

**MINUTES OF THE CITY COUNCIL MEETING
OF EAGLE MOUNTAIN, UTAH**

**Eagle Mountain Community Center
1668 E. Heritage Drive
Eagle Mountain, UT 84043
November 20, 2001**

WORK SESSION - No Action or Minutes Taken – 4:00 to 6:30 p.m.

1. Central Utah Water Conservatory District Study/ Dave Pitcher
2. Goals/Mayor Paul R. Bond, Jr.
3. Discussion on the Budget Opening (Scheduled on the Policy Session - Dec. 4, 2001 CC Mtg)
4. Discussion on Initiation of Water Division – Accepting Duties and Responsibilities from Water Pro,
Revising Public Works Department's Work Force
5. Discussion on Relationship of Eagle Mountain City Code Enforcement and Home Owners Associations
6. Items as Outlined on the Policy Session
7. Council Liaison Reports:
 - a. Administration/Personnel/Finances/Newsletter – **Mayor Paul R. Bond, Jr.**
 - b. Parks & Recreation/Library/Youth Services/Economic Development Board- **David Albrecht**
 - c. Public Works Dept. (Water, Wastewater, Natural Gas, Electric) - **Greg Kehl**
 - d. Planning & Zoning/Planning Commission/Building Permits – **Brigham Morgan**
 - e. Public Safety/Community Arts/Airport Advisory Board – **Bert Ankrom**
 - f. Telecommunications Utility Board - **Mark Lofgren**
8. Other Business
9. Adjourn Work Session at 6:45 p.m.

POLICY SESSION – 7:00 TO 10:30 p.m.

Mayor Bond called the meeting to order at 7:04 PM

1. Roll Call:

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

City Staff:

City Administrator:	John Newman
City Attorney:	Jerry Kinghorn
City Engineer:	Korey Walker
City Planner:	Shawn Warnke
Deputy Recorder:	DeAnna Whitney
Code Enf. Officer:	Fionnuala Kofoed
Sergeant:	Jo Murphy
Deputy Sheriff:	Dale Lea
Fire Chief:	Robert DeKorver

Others Present: Mayor Elect Kelvin Bailey; Council Members Elect Linn Strouse and Diane Jacob; Wendy and Chad Smith, residents; Lee and Eutona Dixon, residents; Paul Evans, Butler and Evans Architects; Darin Garrett, resident; Darrell Jackson, Library Board.

2. **Pledge of Allegiance:**

The Pledge of Allegiance was led by Darrell Jackson.

3. **Approval of Minutes (October 30, 2001 and November 13, 2001 Special CC Mtg)**

MOTION: *Mark Lofgren moved to approve the minutes of October 30, 2001, as amended. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

MOTION: *Dave Albrecht moved to approve the minutes of November 13, 2001. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Mark Lofgren abstained. Motion passed.*

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

None

5. **Appointments:**

None

6. **Public Notices:**

John Newman referred to Public Notice for Budget Opening scheduled for the Policy Session at City Council Meeting December 4, 2001.

The Mayor explained that budget information is available in the City Office and encouraged the public to get a copy for review.

7. **Public Comment:**

There were no notices for public comment.

The Mayor stated the Council received a written letter from Patterson Construction with a request it be read during City Council Meeting. The Mayor indicated this letter was received just prior to the meeting and they had not had time to read it. This letter will be made part of the record.

8. **Public Hearing: (Eagle Mountain City Capital Facilities Amendment)**

a. Open Public Hearing (7:10 PM)

The Mayor explained that a developer had requested there be an amendment to the Capital Facilities Plan to bring it in line with impact fees because of the difficulties they were experiencing.

The Mayor broke from the session schedule in order to welcome a Boy Scout Troop from Overland Trails.

- b. Receive Public Comment

Let the record show no person made verbal comments. However, the letter referred to in Item 7 will become record of this public hearing.

- c. Close Public Hearing (7:12 PM)

9. **Consideration and Approval of an Ordinance Amending the Eagle Mountain City Capital Facilities Plan:**

Jerry Kinghorn explained that when a Capital Facilities Plan has been finally approved it is done with an Impact Fee Enactment. He recommended the Council direct the City Engineer to include the Addendum presented to the council and proceed to preparation of the economic analysis and the impact fee enactment drafts.

John Newman stated the City Staff is proceeding with the economic analysis and impact fee analysis as per prior decision of the Council. An independent firm, Lewis Young, has been employed to perform these studies.

The Mayor stated an independent firm was requested by the developers to have a more objective view.

MOTION: *Greg Kehl moved to direct the City Engineer to include the Addendum to the Capital Facilities Plan, which was presented to the Council, and proceed to preparation of the economic analysis and the impact fee enactment drafts. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

The visiting Boy Scout Troop was again recognized by the Mayor. The troop leader stated the reason for their visit was to complete merit badges started at the Boy Scout Pow Wow. A copy of the budget was requested by and given to the troop by the Mayor. The Mayor invited the scouts to ask questions of council.

10. **Restaurant Tax Money Distribution:**

The Mayor explained there is a sales tax levied which goes directly to the County, and the County distributes this money to individual cities for specific items related to tourism and recreation. The City staff recommended these funds be used to purchase bleachers for Pony Express Park. These bleachers are 15 feet in length, have five rows each with a galvanized frame, and weigh approximately 700 pounds.

Brigham Morgan made a request for the purchase of informational kiosks to be placed in various areas of the City. His felt if all the Restaurant Tax monies were used to fund bleachers, the Council should allocate funds elsewhere to install kiosks for general city information.

MOTION: *Dave Albrecht moved to approve the City staff's recommendation to purchase three bleachers for Pony Express Park. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

11. **Considerations and Approval to Amend the Eagle Mountain City Policies and Procedures Manual:**

MOTION: *Brigham Morgan moved to approve the amended Eagle Mountain City Policies and Procedures Manual as submitted. Bert Ankrom seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

12. **Costs regarding City Office Expansion including a space for the Eagle Mountain City Library:**

The Mayor indicated the City Staff was recommending the 56 x 70 foot building expansion with a three-year lease.

Mark Lofgren brought to the public's attention that this expansion would include space for the library. Darrell Jackson of the Library Board asked questions about this space. He was told Michele Graves, Librarian, had approved the expansion plans.

John Newman anticipates occupancy of the building expansion by February 1, 2002, if all goes as planned.

MOTION: *Brigham Morgan moved to authorize a 36-month lease, with an option to buy out, of a 56 x 70 foot City Office expansion as proposed. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

13. **Consideration and approval of an Ordinance defining non-residential development definition and provisions for waiver of certain impact fees and allowing the processing of development applications for property owners who are delinquent or in default regarding obligations and payments to the city for certain non-residential developments:**

The Mayor stated this ordinance will allow the processing on a case-by-case basis of plats and property to be used for churches, schools, commercial, manufacturing, wholesale, retail and storage facilities which generate sales tax and/or commercial property tax, or provide other important cultural, educational or social benefits to the population of the City

MOTION: *Greg Kehl moved to adopt Ordinance O 17-2001, an Ordinance of Eagle Mountain City, Utah Providing a Non-residential Development Definition and Provisions for Waiver of Certain Impact Fees and Allowing the Processing of Development Applications for Property Owners Who are Delinquent or in Default Regarding Obligations and Payments to the City for Certain Non-residential Developments. Brigham Morgan seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

14. **Eagle Mountain Stake Center Final Plat & Site Plan Approval:**

Mayor Bond asked Korey Walker, City Engineer, if there is utility capacity for the stake center. Mr. Walker stated there is utility capacity at present.

Paul Evans, Butler and Evans Architects, representing the LDS Church, offered to answer any questions.

Mayor Bond excused himself and turned the meeting over to Mayor Pro Tem Dave Albrecht. Mr. Albrecht then gave the floor to Attorney Jerry Kinghorn for questions. Mr. Kinghorn asked Mr. Evans what the proposed use of this building would be and if the building would substantially benefit the existing residents of the City. Mr. Evans stated the purpose of the building is for religious worship and would benefit the existing residents.

Mayor Bond spoke to the Council representing the Church answering questions regarding the need for this building. He indicated that due to his local position in the LDS Church, he is aware of the future proposed growth of the Church. He indicated that the current building under construction will be used to capacity when it is completed. The stake center will take approximately eleven months to complete and will be greatly needed by the community even before it is finished.

Dave Albrecht asked Mr. Evans to explain the location of building. Mr. Evans stated the stake center site is on the corner of Ira Hodges Scenic Driveway and Aqua Avenue in the Overland Trails development.

Mr. Albrecht asked how soon construction could begin if this matter is approved. Mr. Evans said the decision to begin construction is not his to make.

Brigham Morgan asked what benefits would come to the community, what the plans were to meet the requirements for berming around the church, and stated his concerns regarding traffic patterns. Mr. Evans addressed all these issues.

MOTION: *Greg Kehl moved to approve the Eagle Mountain Stake Center final plat and site plan for the Eagle Mountain Stake Center based on the facts of finding that it would benefit the community immediately, there are ERU values for utilities, and that it is a special benefit for the community. Bert Ankrom seconded the motion. Ayes: 4; Nays: 0. Dave Albrecht did not vote in his capacity as Mayor Pro Tem. Motion passed.*

Dave Albrecht invited the Mayor to take his seat at the head of room.

15. Eagle Mountain City Center Clean-up and Landscaping Cost Estimates:

The Mayor recognized the cleanup efforts of the City staff, particularly those of Code Enforcement Officer Fionnuala Kofoed. He indicated that much has been done to beautify the City and there is more to do. He recommended the City staff continues regular monitoring of weeds.

Bert Ankrom asked if the enforcement of residential property will begin again, and the Mayor indicated it would. Bert Ankrom also requested that when residents see violations, they contact the City by writing or calling the Planning Office.

The Mayor recommended the use of volunteers to keep the City cleaned up. Mr. Newman stated the Mayor's recommendation would be taken under consideration.

16. Consideration and Approval of a Resolution Amending and Restating Resolution No. R 18-2001 to Establish a Justice Court:

This resolution is recommended to start the process to establish a Justice Court.

MOTION: *Dave Albrecht moved to approve Resolution No. R 26-2001, a Resolution of the City Council of Eagle Mountain City, Utah, Amending and Restating Resolution No. R 18-2001 of Eagle Mountain City to Establish a Justice Court. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

17. Consideration and Approval of a Natural Gas Sales Agreement with Wasatch Energy through IMGA:

MOTION: *Mark Lofgren moved to approve the Natural Gas Sales Agreement with Wasatch Energy through IMGA as submitted. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

18. Consideration and Approval of a Mutual Aid Agreement between Eagle Mountain & Saratoga Springs Fire Departments:

The Mayor explained this is an agreement between Eagle Mountain City and Saratoga Springs whereby each of the parties may assist the other party by supplying fire protection and fire fighting services upon request.

MOTION: *Greg Kehl moved to approve the Mutual Aid Agreement between Eagle Mountain and Saratoga Springs Fire Department as submitted. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

19. Award of Bid for Meadow Ranch Park and Trails Project:

City Engineer Korey Walker asked if Items 19 and 20 could be handled together, and Attorney Kinghorn said this would be acceptable.

Mr. Walker explained that bids have been received for the Meadow Ranch Park and Trails Project and for The Red Hawk Ranch Project for landscaping of the trails and park. Both of the bids are over budget; therefore, the City has two options. The first option would be to rebid the projects and delete some items from the bid schedule to bring the bid within budget. The second option would be to go through the bids as they appear and delete items that could be funded some other way and award the projects to Bland Brothers, who is the apparent low bidder.

The Mayor asked about comments made during Work Session that The Ranches is willing to pay for the equipment. Mr. Walker stated if the City wanted to follow the second option above, The Ranches has agreed to pay for the park equipment in both of the parks. If they followed through, the projects presented would fall within budget.

Bert Ankrom asked why drinking fountains are not included in plans for parks. Mr. Walker stated that parks identified in the Capital Facilities Plan are equipped with drinking fountains and restrooms. If this plan is adopted, the City would be able to install these items. The proposal of the Capital Facilities Plan is to bring all parks up to this level.

Darren Garrett, resident of The Ranches, asked about the confidence in The Ranches' ability to meet the above-mentioned obligation. The Mayor indicated if they did not agree to keep their end of the obligation, the projects would go out for rebid.

MOTION: *Mark Lofgren moved to send this item out for rebid, modifying the bid to remove items to bring it within budget. Brigham Morgan seconded the motion: Ayes: 4; Nays: 0. Greg Kehl abstained. Motion passed.*

20. Award of Bid for Red Hawk Ranch Project:

MOTION: *Mark Lofgren moved to send this item out for rebid, modifying the bid to remove items to bring it within budget. Brigham Morgan seconded the motion. Ayes: 4; Nays: 0. Greg Kehl abstained. Motion passed.*

21. **Mt. Airey Entrance Repair:**

MOTION: *Dave Albrecht moved to accept the bid from Hilltop Landscaping to make repairs to the Mt. Airey entrance. Greg Kehl seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. **Motion to approve Consent Agenda:**

- a. Warrant Register
- b. Contract Change Order
- i. Road Repair and Overlay of Ranches and Pony Express Parkway, CO #3/Valley Asphalt
- c. Partial Payment Requests
 - i. Road Repair and Overlay of Ranches and Pony Express Parkway, PP#5/Valley Asphalt
 - ii. Ranches and Pony Express Parkway Landscaping – Area 2/2000-1 SID/Golden Landscaping
 - iii. Ranches and Pony Express Parkway Landscaping – Area 3/2000-1 SID/Golden Landscaping
 - iv. 12.5 kV Underground Distribution Tie Circuit, PP No. 3 – 2000 Gas and Electric Revenue Bond/Caribou Construction
 - v. Meadow Ranch Park West, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - vi. Meadow Ranch Park East, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - vii. Meadow Ranch Trails, PP No. 3 – 2000-1 SID/Nuszer Kopatz **REMOVED BY MOTION**
 - viii. Ranches and Pony Express Landscaping, PP No. 5 – 2000-1 SID/Nuszer Kopatz
 - ix. Red Hawk Ranch Park, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - x. Pony Express Parkway East, PP No. 4 – 2000-1 SID/Nuszer Kopatz
 - xi. Paul Evans Trailway, PP No. 4 – 2000-1 SID/Nuszer Kopatz
- d. Final Payment Requests
 - i. 15 kV Metal Clad Switchgear, Pmt No. 2 - Interim Funding Revenue Bond/Powell Electric
- e.
 - i. Ratify the following item approved at the Eagle Mountain City Council Meeting on 10-30-01:
Rescind the requirement for Jerry Gaskin, Morco Express Owner to fill out an official records request through the Government Records Access and Management Act (GRAMA) for the name and address information contained on Certificate of Occupancy records
 - ii. Ratify payments to the court and the land owners for the 138 transmission line project right of way
- e. Approval of Construction Agreement for NSA Fire Station

MOTION: *Brigham Morgan moved to remove Item 22.c.vii from the Consent Agenda. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

MOTION: *Greg Kehl moved to approve the amended Consent Agenda. Mark Lofgren seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

22. **Other Business:**

The Mayor explained The Ranches has made a request that they be allowed to phase Ruby Valley Plat B. The Mayor recommended this be approved and that the City staff be directed to work with The Ranches to determine how this phasing is to be done.

Bert Ankrom asked if the City would be accepting any liabilities by approving this phasing. He was assured by John Newman, Korey Walker, and Jerry Kinghorn that phasing is normal with subdivisions and that this can be accomplished without any issues

MOTION: *Dave Albrecht moved to approve the phasing of Ruby Valley Plat B and direct the City staff to work with The Ranches to determine how this phasing is to be done, with an amendment specifically stating that Phase 1 includes Lots 2, 5-30, 38-40, and 61-75 and that the issuance of building permits within Phase 1 would be authorized at the discretion of staff. Greg Kehl seconded the motion. Ayes: 4; Nays: 0. Bert Ankrom abstained. Motion passed.*

23. 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 8:15 PM. Bert Ankrom seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

Chad and Wendy Smith, residents from Smith Ranch, requested they be allowed to submit a packet to the Mayor and Council for review and addition to the Agenda for City Council Meeting on December 4, 2001. The Mayor gave his approval.

24. Motion to Reconvene in to Open Session:

MOTION: *Mark Lofgren moved to reconvene in to Open Session at 8:29 PM. Bert Ankrom seconded the motion. Ayes: 5; Nays: 0. Motion passed.*

25. Any Actions from the Closed Executive Session:

None

27. Adjournment:

MOTION: *Bert Ankrom moved to adjourn the meeting at 8:29 PM.*

APPROVAL: _____

Mayor Paul R. Bond, Jr.

DATE: _____

12/4/01

This certifies that the minutes of
11-20-01 are a true, full and
correct copy as approved by the
City Council on 12-04-01

Signed: DeAnna Whitney
DEPUTY City Recorder