

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

1680 East Heritage Drive

Eagle Mountain, Utah 84043

October 15, 2002

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

1. Consent Agenda
2. Discussion regarding Special Improvement District 2002-1
3. Discussion on Contracting & Purchasing Policy for Eagle Mountain City
4. Discussion regarding Waiver or Reduction of Certain Impact Fees to Offer Incentives to New Businesses
5. Items as Outlined on the Policy Session
6. **CLOSED EXECUTIVE SESSION**

- a. Motion to recess in to a Closed Executive Session for the purpose of discussing personnel issues.

MOTION: *Diane Jacob moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues at 5:45 PM. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Brigham Morgan was excused. Motion passed.*

Present: Mayor Kelvin Bailey, Council Members Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse, City Administrator Chris Hillman, City Attorney Gerald Kinghorn, City Engineer Korey Walker, Finance Director Kent Parker; Public Works Director Mark Sovine.

MOTION: *Greg Kehl moved to reconvene in to Work Session at 7:02 PM. Mark Madsen seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

- c. Any actions from the Closed Executive Session

None

7. Other Business
8. Adjourn Work Session at 7: 02 PM

Prayer by Invitation of the Mayor

The prayer was offered by Chris Hillman.

POLICY SESSION – 7:00 PM

Mayor Bailey called the meeting to order at 7:05 PM.

1. Roll Call:

Council Members Present: Mayor Kelvin Bailey, Diane Jacob, Greg Kehl, Mark Madsen, and Linn Strouse. Brigham Morgan was excused.

City Staff:

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

Others Present: Youth Council Members Brittany Monson, Brad Whitney, CJ Wood, McKenna Lindsey, Alan Champagne, and Kevin Koopmeiners; Youth Council Advisor Milt McLelland; Mindi Barker, Assistant to the Chair of the Economic Development Board; Thomas Anderton, resident; Shane Jones, resident; Jeff Densley, resident; Carma Scott, resident; David Loper, Chair of the Community Arts Council; Carolina Herrin, former resident.

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Brittany Monson.

3. Approval of Minutes (October 1, 2002)

MOTION: *Mark Madsen moved to approve the Minutes of October 1, 2002. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

The Mayor welcomed members of the Youth Council and invited them to sit with their Council or staff counterparts.

Mayor Bailey announced that the flag contest, shown below as Item No. 13, would be postponed to allow the Arts Council more time for judging the entries.

4. General Discussion/Questions/Announcements:

Janet Valentine announced that the referendum election to allow residents to vote on whether or not to sell Telecom would be held in conjunction with the general election on November 5, 2002. She explained precinct locations.

In conjunction with Veteran's Day, Linn Strouse publicly acknowledged the contributions of all veterans, particularly those residing in the City, for the freedoms enjoyed by Americans today.

Mayor Bailey announced that two flagpoles would be installed at the roundabout on November 17 or 18, 2002, by Silver Dollar Construction. The flagpoles were donated to the City by The Ranches.

Sheila Curtis reminded the Council of training scheduled on November 2, 2002, at 9:00 AM at the City Office Building.

5. Appointments:

a. Election Judges for the Referendum Election on November 5, 2002

Janet Valentine recommended the following individuals be appointed as Election Judges for Voting Precincts 1 and 3 - Cathie Faulkner, Head Judge, Dana Neth and Ilene Thompson and that the following individuals be appointed as Election Judges for Voting Precinct 2 - Eldon Fletcher, Head Judge, Jan Fletcher, and Marie Ortiz.

MOTION: *Greg Kehl moved to approve the appointment of Cathie Faulkner, Head Judge, Dana Neth and Ilene Thompson as Election Judges for Precincts 1 and 3. Mark Madsen seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

MOTION: *Greg Kehl moved to approve the appointments of Eldon Fletcher, Head Judge, Jan Fletcher, and Marie Ortiz as Election Judges for Precinct 2. Diane Jacob seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

b. Airport Advisory Board

Mayor Bailey recommended the appointment of Thomas Anderton to the Airport Advisory Board for a term from October 15, 2002 to December 31, 2005, to fill the seat vacated by Kerry Beus. Janet Valentine administered the Oath of Office to Mr. Anderton following his appointment.

c. Airport District Planning Commission

Mayor Bailey recommended the appointment of Thomas Anderton as an alternate member of the Airport District Planning Commission with no term requirement to fill the seat vacated by Kerry Beus. Janet Valentine administered the Oath of Office to Mr. Anderton following his appointment.

MOTION: *Greg Kehl moved to approve the appointment of Thomas Anderton to the Airport Advisory Board and as an alternate member of the Airport Planning Commission. Diane Jacob seconded the motion. Ayes: 4 - Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

d. Public Works Board

The Mayor recommended the appointment of Shane Jones to the Public Works Board. Janet Valentine administered the Oath of Office to Mr. Jones following his appointment.

MOTION: *Greg Kehl moved to approve the appointment of Shane Jones to the Public Works Board. Linn Strouse seconded the motion. Ayes: 4 – Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

6. **Acknowledge Assignment of Mindi Barker as Assistant to the Chair of the Economic Development Board to Oversee New-Resident Contact Program:**

Mayor Bailey acknowledged the assignment of Mindi Barker to act as Assistant to the Chair of the Economic Development Board to oversee the New-Resident Contact Program.

Linn Strouse asked Mrs. Barker to address the Council and thanked her for her willingness to fill this position.

Mrs. Barker addressed the Council and presented her plans for new-resident packets, which would contain coupons for local and Lehi businesses and important information about the City.

7. **Public Notices:**

None

8. **Public Comment:**

Jeff Densley, resident, expressed the concerns of residents in the Mountain View Subdivision and presented a signed petition regarding restrictions for constructing dog runs on small lots. The Mayor indicated he would bring this to the attention of the staff. Mr. Densley also read a statement regarding laws regulating pets on private property. He asked the Council to readdress this law. Mr. Densley stated he feels the laws are too vague to be observed and need to be more practical. The Mayor indicated he would have the staff look into this matter.

Mr. Densley asked for clarification of ATV laws in the City. Sergeant Jo Murphy addressed this question. Mayor Bailey stated a citizen had volunteered to provide him with ordinances from other cities allowing the use of ATV's. He stated that when these ordinances were received, the Council would look at possibly modifying the laws.

A motion for appointments for election judges and the swearing in of new appointees was completed at this time.

David Loper, Chair of the Community Arts Council, thanked all those who attended the Harvest Fest on October 4, 2002. He stated that the Fire Department and the Library were involved in the activity and that funds were raised for all three organizations. He advised that the Arts Council would be purchasing a storage container for \$3,600 to store items that are currently being housed in the Telecommunications building. He indicated that this container could also be used for storage of equipment by other auxiliary councils. He requested that the City approve a location for placement of the storage container and suggested that the Council consider property by the Sewer Treatment Plant. He advised that the container is approximately the size of a railroad car. Mr. Loper indicated that there is money in the Arts Council budget to purchase the container and pay shipping costs. The Mayor advised that the staff would work on selecting a location.

Mr. Loper announced that the Arts Council is getting ready to start the Christmas lighting project. He indicated that this activity expands every year and requires more manpower and lights. He invited the Youth Council to assist in putting up the lights this year. Diane Jacob recommended that each member of the Council donate lights for this purpose. David Loper stated that any donations, including used lighting, would be appreciated.

Mat Jaquier, resident, expressed his concerns about the length of time it takes the Sheriff's Office to respond to 911 calls. He referred to a recent incident when he called 911 at 1:00 AM to report people shooting rabbits and stated that an officer never responded. He wanted to know how important the protection of citizens is to the Council and indicated he feels there is not adequate law enforcement

coverage. Mayor Bailey advised that the current budget contains funding for another officer and that the City is working with Utah County to procure these services. Sergeant Jo Murphy responded to Mr. Jaquier's concerns. She explained how a third deputy would help with coverage but encouraged citizens to be more aware of their surroundings and to be better witnesses. Linn Strouse brought up the advantage of Neighborhood Watch groups that can train citizens regarding safety. The Mayor acknowledged there is a need for more officers but also feels that citizens can do a lot to protect themselves. Sergeant Murphy stated that even though there are several law enforcement officers who live in Eagle Mountain, there is currently no policy that would allow these officers to be used in the City when they are off duty. However, she stated that the Utah County Sheriff is looking into changing the law so that these officers could be used on a volunteer basis. Mr. Jaquier also commented on the lack of areas designated for discharging firearms and shooting bows. He further expressed concerns about speeders and reckless drivers along Eagle Mountain Boulevard.

Brigham Morgan arrived at 7:55 PM.

Carma Scott, resident, addressed the problems of people illegally removing rocks and boulders from hillsides and of contractors dumping debris in undesignated areas. She also complained about receiving no response to a 911 call she placed. She is concerned about the lack of law enforcement protection in the City. She stated she has volunteered to be a Neighborhood Watch coordinator for her area but feels that the Neighborhood Watch program will fail if there is no support from City officials. Sergeant Murphy advised that the Highway Patrol, Lehi Police Department, and American Fork Police Department have offered back up in emergency situations. She stated she is scheduled to meet with the Utah County dispatch sergeant to emphasize the importance of responding to 911 calls in Eagle Mountain. Mayor Bailey stated that the City would work with Utah County on these concerns.

9. **Resolution Recognizing Carolina Herrin as October's Citizen of the Month:**

Mayor Bailey recognized Carolina Herrin for her service to the community and presented her with an official resolution certificate.

Linn Strouse expressed her appreciation to Mrs. Herrin for her sacrifice of time and energy and her commitment to the City.

Milt McLelland, Youth Council Advisor, also expressed his appreciation for Mrs. Herrin's work with the Youth Council.

10. **Consideration for Adoption of a Resolution Declaring the Intention of the City Council of Eagle Mountain City, Utah County, Utah to Construct Improvements within Eagle Mountain 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 Eagle Mountain City Special Improvement District No. 2002-1 (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 Provide Notice of Intention to Authorize Such Improvements and to Fix a Time and Place for Protests Against Such Improvements 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; and Related Matters:**

This item was tabled.

11. **Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (to provide for certain fees for Home Construction Water Use):**

The Mayor explained that a change is proposed to cover fees for builders to tap into water. He stated that every homebuilder would be charged a \$60 fee at building permit to allow the City to install a jumper on the

water line. He indicated that the jumper would be removed by the City when the meter is set. Mayor Bailey advised that the builder would have to sign a statement guaranteeing responsibility for the meter and that a charge for any damage would be deducted from the bond posted with the City.

MOTION: *Mark Madsen moved to approve Resolution No. R 15-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule to allow for a fee to be charged for jumper use for homes under construction. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. Notice of Award for the project “Installation of High Pressure Gas Regulation Stations”:

Mark Sovine explained this item and indicated this project would be paid for with SID funds. Korey Walker answered questions from the Council regarding change orders and stated that Niels Fugal Sons Company has a very good reputation for doing quality work.

MOTION: *Greg Kehl moved to approve Niels Fugal Sons Company for the installation of the high pressure gas regulation stations for the sum of \$68,457.50. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

13. Consideration to Select and Approve a Winning Entry in the Eagle Mountain City Flag Contest:

The Mayor made reference to this item after Item 3.

This item was tabled.

14. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Contract Change Orders
 - i. Paul Evans Trailway (CO No. 4), American Landscape
 - ii. Paul Evans Trailway (CO No. 5), American Landscape
 - iii. Pony Express Parkway East (CO No. 5), American Landscape
 - iv. Ranches and Pony Express Parkway Landscaping, Area 3 (CO No. 1), Golden Landscaping
- c. Final Payments
 - i. Ranches & Pony Express Parkway Landscaping Area 3 SID 2000-1 (Final Payment), Golden Landscaping (*tabled at the Oct. 1, 2002 CC Mtg*)
 - ii. UP & L Interconnect Substation (Final Payment), Caribou Construction, Inc.
 - iii. Pony Express Parkway Extension SID 2001 (Final Payment), Hegerhorst Power
- d. Final Bond Releases
 - i. Cold Springs Phase 1
- e. Partial Payments
 - i. Ranches and Pony Express Parkway Landscaping Area 1 SID 2000-1 (PP No. 6), Golden Landscaping
 - ii. Ranches & Pony Express Parkway Landscaping Area 1 SID 2000-1 (PP No. 7), Golden Landscaping
 - iii. Porters Crossing Roadway Extension (PP No. 3), HE Davis
 - iv. Paul Evans Trailway (PP No. 6), American Landscape
 - v. Pony Express Parkway East (PP No. 6), American Landscape
 - vi. Pony Express Parkway Extension (PP No. 1), HE Davis

MOTION: *Mark Madsen moved to approve the Consent Agenda less the check register, which was not available. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

15. **Other Business:**

None

16. **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 Session was held.

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

Not applicable.

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

None

19. **Adjournment:**

Brigham Morgan moved to adjourn the meeting at 8:25 PM.

APPROVAL: _____

Kelvin E. Bailey

Mayor Kelvin E. Bailey

DATE: 11-19-02

This certifies that the minutes of
15-OCT 2002 are a true, full and
correct copy as approved by the
City Council on 19-NOV 2002

Signed: *Janet B. Valentine, emc*

City Recorder