

RESOLUTION NO. R 01-2001

Eagle Mountain, Utah
February 20, 2001

The Town Council of the Town of Eagle Mountain, Utah County, Utah (the "Town") met in regular public session at the regular meeting place of the Council at 1680 East Heritage Drive, Eagle Mountain, Utah, on Tuesday, the 20th day of February, 2001, at 7:00 p.m., with the following Councilmembers being present:

Paul R. Bond, Jr.	Mayor
David A. Albrecht	Councilmember
Bert E. Ankrom	Councilmember
Greg D. Kehl	Councilmember
Brigham S. Morgan	Councilmember

Also present:

Janet B. Valentine	Town Recorder
John D Newman	Town Administrator
Gerald Kinghorn	Town Attorney

Absent:

NONE

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the Town Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this February 20, 2001 meeting, a copy of which is attached hereto as Exhibit "A".

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember Brigham Morgan and seconded by Councilmember Dave Albrecht adopted by the following vote:

AYE: PAUL R. BOND, JR. MAYOR
DAVID A. ALBRECHT COUNCILMEMBER
BERT E. ANKROM COUNCILMEMBER
GREG K. KEHL COUNCILMEMBER
BRIGHAM S. MORGAN COUNCILMEMBER

NAY:
NONE

The resolution was then signed by the Mayor and recorded by the Town Recorder in the official records of the Town. The resolution is as follows:

RESOLUTION NO. R 01-2001

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE MOUNTAIN, UTAH COUNTY, UTAH AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO AN EQUIPMENT LEASE-PURCHASE AGREEMENT (THE "AGREEMENT") WITH FIRST NATIONAL BANK OF LAYTON FOR THE PURPOSE OF EXTENDING THE TERMINATION DATE OF THE AGREEMENT; AND RELATED MATTERS

WHEREAS, the Town of Eagle Mountain, Utah (the "Town"), a political subdivision of the State of Utah, is authorized to enter into contracts to acquire personal property in the public interest; and

WHEREAS, in order to finance the acquisition of one electric generator and transformers and other related equipment (the "Equipment"), the Town entered into that certain Equipment Lease-Purchase Agreement dated as of September 1, 2000, as amended and supplemented by the Amendment to Equipment Lease-Purchase Agreement dated as of December 15, 2000 and related documents (collectively the "Agreement") with First National Bank of Layton (the "Bank"); and

WHEREAS, the Agreement is scheduled to terminate on February 28, 2001; and

WHEREAS, the Town and the Bank desire to extend the term of the Agreement until May 31, 2001; and

WHEREAS, in order to extend the termination date of the Agreement, it is necessary for the Town and the Bank to enter into an Amendment to Equipment Lease-Purchase Agreement dated as of February 15, 2001 (the "Amendment") in substantially the form attached hereto as Exhibit "B"; and

WHEREAS, the Town Council of the Town (the "Town Council") has determined that a true and very real need exists for the continued leasing of the Equipment; and

WHEREAS, the Town Council has reviewed the form of the Amendment and has found the terms and conditions thereof acceptable; and

WHEREAS, the Town Council deems it in the best interest of the Town and its inhabitants to enter into the Amendment:

NOW, THEREFORE, It is hereby Resolved by the Town Council of the Town of Eagle Mountain, Utah County, Utah as follows:

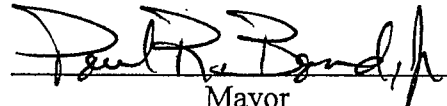
Section 1. The terms described or used in the recitals hereto shall have the same meanings assigned thereto when used in the body hereof.

Section 2. The terms of the Amendment are in the best interests of the Town and the Amendment is hereby authorized and approved for the purpose of extending the term of the Agreement and the Mayor and the Town Recorder or Deputy Town Recorder are authorized to execute and deliver the Amendment on behalf of the Town in the form attached hereto as Exhibit "B" with only such changes as shall be approved by the Mayor, the Mayor's signature thereto being conclusive evidence of such approval.

Section 3. If any provision hereof shall be invalid, such invalidity shall not affect any of the remaining provisions.

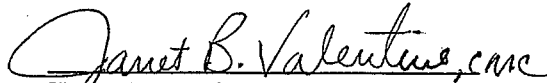
Section 4. This Resolution shall be effective immediately upon its adoption.

Adopted and approved this 20th day of February, 2001.



Mayor

ATTEST:



Town Recorder



STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Janet B. Valentine, the duly appointed and qualified Town Recorder of the Town of Eagle Mountain, Utah County, Utah (the "Town"), do hereby certify according to the records of said Town in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the Town Council of the Town held on February 20, 2001, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on February 20, 2001.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Town of Eagle Mountain, Utah County, Utah this 20th day of February, 2001.


Town Recorder



EXHIBIT "A"

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Janet B. Valentine, the undersigned Town Recorder of the Town of Eagle Mountain, Utah County, Utah (the "Town"), do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the February 20, 2001 public meeting held by the Town as follows:

(a) By causing a Notice, in the form attached hereto as Schedule "1", to be posted at the Town offices on February 16, 2001, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule "1", to be delivered to New Utah! on February 16, 2001, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, Notice of the 2001 Annual Meeting Schedule of the Town Council, in the form attached hereto as Schedule "2" was (and has remained) posted and available for public inspection and was made available to the local media correspondents as required by law.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 20th day of February, 2001.


Town Recorder



SCHEDULE "1"

NOTICE OF MEETING

AGENDA

EAGLE MOUNTAIN TOWN COUNCIL MEETING

Tuesday, February 20, 2001

Work Session at 4:30 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain Community Center, 1668 East Heritage Drive, Eagle Mtn, Utah 84043

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

1. Training Session/Sydney Fennesbeck, ULCT (45 minute – 1 hour training)
2. North Utah County Water Preliminary Study Report/Presentation by Chris Finlinson, Central Utah Water (15 minute presentation) (Chris indicated she was told by the Mayor to contact me & get on the work session agenda)
3. Sewer Service – Fred and Chris Finlinson
4. Warrant Register/Stephan Gabrielson
5. Contract Change Orders/Korey Walker
 - a. 138 Transmission Line Equipment Purchase, 138 kV Airbreak Switch, (CO #2) Western Stated Electric Supply
 - b. Booster Pump Station & Well No. 2, 2000, (CO #4)/Nelson Brothers Construction Co.
6. Partial Payment Requests/Korey Walker
 - a. NSA Waterline Project, Tycon, Inc.
 - b. Booster Pump Station & Well No. 2, Nelson Brothers Construction Co.
 - c. 1100 kW Generation Unit & 480 Volt Switchgear, Simpson Power Products, LTD.
 - d. 1100 kW Generation Unit & 480 Volt Switchgear (No. 2), Simpson Power Products, LTD.
 - e. Concrete Pads for New Generating Unit & Step-up Transformer, Kay General Contracting, Inc.
7. Partial Bond Releases/Korey Walker
 - a. Willow Springs Condominiums, Phase 1, Summit Development
 - b. Willow Springs Sales Trailer, Summit Development (Town Cash Escrow)
8. Public Hearing: FY 2000/2001 Budget Opening/John Newman, Stephan Gabrielson
9. Resolution Authorizing the Execution and Delivery of an Equipment Lease-Purchase Agreement For the Purpose of Financing the Acquisition of an EMS Vehicle & Related Equipment and an Ambulance & Related Equipment/John Newman
10. Resolution authorizing extension of the termination date of the Equipment-Lease Purchase Agreement dated as of September 1, 2000 between the Town of Eagle Mountain and First National Bank of Layton relating to certain electrical power equipment; and related matters/Jerry Kinghorn
11. Resolution authorizing the extension of the maturity date of the Town's \$348,348. Subordinated Electric Revenue Bond Anticipation Notes, Series 2000/Jerry Kinghorn
12. Discussion regarding a Noise Ordinance/Jerry Kinghorn (discussed at the 2-06-01 TC Mtg) (Work Session Only)
13. Agreement for Software Purchase between Springbrook Software, Inc. and the Town of Eagle Mountain/John Newman, Stephan Gabrielson
14. SID Design for Pony Express extension and Prairie Gate Loop Road/Korey Walker
15. Major Development Approvals/Shawn Warnke, Ken Leetham
 - a. Cedar Pass 1, LDS Church Site Plan
 - b. Eagle Mountain 1, LDS Church Site Plan
16. Department Reports:
 - a. Administration/Personnel/Finances/Telecommunications/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**
17. Other Business
18. Goals

I N T E R M I S S I O N

POLICY SESSION – 7:00 TO 10:30 p.m.


1. Roll Call
2. Pledge of Allegiance
3. Approval of Minutes (January 30, 2001, February 3, 2001 & February 6, 2001)
4. General Discussion/Questions/Announcements
5. Appointments:
 - a. Economic Development Board (*Vince Liddiard called and said he spoke with the Mayor on appointing members to the Economic Dev Board for this mtg., because there are only two voting members on the board*)
6. Public Notices:
7. Public Comment (7:10 p.m; 3 minute limit per person, overall time allotted 30 minutes)
(Items listed on agenda – 2 minutes per person; overall time – 10 minutes)
8. Mr. & Mrs. Finlinson's request to hook-in to the Eagle Mountain Sewer System (the Finlinsons are in the process of building a home between the boundaries of Eagle Mountain & Saratoga Springs)
9. Public Hearing: FY 2000/2001 Budget Opening
 - a. Open Public Hearing (time approximately 7:20 p.m.)
 - b. Receive Public Comment
 - c. Close Public Hearing
10. Consideration and Approval of an Ordinance to Amend the FY 2000/2001 Budget
11. Consideration and Approval of a Resolution Authorizing the Execution and Delivery of an Equipment Lease-Purchase Agreement For the Purpose of Financing the Acquisition of an EMS Vehicle & Related Equipment and an Ambulance & Related Equipment.
12. Consideration for Approval of a Resolution authorizing extension of the termination date of the Equipment-Lease Purchase Agreement dated as of September 1, 2000 between the Town of Eagle Mountain and First National Bank of Layton relating to certain electrical power equipment; and related matters
13. Consideration for Approval of a Resolution authorizing the extension of the maturity date of the Town's \$348,348. Subordinated Electric Revenue Bond Anticipation Notes, Series 2000
14. Consideration to Approve an Agreement for Software Purchase between Springbrook Software, Inc. and the Town of Eagle Mountain
15. SID Design for Pony Express extension and Prairie Gate Loop Road
16. Major Developments
 - a. Cedar Pass 1, LDS Church Site Plan
 - b. Eagle Mountain 1, LDS Church Site Plan
17. Motion to approve Consent Agenda items as follows: (Refer to Work Session)
 - a. Warrant Register
 - b. Contract Change Order
 - c. Partial Payment Requests
 - d. Partial Bond Releases
18. Other Business
19. Motion to adjourn into a Closed Executive Session for the purpose of discussing personnel issues, potential litigation and/or public safety/security
19. Motion to adjourn closed executive session and return to open session
20. Any Actions from the Closed Executive Session
21. Adjournment

IN COMPLIANCE WITH THE AMERICAN WITH DISABILITIES ACT, PERSONS NEEDING AUXILIARY COMMUNICATIVE AIDS AND SERVICES FOR THESE MEETINGS SHOULD CONTACT JANET VALENTINE (801) 766-5988, GIVING AT LEAST 48 HOURS ADVANCE NOTICE.

THE PUBLIC IS INVITED TO ATTEND ALL TOWN COUNCIL MEETINGS

CERTIFICATE OF POSTING

THE UNDERSIGNED, DULY APPOINTED TOWN CLERK, DOES HEREBY CERTIFY THAT THE ABOVE NOTICE AND AGENDA WAS POSTED IN THREE PUBLIC PLACES WITHIN EAGLE MOUNTAIN TOWN LIMITS ON THIS 16th DAY OF Feb, 2001. THESE PUBLIC PLACES BEING 1) INSIDE BULLETIN BOARD AT THE TOWN OFFICES, 1680 E. HERITAGE DR., EAGLE MOUNTAIN, UTAH; 2) OUTSIDE BULLITEN BOARD AT THE TOWN OFFICES, EAGLE MOUNTAIN, UTAH 3) BULLITEN BOARD AT THE MORCO EXPRESS BROCCERY STORE, TOWN CENTER


RECORDED/DEPUTY RECORDER

SCHEDULE "2"

ANNUAL MEETING NOTICE

AFFIDAVIT OF PUBLICATION

STATE OF UTAH

ss.

County of Utah

Eagle Mountain tells annual schedule

The Town Council of Eagle Mountain at the Dec. 5, 2000, meeting voted to approve the meeting schedule for the year 2001.

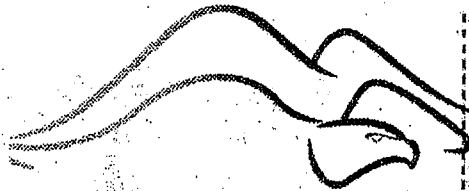
Eagle Mountain Town Council Meetings will be held every first and third Tuesday of each month with the addition of a meeting being held on the fifth Tuesday in January.

Meeting time and place are as follows:

Work session - 4:30 to 6:30

Policy session - 7 p.m.

Both sessions will be held at the Eagle



Eagle Mountain, Utah

Mountain Community Center, 1668 E. Heritage Drive, Eagle Mountain, Utah.

The 2001 Town Council Meetings are as follows:

January 2, 16 and 30; February 6 and 20; March 6 and 20; April 3 and 17; May 1 and 15;

June 5 and 19; July 3 and 17; August 7 and 21; September 4 and 18; October 2 and 16; November 6 and 20; December 4 and 18. Janet Valentine Town Recorder

Published in New Utah! Dec 27, 2000.

I, Brett R. Bezzant, being first duly sworn, depose and say that I am the publisher of New Utah, a newspaper of general circulation published once a week at Utah County, UTAH; that the notice attached hereto and which is a:

EAGLE MOUNTAIN TELLS ANNUAL SCHEDULE

was published in said Newspaper for one consecutive issue(s), the first publication having been made on the 27th day of December, 2000 and the last on the 27th day of December, 2000, that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication and the same was published in the newspaper proper and not in the supplement.

[Handwritten signature]

Subscribed and sworn before me this 21st day of February, 2001.

[Handwritten signature: Barbara Christiansen] Notary Public

My commission expires 4/15/02.

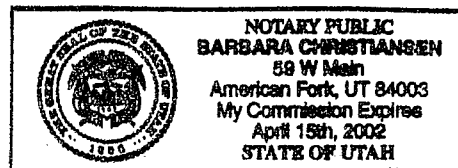


EXHIBIT "B"

AMENDMENT TO
EQUIPMENT LEASE-PURCHASE AGREEMENT

[See Transcript Document No. 3]

AMENDMENT TO
EQUIPMENT LEASE-PURCHASE AGREEMENT

This Amendment to Equipment Lease-Purchase Agreement (the "Amendment") dated as of February 15, 2001, by and between First National Bank of Layton, a national bank ("Lessor"), and the Town of Eagle Mountain, Utah County, Utah (the "Lessee"), a body corporate and politic existing under the laws of the State of Utah amends that certain Equipment Lease-Purchase Agreement dated as of September 1, 2000, as amended and supplemented by that certain Amendment to Equipment Lease-Purchase Agreement dated as of December 15, 2000 (collectively, the "Original Lease" and together with this Amendment, the "Lease").

NOW THEREFORE, for and in consideration of the mutual promises, covenants and agreements hereinafter set forth, the parties hereto agree as follows:

Section 1. The definition of "Term" or "Terms" of this Lease contained in Article II of the Original Lease is hereby amended and restated in its entirety to read:

" 'Term' or 'Term of this Lease' shall mean the period from the Commencement Date until May 31, 2001."

Section 2. Section 3.2 of the Original Lease is hereby amended and restated in its entirety to read as follows:

" Section 3.2 Duration of Lease. The Term of this Lease will commence on the Commencement Date and terminate on May 31, 2001, unless this Lease is terminated as hereinafter provided."

Section 3. Section 3.3 of the Original Lease is hereby amended and restated in its entirety to read as follows:

" Section 3.3 Termination. This Lease will terminate upon the earliest to occur of any of the following events:

(a) exercise by Lessee of any option to purchase granted in this Lease by which Lessee purchases all of the Equipment;

(b) a default by Lessee and Lessor's election to terminate this Lease under Article VII herein; or

(c) May 31, 2001, which date is the scheduled expiration date of the Term of this Lease."

Section 4. Exhibit "B" to the Original Lease is hereby amended and restated in its entirety to read as follows:

EXHIBIT "B"

RENTAL PAYMENTS

<u>Date</u>	<u>Principal Component</u>	<u>Interest Component (9.50%)</u>	<u>Total Payment</u>
<u>May 31</u> , 2001	\$1,619,430	\$_____	\$_____

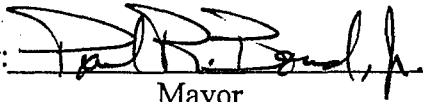
Section 5. Except as amended by this Amendment, the Original Lease is hereby confirmed in all respects.

Section 6. This Amendment shall be effective immediately upon its execution and delivery by the parties hereto.

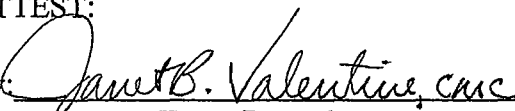
EXECUTED as of this 15th day of February, 2001.

LESSEE:

TOWN OF EAGLE MOUNTAIN, UTAH
COUNTY, UTAH

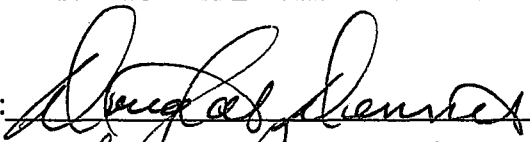
By: 
Mayor

ATTEST:

By: 
Town Recorder

LESSOR:

FIRST NATIONAL BANK OF LAYTON

By: 
Its: Vice President