

MINUTES OF THE EAGLE MOUNTAIN CITY COUNCIL MEETING

Eagle Mountain City Council Chambers

**1680 East Heritage Drive
Eagle Mountain, Utah 84043**

November 19, 2002

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

1. Consent Agenda
2. A presentation on Gas, Electric, Water & Sewer Projects by Korey Walker, City Engineer (20 minutes)
3. Discussion on Contracting & Purchasing Policy for Eagle Mountain City
4. Items as Outlined on the Policy Session
5. Discussion on the Eagle Mountain Properties Master Development Plan
6. Other Business
7. 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 Kelvin Bailey called the meeting to order at 7:02 PM

Mayor Bailey welcomed Boy Scouts from Troop 1082 and asked for a volunteer to lead the Pledge of Allegiance.

1. Roll Call:

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

City Staff:

City Attorney:	Gerald Kinghorn
City Administrator:	Chris Hillman
Finance Director:	Kent Parker
Planning Director:	Shawn Warnke
Public Works Director:	Mark Sovine
Telecom Administrator:	Diane Bradshaw
City Recorder:	Janet Valentine
Deputy Recorder:	DeAnna Whitney
Utah County Sheriff:	Sergeant Jo Murphy

Others Present: Andrew Tuttle, resident; Dave Loper, resident; Heidi Neal, resident; Suzanne Lindsay, resident; Glen Sexton, City Accountant

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Cameron Rodabough, a Boy Scout from Troop 1082.

3. **Approval of Minutes (October 15, 2002, October 30, 2002 SCC Mtg. and November 13, 2002 SCC Mtg):**

MOTION: *Mark Madsen moved to approve the Minutes of October 15, 2002, October 30, 2002, and November 13, 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:**

- a. Proclamation "Feed America Thursday, November 21, 2002"

The Mayor presented information on the "Feed America Thursday, November 21, 2002" Proclamation, which he read to the public and recommended for adoption.

5. **Appointments:**

None

6. **Public Notices:**

None

7. **Public Comment:**

Mayor Bailey asked that only one person address each issue, unless there is additional information to be provided.

Suzanne Lindsay, Cedar Pass Ranch Homeowners Association, presented a letter to the Council and stated that residents are concerned about drivers speeding in their neighborhood. She asked how they might go about installing speed bumps. The Mayor explained that this item should be handled through the Public Works Department. Greg Kehl recommended this problem be presented to the Public Works Board for discussion and possible solution. Linn Strouse recommended considering an educational program for residents. Mayor Bailey advised Mrs. Lindsay that her letter would be forwarded to the Public Works Board for consideration.

Item 12.a was discussed at this point in the meeting.

8. **Public Hearing -Telecommunications Rate Changes:**

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

Mayor Bailey opened the Public Hearing at 7:13 PM.

- b. Receive Public Comment

David Loper, resident, expressed his opinion that the proposed rate change is a necessary evil that needs the support of the community. He stated that in the event the sale of the telecommunications department does not take place, the City would be adversely affected financially without an increase due to the large debt.

Heidi Neal, resident, expressed her concern that rates should only be raised on extra features and not on the regular dial tone.

c. Close Public Hearing

Mayor Bailey closed the Public Hearing at 7:21 PM

Diane Bradshaw, Telecommunications Administrator, presented information regarding rate increases. She explained how rate increases were determined and why they are necessary. She indicated that even with the rate increases, there would be unmet debt. She answered questions from the Council and recommended the rates become effective December 1, 2002

The Mayor indicated that the telecommunication debt amount cannot be totally determined until December 13 when budget figures for 2002 would be available.

Mayor Bailey recommended that when a customer wants to add an additional line, the customer should be able to do so without paying a deposit if good credit has been established with Telecom. He asked that the Consolidated Fee Schedule be changed to reflect that no deposit is required for such customers.

9. **Consideration to Approve a Resolution for Telecommunication Rate Changes proposed in the Telecommunications Consolidated Fee Schedule:**

MOTION: *Brigham Morgan moved to approve Resolution No. R 17-2002, a Resolution of the Governing Body of Eagle Mountain City Establishing the Eagle Mountain City Telecommunications Fee Schedule, with the amendment that any secondary line will not be required to pay a deposit in the case that the existing line has good credit standing with the City. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Glen Sexton, Accountant, addressed the Council regarding the current status of the sales tax audit. He explained how information would be established since no hard copies could be found and discussed penalties and fees due from the City. Mr. Sexton indicated the auditors hope to have complete information by Christmas. The Mayor stated there would probably be an amount due of approximately \$3,000,000.00.

10. **Public Hearing - Rezoning a 20-acre parcel from Agricultural to Town Core Residential (Parcel located North of Kiowa Valley, West of proposed Freemont Springs Subdivision, and South of Porter's Crossing):**

a. Open Public Hearing (*following Public Hearing on Telecom Rate Changes or as soon thereafter as may be heard*)

Mayor Bailey opened the Public Hearing at 7:45 PM.

b. Receive Public Comment

Shawn Warnke identified the area presented for rezoning and explained the reason rezoning is necessary.

Andrew Tuttle, resident, asked how the center portion of the property would be platted. Shawn Warnke advised that this area would be open space. Mr. Warnke stated that the homes would be built on the perimeter and be on smaller lots

Brandon Maughan, resident, stated he does not like houses going up on the hill and is concerned about the possibility of drainage problems that may be created. He stated he purchased his lot with the assumption that this land would remain open space. He asked what benefit he and the City would receive by rezoning the land. Shawn Warnke stated the City benefits from an increase in utility connections. He also stated that the developer has the right to develop his own property. Diane Jacob advised that the Planning Commission visited the site twice and was pleased with the way the developer laid out the lots. The Mayor indicated that the developer would be required to deal with drainage issues so that existing residents would have no problems.

Dustin O'Brien, resident, asked for an explanation of the rezoning process. Shawn Warnke explained that there are several steps that need to take place and that residents would be publicly noticed at each step. Mr. O'Brien had questions that the developer addressed. Mr. O'Brien firmly disagrees with this proposed development and feels the whole concept is not feasible.

Greg Kehl reiterated that the City cannot tell a property owner how to develop his own property as long as proper guidelines are met.

Brigham Morgan further explained the City's planning and approval process.

c. Close Public Hearing

The Mayor closed the Public Hearing at 8:10 PM

11. **Consideration to Approve an Ordinance Rezoning a 20-acre Parcel, located North of Kiowa Valley, West of proposed Freemont Springs Subdivision, and South of Porter's Crossing, from Agricultural to Town Core Residential:**

MOTION: *Brigham Morgan moved to approve Ordinance No. O 21-2002, an Ordinance of Eagle Mountain City, Utah Rezoning Certain Land in the North Service Area from Agricultural to Town Core Residential according to exhibits, as submitted. Mark Madsen seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

12. **Final Plat Approval:**

This item was discussed after Public Comment

a. Cold Springs, Phase 2 Final Plat (Including Development Agreement and CC&R's)

Shawn Warnke presented information on this final plat approval, explaining the plans for Phase 2. He listed the approval conditions recommended by the Planning Commission and answered questions from the Council.

Greg Kehl expressed his appreciation to the developer for the way the project has been handled.

MOTION: *Brigham Morgan moved to approve Cold Springs Phase 2 Final Plat as submitted, with the conditions as stated. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

At this point in the meeting, Mayor Bailey referred to a letter prepared by staff and directed to UDOT requesting the enlargement of SR 73. He requested that each member of the Council sign the letter.

The discussion then moved to Item 8.

13. **Consideration to Enact an Ordinance Annexing an Area of Approximately 482.715 Acres Commonly Known as the Evans Ranch Annexation Parcel to Eagle Mountain City, Utah (Previously Known as Redle, Inc. Annexation) and approving Master Development Plan:**

- a. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116
- b. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain, Utah

Diane Jacob excused herself from this discussion and vote.

Gerald Kinghorn stated that this is a re-enactment of an annexation ordinance that was approved by the Council several months ago. He indicated that it took time to circulate all the agreements and have them signed by all parties and that during that time the ordinance expired; therefore, it is necessary to enact this ordinance.

MOTION: *Brigham Morgan moved to approve Ordinance No. O 22-2002, an Ordinance Annexing an Area of Approximately 482.715 Acres Commonly Known as the Evans Ranch Parcel to Eagle Mountain City, Utah and Establishing Zoning for the Annexed Land and Adjoining Land, with submitted exhibits. Linn Strouse seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob was excused. Motion passed.*

14. **Consideration to Enact an Ordinance Annexing an Area of Approximately 68.1658 Acres Commonly Known as the Ranches IV Annexation Parcel to Eagle Mountain City, Utah (Sometimes Known as the Carlton Annexation) and approving Master Development Plan:**

- a. Notice of Boundary Change Pursuant to Utah Code, ANN. §10-1-116
- b. Articles of Amendment to the Articles of Incorporation for Town of Eagle Mountain, Utah

Gerald Kinghorn advised that the same information applies to this item as to Item 13.

MOTION: *Greg Kehl moved to approve Ordinance No. O 23-2002, an Ordinance Annexing an Area of Approximately 68.1658 Acres Commonly Known as the Carlton Parcel to Eagle Mountain City, Utah and Establishing Zoning for the Annexed Land, together with the Boundary Change and Articles of Amendment. Brigham Morgan seconded the motion. Ayes: 4 – Brigham Morgan, Greg Kehl, Mark Madsen, Linn Strouse; Nays: 0. Diane Jacob abstained. Motion passed.*

15. **Consider proposed Cedar Fort Annexation and Approve Filing Annexation Protest with Utah County Boundary Commission:**

Gerald Kinghorn explained the areas proposed by Cedar Fort for annexation. He asked the Council for authorize to file a protest of this annexation. He advised that Eagle Mountain City is currently in the process of considering its own annexation policy to incorporate some of these sections into the City. The Council discussed the sections of property they would like to see annexed for the benefit of the City.

MOTION: *Mark Madsen moved to approve the filing of an annexation protest with Utah County Boundary Commission to protest the annexation by Cedar Fort of the sections circled on Exhibit 1 of the map and reference to any technical issues and/or other deficiencies in the petition itself. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

16. **Consideration and Approval of an Agreement between Utah Retirement Systems/Public Employees Health Program and Eagle Mountain City for Employee Group Benefits for Fiscal Year July 1, 2002 to June 30, 2003:**

MOTION: *Brigham Morgan moved to approve and authorize the Mayor to execute the Agreement between Utah Retirement Systems/Public Employees Health Program and Eagle Mountain City for Employee Group Benefits for Fiscal Year July 1, 2002 to June 30, 2003. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

17. **Consideration and Approval of an Ordinance Enacting a Contract and Purchase Policy for Eagle Mountain City:**

This item was tabled.

18. **Consideration and Approval of a Law Enforcement Contract with Utah County Sheriff's Department to Provide One Additional Sheriff's Deputy for the City:**

Sergeant Jo Murphy addressed the Council regarding this contract. She answered questions and stated she anticipated the new deputy should be in place by mid December.

Gerald Kinghorn indicated he had reviewed the contract and recommended approval.

Chris Hillman advised the Council that funding for this position is in the budget. He also stated that funds not used to date have been used to pay school crossing guards.

MOTION: *Brigham Morgan moved to approve the Interlocal Cooperation Agreement for Law Enforcement Services between Utah County Sheriff and the City of Eagle Mountain, Utah. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

19. **Consideration to Approve a Name for the Red Hawk Ranch Park:**

The Mayor explained that this proposal was submitted by The Ranches to recommend changing the name of Red Hawk Ranch Park to Nolen Park.

MOTION: *Greg Kehl moved to approve changing the name of Red Hawk Ranch Park to Nolen Park. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

20. **Consideration to Approve a Resolution Amending the Eagle Mountain City Consolidated Fee Schedule (to provide costs for water hydrant meter rentals):**

Mayor Bailey stated that approval of this item would reinstate previously approved rates that were inadvertently left out of the Consolidated Fee Schedule.

The Council discussed the \$1,000 meter deposit and whether this amount is excessive.

Mayor Bailey asked to go on record indicating he feels the \$1,000 meter deposit is too high.

MOTION: *Greg Kehl moved to approve Resolution No. R 18-2002, a Resolution of the Governing Body of Eagle Mountain City Amending the Eagle Mountain City Consolidated Fee Schedule, reinstating as submitted, with the alteration of \$1,000.00 moved to \$500.00 for the purpose of providing costs for water hydrant meter rentals. Diane Jacob seconded the motion. Ayes: 3 – Greg Kehl, Mark Madsen, Linn Strouse; Nays: 2 – Brigham Morgan and Diane Jacob. Motion passed.*

Greg Kehl requested that this item be placed on the next Public Works Board Agenda for discussion.

21. Ratify Approval of the Kern River Facilities Agreement:

MOTION: *Mark Madsen moved to ratify approval of the Kern River Facilities Agreement. Linn Strouse seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

22. Consideration to approve an Amendment to City Employee's Manual to Add a Policy Outlining a Minimum Dress Code:

Chris Hillman explained the reasons for this amendment to the City Employee's Manual.

Brigham Morgan recommended that "shorts" be added to this policy.

MOTION: *Brigham Morgan moved to approve an Amendment to the City Employee's Manual to Add a Policy Outlining a Minimum Dress Code, adding the line item "shorts" to the items not permitted. Diane Jacob seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

23. Motion to approve Consent Agenda items as follows:

- a. Check Register
- b. Contract Change Orders
 - i. Ranches & Pony Express Parkway Landscaping SID 2001-1, Area 3 (CO No. 2), Golden Landscaping
 - ii. Road Repair & Overlay of Ranches & Pony Express Parkway (CO No. 7), Valley Asphalt
 - iii. Porter's Crossing Roadway Extension (CO No. 2), H.E. Davis
 - iv. Pony Express Parkway Extension (CO No. 1), H.E. Davis
 - v. 138 kV Transmission Line (CO No. 5), Par Electric
- c. Final Payments
 - i. Ranches & Pony Express Parkway Landscaping SID 2001-1, Area 3 (Final Payment), Golden Landscaping
 - ii. 138 kV Transmission Line (Final Payment), Par Electric
- d. Partial Payments
 - i. Grant Smith Trailway Design SID 2001-1 (PP No. 1), EA Lyman
 - ii. Paul Evans Trailway SID 2000-1 (PP No. 7), American Landscape
 - iii. Pony Express Parkway East SID 2000-1 (PP No. 7), American Landscape

MOTION: *Greg Kehl 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.*

24. **Other Business:**

None

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

MOTION: *Greg Kehl moved to recess in to a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security at 8:50 PM. Brigham Morgan seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

MOTION: *Brigham Morgan moved to Reconvene in to Open Session at 8:55PM. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

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

MOTION: *Brigham Morgan moved to approve the Settlement Agreement with Glen E. Smith Partnership for the sum of \$48,200.00 in compliance with guidelines established for acquiring right-of-way. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Mayor Bailey explained a contract that the City needed to sign with Kern River for the backhaul transportation.

MOTION: *Brigham Morgan moved to authorize the Mayor to execute the Kern River Firm Transportation Agreement, as submitted. Greg Kehl seconded the motion. Ayes: 5 – Brigham Morgan, Greg Kehl, Diane Jacob, Mark Madsen, Linn Strouse; Nays: 0. Motion passed.*

Chris Hillman announced that the City would hold it's annual Christmas dinner at Pony Express Elementary School on Wednesday, December 11. He invited the Council to serve at the dinner and to donate \$20 each towards a grand prize.

28. **Adjournment:**

Mark Madsen moved to adjourn the meeting at 9:00 PM.

APPROVAL: *Kevin E. Bailey* **DATE:** *12-03-02*
Mayor Kelvin E. Bailey

This certifies that the minutes of
19-Nov-2002 are a true, full and
correct copy as approved by the
City Council on 3-DEC-2002
Signed: *Janet B. Valentine*
City Recorder