

**MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING**  
**Eagle Mountain City Council Chambers**  
**1680 East Heritage Drive**  
**Eagle Mountain, Utah 84043**  
**September 17, 2002**

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

1. Presentation by Ann Smith with Babb Technologies, Inc. on a proposed Recreational Facility for Eagle Mountain City (15 to 20 minutes)
2. Consent Agenda
3. Discussion on Contracting and Purchasing Policy for Eagle Mountain City
4. Discussion on Eagle Mountain City Marketing Strategies
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 Mayor Kelvin Bailey.

**POLICY SESSION – 7:00 PM**

Mayor Bailey called the meeting to order at 7:02 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:** Israel Patterson, Isaac Construction; Isaac Hao, resident; Jennifer Hunt, resident; Bert Ankrom, resident; David Lifferth, resident; Chris Kofoed, resident; Adam Huff, Epic Engineering; Jeff Coons, M & J Construction.

**2. Pledge of Allegiance:**

The Pledge of Allegiance was led by Brigham Morgan.

**3. Approval of Minutes (September 3, 2002):**

**MOTION:** *Linn Strouse moved to approve the Minutes of September 3, 2002. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

Mayor Bailey announced there would be mock disaster training presented by CSEPP (Chemical Stockpile Emergency Preparedness Program) on September 18, 2002, from 9:00 AM to 1:00 PM in Fairfield.

The Mayor also announced there is a golf tournament scheduled for September 28, 2002, starting at 9:00 AM at the new golf course in Eagle Mountain.

Linn Strouse announced that there is a bike rodeo scheduled at Pony Express Elementary on September 28, 2002, at 1:00 PM to promote bike safety.

**5. Appointments:**

a. Economic Development Board

Mayor Bailey recommended the appointment of Dallas Bullock (term beginning September 17, 2002, and ending December 31, 2002 to complete Craig Erickson's term) and the re-appointment of Wendy Komoroskpi to the Economic Development Board.

**MOTION:** *Diane Jacob moved to appoint Dallas Bullock and Wendy Komoroskpi to the Economic Development Board. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

6. **Public Notices:**

Janet Valentine reported there would be a Public Hearing on October 1, 2002 regarding the proposal to amend the City's Capital Facilities Plan and amend the Economic Analysis for Impact Fees and to increase Impact Fees for certain public facilities. She stated there would be copies of the Impact Fee Ordinance and Impact Fee Analysis available for public review.

7. **Public Comment:**

None

8. **Public Hearing: (Amend the Eagle Mountain City 2002-2003 Fiscal Year Budget)**

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

The Mayor opened the Public Hearing at 7:10 PM.

- b. Receive Public Comment

There was no public comment.

- c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 7:11 PM.

9. **Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending the 2002-2002 Fiscal Year Budget:**

Kent Parker explained that the adjustment to the budget is necessary to recognize a contribution by a developer for park improvements and allow the City to use the funds for that purpose.

**MOTION:** *Greg Kehl moved to adopt Ordinance No. O 17-2002, an Ordinance Amending the Eagle Mountain City, Utah Fiscal Year 2002-2003 Annual Budget. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

10. **Consideration and Approval of Wholesale Purchase of Natural Gas for the Eagle Mountain City Power System:**

Mark Sovine explained this purchase to the Council and answered questions regarding the City's current policy.

**MOTION:** *Brigham Morgan moved that the City adopt a policy to allow the Eagle Mountain Electric Utility to purchase natural gas at actual cost. Linn Strouse seconded the motion. Ayes: 5 - Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**11. Consideration of Public Works Board Recommendation Regarding the South Service Area Wastewater Treatment Plant:**

Mark Sovine explained this recommendation to the Council and stated there would be no costs incurred by the City.

**MOTION:** *Brigham Morgan moved that the City approve and accept the recommendation of the Public Works Board regarding the South Service Area Wastewater Treatment Plant, as submitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**12. Ratify Approval of a one (1) year Contract for Cellular Phone Service between Nextel Communications and Eagle Mountain City:**

Chris Hillman explained the necessity of changing the City's cell phone provider due to high costs and poor coverage. He advised that rates should be lowered considerably with the new provider. Mr. Hillman indicated that phones were purchased at a government rate of \$.99 each.

**MOTION:** *Diane Jacob moved to ratify the approval of a one-year contract for cellular phone service between Nextel Communications and Eagle Mountain City. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**13. Concept Plan Review:**

- a. Eagle Village Living Center, Isaac Construction, Inc.

Shawn Warnke explained this plan review is for a 138-unit proposed development. He explained the two different plans being proposed by the builder and showed these plans to the Council and residents. He answered questions from the Council.

Israel Patterson, representing the applicant, asked for feedback from the Council regarding a preference of plans.

The Council discussed both plans, asked questions of Mr. Patterson, and recommended Plan 1 as being the most acceptable for this project.

**14. Final Plat Approvals:**

- a. Eagle Point, Plat I, Patterson Construction  
b. Eagle Point, Plat J, Patterson Construction

Shawn Warnke identified these projects on a city map. He stated the builder had complied with the necessary conditions. Mr. Warnke explained that the Planning Commission has reviewed the plats and recommends approval.

**MOTION:** *Mark Madsen moved to give final plat approval to Eagle Point, Plat I, and Eagle Point, Plat J. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

- c. Willow Springs Phase 3 - Development Agreement & CC&R's (Final Plat previously approved)
- d. Willow Springs Phase 4 - Development Agreement & CC&R's (Final Plat previously approved)

Shawn Warnke explained these items and answered questions from the Council.

**MOTION:** *Brigham Morgan moved to approve the Development Agreements and CC&R's for Willow Springs, Phase 3, and Willow Springs, Phase 4. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**15. Consideration and Approval of a Resolution for a Referendum Election in the City on the question of whether or not to sell the Telecommunications System:**

Gerald Kinghorn explained that this Resolution must be adopted to approve an offer for purchase of Telecom and to set the offer for referendum election. He proposed some minor changes and recommended that the Council accept the Addendum to the Counter Offer for the Mayor's signature.

**MOTION:** *Greg Kehl moved to adopt Resolution No. R 13-2002, a Resolution of the City Council of Eagle Mountain City, Utah Approving an Offer to Purchase the City Telecommunications Utility and Scheduling a Public Referendum Election, along with the approval and acceptance of the addendum as submitted, instructing staff to correct property line easements and define the property boundary for parking. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

The Mayor stated that the City staff would be preparing data for inclusion with the October utility bills listing the pros and cons of the proposed sale of Telecom .

**16. Consideration and Approval of an Ordinance of Eagle Mountain City, Utah Amending Chapter 3, Section 11 of the Development Code of Eagle Mountain City:**

Gerald Kinghorn explained that this Ordinance would do away with the automatic expiration of approvals, making approvals good until a subdivision is recorded. He indicated that the staff would make sure that construction plans were up to date and that current engineering standards were being used in all subdivisions and projects. The Mayor, Shawn Warnke, and Gerald Kinghorn answered questions from the Council.

**MOTION:** *Mark Madsen moved to approve Ordinance No. O 18-2002, an Ordinance of Eagle Mountain City, Utah Amending Chapter 3, Section 11, of the Development Code of Eagle Mountain City. Linn Strouse seconded the motion. Ayes: 2 – Mark Madsen, Linn Strouse; Nays: 3 - Brigham Morgan, Greg Kehl, Diane Jacob. Motion failed.*

The Council and staff further discussed this item.

**17. Consideration to Approve the Application for the Federal Surplus Property Program:**

Gerald Kinghorn explained this State program and indicated that the Council needs to approve the application on order for the City to remain in this program.

Mark Sovine shared his experience with this program and recommended the City continue participation.

**MOTION:** *Brigham Morgan moved to approve the Application for the Federal Surplus Property Program participation. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

**18. Consideration to Approve a Resolution Amending the Eagle Mountain Consolidated Fee Schedule (to clarify the basis for monthly water use fees & construction water service):**

Korey Walker and Adam Huff presented background information on the previous water rate increase and submitted some options for the Council's consideration.

The Council discussed all options presented and addressed questions from residents.

Residents Isaac Hao, Bert Ankrom, Chris Kofoed, Jennifer Hunt, and David Lifferth expressed their concerns about perceived inequities in the water rates. Jeff Coons, M & J Construction, commented on this matter.

**MOTION:** *Mark Madsen moved to leave the base rate as is, to charge \$.80 per thousand gallons, to lift the \$2.50 cap for one year effective with the next billing, to educate residents, and to review rates quarterly by the Public Works Board and twice a year by the City Council. Linn Strouse seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

Korey Walker asked for clarification on construction use rates. He stated that previously this rate was based on the overage rate. He stated that secondary water is cheaper and can be used for construction purposes, and he recommended this rate be set at \$2.08. He also asked for clarification on the open space rate and recommended it be set at \$.80.

**MOTION:** *Brigham Morgan moved to set the construction water rate at \$2.08 and open space rate at \$.80. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Greg Kehl recommended that staff conduct a rate analysis to determine incoming and outgoing revenue. Korey Walker stated these projections could be made for the next six months from information he already has. Korey Walker stated he would use the past twelve-months' use data.

The Mayor directed staff to provide the above-mentioned data to the Public Works Board for analysis.

**MOTION:** *Mark Madsen moved to approve Resolution No. R 14-2002, a Resolution Amending the Eagle Mountain Consolidated Fee Schedule, per prior motions. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 1 – Brigham Morgan. Motion passed.*

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

- a. Check Register
- b. Contract Change Orders
  - i. UP&L Interconnect Substation (CO No. 3), Caribou Construction
  - ii. North Substation (CO No. 5), RME

- c. Partial Payments
  - i. 138 Transmission Line (PP No. 4), Par Electric Contractors
  - ii. Saddlerock 2MG Reservoir-2002 (PP No. ), Gerber Construction
  - iii. Pony Express Park East SID 2000-1 (PP No. 5), American Landscape
  - iv. Paul Evans Trailway SID 2000-1 (PP No. 5), American Landscape
  - v. Porters Crossing and Golden Eagle Roadway Extension (PP No. 1), HE Davis
- d. Partial Bond Release
  - i. Cold Springs, Phase 1 (PB Release No. 1), Hamlet Homes
- e. Final Bond Release
  - i. Friday Station Plat A, Wells Fargo Bank
- f. Final Payments:
  - i. North Substation, RME
  - ii. Installation of New VFD for Well No. 1, ID Electric

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

**20. Consideration to Approve Aaron Allred's Secondary Water System**

Korey Walker explained this approval is for a small secondary water system in Harvest Haven. Mr. Walker indicated he is waiting for the names on the lots that will be serviced by this system. He stated copies of insurance forms have been received; however, these insurance forms need to be finalized before construction begins so that the City has protection for the infrastructure.

Gerald Kinghorn provided further information to the Council.

**MOTION:** *Mark Madsen moved to approve Aaron Allred's Secondary Water System contingent on the submission of: 1) a deed showing that they have adequate water rights; 2) a certificate of insurance showing they have adequate insurance; 3) a list showing members of the organization that are congruent with the lots they plan to serve; and 4) completion of their excavation application. Diane Jacob seconded the motion. Ayes: 3 - Greg Kehl, Diane Jacob, Mark Madsen; Nays: 2 - Brigham Morgan, Linn Strouse. Motion passed.*

**21. Other Business:**

Greg Kehl expressed his concerns regarding the length of time extensions allowed on building permits. He stated he feels the City is being taken advantage of and that the times should be shortened. He requested the Council look into this matter.

**22. 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.

**23. Motion to Reconvene in to Open Session:**

Not applicable.

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

None

25. Adjournment

Greg Kehl moved to adjourn at 9:55 PM.

APPROVAL: *Kelvin E. Bailey* DATE: OCT. 1, 2002  
Kelvin E. Bailey

This certifies that the minutes of  
17-SEPT. 2002 are a true, full and  
correct copy as approved by the  
City Council on 1-OCT-2002  
Signed: *Jane B. Valentine, cmc*  
City Recorder