jerry Kinghorn's approval. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Mark Lofgren abstained. Motion passed.*

14. North Service Area (NSA) Fire Station:

John Newman commented on the need for a NSA Fire Station and requested that the Council authorize the go ahead for the design build. Mr. Newman noted the need to maintain a similar design for the building that would be compatible with The Ranches.

MOTION *Brigham Morgan moved to approve the design build for the NSA Fire Station recommending the form concept and that the staff make an additional recommendation with respect to a construction manager. Also, that the project be done in phasing. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

15. Major Development Approvals:

- a. Eagle's Gate, Plat A, Final Approval (*tabled at the 07-03-01 CC Mtg*)

Jessa Schlich, The Ranches presented Eagle's Gate, Plat A, Final Approval and briefly commented on the landscaping in the trail and park area. The park was located in the power line corridor.

The Council discussed their concerns regarding the location of the park. Scott Kirkland stated that it was not necessarily a play area but a walking and horse trail.

Discussion ensued with respect to the location of fire hydrants in the development. Fire Chief Robert Dekorver explained that the vest pocket created a problem for accessing the homes directly behind it in the event of a fire, as there wasn't enough room to navigate the corners.

Greg Kehl recommended that the front setback be changed from 22 to 25 feet.

Mayor Bond inquired about the parks and questioned whether the parks should be constructed before any building permits were issued. Mayor Bond requested that the concept be brought to the Planning Commission for review and that the idea be implemented as a new policy. Scott Kirkland believed that this would create problems, as it was difficult to install parks in the winter months.

Fire Chief Dekorver suggested that the Council approve Eagle's Gate and then allow him to resolve the vest pocket issues with the developer.

MOTION *Dave Albrecht moved to approve Eagle's Gate (R1 N20-21) Plat A, Final Plat subject to the DRC Recommendations, specifically item # 3, and that the Fire Chief and City Engineer submit written approval for the vest pocket, and that it also be submitted to the Mayor for his signature.*

DRC Recommendations:

1. *That the City's adopted parks and recreation standards be satisfied. The Planning Commission recommended that a park be constructed on lot 151 (that is if the park that is scheduled for development in a future phase and part of the Carlton Annexation is not approved) at either 50 percent occupancy of the subdivision or on year after the recordation of the plat which ever occurs first. Additionally, that a bond be placed for the construction of the park in the event that the developer does not fill the requirement.*
2. *That permission for crossing the Kern River and UP&L Corridors be obtained for the offsite sewer line.*
3. *That the City Engineer verify that the fire truck will be able to negotiate through the vest pocket park on Murifield Street (as requested by the Fire Chief).*
4. *That the landscaping plan signage conforms to the signage called out in the construction drawings.*
5. *That hard copies of the revised Utility Plans (Tasco drawings) be submitted.*
6. *That an easement be provided for the south section of the Carlton Sewer Line*

Additional Town Council Recommendations:

1. *That the Fire Chief and City Engineer submit written approval for the vest pocket and that it also be submitted to the Mayor for his signature.*
2. *That the curb street section on both sides of the vest pocket be painted red before any building permit are issued.*
3. *That the minimum setback from the garage be 25'.*

Brigham Morgan seconded the motion. Ayes: 3, Nays: 0. Mark Lofgren and Bert Ankrom abstained. Motion passed.

16. Ruby Valley Plat B Amendment - Consideration to Approve an Ordinance Amending Ruby Valley, Plat B (tabled at the 07-03-01 CC Mtg.):

Jessa Schalich stated that The Ranches had submitted four possibilities for access to Ruby Valley, Plat B. Two of the options were not viable as there were too many cuts just below the proposed road. The two other alternatives would scar the hill.

Korey Walker commented on the alternative accesses to the proposed development. The second alternative accesses maintained a 10% slope.

Greg Kehl stated that the Council needed to have a map showing all developable locations. It was Mr. Kehl's opinion that the Council couldn't make a proper decision based upon what had been presented. Mr. Kehl added

that he had advised The Ranches in a previous meeting that he wouldn't approve the subdivision if additional lots were added. Dave Albrecht agreed with Mr. Kehl and stated that he liked the plat as it was originally approved.

Bert Ankrom commented on the approved plat for Ruby Valley and then discussed the proposed ordinance stating that the density issue provided The Ranches with a just cause to amend it, as the density was provided for in their Master Development. Mr. Ankrom added that no concrete information had been provided proving that the plat would damage existing properties in the area. Additionally, the road wouldn't create material damage to the surrounding homes on five-acre lots.

Brigham Morgan stated that the density could be made up else where, however, the issue was that The Ranches wanted more density and could they transfer it? It was his opinion that the City wasn't obligated to approve the density in that location.

Mayor Bond noted that he too like the recorded approved plat.

MOTION *Brigham Morgan moved to approve Ordinance # O 12-2001, an Ordinance of the City of Eagle Mountain, Utah Amending the Record Plat of Ruby Valley, Plat B and approving the Amended Plat of Ruby Valley, Plat B subdivision. Motion died for lack of second.*

MOTION *Bert Ankrom moved to approve Ordinance # O 12-2001, an Ordinance of the City of Eagle Mountain, Utah Amending the Record Plat of Ruby Valley, Plat B and approving the Amended Plat of Ruby Valley, Plat B Subdivision. Brigham Morgan seconded the motion. Ayes: 2, Nays: 2. Mark Lofgren abstained. Mayor's vote created by the tied vote: Aye. Motion passed.*

17. **Consideration and Approval for a Waiver of Certain Impact Fees for the Prairie Gate Professional Building. (Memo from Scot Hazard):**

The Council considered the approval for a Waiver of Certain Impact Fees for the Prairie Gate Professional Building. Mayor Bond quoted Ordinance # 99-16, an ordinance addressing provisions for waiver of certain impact fees for non-residential developments. Mayor Bond question where the funds, that were necessary to repay bonds, would be made up if they were not received through Impact fees.

Discussion ensued.

MOTION *Dave Albrecht moved to table the consideration for a waiver of certain Impact Fees for the Prairie Gate Professional Building, as there wasn't enough information presented to make a decision. Also, that the Economic Development Board be assigned to do the staff work and report to Mr. Newman with regards to a recommendation for a percentage reduction fee based upon unique businesses of a medical nature. Specifically, how much would be waived and what the economic impact of the potential tenants would be. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Bert Ankrom abstained. Motion passed.*

18. **Notice of Award/Agreement to Clark Control Systems for the project "Control and Relay Panel":**

MOTION *Brigham Morgan moved to approve a Notice of Award Agreement to Clark Control Systems for the Control and Relay Panel Project subject to the Public Works Board approval. Dave Albrecht seconded the motion. Ayes: 3, Nays: 0. Motion passed. Bert Ankrom and Mark Lofgren abstained.*

19. **Independent Study of the Capital Facilities Plan for the South Service Area:**

John Newman commented that an agreement had been reached between the City and EMP to do an independent study of the Capital Facilities Plan for the South Service Area of Eagle Mountain. The City

proposed Lewis & Young, however, EMP requested that a different financial company be used. The Council considered Lewis & Young to be the most professional and would present an unbiased study.

MOTION *Brigham Morgan moved to authorize the independent study of Impact Fees recommending the use of Lewis & Young to conduct the Capital Facilities and Impact Fee Analysis. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

MOTION *Brigham Morgan moved to authorize the use of unanticipated revenues to contract for services at a future. Dave Albrecht seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

20. Eagle Mountain Properties – SID 2001-1 Proposal and Capital Facilities Funding Recommendations:

The Council briefly discussed SID 2001. EMP was anxious to move forward on the airpark project but they had been held up due to their nonpayment of capital facilities funding.

Brigham Morgan stated that the Council couldn't act upon the item that night, as additional information was needed. City Attorney Jerry Kinghorn was also absent from the meeting and needed to be present to direct the Council.

MOTION *Bert Ankrom moved to direct the Staff to prepare the documents and incorporate the parks and recreation amenities that would be necessary for the SID. Also, that trees, restrooms, a water fountains and the trails within the city be included in the SID and that the staff be given the task to go through the SID with the possibility of moving forward in haste. Ayes: 4, Nays: 0. Motion passed. Mark Lofgren abstained from voting.*

MOTION *Brigham Morgan moved to table the Capital Facilities Funding based upon there being insufficient information to act upon the item. Also, that the staff be instructed to accumulate the information and bring it back to the Council for their review. Bert Ankrom seconded the motion. Ayes: 3, Nays: 2. Motion passed.*

21. Airpark Plat Processing Approval:

MOTION *Brigham Morgan moved to table the Airpark Plat processing approval due to Capital Facilities default. Ayes: 5, Nays: 0. Motion passed.*

22. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Partial Payment Requests
 - i. North Substation-2000 Gas & Electric Revenue Bond/Even Grade Construction, LLC
 - ii. Installation of Three New generating Units/Lamb Engineering & Construction Co.
 - iii. Ranches and Pony Express Parkway Landscaping – Area 1-2000-1 SID/Golden Landscaping
 - iv. North Substation-2000 Gas and Electric Revenue Bond/RME
 - v. Ranches and Pony Express Landscaping-2000-1 SID/Nuszer Kopatz
- c. Partial Bond Releases
 - i. Willow Springs, Phase 2/Summit Development
 - ii. Ruby Valley, Plat B (Revised)/The Ranches
 - iii. Porter's Crossing, Plat A/Sundance Homes
- d. Ratify the following items approved at the Eagle Mountain City council meeting on 07-03-01
 - i. Agreement with Utah County for Law Enforcement
 - ii. Resolution No. R 19-2001 - Amendment to the Telecommunication Equipment Lease with First National Bank of Layton
 - iii. Resolution No. R 20-2001 - Authorizing the acquisition by condemnation of an easement across, or fee title to, certain real property located in Utah County, Utah

- iv. Ordinance No. O 10-2001 – Enacting Provisions Regarding Removal of Weeds, Refuse and Structures; Junk; Disabled Vehicles on Private Property; and Construction Trash and Debris; and Providing for Abatement of the Same in Eagle Mountain City, Utah
- v. Golden Landscaping contract & notice of awards for phases 1, 2, & 3 approval

MOTION *Greg Kehl moved to approve the Consent Agenda items as stated. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Mark Lofgren abstained. Motion passed.*

23. Processing of Elementary School Site:

MOTION *Dave Albrecht moved to approve the meets and bounds subdivision as submitted by the School District and that the Council issues a Certificate Of Approval to the County for recordation and that the City Engineer verifies that everything is in order. Brigham Morgan seconded the motion. Ayes: 4, Nays: 0. Motion passed. Mark Lofgren abstained.*

24. Other Business:

Mayor Bond stated that this was an emergency situation that came before Council prohibiting the required 24 - hour notice to take place.

MOTION *Greg Kehl moved to approve the purchase of 2 wooden poles from Volrose Industries for a total of \$31,708.00 and that the action be ratified by the Public Works Board. Bert Ankrom seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

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

MOTION *Greg Kehl moved to recess into a Closed Executive Session at 11:27 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed.*

Present: Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Mark Lofgren, Brigham Morgan, John Newman and Janet Valentine.

25. Motion to Reconvene in to Open Session:

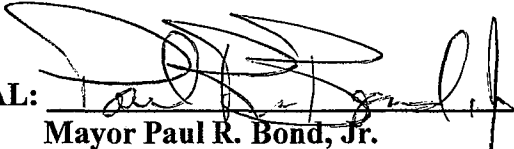
MOTION *Bert Ankrom moved to Reconvene into Open Session @ 12:35 a.m. Brigham Morgan seconded the motion. Ayes: 5, Nays: 0. Motion passed*

26. Any Actions from the Closed Executive Session:

There was no action.

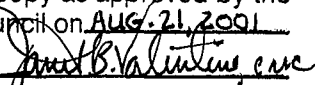
27. Adjournment:

Dave Albrecht moved to adjourn the meeting @ 12:35 a.m.

APPROVAL: 
Mayor Paul R. Bond, Jr.

DATE: 8/22/01

This certifies that the minutes of July 17, 2001 are a true, full and correct copy as approved by the City Council on AUG. 21, 2001

Signed: 
City Recorder