

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Dr
Eagle Mountain, UT 84043
September 4, 2001**

CLOSED EXECUTIVE SESSION 6:00 P.M.

MOTION Dave Albrecht moved to recess into a Closed Executive Session at 6:11 PM for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 5, Nay: 0. Motion passed.

Present: Mayor Paul Bond, Bert Ankrom, Dave Albrecht, Greg Kehl, Mark Lofgren, Jerry Kinghorn,, John Newman, Janet Valentine, DeAnna Whitney.

MOTION Dave Albrecht moved to adjourn the Closed Executive Session and recess into the Work Session at 6:54 P.M.

POLICY SESSION 7:00 p.m.

Mayor Paul Bond called the meeting to order at 7:05 p.m.

1. **Roll Call:**

Council Members present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Mark Lofgren

Town Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Deputy Sheriff:	Jo Murphy
Deputy Sheriff:	Dale Lea
Fire Chief	Robert DeKorver

Others present: Craig and Lisa Wilcox, residents; Rick Pierce, resident; Darren and Ruth Brandt, residents; Diane Jacob, resident; Anjanette Lofgren, resident; Darrell Jackson, resident; Jody Hooley, resident; Roger and Patty Condron, residents; Joshua Elledge, resident; Arnold Johnson, resident; Dave and Sheila Curtis, residents; Jeff Love, resident; Miriam Bond, resident; Glade Berry, Lehi resident; Leland and Eutona Dixon, residents; Vincent Liddiard, resident; Bobbie Ek, resident; Karen Nuila, resident; Cathy Allred and Debra Hart, New Utah; Zane Powell, Summit Development; Scott Kirkland, Jessa Schalich, Brian Haskell, The Ranches;

2. **Pledge of Allegiance:**

Mayor Paul Bond led the Pledge of Allegiance.

3. **Approval of Minutes (August 7, 2001, and August 23, 2001 Special Meeting)**

MOTION Bert Ankrom moved to approve the minutes of August 7, 2001, as amended. Mark Lofgren seconded the motion. Ayes: 4, Nays: 0. Motion passed.

MOTION Mark Lofgren moved to approve the minutes of the August 23, 2001 Special Meeting, as amended. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.

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

There was no general discussion, questions, or announcements.

5. **Appointments:**

There were no appointments

6. **Public Notices:**

There were no public notices.

7. **Public Comments:**

Craig Wilcox, resident, commented on his frustration in trying to obtain a business license and a building permit. He indicated he had paid the necessary fees and completed the necessary paperwork for these items but was told his file had been misplaced and there was no payment had been made. Administrator John Newman advised Mr. Wilcox to contact him personally to have this matter resolved.

Rick Pierce, resident, spoke to the Council on behalf of Juanita Christiansen who commented she had been asked by the Mayor not to discuss youth sports at Council meetings. Mayor Bond responded he had never made such a comment and wondered why Mrs. Christiansen had never contacted him or any member of the Council regarding this matter. Mayor Bond indicated he would contact Mrs. Christiansen.

Darren Brandt, resident, inquired whether a contract has been established for gas prices for this winter season. John Newman responded that everything has been arranged, except for the backhaul on the Kern River Pipeline. The base load has been established; the load following it has not. This arrangement for pricing was locked in about two to three weeks ago. The paperwork is available for review in Mr. Newman's office.

Diane Jacob, resident, appeared in behalf of an older couple living in Ash Point. The couple drives out of their area in the early morning hours a couple of days a week. They have noted a total of 18 street lights which are out between their area and SR 73 along Ranches Parkway. Korey Walker stated the City is responsible for this. He received a notice about this on Friday, August 31, 2001, and will contact Bob Wren to see that these lights are replaced.

Anjanette Lofgren, resident, commented on her opposition to Item 12 of this agenda which states it would be illegal to pass out fliers and newspapers at City Council meetings. She feels it would be unconstitutional if a law were passed forbidding such activity. She feels anyone attending Council meetings is entitled to have access to any information available on any issues. She feels that the majority should not be punished for the actions of a few.

8. **Introduction of new Deputy Recorder:**

a. **Oath of Office**

New Deputy Recorder DeAnna Whitney was introduced by and sworn into office by Eagle Mountain City Recorder Janet Valentine.

9. **Discussion & possible action regarding - Primary Election Day & General Election Day conflict with scheduled City Council Meetings:**

MOTION Dave Albrecht moved that the City Council does not hold meetings on October 2, 2001, and November 6, 2001, but does hold a meeting on October 30, 2001. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.

10. **New Fire Station in the Ranches:**

- a. Consideration and Approval of an Ordinance 0-14-2001 Annexing An Area of Approximately 2.99 Acres Commonly Known as the North Fire Station Parcel to Eagle Mountain City, Utah.

Jerry Kinghorn explained this ordinance to annex property in unincorporated Utah County. This property is part of a parcel known as the Carlton Parcel that was in a Petition for Annexation filed by The Ranches. It is requested this parcel be annexed so that the fire station can be built and the City have control of the building permit process, construction, site approval, etc. All required public notices were posted and there were no protests to the annexation of this parcel. Mr. Kinghorn recommended the Council consider and enact Ordinance 0-14-2001.

MOTION Greg Kehl moved to approve Ordinance 0-14-2001, an ordinance annexing an area of approximately 2.99 acres commonly known as the North Fire Station Parcel to Eagle Mountain City, Utah. Mark Lofgren seconded the motion. Ayes: 4, Nays: 0. Motion passed.

- b. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116
c. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain, Utah - Janet has corrected these articles to show that we received the notice on May 31, 2001, from the Lieutenant Governor changing us from a town to a third-class city.

Jerry Kinghorn requested the Council consider authorizing the Mayor to execute the Articles of Amendment which indicate the change of the name to Eagle Mountain City and change of boundary to reflect the new boundary of the City around the area that is subject to the annexation. Also, that the Council authorize the City Recorder to execute the certification to the County Recorder and authorize the Mayor to execute the Notice of Boundary Change.

MOTION Dave Albrecht moved to authorize the Mayor to execute the Articles of Amendment and the Notice of Boundary Change and the City Recorder to execute the certification of the Ordinance. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed.

11. **Consideration and Approval to Amend Ordinance No. O 10-2001, An Ordinance Enacting provisions regarding removal of weeds, refuse and structures; junk; disabled vehicles on private property; and construction trash and debris in Eagle Mountain City:**

Jody Hooley, resident, asked if there were any revisions to the ordinance from the last City Council meeting and, if so, what those revisions were? Mayor Bond indicated there were revisions which would be discussed. Jerry Kinghorn furnished Ms. Hooley a red-lined version of the ordinance showing what was added and deleted.

The Mayor described the revisions as being more descriptive regarding fire hazards and health issues. The revisions also changed the position in the ordinance from an appointed one to an employed position which would take an oath of office. Revisions indicate the necessity of probable cause before entering property; removal of term "all real property in the City" from the section regarding weeds; allows for certain things to be stored properly for recycling purposes; rewording of junk vehicle Section 3.2.2.

The Mayor indicated he would like to see the amendment placed on hold for reworking.

Mark Lofgren stated he would like to amend Section 2.2 to include the names of weeds shown in Utah Noxious Weed Act, the specific weeds listed by Utah County, and weeds which exist in Eagle Mountain in unusual amounts which are causing problems in this area. Jerry Kinghorn would also like to specifically add these to the list. Mark Lofgren also referred to Section 2.3 stating that the enforcement officer could not enter private property without probable cause and suggested this also apply to Section 3.3.

Mayor Bond requested Jerry Kinghorn take the recommendations of the Council and have them ready for the next meeting. This item was tabled until that time.

12. Consideration and Approval of an Ordinance prohibiting flyers, newspapers, etc. to be dispersed at City Council Meetings and in City Offices:

Joshua Elledge, resident, requested some background on this ordinance. The Mayor read the Ordinance, indicating he would recommend this item be tabled for revision. This ordinance was brought about because of an incident two or three years ago where items were passed out at a City Council meeting, leading to a disruptive atmosphere. Mr. Elledge agreed with the comments made earlier by Ms. Lofgren, that those who would be disruptive should be handled individually, and the well-intentioned should be allowed to pass out information.

Rick Pierce, resident, also agreed with Ms. Lofgren's comments. He feels this ordinance is an attempt to control individual speech, which is a right protected by the U.S. Constitution.

Bert Ankrom stated this ordinance would not limit anyone's free speech. Any literature could be distributed outside of the building. The ordinance is designed to keep a certain level of order because citizens deserve to come to a peaceful meeting. This is not an uncommon precedent and is done in other places.

Dave Albrecht stated he had determined prior to this meeting that this ordinance is premature since he has been on the Council for almost two years and has yet to see any disruptive activities caused by flyers, newspapers, or advertisements. He was at the previously mentioned meeting which was disrupted because of some flyers; however, he feels there would have to be a trend towards this type of action before he would recommend passing this type of ordinance.

Mark Lofgren echoed the comments of the residents listed above. He feels this ordinance could not be constitutional in this environment and is premature. He moved to strike this ordinance from the agenda.

MOTION Mark Lofgren moved to strike from the agenda the Ordinance prohibiting flyers, newspapers, etc. to be dispersed at City Council Meetings and in City Offices. Dave Albrecht seconded the motion. Ayes: 3, Nays: 0. Bert Ankrom abstained. Motion passed.

13. Willow Springs, Phase 5 Final Plat, DRC Recommendation, and Development Agreement Approval:

Mayor Bond indicated this plat has been approved by the Planning Commission.

Greg Kehl asked to see a rendering of twin homes planned for this phase. The Council was supplied with a rendering. Mr. Kehl asked questions regarding garages, siding, and narrowness of turnabouts and islands in entryways. He was concerned that any RV's driven in these areas will be going over the curbs and that it will be difficult to bring in snow removal equipment. He recommended that these areas be eliminated or widened on future plats. Phase 5 should already meet these needs; Phases 3 and 4 have gone back to the drawing board for changes regarding these concerns.

MOTION Dave Albrecht moved to approve the Final Plat for Willow Springs, Phase 5, with the DRC Recommendation and the Development Agreement. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.

14. Meadow Ranch Business Center (Phase 6) Site Plan Approval

Mayor Bond brought up the City's concerns that the water pressure is inadequate in this area, leaving homes unprotected. Testing by the Eagle Mountain Fire Department has disclosed problems in the system. When these problems are identified, a booster pump can be installed.

Patty Condron, resident, requested she be able to make comment. Mr. and Mrs. Condron are currently building in Meadows Ranch Phase 4. The lot was sold to them as an improved lot; however, they are still waiting for utilities to be put in. After they started construction, they were shut down because there was no way any fire protection could be guaranteed. They signed a waiver to the City and continued to build because they have nowhere to live. They were told they could live on the property; however, the covenants for Phase 4 do not allow them to live on the property. They cannot get any satisfaction from The Ranches on this matter.

The Fire Chief DeKorver and Korey Walker were requested to call the Mayor by September 11 to report on this matter. The Mayor stated he would then contact Mrs. Condron with a report.

Discussion then ensued about the need of a water tank in the North Ranch area.

Scott Kirkland, The Ranches, made presentation for the Meadow Ranch Business Center and answered questions from the Council concerning proper vehicle access, phasing, and landscaping, and security.

MOTION Greg Kehl moved to approve Meadow Ranch Business Center (Phase 6) Site Plan based on submittal by DRC recommendations and that the water problems in reference to the fire flow issue in Meadow Ranch and North Ranch be corrected. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.

15. Motion to approve Consent Agenda items as follows:

- a. Warrant Register
- b. Contract Change Orders -
 - i. 795 KCMIL ACSR Conductor (CO No. 1), Western States Electric
 - ii. 138 kV Line Disconnect Switches (CO No. 1), Western States Electric
This item was stricken without objection.
 - iii. 138 kV Line Disconnect Switches (CO No. 2), Western States Electric
This item was stricken without objection.
 - iv. 12.5 kV Distribution Line, Caribou Construction, Inc.
- c. Partial Payment Requests
 - i. 138 kV Interconnection Substation (Final Payment), Northern Power
 - ii. SCADA Project, 2000 (Payment No. 4-Final Payment), Remote Control Systems
 - iii. Generator Unit No. 4 & 480 Volt Switchgear (2000 Gas & Electric Revenue Bond) (Payment No. 3), Simpson Power Products LTD.
 - iv. Road Repair & Overlay of Ranches & Pony Express Parkways (Payment No. 1), Valley Asphalt
 - v. North Substation (2000 Gas & Electric Revenue Bond) (Payment No. 4), RME

MOTION Dave Albrecht moved to approve Consent Agenda, with the exception of Items 15.b.ii. and 15.b.iii. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.

16. Other Business:

John Newman stated that in a council meeting several months ago, the Council make a deal with Sunrise Development that if they completed the trail that certain bills would be forgiven that were in dispute. The City has made inspection, and it is the opinion of Mr. Newman and Korey Walker that Sunrise has fulfilled their obligation made with the Council. Mr. Newman stated if the Council concurs with this finding, the City will remove the obligation on that subdivision for payment of utility diggi

There were no objections from the Council.

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

MOTION Dave Albrecht moved to recess into a Closed Executive Session @ 8:55 p.m. for the purpose of discussing personnel issues, potential litigation and/or public safety/security. Bert Ankrom seconded the motion. Ayes: 4, Nays: 0. Motion passed.

Present: Mayor Paul Bond, Dave Albrecht, Bert Ankrom, Greg Kehl, Mark Lofgren, Janet Valentine.

18. Motion to Reconvene in to Open Session:

MOTION Dave Albrecht moved to reconvene into Open Session @ 9:40 p.m. Greg Kehl seconded the motion. Ayes: 4, Nays: 0. Motion passed

19. Any Actions from the Closed Executive Session:

There were no actions taken.

20. Adjournment:

MOTION Greg Kehl moved to adjourn @ 9:40 p.m.

APPROVAL: _____

Mayor Paul R. Bond, Jr.

DATE: _____

9/19/01

This certifies that the minutes of
9/4/01 are a true, full and
correct copy as approved by the
City Council on 9/18/01

Signed: DeAnna S. Whitney
Deputy City Recorder