

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING
Eagle Mountain City Council Chambers
1680 East Heritage Drive
Eagle Mountain, Utah 84043
August 20, 2002

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

1. Discussion regarding proposal to purchase Eagle Mountain Telecommunications by Direct Communications
(4:00 PM)
2. Consent Agenda
3. Discussion on Wastewater Capital Facilities Plan (South Service Area)
4. Discussion on Water & Sewer Rate Analysis
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. Other Business
8. 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, Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, and Linn Strouse

City Staff:

City Attorney:	Gerald Kinghorn
City Engineer:	Korey Walker
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Deputy Dale Lea

Others Present: Kendle Salisbury, resident; Marcie Taylor, resident; Jody Hooley, resident; Sumner Swaner, representing Timpanogos Vision; Mike Wren, Eagle Mountain Properties.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Mayor Bailey.

3. **Approval of Minutes (August 6, 2002):**

MOTION: *Mark Madsen moved to approve the Minutes of August 6, 2002. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Diane Jacob abstained because she was not present at the August 6, 2002 meeting. Motion passed.*

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

This item was discussed after Item 7.

Mayor Bailey announced that the Miss Eagle Mountain Pageant was held August 17, 2002. He introduced the winners of the pageant – Miss Eagle Mountain Katie Faulkner; First Attendant Lisa Bailey, Miss Teen Eagle Mountain Michelle Vanderhoef, First Attendant McKenna Lindsay, and Second Attendant Kylee Neilson. He explained that all the winners would be involved in representing Eagle Mountain City during the coming year. The Mayor also introduced Natalie Kershaw, who planned the pageant, and thanked her for her service to the community.

5. **Appointments:**

- a. Appointment of Mark Sovine to serve as Eagle Mountain City's Representative to UAMPS

Mayor Bailey recommended the appointment of Mark Sovine to serve as Eagle Mountain City's representative to UAMPS.

- b. Appointment of Mark Sovine to serve as Eagle Mountain City's Representative to IMGA

Mayor Bailey recommended the appointment of Mark Sovine to serve as Eagle Mountain City's representative to IMGA.

- c. Ratify Appointment of Mark Sovine to serve as Eagle Mountain City's Representative to TSSD

Mayor Bailey recommended ratification of the appointment of Mark Sovine to serve as Eagle Mountain City's representative to TSSD.

MOTION: *Greg Kehl moved to appoint Mark Sovine to serve as Eagle Mountain City's representative to UAMPS, to appoint Mark Sovine to serve as Eagle Mountain City's representative to IMGA, and to ratify the appointment of Mark Sovine to serve as Eagle Mountain City's representative to TSSD. Diane Jacob seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

Janet Valentine announced that there was previously no City Council meeting scheduled for September 3, 2002 because of the Labor Day holiday. However, a Special City Council meeting has now been scheduled for September 3, 2002 to hold a public hearing for the Capital Facilities Plan.

7. **Public Comment:**

Kendle Salisbury, resident of Chimney Rock at The Ranches and delegate for her homeowner's association, stated her property backs up to The Ranches fence into the pavilion area of the public park. She expressed her concern regarding plans to plant native seed grass along the fence line between her property and the bike path. She stated most of the area residents are concerned about fire hazards, weeds, snakes and rodents, etc. that present dangers to children who will be playing around area. She presented suggestions to use bark or rock to prevent these problems. The Mayor stated staff would follow up and get back to Mrs. Salisbury.

Marcie Taylor, Lake Mountain Road resident, expressed concerns about the dumping going on between The Ranches and Lake Mountain Road. She stated she made complaint last year about The Ranches dumping weeds in the gully. She indicated the promised clean up was never done and there is now a huge pile of tumbleweeds and debris. She also stated that people traveling the road are throwing garbage out of car windows. Mayor Bailey stated he would have the Code Enforcement Officer follow up on this and contact Mrs. Taylor. She also advised there is a property owner on Lake Mountain Road hauling in old tires and old wood and storing these items at the back of their property. The Mayor will have the Code Enforcement Officer follow up on this issue.

Jody Hooley, Lake Mountain Road resident, has the same issues as Mrs. Taylor about illegal dumping. She also made complaint last year and was told the Code Enforcement Officer would take care of the problem; however, the tumbleweeds are still in the gully. She stated she had been advised to write down license plate numbers and turn them in to the Sheriff's Office. She advised she has done this but has never been contacted by anyone for follow up. She was advised to forward any license plate numbers directly to the City Office for follow up. Mayor Bailey stated he would have staff check on this matter and have someone get back to Mrs. Hooley.

Summer Swaner, representing Timpanogos Vision, stated he wanted to acquaint the Council with a project that Mountainland Area Government is starting that will culminate in a series of workshops on October 2, 2002. He indicated the hope of his organization is to get citizens (educators, real estate developers, etc.) from our community to share their input on open space and transportation. He indicated that annexation will be a third component discussed because the State of Utah is requiring all communities to have their annexation lines drawn by the end of the year. He solicited support and handed out packets to Council members regarding this program.

8. **Consideration to Approve a Development Agreement with the Church of Jesus Christ of Latter-Day Saints for the Smith Ranch Road Church:**

Gerald Kinghorn stated the LDS Church plat was previously approved and that the Development Agreement was now being presented for approval.

MOTION: *Greg Kehl moved to approve a Development Agreement between Eagle Mountain City, UT and the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints for the Smith Ranch Road Church. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

9. **Consideration to Approve a Development Agreement including CC&R's with Homeland Holding, Inc., for Autumn Ridge Phase 1:**

Shawn Warnke explained that the plat for this development was previously reviewed and approved by the City Council. He indicated staff had reviewed the Development Agreement and the CC&R's and recommended them for approval by the Council.

Linn Strouse wanted clarification on the process for naming streets. She was concerned about the confusion caused when street names are similar. Shawn Warnke explained the street naming process of the City and indicated that the Fire Chief ultimately approves street names.

The Mayor asked that there be a method developed to change street names which may be found to be confusing during an emergency.

Brigham Morgan stated that traditionally along Eagle Mountain Boulevard the open space between the development and the boulevard has been bermed. He inquired whether this berming would be continued. Korey Walker explained this would not be done in the future in Autumn Ridge because disturbing the soil causes weed growth.

Mark Madsen pointed out typographical errors in the Development Code and Shawn Warnke stated he will make the necessary corrections.

Diane Jacob asked if there was a homeowners association for this area and was informed there was no homeowners association. She inquired about enforcement of CC&R's and was advised that any homeowner can enforce against another.

MOTION: *Brigham Morgan moved to approve the Development Agreement with Eagle Mountain City, UT and Homeland Holding, Inc., for Autumn Ridge, Phase 1. Mark Madsen seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

10. **Consideration to Amend Subdivision Bonding Requirements:**

a. Requirement of widening of Eagle Mountain Blvd

Korey Walker discussed three items that developer Patterson Construction has requested be amended. Mr. Walker recommended that Gerald Kinghorn be directed to incorporate these three items into the Development Agreement. Korey Walker and Gerald Kinghorn answered questions from Council.

MOTION: *Mark Madsen moved to amend the Subdivision Bonding Requirements to eliminate the requirement for the widening of Eagle Mountain Boulevard for the proposed development and for other developments that apply to Eagle Mountain Boulevard in the future. Linn Strouse seconded the motion. Ayes: 4 – Diane Jacob, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 1 – Greg Kehl. Motion passed.*

b. Requirement of offsite utilities

Gerald Kinghorn explained this request to the Council. He recommended there be a time limit established with this amendment to avoid future problems. Mayor Bailey and Korey Walker stated that ten years is the typical time limit. Korey Walker answered questions from the Council.

MOTION: *Mark Madsen moved to amend the Subdivision Bonding Requirements for offsite utilities to allow for reimbursement to the original developer who over sizes utilities to allow him to recoup his expenses, with a ten-year sunset provision. Linn Strouse seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

c. Inspection fees (amend to have any excess costs reimbursed back to the developer)

Korey Walker explained this request. He answered questions from the Council and explained how the accounting of these fees would be handled. Kent Parker was concerned about the maintenance of this account.

Greg Kehl recommended this item be tabled and referred to the Public Works Board. He stated the Council could then request input from engineering, accounting and the Public Works Board (making this item retroactive for this specific case, if decided by the Council) so this reimbursement would be fair for all developers.

THIS ITEM WAS TABLED.

11. Ratify purchase of a trailer for the City's Public Works Department:

This purchase was brought before the Council for ratification rather than approval because the trailer was needed immediately. The Mayor stated this purchase was made in violation of a City Ordinance but was pre-approved by him. He recommended that the Ordinance be amended for future purchases.

Mark Sovine presented information regarding this purchase and explained how City employee Zachery Hilton was able to talk the seller into lowering the price by \$500.

MOTION: *Mark Madsen moved to ratify the purchase of a trailer for the City's Public Works Department. Diane Jacob seconded the motion. Ayes: 4 – Diane Jacob, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

12. Ratify purchase of a copy machine for the City 's Main Office:

Mayor Bailey stated that this purchase was discussed with the Council at the prior meeting at which time a general consensus was given to proceed.

MOTION: *Mark Mark Madsen moved to ratify the purchase of a copy machine for the City's Main Office. Greg Kehl seconded the motion. Ayes: 4 – Diane Jacob, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

13. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Partial Payments
 - i. UP&L Interconnect Substation (PP No. 3), Caribou Construction
 - ii. Fire Station Utility (PP No. 2), Arrow Engineering
 - iii. 138 Transmission Line (PP No. 2), Par Electric Contractors
- c. Final Payment
 - i. Fire Station Utility (Final Payment), Arrow Engineering
- d. Partial Bond Release
 - i. Friday's Station (Release No. 4), Wells Fargo

MOTION: *Greg Kehl moved to approve the Consent Agenda as submitted. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

14. Other Business:

Mayor Bailey presented information on Cedar Trails, Phase II-A. Gerald Kinghorn explained that the current plat has changed from the original plat brought before the City Council. He asked Mike Wren, Eagle Mountain Properties, to explain the differences between the revised plat and the originally-submitted plat so that the revised plat could be placed on the agenda for approval. The Mayor explained that approval of the amended plat had been removed from the agenda because the City did not have a development agreement and CC&R's. Mr. Wren explained he was not aware the development agreement

and CC&R's had to be presented when the plat was brought in for approval. He recommended the Council make changes in this requirement and explained his reasoning for this requested change. The Council was polled regarding this change, resulting in Diane Jacob, Mark Madsen and Linn Strouse being in favor and Brigham Morgan and Greg Kehl having concerns. Mike Wren stated that M & J is the property owner on this plat.

Linn Strouse wants to show appreciation to the citizens of Eagle Mountain City who have volunteered many hours of service. She asked the Council for suggestions on how the City might honor outstanding citizens. Chris Hillman stated that some cities pass a resolution to recognize a particular citizen or organization and present a memento to that individual/organization. Linn Strouse also recommended the newspapers could take pictures of these presentations. Chris Hillman was requested to present samples from other cities at next Council meeting.

Mayor Bailey stated that The Ranches has submitted a proposal to donate a plot of land of approximately five to ten acres for use as a cemetery. He advised it was proposed that this land be donated in exchange for the outstanding water bill owed the City by The Ranches. The Mayor directed Brigham Morgan to have his Cemetery Committee look at the proposal. He requested that this item be added to the agenda for the next City Council meeting.

Chris Hillman stated that UDOT has approved a request for freeway exit signs directing drivers to Eagle Mountain. He indicated the signs should be installed within 60 days and that there is no charge to the City.

Greg Kehl stated he was advised by UDOT that there is a truck lane being proposed for SR 73. He recommended that Korey Walker draft a letter to UDOT, for signature of the Mayor and Council, emphasizing the priority of this issue because of safety issues. Mayor Bailey directed Korey Walker to draft said letter.

The Mayor announced that he received a check for \$30,000 from Wayne Patterson, Patterson Construction, for improvements to the park in Eagle Point.

a. Consideration to Approve Water & Sewer Rates

Korey Walker explained to the Council the basis for the recommended water rates and presented a draft with alternative rate settings. He stated rate analysis has been before the Public Works Board at least twice. He recommended that the City should educate the public regarding water use and conservation and set rates according to water availability. He answered questions from the Council. Korey Walker recommended that the City Council select a service fee and an overage rate.

The Mayor indicated that the new water rates would be effective with the billing for period July 20 to August 19, 2002. He recommended that the Public Works Board and the Finance Office re-evaluate water rates in six months.

MOTION: *Greg Kehl moved to approve the base rate overage rate summary as submitted as Alternate No. 4, which is a service fee of \$20, an overage rate for a thousand gallons of \$.76, and an overage rate over the maximum allowable amount, as per the enclosed table, of \$2.50 per thousand. Diane Jacob seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse; Nays: 0. Motion passed.*

Korey Walker referred to two specific issues – the sewer rate and what should be done with sewer treatment. He recommended the Council pass new sewer rates and delay an impact fee decision until a later date. He answered questions from Council.

Mr. Walker proposed sewer rates for the North Service Area and for the South Service Area and recommended the City work steadily to set an impact fee for South Service Area.

Mayor Bailey indicated the new sewer rates will be effective with the July 20 through August 19, 2002 billing.

MOTION: *Mark Madsen moved to approve sewer rates of \$28.56 for the North Service Area and \$45.00 for South Service Area. Brigham Morgan seconded the motion. Ayes: 5 – Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse. Motion passed.*

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

MOTION: *Brigham Morgan moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues and/or potential litigation at 9:20 PM. Mark Madsen seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Present: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, Brigham Morgan, Linn Strouse, City Administrator Chris Hillman, and City Attorney Gerald Kinghorn.

16. Motion to Reconvene in to Open Session:

MOTION: *Greg Kehl moved to reconvene in to Open Session at 9:45 PM. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

17. Any Actions from the Closed Executive Session:

None

18. Adjournment:

Greg Kehl moved to adjourn the meeting at 9:45 PM.

APPROVAL: Kevin E. Bailey **DATE:** 9-3-02
Mayor Kelvin E. Bailey

This certifies that the minutes of Aug. 20, 2002 are a true, full and correct copy as approved by the City Council on Sept. 3, 2002
Signed: Jane B. Valentine cmc
City Recorder