

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH
Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain, UT 84043
October 30, 2001**

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:45 p.m.

1. Goals/Mayor Paul R. Bond, Jr. – Called to order at 4:03 PM
2. Morco Presentation/Discussion
3. Eagle Mountain City Capital Facilities Amendment/Discussion

All candidates for public office were invited to attend this portion of the Work Session. In attendance were: Kelvin Bailey, Darrin Brandt, Diane Jacob, Greg Kehl, Chris Kofoed, Mark Madsen, and Linn Strouse. Jessa Schalich and Brian Haskell from The Ranches also were in attendance.

4. Mayor Bond asked to be excused for the remainder of Work Session and requested Greg Kehl be appointed temporary mayor pro tem during his absence.

MOTION: *Bert Ankrom moved to appoint Greg Kehl as temporary mayor pro tem during the Mayor's absence. Mark Lofgren seconded the motion. Ayes: 3; Nays: 0. Brigham Morgan and Dave Albrecht were absent. Motion passed.*

5. Draft Ordinance defining non-residential development definition and provisions waiver of certain impact fees and allowing the processing of development applications for property owners who are not in financial good standing with the city for certain non-residential developments. Discussion Only.
6. Items as Outlined on the Policy Session
7. Other Business
8. Adjourn Work Session at 6:55 p.m.

POLICY SESSION – 7:00 TO 10:30 p.m.

Mayor Pro Tem Greg Kehl called the meeting to order at 7:05 pm

1. **Roll Call:**

Council Members Present: Temporary Mayor Pro Tem Greg Kehl, Mark Lofgren, Bert Ankrom, and Brigham Morgan. Mayor Paul Bond and Dave Albrecht were absent.

City Staff:

City Administrator: John Newman
City Engineer: Korey Walker
City Recorder: Janet Valentine
Deputy Recorder: DeAnna Whitney
Sergeant: Jo Murphy

Others Present:

Leland and Eutona Dixon, residents, Bobbie Ek, resident; Gina Morgan, resident; Diane Jacob, resident; Wendy Smith, resident, Sheila and Dave Curtis, residents; Vince Liddiard, resident; Zane Powell, Summit Development; Debra Hart, New Utah.

2. Pledge of Allegiance:

Bobbie Ek led the Pledge of Allegiance.

3. Approval of Minutes (October 16, 2001):

MOTION: *Bert Ankrom moved to approve the minutes of October 16, 2001, as amended. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Dave Albrecht was absent. Motion passed.*

Mayor Paul Bond returned to the meeting at 7:10 PM.

4. General Discussion/Questions/Announcements:

None

5. Appointments

None

6. Public Notices:

a. Capital Facilities and Budget

John Newman explained that the Capital Facilities Plan and setting up the new Water Division will go before the Public Works Board on November 14, 2001. The Public Works Board will render a report to the City Council on the Capital Facilities Plan for consideration at the Council Public Hearing on November 20. On December 4, 2001, a Public Hearing will be advertised to open the FY 2001-2002 Budget. The reason for this being done a month earlier than normal is that Water Pro cancelled their contract effective December 31, 2001, so we need to staff and fund a Water Division by that date. Bob Wren has spent considerable time putting together a Water Division. By November 20, Mr. Newman hopes to have an advance copy of Bob Wren's report showing the effect on the budget. On December 4, the mid-year budget opening will include this issue, as well as all other needed financial adjustments.

7. Public Comment:

None

8. **Consideration and Approval of the Payson Power Project Power Sales Contract between UAMPS and Eagle Mountain City:**

John Newman recommended the City Council approve this issue giving him the latitude to exercise the approval at the very last minute.

Greg Kehl stated the Public Works Board has reviewed this contract and has indicated the City does not want to lose the opportunity to use this option if needed; however, the Board is also concerned that the City not expend any monies until absolutely necessary.

MOTION: *Bert Ankrom moved to approve and authorize the Mayor to execute, at the last possible minute, the Payson Power Project Power Sales Contract with UAMPS. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

9. **Consideration and Approval of an Agreement between Eagle Mountain City and University of Utah to provide services regarding a Geographic Information System (GIS):**

John Newman recommended approval of this agreement.

MOTION: *Brigham Morgan moved to approve the Revised Agreement between Eagle Mountain City and the University of Utah to provide services regarding a Geographic Information System (GIS). Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

10. **Consideration and Approval to Amend the Eagle Mountain City Policies and Procedures Manual:**

John Newman recommended this item be tabled for further study.

MOTION: *Greg Kehl moved to table this item for further study. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

11. **Consideration and Approval of a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule to provide for Telecommunication Access Rates:**

Mark Lofgren stated Section 1.9.62 of the Consolidated Fee Schedule adds the document entitled "Eagle Mountain Telecommunication Access Rates".

John Newman stated there is a specific reason why the information in this document should not be incorporated into the Consolidated Fee Schedule. This document must be filed with the two regulatory agencies that supervise state and federal telecommunications. This document also shows access charges which are available to everyone and so must be in its own form. The document will be changed from time to time.

Mark Lofgren discussed a Telecom proposal for a DSL promotion beginning November 20 and running through December 20, 2001. This promotion will be coupled with advertising explaining that a current customer will be given one month of free service for every person referred to the DSL who actually signs up.

Mark Lofgren expressed his appreciation to the Telecom Office for the quality of their service to the community. John Newman has received comments from residents praising the low rates and good service.

MOTION: *Bert Ankrom moved to approve Resolution No. R 25-2002, A Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

MOTION: *Mark Lofgren moved to authorize the Telecommunications Department to run a special DSL promotion between the dates of November 20, 2001, and December 20, 2001; the promotion being that any current DSL customer will be given one month of free service for every person referred to the DSL who actually signs up. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

12. Motion to approve Consent Agenda:

- a. Warrant Register
- b. Contract Change Order
 - i. 12.kV Distribution Line CO No. 3, Caribou Construction, Inc.
 - ii. North Substation CO No. 1, RME
- c. Partial Payment Requests
 - i. North Substation 2000 Gas & Electric Revenue Bond PP No. 6, RME
 - ii. 138kV Transmission Line PP No. 1, J.H. Baxter Company
- d. Final Bond Releases
 - i. Willow Springs, Phase 1, Summit Development
 - ii. Willow Springs, Phase 2, Summit Development
 - iii. Mountain View, Phase 2, Sunrise Building Company

MOTION: *Brigham Morgan moved to approve the Consent Agenda. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

13. Parking Stalls in Willow Springs Subdivision regarding specifications:

MOTION: *Brigham Morgan moved to accept the recommendation of Summit Development to leave the Willow Springs, Phases 1 and 2, parking stalls as they are currently installed, and that the Council specify the remaining phases of Willow Springs development be brought up to the current development standard of 20 feet. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

14. Final Acceptance of Willow Springs Subdivision, Phase 1, Summit Development:

MOTION: *Brigham Morgan moved to approve the final acceptance of Willow Springs, Phase 1, with the understanding that the Mayor not be required to sign the acceptance until he has received a memo from Mr. Valentine, Telecom Office, that he has the R-Pots cards in his possession, and that a copy of said memo accompany the final signoff. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

15. Final Acceptance of Willow Springs Subdivision, Phase 2, Summit Development:

MOTION: *Brigham Morgan moved to approve the final acceptance of Willow Springs, Phase 2, with the understanding that the Mayor not be required to sign the acceptance until he has received a memo from Mr. Valentine, Telecom Office, that he has the R-Pots cards in his possession, and that a copy of said memo accompany the final signoff. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

Greg Kehl led the City Council in expressing appreciation to Summit Development for keeping the Council up to date and for following through on projects and agreements.

16. Final Acceptance of Mountain View Subdivision, Phase 2, Sunrise Building Company:

Korey Walker stated the street sign has been installed. Sunrise Building Company has expressed concern that there has been a delay in placing them on the agenda; however, the street sign was installed three weeks ago, which was too late to have the Final Acceptance placed on the agenda. They are requesting that due to that perceived delay, the warranty period be reduced from two years to one year.

MOTION *Greg Kehl moved to approve the final acceptance of Mountain View Subdivision, Phase 2, Sunrise Building Company, denying the request for the reduction of warranty period, and the warranty stands at two years. Mark Lofgren seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

17. Costs regarding City Office Expansion plus the Library:

This item was tabled.

18. Other Business:

a. Natural gas rates

Greg Kehl explained the Public Works Board has met and examined natural gas rates for this year. The Public Works Board is recommending that effective December 1, 2001, natural gas rates would be at base rate of \$16.00, with a decatherm rate of \$5.91, a reduction from \$9.68.

MOTION: *Greg Kehl moved to approve the recommendation of the Public Works Board and adopt the natural gas rates of \$16.00 base, with \$5.91 a decatherm, effective December 1, 2001. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

b. Morco presentation

Mayor Bond referred to a presentation made during the Work Session by Jerry Gaskin, owner of Morco. Mr. Gaskin stated his concerns about the lack of growth in his business. He stated he is currently getting a 20% share of the market; however, he needs a 30% share to stay in business. Mr. Gaskin indicated he would have to close the store by year's end if business did not improve. There was a general consensus at the meeting that the residents and the City Council want to keep Morco in the community.

Mr. Gaskin mentioned using a "Welcome Wagon" approach to new residents, with the store distributing coupons and/or gift certificates to bring newcomers into the store. He wondered if he could regularly receive an email list from the Building Department showing Certificate of Occupancy names and addresses of City Center residents. This information is currently available only through completing a Government Records Access and Management Act (GRAMA) request. The Mayor stated there could be immediate action taken in the form of a motion to change the GRAMA requirement since this is an emergency situation. This item would then appear on the next City Council Agenda to generate public discussion. This motion could then be denied or ratified.

MOTION: *Greg Kehl moved to rescind the requirement for a Government Records Access and Management Act (GRAMA) request for name and address information contained on Certificate of Occupancy records. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

19. 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, potential litigation, and/or public safety/security at 7:45 PM. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

20. Motion to Reconvene in to Open Session:

MOTION: *Brigham Morgan moved to reconvene in to Open Session at 8:28 PM. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Motion passed.*

21. Any Actions from the Closed Executive Session:

None

22. Adjournment:

MOTION: *Mark Lofgren moved to adjourn the meeting at 8:28 PM.*

APPROVAL: _____

Paul R. Bond, Jr.
Mayor Paul R. Bond, Jr.

DATE: _____

11/27/01

This certifies that the minutes of
10-30-01 are a true, full and
correct copy as approved by the
City Council on 11-27-01

Signed: *DeAnna Whitney*
DEPUTY City Recorder