

Eagle Mountain, Utah

February 5, 2008

The City Council of Eagle Mountain City, Utah (the "Council"), met in regular public session at the regular meeting place of the Council in Eagle Mountain, Utah, on Tuesday, February 5, 2008, at the hour of 7:00 p.m., with the following members of the Council being present:

Heather Jackson	Mayor
David Lifferth	Councilmember
Nathan Ochsenhirt	Councilmember
Donna Burnham	Councilmember
Eric Cieslak	Councilmember
Ryan Ireland	Councilmember

Also present:

Fionnuala Kofoed	City Recorder
Gerald Kinghorn	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this February 5, 2008, 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 E. CIESLAK and seconded by Councilmember D. BURNHAM adopted by the following vote:

AYE: 5

NAY: 0

The resolution was then signed by the Mayor open meeting and recorded by the City Recorder in the official records of Eagle Mountain City, Utah. The resolution is as follows:

RESOLUTION NO. R- 3 -2008

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$4,750,000 AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE BONDS, SERIES 2008, OF EAGLE MOUNTAIN CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Eagle Mountain City, Utah (the "Issuer"), has authority to issue bonds payable from the net revenues of its water and sewer utilities for the purposes set forth in the Act; and

WHEREAS, the Act provides for the publication of a Notice of Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to the Bonds herein authorized:

NOW, THEREFORE, it is hereby resolved by the City Council of Eagle Mountain City, Utah, as follows:

Section 1. The Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$4,750,000 aggregate principal amount of its Water and Sewer Revenue Bonds, Series 2008 (the "Series 2008 Bonds") payable from the net revenues of its water and sewer utilities, to bear interest at a rate or rates of not to exceed six percent (6.0%) per annum, to mature in not more than thirty (30) years from their date or dates, and to be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof for the purpose of (i) financing the acquisition of real property for construction of a sewer treatment plant and other related improvements (the "Improvements"), (ii) funding a debt service reserve fund, and (iii) paying costs of issuance of the Series 2008 Bonds, all pursuant to this Resolution, a resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Series 2008 Bonds (herein referred to as the "Final Bond Resolution") and General Indenture of Trust dated as of July 1, 2007 by and between the Issuer and U.S. Bank National Bank as trustee (the "General Indenture") and Second Supplemental Indenture of Trust to be entered into at the time of issuance of the Series 2008 Bonds in substantially the form attached hereto as Exhibit B (collectively with the General Indenture, the "Indenture"), and the Issuer hereby declares its intention to issue the Series 2008 Bonds according to the provisions of this Resolution, the Indenture and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby directs officers and staff of the Issuer to proceed with the preparation of a Preliminary Official Statement or other offering material, if needed, for the sale of the Series 2008 Bonds and to make other necessary preparations for sale of the Series 2008 Bonds.

Section 3. The Issuer hereby authorizes and approves the issuance and sale of the Series 2008 Bonds to the purchaser or purchasers to be identified in the Final Bond Resolution pursuant to the provisions of this Resolution, the Indenture and the Final Bond Resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Series 2008 Bonds with such changes thereto as shall be approved by the Council upon the adoption of the Final Bond Resolution, provided that the principal amount, interest rate or rates, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 4. In accordance with the provisions of the Act, the City Recorder shall cause the following "Notice of Bonds to be Issued" to be published one (1) time in The Daily Herald, a newspaper of general circulation in the Issuer. The City Recorder shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the date of publication thereof. The "Notice of Bonds to be Issued" shall be in substantially the following form:

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, (the "Act") that on February 5, 2008, the City Council (the "Council") of Eagle Mountain City, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Water and Sewer Revenue Bonds, Series 2008 (the "Series 2008 Bonds") in the aggregate principal amount of not to exceed Four Million Seven Hundred Fifty Thousand Dollars (\$4,750,000) to bear interest at a rate or rates of not to exceed six percent (6.0%) per annum, to mature in not more than thirty (30) years from their date or dates, and to be sold at a price not less than ninety-seven percent (97%) of the total principal amount thereof, plus accrued interest to the date of delivery.

The Series 2008 Bonds, pursuant to the Resolution, General Indenture of Trust dated July 1, 2007, and Second Supplemental Indenture (collectively, the "Indenture") and a Final Bond Resolution to be adopted authorizing and confirming the sale of the Series 2008 Bonds, are to be issued for the purpose of (i) financing the acquisition of real property for the construction of a sewer treatment plan and other related improvements ; (ii) funding a debt service reserve fund; and (iii) paying issuance expenses to be incurred in connection with the issuance and sale of the Series 2008 Bonds.

The Series 2008 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution a form of the Indenture which was before the Council and attached to the Resolution at the time of the adoption of the Resolution and said Indenture shall contain such terms and provisions as shall be approved by the Issuer at the time of adoption of the Final Bond Resolution, and said Final Bond Resolution is to be adopted by the Council in such form and with such changes thereto as shall be approved by the Council upon the adoption thereof; provided that the principal amount, interest rate or rates, maturity and discount of the Series 2008 Bonds will not exceed the maximums set forth above.

Pursuant to the Indenture, the Series 2008 Bonds will be secured by and payable from the net revenues of the Issuer's water and sewer utilities.

A copy of the Resolution and the Indenture are on file in the office of the City Recorder of Eagle Mountain City, Utah, in the Issuer's offices in Eagle Mountain, Utah, where they may be examined during regular business hours of the Issuer from February 5, 2008, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Indenture or the Series 2008 Bonds, or any provision made for the security and payment of the Series 2008 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

DATED this February 5, 2008.

/s/Fionnuala Kofoed

City Recorder

Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this February 5, 2008.

(SEAL)



By: _____

Paul J. Weber
Mayor

ATTEST:

By: _____

Thomas A. Jones
City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)



By: _____

Mayor

ATTEST:

By: _____

City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Fionnuala Kofoed, the duly appointed and qualified City Recorder of Eagle Mountain City, Utah, do hereby certify according to the records of said Issuer in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the City Council held on February 5, 2008, 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 5, 2008, and that pursuant to the Resolution, there will be published one time in The Daily Herald, a newspaper having general circulation in Eagle Mountain City, Utah, a Notice of Bonds to be Issued, the affidavit of which publication will be attached hereto when available.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Issuer, this February 5, 2008.

(SEAL)



By: _____
 City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Fionnuala Kofoed , the undersigned City Recorder of Eagle Mountain City, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer 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 5, 2008, public meeting held by the Issuer as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Issuer's principal offices on FEBRUARY 4, 2008, 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 The Daily Herald on FEBRUARY 4, 2008, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2008 Annual Meeting Schedule for the Issuer (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted on DECEMBER 5, 2007, at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the Issuer on DECEMBER 5, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this February 5, 2008.

(SEAL)



By: _____

Fionnuala Kofoed
City Recorder

SCHEDULE 1

NOTICE OF MEETING

**AMENDED AGENDA
EAGLE MOUNTAIN CITY COUNCIL MEETING**

February 5, 2008

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

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*** This meeting may be held telephonically to allow a member of the City Council to participate ***

4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS

DISCUSSION/REVIEW ITEMS

1. DISCUSSION – Pony Express Days Update
(Presented by Lynn Story)
2. DISCUSSION – Skate Park Update
(Presented by Ifo Pili)

AGENDA REVIEW

3. The City Council will review items on the Consent Agenda and Policy Session Agenda.

CITY ADMINISTRATOR INFORMATION ITEMS

4. This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
 - A. Update on the Sewer Treatment Facility *(Presented by Chris Trusty)*
 - B. Fire Requirements for Day Care Centers versus Preschools *(Presented by Fire Chief Rand Andrus)*

ADJOURN TO A CLOSED EXECUTIVE SESSION

The City Council will adjourn into a closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER
PLEDGE OF ALLEGIANCE

INFORMATION ITEMS/UPCOMING EVENTS

PUBLIC COMMENTS

5. Time has been set aside for the public to express their ideas, concerns and comments.

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accomodation to participate in the City Council Meetings and Work Sessions,
please call the City Recorder's Office at least 3 working days prior to the meeting at 789-6611.**

(Please limit your comments to three minutes each.)

CITY COUNCIL/MAYOR'S ITEMS

6. Time has been set aside for the City Council and Mayor to make comments.
(Comments are limited to three minutes each.)

CONSENT AGENDA

7. MINUTES
A. January 22, 2008 – Regular City Council Meeting
9. FINAL BOND RELEASES
A. O'Fallon's Bluff, Plat D
B. O'Fallon's Bluff, Plat E
10. REDUCED BOND LETTER
A. Valley View North, Plat B

SCHEDULED ITEMS

11. PUBLIC HEARING – Consideration and Approval of a Fencing Amendment to the Development Code.

BACKGROUND: *(Presented by Steve Mumford)* Under the direction of the City Council, City staff looked into amending the fencing section of the Development Code, specifically to address chain link fencing in industrial areas of the City. The proposal that is presented includes amendments to the chain link fencing section of Title 1 (12.13) as well as the general fencing provisions found in 12.12 of the Development Code. Specifically, the amendment would permit chain link fencing in industrial areas of the city with certain standards; clarify the Development Code concerning chain link fencing for detached residential lots; prohibit chain link fencing in commercial and multi-family areas; require additional space between the sidewalk and fencing for improved maneuverability and aesthetics and clarify some general fencing provisions.

12. PUBLIC HEARING – Consideration and Approval of an Amendment to the Development Code for an Equine Overlay Zone.

BACKGROUND: *(Presented by Mike Hadley)* The purpose of the Equine Overlay Zone is to provide a mechanism to designate specific areas within the city for equestrian uses and to allow for activities not normally allowed by existing zoning. Also, a goal is to address the uniqueness of horses in residential zones in a manner that is conducive to existing and eventual development in the surrounding area.

13. ORDINANCE – Consideration and Approval of Ordinance No. O-03-2008 Amending and Re-enacting Ordinance No. O-23-2006 Providing for the Organization of the Youth City Council.

BACKGROUND: *(Presented by Lynn Story)* This Ordinance Amends Ordinance No. O 23-2006, which provides for the organization of a Youth City Council, changing the age requirement from seventh (7th) grade to ninth (9th) grade.

14. RESOLUTION – Consideration and Approval of Resolution No. R-02-2008 Adopting and Approving an Emergency Response Plan.

BACKGROUND: *(Presentation by Fire Chief Rand Anderson)* The Emergency Operations Plan has been in draft form since the end of 2005. The plan should be adopted and amended to meet the needs of Eagle Mountain City in case of emergencies. Also, by adopting the plan, the City can participate in grants for emergency management. Eagle Mountain City's plan was created to be dovetailed into the Utah County Emergency Plan as well as the State of Utah's.

15. MOTION – Consideration and Approval of the Saddle Junction Master Site Plan/Final Plat.

BACKGROUND: *(Presentation by Peter Spencer)* This is an application for the Saddle Junction final plat and master site plan, located on the southwest corner of Ranches Parkway and SR 73. Located on the property currently is the approved and under-construction Maverik gas station and convenience store. A master site plan review addresses, in general, issues such as land use, landscaping, architecture, parking, overall utilities and traffic circulation. This allows for a comprehensive and thorough review of this future commercial site. Once the master site plan is approved, the City Council may elect to grant the Planning Commission the final approval responsibilities for sequential site plans as they come forward. Both the City staff and the Planning Commission recommend to the City Council to allow future site plans (as long as they comply with this overall master site plan) to be approved at the Planning Commission level.

16. MOTION – Consideration and Approval of the CARisma Car Wash Site Plan.

BACKGROUND: *(Presentation by Peter Spencer)* This is a site plan approval for the CARisma Car Wash, which is located south of the Maverik gas station and convenience store, near the entrance of The Ranches. The applicant is proposing a 3,461 sq. ft. commercial building consisting of five car-wash bays: three self-serve and two automatic. The total site area is approximately 1.25 acres in size.

17. MOTION – Consideration For Adoption Of A Resolution Authorizing The Issuance And Sale Of Not More Than \$4,750,000 Aggregate Principal Amount Of Water And Sewer Revenue Bonds, Series 2008, Of Eagle Mountain City, Utah; Fixing The Maximum Aggregate Principal Amount Of The Bonds, The Maximum Number Of Years Over Which The Bonds May Mature, The Maximum Interest Rate Which The Bonds May Bear, And The Maximum Discount From Par At Which The Bonds May Be Sold; Providing For The Publication Of A Notice Of Bonds To Be Issued; Providing For The Running Of A Contest Period; And Related Matters.

CITY COUNCIL/MAYOR'S BUSINESS

This time is set aside for the City Council's and Mayor's comments on city business.

COMMUNICATION ITEMS

18. Upcoming Agenda Items

ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed recorder or deputy recorder does hereby certify that the above agenda notice was posted in four public places within Eagle Mountain City limits on this 4th day of February, 2008. These public places being bulletin boards located inside the City offices and located in the Eagle Mountain City Library, 1650 E. Stagecoach Run, Eagle Mtn., UT; and the bulletin board located inside the Prairie Gate professional office building, 3688 E. Campus Dr., Eagle Mountain, Utah. On this 4th day of February, 2008, the above agenda notice was sent by facsimile and/or email to New Utah located in American Fork, Utah; and local newspapers located in Eagle Mountain and Saratoga Springs, Utah.

Fionnuala B. Kofoed, City Recorder

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EAGLE MOUNTAIN CITY COUNCIL MEETING
SCHEDULE FOR 2008

The City Council of Eagle Mountain, at their regularly scheduled meeting on December 4, 2007, adopted the following meeting schedule for the year 2008.

Meeting times are: Work Sessions 4:00 p.m.
 Policy Sessions 7:00 p.m.

Sessions will be held at the Eagle Mountain City Council Chambers, 1650 E. Stagecoach Run, Eagle Mountain, Utah.

The 2008 City Council regular meeting schedule is as follows:

January 8, 22
February 5, 19
March 4, 18
April 1, 15
May 6, 20
June 3, 17
July 15
August 5, 19
September 2, 16
October 7, 21
November 18
December 2

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in a City Council meeting, please call the City Recorder's Office at least 3 working days prior to the meeting at 789-6611.

TO BE PUBLISHED IN THE *PONY EXPRESS*
THURSDAY, DECEMBER 11, 2007

EXHIBIT B

GENERAL INDENTURE
AND
FIRST SUPPLEMENTAL INDENTURE OF TRUST

(See Transcript Document Nos. __ and __)

(attach Proof of Publication of
Notice of Bonds to be Issued)

