

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

August 19, 2003

Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043

WORK SESSION - No Action or Minutes Taken - 4:00 to 6:30 PM

1. Consent Agenda
2. Discussion on Development Processing Fees
3. Discussion regarding the Eagle Mountain City General Plan
4. Update on the SITLA Development Agreement
5. Items as Outlined on the Policy Session
6. Department Reports
 - a. Administration/City Departments/Personnel/Newsletter - **Mayor Kelvin Bailey**
 - b. Airport Advisory Board/Airport District Planning Commission/Planning Commission - **Diane Jacob**
 - c. Public Works Dept. (Electric, Natural Gas, Wastewater & Water) - **Greg Kehl**
 - d. Economic Development Board/Library Board - **Mark Madsen**
 - e. Community Arts Board/Telecommunications Board - **Brigham Morgan**
 - f. Pony Express Days/Neighborhood Watch/Sports Recreation Board/Youth Council - **Linn Strouse**
7. Adjourn Work Session at 6:30 PM

Prayer by Invitation of the Mayor

The prayer was offered by Mark Madsen.

POLICY SESSION - 7:00 PM

Mayor Kelvin Bailey called the meeting to order at 7:03 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse. Diane Jacob 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: | Deputy Greg Knapp |
| Fire Department: | Chief Robert DeKorver |

Others Present: Kathryn Fife and the Winward family, representing the Muscular Dystrophy Association; Paul Bond, resident and former mayor; Jeff Love, resident and volunteer firefighter; residents Tracy Ulmer, Mark Lofgren, Vincent Liddiard, Janiece Sloan, Wendy Minks, Dan Valentine, David Blackburn, Jody Hooley, Cindy Jones, Doug Detel, and Michelle DeKorver.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was lead by Mayor Bailey.

3. **Approval of Minutes:**

None

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

Brigham Morgan announced that he had received several inquiries regarding participation with the Arts Council. He indicted he is in the processing of contacting those individuals to get them together to reorganize the Arts Council. He invited anyone who might be interested in participating on the Arts Council to contact him.

Mayor Bailey announced rules for use of City facilities for campaign purposes and stated that all candidates must be given adequate time, at least one week, to allow them to participate. The Council discussed timelines for noticing for meetings and proper use of City facilities.

Mark Madsen recommended that the City sponsor a "Meet the Candidates Night". This item will be scheduled for discussion on the next agenda.

Chris Hillman announced there would be a training meeting for all declared candidates on Wednesday, August 27, at the City Office at 7:00 PM to present basic information on how the City operates, how finances are handled, and how the local government is set up. He advised that department heads would be available to answer questions.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Presentation to Eagle Mountain City Fire Department by the Muscular Dystrophy Association:**

Kathryn Fife, representative of the Muscular Dystrophy Association, announced the presentation of an award of appreciation to the Eagle Mountain City firefighters for their efforts in last year's MDA fundraiser. She introduced the Winward family, who made the presentation. Mrs. Winward thanked the firefighters for their contribution of \$1,133.00 and presented a plaque to Mayor Bailey. The Mayor in turn presented the plaque to Fire Chief Robert DeKorver.

8. **Public Comment:**

Mark Lofgren, resident, asked the Council to consider allowing the City office building to be used for meetings organized by local citizens. He also stated he feels the City is not meeting the needs of the citizens by letting them know when items of importance are being presented in City meetings. He asked the Council to consider ways to better inform the community of important matters.

9. **Citizen Spotlight:**

Linn Strouse announced that Shelley Colton had been nominated as August Citizen of the Month but was not able to attend the meeting due to prior commitments. Janet Valentine was directed to see that the recognition certificate was delivered to Mrs. Colton.

10. **Consideration to Approve the Proposal to Rename the Park in Eagle Park to "Eagle Park Commons":**

Tracy Ulmer, resident of Eagle Park subdivision, explained the proposal to rename the Eagle Park park. She explained that local residents had been invited to suggest new names for the park. The Eagle Park Improvements Committee narrowed the suggested names down to six, and those names were voted on by subdivision residents. She advised that the winning name was Eagle Park Commons and asked the City Council to approve the name change.

Linn Strouse acknowledged the participation of the residents in Eagle Park in changing the name of the park.

MOTION: *Linn Strouse moved to approve renaming the Park in Eagle Park to Eagle Park Commons. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

11. **Presentation by Fire Chief Robert DeKorver:**

Fire Chief Robert DeKorver presented information on the Eagle Mountain City Fire Department regarding services now provided, challenges caused by rapid growth, and plans for the future. Chief DeKorver discussed the need for better fire protection coverage during the daytime hours, and he showed how the proposed tax increase would allow for two part-time positions for the fire department for daytime hours. He talked about the need for paramedic services which are now limited in the City because of licensing restrictions. He discussed the need for new equipment and mentioned ways to raise money for this equipment, such as fundraisers, grants, and the proposed tax increase.

12. **Presentation by Sheriff Deputy Greg Knapp:**

This item was discussed after Item 13.

Deputy Greg Knapp presented information regarding the crime rate in Eagle Mountain City, what types of crime the Sheriff's Office is dealing with in the City, how Eagle Mountain compares with other cities in Utah County, current City resources, what is needed for better law enforcement, and who can help.

13. **Crime Task Force Report, Bruce Champagne:**

This item was discussed before Item 12.

Mr. Champagne was unable to attend the meeting. Mayor Bailey read Mr. Champagne's report, which addressed the plans for crime prevention in the City. Attached to these Minutes is a copy of this report, which details the issues being addressed by the Eagle Mountain City Crime Task Force headed up by Officer Champagne.

14. **Public Hearing: (Truth in Taxation Hearing – to Raise the Eagle Mountain City Property Tax):**

A. Open Public Hearing (7:10 PM or as soon thereafter as may be heard)

Mayor Bailey opened the Public Hearing at 8:08 PM.

Finance Director Kent Parker explained the proposed tax increase of \$132,560, which would be earmarked 100 percent for public safety (fire department and sheriffs office). He presented information on the tax structure of the City, including revenues and expenditures, and answered questions from the public.

Chris Hillman explained how a grant procured through the services of Utah County Sheriff Sergeant Jo Murphy would provide for the services of a detective, which would mean that the contract with the Utah County Sheriff's Office would not show extra charges for detective services. He advised that the grant would cover expenditures for three years, at which time the City would need to pick up all expenses.

B. Receive Public Comment

Paul Bond, resident and former mayor: "I think Deputy Knapp had to leave. He says we are starting to lose ground. I want to say we were starting to lose ground in 2000. Jo Murphy and I had many conversations on that. We have been losing ground for a number of years now. I want to also validate the presentation. Everything I saw there seemed to be right on track. My numbers are a little off right now, I'm thinking about a year and a half ago, but everything they said I would validate. I also want to agree with Mr. Hillman when he says that the county is kind of changing the way they do things because they started talking about that when I was in office, so that's definitely true. Violence is increasing, that was brought up. I want to talk about that a little bit. When I took office some of our biggest problems were pretty much petty theft, petty vandalism, and that kind of thing. When I left office we were seeing a great increase in domestic violence, a lot of domestic violence. We also saw, my last week in office, and I'll never forget this because I laid awake in bed all night, literally, we had a S.W.A.T. team in one of the north neighborhoods. That was unheard of until that time, and I thought 'Why couldn't it have just have been next week and let somebody else worry about it.' But it really brought home to me how Eagle Mountain is changing and I want to emphasize that. I also want to compliment Chief DeKorver on his presentation. Chief DeKorver and I had many conversations about the gear, how inadequate it is; and how, when he sent people into a burning building, he would debate whether just to let the building burn to the ground or send people in, which caused me a great deal of distress. I say all that because I want you to understand that I am very much in favor of public safety. Public safety was a very high focus of mine. Chief DeKorver and I had conversations while I was running for office and we discussed the ambulance, we discussed gear, we discussed a lot of these things. I discussed it with Jo Murphy and what was needed. I was involved in the onset of Neighborhood Watch. I was very involved in that before I even had an idea of running for office. So, public safety is extremely important to me, and I guess I say all of this because I want you to understand that. My concern is the tax, how we're going to pay for it. I'm concerned because Mr. Parker said that all of this money goes to public safety. There's no way you can guarantee that forever. There's no way that can be guaranteed; there's no way. I have seen this body here reverse things that I did. There is no guarantee that in five, six months from now when the next three members are here, the things that you do won't be reversed because three members can reverse things. I'm concerned about that. I want to call to attention the City of Phoenix had a temporary sales tax installed of one percent. That was in the 1950's; they still have it; it has actually grown. In 1980 something, 1982 or '83, Maricopa County, which Phoenix is a part of, had a temporary sales tax of one-half percent to build freeways. The freeways have been planned and built. They still have the sales tax. No tax is temporary. I want to also remind this Council that there has been criticism directed to me by some of you, as well as residents, with regard to the debt. What you're proposing here is a debt. It's a debt we will never get rid of. It's a debt we will always have. I favor public safety, but I'm concerned about how we're paying for it."

Mark Lofgren, resident: "I'm not trying to be a trouble maker today, and I may not be a trouble maker per se. I agree, I think this is something we need to do. I have no problems with this at all. Public safety is one of the functions, in fact, the most important function the government should do in my opinion. However, logically speaking, if you look at the charts and everything, sales tax,

obviously we're not making anything on sales tax. So, as retail businesses come in and other types of business as well come in, sales tax will increase. So I would propose, not that that means anything, but I would propose that written into this would be some type of a trigger point and/or some type of a sunset clause that once sales tax gets to the point to where the property tax can be eliminated, it would be. That way, the burden goes away from us living here and it goes to the businesses where it really should be, in my opinion."

Vincent Liddiard, resident: "I recognize Mark's and Mayor Bond's comments and I think that they are well put, and I appreciate them spending some time. I think this is a great idea. I think it's a 'pay-me-know or pay-me-later'. I really don't see that you have an option. I don't want to put it in those terms; but I feel strongly that you have an opportunity to make a decision here that provides for the safety of your wives, your children. The presence that you have here currently is obviously underwhelming. You have an opportunity to do the right thing and you won't get the chance to do it again. Some of the things that were said by the good man from West Valley—if you had to do it again, you're not going to get the chance to do it again. I was talking to Jo Murphy on her cell phone today. I had introduced her to a gentleman who works for the Department of Domestic Awareness of the Department of Homeland Security. I spent a week in meetings with him last week in Park City; and as we talked about the training that we provide them, there are supplemental bills to provide even training through a whole consortium of which members receive \$30,000,000 each in federal resources to provide training to emergency responders, such as firefighters and policemen. They even now have a supplemental bill so that as members, even from rural communities like ours who attend those training opportunities, can receive supplemental federal dollars to back fill them to pay for the officers who have to back fill that time while they are gone to receive that training. If we want to tap into these kinds of programs, we have to take advantage of the ones that are offered to us now. I think it's a great opportunity for us. I think as far as receiving federal dollars, you are not going to see a continual tide of being able to receive monies like this in the future. There is an effort to push federal dollars down to the states. There is opportunity to receive more state dollars through the Department of Homeland Security. There are avenues to get that money, most of which are going to be tied to having the City incur some financial obligation to provide for its own. I suggest that we become more self-reliant and do this thing. I know this tax may not forever be here, it may forever be here. If my children have to pay this, then at least hopefully my children will be around to pay for it."

Janiece Sloan, resident: "I hadn't planned on making a comment. I want you to know that I do fully support this. I'm very concerned about public safety that is here. There are probably no guarantees that this will forever remain this way, but that's the responsibility. Our government consists of checks and balances; and as citizens, it's our responsibility to make sure that future councils adhere to it as much as possible instead of blaming everyone. And I think it's the responsibility of council members to find out, you know, council members are the voice of the people and they need to find out what the voice of the people is. I support it and I just hope that we have an active, involved community that will make sure it stays where it's supposed to be and that we can have a safe community for my children to grow up in."

Wendy Minks, resident: "Just something really quick about the point that's been made about future councils being able to reverse decisions. The thought just struck me that the possibility of people making bad decisions in the future should not stop us from making a decision at all today, from making the right decision now. The right decision made now for a couple of years or a year or whatever we have, is not a risk that we should avoid taking because of what someone may choose down the future. If we planned our life and we planned our City based on all of the negative 'what-ifs' that are out there, we'd all sit there cowering in fear waiting for someone else to do something. I think we have to do something. We can't just sit and say, 'Oh, but somebody might abuse this later.' We need to do what we can within the realms of the law today and deal with the future as it comes and stay involved, as others have mentioned. I think that it's imperative that we do something preventative rather than reactionary."

Jeff Love, resident and fire fighter: "I just want to bring up some of the benefits that I see with this. I don't know enough about taxes, I just pay what I'm told. So, I don't want to comment on where the money should come from. But, on the police side, I have the opportunity many times as a fire fighter to work hand-in-hand with the police department. There are many times when I respond on calls with them and I worry for my family because I hear over the radio that the nearest deputy is in Spanish Fork. How long is it going to take that deputy to get from Spanish Fork to my house if something is to happen? It makes me worry for my family's safety when I'm away. A couple of weeks ago, there was a *USA Today* article about the failures of the EMS system. One of the reasons that it listed as a failure was in response times. We saw earlier some of the average response times for our department. The way that they rated success or failure was on full arrests, how many people were saved. They said that the best way to save someone in full arrest is to get defibrillation to them within five to ten minutes. As we saw in the response times, we're getting barely out of our house and to station during that amount of time. More and more police officers are carrying defibrillation equipment with them and are being trained on it and they're already in their vehicles. By having the extra police, we have that opportunity for them to get there within that time frame to go and to help us out to do our job. I have had the opportunity in this town to be on three full arrests; unfortunately, two of them resulted in deaths and one we were able to save. I attribute that save to Deputy Knapp and, I believe it was Deputy Bingham, arriving and being able to get defibrillation on that patient within a matter of minutes. I think if we can just get more police officers to do that, we can go and help save the lives of many more of our citizens. On the fire side, I am the quartermaster for the Fire Department, which means I'm in charge of all the turnouts for the Fire Department. With that opportunity, I actually see what our equipment is like and, I'm sorry to say, most of it is not able to be serviced. Most of it can't be used. We have firefighters who don't feel safe with their own equipment that they spend their own money to go and purchase equipment that they can feel safe in. We've also got some fire fighters who aren't able to fit into the equipment and, therefore, have no equipment; meaning if there was to be a fire, they would have to sit outside and just watch or help us in some other capacity without being able to go in and help put out that fire. I think we need to do what we can to get this money to the police and to the Fire Department."

Dan Valentine, resident: "As far as tax increases go, I think this is a good one. Most of the people that I have talked to all feel the same way. If it is going to go to public safety, this is the best thing, especially out here. I have a couple of questions though, and I don't know if you guys can answer but please consider it and see if you can. First one is what's going to happen to the additional 10 to 20 percent funds that will be received next year and after that because of the 20 to 40 building permits per month."

Mayor Bailey: "It will go towards it."

Dan Valentine: "Okay, so there is a commitment to make sure that that increases. Second of all, I was rather disturbed at, I don't remember whose presentation it was that indicated that Saratoga had approved their new deputies under a stipulation that they cannot respond here."

Chris Hillman: "Just some clarification. I talked with the City Manager who wanted to reassure Eagle Mountain that they will help us out when need be, as we will do them as well."

Dan Valentine: "Okay."

Mayor Bailey: "But they did want to focus that their officers did focus more there rather than responding to our calls because Sergeant Murphy came back with a report that their officers right now are responding to three or our one calls."

Dan Valentine: "Maybe it's just my unlucky days, but at least twice when I've had to have people come up because of shooters up in Hidden Valley, they've been over doing work in Saratoga, and I thought that was rather odd."

David Blackburn, resident: "I just had one question. Having some EMS experience myself, I know the firemen, paramedics and EMT's hate to have that responsibility, but has the City considered dual training firemen to be police officers so their firemen are POST certified? That way, with one person we cover the responsibilities of additional law enforcement."

Mayor Bailey: "I don't know if anyone's talked about that. No one's brought it up to me before."

David Blackburn: "I know Davis County has their officers certified in that manner."

Mayor Bailey: "We can look at that. It's a good idea."

David Blackburn: "The officers hate that because they have to shoot them, then fix them. But that obviously covers and maybe reduces some of the taxes. I'm all for the tax because it benefits all of us; but that might be an option, I don't know if it's been discussed, to maybe condense the impact of the overall taxes. As a taxpayer, I obviously don't like to pay taxes. I don't think any of us want to. So, are there stipulations or plans that could be spelled out to say 'x' amount of houses, 'x' amount of impact fee that goes into those houses to support the next officer needed for that next population of 1,000 people."

Chris Hillman: "In terms of impact fees, impact fees need to be used only for capital facilities programs."

David Blackburn: "Okay, developing some sort of program for 'x' amount of houses, figuring 'x' amount of population and 'x' amount goes to fund the next officer so it's not put on everybody past or future."

Mark Madsen: "It's probably only realistic to think we can do that when we can tap into a commercial tax base. That's coming down the road. Some funds are specialized and can't be used for broad purposes."

David Blackburn: "If we could somehow plan as a City..."

Mayor Bailey: "We're looking to do that but until we have another resource to work with, that's kind of where we are."

Chris Hillman: "I know that Orem City has actually applied to combine into one public safety department. I think the complications of having a contract with the sheriff and convincing them to run into a burning building may get a little complicated; but we should look into it in the future."

Kent Parker: "Keep in mind that as growth occurs we will generate more property tax because of this increase, and also at the end of three years we've got to pick up 100 percent of the cost for all of these officers. So by doing that now, we start building a base so we'll have that money so that that fourth year we will be able to be a lot closer to being able to cover that continuous service."

Mayor Bailey: "Actually, we will have a way. I don't know how, but we will because we don't have an option at that point."

Chris Hillman: "In relation to these increases, and these are rough estimates, this first year the City will need to come up with about \$132,000 to \$134,000; next year the City would not only have to cover the \$134,000, we'd have to cover an additional \$90,000; the third year we have to come up with an additional \$140,000; then the year after that we have to come up with an additional \$102,000. We are hoping that with the growth in homes and the growth in sales tax and these other issues, we will be able to have enough natural increase to pay for those increases."

Jody Hooley, resident: "I realize that we are kind of in a Catch 22 situation. Nobody likes taxes any more than anybody else, but I know there's a way we have to pay for things. Having said that, I think we need to.... Residential tax increases, property and other taxes, I mean we need to find a way to—I never thought I'd say this—we need to find a way for more commercial taxes. Those who know me know that I never thought I'd say that. But what I'm worried about right now is I'm sure you've all received your county tax evaluation. Hugh! Some people went up \$100 to \$200, some people went up \$1,000. Now we're talking about adding another tax on top of that, and I'm worried about how much that's going to deter the businesses."

Mayor Bailey: "Actually, the tax proposal you received in the mail is showing what that total increase would be with the proposal."

Chris Hillman: "It represents about a five percent increase."

Jody Hooley: "Okay, my question is are commercial places going to say, 'Whoa, are my taxes going to go up that percent every year?'"

Mayor Bailey: "Right now, our property tax, even with this proposed rate, is still under the 50 percentile in the County of Utah."

Jody Hooley: "I'm just saying we're a long way from a lot of other places, and to entice those commercial things, you know, another tax increase—I don't know if that's the way to get them here. Taxes never go away. I know this has already been said, but taxes never go away and I don't know of anyplace that's been able to say we're going to tax this long for this thing and once it's paid for we're not going to have it because I've never seen it happen. Somebody mentioned impact fees. I know when I was in Lindon, they talked about a safety impact fee that people coming in would need to pay for the impact they make on that city; and that would be like an impact fee for the water, sewer, roads and all that kind of thing. I know we are in a Catch 22."

Cindy Jones, resident: "I'm a concerned citizen because I have noticed increases in utilities, increase of \$45.00 for your sewer. I don't understand. Things are not getting explained that I think should be explained. With this tax increase, I hope that this is where it's going to go because this would really benefit everybody and I agree totally for this. I'm concerned that other things are going to go up in progress, and I'm concerned that other things are going to get taxed and we're not getting the City that we were told we were supposed to get when we first moved here three years ago. It hasn't happened and we're going to have to move because we can't afford it; and yet, I can't sell my home. I can't get what I paid for it. The person down the street is selling for half what we paid for ours, two doors down. I really like this City and everything, but I'm just afraid that everything's going to get taxed more and more. We're starting to lose and the economy is going down and what are we going to do? I thought we were a community, I thought we were here to be together, but everyone wants to pull away. We've had six people just in our neighborhood try to sell their homes and move. That's my concern. If I'm a day late on my utilities, I'm charged \$25.00. A day late! I think you should consider something because usually you get a ten-day grace period. I'm two days late; I'm charged \$25.00. Where's that going? That's a lot of money. I think the utilities and everything is frustrating. I've had my meter changed twice now."

Mayor Bailey: "I'd like to recommend that you come in and speak with Chris and Kent. I think a lot of the questions you have have been explained before in different forms."

Cindy Jones: "I've had three different answers. I'm not getting any answers."

Mayor Bailey: "If you would like, I'd be happy to meet with you, but right now we can't take that time."

Cindy Jones: "No, I understand, I got off on that. I was just trying to say I hope everything else doesn't go up in the progress that I've noticed since I've been here three years."

Mayor Bailey: "If you'll give me a call, we set up a time to sit down and make sure you get a straight answer, whatever it is."

Doug Detel, resident: "The impression that I get from what's been said is that everybody's confident, and correct me if I'm wrong, that in the next several years through the growth and due to commercial establishments coming in and building our sales tax base, that it will eventually eliminate the need for this additional tax. Right?"

Mayor Bailey: "That's what everyone would like to see."

Doug Detel: "Okay. Now is everybody confident that that's going to be the case?"

Mayor Bailey: "What the future of this City is is anybody's guess. We'd like to believe that, and I don't think there is anyone on the Council that wanted to raise taxes. I don't remember anybody telling me they wanted to. As a matter of fact, everyone was adamant they didn't want to, but we saw that we needed to. They also wanted to be able to repeal this tax as quickly as we possibly could. I have no one saying they wanted to do otherwise. I can assure you that no one on the Council, and they can correct me if I'm wrong, wants to do this other than the need for public safety is greater than our need to want to lower taxes right now."

Doug Detel: "I understand that. The impression that I received was that people were 90 percent sure that within a couple of years the growth of the town and the building of our commercial tax base would more than cover whatever this would take. So, what I'm saying is if that's the way everybody feels, and that's the impression that I'm getting, then why not write into this a sunset clause. Our income tax, which to some people now is over 50 percent of their earnings, started out back in war time at two percent and was voluntary."

Mark Madsen: "If I could just respond. A lot of the comments that we have had tonight are echoing the discussion that we had when this first came before the Council—isn't there some way that we can force the future people who sit in these chairs to spend the money where we want it spent. And the answer is just simply 'no.'" We have to rely on the people who come here to reflect the will of the people and to put it in the right place. There is essentially a natural sunset because we pass this rate every year. The property tax rate is reestablished and passed by ordinance every year. So every year the Council has the opportunity to, for better or for worse, to increase it or decrease it."

Doug Detel: "However, I don't think that the will of the people as far as the sunset clause in this will ever change."

Gerald Kinghorn: "This does sunset every year. The other thing that happens because of the way the Tax Commission operates the tax system, the tax rate is going to slowly, slowly, slowly decline because we're not allowed to maintain a tax rate that generates an exorbitant amount of money from natural growth. In other words, they're going to take into consideration natural growth up here, and there is a limit. What happens in these situations is you will start to see this tax rate, the allowable tax rate without going through a public hearing, will start to decline. Every year the City Council has to set a budget. They do a budget plan; they do a spending plan. There are public hearings for it. That's when the projected tax rate is established. Later on in the year if they're going to raise it above the allowable tax rate, they have to have a truth and taxation hearing like this one. This thing will sunset. The certification of tax rate sunsets every year. It can't continue without reenacting in a hearing each year."

Michelle DeKorver, resident: "I'm actually against a sunset. I am married to a full-time career firefighter; and because of that, I kind of understand how the fire department and public safety works. Those citizens who believe that there will be an end to the fire department's needs, it just doesn't make any sense. As the population goes up, the fire department's needs will go up. You'll have to go from one or two full-time firefighters or even part-time paid, which we're talking about now, to one or two full-time. Then you'll have to go to a full full-time fire department. When we get to the size of Sandy City, you're talking 30 firefighters per shift, three shifts, plus the administration, and you're talking five fire stations instead of one or two, and not just half fire stations with just bays, but we're talking offices, and kitchens, and sleeping quarters. If you see what I'm saying, as the population grows, I know the fire department needs will increase dramatically as well in order to keep our citizens safe. I'm sure it's going to be the same with the police."

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:00 PM

Mayor Bailey thanked the citizens for their comments and interest and reminded them that their comments are considered by Council.

14. **Consideration and Approval of a Resolution Setting Property Tax Rate in Eagle Mountain for Fiscal Year July 1, 2003 to June 30, 2004:**

Greg Kehl echoed the statement of Michelle DeKorver and stated that the residents should be responsible for paying for the public safety. He stated that a percentage of the property tax should be earmarked for the purpose of public safety, as it is intended, so that residents can remind future councils of the original intent of the increase.

Mark Madsen stated that the Council has gone as far as possible to express their will that this tax would be used specifically for public safety. He advised, however, that this Council could not determine the actions of future councils.

Brigham Morgan expressed his concern with the amount of funds the City will be responsible for in meeting the increased costs for the proposed increase in sheriff's officers in the future. He stated the Council should address now how to meet these increased expenses.

Mark Madsen stated the Council should make decisions that will foster growth in the City in order to meet the public safety needs. He stated he feels that public safety should take priority over any other needs of the City.

MOTION: *Mark Madsen moved to approve Resolution No. R 12-2003, a Resolution Approving and Adopting the Property Tax Rate for Fiscal Year 2003-2004 for Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. **Public Hearing: (To Amend the Eagle Mountain City Impact Fee Ordinance):**

A. Open Public Hearing (*Immediately Following the Truth and Taxation Hearing*)

Gerald Kinghorn explained that this amendment to the impact fee ordinance would move the payment of certain impact fees for electrical, sewer, and water in the South Service Area to the time of plat recordation. He answered questions from the Council.

Korey Walker explained that it has become critical to move the future facility portion of the impact fee to collection at recordation. He also noted that there is one portion of the fee on the sewer that

is an equity buy in that is collected to insure payment of the bond fee that should also be collected at recordation. He explained his recommendation that the North Service Area water fees also be collected at recordation.

Mayor Bailey opened the Public Hearing at 9:15 PM

B. Receive Public Comment

Harlow Clark, reporter for the New Utah, asked when plat recordation takes place.

Doug Detel, resident, expressed his concern about poorly controlled growth in the City. He stated he feels growth that causes devaluation to properties is not wise, such as when small tract homes are allowed to be built next to larger custom homes. He stated the Council should be concerned about the way growth is happening in the City. The Mayor asked Mr. Detel to meet individually with each member of the Council regarding his concerns.

Harry Bakken, resident, asked for clarification of the areas that would be affected by this ordinance. He was advised by Mr. Kinghorn that both the South and North Service Areas would be affected.

C. Close Public Hearing

The Mayor closed the Public Hearing at 9:19 PM

17. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending Ordinance No. O 18-2002, Enacting Time Requirements for the Payment of Certain Impact Fees and Re-enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities:**

MOTION: *Greg Kehl moved to approve Ordinance No. O 16 -2003, an Ordinance of Eagle Mountain City, Utah, Amending Ordinance O 18-2002, Enacting Time Requirements for the Payment of Certain Impact Fees and Re-enacting an Ordinance Requiring the Payment of Impact Fees for Certain Public Facilities, including the North Service Area for water only at plat recordation. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

18. **Consideration and Approval of a Master Development Agreement with Utah State Institutional and Trust Lands Administration:**

Mayor Bailey was excused at 9:35 PM.

Gerald Kinghorn explained the development agreement with SITLA, for which the land use element was previously approved by the Council. He explained that SITLA commits to invest in Sweetwater Road and dedicate significant lands to the City for parks, a civic center, and Pony Express Trail Park, and to participate with the City in the dedication of other roads that will provide a road network between the South Area and the North Area. He explained the agreement to the Council.

MOTION: *Mark Madsen moved to approve the Master Development Agreement between Eagle Mountain City, Utah and the Utah State Institutional and Trust Lands Administration, with the following changes: 1) with the revision of the Pony Express Trail Park from 52 to 42 acres; 2) clarify the refund of unspent construction funds to TLA after Sweetwater Road is finished; 3) add the requirement of an improvement cost to be planned for improving Pony Express Trail Park; 4) clarify the Airport Road right-of-way impact fee credits or transportation credits; 5) clarify a correction in the Staff Report that the width of the Pony Express Neighborhood Buffer Park is proposed to be 200 feet instead of 300 feet; and 6) the green space open space minimum in the Mid-*

Valley Regional Park be changed from 60 to 70 percent. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.

The Mayor returned to the meeting at 9:40 PM.

19. Consideration For Adoption Of A Resolution Declaring The Intention Of The City Council Of Eagle Mountain City, Utah County, Utah, To Construct Improvements Within The City Consisting Of Road Improvements, Water Improvements, Wastewater Improvements, Park Improvements And All Other Miscellaneous Work Necessary To Complete The Improvements In A Proper Workmanlike Manner; To Create The Eagle Mountain City Special Improvement District, No. 2003-1 (The "District"); To Pay The Cost And Expenses Of Said Improvements By Special Assessments To Be Levied Against The Property Benefited By Such Improvements; To Refund And Retire The City's Outstanding Special Assessment Bonds, Series 1997 And Special Assessment Bonds, Series 1998 (The "Prior Assessment Bonds") By Including The Assessments Levied With Respect To Said Prior Assessment Bonds Within The Assessments Proposed To Be Levied With Respect To The District; To Provide Notice Of Intention To Authorize Such Improvements, To Refund The City's Prior Assessment Bonds And To Fix A Time And Place For Protests Against Such Improvements, The Refunding Of The Prior Assessment Bonds Or The Creation Of The District; To Declare Its Official Intent To Reimburse Itself For Expenditures Paid By It Prior To The Sale Of Bonds; To Declare Its Intention To Fund A Reserve Fund In Lieu Of A Guaranty Fund; To Amend And Restate The Notice Of Intention And Creation Resolution Adopted By The City With Respect To The Creation Of Eagle Mountain City Special Improvement District No. 2002-1; And Related Matters:

Gerald Kinghorn stated that approval of this resolution would allow for announcement in the newspaper of a protest hearing on September 23 at 6:00 PM.

MOTION: *Brigham Morgan moved to approve Resolution No. R 13-2003, a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah, to Construct Improvements within the City Consisting of Road Improvements, Water Improvements, Wastewater Improvements, Park Improvements, and All Other Miscellaneous Work Necessary to Complete the Improvements in a Proper Workmanlike Manner; to Create the Eagle Mountain City Special Improvement District No. 2003-1 (The "District"); to Pay the Cost and Expenses of Said Improvements by Special Assessments to be Levied Against the Property Benefited by Such Improvements; to Refund and Retire the City's Outstanding Special Assessment Bonds, Series 1997, and Special Assessment Bonds, Series 1998 (the "Prior Assessment Bonds") by including the Assessments Levied with Respect to Said Prior Assessment Bonds within the Assessments Proposed to be Levied with Respect to the District; to Provide Notice of Intention to Authorize Such Improvements, to Refund the City's Prior Assessment Bonds and to Fix a Time and Place for Protests against Such Improvements, the Refunding of the Prior Assessment Bonds or the Creation of the District; to Declare Its Official Intent to Reimburse Itself for Expenditures Paid by It Prior to the Sale of Bonds; to Declare Its Intention to Fund a Reserve Fund in Lieu of a Guaranty Fund; to Amend and Restate the Notice of Intention and Creation Resolution Adopted by the City with Respect to the Creation of Eagle Mountain City Special Improvement District No. 2002-1; and Related Matters. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

20. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending and Re-enacting Provisions for Processing Development Applications to the City:

This item was tabled.

21. Development Agreement including CC&R's Approvals:

- A. Jacob's Well, Plat A This item was tabled.
- B. Jacob's Well, Plat B. This item was tabled.
- C. North Smith Ranch Church Plat

MOTION: *Morgan Madsen moved to approve the Development Agreement for North Smith Ranch Church Plat. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

22. Consideration and Approval of a Resolution Amending the Eagle Mountain City Telecommunications Fee Schedule:

MOTION: *Brigham Morgan moved to approve Resolution No. R 14-2003, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Telecommunications Fee Schedule. Greg Kehl seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

23. Motion to approve Consent Agenda items as follows:

- A. Check Register for July 2003
- B. Partial Payment
 - i. Landscaping Entrance Monument (PP No. 1), American Civil Constructors, Inc.

MOTION: *Greg Kehl moved to approve the consent Agenda. Mark Madsen seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

24. 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.

25. Motion to close the Closed Executive Session and reconvene in to Open Session:

Not applicable.

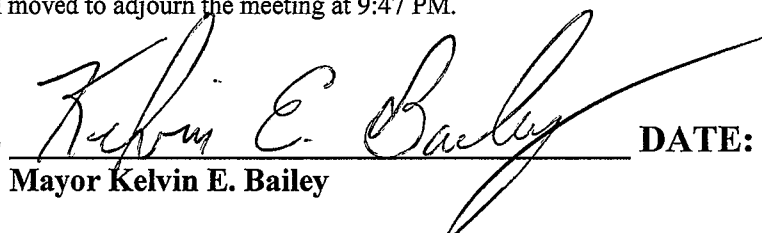
26. Any Actions from the Closed Executive Session:

None

27. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:47 PM.

APPROVAL

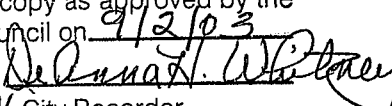


Mayor Kelvin E. Bailey

DATE:

9-2-03

This certifies that the minutes of
8/19/03 are a true, full and
correct copy as approved by the
City Council on 9/2/03

Signed: 
DEPUTY City Recorder

Item 16:

Doug Detel: “There was one phrase I just heard a couple of minutes ago and that was how the key to answering or addressing a lot of the problems that we have, I shouldn’t call them problems, I guess, they’re just issues of the reality of the growth of a new town, is growth, growth, growth, growth, growth, growth. And the question that I have is growth at what expense. My property tax evaluation that I received in the mail a year ago appraised my home at \$190-something. This year it was \$50,000 less. So, growth is wonderful; but if we’re going to grow by changing the original plans of the town to the point or to the effect that it devalues our properties, and basically has two effects on us-- it either shackles us to stay here if we can’t afford to take a \$50,000 loss in selling our home or it costs us \$50,000 in loss in selling your home. That’s just a real concern that I have. Now, I realize that there is other factors involved in property devaluation—the economy, etc., etc.; but looking at what interest rates are and the way the economy is right now, there’s only one thing that I can see that would devalue my home that greatly within one or two years’ period and that’s the fact that right next door somebody can buy a tract home, that used to be illegal to do in my neighborhood, and buy it for \$80,000 or \$90,000. Now, at the risk of sounding like somebody who is blaming the town or trying to put the responsibility for my financial welfare upon their shoulders, I hope that’s not the impression I’m giving; but the effect of growing at the rate that we’re growing, the way we’re growing, the way we’re going about it, has a real effect on real people. I hope that the Council really seriously considers that, because what’s the difference, really, if my house devalues \$50,000 or if you increase my taxes \$50,000, there’s no difference in my bottom line, there really isn’t. I’m all for growth and I believe that will come. I believe that will take longer than any of us want because I think of the old cliché of business, ‘Location, location, location.’ We’re just not in an ideal location, and many of us like that. Many of us like to see the stars at night; and I don’t know what the answer is, honestly. It may be partially increasing our property taxes, and I’d be happy to do that; but to do that and on top of that still have my investment devalued at that rate, based not on what’s happening in the country and things that we don’t have control of, but based on decisions that we do have control over, I can’t help but be concerned about that and I just hope that you are too.”